

The Planning Commission met on Thursday, December 17, 2020, at 6:30 p.m. for a meeting held electronically in accordance with Utah Code 52-4-207(4), due to infectious disease COVID-19 Novel Coronavirus. The Planning Commission Chair determined that conducting a meeting with an anchor location presented substantial risk to the health and safety of those who may be present at the anchor location because physical distancing measures may be difficult to maintain in the Murray City Council Chambers.

The public was able to view the meeting via the live stream at www.murraycitylive.com or <https://www.facebook.com/Murraycityutah/>. Anyone who wanted to make a comment on an agenda item at the meeting registered at: <https://tinyurl.com/yxon4fwm> or submitted comments via email at planningcommission@murray.utah.gov.

Present: Phil Markham, Chair
Scot Woodbury, Vice Chair
Travis Nay
Maren Patterson
Sue Wilson
Ned Hacker
Lisa Milkavich
Jared Hall, Planning Division Manager
Zac Smallwood, Associate Planner
Briant Farnsworth, Deputy City Attorney
Citizens

The Staff Review meeting was held from 6:00 p.m. to 6:30 p.m. The Planning Commission members briefly reviewed the applications on the agenda. An audio recording is available at the Murray City Community and Economic Development Department Office.

Scot Woodbury opened the meeting and welcomed those present. He reviewed the public meeting rules and procedures.

APPROVAL OF MINUTES

Ned Hacker made a motion to approve the minutes from the December 3, 2020 Planning Commission meeting. Seconded by Lisa Milkavich. A voice vote was made, motion passed 7-0.

CONFLICT OF INTEREST

There were no conflicts of interest.

APPROVAL OF FINDINGS OF FACT

Sue Wilson made a motion to approve the Findings of Fact for a Conditional Use Permit for Ryan Bierman doing business as B&B Motors at 4335 South Main Street. Seconded by Maren Patterson. A voice vote was made, motion passed 7-0.

SECURITY NATIONAL PARKING STRUCTURE 2 – 433 West Ascension Way - Project #20-135

Brandon Federico was present to represent this request. Jared Hall reviewed the location and request for a Site Plan Review for a new parking structure on the Security National site located at 433 West Ascension Way. The property is located in the Commercial Development (C-D) Zone where new construction requires the Planning Commission's review and approval. This will be a

five-level parking garage with the first level being underground. This plan does not modify the Master Site Plan for this property. Staff is recommending approval of the parking structure.

Brandon Federico said they have decided to move forward with the parking structure because putting in temporary surface parking so far away from the building didn't make sense. He has reviewed and will be able to comply with the conditions of approval.

The meeting was open for public comment. No comments were given and the public comment portion for this agenda item was closed.

A motion was made by Maren Patterson to approve the proposed parking structure on the property located at 433 West Ascension Way, subject to the following conditions:

1. The project shall meet Murray City Engineering requirements including the following:
 - a. The applicant shall provide updated civil site plans.
 - b. The applicant shall replace any damaged sidewalk and remove existing accesses along 5300 South.
 - c. The applicant shall obtain any required UDOT permits for work along 5300 South.
 - d. The applicant shall update the site Storm Water Pollution Prevention Plan (SWPPP) to include the parking structure.
2. The project shall follow all IFC codes and NFPA standards.
3. The proposed parking structure must include an oil / water separator and a sampling manhole. Lower levels must tie into the sanitary sewer, upper levels must tie into the storm drain system as required.
4. The applicant shall provide an updated landscaping plan meeting the requirements of Section 17.68 of the Murray City Land Use Ordinance for approval with building permits.

Seconded by Lisa Milkavich.

Call vote recorded by Mr. Hall.

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

Motion passed 7-0.

4800 LOFTS, LLC – 447 West 4800 South & 380 West 4850 South – Project #20-115

This item was withdrawn from the agenda and no action was taken on this item.

HOWLAND PARTNERS, INC. – 5157, 5177, 5217, 5283 South State Street & 151 East 5300 South – Project #20-088 and Project #20-089

Gary Howland was present to represent this request. Jared Hall reviewed the location and request for a General Plan and Zone Map amendment. The properties are collectively known as the Pointe at 53rd and are located in the C-D Zone. The request is to change the zone from C-D to Mixed-Use (M-U). Currently the General Plan's Future Land Use Map shows these properties as General Commercial. In order to support the requested change to the M-U Zone, the Future Land Use Map needs to be modified.

