



**MAGNA CITY COUNCIL
MEETING AGENDA
August 13, 2024**

Webster Center
8952 West Magna Main Street
Magna, Utah 84044

PUBLIC NOTICE IS HEREBY GIVEN that the Magna City Council will hold a meeting on the **13th day of August 2024** at the Webster Center, 8952 West Magna Main Street Magna, Utah as follows:

***** Portions of the meetings may be closed for reasons allowed by statute. Motions relating to any of the items listed below, including final action, may be taken.***

Anticipated meeting duration: 2:15

6:00 PM – PUBLIC MEETING

1. CALL TO ORDER
2. Determine Quorum
3. Pledge of Allegiance

4. PUBLIC COMMENTS (Limited to 3 minutes per person)

Any person wishing to comment on any item not otherwise scheduled for a public hearing on this evening's agenda, should sign-up on the "Public Comment" form located at the entrance.

Person's signing up to speak will be called up in the order that they signed-in on the "Public Comment" form. Persons addressing the City Council shall step-up to the microphone and give their name for the record. The City Council is interested in hearing directly from residents. In an effort to be both transparent and responsive, the City Council previously adopted rules to help govern public meetings. As such, Councilmembers cannot respond directly to comments during public comment. However, Magna City staff will be responsible for responding directly to citizens who request a response. Should an item on tonight's agenda generate a question you would like answered, there is a QR code at the front entrance. Please scan the QR code and send your question directly to city staff. The City Council will not interrupt the evening's agenda to take questions from the audience once the formal meeting has commenced. ***Comments should be limited to not more than three (3) minutes unless additional time is authorized by the Governing Body.***

5. STAKEHOLDER REPORTS

- A. Unified Police Department - *Chief Del Craig* (5 minutes)

6. DISCUSSION ITEMS

- A. Discuss **OAM2024-001179** – An application to amend Magna Code to allow drive thru windows in the Downtown Historic District (DH) Mixed Use Zone. This proposed ordinance would also create specific use standards and conditions for drive thru's on Magna Main

Street. Applicant: Steve Andrews and Jeff Fisher - **Brian Tucker, Planning Manager Municipal Services District** (15 minutes)

- B. Discuss **OAM2024-001210** – An application to amend Magna Code to reduce the required side and rear setbacks in the M-1 and M-2 Manufacturing zones. Applicant: Planning Staff - **Brian Tucker, Planning Manager Municipal Services District** (5 minutes)
- C. Discuss **REZ2024-001216** – Elliott Smith is requesting a rezone from the C-2 (Commercial) Zone to the C-1 (Commercial) Zone for a property .87 acres in size. **Location:** 8146 West 3500 South - **Jeff Miller, Planner II Municipal Services District** (10 minutes)
- D. Discuss **REZ2024-001183** - Quin Bingham is requesting a rezone from the A-20 to M-2 on behalf of Granite Construction for a hot mix asphalt plant. **Location:** 2185 South 7400 West. **Acres:** 3.43. - **Justin Smith, Planner I Municipal Services District** (10 minutes)
- E. Discuss **REZ2024-001105** - Jeffrey Copeland is requesting a rezone from the A-1/zc to R-1-5 on behalf of Habitat for Humanity. **Location:** 7563 West 2820 South. **Acres:** 0.5. - **Justin Smith, Planner I Municipal Services District** (15 minutes)
- F. Discuss **REZ2024-001215** - Trevor Andra is requesting a rezone from the A-20 to M-1 on behalf of Magna Water District. **Location:** 7650 West, 7764 West, 7750 West and 2100 South. **Acres:** 38.15. - **Justin Smith, Planner I Municipal Services District** (5 minutes)
- G. Discuss Sidewalk Improvement on 8400 West - **Steven Kuhlmeier, Salt Lake County Engineer** (10 minutes)
- H. Discuss Title 11, 12, and 19 – **David Brickey, City Manager** (10 minutes)
- I. Discuss Elk Run Fence Replacement – **David Brickey, City Manager** (10 minutes)
- J. Discuss sign concepts for Copper Park and Pleasant Green Cemetery - **David Brickey, City Manager** (15 minutes)

7. MANAGER/CITY ATTORNEY UPDATES (10 minutes)

8. COUNCIL REPORTS (10 minutes)

9. CLOSED SESSIONS IF NEEDED AS ALLOWED PURSUANT TO UTAH CODE §52-4-205

- A. Discussion of the character, professional competence or physical or mental health of an individual.
- B. Strategy sessions to discuss pending or reasonably imminent litigation.
- C. Strategy sessions to discuss the purchase, exchange, or lease of real property.
- D. Discussion regarding deployment of security personnel, devices, or systems; and
- E. Other lawful purposes as listed in Utah Code §52-4-205

10. ADJOURN

ZOOM MEETING:

Topic: Magna City Council Meeting

When: August 13, 2024, 06:00 PM Mountain Time (US and Canada)

Register in advance for this webinar:

https://zoom.us/webinar/register/WN_xVMc4S5_Q7aD8Q9k0H7Qrg

After registering, you will receive a confirmation email containing information about joining the webinar.

Upon request with three (3) working days' notice, the Greater Salt Lake Municipal Services District, in support of Magna City, will make reasonable accommodations for participation in the meeting. To request assistance, please call (385) 468-6703 – TTY 711.

A copy of the foregoing agenda was posted at the following locations on the date posted below: Magna City website at <https://magna.utah.gov/> and the Utah Public Notice Website at <https://www.utah.gov/pmn/>. Pursuant to State Law and Magna Ordinance, Councilmembers may participate electronically. Pursuant to Utah Code § 52-4-205, parts of meetings may be closed for reasons allowed by statute.

POSTED: August 9, 2024

Meeting Body: Magna Planning Commission

Meeting Date: August 13, 2024

Planner: Brian Tucker, Planning Manager

Project Name and File Number:
OAM2024-001179 –

Magna Drive-Thru Amendments, including facilities on Magna Main

Applicant(s):

Jeff Fisher, Steve Andrews

Project Type:

Amend Text Ordinance

Areas Affected: Commercial Areas in Magna generally, properties in the Downtown Historic Mixed Use zone

Key Findings:

- Drive-Thru and Drive-Up Facilities can be made compatible with a traditional downtown environment if adequately designed.
- General Amendments to the code were needed for Drive-Thru and Drive-Up Facilities city wide.

Attachments:

1. DH Mixed Use Amendments
2. General Amendments



SUMMARY/BACKGROUND

Steve Andrews owns two properties on Magna Main Street at 9068 and 9078 West, respectively. The 9068 West Main property is the home to We Witches. The applicant wants to make greater use of the property by adding a second building at 9078 W, using it as a coffee/breakfast shop with two residential units upstairs. The applicant is concerned that the shop may not work if a drive-thru window is not included for the coffee/breakfast shop use. The properties are zoned Downtown Historical District (DH) Mixed Use, a zone that does not allow for drive-thru and drive up facilities. The applicant has made an application to amend the ordinance to allow for drive-thru and drive up facilities. As a result of that application, Staff have created a draft ordinance for the Planning Commission and City Council to review. The proposed ordinance would allow drive-thru facilities under certain circumstances. The proposed ordinance also includes amendments to the drive-thru and drive up facilities specific use standards and the stacking standards for these facilities to better manage these uses in general.

ISSUES TO CONSIDER/PROPOSED ORDINANCE

Drive-Thru and Drive-Up Facilities in the (DH) Mixed Use. The reason the applicants have made this application is that they want to create a drive-thru window in the (DH) Mixed Use zone. When the Downtown Historical District (DH) Mixed Use zone was adopted, drive-thru windows were excluded because the building form and architectural requirements were written to encourage a traditional look with buildings with no setback from the street and with anchor buildings on the street corners. Drive-thru windows are not typical of a historical downtown, although they do exist in those areas. The historic area does include a minimalist drive-thru window on a bank building, but that building would not comply with the now adopted DH

Mixed Use standards. The applicant is proposing a drive-thru window on the rear of the building, with the building sited to frame the corner as the ordinance requires. If the applicant can comply with the building form and architectural requirements, could a drive-thru window be a reasonable request in the historic downtown area?

Staff suggest that if a drive-thru is to work in this area it should:

- Typically, be located on the rear façade of the building,
- Not have direct access to Main Street for either the entrance or the exit,
- Have access from a side street or a public alley,
- Have no stacking/queuing that obstructs traffic on a public street,
- Be able to use the alley for access but should not block the alley for use by others, and
- Not be a nuisance to neighboring residential uses.

In an effort to ensure that any ordinance allowing drive-thru windows would not conflict with the goals of the DH Mixed Use zone, Staff have taken on the task of drafting the proposed ordinance. The policy decision allowing or disallowing drive-thru windows is a policy decision for the Council, Staff are merely attempting to provide a set of standards that could make drive-thru windows work in the downtown historic district context.

The proposed ordinance would amend the Mixed-Use Zone Schedule of Permitted Uses to allow drive-thru and drive-up facilities as a permitted use subject to the specific use standards in Section 19.42.170 and the Vehicle Stacking Standards in Section 19.48.100 of Magna Code. In addition to these standards, a drive through window must:

1. Have no drive-thru window, order/menu board, or other aspect of the drive-thru or drive-up transaction on a street facing side of a building,
2. Have no direct access to main street for either the entrance or exit,
3. Make use of a side street or alley for the entrance and exit, and
4. Not block a public alley with stacking/queuing customer vehicles. The ally may be used for access but may not be counted toward the required stacking/queuing spaces.

The Planning Commission may allow for variations to the stacking and capacity standards in Sections 19.48.100 of Magna's code due to site constraints. If a variation is permitted, the drive-thru or drive-up facility must be designed to ensure that adequate on-site maneuvering and circulation areas, ensure that stacking vehicles do not impede traffic on abutting streets, and that stacking lanes will not have nuisance impacts on abutting residential lots.

Amendments applicable to all Drive-Thru and Drive-Up Facilities: In exploring this topic, Staff noticed that some of the adopted standards could be improved for these facilities in general. As a result, Staff proposes the following ordinance amendments to Magna Code, Section 19.42.170, Specific Use Standards for Drive-Thru and Drive-Up Facilities, and Section 19.48.100, Vehicle Stacking Standards.

1. Section 19.42.170(D) is proposed to include a requirement that drive-up/drive-thru windows and their stacking lanes be separated from residentially zoned properties by an intervening building, a masonry wall, or by a major street. These standards would help to reduce noise, lighting, and visual impacts on residential uses.
2. Subsection 19.48.100(A) would be amended to be consistent with the definitions section and for clarity.
3. Subsection 19.48.100(A)(2) clarifies the reasons for the sixty-foot distance between a curb cut and the entrance of a stacking/queuing lane. This should also help the public to understand what this language requires of them.
4. Subsection 19.48.100(A)(3) requires stacking/queuing lanes to be designed to avoid interfering with back out lanes unless site constraints rule out any alternative.
5. Subsection 19.48.100(A)(5) requires stacking/queuing lanes to be designed to avoid conflicts with the main entrance to the establishment unless site constraints rule out any alternative.
6. Subsection 19.48.100(A)(6) strongly discourages stacking/queuing lanes between the building and the street unless site constraints rule out any alternative.
7. Subsection 19.48.100(A)(7) requires a separate escape lane when more than nine stacking/queuing spaces are provided.
8. Subsection 19.48.100(B) renames the stacking capacity subsection for clarity.

NEIGHBORHOOD RESPONSE

Planning Staff have not received any comments from the general public or property owners.

PLANNING COMMISSION HEARING AND ACTION

On July 11, 2024, the Magna Planning Commission held a public hearing on the proposed ordinance amendment. After opening the hearing to public comment, the Planning Commission recommended approval of both the General Drive Thru and Drive Up Facilities Amendments and the DH Mixed Use Zone specific ordinance that would permit drive-thru and drive up facilities under specific circumstances in the Magna Historic District.

CONCLUSION AND RECOMMENDATION

Drive-Thru and Drive-Up Facilities in the DH Mixed Use Zone:

MSD Planning Staff have created a proposed ordinance intended to allow drive-thru and drive-up facilities in the DH Mixed Use Zone. Staff finds that the proposed ordinance can be made compatible with the building form and architectural standards under the following circumstances:

1. The facility is located on the rear façade of the building,
2. The facility does not have direct access to Main Street for either the entrance or the exit, accessing the site from a side street or a public alley,
3. Stacking/queuing does not obstruct traffic on a public street,
4. Alley access does not block the alley for use by others, and
5. The facility is sited in a manner that results in no foreseeable nuisance to neighboring residential uses.

General Drive-Thru and Drive-Up Facilities Amendments:

MSD Planning Staff have created a proposed ordinance that addresses weaknesses in the regulations for Drive-Thru and Drive-Up Facilities in Magna generally. Staff finds that the amendments to Magna Code, Sections 19.42.170 and 19.48.100:

1. Reduce noise, lighting, and visual impacts on abutting residential uses,
2. Clarify standards that were not given a clear context in the existing code,
3. Establishes more substantial requirements for the design of stacking/queuing lanes,
4. Allow variations to the design standards when site constraints do not allow for strict compliance.

Therefore, the Planning Staff recommend that the Magna Planning Commission recommend approval of the attached ordinance to the Magna Council.

Ordinance No. 2024-__

Date: August 13, 2024

**AN ORDINANCE OF THE MAGNA CITY COUNCIL AMENDING THE
SUBSECTION 19.36.030 AND TABLE 19.36.030. USES TO ALLOW DRIVE
THRU AND DRIVE UP FACILITIES IN THE DH MIXED USE ZONE UNDER
CERTAIN CONDITIONS**

RECITALS

WHEREAS, Magna City is a municipality and has authority to regulate land use pursuant to Utah Code Ann. Subsection 10-9a-102(2); and

WHEREAS, Drive-Thru and Drive Up Facilities were not allowed in the DH Mixed Use Zone when it was adopted; and

WHEREAS, potential incompatible aspects of Drive-Thru and Drive Up Facilities may include obstruction of traffic, direct access to Main Street that renders designated parking spaces unusable, additional vehicle only uses in a district designed to be pedestrian friendly, and potential impacts on neighboring property in a mixed use environment; and

WHEREAS, if those potential impacts can be mitigated through reasonable conditions and standards, Drive-Thru and Drive Up Facilities may be feasible in a mixed use environment; and

WHEREAS, the Council deems it necessary to amend its ordinances accordingly, and for the protection and preservation of the public health, safety, and general welfare.

BE IT ORDAINED BY THE MAGNA CITY COUNCIL as follows:

1. Subsection 19.36.030 and Table 19.36.030 of the Magna City Code is amended to read as shown in **Attachment A** to this Ordinance;
2. Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which shall continue in full force and effect.
3. Effective Date. This Ordinance will take effect immediately upon posting and publication as required by law.

[execution on following page]

PASSED AND ADOPTED this 13th day of August 2024.

MAGNA CITY COUNCIL

By: Eric Barney, Mayor

ATTEST

Nicole Smedley, Clerk/Recorder

Voting:

Council Member Prokopis	voting <input type="text"/>
Council Member Barney	voting <input type="text"/>
Council Member Hull	voting <input type="text"/>
Council Member Pierce	voting <input type="text"/>
Council Member Sudbury	voting <input type="text"/>

(Complete as Applicable)

Date ordinance summary was published on the Utah Public Notice Website per Utah Code §10-3-711: _____

Effective date of ordinance: _____

SUMMARY OF
MAGNA CITY
ORDINANCE NO. 2024-

On August 13, 2024, the Magna City Council Enacted Ordinance No. 2024-____, amending it's the side and rear setbacks in the M-1 and M-2 Manufacturing Zones as set forth in Subsection 19.34.050 of the Magna City Code

MAGNA CITY COUNCIL

By: Eric Barney, Mayor

ATTEST

APPROVED AS TO FORM:

Nicole Smedley, Clerk/Recorder

Paul Ashton, City Attorney

Voting:

Council Member Prokopis	voting ____
Council Member Barney	voting ____
Council Member Hull	voting ____
Council Member Pierce	voting ____
Council Member Sudbury	voting ____

A complete copy of Ordinance No. 2024-____ is available in the office of the Magna City Clerk, 2001 South State Street, N3-600, Salt Lake City, Utah.

Attachment A:

Proposed Ordinance Allowing Drive-Thru and Drive-Up Facilities in the DH Mixed Use Zone

19.36.030 - Schedule of Permitted Uses.

- A. Schedule of Permitted Uses. The specific uses listed in the following schedule are permitted in the zones as indicated, subject to the general provisions, special conditions, additional restrictions, and exceptions set forth in this Title.
- B. Special Conditions. Any special conditions related to a specific use are in Chapter 19.42 Specific Use Standards.
- C. Procedure for Multiple Uses (Combination of Uses). If a development proposal involves a combination of uses other than accessory uses as identified in Table 19.36.030, the more restrictive provisions of this Title shall apply. For example, if a portion of a development is subject to Conditional Use ("C") approval and the other portion is subject only to Permitted Use ("P") review, the entire development shall be reviewed and approved by the Conditional Use process.
- D. Abbreviations. The abbreviations used in the schedule mean:
 1. P = Permitted Use. This use is allowed in the zone but may be subject to additional restrictions and approval processes as provided in this Title.
 2. C = Conditional Use. This use is conditional because of the unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent uses, incompatibility in some areas of the zone, or compatibility only if special provisions or conditions are required to mitigate the detrimental impacts of the use. The Planning Commission is the land use authority for uses with this designation.
 3. X = Prohibited Use. This use is prohibited in this zone. Any use not specifically identified in Table 19.36.030 is prohibited in this zone.

Table 19.36.030. Uses.

Use Categories	DH	NMU	CMU
Residential Uses: ^E			
Accessory Dwelling Unit, Detached or Internal	X	P	X
Dwelling, Multiple Family	P	X	P
Dwelling, Single Family	X	P	X
Dwelling, Single Family Attached	X	P	P
Dwelling, Three- and Four-Family	P	P	P
Dwelling, Two-Family (Duplex)	P	P	X
Educational Facility with Residential Accommodation	X	X	P
Retail and Service:			
Bank, Credit Union, or Other Financial Institution	P	P	P
Car and Light Truck Wash	X	X	P
Child or Adult Care Facility	P	P	P
Laundry Cleaning, Automatic Self-Help	P	P	P

Laundry Cleaning Drop-Off	P	P	P
Liquor and/or Wine Store	X	X	P
Mobile Store	P	X	P
Personal Care Services	P	P	P
Personal Instruction Services	P	P	P
Post Office	P	P	P
Reception Hall, Reception Center	P	X	P
Retail Sales	P	P	P
Retail Shops or Galleries where Primary Product is Produced On-Site	C	C	C
Self-Service Gas Station, with or without Convenience Store	X	X	P
Shopping Center	X	X	C
Food and Drink:			
Bars and Clubs	P	X	P
Breweries and Distilleries, with or without restaurant	P	X	P
Food Truck, Mobile Restaurant, Food Cart	P	X	P
Restaurant, Fast Food	P	P	P
Restaurant, Sit Down with or without Alcohol	P	P	P
Lodging:			
Bed and Breakfast	P	P	P
Hotel/Motel	P	X	P
Office:			
Offices – General, Professional, and Trade Services	P	P	P
Recreational:			
Commercial Recreation and Entertainment, Indoor	P	X	P
Outdoor Recreation, Small Scale	X	X	P
Theatres and Concert Halls (Indoor)	P	X	P
Industrial Uses:			
Light or Heavy Industry or Manufacturing	X	X	X
Institutional Uses:			
Animal Hospital or Clinic	C	X	C
Church, Synagogue, Mosque, Temple, Cathedral, or other religious buildings	P	P	P
Community Garden	P	P	P
Educational Facility	P	P	P
Public or Quasi-Public Use	P	P	P
Public Park	P	P	P
Specialty:			
Medical, Urgent Care, and Dental Clinic	P	X	P
Mortuary or Funeral Home	P	X	P
Park and Ride	X	X	P
Parking Lot (not associated with other use)	X	X	X
Accessory Uses:			
Accessory Buildings, Garages, Carports, and Structures subject to this Title	P	P	P
Drive-Thru and Drive-Up Facilities, <i>subject to Subsection 19.42.170. EE</i>	PX	P	P
Home Occupations, subject to Chapter 19.42.	P	P	P
Sidewalk Displays and Sidewalk Cafes	C	C	C
Nonconforming Uses:			

Pre-Existing Lot	P	P	P
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E. Residential Uses:

1. In the DH and CMU Mixed Use Zones, residential uses are limited as follows.
 - a. Units above a business: Residential dwelling units on the second story or above are permitted.
 - b. Units behind a business: Residential dwelling units on the first story that are separated from the front lot line by a non-residential use in the same story are permitted.
 - c. Units attached to a business on a multiple frontage lot: In no case may first-story dwelling units face onto a front lot line.
2. In the NMU Zone, any new development shall include a mix of residential and non-residential uses. These uses may be mixed horizontally or vertically.

F. In addition to the specific use standards for Drive-Thru and Drive Up Facilities in Subsection 19.42.170, said facilities in the Downtown Historic District (DH) Mixed Use zone are subject to the following additional standards:

1. No drive-thru window, order/menu board, or other aspect of the drive-thru or drive-up transaction may be conducted on a street facing side of a building,
2. No entrance or exit for a drive-thru or drive up facility may directly access Main Street. All access must occur from a side street, and
3. A public alley may be used to access stacking lanes. The alley may not be blocked by the stacking of vehicles and the alley may not count as stacking spaces for the purposes of meeting required stacking capacity.
4. The Planning Commission may allow for variations to the stacking lane and capacity requirements in Section 19.48.100 of this code when it finds that site constraints due to lot width or area make compliance impossible. The approved drive-thru or drive up facility must be designed to ensure that adequate on-site maneuvering and circulation areas, ensure that stacking vehicles do not impede traffic on abutting streets, and that stacking lanes will not have nuisance impacts on abutting residential lots.

Ordinance No. 2024-__

Date: August 13, 2024

**AN ORDINANCE OF THE MAGNA CITY COUNCIL AMENDING THE
SECTIONS 19.42.170 AND 19.48.100 TO ADDRESS WEAKNESSES IN THE
GENERAL REGULATIONS CONCERNING DRIVE-THRU AND DRIVE UP
FACILITIES**

RECITALS

WHEREAS, Magna City is a municipality and has authority to regulate land use pursuant to Utah Code Ann. Subsection 10-9a-102(2); and

WHEREAS, Drive-Thru and Drive Up Facilities are allowed in commercial and mixed use districts subject to the use standards in Section 19.42.170 of Magna City Code; and

WHEREAS, Stacking/queuing standards for Drive-Thru and Drive Up Facilities are subject to the standards in Section 19.48.100 of Magna City Code; and

WHEREAS, the existing standards do not adequately reduce noise, lighting and visual impacts to residential uses abutting Drive-Thru and Drive Up Facilities; and

WHEREAS, the existing standards do not adequately regulate the location of stacking/queuing areas associated with Drive-Thru and Drive Up Facilities; and

WHEREAS, the existing standards lacked context to adequately apply a standard requiring a minimum distance between curb cuts and entrances to stacking/queuing areas; and

WHEREAS, the existing standards lacked the ability for the land use authority to adjust the requirements when site constraints made strict compliance impossible; and

WHEREAS, the Council deems it necessary to amend its ordinances accordingly, and for the protection and preservation of the public health, safety, and general welfare.

BE IT ORDAINED BY THE MAGNA CITY COUNCIL as follows:

1. Section 19.42.170 and 19.48.100 of the Magna City Code is amended to read as shown in **Attachment A** to this Ordinance:

2. **Severability.** If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which shall continue in full force and effect.

3. Effective Date. This Ordinance will take effect immediately upon posting and publication as required by law.

PASSED AND ADOPTED this 13th day of August 2024.

MAGNA CITY COUNCIL

By: Eric Barney, Mayor

ATTEST

Nicole Smedley, Clerk/Recorder

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(Complete as Applicable)

Date ordinance summary was published on the Utah Public Notice Website per Utah Code

§10-3-711: _____

Effective date of ordinance: _____

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MAGNA CITY COUNCIL

By: Eric Barney, Mayor

ATTEST

APPROVED AS TO FORM:

Nicole Smedley, Clerk/Recorder

Paul Ashton, City Attorney

Voting:

Council Member Prokopis	voting ____
Council Member Barney	voting ____
Council Member Hull	voting ____
Council Member Pierce	voting ____
Council Member Sudbury	voting ____

A complete copy of Ordinance No. 2024-____ is available in the office of the Magna City Clerk, 2001 South State Street, N3-600, Salt Lake City, Utah.

Attachment A:

General Drive-Thru and Drive Up Facilities Amendments

19.42.170 - Drive-Thru ~~and Drive Up Facilities~~ Windows.

- A. Purpose: The regulations of this section are intended to allow for drive-thru facilities by reducing the negative impacts they may create. These impacts include noise from idling cars and voice amplification equipment, lighting, and queued traffic interfering with on-site and off-site traffic and pedestrian flow. The specific purposes of this section are to:
 - 1. Reduce noise, lighting, and visual impacts on abutting uses, particularly residential uses;
 - 2. Promote safer and more efficient on site vehicular and pedestrian circulation; and
 - 3. Reduce conflicts between queued vehicles and traffic on adjacent streets.
- B. Applicability And Permit Requirements: These regulations shall apply to all new drive-through facilities, any rebuild or replacement of an existing structure containing a drive-thru facility or modification to an existing building that includes altering the location of an existing drive-through window, expands the floor area by twenty five percent (25%) or more of the gross floor area or one thousand square feet (1,000 sq. ft.), whichever is less and/or the parking requirement increases as required by this Title.
- C. Additional Application Materials Required: In addition to the site plan and standard application requirements, an applicant for a business with drive-thru facilities shall submit a site plan that includes: a parking and circulation plan, driveway locations, and the placement of audio equipment (if this type of equipment will be used).
- D. Adjacent To Residentially Zoned Property: Drive-up/drive-thru windows and their stacking lanes shall be separated from residentially zoned properties by an intervening building, a masonry wall in accordance with Subsection 19.50.050 (B), or by a major street.
- E.D. Capacity and design standards for drive-thru and drive-up facilities are found in Section 19.48.100.

19.48.100 - Vehicle Stacking Standards.

- A. Drive-ThruUp and Drive UpThru Facility, Stacking Lane Design Standards: These standards ensure that there is adequate on-site maneuvering and circulation areas, ensure that stacking vehicles do not impede traffic on abutting streets, and that stacking lanes will not have nuisance impacts on abutting residential lots.
 - 1. Each stacking space shall be a minimum of twenty feet (20') in length and eight feet (8') wide along the straight portions and ten feet (10') wide along the curved segments.
 - 2. To prevent stacking lanes from blocking traffic on adjacent streets, Entrances to stacking lanes shall be clearly marked and located a minimum of sixty feet (60') from the closest curb cut. Stacking lanes may not enter or exit directly into a public street.

