

Minutes of the Planning Commission meeting held on Thursday, November 4, 2021, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

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 may submit comments via email at planningcommission@murray.utah.gov.

Present: Maren Patterson, Chair
Ned Hacker, Vice Chair
Travis Nay
Jake Pehrson
Lisa Milkavich
Jeremy Lowry
Jared Hall, Planning Division Manager
Zachary Smallwood, Senior Planner
Briant Farnsworth, Deputy City Attorney
Citizens

Excused: Sue Wilson

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.

APPROVAL OF MINUTES

Ned Hacker made a motion to approve the October 7, 2021 minutes, seconded by Lisa Milkavich.

CONFLICT OF INTEREST

There were no conflicts of interest.

APPROVAL OF FINDINGS OF FACT

Ned Hacker made a motion to approve the Findings of Fact for a Conditional Use Permit for Karim Auto to operate Auto Sales. Seconded by Travis Nay. A voice vote was made, motion passed 6-0

MURRAY HEIGHTS – 5448 South 700 West – Project #21-018 & 21-019

The applicant is requesting final subdivision approval to develop property located at 5448 South 700 West into thirty-one (31) townhomes. Zachary Smallwood presented the request. The property is in the R-M-15 Zone which allows up to 12 units per acre. This is the final subdivision plan and there are 31 units proposed. The Planning Commission granted a Planned Unit Development and Conditional Use Permit and Preliminary Subdivision Approval in September. During the Preliminary there was a request to remove some of the parking spaces which has been updated on the plans. All other components of the project have stayed the same. During the pre-meeting it was discovered that the fencing condition was not added to the conditions but it is in the minutes and so the fencing condition will be added. Staff is recommending that the Planning Commission grant Final Subdivision approval for the Murray Heights PUD Subdivision.

Applicant, Bryon Prince with Ivory Development, stated his willingness to comply with the conditions. He stated he has talked with some of the neighbors through the onsite meetings over the summer. They want an 8ft fence and he agreed that they would install either a precast concrete material or a wood grain vinyl. The plan is to place the fence right up to the private lane.

Mr. Lowry asked what type of material would be used for the monument sign. Mr. Prince stated precast concrete, long lasting material with lap siding panel similar to the OC Tanner monument and would be consistent with the architecture of the buildings.

Ms. Patterson opened the meeting for public comment. No comments were made. The public comment portion was closed.

Mr. Nay asked about the fencing on the south side of the property and if it will go directly against the private alley leaving no room for lawn. Mr. Prince concurred and verified it would run along the south property line abutting the curbing.

Travis Nay made a motion The Planning Commission grant Final Subdivision Approval for Murray heights PUD subdivision on the property addressed 5448 S 700 West subject to the seven conditions with the addition of an eighth condition to install an 8ft fence along the south side of the project.

1. The applicant shall meet all requirements of the Murray City Engineer, including the following:
 - a. Meet City subdivision requirements.
 - b. Dedicate right-of-way along 700 West for future widening – show on plat.
 - c. Install taper and right turn lane into subdivision (concrete).
 - d. Provide grading, drainage, and utility plan & profile drawings
 - e. Meet City storm drainage requirements, on-site retention of the 80th percentile storm and detention is required. Implement Low Impact Development (LID) practices.
 - f. The HOA will need to maintain the stormwater retention/detention system. Maintenance language should be included in the HOA declaration. There will also be a maintenance agreement require with Land Disturbance Permit.
 - g. Meet City utility standards requirements and provide PUE's on lots and in common areas. Provide a 10' wide PUE along the 700 West frontage for future power relocation.
 - h. Meet City overhead utility clearance requirements for the 700 West access. The low underhanging communication lines may need to be raised or relocated.
 - i. Provide a bond for dedicated public improvements.
 - j. Install sidewalk along 700 West frontage and pedestrian access ramps at Street A connection to 700 West.
 - k. Street A connection to 700 West must meet AASHTO sight distance requirements.
 - l. Obtain a City encroachment permit for work in City right-of-way.
 - m. Replace any damaged curb and gutter and sidewalk along the 700 West frontage.
 - n. Provide a site geotechnical study and implement recommendations.