The public improvements that are required and the way a property is developed in the M-U Zone is significantly different than in the C-D Zone. Parking in the C-D Zone is in the front between the buildings and the street. In the M-U Zone, 50% to 80% of the frontage of the street should have buildings rather than parking between the buildings and the street. Sidewalks in the C-D Zone are typically 5' with 5' park strips and in the M-U Zone sidewalks are 7' with 8' park strips.

Permitted uses in the C-D Zone include hotels, retail stores, restaurants, grocery stores, funeral homes, assisted living facilities, beauty salons, personal services, business services, professional services, entertainment and sports, contractors, vehicle sales, rental, and repairs, convenience stores and gas stations, and athletic clubs. No residential uses are allowed in the C-D Zone. The M-U Zone allows residential uses such as townhomes, apartments, and condominiums with a Conditional Use Permit and requires those residential developments to include commercial components on the ground floor. Other allowed uses include hotels, transportation services, department stores, restaurants, grocery stores, funeral homes, assisted living facilities, beauty salons, personal services, business services, professional services, entertainment and sports, contractors, manufacturing, and wholesale trade (both with restrictions). No auto-oriented businesses and services (e.g. vehicle sales, rental, or repair) are allowed in the M-U Zone.

The uses that are currently on this site include retail, office, restaurant, personal services and business services and would all be conforming to the M-U Zone. There is a parking structure on the property, however the majority of the parking is surface parking.

When the General Plan was adopted in 2017 there was an understanding in the category of General Commercial that higher density housing would be considered for mixed-use projects only. Requests to rezone from General Commercial to the M-U Zone would be considered, but requests to rezone from General Commercial to straight residential would be rejected. The M-U designation is intended for areas near, in, and along centers and corridors, and near transit stations. This site is about 1/3 of a mile from the Murray Central Trax and Frontrunner stations and is along very intense transportation corridors. The General Plan has identified 5300 South and State Street as a Bus Rapid Transit (BRT) Station Village. The BRT planning for State Street is moving ahead and within several years there will be a BRT route along State Street. A Mixed-Use development will respond better to the BRT line than the current C-D Zoning. Additionally, Objective 2 in Section 5 of the General Plan has the goal to encourage revitalization along key transportation corridors and in the core of the City. State Street and 5300 South are major transportation corridors that are located close to the center of the City.

Staff is recommending that the Planning Commission forward recommendations of approval to the City Council for both the General Plan and Zone Map amendments.

Gary Howland said he has owned this property since 2002 and it has been a difficult property to develop. His intent is to give the property a complete facelift and allow it to change with the changing market conditions. Their average occupancy of this site has been 98% since 2002.

The meeting was open for public comment.

The following comment was read into the record:

Joe Silverzweig –Murray City

I want to make comments in support of the development plans in these items, as they are parts of the city I live near and frequent.

Point @ 53rd: A mixed use development in this location will create a walkable, entertaining community space as well as provide convenient housing for Murray's employment hub, and I'm confident that we can adjust to the stress on our sewer and transportation infrastructure. Hoping to see this zoning change approved and for the developer to take advantage of the possibilities.

The public comment portion for this agenda item as closed.

Mr. Nay said he thinks this is the right direction for this property to go. However, currently this is not a walkable property and is dangerous for pedestrians. The pedestrian experience will need to be improved in whatever project comes forward.

Ms. Milkavich said the project should be walkable all the way over to the transit system and there will be more conversation about that in the future. She appreciates that Mr. Howland is a resident of Murray and is concerned about density as well.

A motion was made by Ned Hacker to forward a recommendation of approval to the City Council for the requested amendment to the General Plan Future Land Use Map, re-designating the property located at 5283, 5157, 5217, and 5177 South State Street, and 151 East 5300 South from General Commercial to Mixed Use.

Seconded by Phil Markham.

Call vote recorded by Mr. Hall.

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

Motion passed 7-0.

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 of the property located at 5283, 5157, 5217, and 5177 South State Street, and 151 East 5300 from C-D, Commercial Development to M-U, Mixed Use.

Seconded by Ned Hacker.

Call vote recorded by Mr. Hall.

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

Motion passed 7-0.

FASHION PLACE WEST SMALL AREA PLAN – Project #20-001

Zac Smallwood reviewed the General Plan Amendment to adopt the Fashion Place West Small Area Plan that roughly encompasses 6100 South to 6790 South and I-15 to just east of State Street. The 2017 General Plan calls for certain areas to be further researched and developed. Fashion Place West, as well as all the transit stations, are areas needing further research and development.

