

Public Hearing #1

Murray City Corporation

NOTICE OF PUBLIC HEARING

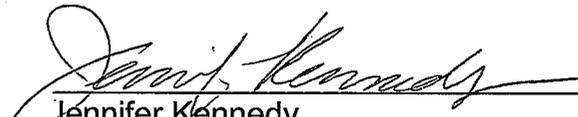
NOTICE IS HEREBY GIVEN that on the 21st day of January, 2014, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Municipal Council will hold and conduct a Public Hearing to consider a land use code text amendment to Sections 17.68.030 and 17.68.040 of the Murray City Municipal Code relating to commercial landscaping requirements.

The purpose of this public hearing is to receive public comment concerning the proposed land use code text amendment as described above.

DATED this 16th day of December, 2013.



MURRAY CITY CORPORATION


Jennifer Kennedy
City Recorder

DATE OF PUBLICATION: January 5, 2014
PH 13-36

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS 17.68.030 AND 17.68.040 OF THE MURRAY CITY MUNICIPAL CODE RELATING TO LANDSCAPING REQUIREMENTS FOR NONRESIDENTIAL DEVELOPMENTS. (Murray City Community Development Division.)

BE IT ENACTED BY THE MURRAY CITY MUNICIPAL COUNCIL:

Section 1. Purpose. The purposes of this ordinance is to amend Sections 17.68.030 and 17.68.040 of the Murray City Municipal Code relating to landscaping requirements for nonresidential developments.

Section 2. Amendment to Sections 17.68.030 and 17.68.040 of the Murray City Municipal Code. Sections 17.68.030 and 17.68.040 of the Murray City Municipal Code shall be amended to read as follows:

17.68.030: **GENERAL PROVISIONS:**

...

B. Landscape Plan Required; Exemptions:

...

2. Building Permit Application: In association with a building permit application, the applicant shall submit, in addition to other materials required by the city, three (3) copies of a formal landscape plan prepared and sealed by a Utah registered landscape architect (per phase if the project is multiphased) for review and approval by community and economic development division staff. Plans for office conversions or new buildings of four thousand (4,000) square feet or less do not require a signature by a registered landscape architect. The formal landscape plan must include or show:

...

h. A summary table (planting index or plant materials schedule), listing botanical and common species names, associated coding (if used), quantity of each species, sizes of plants intended to be used (height and caliper for broad leaf trees, height for evergreen trees, spread for shrubs), and size/type of root ball or container as well as the percentage of landscaping for the site and interior lots **at the time of planting and at maturity**;

....

17.68.040: **REQUIREMENTS:**

A. Perimeter:

1. Front Setback Areas:

a. Landscaping in these areas shall consist of three (3) trees, and five (5) 5-gallon and ten (10) 1-gallon shrubs per one hundred (100) linear feet of frontage. The trees and shrubs shall either be clustered or spread out at regular intervals. The remaining area shall be planted with living ground cover **in order for the front setback area to meet** at a minimum fifty percent (50%) of landscape bed coverage at the time of planting. Landscaping shall consist of a water efficient design with watering zones having plants and similar water needs. All unpaved areas not utilized for parking or access shall be landscaped in a similar manner,

...

e. Where a park strip is provided, the park strip shall be planted with low growth materials **which may include** ground cover, **and** shrubs **not exceeding 3 feet in height**, and/or high branching trees (branching shall begin not less than 6 feet above the soil surface). **Park strip areas shall also meet the minimum landscape bed coverage of fifty percent (50%) at time of planting.**

f. Ground Cover Required: Ground cover is required to provide fifty percent (50%) bed coverage at time of planting. Coverage calculations shall be included in the formal landscaping plan. Ground cover includes grasses, shrubs and other low growing vegetation, but does not include trees. Evergreen trees may be counted as ground cover if branches reach the ground.

.....

B. Interior:

...

2. Parking Areas: For parking lots with fifty (50) or more parking stalls, the following standards apply:

...

c. Ground Cover Required: Ground cover is required to have fifth percent (50%) coverage at time of planting. Coverage calculations shall be included in the formal landscaping plan. **Ground cover includes grasses, shrubs and other low growing vegetation but does not include trees. Evergreen trees may be counted as ground cover if branches reach the ground.**

.....

Section 3. Effective date. This Ordinance shall take effect upon first publication.

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on
this _____ day of _____, 2014.

MURRAY CITY MUNICIPAL COUNCIL

Chair

ATTEST:

Jennifer Kennedy
City Recorder

Transmitted to the Office of the Mayor of Murray City on this _____ day of
_____, 2014.

MAYOR'S ACTION: Approved

DATED this _____ day of _____, 2014.

David Ted Eyre, Mayor

ATTEST:

Jennifer Kennedy
City Recorder

CERTIFICATE OF PUBLICATION

I hereby certify that this Ordinance or a summary hereof was published according to law on the ___ day of _____, 2014.

City Recorder

A ___ Maren Patterson
A ___ Phil Markham
A ___ Tim Taylor
A ___ Jim Harland
A ___ Karen Daniels
A ___ Scot Woodbury
A ___ Vicki Mackay

Motion passed, 7-0.

LANDSCAPING ORDINANCE TEXT AMENDMENT – Project #13-177

Chad Wilkinson presented this item. The commercial landscape requirements of the Murray City Zoning Ordinance were updated and adopted in March 2013. In an attempt to provide clarification in administering the ordinance, minor additions and alterations to the landscape requirement text are being proposed. The minor changes involve further clarification of ground cover requirements within the front setback and interior areas of properties along with requirements for the park strip area in commercial developments. As listed within chapter 17.68 of the zoning ordinance, landscaped areas shall be planted with living ground cover at a minimum of fifty percent (50%) landscape bed coverage at time of planting. The proposed text amendments mention the types of vegetation that can be included in the fifty percent (50%) coverage requirement. Trees are not to be counted towards meeting the coverage requirement, but shrubs required for the front setback area may be used to meet the coverage requirement. Other minor changes are proposed for the commercial park strip areas in regards to the height of plants and the requirement of trees. Based on the above findings, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the proposed amendments to the landscape standards text of the zoning ordinance.

Mr. Harland stated that he has a concern over the years that we don't have the staffing and ability to enforce all these things and do inspections. Mr. Harland expressed that if the City Council listens to these minutes, maybe a new position can be authorized for Planning so that these things can be done. Mr. Wilkinson responded that this ordinance has been helpful to the Planning Department already with clarifying landscaping plans.

The meeting was opened for public comment. There were no comments from the public and that portion of the meeting was closed.

Mr. Woodbury made a motion to forward a recommendation of approval to the City Council for the proposed amendments to the landscape standards text of the zoning ordinance.

Seconded by Mr. Harland.

Call vote recorded by Chad Wilkinson.

Planning Commission Meeting
November 21, 2013
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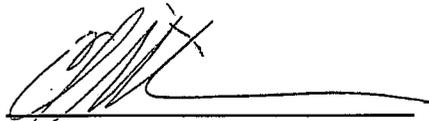
A _____ Maren Patterson
A _____ Phil Markham
A _____ Tim Taylor
A _____ Jim Harland
A _____ Karen Daniels
A _____ Scot Woodbury
A _____ Vicki Mackay

Motion passed, 7-0.

OTHER BUSINESS

There was no other business.

Meeting adjourned at 6:47 p.m.



Chad Wilkinson, Manager
Community & Economic Development

Agenda Item #5

TO: Murray City Planning Commission

FROM: Murray City Community & Economic Development Staff

DATE OF REPORT: November 15, 2013

DATE OF HEARING: November 21, 2013

PROJECT NAME: Landscape Ordinance Text Amendment

PROJECT NUMBER: 13-00000177

PROJECT TYPE: Ordinance Text Amendment

APPLICANT: Murray City Corporation

I. BACKGROUND AND DISCUSSION

The commercial landscape requirements of the Murray City Zoning Ordinance were updated and adopted in March 2013. In an attempt to provide clarification in administering the ordinance, minor additions and alterations to the landscape requirement text are being proposed. The minor changes involve further clarification of ground cover requirements within the front setback and interior areas of properties along with requirements for the park strip area in commercial developments.

As listed within chapter 17.68 of the zoning ordinance, landscaped areas shall be planted with living ground cover at a minimum of fifty percent (50%) landscape bed coverage at time of planting. The proposed text amendments mention the types of vegetation that can be included in the fifty percent (50%) coverage requirement. Trees are not to be counted towards meeting the coverage requirement, but shrubs required for the front setback area may be used to meet the coverage requirement. Other minor changes are proposed for the commercial park strip areas in regards to the height of plants and the requirement of trees.

