

DATE TUESDAY MAY 26, 2020



Public Meeting

Council Member Hull opened the meeting with the following “Reading/Thought”:

“Five types of people you want to surround yourself with: the inspired, the passionate, the motivated, the grateful, and the open-minded.” No known author?

The Pledge of Allegiance to the Flag of the United States of America was recited.

Public Hearing

THIS BEING THE TIME heretofore set for a public hearing to receive public comment regarding the following requests:

Application #31132 – Yusef Basmenji requesting approval of a zone change from A-20 (Agriculture) to M-2 (Manufacturing) on 4.92 acres of property, located at 2360 South 7200 West.

Diana Martinez, Planner, Greater Salt Lake Municipal Services District, reviewed the application stating the property to the north is zoned M-1 and two parcels further north are zoned M-2. The property to the east is in West Valley City and is zoned heavy manufacturing. The zoning is comparable to Magna's M-2 zone. The property to the west, owned by Kennecott Utah Copper, is zoned A-20. That property is approximately 47 acres of wetlands. Most of the properties further to the west have been rezoned to M-2 in the last few years. The Planning Commission talked about putting zoning conditions on this piece of property, which would prohibit certain permitted conditional uses and those are listed in the packet. Staff is recommending approval of this rezone and so is the Planning Commission. The applicant wants to lease property for a storage yard for landscaping material, such as mulch and soil.

Mayor Peay stated it does not take much of a windstorm to stir up a lot of dust from those materials.

Ms. Martinez stated that can be addressed in the conditional use process. If the request is to use the property as a landscaping storage yard, there would have to be at least a 6-foot barrier fence to protect others. One of the things of concern at the planning meeting was smells, and the permitted and conditional uses will minimize that. There was no neighborhood opposition to this.

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Mark Elieson stated the Planning Commission recommended approval with the conditions it put in place.

Mayor Peay stated he wanted to make sure the property did not have to be purchased back at a higher price down the road if the Utah Department of Transportation (UDOT) decided to put in an intersection at 7200 West.

Ms. Martinez stated road dedication will probably be addressed during the conditional use application process. Right now, the property owner does not want to sell, but things could change.

Council Member Peel, seconded by Council Member Hull, moved to open the public hearing. The motion passed unanimously.

Applicant Representative stated the applicant has a potential tenant who wants to put landscaping materials on the property, such as gravel and rock. To his knowledge, the applicant was not planning to store mulch or soil.

Mayor Peay asked if there would be water on the property to control the dust.

Applicant Representative stated yes, the lessee will need water to operate.

Council Member Hull, seconded by Council Member Peel, moved to close the public hearing. The motion passed unanimously.

Council Member Peel, seconded by Council Member Hull, moved to approve Application #31132 with the zoning conditions set by the Planning Commission. The motion passed unanimously.

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Ordinance

THIS BEING THE TIME heretofore set for a public hearing to take public comment on the following request:

Ordinance 20-02-01 amending Magna Municipal Code 19.04.293 to conform to State Health Department regulations regarding licensed home daycare and preschool land use.

Paul Ashton reviewed the ordinance stating the purpose of this is to provide more flexibility by increasing the number of children that can be watched.

Jessica Mecham, daycare provider, stated the State allows for 16 children in a home-based childcare, whereas Magna's ordinance allows for 12 children.

Council Member Hull, seconded by Council Member Peel, moved to open the public hearing. the motion passed unanimously.

Ms. Mecham stated as per current state regulations, the childcare ratios are one caregiver per eight children.

Mr. Ashton stated the owner would still have to comply with the conditional use permit for requirements, such as parking.

Thomas Peterson, attending with **Sarah Peterson**, stated they take their two children to Magna despite there being more convenient locations near their home because an in-home daycare is more natural and loving, and because of how Ms. Mecham is with children. He had no doubt she could handle 16 kids.

Ms. Mecham stated she is required to screen children for temperatures daily and ask a list of questions. If a child develops a symptom during the day, parents have to be notified immediately. She would also have to report any COVID positive cases to the Salt Lake County Health Department. Additionally, pickups and drop-offs are done outside; parents do not enter the home.

Council Member Hull, seconded by Council Member Peel, moved to approve the following Ordinance 20-02-01. The motion passed unanimously.

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AN ORDINANCE OF THE MAGNA METRO TOWNSHIP COUNCIL AMENDING
MAGNA MUNICIPAL CODE 19.04.293 TO CONFORM TO STATE HEALTH
DEPARTMENT REGULATIONS REGARDING LICENSED HOME DAYCARE
AND PRESCHOOL LAND USE

WHEREAS, A. The Magna Metro Township ("Magna") is a municipality pursuant to Utah Code §§ 10-2a-401 et seq.

WHEREAS, B. The Magna Metro Township Council (the "Council") is the municipal legislative body for Magna pursuant to Utah Code § 10-3b-501.

WHEREAS, Given the demand for Licensed Home Daycare and Home Preschool, it is important for Magna to have effective and efficient land use regulation that works with caregivers pursuing licensing for their proposed home-based daycare and/or preschool.

WHEREAS, Upon review of Magna ordinance, state law, and Utah State Health Department Regulations R430-50 and R430-90 that regulate licensed home daycare, it was determined the existing ordinance was more restrictive, and conflicted with state law.

WHEREAS, The proposed amendments better conform Magna's regulation of land use to state law and home daycare/preschool licensing.

