



## Murray City Municipal Council Murray City Planning Commission Land Use Training

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The Murray City Municipal Council, the Murray City Planning Commission and Hearing Officers met at 6:00 p.m. on Wednesday, August 22, 2018 at the Murray City Public Services Conference Room, 4646 South 500 West, Murray, Utah for a Land Use Training Session.

### **Council Members in Attendance:**

Dale Cox  
Diane Turner  
Dave Nicponski

### **Planning Commission Members in Attendance:**

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

### **Hearing Officers in Attendance:**

Karen Daniels  
Jim Harland

### **Others in Attendance:**

Janet M. Lopez	Council Director	Briant Farnsworth	Attorney
Susan Nixon	Community Development	G.L. Critchfield	City Attorney
Jim McNulty	Development Services	Zac Smallwood	Community Development
Jared Hall	Community Development	Pattie Johnson	Council Office
Mark Boren	Community Development	Tim Tingey	ADS Director
David Moffitt	Neighbor Works Board		

### **Welcome & Overview of Land Use Issues**

**Tim Tingey**

Tim Tingey welcomed everyone to the Land Use Training meeting. Following introductions, he complimented his staff on the work they do daily in carrying out their duties and preparation for the training session. He acknowledged the council, planning commission and hearing officers for their efforts and service with sometimes very difficult issues.

Mr. Tingey commented that the training would provide a broad overview of land use law, including LUDMA principles. He said the department strives for fairness and consistency and deals with constant conflict with developers. It is challenging working with residents and

administering law. Code enforcement deals with thousands of issues every year and they all work very closely with the attorney's office.

Mr. Tingey said the purpose of land use is "promoting the health, safety, morals, convenience, order, prosperity and general welfare of the present and future inhabitants of the City." Orderly growth and preserving and creating a favorable environment are important parts of the code. Economic development is enhancing prosperity and the well being of people. Fostering business and economic development is important, as well.

Zoning ordinance is the classification of land uses. Mr. Tingey referred to the zoning map and pointed out R-1-8, which is most of the city. This is residential single-family low-density zones. Low density can also be R-1-10, and R-1-12. Preserving those areas is primarily involved with making sure the quality of life is well-maintained. We also have medium-density and high-density residential areas. Mr. Tingey commented that new construction must be located on public streets, no private streets are allowed. He provided an overview of medium density and high-density zones.

Commercial zones were described with types of uses being conducive to those areas. Parking is always a large issue. Conflict occurs when these areas interact with residential areas. Mixed use allows residential projects that are close to transit with lower level commercial. The higher density is confined to transit oriented development, mixed use zones and the Murray City Center District. Residential neighborhood business is a buffer zone between commercial and residential.

### General Plan & Zoning

### Jared Hall

Mr. Hall gave a review of the General Plan (GP) process, which took about three years. The General Plan is a guiding document and serves as advisory documentation for legislative decision making relating to future development in the City. During the GP process there were numerous public open houses. Five different focus groups were held for things such as bicycle groups and neighborhoods. There was a steering committee and on-line presence. A scientific survey was held with about 1500 responses for a good sample of how people felt about the direction of the General Plan. Public hearings were held at the planning commission and city council.

The outcome is very usable and accessible to the public. There are five initiatives with tools to analyze applications according to the broad goals and the future land use map.

Mr. Hall provided an example of a zone change and the process followed when an application is received.

Annual reporting on progress of the plan will take place to determined compliance and an update may take place in five years. Much of the plan included growth concepts and adhere to the Wasatch Front Regional Council's 2040/2050 Vision. Mr. Hall acknowledged the "missing middle" where there is a gap in middle income housing and the city is encouraging townhomes and alternative housing choices.

### Land Use Processes

### Susan Nixon

Ms. Nixon addressed the land use process and the first point of contact, which is with an applicant or someone with an inquiry or a request. About one out of ten inquiries evolve into an application. The application includes all information about a proposed project, including property owner, a concept review, site plan, floor plan, elevations, set-backs and actual permission of the property owner.

The two general processes were outlined: city council with legislative decision-making power or planning commission with administrative decision-making authority. The proper process is determined at that point.

