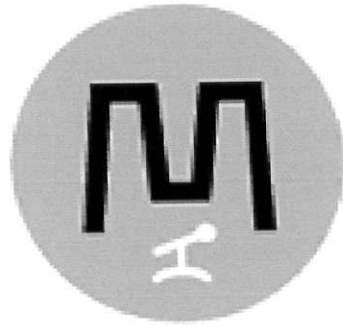


**MURRAY**  
CITY COUNCIL

# Council Meeting 6:30 p.m.

Call to Order

Pledge of Allegiance



**MURRAY**  
CITY COUNCIL

# Council Meeting Minutes

# Murray City Municipal Council Chambers Murray City, Utah

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The Murray City Municipal Council met on Tuesday, July 16, 2019 at 6:30 p.m. for a meeting held in the Murray City Center Council Chambers, 5025 South State Street, Murray, Utah.

## **Council Members in Attendance:**

Dave Nicponski, Chair	District #1
Dale Cox, Vice Chair	District #2
Jim Brass	District #3
Diane Turner	District #4
Brett Hales	District #5

## **Others in Attendance:**

Blair Camp	Mayor	Jan Lopez	Council Director
G.L. Critchfield	City Attorney	Jennifer Kennedy	City Recorder
Doug Hill	Chief Administrative Officer	Jennifer Heaps	Communications & Public Relations Director
Craig Burnett	Police Chief	Joey Mittelman	Fire Captain
Joe Tarver	Deputy Police Chief	Tom Martin	Lieutenant
Kristin Reardon	Records Supervisor	Phyllis Wall	Treasurer Clerk
Danny Astill	Public Works Director	Melinda Greenwood	Community & Economic Development (CED) Director
Robert White	IT Director		
Citizens			

## **Opening Ceremonies**

Call to Order – Ms. Turner called the meeting to order at 6:30 p.m.

Pledge of Allegiance – The Pledge of Allegiance was led by Melinda Greenwood, CED Director

## **Approval of Minutes**

Council Meeting – June 18, 2019

MOTION: Mr. Hales moved to approve the minutes. The motion was SECONDED by Mr. Brass. Voice vote taken, all “ayes.”

### **Special Recognition**

1. Murray City Council Employee of the Month, Tyson Wendel, Police Officer/Patrol Division.

Staff Presentation: Brett Hales, Council Member and Craig Burnett, Police Chief

Mr. Hales said the Council started the Employee of the Month Program because they felt it was important to recognize the City's employees. He presented Officer Wendel with a certificate, a \$50 gift card and told him that his name would appear on the plaque located in the Council Chambers. He expressed his appreciation to Officer Wendel for all he does for the City.

Chief Burnett added that Officer Wendel was recently awarded a Medal of Distinction for rescuing a boy from the creek at Murray Park on June 6, 2019.

**Citizen Comments** – Comments are limited to 3 minutes unless otherwise approved by the Council.  
No citizen comments were given.

### **Public Hearings**

Staff and sponsor presentations and public comment will be given prior to Council action on the following matters.

1. Consider an ordinance relating to land use; amends the Zoning Map for the property located at 770 East Vine Street, Murray City, Utah from the R-1-8 (Low Density Single Family) Zoning District to the R-1-6 (Low/Medium Density Single Family) Zoning District. Sunny Vines/Bryan Muriel applicant.

Staff Presentation: Melinda Greenwood, CED Director

(See Attachment 1 for slides used during this presentation)

Ms. Greenwood said this item was presented to the Planning Commission on May 2, 2019 where they recommended denial. Staff is also recommending denial of this proposal.

Ms. Greenwood said this property is located at 770 East Vine Street and the surrounding zoning is R-1-8 and the intent of the General Plan is to have detached single-family homes in this area.

Ms. Greenwood explained this property is a legal, non-conforming property but there are quite a few issues with what is located on the property. There is an existing duplex on this lot and an additional building located at the back of the lot. Initially the applicant thought if they could sub-divide the property, they would be able to bring some of the buildings on the property into conformance. However, that would not be possible through a sub-division, so the applicant has requested to go through a zone change instead. Ms. Greenwood stated although rezoning the property from R-1-8 to R-1-6 would be supported by the General Plan, it would not fix the conforming issues the property has. It would also create a "spot zoning" where there would be one lot zoned R-1-6 while all the surrounding properties are zoned R-1-8.



Bryan Muriel – Applicant

Mr. Muriel stated the purpose of the rezone is to create a flag lot which would beautify the property.

The public hearing was open for public comments.

Beverly Crangle – Murray City, Utah

Ms. Crangle said the first thing that came to her mind when she looked at the plat for this property was that there are at least two set-back variances for the code and she thought there were stricter adherences to the code. She remembered a previous City Council meeting where a senior center wanted more than 25% of the building's footprint for covered parking and there was no allowance for a code variation for that situation. She said she was pleased to hear that this proposal was denied in a previous meeting.

Alan DeMann – Murray City, Utah

Mr. DeMann said he owns the lot that is located southwest of this lot. He would like to see some improvements on this lot. As far as he knows, things on the lot located at 770 East Vine Street were done without permits. Currently the structure is right on the boundary line between this property and the property to the south. He would like to see the property improved, but he feels that changing the zone would have a negative impact on the house values that surround the property. He asked the Council to deny this request.

Ms. Turner closed the public hearing.

Ms. Greenwood reiterated that even with a rezone, the property still has a number of variances needed for a building to be built and those variances are likely not going to be supported. The existing building located at the back of the property is non-conforming and was likely build without a building permit and the set-backs are not appropriate for this zone.

Mr. Brass noted that the back building almost looks like it sits off the property line. He is also concerned about seeing a second floor garage door on the property. It looks like a loading dock to him and he worries that someone may try to make a use of it that is not proper. He understands why the Planning Commission sent a negative recommendation.

MOTION: Mr. Brass moved to deny the ordinance. The motion was SECONDED by Mr. Cox.

Council roll call vote:

Mr. Hales	Aye
Mr. Nicponski	Aye
Mr. Cox	Aye
Mr. Brass	Aye

Ms. Turner      Aye

Motion passed 5-0 (Ordinance denied)

### Business Items

1. Consider a resolution approving the Local Public Safety and Firefighter Surviving Spouse Trust Fund cost-sharing agreement by and between Murray City and the Commissioner of the Utah Department of Public Safety, Jess L. Anderson.

#### Staff Presentation: G.L. Critchfield, City Attorney

Mr. Critchfield said this item deals with compliance with the Public Safety Officer and Firefighter Line of Duty Death Act. State Law requires that the city pay 100% of the premium for healthcare for the surviving spouse and child of a fallen officer or firefighter. The law also requires that the city participates in this trust fund. The city does that by entering into a cost sharing agreement, certifying how many employees qualify, and paying a premium.

There are currently about 142 qualifying employees. The cost for each employee is \$95 per employee making the premium approximately \$13,490 annually. If the city chooses not to participate, the city would have to pay the entire amount of premiums until the surviving spouse reaches Medicare eligibility age or a surviving child turns 26 years old. Otherwise, the city pays for the first year and is reimbursed by the trust for the years after that.

MOTION: Mr. Nicponksi moved to adopt the resolution. The motion was SECONDED by Mr. Brass.

#### Council roll call vote:

Mr. Hales	Aye
Mr. Nicponski	Aye
Mr. Cox	Aye
Mr. Brass	Aye
Ms. Turner	Aye

Motion passed 5-0

### Mayor's Report and Questions

Mayor Camp went over the following items:

- The Vine Street project is moving along smoothly.
- The work on the waterline replacement on Sam Oliver Drive has been completed. They will now be working in that same area on 5750 South and 120 West and 150 West.
- The installation of the storm drain on Utahna Drive will start next week. Much of the work will be taking place at night which may be disruptive to some residents.

- The Parks Department is initiating a project to clean out many of the evasive species of trees on the property that is owned by the city on 4500 South on the eastside of the Jordan River. This is being funded with funds from the Jordan River Commission.
- The slide at the outdoor pool has been repaired and is up and running
- The movie "Jaws" will be shown at the outdoor pool this Friday night at 9:00 p.m.
- Monday, August 5, 2019 from 6:00 to 9:00 p.m. in Murray Park is the annual Health and Safety Fair.
- The Salt Lake Tribune ran an article about the renovation of the Murray Theater.

### **Adjournment**

The meeting was adjourned at 6:57 p.m.

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Jennifer Kennedy, City Recorder

# Attachment 1

# MURRAY CITY COUNCIL

July 16, 2019

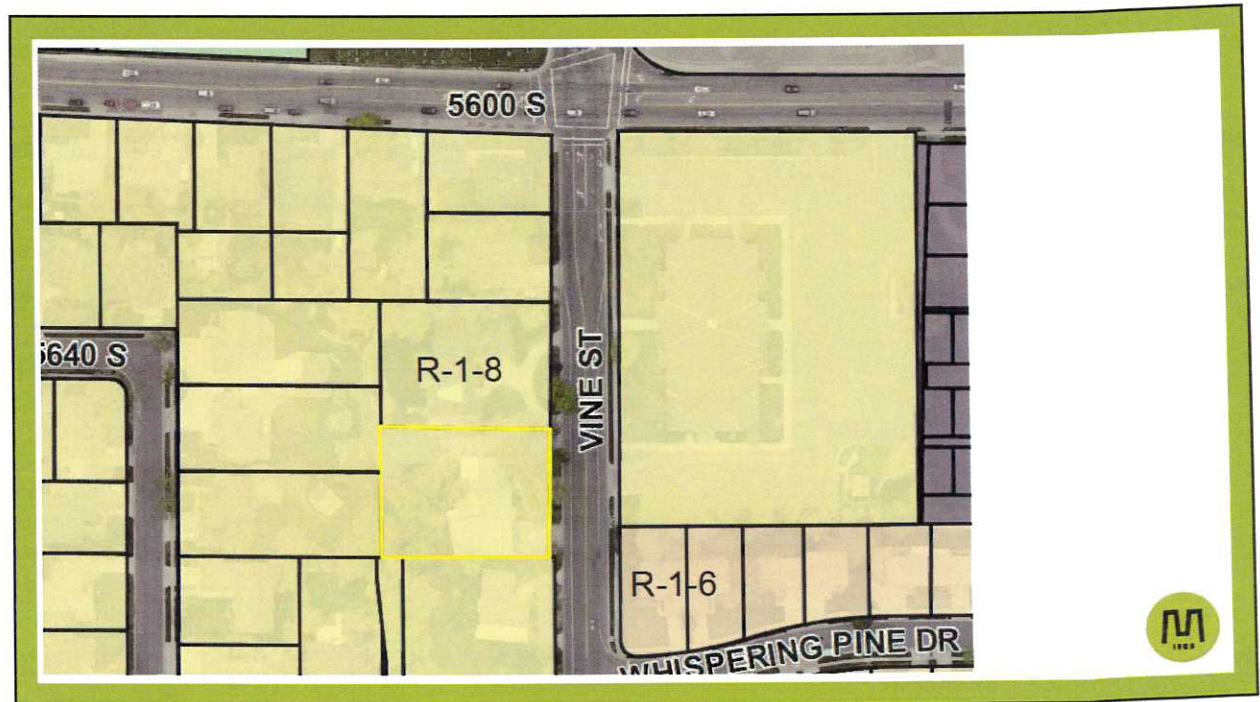


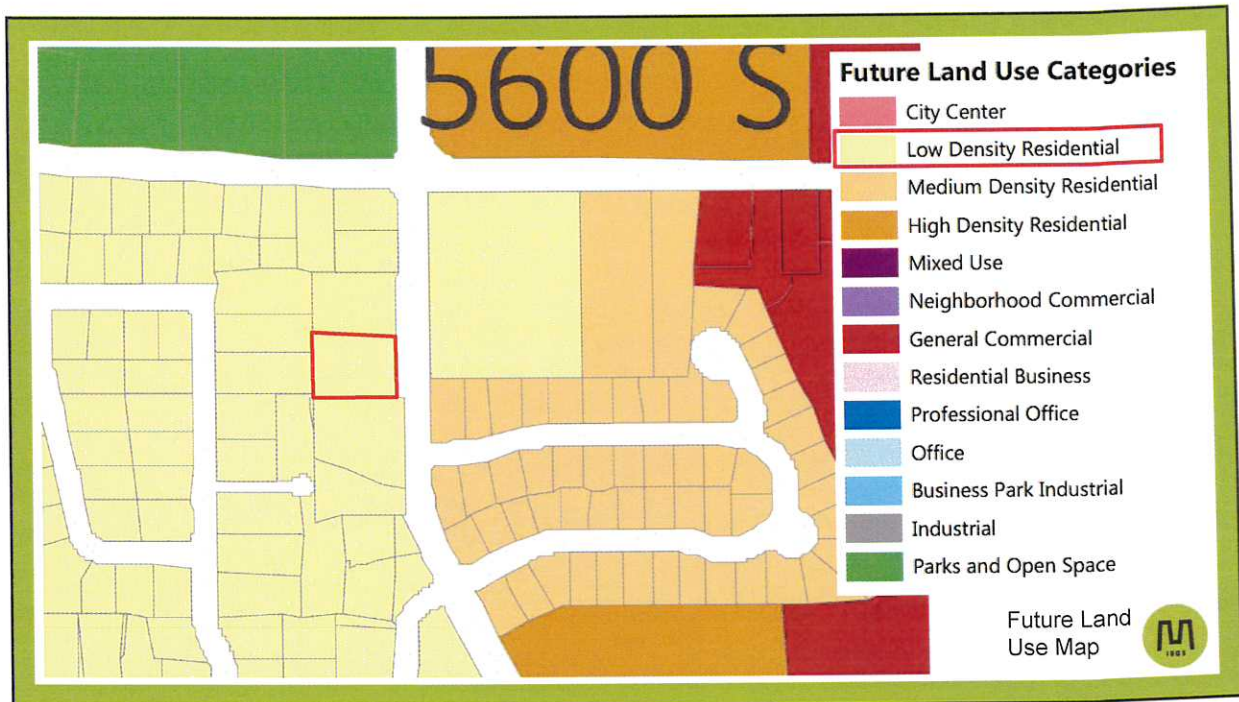
770 East Vine Street Sunny Vines Zone

Map Amendment:  
R-1-8 to R-1-6



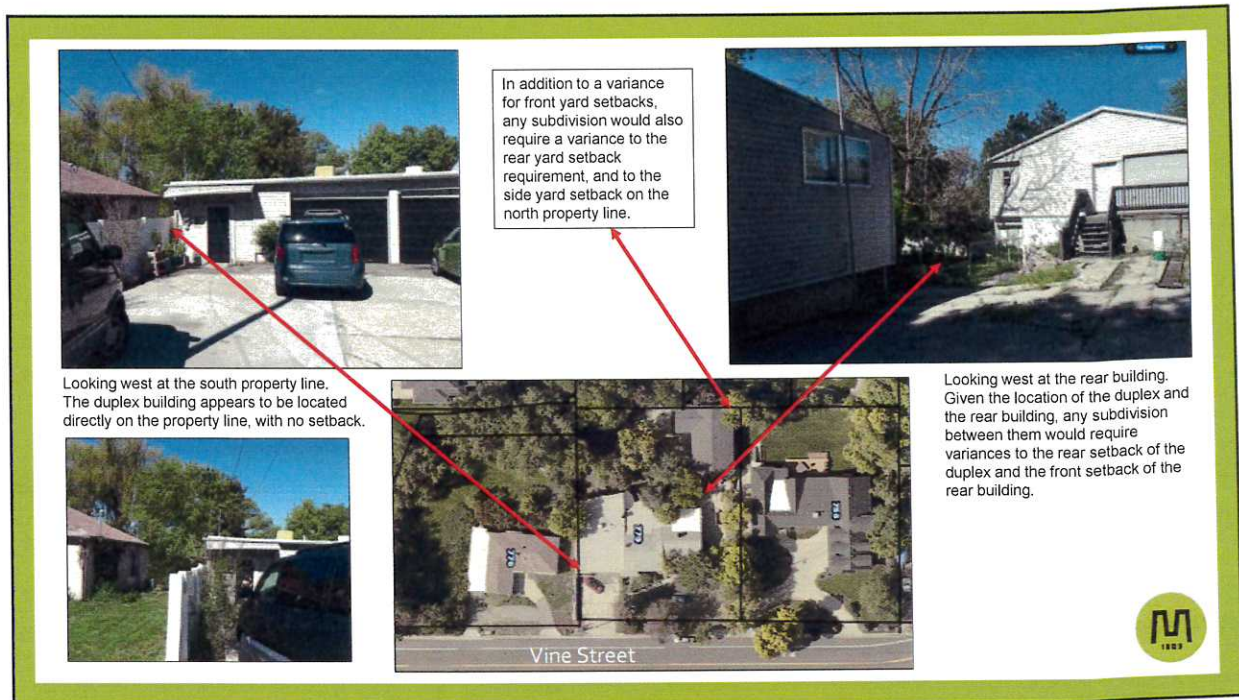






Looking west across Vine Street at the subject property.





## Findings

1. The rezoning of the property to R-1-6 is supported by the Future Land Use Map designation of Low Density Residential, however; the applicant's intended purpose in seeking the change of zoning conflicts with the purpose of "encouraging residential development with is single-family detached in character".
2. The requested rezoning has been carefully considered based on the characteristics of the site and surrounding area and the policies and objectives of the 2017 Murray City General Plan. While the Future Land Use Map would support the rezone, the property would represent an isolated parcel zoned differently from all those surrounding it.
3. The proposed amendment to the Zoning Map from R-1-8 to R-1-6 is not in harmony with the established pattern of zoning and development surrounding the subject property.
4. The rezone has been requested in support of potential requests for several inappropriate variances and a subdivision that Staff cannot support. Staff finds that if approved, the variances and subdivision would have negative impacts to the surrounding properties.

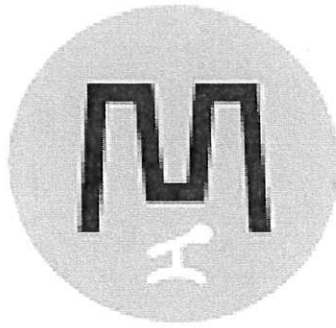




## Staff Recommendation

Staff recommends that the Planning Commission forward a recommendation of DENIAL to the City Council for the requested amendment to the Zoning Map designation for the property located at 770 East Vine Street from R-1-8, Single-Family Residential to R-1-6, Single-Family Residential.





**MURRAY**  
CITY COUNCIL

# Special Recognition #1



**MURRAY**


## Mayor's Office

Presentation of Certificate of Achievement for  
Excellence in Financial Reporting (CAFR) to  
Brenda Moore

### Council Action Request

#### Council Meeting

Meeting Date: August 6, 2019

<b>Department</b> <b>Director</b> Mayor Camp  <b>Phone #</b> 801-264-2600  <b>Presenters</b> Mayor Camp          <b>Required Time for Presentation</b>     <b>Is This Time Sensitive</b> No  <b>Mayor's Approval</b>   <b>Date</b> July 22, 2019	<b>Purpose of Proposal</b> Award Certificate of Achievement  <b>Action Requested</b>   <b>Attachments</b> Notification letter from the Government Finance Officers Association (GFOA)  <b>Budget Impact</b> None  <b>Description of this Item</b> The city's Finance and Administration Department is again being recognized by GFOA for excellence in financial reporting for fiscal year 2018. I would like to formally present the Certificate of Achievement to Brenda Moore, Finance Director.
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Government Finance Officers Association  
203 North LaSalle Street, Suite 2700  
Chicago, Illinois 60601-1210  
312.977.9700 fax: 312.977.4806

July 10, 2019

The Honorable Blair Camp  
Mayor  
Murray City Corporation  
5025 South State Street  
Murray, UT 84107-4824

Dear Mayor Camp:

We are pleased to notify you that your comprehensive annual financial report (CAFR) for the fiscal year ended 2018 qualifies for GFOA's Certificate of Achievement for Excellence in Financial Reporting. The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

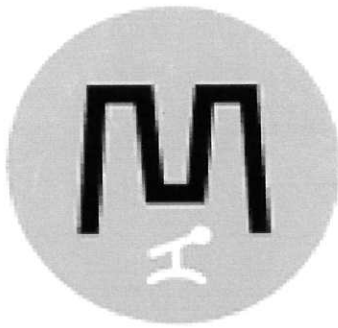
When a Certificate of Achievement is awarded to a government, an Award of Financial Reporting Achievement (AFRA) is also presented to the individual(s) or department designated by the government as primarily responsible for its having earned the Certificate. This award has been sent to the submitter as designated on the application.

We hope that you will arrange for a formal presentation of the Certificate and Award of Financial Reporting Achievement, and that appropriate publicity will be given to this notable achievement. A sample news release is enclosed to assist with this effort.

We hope that your example will encourage other government officials in their efforts to achieve and maintain an appropriate standard of excellence in financial reporting.

Sincerely,

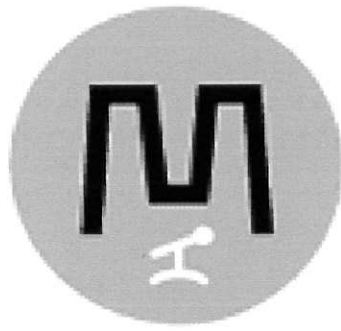
Michele Mark Levine  
Director, Technical Services Center



**MURRAY**  
CITY COUNCIL

# Citizen Comments

Limited to three minutes, unless otherwise approved by Council



**MURRAY**  
CITY COUNCIL

# Public Hearing #1

# Murray City Corporation

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 6<sup>th</sup> day of August, 2019, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Municipal Council will hold and conduct a hearing on and pertaining to amending the Zoning Map from the R-1-8 (Low Density Single Family) zoning district to the R-N-B (Residential Neighborhood Business) zoning district for the property located at 347 East Winchester Street, Murray, Utah.

The purpose of this hearing is to receive public comment concerning the proposed amendment to the Zoning Map as described above.

DATED this 16<sup>th</sup> day of July, 2019.

MURRAY CITY CORPORATION

  
Jennifer Kennedy  
City Recorder

DATE OF PUBLICATION: July 26, 2019  
PH 19-22



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE RELATING TO LAND USE; AMENDS THE ZONING MAP FOR THE PROPERTY LOCATED AT 347 EAST WINCHESTER STREET, MURRAY CITY, UTAH FROM THE R-1-8 (LOW DENSITY SINGLE FAMILY) ZONING DISTRICT TO THE R-N-B (RESIDENTIAL NEIGHBORHOOD BUSINESS) ZONING DISTRICT. (Titan Development/Mark Snow)

BE IT ENACTED BY THE MURRAY CITY MUNICIPAL COUNCIL AS FOLLOWS:

WHEREAS, the owner of the real property located at 347 East Winchester Street, Murray, Utah, has requested a proposed amendment to the zoning map to designate the property in an R-N-B (Residential Neighborhood Business) zone district; and

WHEREAS, it appearing that said matter has been given full and complete consideration by the City Planning and Zoning Commission; and

WHEREAS, it appearing to be in the best interest of the City and the inhabitants thereof that the proposed amendment of the zoning map be approved.

NOW, THEREFORE, BE IT ENACTED:

*Section 1.* That the Zoning Map and the zone district designation be amended for the following described property located at 347 East Winchester Street, Murray, Salt Lake County, Utah from R-1-8 (Low Density Single Family) to R-N-B (Residential Neighborhood Business):

Commencing at a point in the center of 6400 South Street, said point being North 29.3 rods and South 84°45' East 25.2 rods from the center of Section 19, Township 2 South, Range 1 East, Salt Lake Meridian and running thence North 84°45' West 4.03 rods; thence North 239 feet; thence South 84°45' East 4.03 rods; thence South 00°16' West 239 feet to the point of commencement.

LESS AND EXCEPTING THEREFROM any portion lying within the bounds of Winchester Street (also known as 6400 South Street).

Tax ID No. 22-19-253-016

*Section 2.* This Ordinance shall take effect upon the first publication and filing of copy thereof in the office of the City Recorder.



PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on this 6<sup>th</sup> day of August, 2019.

MURRAY CITY MUNICIPAL COUNCIL

\_\_\_\_\_  
Dave Nicponski, Chair

ATTEST:

\_\_\_\_\_  
Jennifer Kennedy, City Recorder

MAYOR'S ACTION: Approved

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

\_\_\_\_\_  
D. Blair Camp, Mayor

ATTEST:

\_\_\_\_\_  
Jennifer Kennedy, City Recorder

CERTIFICATE OF PUBLICATION

I hereby certify that this Ordinance was published according to law on the \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Jennifer Kennedy, City Recorder

TITAN DEVELOPMENT – 347 East Winchester Street – Project #19-062

Mark Snow was the applicant present to represent this request. Jared Hall reviewed the location and request for a Zone Map Amendment from R-1-8, Single-Family Residential to R-N-B, Residential Neighborhood Business for the property addressed 347 East Winchester Street. The 0.32-acre parcel has been used as a single-family dwelling but is currently vacant. The applicant also owns the parcel immediately adjacent to the west of the subject property, which has already been rezoned to R-N-B. The applicant intends to develop both properties together if the zone change is approved. Together, the two lots total 0.66 acres. Map 5.7 of the Murray City General Plan (the Future Land Use Map) identifies future land use designations for all properties in Murray City. The designation of a property is tied to corresponding purpose statements and zones. These "Future Land Use Designations" are intended to help guide decisions about the zoning designation of properties. The proposed change in zoning from R-1-8 to R-N-B is in harmony with the Future Land Use designation of the subject property and with goals of the General Plan. The R-N-B zone requires limited development of properties to provide a buffer between the high traffic corridors like Winchester Street and the established residential neighborhoods that border them. With the limitations on the development of the property imposed by the R-N-B zone, the zone change will be appropriate and beneficial for the surrounding neighborhood. Based on the above findings, Staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requested Zone Map Amendment for the property located at 347 East Winchester Street from R-1-8, Single Family Residential to R-N-B, Residential Neighborhood Business.

