

MURRAY
CITY COUNCIL

Council Meeting May 5, 2020



Murray City Municipal Council

Notice of Meeting

Murray City Center
5025 South State Street, Murray, Utah 84107

Electronic Meeting Only

May 5, 2020

The Murray City Council will hold its regular City Council meeting electronically in accordance with Executive Order 2020-5 Suspending the Enforcement of Provisions of Utah Code 52-4-202 and 52-4-207 due to Infectious Disease COVID-19 Novel Coronavirus issued by Governor Herbert on March 18, 2020 and Murray City Council Resolution #R20-13 adopted on March 17, 2020.

The public may view the meeting via the live stream at www.murraycitylive.com or <https://www.facebook.com/MurrayCityUtah/>. No physical meeting location will be available.

**If you would like to submit comments for the “citizen comment” time or for one of the “public hearings” you may do so by sending an email in advance or during the meeting to city.council@murray.utah.gov. Comments are limited to less than 3 minutes, include your name and contact information, and they will be read into the record.*

5:00 p.m. Meeting Agenda

Committee of the Whole

Dale Cox conducting.

Discussion Items

1. Coronavirus Emergency Supplemental Funding Grant – Chief Burnett (5 minutes)
2. Severance Pay Code Revision – G.L. Critchfield (5 minutes)
3. Pollutant Discharge Elimination System Co-Permittees – Danny Astill (10 minutes)
4. Zone Map Proposal 6450 and 6468 South 1300 East – Melinda Greenwood (10 minutes)
5. Text Amendment Transit Oriented Development Zone – Melinda Greenwood (10 minutes)
6. Text Amendment Home Occupation Businesses - Melinda Greenwood and Jared Hall (15 minutes)
7. Vacate a Portion of Poplar Street Right-of-Way – Danny Astill (10 minutes)
8. Vacate a Portion of 4th Avenue Right-of-Way – Danny Astill (10 Minutes)

Announcements

Adjournment

Short Break

6:30 p.m. Council Meeting

Diane Turner conducting.

Opening Ceremonies

Call to Order

Pledge of Allegiance

Approval of Minutes

Council Meeting – April 21, 2020

Citizen Comments

Email to city.council@murray.utah.gov . Comments are limited to less than 3 minutes, include your name and contact information, and they will be read into the record. *

Consent Agenda

1. Consider confirmation of the Mayor's reappointment of **Scott Finlinson** as a Hearing Officer for a three-year term to expire on May 6, 2023.
2. Consider confirmation of the Mayor's reappointment of **Jim Harland** as a Hearing Officer for a three-year term to expire on May 6, 2023.
3. Consider confirmation of the Mayor's appointment of **Bill Rowley** as a Hearing Officer to fill a vacant position with a term that expires on May 6, 2021.

Mayor Camp presenting.

Public Hearings

Staff and sponsor presentations, and public comment prior to Council action on the following matter. *

1. Consider a resolution approving the City's application for a grant from the United States Department of Justice for Coronavirus Emergency Supplemental Funding (CESF), Chief Craig Burnett presenting.

Business Items

1. Consider a resolution approving an Interlocal Cooperation Agreement between the City and Salt Lake County for participation as co-permittees under Utah Pollutant Discharge Elimination System Permit No. UTS000001 (Jordan Valley Municipalities). Danny Astill presenting.

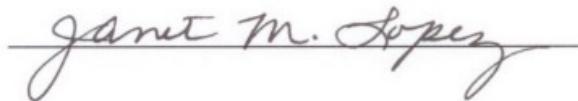
Mayors Report and Questions

Adjournment

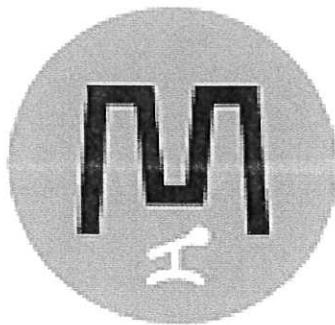
NOTICE

Supporting materials are available for inspection at www.murray.utah.gov.

On Friday, May 1, 2020 10:30 a.m., a copy of the foregoing notice was posted on the Murray City internet website www.murray.utah.gov and the state noticing website at <http://pmn.utah.gov> .

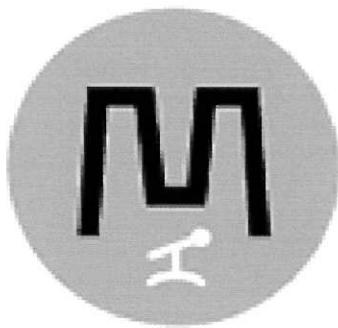


Janet M. Lopez
Council Executive Director
Murray City Municipal Council



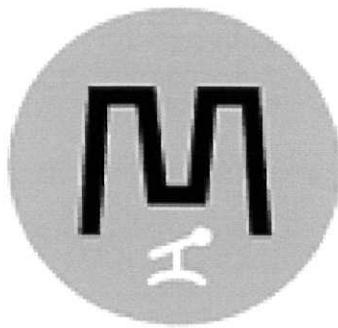
MURRAY
CITY COUNCIL

Committee of the Whole



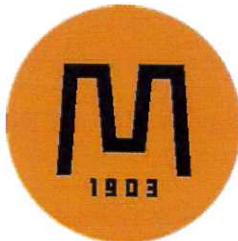
MURRAY
CITY COUNCIL

Discussion Items



MURRAY
CITY COUNCIL

Discussion Item #1



MURRAY

Police Department

Grant Notification for Coronavirus Emergency Supplemental Funding

Council Action Request

Committee of the Whole and City Council

Meeting Date: May 5, 2020

| | |
|--|---|
| Department Director Chief Burnett | Purpose of Proposal Grant opportunity for coronavirus funding for public safety |
| Phone # 801-264-2613 | Action Requested Discussion in committee of the whole, decision in city council meeting |
| Presenters Chief Craig Burnett | Attachments Program narrative and public notice of grant solicitation |
| | Budget Impact Federal grant funding for public safety |
| Required Time for Presentation 5 Minutes | Description of this Item Program narrative and review is attached |
| Is This Time Sensitive Yes | |
| Mayor's Approval  | |
| Date April 21, 2020 | |

Murray City Corporation

NOTICE OF PUBLIC HEARING

Electronic Meeting Only
May 5, 2020

NOTICE IS HEREBY GIVEN that on the 5th day of May 2020, at the hour of 6:30 pm the Murray City Council will hold and conduct a hearing on and pertaining to the City's intent to apply for a grant from the United States Department of Justice Emergency Supplemental Funding (CESF) Program. The purpose of this hearing is to receive public comment concerning the proposed grant application.

The hearing will be held electronically in accordance with Executive Order 2020-5 Suspending the Enforcement of Provisions of Utah Code 52-4-202 and 52-4-207 due to Infectious Disease COVID-19 Novel Coronavirus issued by Governor Herbert on March 18, 2020 and Murray City Council Resolution #R20-13 adopted on March 17, 2020.

The public may view the hearing via the live stream at www.murraycitylive.com or <https://www.facebook.com/MurrayCityUtah/>. **No physical meeting location will be available.**

If you would like to submit comments for the "public hearing" you may do so by sending an email in advance or during the meeting to city.council@murray.utah.gov Comments are limited to less than 3 minutes, include your name and contact information, and they will be read into the record.

DATED this 24th day of April, 2020.

MURRAY CITY CORPORATION

Jennifer Kennedy
City Recorder

DATE OF PUBLICATION: April 28, 2020
PH 20-15

Murray City Police Department
Intergovernmental Review Narrative

The Murray Police Department will make its Fiscal Year 2020 CESF application to the Murray City Council for their review on 5 May 2020.

The notice will be posted in the common area of Murray City Hall as well as the Murray City Official Website.

PUBLIC NOTICE OF GRANT SOLICITATION

The Murray City Police Department is submitting a solicitation for the **Coronavirus Emergency Supplemental Funding Program Grant (CESF)**.

This grant program allows States, U.S. Territories, the District of Columbia, units of local government, and federally recognized tribal governments that were identified as eligible for funding under the Fiscal Year (FY) 2019 State and Local Edward Byrne Memorial Justice Assistance Grant (JAG) Program to apply under the Coronavirus Emergency Supplemental Funding (CESF) Program solicitation.

The Murray City Police Department is seeking financial assistance for the purchase Personal Protective Equipment (PPE) and supplies for Police, Fire/Medical personnel, and essential City Employees to minimize or prevent said personnel from acquiring and/or spreading the coronavirus. Also, to acquire supplies in preparation for possible future increased exposures due to outbreaks of the Coronavirus.

The amount allocated to the City of Murray for this grant is \$112,282.00. The CESF grant program narrative may be viewed online at <http://www.murray.utah.gov>.

Murray City will accept public comments from April 28, 2020 through the close of business on May 5, 2020. Any questions or comments regarding the Justice Assistance Grant or its intended use, were directed to Lieutenant Doug Roberts of the Murray City Police Department at 801-264-2673.

A public hearing will be held electronically in accordance with Executive Order 2020-5 Suspending the Enforcement of Provisions of Utah Code 52-4-202 and 52-4-207 due to Infectious Disease COVID-19 Novel Coronavirus issued by Governor Herbert on March 18, 2020 and Murray City Council Resolution #R20-13 adopted on March 17, 2020.

The public may view the hearing via the live stream at www.murraycitylive.com or <https://www.facebook.com/MurrayCityUtah/>. **No physical meeting location will be available.**

If you would like to submit comments for the “public hearing” you may do so by sending an email in advance or during the meeting to city.council@murray.utah.gov Comments are limited to less than 3 minutes, include your name and contact information, and they will be read into the record.

Murray City Police Department
Program Narrative

Coronavirus Emergency Supplemental Funding Program

Federal and Utah State stay-at-home orders and directives implemented due to the Coronavirus Pandemic has negatively affected Murray City's economic status. Murray City's First Responders and essential personnel are on the front line of exposure to the Coronavirus Pandemic and require protective equipment and supplies.

The purpose of the Coronavirus Emergency Supplemental Funding Program is to purchase needed Personal Protective Equipment (PPE) equipment and supplies for Police, Fire/Medical personnel, and essential City Employees to minimize or prevent said personnel from acquiring and/or spreading the coronavirus, and acquire supplies in preparation for possible future increased exposures due to outbreaks of the Coronavirus Pandemic.

Murray City will utilize 2020 CESF grant funds to purchase PPE equipment and supplies for distribution to Murray City Police and Fire/Medical personnel as well as essential Murray City employees. Equipment and supplies will be purchased and distributed by both Police and Fire/Medical Departments.

No other CESF or related justice funds will be utilized for this program.

Submitted by:
Lieutenant Doug Roberts
Murray City Police Department
5025 South State Street
Murray, Utah 84107
801-264-2673 (main)
801-264-2569 (desk)

RESOLUTION NO. _____

A RESOLUTION APPROVING THE CITY'S APPLICATION FOR A GRANT FROM THE UNITED STATES DEPARTMENT OF JUSTICE FOR CORONAVIRUS EMERGENCY SUPPLEMENTAL FUNDING (CESF).

WHEREAS, the Coronavirus Emergency Supplemental Funding (CESF) Program will provide funding to assist eligible states, local units of government, and tribes in preventing, preparing for, and responding to the Coronavirus Pandemic; and

WHEREAS, due to the current Coronavirus Pandemic, the City's First Responders and essential personnel are on the front lines of exposure and require adequate protective equipment and supplies; and

WHEREAS, the City, through its Police Department, wants to apply for a grant for funding through the (CESF) Program; and

WHEREAS, the amount of the grant would be \$112,202.00; and

WHEREAS, the grant would be used to pay for Personal Protective Equipment (PPE) and supplies for City Police, Fire and Medical Personnel, and essential City employees to minimize or prevent exposure to the Coronavirus; and

WHEREAS, before the City can apply for the grant, it must provide to the public the opportunity to comment on the application; and

WHEREAS, before the City can apply for the grant, the City Council must review and approve the application after considering public input; and

WHEREAS, the City Council held a duly noticed public hearing on May 5, 2020 to receive input regarding the application; and

WHEREAS, Public Notice of the Grant Solicitation was posted, and public comment was invited from April 28, 2020 to May 5, 2020; and

WHEREAS, after considering any public comments, the City Council wants to approve the application for a CESF grant.

NOW, THEREFORE, BE IT RESOLVED by the Murray City Municipal Council that it hereby approves the City's application for a grant from United States Department of Justice Coronavirus Emergency Supplemental Funding (CESF) Program.

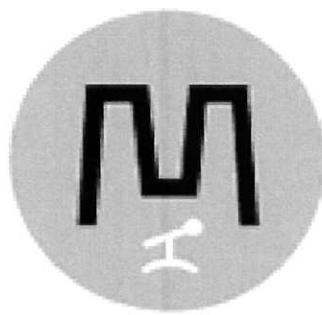
DATED this 5th day of May, 2020.

MURRAY CITY MUNICIPAL COUNCIL

Dale M. Cox, Council Chair

ATTEST:

Jennifer Kennedy, City Recorder



MURRAY
CITY COUNCIL

Discussion Item #2



MURRAY

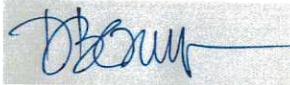
Attorney's Office

Ordinance amending section 2.62.040 of the Murray City code

Council Action Request

Committee of the Whole

Meeting Date: May 5, 2020

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| Department Director G.L. Critchfield | Purpose of Proposal Amendment of section 2.62.040 relating to severance pay for employees not within career and public safety service |
| Phone # 801-264-2640 | Action Requested Discussion only |
| Presenters G.L. Critchfield | Attachments Proposed ordinance |
| | Budget Impact None anticipated |
| Required Time for Presentation 5 minutes | Description of this Item This ordinance amendment pertaining to severance pay is to include employees not within career and public safety service. |
| Is This Time Sensitive No | |
| Mayor's Approval  | |
| Date April 22, 2020 | |

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 2.62.040 OF THE MURRAY CITY MUNICIPAL CODE RELATING TO SEVERANCE PAY FOR EMPLOYEES NOT WITHIN CAREER AND PUBLIC SAFETY SERVICE

BE IT ENACTED BY THE MURRAY CITY MUNICIPAL COUNCIL:

Section 1. Purpose. The purpose of this ordinance is to amend section 2.62.040 of the Murray City Municipal Code relating to severance pay for employees not within career and public safety service.

Section 2. Amend section 2.62.040. Section 2.62.040 of the Murray City Municipal Code shall be amended to read as follows:

2.62.040: SEVERANCE PAY FOR EMPLOYEES NOT WITHIN CAREER AND PUBLIC SAFETY SERVICE:

- A. An appointed at will Department Director, City Recorder, City Treasurer *and*, City Engineer, *member of the administrative staff in the Mayor's Office and member of the administrative staff of the City Council* who has been employed full time by the City for at least one year and who is involuntarily terminated for any reason other than criminal wrongdoing, shall be entitled to receive severance pay. Severance pay is in addition to any accrued vacation owing at the time of termination. Severance pay is based on the employee's final salary as follows:
 1. If the at will employee is terminated after fewer than two (2) years' full time employment, the employee shall receive an amount equivalent to one month's salary.
 2. If the at will employee is terminated after more than two (2) years' full time employment, the employee shall also receive an amount equivalent to the final salary rate, prorated, at two (2) weeks' pay for each year of service in excess of two (2) years, up to a maximum of four (4) months' salary. (Ord. 16-17)

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 _____, 2020.

MURRAY CITY MUNICIPAL COUNCIL

Dale M. Cox, Chair

ATTEST:

Jennifer Kennedy, City Recorder

MAYOR'S ACTION: Approved

DATED this ____ day of _____, 2020.

D. Blair Camp, Mayor

ATTEST:

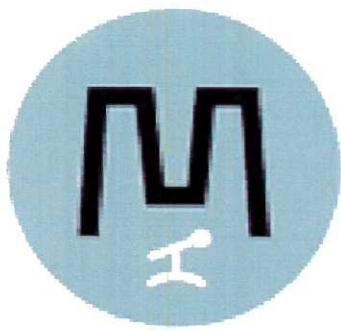
Jennifer Kennedy, City Recorder

CERTIFICATE OF PUBLICATION

I hereby certify that this Ordinance, or a summary hereof, was published according to

law on the ____ day of _____, 2020.

Jennifer Kennedy, City Recorder



MURRAY
CITY COUNCIL

Discussion Item #3



MURRAY

Public Works

Interlocal Cooperation Agreement with SL County & Murray City

Council Action Request

Committee of the Whole & Council Meeting

Meeting Date: May 5, 2020

| | |
|--|---|
| Department Director Danny Astill | Purpose of Proposal Present an interlocal cooperation agreement for information and discussion. |
| Phone # 801-270-2404 | Action Requested Approval of the agreement |
| Presenters Danny Astill | Attachments Agreement with exhibits and current storm water permit |
| Required Time for Presentation 10 Minutes | Budget Impact There are no additional budget impacts to this agreement |
| Is This Time Sensitive Yes | Description of this Item This agreement is a continuation of a long standing arrangement with Salt Lake County to comply with the National Pollutant Discharge Elimination System (NPDES) permit requirements. The State of Utah has the authority to issue the NPDES permits state-wide and have granted authority for more than one public entity that owns and operates a storm sewer system to become co-applicants to the same application and permit. With this interlocal agreement, Salt Lake County continues to take the lead in many different areas and in a separate agreement they apportion the costs associated with the media campaigns such "We All Live Down Stream" among others. The smaller communities (under 100,000) join with Salt Lake County in protecting our local surface waters. The group is referred to as the "Jordan Valley Municipalities."  |
| Mayor's Approval  | |
| Date April 22, 2020 | |

Continued from Page 1:

Murray City continues to take an active part in the public outreach activities all through Salt Lake County and the Jordan Valley Municipalities and play an active part in the Storm Water Coalition.

RESOLUTION NO. _____

A RESOLUTION APPROVING AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY AND SALT LAKE COUNTY FOR PARTICIPATION AS CO-PERMITTEES UNDER UTAH POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT NO. UTS000001 (JORDAN VALLEY MUNICIPALITIES)

WHEREAS, Title 11, Chapter 13, of the Utah Code, provides that two or more public agencies may, by agreement, jointly exercise any power common to the contracting parties for joint undertakings and services; and

WHEREAS, the Environmental Protection Agency has published its "Final Rule" setting forth the Utah Pollutant Discharge Elimination Systems ("UPEDS") permit application rules and regulations for storm water discharges to municipal separate storm sewer systems; and

WHEREAS, the State of Utah, through its Department of Environmental Quality, Division of Water Quality, has statutory rulemaking authority and authority to issue pollutant discharge elimination system permits with the State of Utah pursuant to the rules and regulations of the UPEDS; and

WHEREAS, the rules and regulations provide that where more than one public entity owns or operates a municipal separate storm sewer within a geographic area, (including adjacent or interconnected municipal separate storm sewer systems), such entities may be co-applicants to the same application and permit renewal; and

WHEREAS, the State of Utah has issued an UPDES permit (Permit No. UTS000001, the "Permit") to Salt Lake County ("County"), the City and others; and

WHEREAS, the County and the City desire to sign on as co-permittees under the Permit and participate in the Jordan Valley Municipalities UPDES municipal storm water permit program.

WHEREAS, an Interlocal Agreement has been prepared to accomplish such a purpose.

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

1. It hereby approves the Interlocal Cooperation Agreement, in substantially the form attached hereto; and

2. The Interlocal Cooperation Agreement is in the best interest of the City; and
3. Mayor D. Blair Camp is hereby authorized to execute the Agreement on behalf of the City and act in accordance with its terms.

DATED this _____ day of _____, 2020

MURRAY CITY MUNICIPAL COUNCIL

ATTEST:

Dale M. Cox, Chair

Jennifer Kennedy, City Recorder

**STATE OF UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER QUALITY**

**Authorization to Discharge Municipal Storm Water Under the
Utah Pollutant Discharge Elimination System (UPDES)**

In compliance with the provisions of the Utah Water Quality Act, Title 19, Chapter 5, Utah Code Annotated 2004, as amended (the "Act"), the Federal Water Pollution Control Act (33 U.S.C. §§ 1251 et seq., as amended to date), and the rules and regulations made pursuant to those statutes, the

JORDAN VALLEY MUNICIPALITIES, specifically,

SALT LAKE COUNTY, BLUFFDALE CITY, COTTONWOOD HEIGHTS, DRAPER CITY, HERRIMAN CITY, HOLLADAY CITY, MIDVALE CITY, MURRAY CITY, RIVERTON CITY, SANDY CITY, SOUTH JORDAN CITY, SOUTH SALT LAKE CITY, TAYLORSVILLE CITY, WEST JORDAN CITY, AND WEST VALLEY CITY

This Permit shall become effective on September 5, 2013.

This Permit and the authorization to discharge shall expire at midnight, September 4, 2018, except as described in Part 6.3 of this Permit.

Signed this 3 day of September, 2013.



Walter L. Baker, P.E.
Director

**UPDES PERMIT FOR DISCHARGES FROM
MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s)**

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1.0 Coverage Under this Permit

1.1. Authority to Discharge

This Permit authorizes the discharge, to Waters of the State of Utah, of storm water from Co-Permittees defined in Part 1.2. of this Permit. This authorization is subject to all of the terms and conditions of this Permit. This Permit does not authorize discharges prohibited under Part 1.4. of this Permit.

1.2. Permit Area and Eligibility

1.2.1. This Permit covers all the following separate jurisdictional areas located within Greater Salt Lake County as follows:

1.2.1.1. Areas covered under “Phase I” provisions in this Permit which includes unincorporated Salt Lake County. This permitted area covers all areas within the unincorporated boundary of Salt Lake County served by, or otherwise contributing to discharges from, the municipal separate storm sewer(s) owned or operated by Salt Lake County and also includes all Salt Lake County owned and operated storm drainage facilities (“countywide facilities”); and

1.2.1.2. Areas covered under “Phase II” provisions in this Permit which includes:

1.2.1.2.1 Salt Lake County “countywide” facilities owned and maintained by Salt Lake County that are within Greater Salt Lake County, but outside of the boundaries of Salt Lake City and unincorporated Salt Lake County; and

1.2.1.2.2 Incorporated areas within Salt Lake County, which are defined as small municipal separate storm sewer systems as defined in *Utah Administrative Code (UAC) R317-8-3.9* and listed below:

- Bluffdale City
- Cottonwood Heights
- Draper City
- Herriman City
- Holladay City
- Midvale City
- Murray City
- Riverton City
- Sandy City
- South Jordan City
- South Salt Lake City
- Taylorsville City
- West Jordan City
- West Valley City

- 1.2.1.2.3 Additional operators of small municipal separate storm sewers within the boundaries of Salt Lake County, which submit application and are approved for inclusion under the Permit during the course of this Permit cycle.
- 1.2.1.3. No operator of a Small MS4 described in 40 CFR 122.32 may discharge from that system without authorization from the Executive Secretary. (See Utah Administrative Code Section R317-8-3.9(1)(h)(1)(a), which sets forth the Permitting requirement, and R317-8-1.10(13), which incorporates 40 CFR 122.32 by reference). Authorization to discharge under the terms and conditions of this Permit is granted if:
 - 1.2.1.4. The operator submits a Notice of Intent (NOI) in accordance with Part 2.0 of this Permit;
 - 1.2.1.5. The MS4 is located fully or partially within an urbanized area as determined by the latest Decennial Census by the Bureau of Census;
 - 1.2.1.6. The operator is ordered by the Executive Secretary to obtain coverage under this Permit, as provided in the UPDES rules, R317-8.
- 1.2.2. The following are types of authorized discharges:
 - 1.2.2.1. *Storm water discharges.* This Permit authorizes storm water discharges to waters of the State from the Small MS4s identified in 1.2.1., except as excluded in Part 1.4.
 - 1.2.2.2. *Non-storm water discharges.* The following non-storm water discharges do not need to be addressed unless the Co-Permittee or the Executive Secretary identifies these discharges as significant sources of pollutants to Waters of the State or as causing or contributing to a violation of water quality standards:
 - Water line flushing
 - Landscape irrigation
 - Diverted stream flows
 - Rising ground waters
 - Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)) to separate storm sewers
 - Uncontaminated pumped ground water
 - Discharges from potable water sources
 - Uncontaminated footing/foundation drains
 - Air conditioning condensate
 - Irrigation water
 - Springs
 - Uncontaminated water from crawl space pumps
 - Individual residential car washing
 - Flows from riparian habitats and wetlands
 - Dechlorinated swimming pool discharges
 - Residual street wash water
 - Dechlorinated water reservoir discharges
 - Discharges or flows from emergency firefighting activity

1.3. Local Agency Authority

This Permit does not pre-empt or supersede the authority of local agencies to prohibit, restrict, or control discharges to storm drain systems or other water courses within their jurisdiction.

1.4. Limitations on Coverage

This Permit does not authorize:

- 1.4.1. Discharges that are mixed with sources of non-storm water unless such non-storm water discharges are in compliance with a separate UPDES Permit or are determined not to be a substantial contributor of pollutants to Waters of the State.
- 1.4.2. Storm water discharges associated with industrial activity as defined in *Utah Administrative Code (UAC) R317-8-3.9(6)(c)*.
- 1.4.3. Storm water discharges associated with construction activity as defined in *UAC R317-8-3.9(6)(d)(10)* and *R317-8-3.9(6)(d)(11)*.
- 1.4.4. Storm water discharges currently covered under another Permit.
- 1.4.5. Discharges that would cause or contribute to in-stream exceedances of water quality standards as contained in *UAC R317-2*.
- 1.4.6. Discharges of any pollutant into any Waters of the State for which a Total Maximum Daily Load (TMDL) has been approved by EPA unless the discharge is consistent with the TMDL. This consistency determination applies at the time a Notice of Intent is submitted. If conditions change after coverage is issued, the coverage may remain active provided the conditions and requirements of Part 3.1. of this Permit are complied with.
- 1.4.7. Discharges or discharge-related activities that are likely to jeopardize the continued existence of any species that are listed as endangered or threatened under the Endangered Species Act (ESA) or result in the adverse modification or destruction of habitat that is designated as critical under the ESA. More information regarding endangered species in the State of Utah is available at <http://www.fws.gov/mountain-prairie/>.
- 1.4.8. Discharge from an MS4 if the operator has been ordered by the Executive Secretary, as provided in Part 6.15 that it may no longer be covered under this General Permit, and the period established by the Executive Secretary for applying for a UPDES Permit has passed.

1.5. Co-Permittee(s) and Co-Permittee Accountability

- 1.5.1. The following entities are Co-Permittees covered in this Permit:
 - 1.5.1.1 All entities listed in Permit Parts 1.2.1.1., 1.2.1.2.1, and 1.2.1.2.2, and;
 - 1.5.1.2 Additional operators of small municipal separate storm sewers within the boundaries of Salt Lake County, which submit application and are approved for inclusion under the Permit during the course of this Permit cycle.

Each Co-Permittee is individually accountable for:

- 1.5.2. Permit compliance for discharges from portions of the MS4 where it is the operator and for areas within its legal jurisdiction, unless another Co-Permittee has agreed in writing to assume that responsibility within the jurisdiction of the Co-Permittee as described in Appendix I: *Co-Permittee Identification and Accountability*;
- 1.5.3. Development of a Storm Water Management Program (SWMP) as further described in Part 4.0., in the MS4 area of their jurisdiction, unless another Co-Permittee has agreed to assume that responsibility within the jurisdiction of the Co-Permittee as described in Appendix I: *Co-Permittee Identification and Accountability*;
- 1.5.4. Implementation of a SWMP and ensuring that the six minimum control measures described in Part 4.2. are implemented for portions of the MS4 where it is the operator and in areas within its legal jurisdiction, unless another Co-Permittee has agreed to assume that responsibility within the jurisdiction of the Co-Permittee as described in Appendix I: *Co-Permittee Identification and Accountability*;
- 1.5.5. Permit compliance (all or part), development of a SWMP (all or part), and implementation of the SWMP (all or part) in an area outside of the Co-Permittees legal municipal jurisdiction if the Co-Permittee has agreed to the added responsibility as described in Appendix I: *Co-Permittee Identification and Accountability*;
- 1.5.6. Cooperation in compiling any shared portions of the annual reporting requirements listed in Part 5.6., except that a Co-Permittee is individually liable for any parts of the annual report that relate exclusively to portions of the MS4 where it is the operator as specified in Appendix I: *Co-Permittee Identification and Accountability*;
- 1.5.7. Phase I Co-Permittee, Salt Lake County, shall provide wet weather monitoring as described in Appendix III.
- 1.5.8. Phase I Co-Permittee, Salt Lake County shall comply with the additional Industrial and High Risk Runoff Permit requirements contained in Part 4.3.

1.6 Documents the Co-Permittees Shall Develop to Append the Permit

The following documents shall be developed and signed (in accordance with Part 6.8. *Signatory Requirements*) by the Co-Permittees, and will append the Permit as enforceable Permit conditions binding on the Co-Permittees:

- 1.6.1. Appendix I: *Co-Permittee Identification and Accountability* shall contain:
 - 1.6.1.1. A list of all Co-Permittees covered by this Permit, a description of the legal jurisdiction of the Co-Permittees, MS4 boundaries, and the date the Co-Permittee is officially included as a Co-Permittee under this Permit (the Permit shall be modified as a minor modification, not requiring public notice, pursuant to *UAC R317-8-5.6(3)(d)* to officially include additional Co-Permittees);
 - 1.6.1.2. Where Permit compliance and SWMP development and implementation accountability is transferred, all or part, to another Co-Permittee, a description of where (on which Co-Permittee) the accountability falls. The description shall assign clear and distinct accountability to the Co-Permittees involved as to who is responsible for what Permit compliance issues, who is to develop what portions of a SWMP, and who is to implement what portions of the SWMP;
 - 1.6.1.3. Any necessary agreements, contracts, or memorandum of understanding (MOUs) between Co-Permittees and/or other municipal (or non-municipal) entities that affect the implementation and operation of SWMP.
- 1.6.2. Timing for Development & Inclusions or Exclusions of Co-Permittees:
 - 1.6.2.1. The *Co-Permittee Identification and Accountability* document shall be updated within 30 days of issuance of this Permit;
 - 1.6.2.2. The *Co-Permittee Identification and Accountability* document shall be updated immediately for each new inclusion or exclusion of a Co-Permittee.
- 1.6.3. Appendix II: *Storm Water Management Program* (for each MS4 listed in Appendix I):
 - 1.6.3.1. The purposes, objectives, and the required contents of Appendix II are listed in Part 4.0 of this Permit.
- 1.6.4. Appendix III: *Storm Water Wet and Dry Weather Monitoring Plans*:
 - 1.6.4.1. The purposes, objectives, and the required contents for Appendix III are listed in Part 5.2 of this Permit.
 - 1.6.4.2. Modifications to this document shall be approved with a signature by the *Division*.
- 1.6.5. Modification and Maintenance of Appendices:
 - 1.6.5.1. Co-Permittees shall keep the documents in the appendices current and up to date and attempt to achieve the purpose and objectives of the required document;

- 1.6.5.2. All modifications to the appendix documents shall show proof that it was submitted to the *Division* (a received date stamp from the Division of Water Quality, or verification e-mail from DWQ would be sufficient), and if required, it shall show that it was approved by the *Division* (a signature by the *Division* by an approval statement on the document, a separate letter signed by the *Division* approving of the modification, or similar is sufficient);
- 1.6.5.3. Each Appendix shall maintain a record of the original document, each modification, and the date the modification was made;
- 1.6.5.4. The *Division* may at any time make a written determination that parts or all of the appendix documents are unacceptable, wherein the Co-Permittee(s) shall make modifications to the unacceptable parts within 30 days, or within a time frame specified by the *Division*.

2.0 Notice of Intent and Storm Water Management Program Requirements

2.1. New Applicants

The requirements of this Part apply only to Co-Permittees not covered under the previous Jordan Valley Municipalities UPDES Permit No. UTS000001, i.e. **New Applicants**. Co-Permittees that were covered under the previous Jordan Valley Municipalities UPDES Permit No. UTS000001, i.e. Renewal Applicants, and have submitted a notice of intent (NOI) at least 180 days prior to the expiration date of the previous Permit, shall instead follow the requirements of Part 2.3.

- 2.1.1. New applicants shall meet the following application requirements. The Notice of Intent (NOI) shall include submittal of the Storm Water Management Program (SWMP) document. Detailed information on SWMP requirements can be found in Part 4.0 of this Permit.
- 2.1.2. Within 180 days of notification from the Executive Secretary, the operator of the MS4 shall submit a NOI form as provided by the Division at <http://www.waterquality.utah.gov/UPDES/stormwatermun.htm>. (The Executive Secretary retains the right to grant permission for a later submission date upon good cause shown). One original completed NOI shall be submitted, by mail or hand delivery to:

Attention: UPDES IES
Department of Environmental Quality
Division of Water Quality
195 North 1950 West
PO Box 144870
Salt Lake City, UT 84114-4870

- 2.1.3. Late submittal of an NOI is prohibited (unless permission has been granted by the Executive Secretary). If a late NOI is submitted, authorization is only for discharges

that occur after Permit coverage is granted. The Executive Secretary reserves the right to take appropriate enforcement actions for any unpermitted discharges.

- 2.1.4. Where application is made by a new applicant that has assumed operational control of an MS4 for which coverage under this Permit was previously held by a separate entity, the Division may determine that the new applicant shall comply with the Permit requirements in this Permit, as directed for Renewal Permittees. Notification shall be made by the Executive Secretary of this requirement in writing to the New Applicant prior to issuance of Permit coverage
- 2.1.5. Implementation of the Co-Permittee's SWMP shall include the six minimum control areas, including Measurable Goals, described in Part 4.2. Measurable Goals for each of the program areas shall include, as appropriate, the year by which the Co-Permittee will undertake required actions, including interim milestones and the frequency of the action if applicable.
- 2.1.6. Implementation of the Co-Permittee's SWMP as described in the Co-Permittee's application is required to begin within 30 days after the completed application is submitted. The Co-Permittee shall fully develop and implement the SWMP as discussed in Part 4.0 of the Permit by the end of the Permit term unless a more restrictive timeframe is indicated.
- 2.1.7. If an Operator is designated by the Executive Secretary as requiring Permit coverage later than one year after the effective date of this General Permit, the Executive Secretary may approve alternative deadlines that would allow the Co-Permittee to have its program areas implemented.

2.2. **Contents of the Notice of Intent**

The Notice of Intent requires, at a minimum, the following information:

- 2.2.1. Name, address, and telephone number of the principal executive officer, ranking elected official or other duly authorized employee in charge of municipal resources used for implementation of the SWMP;
- 2.2.2. Name(s)/ identification of Waters of the State as defined by UAC R317-1-1.32 that receive discharges from the Co-Permittee's MS4;
- 2.2.3. Name of the person responsible for overseeing implementation and coordination of the SWMP;
- 2.2.4. Summary description of the overall water quality concerns, priorities, and measurable goals specific to the Co-Permittee that were considered in the development of the SWMP;
- 2.2.5. The SWMP document shall consist of, at a minimum, a description of the program elements that will be implemented (or already exist) for each of the SWMP minimum control measures. The plan shall be detailed enough for the Division to determine the Co-Permittee's general strategy for complying with the required items in each of the six minimum control measures in the SWMP document (see Part 4.2 of this Permit);

- 2.2.6. Information on the chosen Best Management Practices (BMPs) and the measurable goals for each of the storm water minimum control measures in Part 4.2 of this Permit and, as appropriate, the timeframe by which the Co-Permittee will achieve required actions, including interim milestones;
- 2.2.7. Co-Permittees shall each submit an NOI and individual SWMP document which will clearly identify the areas of the MS4 for which each of the Co-Permittees are responsible. Co-Permittees which are relying on another entity(ies) to satisfy one or more of their Permit obligations shall include with the NOI, a summary of the Permit obligations that will be carried out by the other entity(ies). During the term of the Permit, Co-Permittees may terminate or amend shared responsibility arrangements by notifying the Executive Secretary, provided this does not alter implementation deadlines.
- 2.2.8. Certification and signature requirements in accordance with Part 6.8.