3. Stacking lanes shall be designed so that they do not interfere with parking and vehicle circulation.
Stacking lanes may not block required back out areas for adjacent drive aisles and parking spaces unless there is no other alternative for location of the building and drive-thru lane(s) on the site.
- 3.4. All stacking lanes shall be clearly delineated from traffic aisles, other stacking lanes and parking areas using striping at a minimum and curbing, landscaping, or signs where appropriate.
5. Stacking lanes may not wrap around in front of the main building entrance doors unless there is no other alternative for location of the building and drive-thru lane(s) on the site.
6. Stacking lanes are strongly discouraged between the building and the street unless there is no other alternative for location of the building and drive-thru lane(s) on the site.
7. All drive-thru queuing lanes providing greater than nine (9) spaces shall also provide a separate escape lane.

B. Required Stacking Capacity: These standards ensure that adequate stacking for certain land uses is provided.

1. A drive-thru automated teller machine (ATM) shall provide no fewer than two (2) stacking spaces before the teller machine.
2. A car or light truck wash shall provide no fewer than three (3) stacking spaces per lane before the wash bay entrance.
3. A laundry or dry-cleaning establishment with a drive thru window shall provide no fewer than two (2) stacking spaces per lane before the drive-up window.
4. A financial institution with teller lanes shall provide no fewer than three (3) stacking spaces per lane before the teller or drive-up window.
5. A pharmacy with a drive thru window shall provide no fewer than three (3) stacking spaces per lane before the drive-up window.
6. A restaurant with drive thru shall provide no fewer than eight (8) stacking spaces before the first drive-up window. A restaurant with more than one stacking lane shall provide no fewer than six (6) stacking spaces before the first drive-up window. Establishments where orders are placed for food or drink in a similar manner to a restaurant shall provide stacking in the same manner as a restaurant.
7. Uses having a drive thru window but not listed in this part are required to have stacking lanes and stacking spaces as determined by the Director and based on the anticipated demand for stacking spaces given existing and projected traffic and consumer patterns.
8. A stacking lane is not required for accessory facilities where vehicles do not routinely stack up while waiting for the service. Examples are window washing, air compressor, and vacuum cleaning stations.

Meeting Body: Magna City Council

Meeting Date: August 13, 2024

Planner: Brian Tucker, Planning Manager

Project Name and File Number:

OAM2024-001210 –

Manufacturing Zone Setbacks

Applicant(s):

Staff

Project Type:

Amend Text Ordinance

Areas Affected: Industrial Areas in Magna generally

Key Findings:

- Current setback requirements when applied between two Manufacturing or industrial uses are excessive.
- Substantial setbacks between manufacturing or industrial uses and incompatible zones are appropriate.

Exhibits:

1. Proposed Ordinance



SUMMARY/BACKGROUND

In June 2023, Magna repealed and replaced Titles 18 and 19 of the Magna Code. These Subdivision and Zoning ordinances had been extensively rewritten by the Planning Staff to:

- Ensure compliance with State Statute, which restricts the authority and powers of local government;
- Encourage conformity with the Magna General Plan, which was adopted in 2020 and sets a vision for the community's future land uses;
- Promote ease of use for both staff and residents by using clear and concise language and incorporating graphics where appropriate; and (to)
- Meet the unique needs and preserve the character of the Magna community.

Prior to the adoption of these ordinances, each chapter of the draft ordinance was reviewed by multiple staff members, was discussed over the course of four workshops with the Council and Planning Commission, reviewed by Magna's attorney and by Smith Hartvigsen (a firm specializing in land use law). Despite all of these reviews it was inevitable that revisions would be needed as time went by due to legislation, changing circumstances and needs and even due to oversites.

In the case of Chapter 19.34: Manufacturing Zones, the adopted ordinance required side yard setbacks from between 20 and 25 feet and rear yard setbacks from between 25 and 35 feet. These setbacks might be desirable when a proposed use is located near residential or commercial uses, but in manufacturing and industrial areas these are atypical and excessive setbacks. A potential applicant brought this to the staff's attention and having

consulted with Magna's City Manager, the staff have proactively drafted an amended ordinance.

ISSUES TO CONSIDER/PROPOSED ORDINANCE

It is uncommon for industrial and manufacturing zones to have significant side and rear yard setbacks when found in industrial or manufacturing parks and districts. Significant side and rear yard setbacks are typically reserved for those areas adjacent to incompatible residential or commercial uses.

Magna's M-2 (Manufacturing Zone – Heavy) zones are located almost exclusively north of Highway 201. This area is part of the larger "Inland Port" area and is located adjacent to similar manufacturing, industrial and warehousing districts in West Valley City and Salt Lake City.

Magna's M-1 (Manufacturing Zone – Flex) zones tend to not be located adjacent to residential and commercial areas. Generally, these zones are separated from these incompatible areas by rail lines, canals or major streets.

A review of setback requirements in cities with similarly situated industrial and manufacturing areas reveals that Magna's current side and rear yard setbacks for its manufacturing zones are out of step with the norm. The setback requirements that Magna had used as part of Unincorporated Salt Lake County and later as a Metro Township utilized a lightly adapted version of the county code, which had no side or rear yard setback requirements. Salt Lake City and West Valley City also do not have side and rear yard setback requirements for their manufacturing/industrial zones. West Jordan has setback requirements when adjacent to commercial and residential zones, but not when manufacturing uses are found in an industrial park or district.

The Staff propose that the side and rear yard setbacks be eliminated from the M-1 and M-2 zones when located in industrial parks or districts. In those relatively rare occasions where the flex manufacturing zone is located adjacent to potentially incompatible uses a setback would be appropriate.

Staff recommends that subsection 19.34.050 – Required Yards and Setbacks, be revised to read as follows:

(continued on the next page)

19.34.050 - Required Yards and Setbacks.

A. Development in the M-1 or M-2 Zones shall comply with the yard and setback standards shown in Table 19.34.050 and all other applicable standards in this Title.

Table 19.34.050: Required Yards and Setbacks for M-1 and M-2 Zones.		
Standard	M-1	M-2
Front Yard and Side Yard, Corner Lot Setback (in feet)	Minimum: 20 Maximum: NA	Minimum: 25 Maximum: NA
Side Yard, Interior Lot Setback (in feet)	Minimum: 0 ^B Maximum: NA	Minimum: 0 ^B Maximum: NA
Rear Yard Setback (in feet)	Minimum: 0 ^B Maximum: NA	Minimum: 0 ^B Maximum: NA
Minimum Distance between Primary and Accessory Structures (in feet)	10	10
Side Yard, Interior Lot and Rear Yard Setback (in feet) from a residential zone boundary	Minimum: 30 ^C Maximum: NA	Minimum: 30 ^C Maximum: NA
Side Yard, Interior Lot and Rear Yard Setback (in feet) from a nonresidential or nonmanufacturing zone boundary	Minimum: 20 Maximum: NA	Minimum: 20 Maximum: NA

B. Required Setback to Contain Roof Drainage. All buildings located closer than five feet (5') from a property line shall be equipped with facilities for the discharge of all roof drainage onto the subject lot.

C. Residential Buffer. Masonry Wall and 8' landscaped buffer required between residential and non-residential uses in accordance with Section 19.50.050.B.

*See the attached draft ordinance for the redlined version.

NEIGHBORHOOD RESPONSE

Planning Staff have not received any comments from the general public or property owners.

PLANNING COMMISSION HEARING AND ACTION

On August 8, 2024, the Magna Planning Commission held a public hearing on the proposed ordinance amendment. After opening the hearing to public comment, the Planning Commission recommended approval of the proposed ordinance.

CONCLUSION AND RECOMMENDATION

Staff finds that:

1. The existing side and rear yard setbacks in the Manufacturing Zones are excessive when located in a manufacturing district or adjacent to other manufacturing, industrial, or warehousing uses.
2. Where manufacturing, industrial or warehousing uses are proposed adjacent to zones that are primarily residential or commercial, due to the incompatibility of uses, a substantial setback is appropriate.
3. Where buildings are allowed within five feet of a property line, drainage must still be routed to stormwater facilities on the subject parcel.

Given the above findings, staff recommends the following action:

The MSD Planning Staff recommends that the Magna City Council to approve the attached ordinance.

Ordinance No. 2024-__

Date: August 13, 2024

**AN ORDINANCE OF THE MAGNA CITY COUNCIL AMENDING THE SIDE
AND REAR YARD SETBACKS IN THE MANUFACTURING ZONES**

RECITALS

WHEREAS, Magna City is a municipality and has authority to regulate land use pursuant to Utah Code Ann. Subsection 10-9a-102(2); and

WHEREAS, the existing side and rear yard setbacks in the Manufacturing Zones are excessive when located in a manufacturing district or adjacent to other manufacturing, industrial, or warehousing uses; and

WHEREAS, where manufacturing, industrial or warehousing uses are proposed adjacent to zones that are primarily residential or commercial, due to the incompatibility of uses, a substantial setback is appropriate; and

WHEREAS, where buildings are allowed near a property line, drainage must still be routed to stormwater facilities on the subject parcel; and

WHEREAS, the Council deems it necessary to amend its ordinances accordingly, and for the protection and preservation of the public health, safety, and general welfare.

BE IT ORDAINED BY THE MAGNA CITY COUNCIL as follows:

1. Subsection 19.34.050 of the Magna City Code is amended to read as shown on **Attachment A** to this Ordinance:

2. **Severability.** If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which shall continue in full force and effect.

3. **Effective Date.** This Ordinance will take effect immediately upon posting and publication as required by law.

[execution on following page]

PASSED AND ADOPTED this 13th day of August
2024. MAGNA CITY COUNCIL

By: Eric Barney, Mayor

ATTEST

Nicole Smedley, Clerk/Recorder

Voting:

Council Member Prokopis	voting <u> </u>
Council Member Barney	voting <u> </u>
Council Member Hull	voting <u> </u>
Council Member Pierce	voting <u> </u>
Council Member Sudbury	voting <u> </u>

(Complete as Applicable)

Date ordinance summary was published on the Utah Public Notice Website per Utah Code

§10-3-711: _____

Effective date of ordinance: _____

SUMMARY OF
MAGNA CITY
ORDINANCE NO. 2024-

On August 13, 2024, the Magna City Council Enacted Ordinance No. 2024-____, amending it's the side and rear setbacks in the M-1 and M-2 Manufacturing Zones as set forth in Subsection 19.34.050 of the Magna City Code

MAGNA CITY COUNCIL

By: Eric Barney, Mayor

ATTEST

APPROVED AS TO FORM:

Nicole Smedley, Clerk/Recorder

Paul Ashton, City Attorney

Voting:

Council Member Prokopis	voting ____
Council Member Barney	voting ____
Council Member Hull	voting ____
Council Member Pierce	voting ____
Council Member Sudbury	voting ____

A complete copy of Ordinance No. 2024-____ is available in the office of the Magna City Clerk, 2001 South State Street, N3-600, Salt Lake City, Utah.

Chapter 19.34: MANUFACTURING ZONES

19.34.010 - Purpose of Provisions.

The purpose of the manufacturing zones is to provide places in the municipality for industrial, warehousing, wholesale, and other uses that contribute to the economic stability of the community and wellbeing of its employees and residents. The zones intend to provide employment opportunities and expand the municipal tax base while also encouraging sustainable development and providing an attractive transition between residential and non-residential uses.

19.34.020 - Establishment of Manufacturing Zones.

To anticipate and respond to the changing needs of our community and implement industrial and employment center concepts included in the adopted General Plan, the Magna Metro Township establishes the following zones:

- A. Manufacturing Zone – Flex (M-1): The M-1 Zone is intended to provide a flexible mix of industrial uses, including light manufacturing, warehousing, wholesale, and accessory uses that contribute to employee wellbeing and quality development.
- B. Manufacturing Zone – Heavy (M-2): The M-2 Zone is reserved for areas of the municipality that support more intense industrial uses, such as distribution centers, resource processing, and energy production. Development standards are intended to minimize adverse impacts of these uses and protect the surrounding environment.

19.34.030 - Schedule of Permitted Uses.

- A. Schedule of Permitted Uses. The specific uses listed in the following schedule are permitted in the zones as indicated, subject to the general provisions, special conditions, additional restrictions, and exceptions set forth in this Title.
- B. Special Conditions. Any special conditions related to a specific use are in Chapter 19.42 *Specific Use Standards*.
- C. Procedure for Multiple Uses (Combination of Uses). If a development proposal involves a combination of uses other than accessory uses as identified in Table 19.34.030, the more restrictive provisions of this Title shall apply. For example, if a portion of a development is subject to Conditional Use ("C") approval and the other portion is subject only to Permitted Use ("P") review, the entire development shall be reviewed and approved by the Conditional Use process.
- D. Abbreviations. The abbreviations used in the schedule mean:
 1. P = Permitted Use. This use is allowed in the zone but may be subject to additional restrictions and approval processes as provided in this Title.
 2. C = Conditional Use. This use is conditional because of the unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent uses, incompatibility in some areas of the zone, or compatibility only if special provisions or conditions are required to mitigate the detrimental impacts of the use. The Planning Commission is the land use authority for uses with this designation.

3. X = Prohibited Use. This use is prohibited in this zone. Any use not specifically identified in Table 19.34.030 is prohibited in this zone.

Table 19.34.030: Table of Uses for M-1 and M-2 Zones.		
Use Categories	M-1	M-2
Residential Uses:		
Rail-Transit Mixed Use	P	X
Retail and Service:		
Animal Control or Rescue Facility	P	X
Animal Hospital or Clinic with or without Outdoor Boarding Facilities	P	X
Child Care Center	P	X
Commercial Plant Nursery	X	P
Contractor's Office	X	P
Vehicle and Equipment Repair – All Types	P	P
Food and Drink:		
See Accessory Uses.		
Recreational:		
Open Space	P	P
See also Accessory Uses.		
Lodging:		
No Lodging Uses are allowed in the Manufacturing Zones.		
Office:		
Office – Intensive or Medical	P	X
Industrial:		
Agricultural Products Processing	X	P
Assembly Use	P	P
Breweries and Distilleries, Industrial	P	P
Freight Service	X	C
Industrial Flex Space	P	X
Machine Shop	P	P
Manufacturing, Heavy	X	C
Manufacturing, Light	P	P
Meat or Poultry Processing Facility	X	P
Recycling Processing Facility	X	P
Resource Recycling Collection Point	P	P
Self-Service Storage Facilities, Enclosed or Outdoor	P	X
Storage Yard	X	P
Underground Record Storage Vaults	X	C
Vertical Indoor Agriculture	P	P
Vehicle Assembly	X	P
Warehouse and Distribution Facilities	X	P
Institutional:		
Micromobility Support Infrastructure	P	P
Public Service Training Facility	P	P
Public Use	P	P
Public Utility, Major	C	P

Public Utility, Minor	P	P
Water Treatment Facility	X	P
Wireless Telecommunication Site, Facility, or Equipment Shelter	X	P
Planned Unit Developments, subject to Chapter 19.18:		
Condominium Conversion Planned Unit Developments	P	P
Infill Development Planned Unit Developments	X	X
Residential Neighborhood Planned Unit Developments	X	X
Residential Community Planned Unit Developments	X	X
Mixed Use Planned Unit Development	X	X
Commercial Planned Unit Developments	C	C
Specialty:		
Crematorium	P	P
Hospital	C	X
Laboratory, Medical or Dental	P	X
Laboratory, Research and Development	P	X
Park-and-Ride	P	P
Solar Energy System, Commercial	X	C
Wind Energy System, Commercial	X	C
Accessory Uses:		
Accessory Uses, including Employee Amenities and Accessory Outdoor Storage	P	P

19.34.040 - Development Standards.

A. General Design Standards: The following building design requirements apply in the M-1 and M-2 Zones:

1. View Protection. The proportion and massing of buildings shall be designed to minimize the obstruction of all views. No vertical design elements, dominant rooflines, or other features which exaggerate building height shall be used.
2. Building Massing. In order to maximize the integration of buildings and features with the natural environment and surrounding neighborhoods, all developments in the M-1 and M-2 Zones shall incorporate techniques for reducing the apparent size and bulk of buildings and structures. The following methods are required:
 - a. A consistent level of detail and finish on all sides of a building shall be provided.
 - b. Continuous building wall surfaces shall be relieved with variations of wall planes or overhangs that create shadow areas and add visual interest.

B. Development in the M-1 or M-2 Zones shall comply with the development standards of Table 19.34.040 and all other applicable standards in this Title.

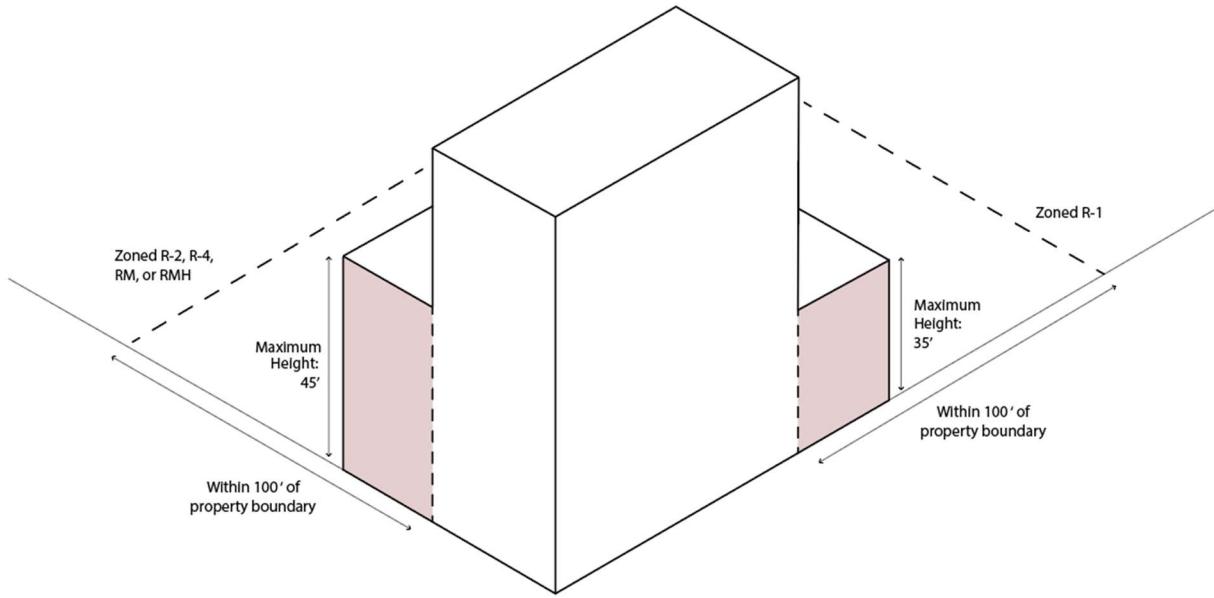
Table 19.34.040: M-1 and M-2 Zone Development Standards.

Standard	M-1	M-2

Minimum Lot Size (in square feet) ^C	12,000	25,000
Minimum Lot Width (in feet) ^C	75	100
Building Height (in feet) ^D	<p><i>Minimum:</i> No primary building within this zone shall be erected to a height less than fifteen feet (15') above grade.</p> <p><i>Maximum:</i> No building within this zone may exceed sixty feet (60') above grade.</p>	<p><i>Minimum:</i> No primary building within this zone shall be erected to a height less than fifteen feet (15') above grade.</p> <p><i>Maximum:</i> 80</p>
Minimum Floor Area Ratio	0.5:1	NA
Maximum Building Lot Coverage	80%	80%

- C. Existing Lots: Lots legally established prior to the adoption date of this ordinance shall be considered legal conforming lots.
- D. Step-down Height Adjacent to Residential Areas: Within one hundred feet (100') of sites zoned residential, the following standards shall apply:
 - 1. On the portion of the site within one hundred feet (100') of a site zoned R-1, including any sub-zone of R-1, no structure or any portion thereof may exceed thirty-five feet (35') in height.
 - 2. On the portion of the site within one hundred feet (100') of a site zoned R-2, R-4, RM, or RMH, no structure or any portion thereof may exceed forty-five feet (45') in height.

Figure 19.34.040: Stepdown Heights Adjacent to Residential Areas.



19.34.050 - Required Yards and Setbacks.

A. Development in the M-1 or M-2 Zones shall comply with the yard and setback standards shown in Table 19.34.050 and all other applicable standards in this Title.

Table 19.34.050: Required Yards and Setbacks for M-1 and M-2 Zones.

Standard	M-1	M-2
Front Yard and Side Yard, Corner Lot Setback (in feet)	Minimum: 20 Maximum: NA	Minimum: 25 Maximum: NA
Side Yard, Interior Lot Setback –Interior Lots (in feet)	Minimum: <u>200^B</u> Maximum: NA	Minimum: <u>200^B</u> Maximum: NA
Side Yard Setback – Corner Lots (in feet)	Minimum: 20 Maximum: NA	Minimum: 25 Maximum: NA
Rear Yard Setback (in feet)	Minimum: <u>250^B</u> Maximum: NA	Minimum: <u>350^B</u> Maximum: NA
Minimum Distance between Primary and Accessory Structures (in feet)	10	10
Side Yard, Interior Lot and Rear Yard Setback (in feet) from a residential zone boundary	Minimum: <u>30^C</u> Maximum: NA	Minimum: <u>30^C</u> Maximum: NA

<u>Side Yard, Interior Lot and Rear Yard Setback (in feet) from a nonresidential or nonmanufacturing zone boundary</u>	<u>Minimum: 20</u> <u>Maximum: NA</u>	<u>Minimum: 20</u> <u>Maximum: NA</u>
--	--	--

- B. Required Setback to Contain Roof Drainage. All buildings located closer than five feet (5') from a property line shall be equipped with facilities for the discharge of all roof drainage onto the subject lot.
- C. Residential Buffer. Masonry Wall and 8' landscaped buffer required between residential and non-residential uses in accordance with Section 19.05.050.B19.50.050.B.

19.34.060 - Height Exceptions.

Exceptions to the building heights specified in Table 19.34.040 apply, in accordance with Section 19.46.110.

19.34.070 - Additional Standards.

It is the responsibility of the applicant to comply with all other standards of Title 19 and all other municipal ordinances, including, without limitation:

- A. 19.04: Definitions
- B. 19.18: Planned Unit Developments
- C. 19.42: Specific Use Standards
- D. 19.44: Temporary Use Standards
- E. 19.46: Site Development Standards
- F. 19.48: Off-Street Parking and Loading
- G. 19.50: Landscaping and Screening
- H. 19.52: Signs
- I. 19.56: Flood Plain Regulations
- J. 19.58: Geological Hazards



G R E A T E R S A L T L A K E

Municipal Services District

Greater Salt Lake Municipal Services District - Planning & Development Services
2001 S. State Street #N3-600 • Salt Lake City, UT 84190 • (385) 468-6700

File # REZ2024-001216

REZONE SUMMARY AND RECOMMENDATION

Public Body: Magna City Council

Meeting Date: August 13, 2024

Parcel ID: 14-29-476-026-0000

Acreage: .87 Acres

Current Zone: C-2 (Commercial) Zone

Proposed Zone: C-1 (Commercial) Zone

Property Address: 8146 West 3500 South

Request: Rezone from C-2 to C-1.

Planning Commission Recommendation: Approval

Planner: Jeff Miller

Applicant Name: Elliott Smith

PROJECT DESCRIPTION



Elliott Smith is requesting a recommendation of approval for a proposed rezone from the C-2 (Commercial) Zone to the C-1 (Commercial) Zone. The subject property is .87 acres in size and is currently occupied by a non-conforming single-family home.

The applicant is requesting the proposed rezone because the C-2 Zone requires a minimum of 3 acres for a "project area", in order to develop the property. If the property is successfully rezoned, the applicant intends to construct a quick lube oil service station on the subject property (which is a permitted use in both the C-2 & the C-1 Zones).

SITE & VICINITY DESCRIPTION (see attached map)

The subject property is located along 3500 South and is surrounded on both sides by commercially developed properties in the C-2 Zone. Between 8000 West and 8400 West, there is a large amount of commercially zoned properties on the south side of 3500 West, which includes the shopping center around the Smith's grocery store, and the Arbor Park Shopping Center around Walmart. Immediately north of the subject property, is a large area of single-family homes in the R-1-6 (Single-Family Residential, 6,000 SF Minimum) Zone.

GENERAL PLAN CONSIDERATIONS

According to the Magna General Plan, which was adopted in 2021, "3500 South (has been identified as) Magna's primary commercial corridor, (which is) characterized by neighborhood and community strip centers at 8400 West and 7200 West." The proposed commercial rezone, and the anticipated use of the property is consistent with other commercially developed properties in the general vicinity along 3500 South.

ZONE CONSIDERATIONS

Requirement	Existing Zone (C-2)	Proposed Zone (C-1)
Height	Minimum: No primary building within this district shall be erected to a height less than fifteen feet (15') above grade. Maximum: 45 Feet	Minimum: No primary building within this district shall be erected to a height less than fifteen feet (15') above grade. Maximum: 60 Feet
Front Yard Setback	Front Yard Setback (Major Street): 30 Foot landscaped setback from public right of way. Front Yard Setback (Minor Street): 15 Foot landscaped setback from back of curb.	Front Yard Setback (Major Street): 18 Foot landscaped setback from back of sidewalk. Front Yard Setback (Minor Street): 10 Foot landscaped setback from back of curb.
Side Yard Setback – Corner Lots	Same as the front yard setback.	Same as the front yard setback.
Side Yard Setback – Interior Lots	No setback required when sharing a common wall. 8-foot setback to property line or 16 feet between buildings where building pads are used. Masonry Wall and 8-foot landscape buffer required between residential and non-residential uses in accordance with Section 19.05.050.B.	No setback required when sharing a common wall. 8-foot setback to property line or 16 feet between buildings where building pads are used. Masonry Wall and 8-foot landscape buffer required between residential and non-residential uses in accordance with Section 19.05.050.B.
Rear Yard Setback	10-foot setback to property line or 20 feet between buildings where building pads are used. Masonry Wall and 8-foot landscape buffer required between residential and	10-foot setback to property line or 20 feet between buildings where building pads are used. Masonry Wall and 8-foot landscape buffer required between residential and

Request: Rezone from C-2 to C-1

	non-residential uses in accordance with Section 19.05.050.B.	non-residential uses in accordance with Section 19.05.050.B.
Lot Width	No minimum lot width is required for lots in Commercial Zones. Lots not fronting on a street shall be accessible to the public via a recorded easement or right-of-way.	No minimum lot width is required for lots in Commercial Zones. Lots not fronting on a street shall be accessible to the public via a recorded easement or right-of-way.
Lot Area	There is no minimum lot size required in the Commercial Zones.	There is no minimum lot size required in the Commercial Zones.
Minimum Project Area	3 Acres.	None.