The City obtained a grant from the Wasatch Front Regional Council's (WFRC) Transportation and Land Use Connection (TLC) program. The TLC program is a partnership between WFRC, Salt Lake County, the Utah Department of Transportation (UDOT), and Utah Transit Authority (UTA). The TLC program provides technical assistance to local communities to help them achieve their goals and plan for growth. The City put out a Request for Proposal (RFP) to find the most qualified consultant to help with this project. The City selected VODA Landscape and Planning.

Mark Morris, VODA, said in planning for development, they looked at what is feasible and what investments the City needs to plan for. One of the key objectives of this plan is to try to improve the connection between the Trax Station at Fashion Place West on Winchester Street and the Fashion Place Mall. He reviewed the sections of the plan.

The Fashion Place West Small Area Plan includes sections related to existing conditions, housing, connectivity, and design guidelines. The following goals for the study area were established through the small area planning process:

- Strengthen relationship between the TRAX Station and Fashion Place Mall.
- Improve connectivity for the neighborhood.
- Improve the overall neighborhood quality.
- Promote transit use and active transportation.

Mr. Morris went over the public outreach that was done for this project. One open house was

held and one survey was conducted.

Housing is going to be an issue for the Wasatch Front in the foreseeable future. The City can help with the housing supply by building more housing in key areas such as the Fashion Place West neighborhood. The plan divided Fashion Place West into subareas based on the housing types that were appropriate for each area. The subarea categories are established residential, urban mixed-use, transit-oriented mixed-use, and jobs and housing mixed-use. The largest amount of housing surrounding the Fashion Place West area consists of single-family neighborhoods.

A big piece of this study was the connectivity analysis where they looked at the gaps and challenges the connectivity network has. There are parts of the neighborhood that have good pedestrian infrastructure and parts where an investment needs to be made in pedestrian infrastructure.

The Design Guidelines section was broken down into key urban design elements that the City could look at adopting. Building placement and the quality of the pedestrian space is important as development comes in along Winchester Street.

The plan includes a section of catalytic projects which are projects that could happen in key areas that could change the Fashion Place West neighborhood. Trax station area redevelopment and the State Street/Winchester Street Intersection were two catalytic projects noted in the plan.

Mr. Markham asked how often the City looks at revising the General Plan or Future Land Use Map. Mr. Smallwood replied a General Plan should be looked at every five years, however it usually only happens about every ten years. Mr. Markham said it is hard to plan things out for 25 years. Things will change in the future and this plan has the potential to be changed down the road.

Mr. Woodbury noted that comments from the following individuals were provided to the Planning Commission prior to the meeting: Heydon Kaddas, Matthew Schneider, Nicolle Stookey, and Kristi Miller.

The meeting was open for public comment. The following comments were read into the record:

Madison Smith – 6152 South Clear Street, Murray City

Wow let me first off start by saying that, I just moved into a home in your city... and boy, do I really love it. It's extremely convenient (which you have noticed) and my neighborhood is quiet and calm. I sure do enjoy my lovely neighbors who recently welcomed me with open arms.

I've been living at 6152 Clear St. since May of 2020, but it goes a lot farther back than that. My parents bought this home when they first got married, about 30 years ago. I grew up in this house for a part of my childhood. My first dogs were here, my first sand box, my name is written in the cement out back, est. 1993. It has been a pretty sentimental opportunity to now live here with the love of my life, Riley and our dog Roby. In March we chose to gut this home completely and renovated everything. We rewired the whole home, all new plumbing, ripped out walls, and installed new floors.. we had cupboards handmade and drywall installed. The list goes on, but you should see the before and after photos, it is something to be proud of! We dug all the sand out of my old sand box, about four tons... and replaced it with nourishing dirt where I was able to

grow a beautiful garden last summer. Moving here has been such a wonderful step in my life, and it has brought me, my parents, and Riley closer than ever before. For some reason I had this feeling, maybe I would be able to grow a family here sometime in the future to. A lot of blood sweat and tears have been poured into 6152 Clear... my dog sure loves chasing the gophers. I guess I feel slightly desperate asking to not take away our neighborhood... a huge part of my life, and a huge part of everyone else's life in this area. I know so many people would be sad and left with nothing, displaced... during a global pandemic. Times are hard enough right now, it's a shame that Murray City would impose such an awful Christmas gift for everyone to worry about. This proposition is absolutely not in the best interest of anyone who is actually involved. I hope that to whomever is reading this has a kind, compassionate heart.

