



# Sandy City, Utah

10000 Centennial Parkway  
Sandy, UT 84070  
Phone: 801-568-7141

## Meeting Agenda

### City Council

*Brooke Christensen, District 1*  
*Maren Barker, District 2*  
*Kristin Coleman-Nicholl, District 3*  
*Chris McCandless, District 4*  
*Steve Fairbanks, At-large*  
*Linda Martinez Saville, At-large*  
*Zach Robinson, At-large*

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**Tuesday, March 26, 2019**

**5:15 PM**

**Council Chambers**

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The Sandy City Council has adopted Rules of Procedure which are available at the rear of the Council Chambers and online at: <https://sandy.utah.gov/government/city-council/procedure-guidelines>. Public comment will be taken on all voting items. Each speaker is allowed one minute per voting item, except for noticed Public Hearings in which case each speaker is allowed three minutes. The Citizen Comment sections of the meeting are for issues not listed on the agenda. Each speaker is allowed three minutes to address the Council during Citizen Comments. If a citizen is unable to attend a meeting in person, he or she may provide written comments to the City Council Executive Director by 3:00 PM the day of the Council Meeting to have those comments distributed to the City Council and have them read into the record at the appropriate time.

In compliance with the Americans with Disabilities Act, reasonable accommodations for individuals with disabilities will be provided upon request. For assistance, please call (801) 568-7141.

### **4:30 Dinner**

### **5:15 Council Meeting**

#### **Roll Call**

Per Utah Code Annotated 52-4-207 and City Council policy, Council Member Robinson may be participating in the March 26, 2019 City Council meeting via telephone and/or video conference.

Prayer / Pledge of Allegiance

#### **Non-voting Items**

Agenda Planning Calendar Review & Council Office Director's Report

Council Member Business

Mayor's Report

CAO Report

Legislative Report

## Citizen Comments

## Voting Items

### Consent Calendar

1. [19-098](#) Approval of the February 26, 2019 Minutes.

Attachments: [February 26, 2019 Minutes.pdf](#)

2. [19-099](#) Approval of the March 5, 2019 Minutes.

Attachments: [March 5, 2019 Minutes.pdf](#)

### Council Items

3. [19-095](#) City Council Budget Workshop

Attachments: [Council Budget Presentation Feb 12 2019](#)  
[Draft priorities matrix](#)  
[General Fund CFSP Worksession Presentation \(March 2019\)](#)

4. [19-096](#) Council Member Nicholl recommending that the Council appoint Council Member Liaison(s) to the Water Event Coordination Team (ECT)

5. [19-093](#) Administration requesting advice and consent from the Council for appointments to the Board of Adjustment

Attachments: [Mayoral Resolutions](#)

6. [19-094](#) Administration requesting advice and consent from the Council for appointments to the Planning Commission

Attachments: [Mayoral Resolutions](#)

7. [19-100](#) City Attorney, Community Events, Community Development and Council Office report back regarding alcohol sales at the Sandy Amphitheater.

Attachments: [Draft land use amendment.docx](#)  
[Draft parks amendment.docx](#)

## 6:00 Time Certain Items and Public Hearings

Public Hearing(s)

8. [ZONE-01-19-5591\(CC\)](#) Community Development Department presenting a rezone application (File #ZONE-01-19-5591, The Villas at Southtowne) on behalf of The Thackeray Company, requesting that 9.32 acres located at 10670 S. 700 E. be rezoned from the CN Zone to the PUD(12) Zone.

**Attachments:**

[Aerial Map](#)

[Concept Plan](#)

[Neighborhood Meeting Summary](#)

[PC Staff Report](#)

[PC Minutes](#)

[Ordinance #19-08](#)

[Resident Letter-Stallings](#)

[Council Office Memo on Development Agreements.docx.pdf](#)

## Adjournment



# Sandy City, Utah

10000 Centennial Parkway  
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Phone: 801-568-7141

## Staff Report

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**File #:** 19-098, **Version:** 1

**Date:** 3/26/2019

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Approval of the February 26, 2019 Minutes.

Motion to approve the minutes as presented.



# Sandy City, Utah

10000 Centennial Parkway  
Sandy, UT 84070  
Phone: 801-568-7141

## Meeting Minutes

### City Council

*Brooke Christensen, District 1*  
*Maren Barker, District 2*  
*Kristin Coleman-Nicholl, District 3*  
*Chris McCandless, District 4*  
*Steve Fairbanks, At-large*  
*Linda Martinez Saville, At-large*  
*Zach Robinson, At-large*

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Tuesday, February 26, 2019

5:15 PM

Council Chambers

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#### **\*Amended Agenda\***

### **5:15 Council Meeting**

Chair Kris Coleman Nicholl welcomed everyone to the Tuesday, February 26, 2019 Meeting, 5:15 p.m. in the Council Chambers. She conducted a roll call vote which constituted a quorum.

### **Roll Call**

Council Office Director Michael Applegarth  
Council Office Analyst Dustin Fratto

#### **Administration:**

Mayor Kurt Bradburn  
CAO Matthew Huish  
Deputy to the Mayor Evelyn Everton  
Economic Development Director Nick Duerksen  
City Attorney Bob Thompson  
Community Development Director James Sorensen  
Assistant Community Development Director Jared Gerber  
Administrative Services Director Brian Kelley  
Finance & IT Deputy Director Glade Jardine  
Fire Chief Bruce Cline  
Parks & Recreation Director Scott Earl  
Police Chief William O'Neal  
Assistant Public Utilities Director Scott Ellis  
Public Works Director Mike Gladbach

**Present:** 6 - Council Member Brooke Christensen  
Council Member Maren Barker  
Council Member Kristin Coleman-Nicholl  
Council Member Steve Fairbanks  
Council Member Zach Robinson  
Council Member Linda Martinez Saville

**Absent:** 1 - Council Member Chris McCandless

## Prayer / Pledge of Allegiance

Chairwoman Kris Coleman Nicholl welcomed all those in attendance.

Jayleigh Raddatz offered the opening prayer.

Jayleigh Raddatz, Winter Cox, Ashley Mererlo, and Autumn Cox, from Girl Scout Troop 815, led the audience in the pledge.

## Non-voting Items

### Agenda Planning Calendar Review & Council Office Director's Report

Mike Applegarth reviewed the Agenda Planning calendar.

1. [19-055](#) City Council Office reporting on a recent action taken by the Administration that has disrupted communication between the City and the City Council

Attachments: [Memo\\_Final](#)

Dustin Fratto addressed a memo regarding the Administration's intentional disruption of Council communications and possible discrimination against council office employees. Mr. Fratto recognized that the Administration added the Council members and Staff back on to the e-mail list. He sincerely hoped that a communication break down would not happen again.

Pam Lehman also added the importance of City employees receiving all e-mail correspondence.

Council Comments and questions followed.

Mayor Bradburn answered questions and explained his intentions of removing the Council from e-mail communications.

### Council Member Business

Linda Martinez Saville complimented Molly Morgan on the "great job" organizing the Mall Walk. Linda also applauded everyone who sacrificed their time Saturday on the water issue.

Maren Barker commented on a closed door meeting that was held on Sunday explaining the reasons why she did not participate.

### Mayor's Report

Mayor Bradburn addressed Agenda Item #2 and what he felt were inaccuracies in the memo Mr. Applegarth presented regarding staffing concerns and employee moral.

### CAO Report

Matt Huish presented a report on the water and fluoride issue.

## Legislative Report

Evelyn Everton reported on the issues before the Legislature.

## Citizen Comments

Kathy Stark would like information on the expansion of 90th South to 700 east. She addressed noise, decreased water pressure, and dying trees.

Dea Theodore spoke regarding stopping attacks on the Administration. The Mayor was elected to make decisions on behalf of the city.

Jim Edwards spoke on his perception on what is going on in Sandy.

Citizen Comments were closed.

Zach Robinson made a motion to reverse agenda items #2 and #4 since he needed to leave the meeting early. The Council agreed to the change.

## Voting Items

### Council Items

2.      [19-057](#)      Economic Development Update

Nick Duerksen presented an update on economic development in the community.

3.      [19-056](#)      City Council Workshop regarding the scope of a proposed investigative committee

Steve Fairbanks asked to be excused from the meeting. The meeting went into recess until Maren Barker returned to constitute a quorum of four council members.

Meeting went into Recess

Meeting Reconvened

Brooke Christensen reported on the scope of a proposed investigative committee on the water issue.

Public Comment.

Britta Bourdaghs spoke on the fluoride issue and the direct effects on her family. She started raising serious concerns back on February 11th. She feels no one is listening. She indicated that things change daily and she wants someone to listen. She would like to speak with the investigators as this investigation moves forward.

Matt Huish and Mayor Bradburn addressed her concerns.

4.      [19-052](#)      City Council Office reporting on the organization of the Administration.

**Attachments:**    [Executive Director Memo.pdf](#)  
                              [Anonymous Employee Letter](#)

Mike Applegarth addressed his memo and the purpose of the memo to bring information to the Council.

Council questions and discussion followed.

Public Comments

Steve Van Maren spoke regarding Mr. Applegarth's memo and the organizational chart. He thought the City had an organization that required two deputy CAO's in the code. The code does not match the organization of last year. He believes the organizational chart and budget should match.

Comments closed.

**A motion was made by Brooke Christensen, seconded by Maren Barker, to not take any action on this item with the understanding that when the budget is updated, per code, the Organization Chart will also be updated....**

**Discussion on the Motion followed.**

**Amendment to the motion:**

**Zach Robinson asked that an amendment be made to the motion to ask Staff to bring back a budget resolution holding funds in abeyance until the Council has a clearer picture of what the organization chart is going to look like then release the funds back to the Administration.**

**Council comments followed.**

**Tracy Cowdell commented that Mr. Robinson's amendment was different from Ms. Christensen's motion. He recommended voting on the first motion or make a substitute motion.**

**Council comments followed.**

**Zach Robinson made a second motion.**

**Steve Fairbanks requested a preliminary organizational chart of each of the departments during the budget discussion.**

**The motion failed on Brooke Christensen's motion by the following vote....**

**Yes:** 2 - Brooke Christensen  
Maren Barker

**No:** 4 - Kristin Coleman-Nicholl  
Steve Fairbanks  
Zach Robinson  
Linda Martinez Saville

**Absent:** 1 - Chris McCandless

Zach Robinson second motion

Zach Robinson clarified his motion.

Meeting went into Recess

Meeting Reconvened



Zach Robinson made a motion seconded by Kris Nicholl to ask Staff to bring back a budget amendment securing funds from the Administration until the organizational chart accurately reflects the budget, and when the organizational chart is properly aligned with the budget, the funds go back into the account.

Kris Nicholl asked that the motion specify all unexpended regular pay variable benefits and fixed benefits originally budgeted.

Council discussion and questions followed.

Brian Kelley and Bob Thompson commented.

Mike Applegarth explained his recommendations to move unexpended funds from Department 12 CAO's budget into Department 13 Council Contingency Budget, where there would be no funding to continue paying for the positions if the funds were transferred. He believed Mr. Robinson's motion was simply to move funds from the CAO's and Non Departmental budgets where it currently exists and put the funds in the Mayor's budget in order to continue funding those positions and making the accounting cleaner.

Zach Robinson stated that is correct. He wants to residents to know the Council is trying to do the right thing. He is not trying to "ax" those positions.

Mayor Bradburn asked if the Council wants this on all positions. We should be consistent.

Question was called. All in favor.

Zach Robinson was asked to clarify his motion.

Kris Nicholl motioned to recess the meeting for 5 minutes with an all in favor motion.

No vote was taken on this motion.

Zach Robinson's clarified motion

Zach Robinson clarified his motion seconded by Maren Barker on Item #4 to table this discussion to a further agenda and to ask legal counsel from both the Administration and Council to look at this and bring back possible solutions to clean-up the budgeting and accounting of the two positions.

Maren Barker added an amendment that it would be appreciated if the Administration so desired to come back with an updated organization chart for the upcoming budget.

Zach Robinson stated to just let the motion ride stated.

The motion failed by the following vote....

Yes: 2 - Maren Barker  
Zach Robinson

**No:** 4 - Brooke Christensen  
Kristin Coleman-Nicholl  
Steve Fairbanks  
Linda Martinez Saville

**Absent:** 1 - Chris McCandless

Kris Nicholl Motion Item #4

**Kris Nicholl made the motion seconded by Steve Fairbanks to direct Council Staff to prepare and bring back a resolution transferring unexpended general fund money from Departments 1200 CAO, 1900 Non-Departmental Contingency Department, and deposit within the Contingency Department of the Council Executive Staff which is Department 1310, the money to be transferred shall include all unexpended regular paid variable benefits, fixed benefits originally budgeted for the two CAO's positions and funded for the fiscal year 2019.**

**Council discussion on the motion followed.**

**Called the question. All in favor.**

**The motion failed by the following vote.....**

**Yes:** 3 - Kristin Coleman-Nicholl  
Steve Fairbanks  
Linda Martinez Saville

**No:** 2 - Brooke Christensen  
Maren Barker

**Absent:** 1 - Chris McCandless

**Abstain:** 1 - Zach Robinson

Kris Nicholl motion to table Item #4.

**Kris Nicholl made a motion seconded by Steve Fairbanks to table Item #4 to next week's Council Meeting. A voice vote was taken and resulted in the following vote.....**

**Yes:** 4 - Kristin Coleman-Nicholl  
Steve Fairbanks  
Zach Robinson  
Linda Martinez Saville

**No:** 2 - Brooke Christensen  
Maren Barker

**Absent:** 1 - Chris McCandless

- 5.**      [19-050](#)      Parks and Recreation Department updating the Council on the Bell Canyon Preservation Trailhead (Richardson Property)

**Attachments:**   [City Council 2019-02-26](#)

Scott Earl updated the Council on the Richardson property.

6. [19-053](#) Community Development Department updating the Council regarding short term rentals and short term rental enforcement

Jared Gerber updated the Council on the short term rental process.

## 6:00 Time Certain Items and Public Hearings

7. [19-054](#) Administrative Services Department recommending the Council receive the Independent Auditors' Report on Financial Statements and Supplementary Information

**Attachments:** [Independent Auditors Letter](#)

Brian Kelley introduced Jim Andres from Percy, Bowler, Taylor & Kern, CPA Firm and City Auditors. He presented the audit report.

## Adjournment

The meeting adjourned at approximately 8:30 p.m. by Brooke Christensen seconded by Kris Nicholl. The next scheduled meeting of the City Council is Tuesday, March 5, 2019 at 5:15 p.m.

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Kris Coleman Nicholl, Chair  
Sandy City Council

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Pam Lehman  
Meeting Clerk



## Staff Report

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**File #:** 19-099, **Version:** 1

**Date:** 3/26/2019

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Approval of the March 5, 2019 Minutes.

Motion to approve the minutes as presented.



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## Meeting Minutes

### City Council

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Tuesday, March 5, 2019

5:15 PM

Council Chambers

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### 5:00 Special Recognition Reception

Chris McCandless presented recognition honoring the following individuals: Former State Senator Wayne Niederhauser, who served on the Utah State Legislature from 2006-2019, Brent Lange, former Hale Centre Theater Vice President/ CAO, and Bob Bonar former President of Snowbird Ski Resort, who has since retired. The City Council and Mayor Bradburn commended them for their years of service to the community.

### 5:15 Council Meeting

Acting Chair Steve Fairbanks welcomed all those in attendance to the March 5, 2019 City Council Meeting at 5:15 p.m. A roll call was taken to constitute a quorum. Kris Coleman Nicholl participated via phone call.

### Roll Call

Council Office Director Michael Applegarth  
Council Office Analyst Dustin Fratto

#### **Administration:**

Mayor Kurt Bradburn  
CAO Matthew Huish  
Deputy to the Mayor Evelyn Everton  
Economic Development Director Nick Duerksen  
City Attorney Bob Thompson  
Risk Manager/Fund Counsel Chase Parker  
Risk Assistant Megan Sandquist  
Community Development Director James Sorensen  
Planner Wade Sanner  
Administrative Services Director Brian Kelley  
Fire Chief Bruce Cline  
Parks & Recreation Director Scott Earl  
Police Chief William O'Neal  
Assistant Director Public Utilities Scott Ellis  
Acting Public Utilities Director Larry Bowler  
Public Works Director Mike Gladbach  
Assistant Public Works Director Paul Browning

**Present:** 6 - Council Member Brooke Christensen  
Council Member Maren Barker  
Council Member Kristin Coleman-Nicholl  
Council Member Chris McCandless  
Council Member Steve Fairbanks  
Council Member Zach Robinson

**Absent:** 1 - Council Member Linda Martinez Saville

Per Utah Code Annotated 52-4-207 and City Council policy, Council Members Saville and Nicholl may be participating in the March 5, 2019 City Council meeting via telephone and/or video conference.