Compatibility with existing nearby development in terms of size, scale and height.	Can be Compatible
Compliance with the General Plan.	Yes

ISSUES OF CONCERN/PROPOSED MITIGATION

Planning Staff has not identified any issues of concern with the proposed rezone request.

STAFF ANALYSIS

19.32.010 – Purpose of Provisions: *The purpose of the commercial zones is to provide places in the municipality for a wide range of commercial and retail trades and uses, offices, business and professional services, and other uses that contribute to the economic stability of the community and wellbeing of its employees and residents. The zones are intended to provide employment opportunities and expand the municipal tax base, while also encouraging sustainable development and providing an attractive transition between residential and non-residential uses.*

- The proposed rezone and anticipated use of the property is compliant with the purposes of the commercial zones within Magna City.**

19.32.020 – Establishment of Commercial Zones (A): *The C-1 Zone is intended to provide a wide range of commercial uses designed to serve neighborhood, community and regional needs. The commercial use may be freestanding or integrated in a center. Development is oriented to the street to encourage a pedestrian relationship and buildings are placed to allow interconnected walkways and shared site accesses for increased convenience, accessibility, and enhanced safety for pedestrians. Development includes elements and facades at the pedestrian level and achieves a sense of human scale and creates visual interest at eye-level.*

- The intended use of the subject property is to be a freestanding commercial development on an .87-acre lot. This proposal complies with the purpose of the C-1 (Commercial) Zone.**

19.32.020 – Establishment of Commercial Zones (B): *The C-2 Zone is intended to provide retail uses, service-oriented businesses, offices, and restaurants in an integrated center. Each center shares common architecture access, parking, signage, and landscape design. Each center typically includes three (3) or more acres and provides regional or community level destination shopping which incorporates a design that enhances pedestrian orientation within the center.*

Request: Rezone from C-2 to C-1

- **The subject property is not compatible with the existing C-2 Zone, since it is less than 3 acres in size, and is not part of a commercial center (like the Arbor Park Commercial Development).**

NEIGHBORHOOD RESPONSE

Planning Staff has not received any comments from the general public or the surrounding neighbors as of the completion of this report. Any comments that are received will be forwarded to the Magna City Planning Commission for review and will be summarized on August 8, 2024.

PLANNING COMMISSION RECOMMENDATION

The Magna City Planning Commission heard this item on August 8, 2024. During the discussion on this item, there was a question brought up about an "excess lot" that is listed along the rear fence line of the property on the conceptual site plan. Staff let them know that this site plan hasn't been fully reviewed for compliance with the codes at this point. There was an additional comment from another planning commissioner that they weren't opposed to the rezone request, since the property was already commercially zoned, and this rezone allows the existing commercial property to be used.

During the public hearing, Councilman Sudbury made a comment that he was not in favor of the proposed rezone request because Magna already has enough oil change service stations, and additional concerns about traffic along 3500 South. There was one other comment from a member of the public, expressing concerns about traffic and safety along 3500 South.

The Magna City Planning Commission made a favorable recommendation to the Magna City Council for the proposed rezone request.

CONCLUSION AND RECOMMENDATION

Planning Staff recommended that the Magna City Planning Commission analyzes the information contained in this report, prior to making a recommendation to the Magna City Council on the proposed rezone request from the C-2 (Commercial) Zone to the C-1 (Commercial) Zone.

Staff recommended that the Magna City Planning Commission should consider motions to recommend approval, approval with condition, or denial of the rezone application.

As rezones are legislative decisions, planning staff recommended that the planning commission consider the intent and purpose of the adopted general plan, and whether this zone change will help to implement the goals and objectives of that plan.

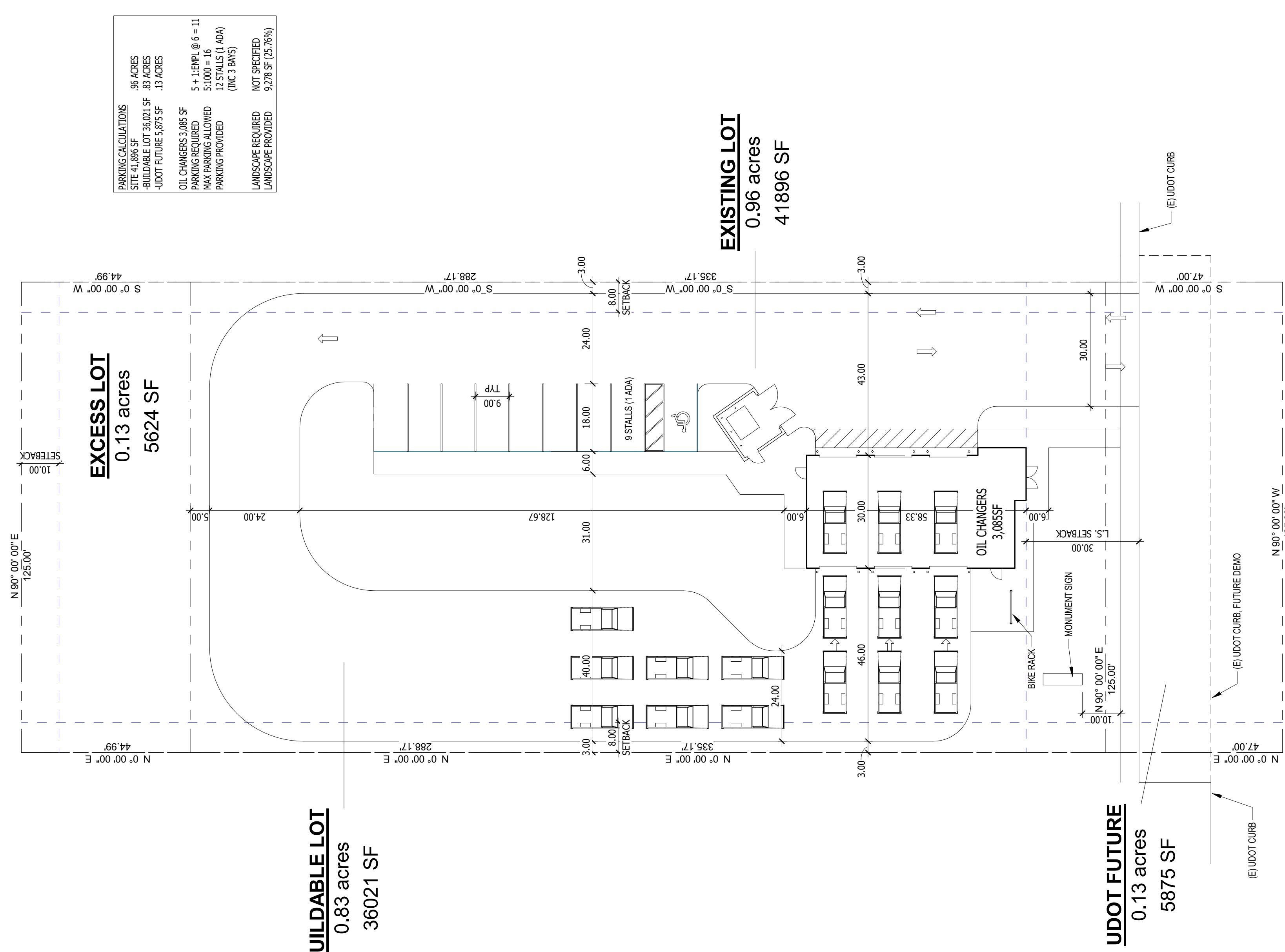
EXHIBITS

- Aerial Map.
- Concept Plan.

REZ2024-001216: Rezone from C-2 (Commercial) Zone to C-1 (Commercial) Zone.

Parcel: 8146 West 3500 South (14-29-476-026-0000)





A1 ARCHITECTURAL SITE PLAN
1' = 20'-0"

1
NORTH

MARK:	REVISIONS	DATE:	DESCRIPTION:
			161
			DRAWN BY: NSP
			CHECKED BY:
			ISSUED: 06/23/2020



A1 ARCHITECTURAL SITE PLAN
1' = 20'-0"



GREATER SALT LAKE
Municipal Services
District

Files # REZ2024-001183

Rezone Summary

Public Body: Magna City Council

Meeting Date: August 13, 2024

Parcel ID: 14-21-200-028-0000

Current Zone: A-20

Property Address: 2185 S 7400 W

Request: Rezone from A-20 to M-2

Applicant Name: Quin Bingham

MSD Planner: Justin Smith

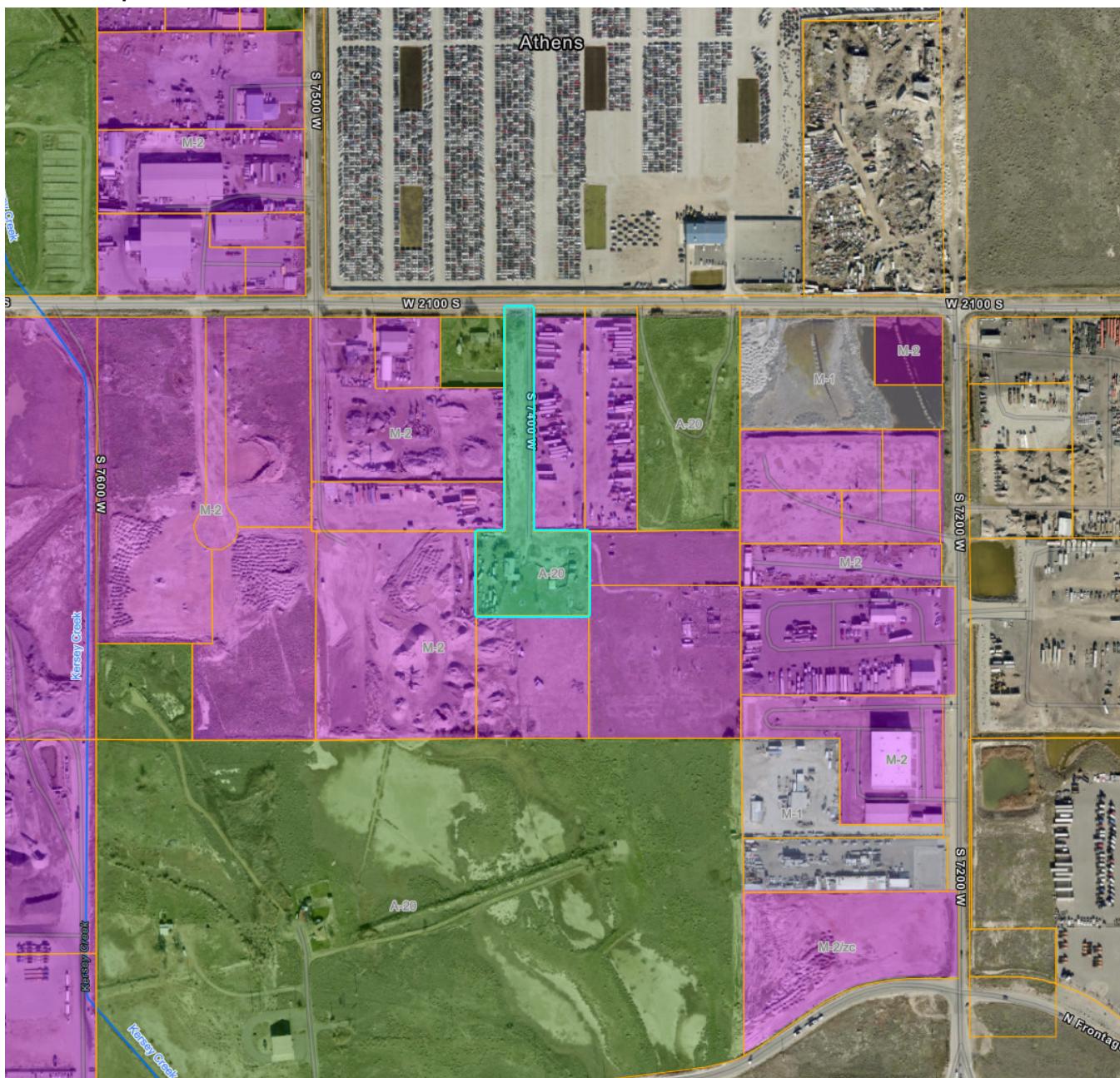
Magna Planning Commission Recommendation: Approval

PROJECT SUMMARY

The applicant, Quin Bingham, is seeking a rezone from A-20 to M-2 for an asphalt and concrete recycling plant on behalf of Granite Construction. Several other neighboring lots were rezoned from A-20 to M-2 with the application REZ2023-000869.

SITE & ZONE DESCRIPTION

This lot is located along 2100 S and has a flag lot type shape. The majority of the surrounding lots are zoned M-2 with a few nearby lots being zoned A-20 along 2100 S. This lot is 3.43 acres in size.



ISSUES OF CONCERN/PROPOSED MITIGATION

The Greater Salt Lake Municipal Services District and reviewing agencies have reviewed the application and have not identified any issues with the rezone. No other departments or reviewing agencies have pointed out any issues of concern and have given an "ok" to the conceptual review.

PLANNING STAFF ANALYSIS

General Plan Considerations

The Magna City General Plan calls for Industrial and Employment development in this area of Magna. The rezone is seeking the rezone in order to build a hot mix asphalt plant.

Review Criteria

There are seven criteria set in Chapter 19.16.080. The first criteria is that the proposed (zoning) amendment is compatible with the Adopted General Plan. The Adopted General Plan calls for industrial development in this section of Magna. The applicant's requested M-2 zone meets that criteria as does the proposed use.

The second criteria is that it must promote the public health, safety and welfare. There have not been any comments from reviewing agencies that are conceptually opposed to the rezone or have presented a concern regarding safety, health, or welfare.

The third criteria is that the proposed zone is a more suitable zone than the current classification. The M-2 zone is more compatible for industrial development than the A-20 zone as many industrial uses are not allowed in the A-20 zone. Much of the surrounding area has active industrial uses or are intended to have industrial uses in the future.

The fourth criteria is that the proposed amendment is compatible with the intent and general purposes of Magna's land use ordinances. The proposed zone change is compatible with the intent and general purposes of Magna's land use ordinance and the M-2 zone is the only zone that allows the proposed use.

The next criteria is the proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy. This criteria is not applicable to this rezone as it is not intended to be a correction.

The next criteria is that the proposed amendment benefits the citizens of the municipality as a whole. This rezone would allow the development of a concrete and asphalt recycling plant that would provide more jobs to Magna City and facilitate economic development.

The next criteria is that the rezone does not create a significant number of nonconformities. This lot currently has a single-family residence on it. Single family residences are not allowed in the M-2, but the applicant is currently in the process of creating a conditional use application for an industrial development. The applicant has provided a site plan in which a hot mix asphalt plant is being proposed.

The last criteria is that the proposed amendment is compatible with the trend of development in the general area of the property. Almost all of the development in this area is industrial development. 10 acres were previously rezoned in 2023 from A-20 to M-2.

The Magna Planning Commission makes recommendations to the Magna City Council for rezones. The Magna City Council is the decision-making body for rezones and will weigh the recommendation of the Planning Commission. The Magna Planning Commission made a recommendation for approval of the rezone.

Based on the above analysis, MSD staff has found that the proposal is consistent with the surrounding land uses as well as the general plan. Full compliance with required ordinances and policies will be verified through the subsequent technical review process before the issuance of the Land Use permit, and license inspection process.

ATTACHMENTS:

- A. Site Plan
- B. Narrative
- C. Legal Description



Granite Construction Company
Conceptual Plant Layout - Opt 3

May 28, 2024

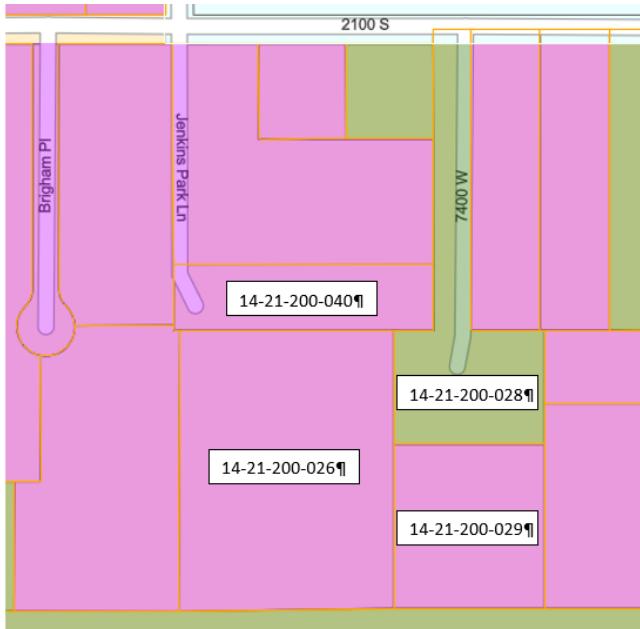
Municipal Services District

Re: Rezoning of Parcel 14-21-200-028

Dear Zoning and Planning Committee,

Granite Construction Company (Granite) is under contract to purchase parcels 14-21-200-026, 14-21-200-028, 14-21-200-029, and 14-21-200-040 (**Exhibit 1**). Currently, the zoning for parcels -026, -029, and -040 is M-2, while parcel -028 is zoned A-20. Granite requests the rezoning of parcel -028 from A-20 to M-2 to align with the zoning of the other three parcels under contract and the neighboring parcels. The address of parcel -028 is 2185 S 7400 W, Magna, Utah.

Exhibit 1 – Parcels of Interest



Granite plans to collaborate with Magna Township and the Municipal Services District (MSD) to construct an asphalt production plant at this location. Rezoning parcel -028 is essential for this project, prompting this application. **Attachment A** includes the tentative site plan. **Attachment B** is the notarized owner authorization permitting Granite to request the rezoning of the subject parcel, contingent on the finalization of the purchase. **Attachment C** contains the Sewer and Water Letters placeholder. These letters will be obtained as part of the building permit process.

Granite will obtain all necessary UDEQ permits, comply with all Magna Township/MSD conditional use permit and building permit requirements, and fulfill any other prerequisites to construct and operate said facility.

Regards,

A handwritten signature in red ink, appearing to read "Quin Bingham".

Quin Bingham
Environmental Manager

Granite Construction
1000 North Warm Springs Rd
Salt Lake City, UT 84116
P: (801) 526-6050
C: (435) 770-4319
E: quin.bingham@gcinc.com

Attachments:

Attachment A: Site Plan

Attachment B: Owner Authorization

Attachment C: Sewer and Water Letters

Attachment D: Legal Description



Attachment A
Proposed Facility Site Map



Granite Construction Company
Conceptual Plant Layout - Opt 3



Attachment B
Owner Rezone Authorization Letter

May 28, 2024

To Whom It May Concern,

This affidavit dated 06-04, 2024, serves as authorization for Granite Construction Company to apply for the rezoning of parcel #14-21-200-028, located at 2185 S 7400 W, Magna, Utah. I, Irma G HUEZO, am the current owner of this parcel. Granite Construction Company (Granite) is currently under contract to purchase this parcel.

This authorization is contingent upon Granite successfully closing on the property purchase. If Granite fails to close on the property purchase, this authorization will be nullified.

Sincerely,

Irma Huez

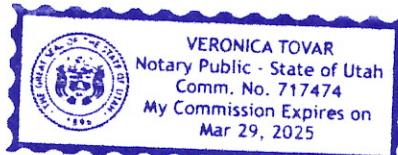


State of Utah
County of Salt Lake

The record was acknowledged before me on June 4, 2024 (date) by
Irma G Huez (name(s) of individual(s)).

Signature of notarial officer 

Stamp:





Attachment C
Water and Sewer Letters



Attachment D
Legal Description

Parcel 14212000280000 Legal description

BEG 1126.69 FT W & 685.74 FT S FR NE COR OF SEC 21, T 1S, R 2W, SLM; S 260.26 FT M OR L; W 345 FT M OR L; N 260.26 FT M OR L; E 89.82 FT; N 685.74 FT; E 86.63 FT; S 685.74 FT; E 168.55 FT TO BEG. 3.43 AC. 8831-7853 10110-8960 10361-5085 10361-5085 10361-5086

Link:https://slco.org/assessor/new/valuationInfoExpanded.cfm?parcel_id=14212000280000

Parcel 14212000280000 Legal description

BEG 1126.69 FT W & 685.74 FT S FR NE COR OF SEC 21, T 1S, R 2W, SLM; S 260.26 FT M OR L; W 345 FT M OR L; N 260.26 FT M OR L; E 89.82 FT; N 685.74 FT; E 86.63 FT; S 685.74 FT; E 168.55 FT TO BEG. 3.43 AC. 8831-7853 10110-8960 10361-5085 10361-5085 10361-5086

Link:https://slco.org/assessor/new/valuationInfoExpanded.cfm?parcel_id=14212000280000



GREATER SALT LAKE

Municipal Services District

Planning and Development Services

2001 S. State Street N3-600 • Salt Lake City, UT 84190-4050

Phone: (385) 468-6700 • Fax: (385) 468-6674

msd.utah.gov

Files # REZ2024-001105

Rezone Summary

Public Body: Magna City Council

Meeting Date: August 13, 2024

Parcel ID: 14-28-209-013-0000

Current Zone: A-1/zc

Property Address: 7563 W 2820 S

Request: Rezone from A-1/zc to R-1-5

Applicant Name: Jeffrey Copeland

MSD Planner: Justin Smith

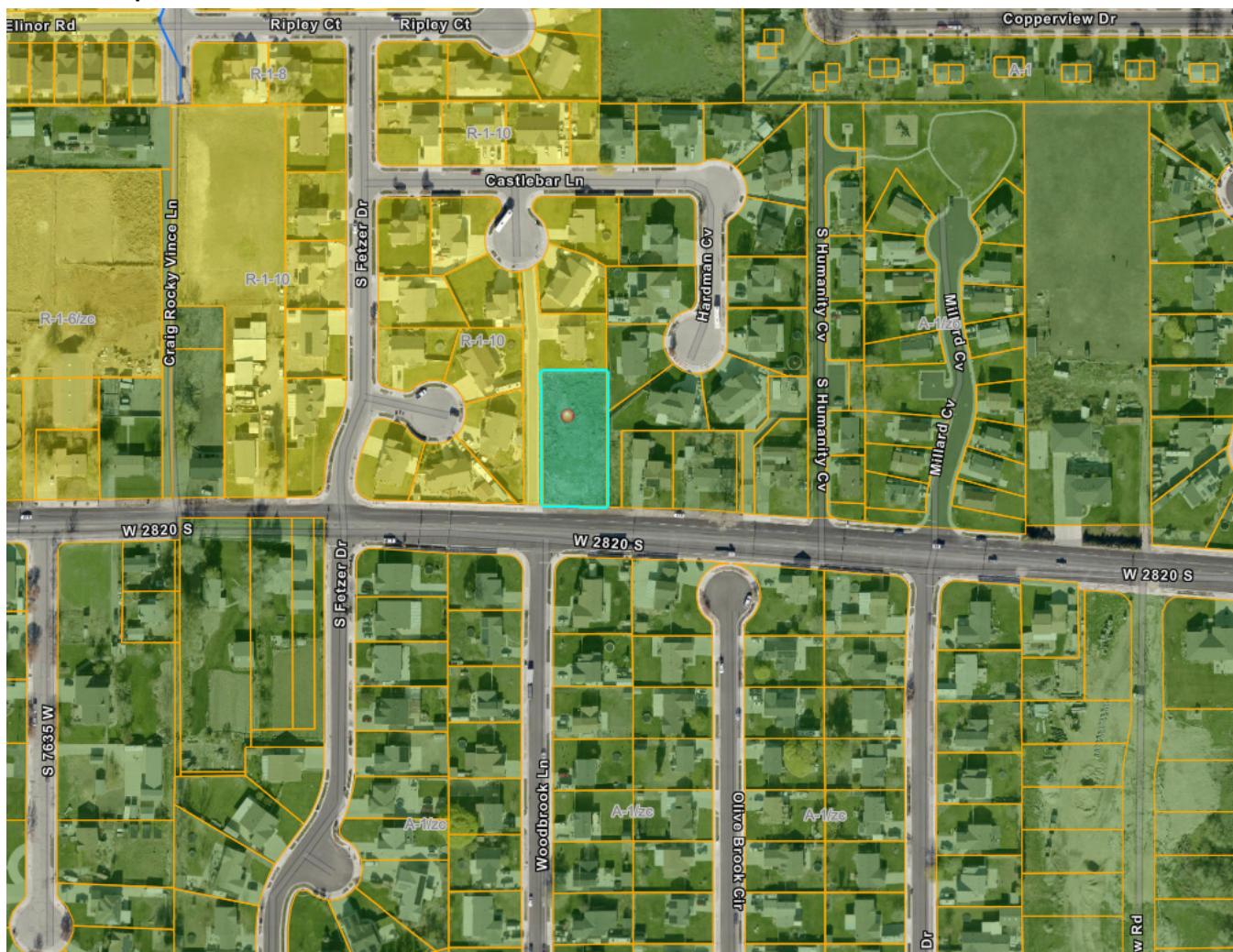
Magna Planning Commission Recommendation: Split Vote

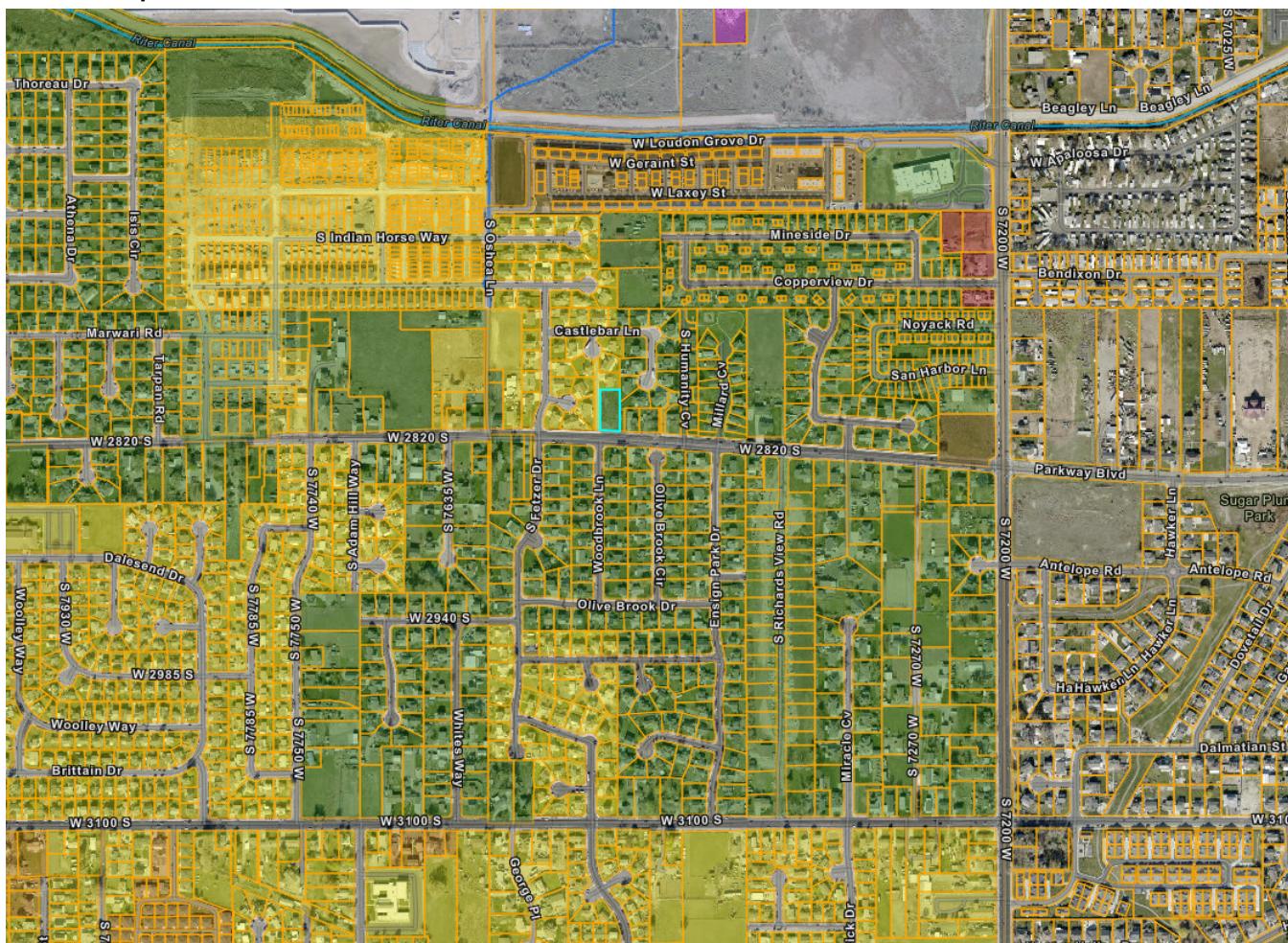
PROJECT SUMMARY

The applicant, Jeffrey Copeland, is applying on behalf of Habitat for Humanity who is seeking to rezone the lot for development at a later date. The applicant previously sought to rezone this parcel to R-2-6.5 and came to the Magna Planning Commission in May 2024. After feedback from residents of the surrounding area and the Magna Planning Commission the applicant returned with a new proposal to rezone the lot to R-1-5.