Timothy Schomburg – 66 West Lester Avenue, Murray City

I live in the South 67 Condos. I've lived here since 2000 when I moved back from L.A. Why do all you politicians in Salt Lake County want to make Salt Lake County like L.A.? Look at the south west part of Salt Lake County. It looks like L.A. and the county wants to add even more high density with the Olympus project. So why do you in Murray want to change the zoning to allow more high density residential/commercial development? It's one thing to fix sidewalks, add a traffic light, but no high density.

1.2.3 BARRIERS TO DEVELOPMENT

Barriers to development within the study area include: Lack of City owned land that could spur private development. Current zoning regulations prohibiting density and growth including front yard setbacks, height limits, open space requirements, and parking requirements.

EXACTLY. Prohibiting high density growth. No high density growth.

1.6.4 POLICY UPDATES AND LAND USE AMENDMENTS

(d) Decrease open space requirements from 20 percent to 10 percent

WHAT? Decrease open space. I say expand open space or at least leave it the same. If you want L.A. high density, then move to L.A.

Carla Clark – Murray City

As a resident in the Fashion Place West area, I am concerned that major issues in the area plan were addressed insufficiently or not at all. Before any zoning changes are enacted, the plan should fully investigate these concerns:

1. *Address traffic congestion and backup on Winchester*
 - a. *Accessing Winchester from the neighborhood is already difficult due to back up from TRAX and increasingly heavy commuter traffic.*
 - b. *Customers accessing proposed businesses will have the same issue and likely compound it.*

c. *Since the elimination of buses, elementary students must cross an already dangerous Winchester. Their safety should be of top concern when making decisions that will increase traffic.*

2. *Validate expectation of conversion to foot/bike traffic*

a. *Due to easy freeway access, how will traffic be affected by:*

i. *Increased traffic from customers of these new businesses.*

ii. *New residents who commute via car.*

iii. *Transportation limited to TRAX and foot/bike is still constrictive for most lifestyles. How will these assumed non-vehicle owning residents access areas outside of TRAX and Fashion Place.*

b. *How will shoppers transport large purchases (including more than a few groceries) without a vehicle?*

Sub-area 3

Parking - The plan indicated that proximity to TRAX would reduce the need for parking but provides no evidence for that rationale. There should be enough high-density housing in the area to provide data, but nothing was included.

1. *Parking for small businesses is limited, so how could there possibly be space for high-density structures?*

a. *What would a minimum ratio of parking per resident/business size look like?*

2. *The report mentions street parking on Winchester (Pg. 25 Section 2.10.1.1), but with bike lanes and a high level of traffic, street parking is already dangerous. Is street parking an option and what rationale will support this as safe?*

3. *I would also like to see a crime analysis for high-density neighborhoods. Just this week a murder was reported in the TRAX Fireclay high-density area and that is not the first time that area has made the news.*

I am also concerned about the narrow strip on the south side of Winchester included with Sub Area 3. High density is not suitable in what is essentially my neighbor's backyard. A buffer of smaller homes and businesses would be more appropriate.

Sub-Area 1

1. *Parking – Accessory Dwelling Units (pg. 47 Figure 3.21) should include a requirement for off-street parking spaces.*

a. *Due to narrow roads, people parking on the street often reduce sections to single lane. ADU's would only make this worse if they don't have sufficient parking.*

I understand that the area should be carefully developed, but it seems obvious that the high density plan for area 3 is questionable and needs further study and proof of rationale. Additionally, the connected neighborhood needs to be protected from associated problems of insufficient planning.

I hope you will wisely make further investigation and provide the applicable information before making any changes.

Teresa Long – Murray City

I purchased my home on Creek Dr. less than 2 years ago. I lived outside Murray, however, sent my kids to Murray schools, shopped here and couldn't wait to move to Murray. I have/had plans of refinishing my basement and having this be my forever home. It has been a very safe neighborhood and I have great neighbors. It is mainly single women with kids or elderly. That is great that you want to push vulnerable populations out of their homes. I vehemently oppose this change!