### Prayer / Pledge of Allegiance

Acting Chair Steve Fairbanks welcomed all those in attendance.

Jordan Pomeroy offered the opening prayer.

Ryan Webb, Reece Pomeroy, Jordan Pomeroy, and Oliver Wagner led the audience in the pledge. The Scouts represented Cub Scout Troop 4366.

## Non-voting Items

### Agenda Planning Calendar Review & Council Office Director's Report

Mike Applegarth reviewed the agenda calendar. Notice has been submitted for the Metropolitan Water District position for Sandy City. The vacancy is due to the retirement of Art Hunter from the Metro Water Board. Mr. Applegarth noted that he had been selected as a beta tester for the National Association of Parliamentarians. He would be pursuing his professional parliamentarian credential.

### Council Member Business

Chris McCandless noted a scheduled event for this Saturday where the Wasatch Back Country Alliance is joining with the Utah Mountain Shuttle to escort people up the canyon to discuss various issues associated with the canyons. Mr. McCandless suggested that the Council sign up. He also asked that an area that was restricted for fireworks be added back on to the Fireworks map as an allowable area.

Zach Robinson noted that he would be participating via phone at the March 26th City Council Meeting.

Maren Barker thought that Administrative Staff should be included in all of the Council e-mails. She would like the City Council to do their own employee survey. She asked that this be put on an agenda.

### Mayor's Report

No Report.

### CAO Report

No Report.

## Legislative Report

Evelyn Everton reported on several bills before the Legislature.

## Citizen Comments

Monica Zoltanski, Dimple Dell Preservation Committee, reminded the Council of the upcoming Earth Day on April 27th. She reported that Doris Richards passed away. She was a prominent volunteer in Sandy and a roll model for her leadership. Ms Zoltanski suggested some kind of recognition to honor her such as a bench at the amphitheater or city park.

Oliver Wagner, 1118 East Castleford, asked what the hardest and easiest parts of the Council's jobs were.

Chris McCandless stated eating dinner was easy. Steve Fairbanks stated making decisions everyone is not in favor of. Brooke Christensen said that it was fun to talk and meet with people. Maren Barker also said making hard decisions that some may or may not like.

Citizen Comments was closed.

## Information Items

1. [19-065](#) Public Works Department Recommending the Council receive a presentation from Waste Management

**Attachments:** [Revised Mythbusters Recycling Myths 1 31 19 FINAL.pdf](#)  
[Sandy Recycling Presentation - Mar 2019 \(002\).pdf](#)

Mike Gladbach introduced the presentation from Waste Management on the recycling industry.

Blake Leonelli expressed appreciation to the Council for having them this evening. He oversees the public sector of waste management. A power point was presented.

Council discussion and questions followed.

2. [19-040](#) Risk Management presenting an overview of risk management fund operation and policies.

**Attachments:** [Insurance Schedule.pdf](#)  
[Insurance Coverages and Claims Practices](#)

Chase Parker and Megan Sandquist presented an overview of the risk management operation, policies and claims practices.

Meeting went into Recess for ten minutes.

Meeting Reconvened at approximately 7:00 p.m.

## Voting Items

## Council Items

3. [19-066](#) City Council update regarding the scope of a proposed investigative committee

**Attachments:** [Draft RFP](#)

Brooke Christensen led the discussion regarding the scope of a proposed investigative committee and the Council's Request for Proposal. She explained the reasons for her recommended motion.

**A motion was made by Brooke Christensen, seconded by Maren Barker, to move forward with the Council's Request for Proposal for Items A & B under Specifications for the Water Events services and to table Items C,D,& E, then when items A & B have been reported, then work through Items C, D, & E if there is a need ... The motion carried by the following vote:**

**Council discussion followed on the motion.**

**Yes:** 5 - Brooke Christensen  
Maren Barker  
Kristin Coleman-Nicholl  
Chris McCandless  
Steve Fairbanks

**No:** 1 - Zach Robinson

**Absent:** 1 - Linda Martinez Saville

4. [19-067](#) City Council Budget Workshop

**Attachments:** [Council Budget Presentation Feb 12 2019](#)

[Draft priorities matrix](#)

Mike Applegarth led the discussion on the Council Budget Workshop.

Council discussion followed.

5. [19-068](#) Council Member Barker requesting that the Council discuss the Cowdell-Wooley contract for outside legal services

**Attachments:** [Cowdell Woolley Contract.pdf](#)

Maren Barker led the discussion on the Cowdell-Wooley contract for outside legal services.

**A motion was made by Zach Robinson, seconded by Kristin Coleman-Nicholl, to bring back a draft policy for use of the Cowdell-Wooley contract for outside legal services.. A unanimous voice vote carried approving the motion.**

## Adjournment

The meeting adjourned at approximately 8:30 p.m. Chris McCandless made the motion seconded by Brooke Christensen to adjourn the meeting. The next scheduled meeting of the City Council is Tuesday, March 12, 2019 at 5:15 p.m.



\_\_\_\_\_  
Steve Fairbanks, Acting Chair  
Sandy City Council

\_\_\_\_\_  
Pam Lehman  
Meeting Clerk



## Staff Report

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**File #:** 19-095, **Version:** 1

**Date:** 3/26/2019

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**Agenda Item Title:**  
City Council Budget Workshop

**Description/Background:**

On February 12, 2019 Council decided to note their individual budget priorities, send them to the Council Director, and to discuss and compile them further during a budget workshop. On March 5th the Council discussed these budget priorities during a budget workshop. The decision was made to discuss budget priorities further following the general fund financial plan presentation on March 12, 2019.

# Budget Workshop

Feb 12, 2019

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# Agenda

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1. Budget calendar
2. Five-year history and outlook
3. Key compensation issues
4. Council member priorities

# Calendar

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Date	Event
<b>Year-round</b>	Receive citizen input through focus groups, surveys, community meetings, public comment, social media and other electronic correspondence, and personal conversations.
<b>January</b>	Begin developing short and long-term forecasts
<b>February</b>	Budget workshop with elected officials for their priorities
	Develop preliminary revenue estimates
	Finalize internal service and administrative cost studies
<b>February – March</b>	Review department budget requests
	Review and update fee schedule
<b>March</b>	Finalize revenue forecasts
	Finalize compensation plan
	Review and balance Mayor's tentative budget
<b>March - April</b>	Prepare and publish Mayor's tentative budget
<b>April 16<sup>th</sup></b>	Present Mayor's tentative budget
<b>April – June</b>	Review and discuss Mayor's tentative budget
<b>May -June</b>	Public budget hearing
<b>June</b>	Adopt final budget

## General Fund – Historical Overview

	2015 Budget	2016 Budget	2017 Budget	2018 Budget	2019 Budget
Revenues	\$ 50,895,662	\$ 51,820,078	\$ 52,866,180	\$ 54,503,287	\$ 55,218,667
Expenses	\$ 50,895,662	\$ 51,820,078	\$ 52,866,180	\$ 54,503,287	\$ 55,218,667
Total	\$ -	\$ -	\$ -	\$ -	\$ -
Dollar Change	\$ 1,517,077	\$ 924,416	\$ 1,046,102	\$ 1,637,107	\$ 715,380
Percent Change	3.07%	1.82%	2.02%	3.10%	1.31%

## General Fund – Historical Overview

	2015 Budget	2016 Budget	2017 Budget	2018 Budget	2019 Budget	5-Year Average
Revenues	\$ 50,895,662	\$ 51,820,078	\$ 52,866,180	\$ 54,503,287	\$ 55,218,667	\$ 53,060,775
Expenses	\$ 50,895,662	\$ 51,820,078	\$ 52,866,180	\$ 54,503,287	\$ 55,218,667	\$ 53,060,775
Total	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Dollar Change	\$ 1,517,077	\$ 924,416	\$ 1,046,102	\$ 1,637,107	\$ 715,380	\$ 1,168,016
Percent Change	3.07%	1.82%	2.02%	3.10%	1.31%	2.26%

### General Fund – Historical Overview

	2015 Budget	2016 Budget	2017 Budget	2018 Budget	2019 Budget	5-Year Average	2020 Estimated
Revenues	\$ 50,895,662	\$ 51,820,078	\$ 52,866,180	\$ 54,503,287	\$ 55,218,667	\$ 53,060,775	\$ 56,225,177
Expenses	\$ 50,895,662	\$ 51,820,078	\$ 52,866,180	\$ 54,503,287	\$ 55,218,667	\$ 53,060,775	\$ 52,996,720
Total	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,228,457
Dollar Change	\$ 1,517,077	\$ 924,416	\$ 1,046,102	\$ 1,637,107	\$ 715,380	\$ 1,168,016	\$ 1,006,510
Percent Change	3.07%	1.82%	2.02%	3.10%	1.31%	2.26%	1.82%



## General Fund – Historical Overview

	2015 Budget	2016 Budget	2017 Budget	2018 Budget	2019 Budget	5-Year Average	2020 Estimated
Revenues	\$ 50,895,662	\$ 51,820,078	\$ 52,866,180	\$ 54,503,287	\$ 55,218,667	\$ 53,060,775	\$ 56,225,177
Expenses	\$ 50,895,662	\$ 51,820,078	\$ 52,866,180	\$ 54,503,287	\$ 55,218,667	\$ 53,060,775	\$ 52,996,720
Total	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,228,457
Dollar Change	\$ 1,517,077	\$ 924,416	\$ 1,046,102	\$ 1,637,107	\$ 715,380	\$ 1,168,016	\$ 1,006,510
Percent Change	3.07%	1.82%	2.02%	3.10%	1.31%	2.26%	1.82%

- \$1,006,510 of this is revenue growth.
- \$2,000,000 is a reduction in the transfer to Capital Projects
- Remaining balance was appropriated to one-time items in FY 2019

## General Fund – Historical Overview

	2015 Budget	2016 Budget	2017 Budget	2018 Budget	2019 Budget	5-Year Average	2020 Estimated
Revenues	\$ 50,895,662	\$ 51,820,078	\$ 52,866,180	\$ 54,503,287	\$ 55,218,667	\$ 53,060,775	\$ 56,225,177
Expenses	\$ 50,895,662	\$ 51,820,078	\$ 52,866,180	\$ 54,503,287	\$ 55,218,667	\$ 53,060,775	\$ 52,996,720
Total	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,228,457
Dollar Change	\$ 1,517,077	\$ 924,416	\$ 1,046,102	\$ 1,637,107	\$ 715,380	\$ 1,168,016	\$ 1,006,510
Percent Change	3.07%	1.82%	2.02%	3.10%	1.31%	2.26%	1.82%

We generally allocate at least \$500,000 to one-time items.

# One-time Revenue Estimates

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1.	General revenue for capital projects	\$1,902,000
2.	Restricted Revenues	
▪	Park Impact Fees	\$1,150,000
▪	Trail Impact Fees	42,000
▪	Fire Impact Fees	215,000
▪	Road Funds	710,000
▪	Transportation Sales Tax (UCA 59-12-2219)	2,015,000

# Compensation Plan Key Issues

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**1. Pay Periods:** There are 26.2 pay periods in FY 2020 compared to 26.0 pay periods in FY 2019. This is an anticipated cost increase of \$300,000.

**2. Pay Plan**

- Fiscal year-to-date turnover and other savings equates to a 1.4% savings over the current year's personnel budget. Additional turnover savings may occur.
- Estimate to fund the police and fire step and grade pay plan is \$580,000.
- Salary survey data and market review suggest the need for a 2% cost of living to all pay ranges, an additional 2% market adjustment to positions in bands 2 and 3 and an additional 1% market adjustment to positions in band 4.

# Compensation Plan Continued

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## **3. Health Plan**

- The City's health insurance provider is PEHP. The FY 2020 renewal is expected to be 7% - 8%, which equates to a \$385,000 - \$440,000 premium increase.
- The SCOPE Clinic provider is Onsite Care. We anticipate 3.5% increase to clinic costs in FY 2020, which equates to a \$17,000 increase.

## **4. Retirement Plan**

- The Utah Retirement System is proposing a rate increase to Tier 1 and Tier 2 Fire rates equating to an increase of about \$205,000. This may be mitigated by proposed legislation.
- In the last year, several cities have begun offering 401k contributions and/or matches for Tier 2 employees to help recruit and retain employees. Additionally, the Utah Legislature is considering legislation to increase the Tier 2 retirement benefit.
- Retirement plan consultant to advise regarding 401k and 457 plans

# Summary

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1. About \$3.2M in available ongoing revenue
  - Allocate a portion of this to one-time items
2. Approximately \$1.9M of one-time, general revenue for capital projects
3. About \$4.1M of restricted revenue for capital projects
4. To maintain service levels and a quality workforce, the compensation plan will likely require a large portion of the available ongoing revenue

General Compensation	Infrastructure	General Compensation	General Compensation	Fund Balance to 15%	General Compensation	Targeted Fire Compensation Increase
Public Safety Benefits	General Compensation	Facilities O&M	Public Safety Compensation	Gradual Tax Increase Possible	Increase lobby funding	Increase Fire FTEs
	Fire Compensation	New Parks & Rec Building	Increase FTEs	Capital project funding plan	Parks & Trails	General Compensation
	Technology for Government Efficiency	Tax Increase Possible Tax Increase Possible		Infrastructure	No new bonding	Tax Increase Possible
	Technology: resident experience	GO Bond Possible	Facilities Environmental Upgrades	Public Safety retention	No property tax increase	Internal Services FTEs
		Targeted Fire Compensation Increase	Alternative funding strategies	Sidewalk/Safe Walking routes	Increase FTEs	

Priorities Key:

1. General Compensation	
2. Infrastructure	
3. Public Safety	
4. Increase FTEs	
5. Tax Increase	





## GENERAL FUND FINANCIAL PLAN

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MARCH 2019





# AGENDA

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- Sandy City Goals and Financial Objectives
- Summary of Historic Prioritization and Efficiency Measures
- Review Modeling Assumptions
- Scenario Analysis
- Property Tax Impact Summary

# CITY GOALS

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- ❑ Maintain and improve basic core municipal services
- ❑ Maintain integrity of residential neighborhoods and preserve property values
- ❑ Preserve and improve public infrastructure and transportation systems
- ❑ Preserve and expand existing businesses / seek new clean commercial businesses
- ❑ Develop and improve the city's recreational trails and increase recreational opportunities
- ❑ Develop and maintain community facilities
- ❑ Strengthen communications with citizens, businesses, and other institutions
- ❑ Maintain a highly qualified employee workforce

# FINANCIAL PLAN OBJECTIVES

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## Prioritization

- ▣ Evaluate existing services

## Efficiency

- ▣ Control of prioritized services (remove low priorities, control growth, scope creep, allocation strategies etc.)

## Revenue Generation

- ▣ What new revenue is needed for unfunded priorities, inflation and level of service impacts

# PRIORITIZATION & EFFICIENCY

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## Technology Initiatives

- ❑ The City has undertaken a number of technology initiatives in recent years to streamline and improve operational efficiencies.
- ❑ As an expense saving measure during the height of the recession, City staff extended the expected useful life for much of the City's IT Capital.

## Staffing Levels

- ❑ As a result of the 2008 Great Recession, the City made a number of reductions to the allocated FTE's in the City's staffing plan. In FY2008, just prior to the economic downturn, the City listed a total of 646.48 FTE's in its staffing plan. By FY2012 this figure had decreased to 574.6. As of FY2019, the number of FTE's in the City has risen to 610.78; remaining below the pre-recession totals.

## Budget Reductions

- ❑ At the outset of FY2019, the City Staff made approximately \$1.5M in reductions to the General Fund's base budget.

# PRIORITIZATION & EFFICIENCY

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## Passports

- ❑ The City Recorder's office began assessing application and execution fees for passport services. collecting a significant amount of revenue for the General Fund.

