



MURRAY CITY PLANNING COMMISSION

MEETING MINUTES

October 16, 2025

6:30 P.M. MDT

Murray City Council Chambers, 10 East 4800 South, Murray, Utah

MEMBERS PRESENT

Present: Michael Richards, Chair
Pete Hristou, Vice Chair
Ned Hacker
Aaron Hildreth
Jake Pehrson
Chad Wilkinson, CED Director
Zachary Smallwood, Planning Division Manager
David Rodgers, Senior Planner
Members of the Public (per sign-in sheet)

Excused: Peter Klinge
Katie Rogers

STAFF REVIEW MEETING

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

CALL MEETING TO ORDER

Chair Richards called the meeting to order at 6:33 P.M. MDT.

BUSINESS ITEM(S)

APPROVAL OF MINUTES

There were no minutes to be approved for this meeting.

CONFLICT(S) OF INTEREST

There were no conflicts of interest for this meeting.

APPROVAL OF FINDINGS OF FACT

Commissioner Hacker made a motion to approve the findings of facts for MS Auto conditional use permit and Greenlight Auto Sales conditional use permit. Seconded by Vice Chair Hristou. A voice vote was made, with all in favor.

SITE PLAN REVIEW(S) – ADMINISTRATIVE ACTION

Ethos Landscaping - Project #25-094 - 346 East 4500 South - Review of New 4,400 Sq. Ft. Office and Garage Space

Daniel Woodard was present to represent the request. David Rodgers presented the application requesting site plan approval for construction of a new 4,400 sq. ft. office and garage space for a construction company in the G-O zone. Mr. Rodgers discussed details regarding the building elevation and materials, which meet the standards of the G-O zone. He showed the site plan, which included the parking lot. He said the applicant meets the zoning requirements for parking. A condition of approval has been added to the application for the fence that must be met before a building permit can be issued. He discussed the property access and easements. He showed the floor plans. He discussed the requirement of a 10-foot landscaping buffer, which the applicant will need to increase to meet the requirement. That has been added as a condition of approval before a building permit can be issued. Public notices were sent to property owners and affected entities. Staff recommends the Planning Commission grant site plan approval.

Daniel Woodard approached the podium. Chair Richards asked if he had read and could comply with the conditions. He said, yes.

Chair Richards opened the agenda item for public comment. Seeing no comments, the public comment period was closed.

Vice Chair Hristou made a motion that the Planning Commission grant site plan approval for the proposed Ethos Landscaping Building, at the property addressed 346 East 4500 South, subject to the following conditions:

1. Approval for the proposed building and site plan is for office and indoor storage only. Outdoor storage of equipment or materials shall be prohibited.
2. The applicant shall meet all Murray City Engineering requirements.
3. The applicant shall meet all Fire Department requirements.
4. The applicant shall meet all Water Division requirements.
5. The applicant shall meet all Wastewater Division requirements.
6. The applicant shall obtain a building permit prior to any construction occurring on the site.
7. The applicant must show a minimum six-foot masonry wall on the property line that is adjacent to the residential zone prior to the issuance of the building permit.
8. The applicant shall meet all landscaping requirements of Chapter 17.68 of the Murray City Land Use Ordinance including buffer and coverage requirements prior to Planning approval of a building permit.

9. Meet all parking requirements of Chapter 17.72, including ADA stall regulations.
10. The applicant shall meet all sign requirements of Chapter 17.48 and obtain separate building permits for all signage.
11. The applicant shall obtain a Murray City Business License prior to operating any business at the location.

Seconded by Commissioner Hildreth. Roll call vote:

A Hacker
A Hildreth
A Hristou
A Pehrson
A Richards

Motion passes: 5-0

TEXT AMENDMENT(S)

Land Use Ordinance Amendment - Project #25-099 - Add Section 17.76.165 related to Residential Ponds