State street has many areas that are vacant and it seems like a much more logical choice. Every time I drive down State in Murray I think there is nothing here. Plenty of 7-Elevens and dealerships but that is about it aside from mall. Last year I heard about this, the word then was that you want more traffic to the mall from Trax. Just drive by the mall, or go inside, it is always busy now that it is open again. If someone on Trax wants to go there they will. And they do, I see people walking there all the time. Having a bunch of large office commercial buildings won't do it. I sincerely hope that this does not pass. If so I will definitely not relocate in Murray.

Jill Rhead – Murray City

I am writing to you in response to the public hearing scheduled for tonight at 6:30 pm to discuss the proposal for the Fashion Place West Small Area Plan.

I have read your plan and I have many concerns. One of which is the proximity of the TRAX station to the Fashion Place Mall. The average American walks 3000 steps per day. The distance from the Murray TRAX station to the nearest mall entrance is over half a mile or about 1000 average steps. A round trip on foot from that station to the mall and back would burn over 2/3 of the average person's steps per day. Do you have any statistics on how many people presently use the Murray TRAX station to frequent the mall now? My guess is it is very few.

I feel as if this plan has little to do with its stated goals and more to do with rushing an opportunity to redevelop an area that is currently home to established and thriving business. And, I am very concerned about your tactics - a few thoughts on that:

- *Holding a public hearing the week before Christmas seems very suspicious since most people are too busy to think about this kind of thing right now.*
- *We are under a statewide mask mandate, is it even legal to gather in large groups? And if it is, is it a prudent move? Your timing does not seem appropriate.*
- *Yesterday, it was announced on the national news that one American is dying of Covid every 30 seconds. Jeopardizing public safety by holding a public meeting during a pandemic is reckless.*

It is becoming more and more evident to me that the good of the people and businesses in the area is not the goal of the Murray City Planning department. If you truly want public input, I would suggest that you wait a while to push this through so the voices of those this will affect can be fairly heard.

Brandon Tiedt – Murray City

I am a property owner off of Malstrom Lane. Me and my family are strongly opposed to high density apartment buildings being built, along with all the other issues this project would bring.

Derek Tiedt – Murray City

I am a home owner in Murray on Krista Ct. and am strongly opposed to this project. Adding hundreds of apartments/condos to the proposed area will over burden the infrastructure in place and cause major delays to anyone who lives in the area. Rush hour traffic anywhere near Winchester is already heavy without the addition of a few hundred new cars. I am strongly opposed to the idea of my property taxes going up to fund this project and only make things harder for the people in the neighborhoods surrounding the proposed project.

Ian George – Murray City

Will the new proposed bike trail that parallels the Trax line be using part of people's yards, and will it be on the East or West side of the Trax lines. Is there enough room in the Trax corridor to safely allow a bike trail? Will you be removing the concrete walls that are existing? Would those concrete walls be replaced with concrete if they come down? How will you guarantee the safety of the resident's homes that but up against Trax?

Matt Newland – 6199 Valley Drive, Murray City

My family and I live at 6199 Valley Drive. In the proposed plan, we find a map that shows our home as being zoned to commercial property. Is the plan to take our home?

Joe Silverzweig –Murray City

I want to make comments in support of the development plans in these items, as they are parts of the city I live near and frequent. I'm really excited for the changes to this area; the additional density makes sense in that part of our city and will help alleviate the drive through strip mall feel of that part of State Street. I think the plan is too optimistic about the current state of Winchester sidewalks- it's a long, exposed walk on a high speed road and there's a lot of construction, narrow spots, and other unpleasantness to evade. It would be worthwhile to explore a small shuttle or other transit solution from Trax to the mall, at least while improvements to Winchester Bridge and the sidewalks have yet to take effect. I also hope we'll work hard to preserve the relative affordability of housing in this area so that we can invite long-term residents who will contribute to a vibrant community and build wealth that is reinvested in Murray.

The following citizens spoke during public comments:

Timothy Schomburg – 66 West Lester Avenue, Murray City

Mr. Schomburg said he grew up in Sugarhouse. He knows the Planning Commission is trying to do the best they can with the growth of Salt Lake County and Murray. He does not want to see Murray City turn into L.A.

Jon Boettcher – Murray City

Mr. Boettcher said he has lived in his neighborhood, east of the Trax lines off of 6400 South, for over 40 years. Since Trax has come in, crime has steadily increased. The higher the housing density becomes, the higher crime is. You can't even drive on the streets over at Fireclay at night because there are cars parked all over the street. If the City is planning higher density housing, there has to be adequate parking. Things like public safety need to be considered when it comes to high density housing.