## Justice Court

- ❑ In January 2013, the court began operating with one full time judge instead of its historical 1.6 judicial FTEs.
- ❑ Since 2014, the Justice Court has made incremental adjustment to becoming a paperless court.

## Fleet

- ❑ Based on an oil analysis, the City extend oil change intervals and identified corrective actions to extend useful life.
- ❑ GPS (GeoTab) installation on all City vehicles to monitor idling (fuel costs) and safety (seatbelts and hard driving/speeding).
- ❑ As another expense saving measure by the City in recent years, there has been a cap on the City's Fleet O&M Charges. Since FY2015, staff have limited O&M Charges to \$2.2M for fleet repairs. This has saved all city departments and funds from increased charges but inhibited some of the City's fleet operational needs.

# PRIORITIZATION & EFFICIENCY

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## Parks and Recreation

- ❑ The Parks and Recreation Department has completed several initiatives that have reduces costs through the development of alternative energy sources (solar power), reduced water utilization, online registrations, green waste recycling, and technology upgrades (motion sensors, electric golf carts, computerized irrigation systems, etc.).

## Public Safety

- ❑ In order to provide better coverage and maximize the number of on duty officers at any given point, City Police recently switched to a new staffing schedule. Officers now have the option of working four 10-hour shifts or three 13-hour shifts.
- ❑ In FY2017 Sandy City began to contract with Gold Cross to collect ambulance fees. Previously the City had handled ambulance billing services in house via an ambulance billing clerk. The new contract with Gold Cross has improved collection rates by 15%.
- ❑ Switched dispatch services from VECC to Salt Lake City producing cost savings.

# FINANCIAL PLAN OBJECTIVES

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## ❑ REVENUE GENERATION

- ▣ **Property Tax** – Most stable source, rate controlled by City Council
- ▣ **Sales Tax** – Fluctuates with economy, State Legislature controls the distribution formula
- ▣ **Franchise Fees** – More stable than sales tax but not as stable as property tax. Limited to maximum of 6% on gas and electric, 3.5% on telecommunications (the City's franchise tax revenue is declining)
- ▣ **Building and Development Fees** – Unpredictable and decrease near buildout, usually cover reimbursement of actual staff time and processing expense

# FINANCIAL PLAN OBJECTIVES

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- **Challenges Affecting the General Fund:**
  - Loss of Buying Power
  - Level of Service/Growth Issues
  
- **Is the General Fund able to keep up with both inflation and growth?**
  - Understanding the Certified Tax Rate Formula and Truth in Taxation



# FINANCIAL PLAN OBJECTIVES

## Certified Tax Rate

- Based on Assessed Value of Real, Personal and Centrally Assessed Property in the City
- Less Redevelopment Areas, Board of Equalization Adjustments and adjusted for Five-year average Collection Rate
- Certified Tax Rate = Revenue Neutrality plus **New Growth**

### PROPERTY TAXES 101

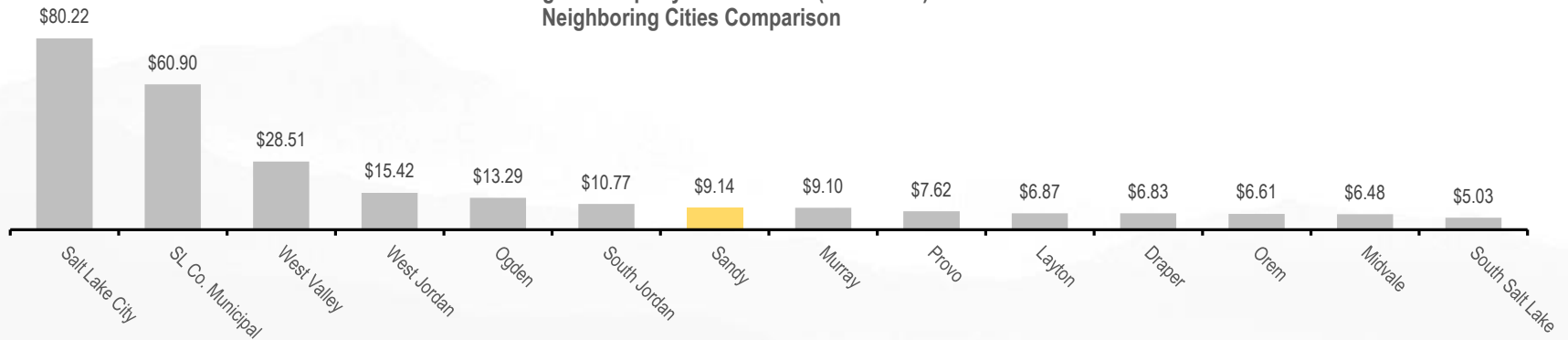
Property Tax Demonstration  
Year 1

<div>House 1</div> <div>Mkt Value 181,818</div> <div>Tax Value 100,000</div> <div>Tax Bill 1,000</div>	<div>House 2</div> <div>Mkt Value 181,818</div> <div>Tax Value 100,000</div> <div>Tax Bill 1,000</div>	<div>House 3</div> <div>Mkt Value 181,818</div> <div>Tax Value 100,000</div> <div>Tax Bill 1,000</div>	<div>House 4</div> <div>Mkt Value 181,818</div> <div>Tax Value 100,000</div> <div>Tax Bill 1,000</div>	<div>House 5</div> <div>Mkt Value 181,818</div> <div>Tax Value 100,000</div> <div>Tax Bill 1,000</div>												
<div>House 6</div> <div>Mkt Value 181,818</div> <div>Tax Value 100,000</div> <div>Tax Bill 1,000</div>	<div>House 7</div> <div>Mkt Value 181,818</div> <div>Tax Value 100,000</div> <div>Tax Bill 1,000</div>	<div>House 8</div> <div>Mkt Value 181,818</div> <div>Tax Value 100,000</div> <div>Tax Bill 1,000</div>	<div>House 9</div> <div>Mkt Value 181,818</div> <div>Tax Value 100,000</div> <div>Tax Bill 1,000</div>	<div>House 10</div> <div>Mkt Value 181,818</div> <div>Tax Value 100,000</div> <div>Tax Bill 1,000</div>												
<div>Entity</div> <table><tr><td>Total Base Mkt Value</td><td>1,818,182</td></tr><tr><td>Total Base Tax Value</td><td>1,000,000</td></tr><tr><td>Tax Revenue Base</td><td>10,000</td></tr><tr><td>Tax Revenue New Grow</td><td>-</td></tr><tr><td>Total Tax Revenue</td><td>10,000</td></tr><tr><td>Tax Rate</td><td>1.00%</td></tr></table>					Total Base Mkt Value	1,818,182	Total Base Tax Value	1,000,000	Tax Revenue Base	10,000	Tax Revenue New Grow	-	Total Tax Revenue	10,000	Tax Rate	1.00%
Total Base Mkt Value	1,818,182															
Total Base Tax Value	1,000,000															
Tax Revenue Base	10,000															
Tax Revenue New Grow	-															
Total Tax Revenue	10,000															
Tax Rate	1.00%															

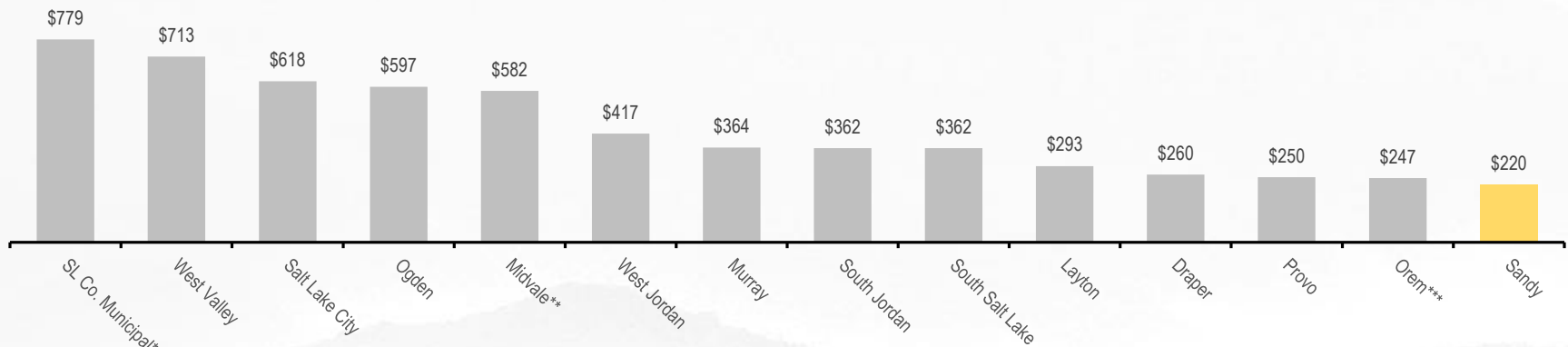


# BENCHMARKING

2018 Budgeted Property Tax Revenue (in millions)  
Neighboring Cities Comparison



2018 Residential Property Tax  
Neighboring Cities Comparison



Includes: \*UFA & UPD Rates, \*\*UFA Rate, \*\*\*Rate for Library Services  
Assumes a \$350,000 Residential Property Value  
Source: taxrates.utah.gov  
March 26, 2019  
42 of 95

# MODEL ASSUMPTIONS

- ❑ MODEL ASSUMES 2019 BUDGETED REVENUES AND EXPENSES
- ❑ FUTURE ASSUMPTIONS (2020-2023) REGARDING PRIMARY REVENUES:

	FY 2020	FY 2021	FY 2022	FY 2023
Property Tax	2.00%	2.00%	1.00%	1.00%
Sales Tax	2.50%	2.50%	2.50%	2.50%
Franchise Tax	-1.0%	-1.0%	-1.0%	-1.0%
Motor Vehicle Fee	-0.65%	-0.65%	-0.65%	-0.65%
Licenses & Permits	-5.00%	1.25%	1.25%	1.25%
State Road Funds	3.50%	3.50%	3.50%	3.50%
Charges for Service	2.00%	2.00%	2.00%	2.00%

Historic (2000 – 2018)	Historic 10-Year	Historic 3-Year
3.52%	2.75%	6.12%
2.49%	1.05%	4.46%
4.33%	0.79%	-3.86%
-1.05%	-1.80%	1.73%
2.44%	1.20%	4.38%
-0.30%	-0.17%	3.12%
7.40%	5.47%	2.14%

# MODEL ASSUMPTIONS

## ❑ ASSUMPTIONS REGARDING PRIMARY EXPENDITURES:

### ▣ Annual Base Increase Assumptions (Due to Inflation & Natural Growth)

Base % Increase/Decrease	2020	2021	2022	2023
Personnel	3.75%	3.00%	3.00%	3.00%
Materials & Supplies	1.00%	1.00%	1.00%	1.00%
External Services	2.50%	2.50%	2.50%	2.50%
Internal Services	15.00%	8.00%	8.00%	8.00%
Equipment & Improvements	8.00%	8.00%	8.00%	8.00%
Capitalized Internal Services	7.69%	7.14%	6.67%	6.25%

Historic (2000 – 2018)	Historic 10-Year	Historic 3-Year
3.65%	2.15%	2.97%
2.76%	-0.03%	1.42%
5.54%	2.48%	8.48%
-1.68%	1.90%	0.08%
6.21%	7.88%	31.16%
0.00%	-0.62%	-4.99%

- ▣ **Personnel:** Based on 3-Year Historic Growth
- ▣ **Materials & Supplies:** Modeled Based on Slight Increase, Adds Approximately \$50K to Base
- ▣ **External Services:** Modeled Based on 10-Year Historic Growth, Adds Approximately \$40K to Base
- ▣ **Internal Services:** Increase Needed to Catch Up with Operational Costs Related to Fleet (parts and fuel) and IT
- ▣ **Equipment & Improvements:** Modeled Based on 10-Year Historic Growth, Adds Approximately \$10K to Base
- ▣ **Capitalized Internal Services:** Based on Adding \$100K to Base Expense to Catch up to Rising Fleet Replacement Costs.

# MODEL ASSUMPTIONS

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## ❑ ASSUMPTIONS REGARDING ADDITIONAL O&M EXPENDITURES:

- ▣ New O&M Expenditures are Based on Preliminary Estimates from Fall
- ▣ Inflationary Increase: 3%
- ▣ Ongoing O&M Increases for 2020:
  - ▣ Personnel: \$492K
  - ▣ External Services: \$82K
  - ▣ Internal Services: \$6K
- ▣ Model Includes Other One-Time O&M Expense Increases in 2021-2023

# MODEL ASSUMPTIONS

## ❑ ASSUMPTIONS REGARDING CAPITAL IMPROVEMENT PLAN (CIP):

Revenues	2020	2021	2022	2023
<b>CIP Expense</b>	<b>50,226,399</b>	<b>29,052,931</b>	<b>11,512,069</b>	<b>31,794,357</b>
Other Funding Sources (Grants, Impact Fees, Road Funds, Etc.)	25,828,974	12,398,923	5,034,383	5,708,777
<b>General Fund Need</b>	<b>\$24,397,425</b>	<b>\$16,654,008</b>	<b>\$6,477,686</b>	<b>\$26,085,580</b>

### ■ Major CIP Impacts on General Fund Include:

- Parks and Recreation Building, Alta Recreation Center
- Phase II Public Works Facility
- Monroe Street Extension and Improvements
- Fire Station #31 Relocation/Expansion
- Various Bridge Projects
- Wasatch Blvd Overlay
- Other City-Wide Road Projects
- Gateway Beautification Projects
- Other Parks and Recreation Improvements

# SCENARIO ANALYSIS

## ■ Scenario 1: Baseline Analysis

- No Property Tax Increase
- Inclusion of New O&M and CIP
- No New Debt

Comparison of Revenues and Expenses

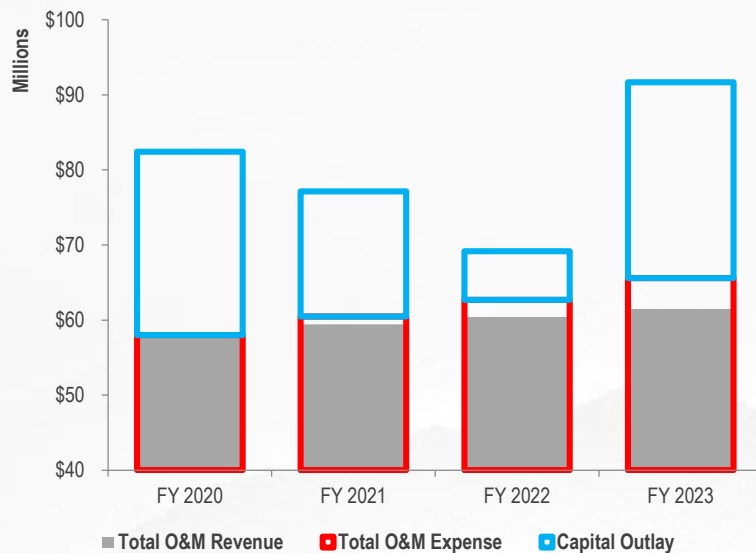
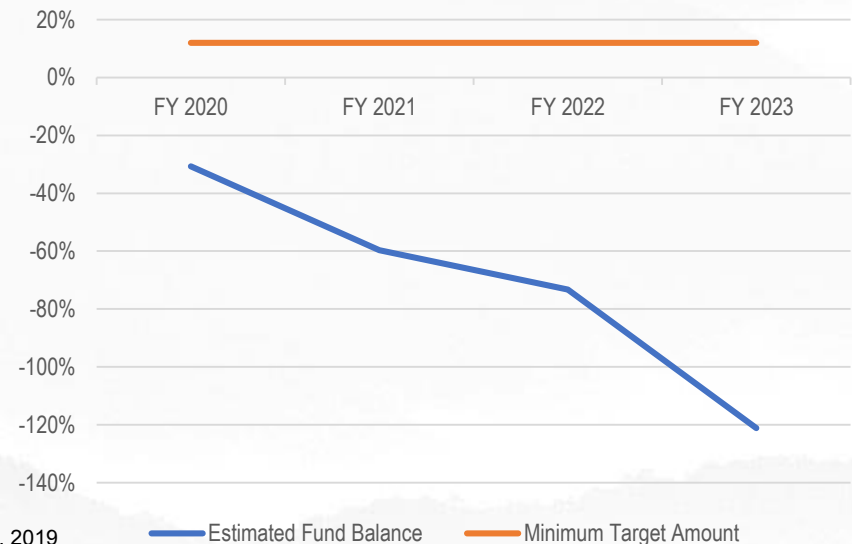