II. FINDINGS AND CONCLUSION

- i. The proposed amendments are consistent with the standards of the General Plan.
- ii. The proposed changes will provide clarity in administering the ordinance.

III. STAFF RECOMMENDATION

Based on the above findings, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the proposed amendments to the landscape standards text of the zoning ordinance.

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Chapter 17.68 LANDSCAPE REQUIREMENTS

17.68.010: PURPOSE:

17.68.020: APPLICABILITY:

17.68.030: GENERAL PROVISIONS:

17.68.040: REQUIREMENTS:

17.68.050: PROVISION FOR STREET TREES:

17.68.060: RESIDENTIAL LANDSCAPING:

17.68.010: PURPOSE:

The objective of this chapter is to improve the appearance of setback and yard areas, including off street vehicular parking and open lot sales and service areas in the city and to protect and preserve the appearance, character, and value of the surrounding neighborhoods and thereby promote the general welfare by providing for installation and maintenance of landscaping for screening and aesthetic qualities. (Ord. 07-30 § 2)

17.68.020: APPLICABILITY:

This chapter applies to all land uses and zone districts in the city unless specifically exempted. (Ord. 13-03)

17.68.030: GENERAL PROVISIONS:

A. Installation Of Landscape And Related Improvements: Landscape and related improvements required by this chapter shall be installed if:

1. The cost of construction or remodeling exceeds twenty five percent (25%) of the market value of the structure; or
2. A conditional use permit is required; or
3. A site plan review is required.

For purposes of this subsection A, market value of a structure shall be determined according to the most recent county property tax rolls, or at the applicant's option and sole expense, by an appraisal from a state certified general appraiser, as defined in Utah Code Annotated title 61, chapter 2g.

B. Landscape Plan Required; Exemptions:

1. Conditional Use Permit And/Or Site Plan Review: In association with a conditional use application and/or site plan review, the applicant shall submit, in addition to other materials required by the city,

three (3) copies of a formal landscape plan (per phase if the project is multiphased). These copies must be submitted with the site plan, and must include or show:

- a. The project name, exact street address, by whom the plan was prepared, the name and phone number of a contact person (architect, landscape architect, builder, etc.), and the date of the plan;
 - b. "North" direction indicator, the scale of the drawing, all existing and proposed building outlines, sidewalks, curbs, mow strips, driveways, parking areas, fences, utility power poles, and property lines, with adjacent streets accurately named;
 - c. Specific locations of existing and proposed evergreen trees, including all existing evergreen trees which are scheduled for removal;
 - d. Specific locations of existing and proposed shade, ornamental, and/or fruit trees, including all existing trees of these types which are scheduled for removal;
 - e. All areas to be planted in shrubs;
 - f. All areas to be planted as flowerbeds and/or with living ground cover plants;
 - g. All areas to be planted in sod, with any berming to also be indicated;
 - h. All areas to be treated with nonliving landscape materials (paving, boulders, cobblestones, bark, etc.).
2. Building Permit Application: In association with a building permit application, the applicant shall submit, in addition to other materials required by the city, three (3) copies of a formal landscape plan prepared and sealed by a Utah registered landscape architect (per phase if the project is multiphased) for review and approval by community and economic development division staff. Plans for office conversions or new buildings of four thousand (4,000) square feet or less do not require a signature by a registered landscape architect. The formal landscape plan must include or show:
- a. Complete identification of the project name, exact street address, the name and phone number of the architect, landscape architect, or other contact person, and a date the plan was prepared;
 - b. "North" direction indicator, the scale of the drawing, all existing and proposed buildings, walls, sidewalks, curbs, mow strips, driveways, and property lines, with adjacent streets accurately named;
 - c. All nonconcrete retaining walls or bumper strips associated with landscaping, including the type and dimensions of materials to be used;
 - d. The location of each existing and proposed tree and each shrub clearly identified, with indication by name or code of what species of plant each location represents. Shrub plantings must also indicate the spacing at which the plant will be initially installed;
 - e. All areas to be planted in sod. Berms are permitted in lawn areas but shall not exceed thirty six inches (36") in height including vegetation;
 - f. All flowerbed/living ground cover areas, with perennial plant species that are to be used indicated by name or code. Perennial ground cover plantings must also indicate the spacing at which the plants will be initially installed;

- g. The locations of boulders, bark, wood chips, or any other nonliving ornamental ground covers, with a designation of the number (boulders), sizes, and depth of cover (bark, etc.), and indication of the underlying layer of a landscape fabric that allows maximum air and water penetration while providing a weed control barrier;
 - h. A summary table (planting index or plant materials schedule), listing botanical and common species names, associated coding (if used), quantity of each species, sizes of plants intended to be used (height and caliper for broad leaf trees, height for evergreen trees, spread for shrubs), and size/type of root ball or container as well as the percentage of landscaping for the site and interior lots; at the time of planting and at maturity.
 - i. The percentage of landscape proposed for the site and interior lot(s);
 - j. A copy of an automatic sprinkler system design layout, showing location and type of heads (impact, rotor, spray, drip emitter, spaghetti tubing, bubbler, etc.), location and diameter of lines, pipe schedules to be used, location of water source(s) to be used, and location of electric timer unit(s).
3. Exemptions: A landscape plan is not required to be submitted in association with the following city approvals:
- a. A building permit for a single-family dwelling or for a two-family dwelling.
 - b. A building permit for interior remodeling which does not involve a change of use from residential to nonresidential or a change of use from a single-family dwelling to either a two-family dwelling or a multi-family dwelling.
 - c. A permit for the following activities: reroofing, siding, temporary electrical power, change of electrical service, change of furnace, mobile home setup, addition of interior plumbing, addition of interior electrical, fencing, on premises sign, and off premises sign.
 - d. A license to encroach upon public utility easement.
 - e. A development project where the existing vegetation to be retained meets or exceeds the requirements of this chapter.
- C. Formal Landscape Plan: Any formal landscape plan which has been approved by the city must be strictly adhered to. Any proposed alterations in the approved plan, due to problems of species availability, plant size availability, or other circumstances, must be reviewed and approved by community and economic development division staff prior to implementation. Approved alterations must be shown on a revised copy of the formal landscape plan which must be received by the city before a final inspection of the project will be performed.
- D. Improvements: When an area is required to be landscaped under the terms of this chapter, the requirement shall be met by the installation and maintenance of improvements as set forth below:

1. The installation of a permanent irrigation system as approved by the city, to ensure adequate coverage (80 percent efficient) of water to the landscape plants.
2. Plant materials shall be selected from those species and varieties known to thrive in the Murray City area and shall adhere to the landscape design approved by the city.
3. Water conserving landscape designs shall be used. All landscaping must be irrigated and planted with substantial live plant material and/or appropriate xeriscaping for the purpose of buffering, screening and beautifying the site, and shall comply with applicable landscape requirements found in this chapter.
4. Evergreen trees are prohibited except in areas at least twenty five feet (25') wide. Other types of trees shall have a minimum caliper (measured at 12 inches above the soil surface of the plant's root ball) of two inches (2") and shall not require a support stake to remain upright. If the trees are container grown, the container shall be a minimum volume of twenty (20) gallons, but more importantly shall be appropriate to the size of tree to have avoided the plant being root bound. Shrubs shall be a mix of one gallon and five (5) gallon containers, and shall be spaced as designated on the approved landscape plan. All plant materials used shall be in a healthy condition at the time of installation, free from mechanical injuries, insects, or disease. Wire or nonbiodegradable root ball containers around root balls shall be removed prior to backfilling planting holes on all plants supplied with such containers.
5. Required landscaping must be properly maintained and watered by an adequate irrigation system which includes backflow prevention, a rain shutoff device and identification of all irrigation equipment and be approved by community and economic development division staff. Landscape planters within parking areas shall be irrigated with drip emitter or bubbler type irrigation systems only. (Ord. 13-03)

17.68.040: REQUIREMENTS:

A. Perimeter:

1. Front Setback Areas:
 - a. Landscaping in these areas shall consist of three (3) trees, and five (5) 5-gallon and ten (10) 1-gallon shrubs per one hundred (100) linear feet of frontage. The trees and shrubs shall either be clustered or spread out at regular intervals. The remaining area shall be planted with living ground cover in order for the front setback area to meet a minimum fifty percent (50%) of landscape bed coverage at the time of planting. Landscaping shall consist of a water efficient design with watering zones having plants and similar water needs. All unpaved areas not utilized for parking or access shall be landscaped in a similar manner,
 - b. The entire area between the curb and the building or parking setback line shall be landscaped and irrigated, except for any access driveway in said area,
 - c. In no case shall the front landscaped area be less than ten feet (10') behind the back side of sidewalk or street right of way line, except in the TOD, M-U and MCCD districts,
 - d. All commercial, manufacturing and multi-family residential development fronting public or private streets shall plant trees in conformance with species and spacing specified in the applicable streetscape plan,

- e. Where a park strip is provided, the park strip shall be planted with low growth ~~materials~~ vegetation which may include ground cover and shrubs not exceeding 3 feet in height, and/ or high branching trees (branching shall begin not less than 6 feet above the soil surface). Park strip areas shall also meet the minimum landscape bed coverage of fifty percent (50%) at time of planting.
 - f. Ground Cover Required: Ground cover is required to provide fifty percent (50%) bed coverage at time of planting. Coverage calculations shall be included in the formal landscaping plan. Ground cover includes grasses, shrubs and other low growing vegetation, but does not include trees. Evergreen trees may be counted as ground cover if branches reach the ground.
2. Abutting Properties: Where multi-family residential, commercial or manufacturing uses abut legal conforming single-family residential or where commercial or manufacturing abut legal conforming multi-family residential uses, a masonry wall, measuring six feet (6') high plus a minimum ten foot (10') wide landscaped buffer consisting of trees and water efficient plant material as required by this section shall be placed between the property line and any paved area.