The public comment portion for this agenda item was closed.

Mr. Morris said the introduction of housing density is never popular. Any housing considered high density would be happening in the subarea near the mall. Redevelopment of underutilized parcels near the Trax station would be more mid-rise. Buffering is being recommended for anything backing up into single-family neighborhoods. The places where this type of development is most appropriate is where you have transit service. He knows not everyone will utilize public transportation but making the experience of getting around the neighborhood better and improving the infrastructure will make the area more peaceful.

Traffic congestion is an issue that is everywhere. As far as transportation planning goes, the intent is to make it more feasible for people to get around their neighborhood without having to get into their car for every trip. Children today will not be able to afford a home in this valley unless the supply of homes is increased.

Additional information can be added to the plan regarding the parking demand in transit-oriented areas. There is data out there showing that people who choose to live in these types of communities on average own fewer cars or use them for fewer trips. None of this plan is rezoning anything, it's looking at the potential in the future. Some of this is not economically feasible and won't happen for years.

Mr. Smallwood said the City is not rezoning anyone's property and is not proposing to take property from anyone. This is a visioning document that guides the planning staff in how they approach future land use applications. The plan also allows the City more bargaining power with UDOT. The plan will be looked at in more detail.

The City is aware of the traffic and parking concerns in the Fireclay area and is working on that problem.

There are standards for Accessory Dwelling Units (ADU) in Chapter 17.78 of the Land Use Ordinance.

Mr. Smallwood said crime has been increasing everywhere in Salt Lake County. It's unfortunate, but he doesn't have any statistics relating the rising crime rate to high density housing.

Ms. Wilson said her biggest concern is keeping the residential anchors in this area. She doesn't feel like high density housing is a good fit for this area. She thinks it's better to concentrate on installing sidewalks, pedestrian access, and bike lanes. Murray City needs more owner-occupied housing. An apartment building won't meet the needs of the City's core citizens. A lot of people that can't afford a \$500,000 house could afford a \$250,000 condo. Owner occupied units help

keep the neighborhoods stable, safer and is more Murray City's vibe. She loves the sense of community in Murray and would like to preserve that.

Ms. Patterson said she thinks this plan is well thought out. There are certain areas in the plan that could support high density housing. The plan also notes certain areas where single-family neighborhoods should be protected. It's not a one size fits all plan. Ms. Wilson said she thinks there are areas that would be perfect for medium density. She doesn't think high density is what the City is looking for. The plan is well thought out, but she wants to be careful about adding high density rather than medium density. Ms. Patterson said she agrees with Ms. Wilson, but she thinks a great place for a high-density development would be on State Street next to the freeway. Ms. Wilson say she agrees with that, she just wants to make sure the single-family neighborhoods are being buffered. Ms. Patterson said she feels protecting neighborhoods is a top priority.

Ms. Milkavich said there is a need for high-density housing, but it's important to be selective of where high-density housing is put and they are trying to do that.

Mr. Nay said he thinks the areas that will have the most intense development will be along the State Street frontage or directly adjacent to the Trax Station. There was a tremendous amount of investment that went into Trax in this area and it is the type of area where you want to see density increase. Building single-family homes around Trax is not a practical solution going forward. Mr. Nay asked Mr. Morris to clarify the statement about a reduction of open space. Mr. Morris replied on any particular site, the City requires a certain percentage of the site to be open space. The neighborhood has a big open space that the plan recommends improving. They are not recommending eliminating park space for housing.

Ms. Milkavich said the City has been trying to keep up with local and national trends on housing costs versus income. She thinks the City is at the turning point of meeting the need for affordable housing.

Mr. Hacker reiterated that this is not a zoning change. Anything that comes to the City for redevelopment in this area will also likely come to the Planning Commission where they can look at the plan and make sure it fits within the area.

Mr. Markham said going forward, the Planning Commission, City Council and City Government in general need to regain the trust of the residents. There were a lot of comments tonight from people who don't believe what the Commission is saying. There has been a serious erosion of trust in the process and it's crucial to restore the trust from the residents.