2.3. Storm Water Management Program Plan Description for Renewal Co-Permittees

- 2.3.1. The requirements of this part apply only to **Renewal Co-Permittees** that were covered under the previous Jordan Valley Municipalities UPDES Permit No. UTS000001. New applicants are not required to meet the requirements of this Part and instead shall follow the requirements of Part 2.0.
- 2.3.2. Renewal Co-Permittees shall submit a **revised SWMP document** to the Division within 120 days of the effective date of this Permit, which includes at a minimum, the following information:
 - 2.3.2.1. Permit number;
 - 2.3.2.2. MS4 location description and map;
 - 2.3.2.3. Information regarding the overall water quality concerns, priorities, and measurable goals specific to the Co-Permittee that were considered in the development and/or revisions to the SWMP document. Each Co-Permittee shall provide measurable goals for each minimum control measure described in Permit Part 4.2. Measurable goals should be based on:
 - Improvements in reducing annual loadings of pollutants to the watershed;
 - Improvements to “receiving stream” water quality, hydrology, geomorphology, habitat, or biology;
 - Quantifiable improvements in the MS4s discharged storm water quality;
 - Improvements in meeting the objectives of the SWMP;
 - Progress in BMP implementation or performance; and
 - At a minimum, a measure of specific actions, the frequency of those actions, and dates.
- 2.3.3. A description of the program elements that will be implemented (or are already being implemented) in each of the six minimum control measures (see Part 4.0);

- 2.3.3.1. A description of any modifications to ordinances or long-term/ongoing processes implemented in accordance with the previous MS4 general Permit for each of the six minimum control measures;
- 2.3.3.2. A description of how the Co-Permittee intends to meet the Permit requirements as described in Part 4.0 by either referencing existing program areas that already meet the Permit requirements or a description and relevant measurable goals that include, as appropriate, the year by which the Co-Permittee will achieve required actions, including interim milestones.
- 2.3.3.3. Indicate the joint submittal (s) of Co-Permittees (if applicable) and the associated responsibility (ies) in meeting requirements of the SWMP.
- 2.3.3.4. Certification and signature requirements in accordance with Part 6.8.
- 2.3.4. The revised SWMP document shall contain specific details for complying with the required items in each of the six minimum control measures contained within the SWMP document (See Part 4.2.).

3.0. Special Conditions

3.1. Discharges to Water Quality Impaired Waters

- 3.1.1. Applicability: Co-Permittees shall:
 - 3.1.1.1. Determine whether storm water discharge from any part of the MS4 contributes to a 303(d) listed (i.e., impaired) waterbody. A 303(d) list of impaired waterbodies is available at <http://www.waterquality.utah.gov/TMDL/index.htm>. Water quality impaired waters means any segment of surface waters that has been identified by the Division as failing to support classified uses. If the Co-Permittee has discharges meeting these criteria, the Co-Permittee shall comply with Part 3.1.2. below and if no such discharges exist, the remainder of this Part 3.1 does not apply.
 - 3.1.1.2. If the Co-Permittee has “303(d)” discharges described above, the Co-Permittee shall also determine whether a Total Maximum Daily Load (TMDL) has been developed by the Division and approved by EPA for the listed waterbody. If there is an approved TMDL, the Permittee shall comply with all requirements associated with the TMDL as well as the requirements of Part 3.1.2. below. If no TMDL has been approved, the Co-Permittee shall comply with Part 3.1.2. below and any TMDL requirements once it has been approved. TMDL requirements may be put into effect at any time during this Permit term.
- 3.1.2. Water Quality Controls for Discharges to Impaired Waterbodies. If the Co-Permittee discharges to an impaired waterbody, the Co-Permittee shall include in its SWMP document a description of how the Co-Permittee will control the discharge of the pollutants of concern. This description shall identify the measures and BMPs that will collectively control the discharge of the pollutants of concern. The measures should be presented in the order of priority with respect to controlling the pollutants of concern.

3.1.3. Where a discharge is already authorized under this Permit and is later determined to cause or have the reasonable potential to cause or contribute to the violation of an applicable water quality standard, the Division will notify the Co-Permittee of such violation(s). The Co-Permittee shall take all necessary actions to ensure future discharges do not cause or contribute to the violation of a water quality standard and document these actions as required by the Division. If violations remain or re-occur, coverage under this Permit may be terminated by the Division and an alternative general Permit or individual Permit may be issued. Compliance with this requirement does not preclude any enforcement activity as provided by the Utah Water Quality Act for the underlying violation.

3.2. Threatened or Endangered Species and Historic Properties

This Permit does not relieve the Co-Permittee from compliance with Federal or State laws pertaining to threatened or endangered species or historic properties. Where applicable, compliance efforts to these laws shall be reflected in the SWMP document.

4.0 Storm Water Management Program

4.1. Requirements

- 4.1.1. All Co-Permittees shall develop, implement, and enforce a SWMP designed to reduce the discharge of pollutants from the MS4, protect water quality, and satisfy the appropriate water quality requirements of the *Utah Water Quality Act*. The SWMP shall include the six minimum control measures described in Part 4.2 of this Permit.
 - 4.1.1.1. The SWMP shall be developed and implemented in accordance with the schedules contained in Part 4.0. of this Permit.
 - 4.1.1.2. Within **90 days** after the coverage from this Permit is granted, each Co-Permittee shall have an ongoing documentation process for gathering, maintaining, and using information to conduct planning, set priorities, track the development and implementation of the SWMP, evaluate Permit compliance/non-compliance, and evaluate the effectiveness of the SWMP implementation.
 - 4.1.1.3. Each Co-Permittee shall track the number of inspections performed, official enforcement actions taken, and types of public education activities implemented as required for each SWMP component. This information shall be provided to the Division upon request and used by the Division to determine compliance with this Permit.
 - 4.1.1.4. Each Co-Permittee shall secure the resources necessary to meet all requirements of this Permit. Each Co-Permittee shall conduct an annual analysis of the capital and operation and maintenance expenditures needed, allocated, and spent as well as the necessary staff resources needed and allocated to meet the requirements of this Permit, including any development, implementation, and enforcement activities required. Each Co-Permittee shall submit a summary of its fiscal analysis with each annual report.
 - 4.1.1.5. The SWMP document shall include BMPs that the Co-Permittee or another entity will implement for each of the storm water minimum control measures.
 - 4.1.1.5.1. The measurable goals for each of the BMPs shall include, as appropriate, the months and years in which the Co-Permittee will undertake required actions, including interim milestones and the frequency of the actions.
 - 4.1.1.5.2. The SWMP document shall indicate the person or persons responsible for implementing or coordinating the BMPs contained within the SWMP document.
 - 4.1.1.5.3. Failure to meet these requirements with a good faith effort and within the timeframes set forth may result in an enforcement action by the *Executive Secretary*.

4.2. Minimum Control Measures

Co-Permittees covered under the previous Jordan Valley Municipalities UPDES Permit No. UTS000001, i.e. **Renewal Co-Permittees**, are expected to have fully implemented Storm Water Management Programs (SWMPs) that reflect the permit requirements of the previous permit cycle. A Renewal Co-Permittee shall continue to implement its SWMP as described in the application and submittals provided in accordance with the previous Jordan Valley Municipalities MS4 Permit, while updating its SWMP document pursuant to this renewal Permit. This Permit does not extend the compliance expectations set forth in the previous MS4 general Permit or any corrective action plans and associated schedules unless specifically noted.

The six minimum control measures that shall be included in the storm water management program are:

4.2.1. *Public Education and Outreach on Storm Water Impacts*

The Co-Permittee shall implement a public education and outreach program to promote behavior change by the public to reduce water quality impacts associated with pollutants in storm water runoff and illicit discharges. Outreach and educational efforts shall include a multimedia approach and shall be targeted and presented to specific audiences for increased effectiveness. The educational program shall include documented education and outreach efforts for the following four audiences: (1) residents, (2) businesses, institutions, and commercial facilities, (3) developers and contractors (construction), and (4) MS4 industrial facilities. The minimum performance measures which should be based on the land uses and target audiences found within the community include:

- 4.2.1.1. Target specific pollutants and pollutant sources determined by the Co-Permittee to be impacting, or have the potential to impact, the beneficial uses of receiving water. This includes providing information which describe the potential impacts from storm water discharges; methods for avoiding, minimizing, reducing and /or eliminating the adverse impacts of storm water discharges; and the actions individuals can take to improve water quality, including encouraging participation in local environmental stewardship activities, based on the land uses and target audiences found within the community;
- 4.2.1.2. Provide and document information given to the general public of the Co-Permittee's prohibitions against and the water quality impacts associated with illicit discharges and improper disposal of waste. The Co-Permittee shall at a minimum consider the following topics. These topics are not inclusive and the Co-Permittee shall focus on those topics most relevant to the community: maintenance of septic systems; effects of outdoor activities such as lawn care (use of pesticides, herbicides, and fertilizers); benefits of on-site infiltration of storm water; effects of automotive work and car washing on water quality; proper disposal of swimming pool water; and proper management of pet waste.
- 4.2.1.3. Provide and document information given to businesses and institutions of the Co-Permittee's prohibition against and the water quality impacts associated with illicit discharges and improper disposal of waste. The Co-Permittee shall at a minimum consider the following topics. These topics are not inclusive and the Co-Permittee shall focus on those topics most relevant to the community: proper lawn

maintenance (use of pesticides, herbicides and fertilizer); benefits of appropriate on-site infiltration of storm water; building and equipment maintenance (proper management of waste water); use of salt or other deicing materials (cover/prevent runoff to storm system and contamination to ground water); proper storage of materials (emphasize pollution prevention); proper management of waste materials and dumpsters (cover and pollution prevention); and proper management of parking lot surfaces (sweeping). This education can also be a part of the Illicit Discharge Detection and Elimination measure detailed in Part 4.2.3.

- 4.2.1.4. Provide and document information given to engineers, construction contractors, developers, development review staff, and land use planners concerning the development of storm water pollution prevention plans (SWPPPs) and BMPs for reducing adverse impacts from storm water runoff from development sites. This education can also be a part of the Construction Site Storm Water Runoff minimum control measure detailed in Part 4.2.4.
- 4.2.1.5. Provide annually, at a minimum, training given to employees, of Co-Permittee-owned or operated facilities concerning the Co-Permittee's prohibition against and the water quality impacts associated with illicit discharges and improper disposal of waste. The Co-Permittee shall at a minimum consider the following topics: equipment inspection to ensure timely maintenance; proper storage of industrial materials (emphasize pollution prevention); proper management and disposal of wastes; proper management of dumpsters; minimization of use of salt and other deicing materials (cover/prevent runoff to MS4 and ground water contamination); benefits of appropriate on-site infiltration (areas with low exposure to industrial materials such as roofs or employee parking); and proper maintenance of parking lot surfaces (sweeping). The Co-Permittee shall document and maintain records of the training provided and the staff in attendance.
- 4.2.1.6. Provide and document information and training given to MS4 engineers, development and plan review staff, land use planners, and other parties as applicable to learn about Low Impact Development (LID) practices, green infrastructure practices, and to communicate the specific requirements for post-construction control and the associated Best Management Practices (BMPs) chosen within the SWMP.
- 4.2.1.7. An effective program shall show evidence of focused messages and audiences as well as demonstration that the defined goal of the program has been achieved. **The Co-Permittee shall define the specific messages for each audience. The Co-Permittee shall identify methods that will be used to evaluate the effectiveness of the educational messages and the overall education program. Any methods used to evaluate the effectiveness of the program shall be tied to the defined goals of the program and the overall objective of changes in behavior and knowledge. One method of evaluation of the program may be an evaluation of audience knowledge prior to commencement of the educational message followed by an evaluation after delivery of the message, such as a survey.**
- 4.2.1.8. The Co-Permittee shall include written documentation or rationale as to why particular BMPs were chosen for its public education and outreach program.

4.2.2. *Public Involvement/Participation*

The Co-Permittee shall implement a program that complies with applicable State and Local public notice requirements. The SWMP shall include ongoing opportunities for public involvement and participation such as advisory panels, public hearings, watershed committees, stewardship programs, environmental activities, other volunteer opportunities, or other similar activities. The Co-Permittee should involve potentially affected stakeholder groups, which include but is not limited to, commercial and industrial businesses, trade associations, environmental groups, homeowners associations, and education organizations. The minimum performance measures are:

- 4.2.2.1. Co-Permittees shall adopt a program or policy directive to create opportunities for the public to provide input during the decision making processes involving the development, implementation and update of the SWMP document including development and adoption of all required ordinances or regulatory mechanisms.
- 4.2.2.2. Renewal Co-Permittees shall make the revised SWMP document available to the public for review and input within 120 days from the effective date of this Permit. New Applicants shall make the SWMP document available to the public for review and input within 180 days of receiving notification from the Executive Secretary of the requirement for Permit coverage.
- 4.2.2.3. A current version of the SWMP document shall remain available for public review and input for the life of the Permit. If the Co-Permittee maintains a website, the latest version of the SWMP document shall be posted on the website to allow the public to review and provide input.
- 4.2.2.4. The Co-Permittee shall at a minimum comply with State and Local public notice requirements when implementing a public involvement/participation program.

4.2.3. *Illicit Discharge Detection and Elimination (IDDE)*

All Co-Permittees shall develop, implement and enforce an IDDE program to systematically find and eliminate sources of non-storm water discharges from the MS4 and to implement defined procedures to prevent illicit connections and discharges according to the minimum performance measures listed below within 18 months of receiving coverage under this Permit unless a different timeframe is indicated. The IDDE program shall be described in writing, incorporated as part of the Co-Permittee's SWMP document, and contain the elements detailed in this part of the Permit. The minimum performance measures are:

- 4.2.3.1. Maintain a current storm sewer system map of the MS4, showing the location of all municipal storm sewer outfalls with the names and location of all State waters that receive discharges from those outfalls, storm drain pipe and other storm water conveyance structures within the MS4.
- 4.2.3.2. Effectively prohibit, through ordinance or other regulatory mechanism, non-storm water discharges to the MS4, including spills, illicit connections, illegal dumping and sanitary sewer overflows ("SSOs") into the storm sewer system, require removal of

such discharges consistent with Part 4.2.3.6. of this Permit, and implement appropriate enforcement procedures and actions. The Co-Permittee shall have a variety of enforcement options in order to apply escalating enforcement procedures as necessary for the severity of violation and/or the recalcitrance of the violator. The Co-Permittee shall include in its SWMP document a description of the types of escalating enforcement options which would be used in response to all anticipated types of noncompliance including repeat and continued violations. These descriptions shall identify by title the official(s) responsible for each type of enforcement response. Exceptions are discharges pursuant to a separate UPDES Permit (other than the UPDES Permit for discharges from the MS4) and non-storm water discharges listed in Part 1.2.2.2. An SSO is a discharge of untreated sanitary wastewater. SSOs are illegal and shall be eliminated. All SSOs shall be reported to the Division of Water Quality and to the Co-Permittee's local wastewater treatment plant.

4.2.3.2.1 The IDDE program shall have adequate legal authority to detect, investigate, eliminate and enforce against non-storm water discharges, including illegal dumping, into the MS4. Adequate legal authority consists of an effective ordinance, by-law, or other regulatory mechanism. The documented IDDE program that is included in the Co-Permittee's SWMP shall include a reference or citation of the authority the Co-Permittee will use to implement all aspects of the IDDE program.

4.2.3.3. Develop, implement and prepare in writing a plan to detect and address non-storm water discharges to the MS4, including spills, illicit connections, sanitary sewer overflows and illegal dumping. The plan shall include:

4.2.3.3.1 Develop and implement written systematic procedures for locating and listing the following priority areas likely to have illicit discharges (if applicable to the jurisdiction):

- Areas with older infrastructure that are more likely to have illicit connections;
- Industrial, commercial, or mixed use areas;
- Areas with a history of past illicit discharges;
- Areas with a history of illegal dumping;
- Areas with onsite sewage disposal systems;
- Areas with older sewer lines or with a history of sewer overflows or cross-connections; and
- Areas upstream of sensitive waterbodies.

The Co-Permittee shall document the basis for its selection of each priority area and create a list of all priority areas identified in the system. This priority area list shall be updated annually to reflect changing priorities.

4.2.3.3.2 Field assessment activities for the purpose of verifying outfall locations and detecting illicit discharges, including dry weather screening of outfalls or facilities serving priority areas identified in Part 4.2.3.3.1 as well as routine dry weather screening of all outfalls that discharge within the Co-Permittee's jurisdiction to a receiving water. Compliance with this provision shall be achieved by: prioritizing receiving waters for visual inspection to identify previously unknown outfalls and field assessing at

least 20 percent of the priority areas identified in Part 4.2.3.3.1 to detect illicit discharges within one year of receiving coverage from this Permit, and field assessing an additional 20 percent of the identified high priority water bodies or other high priority area each year thereafter. Field assessment activities shall utilize an inspection form to document findings.

- 4.2.3.4. Develop and implement standard operating procedures (SOPs) or similar type of documents for tracing the source of an illicit discharge; including visual inspections, and when necessary, opening manholes, using mobile cameras, using field tests of selected chemical parameters as indicators of discharge sources, collecting and analyzing water samples for the purpose of determining sanctions or penalties, and/or other detailed inspection procedures.
- 4.2.3.5. Develop and implement standard operating procedures (SOPs) or similar type of documents for characterizing the nature of, and the potential public or environmental threat posed by, any illicit discharges found by or reported to the Co-Permittee by the hotline or other telephone number described in 4.2.3.9. These procedures shall include detailed instructions for evaluating how the discharge shall be immediately contained and steps to be taken for containment of the discharge. Compliance with this provision will be achieved by initiating an investigation immediately upon being alerted of a potential illicit discharge.
- 4.2.3.5.1 When the source of a non-storm water discharge is identified and confirmed, the Co-Permittee shall record the following information in an inspection report: the date the Co-Permittee became aware of the non-storm water discharge, the date the Co-Permittee initiated an investigation of the discharge, the date the discharge was observed, the location of the discharge, a description of the discharge, the method of discovery, date of removal, repair, or enforcement action; date, and method of removal verification. Analytical monitoring may be necessary to aid in the identification of potential sources of an illicit discharge and to characterize the nature of the illicit discharge. The decision process for utilizing analytical monitoring shall be fully documented in the inspection report.
- 4.2.3.6. Develop and implement standard operating procedures (SOPs) or similar type of documents for ceasing the illicit discharge, including notification of appropriate authorities; notification of the property owner; technical assistance for removing the source of the discharge or otherwise eliminating the discharge; follow-up inspections; and escalating enforcement and legal actions if the discharge is not eliminated. Illicit discharges to the MS4 are prohibited and any such discharges violate this Permit and remain in violation until they are eliminated. Upon detection, the Co-Permittee shall require immediate cessation of improper disposal practices upon confirmation of responsible parties in accordance with its enforceable legal authorities established pursuant to Part 4.2.3.2.1. of this Permit.
- 4.2.3.6.1 All IDDE investigations shall be thoroughly documented and may be requested at any time by the *Division*. If a Co-Permittee is unable to meet the minimum performance measures outlined in Parts 4.2.3.5. or 4.2.3.6., the Co-Permittee shall immediately submit to the Division written documentation or rationale describing the circumstances why compliance with the minimum performance measures was not possible. All IDDE documentation shall be included in the SWMP document.

- 4.2.3.7. Co-Permittees shall inform public employees, businesses, and the general public of hazards associated with illicit discharges and improper disposal of waste.
- 4.2.3.8. Co-Permittees shall promote or provide services for the collection of household hazardous waste.
- 4.2.3.9. Co-Permittees shall publicly list and publicize a hotline or other local telephone number for public reporting of spills and other illicit discharges. A written record shall be kept of all calls received, all follow-up actions taken, and any feedback received from public education efforts.
- 4.2.3.9.1 The Co-Permittee shall develop a written spill/dumping response procedure, and a flow chart for internal use, that shows the procedures for responding to public referrals of illicit discharges, the various responsible agencies and their contacts, and who would be involved in illicit discharge incidence response, even if it is a different entity other than the Co-Permittee. The procedure and list shall be incorporated as part of the IDDE program and incorporated into the Co-Permittee's SWMP document. The list shall be maintained and updated as changes occur.
- 4.2.3.10. Co-Permittees shall adopt and implement procedures for program evaluation and assessment which includes maintaining a database for mapping, tracking of the number and type of spills or illicit discharges identified; and inspections conducted.
- 4.2.3.11. Co-Permittees shall at a minimum, annually train employees about the IDDE program including identification, investigation, termination, cleanup, and reporting of illicit discharges including spills, improper disposal, and illicit connections. Co-Permittees shall provide training to all field staff that as part of their normal job responsibilities might come into contact with or otherwise observe an illicit discharge or illicit connection to the MS4. Co-Permittees shall also train office personnel who might receive initial reports of illicit discharges. Training shall include how to identify a spill, an improper disposal, or an illicit connection to the MS4 and proper procedures for reporting the illicit discharge. Co-Permittees shall document and maintain records of the training provided and the staff in attendance.
- 4.2.3.12. The Division reserves the right to request documentation or further study of a particular non-storm water discharge of concern, to require a reasonable basis for allowing the non-storm water discharge and excluding the discharge from the Co-Permittee's program, and to require inclusion of the discharge in the Co-Permittee's program, if water quality concerns can not otherwise be reasonably satisfied.

4.2.4. *Construction Site Storm Water Runoff Control*

All Co-Permittees shall develop, implement and enforce a program to reduce pollutants in any storm water runoff to the MS4 from construction sites with a land disturbance of greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale according to the minimum performance measures listed below within **18 months** of receiving coverage under this Permit. Public and private projects, including projects proposed by the Co-Permittee's own departments and agencies, shall comply with these requirements. The minimum performance measures are:

- 4.2.4.1. Develop and adopt an ordinance or other regulatory mechanism that requires the use of erosion and sediment control practices at construction sites. The ordinance or other regulatory mechanism shall, at a minimum, be equivalent with the technical requirements set forth in the UPDES Storm Water General Permit for Construction Activities, UTR300000 which can be found at <http://www.waterquality.utah.gov/UPDES/stormwatercon.htm>. The ordinance or other regulatory mechanism shall include sanctions to ensure compliance. The ordinance or other regulatory mechanism shall apply, at a minimum, to construction projects disturbing greater than or equal to one acre and to construction projects of less than one acre that are part of a larger common plan of development or sale. Existing local requirements to apply storm water controls at smaller sites shall be retained.
- 4.2.4.1.1. The ordinance or other regulatory mechanism shall, at a minimum, require construction operators to prepare a Storm Water Pollution Prevention Plan (SWPPP) and apply sediment and erosion control BMPs as necessary to protect water quality, reduce the discharge of pollutants, and control waste such as, but not limited to, discarded building materials, concrete truck washout, chemicals, litter and sanitary waste at the construction site that may cause adverse impacts to water quality. The SWPPP requirements shall be, at a minimum, equivalent with the SWPPP requirement set forth in the UPDES Storm Water General Permit for Construction Activities, UTR300000.
- 4.2.4.1.2. The ordinance or other regulatory mechanism shall include a provision for access by qualified personnel to inspect construction sites as well as storm water BMPs on private properties that discharge to the MS4.
- 4.2.4.1.3. The ordinance or other regulatory mechanism shall require that all construction sites with a land disturbance of greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, obtain a Utah Pollutant Discharge Elimination System UPDES Storm Water Permit (UPDES General Permit No. UTR300000) prior to local permit approval and issuance.
- 4.2.4.2. Develop a written enforcement strategy and implement the enforcement provisions of the ordinance or other regulatory mechanism which shall include:
 - 4.2.4.2.1. Standard operating procedures (SOPs) or similar type of documents that include specific processes and sanctions to minimize the occurrence of, and obtain compliance from violators which shall include appropriate, escalating enforcement procedures and actions.
 - 4.2.4.2.2. Documentation and tracking of all enforcement actions.
 - 4.2.4.3. Develop and implement SOPs or similar type of documents for pre-construction Storm Water Pollution Prevention Plan (SWPPP) review and keep records for, at a minimum, all construction sites that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, to ensure plans are complete and in compliance with State and Local regulations. Co-Permittees shall keep records of these projects for five years

or until construction is completed, whichever is longer. Prior to construction, the Co-Permittee shall:

- 4.2.4.3.1 Conduct a pre-construction SWPPP review which includes a review of the site design, the planned operations at the construction site, planned BMPs during the construction phase, and the planned BMPs to be used to manage runoff created after development.
- 4.2.4.3.2 Incorporate into the SWPPP review procedures the consideration of potential water quality impacts and procedures for pre-construction review which shall include the use of a checklist.
- 4.2.4.3.3 Incorporate into the SWPPP review procedures for an evaluation of opportunities for use of low impact design (LID) and green infrastructure and when the opportunity exists, encourage such BMPs to be incorporated into the site design.
- 4.2.4.3.4 Identify priority construction sites, including at a minimum those construction sites discharging directly into or immediately upstream of waters that the State recognizes as impaired (for sediment) or high quality;
- 4.2.4.4 All Co-Permittees shall develop and implement SOPs or similar type of documents for construction site inspection and enforcement of construction storm water pollution control measures. The procedures shall clearly define who is responsible for site inspections as well as who has authority to implement enforcement procedures. The Co-Permittee shall have the authority to the extent authorized by law to impose sanctions to ensure compliance with the local program. These procedures and regulatory authorities shall be written and documented in the SWMP. The construction site storm water runoff control inspection program shall provide:
 - 4.2.4.4.1 Inspections of all new construction sites with a land disturbance of greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale at least monthly by qualified personnel using the Construction Storm Water Inspection Form (Checklist) found on the Division's website at <http://www.waterquality.utah.gov/UPDES/stormwatercon.htm>.
 - 4.2.4.4.2 The Co-Permittee shall inspect all phases of construction: prior to land disturbance, during active construction, and following active construction. The Co-Permittee shall include in its SWMP document a procedure for being **notified by construction operators/owners** of their completion of active construction so that verification of final stabilization and removal of all temporary control measures may be conducted.
 - 4.2.4.4.3 Inspections by the MS4 of priority construction sites defined in Part 7.36. shall be conducted at least biweekly using the Construction Storm Water Inspection Form (Checklist) found on the Division's website at <http://www.waterquality.utah.gov/UPDES/stormwatercon.htm>.
 - 4.2.4.4.4 Based on site inspection findings, the Co-Permittee shall take all necessary follow-up actions (i.e., reinspection, enforcement) to ensure compliance in accordance with the Co-Permittee's enforcement strategy. These follow-up and enforcement actions shall be tracked and documented.

4.2.4.5 The Co-Permittee shall ensure that all staff whose primary job duties are related to implementing the construction storm water program, including permitting, plan review, construction site inspections, and enforcement, are trained at a minimum annually, to conduct these activities. The training can be conducted by the MS4 or outside training can be attended. Such training shall extend to third-party inspectors and plan reviewers as well. The Co-Permittee shall document and maintain records of the training provided and the staff in attendance.

4.2.4.6. All Co-Permittees shall adopt and implement a procedure to maintain records of all projects disturbing greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale. All Co-Permittees must keep a list or inventory of construction sites that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale. Co-Permittees shall keep records which include but are not limited to, site plan reviews, SWPPPs, inspections and enforcement actions including verbal warnings, stop work orders, warning letters, notices of violation, and other enforcement records. Co-Permittees shall keep records of these projects for five years or until construction is completed, whichever is longer.

4.2.5. *Long-Term Storm Water Management in New Development and Redevelopment (Post-Construction Storm Water Management)*

All Co-Permittees shall develop, implement and enforce a program to address post-construction storm water runoff to the MS4 from new development and redevelopment construction sites disturbing greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, according to the minimum performance measures listed below within 18 months of receiving coverage under this Permit. The objective of this control measure is for the hydrology associated with new development to mirror the pre-development hydrology of the previously undeveloped site or to improve the hydrology of a redeveloped site and reduce the discharge of storm water. The water quality considerations of this minimum control measure do not replace or substitute for water quantity or flood management requirements implemented on the local level for new developments. The water quality controls may be incorporated into the design of structures intended for flow control; or water quality control may be achieved with separate control measures. The program shall apply to private and public development sites, including roads.

The minimum performance measures are:

4.2.5.1. Develop and adopt an ordinance or other regulatory mechanism that requires long-term post-construction storm water controls at new development and redevelopment sites. The ordinance or other regulatory mechanism shall apply, at a minimum, to new development and redevelopment sites that discharge to the MS4 and that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale. The ordinance or other regulatory mechanism shall, at a minimum, be equivalent with the technical requirements set forth in the UPDES Storm Water General Permit for Construction Activities, UTR300000 which can be found at <http://www.waterquality.utah.gov/UPDES/stormwatercon.htm>. Existing local

requirements to apply storm water controls at smaller sites shall be retained. The ordinance or other regulatory mechanism shall require BMP selection, design, installation, operation and maintenance standards necessary to protect water quality and reduce the discharge of pollutants to the MS4.

- 4.2.5.2. Develop an enforcement strategy and implement the enforcement provisions of the ordinance or other regulatory mechanism. Procedures for enforcement of BMPs include:
 - 4.2.5.2.1 Procedures that include specific processes and sanctions to minimize the occurrence of, and obtain compliance from, chronic and recalcitrant violators which shall include appropriate, escalating enforcement procedures and actions.
 - 4.2.5.2.2 Documentation on how the requirements of the ordinance or other regulatory mechanism will protect water quality and reduce the discharge of pollutants to the MS4. Documentation shall include:
 - How long-term storm water BMPs were selected;
 - The pollutant removal expected from the selected BMPs; and
 - The technical basis which supports the performance claims for the selected BMPs.
- 4.2.5.3. The Co-Permittee's new development/redevelopment program shall have requirements or standards to ensure that any storm water controls or management practices for new development and redevelopment will prevent or minimize impacts to water quality.
- 4.2.5.3.1 The Co-Permittee's new development/redevelopment program should include non-structural BMPs such as requirements and standards to minimize development in areas susceptible to erosion and sediment loss; to minimize the disturbance of native soils and vegetation; to preserve areas in the municipality that provide important water quality benefits; to implement measures for flood control; and to protect the integrity of natural resources and sensitive areas.
- 4.2.5.3.2 For new development or redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, the program shall include a process to evaluate and encourage a Low Impact Development (LID) approach which encourages the implementation of structural BMPs, where practicable, that infiltrate, evapotranspire or harvest and use storm water from the site to protect water quality. Structural controls may include green infrastructure practices such as rainwater harvesting, rain gardens, permeable pavement, and vegetated swales. The selection and design of post-construction controls shall take into consideration clogging or obstruction issues, freeze-thaw problems, effect on slope stability and groundwater, and the ability to effectively maintain the control.
- 4.2.5.3.3 The Co-Permittee shall develop a plan to retrofit existing developed sites that are adversely impacting water quality. The retrofit plan shall be developed to emphasize controls that infiltrate, evapotranspire or harvest and use storm water discharges. The plan shall include a ranking of control measures to determine those best suited for retrofitting as well as those that could later be considered for retrofitting. The Co-

Permittee shall include the following when developing the criteria for the retrofit plan:

- Proximity to waterbody
- Status of waterbody to improve impaired waterbodies and protect unimpaired waterbodies
- Hydrologic condition of the receiving waterbody
- Proximity to sensitive ecosystem or protected area
- Any upcoming sites that could be further enhanced by retrofitting storm water controls

4.2.5.3.4 Each Co-Permittee shall develop and define specific hydrologic method or methods for calculating runoff volumes and flow rates to ensure consistent sizing of structural BMPs in their jurisdiction and to facilitate plan review. Specific criteria which require that Best Management Practices (BMPs) are designed to treat the water from a specific design storm (e.g., the 2-year, 24-hour event) shall be incorporated into the Co-Permittee's post-construction minimum control measure and documented in the SWMP. Co-Permittees may allow other unique or complex methodologies.

4.2.5.4 All Co-Permittees shall adopt and implement procedures for site plan review which incorporate consideration of water quality impacts. Prior to construction, Co-Permittees shall:

4.2.5.4.1 Review Storm Water Pollution Prevention Plans (SWPPPs) for, at a minimum, all new development and redevelopment sites that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, to ensure that the plans include long-term storm water management measures that meet the requirements of this minimum control measure.

4.2.5.4.2 Co-Permittees shall provide developers and contractors with preferred design specifications to more effectively treat storm water for different development types such as industrial parks, commercial strip malls, retail gasoline outlets, restaurants, parking lots, automotive service facilities, street and road construction, and projects located in, adjacent to, or discharging to environmentally sensitive areas.

4.2.5.4.3 Co-Permittees shall keep a representative copy of information that is provided to design professionals; and if information is distributed to a large number of design professionals at once, the dates of the mailings and lists of recipients.

4.2.5.5 All Co-Permittees shall adopt and implement SOPs or similar type of documents for site inspection and enforcement of post-construction storm water control measures. These procedures shall ensure adequate ongoing long-term operation and maintenance of approved storm water control measures.

4.2.5.5.1 The ordinance or other regulatory mechanism shall include provisions for both construction-phase and post-construction access for Co-Permittees to inspect storm water control measures on private properties that discharge to the MS4 to ensure that adequate maintenance is being performed. The ordinance or other regulatory mechanism may, in lieu of requiring that the Co-Permittee's staff inspect and maintain storm water controls on private property, instead require private property

owner/operators or qualified third parties to conduct maintenance and provide annual certification that adequate maintenance has been performed and the structural controls are operating as designed to protect water quality. In this case, the Co-Permittee shall require a maintenance agreement addressing maintenance requirements for any control measures installed on site. The agreement shall allow the Co-Permittee to conduct oversight inspections of the storm water control measures and also account for transfer of responsibility in leases and/or deeds. The agreement shall also allow the Co-Permittee to perform necessary maintenance or corrective actions neglected by the property owner/operator, and bill or recoup costs from the property owner/operator as needed.

- 4.2.5.5.2 Permanent structural BMPs shall be inspected at least once during installation by qualified personnel.
- 4.2.5.5.3 Inspections and any necessary maintenance shall be conducted annually by either the Co-Permittee or through a maintenance agreement, the property owner/operator. On sites where the property owner/operator is conducting maintenance, the Co-Permittee shall inspect those storm water control measures at least once every five years, or more frequently as determined by the Co-Permittee to verify and ensure that adequate maintenance is being performed. The Co-Permittee shall document its findings in an inspection report which includes the following:
 - Inspection date;
 - Name and signature of inspector;
 - Project location
 - Current ownership information
 - A description of the condition of the storm water control measure including the quality of: vegetation and soils; inlet and outlet channels and structures; catch basins; spillways; weirs, and other control structures; and sediment and debris accumulation in storage as well as in and around inlet and outlet structures;
 - Specific maintenance issues or violations found that need to be corrected by the property owner or operator along with deadlines and reinspection dates.
- 4.2.5.6 Co-Permittees shall provide adequate training for all staff involved in post-construction storm water management, planning and review, and inspections and enforcement. Training shall be provided or made available for staff annually, at a minimum, in the fundamentals of long-term storm water management through the use of structural and non-structural control methods. The Co-Permittees shall document and maintain records of the training provided and the staff in attendance.
- 4.2.5.7 The Co-Permittee shall maintain an inventory of all post-construction structural storm water control measures installed and implemented at new development and redeveloped sites that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale. This inventory shall include both public and private sector sites located within the Co-Permittee's service area.

4.2.5.7.1 Each entry to the inventory shall include basic information on each project, such as project's name, owner's name and contact information, location, start/end date, etc. In addition, inventory entries shall include the following for each project:

- Short description of each storm water control measure (type, number, design or performance specifications);
- Short description of maintenance requirements (frequency of required maintenance and inspections); and
- Inspection information (date, findings, follow up activities, prioritization of follow-up activities, compliance status).

4.2.5.7.2 Based on inspections conducted pursuant to Part 4.2.5.5., the Co-Permittee shall update the inventory as appropriate where changes occur in property ownership or the specific control measures implemented at the site.

4.2.6. *Pollution Prevention and Good Housekeeping for Municipal Operations*

All Co-Permittees shall develop and implement an operations and maintenance (O & M) program for Co-Permittee-owned or operated facilities, operations and structural storm water controls that includes standard operating procedures (SOPs) or similar type of documents and a training component that have the ultimate goal of preventing or reducing pollutant runoff from all Co-Permittee-owned or operated facilities and operations. All components of an O & M program shall be included in the SWMP document and shall identify the department (and where appropriate, the specific staff) responsible for performing each activity described in this section. The Co-Permittee shall develop an inventory of all such Co-Permittee-owned or operated facilities. The Co-Permittee shall review this inventory annually and update as necessary. The minimum performance measures are:

4.2.6.1. Permittees shall develop and keep current a written inventory of Co-Permittee-owned or operated facilities and storm water controls that may include but is not limited to:

- Composting facilities
- Equipment storage and maintenance facilities
- Fuel farms
- Hazardous waste disposal facilities
- Hazardous waste handling and transfer facilities
- Incinerators
- Landfills
- Landscape maintenance on municipal property
- Materials storage yards
- Pesticide storage facilities
- Public buildings, including libraries, police stations, fire stations, municipal buildings, and similar Co-Permittee-owned or operated buildings
- Public parking lots
- Public golf courses
- Public swimming pools
- Public works yards

- Recycling facilities
- Salt storage facilities
- Solid waste handling and transfer facilities
- Street repair and maintenance sites
- Vehicle storage and maintenance yards
- Co-Permittee-owned and/or maintained structural storm water controls

Facilities covered under the General UPDES Permit for Storm Water Discharges Associated with Industrial Activities do not need to develop an O & M program but shall instead maintain the Storm Water Pollution Prevention Plan (SWPPP) required by that Permit.

4.2.6.2. All Co-Permittees shall initially assess the written inventory of Co-Permittee-owned or operated facilities, operations and storm water controls identified in Part 4.2.6.1. for their potential to discharge to storm water the following typical urban pollutants: sediment, nutrients, metals, hydrocarbons (e.g., benzene, toluene, ethylbenzene and xylene), pesticides, chlorides, and trash. Other pollutants may be associated with, but not generated directly from, the municipally-owned or operated facilities, such as bacteria, chlorine, organic matter, etc. Therefore, the Co-Permittee shall determine additional pollutants associated with its facilities that could be found in storm water discharges. A description of the assessment process and findings shall be included in the SWMP document.