Illustration of Fund Balance as % of O&M Revenue



# SCENARIO ANALYSIS

## ■ Scenario 2: Pay-as-You-Go

- 314% Property Tax Increase Needed to Mitigate Funding Gap in 2020
- Inclusion of New O&M and CIP
- No New Debt

Comparison of Revenues and Expenses

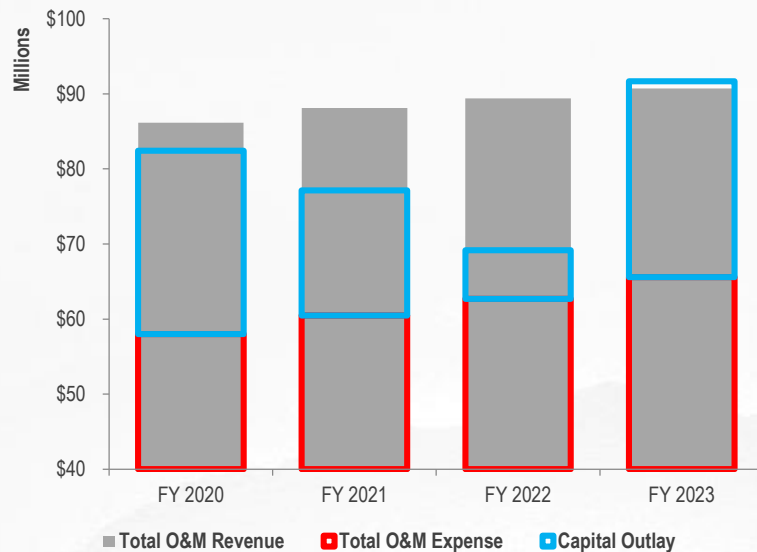
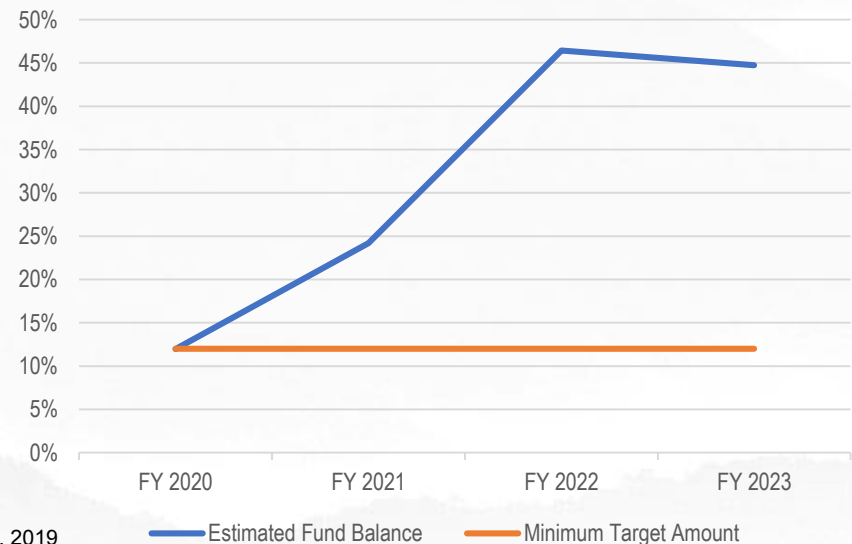


Illustration of Fund Balance as % of O&M Revenue





# SCENARIO ANALYSIS

## ■ Scenario 3: Pay-as-You-Go & Debt Financing

- Property Tax Increases Needed to Mitigate Funding Gap, Assuming New Debt

	2020	2021	2022	2023
Property Tax Increase Needed	38%	12%	15%	12%

- Inclusion of New O&M and CIP
- Including New Debt in 2020 and 2023

Comparison of Revenues and Expenses

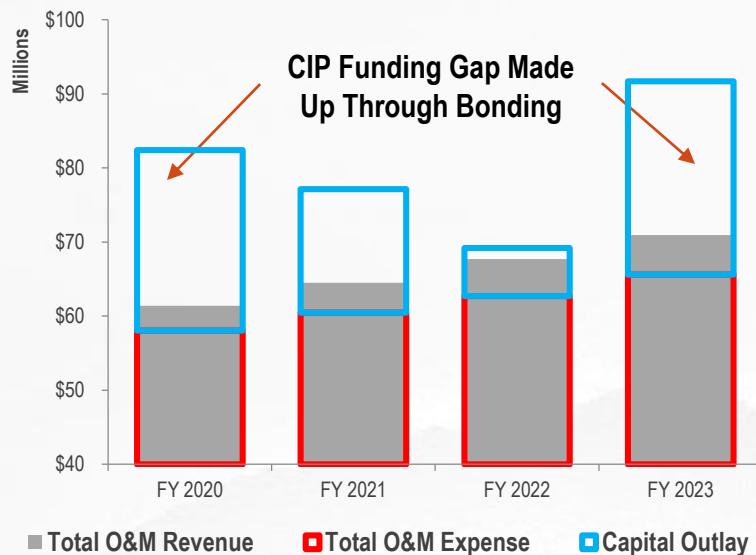
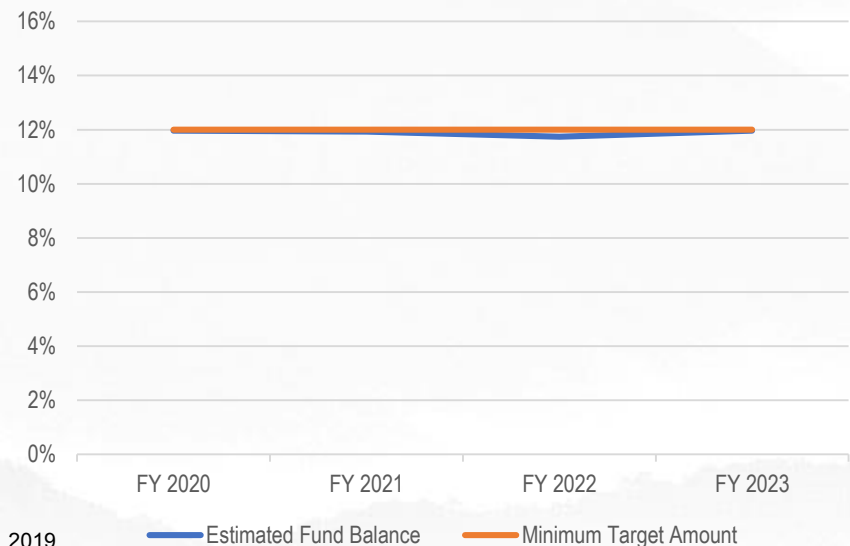


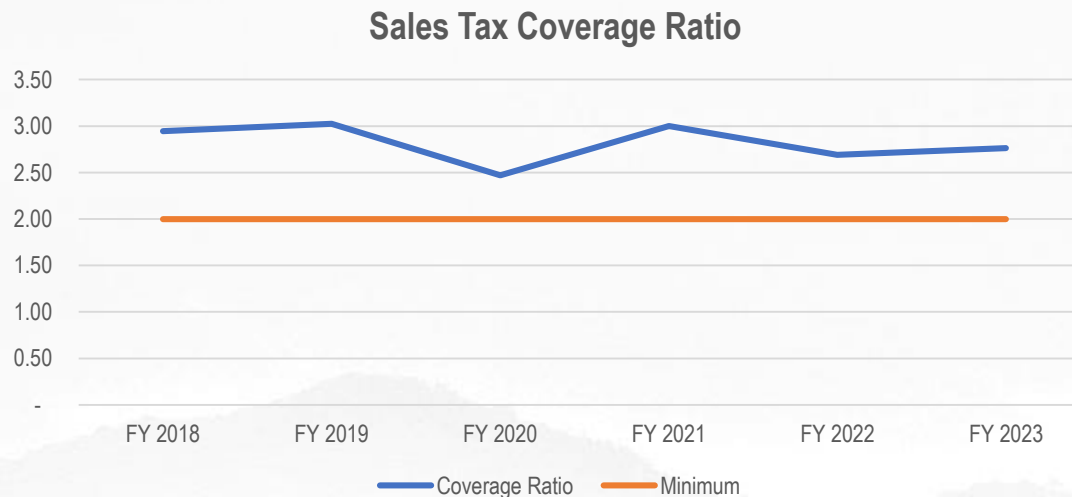
Illustration of Fund Balance as % of O&M Revenue



# SCENARIO ANALYSIS

- **Scenario 3: Pay-as-You-Go & Debt Financing**
  - Bonding Assumptions

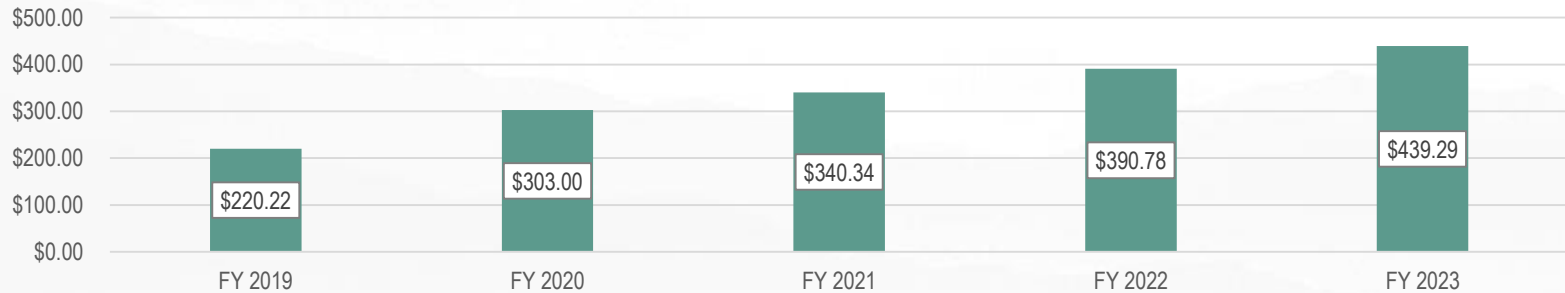
Potential Bonds	2020	2021	2022	2023
Rate	4.0%	4.0%	4.0%	4.0%
Years	25	25	25	25
PAR Amount of Bonds	\$40,800,000	-	\$33,150,000	-
Cost of Issuance	2%	2%	2%	2%



# SCENARIO ANALYSIS

## Scenario 3: Pay-as-You-Go & Debt Financing

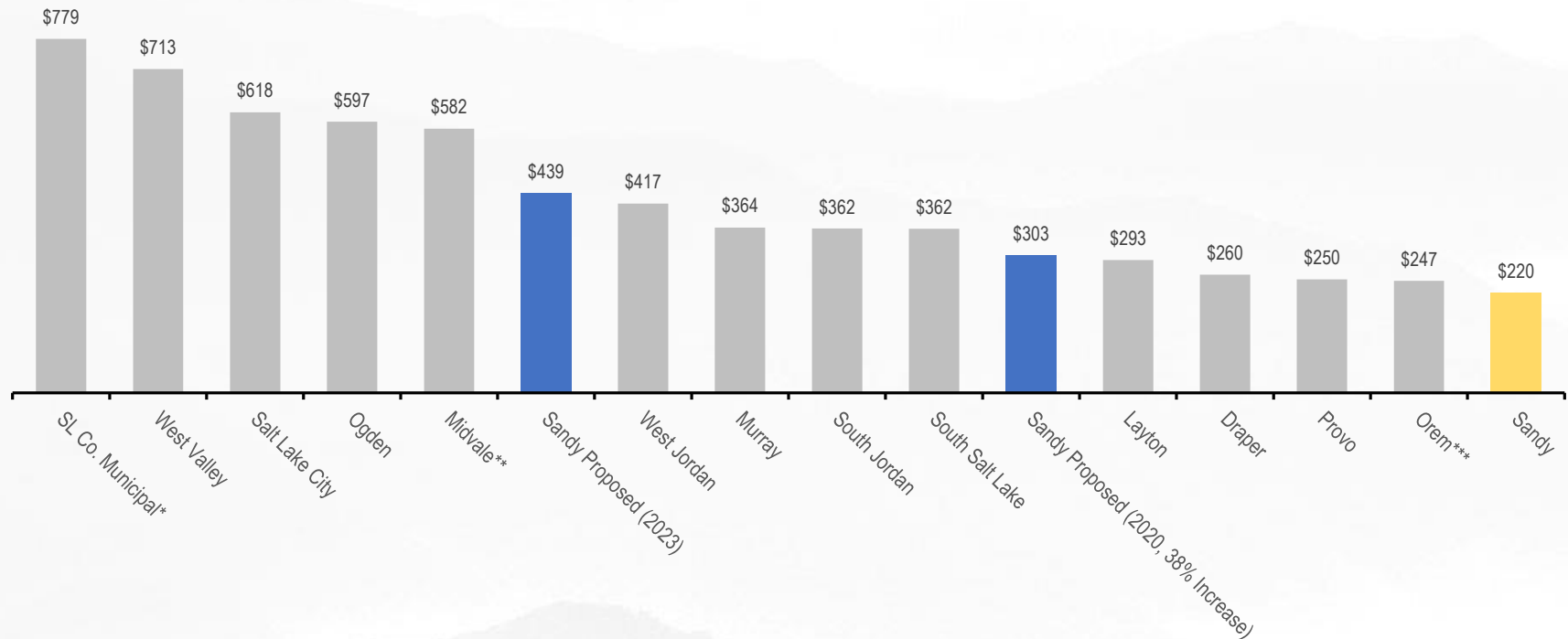
Estimate of Annual Impact (Avg. Home of \$350K)



	2019	2020	2021	2022	2023
Needed General Fund Property Tax Revenues	-	\$3,371,393	\$1,602,108	\$2,184,053	\$2,122,435
Average Home Value	\$350,000	\$350,000	\$350,000	\$350,000	\$350,000
Taxable Value	\$192,500	\$192,500	\$192,500	\$192,500	\$192,500
Certified Tax Rate (General Operations)	0.001144	0.001144	0.001574	0.001768	0.002030
General Tax Levy Increase	-	0.000430	0.000194	0.000262	0.000252
<b>Combined Levy</b>	<b>0.001144</b>	<b>0.001574</b>	<b>0.001768</b>	<b>0.002030</b>	<b>0.002282</b>
Combined Tax Bill	\$220.22	\$303.00	\$340.34	\$390.78	\$439.29
<b>Annual Increase</b>		<b>\$82.78</b>	<b>\$37.34</b>	<b>\$50.44</b>	<b>\$48.51</b>
<b>Monthly Increase</b>		<b>\$6.90</b>	<b>\$3.11</b>	<b>\$4.20</b>	<b>\$4.04</b>
<b>Percent Increase</b>		<b>38%</b>	<b>12%</b>	<b>15%</b>	<b>12%</b>

# BENCHMARKING

2018 Residential Property Tax  
Neighboring Cities Comparison (with Scenario 3 Increases)\*



Includes: \*UFA & UPD Rates, \*\*UFA Rate, \*\*\*Rate for Library Services  
Assumes a \$350,000 Residential Property Value  
Source: [taxrates.utah.gov](http://taxrates.utah.gov)

March 26, 2019  
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\*Assumes other Taxing Entities Remain Constant

# CONCLUSION

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## ▣ Next Steps

- ▣ Prioritization of Operational and Capital Needs
- ▣ Identify Additional Funding Needs
- ▣ Evaluate Funding Options
- ▣ Refine Scenarios
- ▣ Establish Action Plan

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# CONTACT INFORMATION

## Jason Burningham

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UT 84101

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CELL 801.201.6839

## Fred Philpot IV

VICE PRESIDENT | **LEWIS YOUNG ROBERTSON &  
BURNINGHAM INC.**

41 NORTH RIO GRANDE, SUITE 101, SALT LAKE  
CITY, UT 84101

OFFICE 801.596.0700

CELL 801.243.0293



## Staff Report

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**File #:** 19-096, **Version:** 1

**Date:** 3/26/2019

---

**Agenda Item Title:**

Council Member Nicholl recommending that the Council appoint Council Member Liaison(s) to the Water Event Coordination Team (ECT)

**Presenter:** Council Member Nicholl

**Recommended Action and/or Suggested Motion:**

Motion to appoint one or more council members as liaison(s) to the Event Coordination Team



## Staff Report

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**File #:** 19-093, **Version:** 1

**Date:** 3/26/2019

---

**Agenda Item Title:**

Administration requesting advice and consent from the Council for appointments to the Board of Adjustment

**Presenter:** James Sorensen, Community Development Director

**Description/Background:**

Administration is recommending that:

1. Tyler Brown be reappointed as a regular member of the Board of Adjustment for a term ending on 3/31/2023. Tyler is currently serving as an alternate member, and will fill a vacant regular appointment on the Board.
2. Brian Jones and Burke Staker be reappointed as regular members of the Board of Adjustment for terms ending on 3/31/2023.
3. Matt Hale be reappointed as an alternate member of the Board of Adjustment for a term ending on 3/31/2023.
4. Mark Hurst be appointed as an alternate member of the Board of Adjustment for a term ending on 3/31/2023. As potential new member of the Board, Mark has submitted a background check and a resume for review by the Council.