Mr. Woodbury said staff tries to establish framework that will balance both the rights of the residents and the property owners or developers. Staff tries to be responsive to the market conditions. There are a lot of projects coming that will provide middle ground housing. The reality of the Wasatch Front is that it is not going to be what it once was. This document, and the General Plan that was adopted a few years ago, does its best it can to provide a framework to balance what may happen. He agreed that the resident comments should be taken seriously. He added that this is a virtual public meeting and the Commission is not meeting together in person.

Ms. Patterson said one thing she likes about this plan is that this area has been underserved. You can't walk down Winchester Street or get from neighborhood to neighborhood. She hopes

moving forward, the City can help the area improve. She thinks recognizing this area needs improvement is a good first step.

Mr. Woodbury said State Street is controlled by UDOT so this document could help the City go to UDOT and work with them to help with the traffic in the area.

A motion was made by Phil Markham for the Planning Commission to forward a recommendation of approval to the City Council to adopt the Fashion Place West Small Area Plan as an amendment to the 2017 Murray City General Plan.

Seconded by Maren Patterson.

Call vote recorded by Mr. Smallwood.

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

Motion passed 7-0.

RESIDENTIAL CHICKEN KEEPING – Project #20-134

Zac Smallwood reviewed the Text Amendment to allow chickens on residential property. In 2012 there was an increase in code enforcement cases related to chickens so the City Council directed the planning staff to look into chickens in residential areas. The increase in people wanting chickens was in response to urban agriculture growing around the county due to the Great Recession. It has come to the forefront again with the COVID-19 Pandemic; people want to be more self-sufficient in their food sources. Planning Division staff conducted open houses in 2013 and did baseline studies in 2014 looking at other cities around Salt Lake County and what they were doing with chickens. A proposed code was drafted and the Planning Commission recommended approval of the chicken keeping ordinance. In 2016 the City Council reviewed the request and ultimately denied the proposed chicken keeping ordinance. This year, the City Council has requested that the Planning Division bring forward a new ordinance that would allow chickens in residential areas.

Most cities in Salt Lake County allow chickens and the amount of chickens allowed depends on the lot size. Millcreek and Sandy only allow chickens and agricultural zones. Mr. Smallwood went over different cities requirements for coops. He also went over the number of code enforcement cases that cities have received related to chickens.

A survey was sent to Murray Residents to gauge how they would respond to having chickens in Murray. There were over 1,000 replies. Most of the responses came from homeowners that live in a single-family dwelling. Seventy-nine percent said chickens should be allowed in residential zones.

In the proposed ordinance, the maximum number of chickens allowed is based on the property's square footage. Coops need to be 10' from the dwelling on the property, 25' from any adjacent dwelling and 5' from the property line setback. Staff is recommending the Planning Commission forward a recommendation of approval to the City Council to add residential chicken keeping standards to Title 17, Murray City Land Use Ordinance.

Mr. Hacker asked how many households have chickens in cities that allow them. Mr. Smallwood replied he did not ask that question to any of the cities.

Mr. Markham asked who will be enforcing inspections or handle complaints. Mr. Smallwood said if a complaint comes in, the City's Zoning Enforcement Officer could go onto the property to ensure the standards of the proposed ordinance are being met. If they aren't, it could be referred to Salt Lake County for health requirements or the Zoning Enforcement Officer could require the resident come into compliance with the ordinance.

Ms. Patterson verified that roosters will not be allowed. Mr. Smallwood said roosters are prohibited in the proposed ordinance. Every city prohibits roosters and most of the code enforcement cases in Murray and other cities are related to roosters.

Mr. Woodbury said people in Murray have chickens and they are not allowed. He hates enacting an ordinance that can't be enforced. He thinks there should be some type of permit involved so the City knows who has chickens. Mr. Hall asked if there could be a chicken registration rather than a permit. Mr. Woodbury said either a registration or permit would be fine. Mr. Smallwood said he doesn't disagree that a registration would be nice. Staff tried to make this ordinance easily obtainable for all residents without having to get the City involved with it. If this is approved by the City Council, staff could create a flyer that could be given out to citizens that lays out what is required and what happens if you don't meet the requirements.

The meeting was open for public comment. The following comments were read into the record:

D K Slusher – Murray City

Please, no residential chickens. All of the neighbors don't mow lawns and pull weeds now. We do not need another problem! We had an issue with rats living in a neighbor's back yard a few years ago and had to call the Salt Lake county Board of Health. The yard was partially cleaned and sold. It is now a rental with maintenance problems. We have too many neglected properties in our neighborhood now. Please don't add to our problems.