4.2.6.3. Based on the assessment required in Part 4.2.6.2., the Co-Permittee shall identify as “high-priority” those facilities or operations that have a high potential to generate storm water pollutants. Among the factors that shall be considered in giving a facility a high priority ranking is the amount of urban pollutants stored at the site, the identification of improperly stored materials, activities that shall be performed outside (e.g., changing automotive fluids), proximity to waterbodies, poor housekeeping practices, and discharge of pollutant(s) of concern to impaired water(s).

4.2.6.4. Each “high priority” facility identified in Part 4.2.6.3. shall develop facility-specific standard operating procedures (SOPs) or similar type of documents. The SOPs shall include BMPs that, when applied to the municipal operation, facility or storm water control will protect water quality and reduce the discharge of pollutants to the MS4. Low impact development (LID) techniques should be considered for all new and redeveloped Co-Permittee-owned or operated facilities. The SOPs shall include appropriate pollution prevention and good housekeeping procedures for all of the following types of facilities and/or activities listed below:

4.2.6.4.1. Buildings and facilities: The O & M program shall address, but is not limited to: Co-Permittee-owned or operated offices, police and fire stations, pools, parking garages, and other Co-Permittee-owned or operated buildings or utilities. The SOPs shall address the use, storage and disposal of chemicals and ensure through employee training, that those responsible for handling these products understand and implement the SOPs. All Co-Permittee-owned or operated facilities shall develop and ensure that spill prevention plans are in place, if applicable, and coordinate with the local fire department as necessary. The SOPs shall address dumpsters and other waste management which includes, but is not limited to, cleaning, washing, painting and

other maintenance activities. The O & M program shall include schedules and SOPs for sweeping parking lots and keeping the area surrounding the facilities clean to minimize runoff of pollutants. Within 180 days of receiving coverage from this Permit, all Co-Permittees shall develop an inventory of all floor drains inside all Co-Permittee-owned or operated buildings. The inventory shall be kept current. The Co-Permittee shall ensure that all floor drains discharge to appropriate locations. Within 180 days of receiving coverage from this Permit, all Co-Permittees shall develop an inventory including a map of all storm drains located on the property of all Co-Permittee-owned or operated buildings and facilities. The Co-Permittee shall ensure that only storm water is allowed into these drains and that the appropriate BMPs are in place to minimize pollutants from entering the MS4.

4.2.6.4.2 **Material storage areas, heavy equipment storage areas and maintenance areas.** Co-Permittees shall develop and implement SOPs to protect water quality at each of these facilities owned or operated by the Co-Permittee and not covered under the General UPDES Permit for Storm Water Discharges Associated with Industrial Activities.

4.2.6.4.3 **Parks and open space.** The O & M program shall address, but is not limited to: SOPs for the proper application, storage, and disposal of fertilizer, pesticides, and herbicides including minimizing the use of these products and using only in accordance with manufacturer's instruction; sediment and erosion control; evaluation of lawn maintenance and landscaping activities to ensure practices are protective of water quality such as, proper disposal of lawn clippings and vegetation, and use of alternative landscaping materials such as drought tolerant plants. The SOPs shall address the management of trash containers at parks and other open spaces which include scheduled cleanings and establishing a sufficient number of containers, and for placing signage in areas concerning the proper disposal of pet wastes. The SOPs shall also address the proper cleaning of maintenance equipment, building exterior, trash containers and the disposal of the associated waste and wastewater. Co-Permittees shall implement park and open space maintenance pollution prevention/good housekeeping practices at all park areas, and other open spaces owned or operated by the Co-Permittee.

4.2.6.4.4 **Vehicle and Equipment.** The O & M program shall address, but it not limited to: SOPs that address vehicle maintenance and repair activities that occur on Co-Permittee-owned or operated vehicles. BMPs should include using drip pans and absorbents under or around leaky vehicles and equipment or storing indoors where feasible. Fueling areas for Co-Permittee-owned or operated vehicles shall be evaluated. If possible, place fueling areas under cover in order to minimize exposure. The O & M program shall include SOPs to ensure that vehicle wash waters are not discharged to the MS4 or surface waters. This Permit strictly prohibits such discharges.

4.2.6.4.5 **Roads, highways, and parking lots.** The O & M program shall address, but it not limited to: SOPs and schedule for sweeping streets and Co-Permittee-owned or operated parking lots and any other BMPs designed to reduce road and parking lot debris and other pollutants from entering the MS4; road and parking lot maintenance, including pothole repair, pavement marking, sealing and repaving; cold weather operations, including plowing, sanding, and application of deicing compounds and maintenance of snow disposal areas; right-of-way maintenance, including mowing,

herbicide and pesticide application; and municipally-sponsored events such as large outdoor festivals, parades or street fairs. The Co-Permittee shall ensure that areas used for snow disposal will not result in discharges to receiving waters.

4.2.6.4.6 Storm water collection and conveyance system. The O & M program shall address, but is not limited to: SOPs and schedule for the regular inspection, cleaning, and repair of catch basins, storm water conveyance pipes, ditches and irrigation canals, culverts, structural storm water controls, and structural runoff treatment and/or flow control facilities. Co-Permittees shall implement catch basin cleaning, storm water system maintenance, scheduled structural BMP inspections and maintenance, and pollution prevention/good housekeeping practices. Co-Permittees should prioritize storm sewer system maintenance, with the highest priority areas being maintained at the greatest frequency. Priorities should be driven by water quality concerns, the condition of the receiving water, the amount and type of material that typically accumulates in an area, or other location-specific factors. All Co-Permittee-owned or operated storm water structural BMPs including but not limited to, swales, retention/detention basins or other structures shall be inspected annually to ensure that they are properly maintained to reduce the discharge of pollutants into receiving waters. Co-Permittees shall develop, ensure, and document proper disposal methods of all waste and wastewater removed from the storm water conveyance system. These disposal methods apply to, but are not limited to, street sweeping and catch basin cleaning. Materials removed from the MS4 should be dewatered in a contained area and discharged to the local sanitary sewer (with approval of local authorities) where feasible. The solid material will need to be stored and disposed of properly to avoid discharge during a storm event. Any other treatment and disposal measures shall be reviewed and approved by the Division. Some materials removed from storm drains and open channels may require special handling and disposal, and may not be authorized to be disposed of in a landfill.

4.2.6.4.7. Other facilities and operations Co-Permittees shall identify any facilities and operations not listed above that would reasonably be expected to discharge contaminated runoff, and develop, implement, and document the appropriate BMPs to protect water quality from discharges from these sites in the O & M program.

4.2.6.5. If a Co-Permittee contracts with a third-party to conduct municipal maintenance or allows private developments to conduct their own maintenance, the contractor shall be held to the same standards as the Co-Permittee. This expectation shall be defined in contracts between the Co-Permittee and its contractors or the contractors of private developments. The Co-Permittee shall be responsible for ensuring, through contractually-required documentation or periodic site visits that contractors are using appropriate storm water controls and following the standard operating procedures, storm water control measures, and good housekeeping practices of the Co-Permittee.

4.2.6.6. An O & M program designed for Co-Permittee-owned or operated facilities shall include the following inspections:

4.2.6.6.1 Weekly visual inspections: The Co-Permittee shall perform weekly visual inspections of “high priority” facilities in accordance with the developed SOPs to minimize the potential for pollutant discharge. The Co-Permittee shall look for evidence of spills and immediately clean them up to prevent contact with precipitation or runoff. The weekly inspections shall be tracked in a log for every facility and records kept with

the SWMP document. The inspection log should also include any identified deficiencies and the corrective actions taken to fix the deficiencies.

4.2.6.6.2 Quarterly comprehensive inspections: At least once per quarter, a comprehensive inspection of “high priority” facilities, including all storm water controls, shall be performed, with specific attention paid to waste storage areas, dumpsters, vehicle and equipment maintenance/fueling areas, material handling areas, and similar pollutant-generating areas. The quarterly inspection results shall be documented and records kept with the SWMP document. This inspection shall be done in accordance with the developed SOPs. An inspection report shall also include any identified deficiencies and the corrective actions taken to remedy the deficiencies.

4.2.6.6.3 Quarterly visual observation of storm water discharges: At least once per quarter, the Co-Permittee shall visually observe the quality of the storm water discharges from the “high priority” facilities (unless climate conditions preclude doing so, in which case the Co-Permittee shall attempt to evaluate the discharges four times during the wet season). Any observed problems (e.g., color, foam, sheen, turbidity) that can be associated with pollutant sources or controls shall be remedied to prevent discharge to the storm drain system. Visual observations shall be documented and records kept with the SWMP document. This inspection shall be done in accordance with the developed SOPs. The inspection report shall also include any identified deficiencies and the corrective actions taken to remedy the deficiencies.

4.2.6.7. The Co-Permittee shall develop and implement a process to assess the water quality impacts in the design of all new flood management structural controls that are associated with the Co-Permittee or that discharge to the MS4. This process shall include consideration of controls that can be used to minimize the impacts to site water quality and hydrology while still meeting project objectives. A description of this process shall be included in the SWMP document

4.2.6.7.1 Existing flood management structural controls shall be assessed to determine whether changes or additions should be made to improve water quality. A description of this process and determinations should be included in the SWMP document.

4.2.6.8. Construction Projects. Public construction projects shall comply with the requirements applied to private projects. All construction projects disturbing greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, owned or operated by the Co-Permittee are required to be covered under the General UPDES Permit for Storm Water Discharges Associated with Construction Activities. All public projects approved after the effective date of this Permit shall include construction and post-construction controls selected and implemented pursuant to the requirements in Parts 4.2.4. and 4.2.5.

4.2.6.9. Co-Permittees shall provide training for all employees who have primary construction, operation, or maintenance job functions that are likely to impact storm water quality. The Co-Permittee shall identify target employees to participate in the training sessions. Training shall be conducted annually, at a minimum, and shall address the importance of protecting water quality, the requirements of this Permit, operation and maintenance requirements, inspection procedures, ways to perform their job activities to prevent or minimize impacts to water quality, SOPs for the various Co-Permittee-owned or operated facilities and procedures for reporting water

quality concerns, including potential illicit discharges. Follow-up training shall be provided as needed to address changes in procedures, methods or staffing. Co-Permittees shall document and maintain records of the training provided and the staff in attendance.

4.3. Industrial and High Risk Runoff (Phase I Co-Permittee Only)

Phase I Co-Permittee (Salt Lake County) shall continue to develop and implement an inspection and oversight program to monitor and control pollutants in storm water discharges to the MS4 from industrial facilities. Phase I regulations specify that several key elements shall be included in Phase I storm water management programs. These elements include: adequate legal authority to require compliance and inspect sites, inspection of priority industrial and commercial facilities, establishing control measure requirements for facilities that may pose a threat to water quality, and enforcing storm water requirements. The following permit requirements apply to only Phase I Co-Permittee (Salt Lake County):

4.3.1. The Phase I Co-Permittee shall maintain an inventory of all industrial and commercial sites/sources within its jurisdiction (regardless of ownership) that could discharge pollutants in storm water to the MS4. The inventory shall be updated annually, at a minimum, and made available for review by the Division upon request.

4.3.1.1. The inventory shall include the following minimum information for each industrial and commercial site/source:

- Name
- Address
- Physical location of storm drains and other conveyance structures receiving discharge
- Name of receiving water
- Pollutants potentially generated by the site/source
- Identification of whether the site/source is (1) tributary to an impaired water body segment (i.e., whether it is listed under Section 303(d) of the Clean Water Act) and (2) whether it generates pollutants for which the water body segment is impaired.
- A narrative description including the standard industrial classification (SIC) codes, which best reflects the principal products or services provided by each facility.

4.3.1.2. At a minimum, the following sites/sources shall be included in the inventory:

Commercial Sites/Sources:

- Automobile and other vehicle body repair or painting
- Automobile (or other vehicle) parking lots and storage facilities
- Automobile repair, maintenance, fueling, or cleaning
- Building material retailers and storage
- Cement mixing or cutting
- Eating or drinking establishments (e.g., restaurants), including food markets
- Equipment repair, maintenance, fueling, or cleaning
- Golf courses, parks and other recreational areas/facilities
- Landscaping
- Masonry

- Mobile automobile or other vehicle washing
- Mobile carpet, drape or furniture cleaning
- Nurseries and greenhouses
- Painting and coating
- Pest control services
- Pool and fountain cleaning
- Portable sanitary services
- Power washing services
- Retail or wholesale fueling

Industrial Sites/Sources

- Industrial Facilities, as defined at 40 CFR 122.26(b)(14), including those subject to the Multi Sector General Permit or individual UPDES permit
- Facilities subject to Title III of the Superfund Amendments and Reauthorization Act (SARA)
- Hazardous waste treatment, disposal, storage and recovery facilities

4.3.1.3. All other commercial or industrial sites/sources tributary to an impaired water body segment, where the site/source generates pollutants for which the water body segment is impaired.

4.3.1.4. All other commercial or industrial sites/sources that the Co-Permittee determines may contribute a significant pollutant load to the MS4 including those that the Co-Permittee may have a history of past water quality problems.

4.3.2. The Co-Permittee shall require industrial and commercial facilities listed in the inventory included in Part 4.3.1.2. to select, install, implement, and maintain storm water control measures as necessary to minimize storm water pollution.

4.3.2.1. The Co-Permittee is required to notify industrial and commercial sites of any control measure requirements pertaining to their site and their responsibility to implement and comply with the requirements.

4.3.2.2. The Co-Permittee may need to require industrial and commercial facilities that discharge into impaired waterbodies to implement additional controls as necessary to prevent the discharge of pollutants of concern.

4.3.3. The Co-Permittee shall prioritize all facilities on the basis of the potential for water quality impact using criteria such as pollutant sources on site, pollutants of concern, proximity to a water body, and violation history of the facility.

4.3.3.1. The Co-Permittee shall describe in its SWMP document the process for prioritizing facilities.

4.3.4. The Co-Permittee is required to conduct inspections of all industrial and commercial facilities at least once during this Permit term with the highest priority facilities receiving more frequent inspections.

4.3.4.1. For facilities with no exposure of commercial or industrial activities to storm water, no inspections are required. However, the Co-Permittee shall continue to track these facilities for significant change in the exposure of their operations to storm water.

4.3.4.2. All industrial and commercial facility inspections shall at a minimum:

- Evaluate the facility's compliance with this permit's Part 4.3.2. requirement to select, design, install, and implement storm water control measures;
- Conduct a visual observation for evidence of unauthorized discharges, illicit connections, and potential discharge of pollutants to storm water;
- Verify whether the facility is required to be authorized under the UPDES Multi-Sector General Permit (MSGP) for Storm Water Discharges Associated with Industrial Activities and whether the facility has in fact obtained such permit coverage;
- Evaluate the facility's compliance with any other relevant local storm water requirements;

4.3.4.3. At a minimum, the Co-Permittee shall document the following for each inspection:

- The inspection date and time;
- The name(s) and signature(s) of the inspectors;
- Weather information and a description of any discharges occurring at the time of the inspection;
- Any previously unidentified discharges of pollutants from the site;
- Any control measures needing maintenance or repairs;
- Any failed control measures that need replacement;
- Any incidents of noncompliance observed; and
- Any additional control measures needed to comply with this permit's requirements.

4.3.4.4. Inspection findings shall be tracked to ensure inspections are conducted at a frequency consistent with the prioritization process required in Part 4.3.3.1.

4.3.5. The Co-Permittee shall ensure that all necessary follow up inspections and enforcement activities are conducted as necessary to require implementation and maintenance of all storm water control measures.

4.3.6. The Co-Permittee shall ensure that all staff whose primary job duties are implementing the industrial storm water program is trained annually, at a minimum, to conduct facility inspections. The training shall cover what is required under this permit in terms of storm water control measures, the requirements of the Multi-Sector General Permit for Discharges Associated with Industrial Activities or other related local requirements, the Co-Permittee's site inspection and documentation protocols, and enforcement procedures. Co-Permittees shall document and maintain records of the training provided and the staff in attendance.

4.4. Sharing Responsibility

- 4.4.1. Implementation of one or more of the six minimum measures may be shared with another entity, or the entity may fully take over the measure. A Co-Permittee may rely on another entity only if:
 - 4.4.2. The other entity, in fact, implements the control measure;
 - 4.4.3. The particular control measure, or component of that measure, is at least as stringent as the corresponding Permit requirement; and
 - 4.4.4. The other entity agrees to implement the control measure through a written agreement. This obligation shall be maintained as part of the description given in the Co-Permittee's SWMP document. If the other entity agrees to report on the minimum control measure, the Co-Permittee shall supply the other entity with the reporting requirements contained in Part 5.6. of this Permit. If the other entity fails to implement the control measure, then the Co-Permittee remains liable for any discharges due to that failure to implement.

4.5. Reviewing and Updating Storm Water Management Programs

- 4.5.1. **Storm Water Management Program Review:** All Co-Permittees shall conduct, at a minimum, an annual review of the SWMP document in conjunction with preparation of the annual report required in Part 5.6. This annual review shall include:
 - 4.5.1.1. A review of the status of program implementation and compliance (or non-compliance) with the schedule of compliance contained in the SWMP;
 - 4.5.1.2. A review of any revision or change of BMPs in the reporting year and assessment of the change or revision for effectiveness;
 - 4.5.1.3. An overall assessment of the goals and direction of the SWMP and effectiveness of BMPs including an assessment of any SWMP modifications needed to comply with the Clean Water Act section 402(p)(3)(B)(iii) requirement to reduce the discharge of pollutants to the maximum extent practicable (MEP);
 - 4.5.1.4. For Phase I Co-Permittee, Salt Lake County, a review of monitoring data, any changes in monitoring methods and parameters, considerations for how to change monitoring to improve information gathered from data, considerations about what kind of information is most useful for assessing storm water, and another look at what or how assessments can be made to track water quality as impacted by storm water.
- 4.5.2. **Storm Water Management Program Update:** A Co-Permittee may change the SWMP document during the life of the Permit in accordance with the following procedures:

- 4.5.2.1. Changes to the SWMP document may be made at any time provided written notification is submitted to the Division and subsequently approved by the Division.
- 4.5.2.2. Changes replacing an ineffective or unfeasible BMP specifically identified in the SWMP document with an alternate BMP may be adopted at any time, provided the analysis is clearly outlined and subsequently approved by the Division. An analysis shall include:
 - 4.5.2.2.1 An explanation of why the BMP is ineffective or infeasible,
 - 4.5.2.2.2 Expectations or report on the effectiveness of the replacement BMP, and
 - 4.5.2.2.3 An analysis of why the replacement BMP is expected to achieve the goals of the BMP to be replaced, or has achieved those goals.
- 4.5.3. Change requests or notifications shall be made in writing and signed in accordance with Part 6.8.
- 4.5.4. Change requests or notifications will receive confirmation and approval or denial in writing from the Division.
- 4.5.5. Storm Water Management Program Updates required by the Division: The Division may require changes to the SWMP as needed to:
 - 4.5.5.1. Address impacts on receiving water quality caused, or contributed to, by discharges from the MS4;
 - 4.5.5.2. Include more stringent requirements necessary to comply with new Federal regulatory requirements; or
 - 4.5.5.3. Include such other conditions deemed necessary by the Division to comply with the goals and requirements of the Clean Water Act.

5.0 Narrative Standard, Monitoring, Recordkeeping and Reporting

5.1. Narrative Standard

It shall be unlawful, and a violation of this Permit, for the Co-Permittee to discharge or place any waste or other substance in such a way as will be or may become offensive such as unnatural deposits, floating debris, oil, scum or other nuisances such as color, odor or taste, or conditions which produce undesirable aquatic life or which produces objectionable tastes in edible aquatic organisms; or concentrations or combinations of substances which produce undesirable physiological responses in desirable resident fish, or other desirable aquatic life, or undesirable human health effects, as determined by bioassay or other tests performed in accordance with standard procedures.

5.2. General Monitoring and Sampling Requirements

5.2.1. **Wet Weather Monitoring:** Co-Permittees with jurisdictions within Phase I areas shall implement a wet weather monitoring program that is appended to this Permit in Appendix III. The program may be modified provided the modification (s) meets the requirements of this section and Part 1.6.4. The Co-Permittee shall meet the objectives of the monitoring program as listed below:

- 5.2.1.1. Assess storm water impacts to in-stream water quality, hydrology, geomorphology, habitat, and biology;
- 5.2.1.2. Provide data to estimate annual cumulative pollutant loadings from the MS4;
- 5.2.1.3. Estimate event mean concentrations and pollutants in discharges from major outfalls;
- 5.2.1.4. Identify and prioritize portions of the MS4 requiring additional controls, and;
- 5.2.1.5. Identify water quality improvements or degradation.

5.2.2. Phase I Co-Permittee, Salt Lake County, shall select at least four monitoring locations. The four locations should serve to best characterize the purpose of the objective listed above and be representative of the area covered by the Permit and be within the Co-Permittee's jurisdiction.

5.2.2.1. The latest version of Salt Lake County's *Sampling Plan for Representative Storm Monitoring* ("the sampling plan") shall be placed in Appendix III within 90 days of issuance of this Permit. The *Sampling Plan for Representative Storm Monitoring* shall attempt to address monitoring of a representative storm for the area.

5.2.2.2. Phase I Co-Permittee, Salt Lake County, may modify the sampling plan and submit the modified plan for approval by the *Executive Secretary*. All modifications to the sampling plan shall be approved by the *Executive Secretary*.

5.2.2.3. The minimum monitoring to be conducted each year shall be a planned wet weather monitoring frequency of twice a year, subject to the occurrence of appropriate storm events. If the Co-Permittee is not able to accomplish the planned monitoring frequency the Co-Permittee shall submit detailed reasons and weather data showing why it was not possible.

5.2.2. **Dry Weather Screening:** Phase I Co-Permittee, Salt Lake County, shall continue its dry weather screening efforts and include the latest version of its *Sampling Plan for Dry Weather Screening* in Appendix III and submitted to the *Executive Secretary* within 90 days of issuance of this Permit.

5.2.2.1. The *Sampling Plan for Dry Weather Screening* shall include the screening methodology used for screening all outfalls of the MS4 at least once during the permit term. The inventory of outfalls and associated maps shall be kept current. Phase I Co-Permittee, Salt Lake County, must also comply with the requirements of Part 4.2.3.3.2 of this Permit and address priority areas identified in Part 4.2.3.3.1 to detect illicit discharges within one year of receiving coverage from this Permit, and

field assessing an additional 20 percent of the identified high priority water bodies or other high priority area each year thereafter.

5.2.3. Phase I Co-Permittee, Salt Lake County, shall at a minimum, annually train all staff involved with Wet Weather Monitoring and Dry Weather Screening. The Co-Permittee shall document and maintain records of the training provided and the staff in attendance.

5.3. Analytical Monitoring

Phase II Co-Permittees are not required to conduct analytical monitoring (see definition in Part 7.3) during the effective term of this Permit, with the following exceptions:

5.3.1. Water quality sampling may be required for compliance with TMDLs, pursuant to Part 3.1. of this Permit.

5.3.2. Sampling or testing may be required for characterizing illicit discharges pursuant to Parts 4.2.3.4., 4.2.3.5., and 4.2.3.5.1 of this Permit.

5.3.3. In the event that the Phase II MS4 elects to conduct analytical monitoring as part of its Storm Water Management Program, the Co-Permittee is required to comply with Part 6.18. of this Permit.

5.4. Non-analytical Monitoring

5.4.1. Non-analytical monitoring (see definition in Part 7.32.) such as visual dry weather screening is required to comply with Part 4.2.3.3.2 of this Permit.

5.5. Record keeping

5.5.1. Co-Permittees shall keep all supplementary documents associated with this Permit (e.g., Storm Water Management Program (SWMP) document, SWMP Implementation Schedule) current and up to date to achieve the purpose and objectives of the required document.

5.5.2. All modifications to supplementary documents shall be submitted to the *Division* in accordance with Parts 4.5. and 6.8.

5.5.3. The *Division* may at any time make a written determination that parts or all of the supplementary documents are not in compliance with this Permit, wherein the Co-Permittee shall make modifications to these parts within a time frame specified by the *Division*.

5.5.4. The Co-Permittee shall retain all required plans, records of all programs, records of all monitoring information, copies of all reports required by this Permit, and records of all other data required by or used to demonstrate compliance with this Permit, for at least five years from the date of the record. This period may be explicitly modified

by alternative provisions of this Permit or extended by request of the *Division* at any time.

5.5.5. The Co-Permittee shall make records, including the Notice of Intent (NOI) and the SWMP document, available to the public if requested.

5.6. **Reporting**

5.6.1. Each Co-Permittee shall submit an annual report to the Division by October 1 of each year of the Permit term using the report form provided on the Division's website.

5.6.2. In addition to the annual report forms, the following information shall also be included:

- Appendix I: Co-Permittee Identification and Accountability
- Appendix II: Current Storm Water Management Program (for each MS4 listed in Appendix I) which reflects any modifications as a result of the minimal annual review required in Part 4.5.1.).
- Appendix III: Storm Water Wet and Dry Weather Monitoring Plans as applicable
- The status and assessment of BMP implementation as stated in the SWMP and the assessment of effectiveness of BMPs.
- A summary of data collected for both wet weather and dry weather monitoring that is accumulated throughout the reporting year. The summary must include conclusions concerning what is shown by the data and how objectives of the permit are being or are not being met.

5.6.2.1. The Phase I Co-Permittee, Salt Lake County shall continue to submit a summary of five years of wet weather monitoring and assess trends and make conclusions (This timeframe takes into account the previous Permit conditions and reporting requirements, some of the data was required by the previous Permit term).

5.6.3. Each Co-Permittee shall sign and certify the annual report in accordance with Part 6.8.

5.6.4. Signed copies of the Annual Report and all other reports required herein, shall be submitted to:

Department of Environmental Quality
Division of Water Quality
PO Box 144870
195 North 1950 West
Salt Lake City, UT 84114-4870

5.7. **Legal Authority**

Each Co-Permittee shall insure legal authority exists to control discharges to and from those portions the MS4 over which it has jurisdiction. This legal authority may be a combination of

statute, ordinance, Permit, contract, order or inter-jurisdictional agreements with co-applicants with existing legal authority to:

- 5.7.1. Control the contribution of pollutants to the MS4 by storm water discharges associated with industrial activity and the quality of storm water discharged from sites of industrial activity (including construction activity);
- 5.7.2. Effectively prohibit illicit and non-storm water discharges through ordinance, or other regulatory mechanism, into the MS4 and shall be able to implement appropriate enforcement procedures and actions;
- 5.7.3. Control the discharge of spills and the dumping or disposal of materials other than storm water into the MS4;
- 5.7.4. Control through interagency agreements among Co-Permittees the contribution of pollutants from one portion of the MS4 to another;
- 5.7.5. Require compliance with conditions in ordinances, permits, contract or orders; and
- 5.7.6. Conduct all inspection, surveillance and monitoring activities and procedures necessary to determine compliance with conditions in this Permit.

6.0 Standard Permit Conditions

6.1. Duty to Comply

The Permittee shall comply with all conditions of this Permit. Any Permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for Permit termination, revocation and reissuance, or modification; or for denial of a Permit renewal application. The Permittee shall give advance notice to the Division of any planned changes in the Permitted facility or activity, which may result in noncompliance with Permit requirements.

6.2. Penalties for Violations of Permit Conditions

The *Act* provides that any person who violates a Permit condition implementing provisions of the *Act* is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates Permit conditions or the *Act* is subject to a fine not exceeding \$25,000 per day of violation. Any person convicted under *UAC 19-5-115(2)* a second time shall be punished by a fine not exceeding \$50,000 per day.

6.3. Duty to Reapply

If the Permittee wishes to continue an activity regulated by this Permit after the expiration date of this Permit, the Permittee shall apply for and obtain a new Permit. The application shall be submitted at least 180 days before the expiration date of this Permit. Continuation of expiring Permits shall be governed by regulations promulgated at *UAC R317-8-5* and any subsequent amendments.

6.4. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a Permittee in an enforcement action that it would have been necessary to halt or reduce the Permitted activity in order to maintain compliance with the conditions of this Permit.

6.5. Duty to Mitigate

The Permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this Permit, which has a reasonable likelihood of adversely affecting human health or the environment.

6.6. Duty to Provide Information

The Permittee shall furnish to the Division, within a time specified by the Division, any information which the Division may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Permit, or to determine compliance with this Permit. The Permittee shall also furnish to the Division, upon request, copies of records required to be kept by this Permit.

6.7. Other Information

When the Permittee becomes aware that it failed to submit any relevant facts in a Permit application, or submitted incorrect information in a Permit application or any report to the Division, it shall promptly submit such facts or information.

6.8. Signatory Requirements

All notices of intent, storm water management programs, storm water pollution prevention plans, reports, certifications or information either submitted to the *Division* or that this Permit requires to be maintained by the Permittee, shall be signed, dated and certified as follows:

- 6.8.1. All Permit applications shall be signed by either a principal executive officer or ranking elected official.
- 6.8.2. All reports required by the Permit and other information requested by the Division shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - 6.8.2.1. The authorization is made in writing by a person described above and submitted to the Division, and,
 - 6.8.2.2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. A duly authorized representative may thus be either a named individual or any individual occupying a named position.

6.8.2.3. Changes to authorization. If an authorization under *Part 6.8.2.* is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of *Part 6.8.2.* shall be submitted to the Division prior to or together with any reports, information, or applications to be signed by an authorized representative.

6.8.3. Certification. Any person signing documents under this Part shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

6.9 Availability of Reports

Except for data determined to be confidential under the Government Records Access and Management Act (see particularly Utah Code Ann. § 63-2-309) and Utah Code Ann. § 19-1-3-6, all reports prepared in accordance with the terms of this Permit shall be available for public inspection at the office of the Division. As required by the *Act*, Permit applications, Permits and effluent data shall not be considered confidential.

6.10. Penalties for Falsification of Reports

The *Act* provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this Permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than \$10,000.00 per violation, or by imprisonment for not more than six months per violation, or by both. Utah Code Ann. § 19-5-115(4)

6.11. Penalties for Tampering

The *Act* provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this Permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.

6.12. Oil and Hazardous Substance Liability

Nothing in this Permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties to which the Permittee is or may be subject under the "*Act*".

6.13. Property Rights

The issuance of this Permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or Local laws or regulations.

6.14. Severability

The provisions of this Permit are severable, and if any provision of this Permit, or the application of any provision of this Permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this Permit shall not be affected thereby.

6.15. Requiring a Different Permit

The *Division* may require the Permittee authorized by this Permit to obtain an individual *UPDES* Permit. Any interested person may petition the *Division* to take action under this paragraph. The *Division* may require the Permittee authorized to discharge under this Permit to apply for an individual *UPDES* Permit only if the Permittee has been notified in writing that a Permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form (as necessary), a statement setting a deadline for the Permittee to file the application, and a statement that on the effective date of the municipal *UPDES* Permit, coverage under this Permit shall automatically terminate. Permit applications shall be submitted to the address of the *Division of Water Quality* shown in *Part 5.5.* of this Permit. The *Division* may grant additional time to submit the application upon request of the applicant. If the municipality fails to submit in a timely manner a municipal *UPDES* Permit application as required by the *Division*, then the applicability of this Permit to the Permittee is automatically terminated at the end of the day specified for application submittal.

6.16. State/Federal Laws

Nothing in this Permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by *UCA 19-5-117* and *Section 510* of the *Clean Water Act* or any applicable Federal or State transportation regulations, such as but not limited to the Department of Transportation regulations.

6.17. Proper Operation and Maintenance

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this Permit and with the requirements of the SWMP. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by the Permittee only when necessary to achieve compliance with the conditions of the Permit.

6.18. Monitoring and Records

6.18.1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

- 6.18.2. The Permittee shall retain records of all monitoring information including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of the reports required by this Permit, and records of all data used to complete the application for this Permit, for a period of at least five years from the date of the sample, measurement, report or application. This period may be extended by request of the *Division* at any time.
- 6.18.3. Records of monitoring information shall include:
 - 6.18.3.1 The date, exact place, and time of sampling or measurements;
 - 6.18.3.2 The name(s) of the individual(s) who performed the sampling or measurements;
 - 6.18.3.3 The date(s) and time(s) analyses were performed;
 - 6.18.3.4 The name(s) of the individual(s) who performed the analyses;
 - 6.18.3.5 The analytical techniques or methods used; and
 - 6.18.3.6 The results of such analyses.

6.19. Monitoring Procedures

Monitoring shall be conducted according to test procedures approved under *40 CFR Part 136*, unless other test procedures have been specified in this Permit.

6.20. Inspection and Entry

The Permittee shall allow the *Division* or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

- 6.20.1. Enter upon the Permittee's premises where a regulated facility or activity is located or conducted or where records shall be kept under the conditions of this Permit;
- 6.20.2. Have access to and copy at reasonable times, any records that shall be kept under the conditions of this Permit; and
- 6.20.3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment).
- 6.20.4. Sample or monitor at reasonable times, for the purposes of assuring Permit compliance or as otherwise authorized by law, any substances or parameters at any location.

6.21. Permit Actions

This Permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a Permit modification, revocation and re-issuance, or termination, or

a notification of planned changes or anticipated noncompliance does not stay any Permit condition.

6.22. Storm Water-Reopener Provision

At any time during the duration (life) of this Permit, this Permit may be reopened and modified (following proper administrative procedures) as per *UAC R317.8*, to include, any applicable storm water provisions and requirements, a storm water pollution prevention plan, a compliance schedule, a compliance date, monitoring and/or reporting requirements, or any other conditions related to the control of storm water discharges to "Waters-of-State".

7.0 Definitions

Definitions related to this Permit and small municipal separate storm sewers (MS4s).

- 7.1. "40 CFR" refers to Title 40 of the Code of Federal Regulations, which is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal government.
- 7.2. "Act" means the *Utah Water Quality Act*.
- 7.3. "Analytical monitoring" refers to monitoring of waterbodies (streams, ponds, lakes, etc.) or of storm water, according to UAC R317-2-10 and 40 CFR 136 "Guidelines Establishing Test Procedures for the Analysis of Pollutants," or to State or Federally established protocols for biomonitoring or stream bioassessments.
- 7.4. "Beneficial Uses" means uses of the Waters of the State, which include but are not limited to: domestic, agricultural, industrial, recreational, and other legitimate beneficial uses.
- 7.5. "Best Management Practices" (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of Waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control facility site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- 7.6. "CWA" means *The Clean Water Act of 1987*, formerly referred to as the Federal Water Pollution Control Act.
- 7.7. "Co-Permittee" means any operator of a regulated Small MS4 that is applying jointly with another applicant for coverage under this Permit. A Co-Permittee owns or operates a regulated Small MS4 located within or adjacent to another regulated MS4. A Co-Permittee is only responsible for complying with the conditions of this Permit relating to discharges from the MS4 the Co-Permittee owns or operates. See also 40 CFR 122.26(b)(1).
- 7.8. "Control Measure" refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to Waters of the State.
- 7.9. "Common plan of development or sale" means one plan for development or sale, separate parts of which are related by any announcement, piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, plat, blueprint, contract, Permit application, zoning request, computer design, etc.), physical demarcation (including contracts) that identify the scope of the project. A plan may still be a common plan of development or sale even if it is taking place in separate stages or phases, is planned in combination with other construction activities, or is implemented by different owners or operators.
- 7.10. "Director" means the director of the Utah Division of Water Quality, otherwise known as the Executive Secretary of the Utah Water Quality Board.
- 7.11. "Division" means the Utah Division of Water Quality.

- 7.12. "Discharge" for the purpose of this Permit, unless indicated otherwise, refers to discharges from the Municipal Separate Storm Sewer System (MS4).
- 7.13. "Dry weather screening" is monitoring done in the absence of storm events to discharges representing, as much as possible, the entire storm drainage system for the purpose of obtaining information about illicit connections and improper dumping.
- 7.14. "Escalating enforcement procedures" refers to a variety of enforcement actions in order to apply as necessary for the severity of the violation and/or the recalcitrance of the violator.
- 7.15. "Entity" means a governmental body or a public or private organization.
- 7.16. "EPA" means the United States Environmental Protection Agency.
- 7.17. "General Permit" means a Permit which covers multiple dischargers of a point source category within a designated geographical area, in lieu of individual Permits being issued to each discharger.
- 7.18. "Ground water" means water in a saturated zone or stratum beneath the surface of the land or below a surface water body.
- 7.19. "High quality waters" means any water, where, for a particular pollutant or pollutant parameter, the water quality exceeds that quality necessary to support the existing or designated uses, or which supports an exceptional use.
- 7.20. "Illicit connection" means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.
- 7.21. "Illicit discharge" means any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges pursuant to a UPDES Permit (other than the UPDES Permit for discharges from the municipal separate storm sewer) and discharges resulting from firefighting activities.
- 7.22. "Impaired waters" means any segment of surface waters that has been identified by the Division as failing to support classified uses. The Division periodically compiles a list of such waters known as the 303(d) List.
- 7.23. "Indian Country" is defined as in 40 CFR §122.2 to mean:
 - 7.23.1. All land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation;
 - 7.23.2. All dependent Indian communities within the borders of the United States whether within the originally or subsequently acquired territory thereof, and whether within or without the limits of a state; and
 - 7.23.3. All Indian allotments, the Indian titles to which have not been extinguished, including right-of-ways running through the same.