Mr. Markham commented that the R-N-B is the rock star of zoning designations and the commission has seen great success with this Zone around this area and he is proud of the projects approved to date.

Mark Snow, 433 East Serenity Oak Lane, stated he has reviewed the staff recommendation. He stated they purchased the property to the west a couple of years and have not been able to develop it due to the narrowness of the lot and have been waiting for this property to become available in order to purchase it. He stated they build quality products.

The meeting was opened for public comment on this item.

Victoria Adam, 356 East 6340 South, stated she lives behind the subject property. She stated she has lived with the zoning situation for over 40 years and realizes the property has dilapidated over the years and a new development may be a nice change. She expressed concern with having some type of protection for the residents adjacent to a potential commercial building if the zone is changed and will there be a buffer fence or wall.

The public comment portion for this agenda item was closed.

Mr. Hall stated that this is a zone map amendment application and does not address specifics for the future building; however, the R-N-B zone is a buffer zone between a busy street and residential neighborhoods. As such the uses are limited and low impact to surrounding properties such as dental offices, doctor's office, dental laboratory, etc. The hours of operations are limited to 10 p.m. and in most cases the uses typically close after 5 or 6 p.m. No new buildings can be built without the approval of the planning commission in the R-N-B zone. A masonry wall is required in the R-N-B when the adjacent properties are residential uses plus a minimum 10 feet depth of landscaping buffer. Exterior lighting is limited and building height is

limited to 30 feet. The largest size building in the R-N-B zone is 15,000 sq.ft. with pitched roofs that have a residential look.

Mr. Markham encouraged Ms. Adams to look at the properties along the west side of 900 East at approximately 6200 South and The Advocates office building on 725 East Winchester Street that are good examples of the types of structures built in the R-N-B zone.

Ms. Patterson made a motion to send a positive recommendation to the City Council for a Zone Map Amendment for the property addressed 347 East Winchester Street from R-1-8 to R-N-B. Seconded by Ms. Milkavich.

Call vote recorded by Mr. Hall.

  A   Maren Patterson  
  A   Phil Markham  
  A   Sue Wilson  
  A   Lisa Milkavich  
  A   Ned Hacker  
  A   Travis Nay

Motion passed 6-0.

ORDINANCE TEXT AMENDMENT - Section 16 – Subdivision Ordinance Amendments  
Project #19-065

Mr. Hall presented the proposed Text Amendment for Title 16, Subdivisions. The Community & Economic Development Department has been working with the City Attorney's Office on revisions to the City Subdivision Ordinance. Recently, the existing subdivision ordinance has been questioned as it currently states that the Planning Commission may recommend approval, approval with conditions, or disapproval of a subdivision plat to the Mayor. In addition, the current ordinance states that the Mayor has final authority to approve subdivision plats and design standards for public improvements.

Utah State Code (Section 10-9a-604) allows for the Planning Commission to act as the Land Use Authority. As a result, City staff is recommending that this authority be given to the Planning Commission. This would allow for the Planning Commission to approve (1) subdivision plats; and (2) the establishment of requirements and design standards for public improvements. Additionally, the Planning Commission shall approve or disapprove the final plat. Finally, City staff is proposing that the Mayor, may sign, as a non-discretionary and ministerial act, final subdivision plats for the acceptance of lands and public improvements proposed for dedication to the City. General clean-up items for Title 16, Subdivision Ordinance Regulations have also been proposed by City staff. The following includes some of the proposed changes:

- The addition of a Community & Economic Development Director or designee.
- Allowing for preliminary and final subdivision review for a subdivision of ten (10) lots or less to be done concurrently with the Planning Commission.
- A preliminary plat may be granted a 1-year extension by the Planning Commission if requested prior to expiration.
- A final plat may be granted a 1-year extension by the Planning Commission if requested prior to expiration.





**MURRAY CITY CORPORATION**  
**Community &  
Economic Development**

Building Division 801-270-240C  
Planning Division 801-270-242C

**TO: Murray City Planning Commission**

**FROM: Murray City Planning Division Staff**

**DATE OF REPORT: May 30, 2019**

**DATE OF HEARING: June 6, 2019**

**PROJECT NAME: Titan Development, Zone Change**

**PROJECT NUMBER: 19-062**

**PROJECT TYPE: Zone Map Amendment**

**APPLICANT: Mark Snow / Titan Development**

**PROPERTY ADDRESS: 347 East Winchester Street**

**SIDWELL #: 22-19-253-016**

**EXISTING ZONE: R-1-8, Single-Family Residential**

**PROPOSED ZONE: R-N-B, Residential Neighborhood Business**

**PROPERTY SIZE: 0.32 acres**

**I. REQUEST:**

The applicant is requesting approval of a Zone Map Amendment from R-1-8, Single-Family Residential to R-N-B, Residential Neighborhood Business for the property addressed 347 East Winchester Street. The 0.32-acre parcel has been used as a single-family dwelling but is currently vacant. Legal descriptions of the subject properties are attached to this report.

**II. BACKGROUND AND REVIEW**

*1. Project Location:*

The subject property is located on the north side of Winchester Street. Many properties along the north side of Winchester have been successfully rezoned to R-N-B and subsequently redeveloped. Those redeveloped properties include medical, dental, and professional office uses.

2. *Surrounding Land Uses & Zoning:*

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	residential	R-1-8
South	office	G-O
East	residential	R-1-8
West	vacant	R-N-B

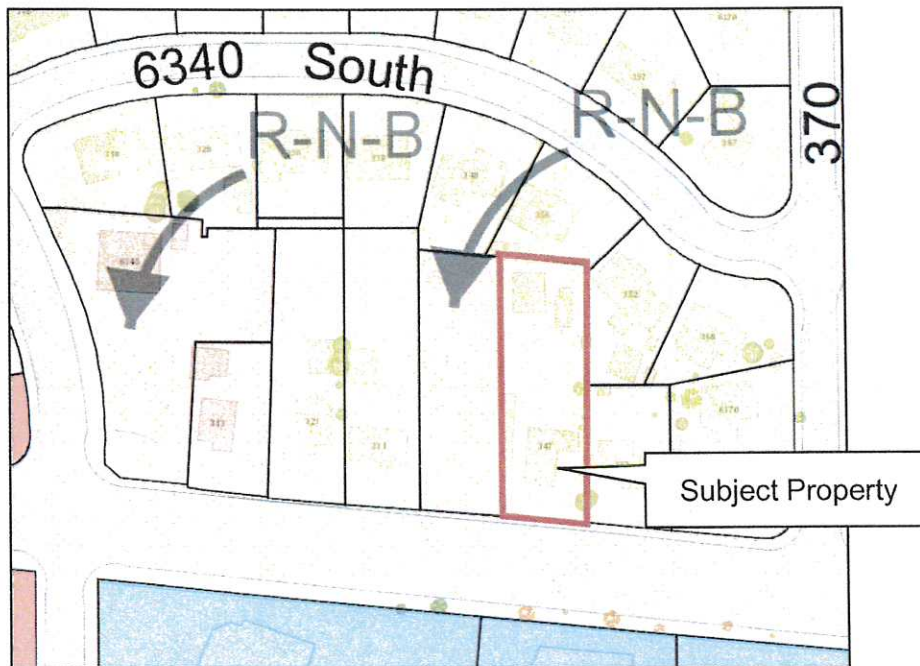


Figure 1: Zoning Map segment

3. *Analysis:*

Background

The applicant also owns the parcel immediately adjacent to the west of the subject property, which has already been rezoned to R-N-B. The applicant intends to develop both properties together if the zone change is approved. Together, the two lots total 0.66 acres.

Zoning Districts & Allowed Land Uses

- Existing: The existing R-1-8 Zone allows for single family residential development and accessory uses associated with them, with minimum lot sizes of 8,000 square feet. Public and quasi-public uses such as schools, libraries, churches, and utilities are allowed subject to Conditional Use approval.

- Proposed: The proposed R-N-B Zone allows for neighborhood oriented retail and office uses as permitted or conditional uses. R-N-B zoning also allows for single and two-family development, but not for multi-family residential uses. The R-N-B zone enumerates requirements limiting the commercial and/or office development of properties in order to mitigate potential impacts to the adjacent or surrounding residential uses and create a buffer and transition from the high-traffic corridors such as Winchester Street in this case. Examples include a requirement that new buildings have architectural features that are residential in character, such as the use of pitched and varied rooflines with gables and cornices, and the use of building materials such as brick and stone which are typical of residential development. The R-N-B zone also requires that the scale, location on the site, and massing of the buildings be considered, and evaluated to be in keeping with the surrounding area. Building heights are limited to no more than thirty feet (30'), with a landscape buffer and appropriate wall adjacent to the residential zoning is required.

#### General Plan & Future Land Use Designations

Map 5.7 of the Murray City General Plan (the Future Land Use Map) identifies future land use designations for all properties in Murray City. The designation of a property is tied to corresponding purpose statements and zones. These "Future Land Use Designations" are intended to help guide decisions about the zoning designation of properties.

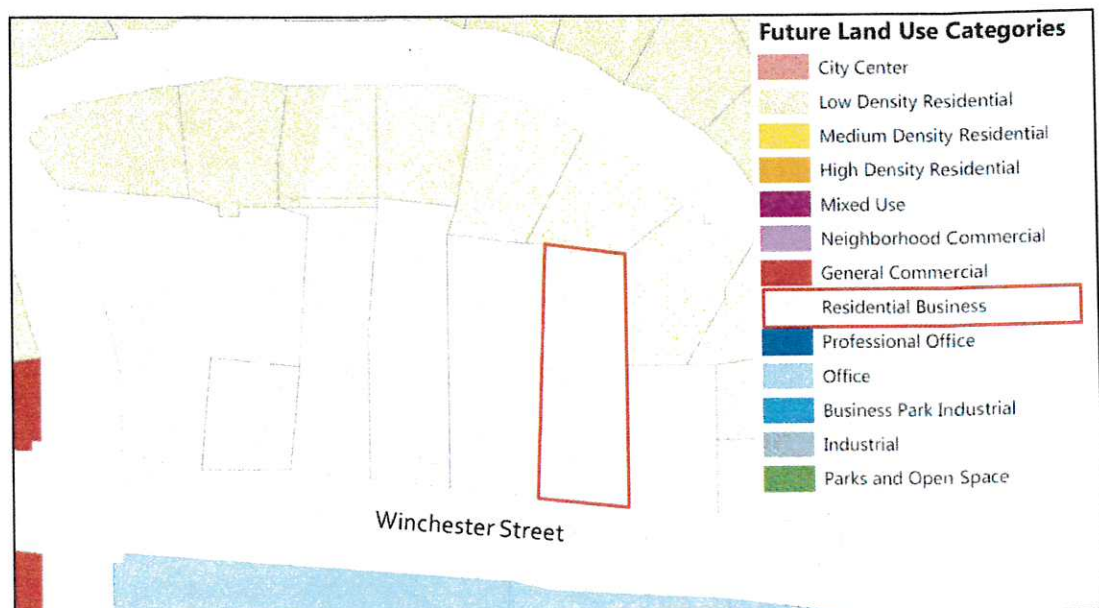


Figure 2: Future Land Use Map segment



The subject property is designated "Residential Business". The frontage of the north side of Winchester Street in this area has been designated as Residential Business, mirroring the previous General Plan (2003), which identified an overlay designation for the use of R-N-B zoning along 900 East.

The Residential Business designation corresponds solely to the R-N-B zone. The proposed rezone is supported by the General Plan. As a Future Land Use Designation, Residential Business is intended to be used for development of "small nodes or individual buildings along corridors rather than large center or complexes". Like the R-N-B zone to which it corresponds, the Residential Business designation is intended to allow for development that is "similar in scale to nearby residential development to promote compatibility with the surrounding area." The applicant's intended development of the subject property in addition to the adjacent property they have already successfully rezoned will be in keeping with the intended scale, and compatible with the residential area to the north.

### **III. CITY DEPARTMENT REVIEW**

A Planning Review Meeting was held on Monday, May 20, 2019 where the proposed rezone was considered by City Staff from various departments. The following comments were received:

- The Engineering Division supports the Zone Map Amendment to R-N-B and recommends approval without conditions.
- The Water & Sewer Division recommends approval without conditions.
- The Power Department recommends approval without conditions.
- The Fire Department recommends approval noting that all resulting construction will need to comply with the applicable Building and Fire Codes.
- The Building Division recommends approval noting that new construction will require complete stamped and signed construction documents.

### **IV. PUBLIC INPUT**

As of the date of this report, Staff has not received any public comment on the proposed Zone Map Amendment in response to the public notices mailed to property owners in the vicinity.

### **V. ANALYSIS & CONCLUSIONS**

**A. Is there need for change in the Zoning at the subject location for the neighborhood or community?**

The proposed change in zoning from R-1-8 to R-N-B is in harmony with the Future Land Use designation of the subject property and with goals of the General Plan. The R-N-B zone requires limited development of properties to provide a buffer between the high traffic corridors like Winchester Street and the established residential neighborhoods that border them. With the limitations on the development of the property imposed by the R-N-B zone, the zone change will be appropriate and beneficial for the surrounding neighborhood.

**B. If approved, how would the range of uses allowed by the Zoning Ordinance blend with surrounding uses?**

The limited uses allowed by the proposed R-N-B zoning are appropriate for the location of the subject property in relation to the existing land use patterns in the area. The property is located adjacent to a high-traffic corridor (Winchester Street) and development under the R-N-B zone will provide an appropriate use of the property as well as an effective buffer and transition from Winchester Street to the established residential neighborhoods to the north.

**C. What utilities, public services, and facilities are available at the proposed location? What are or will be the probable effects the variety of uses may have on such services?**

Utilities and services are available for the limited commercial development of the properties. Other properties along this corridor have been successfully redeveloped under the R-N-B zone and Staff expects no adverse impacts to services as a result of this proposed rezone. The allowable access to the property is sufficient for the type and scale of development that would be allowed by the proposed R-N-B zone.

**VI. FINDINGS**

1. Utilities and services available in the area are sufficient to support the type and scale of development allowed by the proposed R-N-B zone.
2. The requested zone change has been carefully considered based on the characteristics of the site and surrounding area and the policies and objectives of the 2017 Murray City General Plan.
3. The proposed Zone Map Amendment from R-1-8, Single-Family Residential to R-N-B, Residential Neighborhood Business is supported by the General Plan and the Future Land Use Map designation of the subject property.



## VII. STAFF RECOMMENDATION

Based on the above findings, Staff recommends that the Planning Commission forward a recommendation of APPROVAL to the City Council for the requested Zone Map Amendment for the property located at 347 East Winchester Street from R-1-8, Single Family Residential to R-N-B, Residential Neighborhood Business.

Jared Hall  
Community Development Supervisor  
801-270-2427  
jhall@murray.utah.gov

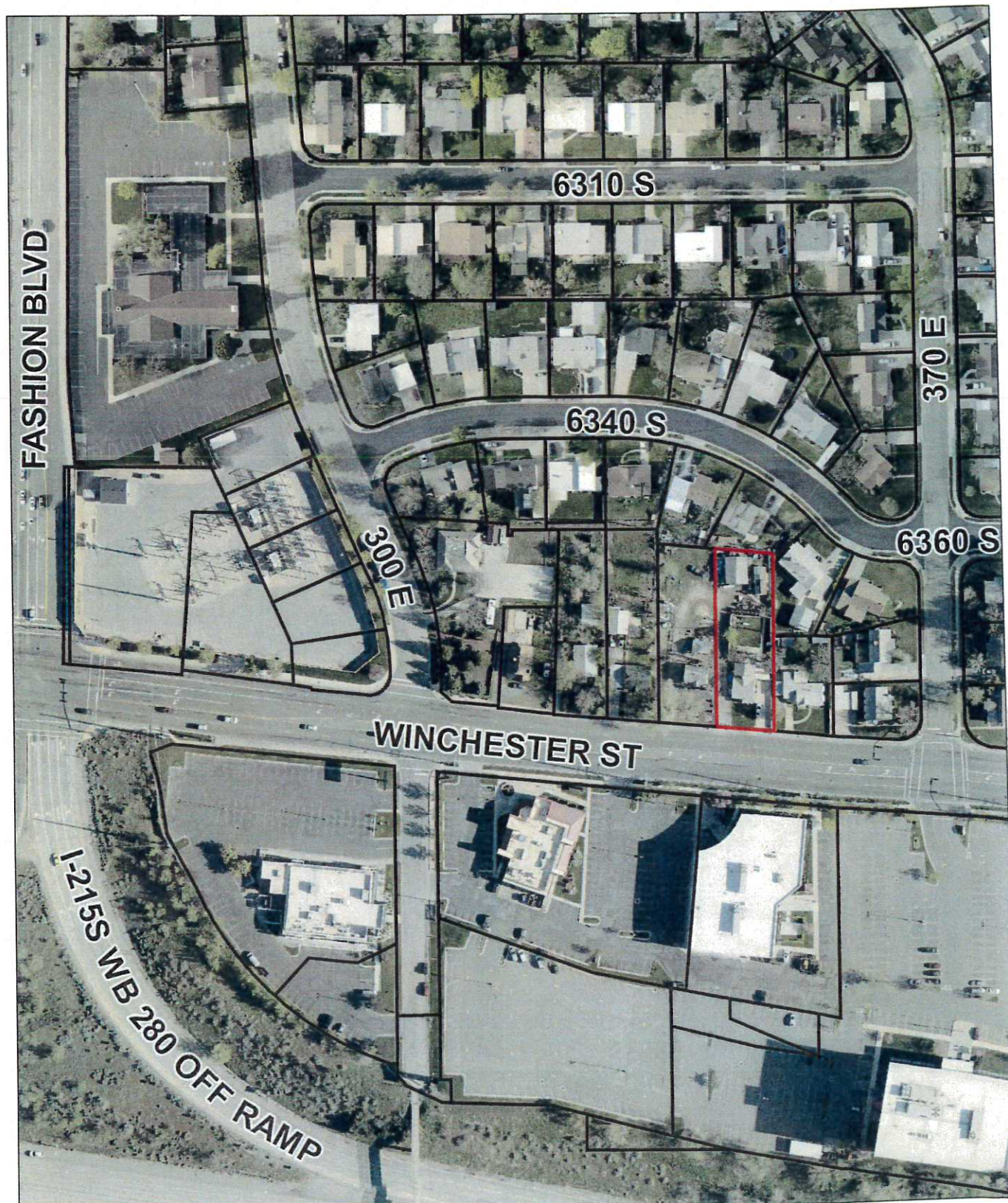
# Site Information



# 347 East Winchester Street



**MURRAY**  
COMMUNITY &  
ECONOMIC  
DEVELOPMENT







May 23, 2019

### NOTICE OF PUBLIC MEETING

This notice is to inform you of a Planning Commission public hearing scheduled for Thursday, June 6, 2019 at 6:30 p.m., in the Murray City Municipal Council Chambers, located at 5025 S. State Street.

Representatives of Mark Snow and Titan Development are requesting a Zone Map Amendment from R-1-8 (Single-Family Residential) to R-N-B (Residential Neighborhood Business) for the property located at 347 East Winchester Street. Please see the attached map. You can find more information about the uses allowed in the R-N-B Zone in the Murray Land Use Ordinance, Section 17.140.020 and 17.140.030. Look for the link to City Code at the bottom of the Murray City home page at [www.murray.utah.gov](http://www.murray.utah.gov).

This notice is being sent to you because you own property within the near vicinity. If you have questions or comments concerning this proposal, please call Jared Hall, with the Murray City Community Development Division at 801-270-2420, or e-mail to [jhall@murray.utah.gov](mailto:jhall@murray.utah.gov).

Special accommodations for the hearing or visually impaired will be upon a request to the office of the Murray City Recorder (801-264-2660). We would appreciate notification two working days prior to the meeting. TTY is Relay Utah at #711.

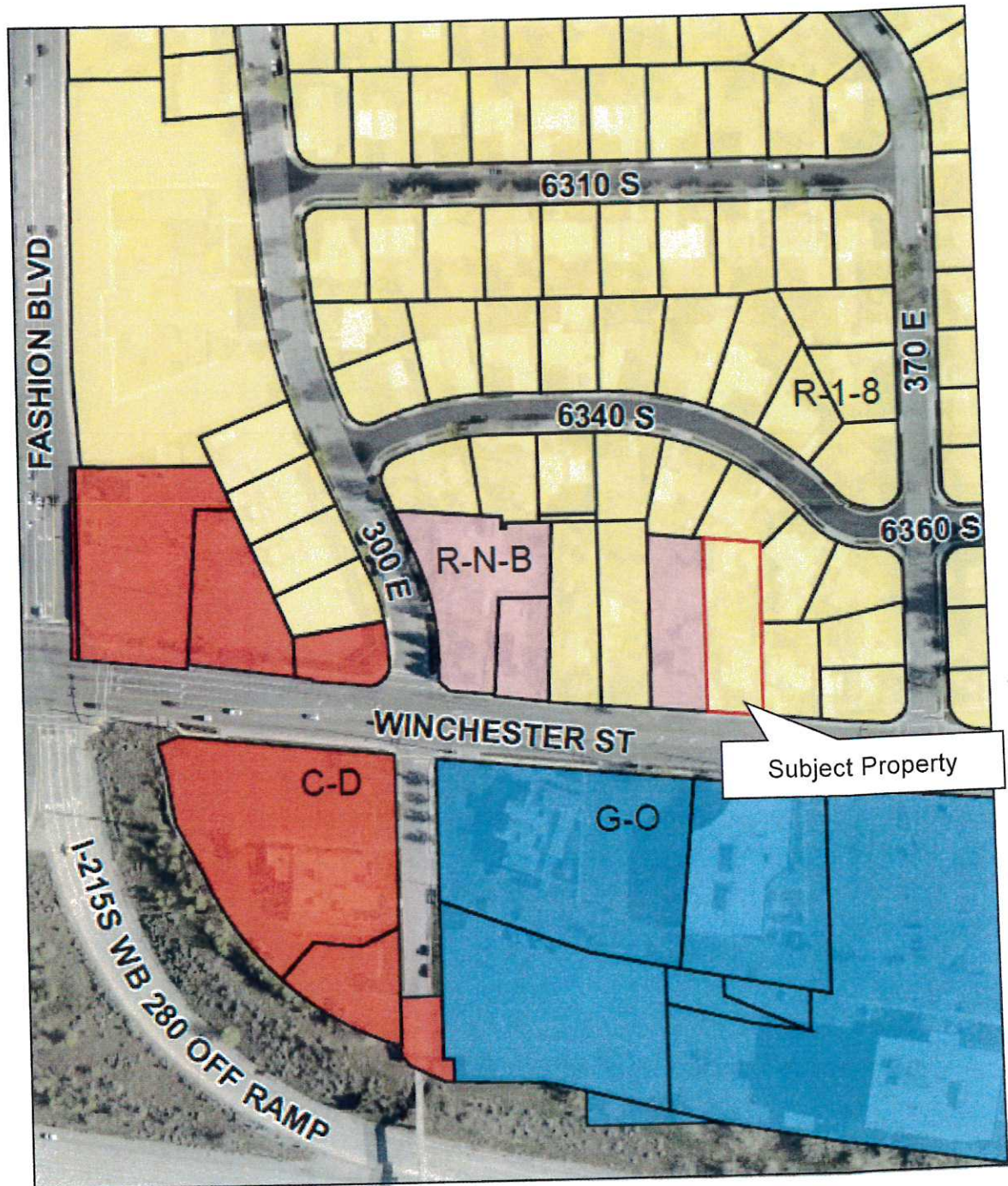
#### 347 East Winchester Street







# 347 East Winchester Street



MURRAY CITY CORPORATION  
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 6<sup>th</sup> day of June 2019, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Planning Commission will hold and conduct a Public Hearing for the purpose of receiving public comment on and pertaining to Zone Map Amendment from R-1-8 (Low Density Residential) to R-N-B (Residential Neighborhood Business) for the property located at: 347 East Winchester Street, in Murray City, Salt Lake County, State of Utah.

Jared Hall, Supervisor  
Community & Economic Development



4770 S. 5600 W.  
WEST VALLEY CITY, UTAH 84118  
FED.TAX I.D.# 87-0217663  
801-204-6910

Deseret News

Utah  
Media  
Group

The Salt Lake Tribune

FILE COPY

PROOF OF PUBLICATION CUSTOMER'S COPY

CUSTOMER NAME AND ADDRESS

MURRAY CITY RECORDER,

5025 S STATE, ROOM 113

MURRAY, UT 84107

ACCOUNT NUMBER

9001341938

DATE

5/28/2019

ACCOUNT NAME

MURRAY CITY RECORDER,

TELEPHONE

8012642660

ORDER # / INVOICE NUMBER

0001255229 /

PUBLICATION SCHEDULE

START 05/26/2019 END 05/26/2019

CUSTOMER REFERENCE NUMBER

Legal Ad - Tital Dev 347 E Winchester Str.