Jann Cox – Murray City

I am opposed to allowing "Residential Chicken Keeping". Chickens, their eggs, feed and feces attract rats, raccoons, fox, skunks and other rodents.

Because many Murray homes border, or are close to, the Jordan River, Cottonwood Creek and many canals we have raccoons, fox and skunks. Allowing chickens will bring these animals into our many neighborhoods.

We already have a skunk and rat problem in Murray and I hate to see it get worse.

Amir Ali Akbar Khah – Murray City

I want to say hi and send short email to Murray City about chicken keeping in Murray area. That would be awesome idea because our children asking for this and our answer is city don't want this. Thanks for reviewing our emails and supporting us.

Samuel Eads – 379 East Vine Street, Murray City

I'd like to vocalize my support for allowing residential chickens. My neighbor had chickens for a while but was told to remove them; they never caused any issues.

Jake Pehrson – Murray City

Code enforcement already deals with chickens so I don't believe it would increase code enforcements time to approve this ordinance. Registration or a permit is not necessary and only takes people's time and city employee resources. No permits please.

The following citizens spoke during public comments:

Heydon Kaddas – Murray City

Ms. Kaddas said she is concerned about the public health aspect of owning chickens. Owning chickens is a huge risk for salmonella outbreaks and it's something the Center for Disease Control (CDC) has had to address frequently over the last 10 years. The CDC has had to repeatedly post guidelines on how to sanitarilly have chickens. She encouraged the Commission to have some type of registration that would provide safe practices on keeping chickens.

Alex Teemsma – Murray City

Mr. Teemsma said this is a great ordinance and is overdue. A well-crafted ordinance should reward transparency. Getting this on the books will encourage people to disclose if they are keeping chickens. He asked if there would be a fine if someone was in violation of the proposed ordinance. He also asked if there is a way to check if there was any survey fraud, such as people submitting multiple answers, with the survey.

Jon Boettcher – Murray City

Mr. Boettcher said there are probably over 100 chickens in his neighborhood already. You're more likely to get salmonella from a store bought egg than eggs from a free range chicken. He asked if this ordinance would allow other forms of poultry, such as ducks.

Kennett Galbraith – Murray City

Mr. Galbraith said he is not opposed to people owning chickens, but he has two dogs that he has to register with the City. He agrees there should be a simple registration process, even if it's free.

The public comment portion for this agenda item was closed.

Mr. Smallwood said a zoning violation is a Class C Misdemeanor. There could eventually be a fine imposed if a case went to court. Mr. Hall added most code enforcement cases do not end up in court. Mr. Smallwood said this ordinance is specific to chickens and does not allow other forms of poultry. Mr. Smallwood said that Survey Monkey does not give him the ability to look up every

IP address.

Mr. Hacker said he thinks there should be some type of permit or registration for chickens, even if there is no fee involved. Mr. Smallwood said the Commission could make a recommendation of approval and insert some language related to needing a permit. Ms. Patterson said she would like to see an online registration that wouldn't require any additional work from the staff.

Ms. Milkavich asked what the difference is between a permit and a registration. Mr. Smallwood replied a permit is giving permission to do something. A registration is telling the City you are doing something. Mr. Hall said the registration process makes sense to him. Permitting is tougher. The registration for chickens would essentially be a listing. Staff would produce an information sheet that lets people know the rules for keeping chickens. People could check a box acknowledging they are aware of the rules. This gives the City some point of reference in case an issue comes up.

Mr. Hacker asked how many complaints the City has received over the past two years related to chickens. Mr. Smallwood said he doesn't have an exact number, but there have not been a lot. Mr. Hall added it's less than one complaint per year.

Ms. Wilson asked if wording could be added that says the Commission wants an addendum requiring those keeping chickens to register with the City. Mr. Smallwood replied yes.

A motion was made by Sue Wilson to forward a recommendation of approval to the City Council for the request to add proposed Chapter 17.67, Residential Chicken Keeping Standards, to Title 17, Murray City Land Use Ordinance with an addendum requiring those keeping chickens to register with the City.

Seconded by Maren Patterson.

Call vote recorded by Mr. Smallwood.

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

Motion passed 7-0.

OTHER BUSINESS

Phil Markham made a motion to adjourn. Seconded by Sue Wilson. A voice vote was made, motion passed 7-0.

The meeting was adjourned at 9:10 p.m.



Jared Hall, Planning Division Manager