Chad Wilkinson presented this agenda item. The request is for an amendment to Chapter 17.76 Supplementary Development Standards to enact Section 17.76.165 related to Residential Ponds. Mr. Wilkinson provided context for the origins of the request. He said that a citizen requested that the city look at adopting regulations for private residential ponds. The citizen is motivated by a potential pond that will be built on the property adjacent to him. Mr. Wilkinson conducted research on pond regulations within surrounding communities. He drafted some regulations for The Planning Commission to review and recommend for approval or denial to the City Council. He said Murray City has not historically required permits for ponds and pointed out that many cities do not. He said that all the cities he researched do require an electrical permit for hard-wired pumps for ponds. Plug-in pumps that are plugged into approved outlets do not need permits. Thresholds for permits being required vary per city. Some are based upon depth and/or volume of the pond or the amount of excavation that occurs. He said these standards are based on above ground water tanks or prefabricated pools, because there are no set standards for permitting for ponds. He noted that, although Herriman previously had a permitting process for ponds, they've retracted it based on a change to the International Swimming Pool and Spa Code that clarifies that the standards of the codes related to pools and spas should only be used to regulate structures that are specifically designed for swimming, bathing and wading. Mr. Wilkinson said he attempted to keep the proposed standards fairly basic, without being overly regulatory. He pointed out the five-foot setback requirement and the requirement for the pond to have a liner. He said he worked with a member from the Utah Pond & Garden Association who indicated that installed ponds should almost always have a liner. He said this is universally required by all the cities that have pond ordinances. He said they've included requirements regarding site plans, size threshold, soil stability, erosion control, liner details, electrical details and slope details. Mr. Wilkinson provided some background on how residential ponds are made, as well as a description of suitable materials that can be used as liners. He gave examples of sizes of standard pools and dimensions to provide context for the size and volume of a residential pond. He provided the example of the diameter of a trampoline to provide reference for pond size. He pointed out that the challenge with ponds is that they aren't a consistent shape, and it would be difficult to measure the gallon size. Mr. Wilkinson said that

enforcing a standard based solely on pond depth would be difficult because some of the ponds are built to provide refuge for fish during the winter and may exceed an imposed standard. Staff have proposed a standard that uses both depth and volume to determine size. He said these ponds are only designed for aesthetics and to keep ornamental fish, these are not designed for swimming. He said that a variety of mosquito abatement measures can be implemented. He expressed concern in implementing a pond ordinance relating to the pond structure but said it makes sense to require a permit for the electrical features. He said that requiring a permit for the structure itself would require design professionals to be involved, which would increase the cost substantially for residents. Mr. Wilkison said they need to be careful in adopting a pond ordinance that is restrictive of land ownership rights. He said Murray City has never had a previous issue with ponds, so they want to apply an ordinance that is not onerous to property owners. Staff recommends that the Planning Commission forward a recommendation of approval to the City Council.

Commissioner Hildreth asked how much extra work the requirement of a permit might create for staff. Mr. Wilkinson said he doesn't think it will be very much. Most ponds won't meet the threshold of the proposed 5,000 gallons required for a permit.

Vice Chair Hristou confirmed that the city hasn't had a lot of issues with ponds in the past. Mr. Wilkinson said there have actually been no issues that current staff could recall.

Commissioner Pehrson asked if the city's current pool code only applied to permanent structures, not above ground pools. Mr. Wilkinson said there is some discretion regarding the requirement of a permit. Generally, permanent structures above 24 inches in depth, intended for swimming or bathing, require a permit.

Commissioner Pehrson asked what the applicant would be required to do for soil stability and erosion control. Mr. Wilkinson said they'll have to use a third party to provide a soil analysis. He pointed out that even for other structures, such as small sheds, that don't require permits it's still required to use best practices, and build in accordance with city codes and ordinances.

Commissioner Pehrson pointed out that having ponds with proper mosquito control reduces the number of mosquitoes in an area.

Commissioner Hacker asked if staff is adding limitations to the code by stating that it's for residential zoning, not including commercial zoning. He also asked if staff found safety concerns in their research. Mr. Wilkinson said there are many unfenced ponds located throughout the city and there have been no safety concerns reported.

A discussion was had regarding the question of requiring permits for ponds in commercial zones. Mr. Wilkinson said the commission can add a clarification to the code that it also applies to commercial zoning.

Chair Richards asked why the city needs to regulate ponds and why not simply rely on civil remedies as needed. He referred to a public comment email that was included in the packet. It stated that if ponds are not properly engineered, they would they cause soil erosion and threaten nearby structures. He asked if that was a legitimate concern. Mr. Wilkinson said, for ponds below the 5,000-gallon threshold, there is very little concern. He said staff anticipates that nearly all ponds will have liners.

Commissioner Hildreth asked if an incident occurred that prompted staff develop this ordinance. Mr. Wilkinson said a resident raised the issue because his neighbor is excavating for a pond in his yard.

Chair Richards opened the agenda item for public comment.