B. Interior:

- 1. Nonparking Areas: All unpaved areas not utilized for parking or storage, shall be landscaped utilizing drought tolerant ground cover, shrub and tree materials, and/or grass.
- 2. Parking Areas: For parking lots with fifty (50) or more parking stalls, the following standards apply:
 - a. Distance To Landscape Area: All parking spaces shall be within seventy five feet (75') of a landscape area. Parking islands may be used to meet this standard.
 - b. Parking Islands:
 - (1) Parking islands shall be a minimum of one hundred sixty two (162) square feet in area, not including the curbing required by subsection C of this section.
 - (2) Parking islands shall be at least nine feet (9') wide including the curbing required by subsection C of this section.
 - (3) One tree and four (4) shrubs shall be required for each parking island installed.
 - c. Ground Cover Required: Ground cover is required to have fifty percent (50%) coverage at time of planting. Coverage calculations shall be included in the formal landscaping plan. Ground cover includes grasses, shrubs and other low growing vegetation, but does not include trees. Evergreen trees may be counted as ground cover if branches reach the ground.
 - d. Trees; Required Size: Trees required for installation within interior parking areas shall be no less than two inch (2") caliper size at time of planting.
 - e. Trees; Location: Trees planted within interior landscape areas shall be located at least three feet (3') away from curb.
 - f. Shrubs; Size: Shrubs shall be no less in size than what is customarily accommodated within a one gallon size container, in accordance with industry standards.

C. Concrete Curbing:

1. Where required landscaping is located by driveways, parking areas, aisle space, docking areas or other similar usage in multiple-family, commercial and manufacturing districts, the landscaping must be enclosed by a six inch (6") poured concrete curb wall;

D. Accommodation Of Bus Benches And Shelters:

1. A bus bench or shelter may be placed in the landscape setback area required by this chapter if:
 - a. The bench or shelter does not violate the sight distance restrictions applicable to fences and similar structures applicable to the same property under chapter 17.64 of this title,
 - b. The remaining area of the landscape area complies with this chapter, such as the concrete curbing, planting and irrigation requirements, and
 - c. The proposed bench or shelter meets any other conditions the community development director deems appropriate;
2. This subsection D does not require a property owner or occupant to allow placement of a bench or shelter in the landscape setback;
3. This subsection D does not grant or confer upon any person any right to place a bus bench or shelter without permission of the property owner or occupant;
4. If the bench or shelter is permanently removed from a landscape setback area, the landscaping and related concrete curbing and irrigation shall be installed or restored as required by this chapter. (Ord. 13-03)

17.68.050: PROVISION FOR STREET TREES:

Following approval of a proposed residential subdivision, the developer or applicant shall post a cash bond or letter of credit sufficient to cover the costs of acquiring and planting street trees in said subdivision. The amount of the security shall be determined by the city and shall be based upon a cost estimate provided by the developer and verified by the city based upon the then prevailing market price of quality tree stock and an estimate of the appropriate number of trees needed for said subdivision. The city will complete the planting of said trees and draw upon the security for payment thereof. (Ord. 13-03)

17.68.060: RESIDENTIAL LANDSCAPING:

Whenever a residential dwelling is constructed, landscaping shall be installed in the front yard within one year from the date of the occupancy of the building. Landscaped areas shall consist of an effective combination of materials which may include trees, ground cover, shrubbery and xeriscape. All unpaved areas not utilized for access or parking shall be landscaped in a similar manner. All landscaping shall be maintained in a neat and orderly fashion. (Ord. 07-30 § 2)

P/C AGENDA MAILINGS
"AFFECTED ENTITIES"
Updated 03/1/13

UDOT - REGION 2
ATTN: MARK VELASQUEZ
2010 S 2760 W
SLC UT 84104

UTAH TRANSIT AUTHORITY
ATTN: PLANNING DEPT
PO BOX 30810
SLC UT 84130-0810

TAYLORSVILLE CITY
PLANNING & ZONING DEPT
2600 W TAYLORSVILLE BLVD
TAYLORSVILLE UT 84118

WEST JORDAN CITY
PLANNING DIVISION
8000 S 1700 W
WEST JORDAN UT 84088

CHAMBER OF COMMERCE
ATTN: STEPHANIE WRIGHT
5250 S COMMERCE DR #180
MURRAY UT 84107

MURRAY SCHOOL DIST
ATTN: PAT O'HARA
147 E 5065 S
MURRAY UT 84107

MIDVALE CITY
PLANNING DEPT
655 W CENTER ST
MIDVALE UT 84047

SALT LAKE COUNTY
PLANNING DEPT
2001 S STATE ST
SLC UT 84190

GRANITE SCHOOL DIST
ATTN: KIETH BRADSHAW
2500 S STATE ST
SALT LAKE CITY UT 84115

UTAH POWER & LIGHT
ATTN: KIM FELICE
12840 PONY EXPRESS ROAD
DRAPER UT 84020

QUESTAR GAS
ATTN: BRAD HASTY
P O BOX 45360
SLC UT 84145-0360

COTTONWOOD IMPRVMT
ATTN: LONN RASMUSSEN
8620 S HIGHLAND DR
SANDY UT 84093

JORDAN VALLEY WATER
ATTN: LORI FOX
8215 S 1300 W
WEST JORDAN UT 84088

CENTRAL UTAH WATER DIST
355 W UNIVERSITY PARKWAY
OREM UT 84058

HOLLADAY CITY
PLANNING DEPT
4580 S 2300 E
HOLLADAY UT84117

COTTONWOOD HEIGHTS CITY
ATTN: PLANNING & ZONING
1265 E FT UNION BLVD #250
CTNWD HEIGHTS UT 84047

SANDY CITY
PLANNING & ZONING
10000 CENTENNIAL PRKWY
SANDY UT 84070

UTOPIA
Attn: JARED PANTIER
2175 S REDWOOD RD
WEST VALLEY UT 84119

UTOPIA
Attn: TOM MARRIOTT
2175 S REDWOOD RD
WEST VALLEY CITY UT 84119

GENERAL PLAN MAILINGS:

UTAH AGRC
STATE OFFICE BLDG #5130
SLC UT 84114

WASATCH FRONT REG CNCL
PLANNING DEPT
295 N JIMMY DOOLITTLE RD
SLC UT 84116

«Next Record»

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4770 S. 5600 W.
P.O. BOX 704005
WEST VALLEY CITY, UTAH 84170
FED.TAX I.D.# 87-0217663
801-204-6910

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Deseret News
WWW.DESERETNEWS.COM

PROOF OF PUBLICATION

CUSTOMER'S COPY

CUSTOMER NAME AND ADDRESS	ACCOUNT NUMBER	DATE
MURRAY CITY RECORDER, 5025 S STATE, ROOM 113 MURRAY, UT 84107	9001341938	11/11/2013

FILE COPY

Commercial Landscaping Update #13-177

ACCOUNT NAME			
MURRAY CITY RECORDER,			
TELEPHONE		AD ORDER# / INVOICE NUMBER	
8012642660		0000919093 /	
SCHEDULE			
Start 11/10/2013		End 11/10/2013	
CUST REF NO.			
Plan Comm PH 11/21			
CAPTION			
MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN			
SIZE			
25	Lines	1.00	COLUMN
TIMES		RATE	
4			
MISC CHARGES		AD CHARGES	
TOTAL COST			
47.00			

MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN that on the 21st day of November, 2013, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Planning Commission will hold and conduct a Public Hearing for the purpose of receiving public comment on a Land Use Ordinance Text amendment to the Commercial Landscape Standards found in Municipal Code Section 17.68.
MURRAY CITY CORPORATION
Chad Wilkinson, Manager
Community & Economic Development
919093 UPAxLP

AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF **MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN** that on the 21st day of November, 2013, at the hour of 6:30 p.m. of said day in the Cou FOR **MURRAY CITY RECORDER**, WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH, AGENT FOR THE SALT LAKE TRIBUNE AND DESERET NEWS, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINITELY. COMPLIES WITH UTAH DIGITAL SIGNATURE ACT UTAH CODE 46-2-101; 46-3-104.

