



MINUTES
Planning Commission Meeting
Monday, January 24, 2022 Hybrid - 39250
Pioneer Blvd. and Zoom 6:30 PM

COMMISSIONERS PRESENT: Hollis MacLean-Wenzel, Commissioner, Jerry Crosby, Commissioner, Chris Mayton, Commissioner, Steven Hook, Commissioner, Jan Lee, Commissioner, Breezy Poulin, Commissioner, and Darren Wegener, Commissioner

COMMISSIONERS ABSENT: None

STAFF PRESENT: Kelly O'Neill Jr., Development Services Director, Emily Meharg, Senior Planner, Shelley Denison, Associate Planner, and Chris Crean, City Attorney

COUNCIL LIAISON ABSENT: Rich Sheldon, Councilor

1. MEETING FORMAT NOTICE

Instructions for electronic meetings.

2. ROLL CALL

Chairman Crosby called the meeting to order at 6:32 p.m.

3. PLANNING COMMISSION DISCUSSION

3.1. Welcome new Planning Commissioners - Darren Wegener and Breezy Poulin

Chair Crosby welcomed Commissioners Poulin and Wegener. Chair Crosby asked the returning commissioners to think about something they wish they had known when they started that they could share with the new commissioners.

3.2. Chair and Vice Chair Appointments

Commissioner Mayton nominated Chair Crosby as chair and Commissioner MacLean-Wenzel as vice chair. Commissioner Maclean-Wenzel seconded the nomination. Chair Crosby was selected as chair and Commissioner MacLean-Wenzel as vice chair for 2022 with a vote of 7:0.

3.3. Traffic Engineer Scoring Committee Appointment

Director O'Neill explained that the City's current traffic consultant, John Replinger, is retiring at the end of April so the City is looking for a new person/firm to do traffic reviews for the City. Director O'Neill stated we would like one or two commissioners on the scoring panel. Commissioners Lee and MacLean-Wenzel volunteered to be on the scoring panel.

Motion: To appoint Commissioners Lee and MacLean-Wenzel to the scoring committee.

Moved by: Commissioner Mayton

Seconded By: Commissioner Wegener

Yes votes: All Ayes

No votes: None

Abstentions: None

The motion passed 7:0.

3.4. **Returning Commissioners' Words of Wisdom**

Commissioner Mayton explained that there are a lot of different interpretations of windows. He also said he wished he was more familiar with the geographic layout of the city of Sandy. Commissioner Lee learned about variances and wished she knew more about knowing the City ordinances more in-depth. Commissioner Hook wished he knew the geographic layout of Sandy better. He learned that staff is one of your best resources if you have questions on the material before the meeting. Commissioner MacLean-Wenzel said staff is a great resource and she wishes she had asked more questions earlier on. Going on a ride-along with staff is really helpful. Chair Crosby appreciates the teamwork of the commission and is looking forward to the new mix of commissioners. He has learned that the process and responsibilities of the planning commission is to apply the code. There are some opportunities for discretionary things, but a lot of times it's black and white. Commissioner MacLean-Wenzel welcomed Commissioners Wegener and Poulin and stated she'd be happy to talk to them at any time. Commissioner Mayton echoed welcoming the new commissioners and told them to ask questions if they need to.

4. **APPROVAL OF MINUTES**

Chair Crosby stated that he reviewed Robert's Rules and learned a commissioner can vote to approve the minutes even if they weren't in attendance. Crosby also learned that the chair can declare the minutes approved without needing to make a motion.

4.1. **Draft Minutes for November 8, 2021**

Chair Crosby asked for any corrections or changes. After hearing no corrections or changes the minutes were approved as presented.

4.2. Draft Minutes for November 22, 2021

Chair Crosby asked for any corrections or changes. After hearing no corrections or changes the minutes were approved as presented.

5. REQUESTS FROM THE FLOOR - CITIZEN COMMUNICATION ON NON-AGENDA ITEMS

None

6. TRAINING

City Attorney Chris Crean introduced himself and stated he will be going over public hearings and issues that may arise. City Attorney Crean presented a slide show on the two types of land use decisions: legislative and quasi-judicial. Most decisions will be quasi-judicial and commissioners will have to be objective. City Attorney Crean also explained limited land use decisions, clear and objective standards, findings, the fixed goalpost rule, the 120-day rule, hearing requirements, ex-parte contact, bias, and conflict of interest.

Chair Crosby mentioned that a conflict of interest has to involve money. Director O'Neill's advice is that if there's a quorum at a meeting and a commissioner has a perceived conflict of interest, it's best to step down from making a decision. Commissioner Mayton asked City Attorney Crean about what happens if a member of the public objects to a commissioner. City Attorney Crean stated that a commissioner should make a statement that they are able to be impartial and make an objective decision. Chair Crosby asked about going to Google Maps and whether that was considered creating his own evidence. City Attorney Crean stated you can do that, you just have to declare that you did it. Director O'Neill stated that a commissioner can also ask staff questions and that is not considered an ex-parte contact. City Attorney Crean stated that if a commissioner looks something up, like a new roofing material, they can also email it to staff and staff can include it in the record.