Applications are scrutinized very completely to ascertain if a proposal is feasible. A planning review meeting is held with all divisions of the city to look at utilities, engineering and streets, with an opportunity to ask questions of the applicant and evaluate and vet all applications. Then the staff report is written after checking the city code, GP and site plans to provide background for the planning commission. Public meetings are scheduled, and notices are posted as required by code. The planning commission may make administrative decisions or a recommendation to the city council for their final consideration. Public hearings are held for both bodies and it is a very transparent process. It takes a minimum of three weeks to be scheduled for planning commission and an application must go on an agenda within a certain amount of time. Processes can take longer if there are technical issues to be resolved.

### Open Meetings Training

### B. Farnsworth

Mr. Farnsworth explained that public bodies must have the Open and Public Meetings Training annually and the purpose of the law is that public bodies must have deliberations and action take place in open public meetings.

Newspaper articles were presented that reference bodies who close their meetings to the public, specifically the port authority which had excluded the public and reporters. A Salt Lake Tribune article calculated the percentage of meetings when specific cities closed a portion of their meeting. Murray was the fewest closed meetings in Salt Lake County at only 4%.

All governmental bodies must follow the requirements of the Open and Public Meetings Act, which includes criteria concerning notice of meetings, agendas, minutes, and recordings, as well as, closed meetings and penalties.

Public comments are allowed on items that require a public hearing and people need to be heard, however, decorum should also be upheld. Not all issues require a public hearing.

### Legal Review Discussion

### G.L. Critchfield

Mr. Critchfield presented information related to the legal aspects of land use. He commented that the purpose of legal authority is to take the emotion out of decisions.

The differences between the planning commission and city council were pointed out. Elected officials are rewarded for their efforts in being elected with land use decisions and the discretionary authority that they exercise. If their decision is reasonably debatable that they have upheld the general welfare of the city, it is acceptable because they are the legislative authority for the city. It is a very broad legal standard. They may consider public clamor and have more leeway with residents and voters.

The planning commission makes only administrative decisions based on substantial evidence in the record. They may not consider public clamor, complaints about traffic, property value, and children. Evidence must be presented to the planning commission.

Mr. Critchfield explained a recent land use decision related to Murray City. The Murray First Ward case and historic preservation was appealed to a Hearing Officer and then District Court. Mr. Critchfield pointed out that what is said on the record is important as planning commissioners were quoted by the judge in his final decision. They said nothing wrong, however, the judge ruled that they had discretionary authority, which they did not. Under the section of city code that addresses historic preservation, the wording says, "demolition or destruction of a designated significant historic building shall be discouraged." It is not prohibited based on a supreme court decision. Murray code has several criteria for allowing destruction and exceptions and the fact that the developer did not take the lead in arguing the case probably made a difference in the outcome and judge's decision. Mr. Critchfield felt if the city had appealed the decision, it would have prevailed. Now a developer could come in and go through the process again. The City may need to consider revising the process.

#### Subdivision Ordinance

Jim McNulty

Mr. McNulty explained that subdivision ordinance is found in Title 16 of Murray Code. The planning commission is the land use authority on subdivisions and has the ability to grant approval based on submissions by the applicant. The code says the planning commission recommends approval to the mayor. The mayor would sign the ordinance after all other signatures are complete to grant the final plat approval. The mayor signs to accept the designations.

#### Sign Code

Jim McNulty

Mr. McNulty showed power point slides on the pending revision to the sign ordinance that would be considered by the city council in October or November. A standard monument sign can be used up to six feet tall. Pylon signs and pedestal signs that list all tenants in a center would be added to the code. Banner signs, open space signs at a trailhead or park, development signs by an entryway, and street light banner signs are all included in the sign code with specific stipulations on size and placement. One A-frame sign per business will also be added for sidewalks in the Murray City Center District.

For special events there will be a sticker for temporary use and that sign would come down at the end of the event.

Following a discussion period, Mr. Tingey thanked everyone for their presentations.

The training session adjourned at 7:40 p.m.

Janet M. Lopez  
Council Executive Director