SITE & ZONE DESCRIPTION

The property is located along 2820 S and is surrounded by residential land uses. The areas to the north and west are zoned R-1-10 and the areas to the east and south are zoned A-1/zc. The lot is 0.5 acres in size. The immediate surrounding residences are all detached single-family residences.





ISSUES OF CONCERN/PROPOSED MITIGATION

The Greater Salt Lake Municipal Services District and reviewing agencies have reviewed the application and have not identified any issues with the rezone. No other departments or reviewing agencies have pointed out any issues of concern and have given an "ok" to the conceptual review.

PLANNING STAFF ANALYSIS

General Plan Considerations

Magna's General Plan calls out this part of Magna as a residential mixed density area. The general plan defines the residential mixed density area as having mixed ranging from R-1-8 to R-2-6.5 with a mix of single family homes and duplexes.

Moderate Income Housing Plan

In response to the lack of affordable housing in the State of Utah, municipalities are required to select and adopt strategies from a list of options to bring in more housing for moderate income households. Magna City selected five of the criteria to adopt into Magna's Moderate Income Housing Plan. This proposed rezone fulfills one of the criteria that Magna has adopted. Criteria F which is to zone or rezone for higher density or moderate income

residential development near major transit investment corridors, commercial centers, or employment centers. 7563 W 2820 S is located close to employment centers that are located near SR-201.

Review Criteria

There are seven factors for consideration in Chapter 19.16.080. These factors are not binding approval criteria, but are merely a guide as to issues that may be considered in forming a recommendation:

The first is whether the proposed (zoning) amendment is compatible with the Adopted General Plan. The Adopted General Plan calls for mixed residential development in this area with zones ranging R-1-10 to R-2-6.5 and a mix of single family and duplexes. The applicant's requested R-1-5 zone meets that criteria.

The second is whether it would promote the public health, safety and welfare. There have not been any comments from reviewing agencies that are opposed to the rezone.

The third is whether the proposed zone is a more suitable zone than the current classification. The A-1/zc does not allow for any duplexes or dwelling groups and has a minimum lot size of 10,000 square feet and a minimum lot width of 65 feet. The R-1-5 zone is a single family zone that is intended for 5,000 square foot lots. The R-1-5 zone allows for lots that are a minimum of 50 feet wide and allows a density of up to 7 units per acre.

The fourth is whether the proposed amendment is compatible with the intent and general purposes of Magna's land use ordinances. The proposed zone change is compatible with the intent and general purposes of Magna's land use ordinance. The applicant has followed the correct procedures and is going through the process that Magna has created to allow for a rezone. The proposed future use for the land is in-line with what zone that the applicant has proposed.

The fifth is whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy. This criteria is not applicable to this rezone as it is not intended to be a correction.

The sixth is whether the proposed amendment benefits the citizen of the municipality as a whole. This rezone would allow for denser residential development than what is currently allowed while both maintaining a similar feel to the surrounding community and allowing for the creation of affordable housing. The land is owned by Habitat for Humanity, a non-governmental organization, that seeks to provide affordable housing to those who come from low-income or disadvantaged backgrounds.

The seventh is whether the rezone does not create a significant number of nonconformities. The lot is currently a vacant and undeveloped lot and as a result there would not be a nonconformity created by this zone change.

The last is whether the proposed amendment is compatible with the trend of development in the general area of the property. A lot of the existing development in the area is from the 2000s and later. Some of the developments in the area have density's around a 3-5 units per acre, while other developments include duplexes or townhomes that have similar densities to what is being proposed with the zone change. The R-1-5 zone would allow for single-family houses, including "attached" single-family homes, also known as "twin homes."

The Magna City Council is the decision-making body for rezones and will weigh the recommendation of the Planning Commission. The Magna Planning Commission makes recommendations on whether to approve or deny rezone applications. For this rezone application the Magna Planning Commission had a split vote with two commissioners voting to recommend approval and two commissioners voting to recommend denial.

Based on the above analysis, MSD staff has found that the proposal is consistent with the surrounding land uses as well as the general plan. Full compliance with required ordinances and policies will be verified through the subsequent technical review process before the issuance of the Land Use permit, and license inspection process.

ATTACHMENTS:

- A. Site Plan
- B. Narrative
- C. Legal Description

1

2

3

4

5

ARCHITECT'S INFORMATION:

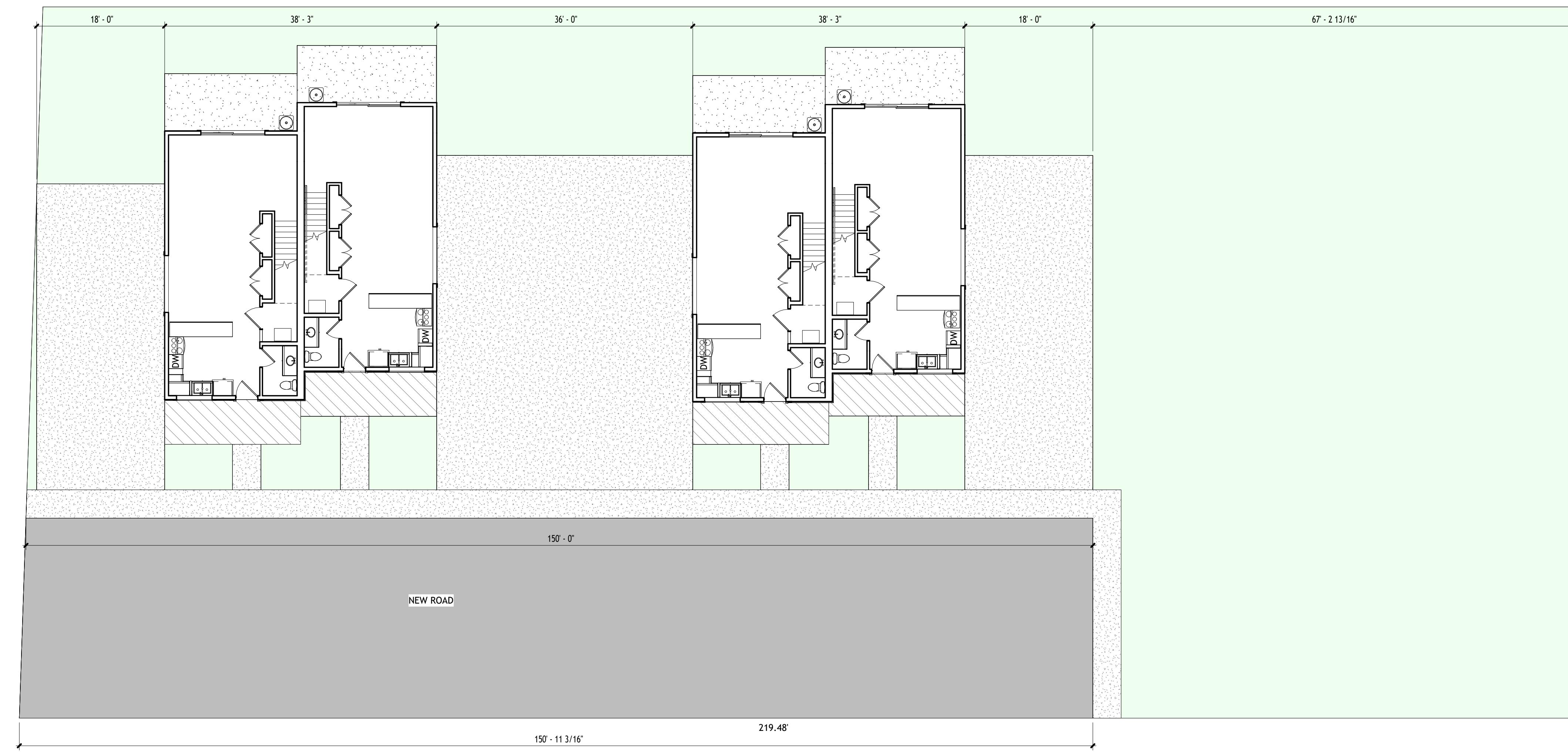
D

D

WOODBROOK LANE

PARKWAY BLVD

216.12'



HABITAT FOR
HUMANITY

7563 WEST 2820 SOUTH

7563 WEST 2820 SOUTH

REVISIONS:
NO. DATE DESCRIPTION

ISSUED: JUNE 20TH, 2024
NO. DATE DESCRIPTION

OWNER PROJECT #:
RPA PROJECT #:
DRAWN BY:
CHECKED BY:
DESIGNED BY:

COPYRIGHT:
© 2018 RUSSELL PLATT ARCHITECTURE

SHEET TITLE:

SITE PLAN

SHEET NUMBER:

AS101



Summary of Intent

Habitat-Kennecott Development
7563 W 2820 S, Magna, UT
.5 Acres Vacant Land
APN/Parcel ID 14-28-209-013

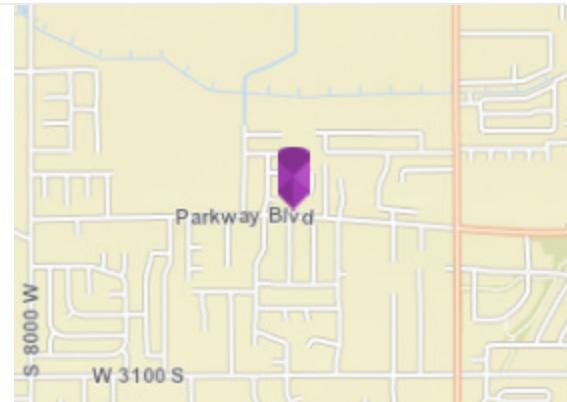
Salt Lake Valley Habitat for Humanity, with the help of Kennecott, secured the above property as a future site for affordable housing development. The assistance of Kennecott and its financial support in obtaining the land is why we are naming the project Habitat-Kennecott. To keep the costs accessible for our partner families Salt Lake Valley Habitat for Humanity would like to build Three twin homes on this half-acre site. We are designing these homes to fit into the existing community. We will be doing xeriscaping around the homes to cut down on water use and provide a natural look. This small development will have a small community area for their use.

Habitat partner families are all employed and earn between 30-60% of the Annual Median Income (AMI), provide 225 hours of sweat equity, and qualify for a 30 year no interest loan after completing the program. Our homeowners have a strong stake hold in the community and their neighborhood and have a history of staying in their home for decades. This provides a municipality with a stable neighborhood.

This project, once underway, will be the Third Salt Lake Valley Habitat project in Magna, and we look forward to our continued strong partnership.

SLCo ---> Assessor ---> Parcel Search ---> Valuation Summary ---> Printable Version

Parcel	14-28-209-013-0000	Value History				
Owner	SALT LAKE VALLEY HABITAT FOR HUMANITY	Record	Land Value	Building Value	Market Value	Tax Rate
Address	7563 W 2820 S	2023	\$ 164,700	\$ 0	\$ 164,700	
Total Acreage	0.50	2022	1	\$ 161,500	\$ 0	\$ 161,500 .0140490
Above Ground sqft.		2021	1	\$ 124,200	\$ 0	\$ 124,200 .0160710
Property Type	911 - RES LOT	2020	1	\$ 118,100	\$ 0	\$ 118,100 .0173070
Tax District	ABY	2019	1	\$ 108,500	\$ 0	\$ 108,500 .0170600
		2018	1	\$ 91,800	\$ 0	\$ 91,800 .0175620



14-28-209-013-0000

Land Record

Record ID 1		Influence Effect	Lot Shape	REGULAR	Traffic	MEDIUM
Lot Use	RESIDENTIAL	Assmt. Class	Lot Location	INTERIOR	Traffic Influence	NEGATIVE
Lot Type	PRIMARY-LOT	RES-SECONDARY	Neighborhood	731	Street type	TWO-WAY
Land Class		Lot Depth	Nbhd Type	STATIC	Street Finish	PAVED
Income Flag		Acres	Nbhd Effect	TYPICAL	Curb Gutter	Y
Seasonal use	N	Zone	Topography	LEVEL	Sidewalk	Y
Influence Type		Sewer				
		Number Lots				

Legal Description

14-28-209-013-0000

BEG N 89°55'30" E 680.34 FT & S 0°00'45" E 415.97 FT FR N 1/4 COR SEC 28, T 1S, R 2W, SLM; S 89°59'15" W 100 FT; S 0°00'45" E 216.12 FT; S 88°05'12" E 100.06 FT; N 0°00'45" W 219.48 FT M OR L TO BEG. 0.5 AC. 5720-2285 5847-0013 6139-2892,2979 7709-0294 7670-2831 7709-0296

[Click here for Classic Parcel Details Page](#) [Search Again?](#)

This page shows the assessor's CAMA data, as it was, on May 22, 2023.



GREATER SALT LAKE

Municipal Services District

Planning and Development Services

2001 S. State Street N3-600 • Salt Lake City, UT 84190-4050

Phone: (385) 468-6700 • Fax: (385) 468-6674

msd.utah.gov

Files # REZ2024-001215

Rezone Summary

Public Body: Magna City Council

Meeting Date: August 13, 2024

Parcel ID: 14-16-382-002-0000, 14-16-376-015-0000, 14-16-376-013-0000

Current Zone: A-20

Property Address: 7650 W 2100 S, 7750 W 2100 S, 7764 W 2100 S

Request: Rezone from A-20 to M-1

Applicant Name: Trevor Andra

MSD Planner: Justin Smith

Magna Planning Commission Recommendation: Approval

PROJECT SUMMARY

The applicant, Trevor Andra, is applying for a rezone from A-20 to M-1 on behalf of the Magna Water District. The applicant is seeking the rezone in order to have a reduced front setback requirement. The Magna Water District is proposing a new pump facility that would be very close to the required setback in the A-20 zone.

SITE & ZONE DESCRIPTION

The property is located along 2100 S and is just to the east of the Progress Subdivision.



ISSUES OF CONCERN/PROPOSED MITIGATION

The Greater Salt Lake Municipal Services District and reviewing agencies have reviewed the application and have not spotted any issues with the rezone. No other departments or reviewing agencies have pointed out any issues of concern and have given an "ok" to the conceptual review.

PLANNING STAFF ANALYSIS

General Plan Considerations

Magna's General Plan calls out this part of Magna as an area for industrial and employment development. Magna Water District's water storage, water and sewage treatment, and pumps are considered to be a major public utility use and would fall under the category of institutional uses. While the use is an institutional in the land use code, a major public utility such as this is specifically allowed in the M-2 industrial zone. In addition, the building setbacks in the M-2 zone are more conducive to this type of use than the A-20 zone (which requires a 50-foot front yard setback, for example).

Review Criteria

There are seven factors for consideration in Chapter 19.16.080. These factors are not binding approval criteria, but are merely a guide as to issues that may be considered in forming a recommendation:

The first is whether the proposed (zoning) amendment is compatible with the Adopted General Plan. The Adopted General Plan calls for industrial and employment oriented development in the area of Magna north of SR-201. Magna Water District's facility is a public utility that is similar to industrial uses in the area and also provides employment opportunities.

The second is whether it would promote the public health, safety and welfare. The reduced setback requirement that M-1 zone has would allow the Magna Water District to put a building over a new pump. The A-20 zone has a 50 foot front setback requirement that could prevent a building from being built on top of the pump. There have not been any comments from reviewing agencies that are opposed to the rezone.

The third is whether the proposed zone is a more suitable zone than the current classification. A-20 zone is intended to be for larger agricultural uses, while the M-1 zone is intended to be for light industrial uses. The existing use is not permitted in the A-20 zone. The M-1 zone's 20 foot front setback requirement would allow for the Magna Water District to put a building over the new pump station in the future.

The fourth is whether the proposed amendment is compatible with the intent and general purposes of Magna's land use ordinances. The proposed zone change is compatible with the intent and general purposes of Magna's land use ordinance. And does so by changing the zone to one that is compatible with the current use. The purpose of the Manufacturing zones is provide places in Magna for industrial, warehousing, wholesale, and other uses that contribute to the economic stability of the community and the wellbeing of its employees and residents. The Magna Water District's location provides to the wellbeing of Magna and employment opportunities for those who work for the water district.

The fifth is whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy. This criteria is not applicable to this rezone as it is not intended to be a correction.

The sixth is whether the proposed amendment benefits the citizen of the municipality as a whole.

The seventh is whether the rezone does not create a significant number of nonconformities. This proposed rezone would eliminate a nonconformity.

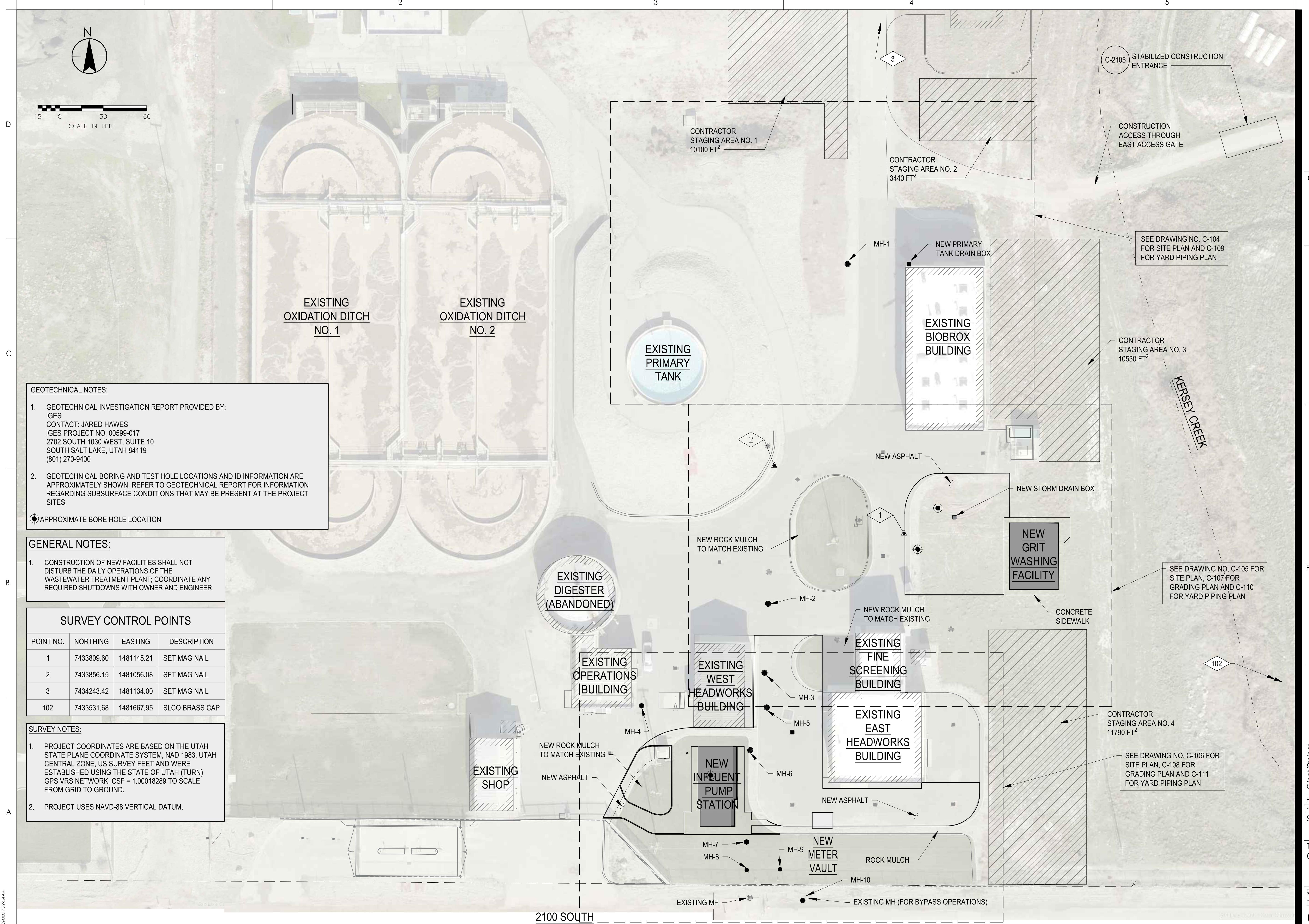
The last is whether the proposed amendment is compatible with the trend of development in the general area of the property. Much of the rezones that have occurred in Magna north of SR-201 have been to the M-1 and M-2 zones.

The Magna Planning Commission makes recommendations to the Magna City Council for rezones. The Magna City Council is the decision-making body for rezones and will weigh the recommendation of the Planning Commission. The Planning Commission made a recommendation for approval of the rezone.

Based on the above analysis, MSD staff has found that the proposal is consistent with the surrounding land uses as well as the general plan. Full compliance with required ordinances and policies will be verified through the subsequent technical review process before the issuance of the Land Use permit, and license inspection process.

ATTACHMENTS:

- A. Site Plan
- B. Narrative
- C. Legal Description





BOARD OF TRUSTEES
Mick Sudbury, Chairman
Jeff White
Dan L. Stewart

GENERAL MANAGER
Clint Dilley, P.E.

April 29, 2024

Magna Water District
8885 West 3500 South
P.O. Box 303
Magna, UT 84044

Subject: Zone Change – Magna Water District WRF Influent Project

Magna Water District (MWD) is requesting a zone change from A-20 to M-2 for Parcels 14163820020000 & 14163760150000. The request is due to a new MWD WRF project. There will be two structures and associated piping and appurtenances: 1) Influent Pump Station and 2) Grit washing building. The Influent Pump Station is located closer than the 50-ft front yard setback required for an A-20 zone.

Legal Description of 14163820020000:

E 699 FT OF SE 1/4 OF SW 1/4 SEC 16, T 1S, R 2W, SLM. LESS 2100 S ST. TOG/W VACATED BETA ST ABUTTING ON W. 20.65 AC M OR L. 8424-8953 9756-5341

Legal Description of 14163760150000:

LOT 1, ATHENS AMD

BOUNDARY DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SOUTHWEST CORNER OF SECTION 16, TOWNSHIP 1 SOUTH, RANGE 2 WEST, S.L.B. & M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT ON THE NORTH RIGHT OF WAY OF 2100 SOUTH STREET, SAID POINT BEING SOUTH 89°39'23" EAST 1353.00' FEET ALONG THE SOUTH LINE OF SAID SECTION 16 AND NORTH 00°20'37" EAST 33.00 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION 16, THENCE NORTH 00°20'37" EAST 1247.76 FEET, (NORTH 1227.00 FEET RECORD); THENCE SOUTH 89°38'35" EAST 114.00 FEET (114.00 FEET RECORD); THENCE NORTH 00°20'37" EAST 60.84 FEET (60.00 FEET RECORD); THENCE SOUTH 89°38'35" EAST 474.00 FEET, (EAST 474.00 FEET RECORD.); THENCE SOUTH 00°20'37" WEST 1308.49 FEET, (SOUTH 1287.00 FEET RECORD.) TO A POINT ON SAID NORTH RIGHT OF WAY OF 2100 SOUTH STREET; THENCE NORTH 89°39'23" WEST 588.00 FEET, (WEST 588.00 FEET RECORD.) ALONG SAID RIGHT OF WAY TO THE POINT OF BEGINNING.
CONTAINING 17.50 ACRES +/-

Thanks,

Trevor Andra, P.E.

District Engineer

Magna Water District

Legal Description of 16163760130000:

Lots 14 & 15 BLK 4 ATHENS SUB. TOG/W VACATED ALLEY ABUTTING ON THE N. 9756-5341

MAGNA CITY

Ordinance No. 2024- ____ - ____

Date:

AN ORDINANCE OF MAGNA CITY COUNCIL AMENDING TITLE 12 OF MUNICIPAL CODE, PROVISIONS ON CODE ENFORCEMENT AND COMMUNITY PRESERVATION

RECITALS

WHEREAS, Magna City ("Magna") adopted each county ordinance in effect at the time of its incorporation as a Metro Township pursuant to Utah Code Ann. Subsection 10-2a-414(3)(2023), which ordinance continued in force upon its conversion to a City, pursuant to Utah Code Ann. § 10-1-201.5(6)(2024), and Magna has authority to amend or repeal such ordinance when it determines it is necessary; and

WHEREAS, Magna ship is a municipality and has authority to regulate and enforce its code pursuant to Utah Code; and

WHEREAS, Magna has authority to adopt ordinances and land use controls necessary for the use and development of land within its municipal boundaries in accordance with the Municipal Land Use, Development, and Management Act, ("MLUDMA"), Title 10, Section 9a, Utah Code, to protect public health, safety, and welfare; and

WHEREAS, the Magna City Council deems it necessary to amend its ordinances in order to ensure compliance with State Statute, encourage conformity with the Magna General Plan, promote ease of use for residents and staff, and preserve the unique character of the Magna community; and for the protection and preservation of the public health, safety and general welfare.