- o. Develop a site SWPPP and obtain a Land Disturbance permit prior to beginning any site work.
2. The subdivision shall meet the requirements of the Murray City Fire Department
3. The developer shall meet all Murray City Water Division requirements.
4. The developer shall meet all requirements of the Murray City Wastewater Division.
5. The developer shall meet all Murray City Power Department requirements and meet to discuss planning the new power service.
6. All units within the subdivision shall comply with the requirements of the R-M-15 Zone as outlined in Chapter 17.120, Chapter 17.62, Condominiums, and Planned Unit Development as outlined in Chapter 17.60 of the Murray City Land Use Ordinance.
7. The subdivision plat shall be recorded within one year of the approval by the Planning Commission or the subdivision plat approval shall be null and void.

Seconded by Jeremy Lowry.

Call vote recorded by Mr. Smallwood.

 A Maren Patterson
 A Ned Hacker
 A Lisa Milkavich
 A Travis Nay
 A Jeremy Lowry
 A Jake Pehrson

Motion passed 6-0.

PLANNING COMMISSION TRAINING – Utah Open and Public Meeting Act

Briant Farnsworth presented the Utah Open and Public Meeting Training Act. State Law requires the training be given annually to each public body. The chairs responsibility is to make sure the training is done every year. The penalty for a knowingly, intentional violation of the act is a Class B Misdemeanor which could mean up to six months jail time or a fine of \$1000. The reason for the act is to be transparent with the public. Planning and Zoning is one of the more consequential commissions because the decisions affect people with regards to their rights and their property and community at large. The public has a right to see how business is done in other boards. A meeting is defined as an elected or appointed quorum with a public body with the intent to do the publics business and discussing issues within your jurisdiction to present items to the public and to hear their comments. A quorum is a simple majority of all the members of the board or commission. Mr. Pehrson asked about the breakdown of votes in a quorum situation. Mr. Hall clarified a tie vote would be an unpassed motion and a three to one vote in a quorum of four members would be a passed motion. Mr. Nay asked if three of the commissioners go out to lunch or dinner and talk business, its not a quorum but there seems to be a frowning upon that. Mr. Farnsworth stated even though it is less than a quorum, but you are discussing matters that may come before you, can cause problems and violates not the

letter of the law but the spirit of the law. A recent Bill was enacted by the State of California holding that public officials could violate the States open meetings and records laws if they communicate with members of the same public body on social media about matters under the body's jurisdiction. Even liking another officials post on a topic could violate the California law.

The commissioners asked for clarification on items or matters they discuss after a meeting about a general topic like density or a past item. Mr. Farnsworth stated anything past that has already been voted on is not a problem to discuss but a general topic like density could be a gray area. Some states have come down with explicit rules for these cases. Any discussion within your jurisdiction that could impact how applications are treated could possibly be a violation. Mr. Pehrson asked the appropriateness of reading something coming before us and wants to call another commissioner for their opinion. Mr. Farnsworth indicated it would be discouraged the deliberation should happen in a public setting.

Mr. Lowry asked to clarify the difference representation of City Council versus Planning Commission. Mr. Farnsworth stated the Planning Commission is a quasi-judicial board, making final decisions on certain agenda items or make strong recommendations to the council. The City Council is elected members who are the voice of the people who may go out and mingle to see what their constituents want. Mr. Pehrson asked who the commission is representing. Ms. Patterson stated that the commission represents the legal ordinances of the city. Mr. Hall specified the commissioners are appointed from districts but not to represent that district per se but to keep the geographic diversity of the city as they represent the city at large. Mr. Smallwood indicated the commissioners play a dual role, they are appointed by the Mayor, however the City Council, by State Law, creates the Planning Commission to do the City Councils administrative business as it applies to Land Use applications.

Mr. Lowry asked how to ask other commissioners their opinions without violating the act. Mr. Hall stated you would ask to schedule a commission meeting to discuss the topic which could be done as a pre-meeting or post-meeting and would still be a public meeting but not a public hearing.

Mr. Farnsworth indicated social media posts or comments are not clearly defined and are somewhat gray. The bi-laws could be modified to add some language about social media guidelines for commissioners. Mr. Nay added that by sitting on the commission you lose some of your rights as a citizen.

Mr. Farnsworth reviewed the written communication tips and GRAMA requests. Any communication related to commission business by and among commissioners and city staff are subject to GRAMA (Utah's open records law).

OTHER BUSINESS

The commissioners discussed under what conditions properties are made to bring their site up to code. Mr. Hall indicated when they are doing a site plan review, new development, or conditional use we can require conditions for all the non-conforming items to be brought up to code. [JP1]

There was no other business.

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Travis Nay made a motion to adjourn. Motion seconded by Jake Pehrson. A voice vote was made, motion passed 6-0. The meeting was adjourned at 7:38 p.m.



Jared Hall, Planning Division Manager