Colby Oliverson spoke. He is the resident who made the request for the city to develop a pond ordinance for residents who want to build a big pond. He made the request out of a concern for public safety. He said if his neighbor wants to build a pond, he wants to make sure it's done safely. He said there are many other cities with pond ordinances. He disagrees that there aren't safety issues. He provided an example of a pond that leaked and caused nearby townhomes to sink. He said he easily found safety issues upon performing a basic Google and AI search for incidents Nationwide. He said he sees inconsistencies in what the Planning Commission chooses to regulate, citing the example of a recent patio ordinance, but then argues about having a pond ordinance. He said that, just because there haven't been issues doesn't mean there shouldn't be an ordinance. He said that he and his neighbors are requesting the ordinance requirement should be lowered from 5,000-gallon ponds to 2,000-gallon ponds. He said they aren't asking to prohibit ponds, just for ponds of a certain size be regulated.

Sheri VanBibber spoke. Her property is adjacent to the neighbor who is building the pond. She said she is concerned about unintended consequences if there are no regulations. She cited concerns about crawdads causing damage. She also expressed concerns that the pond could cause flooding. She doesn't feel her neighbor should be allowed to have the pond.

Nick Skolmoski spoke. He said he supports the requirements of the regulations. He was pleased to hear about the ways that mosquito abatement can be implemented.

Chair Richards closed the public comment period for this agenda item.

A discussion was had about the appropriate threshold required to have a permit. A suggestion was made to split the difference and require a permit for anything bigger than 3,000 gallons. Mr. Wilkinson said there needs to be a threshold, but it's difficult to determine the deciding factor in the number of gallons that must be permitted. Some commissioners felt the number of gallons required was arbitrary and not based on anything that was useful. Mr. Wilkinson used the standard of above ground tanks used by other communities to come up with the threshold of 5,000 gallons. He said the threshold may not be entirely applicable to ponds, but it's at least a standard that's based on code.

A discussion was had regarding the potential difficulty in obtaining a pond permit. Mr. Wilkison said they need third-party analysis, or they have nothing to review. The challenge is that every pond has a unique shape and slopes that are difficult to quantify. Having a report of soil analysis is a tangible attribute that can be reviewed, along with electrical details. He said they need to ask what's the burden on a property owner who has to get the permit. The requirements of the ordinance need to be reasonable to comply with. He also doesn't want to see overregulation occur for small ponds. He acknowledged that this is a difficult balance to strike.

Some commissioners felt the ordinance was overly restrictive by requiring ponds to meet both a 5,000-gallon capacity threshold and a 24-inch depth requirement. The commissioners discussed the option of striking that section of the ordinance (section E).

The Planning Commissioners discussed whether or not the new ordinance would make having a residential pond safer for children. Some commissioners felt it did not.

Mr. Wilkinson addressed Mr. Oliverson's comments. He said that safety is a primary concern for staff and the Planning Commission. He said there's a lot of work the public doesn't see regarding the process of implementing regulations. He understands that it would be tragic if something happened to a resident, a child, as the result of not having strict regulations. He also knows that regulations must be balanced with property owner rights.

Commissioner Hacker said that another challenge to consider is the size of land the pond is on. It changes the perspective of the size of the pond in reference to the piece of land it's on.

Chair Richards said he's concerned about imposing extra costs and burden on property owners prevent a future safety incident. He said it may be reasonable to do so, but there is no history of issues.

Commissioner Pehrson asked if Mr. Wilkinson found in his research that other cities had issues with pond leakage or any other issues come up. Mr. Wilkinson said many of the cities he researched don't have pond ordinances and haven't seen the need to regulate them. For those cities that do require a permit, it's often discretionary. He said there is certainly no clear consensus on how to regulate ponds.

A discussion was had regarding the conditions outlined in the proposed ordinance. Some commissioners felt it was reasonable to pass conditions A through D and to strike condition E. Some commissioners felt it isn't necessary to implement an ordinance at this time. It was determined that, even implementing those four conditions, would be helpful. The commissions discussed their options for a vote. They discussed their concerns with omitting condition E. The consensus was they would send the ordinance to the City Council for approval, striking condition E.

Chair Richards commented that he struggled with this agenda item. He said he could see both sides of the issue.

Commissioner Pehrson made a motion that the Planning Commission forward a recommendation of approval to the City Council for the proposed amendments to 17.76 Supplementary Development Standards enacting Section 17.76.165 Residential Ponds as reviewed in the Staff Report, striking condition E.