**Recommended Action and/or Suggested Motion:**

Motion to provide advice and consent for each proposed Mayoral appointment to the Board of Adjustment



## RESOLUTION #19-03M

### A RESOLUTION APPOINTING **TYLER BROWN** AS A REGULAR MEMBER TO THE SANDY CITY BOARD OF ADJUSTMENT

BE IT RESOLVED by the Mayor, with the advice and consent of the City Council in Sandy City, Utah, that Tyler Brown be appointed as regular member to the Sandy City Board of Adjustment.

The appointment will be as follows:

Tyler Brown to fill a term as a **Regular Member** ending on March 31, 2023

PASSED AND APPROVED this \_\_\_\_\_



Kurt Bradburn  
Mayor

\_\_\_\_\_  
Chairman,  
Sandy City Council

ATTEST:

\_\_\_\_\_  
City Recorder

RECORDED this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

## RESOLUTION #19-05M

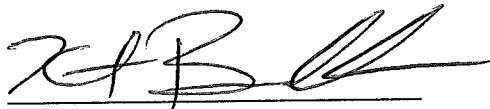
### A RESOLUTION REAPPOINTING **BRIAN JONES** AS A MEMBER TO THE SANDY CITY BOARD OF ADJUSTMENT

BE IT RESOLVED by the Mayor, with the advice and consent of the City Council in Sandy City, Utah, that Brian Jones be reappointed as regular member to the Sandy City Board of Adjustment.

The appointment will be as follows:

Brian Jones to fill a term as a **Regular Member** ending on March 31, 2023

PASSED AND APPROVED this \_\_\_\_\_



Kurt Bradburn  
Mayor

\_\_\_\_\_  
Chairman,  
Sandy City Council

ATTEST:

\_\_\_\_\_  
City Recorder

RECORDED this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

## RESOLUTION #19-06M

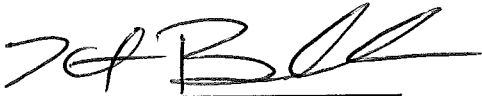
### A RESOLUTION REAPPOINTING **BURKE STAKER** AS A MEMBER TO THE SANDY CITY BOARD OF ADJUSTMENT

BE IT RESOLVED by the Mayor, with the advice and consent of the City Council in Sandy City, Utah, that Burke Staker be reappointed as regular member to the Sandy City Board of Adjustment.

The appointment will be as follows:

Burke Staker to fill a term as a **Regular Member** ending on March 31, 2023

PASSED AND APPROVED this \_\_\_\_\_



Kurt Bradburn  
Mayor

\_\_\_\_\_  
Chairman,  
Sandy City Council

ATTEST:

\_\_\_\_\_  
City Recorder

RECORDED this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

## RESOLUTION #19-07M

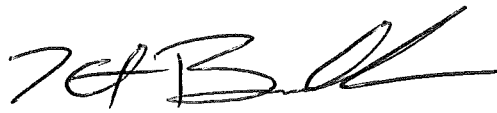
### A RESOLUTION REAPPOINTING **MATT HALE** AS AN ALTERNATE MEMBER TO THE SANDY CITY BOARD OF ADJUSTMENT

BE IT RESOLVED by the Mayor, with the advice and consent of the City Council in Sandy City, Utah, that Matt Hale be reappointed as an alternate member to the Sandy City Board of Adjustment.

The appointment will be as follows:

**Matt Hale** to fill a term as an **Alternate Member** ending on March 31, 2023

PASSED AND APPROVED this \_\_\_\_\_



Kurt Bradburn  
Mayor

\_\_\_\_\_  
Chairman,  
Sandy City Council

ATTEST:

\_\_\_\_\_  
City Recorder

RECORDED this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

## RESOLUTION #19-04M

### A RESOLUTION APPOINTING **MARK HURST** AS AN ALTERNATE MEMBER TO THE SANDY CITY BOARD OF ADJUSTMENT

BE IT RESOLVED by the Mayor, with the advice and consent of the City Council in Sandy City, Utah, that Mark Hurst be appointed as an alternate member to the Sandy City Board of Adjustment.

The appointment will be as follows:

Mark Hurst to fill a term as an **Alternate Member** ending on March 31, 2023

PASSED AND APPROVED this \_\_\_\_\_



Kurt Bradburn  
Mayor

\_\_\_\_\_  
Chairman,  
Sandy City Council

ATTEST:

\_\_\_\_\_  
City Recorder

RECORDED this \_\_\_\_\_ day of \_\_\_\_\_ 2019.



## Staff Report

---

**File #:** 19-094, **Version:** 1

**Date:** 3/26/2019

---

**Agenda Item Title:**

Administration requesting advice and consent from the Council for appointments to the Planning Commission

**Presenter:** James Sorensen, Community Development Director

**Description/Background:**

Administration is recommending that:

1. Michael Christopherson be reappointed as a regular member of the Planning Commission for a term ending on 3/31/2023. Michael is currently serving as an alternate member, and will fill a soon to be vacant regular appointment on the Commission.
2. Cameron Duncan be appointed as an alternate member of the Planning Commission for a term ending on 3/31/2023. Cameron has completed a background check and submitted a resume for Council review.

**Recommended Action and/or Suggested Motion:**

Motion to provide advice and consent for appointments to the Planning Commission.

## RESOLUTION #19-01M

### A RESOLUTION APPOINTING **MICHAEL CHRISTOPHERSON** AS A REGULAR MEMBER TO THE SANDY CITY PLANNING COMMISSION

BE IT RESOLVED by the Mayor, with the advice and consent of the City Council in Sandy City, Utah, that Michael Christopherson be appointed as regular member to the Sandy City Planning Commission.

The appointment will be as follows:

Michael Christopherson to fill a term as a **Regular Member** ending on March 31, 2023

PASSED AND APPROVED this \_\_\_\_\_



Kurt Bradburn  
Mayor

\_\_\_\_\_  
Chairman,  
Sandy City Council

ATTEST:

\_\_\_\_\_  
City Recorder

RECORDED this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

## RESOLUTION #19-02M


### A RESOLUTION APPOINTING **CAMERON DUNCAN** AS AN ALTERNATE MEMBER TO THE SANDY CITY PLANNING COMMISSION

BE IT RESOLVED by the Mayor, with the advice and consent of the City Council in Sandy City, Utah, that Cameron Duncan be appointed as regular member to the Sandy City Planning Commission.

The appointment will be as follows:

Cameron Duncan to fill a term as an **Alternate Member** ending on March 31, 2023

PASSED AND APPROVED this \_\_\_\_\_



Kurt Bradburn  
Mayor

\_\_\_\_\_  
Chairman,  
Sandy City Council

ATTEST:

\_\_\_\_\_  
City Recorder

RECORDED this \_\_\_\_\_ day of \_\_\_\_\_ 2019.





## Staff Report

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**File #:** 19-100, **Version:** 1

**Date:** 3/26/2019

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**Agenda Item Title:**

City Attorney, Community Events, Community Development and Council Office report back regarding alcohol sales at the Sandy Amphitheater.

**Presenter:**

Bob Thompson

**Description/Background:**

On March 12 the City Council directed staff to develop an ordinance allowing alcohol sales at the Sandy Amphitheater. The amendment envisioned was an addition to the parks ordinance that would retain a prohibition on the sale or consumption of alcohol in City parks, "unless authorized in writing by the Utah Department of Alcohol Beverage Control."

Subsequent to the Council's direction it was determined that in addition to the changes in the parks ordinance, a land use code amendment will be required to allow alcohol sales in the Special Use District zone. The City Attorney has also suggested that the parks ordinance specify that certain City facilities including the Sandy Amphitheater, golf course, plazas, or promenade are not City parks. Drafts of those amendments are included with this item for the Council's review.

Due to the need for the land use changes, the Council Office recommend that the City Council formally direct the Community Development Department to initiate the required code amendments to Title 15 of the Sandy City Municipal Code.

**Fiscal Impact:**

There is no fiscal impact associated with this item.

**Further action to be taken:**

The Planning Commission will hold a public hearing on the land use amendment and make a recommendation to the City Council. The Council will also need to conduct a public hearing. The corollary amendment to the parks ordinance will be scheduled at the same time.

**Recommended Action and/or Suggested Motion:**

Motion to direct the Community Development Department to initiate land use code amendments allowing for the sale of alcohol at the Sandy Amphitheater.

**15A-19-03 SD-MU MIXED USE - 7800 S. 1300 E. & 9400 S. 1300 E.**

- A. **Purpose.** The purpose of the Special Use District (Mixed Use) is to provide for mixed uses, such as professional office, multi-family and quasi-public

**B. Uses Allowed**

1. Permitted Uses

- a. Alcoholic Beverage Single Event Permit
- b. Alcoholic Beverage Temporary Beer Permit
- ac. Athletic, Tennis or Health Club
- bd. Business and Financial Services
- ee. Commercial Retail Sales and Service up to 10,000 square feet for the entire development site
- ef. Commercial School
- eg. Medical and Health Care Offices
- fh. Nursing Care Facility
- gi. Quasi-public uses such as a library or other governmental facilities
- hj. Recreation, Indoor
- ik. Religious or Cultural Activity
- jl. Research and Development Park
- km. Restaurant
- ln. Theater, Concert Hall

2. Conditional Uses. Planning Commission review is required as set forth in the Conditional Use chapter of the Development Code.

In addition, after the Planning Commission has reviewed the requested conditional use, it shall forward its recommendation concerning said use to the City Council.

The City Council shall review the use and the Planning Commission recommendation and shall then either deny or permit the conditional use and shall impose such requirements and conditions necessary for the protection of adjacent properties and the public welfare and in conformance with the provisions of the ordinance, particularly the ordinance establishing standards for conditional uses.

All responsibilities delegated to the Planning Commission in the Standards for Conditional Uses section of the Conditional Use chapter of the Development Code shall be the responsibility of the City Council for the purposes of this zone.

All relevant time periods shall refer to the date of action of the City Council.

- a. Animal Kennel, Veterinary Office
- b. Arcade
- c. Automotive Self-Service Station
- d. Commercial Retail Sales and Service over 10,000 square feet for the entire

- development site
- e. Recreation Center (Outdoor)
- f. Restaurant, Drive-Inn
- g. Commercial Parking Garage
- h. Industry, Light
- i. Park and Ride Facilities

DRAFT

## Chapter 12 CITY PARKS

### 7-12-1. Definitions.

As used in this chapter:

- a. "Recreation center" means those buildings and surrounding areas owned by Sandy City (the City) where recreation activities, day care, health services and other beneficial services and activities are provided by the City, that are designated by the City Council as recreation centers or senior citizen centers.
- b. "Park" means a specific piece of ground, either within the City or that is under the control of the City, that is operated and maintained by the City and set apart for the use of the general public, whether developed or undeveloped, including natural parks, and that is usually, or may be, planted with trees, lawns and other shrubbery. A park may include within its boundary facilities for sport, entertainment, dancing, recreation, swimming, or a park may be planned for any beneficial used by the citizenry. A park may have numerous facilities or consist of only a single facility. Park does not include areas designated as plazas, promenades, golf courses, or the Sandy Amphitheater.
- c. "Recreation" means a leisure activity or diversion which restores one's strength, spirit or vitality and which refreshes the mind and/or body.
- d. "Recreation facilities" (facilities) means parks, recreation areas and recreation centers which are owned or operated by the City, or for which the City has enforcement and/or maintenance responsibilities.

### 7-12-2. Authority to Make Rules.

The Director of Parks and Recreation Department (the Director) of the City may adopt or recommend the adopting of rules for the use and care of City recreational facilities consistent with this chapter and other City ordinances, as provided by the City's ordinances on rulemaking. The Director may coordinate rulemaking and enforcement with the Sandy Police Department which has enforcement authority in all City recreational facilities.

### 7-12-3. Prohibited Activities.

The following activities are prohibited in or on City recreational facilities:

- a. Entering into a flood detention pond where there is water present in it;
- b. Expectorating, urinating or littering in violation of 7-1-11, R.O.S.C., or defecating except into a toilet for that purpose;



## Staff Report

**File #:**  
ZONE-01-19-5591(CC),  
**Version:** 1

**Date:** 3/26/2019

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### Agenda Item Title:

Community Development Department presenting a rezone application (File #ZONE-01-19-5591, The Villas at Southtowne) on behalf of The Thackeray Company, requesting that 9.32 acres located at 10670 S. 700 E. be rezoned from the CN Zone to the PUD(12) Zone.

**Presenter:**  
Jake Warner

### Description/Background:

John Thackeray, on behalf of The Thackeray Company, has submitted an application for a zone change of approximately 9.32 acres across three contiguous properties located at approximately 10670 S. 700 E. The property subject to the rezone application is a portion of the total acreage of the three properties, a total of 11.89 acres. The proposed zone change would change the subject portion of the property from the CN Zone "Planned Center-Neighborhood District" to the PUD(12) Zone "Planned Unit Development (12 units per acre)." The unaffected remainder portion (approximately 2.57 acres) would remain in the CN Zone, and includes the majority (550') of the frontage along 700 E. A vacant building, formerly Ream's, is located on the northern most parcel of the three properties.

The Applicant has submitted a concept plan that shows 100 townhomes on the subject property and three commercial pads on the remainder portion. The townhomes depicted include a mix of single story and 2-story units, with the majority of the single story units along the south and west boundary of the subject property.

The Applicant's original proposal was presented in a neighborhood meeting held on August 23, 2018. The Application was presented to the Planning Commission in a public hearing on February 7, 2019. The Planning Commission, by a vote of 7-0, forwarded a recommendation to the City Council to not approve the Application.

### Fiscal Impact:

A potential subdivision would likely increase the revenue and expenses of the City by minimal amounts.

### Further action to be taken:

The Application is requesting a rezone, a legislative item, and is being presented to the City Council for a decision to approve or deny the proposed zone change. A separate application for a subdivision or site plan would need to be submitted and approved prior to development.