CAPTION

MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY C

SIZE

32 LINES

1 COLUMN(S)

TIMES

3

TOTAL COST

58.76

MURRAY CITY  
CORPORATION  
NOTICE OF  
PUBLIC HEARING

NOTICE IS HEREBY GIVEN  
that on the 6th day of  
June 2019, at the hour of  
6:30 p.m. of said day in  
the Council Chambers of  
Murray City Center, 5025  
South State Street, Mur-  
ray, Utah, the Murray City  
Planning Commission will  
hold and conduct a Public  
Hearing for the purpose  
of receiving public com-  
ment on and pertaining to  
Zone Map Amendment  
from R-1-B (Low Density  
Residential) to R-N-3 (Res-  
idential Neighborhood  
Business) for the property  
located at 347 East Win-  
chester Street, in Murray  
City, Salt Lake County,  
State of Utah.

Jared Hall, Supervisor  
Community & Economic De-  
velopment  
1255229 UPAXLP

Tital Dev  
#19062

AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY COMPANY, LLC dba UTAH MEDIA GROUP LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF **MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN that on the 6th day of June 2019, at the hour of 6:30 p.m. of said day in the Council** FOR **MURRAY CITY RECORDER**, WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba UTAH MEDIA GROUP, AGENT FOR DESERET NEWS AND THE SALT LAKE TRIBUNE, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINITELY. COMPLIES WITH UTAH DIGITAL SIGNATURE ACT UTAH CODE 46-2-101; 46-3-104.

PUBLISHED ON Start 05/26/2019 End 05/26/2019

DATE 5/28/2019

SIGNATURE

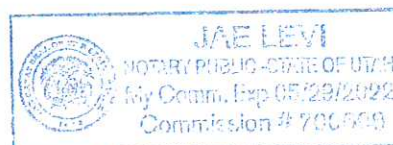
*Judmundson*

STATE OF UTAH )

COUNTY OF SALT LAKE )

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS 26TH DAY OF MAY IN THE YEAR 2019

BY LORAIN GUDMUNDSON,



*Jae Levi*

NOTARY PUBLIC SIGNATURE

# **Application Materials**



Winchester

## ZONING AMENDMENT APPLICATION

Type of Application (check all that apply):

Project # 19-062

☒ Zoning Map Amendment

☐ Text Amendment

☐ Complies with General Plan

☒ Yes

☐ No

Subject Property Address:

347 East Winchester

Parcel Identification (Sidwell) Number:

22-19-253-016

Parcel Area:

Current Use:

S.F.D

Existing Zone:

S.F.D

R-1-B

Proposed Zone:

S.F.D / Commercial

R-1-B

Applicant Name:

Mark Snow

Mailing Address:

2265E Murray Holladay -

City, State, ZIP:

Holladay UT 84117

Daytime Phone #:

801-450-4435

Fax #:

Email address:

REDSNOW300@GMAIL.COM

Business or Project Name:

Titan Dev

Property Owner's Name (If different):

Nate Brockbank

Property Owner's Mailing Address:

SAME

City, State, Zip:

Daytime Phone #:

801-450-4435 - MARK

Fax #:

801-706-5557 - NATE

Email:

REDSNOW300@GMAIL.COM

NATEBROCKBANK@GMAIL.COM

Describe your reasons for a zone change (use additional page if necessary):

S.F.D to S.F.D / Commercial

Authorized Signature:

Mark Snow

Date:

5/14/19

Property Owners Affidavit

I (we) Brockbank Legacy LLC, being first duly sworn, depose and say that I (we) am (are) the current owner of the property involved in this application: that I (we) have read the application and attached plans and other exhibits and are familiar with its contents; and that said contents are in all respects true and correct based upon my personal knowledge.

Nathan Br...  
Owner's Signature

\_\_\_\_\_  
Co- Owner's Signature (if any)

State of Utah

County of Salt Lake

§



Subscribed and sworn to before me this 14 day of MAY, 20 19.

Rebecca J. Tolman  
Notary Public  
Residing in SALT LAKE CITY

My commission expires: 2/2/2020

Agent Authorization

I (we), \_\_\_\_\_, the owner(s) of the real property located at \_\_\_\_\_, in Murray City, Utah, do hereby appoint

\_\_\_\_\_, as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize

\_\_\_\_\_ to appear on my (our) behalf before any City board or commission considering this application.

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Co-Owner's Signature (if any)

State of Utah

County of Salt Lake

§

On the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, personally appeared before me

\_\_\_\_\_ the signer(s) of the above Agent Authorization who duly acknowledge to me that they executed the same.

\_\_\_\_\_  
Notary Public  
Residing in \_\_\_\_\_

My commission expires: \_\_\_\_\_

**EXHIBIT A**  
**PROPERTY DESCRIPTION**

Commencing at a point in the center of 6400 South Street, said point being North 29.3 rods and South 84°45' East 25.2 rods from the center of Section 19, Township 2 South, Range 1 East, Salt Lake Meridian and running thence North 84°45' West 4.03 rods; thence North 239 feet; thence South 84°45' East 4.03 rods; thence South 00°16' West 239 feet to the point of commencement.

LESS AND EXCEPTING THEREFROM any portion lying within the bounds of Winchester Street (also known as 6400 South Street).

Tax Id No.: 22-19-253-016

**Titan Dev**  
**P/C 6/6/19**  
**Project #19-062**  
**300 ' radius + affect entities**

Prc "A", Llc  
90 E Fort Union Blvd #200  
Midvale UT 84047

Titan Development, Llc  
2265 E Murray Holladay Rd  
Holladay UT 84117

Alexis Reynaldo Jimenez;  
Mandy Jimenez (Jt)  
6345 S 370 E  
Murray UT 84107

Audrey Mitchell  
352 E 6360 S  
Murray UT 84107

B&Cm F Trust  
6380 S 370 E  
Murray UT 84107

B&Cm F Trust  
6380 S 370 E  
Murray UT 84107

Blaine A Lundskog  
1309 E Milne Ln  
Cottonwood Hts UT 84047

Colleen N Orgill  
357 E 6340 S  
Murray UT 84107

David K Shepard; Katherine Shepard  
(Jt)  
346 E 6310 S  
Murray UT 84107

Gordon L Webb  
323 E Winchester St  
Murray UT 84107

Harold K. Howlett; Patricia L. H.  
Howlett  
342 E 6310 S  
Murray UT 84107

James M Adam  
356 E 6340 S  
Murray UT 84107

James M Routledge; Susan C Routledge  
(Jt)  
323 E 6340 S  
Murray UT 84107

Jew Trst  
357 E Winchester St  
Murray UT 84107

Jorge Orlando Nieto; Cristina  
Mourtisen; Norma Pisolich De Nieto  
310 E 6340 S  
Murray UT 84107

Joshua Jensen;  
Jaylynn Jensen (Jt)  
351 E 6340 S  
Murray UT 84107

Karen K Wilson Living Trust 7/26/2017  
5727 S 675 E  
Murray UT 84107

Kenneth M Jones  
329 E 6340 S  
Murray UT 84107

Kevin P Fitt;  
Michele Fitt (Jt)  
1676 E Madsen Ln  
Sandy UT 84093

Kimberly M Sharratt  
6330 S 370 E  
Murray UT 84107

Kristie Keysaw  
368 E 6360 S  
Murray UT 84107

M&M Living Trust  
330 E 6340 S  
Murray UT 84107

Martha Larsen  
367 E 6360 S  
Murray UT 84107

Michael R Mccann;  
Melody Mccann (Jt)  
337 E 6340 S  
Murray UT 84107

Mt Olympus Holdings Llc  
307 E Winchester St  
Murray UT 84107

Paul Family Trust 05/12/2017  
6328 S 370 E  
Murray UT 84107

Nathan Brockbank  
2265 E Murray Holladay Rd  
Holladay UT 84117

Nicole Taylor  
6369 S 370 E  
Murray UT 84107

Salt Lake County  
Po Box 144575  
Salt Lake City UT 84114

*Titan 180 347 E Winchester*

**P/C AGENDA MAILINGS**  
"AFFECTED ENTITIES"  
Updated 11/2017

UDOT - REGION 2  
ATTN: MARK VELASQUEZ  
2010 S 2760 W  
SLC UT 84104

UTAH TRANSIT AUTHORITY  
ATTN: PLANNING DEPT  
PO BOX 30810  
SLC UT 84130-0810

TAYLORSVILLE CITY  
PLANNING & ZONING DEPT  
2600 W TAYLORSVILLE BLVD  
TAYLORSVILLE UT 84118

WEST JORDAN CITY  
PLANNING DIVISION  
8000 S 1700 W  
WEST JORDAN UT 84088

CHAMBER OF COMMERCE  
ATTN: STEPHANIE WRIGHT  
5250 S COMMERCE DR #180  
MURRAY UT 84107

MURRAY SCHOOL DIST  
ATTN: ROCK BOYER  
5102 S Commerce Drive  
MURRAY UT 84107

MIDVALE CITY  
PLANNING DEPT  
7505 S HOLDEN STREET  
MIDVALE UT 84047

SALT LAKE COUNTY  
PLANNING DEPT  
2001 S STATE ST  
SLC UT 84190

GRANITE SCHOOL DIST  
ATTN: KIETH BRADSHAW  
2500 S STATE ST  
SALT LAKE CITY UT 84115

UTAH POWER & LIGHT  
ATTN: KIM FELICE  
12840 PONY EXPRESS ROAD  
DRAPER UT 84020

DOMINION ENERGY  
ATTN: BRAD HASTY  
P O BOX 45360  
SLC UT 84145-0360

COTTONWOOD IMPRVMT  
ATTN: LONN RASMUSSEN  
8620 S HIGHLAND DR  
SANDY UT 84093

JORDAN VALLEY WATER  
ATTN: LORI FOX  
8215 S 1300 W  
WEST JORDAN UT 84088

CENTRAL UTAH WATER DIST  
355 W UNIVERSITY PARKWAY  
OREM UT 84058

HOLLADAY CITY  
PLANNING DEPT  
4580 S 2300 E  
HOLLADAY UT 84117

COTTONWOOD HEIGHTS CITY  
ATTN: PLANNING & ZONING  
2277 E Bengal Blvd  
Cottonwood Heights, UT 84121

SANDY CITY  
PLANNING & ZONING  
10000 CENTENNIAL PRKWY  
SANDY UT 84070

UTOPIA  
Attn: JAMIE BROTHERTON  
5858 So 900 E  
MURRAY UT 84121

COMCAST  
ATTN: GREG MILLER  
1350 MILLER AVE  
SLC UT 84106

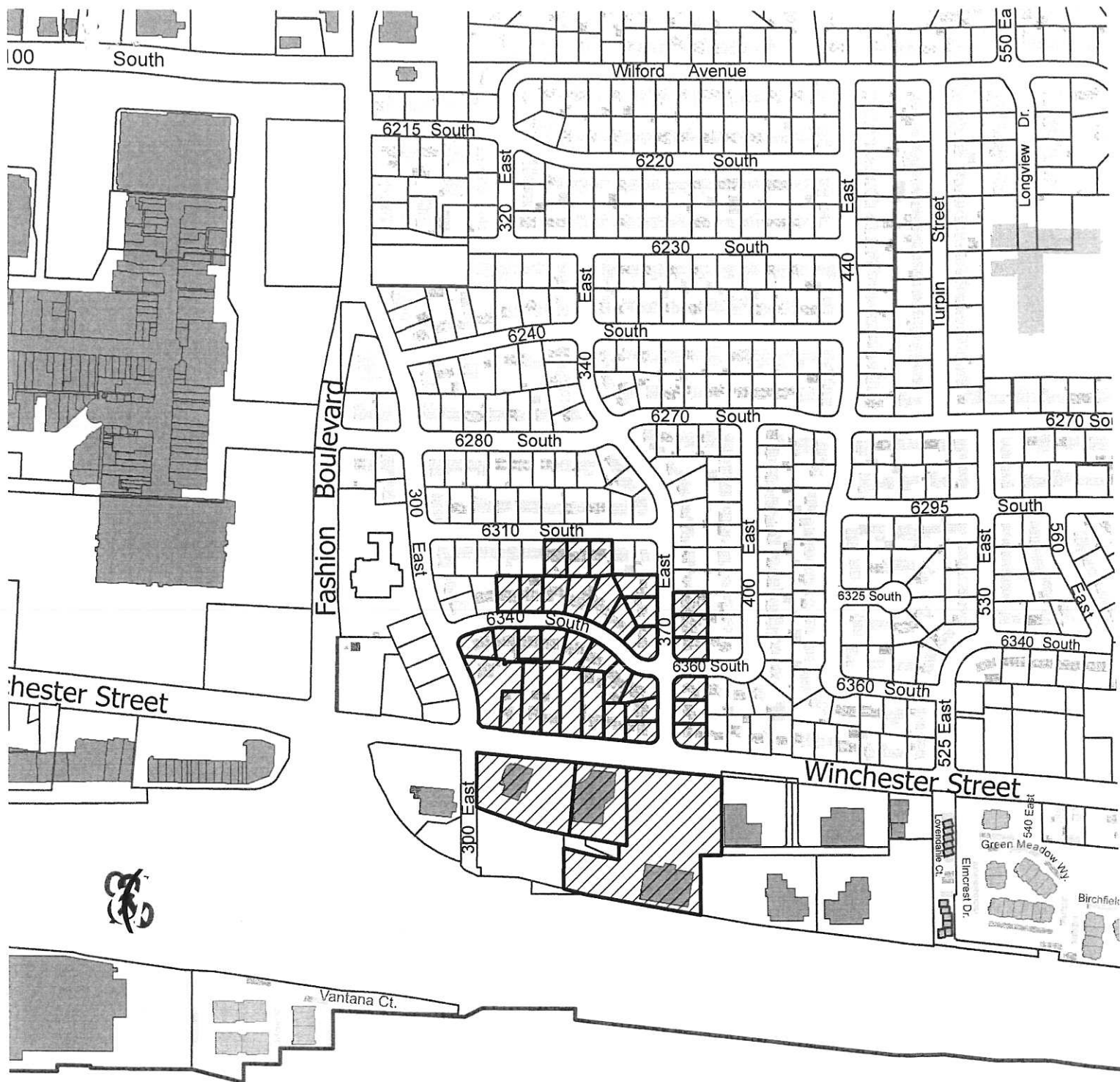
MILLCREEK  
Attn: Planning & Zoning  
3330 South 1300 East  
Millcreek, UT 84106

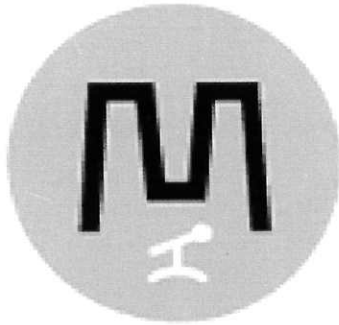
**GENERAL PLAN MAILINGS:**

WASATCH FRONT REG CNCL  
PLANNING DEPT  
295 N JIMMY DOOLITTLE RD  
SLC UT 84116

UTAH AGRC  
STATE OFFICE BLDG #5130  
SLC UT 84114







**MURRAY**  
CITY COUNCIL

# Public Hearing #2

P.11. #2

# Murray City Corporation

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 6<sup>th</sup> day of August, 2019, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Municipal Council will hold and conduct a hearing on and pertaining to amending the Zoning Map from the R-1-8 (Low Density Residential) zoning district to the R-1-6 (Low Density Residential) zoning district for the property located at 5729 South 700 West, Murray, Utah.

The purpose of this hearing is to receive public comment concerning the proposed amendment to the Zoning Map as described above.

DATED this 16<sup>th</sup> day of July, 2019.

MURRAY CITY CORPORATION

  
Jennifer Kennedy  
City Recorder

DATE OF PUBLICATION: July 26, 2019  
PH 19-21



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE RELATING TO LAND USE; AMENDS THE ZONING MAP FOR THE PROPERTY LOCATED AT 5729 SOUTH 700 WEST, MURRAY CITY, UTAH FROM THE R-1-8 (LOW DENSITY RESIDENTIAL) ZONING DISTRICT TO THE R-1-6 (LOW/MEDIUM DENSITY RESIDENTIAL) ZONING DISTRICT. (Titan Development / Mark Snow)

BE IT ENACTED BY THE MURRAY CITY MUNICIPAL COUNCIL AS FOLLOWS:

WHEREAS, the owner of the real property located at 5729 South 700 West, Murray, Utah, has requested a proposed amendment to the zoning map to designate the property in an R-1-6 (Low/Medium Density Residential) zone district; and

WHEREAS, it appearing that said matter has been given full and complete consideration by the City Planning and Zoning Commission; and

WHEREAS, it appearing to be in the best interest of the City and the inhabitants thereof that the proposed amendment of the zoning map be approved.

NOW, THEREFORE, BE IT ENACTED:

*Section 1.* That the Zoning Map and the zone district designation be amended for the following described property located at 5729 South 700 West, Murray, Salt Lake County, Utah from R-1-8 (Low Density Residential) to R-1-6 (Low/Medium Density Residential):

PARCEL A:

Commencing at a point 7.92 chains North from the Southwest corner of the Northwest quarter of Section 13, Township 2 South, Range 1 West, Salt Lake Meridian and running thence East 165 feet; thence South 100 feet; thence West 165 feet; thence North 100 feet to the point of beginning.

LESS AND EXCEPTING any portion lying within the bounds of 700 West Street.

PARCEL B:

Beginning at a point which is South 89°16' East 33 feet and North 00°14'20" West 333.6 feet and South 89°15' East 156.30 feet and North 00°48' West 89.12

ATTEST:

\_\_\_\_\_  
Jennifer Kennedy, City Recorder

CERTIFICATE OF PUBLICATION

I hereby certify that this Ordinance was published according to law on the \_\_\_\_  
day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Jennifer Kennedy, City Recorder



Motion passed 6-0.

TITAN DEVELOPMENT – 5729 South 700 West – Project #19-061

Mark Snow was the applicant present to represent this request. Jared Hall reviewed the location and request for a Zone Map Amendment from R-1-8, Single Family Residential (8,000 square foot lot minimum) to R-1-6, Single Family Residential (6,000 square foot lot minimum). The applicant proposes to amend the Zoning Map to support a potential application to subdivide the property. The subject property is a 0.36-acre lot located on the southeast corner of Anderson Avenue and 700 West. Until recently, the subject property has been used as a single-family residential lot. A fire destroyed much of the structure, which was then subsequently removed. The property has been vacant since the demolition occurred. With 15,681 square feet, the property is not quite large enough to subdivide into two lots in the existing R-1-8 Zone. However, if the property were rezoned to R-1-6, a subdivision could create two new 7,840 square foot building lots. The lots would be less than 8,000 square feet, but significantly larger than the 6,000 square feet required by the R-1-6 Zone. The subject property is currently designated as "Low Density Residential". Low Density Residential is intended to encourage residential development which is single-family detached in character. The overall density range anticipated is between 1 and 8 dwelling units per acre. Corresponding zoning designations include the A-1, R-1-12, R-1-10, R-1-8, R-1-6, and R-2-10 zones." The zoning of most surrounding properties is R-1-8. In review, Staff has found that a significant number of single-family lots in the surrounding area do not conform to the required 8,000 square foot minimum lot size of the R-1-8 Zone. First, an area of 517 residential properties east of 700 West to the I-15 corridor, and from 5465 South to 5900 South. The second area includes all residential lots within a quarter mile (404 properties). The smaller the sample area is taken (closer to the subject property) the higher the percentage of non-conforming lot sizes grows. Both the existing and the proposed zoning designations correspond to the Future Land Use Map. Due to the large number of surrounding properties which do not conform to the minimum lot size of the existing R-1-8 Zone (51%), the proposed R-1-6 Zone will support the creation of lots which are in harmony with the prevailing development pattern in the area. The proposed R-1-6 Zone allows for single family residential development and accessory uses associated with them, with minimum lot sizes of 6,000 square feet. Public and quasi-public uses such as schools, libraries, churches, and utilities are allowed subject to Conditional Use approval. Based on the background, analysis, and the findings in this report, Staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requested amendment to the Zoning Map designation for the property located at 5729 South 700 West from R-1-8, Single-Family Residential to R-1-6, Single-Family Residential.

Mr. Nay asked about the Review meeting on May 20<sup>th</sup> where the City Engineering commented that he supports the existing R-1-8 zone. Mr. Hall responded that the city engineer supports the existing zoning if the proposed zoning is less than the existing zoning, but if this proposal will support two homes, he will support this proposal. He asked about the fencing regulations if the new corner lot is to face north rather than 700 West. Mr. Hall responded that the corner lot will need to maintain the clear view corner area.

Ms. Patterson asked why the proposed homes would front northward on to Anderson Avenue. Mr. Hall responded it is desirous to keep traffic off 700 West that is a busy street at this location and thus is better suited for a home to access off Anderson Avenue rather than 700 West.

Mark Snow, 433 East Serenity Oak Lane, Millcreek, stated he has reviewed the staff recommendations. He stated he believes two additional homes on this property will work well and will not negatively impact the area and is a large piece of property.

The meeting was opened for public comment.

Jill Skeen, 5730 South 663 West, stated her home is adjacent to the north of the subject property. She expressed concern about the parking and driveways on Anderson Avenue being so close to the intersection and two additional driveways is a concern. She stated the property was purchased as R-1-8 and would like it to remain R-1-8.

Kristin McBeth, 712 West Anderson Avenue, asked the size of the homes to be built on the property. She stated the homes built by the school district located near the Junior High are a lot bigger.

Jim Karahalios, 661 West 5735 South, expressed concerns with the types of homes anticipated on the lot(s). He stated that he has attempted to have a second driveway on his property and was denied by the city because he wanted it closer than 50 feet from an intersection and asked how the proposed lots will have a driveway so close to the intersection.

The public comment portion for this agenda item was closed.

Mr. Hall stated that the anticipated lot size for this property, if the zoning is changed to R-1-6, would be 7,800 sq.ft. lots which is 200 sq.ft. less than the R-1-8 zoning requirements. He stated that Garbett Homes is building a 125-lot subdivision further south where the lots are 6,000 sq.ft. and the home sizes are 3,500-4,000 sq.ft. The footprint is not a challenge on a 6,000 sq.ft. lot. He stated is not difficult to build a nice sized home on a 6,000 sq.ft. lot. Many of the newer homes in R-1-8 zones are 5,000 sq.ft. The setbacks in the R-1-6 are slightly less which are 20-foot front yard and 25-foot rear yard, 5-foot side yard as opposed to the R-1-8 that requires 25-foot front yard and 25-foot rear yard, 8-foot minimum side yard. The lot width is over 100 feet of frontage and will be able to accommodate a driveway setback at a minimum of 50 feet from the intersection. He stated that parking of vehicles close to an intersection is dealt with by the Murray Police Department.

Sue Wilson commented that people park on the street near this area while waiting for their children to come out of school.

Mr. Nay commented that the lack of consistency that was pointed out by the staff presentation for the designs of the homes in this neighborhood actually establishes a development pattern and not every home looks the same and building something new in this area will blend in very well with the overall neighborhood aesthetic and this is good quality infill development. The lot sizes are not being compromised with 200 sq.ft. less per lot. Sue Wilson concurred. She stated she is in this area daily and in this same subdivision there are houses that are oriented sideways on lots in order to make the homes fit the lot.

Travis Nay made a motion to send a positive recommendation to the City Council for the proposed Zone Map Amendment for the property at 5729 South 700 West from R-1-8 to R-1-6. Seconded by Sue Wilson.

Call vote recorded by Mr. Hall.

  A   Maren Patterson  
  A   Phil Markham  
  A   Sue Wilson  
  A   Lisa Milkavich  
  A   Ned Hacker  
  A   Travis Nay

Motion passed 6-0.



**MURRAY CITY CORPORATION**  
**Community &**  
**Economic Development**

Building Division 801-270-240C  
Planning Division 801-270-242C

**TO: Murray City Planning Commission**

**FROM: Murray City Planning Division Staff**

**DATE OF REPORT: May 30, 2019**

**DATE OF HEARING: June 6, 2019**

**PROJECT NAME: Titan Development, Zone Change**

**PROJECT NUMBER: 19-061**

**PROJECT TYPE: Zone Map Amendment**

**APPLICANT: Mark Snow / Titan Development**

**PROPERTY ADDRESS: 5729 South 700 West**

**SIDWELL #: 21-13-153-014**

**EXISTING ZONE: R-1-8**

**PROPOSED ZONE: R-1-6**

**PROPERTY SIZE: 0.36 acres**

**I. REQUEST:**

The applicant is requesting approval for an amendment to the Murray City Zoning Map for the subject property from R-1-8, Single Family Residential (8,000 square foot lot minimum) to R-1-6, Single Family Residential (6,000 square foot lot minimum). The applicant proposes to amend the Zoning Map to support a potential application to subdivide the property.

**II. BACKGROUND AND REVIEW**

**1. Project Location:**

The subject property is a 0.36-acre lot located on the southeast corner of Anderson Avenue and 700 West.



## 2. *Surrounding Land Uses & Zoning:*

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	residential, single-family	R-1-8
South	residential, single-family	R-1-8
East	residential, single-family	R-1-8
West	residential, single-family	A-1

## 3. *Analysis:*

### Background

Until recently, the subject property has been used as a single-family residential lot. A fire destroyed much of the structure, which was then subsequently removed. The property has been vacant since the demolition occurred. With 15,681 square feet, the property is not quite large enough to subdivide into two lots in the existing R-1-8 Zone. However, if the property were rezoned to R-1-6, a subdivision could create two new 7,840 square foot building lots. The lots would be less than 8,000 square feet, but significantly larger than the 6,000 square feet required by the R-1-6 Zone. It is important to note that if rezoned to R-1-6, the property is not large enough to allow a third lot, and that uses would still be restricted to single-family, detached dwellings only.