BE IT ORDAINED BY MAGNA CITY COUNCIL as follows:

1. Title 12 is repealed and replaced in its entirety with the revised Title 12 attached hereto as **Attachment 1**.
2. Severability. If a court of competent jurisdiction determines that any part of these Ordinances is unconstitutional or invalid, then such portion(s) of these Ordinances, or specific application of these Ordinances, shall be severed from the remainder, which shall continue in full force and effect.
3. Implementation. Magna staff are instructed to take any administrative steps needed to prepare and finalize Attachment 1 for publication to Municode, including but not limited

to making any formatting, grammatical, or other non-substantive changes to the Ordinances that may be needed.

4. Posting and Effective Date. After Magna staff have prepared Attachment 1 for publication to Municode, the staff shall post the attached summary pursuant to Utah Code § 10-3-711(1)(b); and publish Attachment 1 to Municode. This ordinance will become effective as of the date the summary is posted and Attachment 1 is published to Municode.

PASSED AND ADOPTED this _____ day of _____ 2024.

Eric G. Barney, Mayor

ATTEST:

APPROVED:

City Recorder

City Attorney

Voting

Mayor Barney voting _____
Council Member Sudbury voting _____
Council Member Pierce voting _____
Council Member Prokopis voting _____
Council Member Hull voting _____

Date ordinance summary was posted on the Utah Public Notice Website:
December 7, 2023

Effective date of ordinance: December 7, 2023

SUMMARY OF MAGNA CITY
ORDINANCE NO. 2024- -

On the ____ day of _____, 2024 the Magna City Council enacted Ordinance No. 2024- ____ - ____ that adopts a new and updated version of Titles 12 (Code Enforcement and Community Preservation) of the Magna Municipal Code (“MMC”) and repeals and replaces in its entirety the prior version of Title 12.

MAGNA CITY COUNCIL

Eric Barney, Mayor

APPROVED AS TO FORM:

ATTEST

CITY ATTORNEY

City Recorder

Voting:

Mayor Barney voting _____
Council Member Sudbury voting _____
Council Member Pierce voting _____
Council Member Prokopis voting _____
Council Member Hull voting _____

A complete copy of Ordinance No. 2024- ____ - ____ is available in the office of the Magna City Recorder, 2001 South State Street, N2-700, Salt Lake City, Utah.

Title 12 CODE ENFORCEMENT AND COMMUNITY PRESERVATION

Chapter 12.02 General

Chapter 12.04 Administrative Code Enforcement Procedures

Chapter 12.06 Administrative and Judicial Remedies

Chapter 12.08 Recover of Code Enforcement Penalties and Costs

12.02 General

12.02.010 Short Title

12.02.020 Authority

12.02.030 Declaration of Purpose

12.02.040 Scope

12.02.02.050 Existing Ordinances and Laws Continued*

12.02.060 Criminal Prosecution Right

12.02.070 Effect of Headings

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12.02.350 Power to Issue Citations

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12.02.370 Failure to Obey a Subpoena

12.02.010 Short Title*

Title 12 shall be known as the "Code Enforcement and Community Preservation Program."

12.02.020 Authority*

Magna promulgates this Code pursuant to Utah Code Ann. §§ 10-3-702- 703.7; 10-3-716; 10-8-60; 10-11-1, *et seq.*; and 76-10-801, *et seq.*.

12.02.030 Declaration Of Purpose*

Magna finds enforcement of its Code and applicable state codes throughout the municipality to be an important public service. Code enforcement and abatement are vital to the protection of the public's health, safety, and quality of life. The Council recognizes that comprehensive code enforcement starts with the drafting of precise regulations that can be effectively applied in administrative code enforcement hearings and judicial proceedings that use a combination of judicial and administrative remedies to achieve fair and equitable compliance, and which address the failure to comply through judicial action.

12.02.040 Scope*

The provisions of this Title may be applied to any violation of Magna Code as an additional remedy to achieve compliance.

12.02.050 Existing Ordinances And Laws Continued*

The provisions of this Title do not invalidate any other title or ordinance but shall be read in conjunction with the title or ordinance as an additional enforcement remedy and with any other applicable laws. If there is a conflict between this Title and another provision of Magna Code, this Title shall control.

12.02.060 Criminal Prosecution Right*

Magna has sole discretion in deciding whether to file a civil or criminal case or both for the violation of any of its ordinances. The enactment of the administrative remedies in this Title shall not interfere with Magna's right to prosecute ordinance violations as criminal offenses in a court of law. Magna may use any of the remedies available under the law in both civil and criminal prosecution. If Magna decides to file both civil and criminal charges for the same day of violation, no civil penalties may be assessed, but all other remedies will be available. Magna may at its discretion proceed with a civil enforcement action under this Title in district court without first holding an administrative hearing or exhausting other administrative remedies.

12.02.070 Effect Of Headings*

Title, chapter, part and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any title, chapter, part, or section hereof.

12.02.080 Validity Of Title - Severability*

If any provision of this Title is held to be invalid or unconstitutional by a court of competent jurisdiction, the decision of invalidity or unconstitutionality shall not affect the other provisions of this Title which can be given effect without the invalid or unconstitutional provision.

12.02.090 No Mandatory Duty - Civil Liability*

It is the intent of the Council that in establishing performance standards or an obligation to act by a Magna officer, employee, or designee, the standards or obligation shall not be construed to create a mandatory duty for purposes of tort liability if the officer, employee, or designee fails to perform his or her directed performance standards or obligation to act.

12.02.100 General Rules Of Interpretation Of Ordinances*

For purposes of this Title:

- (1) Any gender includes the other gender(s).
- (2) "Shall" is mandatory; "may" is permissive.
- (3) The singular number includes the plural.
- (4) Any word or phrase used in this Title, and not specifically defined, shall be construed according to the context and approved usage of the language.

12.02.110 Definitions Applicable To Title Generally*

The following words and phrases, as used in this Title, shall be construed as defined in this section, unless the context or subject matter requires a different meaning as specifically defined elsewhere in this Title and specifically stated to apply:

(1) "Abate" or "Abatement" means any action Magna may take on public or private property and any adjacent property as may be necessary to remove or alleviate a violation, including demolition, removal, eviction of persons, repair, boarding, securing, or replacement of property.

(2) "Administrative Code Enforcement Order" means an order issued by an Administrative Law Judge. The order may include an order to abate the violation, pay civil penalties and administrative costs, or take any other action as authorized or required by this Title and applicable state codes.

(3) "Administrative Law Judge" or "hearing officer" means the position established by the Code § 1.16.

(4) "Animal Control Administrator" means the supervisor of the Animal Control Division, established in the Code § 8.1.

(5) "Chief Building Official" means the official authorized and responsible for planning, directing, and managing the building inspection activities within Magna.

(6) "Council" means the Magna Council.

(7) "Code Enforcement Lien" means a lien recorded to collect outstanding civil penalties, administrative fees, or costs.

(8) "Code Enforcement Performance Bond" means a bond posted by a responsible person to ensure compliance with Magna Code, applicable state titles, a judicial action, or an administrative code enforcement order.

(9) "County" means Salt Lake County, Utah.

(10) "Courtesy Notice" means a written notice prepared by an enforcement official that informs a responsible person of a minor violation and notifies the responsible person of the necessary actions that are required to correct the minor violation.

(11) "Department" means Magna's Planning and Development Services Department, or its designee.

(12) "Director" means the director of Magna's Planning and Development Services Department or the director's authorized agent or any other person or entity and authorized agent directed to provide code enforcement services.

(13) "Enforcement Official" means any person authorized to enforce violations of Magna Code or applicable state codes.

(14) "Financial Institution" means any person or entity that holds a recorded mortgage or deed of trust on a property.

(15) "Fire Department" means the applicable entity that is authorized and responsible for providing fire and emergency services to Magna.

(16) "Good Cause" means incapacitating illness; death; lack of proper notice; unavailability due to unavoidable, unpreventable, or extenuating emergency or circumstance; if a required act causes an imminent and irreparable injury; or acts of nature adverse to performing required acts.

(17) "Hazardous Materials" means the same as that term is defined in Utah Code Section 10-11-1.

(18) "Imminent Life Safety Hazard" means any condition that creates a present, extreme, or immediate danger to life, property, health, or public safety.

(19) "Magna" means Magna City, a municipal corporation or city under state law' pursuant to Utah Code Subsection 68-3-12.5(6).

(20) "Legal Interest" means any interest that is represented by a document, including a deed of trust, quitclaim deed, mortgage, judgment lien, tax or assessment lien, mechanic's lien, or other similar instrument that is recorded with the County Recorder.

(21) "Major Violation" means any nuisance or other violation as defined in Magna Code, state code or Utah state courts, to include, without limitations, any:

- a. land use that does not conform to existing zoning of the property;
- b. unauthorized collection of motor vehicles that are unlicensed, unregistered, or inoperable;
- c. accumulations of trash, litter, illegal dumping, which occupy a combined area more than 50 square feet;
- d. weeds that occupy a combined area that exceeds 100 square feet or increase the risk of fire spreading to a neighboring property;
- e. unauthorized use of any public street or sidewalk, including news racks, merchandise displays, mobile food vending, or other illegal uses.
- f. illegal advertising;

- g. illegal residing in a Recreational Vehicle
- h. open storage of items; or
- i. any other violation of Magna Municipal Code that is not specifically defined as a minor violation.

(22) "Municipality" or "City" means the area within the territorial municipal limits of Magna, and such territory outside the area over which Magna has jurisdiction or control.

(23) "Minor violation" means the following violations of Magna Municipal Code:

- a. accumulations of trash, litter, or illegal dumping, which occupy a combined area less than 50 square feet; or
- b. weeds which occupy a combined area less than 100 square feet and do not increase the risk of fire spreading to a neighboring property.

(24) "Notice of Compliance" means a document issued by Magna, representing that the violations outlined in the notice of violation have been remedied and the property is in compliance with applicable codes.

(25) "Notice of Satisfaction" means a document or form approved by the Director or designee, which states that all outstanding civil penalties and costs have been paid in full, negotiated to an agreed amount, or resolved by a subsequent administrative or judicial decision. The property shall also be in compliance with the requirements of the notice of violation.

(26) "Notice of Violation" means a written notice prepared by an enforcement official that informs a responsible person of any code violation and orders the person to take certain actions to correct the violation.

(27) "Oath" includes any affirmation or oath.

(28) "Person" means any natural person, firm, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, organization, or the manager, lessee, agent, sergeant, officer, or employee of any of them, or any other entity that is recognized by law as the subject of rights or duties.

(29) "Program" means the Code Enforcement and Community Enhancement Program authorized under this Title.

(30) "Property Owner" means the record owner of real property based on the county assessor's records.

(31) "Public Nuisance" means any condition caused, maintained, or permitted to exist that constitutes a threat to the public's health, safety, and welfare or that significantly obstructs, injures, or interferes with the reasonable or quiet use of property in a neighborhood, community, or by a considerable number of persons. A public nuisance also has the same meaning as set forth in the Utah statute.

(32) "Recreational Vehicle" means a vehicular unit other than a mobile home, primarily designed as a temporary dwelling for travel, recreational, or vacation use, that is either self-propelled or pulled by or on another vehicle, including truck campers, camper trailers, motorhomes, vehicles converted to have living facilities, or other vehicles used as sleeping or living accommodations.

(33) "Residing" as it relates to a Recreational Vehicle means a rebuttable presumption that a Recreational Vehicle is being used as a residential unit if the Recreational Vehicle is occupied at any time between the hours of 1:00 a.m. and 5:00 a.m. for more than 14-consecutive days within a 6-month period. This presumption may be rebutted upon a showing of substantial evidence that the Recreational Vehicle is not used for sleeping, toilet facilities, food preparation, or showering.

(34) "Responsible Person" means a person who has charge, care, or control of any premises, dwelling, or dwelling unit as the legal or equitable owner, agent of the owner, lessee, or as an executor, administrator, trustee, or guardian of the estate of the owner. In all cases, the person with legal title to any premises, dwelling, or dwelling unit shall be considered a responsible person, with or without accompanying actual possession thereof.

(35) "Treasurer" means the Magna Treasurer as designated pursuant to Utah Code Ann. § 10-3c-203.

(36) "Written" includes handwritten, typewritten, photocopied, computer printed, or facsimile, whether in physical or electronic form.

12.02.111 Acts Include Causing, Aiding And Abetting*

If any act or omission is made unlawful in this Title, it shall include causing, permitting, aiding, or abetting the act or omission.

12.02.200 Part 2 - Service Requirements*

12.02.210 Service Of Process*

- (1) If service in person or by mail is required to be given under this Title, service shall be made in accordance with Utah Code Ann. § 10-11-2 unless another form of service is required by law.
- (2) If service complies with the requirements of this Part, it shall be considered to be a valid service even if a party claims not to have received the service and it shall not affect the validity of any proceedings taken under this Title.
- (3) The failure to serve all responsible persons shall not affect the validity of any proceedings.

12.02.220 Construction Notice Of Recorded Documents*

If a document is recorded with the County Recorder as authorized or required by this Title or applicable state statute, recordation shall provide constructive notice of the information contained in the recorded documents.

12.02.300 Part 3 - General Authority and Offenses*

12.02.310 General Enforcement Authority*

If the Director or enforcement official finds that a violation of Magna Code or applicable state code has occurred or continues to exist, the administrative enforcement procedure may be used as provided in this Title. The Director or any designated enforcement official has the authority and power necessary to enforce compliance with the provisions of Magna Code and applicable state code provisions, including issuing notices of violation or administrative citations, inspecting public or private property, abating public and private property, or using other judicial and administrative remedies available pursuant to Magna Code or state statute. Magna may elect to proceed with an action in District Court without first exhausting administrative remedies.

12.02.320 Adoption of Policy and Procedures*

In compliance with the Utah Administrative Code, the Administrative Law Judge is authorized to develop policies and procedures relating to the hearing procedures, scope of hearings, subpoena powers, and other matters relating to the Program. The policies and procedures may vary based on the circumstances of each matter before the Administrative Law Judge.

12.02.330 Authority to Inspect*

The Director or any designated enforcement official is authorized to enter upon any property or premises to inspect and ascertain if the person is complying with Magna Code or applicable state code provisions and to make any necessary examination or survey in the performance of the enforcement duties with either the permission of the responsible person, land owner, or upon obtaining a search warrant. If the responsible person refuses to allow the enforcement official to enter the property, the enforcement official shall obtain a search warrant. The Director or any designated enforcement official may not enter a property, except to access the front door, without permission or a warrant. Any inspection entry, examination, or survey shall be done in a reasonable manner based upon probable cause. The Director or any designated enforcement official may obtain evidence viewable from any public street, sidewalk, adjacent property or location where the responsible person has given authorization for entry without a warrant.

12.02.340 Administrative Search Warrant Procedure

- (1) The Director or any designated enforcement official may apply for an administrative search warrant with the Administrative Law Judge upon a showing of probable cause to believe that a violation of the Magna Code or an applicable state code has occurred, is occurring, or is about to occur. The showing of probable cause shall be based on specific and articulable facts or circumstances and shall be supported by a sworn affidavit or a verified complaint.
- (2) A search warrant shall be issued by the Administrative Law Judge upon a finding of probable cause to believe that a violation of the Magna Code or an applicable state code has occurred, and that a search of private property is necessary to investigate and enforce such ordinance.
- (3) A search warrant shall specify the property to be searched and, if applicable, the items to be seized.
- (4) The search warrant shall be executed by a designated enforcement official in accordance with the Fourth Amendment to the United States Constitution and Utah law.
- (5) The search warrant shall be executed in a reasonable manner, taking into account the nature of the ordinance being enforced, the nature of the property being searched, and the presence of any individual(s) on the property.
- (6) A report of the execution of the search warrant shall be made in writing and filed with the Administrative Law Judge that issued the warrant. The report shall include a description of the property searched, the items seized, and any other information required by law or court order.
- (7) No person shall refuse entry or access to any authorized representative of the department who requests entry for purposes of inspection, and who presents appropriate credentials and warrant, nor shall any person obstruct, hamper or interfere with any such inspection.
- (8) Nothing in this section shall be construed to prevent prompt inspection without consent or appropriate warrant in emergency situations.

12.02.350 Power to Issue Citations*

The Director or any designated enforcement official is authorized to issue a misdemeanor citation or administrative citation if there is reasonable cause to believe that the person is committing or has committed a violation of the Magna Code or state code in the enforcement official's presence.

12.02.360 False Information or Refusal Prohibited*

It shall be unlawful for any person to make a false statement or refuse to give his or her name or address with intent to deceive or interfere with a duly authorized Magna official or agent, including to the Director or any authorized enforcement officials, when in the performance of official duties under the provisions of this Title. A violation of this Section is a class B misdemeanor.

12.02.370 Failure to Obey a Subpoena*

It is unlawful for any person to refuse or fail to obey a subpoena issued for an administrative code enforcement hearing. Failure to obey a subpoena constitutes contempt and is a class B misdemeanor.

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- 12.04.600 Part 6 - Administrative Enforcement Appeals*
- 12.04.610 Appeal of Administrative Code Enforcement Hearing Decision*

12.04.010 Authority*

Any condition caused, maintained, or permitted to exist in violation of any provisions of the Magna Code or applicable state codes that constitutes a violation may be abated by Magna pursuant to the procedures set forth in this Title.

12.04.020 Courtesy Notice*

(1) If the Director or any designated enforcement official determines that a minor violation has occurred, the Director or enforcement official may issue a courtesy notice to a responsible person by leaving a courtesy notice with the responsible person or affixing the notice to the door or gate of the property. The courtesy notice shall include the following information:

- a. Name of the property owner of record according to the records of the County Recorder;
- b. Street address of violation;
- c. Nature and results of the examination and investigation conducted;
- d. Date and approximate time the violation was observed
- e. All code sections violated and descriptions of the condition of the property that violates the applicable codes;

- f. A statement explaining the type of remedial action required to permanently correct outstanding violations, which may include corrections, repairs, demolition, removal, eradication, destruction, or other appropriate action;
- g. A statement that if the violation has not been remedied within 7 days, the designated enforcement official will issue a notice of violation consistent with the requirements of this chapter.
- h. The name and contact information of the code enforcement official who may be contacted regarding the courtesy notice.

(2) The issuance of a courtesy notice is discretionary, and an enforcement official may proceed with the issuance of a notice of violation without first issuing a courtesy notice.

12.04.030 Notice of Violation*

(1) If the Director or any designated enforcement official determines that a major violation of the Magna Code or applicable state codes has occurred or continues to exist or a minor violation continues to exist, the Director or enforcement official may issue a notice of violation to a responsible person. The notice of violation shall include the following information and shall comply with Utah Code § 10-11-2 or the applicable successor statute(s):

- a. Name of the property owner of record according to the records of the County Recorder;
- b. Street address of violation;
- c. Nature and results of the examination and investigation conducted;
- d. Date and approximate time the violation was observed;
- e. All code sections violated and descriptions of the condition of the property that violates the applicable codes;
- f. A statement explaining the type of remedial action required to permanently correct outstanding violations, which may include corrections, repairs, demolition, removal, eradication, destruction, or other appropriate action;
- g. A specific date for the responsible party to correct the violations listed in the notice of violation or appeal the notice of violation, which date shall be at least fifteen days from the date of service unless the Director determines that the violation requires emergency abatement under Section 12.2.200;
- h. Explanation of the consequences if the responsible person fails to comply with the terms and deadlines as prescribed in the notice of violation, which may include criminal prosecution; civil penalties; revocation of permits; recordation of the notice of violation; withholding of future municipal permits; abatement of the violation by Magna and re-payment to Magna for the costs of the abatement; other costs incurred by Magna; administrative fees; and any other legal remedies;
- i. Civil penalties shall begin to accrue immediately on expiration of the date to correct violations;
- j. The amount of the civil penalty on each violation and that the penalty shall accrue daily until the property is brought into compliance;
- k. Only one notice of violation is required for any 12-month period, and civil penalties begin immediately upon any subsequent violation of the notice. The responsible person may request a hearing on the renewed violation by following the same procedure as provided for the original notice;
- l. Procedures to appeal the notice and request a hearing, including the amount of the appeal fee, as provided in the adopted fee schedule and consequences for failure to request one, including that failure to appeal waives all defenses to the notice of violation and the Director, or designee, may order the abatement of the property without a subsequent hearing or order; and
- m. Procedures to request an inspection after the violation has been abated.

(2) The notice of violation shall be served by one of the methods of service listed in Section 12.2.210 of this Title.

(3) More than one notice of violation may be issued against the same responsible person if it encompasses different dates, or different violations.

12.04.040 Failure To Bring Property Into Compliance*

- (1) If a responsible person fails to bring a violation into compliance within the compliance period specified in the notice of violation:
 - a. civil penalties shall be owed to Magna for each and every subsequent day of violation;
 - b. If the responsible party does not request a hearing on the notice of violation within the required period specified in the notice of violation, the Director may
 - i. schedule the abatement of violations on the property specified in the notice of violation;
 - ii. schedule a default hearing with the Administrative Law Judge; or
 - iii. bring an enforcement and abatement action in the district court.
- (2) Failure to comply with the notice of violation is a Class C misdemeanor.

12.04.050 Inspections*

It shall be the duty of the responsible person served with a notice of violation to request in writing an inspection when the responsible person's property has been brought into compliance. It is *prima facie* evidence that the violation remains on the property if no inspection is requested. Civil penalties accumulate daily until the property has been inspected and a notice of compliance is issued. Re-inspection fees shall be assessed if more than one inspection is necessary.

12.04.200 Part 2 - Abatement

12.04.210 Authority To Abate*

The Director is authorized to enter upon any property or premises to abate the violation of Magna Code and applicable state codes pursuant to this Part. The Director is authorized to assess all costs for the abatement to the responsible person and use any remedy available under the law to collect the costs, including assessment of the costs on the County tax rolls.

12.04.220 Procedures For Abatement*

(1) The Director may abate a violation pursuant to this Part after providing notice under this Title and by following the process set forth in Utah Code § 10-11-3 or any applicable successor statute if the Responsible Party:

- a. Does not abate a violation within the time period prescribed in a notice; and
- b. Did not file a request for an administrative code enforcement hearing under this Title.

(2) The Director may request a default hearing but is not required to do so to abate the violation under this Part and may abate the violation without a default hearing pursuant to Utah Code § 10-11-3 or any applicable successor statute.

(3) The Director may use Magna personnel or a private contractor acting under the Director's or Magna's direction to abate the violation.

(4) Magna personnel or a private contractor may enter upon private property in a reasonable manner to abate the ordinance violation as specified in the notice of violation or administrative code enforcement order.

(5) If the responsible person abates the violation before Magna performs the actual abatement pursuant to a notice of violation or administrative code enforcement order, the Director may still assess the costs incurred by Magna against the responsible person.

(6) In compliance with Utah Code § 10-11-3 or any applicable statute, the Director shall prepare an itemized statement of the work performed when the abatement is completed on the responsible person.

(7) The Administrative Law Judge shall hear any appeals filed by a responsible person in response to an itemized statement issued under this Part and shall conduct such appeals and any related hearings in accordance with Utah Code § 10-11-3 or any applicable successor statute.

12.04.300 Part 3 - Emergency Abatement*

12.04.310 Authority*

(1) Whenever the Director determines that an imminent life safety hazard exists that requires immediate correction or elimination, the Director may exercise the following powers without prior notice to the responsible person:

- a. Order the immediate vacation of any tenants, and prohibit occupancy or entry until all repairs are completed, provided that an order prohibiting entry shall specify how entry is to be made to mitigate damage, complete repairs, retrieve personal property, or for any other purpose, if any, during the abatement process;
- b. Post the premises as unsafe, substandard, or dangerous;
- c. Board, fence, or secure the building or site;
- d. Raze, grade, and remove that portion of the building or site to prevent further collapse or any hazard to the general public;
- e. Make any minimal emergency repairs as necessary to eliminate any imminent life safety hazard; or
- f. Take any other action appropriate to eliminate the emergency.

(2) The Director and his or her agents have the authority for good cause to enter the property without a search warrant or court order to accomplish the above listed acts to abate the safety hazard.

(3) The responsible person shall be liable for all costs associated with the abatement of the life safety hazard. Costs may be recovered pursuant to this Title.

12.04.320 Procedures*

(1) The Director shall pursue only the minimum level of correction or abatement as necessary to eliminate the immediacy of the hazard. Costs incurred by Magna during the emergency abatement process shall be assessed and recovered against the responsible person through the procedures provided in this Title.

(2) The Director may also pursue any other valid and legal administrative or judicial remedy to abate any remaining violations.

12.04.330 Notice Of Emergency Abatement*

After an emergency abatement, Magna shall notify the owner or responsible person of the abatement action taken in writing. This notice shall be served within ten days of completion of the abatement and will describe in reasonable detail the abatement actions taken.

12.04.400 Part 4 – Abatement of Hazardous Materials*

12.04.410 Authority*

If the Director determines that a structure has been closed to occupancy or entry by a local health department due to contamination from hazardous materials, the Director may appoint a municipal inspector for the purpose of implementing and complying with the provisions of Utah Code 10-11-1. The

Director may authorize abatement of the interior of the structure to eliminate or remove hazardous materials within a structure that has been closed to occupancy or entry by a local health department or fire department.

12.04.420 Notice of Hazardous Material Abatement*

(1) If the Director or any designated enforcement official determines that a structure has been closed by the local health department or fire department for hazardous materials, the Director or enforcement official will issue a notice of hazardous material abatement to a responsible person.

(2) The notice of hazardous material abatement shall include the following information and shall comply with Utah Code § 10-11-2 or the applicable successor statute:

- a. Name of the property owner of record according to the records of the County Recorder;
- b. Street address of violation;
- c. Nature and results of the examination and investigation conducted;
- d. Date and approximate time the violation was observed;
- e. All code sections violated and descriptions of the condition of the property that violates the applicable codes;
- f. A statement explaining the type of remedial action required to permanently correct outstanding violations, which may include corrections, repairs, demolition, removal, eradication, destruction, or other appropriate action;
- g. A specific date for the responsible party to correct the violations listed in the notice of hazardous material abatement or appeal the notice of hazardous material abatement, which date shall be at least 180 days from the date of service;
- h. Explanation of the consequences if the responsible person fails to comply with the terms and deadlines as prescribed in the notice of violation, which may include criminal prosecution; civil penalties; revocation of permits; recordation of the notice of violation; withholding of future municipal permits; abatement of the violation by Magna and re-payment to Magna for the costs of the abatement; other costs incurred by Magna; administrative fees; and any other legal remedies;
- i. Civil penalties shall begin to accrue immediately on expiration of the date to correct violations or the appeal and administrative proceeding process is completed;
- j. The amount of the civil penalty on each violation and that the penalty shall accrue daily until the property is brought into compliance;
- k. Procedures to appeal the notice and request a hearing, including the amount of the appeal fee, as provided in the adopted fee schedule, and consequences for failure to request one, including that failure to appeal waives all defenses to the notice of hazardous material abatement and the Director, or designee, may order the abatement of the property without a subsequent hearing or order; and
- l. Procedures to request an inspection after the violation has been abated.