### Recommended Action and/or Suggested Motion:

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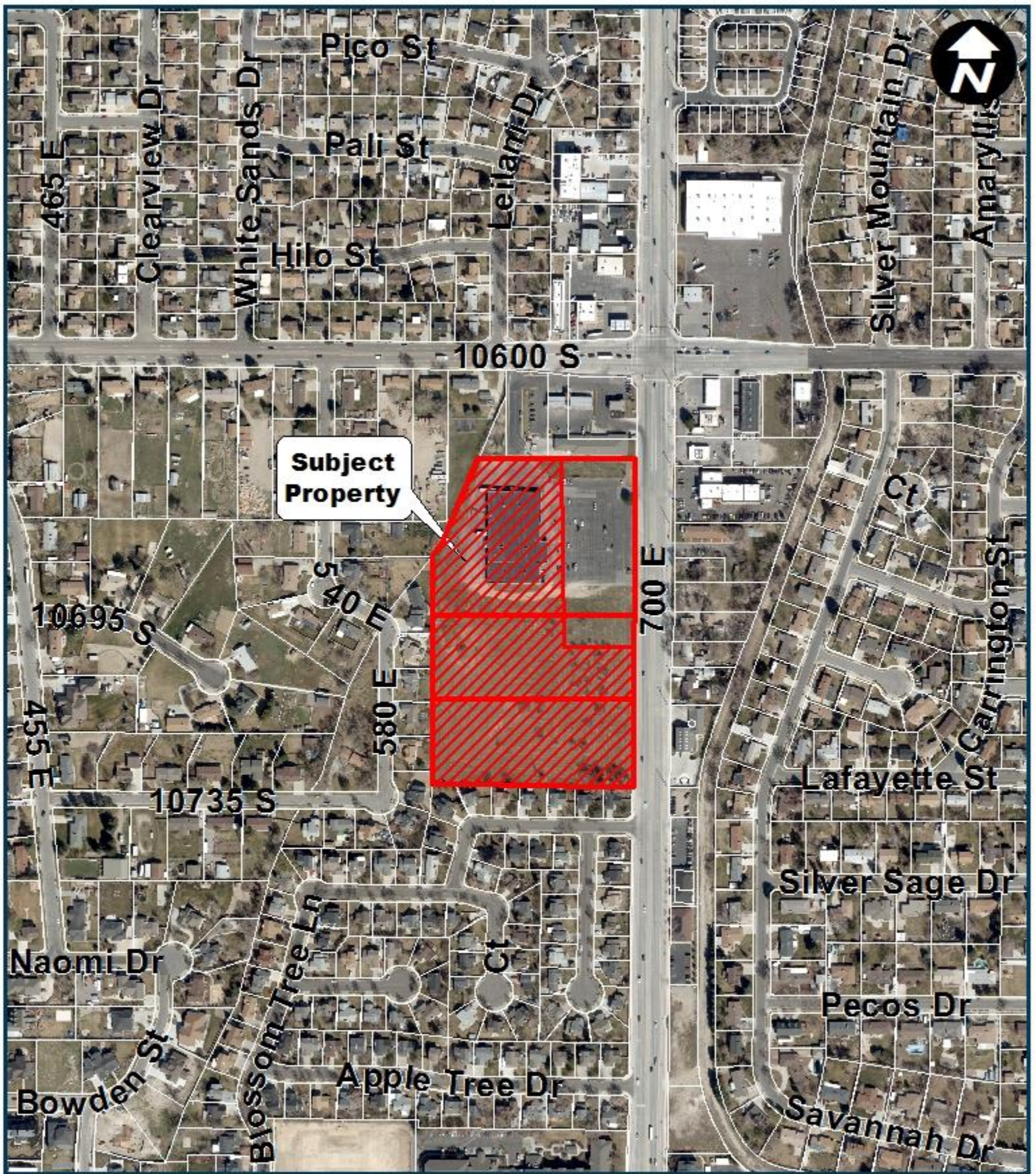
The Community Development Department recommends that the City Council take one of the following actions after hearing public comments:

1. Approve the Application.
2. Approve the Application with revisions.
3. Deny the Application.
4. Table the Application for a future decision.

**Alternative Motions:**

1. Motion to Approve - Adopt Ordinance #19-08, an ordinance amending and fixing the boundaries of a zone district of the Sandy City Zoning Ordinance; rezoning approximately 9.32 acres located at 10670 S. 700 E. from the CN "Planned Center-Neighborhood District" to the PUD-12 "Planned Unit Development (12 units per acre)".
2. Motion to Approve with revisions - Adopt Ordinance #19-08, an ordinance amending and fixing the boundaries of a zone district of the Sandy City Zoning Ordinance; subject to the following revisions: (expressed revisions) rezoning approximately 9.32 acres located at 10670 S. 700 E. from the CN "Planned Center-Neighborhood District" to the (expressed alternative per revisions)".
3. Motion to Deny - Not adopt Ordinance #19-08, an ordinance amending and fixing the boundaries of a zone district of the Sandy City Zoning Ordinance; denying the proposed zone change of approximately 9.32 acres located at 10670 S. 700 E.
4. Table the Application - Table the application to a future decision. (If necessary, provide a date for further consideration and/or give direction to Staff for additional information requested.)





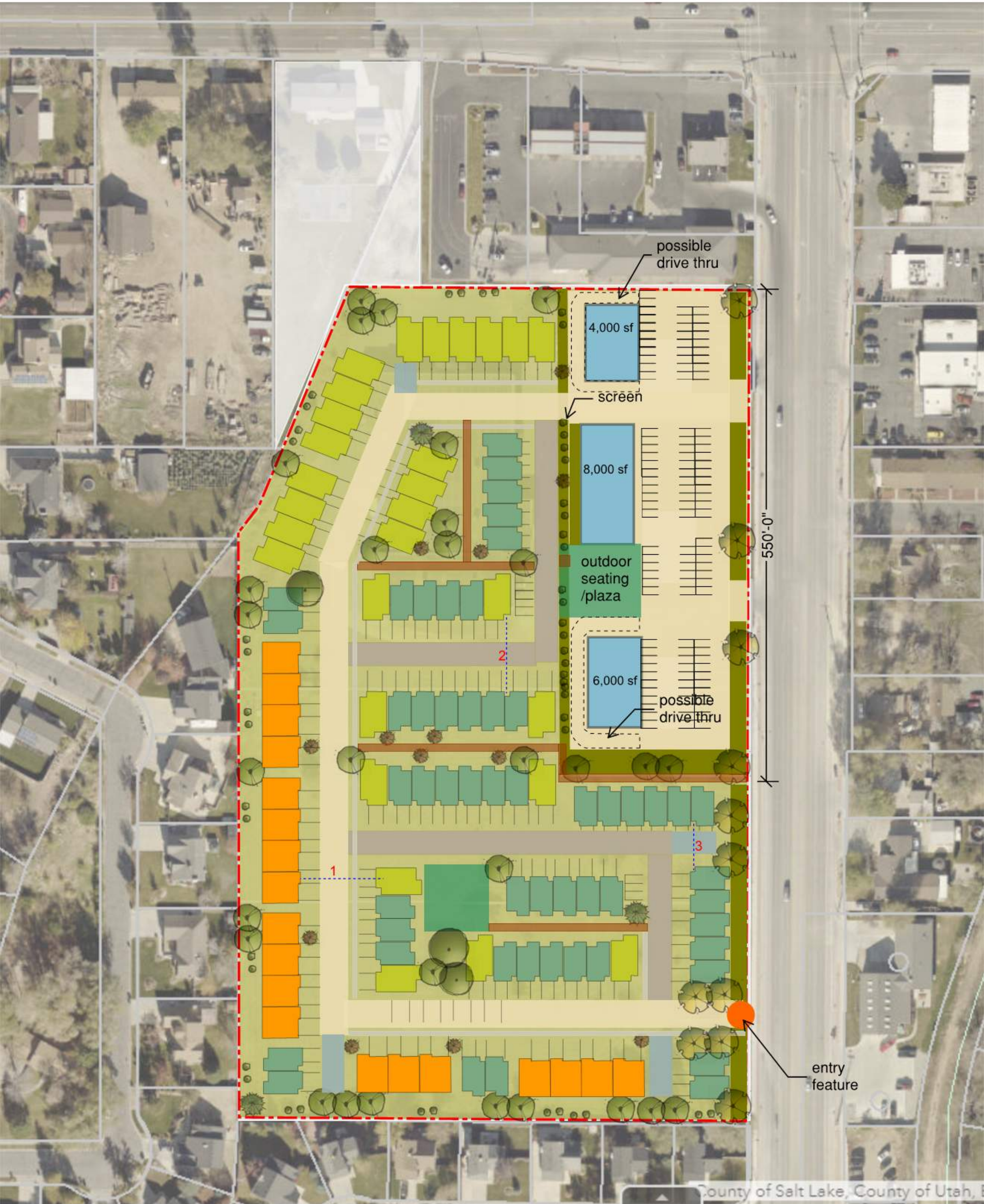
**ZONE-01-19-5591 :: Villas at Southtowne**  
**10670 S. 700 E.**



PRODUCED BY JAKE WARNER  
 THE COMMUNITY DEVELOPMENT DEPARTMENT



THACKERAY SANDY SITE  
TOWNHOME SITE STUDY



**ASSUMPTIONS:**

Site area: Three retail sites totaling approx 2.75 acres  
Total retail area: 18,000  
# of stalls: 100 stalls (5.5/1,000)  
Zone: CN - Commercial Neighborhood

**Town homes**

- count: 19
- count: 28
- count: 53
- Total Count: 100

March 26, 2019  
72 of 95

**RETAIL  
OPTION 1**  
Scale 1"=100'



ARCH | NEXUS





## Neighborhood Meeting Summary – Community #11

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**Date:** 8/23/2018

**Location:** Sandy City Hall – Multipurpose Room

**Community #/Name:** 11

**Community Coordinator:** Brian Noel

**Project Name:** Thackery

**Number of Attendees:** 55

**Applicants:** Thackery

**Number of Invitees:** 136

**Length of Meeting:** 2 hours

**Notice Radius:** 500 ft.

**Project Description:** Proposed project is on 10670 S and 700 E. They are proposing to rezone the area to residential and commercial. Project will include 100 townhome units with some retail property.

### **Community Comments/Concerns:**

1. Worried about development blocking the views of the mountains
2. Townhomes are too tall
3. Residents want single family homes rather than townhomes
4. Residents don't want rental properties, they want owner-occupied homes
5. They don't want townhomes in their backyards
6. Setback distance between townhomes and existing homes
7. They suggested a phased approach – single family homes on the outskirts and town homes in the middle
8. Why not all commercial?
9. Proximity of townhomes to existing homes
10. Privacy – don't want homes looking down on their property
11. 10 units/acre is too high density – Mayor Bradburn said no more high-density complexes
  - a. Can they lower the density to 8 units/acre?
12. There are animals on surrounding properties (sheep, chickens, horses, etc.), this development will cause issues
13. Residents want a laid back, quiet, country atmosphere
14. Traffic issues on 700 E and 10600 S is a big concern, there is already bad traffic, and this will just add to it
15. They want a sense of community and a place for kids to play – this does not allow that
16. Residents would prefer smaller, rambler single-family homes
17. Thackery signs are up on the property right now, a resident would like them taken down. The broker is the one who put these up and will take them down.



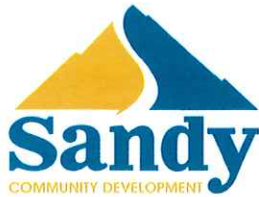
# SANDY CITY COMMUNITY DEVELOPMENT

JAMES SORENSEN  
COMMUNITY DEVELOPMENT  
DIRECTOR

KURT BRADBURN  
MAYOR

MATTHEW HUISH  
CHIEF ADMINISTRATIVE OFFICER

18. They are worried about the elementary school impact of this many people moving in. Class sizes will be too large. District won't be able to set new boundaries for years
19. Amenities in surrounding areas
20. Will there be cement barriers on 700 E? No left hand turns? U-dot will determine this
21. They are worried about the retention pond that has caused flooding in the past
22. Utilities – water and sewer, the impact of 100 additional homes
23. Property values of homes going down
24. Pressurized irrigation - Main Pressurized Irrigation line goes from 700 East to 580 East straight through the property in question at about 10730 South. The easement cannot have any structures over the top of it. When the developer makes his site plan, this easement MUST be taken into consideration. The developer needs to contact Draper Irrigation to determine location and the easement length and widths
25. Drainage of property – retention and detention
26. 4 units overlooking existing homes rather than 1 home
27. Some residents would like to see a green space put in this space, a park or something
28. They feel this project is not like the surrounding neighborhoods.



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JAMES SORENSEN  
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## MEMORANDUM

Feb. 7, 2019

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**To:** Planning Commission  
**From:** Community Development Department  
**Subject:** The Villas at Southtowne Rezone, CN to PUD-12      ZONE-01-19-5591  
10670 S. 700 E.      9.32 Acres  
[Community #11 - Crescent]

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**HEARING NOTICE:** *This item has been noticed to property owners within 500 feet of the subject area, on public websites, and in the newspaper.*

PROPERTY CASE HISTORY	
Case Number	Case Summary
	GG-88 Annexation (8/26/1969)
SPR #77-15	Ream's Market
SPR #78-31	Ream's Addition
SPR #92-20	Ream's Grocery Store
CUP #92-10	Ream's

---

### REQUEST

John Thackeray (Applicant) has submitted an application on behalf of The Thackeray Company for a zone change of approximately 9.32 acres located at approximately 10670 S. 700 E. (Property) from the CN Zone "Planned Center-Neighborhood District" to PUD-12 "Planned Unit Development (density per acre)" (Application).

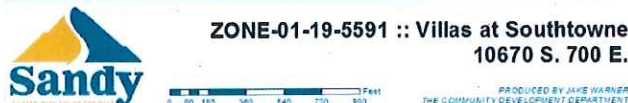
### BACKGROUND

The subject property is located on 700 E., and includes three parcels (shown by red outlines in the map below) with a combined area of approximately 11.89 acres. The Application would affect a portion (approximately 9.32 acres, shown in red hatching in the map below) of the total area. The remaining area (approximately 2.57 acres) would remain in the CN Zone, and includes the majority (550') of the frontage along 700 E. and would be 205' deep. A vacant building that was formerly



occupied by Ream's sits on the northern most parcel of the three. The surrounding zone districts, and land uses, are as follows:

North: CN (car wash)  
 East: CN, PUD (8) (700 E., residential, auto repair)  
 South: SD(R-1-8) PUD (residential)  
 West: R-1-10, R-1-20A, R-1-40A (residential)



A concept plan has been provided by the Applicant that shows a townhome development on the Property and commercial pads on the area that would remain in the CN Zone. The concept plan shows 100 townhome units and three commercial pads. Three access points would be provided from 700 E. for both the residential and the commercial, with no connections to existing roads or stubs for future connections. The Applicant anticipates a mixture of public and private roads in the development. The Applicant has expressed that a majority of the buildings along the existing residential would be a single story in height. These units are depicted in orange on the concept plan.

The Applicant presented a proposal in a neighborhood meeting held on Aug. 23, 2018. The meeting was attended by the Applicant, City Staff, and 55 residents. Following the neighborhood meeting, efforts were made by the Applicant and City Staff to

pursue a grocery store to occupy at least a portion of the Property. Those efforts have been unsuccessful to date.

## FACTS AND FINDINGS

- Residents commented on several issues in the neighborhood meeting, including the increase in traffic and congestion, views being blocked, the need for buffering, potential reduction in property values, storm water and utility capacity, and a preference for single-family detached, commercial, a park, or a more rural feel for the site.
- The Property is currently zoned CN. The CN Zone allows buildings on the site to be built up to 30' from a residential zone district and up to 40' in height (Development Code of Sandy City 15A-23).
- The PUD Zone requires that maximum density be established for a property with a rezone of the property to the PUD Zone. The purpose of the PUD Zone includes "greater flexibility of design," "more efficient use of land and the preservation of greater proportions of open

space,” and encouraging “a variety of dwelling types and site arrangements.” (Development Code of Sandy City 15A-20-07).

- The Property would be accessed solely from 700 E., which is designated by the City as a Major Arterial.
- The Property is surrounded by six different zone districts (CN, PUD (8), SD (R-1-8) PUD, R-1-10, R-1-20A, R-1-40A), ranging from rural residential to commercial zones.
- The Sandy City General Plan contains applicable goals and policies, including the following:

**HOUSING ELEMENT**

- *Goal 1.1 – Develop infill options that complement existing housing stock and neighborhood characteristics.*
- *Goal 1.4 – Ensure a range of housing options to accommodate an aging population and growth trends.*

**GROWTH PRINCIPLES**

- *Policy 1.1 – Promote redevelopment to better utilize existing infrastructure.*
- *Policy 1.3 – Promote compact development consistent with market demand.*

**CONCLUSION**

As with all new development, particularly infill development, any development of the Property will impact and be impacted by surrounding properties. The diversity of the surrounding land uses in this situation accentuates the need to transition from lower-intensity uses to higher-intensity land uses across the subject parcels in order to minimize those impacts. Together with the smaller commercial pads remaining along 700 E. and adequate consideration for height restrictions, buffering, screening, density, product type, etc., a zone change to the PUD Zone, if approved, would allow the flexibility needed to make the transition across the Property and would be consistent with the goals and policies of the Sandy City General Plan.