NOW THEREFORE, be it ordained by the Council of Magna, in the State of Utah, as follows:

SECTION 1: AMENDMENT “19.04.293 Home Day Care/preschool” of the Magna Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

19.04.293 Home Daycare/preschool

“Home day care/preschool” means the keeping for care and/or preschool instruction of twelve or less children including the caregiver’s own children under the age of six and not yet in full day school within an occupied dwelling and yard. (State regulations require two caregivers if there are more than six children in a home day care and may further limit the number of children allowed in a home day care.) A home day care/ preschool must meet the following standards:

- A. When allowed as a permitted use there shall be a maximum of six children without any employees not residing in the dwelling. When allowed as a conditional use there shall be a maximum of twelve children with not more than one employee at any one time not residing in the dwelling;
- B. The use shall comply with the health department noise regulations;
- C. The play yard shall not be located in the front yard and shall only be used between eight a.m. and nine p.m.;
- D. The lot shall contain one available on-site parking space not required for use of the dwelling, and an additional available on-site parking space not required for use of the dwelling for any

employee not residing in the dwelling. The location of the parking shall be approved by the development services division director to insure that the parking is functional and does not change the residential character of the lot;

- E. No signs shall be allowed on the dwelling or lot except a nameplate sign;
- F. The use shall comply with all local, state and federal laws and regulations. (The Life Safety Code includes additional requirements if there are more than six children);
- G. Upon complaint that any of the requirements of this section or any other county ordinance are being violated by a home day care/preschool caregiver, the county shall review the complaint and if substantiated may institute a license revocation proceeding under Section 5.14.020; and
- H. The caregiver shall notify in writing, on a form provided by the development services division, all property owners within a three hundred foot radius of the caregiver's property concerning the licensing of a home day care/preschool at such property.

AFTER AMENDMENT

19.04.293 Home Day Care/preschool

"Home day care/preschool" means the keeping for care and/or preschool instruction of ~~twelve or less~~ children including the caregiver's own children under the age of six and not yet in full day school within an occupied dwelling and yard. (State regulations require two caregivers if there are more than six children in a home day care and may further limit the number of children allowed in a home day care.) A home day care/preschool must meet the following standards:

- A. When allowed as a permitted use, ~~there shall be a maximum of six children without any employees not residing in the dwelling~~caregiver and dwelling use regulations must comply with Utah Health Department Regulation R430-50 et seq. When allowed as a conditional use, ~~there shall be a maximum of twelve children with not more than one employee at any one time not residing in the dwelling~~caregiver and dwelling use regulations must comply with Utah Health Department Regulation R430-90 et seq;
- B. The use shall comply with the health department noise regulations;
- C. The play yard shall not be located in the front yard and shall only be used between eight a. a.m. and nine p.m.;
- D. The lot shall contain one available on-site parking space not required for use of the dwelling, and an additional available on-site parking space not required for use of the dwelling for any employee not residing in the dwelling. The location of the parking shall be approved by the development services division director to insure that the parking is functional and does not change the residential character of the lot;
- E. No signs shall be allowed on the dwelling or lot except a nameplate sign;
- F. The use shall comply with all local, state and federal laws and regulations. (The Life Safety Code includes additional requirements if there are more than six children);
- G. Upon complaint that any of the requirements of this section or any other ~~county~~municipal ordinance are being violated by a home day care/preschool caregiver, the ~~county~~municipality shall review the complaint and if substantiated may institute a license revocation proceeding under Section 5.14.020; and
- H. The caregiver shall notify in writing, on a form provided by the development services division, all property owners within a three hundred foot radius of the caregiver's property

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concerning the licensing of a home day care/preschool at such property.

SECTION 2: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from _____ and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE MAGNA COUNCIL _____.

	AYE	NAY	ABSENT	ABSTAIN
Council Member Hull	<u>x</u>	_____	_____	_____
Mayor Peay	<u>x</u>	_____	_____	_____
Council Member Peel	<u>x</u>	_____	_____	_____
Council Member Pierce	<u>x</u>	_____	_____	_____
Council Member Prokopis	<u>x</u>	_____	_____	_____

Presiding Officer

Attest

/s/ DAN W. PEAY
Mayor, Magna

/s/ SHERRIE SWENSEN
County Clerk
Metro Township Clerk-Recorder
Magna

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Citizen Public Input

None

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Reports from Community Stakeholders

Magna Chamber of Commerce

Sara VanRoosendaal stated the names of all the graduating seniors were displayed across its digital sign. She discussed the food drive that benefits the Magna community and the scholarships for seniors.

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Council Business

Council Reports

DATE TUESDAY MAY 26, 2020

Council Member Hull, seconded by Council Member Peel, moved to set the date of Tuesday June 9, 2020, at 7:00 p.m., to accept public comment and possible Council action for application nos. 31120 and 31117. The motion passed unanimously.

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Ordinances

Ordinance No. 20-05-01

Council Member Hull, seconded by Council Member Peel, moved to set the date of Tuesday June 9, 2020, at 7:00 p.m., to accept public comment and consider Ordinance No. 20-05-01. The motion passed unanimously.



THERE BEING NO FURTHER BUSINESS to come before the Council at this time,
the meeting was adjourned.

SHERRIE SWENSEN
METRO TOWNSHIP CLERK

By _____
Deputy Clerk

CHAIR, MAGNA METRO TOWNSHIP COUNCIL

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