- 7.24. “Large MS4” *Large municipal separate storm sewer system* means all municipal separate storm sewers that are located in an incorporated place with a population of 250,000 or more as determined by the current Decennial Census by the Bureau of the Census.
- 7.25. “Low Impact Development” (LID) is an approach to land development (or re-development) that works with nature to more closely mimic pre-development hydrologic functions. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat storm water as a resource rather than a waste product. There are many practices that have been used to adhere to these principles such as bioretention facilities, rain gardens, vegetated rooftops, rain barrels, and permeable pavements.
- 7.26. “MS4” is an acronym for “municipal separate storm sewer system”.
- 7.27. “Maximum Extent Practicable” (MEP) is the technology-based discharge standard for Municipal Separate Storm Sewer Systems established by paragraph 402(p)(3)(B)(iii) of the Federal Clean Water Act (CWA), which reads as follows: “Permits for discharges from municipal storm sewers shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques, and system, design, and engineering methods, and other such provisions as the Administrator or the State determines appropriate for the control of such pollutants.”
- 7.28. “Medium MS4” *Medium municipal separate storm sewer system* means all municipal separate storm sewers that are located in an incorporated place with a population of 100,000 or more but less than 250,000, as determined by the 1990 Decennial Census by the Bureau of the Census
- 7.29. “Monitoring” refers to tracking or measuring activities, progress, results, etc.;
- 7.30. “Municipal separate storm sewer system” means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) pursuant to paragraphs R317-8-1.6(4), (7), & (14), or designated under UAC R317-8-3.9(1)(a):
 - 7.30.1. that is owned or operated by a state, city, town, county, district, association, or other public body (created by or pursuant to State Law) having jurisdiction over disposal of wastes, storm water, or other wastes, including special districts under State Law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the CWA that discharges to Waters of the State;
 - 7.30.2. that is designed or used for collecting or conveying storm water;
 - 7.30.3. which is not a combined sewer; and
 - 7.30.4. which is not part of a Publicly Owned Treatment Works (POTW) as defined in 40 CFR 122.2.
- 7.31. “NOI” is an acronym for “Notice of Intent” to be covered by this Permit and is the mechanism used to “register” for coverage under a general Permit.

- 7.32. "Non-analytical monitoring" refers to monitoring for pollutants by means other than UAC R317-2-10 and 40 CFR 136, such as visually or by qualitative tools that provide comparative or rough estimates.
- 7.33. "Operator" is the person or entity responsible for the operation and maintenance of the MS4.
- 7.34. "Outfall" means a point source as defined by UAC R317-8-1.5(34) at the point where a municipal separate storm sewer discharges to Waters of the State and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances which connect segments of the same stream or other Waters of the State and are used to convey waters of the State.
- 7.35. "Phase II areas" means areas regulated under UPDES storm water regulations encompassed by Small MS4's (see definition 7.39.).
- 7.36. "Priority construction site" means a construction site that has potential to threaten water quality when considering the following factors: soil erosion potential; site slope; project size and type; sensitivity of receiving waterbodies; proximity to receiving waterbodies; non-storm water discharges and past record of non-compliance by the operators of the construction site.
- 7.37. "Redevelopment" is the replacement or improvement of impervious surfaces on a developed site.
- 7.38. "Runoff" is water that travels across the land surface, or laterally through the ground near the land surface, and discharges to water bodies either directly or through a collection and conveyance system. Runoff includes storm water and water from other sources that travels across the land surface.
- 7.39. "SWMP" is an acronym for storm water management program. The SWMP document is the written plan that is used to describe the various control measures and activities the Permittee will undertake to implement the storm water management plan.
- 7.40. "SWPPP" is an acronym for storm water pollution prevention plan.
- 7.41. "Small municipal separate storm sewer system" is any MS4 not already covered by the Phase I program as a medium or large MS4. The Phase II Rule automatically covers on a nationwide basis all Small MS4s located in "urbanized areas" (UAs) as defined by the Bureau of the Census (unless waived by the UPDES Permitting authority), and on a case-by-case basis those Small MS4s located outside of UAs that the UPDES Permitting authority designates.
 - 7.41.1. This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.
- 7.42. "SOP" is an acronym for standard operating procedure which is a set of written instructions that document a routine or repetitive activity. For the purpose of this Permit, SOPs should emphasize pollution control measures to protect water quality.
- 7.43. "Storm water" means storm water runoff, snowmelt runoff, and surface runoff and drainage.

- 7.44. “Storm water management program” means a set of measurable goals, actions, and activities designed to reduce the discharge of pollutants from the Small MS4 to the maximum extent practicable and to protect water quality.
- 7.45. “TMDL” is an acronym for “Total Maximum Daily Load” and in this Permit refers to a study that: 1) quantifies the amount of a pollutant in a stream; 2) identifies the sources of the pollutant; and 3) recommends regulatory or other actions that may need to be taken in order for the impaired waterbody to meet water quality standards.
- 7.46. “Urbanized area” is a land area comprising one or more places and the adjacent densely settled surrounding area that together have a residential population of at least 50,000 and an overall population density of at least 1,000 people per square mile.
- 7.47. “Waters of the State” means all streams, lakes, ponds, marshes, water-courses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private which are contained within, flow through, or border upon this state or any portion thereof, except bodies of water confined to and retained within the limits of private property, and which do not develop into or constitute a nuisance, or a public health hazard, or a menace to fish and wildlife which shall not be considered to be “Waters of the State” under this definition (“UAC” R317-1-1.32).

CO-PERMIT REQUIREMENT ACCOUNTABILITY

Salt Lake County accepts responsibility for implementation of the following permit requirements of Jordan Valley Municipalities under UPDES Permit UTS000001, to be completed during the life of the permit and developed in detail in the municipalities Stormwater Management Plan.

1. County will prepare the Co-Permittee Identification and Accountability document identified in Part 1.5 at no direct cost to the City. The municipalities shall provide necessary information in a timely fashion to County for inclusion into document.
2. County will develop and implement a core County-wide Public Education and Outreach program identified in Part 4.2.1 at no direct cost to the municipality. Individual Municipal members must identify targets, distribute, track and record progress with this program as described in Parts 4.2.1.1 through 4.2.1.7. The municipalities shall provide necessary information in a timely fashion to County for inclusion into Annual Report documents. The Public Education and Outreach program will be coordinated through the Stormwater Coalition.
3. County will develop a portion of a public involvement/participation program identified in Part 4.2.2 at no direct cost to the municipality. Individual Municipalities must prepare their own SWMP Documents, post them to their own websites and maintain their own websites. The portion of the public involvement/participation program undertaken by the County will be coordinated through the Stormwater Coalition.
4. County will compile and submit to the State the portion of the annual report identified in 5.6.1 which details activities in Parts 4.2.1 and 4.2.2. which will include the municipalities required information. The municipality shall provide necessary information for this submittal to the County in a compatible electronic format as either word processing or spreadsheet as required. Information must be provided to the County at least 45 days prior to report submission deadline. If the municipality fails to submit information to County as described, the municipality shall be liable for State sanctions and penalties.



CONTRACT COVER PAGE

| |
|--|
| Contract Number: PT17118R |
| Sold To: Murray City |
| Description: PWE-Interlocal- 2017-2022 UPDES Media Campaign. County to administer the campaign and consultant's contract. City to pay the County \$5,000 the first year, then \$6,913.83 for subsequent years (may be increased by County). Term for 5 years to 6/30/2022 |
| Revenue Amount: \$0.00 |
| Agency Name: Engineering |
| Start Date: 2017-07-01 End Date: 2022-06-30 |

17.19.35

County Contract No. PT17118R
D.A. No. 17-08823

**INTERLOCAL COOPERATION AGREEMENT
BETWEEN
MURRAY CITY AND SALT LAKE COUNTY
FOR
COST SHARING
2017 -2022 UPDES MEDIA CAMPAIGN**

THIS AGREEMENT is made this 7th day of December, 2017, by and between MURRAY CITY, a municipal corporation of the State of Utah, hereinafter "City," and SALT LAKE COUNTY, a body corporate and politic of the State of Utah, hereinafter "County." City and County may be referred to jointly as the "parties."

WITNESSETH:

WHEREAS, the parties are public agencies and are therefore authorized by the Utah Interlocal Cooperation Act, section 11-13-101, et seq., U.C.A., to enter into agreements with each other which will enable them to make the most efficient use of their powers; and,

WHEREAS, in connection with the Utah Pollutant Discharge Elimination System, hereinafter "UPDES", permitting process, the parties desire to cooperate with each other in funding a 2017 through 2022 multi-media public information and education campaign (hereinafter "Campaign") for the purpose of increasing public awareness about storm water pollution and educating the public about the prevention of storm water pollution in the City and the County; and,

WHEREAS, the parties desire to enter into an agreement whereby their respective responsibilities concerning the campaign are specifically set forth.

AGREEMENT:

NOW, THEREFORE, in consideration of the mutual promises set forth herein, the parties agree as follows:

1. *Media Campaign Services.* The County will continue to retain the services of a consultant and has developed a plan for the public education and awareness campaign, which will consist of many phases of development for the benefit of all coalition participants.

2. *Budget.* The proposed budget for the campaign is One Hundred Ninety-Three Thousand Dollars (\$193,000.00) per year, and includes the components and funding shown on *Appendix A* which is incorporated as part of this agreement.

3. *County Responsibilities.* The County shall be responsible for all matters pertaining to administering the campaign and the consultant's contract.

4. *City Responsibilities.* The City shall pay to the County the sum of Five Thousand Dollars (\$5,000.00) for year 2017-2018. The first payment shall be made within thirty (30) days after execution of this agreement by the parties. For each subsequent year of the contract, City shall pay to the County the sum of Six Thousand Nine Hundred Thirteen Dollars and Eighty-Three Cents (\$6,913.83) per year as the City's share of the costs of funding of the Campaign. This amount may be increased by County each year by the lesser of three percent or the percentage increase, if any, in the latest published Consumer Price Index, All Urban Consumers. For subsequent annual payments, the County shall submit to City an invoice with the total cost of such services no later than August 15 of each year, which invoice the City shall pay within thirty days.

5. *Interlocal Cooperation Act.* In satisfaction of the requirements of the Interlocal Act, and in connection with this Agreement, the Parties agree as follows:

(a) This Agreement shall be approved by each Party pursuant to Section 11-13-202.5 of the Interlocal Act;

(b) This Agreement shall be reviewed as to proper form and compliance with applicable law by a duly authorized attorney on behalf of each Party, pursuant to Section 11-13-202.5 of the Interlocal Act;

(c) A duly executed original counterpart of this Agreement shall be filed with keeper of records of each Party, pursuant to Section 11-13-209 of the Interlocal Act;

(d) Except as otherwise specifically provided herein, each Party shall be responsible for its own costs of any action taken pursuant to this Agreement, and for any financing of such costs; and

(e) No separate legal entity is created by the terms of this Agreement. To the extent that this Agreement requires administration other than as set forth herein, it shall be administered by a joint board of the public works directors of the City and the County, or their designees. No real or personal property shall be acquired jointly by the Parties as a result of this Agreement. To the extent that a Party acquires, holds or disposes of any real or personal property for use in the joint or cooperative undertaking contemplated by this Agreement, such Party shall do so in the same manner that it deals with other property of such Party.

6. **Termination.** Pursuant to Utah Code Ann. 11-13-206(a), the parties agree that this agreement may be terminated (with or without cause) by either party upon at least thirty (30) days prior written notice to the other party, in which event an accounting shall be made of all funds not spent or encumbered as of the date of termination.

7. **Term.** This agreement shall be effective on the date hereof and unless terminated as provided herein shall terminate 5 years from the date of execution.

8. *Applicable Law.* The provisions of this agreement shall be governed by and construed in accordance with the laws of the State of Utah.

9. *Integration.* This agreement constitutes the entire agreement between the parties pertaining to the subject matter hereof, and supersedes all prior agreements and understandings pertaining thereto.

10. *Amendment.* The parties may amend this agreement by a writing signed by the parties. The amendment shall not be effective if it is not in writing or if it is not signed by all the parties.

11. *No Agency.* Agents, employees or representatives of each party shall not be deemed to be agents, employees or representatives of the other.

[Signature Page to Follow]

IN WITNESS WHEREOF, the parties execute this agreement on the day and year first set forth above.

SALT LAKE COUNTY

By Mimi Graham
Mayor or Designee

Recommended for Approval:

Kade Moncur Digitally signed by Kade Moncur
Date: 2017.12.12 07:29:07 -07'00'

Kade Moncur
Division Director

Date: 12/12/2017

Approved as to form and legality:

Angela Lane
Angela Lane
Deputy District Attorney

Date: 312B/17



ATTEST:

Jenny Kennedy
City Recorder

Approved as to form and legality

Tom Mink
City Attorney

Date: 11-27-2017

MURRAY CITY

By OBerry
Mayor or Designee

REVIEWED AS TO CONTENT
Greg Hill

Approved as to the availability of funds
Murray City Finance Division

Bob Smith
Budget Officer

APPENDIX A
Salt Lake County Stormwater Coalition Budget

2003 Budget
and financial projections

10/03/02 MCL

Appendix A

Salt Lake County Stormwater Coalition Budget 2018

TV Media Partnership

Movie Theatre Advertising

Stormwater Quality Fair

Public Opinion Poll

Design/Print Education Material

Concept to Production of Leave Behinds

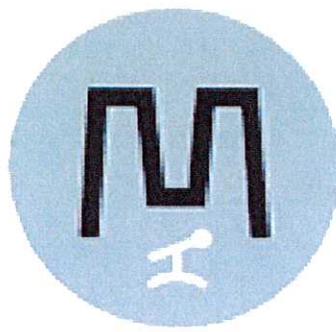
Website Hosting and Maintenance

Social Media Management

Public Relations Consultant

Total: \$193,000.00

Note: Some of the budget items may vary from year to year depending on permit cycle requirements. For example, this year we are conducting a public opinion poll (required once per permit cycle) as part of the public involvement control measure. In other years, we may produce a new commercial and/or a social media outreach approach to public education.



MURRAY
CITY COUNCIL

Discussion Item #4



MURRAY

Council Action Request

Community & Economic Development

Zone Map Amendment of 6450 & 6468 South 1300 East
from R-1-8, to R-1-6

Committee of the Whole

Meeting Date: May 5, 2020

| | |
|--|--|
| Department Director Melinda Greenwood | Purpose of Proposal The applicant would like to amend the Zoning Map and change from R-1-8, Low Density to R-1-6, Low/Medium Density. |
| Phone # 801-270-2428 | Action Requested Approval of a Zone Map Amendment for the properties at 6450 & 6468 South 1300 East from R-1-8, to R-1-6 |
| Presenters Melinda Greenwood Jared Hall | Attachments PowerPoint Presentation |
| Required Time for Presentation 10 Minutes | Budget Impact None |
| Is This Time Sensitive No | Description of this Item The applicant, Duaine Rasmussen, would like to amend the Zoning Map for the properties located at 6450 and 6468 South 1300 East, and change the zoning from R-1-8 to R-1-6. Both of these zones are classified as Low Density Residential. |
| Mayor's Approval  | The subject properties have been used as single-family residential dwellings within the R-1-8 Zone. Together both properties total .46 acre (20,037 square feet). Although the zoning of the surrounding properties is R-1-8, staff's analysis has found that many lots do not meet the minimum 8,000 square foot requirement of the R-1-8 zone. The requested zone map amendment to R-1-6 would reduce the minimum lot size requirement from 8,000 square feet to 6,000 square feet, allowing for a subdivision which could create three new single-family residential building lots. |
| Date April 20, 2020 | |

Continued from Page 1:

Because many lots already do not meet the R-1-8 minimum lot size requirement, staff finds a rezone to R-1-6 and a subsequent subdivision would not negatively impact the character of the neighborhood and would be compatible with the uses of the surrounding properties. For this purpose, the zone map change request is supported by the Future Land Use Map and the Goals and Objectives of the 2017 General Plan.

This item was discussed in a Planning Review Meeting on March 16, 2020, and no concerns were found by City staff.

Public hearing notices were sent out to all properties within 300 feet of the subject property and all affected entities (approximately 58 notices).

The Planning Commission held a public hearing on April 2, 2020 and no public comments were made. The Planning Commission voted unanimously (7-0) to forward a recommendation of approval to the City Council.

Both Staff and the Planning Commission recommend **APPROVAL** of the Zoning Map designation change for the property located at 6450 & 6468 South 1300 East from R-1-8, Single-Family Low Density Residential to R-1-6, Single Family Low Density Residential.

Zone Map Amendment

Rezone from R-1-8, Low Density Single Family to
R-1-6, Low/Medium Density Single Family

Applicant

Duaine Rasmussen

Address

6450 & 6468 South 1300 East

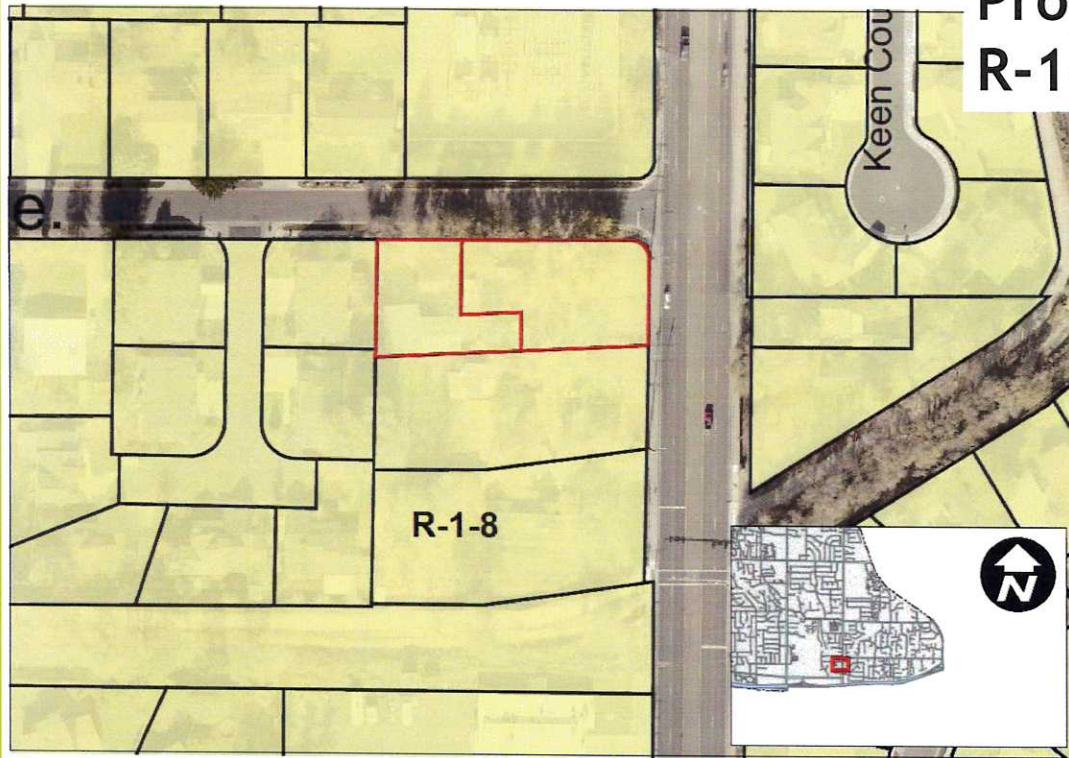


6450 & 6468 South 1300 East

Aerial View

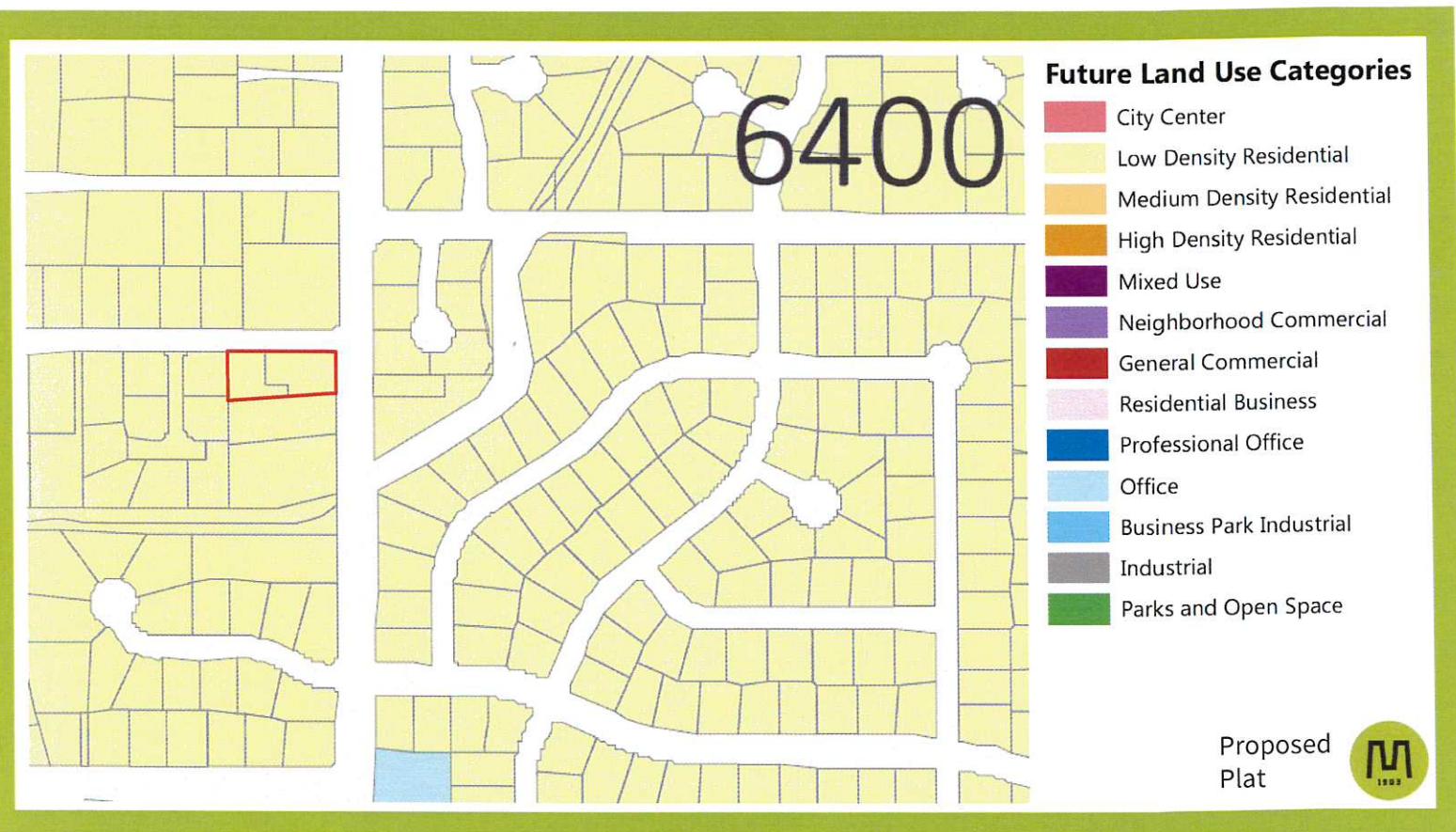


6450 & 6468 South 1300 East



Property is in
R-1-8 Zone





LOW DENSITY RESIDENTIAL

This designation is intended for residential uses in established/planned neighborhoods, as well as low density residential on former agricultural lands. The designation is Murray's most common pattern of single-dwelling development. It is intended for areas where urban public services, generally including complete local street networks and access to frequent transit, are available or planned. Areas within this designation generally have few or very minor development constraints (such as infrastructure or sensitive lands). Primary lands/use types include single-dwelling (detached or attached) residential.

Density range is between 1 and 8 DU/AC.

Corresponding zone(s):

- A-1, Agricultural
- R-1-12, Low density single family
- R-1-10, Low density single family
- R-1-8, Low density single family
- R-1-6, Low/Medium density single family
- R-2-10, Low density two family





**Photos: 6450 and
6468 South 1300 East**

Planning Commission

Planning Commission held a public hearing on April 2, 2020

- No public comments were received
- The Planning Commission voted unanimously (7-0) to forward a recommendation of approval to the City Council.

Staff Recommendation

Staff and the Planning Commission recommend **APPROVAL** of the Zoning Map designation change for the property located at 6450 & 6468 South 1300 East from R-1-8, Single-Family Low Density Residential to R-1-6, Single Family Low Density Residential.



Murray City Corporation

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 19th day of May 2020, 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-1-6 (Low/Medium Density Single Family) zoning district for the properties addressed 6450 & 6468 South 1300 East, Murray, Utah.

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

Because of the health pandemic an in person meeting is not feasible. Therefore, City Council members will be participating by electronic means. Members of the public may monitor the meeting via the live stream at www.murraycitylive.com or <https://www.facebook.com/MurrayCityUtah/>. No physical meeting location will be available.

Members of the public may provide public comment by sending an email in advance or during the meeting to city.council@murray.utah.gov
Comments are limited to less than 3 minutes, include your name and contact information, and they will be read into the record.

DATED this 1st day of May, 2020.

MURRAY CITY CORPORATION



Jennifer Kennedy
City Recorder

DATE OF PUBLICATION: May 8, 2020
PH 20-12



ORDINANCE NO. _____

AN ORDINANCE RELATING TO LAND USE; AMENDS THE ZONING MAP FOR THE PROPERTIES LOCATED AT 6450 & 6468 SOUTH 1300 EAST, MURRAY CITY, UTAH FROM R-1-8 (SINGLE-FAMILY LOW DENSITY RESIDENTIAL DISTRICT) TO R-1-6 (SINGLE-FAMILY LOW/MEDIUM DENSITY RESIDENTIAL DISTRICT) (Duaine Rasmussen, Castlewood Development)

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

WHEREAS, the owner of the real property located at 6450 & 6468 South 1300 East, Murray, Utah, has requested a proposed amendment to the zoning map to designate the properties in an R-1-6 (Single-Family 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 properties located at 6450 & 6468 South 1300 East, Murray, Salt Lake County, Utah from the R-1-8 (Single-Family Low Density Residential District) to the R-1-6 (Single-Family Low/Medium Density Residential District):

Legal Description

PARCEL 1:

Commencing at a point 960.79 feet North and 453.28 feet West from the East quarter corner of Section 20, Township 2 South, Range 1 East, Salt Lake Base and Meridian, which point is also North 00°30'00" East 265.99 feet and North 89°50'00" West 33.00 feet from the intersection of the center line of 1300 East Street and the North line of the Jordan and Salt Lake City Canal; and running thence North 89°50'00" West 159.54 feet; thence South 00°45'00" West 60.32 feet; thence North 86° 51'00" East 49.80 feet; thence South 00°45'00" West 31.50 feet; thence North 86°51'00" East 110.56 feet; thence North 00°30'00" East 82.67 feet to the point of commencement.

LESS AND EXCEPTING that portion conveyed to Salt Lake County described as a parcel of land situated in the Southeast quarter of the Northeast quarter of Section 20, Township 2 South,

Range 1 East, Salt Lake Base and Meridian, described as follows:

Beginning at a point 960.79 feet North and 453.28 feet West from the East quarter corner of Section 20, Township 2 South, Range 1 East, Salt Lake Base and Meridian, which point is also North 00°30'00" East 265.99 feet and North 89°50'00" West 33.00 feet from the intersection of the center line of 1300 East Street and the North line of the Jordan and Salt Lake City Canal; and running thence North 89°50'00" West (South 89°26'00" West as platted) 22.27 feet along the right-of-way of Matthew Avenue to a point on a curve to the right; thence 23.83 feet along the arc of a curve, with a central angle of 91°02'06", a radius of 15.00 feet, and a chord bearing of South 45°02'57" East; thence South 00°28'06" West 67.71 feet; thence North 86°51'00" East 7.01 feet; thence North 00°30'00" East (North 00°28'06" East as platted) 82.67 feet to the point of beginning.

PARCEL 1A:

A right of way over the following described property:

Commencing at a point in the center of 1300 East Street 960.69 feet North and 420.28 feet West from the East quarter corner of Section 20, Township 2 South, Range 1 East, Salt Lake Base and Meridian, which point is also North 00°30'00" East 265.99 feet from the intersection of the center line of 1300 East Street and the North line of the Jordan and Salt Lake City Canal; and running thence North 89°50'00" West 261.74 feet; thence South 89°58'00" West 299.70 feet; thence South 89°26'00" West 314.85 feet; thence North 00°01'00" East 33.00 feet; thence North 89°26'00" East 315.30 feet; thence North 89°58'00" East 299.85 feet; thence South 89°50'00" East 261.60 feet; thence South 00°30'00" West 33.00 feet to the point of commencement.

PARCEL 2:

Commencing at a point 961.23 feet North and 612.82 feet West from the East quarter corner of Section 20, Township 2 South, Range 1 East, Salt Lake Base and Meridian, which point is also North 00°30'00" East 265.99 feet and North 89°50'00" West 192.54 feet from the intersection of the center line of 1300 East Street and the North line of the Jordan and Salt Lake City Canal; and running thence North 89°50'00" West 69.20 feet; thence South 00°45'00" West 95.82 feet; thence North 86°51'00" East 119.05 feet; thence North 00°45'00" East 31.50 feet; thence South 86°51'00" West 49.80 feet; thence North 00°45'00" East 60.32 feet to the point of commencement.

PARCEL 2A:

A right of way over the following described property:

Commencing at a point in the center of 1300 East Street 960.69 feet North and 420.28 feet West from the East quarter corner of Section 20, Township 2 South, Range 1 East, Salt Lake Base and Meridian, which point is also North 00°30'00" East 265.99 feet from the intersection of the center line of 1300 East Street and the North line of the Jordan and Salt Lake City Canal; and running thence North 89°50'00" West 261.74 feet; thence South 89°58'00" West 299.70 feet;

thence South 89°26'00" West 314.85 feet; thence North 00°01'00" East 33.00 feet; thence North 89°26'00" East 315.30 feet; thence North 89°58'00" East 299.85 feet; thence South 89°50'00" East 261.60 feet; thence South 00°30'00" West 30.00 feet to the point of commencement.

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 day of , 2020.

MURRAY CITY MUNICIPAL COUNCIL

Dale M. Cox, Chair

ATTEST:

Jennifer Kennedy, City Recorder

MAYOR'S ACTION: Approved

DATED this ____ day of _____, 2020.

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 _____, 2020.

Jennifer Kennedy, City Recorder

7. The applicant shall follow the requirements of section 16.16.140 regarding double fronted lots.
8. The applicant shall prepare a Final Subdivision Plat which complies with all requirements of Title 16, Murray City Subdivision Ordinance.

Seconded by Lisa Milkavich.

Call vote recorded by Mr. Smallwood.

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

Motion passed 7-0.

DUAINE RASMUSSEN – 6450 & 6468 South 1300 East – Project #20-040

Duaine Rasmussen was online to represent this request. Susan Nixon reviewed the location and request for a Zone Map Amendment from R-1-8 (Low Density Single Family) to R-1-6 (Low Density Single Family) for the properties located at 6450 and 6468 South 1300 East. Both properties combined equal 20,037 sq. ft. Each lot currently meets the R-1-8 zoning regulations. If this amendment is approved, the applicant would reapply for a subdivision consisting of three lots. The allowed uses in the R-1-8 and the R-1-6 zones are almost identical. The lot size and setbacks are less in the R-1-6. The R-1-8 has a maximum height of 35 feet and the R-1-6 has a maximum height of 30 feet. One of the changes made during the General Plan update was the R-1-6 was categorized as low density, where previously it was medium density. The 6450 South property has an historical home that was built in 1899. It is on the local registry but not the national registry. That does not prohibit the demolition of the home, there is just a process to get the demolition approved. Staff recommends the Planning Commission forward a recommendation of approval to the City Council for the requested Zone Map Amendment. Ms. Nixon noted she has received a few comments from citizens wanting to know the intention of this project, none of the inquiries were opposed.

The meeting was open for public comment. No comments were made and the public comment portion was closed.

A motion was made by Travis Nay to forward a recommendation of approval to the City Council for the requested amendment to the Zoning Map designation for the properties located at 6450 and 6468 South 1300 East from R-1-8 (Single Family Low Density Residential) to R-1-6 (Single Family Low Density Residential). Seconded by Ned Hacker.

Call vote recorded by Ms. Nixon.

Planning Commission Meeting

April 2, 2020

Page 23

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

Motion passed 7-0.

LAND USE ORDINANCE TEXT AMENDMENT – Section 17.24 Home Occupation Modifications
– Project #20-028

Jared Hall presented the proposed amendments for Section 17.24 Home Occupation Modifications. A few years ago, the way home occupations were regulated was changed by the State Legislature. Staff had to look at how home occupations were defined and whether they had an impact or did not have an impact to the neighborhood where it is located. Municipalities were basically barred from charging any fees to any home occupation business license that does not have an impact to the neighborhood that it's in. In this text amendment, staff has clearly defined major home occupations versus minor home occupations. The reason for that is to differentiate who is going to be charged for a business license and who is not. Minor home occupations are home occupations that do not have an impact on the neighborhood so the city should not be charging for those. The city would like to stop licensing minor home occupations altogether. To date, staff has been licensing them, it takes a lot of staff time, and State Code does not allow the city to charge a fee for those. The State Code also says that minor home occupations are not required to have a license. If a minor home occupation would like to be licensed, they are opting in, and the city would charge them a fee. The amendment also clears up on-site employees and off-site employees. It also explains the requirements for the use and storage of trailers. Staff has also cleaned up things related to traffic and disruptions.

Mr. Hall noted these changes are being proposed in conjunction with some other changes to the business license regulations that are in Title 5 of the Murray City Code. Staff recommends the Planning Commission forward a recommendation of approval of this land use text amendment to the City Council.

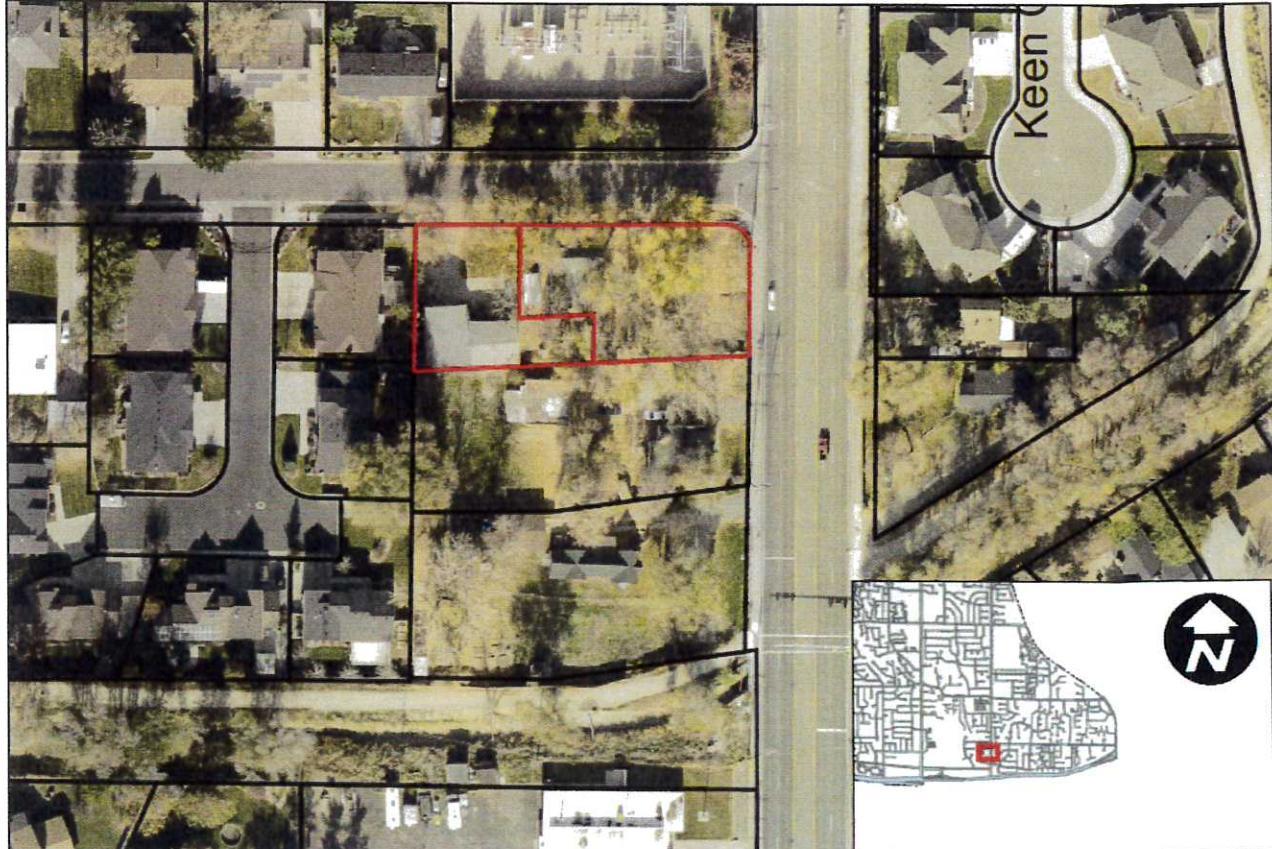
Mr. Hacker asked if a minor home occupation wanted to get a business license if it would preclude them from letting their license expire. Mr. Hall said no, they are in the same category as all the other businesses.