### Zoning Districts & Allowed Land Uses

- Existing: The existing R-1-8 Zone allows for single family residential development and accessory uses associated with them, with minimum lot sizes of 8,000 square feet. Public and quasi-public uses such as schools, libraries, churches, and utilities are allowed subject to Conditional Use approval.
- Proposed: The proposed R-1-6 Zone allows for single family residential development and accessory uses associated with them, with minimum lot sizes of 6,000 square feet. Public and quasi-public uses such as schools, libraries, churches, and utilities are allowed subject to Conditional Use approval.

### General Plan & Future Land Use Designations

Map 5.7 of the Murray City General Plan (the Future Land Use Map) identifies future land use designations for all properties in Murray City. The designation of a property is tied to corresponding purpose statements and zones. These "Future Land Use Designations" are intended to help guide decisions about the zoning designation of properties.

The subject property is currently designated as "Low Density Residential". Low Density Residential is intended to encourage residential development which is



single-family detached in character. The overall density range anticipated is between 1 and 8 dwelling units per acre. Corresponding zoning designations include the A-1, R-1-12, R-1-10, R-1-8, R-1-6, and R-2-10 zones. Both the existing and the proposed zoning designations correspond to the Future Land Use Map. The applicant's intended subdivision would not impact the property's contribution to development that is "single-family detached in character"; as stated in the General Plan.

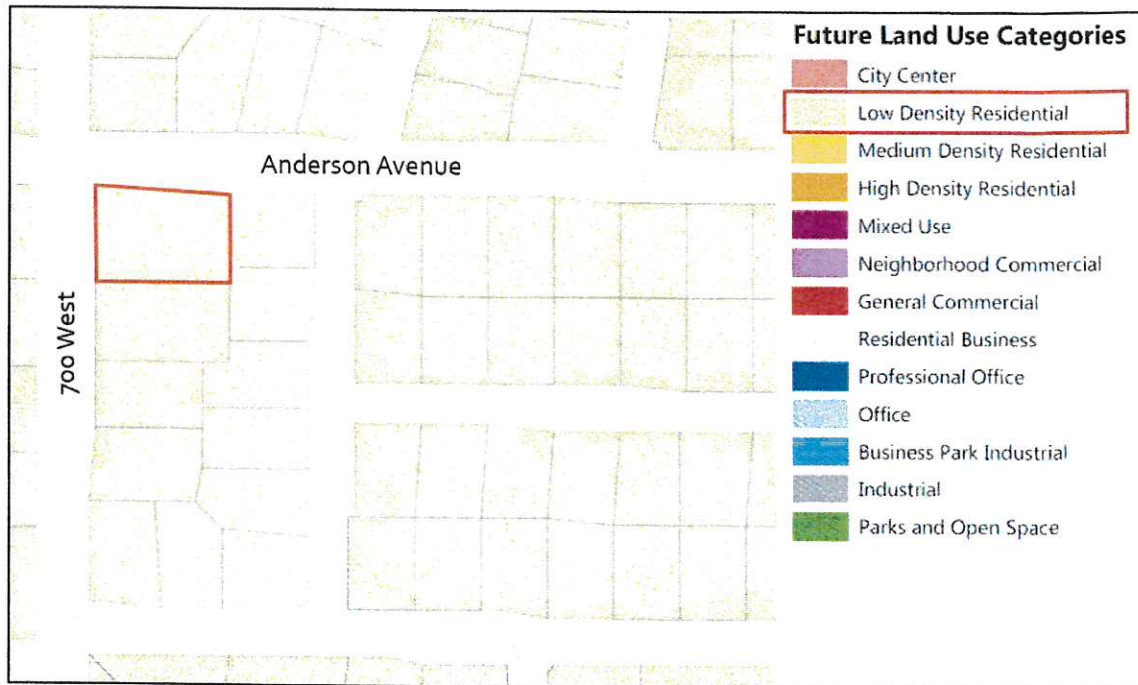


Figure 1: Future Land Use Map segment

### Compatibility

The prevailing designation of properties and of development in the surrounding area is "Low Density Residential". The zoning of most surrounding properties is R-1-8. In review, Staff has found that a significant number of single-family lots in the surrounding area do not conform to the required 8,000 square foot minimum lot size of the R-1-8 Zone. First, an area of 517 residential properties east of 700 West to the I-15 corridor, and from 5465 South to 5900 South. The second area includes all residential lots within a quarter mile (404 properties). The smaller the sample area is taken (closer to the subject property) the higher the percentage of non-conforming lot sizes grows. Please see the table below:

	< 8,000 s.f.	>8,000 s.f.	total < 8,000 s.f.
Area East of 700 West	266 lots	251 lots	51%
Area Within One Quarter Mile of the Subject Property	151 lots	253 lots	37%

Two maps have also been prepared to visually illustrate the location of the subject property and the information contained in the table. Both maps have been attached to the report for your review and consideration.

Based on the high percentage of surrounding properties that do not meet the 8,000 square foot minimum lot size requirements, Staff finds that although the request to amend the Zoning Map is for a single property, the request is not inappropriate. The requested zoning designation conforms to the Future Land Use Map and does not detract from the General Plan's stated purpose to promote residential development that is single family and detached in nature. Resulting development will be in keeping with the development pattern for lot sizes and residential uses in the surrounding area.

### **III. CITY DEPARTMENT REVIEW**

A Planning Review Meeting was held on April 15, 2019 where the application was reviewed by City Staff. The following comments were received:

- The City Engineer supports maintaining the existing R-1-8 Zone.
- The Water & Sewer Department noted that the sewer main on Anderson does not run far enough west, meaning that the applicant would possibly have to extend it.
- The Building Division had no comments.
- The Fire Department noted that any change should meet all Building and Fire Codes.
- The Power Department had no comments.

Comments from the various representatives of City departments are carefully considered as Planning Division Staff prepares recommendations for the Planning Commission.

### **IV. PUBLIC INPUT**

Public notices were sent to neighboring property owners, and a notice of the Public Hearing was posted on the subject property. As of the date of this report, Staff has received a phone call from a neighboring property owner who was concerned that the zone change was intended to promote multi-family development. As stated previously in this report, only a lot split resulting in two lots for single-family detached housing would be allowed by the R-1-6 Zone as proposed. The caller had no other concerns.

### **V. ANALYSIS & CONCLUSIONS**

**A. Is there need for change in the Zoning at the subject location for the neighborhood or community?**

The Future Land Use Map currently identifies the subject property as "Low Density Residential". This designation supports a rezone to R-1-12, R-1-10, R-1-6, or R-2-10. Considering the Future Land Use Map designation and the surrounding land use patterns and zoning, Staff finds that the proposed R-1-6 Zone is supported by the General Plan and will allow development of two new residential lots which are compatible with the surrounding development.

**B. If approved, how would the range of uses allowed by the Zoning Ordinance blend with surrounding uses?**

The requested change would not impact the allowed range of uses. The requirements of the proposed R-1-6 Zone will allow the creation of one additional lot for development which will be comparable in size to the majority of other residential lots in the surrounding area.

**C. What utilities, public services, and facilities are available at the proposed location? What are or will be the probable effects the variety of uses may have on such services?**

Staff would not expect adverse direct impacts to utilities, public services, or facilities to result from a change to the R-1-6 Zone. It is expected that any subdivision of the property would result in lots fronting Anderson Avenue to avoid traffic entering 700 West directly from residential driveways.

**VI. FINDINGS**

1. The rezoning of the property to R-1-6 is supported by the Future Land Use Map designation of Low Density Residential. The applicant's intended purpose in seeking the change of zoning conflicts with the purpose of "encouraging residential development which is single-family detached in character".
2. The requested rezoning has been carefully considered based on the characteristics of the site and surrounding area and the policies and objectives of the 2017 Murray City General Plan. The property would represent an isolated parcel zoned differently from all those surrounding it, but subsequent subdivision of the property would result in lots of comparable size and configuration.
3. Due to the large number of surrounding properties which do not conform to the minimum lot size of the existing R-1-8 Zone, the proposed R-1-6 Zone will support the creation of lots which are in harmony with the prevailing development pattern in the area.
4. The requested zoning designation does not detract from the General Plan's stated purpose to promote residential development that is single

family and detached in nature. Resulting development will be in keeping with the development pattern for lot sizes and residential uses in the surrounding area.

## **VII. STAFF RECOMMENDATION**

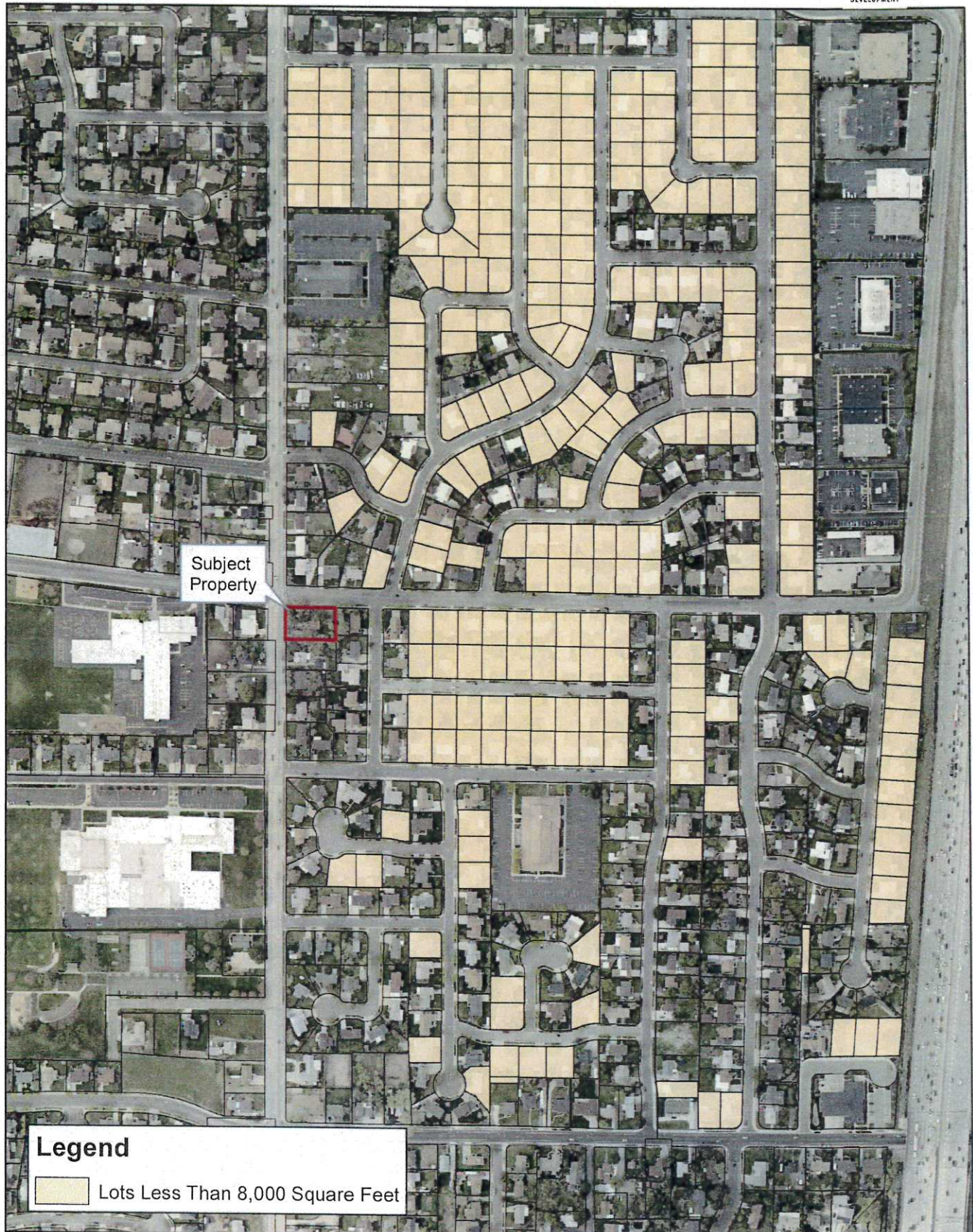
Based on the background, analysis, and the findings in this report, Staff recommends that the Planning Commission **forward a recommendation of APPROVAL to the City Council for the requested amendment to the Zoning Map designation for the property located at 5729 South 700 West from R-1-8, Single-Family Residential to R-1-6, Single-Family Residential.**

Jared Hall  
Community Development Supervisor  
801-270-2427  
jhall@murray.utah.gov





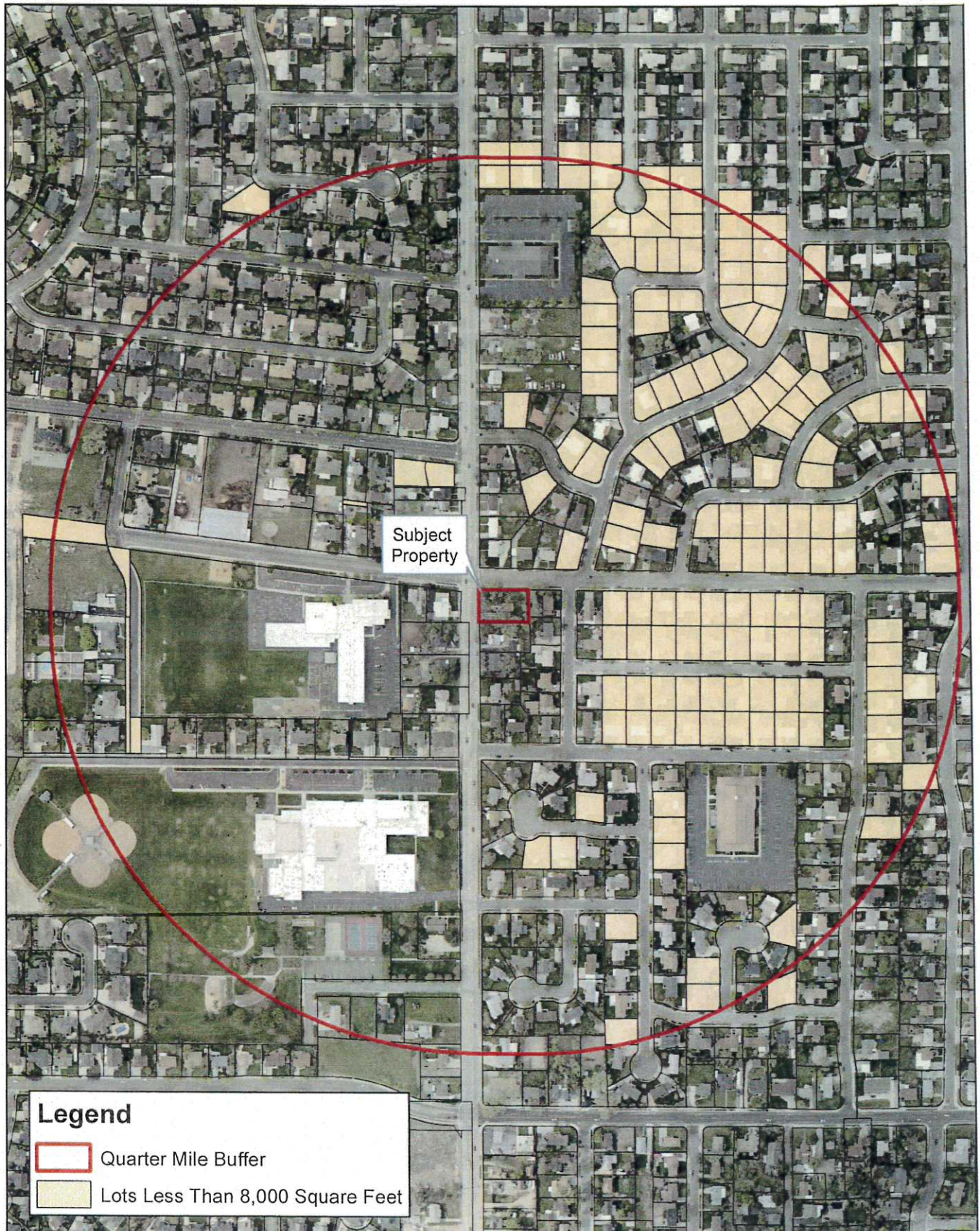
5729 South 700 West







# 5729 South 700 West





4770 S. 5600 W.  
WEST VALLEY CITY, UTAH 84118  
FED.TAX I.D.# 87-0217663  
801-204-6910

Deseret News



The Salt Lake Tribune

PROOF OF PUBLICATION CUSTOMER'S COPY

CUSTOMER NAME AND ADDRESS

MURRAY CITY RECORDER,

5025 S STATE, ROOM 113

MURRAY, UT 84107

ACCOUNT NUMBER

9001341938

DATE

5/28/2019

ACCOUNT NAME

MURRAY CITY RECORDER,

TELEPHONE

8012642660

ORDER # / INVOICE NUMBER

0001255227 /

PUBLICATION SCHEDULE

START 05/26/2019 END 05/26/2019

CUSTOMER REFERENCE NUMBER

Legal Ad - Tital Dev 5729 S 700 W

CAPTION

MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY C

SIZE

31 LINES

1 COLUMN(S)

TIMES

3

TOTAL COST

57.08

FILE COPY

Tital Dev  
#19-061

MURRAY CITY CORPORATION  
NOTICE OF  
PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 6th day of June 2019, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Planning Commission will hold and conduct a Public Hearing for the purpose of receiving public comment on and pertaining to Zone Map Amendment from R-1-8 (Low Density Residential) to R-1-6 (Low Density Residential) for the property located at: 5729 South 700 West, in Murray City, Salt Lake County, State of Utah.

Jared Hall, Supervisor  
Community & Economic Development  
1255227 UPAXLP

AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY COMPANY, LLC dba UTAH MEDIA GROUP LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN that on the 6th day of June 2019, at the hour of 6:30 p.m. of said day in the Council FOR MURRAY CITY RECORDER, WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba UTAH MEDIA GROUP, AGENT FOR DESERET NEWS AND THE SALT LAKE TRIBUNE. DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINITELY. COMPLIES WITH UTAH DIGITAL SIGNATURE ACT UTAH CODE 46-2-101; 46-3-104.

PUBLISHED ON Start 05/26/2019 End 05/26/2019

DATE 5/28/2019

SIGNATURE

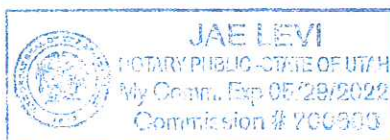
*Judmundson*

STATE OF UTAH )

COUNTY OF SALT LAKE )

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS 26TH DAY OF MAY IN THE YEAR 2019

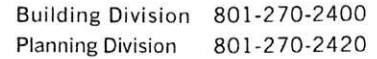
BY LORAIN GUDMUNDSON



*Jae Levi*

NOTARY PUBLIC SIGNATURE

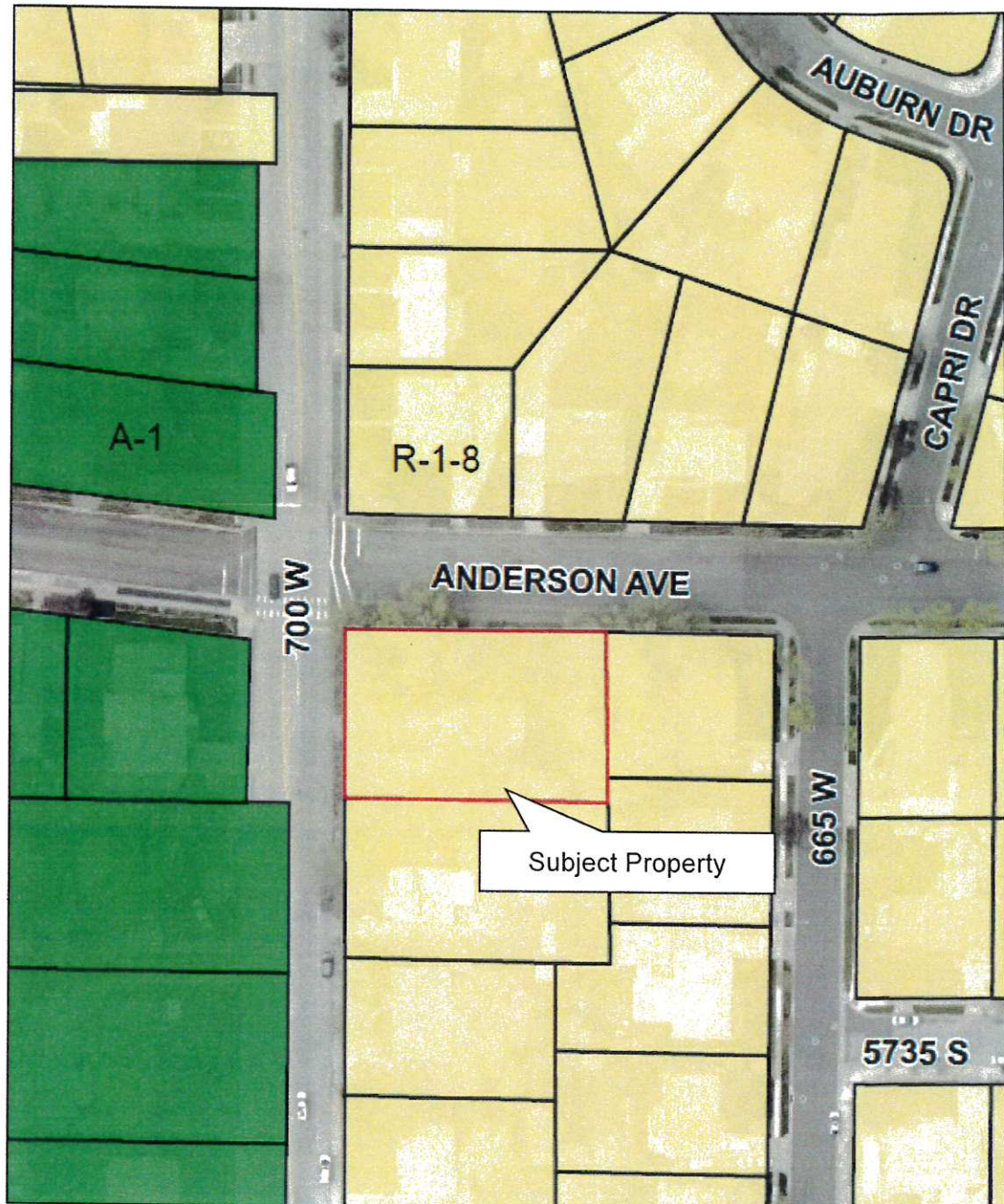
# **Site Information**







# 5729 South 700 West







5729 South 700 West



MURRAY  
COMMUNITY &  
ECONOMIC  
DEVELOPMENT



# **Application Materials**



700 West

## ZONING AMENDMENT APPLICATION

Type of Application (check all that apply):

- ☐ Zoning Map Amendment  
☐ Text Amendment  
☐ Complies with General Plan  
☐ Yes ☐ No

Project # 19-061

Subject Property Address:

5729<sup>So</sup> 700 West

Parcel Identification (Sidwell) Number:

21-13-153-014

Parcel Area:

Current Use:

VACANT lot

Existing Zone:

R-1-8

Proposed Zone:

R-1-6

Applicant  
Name:

MARK SNOW

Mailing Address:

2265 E MURRAY HOLLADAY - 84117

City, State, ZIP:

HOLLADAY, UT, 84117

Daytime Phone #:

801-450-4435

Fax #:

MARK

Email address:

RED.SNOW300@GMAIL.COM

Business or Project Name:

TITAN DEV.

Property Owner's Name (If different):

NATE BROCKBANK

Property Owner's Mailing Address:

SAME

City, State, Zip:

Daytime Phone #:

801-450-4435

Fax #:

MARK

Email:

Describe your reasons for a zone change (use additional page if necessary):

RE-ZONE FROM R-1-8 TO R-1-6

Authorized Signature:

MSnow

Date:

5/14/19



Property Owners Affidavit

I (we) Brockbank Legacy LLC, being first duly sworn, depose and say that I (we) am (are) the current owner of the property involved in this application: that I (we) have read the application and attached plans and other exhibits and are familiar with its contents; and that said contents are in all respects true and correct based upon my personal knowledge.

[Signature]  
Owner's Signature

\_\_\_\_\_  
Co- Owner's Signature (if any)

State of Utah

County of Salt Lake



Subscribed and sworn to before me this 14 day of MAY, 20 19.

[Signature]  
Notary Public  
Residing in SALT LAKE CITY

My commission expires: 2/2/2020

Agent Authorization

I (we), \_\_\_\_\_, the owner(s) of the real property located at \_\_\_\_\_, in Murray City, Utah, do hereby appoint \_\_\_\_\_, as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize \_\_\_\_\_ to appear on my (our) behalf before any City board or commission considering this application.

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Co-Owner's Signature (if any)

State of Utah

County of Salt Lake

On the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, personally appeared before me

\_\_\_\_\_ the signer(s) of the above Agent Authorization who duly acknowledge to me that they executed the same.

\_\_\_\_\_  
Notary Public

Residing in \_\_\_\_\_ My commission expires: \_\_\_\_\_

**EXHIBIT A  
PROPERTY DESCRIPTION**

**PARCEL A:**

Commencing at a point 7.92 chains North from the Southwest corner of the Northwest quarter of Section 13, Township 2 South, Range 1 West, Salt Lake Meridian and running thence East 165 feet; thence South 100 feet; thence West 165 feet; thence North 100 feet to the point of beginning.