(3) The notice of hazardous material abatement shall be served by one of the methods of service listed in Section 12.02.210 of this Title.

12.04.430 Certified Decontamination Specialist*

A responsible party, owner, or occupant must use a certified decontamination specialist to abate hazardous materials as described in Utah Code § 19-6-906.

12.04.430 Restricting Access*

The Director may issue an order limiting or restricting access to a structure and the real property appurtenant to the structure while the municipal inspector or a certified decontamination specialist destroys, removes, or abates hazardous materials within the structure.

12.04.500 Part 5 - Demolitions*

12.04.510 Authority*

If the Director determines that a property or building requires demolition, the Director may demolish or remove the offending structure, or exercise any or all of the powers listed in this Title once appropriate notice has been given to a responsible person pursuant to the Uniform Abatement of Dangerous Buildings Code or Uniform Fire Codes as required under state law, provided that the notice shall include a written description of the Director's findings, explaining the need for the demolition and citations to the applicable ordinances or laws authorizing the demolition. The responsible person shall be liable for all costs associated with the demolition. Costs may be recovered pursuant to this Title.

12.04.420 Procedures*

Once the Director has determined that the Magna Chief Building Official or the Fire Department has complied with all of the notice requirements of the applicable laws, the property will be demolished. Other applicable remedies may also be pursued.

12.042.400 Part 4 – Administrative Citations*

12.042.410 Declaration Of Purpose*

The Council finds that there is a need for an alternative method of enforcement for violations of the Magna Code and applicable state codes which do not relate to land use violations. The Council further finds that an appropriate method of enforcement is an administrative citation program.

The procedures established in this Part shall be in addition to criminal, civil, or any other legal remedy established by law that may be pursued to address violations of the Magna Code or applicable state codes.

12.042.420 Authority*

Any person violating a provision of the Magna Code or applicable state codes may be issued an administrative citation by an enforcement official as provided in this Part.

A civil penalty shall be assessed by means of an administrative citation issued by the enforcement official and shall be payable directly to the Magna Treasurer's Office, or other offices designated to receive payment on behalf of Magna.

Penalties assessed by means of an administrative citation shall be collected in accordance with the procedures specified in the remedies section of this Title.

12.042.430 Procedures*

(1) Upon discovering any violation of the Magna Code, or applicable state codes, an enforcement official may issue an administrative citation to a responsible person in the manner prescribed in this Part or as prescribed in Section 12.1.210. The administrative citation shall be issued on a form approved by the Director.

(2) If the responsible person is a business, the enforcement official shall attempt to locate the business owner and issue an administrative citation to the business owner. If the enforcement official can only locate the manager of the business, the administrative citation may be given to the manager of the business. A

copy of the administrative citation may also be mailed to the business owner or any other responsible person in the manner prescribed in Section 12.1.210 of this Title.

(3) Once the responsible person has been located, the enforcement official shall attempt to obtain the signature of that person on the administrative citation. If the responsible person refuses or fails to sign the administrative citation, the failure or refusal to sign shall not affect the validity of the citation and subsequent proceedings.

(4) If the enforcement official is unable to locate the responsible person for the violation, then the administrative citation shall be mailed to the responsible person in the manner prescribed in Section 12.1.210 of this Title.

(5) If no one can be located at the property, then the administrative citation may be posted in a conspicuous place on or near the property and a copy subsequently mailed to the responsible person in the manner prescribed by Section 12.1.210 of this Title.

(6) The administrative citation shall also contain the signature of the enforcement official.

(7) The failure of any person with an interest in the property to receive notice shall not affect the validity of any proceedings taken under this Part.

HISTORY

Adopted by Ord. [19-07-01](#) on 7/22/2019

12.042.440 Contents Of Administrative Citation*

Administrative citations shall include the information required in Section 12.2.020 and shall:

(1) State the amount of penalty imposed for the minor violations; and

(2) Explain how the penalty shall be paid, the time period by which the penalty shall be paid, and the consequences of failure to pay the penalty.

12.042.450 Civil Penalties Assessed*

(1) The City Council shall establish policies to assist in the assessment of civil penalties for administrative citations.

(2) Civil penalties shall be assessed immediately for each violation listed on the administrative citation. The penalties shall be those established in the Consolidated Fee Schedule.

(3) Payment of the penalty shall not excuse the failure to correct the violations, nor shall it bar further enforcement action by the City.

12.04.500 Part 5 – Appeal and Hearing Procedures*

12.04.510 Declaration Of Purpose*

The Council finds that there is a need to establish uniform procedures for administrative code enforcement hearings conducted pursuant to Magna Code. It is the purpose and intent of the Council to afford due process of law to any person who is directly affected by an administrative action. Due process of law includes notice, an opportunity to participate in the administrative hearing, and an explanation of the reasons justifying the administrative action. These procedures are also intended to establish a forum to efficiently, expeditiously, and fairly resolve issues raised in any administrative code enforcement action.

12.04.520 Authority and Scope of Hearings*

The Administrative Law Judge shall preside over hearings of Magna Code violations. The Administrative Law Judge shall develop policies and procedures to regulate the hearing process for any violation of

Magna Code and applicable state codes that are handled pursuant to the administrative abatement procedures, emergency abatement procedures, demolition procedures, or administrative citation procedures. If there is a conflict between the appeal procedures in this Title and the appeal procedures in another code incorporated by Magna, this Title shall control.

12.04.530 Appeal and Request For Administrative Code Enforcement Hearing*

(1) A person served with one of the following documents or notices has the right to appeal by requesting an administrative code enforcement hearing, if the request is filed within 15 calendar days from the date of service of one of the following notices:

- a. Notice of violation;
- b. Notice of itemized bill for costs; or
- c. Notice of emergency abatement;

(2) A person served with a notice of hazardous material abatement shall have the right to appeal by requesting an administrative code enforcement hearing, if the request is filed within 180 calendar days from the date of service.

(3) The request for hearing shall be made in writing and filed with the Director or as otherwise indicated in the notice of violation. The request shall contain the following:

- a. the case number,
- b. the address of the violation,
- c. a statement of the legal and factual basis supporting the overturning the notice of violation; and
- d. the signature of the responsible party.

(4) The request for hearing shall be accompanied by payment of the appeal fee the amount of which shall be provided forth in the Magna Fee Schedule.

(5) Failure to provide all the information required in Subsection 12.02.530(2) and payment of the appeal fee required in Subsection 12.02.530 (3), may result in the dismissal of the appeal without a hearing.

(6) As soon as practicable after receiving the written notice of the request for hearing, the Director shall schedule a date, time, and place for the hearing with the Administrative Law Judge and serve a Notice of Hearing on the responsible party.

(7) Failure to request a hearing as provided shall constitute a waiver of the right to a hearing and a waiver of the right to appeal the action.

12.04.540 Hearings And Orders*

(1) If the responsible person fails to request a hearing before the expiration of the 15 calendar day required deadline, the Director may:

- a. Schedule the abatement of the property and serve a notice of abatement on the responsible party.
- b. Request a default hearing, with the Administrative Law Judge and notify the responsible person of the date, time, and place of the hearing by one of the methods listed in Section 12.2.210.

(2) A default hearing may be scheduled for all cases that have outstanding or unpaid civil penalties, fines, fees and/or costs due to Magna before collection.

(3) At any hearing, the responsible person shall have the opportunity to present evidence to show that good cause exists, as defined in the Title, to do one or more of the following in addition to any other rights afforded under other provisions of Magna Code or applicable law:

- a. Waive or reduce the fines which have accumulated;
- b. Postpone an abatement action by Magna; or
- c. Excuse the responsible person's failure to request a hearing within the 15-day period.

(4) If the responsible person fails to establish good cause to take one or more of the actions set forth in paragraph (3), the Administrative Law Judge shall review the notice of violation and any other relevant information included in the case file. The Administrative Law Judge shall not accept any other evidence.

If the evidence shows that the violations existed, the Administrative Law Judge shall enter an order requiring abatement of the violations, and the payment of all fines and fees. Fines shall run until the Director or other duly authorized representative of Magna issues a Notice of Compliance stating when the violations were actually abated.

12.04.550 Notification Of Administrative Code Enforcement Hearing*

- (1) The Administrative Law Judge or Magna shall provide written notice of the day, time, and place of the hearing to a responsible person as soon as practicable prior to the date of the hearing with the format and contents of the hearing provided in accordance with rules and policies promulgated by the Administrative Law Judge.
- (2) The notice of hearing shall be served by any of the methods of service listed in Section 12.1.210 of this Title.

12.04.560 Disqualification Of Administrative Law Judge*

- (1) A responsible person may file a written motion to disqualify an Administrative Law Judge for bias, prejudice, a conflict of interest, or any other reason for which a judge may be disqualified in a court of law. The motion to disqualify shall be accompanied by an affidavit or unsworn declaration as described in Title 78B of the Utah Code or applicable successor statute signed by the responsible person, which shall:
 - a. State that the motion is filed in good faith;
 - b. Allege facts sufficient to show bias, prejudice, a conflict of interest, or any other reason that would disqualify a judge in a court of law in Utah; and
 - c. State when and how the Responsible Party came to know of the reason for disqualification.

(2) The responsible person shall file the motion within 21 days of the assignment of the action to an Administrative Law Judge or the date on which the responsible person knew or should have known of the grounds on which the motion is based, whichever is later.

(3) A responsible person may only file one motion to disqualify an Administrative Law Judge, unless a second or subsequent motion is based on grounds that the responsible person did not know of and could not have known of at the time of the earlier motion.

(4) The Administrative Law Judge who is the subject of a motion to disqualify must, without taking any further action, provide the Director with a copy of the motion and refer the motion to the Magna Council.

(5) Upon receipt of a motion to disqualify, the Magna Council will schedule and notice the matter for review at its next regular scheduled meeting. The Magna Council may, in its sole discretion, elect to hold a special meeting to hear the motion before its next regularly scheduled meeting. The Magna Council shall first review the motion to disqualify to determine if it satisfies the requirements of paragraphs (1) and (2) of this Section. If the motion to disqualify does not satisfy the requirements of this Section, the Council will deny the motion and remand it to the Administrative Law Judge for further proceedings. If the motion to disqualify satisfies the requirements of paragraphs (1) and (2) of this Section, the Magna Council shall determine whether the motion is legally sufficient to warrant disqualification. If the Magna Council determines that disqualification is warranted, it will assign the matter to another Administrative Law Judge. If the Magna Council determines that the motion to disqualify is not legally sufficient, it will remand the matter back to the Administrative Law Judge.

12.04.570 Powers of the Administrative Law Judge*

- (1) The Administrative Law Judge has the authority to conduct an adjudicative proceeding, determine if any violation of Magna Code exists, order compliance with Magna Code, and enforce compliance as provided in this Title on any matter subject to the provisions of the Title.
- (2) The Administrative Law Judge may complete the attendance of a witness and production of a document or other evidence, administer an oath, take testimony, and receive evidence as necessary.

(3) The Administrative Law Judge may continue a hearing based on good cause shown by one of the parties to the hearing. The Administrative Law Judge must enter on the record the good cause on which a continuance is granted.

(4) The Administrative Law Judge, at the request of any party to the hearing, may sign subpoenas for witnesses, documents, and other evidence. All costs related to the subpoena, including witness and mileage fees, shall be borne by the party requesting the subpoena. The Administrative Law Judge shall develop policies and procedures relating to the issuance of subpoenas in administrative code enforcement hearings, including the form of the subpoena and related costs.

(5) The Administrative Law Judge has continuing jurisdiction over the subject matter of an administrative code enforcement hearing for the purposes of granting a continuance; ordering compliance by issuing an administrative code enforcement order using any remedies available under the law; ensuring compliance with that order, which includes the right to authorize Magna to enter and abate a violation; modifying an administrative code enforcement order; or, where extraordinary circumstances exist, granting a new hearing.

(6) The Administrative Law Judge has the authority to require a responsible person to post a code enforcement performance bond to ensure compliance with an administrative code enforcement order.

12.04.580 Procedures at Administrative Code Enforcement Hearing*

(1) Administrative code enforcement hearings are intended to be informal. Formal rules of evidence and discovery do not apply; however, an informal exchange of discovery may be required. The request shall be in writing. Failure to request discovery may not be a basis for a continuance. Complainant information is protected and shall not be released unless the complainant is a witness at the hearing. The procedure and format of the administrative hearing shall follow the procedures promulgated by the Administrative Law Judge.

(2) Magna bears the burden of proof at an administrative code enforcement hearing to establish the existence of a violation of Magna or applicable state codes.

(3) The standard of proof to be used by the Administrative Law Judge in deciding the issues at an administrative hearing is whether the preponderance of the evidence shows that the violations exist.

(4) Each party shall have the opportunity to cross-examine witnesses and present evidence in support of his or her case. A written declaration signed under penalty of perjury may be accepted in lieu of a personal appearance. Testimony may be given by telephone or other electronic means. The Administrative Law Judge may accept testimony offered by proffer.

(5) All hearings are open to the public, but public notice is not required. All hearings shall be recorded. The recording may be audio or video. Hearings may be held at the location of the violation.

(6) The responsible person has a right to be represented by an attorney. If an attorney is representing the responsible person at the hearing, notice of the attorney's name, address, and telephone number shall be provided to Magna at least one day prior to the hearing. If notice is not given, the hearing may be continued at Magna's request, and all costs of the continuance assessed to the responsible person.

(7) No new hearing shall be granted, unless the Administrative Law Judge determines that extraordinary circumstances exist which justify a new hearing.

12.04.590 Failure to Attend Administrative Code Enforcement Hearing*

Any party whose property or actions are the subject of any administrative code enforcement hearing and who fails to appear at the hearing is considered to have waived the right to a hearing, and will result in a default judgment, provided that proper notice of the hearing has been provided.

12.04.591 Administrative Code Enforcement Order*

- (1) Once all evidence and testimony are completed, the Administrative Law Judge shall issue, or cause the prevailing party to circulate, an administrative code enforcement order that affirms, modifies, or rejects the notice or citation. The Administrative Law Judge may increase or decrease the total amount of civil penalties and costs that are due pursuant to Magna's fee schedule and the procedures in this Title.
- (2) The parties may enter into a stipulated agreement, which must be signed by both parties. This agreement shall be entered as a stipulated administrative code enforcement order. Entry of this agreement shall constitute a waiver of the right to a hearing and the right to appeal.
- (3) The Administrative Law Judge may order Magna to enter the property and abate all violations, including demolitions and the removal of vehicles, garbage, animals, and other property kept in violation of Magna Code.
- (4) The Administrative Law Judge may revoke a kennel permit, an animal license, or the right to possess animals as provided in Magna Code.
- (5) As part of the administrative code enforcement order, the Administrative Law Judge may condition the total or partial assessment of civil penalties on the responsible person's ability to complete compliance by specified deadlines.
- (6) The Administrative Law Judge may schedule subsequent review hearings as may be necessary or as requested by a party to the hearing to ensure compliance with the administrative code enforcement order.
- (7) The Administrative Law Judge may order the responsible person to post a performance bond to ensure compliance with the order.
- (8) The administrative code enforcement order shall become final on the date of the signing of the order.
- (9) The administrative code enforcement order shall be served on all parties by any one of the methods listed in Section 12.1.210 of this Title.

12.04.595 Failure To Comply With Order*

Upon the failure of the responsible person to comply with the terms and deadlines set forth in the administrative code enforcement order, Magna may abate the violation as provided in this Title and use all appropriate legal means to recover the civil penalties and administrative costs to obtain compliance.

12.04.600 Part 6 - Administrative Enforcement Appeals*

12.04.610 Appeal of Administrative Code Enforcement Hearing Decision*

- (1) Any person adversely affected by any administrative decision made pursuant to this Chapter may file a petition for review of the decision or order by the district court within 30 days after the decision is rendered.
- (2) No person may challenge in district court an administrative code enforcement hearing officer's decision until that person has exhausted his or her administrative remedies.
- (3) Within 120 days after submitting the petition, the party petitioning for appeal shall request a copy of the record of the proceedings, including transcripts of hearings when necessary. The Administrative Law Judge shall not submit copies of files or transcripts to the reviewing court until the party petitioning for appeal has paid all required costs, including the cost of a licensed court reporter transcribing all relevant recorded hearings. The petitioning party's failure to properly arrange for copies of the record, or to pay the full costs for the record, within 180 days after the petition for review was filed shall be grounds for dismissal of the petition.
 - a. If a transcript of a hearing cannot be prepared because the tape recording is incomplete or unintelligible, the district court may remand the matter to the Administrative Law Judge for a

supplemental proceeding to complete the record. The district court may limit the scope of the supplemental proceeding to issues that, in the court's opinion, need to be clarified.

(4) The district court's review is limited to the record of the administrative decision that is being appealed. The court shall not accept nor consider any evidence that is not part of the record of that decision.

(5) The courts shall:

- a. Presume that the administrative code enforcement hearing officer's decision and orders are valid; and
- b. Review the record to determine whether or not the decision was arbitrary, capricious, or illegal.

12.04.700 Part 7 – Administrative Citations*

12.04.710 Declaration of Purpose*

The Council finds there is a need for an enforcement of administrative violations that are not land use or nuisance violations of the Magna Code and applicable state code. The Council further finds that an appropriate method of enforcement is an administrative citation program.

The procedures established in this part shall be in addition to criminal, civil, or any other legal remedy established by law that may be pursued to address violations of Magna Code or applicable State Code.

12.04.720 Authority*

(1) Any person violating any minor provision of the Magna Code or applicable state statutes may be issued an administrative citation by an enforcement official as provided in this Part.

(2) A civil penalty shall be assessed by means of an administrative citation issued by the enforcement official, and shall be payable directly to Magna Treasurer's Office, or other offices designated to receive payment on behalf of Magna.

(3) Penalties assessed by means of an administrative citation shall be collected in accordance with the procedures specified in the remedies section of this Title.

12.04.730 Procedures*

(1) Upon discovering a violation of the Magna Code, or applicable state codes, an enforcement official may issue an administrative citation to a responsible person in the manner prescribed in this Part or as prescribed in Section 12.1.210. The administrative citation shall be issued on a form approved by the Director.

(2) If the responsible person is a business, the enforcement official shall attempt to locate the business owner and issue an administrative citation to the business owner. If the enforcement official can only locate the manager of the business, the administrative citation may be given to the manager of the business. A copy of the administrative citation may also be mailed to the business owner or any other responsible person in the manner prescribed in Section 12.1.210 of this Title.

(3) Once the responsible person has been located, the enforcement official shall attempt to obtain the signature of that person on the administrative citation. If the responsible person refuses or fails to sign the administrative citation, the failure or refusal to sign shall not affect the validity of the citation and subsequent proceedings.

(4) If the enforcement official is unable to locate the responsible person for the violation, then the administrative citation shall be mailed to the responsible person in the manner prescribed in Section 12.1.210 of this Title.

- (5) If no one can be located at the property, then the administrative citation may be posted in a conspicuous place on or near the property and a copy subsequently mailed to the responsible person in the manner prescribed by Section 12.1.210 of this Title.
- (6) The administrative citation shall also contain the signature of the enforcement official.
- (7) The failure of any person with an interest in the property to receive notice shall not affect the validity of any proceedings taken under this Part.

12.04.740 Contents Of Administrative Citation*

Administrative citations shall include the information required in Section 12.2.020 and shall:

- (1) State the amount of penalty imposed for the minor violations; and
- (2) Explain how the penalty shall be paid, the time period by which the penalty shall be paid, and the consequences of failure to pay the penalty.

12.04.750 Civil Penalties Assessed*

- (1) The Council shall establish policies to assist in the assessment of civil penalties for administrative citations.
- (2) Civil penalties shall be assessed immediately for each violation listed on the administrative citation. The penalties shall be those established in the Consolidated Fee Schedule.
- (3) Payment of the penalty shall not excuse the failure to correct the violations, nor shall it bar further enforcement action by Magna.

Chapter 12.06 Administrative and Judicial Remedies*

- 12.06.100 Part 1 - Recordation of Notices Of Violation*
- 12.06.110 Declaration of Purpose*
- 12.06.120 Authority*
- 12.06.130 Procedures for Recordation*
- 12.06.140 Service of Notice of Recordation*
- 12.06.150 Failure to Request*
- 12.06.160 Notice of Compliance - Procedures*
- 12.06.170 Prohibition Against Issuance of Municipal Permits*
- 12.06.180 Cancellation of Recorded Notice of Violation*
- 12.06.200 Part 2 - Administrative Civil Penalties*
- 12.06.210 Authority*
- 12.06.220 Procedures for Assessing Civil Penalties*
- 12.06.230 Determination of Civil Penalties*
- 12.06.240 Modification f Civil Penalties*
- 12.06.250 Failure To Pay Penalties*
- 12.06.300 Part 3 – Costs*
- 12.06.310 Declaration of Purpose*
- 12.06.320 Authority*
- 12.06.330 Notification of Assessment Of Reinspection Fees
- 12.06.340 Failure To Timely Pay Costs*
- 12.06.400 Part 4 - Administrative Fees*
- 12.06.410 Administrative Fees*
- 12.06.500 Part 5 - Injunctions*
- 12.06.510 CML Violations - Injunctions*
- 12.06.600 Part 6 - Performance Bonds*
- 12.06.610 Performance Bond*

12.06.100 Part 1 - Recordation of Notices of Violation*

12.06.110 Declaration Of Purpose*

The Council finds that there is a need for alternative methods of enforcement for violations of Magna Code and applicable state codes that are found to exist on real property. The Council further finds that an appropriate method of enforcement for these types of violations is the issuance and recordation of notices of violation.

The procedures established in this Part shall be in addition to criminal, civil, or any other remedy established by law that may be pursued to address the violation of Magna Code or applicable state codes.

12.06.120 Authority*

Whenever the Director determines that a property or violation has not been brought into compliance as required in this Title, the Director has the authority, in his or her discretion, to record the notice of violation or administrative code enforcement order with the County Recorder's Office.

12.06.130 Procedures For Recordation*

- (1) Once the Director has issued a notice of violation to a responsible person, and the property remains in violation after the deadline established in the notice of violation, and no request for an administrative hearing has been filed, the Director shall record a notice of violation with the County Recorder's Office.
- (2) If an administrative hearing is held, and an order is issued in Magna's favor, the Director shall record the administrative code enforcement order with the County Recorder's Office.
- (3) The recordation shall include the name of the property owner, the parcel number, the legal description of the parcel, and a copy of the notice of violation or order.
- (4) The recordation does not encumber the property, but merely places future interested parties on notice of any continuing violation found upon the property.

12.06.140 Service Of Notice Of Recordation*

A notice of the recordation shall be served on the responsible person and the property owner pursuant to any of the methods of service set forth in Section 12.1.210 of this Title.

12.06.150 Failure To Request*

The failure of any person to file a request for an administrative code enforcement hearing when served with a notice of violation shall constitute a waiver of the right to an administrative hearing and shall not affect the validity of the recorded notice of violation.

12.06.160 Notice of Compliance - Procedures*

- (1) When the violation has been corrected, the responsible person or property owner may request an inspection of the property from the Director.
- (2) Upon receipt of a request for inspection, the Director shall re-inspect the property as soon as practicable to determine whether the violations listed in the notice of violation or the order have been corrected, and whether all necessary permits have been issued and final inspections have been performed.
- (3) The Director shall serve a notice of satisfaction to the responsible person or property owner as provided in Section 12.2.210 of this Title, if the Director determines that the violation listed in the recorded notice of violation or order has been corrected;
- (4) All necessary permits have been issued and finalized;
- (5) All civil penalties assessed against the property have been paid or satisfied; and
- (6) The party requesting the notice of satisfaction has paid all administrative fees and costs.
- (7) If the Director denies a request to issue a notice of satisfaction, upon request, the Director shall serve the responsible person with a written explanation setting forth the reasons for the denial. The written explanation shall be served by any of the methods of service listed in Section 12.1.210 of this Title.

12.06.170 Authority to Withhold Issuance of Municipal Permits

If a property is in violation, Magna may withhold business licenses; permits for kennels; or permits for any alteration, repair, or construction pertaining to any existing or new structures or signs on the property, or any permits pertaining to the use and development of the real property or the structure. Magna may withhold permits until a notice of satisfaction has been issued by the Director. Magna may not withhold permits that are necessary to obtain a notice of satisfaction or that are necessary to correct serious health and safety violations if violator has otherwise satisfied the compliance standards. Nothing in this section shall be construed as prohibiting Magna from denying a permit if the application is insufficient or denial is otherwise warranted.

12.06.180 Cancellation Of Recorded Notice Of Violation*

The Director or Responsible Person shall record the notice of satisfaction with the County Recorder's Office. Recordation of the notice of satisfaction shall cancel the recorded notice of violation.

12.06.200 Part 2 - Administrative Civil Penalties*

12.06.210 Authority*

- (1) Any person violating any provision of Magna Code, or applicable state codes, may be subject to the assessment of civil penalties for each violation.
- (2) Each and every day a violation of any provision of Magna Code or applicable state codes exists is a separate violation subject to the assessment of civil penalties.
- (3) Civil penalties cannot be assessed when a criminal case has been filed for the same date and violation, because fines will be assessed with the criminal case.
- (4) Interest shall be assessed pursuant to Magna policy, or at the judgment rate provided in Utah Code § 15-1-4 in the absence of Magna policy, on all outstanding civil penalties balances until the case has been paid in full.
- (5) Civil penalties for violations of any provision of Magna Code or applicable state codes shall be assessed pursuant to the Magna's applicable fee schedule.

12.06.220 Procedures For Assessing Civil Penalties*

If a responsible person fails to bring a violation into compliance by the required deadline and fails to request an administrative hearing appealing the notice, civil penalties shall be owed to Magna for each and every subsequent day of violation.

12.06.230 Determination Of Civil Penalties*

- (1) Civil penalties shall be assessed per violation per day pursuant to the applicable Magna fee schedule.
- (2) Civil penalties shall continue to accrue until the violation has been brought into compliance with Magna Code or applicable state codes.

12.06.240 Modification Of Civil Penalties*

- (1) After the property is determined by the Chief Building Official to be in compliance with Magna Municipal Code, the responsible person may request a modification of the civil penalties on a finding of good cause.
- (2) Civil penalties may be waived or modified by the Administrative Law Judge if there is a finding of good cause based on the responsible person's claim of nonconforming use or conditional use and:
 - (3) Magna's need to verify the claim; or
 - (4) The responsible person's filing of an application for either use before expiration of the date to correct.

12.06.250 Failure To Pay Penalties*

The failure of any person to pay civil penalties assessed within the specified time may result in the Director pursuing any legal remedy to collect the civil penalties as provided in the law.