Ms. Wilson asked if there has to be a gate in front of a trailer. Mr. Hall said a trailer would have to be behind a fence or gate or in a garage. Mr. Woodbury asked if a food truck could be parked at a home. Mr. Hall replied a food truck would be over the vehicle weight limit that is allowed for home occupations. Mr. Woodbury asked if a handyman could store something in his garage and rotate it out. Mr. Hall said they are not supposed to use their garages or other facilities on the property for storage. Mr. Woodbury verified that everything related to a business like a handyman or contractor would have to be contained in their trailer. Mr. Hall said that is correct. Mr. Woodbury asked why someone couldn't use a shed in their backyard to store things associated with their businesses. Mr. Hall said if the code allows for a business to use those areas of a home, businesses have a habit of taking over a property in a home occupation.



AGENDA ITEM #12

| | | | |
|---------------|---|-----------------|-------------------------------------|
| ITEM TYPE: | Zone Map Amendment | | |
| ADDRESS: | 6450 & 6468 South 1300 East | MEETING DATE: | April 2, 2020 |
| APPLICANT: | Duaine Rasmussen, Castlewood Development | STAFF: | Susan Nixon, Associate Planner |
| PARCEL ID: | 22-20-277-021 & 22-20-277-022 | PROJECT NUMBER: | 20-040 |
| CURRENT ZONE: | R-1-8, Low Density Single Family | PROPOSED ZONE: | R-1-6, Low Density Single Family |
| SIZE: | 22-20-277-022 is 0.27-acre 22-20-277-021 is 0.19-acre = 0.46 total acre (20,037 sq.ft.) | | |
| REQUEST: | The applicant would like to amend the Zoning Map and change from R-1-8, Low Density Single Family to R-1-6, Low Density Single Family. The request is supported by the Future Land Use Map and the Goals and Objectives of the 2017 General Plan. | | |



I. BACKGROUND & REVIEW

Background

The subject properties have been used as single-family residential dwellings within the R-1-8 Zone, and both properties exceed the requirement for 8,000 ft² lots. The requested re-zone to R-1-6 would reduce the lot size requirement from 8,000 ft² to 6,000 ft². The two combined properties total 20,038 ft². If the properties were rezoned to R-1-6, a subdivision could create three new building lots, all of which could be greater than 6,500 ft².

Surrounding Land Uses & Zoning

| <u>Direction</u> | <u>Land Use</u> | <u>Zoning</u> |
|------------------|---------------------------|---------------|
| North | Single-Family Residential | R-1-8 |
| South | Single-Family Residential | R-1-8 |
| East | Single-Family Residential | R-1-8 |
| West | Single-Family Residential | R-1-8 |

Zoning Districts & Allowed Land Uses

- **Existing:** The existing R-1-8 Zone allows for single family residential development and accessory uses associated with them, and minimum lot sizes of 8,000 square feet. Maximum height for main dwellings is 35 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, and minimum lot sizes of 6,000 square feet. Maximum height for main dwellings is 30 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 properties are 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 of the subject properties 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

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 there are several lots in the surrounding area that do not conform to the required 8,000 square foot minimum lot size of the R-1-8 Zone.

The R-1-6 Zone is indicated as a zone corresponding with the Low Density Single Family designation of the subject properties (see illustration below from page 5-12, Murray City General Plan). 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.

LOW DENSITY RESIDENTIAL

This designation is intended for residential uses in established/planned neighborhoods, as well as low density residential on former agricultural lands. The designation is Murray’s most common pattern of single-dwelling development. It is intended for areas where urban public services, generally including complete local street networks and access to frequent transit, are available or planned. Areas within this designation generally have few or very minor development constraints (such as infrastructure or sensitive lands). Primary lands/use types include single-dwelling (detached or attached) residential.

Density range is between 1 and 8 DU/AC.

Corresponding zone(s):

- A-1, Agricultural
- R-1-12, Low density single family
- R-1-10, Low density single family
- R-1-8, Low density single family
- R-1-6, Low/Medium density single family
- R-2-10, Low density two family

II. CITY DEPARTMENT REVIEW

A Planning Review Meeting was held on Monday, March 16, 2020 where the application and information on the proposed amendments was shared with City Staff from various departments. There were no comments from the City Departments and all recommended approval.

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

III. PUBLIC INPUT

Notices were sent to all property owners within 300 feet of the subject property on March 20, 2020. As of the date of this report there has not been any comment regarding this application.

IV. 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 residential lots which are compatible with the surrounding neighborhood.

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.

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 on Matthew Avenue rather than 1300 East.

V. FINDINGS

1. The General Plan provides for flexibility in the implementation and execution of goals and policies based on individual circumstances.
2. The requested zone change has been carefully considered based on the characteristics of the site and surrounding area, and on the policies and objectives of the 2017 Murray City General Plan.

3. The proposed Zone Map Amendment from R-1-8 to R-1-6 is supported by the General Plan and Future Land Use Map designation of the subject property.

VI. STAFF RECOMMENDATION

Based on the background, analysis, and the findings within 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 of the property located at 6450 & 6468 South 1300 East from R-1-8, Single-Family Low Density Residential to R-1-6, Single Family Low Density Residential.

ZONING AMENDMENT APPLICATION

Type of Application (check all that apply):

Zoning Map Amendment
 Text Amendment
 Complies with General Plan
 Yes No

Project # 20-040

Subject Property Address: 6468 SOUTH 1300 EAST & 6450 SOUTH 1300 EAST

Parcel Identification (Sidwell) Number: 22-20-277-022 & 22-20-277-021

Parcel Area: .27 & .19 Current Use: Single Family

Existing Zone: R-1-8 Proposed Zone: R-1-6

Applicant

Name: DUAINE RASMUSSEN

Mailing Address: 6900 SOUTH 900 EAST

City, State, ZIP: MIDVALE, UT 84047

Daytime Phone #: 801-556-7632 Fax #:

Email address: DUAINE@CASTLEWOODDEVELOPMENT.COM, QUINN @ CASTLEWOODDEVELOPMENT.COM

Business or Project Name:

Property Owner's Name (If different): CRAIG ARRINGTON (Arrington Family Trust)

Property Owner's Mailing Address: 6468 SOUTH 1300 EAST

City, State, Zip: MURRAY, UT 84121

Daytime Phone #: UNKNOWN Fax #: Email: UNKNOWN

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

THIS ZONE CHANGE REQUEST IS FOR THE PURPOSE OF PROVIDING NEW HOMES FOR THE CITY OF MURRAY

Authorized Signature: Craig Arrington Date: 2/26/2020



2/26/2020 ⁴

Property Owners Affidavit

I (we) Arrington Family Trust; Craig Arrington Trustee, 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.

 Craig Arrington
Owner's Signature

Co-Owner's Signature (if any)

State of Utah

§

County of Salt Lake

Subscribed and sworn to before me this 26 day of February, 20 20.

Myra J. Waldron
Notary Public
Residing in Midvale, UT

My commission expires: 10/17/2020



Agent Authorization

I (we), Arrington Family Trust; Craig Arrington Trustee, the owner(s) of the real property located at

6468 S. 1300 E. & 6450 S. 1300 E., in Murray City, Utah, do hereby appoint

Michael Rowe / Lance May / Duaine Rasmussen, as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize

Michael Rowe / Lance May / Duaine Rasmussen to appear on my (our) behalf before any City board or commission considering this application.

 Craig Arrington
Owner's Signature

Co-Owner's Signature (if any)

State of Utah

§

County of Salt Lake

On the 26 day of February, 20 20, personally appeared before me

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

Myra J. Waldron
Notary Public
Residing in Midvale, UT

My commission expires: 840 - 10/17/2020





6468 S & 6450 S 1300 E



File Number: 119819-CAU

EXHIBIT A
LEGAL DESCRIPTION

PARCEL 1:

Commencing at a point 960.79 feet North and 453.28 feet West from the East quarter corner of Section 20, Township 2 South, Range 1 East, Salt Lake Base and Meridian, which point is also North 00°30'00" East 265.99 feet and North 89°50'00" West 33.00 feet from the intersection of the center line of 1300 East Street and the North line of the Jordan and Salt Lake City Canal; and running thence North 89°50'00" West 159.54 feet; thence South 00°45'00" West 60.32 feet; thence North 86°51'00" East 49.80 feet; thence South 00°45'00" West 31.50 feet; thence North 86°51'00" East 110.56 feet; thence North 00°30'00" East 82.67 feet to the point of commencement.

LESS AND EXCEPTING that portion conveyed to Salt Lake County described as a parcel of land situated in the Southeast quarter of the Northeast quarter of Section 20, Township 2 South, Range 1 East, Salt Lake Base and Meridian, described as follows:

Beginning at a point 960.79 feet North and 453.28 feet West from the East quarter corner of Section 20, Township 2 South, Range 1 East, Salt Lake Base and Meridian, which point is also North 00°30'00" East 265.99 feet and North 89°50'00" West 33.00 feet from the intersection of the center line of 1300 East Street and the North line of the Jordan and Salt Lake City Canal; and running thence North 89°50'00" West (South 89°26'00" West as platted) 22.27 feet along the right-of-way of Matthew Avenue to a point on a curve to the right; thence 23.83 feet along the arc of a curve, with a central angle of 91°02'06", a radius of 15.00 feet, and a chord bearing of South 45°02'57" East; thence South 00°28'06" West 67.71 feet; thence North 86°51'00" East 7.01 feet; thence North 00°30'00" East (North 00°28'06" East as platted) 82.67 feet to the point of beginning.

PARCEL 1A:

A right of way over the following described property:

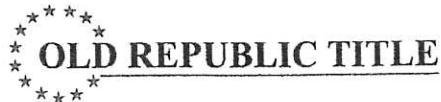
Commencing at a point in the center of 1300 East Street 960.69 feet North and 420.28 feet West from the East quarter corner of Section 20, Township 2 South, Range 1 East, Salt Lake Base and Meridian, which point is also North 00°30'00" East 265.99 feet from the intersection of the center line of 1300 East Street and the North line of the Jordan and Salt Lake City Canal; and running thence North 89°50'00" West 261.74 feet; thence South 89°58'00" West 299.70 feet; thence South 89°26'00" West 314.85 feet; thence North 00°01'00" East 33.00 feet; thence North 89°26'00" East 315.30 feet; thence North 89°58'00" East 299.85 feet; thence South 89°50'00" East 261.60 feet; thence South 00°30'00" West 33.00 feet to the point of commencement.

PARCEL 2:

Commencing at a point 961.23 feet North and 612.82 feet West from the East quarter corner of Section 20, Township 2 South, Range 1 East, Salt Lake Base and Meridian, which point is also North 00°30'00" East 265.99 feet and North 89°50'00" West 192.54 feet from the intersection of the center line of 1300 East Street and the North line of the Jordan and Salt Lake City Canal; and running thence North 89°50'00" West 69.20 feet; thence South 00°45'00" West 95.82 feet; thence North 86°51'00" East 119.05 feet; thence North 00°45'00" East 31.50 feet; thence South 86°51'00" West 49.80 feet; thence North 00°45'00" East 60.32 feet to the point of commencement.

PARCEL 2A:

A right of way over the following described property:



File Number: 119819-CAU

EXHIBIT A
LEGAL DESCRIPTION
(Continued)

Commencing at a point in the center of 1300 East Street 960.69 feet North and 420.28 feet West from the East quarter corner of Section 20, Township 2 South, Range 1 East, Salt Lake Base and Meridian, which point is also North 00°30'00" East 265.99 feet from the intersection of the center line of 1300 East Street and the North line of the Jordan and Salt Lake City Canal; and running thence North 89°50'00" West 261.74 feet; thence South 89°58'00" West 299.70 feet; thence South 89°26'00" West 314.85 feet; thence North 00°01'00" East 33.00 feet; thence North 89°26'00" East 315.30 feet; thence North 89°58'00" East 299.85 feet; thence South 89°50'00" East 261.60 feet; thence South 00°30'00" West 30.00 feet to the point of commencement.



NOTICE OF PUBLIC MEETING

**** Due to COVID-19 and the need for social distancing, Murray City is encouraging the public to participate in Public Meetings by viewing our live stream at www.murraycitylive.com. The Planning Division Staff will be taking comments by email at planningcommission@murray.utah.gov up to and during the meeting. You may also call prior to the meeting with any questions, see below for contact information. ****

The Murray City Planning Commission will hold a public hearing on Thursday, April 2, 2020 at 6:30 p.m., in the Murray City Municipal Council Chambers, located at 5025 S. State Street to receive public comment on the following application:

Duaine Rasmussen is requesting an amendment to the zoning designation of the properties addressed 6468 & 6450 South 1300 East from R-1-8 Single-Family Residential, 8,000 square foot lot minimums to R-1-6 Single-Family Residential, 6,000 square foot lot minimums. Please see the attached plan.



This notice is being sent to you because you own property within 300 feet of the subject property. If you have questions or comments concerning this proposal, please call Susan Nixon with the Murray City Planning Division at 801-270-2420, or e-mail to snixon@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.

6450 & 6468 South 1300 East



MURRAY CITY CORPORATION
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 2nd day of April 2020, 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 (Residential Single Family) to R-1-6 (Residential Single Family) for the properties located at 6450 South 1300 East & 6468 South 1300 East, Murray City, Salt Lake County, State of Utah.

Jared Hall, Manager
Planning Division

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

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

3/30/2020

ACCOUNT NAME

MURRAY CITY RECORDER,

TELEPHONE

8012642660

ORDER # / INVOICE NUMBER

0001286200 /

PUBLICATION SCHEDULE

START 03/29/2020 END 03/29/2020

CUSTOMER REFERENCE NUMBER

Legal Ad - DUAINE RASMUSSEN ZONE CHANGE

CAPTION

MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN

SIZE

31 LINES 1 COLUMN(S)

TIMES

TOTAL COST

3

57.08

MURRAY CITY
CORPORATION
NOTICE OF
PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 2nd day of April 2020, 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-B (Residential Single Family) to R-1-6 (Residential Single Family) for the properties located at 6450 South 1300 East & 6468 South 1300 East, Murray City, Salt Lake County, State of Utah.

Jared Hall, Manager
Planning Division
1286200 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 2nd day of April 2020, 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 03/29/2020 End 03/29/2020

DATE 3/30/2020

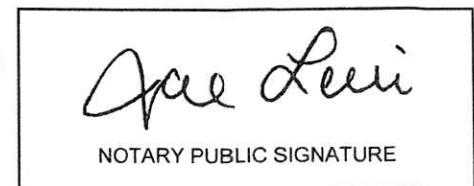
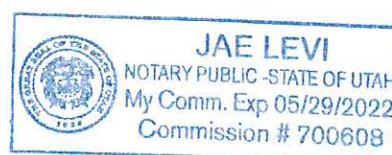
SIGNATURE



STATE OF UTAH)

COUNTY OF SALT LAKE)

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS 29TH DAY OF MARCH IN THE YEAR 2020
BY LORRAINE GUDMUNDSON



DUAINE RASMUSSEN
P/C 4/2/20
PROJECT #20-040
300' radius + affected entities

Allen H Handy;
Amber Janae Mills-Handy (Jt)
6482 S Sadie Ln
Salt Lake City , UT, 84121-5972

Andria V Wilkinson;
Michael F Wilkinson (Jt)
4541 S 1025 E
Salt Lake City , UT, 84117-4103

Craig P Suc Arrington
1921 E Summer Willow Pl
Sandy , UT, 84093-1486

Frank James Granato
1270 E 6385 S
Murray , UT, 84121-

Jay & Arline Wilder Family Trust
06/14/2019
1239 E Matthew Ave
Salt Lake City , UT, 84121-2416

Jess Campbell;
Linda G Campbell (Jt)
6482 S Sadie Ln
Murray , UT, 84121-5972

Kristin Katsanevas;
John Katsanevas (Jt)
6444 S Keen Ct
Murray , UT, 84121-5159

Maury Burke; Tracy Burke (Jt)
6421 S Keen Ct
Murray , UT, 84121-

Pacificcorp
825 Ne Multnomah St #1900
Portland , OR, 97232-

Alyssa F Goerdt
1234 E Matthew Ave
Murray , UT, 84121-2417

Brandon Bevan;
Jennifer Bevan (Jt)
6473 S Sadie Ln
Murray , UT, 84121-5972

Danny & Kimberly Dent Living Trust
07/16/2018
6443 S Keen Ct
Salt Lake City , UT, 84121-5159

Gary P Zane; Veronica P Zane (Jt)
6407 S Keen Ct
Murray , UT, 84121-5159

Jeffery M Fox;
Wendy J Fox (Jt)
1280 E Jeanne Ave
Murray , UT, 84121-1939

John Alexander Ii Remington
6484 S Sumac Wy
Salt Lake City , UT, 84121-2423

Lj&Jyh Rev Liv Tr;
Mckenzie Enterprises, Llc
1241 E Greenfield Cir
Murray , UT, 84121-2406

Monroe Family Trust 10/06/2011
2461 W Jordan Meadows Ln
West Jordan , UT, 84084-3162

Patricia V Hyte
1291 E Matthew Ave
Salt Lake City , UT, 84121-2416

Phillip G Brady;
Kendall E Brady (Tc)
7265 S Chris Ln
Cottonwood Hts , UT, 84121-4801

A FM TR
1921 E Summer Willow Pl
Sandy , UT, 84093-1486

Amy Y Zhou
6476 S Sadie Ln
Murray , UT, 84121-5972

Clayton J Wilkinson
6477 S Sadie Ln
Murray , UT, 84121-5972

Douglas M White (Jt)
6484 S Sadie Ln
Murray , UT, 84121-5972

Ivan A Blagorenko
6479 S Sadie Ln
Murray , UT, 84121-5972

Jennifer Scott;
Daniel Scott (Jt)
1276 E Jeanne Ave
Murray , UT, 84121-1939

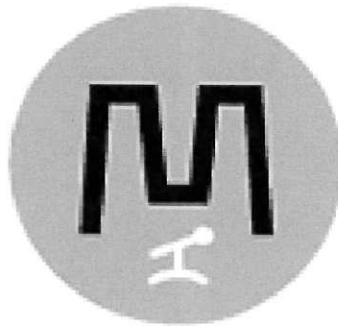
Karl D Jr Jensen;
Kristen Eliason (Jt)
6426 S Keen Ct
Murray , UT, 84121-5159

Mauricio Rascon
6498 S Sumac Wy
Murray , UT, 84121-2423

Murray City
5025 S State St
Murray , UT, 84107-4824

Paul Merten
1229 E Matthew Ave
Salt Lake City , UT, 84121-2416

| | | |
|--|--|--|
| Phillip G Brady; Kendall E Brady (Tc) 7265 S Chris Ln Cottonwood Hts , UT, 84121-4801 | Roger Savage Jones; Heidi Sheets Jones (Jt) 6472 S Sadie Ln Murray , UT, 84121-5972 | R&Ed Fam Tr 1249 E Matthew Ave Salt Lake City , UT, 84121-2416 |
| Richard D Davenport; Cameron C Davenport (Jt) 6490 S Sumac Wy Salt Lake City , UT, 84121-2423 | Todd R Winn 6491 S 1300 E Murray , UT, 84121-2434 | S&Jql Tr 6478 S Sadie Ln Murray , UT, 84121-5972 |
| Stagg Fiduciary Services Llc 111 E Broadway St # 250 Salt Lake City , UT, 84111-5241 | Utah Power & Light Co 825 Ne Multnomah St #1900 Portland , OR, 97232- | Trust Not Identified 1241 E Greenfield Cir Salt Lake City , UT, 84121-2406 |
| Trust Not Identified 6406 S Keen Ct Murray , UT, 84121-5159 | UDOT - REGION 2 ATTN: MARK VELASQUEZ 2010 S 2760 W SLC UT 84104 | WEST JORDAN CITY PLANNING DIVISION 8000 S 1700 W WEST JORDAN UT 84088 |
| UTAH TRANSIT AUTHORITY ATTN: PLANNING DEPT 669 West 200 South SLC UT 84101 | MURRAY SCHOOL DIST ATTN: ROCK BOYER 5102 S Commerce Drive MURRAY UT 84107 | ROCKY MOUNTAIN POWER ATTN: KIM FELICE 12840 PONY EXPRESS ROAD DRAPER UT 84020 |
| CHAMBER OF COMMERCE ATTN: STEPHANIE WRIGHT 5250 S COMMERCE DR #180 MURRAY UT 84107 | GRANITE SCHOOL DIST ATTN: KIETH BRADSHAW 2500 S STATE ST SALT LAKE CITY UT 84115 | JORDAN VALLEY WATER ATTN: LORI FOX 8215 S 1300 W WEST JORDAN UT 84088 |
| SALT LAKE COUNTY PLANNING DEPT 2001 S STATE ST SLC UT 84190 | COTTONWOOD IMPRVMT ATTN: LONN RASMUSSEN 8620 S HIGHLAND DR SANDY UT 84093 | COTTONWOOD HEIGHTS CITY ATTN: PLANNING & ZONING 2277 E Bengal Blvd Cottonwood Heights, UT 84121 |
| DOMINION ENERGY ATTN: BRAD HASTY P O BOX 45360 SLC UT 84145-0360 | HOLLADAY CITY PLANNING DEPT 4580 S 2300 E HOLLADAY UT84117 | COMCAST ATTN: GREG MILLER 1350 MILLER AVE SLC UT 84106 |
| CENTRAL UTAH WATER DIST 1426 East 750 North, Suite 400, Orem, Utah 84097 | UTOPIA Attn: JAMIE BROTHERTON 5858 So 900 E MURRAY UT 84121 | CENTURYLINK 250 E 200 S Salt Lake City, Utah 84111 |
| SANDY CITY PLANNING & ZONING 10000 CENTENNIAL PRKwy SANDY UT 84070 | OLYMPUS SEWER 3932 500 E, Millcreek, UT 84107 | |



MURRAY
CITY COUNCIL

Discussion Item #5



MURRAY

Council Action Request

Community & Economic Development

Text Amendment Adding Land Use #5198 in the T-O-D Zone

Committee of the Whole

Meeting Date: May 5, 2020

| | |
|--|--|
| Department Director Melinda Greenwood | Purpose of Proposal Text amendment to add the wholesale of lumber and building materials to allowed land uses in the T-O-D Zone. |
| Phone # 801-270-2428 | Action Requested Approve proposed text amendment |
| Presenters Melinda Greenwood Jared Hall | Attachments PowerPoint Presentation |
| Required Time for Presentation 10 Minutes | Budget Impact None |
| Is This Time Sensitive No | Description of this Item The applicant, Habitat for Humanity, is proposing a change to Section 17.168.050, T-O-D, Transit Oriented Development Zone, to allow Land Use #5198, Wholesale of Lumber and Building Materials, as a conditional use. Salt Lake County Housing Authority and Habitat for Humanity are partnering purchase property at 4474 South Main Street in the T-O-D Zone in order to develop a mixed-use project which would include affordable housing and a commercial building. The commercial space would provide a headquarter location for Habitat for Humanity's offices as well as serve as the new Salt Lake Valley location for their "ReStore" facility. ReStore offers retail and wholesale supply of used and surplus building materials as well as furniture. |
| Mayor's Approval  | The current allowed uses in the T-O-D Zone do not include uses which would meet the functional needs of ReStore, which is why they have applied for the text amendment. |
| Date | |

Continued from Page 1:

The proposed text amendment would only be applicable to the T-O-D Zone, and would provide for the use of use #5198: lumber and construction materials, wholesale and re-sale in buildings with footprints no greater than 30,000 square feet. No outdoor storage. Docks, delivery and staging areas must be screened from public streets.

This item was discussed in a Planning Review Meeting on March 16, 2020, and no concerns were found by City staff.

The Planning Commission held a public hearing on April 2, 2020 and voted unanimously (7-0) to forward a recommendation of approval to the City Council.

Both staff and Planning Commission recommend APPROVAL of amending Section 17.168.050, T-O-D, Transit Oriented Development Zone to allow Land Use #5198, Wholesale of Lumber and Building Materials, as a conditional use.

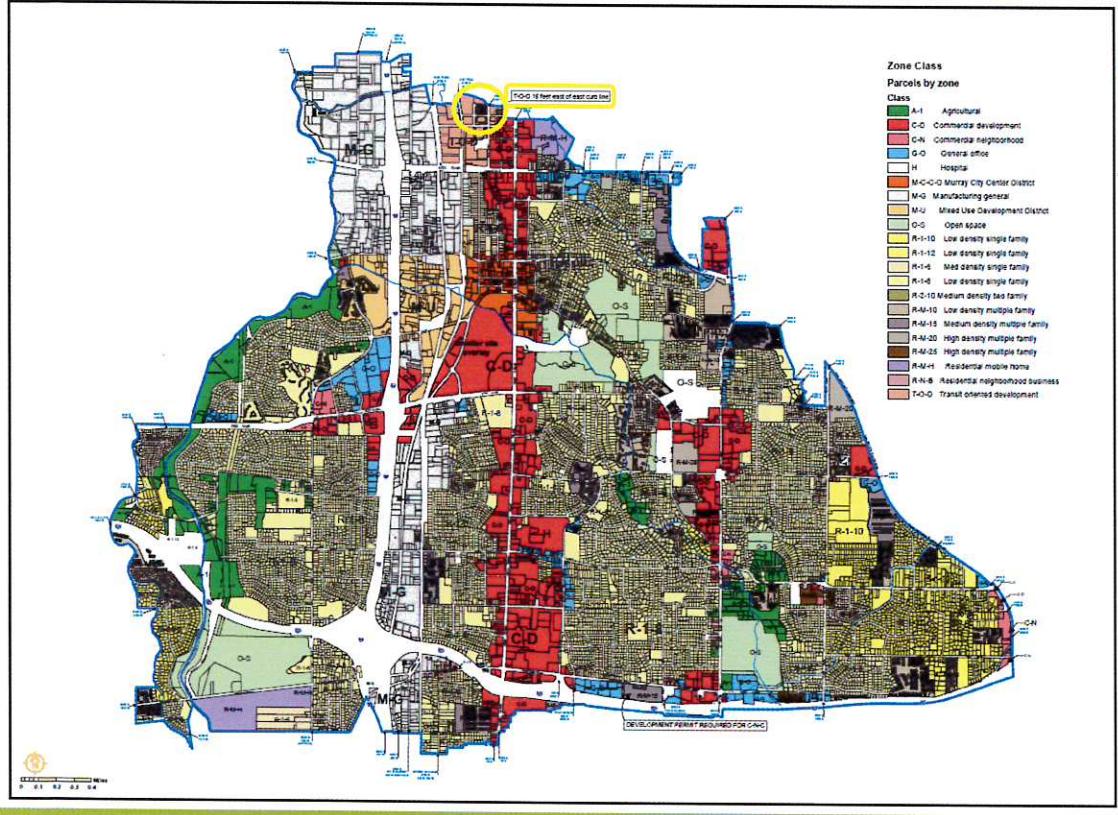
Land Use Ordinance Text Amendment

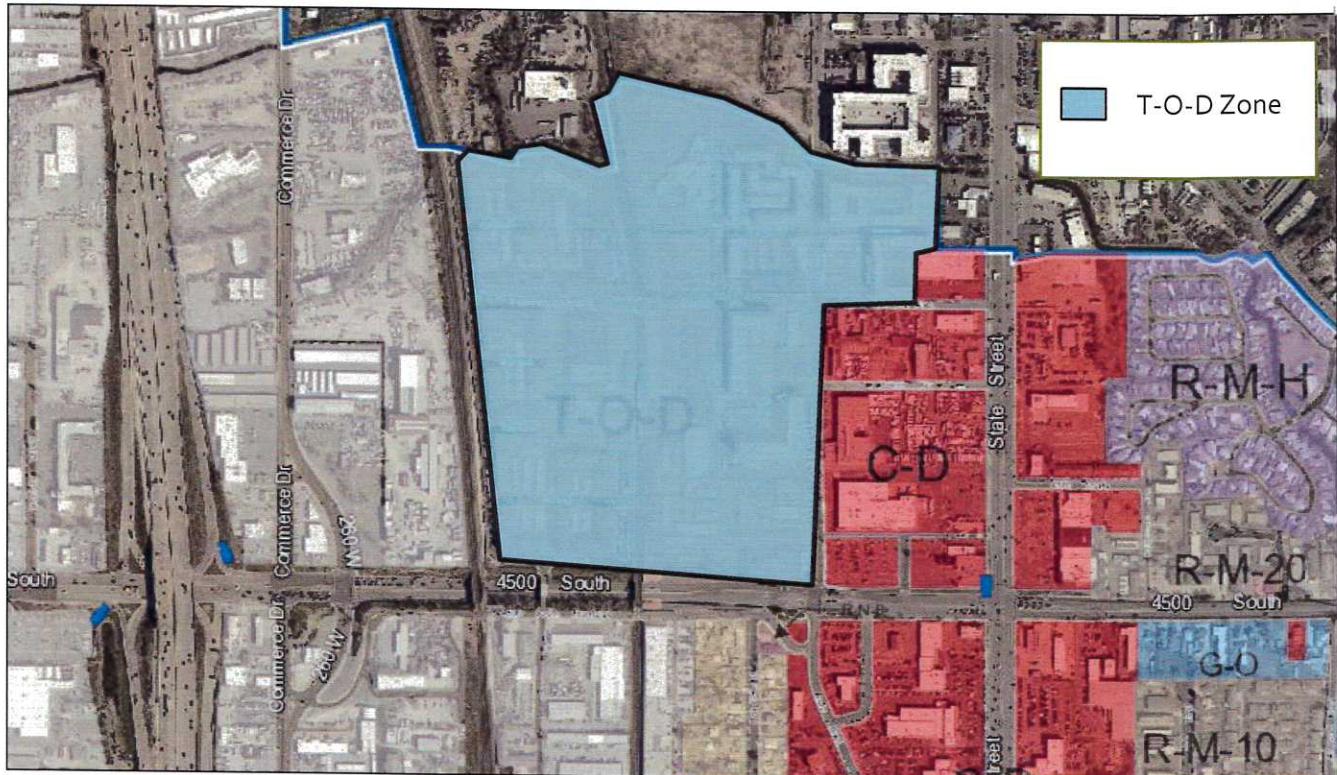
T-O-D (Transit Oriented Development) Zone

Add Land Use #5198 (Wholesale of Lumber and Building Materials as a Conditional Use



Murray City Zoning





Proposed Language

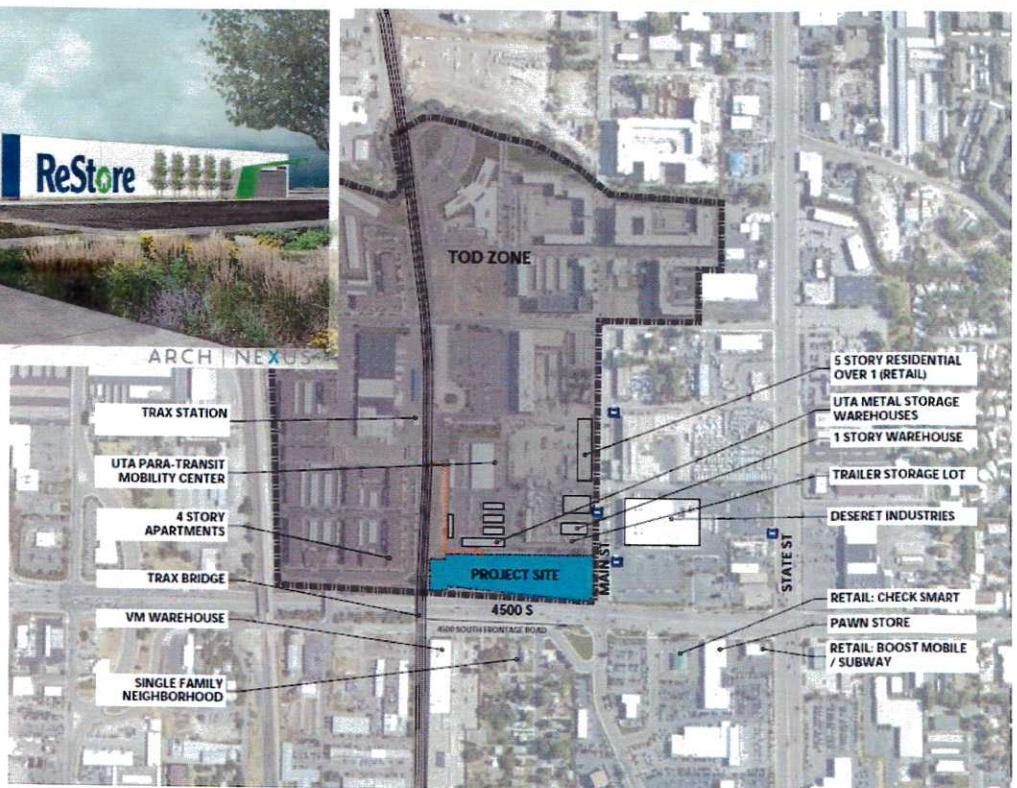
| | |
|------|--|
| 3900 | Miscellaneous manufacturing (handwork trades only with no more than 5 employees in no more than 2,500 square feet; no loading dock; deliveries and shipping only by van or small truck during normal business hours; no odors; no outside storage). |
| 5100 | Wholesale trade (excepting 5110, 5120, 5150, 5162, 5169, 5170, 5181, 5182, 5185, 5191, 5192, 5193, 5198 , 5199 - firearms and ammunition, charcoal, livestock and poultry feed, farm supplies, hay; with no more than 5 employees in no more than 5,000 square feet; no loading dock; deliveries and shipping only by van or small truck during normal business hours; no odors; no outside storage). |
| 5198 | <u>Lumber and construction materials, wholesale and re-sale in buildings with footprints no greater than 30,000 square feet. No outdoor storage. Docks, delivery and staging areas must be screened from public streets.</u> |





Habitat for Humanity: ReStore - Murray

Conceptual Design 1-03-2020



Planning Commission

Planning Commission held a public hearing on April 2, 2020

- Public Comments Received:
 - ✓ Mike Brodsky, Hamlet Development, stated his support of the text amendment, adding he will be working on an upcoming project in the area.
 - ✓ Jeremy Runia, Housing Connect, stated his support of the text amendment.
- The Planning Commission voted unanimously (7-0) to forward a recommendation of approval to the City Council.

Recommendation

Staff and the Planning Commission recommend **APPROVAL** of amending Section 17.168.050, T-O-D, Transit Oriented Development Zone to allow Land Use #5198, Wholesale of Lumber and Building Materials, as a conditional use.



Murray City Corporation

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 19th day of May, 2020, 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 a text amendment to section 17.168.050 of the Murray City Municipal Code, relating to conditional uses in the Transit Oriented Development (T-O-D) zoning district.

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

Because of the health pandemic an in person meeting is not feasible. Therefore, City Council members will be participating by electronic means. Members of the public may monitor the meeting via the live stream at www.murraycitylive.com or <https://www.facebook.com/MurrayCityUtah/>. No physical meeting location will be available.

Members of the public may provide public comment by sending an email in advance or during the meeting to city.council@murray.utah.gov. Comments are limited to less than 3 minutes, include your name and contact information, and they will be read into the record.

DATED this _____ day of _____, 2020.

MURRAY CITY CORPORATION

Jennifer Kennedy
City Recorder

DATE OF PUBLICATION: May 8, 2020

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 17.168.050(B) OF THE MURRAY CITY MUNICIPAL CODE RELATED TO CONIDITIONAL USES IN THE TRANSIT ORIENTED DEVELOPMENT (T-O-D) ZONE

BE IT ENACTED BY THE MURRAY CITY MUNICIPAL COUNCIL:

Section 1. Purpose. The purpose of this ordinance is to amend section 17.168.050(B) of the Murray City Municipal Code relating to conditional uses in the Transit Oriented Development (T-O-D) zone.

Section 2. Amend section 17.168.050(B). Section 17.168.050(B) of the Murray City Municipal Code shall be amended as follows:

17.168.050: USES

...

B. The following uses are permitted in the TOD:

| | |
|------|--|
| 5100 | Wholesale trade (excepting 5110, 5120, 5150, 5162, 5169, 5170, 5181, 5182, 5185, 5191, 5192, 5193, 5198 , 5199 - firearms and ammunition, charcoal, livestock and poultry feed, farm supplies, hay; with no more than 5 employees in no more than 5,000 square feet; no loading dock; deliveries and shipping only by van or small truck during normal business hours; no odors; no outside storage). |
| 5198 | <u>Lumber and construction materials, wholesale and re-sale in buildings with footprints no greater than 30,000 square feet. No outdoor storage. Docks, delivery and staging areas must be screened from public streets.</u> |

...

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 _____, 2020.

MURRAY CITY MUNICIPAL COUNCIL

Dale M. Cox, Chair

ATTEST:

Jennifer Kennedy, City Recorder

MAYOR'S ACTION: Approved

DATED this _____ day of _____, 2020.

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 _____, 2020.

Jennifer Kennedy, City Recorder

The meeting was open for public comment. No comments were made and the public comment portion was closed.