LESS AND EXCEPTING any portion lying within the bounds of 700 West Street.

**PARCEL B:**

Beginning at a point which is South 89°16' East 33 feet and North 00°14'20" West 333.6 feet and South 89°15' East 156.30 feet and North 00°48' West 89.12 feet from the West quarter corner of Section 13, Township 2 South, Range 1 West, Salt Lake Base and Meridian and running thence North 00°48' West 100 feet, more or less, to the South line of Anderson Avenue; thence North 89°15' West 24.3 feet along the South line of said Anderson Avenue; thence South 00°48' East 100 feet; thence South 89°15' East 24.3 feet to the point of beginning.

ALSO DESCRIBED as Tax County Records as follows:

Beginning 7.92 chains North from the Southwest corner of Northwest quarter of Section 13, Township 2 South, Range 1 West, Salt Lake Meridian and running thence East 189.3 feet; thence South 100 feet; thence West 189.3 feet; thence North 100 feet to the beginning.

Tax Id No.: 21-13-153-014

**TITAN DEV  
PROJECT #19-061  
P/C 6/6/19 + affected entities**

Allen B Lemon  
5649 S 700 W  
Murray UT 84123

Bab Tr  
674 W Anderson Ave  
Murray UT 84123

Betty L Valdez  
1027 W Hidden Cove Dr  
Taylorsville UT 84123

Beverlee W Jones; Dej Errv Tr  
5655 S 700 W  
Murray UT 84123

Brandi Jorgensen  
680 W Anderson Ave  
Murray UT 84123

Brandon A Hill; Kevin L Hill;  
Michelle C Hill (Jt)  
919 W Brandermill Cv  
Murray UT 84123

Bruce R Moffitt;  
Debora Moffitt (Jt)  
5688 S Capri Dr  
Murray UT 84123

Bryce Simmons;  
Alyssa Simmons (Jt)  
5738 S 700 W  
Murray UT 84123

Carrie L Nanney  
5660 S 700 W  
Murray UT 84123

Cheryl Miller  
5734 S 665 W  
Murray UT 84123

Damaso E Morales;  
Karina Mayela Gali Bracho (Jt)  
660 W 5735 S  
Murray UT 84123

Daniel Christopher Williams;  
Dustin Robert Williams (Jt)  
653 W 5735 S  
Murray UT 84123

David A Thompson  
5744 S 665 W  
Murray UT 84123

Dlo Fam Tr  
5725 S 665 W  
Murray UT 84123

Douglas L Orton;  
Debra L Orton (Jt)  
5725 S 665 W  
Murray UT 84123

G Fam Tr  
669 W Auburn Dr  
Murray UT 84123

George M Frear  
5700 S 800 W  
Murray UT 84123

Jim Karahalios;  
Danielle M Karahalios (Jt)  
661 W 5735 S  
Murray UT 84123

Jonathan David Best  
675 W Auburn Dr  
Murray UT 84123

Kristin Mcbeth  
712 W Anderson Ave  
Murray UT 84123

Larry Dwayne Bell  
5741 S 700 W  
Murray UT 84123

Lorena J Frear  
5733 S 700 W  
Murray UT 84123

Lori Litchfield  
5643 S 700 W  
Murray UT 84123

Lorin C. Chatwin;  
Mavis E. Chatwin  
656 W Anderson Ave  
Murray UT 84123

Mch Fam Tr  
2626 E Verona Cir  
Holladay UT84117

Melvin D Manning;  
Kathe A Manning (Jt)  
5737 S 700 W  
Murray UT 84123

Melvin L Chatwin;  
Maxine Chatwin  
5742 S 700 W  
Murray UT 84123

Michael J Greco;  
Steffany L Greco (Jt)  
725 W Anderson Ave  
Murray UT 84123

Murray City Board Of Education  
5102 S Commerce Dr  
Murray UT84107

Nicholas Lynn Sorenson;  
Joy Donella Sorenson (Jt)  
712 W Tripp Ln  
Murray UT 84123

Rodney P Couser  
5732 S 700 W  
Murray UT 84123

Sherri M Craig  
5740 S 665 W  
Murray UT 84123

Trust Not Identified  
1377 E Silvercrest Dr  
Sandy UT 84093

Abdallah Mansour; Omar Mansour  
5748 S 665 W  
Murray UT 84123

O Ray Kerley;  
Erlene G Kerley (Jt)  
5745 S 700 W  
Murray UT 84123

Rose Marie Stewart;  
Lucky Jim Silcox (Jt)  
5695 S 700 W  
Murray UT 84123

Taylor Morgan;  
Katherine Morgan (Jt)  
657 W Anderson Ave  
Murray UT 84123

Trust Not Identified  
5726 S 700 W  
Murray UT 84123

Richard D Hughes  
5670 S 700 W  
Murray UT 84123 *not in mail*

Ross Lindhorst;  
Amy Lindhorst  
5656 S 700 W  
Murray UT 84123

Trust Not Identified  
5708 S Capri Dr  
Murray UT 84123

5680, Llc  
5680 S 700 W  
Murray UT 84123



**P/C AGENDA MAILINGS**

"AFFECTED ENTITIES"

Updated 11/2017

UDOT - REGION 2  
ATTN: MARK VELASQUEZ  
2010 S 2760 W  
SLC UT 84104

UTAH TRANSIT AUTHORITY  
ATTN: PLANNING DEPT  
PO BOX 30810  
SLC UT 84130-0810

TAYLORSVILLE CITY  
PLANNING & ZONING DEPT  
2600 W TAYLORSVILLE BLVD  
TAYLORSVILLE UT 84118

WEST JORDAN CITY  
PLANNING DIVISION  
8000 S 1700 W  
WEST JORDAN UT 84088

CHAMBER OF COMMERCE  
ATTN: STEPHANIE WRIGHT  
5250 S COMMERCE DR #180  
MURRAY UT 84107

MURRAY SCHOOL DIST  
ATTN: ROCK BOYER  
5102 S Commerce Drive  
MURRAY UT 84107

MIDVALE CITY  
PLANNING DEPT  
7505 S HOLDEN STREET  
MIDVALE UT 84047

SALT LAKE COUNTY  
PLANNING DEPT  
2001 S STATE ST  
SLC UT 84190

GRANITE SCHOOL DIST  
ATTN: KIETH BRADSHAW  
2500 S STATE ST  
SALT LAKE CITY UT 84115

UTAH POWER & LIGHT  
ATTN: KIM FELICE  
12840 PONY EXPRESS ROAD  
DRAPER UT 84020

DOMINION ENERGY  
ATTN: BRAD HASTY  
P O BOX 45360  
SLC UT 84145-0360

COTTONWOOD IMPRVMT  
ATTN: LONN RASMUSSEN  
8620 S HIGHLAND DR  
SANDY UT 84093

JORDAN VALLEY WATER  
ATTN: LORI FOX  
8215 S 1300 W  
WEST JORDAN UT 84088

CENTRAL UTAH WATER DIST  
355 W UNIVERSITY PARKWAY  
OREM UT 84058

HOLLADAY CITY  
PLANNING DEPT  
4580 S 2300 E  
HOLLADAY UT 84117

COTTONWOOD HEIGHTS CITY  
ATTN: PLANNING & ZONING  
2277 E Bengal Blvd  
Cottonwood Heights, UT 84121

SANDY CITY  
PLANNING & ZONING  
10000 CENTENNIAL PRKWY  
SANDY UT 84070

UTOPIA  
Attn: JAMIE BROTHERTON  
5858 So 900 E  
MURRAY UT 84121

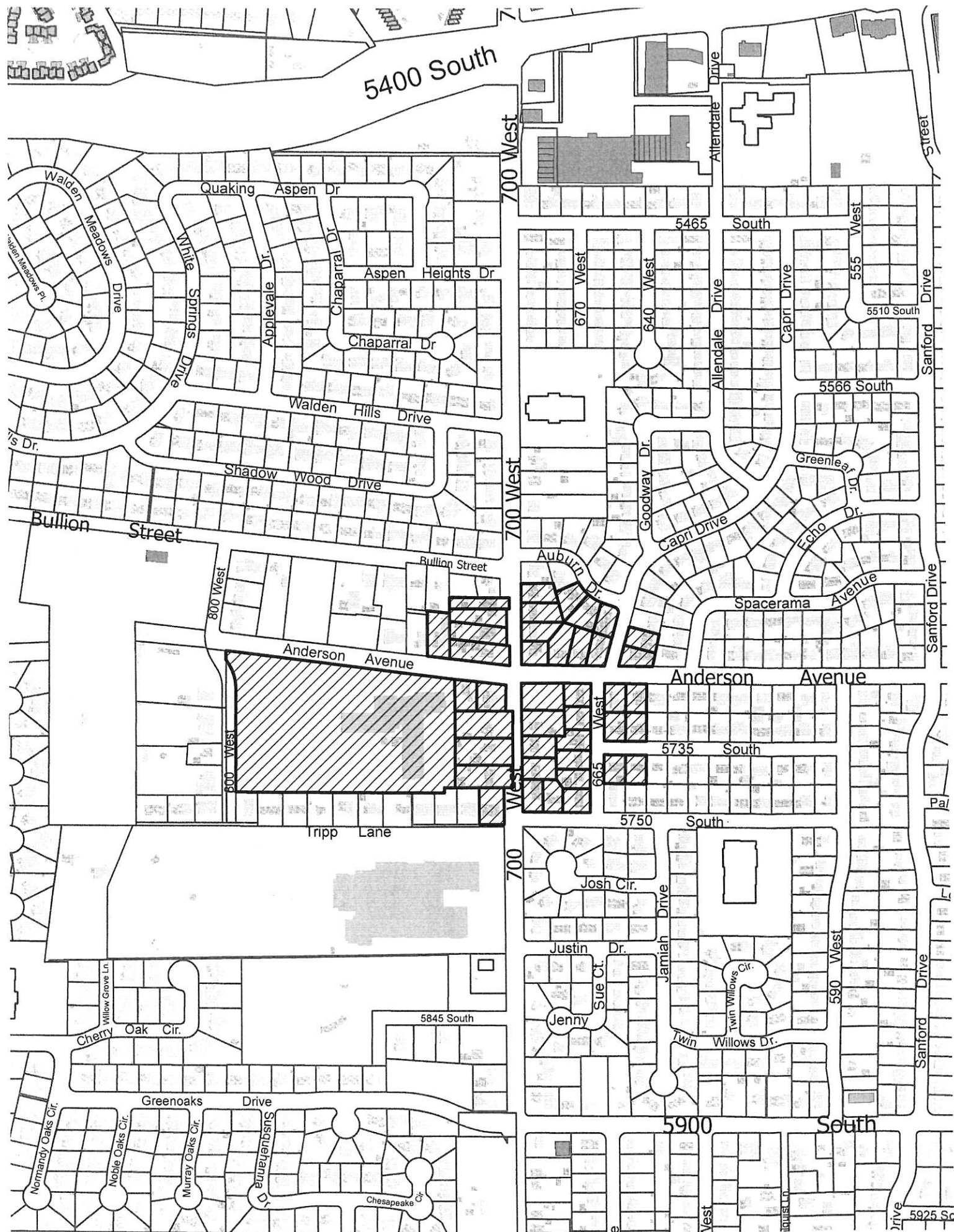
COMCAST  
ATTN: GREG MILLER  
1350 MILLER AVE  
SLC UT 84106

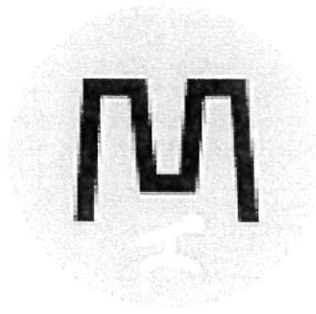
MILLCREEK  
Attn: Planning & Zoning  
3330 South 1300 East  
Millcreek, UT 84106

**GENERAL PLAN MAILINGS:**

WASATCH FRONT REG CNCL  
PLANNING DEPT  
295 N JIMMY DOOLITTLE RD  
SLC UT 84116

UTAH AGRC  
STATE OFFICE BLDG #5130  
SLC UT 84114





MURRAY  
CITY COUNCIL

# Public Hearing #3

# Murray City Corporation

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 6<sup>th</sup> day of August, 2019, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Municipal Council will hold and conduct a Public Hearing to consider land use code text amendments to Title 16 of the Murray City Municipal Code relating to Subdivisions.

The purpose of this public hearing is to receive public comment concerning the proposed land use code text amendment as described above.

DATED this 16<sup>th</sup> day of July, 2019.

MURRAY CITY CORPORATION

  
Jennifer Kennedy  
City Recorder

DATE OF PUBLICATION: July 26, 2019  
PH 19-23





ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING TITLE 16 OF THE MURRAY CITY MUNICIPAL CODE  
RELATING TO SUBDIVISIONS

BE IT ENACTED BY THE MURRAY CITY MUNICIPAL COUNCIL:

*Section 1. Purpose.* The purpose of this ordinance is to amend title 16 of the Murray City Municipal Code relating to subdivisions.

*Section 2. Amend title 16.* Title 16 of the Murray City Municipal Code shall be amended to read as follows:

**Chapter 16.04**  
**GENERAL PROVISIONS**

**16.04.010: PURPOSES:**

A. The purposes of this title are:

1. To promote the health, safety and general welfare of the residents of the eCity;
2. To ensure the efficient and orderly development of land within the eCity;
3. To prevent the uncontrolled division and development of real property, which may be done without considering the rights and best interests of adjoining property owners and the eCity as a whole;
4. To avoid poorly planned developments that:
  - a. Do not comply with the eCity general plan or ordinances,
  - b. Cannot be adequately served by existing utilities or public services,
  - c. May prove to be dangerous or unsafe,
  - d. May cause an undue burden on existing traffic or transportation services, or
  - e. May require the future expenditure of public funds to correct problems caused by the development;
5. To provide design standards for public improvements, facilities and utilities, to provide for reasonable accesses to public rights of way, to provide for the dedication of land and streets deemed necessary

for the proper development of the subdivision, and to provide for easements or rights of way that are necessary to service the property.

B. This title is designed to inform the subdivision developer and the public of the requirements for obtaining subdivision plat approval. Because each parcel of real property has unique site/situation characteristics, there may be some aspects of subdivision development that cannot easily be articulated. For this reason, it is not possible to cover every possible contingency. Therefore, the eCity eEngineer, pPlanning eCommission, and eCommunity and Economic dDevelopment dDirector have the authority to impose reasonable conditions upon a subdivider in addition to those expressly required, provided that:

1. The conditions are not arbitrary or capricious;
2. The conditions do not conflict with any applicable law. (Ord. 94-40 § 1: prior code § 30-01)

#### **16.04.020: DEFINITIONS:**

...

MONUMENT: A permanent survey marker established by the county surveyor and shown on a final plat with state plane coordinates, and/or a survey marker set in accordance with the eCity eEngineer's specifications and referenced to county survey monuments.

...

UTILITIES: Natural gas, electric power, cable television, telephone, storm system, sewer, culinary water and other services deemed to be of a public utility nature by the eCity.

...

#### **16.04.030: NECESSITY OF SUBDIVISION PLAT APPROVAL:**

A. Terms: Any division of real property located within the eCity is subject to the terms of this title. The division of real property includes any sale, gift, transfer, conveyances, split or other division that results in changing the boundaries or legal description of a given parcel of real property.

...

#### **16.04.040: GENERAL RESPONSIBILITIES:**

A. The subdivider shall prepare concept plans and plats consistent with the standards contained herein and shall pay for the design, construction and inspection of the public improvements required. The city shall process said plans and plats in accordance with the regulations set forth herein. The subdivider may not alter the terrain or remove any vegetation from the proposed subdivision site or engage in any site development until subdivider has obtained the necessary approvals as outlined herein. The subdivider is responsible to obtain and be familiar with all applicable subdivision ordinances, rules and standards of the eCity.

- B. The eCommunity and Economic dDevelopment dDirector or designee shall review the plans and plats for design; for conformity to the general plan and to title 17 of this code; for the environmental quality of the subdivision design; and shall process the subdivision plats and reports as provided for in this title.
- C. Plats and/or plans of proposed subdivisions may be referred by the eCommunity and Economic dDevelopment dDirector or designee to any eCity departments and special districts, governmental boards, bureaus, utility companies, and other agencies which will provide public and private facilities and services to the subdivision for their information and comment.
- D. The eCity eEngineer shall review the engineering plans and specifications for the subdivision to determine if the proposed eCity required improvements are consistent with this title and other applicable ordinances and shall be responsible for inspecting the eCity requirement improvements. Review of street layout and lot design shall be coordinated between the eCity eEngineer and the eCommunity and Economic dDevelopment dDepartment.
- E. The eCity eEngineer shall review the engineering plans and specifications for the public improvements.
- F. The pPlanning eCommission shall act as the final Land Use Authority to approve (1) subdivision plats; and (2) the establishment of requirements and design standards for public improvements, an advisory body to the mayor. It shall make investigations, reports and recommendations on proposed subdivisions as to their conformance to the general plan and title 17 of this code, and other pertinent documents as it deems necessary. After completing its review of the final plat, the pPlanning eCommission shall ~~recommend approval, approval with conditions, or disapproval of the final plat~~ approve or disapprove of the final plat in accordance with section 16.12.070 of the Code. to the mayor.
- G. The eCity eAttorney shall verify that the bond provided by the subdivider is acceptable, that the subdivider dedicating land for use of the public is the owner of record, that the land is free and clear of unacceptable encumbrances according to the title report submitted by the subdivider, and may review other matters which may affect the eCity's interests.
- H. The mMayor ~~has final authority to approve subdivision plats, the establishment of requirements and design standards for public improvements, and~~ may sign, as a non-discretionary and ministerial act, final subdivision plats for the acceptance of lands and public improvements that may be proposed for dedication to the city. (Ord. 94-40 § 1: prior code § 30-04)

#### **16.04.050: COMPLIANCE REQUIRED:**

- A. It is unlawful for a person to subdivide a tract or parcel of land which is located wholly or in part in the eCity except in compliance with this title.
1. Plat Approval Required: A plat of any subdivision may not be recorded until it has been submitted and approved as herein.
  2. Plat Must Not Conflict With Plans, Ordinances Or Laws: A plat shall not be approved if the mayor Planning Commission determines such plat to be in conflict with any provision or portion of the general plan, the transportation master plan, title 17 of this code, this chapter, and any other state law or eCity ordinance.



3. Adequate And Available Public Utilities: The eCity may deny or delay approval of a development project if there is not adequate capacity or availability of public utilities for a proposed development.

B. Land may not be transferred or sold nor shall a building permit be issued for a structure thereon, until a final plat of a subdivision shall have been recorded in accordance with this title and any applicable provisions of state law, and until the improvements required in connection with the subdivision have been guaranteed as provided herein.

C. All lots, plots or tracts of land located within a subdivision are subject to this title whether the tract is owned by the subdivider or a subsequent purchaser, transferee, devisee, or contract purchaser of the land. (Ord. 15-26: Ord. 94-40 § 1: prior code § 30-05)

#### **16.04.060: CONCEPT REVIEW:**

A concept review is required for all proposed subdivisions unless the eCommunity and Economic dDevelopment dDirector or designee determines that a concept plan is not necessary. A concept review provides the subdivider with an opportunity to consult with and receive information from the eCity regarding the regulations and design requirements applicable to the proposed subdivision. The concept review procedure may be informal and may consist of one or more meetings with affected departments, all as determined by the eCommunity and Economic dDevelopment dDirector. (Ord. 94-40 § 1: prior code § 30-06)

#### **16.04.070: STAFF AUTHORITY:**

The City's planning staff and all other officers and employees of the eCity act in advisory capacity to the mayorPlanning Commission and have no authority to make binding decisions or to make authoritative representations, approvals or determinations other than in a purely advisory and recommending capacity. (Ord. 94-40 § 1: prior code § 30-07)

#### **16.04.080: SUBMISSION:**

If the eCommunity and Economic dDevelopment dDirector or designee requires a subdivision concept review, the subdivider shall provide the following items:

A. The proposed name of the subdivision;

B. A vicinity plan showing significant natural and manmade features or existing structures on the site and within five hundred feet (500') of any portion of it; the property boundaries of the proposed subdivision; the names of adjacent property owners; topographic contours at no greater interval than two feet (2'); north arrow; and scale of the drawing;

C. A proposed lot and street layout;

D. Availability of utilities as evidenced by letters from the utility companies;

E. A description of those portions of the property which are included in the most recent flood insurance rate maps prepared by FEMA;

F. The total acreage of the entire tract proposed for subdivision;

G. Proposed changes to existing zoning district boundaries or zoning classifications or conditional use permits, if any. (Ord. 94-40 § 1: prior code § 30-08)

#### **16.04.090: SUBMISSION FOR PRELIMINARY REVIEW:**

After the concept review, if required, has been completed, as determined by the eCommunity and Economic dDevelopment dDirector or designee, the subdivider may apply for preliminary plat review consistent with the concept review. If preliminary plat review is not requested within twelve (12) months after a concept review is completed, the eCommunity and Economic dDevelopment dDirector may require a new concept review before the preliminary plat review may proceed. (Ord. 94-40 § 1: prior code § 30-09)

#### **16.04.100: EXEMPTION FROM PLAT REQUIREMENT (LOT SPLIT SUBDIVISIONS):**

A. Purpose: It is the intent of this section to allow the owner of property, which may be divisible into not more than two (2) legal size lots, to divide the property while minimizing delay and expense.

B. Approval Required: Prior to dividing any parcel or tract of land which may be divisible into not more than two (2) legal size lots, the division must first be approved by the eCommunity and Economic dDevelopment dDirector or designee. The approval shall be based on the compliance of the proposed lot split with all ordinances of the eCity regarding street and other off site improvements, zoning, lot size and configuration, etc.

1. A plat is required if the proposed subdivision requires a dedication of real property for public street, utility easements, or other similar public purposes, as determined by the Community and Economic Development Department after consultation with affected City departments. If a plat is required by this subsection, the plat must be (1) reviewed and approved by the Planning Commission; and (2) Approved dedications accepted by the Mayor before recording.

C. Application: The subdivider shall submit a complete application which shall include one reproducible copy and two (2) prints of the property survey and legal description certified by a licensed land surveyor, together with any necessary improvement plans and bond agreements. The property survey shall show all existing improvements on the property being divided.

D. Review: The Community and Economic Development Department shall review the proposed subdivision and shall request recommendations from the Public Works Department and other appropriate City departments.

E. Referral For Review: The subdivision may be approved, approved with conditions, or disapproved by the Community and Economic Development Department. The proposed subdivision may be referred to the Planning Commission for review if the Community and Economic Development Director or designee determines it is in the City's best interest.

F. Final Approval: If the survey and proposed division are in compliance with all City ordinances and conditions imposed, the lot split subdivision shall be approved by the Community and Economic Development Director or designee, and no further approval from the City is required.



G. Subdivision: After final approval, the property may be subdivided as approved and conveyed by metes and bounds legal descriptions.

H. Fee: The City charges a fee for applications for lot split subdivisions, which must be paid at the time the application is submitted. The fee will be established by the Mayor in a written fee schedule in an amount reasonably necessary to defray costs of processing an application. The written fee schedule will be made available for public inspection in the City's Public Works Department.

I. Appeal: A final decision of the Community and Economic Development Director or the Planning Commission may be appealed to the Appeal Authority by any aggrieved person or by any officer, department, board or agency of the City affected by the decision or action. Appeals must be filed, in writing, with the ~~Secretary to the Appeal Authority~~ City's Community and Economic Department within ten (10) days after the decision is made. The appeal will then be heard according to the rules and bylaws of the Appeal Authority. The filing of an appeal shall stay all proceedings and actions in furtherance of the matter appealed, pending a decision of the Appeal Authority. Appeal of the decision of the Appeal Authority is governed by title 10 chapter 9a of the section 10-9-1001, Utah Code Annotated (1953, amended). (Ord. 18-06: Ord. 14-10: Ord. 11-22: Ord. 94-40 § 1: Prior Code § 30-27)

#### **16.04.110: MODIFICATIONS; PERMITTED WHEN; PETITION FROM SUBDIVIDER:**

Whenever the land involved in any proposed subdivision is of such size or shape, or is subject to such title limitations of record, or is affected by such topographical location or conditions, or is to be devoted to such use that it is impossible, impractical or undesirable in a particular case for the subdivider fully to conform to the regulations contained in this title, the Planning ~~Commission~~ Staff and City Engineer may recommend that the ~~Mayor~~ Planning Commission permit such modifications as may be reasonably necessary if such modifications are in conformity with the spirit and purpose of this chapter, and will not be detrimental to the public welfare or safety, or injurious to other property in the territory in which the property is situated. (Ord. 94-40 § 1: Prior Code § 30-28)

#### **16.04.120: PENALTIES:**

A person who fails to comply with the provisions of this title is guilty of a ~~C~~ Class C misdemeanor. In addition to any criminal prosecution, the City may pursue any other legal remedy available according to law. (Ord. 94-40 § 1: Prior Code § 30-26)

### **Chapter 16.08**

#### **PRELIMINARY PLATS**

##### **16.08.010: PURPOSE:**

The purpose of the preliminary plat is to require formal preliminary review of a subdivision as provided herein in order to minimize changes and revisions on the final plat. The preliminary plat and all information and procedures relating thereto shall in all respects be in compliance with the provisions of this title and any other applicable ~~e~~ City ordinances. (Ord. 94-40 § 1: prior code § 30-10)

#### 16.08.020: APPLICATION:

The subdivider of a subdivision, after completing a concept review, if required, shall file an application for preliminary plat approval with the city eCommunity and Economic dDevelopment eDepartment on a form prescribed by the eCity, together with five (5) copies of the preliminary plat. An application may not be forwarded to or scheduled for hearing before the pPlanning eCommission until all required information has been received by the eCity. (Ord. 94-40 § 1: prior code § 30-11)

#### 16.08.030: PRELIMINARY PLAT SUBMITTAL:

...