Planner:

Reviewed by:



Jake Warner  
Long Range Planning Manager

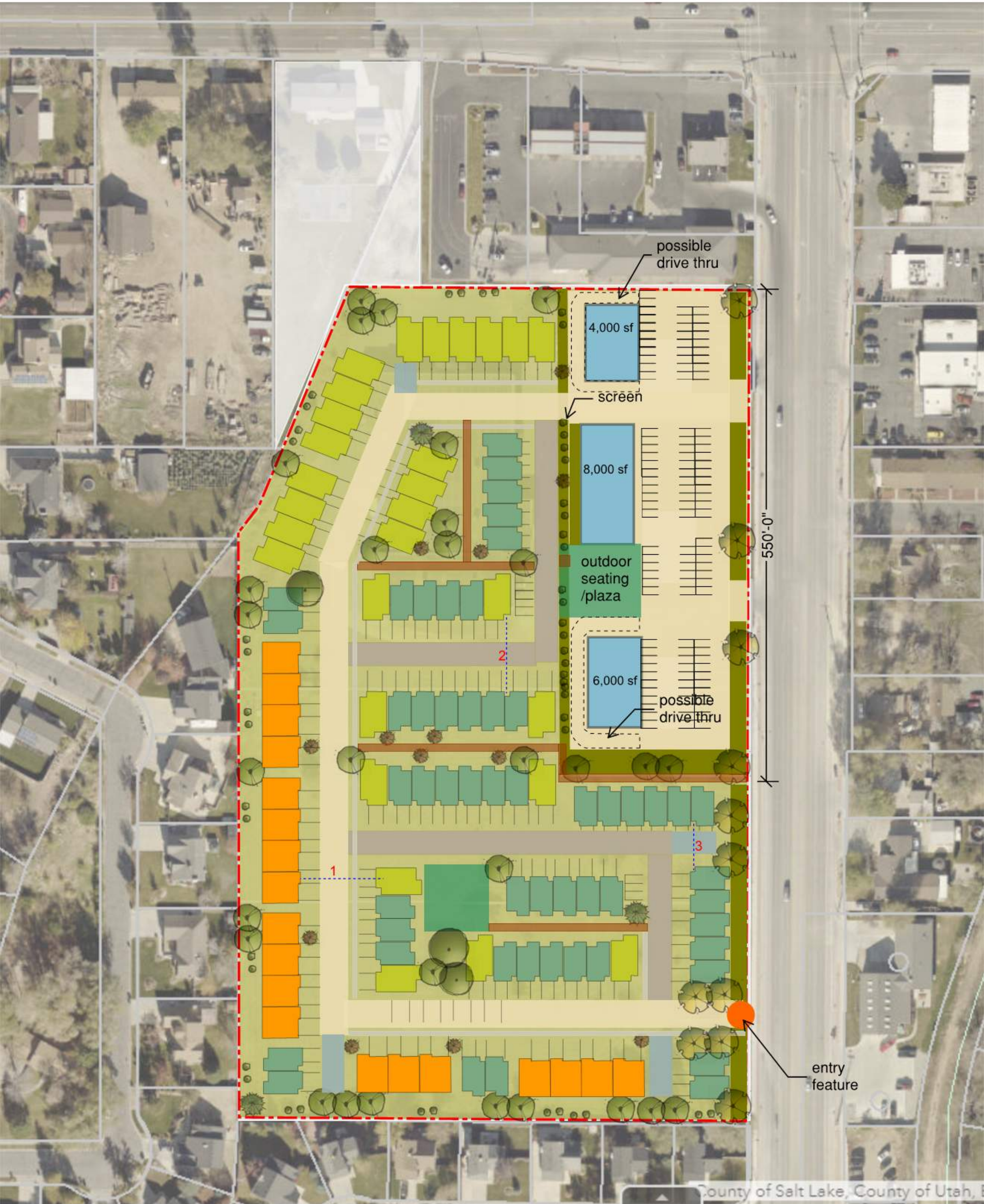


Brian McCuiston  
Planning Director

File Name: S:\USERS\PLN\STAFFRPT\2019\ZONE-01-19-5591 Villas @ Southtowne



THACKERAY SANDY SITE  
TOWNHOME SITE STUDY



**ASSUMPTIONS:**

Site area: Three retail sites totaling approx 2.75 acres  
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March 26, 2019  
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**RETAIL  
OPTION 1**  
Scale 1"=100'



ARCH | NEXUS





## Neighborhood Meeting Summary – Community #11

---

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**Location:** Sandy City Hall – Multipurpose Room

**Community #/Name:** 11

**Community Coordinator:** Brian Noel

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**Applicants:** Thackery

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# SANDY CITY COMMUNITY DEVELOPMENT

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# Sandy City, Utah

10000 Centennial Parkway  
Sandy, UT 84070  
Phone: 801-568-7256

## Meeting Minutes

### Planning Commission

*Joe Baker*  
*Dave Bromley*  
*Monica Collard*  
*Ron Mortimer*  
*Cyndi Sharkey*  
*Cory Shupe*  
*Jamie Tsandes*  
*Michael Christopherson (Alternate)*  
*Jeff Lovell (Alternate)*

---

Thursday, February 7, 2019

6:15 PM

Council Chambers

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#### 4:45 PM FIELD TRIP

1. [19-023](#) Field Trip for Feb. 7, 2019 PC meeting

#### 5:30 PM EXECUTIVE SESSION

#### 6:15 PM REGULAR SESSION

#### Roll Call

Staff: James Sorensen, Community Development Director; Brian McCuistion, Planning Director; Wade Sanner, Planner; Doug Wheelwright, Development Services Manager; Jake Warner, Long Range Planning Manager; Darien Alcorn, Sr. City Attorney; Britney Ward, Transportation Engineer; Ryan Kump, City Engineer; Raima Fleming, Planning Secretary

**Present** 7 - Commissioner Joe Baker  
Commissioner Dave Bromley  
Commissioner Monica Collard  
Commissioner Cyndi Sharkey  
Commissioner Jamie Tsandes  
Commissioner Michael Christopherson  
Commissioner Jeff Lovell

**Absent** 2 - Commissioner Cory Shupe  
Commissioner Ron Mortimer

Welcome

Pledge of Allegiance

Introductions

#### Public Hearings

2. [SPR-10-18-551](#) Duluth Trading Company - Site Plan and Architectural Review  
11376 S. State St.

[Community #9 - South Towne]

Doug Wheelwright introduced this item to the Planning Commission.

Richard Piggott, of Kimley-Horn, representing the applicant, gave an overview of the proposed project.

Commissioner Cyndi Sharkey asked about additional lighting.

Richard Piggott replied scone lighting would be added to each individual column.

Commissioner Cyndi Sharkey and the applicant had brief discussion on lighting.

**A motion was made by Monica Collard, seconded by Cyndi Sharkey, that the Planning Commission approve the preliminary site plan for Duluth Trading Company Retail Development and approve the building architectural design, building materials and color as proposed based on the two findings and ten conditions listed in the staff report with an additional finding to read: 3. That raising the proposed building parapet approximately 1.5 feet to screen the view of the proposed six RTU's, upon review deemed impractical for this prototypical building application. Also amending condition number ten to read: 10. That the building's proposed six RTU's be enclosed within a comprehensive, horizontally ribbed metal screen wall, mounted above the flat roof and painted flat white, consistent with the screen walls existing on all other One-14 Retail Center Buildings. The motion carried by the following vote:**

**Yes:** 7 - Joe Baker  
Dave Bromley  
Monica Collard  
Cyndi Sharkey  
Jamie Tsandes  
Michael Christopherson  
Jeff Lovell

**Absent:** 2 - Cory Shupe  
Ron Mortimer

3. [SIGN-01-19-5601](#) 114 Retail Center Sign Theme Amendment  
11376 S. State St.

[Community #9 - South Towne]

Wade Sanner introduced this item to the Planning Commission.

Commissioner Joe Baker asked if the proposed size of the signs accommodates the sign theme amendment.

Wade Sanner replied the size variation for the sign sizes could be given by the Planning Commission.

Staff and the Planning Commission had brief discussion on the sign theme amendment.

Richard Piggott, Applicant, gave an overview of the proposed project.

The Chair opened this item to public comment and there was none.

**A motion was made by Jamie Tsandes, seconded by Monica Collard, that the Planning Commission approve the amended sign theme for the 114 Retail Center located at 11376 South State Street to allow the installation of the proposed wall signs, awning signs, blade signs and tenant vinyl signs based on the two conditions listed in the staff report. The motion carried by the following vote:**

**Yes:** 7 - Joe Baker  
Dave Bromley  
Monica Collard  
Cyndi Sharkey  
Jamie Tsandes  
Michael Christopherson  
Jeff Lovell

**Absent:** 2 - Cory Shupe  
Ron Mortimer

4. [ZONE-01-19-5591\(PC\)](#) Villas at Southtowne Rezone  
10670 S. 700 E. from CN to PUD (12)  
[Community #11 - Crescent]

Jake Warner introduced this item to the Planning Commission.

John Thackeray, Applicant, gave an overview of the proposed item.

Commissioner Michael Christopherson stated for clarification, what is before the Planning Commission is a rezone, not the type, size, or layout of the units.

Commissioner Monica Collard asked the applicant his reason for wanting PUD (12).

John Thackeray stated his reason for wanting a PUD (12). He also stated after consideration, he would like to reduce the PUD (12) to a PUD (11).

The Planning Commission and the applicant had brief discussion about the proposed density, open space requirements, and unit sizes.

The Chair opened this item to public comment.

Colleen Stutznegger, spoke for herself and her neighbors on her concerns about the proposed property.

Don Khan stated he believes the proposed area should be a supermarket instead of a multi-family development.

Matt Sullivan stated there's not a need for multi-family housing units in the proposed area.

Scott Petersen stated he would like to know why the developer chose a PUD (12). He also stated he would rather have this area remain commercial.

Nate Evans stated this would be a drastic change to the area. He also asked about the current owner of the property and how long the proposed units would remain as rental properties.

Jeffery Park stated the proposed units would be within 20-feet of his property line. He

feels this area should remain commercial or lower the PUD zoning.

Lars Summerhays gave reasons why he would like to keep the area zoned commercial.

Amy Thackeray stated she is concerned about high density.

Sue Sharpe asked if the need for high density housing is necessary. She would like this area to remain commercial.

Jessica Daley stated she is concerned about the density and the traffic.

Dennis Fridett asked if the developer knew how many children this development would house. He also asked the Planning Commission to consider a PUD (6).

Eric Ewing stated traffic would be a problem. He would love to see this area developed but would like to have something more suitable to the area.

Steve Van Maren stated as a point of reference, Red Sage is a PUD (8). He feels the proposed area should be no higher than a PUD (6).

Robert Romero stated this would be in his backyard. He asked if a barrier would be placed between the development and the existing homes.

Chris Nichol asked if a crime study was done on this area.

Kim McKeller asked who benefits for the proposed development.

Dave Chatterly stated he would like to keep this area commercial.

Christian Little stated the zoning in this area should remain the same.

The Chair closed this item to public comment.

The Planning Commission had discussion on the proposed item.

Commissioner Jeff Lovell asked the applicant about the three to five year rental situation.

John Thackeray stated per the agreement with the landowner, his company can not purchase the property until the current owner passes away. There is no set date for this to occur. He also stated his company would be tenants under a master lease until this happens. After acquiring the property, they would then sell the units.

John Thackeray Sr. explained that all of his projects looks as good now as they did when they are constructed.

The Planning Commission had discussion on the density.

Commissioner Monica Collard stated she thinks the density is too high and believes this project would not be a good fit for the area.

Commissioner Cyndi Sharkey also believes the density is too high. She stated this would be a good area for residential development, but the debatable piece of it would be how dense.

Commissioner Joe Baker stated PUD (12) is too dense, but the city needs housing for our children and grandchildren.

Commissioner Jamie Tsandes stated she is all for mixed use, high density, but believes a PUD (12) is too dense. She also stated this area needs more commercial.

Commissioner Dave Bromley also stated the density is too high.

**A motion was made by Monica Collard, seconded by Jeff Lovell, that the Planning Commission forward a negative recommendation to the City Council for the Villas at Southtowne rezone located at 10670 S. 700 E. from CN to PUD (12) based upon multiple comments on record as expressed in the discussion. The motion carried by the following vote:**

**Yes:** 7 - Joe Baker  
Dave Bromley  
Monica Collard  
Cyndi Sharkey  
Jamie Tsandes  
Michael Christopherson  
Jeff Lovell

**Absent:** 2 - Cory Shupe  
Ron Mortimer

**5. [MISC-01-19-5595\(PC\)](#) Review and Adoption of Standard Specifications and Details for Municipal Construction**

Ryan Kump presented this item to the Planning Commission.

**A motion was made by Cyndi Sharkey, seconded by Jamie Tsandes, that the Planning Commission forward a positive recommendation to the City Council to adopt the proposed changes to the Sandy City Standard Specifications. The motion carried by the following vote:**

**Yes:** 7 - Joe Baker  
Dave Bromley  
Monica Collard  
Cyndi Sharkey  
Jamie Tsandes  
Michael Christopherson  
Jeff Lovell

**Absent:** 2 - Cory Shupe  
Ron Mortimer

## Administrative Business

### Minutes

**6. [19-027](#) PC minutes from January 17, 2019**

**A motion was made by Monica Collard, seconded by Joe Baker, to approve the January 17, 2019 meeting minutes. The motion carried by the following vote:**

**Yes:** 6 - Joe Baker  
Dave Bromley  
Monica Collard  
Cyndi Sharkey  
Michael Christopherson  
Jeff Lovell

**Absent:** 2 - Cory Shupe  
Ron Mortimer

**Abstain:** 1 - Jamie Tsandes

Sandy City Development Report

Director's Report

James Sorensen gave the Director's report.

## Adjournment

Meeting Procedure

1. Staff Introduction
2. Developer/Project Applicant presentation
3. Staff Presentation
4. Open Public Comment (if item has been noticed to the public)
5. Close Public Comment
6. Planning Commission Deliberation
7. Planning Commission Motion

In order to be considerate of everyone attending the meeting and to more closely follow the published agenda times, public comments will be limited to 2 minutes per person per item. A spokesperson who has been asked by a group to summarize their concerns will be allowed 5 minutes to speak. Comments which cannot be made within these time limits should be submitted in writing to the Community Development Department prior to noon the day before the scheduled meeting.

Planning Commission applications may be tabled if: 1) Additional information is needed in order to take action on the item; OR 2) The Planning Commission feels there are unresolved issues that may need further attention before the Commission is ready to make a motion. No agenda item will begin after 11 pm without a unanimous vote of the Commission. The Commission may carry over agenda items, scheduled late in the evening and not heard, to the next regular scheduled meeting.

In compliance with the Americans With Disabilities Act, reasonable accommodations for individuals with disabilities will be provided upon request. For assistance, or if you have any questions regarding the Planning Commission Agenda or any of the items, please call the Sandy City Planning Department at (801) 568-7256

## THE VILLAS AT SOUTHTOWNE REZONE

### ORDINANCE #19-08

AN ORDINANCE AMENDING AND FIXING THE BOUNDARIES OF A ZONE DISTRICT OF THE SANDY CITY ZONING ORDINANCE; TO WIT: REZONING APPROXIMATELY 9.32 ACRES OF A TOTAL OF 11.89 ACRES ON THREE PARCELS FROM CN “PLANNED CENTER-NEIGHBORHOOD DISTRICT” TO PUD-12 “PLANNED UNIT DEVELOPMENT (12 UNITS PER ACRE)”, LOCATED AT APPROXIMATELY 10670 SOUTH 700 EAST; ALSO PROVIDING A SAVING CLAUSE AND AN EFFECTIVE DATE FOR THE ORDINANCE.

BE IT KNOWN AND REMEMBERED that the City Council of Sandy City, Utah, finds and determines as follows:

1. Pursuant to Sections 10-9a-501 through 10-9a-505 Utah Code Annotated 1953 as amended the City has authority to make and amend a zoning plan which divides the City into zoning districts and within those districts to regulate the erection, construction, reconstruction, alteration, and uses of buildings and structures and the uses of land.