A motion was made by Scot Woodbury to forward a recommendation of approval to the City Council for the proposed text amendment to chapter 17.24 Home Occupations as reviewed in the staff report and provided in the attachment.

Seconded by Maren Patterson.

Call vote recorded by Mr. Hall.

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

Motion passed 7-0.

LAND USE ORDINANCE TEXT AMENDMENT – Adding LU #5198 to Conditional Uses in the
TOD Zone – Project #20-044

Jared Hall presented the proposed amendments. He explained where the TOD Zone was and is about 70 acres. Habitat for Humanity and Salt Lake County Housing were talking about possibly purchasing land from Salt Lake County located along 4500 South and Main Street. Habitat for Humanity is looking for a place to put their "Restore" facility. They would put their offices above that facility and put some affordable housing on the site. Staff is supportive of that idea, but it requires a small change to the City Code. Land Use (LU) #5100 is the Wholesale Trade category, but LU #5198, which has to do with lumber and construction materials, was disallowed in the TOD Zone. Staff is proposing adding a category for LU #5198 to be allowed as proposed: Lumber and construction materials, wholesale and re-sale in buildings with footprints no greater than 30,000 square feet. No outdoor storage. Docks, delivery and staging areas must be screened from public streets. This language would accommodate the Restore facility. Mr. Hall noted of the 70 acres in the TOD Zone, there is not much acreage left, so it is not a big risk to add this.

The meeting was open for public comment.

Mike Brodsky, Hamlet Development, said he is a volunteer for Habitat for Humanity and they have asked him to help work through the entitlement and due diligence process on their facility. This is a joint venture between Habitat for Humanity and Housing Connect. There will be 100 affordable housing units on the site. Mr. Brodsky thinks there may need to be some clean-up in the site but he doesn't think it will be too extensive.

Ms. Wilson asked what types of affordable housing units will be on the property. Mr. Brodsky said it will be 100 stacked apartments in a three-story building.

Susan Nixon read the online comment that was received.

Jeremy Runia wrote, *"Housing Connect fully supports the proposed text amendment change referenced in Agenda item #14. Housing Connect along with our co-partner Salt Lake Valley Habitat for Humanity anticipate developing land located within the TOD overlay zone which will provide needed services and housing for the citizens of Murray."*

The public comment portion was closed.

A motion was made by Maren Patterson to forward a recommendation of approval to the City Council for the proposed text amendment to section 17.168.050 as reviewed in the staff report.

Seconded by Sue Wilson.

Call vote recorded by Mr. Hall.

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

Motion passed 7-0.

OTHER BUSINESS

Travis Nay made a motion to adjourn. Seconded by Sue Wilson.

A voice vote was made, motion passed 7-0.

The meeting was adjourned at 10:00 p.m.

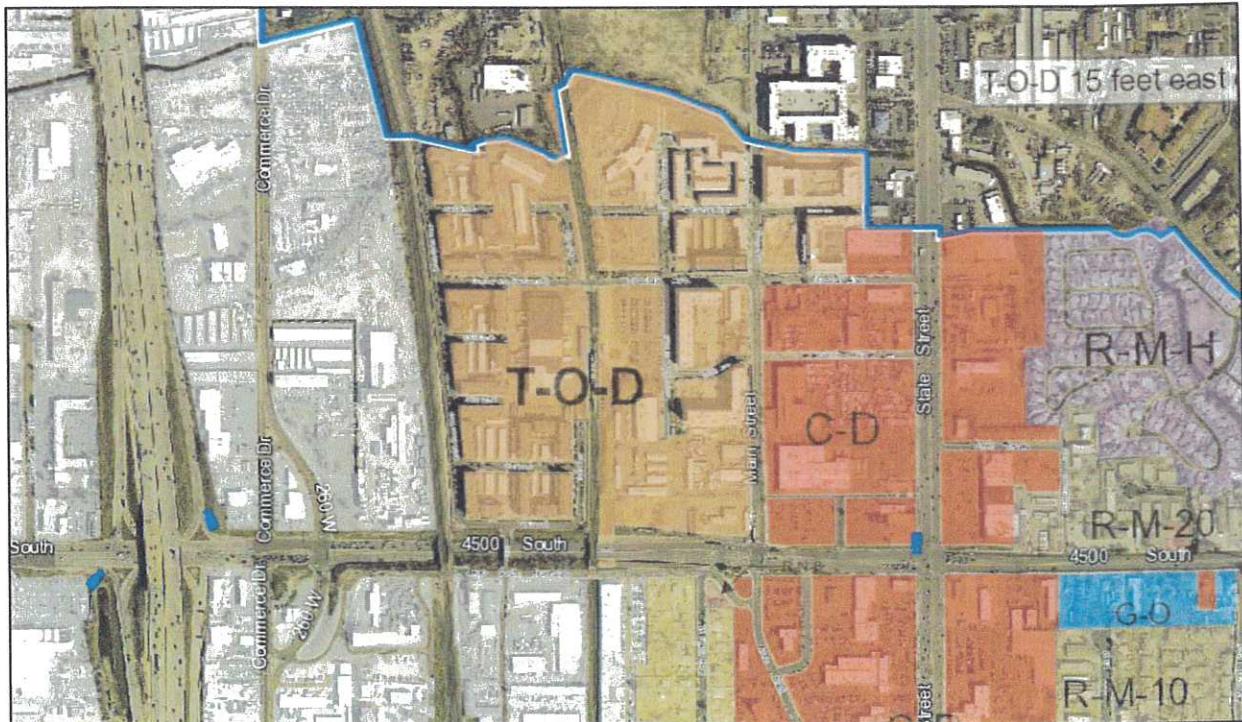


Jared Hall, Planning Division Manager



AGENDA ITEM #14

| | | | |
|---------------|---|------------------|------------------------------|
| ITEM TYPE: | Text Amendment, Land Use #5198 in the T-O-D Zone | | |
| ADDRESS: | | MEETING DATE: | April 2, 2020 |
| APPLICANT: | Murray City Planning Division, Habitat for Humanity | STAFF: | Jared Hall, Planning Manager |
| PARCEL ID: | | PROJECT NUMBER: | 20-044 |
| CURRENT ZONE: | | APPLICABLE ZONE: | T-O-D |
| SIZE: | | | |
| REQUEST: | Community Development Staff and representatives of Habitat for Humanity are proposing changes to Section 17.168.050 to allow Land Use #5198, Wholesale of Lumber and Building Materials, in the T-O-D, Transit Oriented Development Zone with specific conditions and restrictions. | | |



I. STAFF REVIEW & ANALYSIS

Background

The T-O-D, Transit Oriented Development Zone has been applied to approximately 70 acres of land between 4500 South and the north boundary of the city at Big Cottonwood Creek, and between the FrontRunner rail line on the west and Main Street on the east. The text amendment proposed in this application is to the allowable conditional uses in the T-O-D Zone in response to a potential development application and impacts no other zones or uses.

The Salt Lake County Housing Authority and Habitat for Humanity are working to purchase property from Salt Lake County 4474 South Main Street in the T-O-D Zone in order to develop a mixed use project which would include affordable housing and a commercial building that would provide space for Habitat for Humanity's offices as well as serve as the new Salt Lake Valley location for their "ReStore" facility. ReStore began in 1992, and today offers retail and wholesale supply of used and surplus building materials as well as furniture. These surplus materials and items are donated by individuals, businesses, and contractors. Money raised through the operation of ReStore help to fund the Salt Lake Valley Habitat for Humanity. Information provided by Habitat for Humanity has been attached to this report for your review.

Existing Language

The land uses within the category 5100 include many wholesale trades, including motor vehicles, chemicals, groceries and dairy, etc. The larger category is included as a conditional use by Section 17.168.050(F) with limitations of size and employee numbers, but with several exceptions which are not allowed at all, including #5198, the subject of this proposed amendment. Please see the segment from the current T-O-D Zone below.

From Section 17.168.050(F):

| | |
|------|--|
| 3900 | Miscellaneous manufacturing (handwork trades only with no more than 5 employees in no more than 2,500 square feet; no loading dock; deliveries and shipping only by van or small truck during normal business hours; no odors; no outside storage). |
| 5100 | Wholesale trade (excepting 5110, 5120, 5150, 5162, 5169, 5170, 5181, 5182, 5185, 5191, 5192, 5193, 5198, 5199 - firearms and ammunition, charcoal, livestock and poultry feed, farm supplies, hay; with no more than 5 employees in no more than 5,000 square feet; no loading dock; deliveries and shipping only by van or small truck during normal business hours; no odors; no outside storage). |
| 5813 | Short order eating places with no product specialty, auto oriented (drive-in or drive-through establishments, etc.). |

Proposed Language

The land uses within the 5100 category include many wholesale trades such as motor vehicles, chemicals, groceries and dairy, etc. Several are allowed with conditional use approval, subject to limitations of size and employee numbers, however; Land Use #5198 – the subject of this proposed amendment – is among those within the larger category, but not allowed by Section 17.168.050(F). Staff proposes to strike LU #5198 from the list which effectively prohibits it and add it instead as a stand-alone allowance for conditional use along with certain limitations intended to mitigate any impacts and keep the activity compatible with mixed-use developments. Please see the proposed language changes below.

| | |
|-------------|--|
| 3900 | Miscellaneous manufacturing (handwork trades only with no more than 5 employees in no more than 2,500 square feet; no loading dock; deliveries and shipping only by van or small truck during normal business hours; no odors; no outside storage). |
| 5100 | Wholesale trade (excepting 5110, 5120, 5150, 5162, 5169, 5170, 5181, 5182, 5185, 5191, 5192, 5193, 5198 , 5199 - firearms and ammunition, charcoal, livestock and poultry feed, farm supplies, hay; with no more than 5 employees in no more than 5,000 square feet; no loading dock; deliveries and shipping only by van or small truck during normal business hours; no odors; no outside storage). |
| 5198 | Lumber and construction materials, wholesale and re-sale in buildings with footprints no greater than 30,000 square feet. No outdoor storage. Docks, delivery and staging areas must be screened from public streets. |

Other Excluded Land Uses

Other land uses included in the larger category of 5100 which are excluded by Section 17.168.050(F) include motor vehicles and equipment, chemicals, farm products (livestock, grain, etc.), petroleum, minerals, and scrap. The ability to wholesale these types of materials would not be impacted by the proposed text amendment; only lumber and other construction materials, and those only according to the specific tenets laid out in the previous sections of this report.

Other Considerations

- The T-O-D Zone. The zone has been applied to just over 70 acres of land on the north boundary of the city. Much of the property has been developed or is under development, and there are limited opportunities to expand the zoning because of the natural boundaries of 4500 South, the rail line, and Big Cottonwood Creek. The zoning was created to provide a mixed-use area around the Murray North TRAX station. The impact of the proposed text amendment is limited not only to the T-O-D Zone, but effectively to a handful of properties in it.

- General Plan. The T-O-D Zone corresponds to the “Mixed-Use” category of the Future Land Use Map in the General Plan. The proposed text amendment is not in conflict with the goals of the General Plan. Limiting the building footprint associated with the use, prohibiting outdoor storage and requiring screening are all elements that Staff believes will help to make the land use compatible in a mixed use environment.
- Affordable Housing. The proposed text amendment will support the development of much needed affordable housing and will locate that housing where it can be most effective: with good access to public transportation, jobs and services.

II. CITY DEPARTMENT REVIEW

A Planning Review Meeting was held on March 16, 2020 where the proposed text amendment was considered by City Staff from various departments. No comments, concerns or conditions were submitted by any reviewers.

III. PUBLIC INPUT

Notices were sent to Affected Entities for this Text Amendment. As of the date of this report there has not been any comment regarding this application.

IV. FINDINGS

Based on the analysis of the proposed text amendment and review of the Murray City General Plan and Land Use Ordinance, staff concludes the following:

1. The proposed text amendment has been carefully considered and provides additional opportunity and flexibility for the potential development of mixed use properties in the T-O-D Zone.
2. The proposed text amendment supports the goals and objectives of the General Plan by facilitating mixed use development that will include affordable housing.
3. The proposed text amendment is consistent with the purpose of Title 17, The Murray City Land Use Ordinance.

V. CONCLUSION/RECOMMENDATION

Based on the background, analysis, and the findings within this report, Staff recommends that the Planning Commission forward a recommendation of APPROVAL to the City Council for the proposed text amendment to Section 17.168.050 as reviewed in the Staff Report.

Business Operations for SLC location:

**1276 South 500 West
Salt Lake City UT 84101**

- Twenty (20) total staff on location.
- The construction typically has 15 volunteers average per day.
- The retail store typically has up to 30 volunteers but average 10 /day.
- Current building is 30,000 sq.ft.
- Their desire is to own a 50,000 total sq.ft. building that includes a 20,000 sq.ft. basement for their testing and repair center for items such as appliances.
- Similar operation as Deseret Industries but is geared towards building materials.
- Much of the retail store has new items.
- The families who qualify for housing assistance are required to volunteer 225 service hours, 25 of those hours include life skills training.
- They are pursuing getting 3-D Houses brought to Utah which are now being done in Russia and China. The average cost is \$150,000 per home or below. Typical size home is 35' X 35'.

HABITAT HISTORY:

In September 1992, the first Habitat for Humanity ReStore in the U.S. opened its doors in Austin, Texas. At that time, the Habitat ReStores were known to sell building materials only. Today, with approximately 500 stores strong in 3 countries and growing, the Habitat ReStores sell everything from household items to furniture to building materials.

A Habitat for Humanity affiliate program, the mission of the ReStore is to:

- **Provide additional funding to support the affiliate's house-building goals.**
- **Expand opportunities to serve a broader base of the low income community by providing low income materials.**
- **Divert Construction and household materials from the landfills protect the environment.**

Salt Lake Valley Habitat for Humanity ReStore is a retail outlet where quality used and surplus building materials are donated by individuals, businesses, contractors, and other organizations who wish to show their support for Habitat. Products are then sold at below retail prices. Proceeds from ReStore help fund the Salt Lake Valley Habitat for Humanity mission of eliminating poverty housing within our community. By donating materials to the ReStore you not only help assist in the building of a Habitat home but also reduce the amount of materials sent to the local landfill. ReStores keep over 950 tons of materials out of the landfill each year.

[View the Facebook feed for the latest deals!](#)

Donate Building Materials, Furniture, Appliances

- Appliances
- Architectural items
- Bathroom fittings and fixtures
- Cabinets and countertops
- Doors, lighting and lumber
- Electrical items and fans
- Flooring materials
- Furniture (in good condition)
- Hardware and tools
- Lawn and garden
- Plumbing supplies
- Roofing materials
- Wallboard/sheetrock
- Windows
- Framed mirrors and glass

Please note: we are unable to accept mattresses, paint or used carpet of any kind, household items, clothes or toys.



Habitat for Humanity: ReStore - Murray

Conceptual Design 1-03-2020

ARCH | NEXUS

Order Confirmation for 0001285793

Remit to:
 Utah Media Group
 4770 S 5600 W
 West Valley City, UT 84118

Client MURRAY CITY RECORDER
 Client Phone 8012642660 Account # 9001341938
 Address 5025 S STATE, ROOM 113 Ordered By SUSAN
 MURRAY, UT 84107 Account Exec Itapusoa2
 Email snixon@murray.utah.gov PO Number PUBLIC HEARING NO

Total Amount \$55.40

Payment Amt \$0.00

Amount Due \$55.40

Text: PUBLIC HEARING NOTICE

Ad Number 0001285793-01 Ad Type Legal Liner

Ad Size 1 X 30 li Color

WYSIWYG Content

MURRAY CITY
CORPORATION
NOTICE OF
PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 2nd of April 2020, 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 Public Hearing for the purpose of receiving public comment on and pertaining to a Land Use Ordinance Text Amendment to Section 17.168, T-O-D Zone to allow Land Use #5198, Lumber & Construction Materials Wholesale/Retail as a Conditional Use.

Jared Hall, Manager
Community & Economic
Development
1285793 UPAXLP

| <u>Product</u> | <u>Placement</u> | <u>Position</u> |
|-------------------|--------------------|---------------------|
| Salt Lake Tribune | Legal Liner Notice | Public Meeting/Hear |

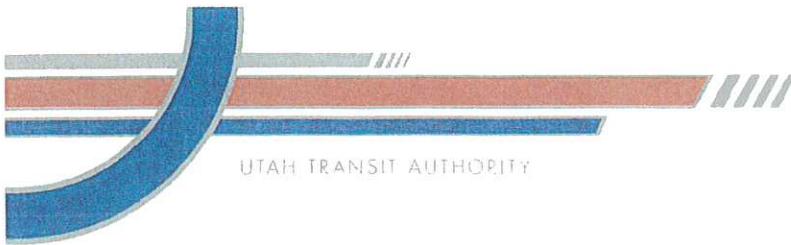
Scheduled Date(s): 03/22/2020

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|----------------|----------------|----------------|
| utahlegals.com | utahlegals.com | utahlegals.com |
|----------------|----------------|----------------|

Scheduled Date(s): 03/22/2020

| | | |
|--------------|--------------------|---------------------|
| Deseret News | Legal Liner Notice | Public Meeting/Hear |
|--------------|--------------------|---------------------|

Scheduled Date(s): 03/22/2020



Derrick Sorenson
Real Estate Manager
Salt Lake County
2001 South State Street S3-110
Salt Lake City, UT 84114-3300

September 4, 2019

RE: Sale of property at 4500 South Main Street

Mr. Sorenson,

I am writing to inform you that the Utah Transit Authority (UTA) has been in conversations with Housing Connect and Salt Lake Valley Habitat for Humanity in regard to the property Salt Lake County is selling at 4500 South Main Street. It is our understanding that the prospective purchasers wish to acquire and co-develop the property. To do so, they will be required to provide additional access that will impact surrounding property owners, including UTA.

UTA has met with the prospective purchasers and is engaged in a continuing dialogue in regard to the purchase of the property and resolution of the access issues.

If you have questions or concerns related to UTA's involvement, please contact me.

Thank you,

Paul Drake
Senior Manager – Real Estate and TOD
Utah Transit Authority
pdrake@rideuta.com
(801) 237-1975

Susan Nixon

From: Jeremy Runia <jeremyrunia@housingconnect.org>
Sent: Thursday, April 2, 2020 4:55 PM
To: Planning Commission Comments
Cc: Janice Kimball
Subject: Agenda Item #14

Planning & Zoning Commission of Murray City:

Housing Connect fully supports the proposed text amendment change referenced in Agenda item #14. Housing Connect along with our co partner Salt Lake Valley Habitat for Humanity anticipate developing land located within the TOD overlay zone which will provide needed services and housing for the citizens of Murray.

Best,

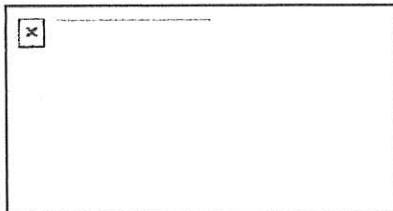
JEREMY RUNIA

DIRECTOR OF REAL ESTATE DEVELOPMENT

3595 S Main Street | Salt Lake City, UT 84115

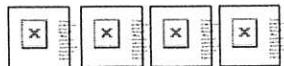
P: (801) 284-4437 | jeremyrunia@housingconnect.org

F: (801) 284-4406 | TDD: (801) 284-4407



50 Years Building Connections

www.housingconnect.org



P/C AGENDA MAILINGS
“AFFECTED ENTITIES”
Updated 1/2020

UTAH TRANSIT AUTHORITY
ATTN: PLANNING DEPT
669 West 200 South
SLC UT 84101

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

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

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

CENTRAL UTAH WATER DIST
1426 East 750 North, Suite 400,
Orem, Utah 84097

SANDY CITY
PLANNING & ZONING
10000 CENTENNIAL PRKwy
SANDY UT 84070

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

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

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

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

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

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

HOLLADAY CITY
PLANNING DEPT
4580 S 2300 E
HOLLADAY UT 84117

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

OLYMPUS SEWER
3932 500 E,
Millcreek, UT 84107

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

MIDVALE CITY
PLANNING DEPT
7505 S HOLDEN STREET
MIDVALE UT 84047

ROCKY MOUNTAIN POWER
ATTN: KIM FELICE
12840 PONY EXPRESS ROAD
DRAPER UT 84020

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

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

COMCAST
ATTN: GREG MILLER
1350 MILLER AVE
SLC UT 84106

CENTURYLINK
250 E 200 S
Salt Lake City, Utah 84111

Murray City Corporation

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 19th day of May 2020, 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-1-6 (Low/Medium Density Single Family) zoning district for the properties addressed 6450 & 6468 South 1300 East, Murray, Utah.

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

Because of the health pandemic an in person meeting is not feasible. Therefore, City Council members will be participating by electronic means. Members of the public may monitor the meeting via the live stream at www.murraycitylive.com or <https://www.facebook.com/MurrayCityUtah/>. No physical meeting location will be available.

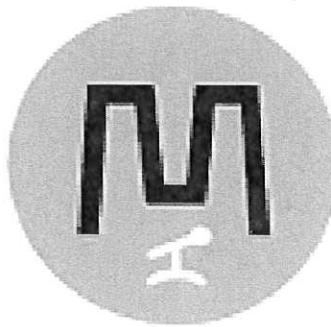
Members of the public may provide public comment by sending an email in advance or during the meeting to city.council@murray.utah.gov. Comments are limited to less than 3 minutes, include your name and contact information, and they will be read into the record.

DATED this _____ day of _____, 2020.

MURRAY CITY CORPORATION

Jennifer Kennedy
City Recorder

DATE OF PUBLICATION: May 8, 2020



MURRAY
CITY COUNCIL

Discussion Item #6



MURRAY

Council Action Request

Community & Economic Development

Text Amendment, Title 17.24: Home Occupation Businesses

Committee of the Whole

Meeting Date: May 5, 2020

| | |
|--|--|
| Department Director Melinda Greenwood | Purpose of Proposal Text amendment to further define what is allowed for Major Home Occupations and Minor Home Occupations. |
| Phone # 801-270-2428 | Action Requested Approval of the proposed text amendments to Title 17.24 Home Occupations |
| Presenters Melinda Greenwood Jared Hall | Attachments PowerPoint Presentation |
| Required Time for Presentation 10 Minutes | Budget Impact None |
| Is This Time Sensitive No | Description of this Item Murray City allows some types of home business activities in residential zones, which are referred to as "Home Occupations." The proposed text amendments to Chapter 17.24 are intended to address issues regarding the regulation of home occupations and can be summarized in four (4) main categories. The proposed text amendment also contains changes for general clean-up and clarifications. |
| Mayor's Approval  | "No-impact" home occupations vs. other types In 2018, the State of Utah passed legislation which restricted a city's ability to collect application or processing fees for home occupation businesses which are determined to have "no impact" to their neighborhood. Business license fees are intended to recoup costs associated with processing a license, including staff time, postage, time for fire and safety inspections, etc. |
| Date April 21, 2020 | |

Continued from Page 1:

Because we can no longer collect fees on “no impact” businesses, staff is recommending changing the code to no longer require a license from businesses which are in the category of “no impact.”

As a method of doing this, we would like to add definitions for a “Major Home Occupation” and a “Minor Home Occupation.” A “Minor Home Occupation” would be one the state defines as “no impact.”

Since the state made the changes, we have found there are approximately 450 businesses we can no longer require fees, and that are classified as a “no impact” business. The minimum business license fee is \$100, so the City has already suffered a loss of at least \$45k of revenue, however we have not reduced our workload. At the date of this report, there are 334 current licenses which are exempt from the fees. An additional 124 licenses have gone inactive. After analysis, it is staff’s conclusion that the limited benefits of licensing “no impact” businesses is vastly outweighed by the time and resource consumption to license them.

Fee Collection

The proposed language is intended to clearly state that licenses are required for Major Home Occupations, and that licenses are NOT REQUIRED, nor will fees be charged to operate a Minor Home Occupation. However, should a Minor Home Occupation request a business license from the City, they are opting-in to licensure, and will then be regulated by the rules of Title 5 of the City Code, and will be subject to application fees.

Off-site employees

Staff is proposing to change language to clarify that only one (1) employee or volunteer who does not reside in the home where the business operates is allowed to work on-site at any one time unless the Planning Commission allows additional employees through review of a Major Home Occupation.

Language is also proposed to define off site employee and states they cannot visit the home for business purposes, and may not park at the home or along the street near the home.

Trailers associated with home occupations

Section 17.24.040(M) proposes regulations regarding the use of trailers in conjunction with home occupations.

Staff Review

A Planning Review Meeting was held on March 2, 2020 where the proposed text amendment was considered by City Staff from various departments.

Planning Commission

Notices were sent to Affected Entities for this Text Amendment, and the Planning Commission held a public hearing at the April 2, 2020 Planning Commission Meeting. No public comments were received.

Recommendation

Both Staff and the Planning Commission recommend the City Council **APPROVE** the proposed test amendments to Chapter 17.24, Home Occupations.

Land Use Ordinance Text Amendment

Title 17.24 Home Occupations



“No Impact” Home Occupations

17.24.020: DEFINITIONS:

...

HOME OCCUPATION, GENERALLY: A business, occupation, profession, operation, managing or carrying on of a business for the purpose of economic gain, which activity is carried on as an accessory use in a residential zone by a bona fide resident of the dwelling. This definition shall not be construed to allow an employee, working in the employee's own home in the service of an employer who does not reside in the same dwelling.

MAJOR HOME OCCUPATION: A home occupation business where the combined offsite impact of the home occupation business and the primary residential use materially exceeds the offsite impact of the primary residential use alone.

MINOR HOME OCCUPATION: Any home occupation business not classified as a major home occupation.

Fee Collection

17.24.030: LICENSE/ WHEN REQUIRED:

- A.** A home occupation license shall be required to conduct a permitted major home occupation business in a residence located in a residential zone.
- B.** The City shall not require a license or charge fees to operate a minor home occupation business.
- C.** The owner of a minor home occupation may request a home occupation business license from the City. If the owner of a minor home occupation requests a business license, the applicant shall be subject to all regulations outlined in this chapter and Title 5 of the City code and shall pay the license fees outlined in section 5.08.010 of the code.

On-Site vs. Off-Site Employees

- On-Site Employees – Only one (1) employee or volunteer who does not reside in the home where the business operates is allowed to work on-site at any one time unless the Planning Commission allows additional employees through review of a Major Home Occupation.
- Off-Site Employees – This proposed language clarified that home occupations may have employees and volunteers who work off-site from the home where the business is licensed. It clarifies that such employees cannot visit the home for business purposes, and may not park at the home or along the street near the home.

Use and Storage of Trailers

1. Trailer can be open or enclosed, but not more than 20' long.
2. Materials and equipment cannot be stored outside the trailer
3. Must be kept in a side or rear yard, behind a fence OR must be garaged.
4. The trailer must be well-maintained.
5. Area for parking the trailer must be paved.
6. A site plan showing where the trailer is to be kept must be prepared and submitted with the home occupation application.

Other Changes

1. Business vehicles that park at the location of the home occupation must park off-street (except delivery vehicle stops). (17.24.040(N))
2. Disruptions (not allowed) have been clarified to include excessive traffic, noise, or dust. (17.24.40(P))
3. Home Occupation Businesses can only be operated by those for whom the home is a primary residence. (17.24.040(B))
4. When Major Home Occupations are referred to the Planning Commission for review and approval, the purpose of the review is to consider what conditions can be reasonable imposed to mitigate the impacts of the proposed home occupation. (17.24.050(H)(1)&(2))

Planning Commission

Planning Commission Meeting was held on April 2, 2020

- No public comments were received.
- The Planning Commission voted unanimously, 7-0, to send a positive recommendation for approval to the City Council.

Recommendation

Staff and the Planning Commission recommend the City Council **APPROVE** the proposed text amendments to Chapter 17.24, Home Occupations.

Murray City Corporation

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 19th day of May, 2020, 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 a text amendment to chapter 17.24 of the Murray City Municipal Code, relating to home occupations.

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

Because of the health pandemic an in person meeting is not feasible. Therefore, City Council members will be participating by electronic means. Members of the public may monitor the meeting via the live stream at www.murraycitylive.com or <https://www.facebook.com/MurrayCityUtah/>. No physical meeting location will be available.

Members of the public may provide public comment by sending an email in advance or during the meeting to city.council@murray.utah.gov. Comments are limited to less than 3 minutes, include your name and contact information, and they will be read into the record.

DATED this _____ day of _____, 2020.

MURRAY CITY CORPORATION

Jennifer Kennedy
City Recorder

DATE OF PUBLICATION: May 8, 2020

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 17.24 OF THE MURRAY CITY MUNICIPAL CODE RELATED TO HOME OCCUPATION BUSINESSES

BE IT ENACTED BY THE MURRAY CITY MUNICIPAL COUNCIL:

Section 1. Purpose. The purpose of this ordinance is to amend chapter 17.24 of the Murray City Municipal Code relating to home occupation businesses.

Section 2. Amend chapter 17.24. Chapter 17.24 of the Murray City Municipal Code shall be amended as follows:

Chapter 17.24 HOME OCCUPATIONS

17.24.010: PURPOSE:

The purpose of this chapter is to allow and regulate certain income producing accessory uses in residential districts which are compatible with, and not detrimental to, the neighborhood in which they are located. Home occupations are limited to those uses which may be conducted within a residential dwelling without changing the appearance or condition of that residence.

17.24.020: DEFINITIONS:

HOME OCCUPATION, GENERALLY: A business, occupation, profession, operation, managing or carrying on of a business for the purpose of economic gain, which activity is carried on as an accessory use in a residential zone by a bona fide resident of the dwelling. This definition shall not be construed to allow an employee, working in the employee's own home in the service of an employer who does not reside in the same dwelling.

MAJOR HOME OCCUPATION: A home occupation business where the combined offsite impact of the home occupation business and the primary residential use materially exceeds the offsite impact of the primary residential use alone.

MINOR HOME OCCUPATION: Any home occupation business not classified as a major home occupation.

17.24.030: LICENSE/ WHEN REQUIRED:

A. A home occupation license shall be required to conduct a permitted major home occupation business in a residence located in a residential zone.

B. The City shall not require a license or charge fees to operate a minor home occupation business.

C. The owner of a minor home occupation may request a home occupation business license from the City. If the owner of a minor home occupation requests a business license, the applicant shall be subject to all regulations outlined in this chapter and Title 5 of the City code, and shall pay the license fees outlined in section 5.08.010 of the code.

17.24.040: REGULATIONS GENERALLY:

Major home occupation businesses are subject to the requirements of Title 5 applicable to home occupation businesses. Both major and minor home occupations are accessory uses to the primary residential use, and are subject to the following regulations:

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A. Business to be Conducted within Main Dwelling. The home occupation business use must be conducted entirely within the main dwelling, except that the outside yard areas may be used for group instruction, residential daycare facilities and group education uses.

B. Bona Fide Resident. The home occupation business may be conducted only by persons who are bona fide residents of the dwelling unit, and the dwelling unit must be established as the primary residence.

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C. On-Site Employees. Up to one person not residing in the residence may work, volunteer or otherwise assist with the business on-site at the dwelling. The owner of the business must reside in the residence. The planning commission may approve more than one nonresident employee if it finds (1) that the additional employee will not be employed as a driver of a work vehicle kept at the residence, and (2) that the employee's presence in the premises will not otherwise violate the intent of this chapter. Only one nonresident employee or volunteer, or such additional nonresident employees or volunteers as approved by the planning commission through approval of a major home occupation, is allowed to work on-site per residence at any one time, regardless of the number of home occupation licenses held by persons residing in the residence.

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D. Off-Site Employees. Any home occupation business licensed under this chapter may utilize persons to work, volunteers or assist with the business off-site. The off-site employee, volunteer or any other person assisting with the business shall not come to the home for purposes related to the home occupation business, nor shall they park at the home or on the street near the home.

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E. Accessory Use on the Property. The business use must be clearly incidental and secondary to the residential use of the dwelling and may not change the residential character of the dwelling. No more than twenty five percent (25%) of the total main or upper floor area, or, in the alternative, no more than fifty percent (50%) of the total floor area of a basement, may be used to conduct a home occupation. Interior alterations to accommodate a home occupation are prohibited if the kitchen, the dining area, all bathrooms, the living room, or a majority of the bedrooms is eliminated. Signs related to the home occupation are prohibited unless otherwise provided in this title. Exterior alterations are prohibited if the alterations change the residential appearance of the dwelling. Home occupation businesses shall not involve the use of any accessory building or yard space for storage, sale, rental or display of supplies or inventory used in the home occupation.

Moved (insertion) [1]

F. Commodities and Display for Sale. Commodities may be produced on the premises in accordance with law. Sale of commodities from shelves or similar display on the premises is not allowed.

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G. Group Instruction/Childcare. Group education, group instruction, childcare, and instruction of children, other than those residing in the dwelling, are allowed as a home occupation accessory use or as a conditional use only to the extent as allowed in this title.

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Moved up [1]: Home occupation businesses shall not involve the use of any accessory building or yard space for storage, sale, rental or display of supplies or inventory used in the home occupation.

H. Multiple Businesses at Residence. More than one home occupation business license per dwelling unit is allowed; provided, however, that the cumulative effect of such businesses shall not violate the provisions and the intent of this chapter. By way of illustration and not limitation, the conduct of multiple home occupations may not violate the prohibitions against excessive traffic, and the limit on the number of nonresident employees and motor vehicles allowed at a residence. Any or all of the home occupation licenses issued at a residence are subject to suspension or revocation if the cumulative effect of the conduct of those businesses violates this chapter.

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J. Conformity with Safety Codes. Home occupation licensees shall comply with all state and local laws, including fire, building, and similar life safety and health codes.

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J. Subject to Inspections. The premises of a home occupation may be inspected during reasonable business hours to determine compliance with the provisions of this title.

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K. Term of License. A home occupation business license shall be valid for twelve (12) months from the application date and may be renewed annually unless the license, or the privilege of renewing that license, has been revoked or suspended due to violations of this title or other laws applicable to the home occupation license. Home occupation business licenses are personal to the applicant, nontransferable and do not run with the land.

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L. Vehicles. One business vehicle used by the licensee in connection with the home occupation may be parked at the premises, subject to the restrictions in this chapter. Other motor vehicles and equipment, and trailers used to transport the same, which are used in connection with the home occupation may not be stored or parked on the premises of the licensee or in any street adjacent to the licensed premises. Under no circumstances may motor vehicles having a gross vehicle weight rating of more than twelve thousand (12,000) pounds and which are used in connection with the home occupation be stored or parked on the premises of a home occupation or any street adjacent to those premises. By way of illustration and not limitation, this subsection is intended to prohibit the storage or parking of business fleet vehicles, such as limousines; service or work vehicles (snowplow/landscape maintenance trucks) and similar vehicles; delivery vehicles; and contractor's equipment and trailers used to transport the same. As provided in subsection B of this section, a nonresident employee may not be allowed to drive any business vehicle parked at the premises as permitted by this subsection as part of that employee's regular work assignment.

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M. Trailers. Notwithstanding anything contrary in this chapter, one trailer may be used in association with the home occupation. Trailers allowed in conjunction with a home occupation business are as follows:

1. An open or enclosed trailer with a body length of 20 feet or less, excluding the tongue.

2. Materials/equipment shall not be stored outside of the trailer.

3. The trailer may be placed in the side or rear yard behind a fence or garaged on private property and not within the front yard of any residential zone except on established driveways. A trailer must maintain a minimum setback of five feet (5') from the front property line so as to provide adequate visibility. If the home is located on a corner lot, the trailer shall not be stored on the street side of the house unless it is out of the required front yard setback. If the topography of the lot prohibits the parking of the trailer on the side, rear, or front yard, the trailer must be stored off-site.

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4. The trailer must be well maintained and must not present negative impacts for adjacent neighbors including, but not limited to odors, dust, or parking location.

5. All areas utilized for the parking of trailers shall be paved with a hard surface, e.g., concrete, asphalt, brick or other water impenetrable surface. This includes the side, rear, and front yard of the home. It is prohibited to park upon areas that have been landscaped or are reserved for future landscaping.

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6. A site plan shall be included with all business license applications indicating where the trailer will be stored.

N. Traffic. The traffic generated by a home occupation may not exceed that which would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street according to city regulations. All business-related vehicles which park at the location of the home occupation business, including on-site employees, customers, clients, or business-related visitor vehicles, must use off-street parking. This provision excludes stops made by delivery vehicles. The home occupation shall not involve the use of commercial vehicles having a gross vehicle weight rating of more than twelve thousand (12,000) pounds for delivery of materials to or from the premises.

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O. Approval Authority. Except as otherwise provided in this title, the community and economic development department is authorized to approve home occupation applications in accordance with this title.

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P. Neighborhood Disruptions Not Permitted. The home occupation business may not interfere or disrupt the peace, quiet, and domestic tranquility of the neighborhood. The home occupation business shall not create, be associated with, or produce noises or vibrations, noxious odors, fumes, glare, dust, heat, excessive traffic, interferences with radio and television reception or any other adverse effects that may be discernible beyond the premises.

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Q. Storage of Dangerous Materials. The storage or use of flammable, explosive, or other dangerous materials is prohibited.