City Attorney Crean discussed the implications of HB 2001 and SB 458 and legislative decisions. Commissioner Hook asked if biases from a past legislative hearing can be brought up again during a quasi-judicial hearing? City Attorney Crean stated that someone can bring it up, but that comments during a legislative process cannot be used against a commissioner in a quasi-judicial decision. Director O'Neill asked City Attorney Crean to explain Measure 56 notices. City Attorney Crean stated that when a city rezones property they have to send out Measure 56 notices to all the properties that are affected. This includes zone changes as well as limiting or prohibiting uses that were previously allowed.

Commissioner Mayton asked for clarification as to whether you have to declare if you did a site visit. Director O'Neill stated yes that a site visit must be declared. Chair Crosby suggested he ask the commissioners who had driven by the site or visited the site at the beginning of the hearing.

7. DIRECTOR'S REPORT

Development Services Director O'Neill stated that the February 22, 2022 City Council meeting will be the selection of the Citizen Advisory Committee and that the Comprehensive Plan kick-off and SB 458 workshop will both occur at the March 7, 2022 City Council meeting. The February 28, 2022 meeting will likely be cancelled. The March meetings will likely be long meetings. Commissioner Lee asked if we're getting any duplex applications on land traditionally zoned for SFR. Director O'Neill stated we received one application to convert an SFR to a duplex and that the proposed subdivision, Cedar Creek Heights, by Johnson RV will most likely include duplexes.

Director O'Neill brought up potentially removing mini-storages from certain zones due to the large amounts of land they occupy and the lack of living wage jobs that they create. They also have a difficult time meeting Sandy Style. Currently, mini-storages are an allowed use in C-1, C-2, I-1, and I-2. The city of Sandy currently has three existing facilities and one facility that's currently being constructed. Commissioner Lee concurs with the report as does Commissioner MacLean-Wenzel. Commissioner Wegener asked what the percentage of vacancy is for commercial space. Director O'Neill stated there aren't many vacant retail spaces. There are a few buildings in the downtown that are vacant, but some can't meet fire or building code and that's why they're vacant. Director O'Neill stated that it's likely that the City Council will not want a bunch of mini-storages along the Bell Street and 362nd Avenue extension, which is primarily adjacent to C-2 land. Chair Crosby asked why there's a greater need for storage units and speculated that the trend is towards smaller homes on smaller lots and people like to collect things. O'Neill stated at the very least they should be taken out as an allowed use in the downtown and potentially the C-2 zone as well. Commissioner Mac-Lean Wenzel stated that we've had so much growth and so many new housing developments and that the preference would be to have restaurants and living wage jobs and places to go in town. All seven commissioners stated that they are in favor of removing mini-storage facilities as an allowed use.

8. OLD BUSINESS

8.1. Planning Commission Bylaws

Chair Crosby introduced the need for planning commission bylaws and the proposed edits to Chapter 2.16, which pertains to the planning commission bylaws. Director O'Neill stated that he reached out to the City Attorney's office, and they stated that the planning commission bylaws should remain in the municipal code since the planning commission makes decisions that can

have a big impact. Chair Crosby explained the move from two staggered cohorts to three staggered cohorts. Commissioner Hook asked if the length of the term should be included and/or when the cohorts would start. Chair Crosby stated the resolution already includes term lengths and starting and ending dates. Commissioner Poulin asked if the resolution should be referenced. Chair Crosby stated that if the City Council changes something in the resolution and the resolution is referenced then the code might need to be changed too. Commissioner Hook stated the seat numbers should be listed. Commissioner MacLean-Wenzel stated the seat numbers and commissioners' names, and terms are on the website. Commissioner Lee asked if the commissioners should put their seat number next to their name on Zoom. Chair Crosby asked for clarification on advisory board and advisors in Section 2.16.060. The intent is to have advisors, not a board. Commissioner MacLean-Wenzel asked if advisory committee would be a better term. Chair Crosby stated there's typically only one or two advisors so it's not really a committee. Commissioner Mayton asked about succession training of the commission chair position. Chair Crosby stated he will be having the vice chair serve as chair at meetings more often and not just when the chair is not present. Commissioner MacLean-Wenzel asked if there should be a term limit on the chair and vice chair positions, so more commissioners get to learn how to run the meetings. Chair Crosby suggested a two-year term limit but then a commissioner would have to sit out for at least a year before they could serve as chair or vice chair again. Commissioner Hook stated the City of Fairview does something like this and that the City Council can overrule the term limit if there's no one else available. Commissioner Mayton suggested to specify two one-year terms and then a year off before serving in that same position again. Chair Crosby went over meeting attendance requirements. Commissioner Lee stated that when she was on the City Council a councilor once missed three meetings without an excuse and the Council voted to remove them.

Motion: To accept the proposed edits to Chapter 2.16 with allowing staff to make the edits as discussed.

Moved By: Commissioner MacLean-Wenzel

Seconded By: Commissioner Lee

Yes votes: All Ayes

No votes: None

Abstentions: None

The motion passed.

9. ADJOURNMENT

Motion: To adjourn

Moved By: Commissioner MacLean-Wenzel

Seconded By: Commissioner Mayton

Yes votes: All Ayes

No votes: None

Abstentions: None

The motion passed.

Chairman Crosby adjourned the meeting at 8:56 p.m.



Chair, Jerry Crosby



Planning Director, Kelly O'Neill Jr