E. The subdivider shall provide the following documents with the application:

1. Hydraulic and hydrologic storm drainage calculations;
2. A traffic report study when required by the pPlanning eCommission or eCity eEngineer;
3. Preliminary title report, or other evidence of title satisfactory to the eCity aAttorney;
4. Any necessary agreements with adjacent property owners regarding storm drainage or other matters pertinent to subdivision approval;
5. Maintenance agreements for subsurface drains serving the subdivision.

F. The subdivider shall comply with all applicable federal, state, and local laws and regulations, and shall provide evidence of such compliance if requested by the eCity. (Ord. 94-40 § 1: prior code § 30-12)

#### 16.08.040: PLANNING COMMISSION REVIEW:

A. The pPlanning eCommission shall review the submitted preliminary plat and determine compliance with the standards and criteria set forth in this title and all other ordinances of the eCity, including, but not limited to, title 17 of this code, general plan and the transportation master plan. The pPlanning eCommission may ~~recommend approval~~ approve, ~~approve~~ subject to modification, or disapproval of the submitted preliminary plat, and shall make findings specifying any inadequacy in the application, such as noncompliance with eCity regulations, questionable or undesirable design and/or engineering. The subdivider shall be notified in writing of the action taken by the findings of the pPlanning eCommission regarding the submitted preliminary plat.

B. Completion of preliminary plat review by the pPlanning eCommission does not constitute a final acceptance of the subdivision by the pPlanning eCommission, and does not create any vested rights for the subdivider. (Ord. 94-40 § 1: prior code § 30-13)

C. Preliminary and Final Subdivision Review for a standard subdivision of ten (10) lots or less may be done concurrently with the Planning Commission.



#### **16.08.050: PRELIMINARY PLAT REMAINS EFFECTIVE:**

- A. A completed preliminary plat must be submitted for final approval within one year. The pPlanning eCommission may grant a one year extension if the plat complies with all applicable ordinances at the time the extension is sought. The extension must be requested prior to preliminary plat expiration.
- B. If a final plat which covers only a portion of the approved preliminary plat is recorded within the one year time limit or extension thereof, the validity of the unrecorded portion of the preliminary plat shall be extended for one year from the date of recording the final plat.
- C. The preliminary plat must be amended if the developer desires to increase the number of lots in the subdivision, or change the grade or location of streets within the subdivision.
- D. The preliminary plat need not be amended to decrease the number of lots in the subdivision, to make minor lot boundary changes, or to make other minor changes if the eCommunity eDevelopment eDirector or designee and the eCity eEngineer find that amending the preliminary plat is not necessary to protect the interest of the eCity or adjoining property owners.
- E. If a subdivision is proposed to be developed in phases, preliminary plat approval for the remaining portions of the subdivision shall not be voided if final plat for the first phase is approved and recorded within one year of the date of preliminary plat approval. (Ord. 94-40 § 1: prior code § 30-14)

### **Chapter 16.12 FINAL PLATS**

#### **16.12.010: FILING DATA FOR FINAL PLAT:**

At the time a final plat of a subdivision is submitted to the eCity eEngineer, the subdivider shall submit therewith the following documents:

- A. Calculation and traverse sheets, in a form approved by the eCity eEngineer, giving bearings, distance and coordinates of the boundary of the subdivision, and blocks and lots as shown on the final plat;
- B. A no access rights certificate, if required, shall be shown on the final plat;
- C. Design data, assumptions and computations for proper analysis in accordance with sound engineering practice;
- D. A current report naming the persons whose consent is necessary for the preparation and recordation of such plat and for dedication of the streets, alleys and other public places shown on the plat, and certifying that as of the date of the preparation of the report, the persons therein named are all the persons necessary to give clear title to such subdivision;
- E. A soils report based upon adequate test borings and excavations, prepared by a civil engineer specializing in soil mechanics and registered by the state of Utah, shall be required prior to

preliminary approval of any subdivision plat. If the soil report indicates the presence of critically expansive soils, high water table or other soil problems which, if not corrected, would lead to structural defects of the proposed buildings, damage to the buildings from the water or premature deterioration of the public improvements, a soil investigation of each lot in the subdivision may be required by the ~~p~~Public ~~w~~Works ~~d~~Department. The soil investigation shall recommend corrective action intended to prevent damage to the proposed structure or public improvements. The fact that a soil report has been prepared shall be noted on the final plat and a copy attached to the preliminary plat application. The ~~e~~City ~~e~~Engineer may determine that a soils report is not necessary and may waive this requirement;

F. An affidavit, in a form as directed by the ~~e~~City ~~a~~Attorney, from the developer and the owner of the subdivision property, describing:

1. The use history of the property for the previous fifty (50) years, including the type of business activities which have been conducted on the property;
2. Whether the property is at natural grade or has been filled; and
3. Whether the developer or owner of the property is aware of the presence of any tailings, hazardous waste, or petroleum products in or on the property.

If the ~~e~~City ~~e~~Engineer has reason to believe the property may constitute a health hazard, the developer or owner of the property shall provide written evidence of an environmental assessment and, if applicable, written certification of abatement from all regulatory agencies having jurisdiction over the property and the related contamination.

G. Evidence of title in form of a commitment for title insurance or other documentation as approved by the ~~e~~City ~~a~~Attorney.

H. The agreement and bonds specified in sections [16.12.030](#) and [16.12.040](#) of this chapter, or successor sections;

I. Proposed deed restrictions if required by ~~e~~City ~~a~~Attorney. (Ord. 94-40 § 1: prior code § 30-15)

#### **16.12.020: PREPARATION AND MATERIALS OF FINAL PLAT:**

...

#### **16.12.030: PUBLIC IMPROVEMENT AGREEMENT:**

- A. Prior to the approval by the ~~Mayer~~Planning Commission of the final plat, the subdivider shall execute and file an agreement between the subdivider and the City specifying the period within which the subdivider shall complete all public improvement work to the satisfaction of affected City departments, and providing that if the subdivider shall fail to complete the work within such period, the City may complete the same and recover the full cost and expense thereof from the subdivider or the subdivider's surety. The agreement shall also provide for inspection of all public improvements by the City Engineer and that the cost of such inspections shall be reimbursed to the City by the subdivider.



B. Such agreement may also provide the following:

1. Construction of the improvements in phases;
2. An extension of time under conditions therein specified. (Ord. 94-40 § 1: Prior Code § 30-17)

#### **16.12.040: BOND AND SECURITY REQUIREMENTS:**

...

- D. In the case of corporate surety bonds, copies of the partial releases from the City Engineer's Office shall be sent to the Recorder's Office for inclusion with the bond for attachment to the bond. (Ord. 94-40 § 1: Prior Code § 30-18)

#### **16.12.050: NO PUBLIC RIGHT OF ACTION:**

...

#### **16.12.060: CITY ENGINEER REVIEW AND CERTIFICATION:**

...

#### **16.12.070: APPROVAL BY PLANNING COMMISSION:**

Upon receipt of the final plat, the Planning Commission shall examine the same to determine whether the plat conforms with the preliminary plat. If in conformity with the preliminary plat and City ordinances, the Planning Commission shall approve the plat. If the plat is not in conformity with (1) the preliminary plat; or (2) the requirements of the ordinances of the City, the Planning Commission shall disapprove the plat, specifying the reasons for such disapproval. Within thirty (30) days after the Planning Commission has disapproved any plat, the subdivider may file with the City Engineer a plat altered to meet the requirements of the Planning Commission. No final plat shall have any force or effect until the same has been approved by the Planning Commission. (Ord. 94-40 § 1: Prior Code § 30-21)

#### **16.12.080: APPROVAL BY THE MAYOR:**

The Mayor shall consider the final plat, the plan of a subdivision, and the offers of dedication. (Ord. 94-40 § 1: Prior Code § 30-22)

#### **16.12.0890: ~~DISAPPROVAL~~ ACCEPTANCE OF PLAT OFFERS OF DEDICATION BY MAYOR; ~~REFILING~~:**

Before a plat may be recorded with the County Recorder, the Mayor shall perform the non-



discretionary and ministerial act of signing a the plat solely to accept offers of dedication. If the Mayor shall determine either that the plat is not in conformity with the requirements of the ordinances of the City, or that he/she is not satisfied with the plans of the subdivision, or if he/she shall reject any offer or offers of dedication, the Mayor shall disapprove the plat, specifying reasons for such disapproval. Within thirty (30) days after the Mayor has disapproved any plat, the subdivider may file with the City Engineer a plat altered to meet the Mayor's requirements. No final plat shall have any force or effect until the same has been approved by the Mayor. (Ord. 94-40 § 1; Prior Code § 30-23)

#### **16.12.4090: RECORDATION WITH COUNTY:**

- A. When the Mayor Planning Commission has approved the final plat, all required fees have been paid, and the subdivider has filed the approved agreement and bond required in this chapter, the plat may be presented to the County Recorder for recordation.
- B. The subdivision plat shall be recorded within one year of the final approval by the Mayor Planning Commission or the final plat shall be null and void. The applicant may request a one-time extension of up to six (612) months time extension approval for special circumstances. The extension must be requested prior to final plat expiration (I'm thinking we should use the same language as we do for preliminary plat in Section 16.08.050(A) to be consistent). (Ord. 15-25)

#### **16.12.1400: AMENDMENTS TO FINAL PLAT:**

The Community and Economic Development and Public Works Directors may approve minor amendments to approved final plats before the plat is recorded, if they find that thea proposed amendment(s) does not jeopardize the interests of the City or adjoining property owners. The types of minor amendments contemplated by this section include legal description mistakes, minor boundary changes, and items that should have been included on the original final plats. Major amendments to unrecorded approved final plats shall go back through the approval process. Amendments to recorded final plats shall be in accordance with State law and any policies or procedures adopted by the City. (Ord. 94-40 § 1; Prior Code § 30-25)

*Section 3. Effective date. This Ordinance shall take effect upon first publication.*

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on this 6th day of August, 2019.

MURRAY CITY MUNICIPAL COUNCIL

---

Dave Nicponski, Chair

ATTEST:

\_\_\_\_\_  
Jennifer Kennedy, City Recorder

MAYOR'S ACTION: Approved

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

\_\_\_\_\_  
D. Blair Camp, Mayor

ATTEST:

\_\_\_\_\_  
Jennifer Kennedy, City Recorder

CERTIFICATE OF PUBLICATION

I hereby certify that this Ordinance, or a summary hereof, was published according to  
law on the \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Jennifer Kennedy, City Recorder

limited to 30 feet. The largest size building in the R-N-B zone is 15,000 sq.ft. with pitched roofs that have a residential look.

Mr. Markham encouraged Ms. Adams to look at the properties along the west side of 900 East at approximately 6200 South and The Advocates office building on 725 East Winchester Street that are good examples of the types of structures built in the R-N-B zone.

Ms. Patterson made a motion to send a positive recommendation to the City Council for a Zone Map Amendment for the property addressed 347 East Winchester Street from R-1-8 to R-N-B. Seconded by Ms. Milkavich.

Call vote recorded by Mr. Hall.

A Maren Patterson  
A Phil Markham  
A Sue Wilson  
A Lisa Milkavich  
A Ned Hacker  
A Travis Nay

Motion passed 6-0.

ORDINANCE TEXT AMENDMENT - Section 16 – Subdivision Ordinance Amendments  
Project #19-065

Mr. Hall presented the proposed Text Amendment for Title 16, Subdivisions. The Community & Economic Development Department has been working with the City Attorney's Office on revisions to the City Subdivision Ordinance. Recently, the existing subdivision ordinance has been questioned as it currently states that the Planning Commission may recommend approval, approval with conditions, or disapproval of a subdivision plat to the Mayor. In addition, the current ordinance states that the Mayor has final authority to approve subdivision plats and design standards for public improvements.

Utah State Code (Section 10-9a-604) allows for the Planning Commission to act as the Land Use Authority. As a result, City staff is recommending that this authority be given to the Planning Commission. This would allow for the Planning Commission to approve (1) subdivision plats; and (2) the establishment of requirements and design standards for public improvements. Additionally, the Planning Commission shall approve or disapprove the final plat. Finally, City staff is proposing that the Mayor, may sign, as a non-discretionary and ministerial act, final subdivision plats for the acceptance of lands and public improvements proposed for dedication to the City. General clean-up items for Title 16, Subdivision Ordinance Regulations have also been proposed by City staff. The following includes some of the proposed changes:

- The addition of a Community & Economic Development Director or designee.
- Allowing for preliminary and final subdivision review for a subdivision of ten (10) lots or less to be done concurrently with the Planning Commission.
- A preliminary plat may be granted a 1-year extension by the Planning Commission if requested prior to expiration.
- A final plat may be granted a 1-year extension by the Planning Commission if requested prior to expiration.

Based on the above findings, proposed text and other revisions as outlined, City staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the proposed amendments to the Murray City Code, Title 16, Subdivision Ordinance Regulations.

Mr. Markham asked what happens if the Planning Commission approves a plat, but the Mayor chooses not to sign the subdivision plat. Mr. Hall responded that the plat would then be signed by the Planning Commission chair.

Ms. Milkavich asked if it would be necessary that the Planning Commission include with their subdivision approvals a motion that any requests for extensions must be made within the one year. Mr. Hall stated he felt that is not necessary and would like to leave the wording as proposed.

The meeting was opened for public comment on this item.

Donna Lu Argyle, 332 East 6280 South, asked how she can stay informed on what is happening in her immediate neighborhood because she spends the winters in St. George. She asked what is occurring on the southwest corner of 5900 South and Fashion Boulevard and the large vacant property located at 525 East Winchester Street. Mr. Hall responded that Roderick Enterprises has recently acquired the properties on the southwest corner of 5900 South and Fashion Boulevard and are planning to build their corporate office and have recently cleared off the property. The property currently has two zoning districts, the C-D and the G-O Zones and the property owner will also need to apply for a zone change and consolidate the lots. It is anticipated that Roderick Enterprises will submit the appropriate applications in the very near future. Mr. Hall indicated that the properties located at approximately 533-565 East Winchester Street, owned by Bedford Properties, has had no recent applications but a few years ago the property owner applied to change the zoning from single family residential to general office, but was denied. The general plan calls for this property to zoned R-N-B. Mr. Hall indicated that Ms. Argyle can check the city's website for agendas and meeting minutes and can sign up online to receive agendas via email and residents can certainly call the Community Development office to inquire. The city council and planning commission public meetings also have live streaming.

The public comment portion for this agenda item was closed.

Mr. Markham made a motion to send a recommendation of approval to the City Council for the proposed amendments to Murray City Code, Title 16, Subdivision Ordinance Regulations. Seconded by Ms. Milkavich.

Call vote recorded by Mr. Hall.

  A   Sue Wilson  
  A   Travis Nay  
  A   Phil Markham  
  A   Maren Patterson  
  A   Lisa Milkavich  
  A   Ned Hacker

Motion passed 6-0.

OTHER BUSINESS





**TO: Murray City Planning Commission**

**FROM: Murray City Planning Division**

**DATE OF REPORT: May 30, 2019**

**DATE OF HEARING: June 6, 2019**

**PROJECT NAME: Title 16, Subdivision Ordinance Regulations**

**PROJECT NUMBER: 19-065**

**PROJECT TYPE: Murray City Code Text Amendment**

**APPLICANT: Murray City Corporation**

**I. REQUEST:**

The Community & Economic Development Department and City Attorney's Office have drafted proposed text amendments to the Murray City Code. The specific section includes the following:

- Title 16, Subdivision Ordinance Regulations

**II. STAFF REVIEW**

The Community & Economic Development Department has been working with the City Attorney's Office on revisions to the City Subdivision Ordinance. Recently, the existing subdivision ordinance has been questioned as it currently states that the Planning Commission may recommend approval, approval with conditions, or disapproval of a subdivision plat to the Mayor. In addition, the current ordinance states that the Mayor has final authority to approve subdivision plats and design standards for public improvements.

Utah State Code (Section 10-9a-604) allows for the Planning Commission to act as the Land Use Authority. As a result, City staff is recommending that this authority be given to the Planning Commission. This would allow for the Planning Commission to approve (1) subdivision plats; and (2) the establishment of requirements and design standards for public improvements. Additionally, the Planning Commission shall approve or disapprove the final plat. Finally, City staff is proposing that the Mayor, may sign, as a non-discretionary and ministerial act, final subdivision plats for the acceptance of lands and public improvements proposed for dedication to the City.

General clean-up items for Title 16, Subdivision Ordinance Regulations have also been proposed by City staff and can be discussed during the Planning Commission meeting. The following includes some of the proposed changes:

- The addition of a Community & Economic Development Director or designee.
- Allowing for preliminary and final subdivision review for a subdivision of ten (10) lots or less to be done concurrently with the Planning Commission.
- A preliminary plat may be granted a 1-year extension by the Planning Commission if requested prior to expiration.
- A final plat may be granted a 1-year extension by the Planning Commission if requested prior to expiration.

*Proposed Ordinance Amendment:*

*The proposed ordinance amendment has been attached to the staff report for Planning Commission review and consideration. This includes a draft copy of the Murray City Subdivision Ordinance.*

### III. FINDINGS

- i. The proposed text amendments are consistent with the purpose of Title 16, Murray City Subdivision Ordinance.
- ii. The proposed text amendments are consistent with the purpose of Title 17, Murray City Land Use Ordinance.
- iii. The proposed text amendments are consistent with the Goals & Policies of the Murray City General Plan.

### IV. STAFF RECOMMENDATION

Based on the above findings, proposed text and other revisions as outlined, **City staff recommends that the Planning Commission forward a recommendation of APPROVAL to the City Council for the proposed amendments to the Murray City Code, Title 16, Subdivision Ordinance Regulations.**

James McNulty  
CED Manager  
(801) 270-2477  
[jmcnulty@murray.utah.gov](mailto:jmcnulty@murray.utah.gov)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING TITLE 16 OF THE MURRAY CITY MUNICIPAL CODE  
RELATING TO SUBDIVISIONS

BE IT ENACTED BY THE MURRAY CITY MUNICIPAL COUNCIL:

*Section 1. Purpose.* The purpose of this ordinance is to amend title 16 of the Murray City Municipal Code relating to subdivisions.

*Section 2. Amend title 16.* Title 16 of the Murray City Municipal Code shall be amended to read as follows:

**Chapter 16.04**  
**GENERAL PROVISIONS**

**16.04.010: PURPOSES:**

A. The purposes of this title are:

1. To promote the health, safety and general welfare of the residents of the City;
2. To ensure the efficient and orderly development of land within the City;
3. To prevent the uncontrolled division and development of real property, which may be done without considering the rights and best interests of adjoining property owners and the City as a whole;
4. To avoid poorly planned developments that:
  - a. Do not comply with the City general plan or ordinances,
  - b. Cannot be adequately served by existing utilities or public services,
  - c. May prove to be dangerous or unsafe,
  - d. May cause an undue burden on existing traffic or transportation services, or
  - e. May require the future expenditure of public funds to correct problems caused by the development;
5. To provide design standards for public improvements, facilities and utilities, to provide for reasonable accesses to public rights of way, to provide for the dedication of land and streets deemed necessary

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for the proper development of the subdivision, and to provide for easements or rights of way that are necessary to service the property.

B. This title is designed to inform the subdivision developer and the public of the requirements for obtaining subdivision plat approval. Because each parcel of real property has unique site/situation characteristics, there may be some aspects of subdivision development that cannot easily be articulated. For this reason, it is not possible to cover every possible contingency. Therefore, the City Engineer, Planning Commission, and Community and Economic Development Director have the authority to impose reasonable conditions upon a subdivider in addition to those expressly required, provided that:

1. The conditions are not arbitrary or capricious;
2. The conditions do not conflict with any applicable law. (Ord. 94-40 § 1: prior code § 30-01)

#### 16.04.020: DEFINITIONS:

...

MONUMENT: A permanent survey marker established by the county surveyor and shown on a final plat with state plane coordinates, and/or a survey marker set in accordance with the City Engineer's specifications and referenced to county survey monuments.

...

UTILITIES: Natural gas, electric power, cable television, telephone, storm system, sewer, culinary water and other services deemed to be of a public utility nature by the City.

...

#### 16.04.030: NECESSITY OF SUBDIVISION PLAT APPROVAL:

A. Terms: Any division of real property located within the City is subject to the terms of this title. The division of real property includes any sale, gift, transfer, conveyances, split or other division that results in changing the boundaries or legal description of a given parcel of real property.

...

#### 16.04.040: GENERAL RESPONSIBILITIES:

A. The subdivider shall prepare concept plans and plats consistent with the standards contained herein and shall pay for the design, construction and inspection of the public improvements required. The city shall process said plans and plats in accordance with the regulations set forth herein. The subdivider may not alter the terrain or remove any vegetation from the proposed subdivision site or engage in any site development until subdivider has obtained the necessary approvals as outlined herein. The subdivider is responsible to obtain and be familiar with all applicable subdivision ordinances, rules and standards of the City.

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B. The Community and Economic Development Director or designee shall review the plans and plats for design; for conformity to the general plan and to title 17 of this code; for the environmental quality of the subdivision design; and shall process the subdivision plats and reports as provided for in this title.

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C. Plats and/or plans of proposed subdivisions may be referred by the Community and Economic Development Director or designee to any City departments and special districts, governmental boards, bureaus, utility companies, and other agencies which will provide public and private facilities and services to the subdivision for their information and comment.

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E. The City Engineer shall review the engineering plans and specifications for the public improvements.

F. The Planning Commission shall act as the final Land Use Authority to approve (1) subdivision plats; and (2) the establishment of requirements and design standards for public improvements. It shall make investigations, reports and recommendations on proposed subdivisions as to their conformance to the general plan and title 17 of this code, and other pertinent documents as it deems necessary. After completing its review of the final plat, the Planning Commission shall approve or disapprove, the final plat in accordance with section 16.12.070 of the Code.

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#### 16.04.050: COMPLIANCE REQUIRED:

A. It is unlawful for a person to subdivide a tract or parcel of land which is located wholly or in part in the City except in compliance with this title.

1. Plat Approval Required: A plat of any subdivision may not be recorded until it has been submitted and approved as herein.

2. Plat Must Not Conflict With Plans, Ordinances Or Laws: A plat shall not be approved if the Planning Commission determines such plat to be in conflict with any provision or portion of the general plan, the transportation master plan, title 17 of this code, this chapter, and any other state law or City ordinance.

3. Adequate And Available Public Utilities: The City may deny or delay approval of a development project if there is not adequate capacity or availability of public utilities for a proposed development.

B. Land may not be transferred or sold nor shall a building permit be issued for a structure thereon, until a final plat of a subdivision shall have been recorded in accordance with this title and any applicable provisions of state law, and until the improvements required in connection with the subdivision have been guaranteed as provided herein.

C. All lots, plots or tracts of land located within a subdivision are subject to this title whether the tract is owned by the subdivider or a subsequent purchaser, transferee, devisee, or contract purchaser of the land. (Ord. 15-26: Ord. 94-40 § 1: prior code § 30-05)

#### 16.04.060: CONCEPT REVIEW:

A concept review is required for all proposed subdivisions unless the Community and Economic Development Director or designee determines that a concept plan is not necessary. A concept review provides the subdivider with an opportunity to consult with and receive information from the City regarding the regulations and design requirements applicable to the proposed subdivision. The concept review procedure may be informal and may consist of one or more meetings with affected departments, all as determined by the Community and Economic Development Director. (Ord. 94-40 § 1: prior code § 30-06)

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#### 16.04.070: STAFF AUTHORITY:

The City's planning staff and all other officers and employees of the City act in advisory capacity to the Planning Commission and have no authority to make binding decisions or to make authoritative representations, approvals or determinations other than in a purely advisory and recommending capacity. (Ord. 94-40 § 1: prior code § 30-07)

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#### 16.04.080: SUBMISSION:

If the Community and Economic Development Director or designee requires a subdivision concept review, the subdivider shall provide the following items:

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A. The proposed name of the subdivision;

B. A vicinity plan showing significant natural and manmade features or existing structures on the site and within five hundred feet (500') of any portion of it; the property boundaries of the proposed subdivision; the names of adjacent property owners; topographic contours at no greater interval than two feet (2'); north arrow; and scale of the drawing;

C. A proposed lot and street layout;

D. Availability of utilities as evidenced by letters from the utility companies;

E. A description of those portions of the property which are included in the most recent flood insurance rate maps prepared by FEMA;

F. The total acreage of the entire tract proposed for subdivision;



- G. Proposed changes to existing zoning district boundaries or zoning classifications or conditional use permits, if any. (Ord. 94-40 § 1: prior code § 30-08)

#### 16.04.090: SUBMISSION FOR PRELIMINARY REVIEW:

After the concept review, if required, has been completed, as determined by the Community and Economic Development Director or designee, the subdivider may apply for preliminary plat review consistent with the concept review. If preliminary plat review is not requested within twelve (12) months after a concept review is completed, the Community and Economic Development Director may require a new concept review before the preliminary plat review may proceed. (Ord. 94-40 § 1: prior code § 30-09)

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#### 16.04.100: EXEMPTION FROM PLAT REQUIREMENT (LOT SPLIT SUBDIVISIONS):

- A. Purpose: It is the intent of this section to allow the owner of property, which may be divisible into not more than two (2) legal size lots, to divide the property while minimizing delay and expense.