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P. Uses where a client or customer comes to the home shall be subject to the standards for a major home occupation permit. 1

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17.24.050: MAJOR HOME OCCUPATIONS:

A. The following home occupations, which either require a client to come to the home or which may result in neighborhood impacts if not properly managed, may be authorized as an accessory use through a major home occupation permit pursuant to the standards specified in this section:

Barbers, cosmetologists, manicurists.

Contractor, "handyperson", and landscape or yard maintenance contractor; subject to the special conditions that no construction materials or equipment will be stored on the premises.

Counseling, when clients come to the home.

Home instruction including musical instruments, voice, dance, acting and educational subjects, swimming, tennis and other athletic instruction.

Other similar personal or professional services where the client comes to the home, including, but not limited to:

1. Childcare
2. Preschool
3. Home instruction

B. Uses classified as major home occupations must comply with the standards of section 17.24.030 of this chapter, which shall be considered minimum standards. The Community and Economic Development Director or Planning Commission may require additional reasonable conditions to mitigate reasonably potential adverse impacts of the use on adjacent properties. These conditions may include, but are not limited to:

1. Limits on hours of operation;
2. Limits on numbers of clients per day/hour;
3. Provision of adequate off-street parking.
4. Other conditions reasonably related to mitigating adverse impacts resulting from the use.

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17.24.060: PROHIBITED USES:

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17.24.070: APPLICATION:

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¶ A. Home Occupation Business License:

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An application for a home occupation business license shall be filed with the City Business License Division, and shall include the following information:

- A. A complete description of the type of business proposed including the location of the storage and operations area for the home occupation;
- B. A listing of the individuals at the home who will be working on the business;
- C. The expected hours of operation of the business;
- D. The expected number of clients per hour and total expected number of clients visiting the home per day;
- E. A site plan indicating areas of off-street parking for employees and clients.

F. Neighboring Property Owner Information: Names, signatures and addresses of all abutting and adjacent property owners, including property owners across the street(s).

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B. Major Home Occupation Permit: Applications for a major home occupation permit shall include all of the information required for a home occupation business license, and the following information:
1

G. Leased Property: Approval of the property management or property owner shall be required if the business is conducted on a leased property.

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H. Notice To Neighboring Property Owners: Signatures of approval of all abutting and adjacent property owners on a form provided by the community and economic development division.

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1. If all of the required signatures cannot be obtained, the applicant may request the application be referred to the planning commission to be considered for approval subject to reasonable conditions related to mitigating reasonably potential adverse impacts.

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2. If all the required signatures are obtained, the director or designee will approve, approve with conditions, or refer the application to the planning commission to be considered for approval subject to reasonable conditions related to mitigating reasonably potential adverse impacts.

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3. Notification Of Decision: Within ten (10) working days of the director's decision, a letter shall be sent notifying the applicant of the decision required under subsection 2.

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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 _____, 2020.

MURRAY CITY MUNICIPAL COUNCIL

Dale M. Cox, Chair

ATTEST:

Jennifer Kennedy, City Recorder

MAYOR'S ACTION: Approved

DATED this ____ day of _____, 2020.

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 _____, 2020.

Jennifer Kennedy, City Recorder

Planning Commission Meeting

April 2, 2020

Page 23

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

Motion passed 7-0.

LAND USE ORDINANCE TEXT AMENDMENT – Section 17.24 Home Occupation Modifications
– Project #20-028

Jared Hall presented the proposed amendments for Section 17.24 Home Occupation Modifications. A few years ago, the way home occupations were regulated was changed by the State Legislature. Staff had to look at how home occupations were defined and whether they had an impact or did not have an impact to the neighborhood where it is located. Municipalities were basically barred from charging any fees to any home occupation business license that does not have an impact to the neighborhood that it's in. In this text amendment, staff has clearly defined major home occupations versus minor home occupations. The reason for that is to differentiate who is going to be charged for a business license and who is not. Minor home occupations are home occupations that do not have an impact on the neighborhood so the city should not be charging for those. The city would like to stop licensing minor home occupations altogether. To date, staff has been licensing them, it takes a lot of staff time, and State Code does not allow the city to charge a fee for those. The State Code also says that minor home occupations are not required to have a license. If a minor home occupation would like to be licensed, they are opting in, and the city would charge them a fee. The amendment also clears up on-site employees and off-site employees. It also explains the requirements for the use and storage of trailers. Staff has also cleaned up things related to traffic and disruptions.

Mr. Hall noted these changes are being proposed in conjunction with some other changes to the business license regulations that are in Title 5 of the Murray City Code. Staff recommends the Planning Commission forward a recommendation of approval of this land use text amendment to the City Council.

Mr. Hacker asked if a minor home occupation wanted to get a business license if it would preclude them from letting their license expire. Mr. Hall said no, they are in the same category as all the other businesses.

Ms. Wilson asked if there has to be a gate in front of a trailer. Mr. Hall said a trailer would have to be behind a fence or gate or in a garage. Mr. Woodbury asked if a food truck could be parked at a home. Mr. Hall replied a food truck would be over the vehicle weight limit that is allowed for home occupations. Mr. Woodbury asked if a handyman could store something in his garage and rotate it out. Mr. Hall said they are not supposed to use their garages or other facilities on the property for storage. Mr. Woodbury verified that everything related to a business like a handyman or contractor would have to be contained in their trailer. Mr. Hall said that is correct. Mr. Woodbury asked why someone couldn't use a shed in their backyard to store things associated with their businesses. Mr. Hall said if the code allows for a business to use those areas of a home, businesses have a habit of taking over a property in a home occupation.

The meeting was open for public comment. No comments were made and the public comment portion was closed.

A motion was made by Scot Woodbury to forward a recommendation of approval to the City Council for the proposed text amendment to chapter 17.24 Home Occupations as reviewed in the staff report and provided in the attachment.

Seconded by Maren Patterson.

Call vote recorded by Mr. Hall.

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

Motion passed 7-0.

LAND USE ORDINANCE TEXT AMENDMENT – Adding LU #5198 to Conditional Uses in the TOD Zone – Project #20-044

Jared Hall presented the proposed amendments. He explained where the TOD Zone was and is about 70 acres. Habitat for Humanity and Salt Lake County Housing were talking about possibly purchasing land from Salt Lake County located along 4500 South and Main Street. Habitat for Humanity is looking for a place to put their "Restore" facility. They would put their offices above that facility and put some affordable housing on the site. Staff is supportive of that idea, but it requires a small change to the City Code. Land Use (LU) #5100 is the Wholesale Trade category, but LU #5198, which has to do with lumber and construction materials, was disallowed in the TOD Zone. Staff is proposing adding a category for LU #5198 to be allowed as proposed: Lumber and construction materials, wholesale and re-sale in buildings with footprints no greater than 30,000 square feet. No outdoor storage. Docks, delivery and staging areas must be screened from public streets. This language would accommodate the Restore facility. Mr. Hall noted of the 70 acres in the TOD Zone, there is not much acreage left, so it is not a big risk to add this.

The meeting was open for public comment.

Mike Brodsky, Hamlet Development, said he is a volunteer for Habitat for Humanity and they have asked him to help work through the entitlement and due diligence process on their facility. This is a joint venture between Habitat for Humanity and Housing Connect. There will be 100 affordable housing units on the site. Mr. Brodsky thinks there may need to be some clean-up in the site but he doesn't think it will be too extensive.

Ms. Wilson asked what types of affordable housing units will be on the property. Mr. Brodsky said it will be 100 stacked apartments in a three-story building.



| AGENDA ITEM #8 | | | |
|----------------|--|------------------|------------------------------|
| ITEM TYPE: | Text Amendment, Chapter 17.24 Home Occupation Businesses | | |
| ADDRESS: | | MEETING DATE: | March 19, 2020 |
| APPLICANT: | Community & Economic Development Department, Planning Division | STAFF: | Jared Hall, Planning Manager |
| PARCEL ID: | | PROJECT NUMBER: | 20-028 |
| CURRENT ZONE: | | APPLICABLE ZONE: | |
| SIZE: | | | |
| REQUEST: | Community Development Staff are proposing changes to Chapter 17.24 of the Land Use Ordinance governing Home Occupation Businesses. | | |

I. STAFF REVIEW & ANALYSIS

Background

In addition to licensing business activities in commercial areas and zones, Murray City licenses limited business activities from homes in residential zones. These business licenses are distinct from standard commercial licenses, and are known as "Home Occupations Business Licenses" or "Home Occupations".

The text amendments to Chapter 17.24 proposed here are intended to address issues with regard to the regulation of home occupations and can be summarized in four (4) major components: 1) "No-impact" home occupations vs. other types; 2) the collection of fees; 3) regulations and allowances for off-site employees; and 4) trailers associated with home occupation licenses. The proposed text amendment also contains language for some general clean-up and clarifications. The four (4) major components of the text amendment are reviewed below.

1) No-Impact Home Occupations (Minor Home Occupations)

In 2018, the State of Utah passed legislation which made it necessary for cities to distinguish between Home Occupations generally, and Home Occupation which would have minimal or no impact on the neighborhoods in which they were located. The outcome – after responses from municipalities and further legislative changes – was that cities would no longer be permitted to collect any type of application or processing fees related to licenses issued for home occupation businesses which were determined to have no impact to the neighborhoods in which they were located.

Staff has proposed the addition of language to Section 17.24.020, Definitions, in order to clearly distinguish between two classes of Home Occupation Licenses: Major Home Occupations, and Minor Home Occupations. Please see the proposed definitions in redline below:

17.24.020: DEFINITIONS:

...

HOME OCCUPATION, GENERALLY: A business, occupation, profession, operation, managing or carrying on of a business for the purpose of economic gain, which activity is carried on as an accessory use in a residential zone by a bona fide resident of the dwelling. This definition shall not be construed to allow an employee, working in the employee's own home in the service of an employer who does not reside in the same dwelling.

MAJOR HOME OCCUPATION: A home occupation business where the combined offsite impact of the home occupation business and the primary residential use materially exceeds the offsite impact of the primary residential use alone.

MINOR HOME OCCUPATION: Any home occupation business not classified as a major home occupation.

By carefully defining what qualifies a license as a “Major Home Occupation”, staff intends for “Minor Home Occupations” to apply to those home occupations that the State Code would consider “no-impact” businesses, and which therefore would not be charged a fee for obtaining a business license.

2) Fees for Minor (No-Impact) Home Occupations

The proposed language to be added to Section 17.24.030 is intended to clearly state that licenses are required for Major Home Occupations, and that licenses are NOT REQUIRED, nor will fees be charged to operate a Minor Home Occupation. In subsection “C” it is subsequently proposed that the owner or operator of a Minor Home Occupation – although not required to obtain a license – may request a home occupation license from the City. If such a request is made, the applicant is “opting-in” to licensure, and will then be regulated by the rules of Title

5 of the City Code, and will be subject to application fees. Please see the proposed additional language in redline below:

17.24.030: LICENSE/ WHEN REQUIRED:

- A. A home occupation license shall be required to conduct a permitted major home occupation business in a residence located in a residential zone.
- B. The City shall not require a license or charge fees to operate a minor home occupation business.
- C. The owner of a minor home occupation may request a home occupation business license from the City. If the owner of a minor home occupation requests a business license, the applicant shall be subject to all regulations outlined in this chapter and Title 5 of the City code and shall pay the license fees outlined in section 5.08.010 of the code.

3) On-Site and Off-Site Employees

Section 17.24.040 contains general regulations for all Home Occupations. Most of the changes in this section are for clarification or formatting (providing headings or titles to add clarity for example), however; a full subsection for on-site and off-site employees is proposed:

- On-Site Employees – Only one (1) employee or volunteer who does not reside in the home where the business operates is allowed to work on-site at any one time unless the Planning Commission allows additional employees through review of a Major Home Occupation.
- On-Site Employees. Up to one person not residing in the residence may work, volunteer or otherwise assist with the business on-site at the dwelling, be engaged, volunteer or be employed by the licensee. The owner of the business must reside in the residence. The planning commission may approve more than one nonresident employee if it finds (1) that the additional employee will not be employed as a driver of a work vehicle kept at the residence, and also finds (2) that the employee's presence in the premises will not otherwise violate the intent of this chapter. Only one nonresident employee or volunteer, or such additional nonresident employees or volunteers as approved by the planning commission through approval of a major home occupation, is allowed to work on-site per residence at any one time, regardless of the number of home occupation licenses held by persons residing in the residence.
- Off-Site Employees – This proposed language clarified that home occupations may have employees and volunteers who work off-site from the home where the business is licensed. It clarifies that such employees cannot visit the home for business purposes, and may not park at the home or along the street near the home.

D. Off-Site Employees. Any home occupation business licensed under this chapter may utilize persons to work, volunteers or assist with the business off-site. The off-site employee, volunteer or any other person assisting with the business shall not come to the home for purposes related to the home occupation business except for incidental vehicle stops, nor shall they park at the home or on the street near the home.

4) Use and Storage of Trailers

Section 17.24.040(M) proposes regulations regarding the use of trailers in conjunction with home occupations. There are six (6) specific components to this Section:

- Size – the trailer can be open or enclosed, but not more than 20 feet in length.
- Material Storage – Materials and equipment are not allowed to be stored outside of the trailer.
- Placement – The trailer must be kept in the side or rear yard, behind a fence or it must be garaged and NOT in the front yard except upon established driveway.
- Maintenance – The trailer must be well maintained and must not present negative impacts for adjacent neighbors.
- Hard Surface – Areas for parking trailers must be paved with impervious surfaces such as concrete or asphalt. Landscaped areas or areas that are reserved for landscaping are not allowed for the storage of a trailer used in connection with a Home Occupation.
- Site Plan – Whenever a trailer is to be used in connection with a home occupation business, a Site Plan must be prepared and submitted with the application, showing clearly where the trailer is to be stored.

Other Changes & Clarifications

Other notable clean-up changes and clarifications include:

- 17.24.040(N), Traffic, now clearly states that business related vehicles that park at the location of the home occupation must use off-street parking (with the exception of delivery vehicle stops).

- 17.24.40(P), Disruptions Not Permitted, adds language to clarify what kinds of things might be considered “disruptions” of the neighborhood, e.g. excessive traffic, noise, or dust.
- 17.24.040(B) clarifies that a home occupation can only be conducted by a resident for whom that home has been established as the primary residence.
- 17.24.050(H)(1&2) adds language identifying that when Major Home Occupations are referred to the Planning Commission for review and approval, the purpose of that review is to consider the application and what conditions can be reasonably imposed to mitigate the impacts of the proposed Home Occupation.

II. CITY DEPARTMENT REVIEW

A Planning Review Meeting was held on March 2, 2020 where the proposed text amendment was considered by City Staff from various departments. No comments, concerns or conditions were submitted by any reviewers.

III. PUBLIC INPUT

Notices were sent to Affected Entities for this Text Amendment. As of the date of this report there has not been any comment regarding this application.

IV. FINDINGS

Based on the analysis of the proposed text amendment and review of the Murray City General Plan and Land Use Ordinance, staff concludes the following:

1. The proposed text amendment has been carefully considered and provides additional opportunity and flexibility for the operation of Home Occupation businesses in Murray City.
2. The proposed text amendment allows Murray City Business Licensing to more appropriately regulate Home Occupations in the City.
3. The proposed text amendment is consistent with the purpose of Title 17, The Murray City Land Use Ordinance.
4. The proposed text amendment is consistent with the Goals & Policies of the Murray City General Plan.

V. CONCLUSION/RECOMMENDATION

Based on the background, analysis, and the findings within this report, Staff recommends that the Planning Commission forward a recommendation of APPROVAL to the City Council for the proposed text amendments to Chapter 17.24, Home Occupations, as reviewed in the Staff Report and provided in the attachment.

Order Confirmation for 0001284466

Remit to:
 Utah Media Group
 4770 S 5600 W
 West Valley City, UT 84118

Client MURRAY CITY RECORDER
 Client Phone 8012642660 Account # 9001341938
 Address 5025 S STATE, ROOM 113 Ordered By Susan
 MURRAY, UT 84107 Account Exec Itapuso2
 Email snixon@murray.utah.gov PO Number Notice of Public Hearing

| | |
|---------------------|----------------|
| Total Amount | \$50.36 |
| Payment Amt | \$0.00 |
| Amount Due | \$50.36 |

Text: Notice of Public Hearing

| | | | |
|------------------|---------------|----------------|-------------|
| <u>Ad Number</u> | 0001284466-01 | <u>Ad Type</u> | Legal Liner |
| <u>Ad Size</u> | 1 X 27 li | <u>Color</u> | |

WYSIWYG Content

MURRAY CITY
CORPORATION
NOTICE OF
PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 19th day of March 2020, 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 Land Use Ordinance Text Amendment for modifications to Section 17.24, Home Occupations.

Jared Hall, Manager
Community & Economic
Development
1284466 UPAXLP

| | | |
|-------------------|--------------------|---------------------|
| <u>Product</u> | <u>Placement</u> | <u>Position</u> |
| Salt Lake Tribune | Legal Liner Notice | Public Meeting/Hear |

Scheduled Date(s): 03/08/2020

| | | |
|----------------|----------------|----------------|
| utahlegals.com | utahlegals.com | utahlegals.com |
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Scheduled Date(s): 03/08/2020

| | | |
|--------------|--------------------|---------------------|
| Deseret News | Legal Liner Notice | Public Meeting/Hear |
|--------------|--------------------|---------------------|

Scheduled Date(s): 03/08/2020

Attachments

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 17.24 OF THE MURRAY CITY MUNICIPAL CODE RELATED TO HOME OCCUPATION BUSINESSES

BE IT ENACTED BY THE MURRAY CITY MUNICIPAL COUNCIL:

Section 1. Purpose. The purpose of this ordinance is to amend chapter 17.24 of the Murray City Municipal Code relating to home occupation businesses.

Section 2. Amend chapter 17.24. Chapter 17.24 of the Murray City Municipal Code shall be amended as follows:

**Chapter 17.24
HOME OCCUPATIONS**

17.24.010: PURPOSE:

The purpose of this chapter is to allow and regulate certain income producing accessory uses in residential districts which are compatible with, and not detrimental to, the neighborhood in which they are located. Home occupations are limited to those uses which may be conducted within a residential dwelling without changing the appearance or condition of that residence.

17.24.020: DEFINITIONS:

HOME OCCUPATION, GENERALLY: A business, occupation, profession, operation, managing or carrying on of a business for the purpose of economic gain, which activity is carried on as an accessory use in a residential zone by a bona fide resident of the dwelling. This definition shall not be construed to allow an employee, working in the employee's own home in the service of an employer who does not reside in the same dwelling.

MAJOR HOME OCCUPATION: A home occupation business where the combined offsite impact of the home occupation business and the primary residential use materially exceeds the offsite impact of the primary residential use alone.

MINOR HOME OCCUPATION: Any home occupation business not classified as a major home occupation.

17.24.030: LICENSE/ WHEN REQUIRED:

- A. A home occupation license shall be required to conduct a permitted major home occupation business in a residence located in a residential zone.
- B. The City shall not require a license or charge fees to operate a minor home occupation business.

C. The owner of a minor home occupation may request a home occupation business license from the City. If the owner of a minor home occupation requests a business license, the applicant shall be subject to all regulations outlined in this chapter and Title 5 of the City code, and shall pay the license fees outlined in section 5.08.010 of the code.

17.24.040: REGULATIONS GENERALLY:

Major home occupation businesses are subject to the requirements of Title 5 applicable to home occupation businesses. Both major and minor home occupations are accessory uses to the primary residential use, and are subject to the following regulations:

- A. Business to be Conducted within Main Dwelling. The home occupation business use must be conducted entirely within the main dwelling, except that the outside yard areas may be used for group instruction, residential daycare facilities and group education uses.
- B. Bona Fide Resident. The home occupation business may be conducted only by persons who are bona fide residents of the dwelling unit, and the dwelling unit must be established as the primary residence, except that
- C. On-Site Employees. Up to one person not residing in the residence may work, volunteer or otherwise assist with the business on-site at the dwelling, be engaged, volunteer or be employed by the licensee. The owner of the business must reside in the residence. The planning commission may approve more than one nonresident employee if it finds (1) that the additional employee will not be employed as a driver of a work vehicle kept at the residence, and also finds (2) that the employee's presence in the premises will not otherwise violate the intent of this chapter. Only one nonresident employee or volunteer, or such additional nonresident employees or volunteers as approved by the planning commission through approval of a major home occupation, is allowed to work on-site per residence at any one time, regardless of the number of home occupation licenses held by persons residing in the residence.
- D. Off-Site Employees. Any home occupation business licensed under this chapter may utilize persons to work, volunteers or assist with the business off-site. The off-site employee, volunteer or any other person assisting with the business shall not come to the home for purposes related to the home occupation business except for incidental vehicle stops, nor shall they park at the home or on the street near the home.
- E. Accessory Use on the Property. The business use must be clearly incidental and secondary to the residential use of the dwelling and may not change the residential character of the dwelling. No more than twenty five percent (25%) of the total main or upper floor area, or, in the alternative, no more than fifty percent (50%) of the total floor area of a basement, may be used to conduct a home occupation. Interior alterations to accommodate a home occupation are prohibited if the kitchen, the dining area, all bathrooms, the living room, or a majority of the bedrooms is eliminated. Signs related to the home occupation are prohibited unless otherwise provided in this title. Exterior alterations are prohibited if the alterations change the residential appearance of the dwelling. Home occupation businesses shall not involve the use of any accessory building or yard space for storage, sale, rental or display of supplies or inventory used in the home occupation.
- F. Commodities and Display for Sale. Commodities may be produced on the premises in accordance with law. Sale of commodities from shelves or similar display on the premises is not allowed.

E. Home occupation businesses shall not involve the use of any accessory building or yard space for storage, sale, rental or display of supplies or inventory used in the home occupation.

FG. Group Instruction/Childcare. Group education, group instruction, childcare, and instruction of children, other than those residing in the dwelling, are allowed as a home occupation accessory use or as a conditional use only to the extent as allowed in this title.

GH. Multiple Businesses at Residence. More than one home occupation business license per dwelling unit is allowed; provided, however, that the cumulative effect of such businesses shall not violate the provisions and the intent of this chapter. By way of illustration and not limitation, the conduct of multiple home occupations may not violate the prohibitions against excessive traffic, and the limit on the number of nonresident employees and motor vehicles allowed at a residence. Any or all of the home occupation licenses issued at a residence are subject to suspension or revocation if the cumulative effect of the conduct of those businesses violates this chapter.

HI. Conformity with Safety Codes. Home occupation licensees shall comply with all state and local laws, including fire, building, and similar life safety and health codes.

IJ. Subject to Inspections. The premises of a home occupation may be inspected during reasonable business hours to determine compliance with the provisions of this title.

JK. Term of License. A home occupation business license shall be valid for twelve (12) months ~~after from the application it is issued date~~ and may be renewed annually unless the license, or the privilege of renewing that license, has been revoked or suspended due to violations of this title or other laws applicable to the home occupation license. Home occupation business licenses, ~~and major home occupation permits~~, are personal to the applicant, nontransferable and do not run with the land.

KL. Vehicles. One business vehicle used by the licensee in connection with the home occupation may be parked at the premises, subject to the restrictions in this chapter. Other motor vehicles and equipment, and trailers used to transport the same, which are used in connection with the home occupation may not be stored or parked on the premises of the licensee or in any street adjacent to the licensed premises. Under no circumstances may motor vehicles having a gross vehicle weight rating of more than twelve thousand (12,000) pounds and which are used in connection with the home occupation be stored or parked on the premises of a home occupation or any street adjacent to those premises. By way of illustration and not limitation, this subsection is intended to prohibit the storage or parking of business fleet vehicles, such as limousines; service or work vehicles (snowplow/landscape maintenance trucks) and similar vehicles; delivery vehicles; and contractor's equipment and trailers used to transport the same. As provided in subsection B of this section, a nonresident employee may not be allowed to drive any business vehicle parked at the premises as permitted by this subsection as part of that employee's regular work assignment.

M. Trailers. Notwithstanding anything contrary in this chapter, one trailer may be used in association with the home occupation. Trailers allowed in conjunction with a home occupation business are as follows:

1. An open or enclosed trailer with a body length of 20 feet or less, excluding the tongue.

2. Materials/equipment shall not be stored outside of the trailer.

3. The trailer may be placed in the side, or in the rear yard behind a fence or garaged on private property and not within the front yard of any residential zone except on established driveways. A trailer must maintain a minimum setback of five feet (5') from the front property line so as to provide adequate visibility the dwelling. If the home is located on a corner lot, the trailer shall not be stored on the street side of the house unless it is out of the required front yard setback. If the topography of the lot prohibits the parking of the trailer on the side, or rear, or front yard, the trailer must be stored off-site.

4. The trailer must be well maintained and must not present negative impacts for adjacent neighbors including, but not limited to odors, dust, or parking location.

5. All areas utilized for the parking of trailers shall be paved with a hard surface, e.g., concrete, asphalt, brick or other water impenetrable surface. This includes the side, and rear, and front yard of the home. It is prohibited to park upon areas that have been landscaped or are reserved for future landscaping.

6. A site plan shall be included with all business license applications indicating where the trailer will be stored.

N. Traffic. The traffic generated by a home occupation may not exceed that which would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street according to city regulations. All business-related vehicles which park at the location of the home occupation business, including on-site employees, customers, clients, or business-related visitor vehicles, must use off-street parking. This provision excludes stops made by delivery vehicles. The home occupation shall not involve the use of commercial vehicles having a gross vehicle weight rating of more than twelve thousand (12,000) pounds for delivery of materials to or from the premises.

M. Approval Authority. Except as otherwise provided in this title, the community and economic development division department and/or code enforcement is authorized to approve home occupation applications in accordance with this title.

N. Neighborhood Disruptions Not Permitted. The home occupation business may not interfere or disrupt the peace, quiet, and domestic tranquility of the neighborhood. The home occupation business shall not create, be associated with, or produce noises or vibrations, noxious odors, fumes, glare, dust, heat, excessive traffic, interferences with radio and television reception or any other nuisances adverse effects that may be discernible beyond the premises.

O. Q. Storage of Dangerous Materials. The storage or use of flammable, explosive, or other dangerous materials is prohibited.

P. Uses where a client or customer comes to the home shall be subject to the standards for a major home occupation permit.

17.24.0450: MAJOR HOME OCCUPATIONS:

A. A. The following home occupations, which either require a client to come to the home or which may result in neighborhood impacts if not properly managed, may be authorized as an accessory use through a major home occupation permit pursuant to the standards specified in this section:

Barbers, cosmetologists, manicurists.

Consultant services.

Contractor, "handyperson", and landscape or yard maintenance contractor; subject to the special conditions that no construction materials or equipment will be stored on the premises.

Counseling, when clients come to the home.

Home instruction including musical instruments, voice, dance, acting and educational subjects, swimming, tennis and other athletic instruction.

Other similar personal or professional services where the client comes to the home, including, but not limited to:

1. Childcare
2. Preschool
3. Home instruction

B. Uses classified as major home occupations must comply with the standards of section 17.24.030 of this chapter, which shall be considered minimum standards. The Community and Economic Development Director or Planning Commission may require additional reasonable conditions to mitigate reasonably potential adverse impacts of the use on adjacent properties. These conditions may include, but are not limited to:

1. Limits on hours of operation;
2. Limits on numbers of clients per day/hour;
3. Provision of adequate off-street parking.
4. Other conditions reasonably related to mitigating adverse impacts resulting from the use.

17.24.050060: PROHIBITED USES:

...

17.24.0670: APPLICATION:

A home occupation application shall be filed with the city business license division.

A. Home Occupation Business License:

An application for a home occupation business license shall be filed with the City Business License Division, and shall include the following information:

- 1A.** A complete description of the type of business proposed including the location of the storage and operations area for the home occupation;
- 2B.** A listing of the individuals at the home who will be working on the business;
- 3C.** The expected hours of operation of the business;

4D. The expected number of clients per hour and total expected number of clients visiting the home per day;

5E. A site plan indicating areas of off-street parking for employees and clients.

B. Major Home Occupation Permit: Applications for a major home occupation permit shall include all of the information required for a home occupation business license, and the following information:

4E. Neighboring Property Owner Information: Names, signatures and addresses of all abutting and adjacent property owners, including property owners across the street(s).

2G. Leased Property: Approval of the property management or property owner shall be required if the business is conducted on a leased property.

3H. Notice To Neighboring Property Owners: Signatures of approval of all abutting and adjacent property owners on a form provided by the community and economic development division.

a1. If all of the required signatures cannot be obtained, the applicant may request the application be referred to the planning commission to be considered for approval subject to reasonable conditions related to mitigating reasonably potential adverse impacts as a major home occupation.

b2. If all the required signatures are obtained, the director or designee will approve, approve with conditions, or refer the application to the planning commission to be considered for approval subject to reasonable conditions related to mitigating reasonably potential adverse impacts as a major home occupation.

3G. Notification Of Decision: Within ten (10) working days of the director's decision, a letter shall be sent notifying the applicant of the decision required under subsection 2.

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 _____, 2020.

MURRAY CITY MUNICIPAL COUNCIL

Dale M. Cox, Chair

ATTEST:

Jennifer Kennedy, City Recorder

MAYOR'S ACTION: Approved

DATED this _____ day of _____, 2020.

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 _____, 2020.

Jennifer Kennedy, City Recorder

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

ACCOUNT NUMBER

MURRAY CITY RECORDER,

9001341938

5025 S STATE, ROOM 113

MURRAY, UT 84107

DATE

3/30/2020

ACCOUNT NAME

MURRAY CITY RECORDER,

TELEPHONE

8012642660

ORDER # / INVOICE NUMBER

0001286201 /

PUBLICATION SCHEDULE

START 03/29/2020 END 03/29/2020

CUSTOMER REFERENCE NUMBER

NOTICE OF PUBLIC HEARING

CAPTION

MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN

SIZE

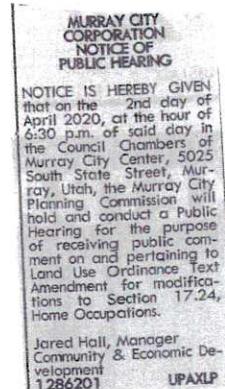
27 LINES 1 COLUMN(S)

TIMES

TOTAL COST

3

50.36



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 2nd day of April 2020, 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 03/29/2020 End 03/29/2020

DATE 3/30/2020

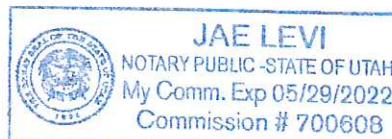
SIGNATURE

Gudmundson

STATE OF UTAH)

COUNTY OF SALT LAKE)

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS 29TH DAY OF MARCH IN THE YEAR 2020
BY LORAINE GUDMUNDSON.



P/C AGENDA MAILINGS
“AFFECTED ENTITIES”
Updated 1/2020

UTAH TRANSIT AUTHORITY
ATTN: PLANNING DEPT
669 West 200 South
SLC UT 84101

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

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

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

CENTRAL UTAH WATER DIST
1426 East 750 North, Suite 400,
Orem, Utah 84097

SANDY CITY
PLANNING & ZONING
10000 CENTENNIAL PRKwy
SANDY UT 84070

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

GENERAL PLAN MAILINGS:

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

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

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

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

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

HOLLADAY CITY
PLANNING DEPT
4580 S 2300 E
HOLLADAY UT 84117

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

OLYMPUS SEWER
3932 500 E,
Millcreek, UT 84107

WASATCH FRONT REG CNCL
PLANNING DEPT
41 North Rio Grande Str, Suite 103
SLC UT 84101

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

MIDVALE CITY
PLANNING DEPT
7505 S HOLDEN STREET
MIDVALE UT 84047

ROCKY MOUNTAIN POWER
ATTN: KIM FELICE
12840 PONY EXPRESS ROAD
DRAPER UT 84020

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

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

COMCAST
ATTN: GREG MILLER
1350 MILLER AVE
SLC UT 84106

CENTURYLINK
250 E 200 S
Salt Lake City, Utah 84111

UTAH AGRC
STATE OFFICE BLDG #5130
SLC UT 84114



MURRAY
CITY COUNCIL

Discussion Item #7



MURRAY

Public Works

Petition to vacate right-of-way on a portion of Poplar Street

Council Action Request

Committee of the Whole

Meeting Date: May 5, 2020

| | |
|---|--|
| Department Director Danny Astill | Purpose of Proposal Murray Public Works petition to vacate a portion of Poplar Street from 4800 South to 5th Avenue. |
| Phone # 801-270-2440 | Action Requested Review and Comment |
| Presenters Danny Astill | Attachments Petition to vacate right-of-way with all related information, resolution |
| Required Time for Presentation 10 Minutes | Budget Impact No new budget impacts expected outside of the current budget. |
| Is This Time Sensitive Yes | Description of this Item Murray City Public Works Department is petitioning the Murray City Municipal Council to consider vacating a portion of Poplar Street, from 4800 South to 5th Avenue. This right-of-way has been planned to be vacated as part of the MCCD redevelopment project and is required at this time to accommodate the new city hall east parking lot. |
| Mayor's Approval Jennifer Heaps Date April 29, 2020 | Digitally signed by Jennifer Heaps DN: cn=Jennifer Heaps, o, ou, email=jheaps@murray.utah.gov, cn=US Date: 2020.04.29 09:57:15 -06'00' |



MURRAY CITY CORPORATION
PUBLIC WORKS

To: Murray City Municipal Council

From: Murray City Public Works Department

Date: April 1, 2020

Re: Petition to Vacate a portion of Poplar Street from 4800 South to 5th Avenue

The Murray Public Works Department is petitioning the Murray City Municipal Council to consider vacating a portion of Poplar Street from 4800 South to 5th Avenue. This right-of-way has been planned to be vacated as part of the MCCD Redevelopment Project and is now needed for the new City Hall east parking lot.

Legal descriptions, property maps and a parking lot layout have been attached for your review and consideration.

Sincerely,

Danny Astill, Public Works Director

Petition 2

Part of Poplar Street to be Vacated (Poplar Street from 4800 South to 5th Avenue)

A parcel of land lying and situate in the Northwest Quarter of Section 7, Township 2 South, Range 1 East, Salt Lake Base and Meridian, being a public road known as Poplar Street, for which the basis of bearing is South 87°53'15" West 873.22 feet measured on a line between the Street Monument at the Intersection of State Street and 4800 South Street and the Witness Corner to the Northeast Corner of Section 12, Township 2 South, Range 1 West, Salt Lake Base and Meridian; more particularly described as follows:

Beginning at a point on the Southerly Right-of-way line of 4800 South Street, said point being South 02°06'45" East 33.00 feet and coincident with said Southerly Right-of-way line, North 87°53'15" East 457.65 feet from the Witness Corner to the Northeast Corner of Section 12 and running;

THENCE coincident with the Southerly Right-of-way line of 4800 South Street, North 87°53'18" East a distance of 50.08 feet to the Easterly Right-of-way line of Poplar Street;

THENCE coincident with said Easterly line, South 00°05'43" West a distance of 449.06 feet to the Northerly Right-of-way line of 5th Avenue;

THENCE coincident with said Northerly line, South 89°55'46" West a distance of 50.14 feet to the Westerly Right-of-way line of Poplar Street;

THENCE coincident with said Westerly line, North 00°06'28" East a distance of 447.27 feet more or less to the point of beginning.

Contains 22,449 square feet or 0.52 acres more or less.

Petition 2

Poplar Right-of-Way Vacation – Affected Properties

Poplar Street – 4800 South to 5th Avenue

The Redevelopment Agency of Murray City
4816 South State Street
Murray UT 84107
22-07-105-016

The Redevelopment Agency of Murray City
4837 South Poplar Street
Murray UT 84107
22-07-105-003

The Redevelopment Agency of Murray City
4843 South State Street
Murray UT 84107
22-07-105-004

The Redevelopment Agency of Murray City
65 East 5th Avenue
Murray UT 84107
22-07-105-010

The Redevelopment Agency of Murray City
48 East 4800 South
Murray UT 84107
22-07-104-007

Murray City Corporation
40 East 4800 South
Murray UT 84107
22-07-104-005

Murray City Corporation
4872 South Poplar Street
Murray UT 84107
22-07-104-021

MURRAY CITY CORPORATION
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the _____ day of _____, 2020, 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 on and pertaining to closing and vacating a portion of Poplar Street from 4800 South to 5th Avenue, Murray City, Salt Lake County, State of Utah.

The purpose of this public hearing is to receive public comment concerning the proposal to close and to vacate the described portion of the public street and right-of-way.

DATED this _____ day of _____, 2020.