2. A request has been made for a change of zoning on the below described property.

3. The Planning Commission held a public hearing on February 7, 2019, *which meeting was preceded by notice published in the Salt Lake Tribune on January 21, 2019, and by posting in Sandy City Hall, Sandy Parks & Recreation, the Salt Lake County Library-Sandy, the Sandy City Website - <http://www.sandy.utah.gov>, and the Utah Public Notice Website - <http://pmn.utah.gov> on January 18, 2019; and* to review the request for rezoning and has made recommendations thereon to the City Council.

4. The City Council of Sandy City, Utah has held a public hearing before its own body on March 26, 2019 which hearing was preceded by publication in the Salt Lake Tribune, on March 12, 2019, and by posting in Sandy City Hall, Sandy Parks & Recreation, the Salt Lake County Library-Sandy, the Sandy City Website - <http://www.sandy.utah.gov>, and the Utah Public Notice Website - <http://pmn.utah.gov> on March 7, 2019; and has taken into consideration citizen testimony, planning and demographic data, the desires of the owners of the property and the Planning Commission recommendation as part of the Council's deliberations.

5. The rezone of said parcel will be appropriate, it is in accordance with the General Plan, it will promote the health and general welfare of the City, it will be compatible with the best interests of the particular neighborhood involved and it will be sensitive to the needs of the City as a whole.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Sandy City, Utah, as follows:

Section 1. Amendment. The zoning ordinance which sets forth the zone districts within Sandy City which portion of the said zoning ordinance is established by a zoning map, is hereby amended as follows:

The property described in **EXHIBIT A**, which is attached hereto and by this reference made a part hereof, affects approximately 9.32 acres of a total of 11.89 acres on three parcels, located at approximately 10670 South 700 East, Sandy, Utah, and currently zoned as the CN “Planned Center-Neighborhood District”, shall be zoned to the PUD-12 “Planned Unit Development (12 units per acre)” to allow the potential development of the property, and the land use map is amended accordingly. The subject property is located in City Council District #1.

**ZONING PRIOR TO EFFECTIVE DATE OF THIS ORDINANCE:**

CN                    “Planned Center-Neighborhood District”

**ZONING AFTER EFFECTIVE DATE OF THIS ORDINANCE:**

PUD-12            “Planned Unit Development (12 units per acre)”

Section 2. Severable. If any part of this ordinance or the applications thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined to its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

Section 3. Effective. This ordinance shall become effective upon publication of a summary thereof.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_



*Kristin Coleman-Nicholl*  
Sandy City Council

ATTEST:

\_\_\_\_\_  
City Recorder

PRESENTED to the Mayor of Sandy City for his approval this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Kurt Bradburn  
Mayor

ATTEST:

\_\_\_\_\_  
City Recorder

RECORDED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

SUMMARY PUBLISHED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**EXHIBIT A**  
(Legal Description)

Parcel #: 28-18-426-026-0000, 28-18-426-027-0000 & 28-18-426-028-0000 (in whole or in part as described below)  
Address: 10670 S. 700 E.

PART OF AN ENTIRE PARCEL OF PROPERTY IDENTIFIED BY TAX ID PARCEL NUMBERS, 28-18-426-026, 28-18-426-027 & 28-18-426-028, SITUATE IN THE NE1/4SE1/4 OF SECTION 18, TOWNSHIP 3 SOUTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY LINE OF SAID ENTIRE PARCEL, SAID POINT BEING S00°07'19"W 293.00 FEET ALONG THE SECTION LINE AND N89°38'29"W 55.50 FEET AND N89°38'29"W 205.00 FEET FROM THE EAST QUARTER CORNER OF SECTION 18, TOWNSHIP 3 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE S00°24'06"W 550.00 FEET; THENCE S89°38'29"E 205.00 FEET TO THE WESTERLY RIGHT OF WAY LINE OF 700 EAST STREET AS DEFINED IN UDOT RIGHT OF WAY PROJECT No. F-0071(23)9; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE S00°24'06"W 386.29 FEET TO THE NORTHERLY LINE OF COTTONWOOD PLACE NO. 3 SUBDIVISION AS RECORDED IN THE OFFICE OF THE SALT LAKE COUNTY RECORDER IN BOOK 93-3, PAGE 35, SAID POINT BEING THE SOUTHEAST CORNER OF ENTIRE PARCEL; THENCE N89°09'41"W 572.16 FEET ALONG SAID NORTHERLY SUBDIVISION LINE TO THE EASTERLY LINE OF COTTONWOOD PLACE NO. 2 SUBDIVISION AS RECORDED IN THE OFFICE OF THE SALT LAKE COUNTY RECORDER IN BOOK 92-5, PAGE 106, SAID POINT BEING THE SOUTHWEST CORNER OF ENTIRE PARCEL; THENCE NORTH 655.39 FEET ALONG SAID EASTERLY SUBDIVISION LINE TO THE SOUTHEASTERLY LINE OF THE CRESENT ESTATES NO. 4 SUBDIVISION AS RECORDED IN THE OFFICE OF THE SALT LAKE COUNTY RECORDER IN BOOK NN, PAGE 22; THENCE N38°08'00"E 35.35 FEET ALONG SAID SOUTHEASTERLY SUBDIVISION LINE; THENCE N22°55'00"E 268.74 FEET ALONG SAID SOUTHEASTERLY SUBDIVISION LINE AND TO AND ALONG THE SOUTHEASTERLY LINE OF CRESENT ESTATES SUBDIVISION AS RECORDED IN THE OFFICE OF THE SALT LAKE COUNTY RECORDER IN BOOK FF, PAGE 71 TO THE NORTHWEST CORNER OF ENTIRE PARCEL; THENCE S89°38'29"E 247.20 FEET TO THE POINT OF BEGINNING.

CONTAINS: 9.32 ACRES+/-

March 13, 2019

Dear Sandy City Council members,

I'm writing to you concerning the proposed Villas at Southtowne Rezone request at approximately 10670 South 700 East.

As a resident of Sandy for 42 years and as a resident in the community of this zoning request for the same 42 years, I wish to state my opposition to this request and ask for your support in denying this request for high density zoning / housing of PUD12

In the past 42 years we have seen a lot of change in Sandy and we are not against change, but this change is not appropriate to the area. As you are aware there are over 2,000 high density units now under construction or newly finished in the area west of the rail line and more are planned as I'm sure you are aware. The city and community have only felt the beginnings of the impact this mass of new development will have on all of our resources and despite every engineers guess the real impact is yet to be determined and will be our reality to deal with when it is. The point being we have and will have enough high density in the area and don't need to add more east of the rail lines and right between two low density neighborhoods.

In Sandy City's Land Development Code 15A-20-07 B. it states: " Every planned unit development shall be designed to achieve the following design objectives: 2. **Be related to existing and proposed land use** and circulation plans of the community and **not constitute a disrupting element in the neighborhood**. C. **be compatible with adjacent residential areas**". D. **The density allowed for a planned unit development shall be no greater than the zone in which it is located**. And in the Sandy Goals 1.1 it states: **Develop infill options that complement existing housing stock and neighborhood characteristics**.

With the surrounding neighborhood zones of R-1-40a, R-1-20a, R-1-10 and R-1-8, If this 9.32 acres were to be developed at the highest density of surrounding zones (R1-8) it would be a **34 lot subdivision**, that density would equate to approximately a PUD 3.7 (to be compatible with adjacent residential areas)

All of the residents I have talked to surrounding this land are opposed to this high density zoning. But I understand that a PUD with densities that were "compatible with adjacent residential areas" may be the best fit at this location. That said a PUD 4 would be the most appropriate density, but by no means should it be any higher than a PUD 6 (56 units) which would be a 65% increase from the highest surrounding density.

In 15A-20-07 C. 1 of the development code it states: "The development shall be in single or corporate ownership at the time of application or the subject of an application filed jointly by all owners of the property". As the developer told us in the neighborhood meeting the owner of the property would only be leasing the property to the developer at this time and into the foreseeable future, **so none of the proposed units could be sold when they are built, they would all be rental units**. Making this a development before its time. This property should not be developed into a residential PUD until all of the completed homes can be purchased and owned by private owners. A 100% rental community would in no way "be compatible with adjacent residential areas" or "complement existing housing stock and neighborhood characteristics" As stated in the code and goals of the City.

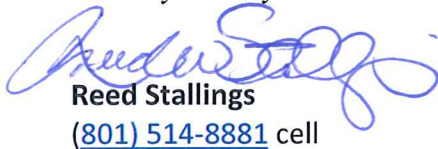
In the Memorandum it states: "that the applicant has expressed that a majority of the buildings along the existing residential would be single story in height" The actual count as shown would be 19 single story and 17 two story (a majority by one). And that would be 36 residential units backing 16 existing homes, again this is just way to dense for this area. Looking out my back window I would be looking at a literal 35' high wall of 9 townhouse units.

Even with the proposed concept plan of 100 wall to wall townhouses.... a very small common area, private roads and inadequate parking etc. the density would be a PUD 10.8, I can't imagine what a PUD 12 would look like. So again if it is compatible with the adjoining neighborhoods it should be a PUD 3.7 or lower and any compromise to higher density should certainly be no higher than a PUD 6.

We have a great community, an invested community that care about each other and care about Sandy. We ask that you consider these citizens and these existing neighborhoods as you evaluate this proposal. Please don't further fracture something that important, for the sake of a property owner and developer making more money at the expense of the community. Please encourage development to be consistent with the community of existing Sandy residents.

I petition each of you to take very seriously the wishes of this united community and not allow this request for PUD 12 to go any further.

Thank you for your service to Sandy City and thank you for considering our concerns.



**Reed Stallings**  
(801) 514-8881 cell

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## INTEROFFICE MEMORANDUM

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**TO:** CITY COUNCIL

**FROM:** MIKE APPLGARTH

**SUBJECT:** DEVELOPMENT AGREEMENTS

**DATE:** MARCH 21, 2019

**CC:** AGENDA PACKET

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On March 26, 2019 you will be considering The Villas at Southtowne project which would rezone 9.32 acres located at 10670 S. 700 E. from the CN Zone (Planned Center-Neighborhood District) to the PUD(12) Zone (Planned Unit Development, 12 units per acre).

In addition to the options identified by the Community Development Department in the staff report (1. Approve the application, 2. Approve with conditions, 3. Deny, or 4. Table the application), I wanted to remind you of another tool the Council possesses as the City's land use authority.

Under the Municipal Land Use, Development, and Management Act § 10-9a-102, "municipalities may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and **development agreements** that they consider necessary or appropriate for the use and development of land within the municipality, including ordinances, resolutions, rules, restrictive covenants, easements, and **development agreements** governing uses, density, open spaces, structures, buildings, energy efficiency, light and air, air quality, transportation and public or alternative transportation, infrastructure, street and building orientation and width requirements, public facilities, fundamental fairness in land use regulation, considerations of surrounding land uses and the balance of the foregoing purposes with a landowner's private property interests, height and location of vegetation, trees, and landscaping, unless expressly prohibited by law."

The City Council has had numerous discussions about the use of development agreements as a tool to better balance the breadth of uses allowed in certain zones with the concerns of the adjacent community, and as a surety against significant deviation from an acceptable concept plan and/or protracted timelines once a zone is granted. To refresh this discussion, I am including for your review the *Pros and Cons of Development Agreements* document prepared by the City Attorney in September 2016.

Finally, given the level of community interest in The Villas at Southtowne project, I strongly recommend that your contract legal counsel be present for the public hearing.



## Pros and Cons of Development Agreements

Sandy City Council Discussion - 9.6.16

*"DA's are neither a 'panacea' nor should they be feared"*

1. *Adds another tool to the tool kit.*
  - a. Advantage – This tool may work in situations that others do not.
  - b. Disadvantage – It may be used instead of others that are more/equally effective;  
*Comment: Development staff must "speak up" to offer alternatives if they exist; SD zone suggested by CD Director in Council Meeting as example; City Council should seriously consider not using DA if staff identifies another method; City Council should give staff time to consider alternatives – don't draft DA in Council meeting.*
2. *Negotiated/flexible/creative.*
  - a. Advantage – The parties are forced to discuss and understand the project and respective positions.
  - b. Disadvantage – Potential politicizing of the project. More time, funds and effort up front  
*Comment: Time up front can prevent confusion/conflict over time.*
3. *Definitive, certainty, predictability.* (Note: To be legally sufficient, the development agreement must be consistent with the Code existing at the time of executing the agreement)
  - a. Advantage – This should reduce the potential for misunderstandings
  - b. Disadvantage – Potential conflict with the Code, which may already be definitive as to some, many or all of the topics that the parties would like to cover  
*Comment: Traditional zone may also leave unanswered questions – one size never fits every unique development; Terms of well drafted agreement will can address, mitigate, or avoid conflicts.*
4. *Broader vesting possibilities.*
  - a. Advantage – Vesting can be consideration for things City wants and things applicant want.
  - b. Disadvantage – Whether vesting is or is not beneficial to the City is not always apparent up front  
*Comment: Current Utah Vesting doctrine creates same disadvantage with traditional Euclidean zoning; City is bound by vested right at time of completed application.*
5. *Expires.*
  - a. Advantage – The vesting ends with the expiration unless otherwise provided by the agreement.
  - b. Disadvantage – After expiration, the parties will know what the project is not, but will they know what the project is/can be? May be difficult to track.  
*Comment: Designate "DA" on zoning map; reversion or other clause may clarify what project can be if agreement expires*
6. *Recorded and binding upon future owners.*
  - a. Advantage – The City is assured that transfer will not affect the City's bargained-for consideration.
  - b. Disadvantage – The City may not want to be contractually bound to a successor;  
*Comment: same concern exists with Euclidean zoning – future owners are entitled to vested zone.*
7. *Can address phasing, timing of public facilities with build-out of the development.*
  - a. Advantage – The development can balance revenue with costs. Dates certain can be discussed to support predictability.
  - b. Disadvantage – The build-out is sometimes market driven with unpredictable timing.  
*Comment: Same concern exists with traditional Euclidean zoning approach*

8. *Council retains more discretion.*

- a. Advantage – Legislative decisions receive more deference. Negotiated agreements also receive more deference to the negotiated terms
- b. Disadvantage – Potential for referendum

*Comment: assuming terms are clear and unambiguous, this is an advantage. If unclear or ambiguous, heightened probability of litigation; split among land use practitioners as to whether DA is legislative or administrative - probably legislative*

*zone change subject to referendum also, irrespective of DA.*

9. *It's a contract.*

- a. Advantage – Both the City and Developer are bound to the terms and conditions expressly set forth in the Development Agreement. City may pursue compliance (and enforce non-compliance) through a breach of contract action. Can include terms and conditions (i.e. "no damages") that could not be unilaterally adopted by the City.
- b. Disadvantage – Contracts have a longer statute of limitations. No matter how well drafted, there is potential for a third party (i.e. judge) to read it differently; "Deference" standard to legislative acts: how will that apply to DA interpretation/enforcement?

*Comment: current thinking is that if DA considered a legislative act, subject to referendum, then deference should be given to City: challenge should be 30-days, arbitrary, capricious, illegal should be standard used by court to judge enforceability of provisions; judges also routinely misunderstand Euclidean zoning and misinterpret zoning ordinances;*

10. *Terms and conditions can add to or clarify Code requirements.*

- a. Advantage – Additional clarity and flexibility may be desirable. IF clearly drafted, shields developer from shifting municipal landscape and City from lost memory and "developer recollection" of transaction.
- b. Disadvantage – May be difficult to track. If laws change, development agreement may not be affected (very narrow exception);

*Comment: Current Utah Vesting doctrine creates same disadvantage for City relative to zoning ordinance generally once developer "vests" in given zone; DA may actually give City more flexibility in delineating what rights will or will not change if Code changes*

11. *Cannot be changed without mutual consent.*

- a. Advantage – Certainty, predictability, and beneficial when no change is desired.
- b. Disadvantage – If City does want the change;

*Comment: can't change a vested right of any zone without mutual consent*

12. *Treats a large project as a whole.*

- a. Advantage – Integrated projects and phasing.
- b. Disadvantage – Potential change of vision as time passes

*Comment: occurs with general plan also*

**This document is for discussion only. It is not intended as a comprehensive summary of the advantages/disadvantages of development agreements; neither does it represent the policy or position of the Sandy City Administration or the Sandy City Council, nor does it constitute legal advice from the Sandy City Attorney**