B. Approval Required: Prior to dividing any parcel or tract of land which may be divisible into not more than two (2) legal size lots, the division must first be approved by the Community and Economic Development Director or designee. The approval shall be based on the compliance of the proposed lot split with all ordinances of the City regarding street and other off site improvements, zoning, lot size and configuration, etc.

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1. A plat is required if the proposed subdivision requires a dedication of real property for public street, utility easements, or other similar public purposes, as determined by the Community and Economic Development Department after consultation with affected City departments. If a plat is required by this subsection, the plat must be (1) reviewed and approved by the Planning Commission, and (2) dedications accepted by the Mayor before recording.

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C. Application: The subdivider shall submit a complete application which shall include one reproducible copy and two (2) prints of the property survey and legal description certified by a licensed land surveyor, together with any necessary improvement plans and bond agreements. The property survey shall show all existing improvements on the property being divided.

D. Review: The Community and Economic Development Department shall review the proposed subdivision and shall request recommendations from the Public Works Department and other appropriate City departments.

E. Referral For Review: The subdivision may be approved, approved with conditions, or disapproved by the Community and Economic Development Department. The proposed subdivision may be referred to the Planning Commission for review if the Community and Economic Development Director or designee determines it is in the City's best interest.

F. Final Approval: If the survey and proposed division are in compliance with all City ordinances and conditions imposed, the lot split subdivision shall be approved by the Community and Economic Development Director or designee, and no further approval from the City is required.



G. Subdivision: After final approval, the property may be subdivided as approved and conveyed by metes and bounds legal descriptions.

H. Fee: The City charges a fee for applications for lot split subdivisions, which must be paid at the time the application is submitted. The fee will be established by the Mayor in a written fee schedule in an amount reasonably necessary to defray costs of processing an application. The written fee schedule will be made available for public inspection in the City's Public Works Department.

I. Appeal: A final decision of the Community and Economic Development Director or the Planning Commission may be appealed to the Appeal Authority by any aggrieved person or by any officer, department, board or agency of the City affected by the decision or action. Appeals must be filed, in writing, with the City's Community and Economic Department within ten (10) days after the decision is made. The appeal will then be heard according to the rules and bylaws of the Appeal Authority. The filing of an appeal shall stay all proceedings and actions in furtherance of the matter appealed, pending a decision of the Appeal Authority. Appeal of the decision of the Appeal Authority is governed by title 10 chapter 9a of the Utah Code, (Ord. 18-06: Ord. 14-10: Ord. 11-22: Ord. 94-40 § 1: Prior Code § 30-27)

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#### 16.04.110: MODIFICATIONS; PERMITTED WHEN; PETITION FROM SUBDIVIDER:

Whenever the land involved in any proposed subdivision is of such size or shape, or is subject to such title limitations of record, or is affected by such topographical location or conditions, or is to be devoted to such use that it is impossible, impractical or undesirable in a particular case for the subdivider fully to conform to the regulations contained in this title, the Planning Staff and City Engineer may recommend that the Planning Commission permit such modifications as may be reasonably necessary if such modifications are in conformity with the spirit and purpose of this chapter, and will not be detrimental to the public welfare or safety, or injurious to other property in the territory in which the property is situated. (Ord. 94-40 § 1: Prior Code § 30-28)

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#### 16.04.120: PENALTIES:

A person who fails to comply with the provisions of this title is guilty of a class C misdemeanor. In addition to any criminal prosecution, the City may pursue any other legal remedy available according to law. (Ord. 94-40 § 1: Prior Code § 30-26)

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### Chapter 16.08 PRELIMINARY PLATS

#### 16.08.010: PURPOSE:

The purpose of the preliminary plat is to require formal preliminary review of a subdivision as provided herein in order to minimize changes and revisions on the final plat. The preliminary plat and all information and procedures relating thereto shall in all respects be in compliance with the provisions of this title and any other applicable City ordinances. (Ord. 94-40 § 1: prior code § 30-10)

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#### 16.08.020: APPLICATION:

The subdivider of a subdivision, after completing a concept review, if required, shall file an application for preliminary plat approval with the Community and Economic Development Department on a form prescribed by the City, together with five (5) copies of the preliminary plat. An application may not be forwarded to or scheduled for hearing before the Planning Commission until all required information has been received by the City. (Ord. 94-40 § 1: prior code § 30-11)

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#### 16.08.030: PRELIMINARY PLAT SUBMITTAL:

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E. The subdivider shall provide the following documents with the application:

1. Hydraulic and hydrologic storm drainage calculations;
2. A traffic study when required by the Planning Commission or City Engineer;
3. Preliminary title report, or other evidence of title satisfactory to the City Attorney;
4. Any necessary agreements with adjacent property owners regarding storm drainage or other matters pertinent to subdivision approval;
5. Maintenance agreements for subsurface drains serving the subdivision.

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F. The subdivider shall comply with all applicable federal, state, and local laws and regulations, and shall provide evidence of such compliance if requested by the City. (Ord. 94-40 § 1: prior code § 30-12)

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#### 16.08.040: PLANNING COMMISSION REVIEW:

A. The Planning Commission shall review the submitted preliminary plat and determine compliance with the standards and criteria set forth in this title and all other ordinances of the City, including, but not limited to, title 17 of this code, general plan and the transportation master plan. The Planning Commission may approve, approve subject to modification, or disapprove the submitted preliminary plat, and shall make findings specifying any inadequacy in the application, such as noncompliance with City regulations, questionable or undesirable design and/or engineering. The subdivider shall be notified in writing of the action taken by the findings of the Planning Commission regarding the submitted preliminary plat.

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B. Completion of preliminary plat review by the Planning Commission does not constitute a final acceptance of the subdivision by the Planning Commission, and does not create any vested rights for the subdivider. (Ord. 94-40 § 1: prior code § 30-13)

C. Preliminary and Final Subdivision Review for a subdivision of ten (10) lots or less may be done concurrently with the Planning Commission.

#### 16.08.050: PRELIMINARY PLAT REMAINS EFFECTIVE:

- A. A completed preliminary plat must be submitted for final approval within one year. The Planning Commission may grant a one year extension if the plat complies with all applicable ordinances at the time the extension is sought. The extension must be requested prior to preliminary plat expiration.
- B. If a final plat which covers only a portion of the approved preliminary plat is recorded within the one year time limit or extension thereof, the validity of the unrecorded portion of the preliminary plat shall be extended for one year from the date of recording the final plat.
- C. The preliminary plat must be amended if the developer desires to increase the number of lots in the subdivision, or change the grade or location of streets within the subdivision.
- D. The preliminary plat need not be amended to decrease the number of lots in the subdivision, to make minor lot boundary changes, or to make other minor changes if the Community Development Director or designee and the City Engineer find that amending the preliminary plat is not necessary to protect the interest of the City or adjoining property owners.
- E. If a subdivision is proposed to be developed in phases, preliminary plat approval for the remaining portions of the subdivision shall not be voided if final plat for the first phase is approved and recorded within one year of the date of preliminary plat approval. (Ord. 94-40 § 1: prior code § 30-14)

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#### Chapter 16.12 FINAL PLATS

##### 16.12.010: FILING DATA FOR FINAL PLAT:

At the time a final plat of a subdivision is submitted to the City Engineer, the subdivider shall submit therewith the following documents:

- A. Calculation and traverse sheets, in a form approved by the City Engineer, giving bearings, distance and coordinates of the boundary of the subdivision, and blocks and lots as shown on the final plat;
- B. A no access rights certificate, if required, shall be shown on the final plat;
- C. Design data, assumptions and computations for proper analysis in accordance with sound engineering practice;
- D. A current report naming the persons whose consent is necessary for the preparation and recordation of such plat and for dedication of the streets, alleys and other public places shown on the plat, and certifying that as of the date of the preparation of the report, the persons therein named are all the persons necessary to give clear title to such subdivision;
- E. A soils report based upon adequate test borings and excavations, prepared by a civil engineer specializing in soil mechanics and registered by the state of Utah, shall be required prior to preliminary approval of any subdivision plat. If the soil report indicates the presence of critically

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expansive soils, high water table or other soil problems which, if not corrected, would lead to structural defects of the proposed buildings, damage to the buildings from the water or premature deterioration of the public improvements, a soil investigation of each lot in the subdivision may be required by the Public Works Department. The soil investigation shall recommend corrective action intended to prevent damage to the proposed structure or public improvements. The fact that a soil report has been prepared shall be noted on the final plat and a copy attached to the preliminary plat application. The City Engineer may determine that a soils report is not necessary and may waive this requirement;

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F. An affidavit, in a form as directed by the City Attorney, from the developer and the owner of the subdivision property, describing:

1. The use history of the property for the previous fifty (50) years, including the type of business activities which have been conducted on the property;
2. Whether the property is at natural grade or has been filled; and
3. Whether the developer or owner of the property is aware of the presence of any tailings, hazardous waste, or petroleum products in or on the property.

If the City Engineer has reason to believe the property may constitute a health hazard, the developer or owner of the property shall provide written evidence of an environmental assessment and, if applicable, written certification of abatement from all regulatory agencies having jurisdiction over the property and the related contamination.

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G. Evidence of title in form of a commitment for title insurance or other documentation as approved by the City Attorney.

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H. The agreement and bonds specified in sections 16.12.030 and 16.12.040 of this chapter, or successor sections;

I. Proposed deed restrictions if required by City Attorney. (Ord. 94-40 § 1: prior code § 30-15)

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#### 16.12.020: PREPARATION AND MATERIALS OF FINAL PLAT:

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#### 16.12.030: PUBLIC IMPROVEMENT AGREEMENT:

A. Prior to the approval by the Planning Commission of the final plat, the subdivider shall execute and file an agreement between the subdivider and the City specifying the period within which the subdivider shall complete all public improvement work to the satisfaction of affected City departments, and providing that if the subdivider shall fail to complete the work within such period, the City may complete the same and recover the full cost and expense thereof from the subdivider or the subdivider's surety. The agreement shall also provide for inspection of all public improvements by the City Engineer and that the cost of such inspections shall be reimbursed to the City by the subdivider.

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B. Such agreement may also provide the following:

1. Construction of the improvements in phases;
2. An extension of time under conditions therein specified. (Ord. 94-40 § 1: Prior Code § 30-17)

#### 16.12.040: BOND AND SECURITY REQUIREMENTS:

...

D. In the case of corporate surety bonds, copies of the partial releases from the City Engineer's Office shall be sent to the Recorder's Office for inclusion with the bond for attachment to the bond. (Ord. 94-40 § 1: Prior Code § 30-18)

#### 16.12.050: NO PUBLIC RIGHT OF ACTION:

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#### 16.12.060: CITY ENGINEER REVIEW AND CERTIFICATION:

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#### 16.12.070: APPROVAL BY PLANNING COMMISSION:

Upon receipt of the final plat, the Planning Commission shall examine the same to determine whether the plat conforms with the preliminary plat. If in conformity with the preliminary plat and City ordinances, the Planning Commission shall approve the plat. If the plat is not in conformity with (1) the preliminary plat; or (2) the requirements of the ordinances of the City, the Planning Commission shall disapprove the plat, specifying the reasons for such disapproval. Within thirty (30) days after the Planning Commission has disapproved any plat, the subdivider may file with the City Engineer a plat altered to meet the requirements of the Planning Commission. No final plat shall have any force or effect until the same has been approved by the Planning Commission. (Ord. 94-40 § 1: Prior Code § 30-21)

#### 16.12.080: ACCEPTANCE OF OFFERS OF DEDICATION BY MAYOR:

Before a plat may be recorded with the County Recorder, the Mayor shall perform the non-discretionary and ministerial act of signing the plat solely to accept offers of dedication.

#### 16.12.090: RECORDATION WITH COUNTY:

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The Mayor shall consider the final plat, the plan of a subdivision, and the offers of dedication. (Ord. 94-40 § 1: Prior Code § 30-22)¶

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Deleted: If the Mayor shall determine either that the plat is not in conformity with the requirements of the ordinances of the City, or that he/she is not satisfied with the plans of the subdivision, or if he/she shall reject any offer or offers of dedication, the Mayor shall disapprove the plat, specifying reasons for such disapproval. Within thirty (30) days after the Mayor has disapproved any plat, the subdivider may file with the City Engineer a plat altered to meet the Mayor's requirements. No final plat shall have any force or effect until the same has been approved by the Mayor. (Ord. 94-40 § 1: Prior Code § 30-23)

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A. When the Planning Commission has approved the final plat, all required fees have been paid, and the subdivider has filed the approved agreement and bond required in this chapter, the plat may be presented to the County Recorder for recordation.

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B. The subdivision plat shall be recorded within one year of the final approval by the Planning Commission or the final plat shall be null and void. The applicant may request a one-time extension of up to (12) months, for special circumstances. The extension must be requested prior to final plat expiration. (Ord. 15-25)

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#### 16.12.100: AMENDMENTS TO FINAL PLAT:

The Community and Economic Development and Public Works Directors may approve minor amendments to approved final plats before the plat is recorded, if they find that a proposed amendment does not jeopardize the interests of the City or adjoining property owners. The types of minor amendments contemplated by this section include legal description mistakes, minor boundary changes, and items that should have been included on the original final plats. Major amendments to unrecorded approved final plats shall go back through the approval process. Amendments to recorded final plats shall be in accordance with State law and any policies or procedures adopted by the City. (Ord. 94-40 § 1: Prior Code § 30-25)

Section 3. Effective date. This Ordinance shall take effect upon first publication.

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on this

\_\_\_\_ day of \_\_\_\_\_, 2019.

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MURRAY CITY MUNICIPAL COUNCIL

\_\_\_\_\_  
Diane Turner, Chair

ATTEST:

\_\_\_\_\_  
Jennifer Kennedy, City Recorder

MAYOR'S ACTION: Approved



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

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\_\_\_\_\_  
D. Blair Camp, Mayor

ATTEST:

\_\_\_\_\_  
Jennifer Kennedy, City Recorder

CERTIFICATE OF PUBLICATION

I hereby certify that this Ordinance, or a summary hereof, was published according to  
law on the \_\_\_\_ day of \_\_\_\_\_, 2019.

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\_\_\_\_\_  
Jennifer Kennedy, City Recorder

MURRAY CITY CORPORATION  
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 6<sup>th</sup> day of June 2019, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Planning Commission will hold and conduct a Public Hearing for the purpose of receiving public comment on and pertaining to Murray City Code, Title 16, Subdivision Ordinance Regulations.

Jared Hall, Supervisor  
Community & Economic Development

4770 S 5600 W.  
WEST VALLEY CITY, UTAH 84118  
FED.TAX I.D.# 87-0217663  
801-204-6910

Deseret News

Utah  
Media  
Group

The Salt Lake Tribune

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CUSTOMER NAME AND ADDRESS

MURRAY CITY RECORDER,

5025 S STATE, ROOM 113

MURRAY, UT 84107

ACCOUNT NUMBER

9001341938

DATE

5/28/2019

ACCOUNT NAME

MURRAY CITY RECORDER,

TELEPHONE

8012642660

ORDER # / INVOICE NUMBER

0001255230 /

PUBLICATION SCHEDULE

START 05/26/2019 END 05/26/2019

CUSTOMER REFERENCE NUMBER

Legal Ad - Subdivision Ord Update

CAPTION

MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY C

SIZE

26 LINES

1 COLUMN(S)

TIMES

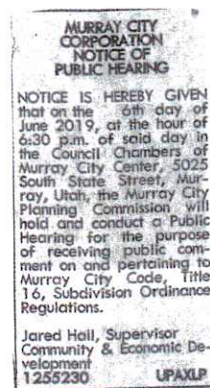
3

TOTAL COST

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FILE COPY

Subdivision  
amendments  
#19-065



AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY COMPANY, LLC dba UTAH MEDIA GROUP LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN that on the 6th day of June 2019, at the hour of 6:30 p.m. of said day in the Council FOR MURRAY CITY RECORDER, WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba UTAH MEDIA GROUP, AGENT FOR DESERET NEWS AND THE SALT LAKE TRIBUNE, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINITELY. COMPLIES WITH UTAH DIGITAL SIGNATURE ACT UTAH CODE 46-2-101; 46-3-104.

PUBLISHED ON Start 05/26/2019 End 05/26/2019

DATE 5/28/2019

SIGNATURE

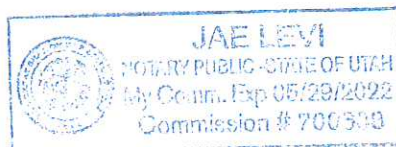
*Judmundson*

STATE OF UTAH )

COUNTY OF SALT LAKE )

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS 26TH DAY OF MAY IN THE YEAR 2019

BY LORAIN GUDMUNDSON



*Jae Levi*

NOTARY PUBLIC SIGNATURE





**MURRAY CITY CORPORATION**

Community &  
Economic Development

Building Division 801-270-2400  
Planning Division 801-270-2420

May 24, 2019

**NOTICE OF PUBLIC HEARING**

This notice is to inform you of a Planning Commission meeting scheduled for Thursday, June 6, 2019 at 6:30 p.m., in the Murray City Municipal Council Chambers, located at 5025 S. State Street.

The Community & Economic Development Department is proposing to amend Murray City Code, Title 16, Subdivision Ordinance regulations.

Comments at the meeting will be limited to 3 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. If you have questions or comments concerning this proposal, please call Jim McNulty, with the Murray City Community & Economic Development Division at 801-270-2477, or e-mail to [jmcnulty@murray.utah.gov](mailto:jmcnulty@murray.utah.gov).

Special accommodations for the hearing or visually impaired will be upon a request to the office of the Murray City Recorder (801-264-2660). We would appreciate notification two working days prior to the meeting. TTY is Relay Utah at #711.

**P/C AGENDA MAILINGS**

"AFFECTED ENTITIES"

Updated 6/2019

UDOT - REGION 2

ATTN: MARK VELASQUEZ

2010 S 2760 W

SLC UT 84104

UTAH TRANSIT AUTHORITY

ATTN: PLANNING DEPT

PO BOX 30810

SLC UT 84130-0810

TAYLORSVILLE CITY

PLANNING & ZONING DEPT

2600 W TAYLORSVILLE BLVD

TAYLORSVILLE UT 84118

WEST JORDAN CITY

PLANNING DIVISION

8000 S 1700 W

WEST JORDAN UT 84088

CHAMBER OF COMMERCE

ATTN: STEPHANIE WRIGHT

5250 S COMMERCE DR #180

MURRAY UT 84107

MURRAY SCHOOL DIST

ATTN: ROCK BOYER

5102 S Commerce Drive

MURRAY UT 84107

MIDVALE CITY

PLANNING DEPT

7505 S HOLDEN STREET

MIDVALE UT 84047

SALT LAKE COUNTY

PLANNING DEPT

2001 S STATE ST

SLC UT 84190

GRANITE SCHOOL DIST

ATTN: KIETH BRADSHAW

2500 S STATE ST

SALT LAKE CITY UT 84115

UTAH POWER & LIGHT

ATTN: KIM FELICE

12840 PONY EXPRESS ROAD

DRAPER UT 84020

DOMINION ENERGY

ATTN: BRAD HASTY

P O BOX 45360

SLC UT 84145-0360

COTTONWOOD IMPRVMT

ATTN: LONN RASMUSSEN

8620 S HIGHLAND DR

SANDY UT 84093

JORDAN VALLEY WATER

ATTN: LORI FOX

8215 S 1300 W

WEST JORDAN UT 84088

CENTRAL UTAH WATER DIST

1426 East 750 North, Suite 400,

Orem, Utah 84097

HOLLADAY CITY

PLANNING DEPT

4580 S 2300 E

HOLLADAY UT84117

COTTONWOOD HEIGHTS CITY

ATTN: PLANNING & ZONING

2277 E Bengal Blvd

Cottonwood Heights, UT 84121

SANDY CITY

PLANNING & ZONING

10000 CENTENNIAL PRKWY

SANDY UT 84070

UTOPIA

Attn: JAMIE BROTHERTON

5858 So 900 E

MURRAY UT 84121

COMCAST

ATTN: GREG MILLER

1350 MILLER AVE

SLC UT 84106

MILLCREEK

Attn: Planning & Zoning

3330 South 1300 East

Millcreek, UT 84106

WASATCH FRONT REG CNCL

PLANNING DEPT

41 North Rio Grande Str, Suite 103

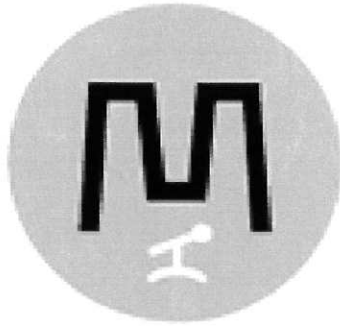
SLC UT 84101

UTAH AGRC

STATE OFFICE BLDG #5130

SLC UT 84114

**GENERAL PLAN MAILINGS:**



**MURRAY**  
CITY COUNCIL

# New Business Item #1





**MURRAY**


## Power Department

### Discuss & Adopt Resolutions RE: UAMPS CFPP/SMR Projects

#### Council Action Request

Council Meeting

Meeting Date: August 6, 2019

<b>Department Director</b> Blaine Haacke	<b>Purpose of Proposal</b> To discuss and adopt the attached resolutions
<b>Phone #</b> 801-264-2715	<b>Action Requested</b> To adopt two resolutions allowing continued pursuit of UAMPS Carbon Free Power Project (CFPP)
<b>Presenters</b> Blaine Haacke	<b>Attachments</b> Memo from Power General Manager, resolution increasing entitlement, resolution allowing participation in JUMP program
<b>Required Time for Presentation</b>	<b>Budget Impact</b> Financial commitment will be based on Murray's Entitlement subscription
<b>Is This Time Sensitive</b> Yes	<b>Description of this Item</b> UAMPS has commitments to the developers of the Carbon Free Power Project (CFPP) or Small Modular Reactor (SMR) technology. Murray City has been asked to consider the following resolutions by August 21, 2019: 1-Increase Murray City's interest from 1,000 kw to 10,250 kw 2-Increase Murray's participation in the Joint Use Module Plant (JUMP) Agreement. The JUMP Agreement is a document between UAMPS and the DOE. After the DOE completes its testing of Unit One, Murray City would then be able to receive additional energy without having to participate in the entire financial aspect of the unit.
<b>Mayor's Approval</b> 	
<b>Date</b> July 23, 2019	

## Memorandum



TO: Mayor Blair Camp & Murray City Council

FROM: Blaine Haacke, Power General Manager

DATE: July 23, 2019

SUBJECT: Recommendation of adoption of two resolutions continuing Murray City's interest in pursuing UAMPS's Carbon Free Power Project

As a follow up to the July 16<sup>th</sup> Committee of the Whole meeting in which I reviewed and detailed the two resolutions needed for Murray's continued interest in the examination and study of the small modular reactors, I have included some more detail below that hopefully will answer your questions or concerns.

Since the COW meeting, and by assignment from the Council, I have contacted the St. George Power Director and UAMPS staff to get a consensus of the possibility of entering into a PPA (power purchase agreement) rather than ownership in the future Idaho plant. St. George's Laurie Mangum said that she had been visited by the UAMPS staff and that St. George would 'be interested (in a PPA) if the price was right'. She said that UAMPS had not been back in touch with her.

In speaking with Doug Hunter and Jackie Coombs of UAMPS, they agreed that they had discussed St. George's participation in the project, but as more of a subscriber entity rather than a PPA possibility. Doug said that he is only interested in subscribers at this point in time and that **he would not present a PPA option to any entity**. He said the thought of offering a PPA at this time, while he is attempting to gather ownership, is sending the wrong signal to other entities around the table. He reiterated that offering a PPA to any entity is not on the table.

Doug did mention that they were meeting with two large potential subscribers the first part of August and that UAMPS had additional interest from some other entities in the NW. The issue, he said, with some of these entities is that they have contracted resources out until the 2030-time frame and thereby can't take capacity from the carbon free plant during its first 5-7 years of operation. But, Doug felt optimistic that he would get more partners.

So, now to the case in point and to the reason for an agenda item request on August 6<sup>th</sup>. **Power Department Staff, with the Mayor's approval, is recommending that the Council adopt the two resolutions included in this packet.**

**The first resolution increases Murray's entitlement.** This resolution will allow Murray to increase its entitlement share from 1,000 kw to 10,250 kw. The associated cost of increased entitlement share will be borne by the City during the next 18 months or so of this licensing phase. It is estimated that Murray's cost to finish this phase of the licensing will be \$800,000. This money will not be billed directly to us but will be paid by UAMPS through short-term financing and will eventually be rolled over into the bonding mechanism of the project.

The second resolution authorizes Murray to receive an additional kw share for the lay-off power sales agreement associated with the JUMP option. The JUMP option would provide Murray with additional kws above the 10,250 kw, from the DOE. The DOE will operate and test one of its two modules for the first ten years of operation after which it will 'lay-off' or turn back the module to the UAMPS members in the project. This 60 mw of module would be pro-rated back to the cities based on their individual entitlement % in the original plant. Murray's percentage of entitlement is 6.3507%. Therefore, this additional 3,810 kw will be given to Murray ten years into operation and with a major portion of its capital and O&M costs covered by the DOE. This 3,810 kw number may move a little bit based on other cities actions and their respective interest in the JUMP program. But generally, Murray, would realize 14,060 kw of entitlement in the CFPP when the dust settles in approximately the year 2036.