PUBLISHED ON Start 11/10/2013 End 11/10/2013

SIGNATURE 

DATE 11/11/2013

 VIRGINIA CRAFT
Notary Public, State of Utah
Commission # 587469
My Commission Expires
January 12, 2014


NOTARY SIGNATURE

THIS IS NOT A STATEMENT BUT A "PROOF OF PUBLICATION"
PLEASE PAY FROM BILLING STATEMENT



MURRAY CITY CORPORATION
ADMINISTRATIVE &
DEVELOPMENT SERVICES

B. Tim Tingey, Director

Building Division
Community & Economic Development
Geographic Information Systems

Information Technology
Recorder Division
Treasurer Division

NOTICE OF PUBLIC HEARING

This notice is to inform you of a Public Hearing scheduled for Tuesday, January 21, 2014 at 6:30 p.m. in the Murray City Council Chambers, 5025 South State Street.

Murray City will hold and conduct a Public Hearing to consider a land use code text amendment to Sections 17.68.030 and 17.68.040 of the Murray City Municipal Code relating to commercial landscaping requirements.

The purpose of this hearing is to receive public comment concerning the proposed amendment to the City Code as described above.

This notice is being sent to you since you own property within the near vicinity. Comments at the meeting will be limited to 3 minutes per person per item. A spokesman who has been asked by a group to summarize their concerns will be allowed 5 minutes to speak. Comments which cannot be made within these limits should be submitted in writing to the Community & Economic Development Department at least one day prior to the day of the meeting.

If you have questions or comments concerning this proposal, please call the Murray City Community & Economic Development Department office, at 801-270-2420 or e-mail sdewey@murray.utah.gov.

SPECIAL ACCOMMODATIONS FOR THE HEARING OR VISUALLY IMPAIRED WILL BE MADE UPON A REQUEST TO THE OFFICE OF THE MURRAY CITY RECORDER (801-264-2660). WE WOULD APPRECIATE NOTIFICATION TWO WORKING DAYS PRIOR TO THE MEETING. TDD NUMBER IS 801-270-2425 OR CALL RELAY UTAH AT #711.

**Public
Hearing #2**

Murray City Corporation

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 21st day of January, 2014, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Municipal Council will hold and conduct a hearing to receive public comment concerning an ordinance amendment to Section 17.48.120 of the Murray City Municipal Code to allow for additional height and size for on-premise signs on properties adjacent to I-15 and I-215 in the G-O (General Office) zoning district.

DATED this day of January, 2014.

MURRAY CITY CORPORATION

Jennifer Kennedy, City Recorder

DATE OF PUBLICATION: January 10, 2014

PUBLIC NOTICE WEBSITE	<u>1.8.14</u>
MURRAY WEBSITE	<u>1.8.14</u>



HARMONY HOME HEALTH, LLC - Sign Ordinance Text Amendment – G-O Zone –
Project 12-131

Ben Hathaway was the applicant present to represent this request. Chad Wilkinson reviewed the request for an ordinance text amendment to the Murray Municipal Land Use Code Chapter 17.48.120(A), and 17.48.120(C) related to signage in the General Office (G-O) Zone. The proposed amendment would allow additional height and size for signs on G-O properties located adjacent to freeways. The amendment would allow for the height of signs adjacent to I-15 and I-215 to be determined by freeway grade rather than the adjacent sidewalk grade. The amendment would also increase the allowable size of signs in the G-O zone adjacent to freeways from 50 sq. ft. to 300 sq. ft. The purpose of the G-O zone, as defined in City Code, is to provide a buffer or transition area separating commercial and industrial uses from residential areas. Increased emphasis is given to buffering commercial uses from residential uses, neighborhood compatibility and reduction of size and height of signs in the G-O zone due to proximity and impact on the adjoining residential properties. The G-O zone limits building and sign height in order to be compatible with residential zoned properties in the area. The existing sign code regulation limits signs in the G-O zone to 15 ft. maximum height measured from the sidewalk grade to the top of the sign and allows for .5 sq. ft. of sign area per lineal foot of street frontage with a maximum area of 50 sq. ft. The applicant is proposing that the height for detached signs in the G-O zone located on properties adjacent to the freeway be determined by the freeway grade and that the maximum size of freeway adjacent signs in the G-O zone be increased to 300 sq. ft. Currently, the Code allows for freeway oriented signs in Commercial Development (C-D) and General Manufacturing (M-G) zoning districts to use the adjacent freeway grade to determine the maximum height of the sign. Where properties are lower than the freeway, the signs may be much higher than the adjacent local streets. The applicant has proposed this same standard for G-O zones located adjacent to the freeway. The applicant also proposes to increase the permitted sign size from 50 sq. ft. to 300 sq. ft. for signs adjacent to the freeway in the G-O zone. It should be noted that the standards for the C-D and M-G zones do not provide for an increase in square footage for freeway adjacent signs. The maximum sign size for detached signs in the C-D and M-G zones is the same for all properties in the City, whether or not they are adjacent to the freeway. G-O zoning occurs throughout the City in areas along 4500 South, 900 East, Winchester Street and VanWinkle Expressway. Because G-O zoning occurs on other high-volume and high speed roadways in Murray, it is difficult to justify an increase in sign size based solely on freeway adjacency. While a connection may reasonably be made for an increase of sign height adjacent to a freeway because of variations of freeway height caused by overpasses, on and off ramps, etc., staff does not find the same connection with regard to sign size. If speed and volume are used to determine sign size adjacent to freeways, other G-O property owners could argue that the speed or traffic volume of Van Winkle Expressway or 4500 South justifies additional sign height or size. The sign code currently allows for attached signage in the G-O zone with 2 sq. ft. of sign area for each lineal foot of building frontage with maximum sign area determined by building size. Depending on the size of the building, attached signage may currently exceed 50 sq. ft. This additional square footage for attached signage coupled with the allowed detached signs provides adequate signage while buffering residentially zoned properties. The standards of the Code are meant to distinguish the G-O zone

from other commercial zones and to provide a transitional standard. The look and impact of signage in the G-O zone should be different than commercial and manufacturing zones because the G-O zone purpose is to be a buffer and transition zone from the residentially zoned areas. The applicant also references portions of the Murray General Plan related to land use and economic development. The plan indicates that G-O areas should ensure a pleasing environment and the existing signage allowed in G-O zones contributes to the purpose of this zoning designation. Although the economic development sections of the General Plan promote enhancing commercial activity, the existing ordinance allows for multiple signage opportunities on a site and the existing square footage enhances the goal of creating a positive environment for business activity.

Based on the above information and findings, staff recommends that the Planning Commission forward a recommendation of denial for the proposed text amendments to the Murray City Council for Municipal Code Chapter 17.48.120(A), and 17.48.120(C).

Ms. Daniels stated that this property is located in the G-O zone. She asked Mr. Wilkinson if the area is more commercially based. Mr. Wilkinson stated the Murray City General Plan calls for that zone to remain office zoning. He stated that there is a mix of C-D-C and G-O in that area. That zoning came about through a large zone change process through the City. Further to the south of that zone is residential and staff feels it is important to keep that as a transition area and protect that neighborhood.

Mr. Markham asked if an electronic sign were to be located on the property, would it have to be specific to the applicant. Mr. Wilkinson stated the G-O zone does not allow electronic message boards and any sign that is located on G-O properties need to be on-premise. The city does not permit off premise advertising for new signage.