Seconded by Commissioner Hildreth. Roll call vote:

<u>A</u>	Hacker
<u>A</u>	Hildreth
<u>N</u>	Hristou
<u>A</u>	Pehrson
<u>A</u>	Richards

Motion passes: 4-1

GENERAL PLAN AMENDMENT(S)

Water Use and Preservation Element - Project #25-102 - Adding new chapter to the 2017 General Plan

Zachary Smallwood presented this agenda item. The Planning and Water Divisions requested a review and recommendation to the City Council on the Water Use and Preservation Element of the General Plan. Mr. Smallwood said the State of Utah passed Utah Senate bill 110 in 2022, requiring cities to enact a Water Use and Preservation Chapter in their General Plans by the end of 2025. He noted that a copy of staff's draft was provided to the commissioners in the packet. He provided context for what the State of Utah required for the new water element. He covered each of the sections of the element. He said that it addresses the overall goal, which is to ensure policies, ordinance and capital funding strategies are in place that will provide the resources for supply, infrastructure and conservation goals to be met. Mr. Smallwood outlined the five objectives, along with implementation strategies, to accomplish the overall goal. He said that implementing this section of the General Plan will allow the 2024 Water Conservation Plan to have a larger impact. Staff recommends the Planning Commission forward a recommendation of approval to the City Council for the proposed addition to the General Plan, adopting the Water Use and Preservation Element.

Aron Frisk from the Water Division spoke regarding the request.

A brief discussion was had regarding rates that residents will be paying for water usage. Mr. Frisk said a rate study was conducted in spring 2025, concluding that Murray City had the lowest rates in Salt Lake Valley. Another study was conducted that concluded Utah (and Idaho) had the lowest rates among western states.

Commissioner Hacker asked what the anticipated decrease in water usage might be after implementing the five objectives. Mr. Frisk said several of these elements have been in process for decades. He said they've been engaged in formal water conservation plans since 2014. He said the results of the reduced usage are shown in a graph located in the packet.

A discussion was had regarding the amount of water used for irrigation versus indoor sewer. Mr. Frisk said that an average of 60% of water usage is from irrigation, accounting for the fact that some homes use a large volume for watering lawns.

Commissioner Pehrson asked what percentage of water usage is residential versus non-residential. Mr. Frisk said he believes it's about 51% residential.

Commissioner Pehrson asked if the Water Division would be profitable. Mr. Frisk said the wording in the report indicated that they would cover operational expenses and improvement projects. If there are any excess funds collected, those are transferred back to Murray City's general fund. Mr. Frisk said the Water Division currently contributes 7% to the general fund.

Mr. Frisk said they are installing a new AMR system that will allow them to see usage for each customer for each hour of the day. New water meters are currently being installed. He said that each meter has continuous monitoring, which would allow them to detect leaks. If detected, a notification will be sent to the customer.

Chair Richards asked how the new ordinance will be enforced to limit water use during restricted time periods. Mr. Frisk said the new meters will be able to inform them. He said there won't be a penalty, but it will be an opportunity to educate on proper water usage.

Chair Richards opened the agenda item for public comment. Seeing no comments, the public comment period was closed.

Commissioner Hildreth made a motion that the Planning Commission forward a recommendation of approval to the City Council for the proposed addition to the general plan adopting the Water Use and Preservation Element as reviewed in the Staff Report

Seconded by Commissioner Pehrson. Roll call vote:

<u>A</u>	Hacker
<u>A</u>	Hildreth
<u>A</u>	Hristou
<u>A</u>	Pehrson
<u>A</u>	Richards

Motion passes: 5-0

DISCUSSION ITEM(S)

There were no discussion items for this meeting.

ANNOUNCEMENTS AND QUESTIONS

Zachary Smallwood said the Wasatch Regional Front Council will hold the Wasatch Choice workshop on Monday, October 20 from 4 p.m. to 6 p.m. at Murray City Hall.

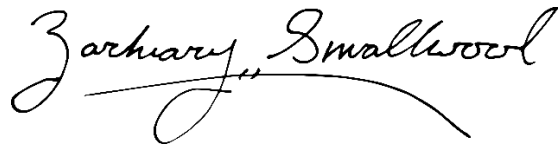
The next scheduled meeting will be held on November 6, 2025, at 6:30 p.m. MDT in the Murray City Council Chambers, 10 East 4800 South, Murray, Utah.

ADJOURNMENT

Chair Richards adjourned the meeting at 8:08 p.m. MDT.

A recording of this meeting is available for viewing at <http://www.murray.utah.gov> or in the Community and Economic Development office located at 10 East 4800 South, Suite 260.

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

A handwritten signature in black ink, reading "Zachary Smallwood". The signature is fluid and cursive, with a long horizontal flourish extending from the end of the name.

Zachary Smallwood, Planning Division Manager
Community & Economic Development Department