As a review, there will be at least two 'off ramp' possibilities in the time line before the project gets to construction phase (estimated late 2023). If, at an 'off ramp' date, UAMPS as a group decides to pull out or feels uncomfortable, the developers and other partners will compensate Murray and others for money expended. If Murray, on its own, decides to leave the project at any time during these phases, and UAMPS as a group continues forward, Murray would not be compensated for its money expended. UAMPS, as a group, holds the cards on continuation or not. The UAMPS Board of Directors has given clear direction to UAMPS management and its partners that pricing should not exceed \$65/mwh (2018 dollars) as well as other objectives that must be met. If the developers fail to meet these obligations, UAMPS will 'walk'.

Power Department Staff knows of the uncertainty of this technology. Thus far, the NRC is giving the design a rousing 'thumbs up'. But it is a first of its kind technology and with that comes a level of concern. We understand that the Council's decision is weighty. This recommendation from us is laden with concern and also with excitement.

Here is why I think Murray should continue to pursue the CFPP project:

- 1- Murray has the obligation to provide electricity to its customers not only now, but in the **decades** to come. This 80-year power contract (40 years + 20 extension + 20 extension) would go a long way to continuing that reliability.
- 2- Murray's demand for power will increase, especially as electric vehicle popularity increases. We forecast a gradual, steady increase in customer usage and demand.
- 3- Murray will surely have higher demand than present in the decades to come, just by sheer population growth and market influences.
- 4- The effects of climate change may affect Murray in magnitudes larger than originally anticipated. Our region may see hotter temperatures and less precipitation than normal and with it our Federal hydropower allocation may be lessened. About 35% of our energy comes from CRSP and any diminishing of this resource would greatly affect our rate base and reliability to provide energy.
- 5- Coal fires power plants are joining the dinosaurs.
- 6- Natural gas, although abundant now, is not an unlimited resource. Increased fracking has opened up new pockets of natural gas, but investment in natural gas exclusively, may subject the City to market volatile natural gas prices. The CFPP/SMR may be a more stable fuel source.



- 7- Solar and wind are good renewable energy options. But storing energy is an obvious challenge. Battery storage may someday be technologically viable, but we are not there yet. Until battery technology becomes more reliable for longer periods and at greatly reduced prices, reliance on those sources is more of a gamble than a surety for securing baseload.
- 8- Murray is in the advantageous position right now with a diversified power resource portfolio, because of the foresight of past decision makers. We are pursuing more diversity. Murray City Power is working to secure a commercial solar project in the Four Corners area. The cost for this large-scale solar project is very enticing. The Nuscale SMR project, with its ability to easily dispatch with volatile renewables, MAY be a god send for the decades to come. We can't be certain of that yet, but it isn't like other nuclear plants and it isn't like any technology yet attempted. I think it would be unwise to abandon project development and Murray's support at this time.

So those are eight reasons why I don't think we should abandon the SMR licensing and development process at this time. There may be other reasons from both sides of the fence.

On August 6<sup>th</sup>, Staff will recommend that we adopt both resolutions. If adopted, we will continue to aggressively pursue the CFPP/SMR option on behalf of the city.

RESOLUTION NO. \_\_\_\_

A RESOLUTION APPROVING AN INCREASE IN MURRAY CITY'S  
ENTITLEMENT SHARE UNDER THE CARBON FREE POWER PROJECT  
POWER SALES CONTRACT

WHEREAS, by Resolution No. R18-41, Murray City Corporation (the "*Participant*") has previously approved the Carbon Free Power Project Power Sales Contract (the "*Power Sales Contract*") with Utah Associated Municipal Power Systems ("*UAMPS*"), including an Entitlement Share of up to 1,000 kW of the capacity of the Carbon Free Power Project (the "*Project*"); and

WHEREAS, the Participant has reviewed its future power supply resource needs, and the Participant now desires to authorize an increase such Entitlement Share;

NOW, THEREFORE, BE IT RESOLVED by the Murray City Municipal Council as follows:

*Section 1. Approval of Increased Entitlement Share.* An increased Entitlement Share representing up to 10,250 kW of capacity in the Project, as such capacity amount may be rounded upon the approval of the Project Management Committee and the Participant's Representative pursuant to the Power Sales Contract to provide a whole number of small modular reactors is hereby authorized and approved.

*Section 2. Miscellaneous; Effective Date.* (a) Except as amended by this resolution, Resolution No. R18-41 shall remain in full force and effect.

(b) This resolution shall take effect immediately upon its adoption and approval.

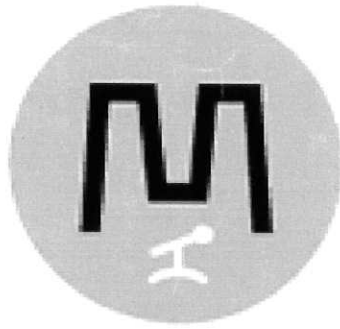
ADOPTED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2019.

MURRAY CITY MUNICIPAL COUNCIL

\_\_\_\_\_  
Dave Nicponski, Chair

ATTEST:

\_\_\_\_\_  
Jennifer Kennedy, City Recorder



**MURRAY**  
CITY COUNCIL

# New Business Item #2

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AUTHORIZING AND APPROVING AN INCREASE IN MURRAY CITY'S ENTITLEMENT SHARE UNDER THE CARBON FREE POWER PROJECT POWER SALES CONTRACT FOR THE LAY-OFF POWER SALES AGREEMENT ASSOCIATED WITH JOINT USE MODULE PLANT OPERATIONS AT THE CARBON FREE POWER PROJECT; AND RELATED MATTERS.

WHEREAS, Murray City Corporation (the "*Participant*") is a member of Utah Associated Municipal Power Systems ("*UAMPS*") pursuant to the provisions of the Utah Associated Municipal Power Systems Amended and Restated Agreement for Joint and Cooperative Action, as amended (the "*Joint Action Agreement*"); and

WHEREAS, the Participant has previously approved, executed and delivered the Carbon Free Power Sales Contract dated as of April 1, 2018 (the "*Power Sales Contract*") with UAMPS, including an Entitlement Share of 1,000 kW of the capacity of the Project (initially capitalized terms used and not defined herein have the meanings assigned to them in the Power Sales Contract); and

WHEREAS, UAMPS, the U.S. Department of Energy and Batelle Energy Alliance, as DOE's prime contractor at the Idaho National Laboratory (together, "*DOE*") entered into a Memorandum of Understanding in December 2018 (the "*MOU*"), under which one of the small modular reactors at the Project ("*JUMP SMR*") will be utilized by DOE for research and development purposes under its "JUMP" program; and

WHEREAS, the MOU calls for definitive agreements for the JUMP SMR be negotiated by October 2019 (collectively, these agreements are referred to herein as the "*JUMP Lay-Off Power Sales Agreement*"); and

WHEREAS, UAMPS and the Project Management Committee believe that the JUMP Lay-Off Power Sales Agreement will provide substantial benefits to the Participants and the Project as a whole, including accelerating the development of the Project, achieving cost savings and other benefits; and

WHEREAS, certain Participants in the CFPP desire to facilitate this transaction by electing to increase their Entitlement Shares in a total amount sufficient to enable UAMPS to make the JUMP SMR available to DOE and thus enabling UAMPS to enter into JUMP Lay-Off Power Sales Agreement with DOE; and

WHEREAS, the Participant now desires to increase its Entitlement Share in the amount set forth below to facilitate the JUMP Lay-Off Power Sales Agreement.



NOW, THEREFORE, BE IT RESOLVED by the Murray City Municipal Council as follows:

*Section 1. Increase of Participant Entitlement Share for JUMP Lay-Off Power Sales Agreement.* (a) The Participant hereby authorizes and approves increasing its Entitlement Share in the CFPP by and up to 10,250 kW of capacity.

(b) Upon the completion of negotiations with DOE, UAMPS shall submit the JUMP Lay-Off Power Sales Agreement to the Project Management Committee for approval as provided in the Power Sales Contracts. Upon the approval or disapproval of the JUMP Lay-Off Power Sales Agreement by the Project Management Committee, UAMPS shall send written notice to each of the Participants that has elected to increase its Entitlement Share of the action taken by the Project Management Committee and, if the Project Management Committee has approved the JUMP Lay-Off Power Sales Agreement, a copy of the JUMP Lay-Off Power Sales Agreement.

(c) If the JUMP Lay-Off Power Sales Agreement is approved by the Project Management Committee but is not executed by UAMPS for any reason, UAMPS shall give additional written notice of such fact to such Participants.

(d) Upon its receipt of the written notice from UAMPS described in (b) above, the Participant shall, in its sole discretion, have the right to rescind its election to increase its Entitlement Share as provided in 1(a) above or to modify the increase in its Entitlement Share as provided in 1(a) above upon its determination that the final terms of the JUMP Lay-Off Power Sales Agreement are unacceptable. Upon its receipt of the written notice from UAMPS described in (c) above, the Participant shall, in its sole discretion, have an additional right to rescind its election to increase its Entitlement Share as provided in 1(a) above or to modify the increase in its Entitlement Share as provided in 1(a) above. The Participant shall exercise these rights upon the approval of its City Council and by written notice to UAMPS which shall be given not later than 30 days after UAMPS gives notice to the Participant under (b) or (c) above.

*Section 2. Miscellaneous; Effective Date.* (a) Notwithstanding the rights provided to the Participant Section 1(b) of this resolution, this resolution shall be and remain irrevocable until the expiration or termination of the Power Sales Contract in accordance with its terms.

(b) All previous acts and resolutions in conflict with this resolution or any part hereof are hereby repealed to the extent of such conflict.

(c) In case any provision in this resolution shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

(d) This resolution shall take effect immediately upon its adoption and approval.

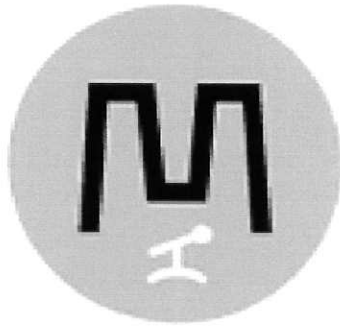
ADOPTED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2019.

MURRAY CITY MUNICIPAL COUNCIL

\_\_\_\_\_  
Dave Nicponski, Chair

ATTEST:

\_\_\_\_\_  
Jennifer Kennedy, City Recorder



**MURRAY**  
CITY COUNCIL

# New Business Item #3



**MURRAY**


## Finance & Administration

### Murray City Hall Bond Reimbursement Resolution

#### Council Action Request

Committee of the Whole/Council Meeting

Meeting Date: August 6, 2019

<b>Department Director</b> Brenda Moore	<b>Purpose of Proposal</b> Discussion and consideration of a resolution for the Murray City Hall Bond Reimbursement
<b>Phone #</b> 801-264-2513	<b>Action Requested</b> Consideration of Resolution
<b>Presenters</b> Brenda Moore	<b>Attachments</b> Proposed resolution is attached.
	<b>Budget Impact</b> No budget impact
<b>Required Time for Presentation</b> 20 Minutes	<b>Description of this Item</b> The city is currently incurring costs associated with the building of the new city hall. The city also anticipates issuing bonds to complete the project. This resolution allows the city to use future bond proceeds to reimburse the costs currently being incurred related to the new city hall project.
<b>Is This Time Sensitive</b> No	The resolution is required by federal regulation and is normally part of a bond parameters resolution. The look back period, after the council declares it's intent to reimburse, is 60 days. The cost of the new city hall is still being established and we are not ready for the complete parameters resolution. We are bringing this as a separate resolution to set the date for the 60 day look back.
<b>Mayor's Approval</b> 	
<b>Date</b> July 16, 2019	





RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF THE MURRAY CITY MUNICIPAL COUNCIL  
DECLARING MURRAY CITY'S INTENT AND REASONABLE  
EXPECTATION TO REIMBURSE EXPENDITURES IN CONNECTION  
WITH CONSTRUCTION OF A NEW CITY HALL WITH THE PROCEEDS  
OF FUTURE TAX EXEMPT AND/OR TAX CREDIT BONDS.

WHEREAS, Murray City (the "City") intends to make expenditures for the design, acquisition, construction, equipping and furnishing of a new City Hall and all related improvements (the "Project") from funds that are available but that are not (and are not reasonably expected to be) reserved, allocated on a long-term basis, or otherwise set aside for those expenditures, and reasonably expects to be reimbursed for those expenditures from proceeds of tax exempt and/or tax credit bonds ("bonds") issued to finance those expenditures; and

WHEREAS, certain federal regulations (the "federal reimbursement regulations") relating to the use of proceeds of bonds to reimburse the issuer of the bonds for expenditures made before the issue date of the bonds require, among other things, that not later than 60 days after payment of the original expenditure the City declare a reasonable official intent to reimburse those expenditures from proceeds of bonds.

NOW, THEREFORE, BE IT RESOLVED by the Murray City Municipal Council, as follows:

Section 1. Official Declaration of Intent. The City hereby declares its intention and reasonable expectation to use proceeds of tax-exempt and/or tax credit bonds to reimburse itself for the initial expenditures for costs of the Project.

Section 2. Reimbursement period. The Series 2020 Bonds are to be issued, and the reimbursements made, by the later of 18-months after the payment of the costs or after the Project is placed in service, but in any event, no later than three years after the date the original expenditure was paid.

Section 3. Maximum Principal Amount of Obligations Expected to be Issued for the Project. The maximum principal amount of the Series 2020 Bonds which will be issued to finance the reimbursed costs of the Project is not expected to exceed \$31,100,000. .

Section 4. Effective Date. This Resolution will be effective immediately upon passage.

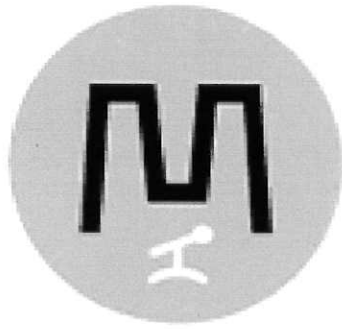
PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council,  
this     day of     , 2019.

MURRAY CITY MUNICIPAL COUNCIL

ATTEST:

\_\_\_\_\_  
Dave Nicponski, Chair

\_\_\_\_\_  
Jennifer Kennedy, City Recorder



**MURRAY**  
CITY COUNCIL

# New Business Item #4



**MURRAY**


# Recorder's Office

## Election Code Amendments

**Council Action Request**

**Council Meeting**

Meeting Date: August 6, 2019

<b>Department Director</b> Brenda Moore	<b>Purpose of Proposal</b> Election Code Amendments
<b>Phone #</b> 801-264-2513	<b>Action Requested</b> Requesting approval of proposed election code amendments to 2.66.020, 2.66.050, and 2.66.060 of the Murray City Code
<b>Presenters</b> Jennifer Kennedy	<b>Attachments</b> Proposed election code amendments
	<b>Budget Impact</b> None
<b>Required Time for Presentation</b>	<b>Description of this Item</b> Recommended changes include:  1- A candidate who is out of the state during the entire declaration of candidacy period can now designate an agent to file a declaration on their behalf, as long as the candidate can communicate electronically with the City Recorder during the declaration.  2- We have also added that an individual cannot hold a municipal elected office and at the same time, hold a county elected office.  3- We have removed the portion of the election ordinance that talks about appointing election judges because Salt Lake County now uses Vote Centers, and there is no need for the city to appoint election judges.
<b>Is This Time Sensitive</b> No	
<b>Mayor's Approval</b> 	
<b>Date</b>	



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING SECTIONS 2.66.020, 2.66.050 AND 2.66.060 OF THE MURRAY CITY MUNICIPAL CODE RELATING TO ELECTIONS

BE IT ORDAINED BY THE MURRAY CITY MUNICIPAL COUNCIL:

*Section 1. Purpose.* The purpose of this Ordinance is to amend sections 2.66.020, 2.66.050 and 2.66.060 of the Murray City Municipal Code relating to elections.

*Section 2. Amend sections 2.66.020, 2.66.050 and 2.66.060 of the Murray City Municipal Code.* Sections 2.66.020, 2.66.050 and 2.66.060 of the Murray City Municipal Code shall be amended to read as follows:

**2.66.020: CANDIDACY; CITY GENERAL ELECTIONS**

...

D. The filing procedures to become a candidate for a City office shall be as follows:

1. Except as authorized under subsection 2, E each person seeking to become a candidate for a City office shall file in person with the City Recorder a "declaration of candidacy", substantially in the form set forth in subsection E of this section, during regular office hours, but not later than five o'clock (5:00) P.M., between June 1 and June 7 of any odd numbered year. If June 1 falls on a Saturday, Sunday or legal holiday, the following business day shall be used. When June 7 is a Saturday, Sunday or legal holiday, the filing time shall be extended until five o'clock (5:00) P.M. on the following business day.
2. An individual may designate an agent to file a declaration of candidacy with the City Recorder if:
  - a. the individual is located outside of the state during the entire filing period;
  - b. the designated agent appears in person before the City Recorder;
  - c. the individual communicates with the City Recorder using an electronic device that allows the individual and City Recorder to see and hear each other; and
  - d. the individual provides the City Recorder with an email address to which the City Recorder may send the individual the copies required under this chapter.
3. A designated agent under subsection D2 may not sign the declaration of candidacy.

4. Any resident of the City may nominate a candidate for a City office by filing a "nomination petition", ~~substantially in the form provided in subsection E2 of this section,~~ with the City Recorder during regular office hours, but not later than five o'clock (5:00) P.M., between June 1 and June 7 of any odd numbered year. If June 1 falls on Saturday, Sunday or legal holiday, the following business day shall be used. When June 7 is a Saturday, Sunday or legal holiday, the filing time shall be extended until five o'clock (5:00) P.M. on the following business day.

E. ~~The forms required under subsection D of this section shall substantially comply with the following:~~

~~1. The declaration of candidacy shall be substantially as follows:~~

*I (print name), being first sworn, say that I reside at Street, Murray City, County of Salt Lake, State of Utah, Zip Code, Telephone Number (if any); that I am a registered voter; and that I am a candidate for the office of (stating the office). I will meet the legal qualifications required of candidates for this office. I will file all campaign financial disclosure reports as required by law and I understand that failure to do so will result in my disqualification as a candidate for this office and removal of my name from the ballot. I request that my name be printed upon the applicable official ballots.*  
(Signed)

*Subscribed and sworn to (or affirmed) before me by on this (month/day/year).*

*(Signed)*  
*(City Recorder or Notary Public)*

~~2. A registered voter may be nominated for Municipal office by submitting a petition signed, with a holographic signature by:~~

~~a. Twenty five (25) residents of Murray City who are at least eighteen (18) years old; or~~

~~b. Twenty percent (20%) of the residents of Murray City who are at least eighteen (18) years old.~~

~~c. The nomination petition shall be substantially as follows:~~

***NOMINATION PETITION***

~~*The undersigned residents of Murray City being 18 years old or older nominate (name of nominee) to the office of (name the office) for the four year term.*~~

~~d. The remainder of the petition shall contain lines and columns for the signatures of persons signing the petition and their addresses and telephone numbers.~~

F. Before the City Recorder may accept any declaration of candidacy or nomination petition, the City Recorder shall:

1. Read to the prospective candidate or person filing the petition the constitutional and statutory qualification requirements for the City office that the candidate is seeking.



2. Require the candidate or person filing the petition to state whether or not the candidate meets those requirements.

3. Inform the candidate or the individual filing the petition that an individual who holds a municipal elected office may not, at the same time, hold a county elected office.

34. If the prospective candidate does not meet the qualification requirements for the City office, the City Recorder may not accept the declaration of candidacy or nomination petition.

45. If it appears that the prospective candidate meets the requirements of candidacy, the City Recorder shall:

a. Inform the candidate that the candidate's name will appear on the ballot as it is written on the declaration of candidacy or nomination petition;

b. Provide the candidate with a copy of the current campaign financial disclosure laws for the office the candidate is seeking and inform the candidate that failure to comply will result in the disqualification as a candidate and removal of the candidate's name from the ballot;

c. Provide the candidate with a copy of the Statewide electronic voter information website program and inform the candidate of the submission deadline;

d. Provide the candidate with a copy of the pledge of fair campaign practices, as provided in section 20A-9-206 of the Utah Code, and inform the candidate that signing the pledge is voluntary and signed pledges shall be filed with the City Recorder;

e. If the candidate elects to sign the pledge of fair campaign practices, the City Recorder shall accept the candidate's pledge.

f. Accept the declaration of candidacy or nomination petition.

5. After accepting a declaration of candidacy or nomination petition, the City Recorder shall verify with the Salt Lake County Clerk that each candidate is a registered voter. Any candidate who is not registered to vote is disqualified and the City Recorder may not print the candidate's name on the ballot.

...

## **2.66.050: ELECTION JUDGES; APPOINTMENT FOR LOCAL ELECTIONS:**

~~A. At least fifteen (15) days before the date scheduled for any local election, the City Council shall appoint or provide for the appointment of election judges as follows:~~

~~1. If paper ballots will be used:~~

~~a. Three (3) registered voters from the City shall be appointed to serve as election judges for each voting precinct when the ballots will be counted after the polls close; or~~

~~b. Three (3) registered voters from the City shall be appointed to serve as receiving judges in each voting precinct and three (3) registered voters from the City shall be appointed to serve as counting judges in each voting precinct when ballots will be counted throughout election day;~~

~~2. If automated tabulating equipment is used, three (3) registered voters from the City shall be appointed to serve as election judges for each voting precinct;~~

~~3. If voting machines are used, four (4) registered voters from the City shall be appointed to serve as election judges for each voting precinct; and~~

~~4. If the vote by mail program is used, three (3) registered voters from the City shall be appointed to serve as election judges for each voting center as established by the City Recorder.~~

~~5. In addition to subsections A1, A2, A3 and A4 of this section:~~

~~a. At least one registered voter from the City shall be appointed to serve as canvassing judge, if necessary; and~~

~~b. As many alternate judges as may be needed shall be appointed to replace appointed judges who are unable to serve.~~

~~B. The City Council may not appoint any candidate's parent, sibling, spouse, child or in-law to serve as an election judge in the voting precinct where the candidate resides.~~

~~C. The City Recorder shall:~~

~~1. Prepare and file a list containing the name, address, voting precinct, and telephone number of each person appointed as an election judge; and~~

~~2. Make the list available in the City Recorder's Office for inspection, examination, and copying during business hours.~~

~~D. The City Council shall compensate election judges for their services. The City Council may not compensate their election judges at a rate higher than that paid by Salt Lake County to its election judges.~~

#### **INDUCEMENTS NOT TO BECOME CANDIDATES:**

A. It is unlawful for any person to pay or reward, or promise to pay or reward, another in any manner or form for the purpose of inducing that other person to be, or to refrain from or cease from being, a candidate for City office.

B. It is unlawful for any person to solicit any payment, promise, or reward from another for the purpose of inducing that other person to be, or to refrain from or cease from being, a candidate for City office.

C. Any person who violates this section is guilty of a Class B misdemeanor.

#### **2.66.060: PENALTY FOR NONCOMPLIANCE:**

Except as otherwise provided, any candidate for City office, individual or entity who fails to comply with this chapter is guilty of an infraction.

#### **INDUCEMENTS NOT TO BECOME CANDIDATES:**

~~A. It is unlawful for any person to pay or reward, or promise to pay or reward, another in any manner or form for the purpose of inducing that other person to be, or to refrain from or cease from being, a candidate for City office.~~

~~B. It is unlawful for any person to solicit any payment, promise, or reward from another for the purpose of inducing that other person to be, or to refrain from or cease from being, a candidate for City office.~~

~~C. Any person who violates this section is guilty of a Class B misdemeanor.~~



**2.66.070: PENALTY FOR NONCOMPLIANCE:**

~~Except as otherwise provided, any candidate for City office, individual or entity who fails to comply with this chapter is guilty of an infraction.~~

Section 3. *Effective date.* This Ordinance shall take effect upon first publication.

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

MURRAY CITY MUNICIPAL COUNCIL

\_\_\_\_\_  
Dave Nicponski, Chair

ATTEST:

\_\_\_\_\_  
Jennifer Kennedy, City Recorder

Transmitted to the Office of the Mayor of Murray City on this \_\_\_\_ day of \_\_\_\_\_, 2019.

MAYOR'S ACTION: Approved

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

\_\_\_\_\_  
D. Blair Camp, Mayor

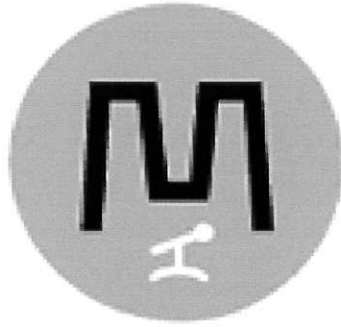
ATTEST:

\_\_\_\_\_  
Jennifer Kennedy, City Recorder

CERTIFICATE OF PUBLICATION

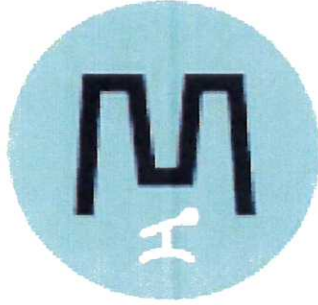
I hereby certify that this Ordinance or a summary hereof was published according to law on the \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Jennifer Kennedy, City Recorder



**MURRAY**  
CITY COUNCIL

# Mayor's Report And Questions



**MURRAY**  
CITY COUNCIL

**Adjournment**