Ben Hathaway, 60 East South Temple, stated he is the attorney for Harmony Home Health, LLC. Harmony Home Health & Hospice is an in-home health care provider who for the last decade has been headquartered at 5650 South Green Street in a one story building. He stated that the Murray City's zoning map, it seems that the purpose of the G-O zone has been obliterated by the C-D-C re-zone in the middle of Green Street. Originally it was intended to buffer the residential area from commercial uses. Every piece of property along the I-15 corridor has a free-way oriented and viewed sign with the exception of Harmony Home Health's building. Mr. Hathaway questioned if the General Plan's purpose of providing a buffer has really been met. He indicated in his opinion the answer is no, because it's been obliterated by the re-zone. He stated that Harmony Home Health, LLC desires to have a positive recommendation from the planning commission for a text change. Two things must be present for this text change to apply; the property must be adjacent to a freeway and the sign must be freeway oriented. Murray Code states it is appropriate to adopt a text change if it conforms to the General Plan. Mr. Hathaway suggested that not only does it conform to the General Plan, but it actually enhances the goals of the General Plan as it relates particularly to freeway oriented signs within the G-O zone. Visible signage would 1) strengthen the City's medical related commercial activity to the public, 2) increase business for Harmony Home Health in turn generate more revenue for the

City, 3) increase the utilization of land in Murray City, 4) make the location more desirable for the applicant to remain there, 5) it would enable a sign to preserve what remains of this buffer zone. Mr. Hathaway went on to say that staff implied a sign could be larger than 50 ft. if it were attached to the building. Therefore, if Harmony were to prop a sign on top of its building that was in excess of 50 ft. or build 2-4 more stories onto their building and have their signage on top of it, it would seem to impair the buffering even more in the G-O zone than it would to just have a sign there. Mr. Hathaway suggests that the purposes of the General Plan are met and enhanced by the text change. In comparing other G-O zones in Murray to the location of the applicants, all other areas have buildings that are higher than the freeway, therefore; there is no advantage for those properties to measure from the freeway grade.

Mr. Taylor made note that buildings that currently have attached building signage would also be allowed to have free a standing sign, based on the text change the applicant is proposing. Mr. Hathaway concurred, subject to approval.

Mr. Woodbury asked Mr. Wilkinson why staff wouldn't consider making a zone change from G-O to C-D-C. Mr. Wilkinson noted again that the General Plan does call for this area to be office and not commercially zoned. There are standards (i.e. review standards, use standards) in place that provide buffering and protection of those areas that go over and above visual standards. The review was focused on what the impacts to several properties in the G-O zone would have, not just this particular property. Mr. Hathaway stated that Harmony does not want to open the door to other uses, but desires to take advantage of its adjacency to I-15.

Ms. Mackay asked why it is so important to have a sign. Mr. Hathaway deferred the question to Dennis Stong.

Dennis Stong, 5650 Green Street, stated that having a sign helps a business establish a brand and gives the business legitimacy. When someone is choosing a health care provider they feel more secure when a company provides a strong and solid feel to it. A sign helps to give out that image. All of the businesses that are in that area and have signage have a good solid client base, Harmony does not. Mr. Stong asked Mr. Wilkinson what specific properties concern him that this would apply. Mr. Wilkinson stated staff is not implying that by changing the text this will affect a specific property. What he is saying is from a consistency standpoint, they need to look at all properties, not to just a specific property. It is too hard to distinguish how one property is different from another based on solely on those characteristics.

The comment was made that if all properties in the G-O zones had a road that was elevated like I-15 is, they would all be asking for the same thing.

Mr. Hathaway stated there are no other arterial roads in Murray City that have a 65 mph speed limit which is important when you are talking about size. What Mr. Stong is requesting is that he be given the same opportunity the other businesses along Green Street have. Mr. Hathaway asked that the Planning Commission send a positive recommendation of approval to the City Council for this text change.

The meeting was opened for public comment. No comments were made by the public

and the public comment period was closed.

Mr. Black commented that signage is beneficial, but he recently dealt with finding a facility to care for his aging mother, but that his decision was not based upon driving down the street and looking for a sign. He stated that instead he went to physicians and friends in the medical field. In his opinion, no one is going to make a decision on using their facility based on seeing a sign from the freeway.

Mr. Woodbury asked why Harmony Home Health feels their business isn't doing as well as they think it could do if they were able to put up a larger sign. He stated that as a resident of Murray, bringing businesses into the city is a great thing, but it also needs to be done within the general context of the General Plan. Mr. Woodbury asked the applicant if he has had specific clients tell them they would not do business with them because they don't have a sign. Mr. Stong responded that he owns the building and has tried to lease space, but they are unable to put a "for lease" sign on the top of the building.

Paul Evans, 5650 Green Street, is the project manager at Harmony Home Health. He has been very involved in trying to get the building leased. There have been a number of inquiries through their brokerage firm that have looked at the building. However, the lack of visibility and recognition through a sign for that location has impacted their decision to relocate there. Addressing Mr. Black's comment, he feels it is important not to minimize the name/brand recognition. Their patients come primarily from recommendations, but none-the-less their name recognition in the community is very important to them. To have their name visible in that location would help people in locating them. Possible naiveté on their part, but one of the reasons that location was picked was they saw how all of the businesses along Green Street had signs and advertisements, so it seemed like a natural assumption they would be able to erect a sign in comparability to all the other businesses. They feel it is a very reasonable request to Murray City for them to be allowed to erect a sign. He asks the commission to forward a recommendation of approval to the City Council.

Ms. Daniels asked if Harmony has been in that same location for the 16 years they have been in Murray. Mr. Evans responded indicating that their first location was on Commerce Street and they purchased the building on Green Street 6-7 years ago. Ms. Daniels asked if this is the first time they have come forward to ask for a sign. Mr. Evans stated they applied a few years ago and were not successful at that point, so they have decided to come back and try once more.

Mr. Stong made note that years ago they leased a property along the freeway in Ogden and put up a sign. That sign made a huge impact. Within 18 months they tripled their business. Their referrals come from people that have had a great experience with them in the past, but when they are competing against very well established names, it helps to have the sign recognition letting everyone know they are there, professional, legitimate and ready to serve them. They have been trying to work with Murray City for quite some time on this matter.

Mr. Taylor expressed his concern with this proposed change that neighboring properties would then have the opportunity of increasing the number of signs along

Planning Commission Meeting

November 15, 2012

Page 23

the freeway frontage for businesses that already have signs, this could be detrimental for the applicant.

Ms. Daniels made a motion to forward a recommendation of denial to the City Council for the proposed text amendments to the Murray City Council for Municipal Code Chapter 17.48.120(A), and 17.48.120(C). Mr. Taylor seconded the motion.

Call vote recorded by Mr. Wilkinson.

A Jim Harland
A Karen Daniels
A Ray Black
A Tim Taylor
N Phil Markham
N Vicki Mackay
N Scot Woodbury

Motion passed, 4-3 in favor of denial.

CONSTRUCTION BUSINESS HOME OCCUPATION – Home occupation Zoning Text
Amendment to section 17.24 – Project # 12-118

Murray City proposes an amendment to the Home Occupation standards to remove construction businesses from the list of prohibited uses and to provide additional standards for approval of these types of home based businesses. Mr. Wilkinson stated that the Murray City zoning ordinance allows for the establishment of home occupations as accessory uses in all residential zones subject to specific standards. Among the standards, certain uses are explicitly prohibited from being established as home occupations. In 2007, the City Council added construction businesses to the list of prohibited uses based on several problems with existing home based construction businesses. Concerns included storage of materials and large equipment on residential properties, mobilization of construction crews in residential neighborhoods, noise, hours of operation and other similar complaints. The City continues to receive requests for home occupation licenses for construction businesses, contractors and "handyman" services. The City Council has received recent requests from residents to allow construction businesses to be allowed. On August 21, 2012 the City Council directed staff to reconsider the prohibition of construction businesses as home occupations and to analyze whether additional standards could be developed to protect neighboring properties. The purpose of the Home Occupation standards as stated in Chapter 17.24 is to allow for certain income producing accessory uses in residential districts that are compatible with and not detrimental to the neighborhood in which they are located. The Code identifies that certain uses are not appropriate because of their tendency "to rapidly increase beyond the limits permitted for home occupations and thereby impair the use and value of the residentially zoned area." In the past, several home based construction businesses have created neighbor concerns by storing equipment and materials on site and by mobilizing crews from their home early in the morning creating noise and parking concerns from neighbors. The home occupation standards currently limit the size and number of vehicles, number of employees, storage of materials and uses

TO: Murray City Planning Commission

FROM: Murray City Community and Economic Development Staff

DATE OF REPORT: October 25, 2012

DATE OF HEARING: November 1, 2012

PROJECT TYPE: Land Use Ordinance Text Amendment

APPLICANT: Harmony Home Health

PROJECT NUMBER: 12-131

DESCRIPTION OF REQUEST:

The applicant is proposing text amendments to the Murray Municipal Land Use Code Chapter 17.48.120(A), and 17.48.120(C) related to signage in the General Office (G-O) Zone. The proposed amendment would allow additional height and size for signs on G-O properties located adjacent to freeways. The amendment would allow for the height of signs adjacent to I-15 and I-215 to be determined by freeway grade rather than the adjacent sidewalk grade. The amendment would also increase the allowable size of signs in the G-O zone adjacent to freeways from 50 square feet to 300 square feet.