12.06.300 Part 3 - Costs*

12.06.310 Declaration of Purpose*

- (1) The Council finds that there is a need to recover costs incurred by enforcement officials and other Magna personnel who spend considerable time inspecting and re-inspecting properties throughout Magna in an effort to ensure compliance with Magna Code or applicable state codes.
- (2) The Council further finds that the assessment of costs is an appropriate method to recover expenses incurred for actual costs of abating violations, re-inspection fees, filing fees, attorney fees, hearing officer fees, title search, and any additional actual costs incurred by Magna for each individual case. The assessment and collection of costs shall not preclude the imposition of any administrative or judicial civil penalties or fines for violations of Magna Code or applicable state codes.

12.06.320 Authority*

- (1) If actual costs are incurred by Magna on a property to obtain compliance with provisions of Magna Code and applicable state codes, the Director may assess costs against the responsible person.
- (2) Once a notice of violation has been issued, the property will be inspected one time. Any additional inspections shall be subject to re-inspection fees pursuant to the applicable Magna fee schedule as adopted in Magna's annual budget.

12.06.330 Notification of Assessment of Reinspection Fees

- (1) Notification of any applicable re-inspection fees adopted by Magna shall be provided on the notice of violation served to the responsible person.
- (2) Any re-inspection fees assessed or collected pursuant to this Part shall not be included in any other costs assessed.
- (3) The failure of any responsible person to receive notice of the re-inspection fees shall not affect the validity of any other fees imposed under this Part.

12.06.340 Failure To Timely Pay Costs*

The failure of any person to pay assessed costs by the deadline specified in the invoice shall result in a late fee pursuant to Magna policy.

12.06.400 Part 4 - Administrative Fees*

12.06.410 Administrative Fees*

The Director or the Administrative Law Judge is authorized to assess administrative fees for costs incurred in the administration of this program, such as investigation of violations, preparation for hearings, hearings, and the collection process. The fee assessed shall be the amount set in the applicable Magna fee schedule.

12.06.600 Part 5 - Injunctions*

12.06.510 Violations - Injunctions*

In addition to any other remedy provided under Magna Code or state codes, including criminal prosecution or administrative remedies, any provision of Magna Code may be enforced by injunction issued in the Third District Court upon a suit brought by Magna.

12.06.700 Part 6 - Performance Bonds*

12.06.610 Performance Bond*

- (1) As part of any notice, order, or action, the Director or Administrative Law Judge has the authority to require responsible persons to post a performance bond to ensure compliance with Magna Code, applicable state codes, or any judicial action.
- (2) If the responsible person fails to comply with the notice, order, or action, the bond will be forfeited to Magna. The bond shall not be used to offset the other outstanding costs and fees associated with the case.

Chapter 12.08 Recovery of Code Enforcement Penalties and Costs*

12.08.100 Part 1 - Code Enforcement Tax Liens*
12.08.110 Declaration of Purpose*
12.08.120 Procedures for Tax Liens Without A Judgement*
12.08.130 Procedures for Tax Liens With A Judgement*
12.08.140 Cancellation of Code Enforcement Tax Lien*
12.08.200 Part 2 - Writ of Execution*
12.08.201 Recovery of Costs By Writ Of Execution*
12.08.300 Part 3 - Writ of Garnishment*
12.08.310 Recovery of Costs By Writ Of Garnishment*
12.08.400 Part 4 - Allocation of Funds Collected Under Administrative Code Enforcement Hearing Program*
12.08.410 Abatement Fund*
12.08.420 Repayment of Abatement Fund*
12.08.430 Code Enforcement Administrative Fees And Cost Fund*
12.08.440 Allocation of Civil Penalties*

12.08.100 Part 1 - Code Enforcement Tax Liens*

12.08.110 Declaration Of Purpose*

The Council finds that recordation of code enforcement tax liens will assist in the collection of civil penalties, administrative costs, actual costs, and administrative fees assessed by the administrative code enforcement hearing program or judicial orders. The Council further finds that collection of civil penalties, costs, and fees assessed for code enforcement violations is important in deterring future violations and maintaining the integrity of Magna's code enforcement system. The procedures established in this Part shall be used to complement existing administrative or judicial remedies that may be pursued to address violations of Magna Code or applicable state codes.

12.08.120 Procedures For Tax Liens Without a Judgement*

- (1) Once Magna has abated a property, the Director shall prepare an Itemized Statement of Costs incurred in the removal and destruction of the violations and deliver them to the Director after completion of the work of removing the violations.
- (2) The Director shall send, by registered mail to the property owner's last known address, a copy of the Itemized Statement of Costs informing the property owner that a code enforcement tax lien is being recorded for the amount of actual costs of abatement. Payment shall be due within 30 calendar days from the date of mailing.
- (3) Upon receipt of the Itemized Statement of Costs, the Director, shall record a Code Enforcement Tax Lien against the property with the County Treasurer's office.
- (4) The failure of any person with a financial interest in the property to actually receive the notice of the lien shall not affect the validity of the lien or any proceedings taken to collect the outstanding costs of abatement.

12.08.130 Procedures For Tax Liens With A Judgement*

Once a judgment has been obtained from the appropriate court assessing costs against the responsible person, the Director may record a code enforcement tax lien against any real property owned by the responsible person.

12.08.140 Cancellation Of Code Enforcement Tax Lien*

Once payment in full is received for the outstanding civil penalties and costs, or the amount is deemed satisfied pursuant to a subsequent administrative or judicial order, the Director shall either record a Notice of Satisfaction of Judgment, or provide the Responsible Person, property owner, or financial institution with the Notice of Satisfaction of Judgment so that it can record this notice with the county recorder's office. The notice of satisfaction of judgment shall include the same information as provided for in the original Code Enforcement Tax Lien. Such notice of satisfaction of judgment shall cancel the code enforcement tax lien.

12.08.200 Part 2 - Writ of Execution*

12.08.201 Recovery of Costs By Writ of Execution*

After obtaining a judgment, the Director may collect the obligation by use of all appropriate legal means. This may include the execution on personal property owned by the responsible person by filing a writ with the applicable court.

12.08.300 Part 3 - Writ of Garnishment*

12.08.310 Recovery of Costs By Writ of Garnishment*

After obtaining a judgment, the Director may collect the obligation by use of all appropriate legal means. This may include the garnishment of paychecks, financial accounts, and other income or financial assets by filing a writ with the applicable court.

12.08.400 Part 4 - Allocation of Funds Collected Under Administrative Code Enforcement Hearing Program*

12.08.410 Abatement Fund*

There is established a revolving fund to be known as the "Abatement Fund" to defray costs of administrative and judicial abatements as provided in Section 12.08.430. The fund shall be reimbursed by collection from the property or property owner as specified in this Title. The Magna Council shall establish accounting procedures to ensure proper account identification, credit, and collection. This fund may be operated and used in conjunction with procedures ordered or authorized under the abatement provision of this Title.

12.08.420 Repayment Of Abatement Fund*

All monies recovered from the sale or transfer of property or by payment for the actual abatement costs shall be paid to the Magna Treasurer, who shall credit the appropriate amount to the Abatement Fund.

12.08.430 Code Enforcement Administrative Fees And Cost Fund*

Administrative fees and administrative costs, except for actual abatement costs, collected pursuant to this Part shall be deposited in a fund established by the Magna Council for the enhancement of Magna's code enforcement efforts and to reimburse Magna for investigative costs and costs associated with the hearing process. Fees and costs deposited in this fund shall be appropriated and allocated in a manner determined by the Magna Council. Magna Council shall establish accounting procedures in consultation with the Magna Auditor to ensure proper account identification, credit, and collection.

12.08.440 Allocation Of Civil Penalties*

Civil penalties collected pursuant to this Part shall be deposited in the General Fund of Magna. Civil penalties deposited in this fund shall be appropriated and allocated in a manner determined by the Magna Manager and the Magna Council. The Magna Council shall establish accounting procedures to ensure proper account identification, credit, and collection.

From: David Brickey
To: Eric Barney (ebarney@magna.utah.gov)
Cc: Nicole Smedley; Paul Ashton; Dave Sanderson
Subject: Fwd: Fence at Elk Run Park
Date: Tuesday, August 6, 2024 2:34:28 PM
Attachments: [image001.png](#) [image002.png](#)

Dear Magna City Council:

The Elk Run fence needs to be replaced. The vinyl fence that separates the park from the train tracks has been destroyed by vandals. I asked Mr. Rentmeister to get a price quote to replace the vinyl fence. I also used the same fencing selected for the CW Farm Park as the type of fence to be used in Elk Run. The difference is the possibility of three different heights. The three prices reflect a 4' option (\$26,322.16); a 5' option (\$29,230.64) and a 6' option (\$31,793.01).

The Utah Trust suggested a fence, of one size or another, is best for protection from future claims of allowing access to the train tracks. The question also came up about leaving an opening in the fence, or building in a gate, to allow access for those that want to travel across the tracks. The Trust discouraged putting either an opening or a gate. The Trust stated an opening, or a gate, was not prudent and strongly discouraged putting either in the new fence. If we want to consider preventing damage to a 6' fence, perhaps installing a 4' fence may curtail damage to the fence by vandals.

I will ask Ms. Smedley to place this item (and this email) on the Aug. 13 "Work Session" for your consideration. If you have any questions, please give me a call. The entire Magna City Council is getting a copy of this email via the "Bcc" line.

Thank you,
David R. Brickey
Magna City, City Manager

----- Forwarded message -----

From: Steve Rentmeister <SRentmeister@slco.org>
Date: Tue, Aug 6, 2024 at 1:42 PM
Subject: RE: Fence at Elk Run Park
To: Brian Hartsell <BHartsell@msd.utah.gov>
Cc: David Brickey <dbrickey@magna.utah.gov>

Brian,

Here is the pricing for the black coated fence without privacy slats in a 4' 5' 6'.

4' \$26,322.16.

5' \$29,230.64.

6' \$31,793.01.

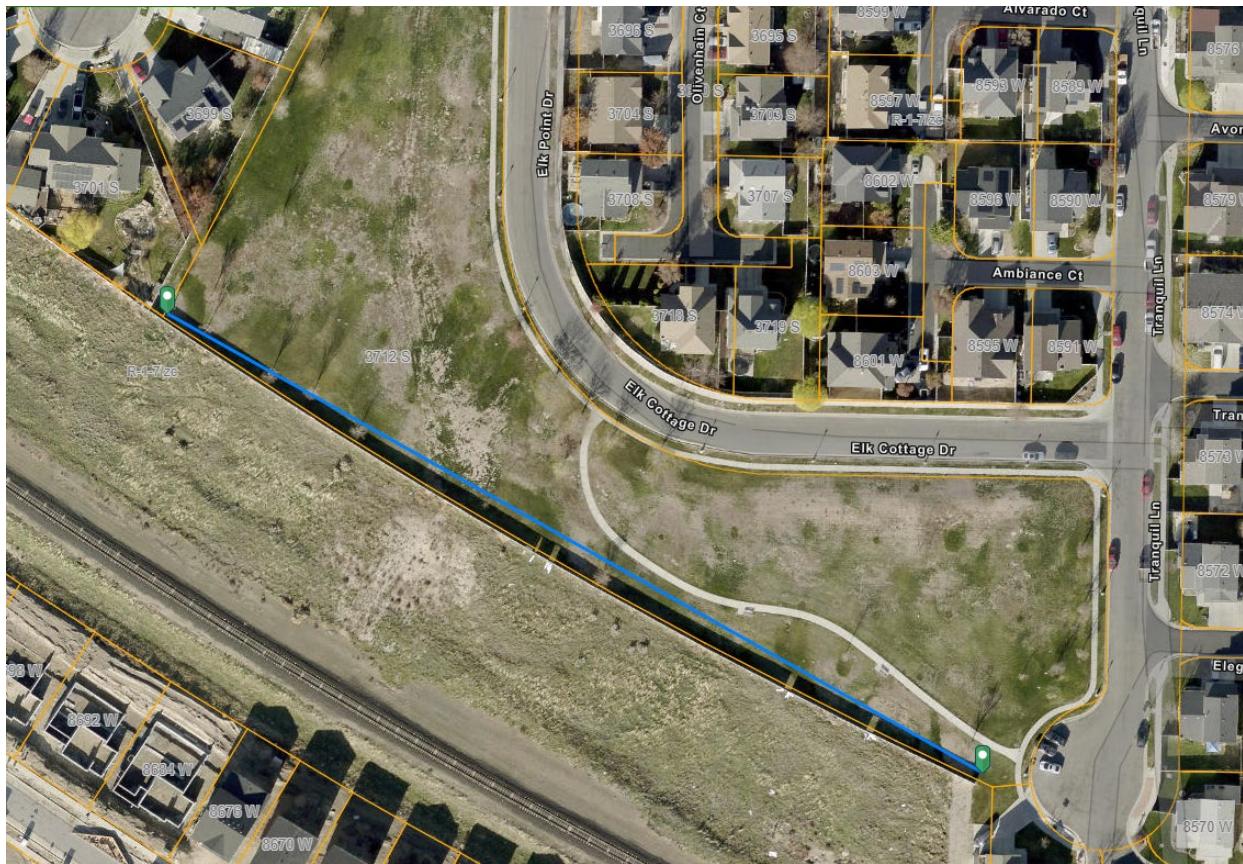
Let me know if you have any question.

Steve.

From: Brian Hartsell <BHartsell@msd.utah.gov>
Sent: Tuesday, July 30, 2024 5:30 PM
To: Steve Rentmeister <SRentmeister@slco.org>
Cc: David Brickey <dbrickey@magna.utah.gov>
Subject: Fence at Elk Run Park

Steve, can you please also get a quote for the same black coated fence, WITHOUT the privacy slats, that is being installed at CW Farms for Elk Run Park? Below is a map that depicts about 633 linear feet (blue line). Can you get quotes for 4, 5 and 6 feet heights? The project would include removal of the vinyl fence that is there that has been destroyed by vandals.

Thank you,



Brian Hartsell, ICMA-CM

Associate General Manager

Greater Salt Lake Municipal Services District

bhartsell@msd.utah.gov

385-468-6685 (office)

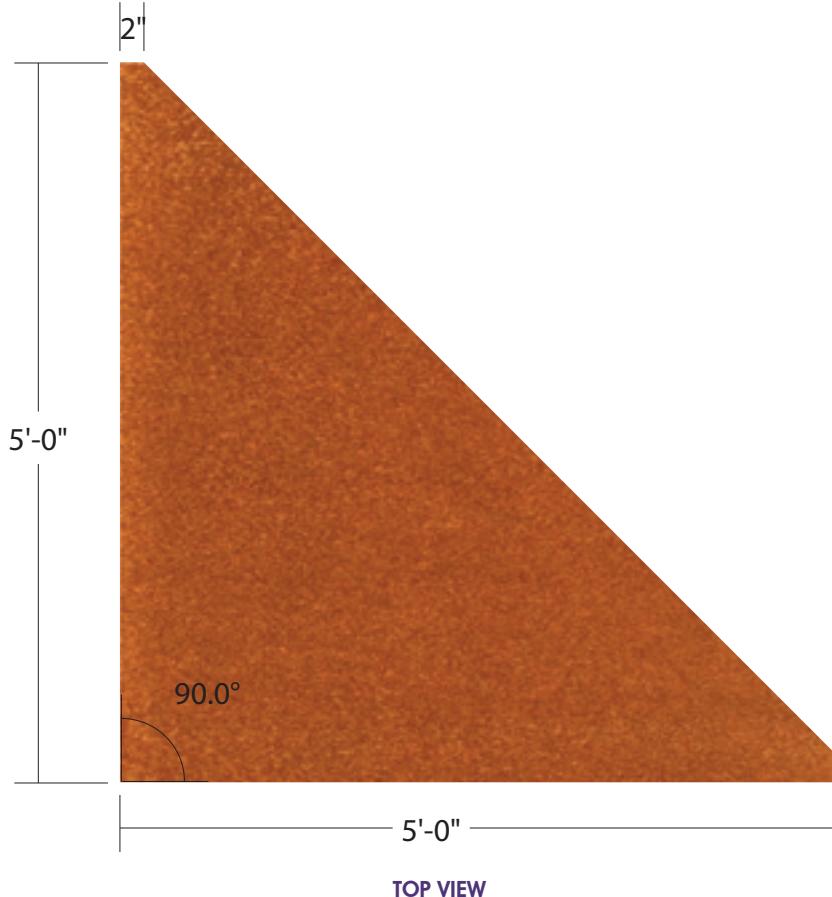
801-381-8505 (cell)



S1.) MONUMENT

ALLIED TO MANUFACTURE & INSTALL QTY (1) V-SHAPE, DOUBLE-SIDED SIGN

- A** CABINET: CORTEN STEEL, ROUTED LETTERS AND LOGO BACKED WITH WHITE ACRYLIC
- B** FONT: SOFIA PRO CONDENSED BOLD
- C** LOGO: TRANSLUCNET DIGITAL PRINT
- D** BASE: FORMED, SMOOTH CONCRETE, SOLID
- E** ILLUMINATION: INTERNAL LED
- F** INSTALLATION: DIRECT BURY, PER ENGINEER'S SPECIFICATIONS



TOP VIEW



OPTION 1: 33.33 SQ. FT. EACH FACE

SCALE: 3/4" = 1'-0"

FILE LOCATION: Google Drive (G:) / Shared Drives / ALL JOBS / 2024-6403/ 03 DESIGNER DRAWINGS



CLIENT: MAGNA CITY: COPPER PARK
ADDRESS: 8975 W 2600 S
Magna, UT 84044
DESIGNER: BSS_10089_1
ACCOUNT EXEC.: BILL HOLLOWAY
FILE NAME: 2024-6403

CONTACT: Name
PHONE #: 801.
EMAIL: name@
DATE: 07/24/24

REV.	DATE	BY	DESCRIPTION
1	07.25.24	BSS	MADE ILLUMINATED
2	00.00.24	XX	xxxx
3	00.00.24	XX	xxxx
4	00.00.24	XX	xxxx
5	00.00.24	XX	xxxx
6	00.00.24	XX	xxxx
7	00.00.24	XX	xxxx
8	00.00.24	XX	xxxx
9	00.00.24	XX	xxxx
10	00.00.24	XX	xxxx

Client Approval	DATE
AE Approval	DATE
Landlord Approval	DATE

 WARRANTY	Survey	NAME & DATE
	Permit	00/00/24
	Stage	CALLOUT



NIGHT/ILLUMINATED

PROPOSED SIGN - OPTION 1

CLIENT: MAGNA CITY: COPPER PARK
ADDRESS: 8975 W 2600 S
Magna, UT 84044
DESIGNER: BSS_10089_1A
ACCOUNT EXEC.: BILL HOLLOWAY
FILE NAME: 2024-6403

CONTACT: Name
PHONE #: 801.
EMAIL: name@
DATE: 07/24/24

REV.	DATE	BY	DESCRIPTION
1	07.25.24	BSS	MADE ILLUMINATED
2	00.00.24	XX	xxxx
3	00.00.24	XX	xxxx
4	00.00.24	XX	xxxx
5	00.00.24	XX	xxxx
6	00.00.24	XX	xxxx
7	00.00.24	XX	xxxx
8	00.00.24	XX	xxxx
9	00.00.24	XX	xxxx
10	00.00.24	XX	xxxx

FILE LOCATION: Google Drive (G:) / Shared Drives / ALL JOBS / **2024-6403/ 03 DESIGNER DRAWINGS**

Client Approval	DATE	Survey	NAME & DATE
AE Approval	DATE	Permit	00/00/24
Landlord Approval	DATE	Stage	CALLOUT

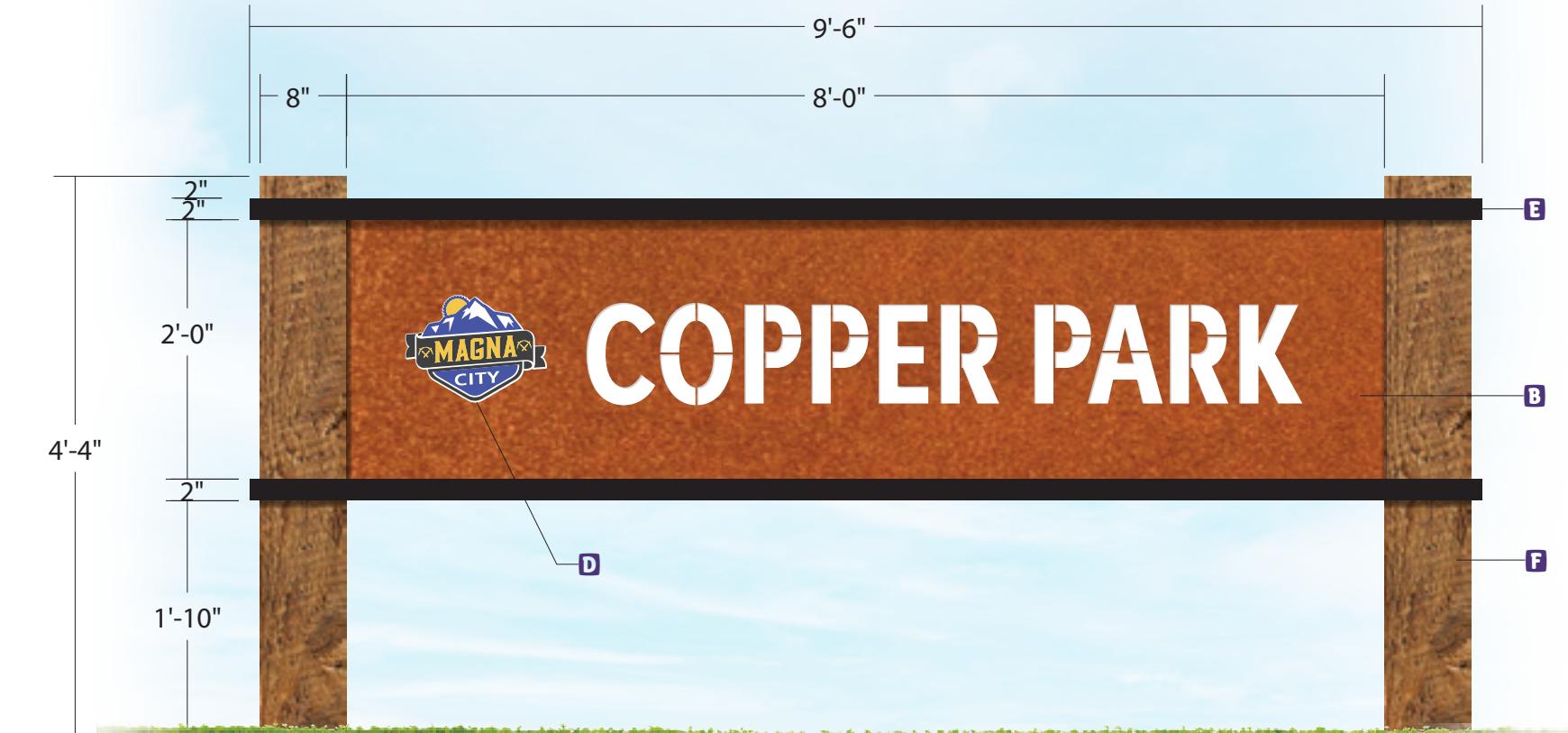
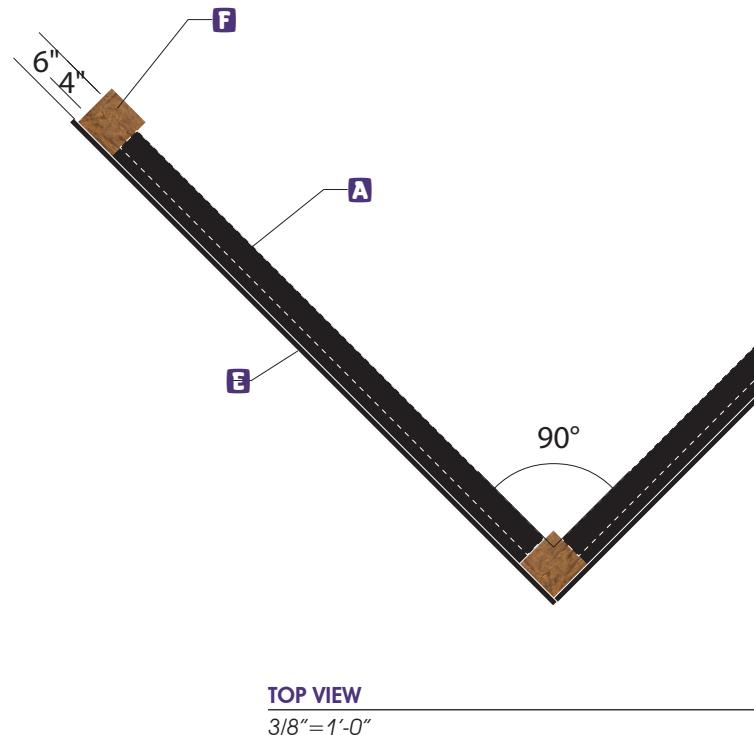
WARRANTY
YEAR 5
BACKED BY OUR
L.E.D.