MURRAY CITY CORPORATION

Jennifer Kennedy
City Recorder

DATES OF PUBLICATION: _____, 2020

After recording, return to:
City Attorney's Office
Murray City Corporation
5025 South State Street
Murray UT 84107

Mail tax notice to:

Affected Parcel ID Nos:

22-07-105-016
22-07-105-003
22-07-105-004
22-07-105-010
22-07-104-007
22-07-104-005
22-07-104-021

ORDINANCE NO. ____

AN ORDINANCE PERMANENTLY CLOSING AND VACATING A
PORTION OF POPLAR STREET FROM 4800 SOUTH TO 5TH AVENUE,
MURRAY CITY, SALT LAKE COUNTY, STATE OF UTAH

WHEREAS, the Murray City Municipal Council received a petition to vacate a portion of a public street and an alleyway from the Murray City Public Works Department; and

WHEREAS, the petition requested that a portion of Poplar Street from 4800 South to 5th Avenue, Murray, Salt Lake County, State of Utah, be permanently closed and the rights-of-way vacated; and

WHEREAS, the petition meets the requirements of U.C.A. §10-9a-609.5, 1953 as amended; and

WHEREAS, the request was made in order to facilitate the MCCD Redevelopment Project and is needed for the new City Hall east parking lot; and

WHEREAS, the Murray City Municipal Council finds good cause to permanently close a portion of Poplar Street from 4800 South to 5th Avenue, Murray, Salt Lake County, State of Utah, and to vacate the right-of-way; that the action will not be

detrimental to the public interest, nor materially injure any person or the public interest; and that said portion of Poplar Street should be permanently closed and the right-of-way vacated; and

WHEREAS, the Murray City Municipal Council finds that there is filed a written consent to the vacation by the owners of the properties adjacent to the portion of right-of-way being vacated; that affected entities have been given notice and have been consulted; that owners of record of each parcel accessed by the right-of-way have been given notice; and that notice has been published and a public hearing has been held on _____, 2020 pursuant thereto, all as required by law.

BE IT ORDAINED BY THE MURRAY CITY MUNICIPAL COUNCIL:

Section 1. That a portion of Poplar Street from 4800 South to 5th Avenue, Murray, Salt Lake County, State of Utah, are permanently closed and the rights-of-way are vacated and that the City releases any and all title, right or interest it may have in the described parcel, SUBJECT TO any easement or right-of-way of any lot owner and the franchise rights of any public utility. The portion of right-of-way hereby vacated are particularly described as follows:

Part of Poplar Street to be Vacated (Poplar Street from 4800 South to 5th Avenue)

A parcel of land lying and situate in the Northwest Quarter of Section 7, Township 2 South, Range 1 East, Salt Lake Base and Meridian, being a public road known as Poplar Street, for which the basis of bearing is South 87°53'15" West 873.22 feet measured on a line between the Street Monument at the Intersection of State Street and 4800 South Street and the Witness Corner to the Northeast Corner of Section 12, Township 2 South, Range 1 West, Salt Lake Base and Meridian; more particularly described as follows:

Beginning at a point on the Southerly Right-of-way line of 4800 South Street, said point being South 02°06'45" East 33.00 feet and coincident with said Southerly Right-of-way line, North 87°53'15" East 457.65 feet from the Witness Corner to the Northeast Corner of Section 12 and running;

THENCE coincident with the Southerly Right-of-way line of 4800 South Street, North 87°53'18" East a distance of 50.08 feet to the Easterly Right-of-way line of Poplar Street;

THENCE coincident with said Easterly line, South 00°05'43" West a distance of 449.06 feet to the Northerly Right-of-way line of 5th Avenue;

THENCE coincident with said Northerly line, South 89°55'46" West a distance of 50.14 feet to the Westerly Right-of-way line of Poplar Street;

THENCE coincident with said Westerly line, North 00°06'28" East a distance of 447.27 feet more or less to the point of beginning.

Contains 22,449 square feet or 0.52 acres more or less.

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

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on this _____ day of _____, 2020.

MURRAY CITY MUNICIPAL COUNCIL

Dale M. Cox, Chair

ATTEST:

Jennifer Kennedy, City Recorder

MAYOR'S ACTION: Approved.

DATED this _____ day of _____, 2020.

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 _____, 2020.

Jennifer Kennedy, City Recorder

MAILING CERTIFICATE
PROPOSAL TO VACATE PUBLIC RIGHT-OF-WAY

Public Hearing No._____

I hereby certify that on the ____ day of _____, 2020, a notice of the public hearing regarding the proposed permanent closure of a portion of Poplar Street from 4800 South to 5th Avenue, Murray, Utah, was mailed by first-class mail, postage paid, to the following owners of real property that is accessed by the portion of public right-of-way proposed to be closed and vacated:

D. Blair Camp, Mayor
Murray City Corporation
5025 South State Street
Murray, Utah 84107

D. Blair Camp, Executive Director
Redevelopment Agency of Murray City
5025 South State Street
Murray, UT 84107

Jennifer Kennedy
Murray City Recorder

ROW VACATION MAILING LIST
300' radius buffer
4/1/2020

Affordable Housing & Alliance, Lc
Po Box 981616
Park City UT 84098

Dar Enterprises, LLC
Po Box 712020
Salt Lake City UT 84171

Day Murray Music Properties, LLC
6078 S Sierra Grande Dr
Taylorsville UT 84129

Four Line, Inc
8300 S County Line Rd
Oklahoma City OK 73169

IHC Health Services, Inc
Po Box 3390
Salt Lake City UT 84110

Minos Land Development, LLC
1286 E Woodridge Cir
Salt Lake City UT 84121

Semper Fi Properties, LLC;
John H Grant
4778 S Hanauer St
Murray UT 84107

Upc, Inc
4793 S State Str
Murray UT 84107

Wasatch Mountain Property
Management, LLC
8026 S Jackson St
Midvale UT 84047

2017 Bush Family Trust 9/25/2017
4903 S Box Elder St
Murray UT 84107

4902 State LLC
5958 S Suwannee Cir
Murray UT 84123

75 Regal Lc
4700 S State St
Murray UT 84107

Boxelder Vine Investments LLC
14 W Vine St
Murray UT 84107

Birkha Acharya;
Renuka Acharya (Jt)
4777 S Hanauer St
Murray UT 84107

Boxelder Vine Investments LLC
14 W Vine St
Murray UT 84107

Curtis J Stirling;
L Kay Stirling (Jt)
3682 W 5180 S
Taylorsville UT 84129

Bruce James Parsons;
Wendy Jean Parsons Baker (Jt)
120 E 4800 S
Murray UT 84107

Carole O Rasmussen;
Jeffrey Pixton (Jt)
4874 S Box Elder St
Murray UT 84107

David H Day; Suan B Day (Tc)
45 E Vine St
Murray UT 84107

Danny Dong; Gu Y Gao (Jt)
9640 S Indian Ridge Dr
Sandy UT 84092

Darrell G Jones; Karen Jones (Jt)
1994 W Western Charm Dr
Riverton UT 84065

Delynn F Barney
4902 S Box Elder St
Murray UT 84107

Earnest Iii Skinner;
Kelly Skinner (Jt)
4782 S Hanauer St
Murray UT 84107

Day Murray Music Inc
4914 S State St
Murray UT 84107

Four Line Inc
8300 S County Line Rd
Oklahoma City OK 73169

Frank Diana
35 E 100 S # 1804
Salt Lake City UT 84111

F & LDFT
35 E 100 S # 1804
Salt Lake City UT 84111

Iris Bldg Historic Restoration Condo
Mgmt Committee
Po Box 57727
Murray UT 84157

Gene V Lockhart
4792 S Box Elder St
Murray UT 84107

| | | |
|--|---|--|
| Fraternal Order Of Eagles Murray Aerie #1760 10 W Fourth Ave Murray UT 84107 | LC Murray Parking Po Box 981616 Park City UT 84098 | Kidz Academy Preschool And Childcare Inc 4716 S 200 W Murray UT 84107 |
| GKART Po Box 17100 Holladay UT 84117 | Mathew G Findlay; Maria S Findlay 126 E 4800 S Murray UT 84107 | Michelle Johnson 4794 S Box Elder St Murray UT 84107 |
| Lake Powell Jsp Ltd 1329 E Crossgrove Ct Draper UT 84020 | Michael Todd Construction Inc Po Box 981616 Park City UT 84098 | Murray City 5025 S State St Murray UT 84107 |
| Ltd Ofp; Marjorie N Pett Family LLC 404 E 4500 S # A12 Murray UT 84107 | Michelle P Lundein (Tc) 6236 S Turpin St Murray UT 84107 | RSB Trust; Pj Cueni Trust Po Box 1146 San Luis Obispo CA 93406 |
| Ru Westwood LLC 1600 S State St Salt Lake City UT 84115 | Paul D Brown; Judy Brown (Jt) 838 E 4125 S Murray UT 84107 | Sej Asset Management & & Investment Company 3200 Hackberry Rd Irving TX 75063 |
| Thrd Rst Bjp Intv Tr Agr; Bruce James Parsons; Wendy Jean Pasons Baker 120 E 800 S Salt Lake City UT 84111 | S R G Investments; CMH Family LLC 5 E 4800 S Murray UT 84107 | The Redevelopment Agency Of Murray City 5025 S State St Murray UT 84107 |
| Tr Bjp Ivtra 120 E 4800 S Murray UT 84107 | Susan B Day 45 E Vine St Murray UT 84107 | Torger E Hagen 23 E 4800 S Murray UT 84107 |
| University Of Utah 505 S Wakara Wy Salt Lake City UT 84108 | Tmmi Investments LLC 29 W 4800 S Murray UT 84107 | U S West Newvector Group Inc Po Box 2599 Olathe KS 66063 |
| Walker Bank & Trust Co Po Box 2609 Carlsbad CA 92018 | Tracee Hansen 4383 N Country Wood Dr Lehi UT 84043 | Verizon Wireless LLC Po Box 635 Basking Ridge NJ 07920 |
| Wasatch Gas Co Po Box 27026 Richmond VA 23216 | Utah Transit Authority 669 West 200 South SLC UT 84101 | Wasatch Affordable Ventures LLC 595 S Riverwoods Pkwy Logan UT 84321 |

CenturyLink
250 E 200 S
Salt Lake City, Utah 84111

William Garrick & Susan M Wright
Trust 8/18/2017
563 E Spruce Glen Rd
Murray UT 84107

Comcast
ATTN: Greg Miller
1350 Miller Ave.
SLC UT 84106

UTOPIA
Attn: Brian Kelsey
5858 South 900 East
MURRAY UT 84121

Dominion Energy
Attn: Tasha Christensen
PO Box 45360
Salt Lake City, UT 84145

Keith Perkins
UTOPIA
2175 South Redwood Rd.
West Valley City, UT 84119

David Mascarenas
Comcast
1350 East Miller Ave.
Salt Lake City, UT 84106

Darren Keller
CenturyLink
474 East 1325 South
Provo, UT 84606

Aaron Leach
UTOPIA
5858 South 900 East
Murray, UT 84121

Matt Young
Comcast
1350 East Miller Ave.
Salt Lake City, UT 84106

NOTICE TO AFFECTED ENTITIES

Notice is hereby given that the Murray City Public Works Department is currently reviewing a proposal to permanently close a portion of Poplar Street from 4800 South to 5th Avenue, Murray, Utah, and to vacate the right-of-way described in the attached documents. The action of the Murray City Council vacating some or all of a street or right-of-way that has been dedicated to public use may not be construed to impair any right-of-way or easement of any lot owner or the franchise rights of any public utility which may be located in this particular right-of-way parcel.

Please contact the Murray City Public Works Department at (801) 270-2400 if you have any concerns or information which you believe may assist the City's evaluation in this matter or which may be of particular concern to your utility operation. If you prefer, you may direct your comments in writing to the Public Works Director at 4646 South 500 West, Murray, Utah 84123.

DATED this _____ day of _____, 2020.

MAILING CERTIFICATE

I hereby certify that a copy of the foregoing notice was mailed first-class, postage paid, to the following utilities on the above date:

| | | |
|---|---|---|
| Blaine Haacke Murray City Power Department 153 W 4800 S Murray, Utah 84107 | UDOT – Region 2 Attn: Mark Velasquez 2010 S 2760 W SLC, UT 84104 | Keith Perkins UTOPIA 2175 South Redwood Rd. West Valley City, UT 84119 |
| Dominion Energy Attn: Tasha Christensen PO Box 45360 Salt Lake City, UT 84145 | Cory Wells Murray City Water 4646 S 500 W Murray, UT 84123 | Aaron Leach UTOPIA 5858 South 900 East Murray, UT 84121 |
| Utah Power & Light Attn: Kim Felice 12840 Pony Express Road Draper, UT 84020 | Rocky Mountain Power 201 S Main Street, Ste 2300 SLC, UT 84111 SLC, UT 84140 | UTOPIA Attn: Brian Kelsey 5858 South 900 East MURRAY UT 84121 |
| Cottonwood Improvement Attn: Lonn Rasmussen 8620 S Highland Dr Sandy, UT 84093 | Central Utah Water Dist 355 W University Parkway Orem, UT 84058 | Comcast Attn: Greg Miller 1350 Miller Ave SLC, UT 84106 |
| Darren Keller CenturyLink 474 East 1325 South Provo, UT 84606 | Utah Transit Authority Attn: Planning Dept PO Box 30810 SLC, UT 84130-0810 | Comcast Attn: Joseph Silverzweig 9602 South 300 West Sandy, UT 84070 |

Jordan Valley Water
Attn: Lori Fox
8215 S 1300 W
West Jordan, UT 84088

CenturyLink
250 E 200 S
Salt Lake City, Utah 84111

Comcast
Attn: Matt Young
1350 Miller Ave
SLC, UT 84106

David Mascarenas
Comcast
1350 East Miller Ave.
Salt Lake City, UT 84106

Murray City Recorder's Office

P/C AGENDA MAILINGS
“AFFECTED ENTITIES”
Updated 11/2017

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

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

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

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

CENTRAL UTAH WATER DIST
355 W UNIVERSITY PARKWAY
OREM UT 84058

SANDY CITY
PLANNING & ZONING
10000 CENTENNIAL PRKwy
SANDY UT 84070

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

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

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

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

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

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

HOLLADAY CITY
PLANNING DEPT
4580 S 2300 E
HOLLADAY UT 84117

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

GENERAL PLAN MAILINGS:

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

MIDVALE CITY
PLANNING DEPT
7505 S HOLDEN STREET
MIDVALE UT 84047

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

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

COTTONWOOD HEIGHTS CITY
ATTN: PLANNING & ZONING
2277 E Bengal Blvd
Cottonwood Heights, UT 84121
COMCAST
ATTN: GREG MILLER
1350 MILLER AVE
SLC UT 84106

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

Discussion Item #8



MURRAY

Murray City Public Works

Petition to vacate right-of-way on a portion of 4th Avenue

Council Action Request

Committee of the Whole

Meeting Date: May 5, 2020

| | |
|---------------------------------------|--|
| Department | Purpose of Proposal |
| Director | Murray Public Works petition to vacate a portion of 4th Avenue |
| Danny Astill | |
| Phone # | Action Requested |
| 801-270-2404 | Review and comment |
| Presenters | Attachments |
| Danny Astill | Petition to vacate right-of-way with all related information, resolution |
| | |
| Budget Impact | Budget Impact |
| | No new budget impacts expected outside of the current budget. |
| | |
| Description of this Item | |
| Required Time for Presentation | Murray City Public Works Department is petitioning the Murray City Municipal Council to consider vacating a portion of 4th Avenue between the proposed Hanauer Street alignment and Poplar Street. The right-of-way was planned to be vacated as part of the MCCD redevelopment project and is now needed to re-establish a replacement parking area for the adjacent property owner impacted by the Hanauer Street extension. |
| 10 minutes | |
| Is This Time Sensitive | |
| Yes | |
| Mayor's Approval | |
| Jennifer Heaps | Digitally signed by Jennifer Heaps DN: cn=Jennifer Heaps, o, ou, email=jheaps@murray.utah.gov, c=US Date: 2020.04.29 09:52:34 -06'00' |
| Date | |
| April 27, 2020 | |





MURRAY CITY CORPORATION

PUBLIC WORKS

To: Murray City Municipal Council

From: Murray City Public Works Department

Date: April 1, 2020

Re: Petition to Vacate a portion of 4th Avenue

The Murray Public Works Department is petitioning the Murray City Municipal Council to consider vacating a portion of 4th Avenue between the proposed Hanauer Street alignment and Poplar Street. This right-of-way has been planned to be vacated as part of the MCCD Redevelopment Project and is now needed to re-establish a parking lot for a property owner impacted by the Hanauer Street extension.

If vacated, the south portion of 4th Avenue will be used to relocate a parking lot for the David H. Day and Susan B. Day property located at 45 East Vine Street. A legal description, property map and parking lot layout has been attached for your review and consideration.

Sincerely,

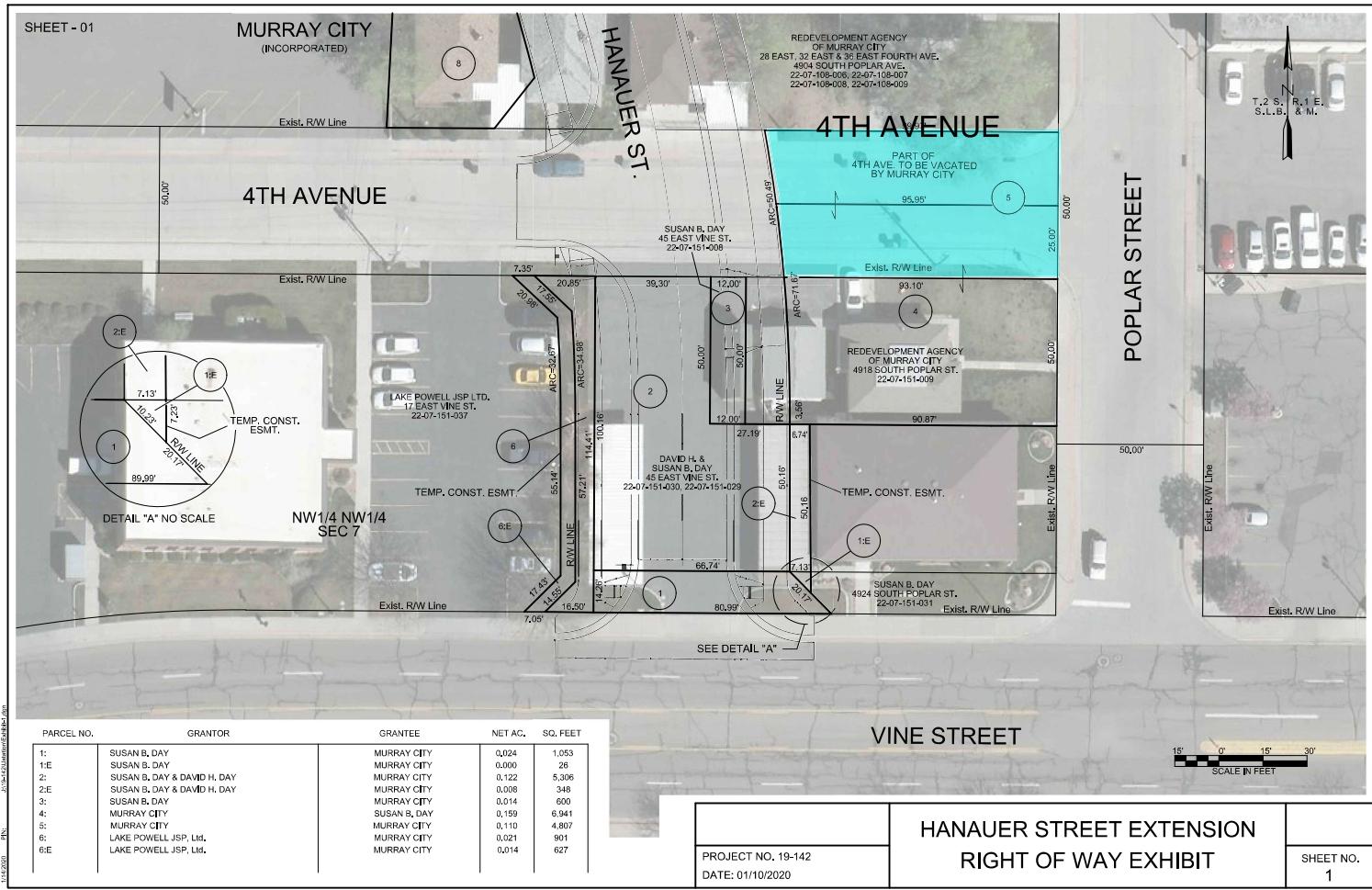
Danny Astill, Public Works Director

Petition 1

PARCEL 5 – Part of 4th Avenue to be Vacated (4th Avenue from Poplar to 45 East) Also known as (Fourth Avenue)

A parcel of land, being part of the existing right of way of 4th Avenue, Murray City, situate in the NW1/4NW1/4 of Section 7, T.2 S., R.1 E., S.L.B.& M. The boundaries of said parcel of land are described as follows:

Beginning the intersection of the southerly right of way line of 4th Avenue and the westerly right of way line of Poplar Street, which point is approximately 418.6 feet East and approximately 1072.88 feet South from the Northwest Corner of said Section 7; said point of beginning is more particularly described as 104.18 feet N.0°19'40"E. along the monument line in State Street and 413.71 feet N.89°37'21"W. from a Salt Lake County monument in the intersection of State Street and Vine Street; and running thence N.89°37'21"W. 93.10 feet along said southerly right of way line; thence northerly 50.49 feet along the arc of a 546.50-foot radius non-tangent curve to the left (Note: Chord to said curve bears N.7°29'51"W. for a distance of 50.48 feet) to the northerly right of way line of said 4th Avenue; thence S.89°37'21"E. 99.97 feet along said northerly right of way line to the westerly right of way line of Poplar Street; thence S.0°18'59"W. 50.00 feet along said westerly right of way line of Poplar Street to the point of beginning. The above described parcel of land contains 4,807 square feet or 0.110 acre.



Petition 1

4th Avenue and 5 East Right-of-Way Vacation – Affected Properties

4th Avenue – 50 East to Poplar Street

The Redevelopment Agency of Murray City
4904 South Poplar Street
Murray UT 84107
22-07-108-009

The Redevelopment Agency of Murray City
4918 South Poplar Street
Murray UT 84107
22-07-151-009

David H. Day & Susan B. Day
45 East Vine Street
Murray, UT 84107
22-07-151-030

MURRAY CITY CORPORATION
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the _____ day of _____, 2020, 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 on and pertaining to closing and vacating a portion of 4th Avenue between the proposed Hanauer Street alignment and Poplar Street, Murray City, Salt Lake County, State of Utah.

The purpose of this public hearing is to receive public comment concerning the proposal to close and to vacate the described portion of the public street and right-of-way.

DATED this _____ day of _____, 2020.

MURRAY CITY CORPORATION

Jennifer Kennedy
City Recorder

DATES OF PUBLICATION: _____, 2020

After recording, return to:
City Attorney's Office
Murray City Corporation
5025 South State Street
Murray UT 84107

Mail tax notice to:

Affected Parcel ID Nos:

22-07-108-009
22-07-151-009
22-07-151-030

ORDINANCE NO. ____

AN ORDINANCE PERMANENTLY CLOSING AND VACATING A
PORTION OF 4TH AVENUE BETWEEN THE PROPOSED HANAUER
STREET ALIGNMENT AND POPLAR STREET, MURRAY CITY, SALT
LAKE COUNTY, STATE OF UTAH

WHEREAS, the Murray City Municipal Council received a petition to vacate a portion of a public street and an alleyway from the Murray City Public Works Department; and

WHEREAS, the petition requested that a portion of 4th Avenue (sometimes known as "Fourth Avenue") between the proposed Hanauer Street alignment and Poplar Street, Murray, Salt Lake County, State of Utah, be permanently closed and the rights-of-way vacated; and

WHEREAS, the petition meets the requirements of U.C.A. §10-9a-609.5, 1953 as amended; and

WHEREAS, the request was made in order to facilitate the proposed construction of the Hanauer Street extension and alignment; and

WHEREAS, the Murray City Municipal Council finds good cause to permanently close a portion of 4th Avenue between the proposed Hanauer Street alignment and Poplar Street, Murray, Salt Lake County, State of Utah, and to vacate the right-of-way; that the action will not be detrimental to the public interest, nor materially injure any

person or the public interest; and that said portion of 4th Avenue should be permanently closed and the right-of-way vacated; and

WHEREAS, the Murray City Municipal Council finds that there is filed a written consent to the vacation by the owners of the properties adjacent to the portion of right-of-way being vacated; that affected entities have been given notice and have been consulted; that owners of record of each parcel accessed by the right-of-way have been given notice; and that notice has been published and a public hearing has been held on _____, 2020 pursuant thereto, all as required by law.

BE IT ORDAINED BY THE MURRAY CITY MUNICIPAL COUNCIL:

Section 1. That a portion of 4th Avenue (sometimes also known as "Fourth Avenue") between the proposed Hanauer Street alignment and Poplar Street, Murray, Salt Lake County, State of Utah, is permanently closed and the right-of-way is vacated and that the City releases any and all title, right or interest it may have in the described parcel, SUBJECT TO any easement or right-of-way of any lot owner and the franchise rights of any public utility. The portion of right-of-way hereby vacated is particularly described as follows:

Part of 4th Avenue to be Vacated (4th Avenue from Poplar to 45 East)

Also known as (Fourth Avenue)

A parcel of land, being part of the existing right of way of 4th Avenue, Murray City, situate in the NW1/4NW1/4 of Section 7, T.2 S., R.1 E., S.L.B.& M. The boundaries of said parcel of land are described as follows:

Beginning the intersection of the southerly right of way line of 4th Avenue and the westerly right of way line of Poplar Street, which point is approximately 418.6 feet East and approximately 1072.88 feet South from the Northwest Corner of said Section 7; said point of beginning is more particularly described as 104.18 feet N.0°19'40"E. along the monument line in State Street and 413.71 feet N.89°37'21"W. from a Salt Lake County monument in the intersection of State Street and Vine Street; and running thence N.89°37'21"W. 93.10 feet along said southerly right of way line; thence northerly 50.49 feet along the arc of a 546.50-foot radius non-tangent curve to the left (Note: Chord to said curve bears N.7°29'51"W. for a distance of 50.48 feet) to the northerly right of way line of said 4th Avenue; thence S.89°37'21"E. 99.97 feet along said northerly right of way line to the westerly right of way line of Poplar Street; thence S.0°18'59"W. 50.00 feet along said westerly right of way line of Poplar Street to the point of beginning. The above described parcel of land contains 4,807 square feet or 0.110 acre.

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

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on this _____ day of _____, 2020.

MURRAY CITY MUNICIPAL COUNCIL

Dale M. Cox, Chair

ATTEST:

Jennifer Kennedy, City Recorder

MAYOR'S ACTION: Approved.

DATED this _____ day of _____, 2020.

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 _____, 2020.

Jennifer Kennedy, City Recorder

MAILING CERTIFICATE
PROPOSAL TO VACATE PUBLIC RIGHT-OF-WAY

Public Hearing No._____

I hereby certify that on the ____ day of _____, 2020, a notice of the public hearing regarding the proposed permanent closure of a portion of 4th Avenue between the proposed Hanauer Street alignment and Poplar Street, Murray, Utah, was mailed by first-class mail, postage paid, to the following owners of real property that is accessed by the portion of public right-of-way proposed to be closed and vacated:

David H. Day & Susan B. Day
45 East Vine Street
Murray, UT 84107

D. Blair Camp, Executive Director
Redevelopment Agency of Murray City
5025 South State Street
Murray, UT 84107

Jennifer Kennedy
Murray City Recorder

ROW VACATION MAILING LIST
300' radius buffer
4/1/2020

Affordable Housing & Alliance, Lc
Po Box 981616
Park City UT 84098

Dar Enterprises, LLC
Po Box 712020
Salt Lake City UT 84171

Day Murray Music Properties, LLC
6078 S Sierra Grande Dr
Taylorsville UT 84129

Four Line, Inc
8300 S County Line Rd
Oklahoma City OK 73169

IHC Health Services, Inc
Po Box 3390
Salt Lake City UT 84110

Minos Land Development, LLC
1286 E Woodridge Cir
Salt Lake City UT 84121

Semper Fi Properties, LLC;
John H Grant
4778 S Hanauer St
Murray UT 84107

Upc, Inc
4793 S State Str
Murray UT 84107

Wasatch Mountain Property
Management, LLC
8026 S Jackson St
Midvale UT 84047

2017 Bush Family Trust 9/25/2017
4903 S Box Elder St
Murray UT 84107

4902 State LLC
5958 S Suwannee Cir
Murray UT 84123

75 Regal Lc
4700 S State St
Murray UT 84107

Boxelder Vine Investments LLC
14 W Vine St
Murray UT 84107

Birkha Acharya;
Renuka Acharya (Jt)
4777 S Hanauer St
Murray UT 84107

Boxelder Vine Investments LLC
14 W Vine St
Murray UT 84107

Curtis J Stirling;
L Kay Stirling (Jt)
3682 W 5180 S
Taylorsville UT 84129

Bruce James Parsons;
Wendy Jean Parsons Baker (Jt)
120 E 4800 S
Murray UT 84107

Carole O Rasmussen;
Jeffrey Pixton (Jt)
4874 S Box Elder St
Murray UT 84107

David H Day; Suan B Day (Tc)
45 E Vine St
Murray UT 84107

Danny Dong; Gu Y Gao (Jt)
9640 S Indian Ridge Dr
Sandy UT 84092

Darrell G Jones; Karen Jones (Jt)
1994 W Western Charm Dr
Riverton UT 84065

Delynn F Barney
4902 S Box Elder St
Murray UT 84107

Earnest Iii Skinner;
Kelly Skinner (Jt)
4782 S Hanauer St
Murray UT 84107

Day Murray Music Inc
4914 S State St
Murray UT 84107

Four Line Inc
8300 S County Line Rd
Oklahoma City OK 73169

Frank Diana
35 E 100 S # 1804
Salt Lake City UT 84111

F & LDFT
35 E 100 S # 1804
Salt Lake City UT 84111

Iris Bldg Historic Restoration Condo
Mgmt Committee
Po Box 57727
Murray UT 84157

Gene V Lockhart
4792 S Box Elder St
Murray UT 84107

| | | |
|--|---|--|
| Fraternal Order Of Eagles Murray Aerie #1760 10 W Fourth Ave Murray UT 84107 | LC Murray Parking Po Box 981616 Park City UT 84098 | Kidz Academy Preschool And Childcare Inc 4716 S 200 W Murray UT 84107 |
| GKART Po Box 17100 Holladay UT 84117 | Mathew G Findlay; Maria S Findlay 126 E 4800 S Murray UT 84107 | Michelle Johnson 4794 S Box Elder St Murray UT 84107 |
| Lake Powell Jsp Ltd 1329 E Crossgrove Ct Draper UT 84020 | Michael Todd Construction Inc Po Box 981616 Park City UT 84098 | Murray City 5025 S State St Murray UT 84107 |
| Ltd Ofp; Marjorie N Pett Family LLC 404 E 4500 S # A12 Murray UT 84107 | Michelle P Lundein (Tc) 6236 S Turpin St Murray UT 84107 | RSB Trust; Pj Cueni Trust Po Box 1146 San Luis Obispo CA 93406 |
| Ru Westwood LLC 1600 S State St Salt Lake City UT 84115 | Paul D Brown; Judy Brown (Jt) 838 E 4125 S Murray UT 84107 | Sej Asset Management & & Investment Company 3200 Hackberry Rd Irving TX 75063 |
| Thrd Rst Bjp Intv Tr Agr; Bruce James Parsons; Wendy Jean Pasons Baker 120 E 800 S Salt Lake City UT 84111 | S R G Investments; CMH Family LLC 5 E 4800 S Murray UT 84107 | The Redevelopment Agency Of Murray City 5025 S State St Murray UT 84107 |
| Tr Bjp Ivtra 120 E 4800 S Murray UT 84107 | Susan B Day 45 E Vine St Murray UT 84107 | Torger E Hagen 23 E 4800 S Murray UT 84107 |
| University Of Utah 505 S Wakara Wy Salt Lake City UT 84108 | Tmmi Investments LLC 29 W 4800 S Murray UT 84107 | U S West Newvector Group Inc Po Box 2599 Olathe KS 66063 |
| Walker Bank & Trust Co Po Box 2609 Carlsbad CA 92018 | Tracee Hansen 4383 N Country Wood Dr Lehi UT 84043 | Verizon Wireless LLC Po Box 635 Basking Ridge NJ 07920 |
| Wasatch Gas Co Po Box 27026 Richmond VA 23216 | Utah Transit Authority 669 West 200 South SLC UT 84101 | Wasatch Affordable Ventures LLC 595 S Riverwoods Pkwy Logan UT 84321 |

CenturyLink
250 E 200 S
Salt Lake City, Utah 84111

William Garrick & Susan M Wright
Trust 8/18/2017
563 E Spruce Glen Rd
Murray UT 84107

Comcast
ATTN: Greg Miller
1350 Miller Ave.
SLC UT 84106

UTOPIA
Attn: Brian Kelsey
5858 South 900 East
MURRAY UT 84121

Dominion Energy
Attn: Tasha Christensen
PO Box 45360
Salt Lake City, UT 84145

Keith Perkins
UTOPIA
2175 South Redwood Rd.
West Valley City, UT 84119

David Mascarenas
Comcast
1350 East Miller Ave.
Salt Lake City, UT 84106

Darren Keller
CenturyLink
474 East 1325 South
Provo, UT 84606

Aaron Leach
UTOPIA
5858 South 900 East
Murray, UT 84121

Matt Young
Comcast
1350 East Miller Ave.
Salt Lake City, UT 84106

NOTICE TO AFFECTED ENTITIES

Notice is hereby given that the Murray City Public Works Department is currently reviewing a proposal to permanently close a portion of 4th Avenue between the proposed Hanauer Street alignment and Poplar Street, Murray, Utah, and to vacate the right-of-way described in the attached documents. The action of the Murray City Council vacating some or all of a street or right-of-way that has been dedicated to public use may not be construed to impair any right-of-way or easement of any lot owner or the franchise rights of any public utility which may be located in this particular right-of-way parcel.

Please contact the Murray City Public Works Department at (801) 270-2400 if you have any concerns or information which you believe may assist the City's evaluation in this matter or which may be of particular concern to your utility operation. If you prefer, you may direct your comments in writing to the Public Works Director at 4646 South 500 West, Murray, Utah 84123.

DATED this _____ day of _____, 2020.

MAILING CERTIFICATE

I hereby certify that a copy of the foregoing notice was mailed first-class, postage paid, to the following utilities on the above date:

Blaine Haacke
Murray City Power Department
153 W 4800 S
Murray, Utah 84107

UDOT – Region 2
Attn: Mark Velasquez
2010 S 2760 W
SLC, UT 84104

Keith Perkins
UTOPIA
2175 South Redwood Rd.
West Valley City, UT 84119

Dominion Energy
Attn: Tasha Christensen
PO Box 45360
Salt Lake City, UT 84145

Cory Wells
Murray City Water
4646 S 500 W
Murray, UT 84123

Aaron Leach
UTOPIA
5858 South 900 East
Murray, UT 84121

Utah Power & Light
Attn: Kim Felice
12840 Pony Express Road
Draper, UT 84020

Rocky Mountain Power
201 S Main Street, Ste 2300
SLC, UT 84111
SLC, UT 84140

UTOPIA
Attn: Brian Kelsey
5858 South 900 East
MURRAY UT 84121

Cottonwood Improvement
Attn: Lonn Rasmussen
8620 S Highland Dr
Sandy, UT 84093

Central Utah Water Dist
355 W University Parkway
Orem, UT 84058

Comcast
Attn: Greg Miller
1350 Miller Ave
SLC, UT 84106

Darren Keller
CenturyLink
474 East 1325 South
Provo, UT 84606

Utah Transit Authority
Attn: Planning Dept
PO Box 30810
SLC, UT 84130-0810

Comcast
Attn: Joseph Silverzweig
9602 South 300 West
Sandy, UT 84070

Jordan Valley Water
Attn: Lori Fox
8215 S 1300 W
West Jordan, UT 84088

CenturyLink
250 E 200 S
Salt Lake City, Utah 84111

Comcast
Attn: Matt Young
1350 Miller Ave
SLC, UT 84106

David Mascarenas
Comcast
1350 East Miller Ave.
Salt Lake City, UT 84106

Murray City Recorder's Office

P/C AGENDA MAILINGS
“AFFECTED ENTITIES”
Updated 11/2017

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

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

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

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

CENTRAL UTAH WATER DIST
355 W UNIVERSITY PARKWAY
OREM UT 84058

SANDY CITY
PLANNING & ZONING
10000 CENTENNIAL PRKwy
SANDY UT 84070

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

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

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

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

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

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

HOLLADAY CITY
PLANNING DEPT
4580 S 2300 E
HOLLADAY UT 84117

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

GENERAL PLAN MAILINGS:

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

MIDVALE CITY
PLANNING DEPT
7505 S HOLDEN STREET
MIDVALE UT 84047

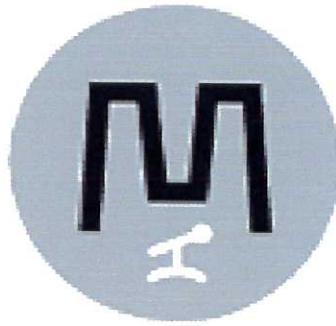
UTAH POWER & LIGHT
ATTN: KIM FELICE
12840 PONY EXPRESS ROAD
DRAPER UT 84020

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

COTTONWOOD HEIGHTS CITY
ATTN: PLANNING & ZONING
2277 E Bengal Blvd
Cottonwood Heights, UT 84121
COMCAST
ATTN: GREG MILLER
1350 MILLER AVE
SLC UT 84106

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

Adjournment