STAFF REVIEW

The purpose of the General Office zone, as defined in City Code, is to provide a buffer or transition area separating commercial and industrial uses from residential areas. Increased emphasis is given to buffering commercial uses from residential uses, neighborhood compatibility and reduction of size and height of signs in the General Office zone due to proximity and impact on the adjoining residential properties. The General Office zone limits building and sign height in order to be compatible with residential zoned properties in the area. The existing sign code regulation limits signs in the General Office zone to 15 foot maximum height measured from the sidewalk grade to the top of the sign and allows for .5 square feet of sign area per lineal foot of street frontage with a maximum area of 50 square feet.

The applicant is proposing that the height for detached signs in the G-O zone located on properties adjacent to the freeway be determined by the freeway grade and that the maximum size of freeway adjacent signs in the G-O zone be increased to 300 square feet. Currently, the Code allows for freeway oriented signs in the C-D and M-G zoning districts to use the adjacent freeway grade to determine the maximum height of the sign. Where properties are lower than the freeway, the signs may be much higher than the adjacent local streets. The

applicant has proposed this same standard for G-O zones located adjacent to the freeway.

The applicant also proposes to increase the permitted sign size from 50 square feet to 300 square feet for signs adjacent to the freeway in the G-O zone. It should be noted that the standards for the C-D and M-G zones do not provide for an increase in square footage for freeway adjacent signs. The maximum sign size for detached signs in the C-D and M-G zones is the same for all properties in the City, whether or not they are adjacent to the freeway. G-O zoning occurs throughout the City in areas along 4500 South, 900 East, Winchester Street and Vanwinkle Expressway. Because G-O zoning occurs on other high-volume and high speed roadways in Murray, it is difficult to justify an increase in sign size based solely on freeway adjacency. While a connection may reasonably be made for an increase of sign height adjacent to a freeway because of variations of freeway height caused by overpasses, on and off ramps, etc., staff does not find the same connection with regard to sign size. If speed and volume are used to determine sign size adjacent to freeways, other G-O property owners could argue that the speed or traffic volume of Van Winkle Expressway or 4500 South justifies additional sign height or size.

The sign code currently allows for attached signage in the G-O zone with 2 square feet of sign area for each lineal foot of building frontage with maximum sign area determined by building size. Depending on the size of the building, attached signage may currently exceed 50 square feet. This additional square footage for attached signage coupled with the allowed detached signs provides adequate signage while buffering residentially zoned properties. The standards of the Code are meant to distinguish the G-O zone from other commercial zones and to provide a transitional standard. The look and impact of signage in the General Office zone should be different than commercial and manufacturing zones because the G-O zone purpose is to be a buffer and transition zone from the residentially zoned areas.

The applicant also references portions of the Murray General Plan related to land use and economic development. The plan indicates that General Office areas should ensure a pleasing environment and the existing signage allowed in G-O zones contributes to the purpose of this zoning designation. Although the economic development sections of the General Plan promote enhancing commercial activity, the existing ordinance allows for multiple signage opportunities on a site and the existing square footage enhances the goal of creating a positive environment for business activity.

FINDINGS AND CONCLUSION

- i. The proposed ordinance amendments are not consistent with the purpose of the General Office zone for a buffer or transition area separating commercial uses from residential areas. Increased

emphasis is given to buffering commercial uses from residential uses, neighborhood compatibility and reduction of the size and height of signs in the General Office zone due to proximity and impact on the adjoining residential properties. The proposal is not consistent with the intent and purpose of this zoning.

- ii. The increase in height and square footage of signs does not contribute to compatibility with residential areas.
- iii. The existing sign code allows adequate signage for G-O zones, while distinguishing the zoning district as a transitional zone buffering residential properties from commercial and industrial properties.

STAFF RECOMMENDATION

Based on the above information and findings, **staff recommends that the Planning Commission forward a recommendation of denial for the proposed text amendments to the Murray City Council for Municipal Code Chapter 17.48.120(A), and 17.48.120(C).**

Application Materials

MURRAY CITY CORP.
received
10/10/12

ZONING AMENDMENT APPLICATION

Type of Application (check all that apply):

- Zoning Map Amendment
 Text Amendment
 Complies with General Plan
 Yes No

Subject Property Address: 5650 South Green Street

Parcel Identification (Sidwell) Number: 21-13-176-021-0000

Parcel Area: 1.25 Acres Current Use: Office

Existing Zone: G-O Proposed Zone: N/A

Applicant Name: Harmony Home Health, LLC

Mailing Address: c/o Benson L. Hathaway, Jr., 50 East South Temple, Suite 400

City, State, ZIP: Salt Lake City, UT 84111

Daytime Phone #: (801) 328-3600 Fax #: (801) 321-4893

Business Name (If applicable): Harmony Home Health & Hospice

Property Owner's Name (If different): Harmony Home Health, LLC

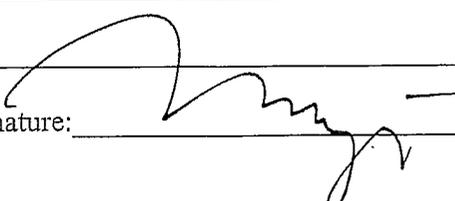
Property Owner's Mailing Address: 5650 South Green Street

City, State, Zip: Murray, UT 84123

Daytime Phone #: (801) 264-2000 Fax #: (801) 281-0775

Describe your reasons for a zone change (use additional page if necessary):

Please see memorandum attached.

Authorized Signature:  Date: 10/04/12

12-131
MURRAY CITY CORP.
received
10/10/12

KIRTON | McCONKIE

Benson L. Hathaway, Jr.
bhathaway@kmclaw.com
801.321.4835

October 9, 2012

Murray City
Community & Economic Development Department
4646 South 500 West
Murray, UT 84123-3615

*Re: Harmony Home Health
Application for Zoning Amendment - Text Change
Planning & Zoning Commission Meeting - November 1, 2012*

To Whom It May Concern:

Enclosed is Harmony Home Health, LLC's Zoning Amendment Application with attachments. Please consider this Application for the meeting scheduled on November 1, 2012 at 6:30 p.m., or the next available date at the Commission's convenience. Call me if you have any questions or concerns. Thank you.

Very truly yours,

KIRTON McCONKIE

Benson L. Hathaway, Jr. on behalf of
Benson L. Hathaway, Jr.

BLH:wm
Enclosure
cc: Jody K. Burnett, w/encl.

4836-9615-6686.1

KIRTON | McCONKIE

MEMORANDUM

DATE: October 3, 2012
TO: Murray City Council
FROM: Harmony Home Health & Hospice
SUBJECT: Proposed Text Amendment

Factual Background

Harmony Home Health & Hospice ("Harmony") owns property located at 5650 Green Street (the "Property"). Harmony is a Murray-centered business that has had its national headquarters in Murray for over ten years.

Harmony's Property is a one-story building fronting on Green Street and adjacent to I-15. It is surrounded by larger buildings that all have signage visible from I-15. Just north of the Property is Eagle Gate College, a 3-story building with signage on top that is visible from I-15. Immediately to the south is Siegfried and Jensen, a 4-story building with significant signage on two sides of the top floor oriented toward the freeway. South of the Siegfried building is another 3-story building with Dominion Engineering sign mounted on the top floor facing the freeway. Essentially all other businesses fronting on Green Street sharing the block with Harmony have signs visible to passing traffic on I-15. Those include KFC whose sign is 220 square feet and 50' above Green Street's grade; the Piano Gallery whose sign is 150 square feet and 60' tall; Summerhays Music, 55' tall; Thomasville, 60' tall; and Richland Title.

However, because Harmony's of the Property's current zoning and inconsistencies in the Murray City Code (the "Code"), Harmony is prohibited from constructing a sign that could be viewed from I-15 to capitalize on the significant exposure that a freeway oriented sign provides, which exposure is enjoyed by every other business fronting on Green Street on Harmony's block.

Issue

Harmony desires to build a free standing pole sign which rises 45' above Green Street and which is 14'7" wide x 13'7 3/4" tall (204 square feet total sign area). Currently the Property is zoned General Office ("G-O"), which only allows signs that are less than fifty (50) square feet of total sign area. The Code does not contain any exceptions for G-O properties that are freeway adjacent. The Code does, however, provide that in Commercial and Manufacturing zones "properties adjacent to freeways, where the sign is freeway oriented, maximum sign height may

be determined from freeway grade.” Murray City Code 17.48160(A)(3). Harmony proposes amending the Code to allow a similar exception for properties that are zoned G-O and adjacent to the freeway. Please see Attachment 1 for proposed text.