S2.) MONUMENT

ALLIED TO MANUFACTURE & INSTALL

QTY (1) V-SHAPE, DOUBLE-SIDED SIGN

- A** CABINET: 4" FABRICATED ALUMINUM. FILLER PIECES ON TOP AND BOTTOM TO CONNECT ACCENTS TO CABINET
- B** FACES: ROUTED AND BACKED WITH WHITE ACRYLIC (BLANK BACK SIDE)
- C** FONT: SOFIA PRO CONDENSED BOLD
- D** LOGO: DIGITAL PRINT
- E** ACCENTS: 2"X1" FABRICATED ALUMINUM
- F** POSTS: WOOD GRAIN STAMPED CONCRETE
- G** ILLUMINATION: INTERIOR LED
- H** INSTALLATION: DIRECT BURY, PER ENGINEER'S SPECIFICATIONS



POWER REQUIREMENTS:
PROVIDED BY OTHERS

(1) 20 AMP Circuit / 120 Volts



ACCURATE FIELD SURVEY REQUIRED
PRIOR TO FABRICATION

REV.	DATE	BY	DESCRIPTION
1	07.25.24	BSS	MAD ILLUMINATED
2	00.00.24	XX	xxxx
3	00.00.24	XX	xxxx
4	00.00.24	XX	xxxx
5	00.00.24	XX	xxxx
6	00.00.24	XX	xxxx
7	00.00.24	XX	xxxx
8	00.00.24	XX	xxxx
9	00.00.24	XX	xxxx
10	00.00.24	XX	xxxx

Client Approval	DATE
AE Approval	DATE
Landlord Approval	DATE



Survey	NAME & DATE
Permit	00/00/24
Stage	CALLOUT



NIGHT/ILLUMINATED

PROPOSED SIGN - OPTION 2

FILE LOCATION: Google Drive (G:) / Shared Drives / ALL JOBS / 2024-6403/ 03 DESIGNER DRAWINGS

CLIENT: MAGNA CITY: COPPER PARK
ADDRESS: 8975 W 2600 S
Magna, UT 84044
DESIGNER: BSS_10089_2A
ACCOUNT EXEC.: BILL HOLLOWAY
FILE NAME: 2024-6403

CONTACT: Name
PHONE #: 801.
EMAIL: name@
DATE: 07/24/24

REV.	DATE	BY	DESCRIPTION
1	07.25.24	BSS	MADE ILLUMINATED
2	00.00.24	XX	xxxx
3	00.00.24	XX	xxxx
4	00.00.24	XX	xxxx
5	00.00.24	XX	xxxx
6	00.00.24	XX	xxxx
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9	00.00.24	XX	xxxx
10	00.00.24	XX	xxxx

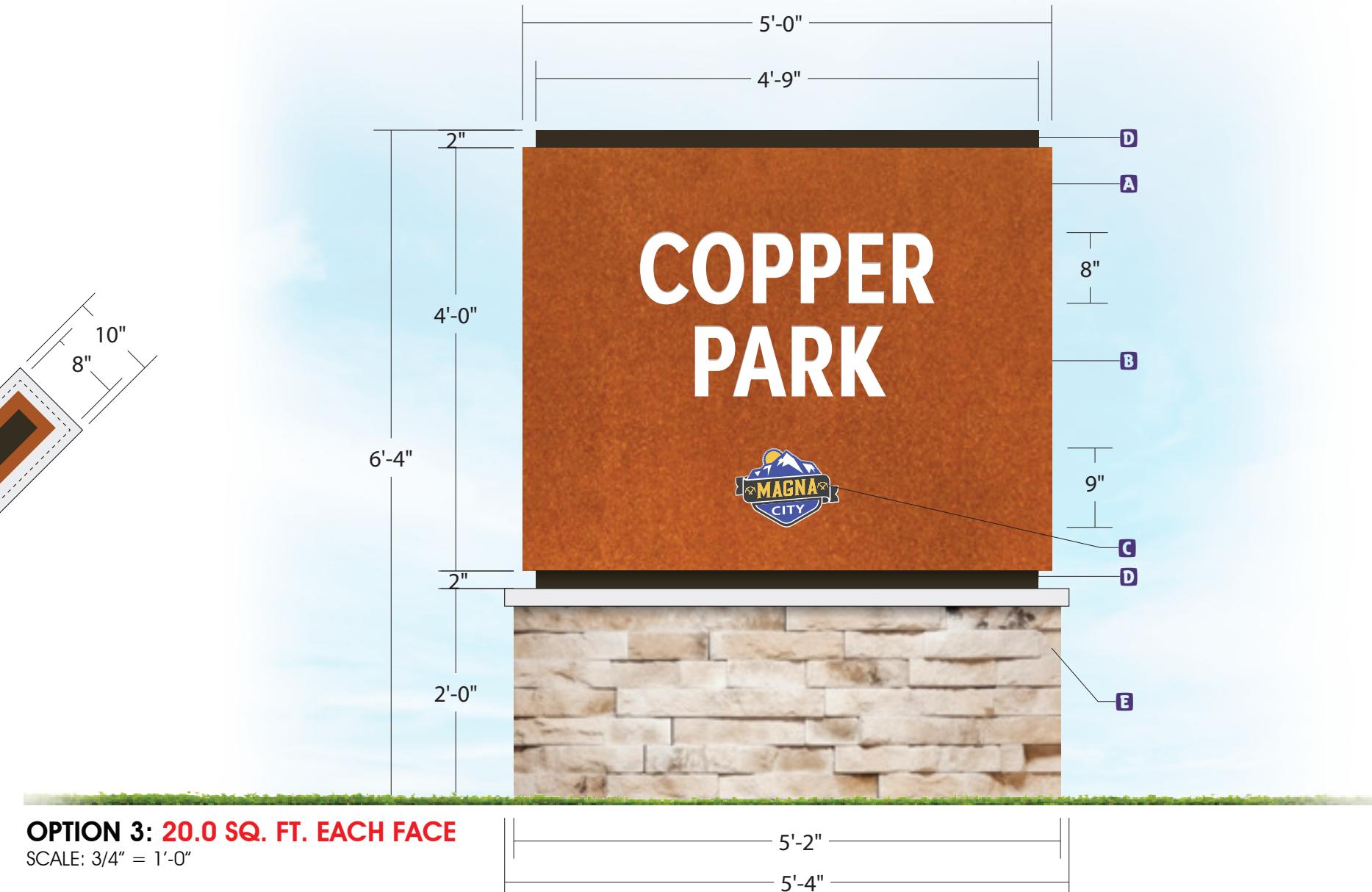
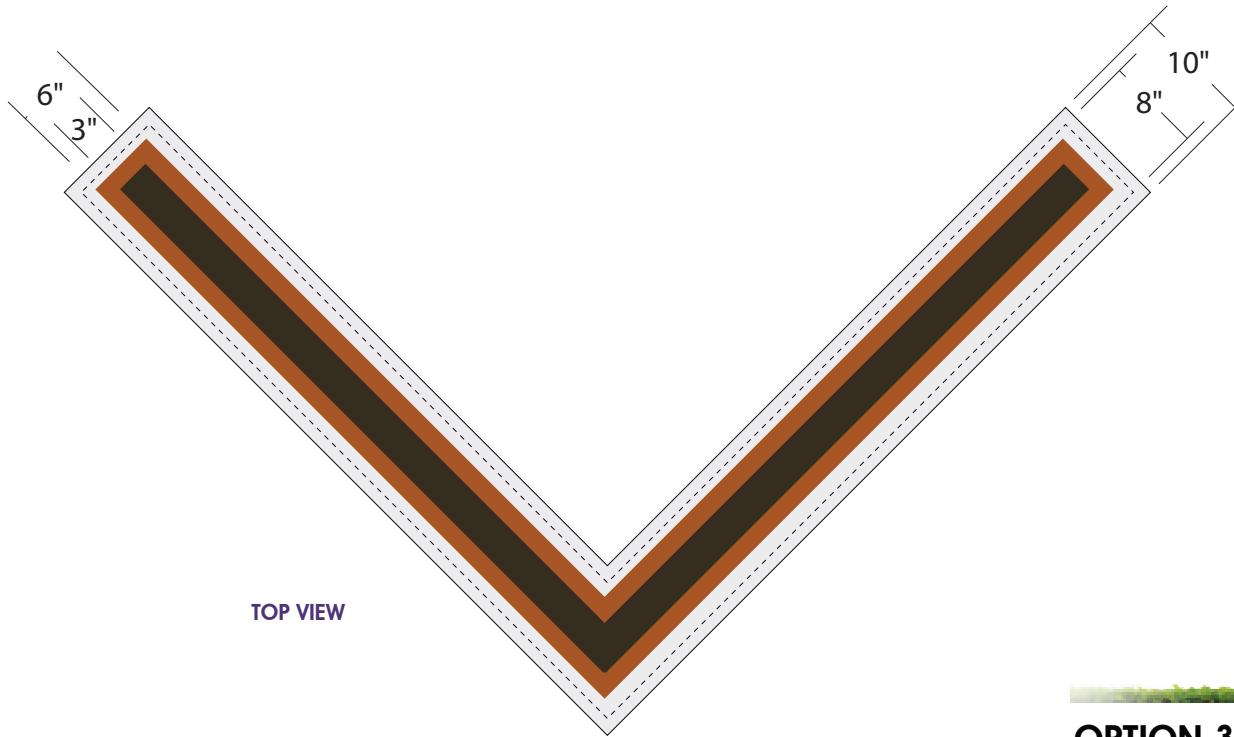
Client Approval	DATE
AE Approval	DATE
Landlord Approval	DATE

	Survey	NAME & DATE
	Permit	00/00/24
	Stage	CALLOUT

S3.) MONUMENT

ALLIED TO MANUFACTURE & INSTALL QTY (1) V-SHAPE, DOUBLE-SIDED SIGN

- A** CABINET: 6" CORTEN STEEL
- B** COPPER PARK: ROUTED, BACKED WITH WHITE ACRYLIC
 - STUD-MOUNTED FLUSH TO CABINET FACES
 - SOFIA PRO CONDENSED BOLD
- C** LOGO: ROUTED, BACKED WITH WHITE ACRYLIC
 - STUD-MOUNTED FLUSH TO CABINET FACES
 - TRANSLUCENT DIGITAL PRINT
- D** REVEAL & CAP: FABRICATED ALUMINUM, PAINTED MATTE BLACK
- E** BASE: STACKED STONE FAÇADE ON CONCRETE CORE WITH CONCRETE CAP
- F** ILLUMINATION: INTERNAL LED
- G** INSTALLATION: DIRECT BURY, PER ENGINEER'S SPECIFICATIONS



FILE LOCATION: Google Drive (G:) / Shared Drives / ALL JOBS / 2024-6403/ 03 DESIGNER DRAWINGS



CLIENT: MAGNA CITY: COPPER PARK
ADDRESS: 8975 W 2600 S
Magna, UT 84044
DESIGNER: BSS_10089_3
ACCOUNT EXEC.: BILL HOLLOWAY
FILE NAME: 2024-6403

CONTACT: Name
PHONE #: 801.
EMAIL: name@
DATE: 07/24/24

REV.	DATE	BY	DESCRIPTION
1	07.25.24	BSS	MADE ILLUMINATED
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3	00.00.24	XX	xxxx
4	00.00.24	XX	xxxx
5	00.00.24	XX	xxxx
6	00.00.24	XX	xxxx
7	00.00.24	XX	xxxx
8	00.00.24	XX	xxxx
9	00.00.24	XX	xxxx
10	00.00.24	XX	xxxx

Client Approval	DATE
AE Approval	DATE
Landlord Approval	DATE



Survey	NAME & DATE
Permit	00/00/24
Stage	CALLOUT





PROPOSED SIGN - OPTION 2



NIGHT/ILLUMINATED



S1.) ENTRANCE SIGNS

ALLIED TO MANUFACTURE & INSTALL

QTY (2) SINGLE-SIDED, NON-ILLUMINATED PILLAR SIGNS

- A** CABINET: FABRICATED CORTEN STEEL
- B** FACES: CORTEN STEEL, ROUTED LETTERS AND LOGO
- C** PLEASANT GREEN CEMETERY: SOFIA PRO CONDENSED MEDIUM.
• ROUTED AND BACKED WITH WHITE ALUMINUM
- D** LOGO: ROUTED AND BACKED WITH WHITE ALUMINUM
- E** BASE: NEW CONCRETE CAP FASTENED TO EXISTING STONE PILLARS
• EXISTING STEEL BASEPLATES IN PLACE ON TOP OF EACH
- F** ILLUMINATION: EXTERIOR, BY OTHERS
- G** INSTALLATION: NEW INTERNAL STEEL SUPPORT PER ENGINEER'S SPECIFICATIONS
- H** SUPPORT: CABINET FASTENED TO NEW 4"X4" ALUMINUM POST ON BACK, DIRECT BURIED IN CONCRETE FOR ADDITIONAL SUPPORT



EXISTING STONE PILLAR DETAIL

Not to Scale



OPTION 1: 20 SQ. FT.

SCALE: 3/4" = 1'-0"

FILE LOCATION: Google Drive (G:) / Shared Drives / ALL JOBS / 2024-6404/ 03 DESIGNER DRAWINGS

REV.	DATE	BY	DESCRIPTION
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3	00.00.24	XX	xxxx
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7	00.00.24	XX	xxxx
8	00.00.24	XX	xxxx
9	00.00.24	XX	xxxx
10	00.00.24	XX	xxxx

Client Approval	DATE
AE Approval	DATE
Landlord Approval	DATE

	Survey	NAME & DATE
	Permit	00/00/24
	Stage	CALLOUT



PROPOSED SIGNS - OPTION 1



EXISTING PILLARS



S2.) ENTRANCE SIGNS

ALLIED TO MANUFACTURE & INSTALL

QTY (2) SINGLE-SIDED, NON-ILLUMINATED PILLAR SIGNS

- A** CABINET: 40"X40" FABRICATED CORTEN STEEL (TOP)
 - CONCRETE WITH STUCCO FINISH (BOTTOM)
- B** PLEASANT GREEN CEMETERY: SOFIA PRO CONDENSED MEDIUM.
 - 1/2" BRUSHED, STAINLESS STEEL, STUD-MOUNTED FLUSH TO FACES
- C** LOGO: 1/4" BRUSHED, STAINLESS STEEL, STUD-MOUNTED FLUSH TO FACES
- D** BASE: EXISTING STONE PILLARS
 - EXISTING STEEL BASEPLATES IN PLACE ON TOP OF EACH
- E** ILLUMINATION: EXTERIOR, BY OTHERS
- F** INSTALLATION: NEW INTERNAL STEEL SUPPORT PER ENGINEER'S SPECIFICATIONS
- G** SUPPORT: CABINET FASTENED TO NEW 4"X4" ALUMINUM POST ON BACK, DIRECT BURIED IN CONCRETE FOR ADDITIONAL SUPPORT



EXISTING STONE PILLAR DETAIL

Not to Scale



OPTION 2: 17.78 SQ. FT.

SCALE: 3/4" = 1'-0"

FILE LOCATION: Google Drive (G:) / Shared Drives / ALL JOBS / 2024-6404/ 03 DESIGNER DRAWINGS

REV.	DATE	BY	DESCRIPTION
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2	00.00.24	XX	xxxx
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7	00.00.24	XX	xxxx
8	00.00.24	XX	xxxx
9	00.00.24	XX	xxxx
10	00.00.24	XX	xxxx

Client Approval	DATE
AE Approval	DATE
Landlord Approval	DATE

 WARRANTY	Survey	NAME & DATE
	Permit	00/00/24
	Stage	CALLOUT



PROPOSED SIGNS - OPTION 2



EXISTING PILLARS

S3.) ENTRANCE SIGNS

ALLIED TO MANUFACTURE & INSTALL

QTY (2) SINGLE-SIDED, NON-ILLUMINATED PILLAR SIGNS

- A ARCH:** 1/2" CORTEN STEEL WITH ROUTED COPY
 - FASTENED TO 4"X4" STEEL SUPPORTS
- B CABINETS:** CONCRETE WITH STUCCO FINISH
 - FABRICATED ALUMINUM TRIM, PAINTED BLACK
- C PLEASANT GREEN CEMETERY:** SOFIA PRO BLACK
- D LOGO:** 1/4" CORTEN STEEL, STUD-MOUNTED FLUSH TO FACES
- E REVEAL:** FABRICATED ALUMINUM PAINTED MATTE BLACK
- F BASE:** EXISTING STONE PILLARS
 - EXISTING STEEL BASEPLATES IN PLACE ON TOP OF EACH
- G ILLUMINATION:** EXTERIOR, BY OTHERS
- H INSTALLATION:** 4"X4" STEEL SUPPORTS, PAINTED BLACK, TO BE REVIEWED BY ENGINEER



EXISTING STONE PILLAR DETAIL

Not to Scale



OPTION 3: 40.0 SQ. FT.

SCALE: 3/8" = 1'-0"

FILE LOCATION: Google Drive (G:) / Shared Drives / ALL JOBS / 2024-6404/ 03 DESIGNER DRAWINGS



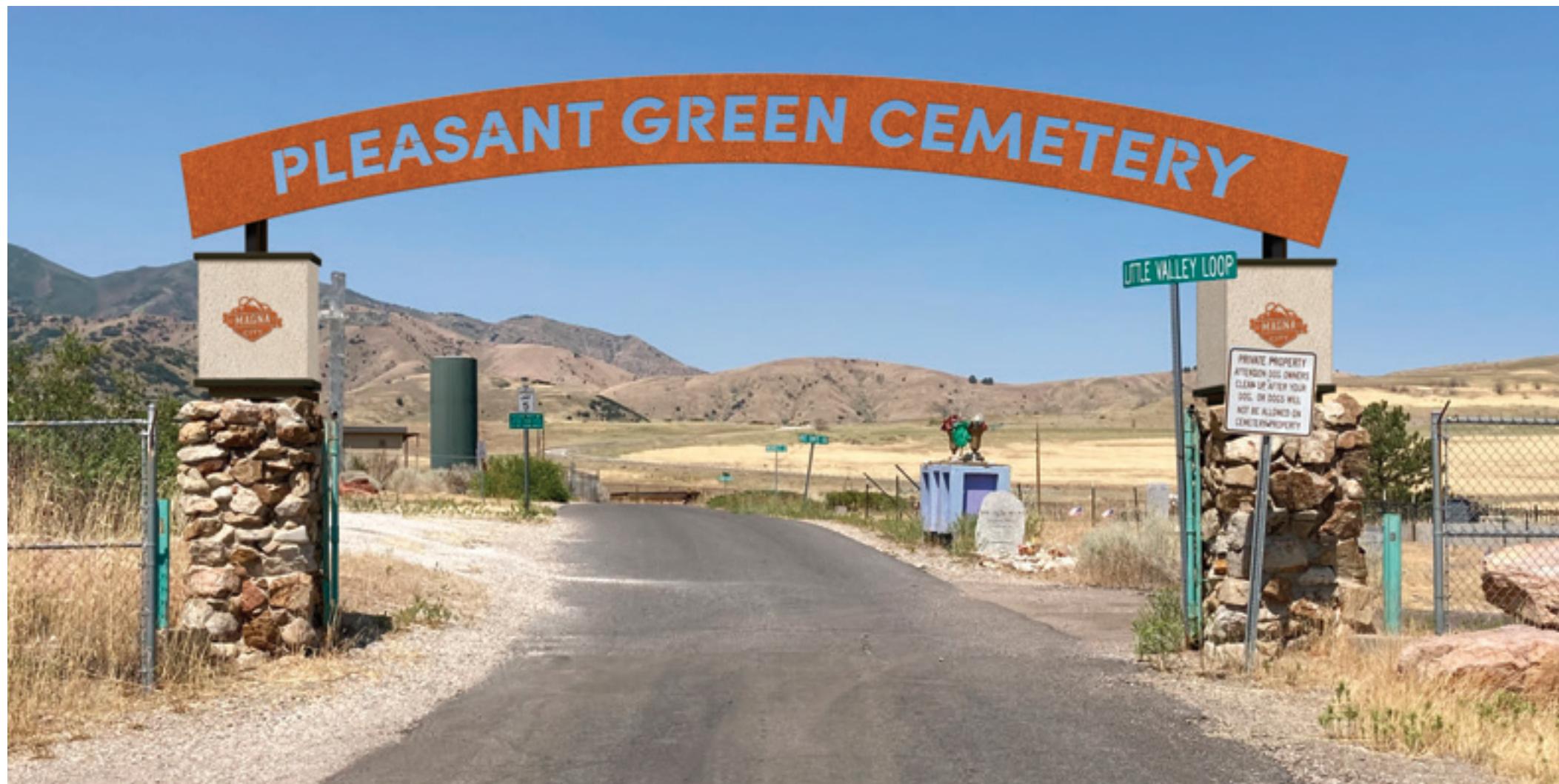
CLIENT: MAGNA CITY: PLEASANT GREEN CEMETERY
ADDRESS: 8975 W 2600 S Magna, UT 84044
DESIGNER: BSS_10091_3
ACCOUNT EXEC.: BILL HOLLOWAY
FILE NAME: 2024-6404

CONTACT: Name
PHONE #: 801.
EMAIL: name@
DATE: 07/25/24

REV.	DATE	BY	DESCRIPTION
1	00.00.24	XX	xxxx
2	00.00.24	XX	xxxx
3	00.00.24	XX	xxxx
4	00.00.24	XX	xxxx
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7	00.00.24	XX	xxxx
8	00.00.24	XX	xxxx
9	00.00.24	XX	xxxx
10	00.00.24	XX	xxxx

Client Approval	DATE
AE Approval	DATE
Landlord Approval	DATE

WARRANTY	Survey	NAME & DATE
	Permit	00/00/24
	Stage	CALLOUT



PROPOSED SIGNS - OPTION 3



EXISTING PILLARS

S1.) MONUMENT

ALLIED TO MANUFACTURE & INSTALL

QTY (1) SINGLE-SIDED SIGN

- A** CABINET: CORDEN STEEL
- B** PLEASANT GREEN CEMETERY: SOFIA PRO CONDENSED BOLD
 - ROUTED AND BACKED WITH WHITE ALUMINUM
- C** LOGO: 1/4" ALUMINUM, PAINTED MATTE BLACK
 - STUD-MOUNTED TO STONE COLUMN
- D** COLUMN: ROUND STONE TO MATCH EXISTING ENTRY COLUMNS
 - CONCRETE CAP
- E** ILLUMINATION: EXTERIOR, BY OTHERS
- F** INSTALLATION: INTERNAL STEEL SUPPORT
 - DIRECT BURY, PER ENGINEER'S SPECIFICATIONS



FILE LOCATION: Google Drive (G:) / Shared Drives / ALL JOBS / 2024-6404/ 03 DESIGNER DRAWINGS



CLIENT: MAGNA CITY: PLEASANT GREEN CEMETERY
 ADDRESS: 8975 W 2600 S
 Magna, UT 84044
 DESIGNER: BSS_10091_4
 ACCOUNT EXEC.: BILL HOLLOWAY
 FILE NAME: 2024-6404

CONTACT: Name
 PHONE #: 801.
 EMAIL: name@
 DATE: 07/24/24

REV.	DATE	BY	DESCRIPTION
1	00.00.24	XX	xxxx
2	00.00.24	XX	xxxx
3	00.00.24	XX	xxxx
4	00.00.24	XX	xxxx
5	00.00.24	XX	xxxx
6	00.00.24	XX	xxxx
7	00.00.24	XX	xxxx
8	00.00.24	XX	xxxx
9	00.00.24	XX	xxxx
10	00.00.24	XX	xxxx

Client Approval	DATE
AE Approval	DATE
Landlord Approval	DATE



Survey	NAME & DATE
Permit	00/00/24
Stage	CALLOUT



PROPOSED SIGN - OPTION 1



EXISTING SIGN

S2.) MONUMENT

ALLIED TO MANUFACTURE & INSTALL

QTY (1) SINGLE-SIDED SIGN

A CABINET: CORDEN STEEL
• ATTACHED TO POSTS WITH STEEL ANGLE ON BACK SIDE

B PLEASANT GREEN CEMETERY: SOFIA PRO SEMI-BOLD
• 1/2" BRUSHED STAINLESS STEEL LETTERS, STUD-MOUND FLUSH TO SIGN FACE

C LOGO: 1/4" BRUSHED STAINLESS STEEL LETTERS, STUD-MOUND FLUSH TO SIGN FACE

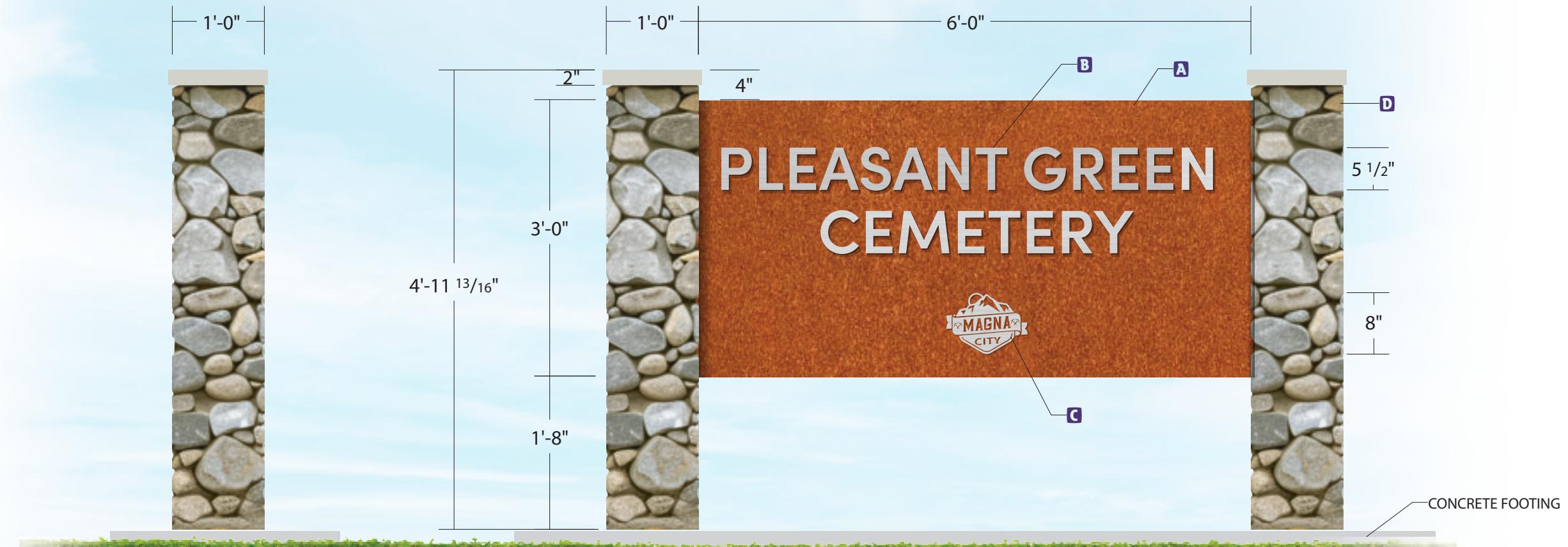
D COLUMNS: ROUND STONE TO MATCH EXISTING ENTRY COLUMNS
• CONCRETE CAP

E ILLUMINATION: EXTERIOR, BY OTHERS

F INSTALLATION: INTERNAL STEEL SUPPORTS
• DIRECT BURY, PER ENGINEER'S SPECIFICATIONS



ACCURATE FIELD SURVEY REQUIRED
PRIOR TO FABRICATION



FILE LOCATION: Google Drive (G:) / Shared Drives / ALL JOBS / 2024-6404/ 03 DESIGNER DRAWINGS



CLIENT: MAGNA CITY: PLEASANT GREEN CEMETERY
ADDRESS: 8975 W 2600 S
Magna, UT 84044
DESIGNER: BSS_10091_5
ACCOUNT EXEC.: BILL HOLLOWAY
FILE NAME: 2024-6404

CONTACT: Name
PHONE #: 801.
EMAIL: name@
DATE: 07/24/24

REV.	DATE	BY	DESCRIPTION
1	00.00.24	XX	xxxx
2	00.00.24	XX	xxxx
3	00.00.24	XX	xxxx
4	00.00.24	XX	xxxx
5	00.00.24	XX	xxxx
6	00.00.24	XX	xxxx
7	00.00.24	XX	xxxx
8	00.00.24	XX	xxxx
9	00.00.24	XX	xxxx
10	00.00.24	XX	xxxx

Client Approval	DATE
AE Approval	DATE
Landlord Approval	DATE

 WARRANTY	Survey
	Permit
	Stage
NAME & DATE	00/00/24
CALLOUT	



PROPOSED SIGN - OPTION 2



EXISTING SIGN