



STAFF REPORT

Meeting Type: City Council
Meeting Date: September 15, 2025
From: Josh Soper, City Attorney
Kelly O'Neill Jr., Development Services Director
AJ Thorne, Public Works Director
Subject: PUBLIC HEARING: Ordinance 2025-17 - Alternative Wastewater Systems Code Additions (File No. 25-031 DCA)

DECISION TO BE MADE:

Hold a legislative public hearing and second reading 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 decide whether to adopt Ordinance No. 2025-17.

APPLICABLE COUNCIL GOAL:

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

BACKGROUND / CONTEXT:

As initially discussed with the City Council on November 4, 2024, ([meeting link](#)) and then again on March 17, 2025, ([meeting link](#)) and at the first public hearing on this ordinance on July 21, 2025 ([meeting link](#)), staff is seeking to implement alternative wastewater systems municipal code modifications to facilitate targeted economic development while the sanitary sewer moratoria are in effect. 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.

The Planning Commission held a legislative public hearing on June 30, 2025 ([meeting link](#)). The Planning Commission recommended approval of the ordinance with the following two amendments for the City Council's consideration:

- 1) Modify Section 17.84.70.F.7. to require that porta-potties are cleaned at least twice a week.
- 2) Modify Section 17.84.70.E.1.b. to broaden the allowance for commercial and industrial uses where the general public is received. Note: The examples that were mentioned by the Planning Commission were auto parts stores and convenience stores.

The City Council held a legislative public hearing on July 21, 2025 ([meeting link](#)). The City Council passed a first reading with a 6:1 vote to adopt Ordinance 2025-17 with 'Exhibit A. Code Amendments (**original**)' and Exhibit B. This original version of the ordinance is **labeled with a red header** in the meeting packet.

After the vote occurred, the City Attorney asked the City Council for clarification as to whether the Council would like any other modifications, such as those recommended by the Planning Commission, to Exhibit A prior to it returning for a second reading. Several members of the City Council verbally stated that they would like the code language to be modified to include the ability for 'big box retailers' to have an alternative wastewater system. This direction was not unanimous and not included in the passage of the first reading.

To obtain additional clarification and seek consensus direction on the amendments, a City Council work session was held on August 18, 2025. An alternative version of the code amendments ('Exhibit A. Code Amendments (**alternative**)') has been prepared for Council consideration based on those discussions. This code language is **labeled with a green header** in the meeting packet.

KEY CONSIDERATIONS / ANALYSIS:

The primary decision to make at the second reading of Ordinance 2025-17 will be whether to include 'Exhibit A. Code Amendments (original)' as passed with the first reading, or whether to include 'Exhibit A. Code Amendments (alternative)' which, among other changes, would allow for a broader spectrum of commercial and industrial businesses to apply for an alternative wastewater system.

The alternative version of Exhibit A includes the following changes from the original version:

1. Eliminates the two-path review process based on the type of system proposed and instead provides a single review process with the same criteria for all alternative wastewater systems.
2. Eliminates some other references to specific system types and generalizes the code language accordingly.
3. Adds an approval criterion requiring that ERUs not be available for the proposed development at the time of the alternative wastewater system permit application. Under the language as drafted, ERUs are not considered to be available if the only ERUs the developer could obtain would be by transferring ERUs from a different property.
4. Eliminates the approval criterion relating to whether the associated development is public-facing.
5. Adds a condition of approval to ensure interior fixtures are rendered inoperable or inaccessible if necessary based on the type of alternative wastewater system being proposed.
6. Modifies definitions to align with the above.
7. Miscellaneous minor language clean-up and clarifications.

BUDGET IMPACT:

City Attorney charges

RECOMMENDATION:

Adopt Ordinance No. 2025-17 to amend Title 17, Chapter 17.12 – Procedures for Decision Making and Chapter 17.84 – Improvements Required with Development of the Sandy Municipal Code in either its original or alternative form.

SUGGESTED MOTION LANGUAGE:

“I move to approve the second reading of Ordinance No. 2025-17 with the [original/alternative] version of Exhibit A.”

LIST OF ATTACHMENTS / EXHIBITS:

- Attachment 1. Ordinance No. 2025-17
 - Exhibit A. Code Amendments (**original**)
 - Exhibit B. Findings
- Exhibit A. Code Amendments (**revised alternative**)
- Original vs. Alternative tracked changes comparison (**labeled in purple**)