Discussion

I. Standard for a Text Change

Unlike an application for conditional use or variance, in applying for a text change there is no need for showing a hardship and special circumstances unique to the subject property. *Cf.* Murray Code 17.15.50(B) (requirements for variance), and 71.56.60 (requirements for conditional use). Instead what is required is that the proponent demonstrates that the proposed text change “conforms to the intent of the General Plan.” *See* Text Change Application, Attachment 2.

II. The Proposed Text Change Conforms with the General Plan

Approving the proposed text change would further the goals of the General Plan. For example, the text change would (1) strengthen the City’s medical related commercial activity, (2) increase the utilization of land in Murray City, (3) increase the number of consumers of Murray City businesses, (4) preserve and protect the quality of life for viable residential neighborhoods by minimizing interference with aesthetic views, and (5) retain businesses within Murray City. *See* General Plan, p. 2-7 and 8-4, annexed hereto as Attachment 3.

Harmony’s property is the only G-O zoned property in Murray City likely to be affected by the text change. A review of the Murray City zoning plat map indicates that the only properties in Murray City zoned as G-O that are freeway adjacent, where freeway oriented signs could possibly be desired are (1) Harmony’s property; (2) the property immediately north and south of Harmony’s property along Green Street; and (3), the property adjacent to I-15 lying between Vine Street and 5300 South, where the Stevens Heneger building stands. *See* Murray City zoning plat map annexed hereto as Attachment 4. All other G-O property in Murray City adjacent to the freeway borders I-215 and is elevated far above the freeway elevation. Hence, the added height language would be inapposite. The properties immediately north and south of Harmony’s property along Green Street are improved with multi-story buildings already bearing freeway oriented signs of the businesses they house. Similarly, the Stevens Heneger building is a multi-story building upon which its freeway oriented signage is already mounted. In short, the proposed text will not encourage further signage there or open the flood gates for other signs on other G-O zoned property in Murray City.

Moreover, the sign Harmony desires to erect under the new text is less visually invasive than other options currently open to Harmony under the Code as written. Under the existing Code, Harmony would not be prohibited from adding on multiple stories and affixing a sign to its building, like many of its neighbors have already done. However, the proposed sign will in fact preserve and protect the quality of life for Murray’s viable residential neighborhoods as it minimizes interference with the neighborhood’s view of Mount Olympus and the Wasatch Mountains. Ironically, under the G-O zoning ordinance as written, Harmony is not allowed to erect a sign that would only minimally affect the aesthetics of view from surrounding neighborhoods. *See* Photos annexed as Attachment 5. This inconsistent and unintended operation of the current ordinance in these circumstances, can be remedied by adding to section

17.28.1209(C), language similar to that already included in Murray City Code 17.48.160(A)(3) allowing maximum sign height to be determined from freeway grade for freeway oriented signs.

Conclusion

The proposed text changes advance the goals of the General Plan without imposing or frustrating any of its purposes. Harmony respectfully requests that the Council incorporate the proposed text change.

ATTACHMENT 1

ATTACHMENT 1

Proposed Text Change:

Harmony proposes that Murray City Code 17.48.120(C) be modified to read as follows:

Maximum sign height allowed is fifteen feet (15 feet) from sidewalk grade to the top of the sign. On property adjacent to freeways, where the sign is freeway oriented, the maximum sign height may be determined from a freeway grade.

Harmony suggests that Murray City Code 17.48.120(A) be amended to read in full:

A detached on premise sign for each developed parcel not exceeding one-half (1/2) square foot of sign area for each linear foot of street frontage, may not exceed fifty (50) square feet of total sign area. On property adjacent to freeways, where the sign is freeway oriented, a detached on premise sign may not exceed one and one-half (1 1/2) square feet of sign area for each linear foot of street frontage, provided no sign may exceed three hundred (300) square feet of total sign area.

ATTACHMENT 2

ZONING AMENDMENT APPLICATION

Type of Application (check all that apply):

- Zoning Map Amendment
 Text Amendment
 Complies with General Plan
 Yes No

Subject Property Address: 5650 South Green Street

Parcel Identification (Sidwell) Number: 21-13-176-021-0000

Parcel Area: 1.25 Acres Current Use: Office

Existing Zone: G-O Proposed Zone: N/A

Applicant Name: Harmony Home Health, LLC

Mailing Address: c/o Benson L. Hathaway, Jr., 50 East South Temple, Suite 400

City, State, ZIP: Salt Lake City, UT 84111

Daytime Phone #: (801) 328-3600 Fax #: (801) 321-4893

Business Name (If applicable): Harmony Home Health & Hospice

Property Owner's Name (If different): Harmony Home Health, LLC

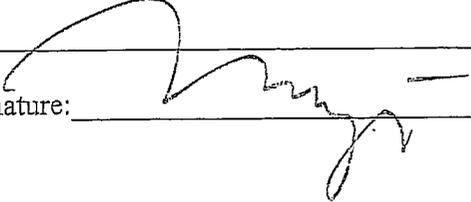
Property Owner's Mailing Address: 5650 South Green Street

City, State, Zip: Murray, UT 84123

Daytime Phone #: (801) 264-2000 Fax #: (801) 281-0775

Describe your reasons for a zone change (use additional page if necessary):

Please see memorandum attached.

Authorized Signature:  _____ Date: 10/04/12

Property Owners Affidavit

I (we) Dennis Stong, COO of Harmony Home Health, LLC, being first duly sworn, depose and say that I (we) am (are) the current owner of the property involved in this application; that I (we) have read the application and attached plans and other exhibits and are familiar with its contents; and that said contents are in all respects true and correct based upon my personal knowledge.

[Signature]
Owner's Signature

Owner's Signature (co-owner if any)

Subscribed and sworn to before me this _____ day of _____, 20____

Notary Public

Residing in _____

My commission expires: _____

Agent Authorization

I (we), Dennis Stong, COO of Harmony Home Health, LLC the owner(s) of the real property located at 5650 South Green Street, in Murray City, Utah, do hereby appoint

Benson L. Hathaway, Jr., as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize

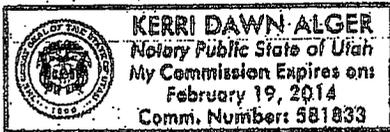
Benson L. Hathaway, Jr. to appear on my (our) behalf before any City board or commission considering this application.

[Signature]
Owner's Signature

Owner's Signature (co-owner if any)

On the 5th day of October, 2012, personally appeared before me

Dennis Stong the signer(s) of the above Agent Authorization who duly acknowledge to me that they executed the same.



[Signature]
Notary Public

Residing in Utah

My commission expires: 2-19-14

ATTACHMENT 3

2 Land Use

Introduction and Background

This chapter provides land use policy direction and guidance to decision-makers as they address future land use changes. The chapter begins with a documentation of existing land use and zoning conditions, continues with a summary analysis in relation to key issues identified during the planning process, and concludes with proposed land uses and corresponding zoning modifications which support the future land use direction.

Identified Land Use Issues

Early in the planning process, Murray residents and members of the Plan Management Committee identified several key issues related to land use. This input, in combination with a review of existing data and on-site field investigations, helped organize the land use planning direction. Some of the key issues which emerged as the result of this input are summarized below:

- There is a need to preserve, protect and enhance established residential neighborhoods;
- The future land use profile should support a better balance between various uses, i.e. residential, commercial, industrial;
- Land use modifications are necessary to create better transitions between incompatible land uses;
- Zoning changes should be made that support a comprehensive land use vision;
- Future land use decisions should maximize limited development opportunities in a community that is approaching build-out;
- Land use modifications should be made to help preserve open space, enhance neighborhood development, support pedestrian connections, and provide for a better mix of uses; and
- Land use decisions should be integrated with transportation needs in order to create a functional and balanced community.

Existing Land Use

Murray is home to a wide mix of residential, commercial and industrial areas, and numerous support services such as schools, offices, medical facilities, parks and open spaces. In an effort to verify existing land uses and to help clarify known conflict areas in the City, a limited "windshield" survey was conducted. Key parcels were visually inspected, crosschecked with aerial photographs and other mapped data, designated on field maps, and updated. To summarize, Murray City contains slightly less than 7,600 acres of land, including all roads, rail reserves and other transportation corridors. Table 2-1 provides a breakdown of the various land uses and the approximate number of acres allocated to each. Map 2-1 illustrates the distribution of existing land uses. A general summary of each land use category is provided below.

Residential

Residential uses are the primary land use in Murray City, representing more than forty percent of all land uses. The overwhelming bulk of residential uses are located in large, well-designed and stable neighborhoods. As described in more detail below, residential land uses encompass a range of densities, home types, and neighborhood patterns and conditions.

