



## STAFF REPORT

### Planning Commission

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**Meeting Type:** Planning Commission (Legislative Public Hearing)  
**Meeting Date:** June 30, 2025  
**From:** Josh Soper, City Attorney  
Kelly O'Neill Jr., Development Services Director  
AJ Thorne, Public Works Director  
**Subject:** Alternative Wastewater Systems Code Additions (File No. 25-031 DCA)

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#### **DECISION TO BE MADE:**

Hold a legislative public hearing to review and take comments on the proposed code amendments to Title 17, Chapter 17.12 – Procedures for Decision Making and Chapter 17.84 – Improvements Required with Development of the Sandy Municipal Code and make a recommendation to the City Council.

#### **APPLICABLE COUNCIL GOAL:**

- **7.8:** Explore possible alternative wastewater treatment systems to facilitate targeted economic development under the moratorium.

#### **BACKGROUND / CONTEXT:**

The City first enacted a development moratorium relating to capacity issues with its wastewater treatment system on October 3, 2022 (Moratorium 1.0). Since that time, the City has periodically enacted replacement moratoria as circumstances change, generally to loosen restrictions or provide improved flexibility as much as possible.

Additionally, as initially discussed with the City Council on November 4, 2024, ([meeting link](#)) and then again on March 17, 2025, ([meeting link](#)) staff is seeking to implement alternative wastewater systems municipal code modifications to facilitate targeted economic development while the moratorium is in effect.

Amongst other inquiries, City staff have been contacted by two industrial property owners at the intersection of Industrial Way and Champion Way that want to construct structures. Both of the sites would provide living wage jobs in Sandy and at least one of the sites would align with a desired growth sector as identified in Goal 3 of the [Economic Development Strategic Plan](#) (metals manufacturing). Without consideration of alternative wastewater treatment systems during the sanitary sewer moratoria there could be several sites that will not develop, and thus potentially limit the expansion of living wage jobs in Sandy.

As required by state law, City staff notified the Department of Land Conservation and Development (DLCD) of the proposed code amendments on May 21, 2025.

## **KEY CONSIDERATIONS / ANALYSIS:**

The attached ordinance addresses such issues as:

1. What types of systems would be allowed? Porta-potties and greywater systems have been identified as the most likely system types to be proposed. However, there is also a mechanism for other types of systems to be considered as detailed in Section 17.84.70.E.2.
2. What review process would be required? There is a more streamlined review for porta-potties and greywater systems, while a more robust review is required for other system types that may be proposed. All requests will be processed as a Type IV procedure in accordance with Chapter 17.12, thus requiring quasi-judicial public hearings before the Planning Commission and the City Council. The review process is listed in Section 17.12.40.D.9. and Section 17.84.70.D.
3. What approval criteria will be used to analyze requests from developers and business owners? Because alternative wastewater systems would not be allowed for residential uses, state law does not require that the criteria be clear and objective. It's therefore recommended that the criteria are discretionary in nature to ensure that the City's objectives are met under this program. Criteria for approval are proposed in Section 17.84.70.E.
4. What would be required for future connection to the City's system and how would this be enforced? The requirements depend on the type of system being installed because it may be advantageous to the City for some types of systems to remain in place even after public sewer capacity becomes available. Conditions of approval are proposed in Section 17.84.70.F. and enforcement of the future connection is proposed in Section 17.84.70.G.
5. What are the application requirements? The applicant will be required to submit materials as detailed in Section 17.84.70.C. The fee for processing the alternative wastewater treatment systems request will be a Type IV public hearing review fee plus a three percent technology fee for a total fee of \$2,251.58 (current fee schedule but subject to future increase).

## **BUDGET IMPACT:**

City Attorney charges

## **RECOMMENDATION:**

Staff recommend that the Planning Commission hold a public hearing, discuss the proposed code modifications, and provide staff with a motion to forward to the City Council.

## **SUGGESTED MOTION LANGUAGE:**

I move to recommend that the City Council approve the proposed text amendments to Title 17, Chapter 17.12 – Procedures for Decision Making and Chapter 17.84 – Improvements Required with Development of the Sandy Municipal Code as presented in Attachment 1.

## **LIST OF ATTACHMENTS / EXHIBITS:**

- Attachment 1. Ordinance No. 2025-17
  - Exhibit A. Code Amendments
  - Exhibit B. Findings