Residential Single Family – Low Density

Low-density single family homes represent the largest single land use in Murray, accounting for nearly one third of all land in the City. Most of the homes in these areas are clustered within well-defined, contiguous neighborhoods spread throughout the community. The remaining residential uses are small groupings and individual homes scattered within non-residential precincts, commercial and industrial in particular. Most low-density single-family homes are located on lots that range from 6,000 to 10,000 square feet. The majority of these homes are relatively new, although there are pockets of older, low-density homes located throughout much of the city.

Residential Single Family – Medium Density

Accounting for just over two-percent of the total land area, this group includes smaller homes located on lots 6,000 square feet or less. Scattered throughout the City, medium density single family homes encompass a range of new and old structures, and include two mobile home parks.

Residential Multiple Family – Low Density

Accounting for just over two-percent of the total land in Murray, this class encompasses more than a dozen low-density garden court projects as part of small and large planned unit developments. Nearly all of these housing types are located east of State Street, and most projects are well maintained and well-landscaped.

Residential Multiple Family – Medium Density

This group is also typified by planned unit developments, with taller walk-up structures and greater density structures most dominant. Accounting for three-percent of the total land area, medium density multi-family units are well represented in most of the residential neighborhoods. Most sites tend to be located near major roads such as Murray Boulevard, 5600 South and 700 East, and include private open space, park and recreation amenities.

Residential Multiple Family – High Density

Accounting for one-percent of the total land area, this category encompasses higher-density and taller condominium and apartment projects. In contrast to the low and medium density multiple family uses, these projects tend to have minimal open space amenities.

Table 2-1
Existing Land Use

Land Use Category	Acres	Percent of Total Acres
Residential Single Family – Low Density	2480.5	32.8
Residential Single Family – Medium Density	197.9	2.6
Residential Multiple Family – Low Density	159.5	2.1
Residential Multiple Family – Medium Density	232.5	3.1
Residential Multiple Family – High Density	76.1	1.0
Civic and Institutional	321.6	4.5
Commercial	601.5	7.9
Office	208.7	2.8
Industrial	482.6	6.4
Parks and Open Space	661.5	8.7
Cemetery	20.8	0.2
Transportation and Utility	44.4	0.6
Vacant and Agricultural	427.9	5.2
Waterway	72.0	1.0
Transportation Corridors (street and railway rights-of-way)	1581.1	20.9
TOTAL LAND AREA	7568.6	100.0

Civic and Institutional

Civic and institutional uses include schools, churches, Cottonwood Hospital, Murray City Hall, fire stations, police facilities and other public offices and facilities. Nearly five percent of Murray's land area is in institutional use, the largest single use being Cottonwood Hospital.

Commercial

Almost eight-percent of the total land in Murray is commercial. Much of the commercial development is located along State Street, at three nodes along 900 East, and along 4500 South west of Interstate 15.

State Street commercial areas provide some local services, but function mainly as regional retail shopping for people outside of the community. Some key State Street commercial uses include Fashion Place Mall, various car dealerships, and the new Costco/Eagle Point retail centers at 5300 South. The 900 East commercial nodes also focus on regional shopping needs, but also include neighborhood uses such as supermarkets and specialty stores. With the exception of Fashion Place Mall, most commercial uses are single-story structures. The scale of commercial operations range from small shops to large "big box" buildings.

Office

Accounting for nearly three-percent of the total land in the City, offices are concentrated around Interstate 15 at 5300 South. Smaller areas are found along the State Street and 900 East commercial areas, along 4500 South east of State Street, and along the south edge of Winchester Street between State Street and 900 East. The majority of office uses are smaller and lower in height, although some taller structures are also evident.

Industrial

Industrial uses account for more than six-percent of the total land. Most industrial uses are centered in a broad corridor between Interstate 15 and the TRAX rail line, with another large grouping located west of Interstate 15 between 4800 South and the north city limits. Murray's industries tend to represent a broad range of uses, including older production facilities, newer storage uses, some modern manufacturing and assembly stations, and industrial/office combinations.

The original smelters, mills and other heavy industries that typified Murray's industrial base have been replaced and/or redeveloped with service-type industries or other uses during the past several decades. Many of the original industrial sites have only been partially redeveloped, and include substantial portions of underutilized and vacant land, and dilapidated buildings.

Parks and Open Space

Representing nearly nine-percent of the total land in Murray is a well-developed system of parks and open space. Dominated by the Jordan River Parkway at the western fringe of the city and Murray Park in the center, other key park and open spaces are Mick Riley Golf Course, Murray Parkway Golf Course, numerous neighborhood and local parks, and an open, contiguous power corridor near the west edge of the city.

Cemetery

At just over 20 acres, Murray City Cemetery is a public facility. It is the only cemetery in Murray City.

Transportation and Utility

Accounting for less than one-percent of the total land area in Murray, this category includes three light rail/TRAX stations, the Murray Power generation plant, electrical substations, public maintenance facilities, and a large satellite dish/microwave tower station.

Vacant Land and Agricultural

This category accounts for nearly six-percent of land in the City. Key vacant uses include the former ASARCO Smelter site west of State Street and 5300 South (currently being redeveloped with the IHC Regional Medical Center and Costco), a large swath of land straddling the Union Pacific rail line from 4500 South north to the city limits (slated for transit-oriented redevelopment as part of the Murray North TRAX Station neighborhood), and a large piece of land adjacent to a mobile home park at 700 West and Winchester Street.

Agricultural parcels are scattered throughout the area, particularly within residential neighborhoods, and along the banks of the Jordan River, Big Cottonwood Creek and Little Cottonwood Creek. Most agricultural sites are remnants from earlier times when the area was agricultural in nature, and currently serve only marginal agricultural purposes. Nearly all include a home or home on lots ranging from less than one-half acre to nearly five acres. Many of the largest agricultural holdings are located near fertile soil areas adjacent to the Jordan River.

Waterways

The three waterways in Murray are the Jordan River, Big Cottonwood Creek and Little Cottonwood Creek. The Jordan River includes large tracts of designated open space in the southern and central reaches that form the Jordan River Parkway. In contrast, Big Cottonwood Creek and Little Cottonwood Creek are limited to narrow creek beds, and in most locations are not officially designated as open space or waterway corridors, particularly when passing through and between private properties.

Transportation Corridors

Accounting for more than one-fifth of the total land area, this category includes all public road and rail reserves within the City. Key transportation corridors include Interstate 15, Interstate 215, and the Denver and the Rio Grande/UTA TRAX line.

Existing Zoning

There are seventeen zoning classifications in place in Murray City – one agricultural, ten residential, three commercial, one industrial, an open space zone, and one hospital zone. Map 2-2 illustrates the distribution of zoning districts, and Table 2-2 lists the percentage of land covered by each zone. A short description of the general intent and uses allowed in each zone is presented in the following text.

Agricultural Zone

The purpose of the agricultural zone is to encourage and maintain agricultural uses and open spaces. This zone is intended to include activities associated with light agricultural uses, while allowing single family dwellings and parks. The minimum lot area for agricultural uses is one acre.

Residential Zones

There are ten Residential Zones, which together account for more than half of the total acreage in the city. Most of the residential zones encourage single-family dwellings on relatively large lots (6,000 to more than 20,000 square feet). However, all zones except the residential mobile home zone allow planned unit developments or dwellings groups as a conditional use. The planned unit development (PUD) zone allows for clustering of buildings and mixed use. In addition, developers can obtain density bonuses in multiple-family residential zones through a conditional use permit by meeting criteria set forth in the Murray City Zoning Ordinance for urban design/neighborhood compatibility, energy efficiency, structure design, landscaping, building materials, and parking facilities. In addition, residential uses are allowed in all zones as part of mixed use developments. Table 2-3 describes the general purpose and lot requirements for each residential zone.

Table 2-2
Existing Zoning

Zoning Category	Percent of Total Land Area
A-1 Agricultural	7.0
R-1-6 Single Family Low Density Residential	2.3
R-1-8 Single Family Low Density Residential	39.6
R-1-10 Single Family Low Density Residential	4.1
R-1-12 Single Family Low Density Residential	0.2
R-M-10 Multiple Family Medium Density Residential	4.0
R-M-15 Multiple Family Medium Density Residential	2.4
R-M-20 Multiple Family High Density Residential	0.8
R-M-25 Multiple Family High Density Residential	0.0 ¹
R-M-H Mobile Home Residential	1.3
C-N-C Commercial Neighborhood Conditional	0.7
C-D-C Commercial Development Conditional	13.5
G-O General Office	2.9
M-G-C Manufacturing General Conditional	15.1
O-S Outdoor Space	5.7
H Hospital	0.4
Total	100.00

Commercial Zones

The Commercial Development Conditional Zone (C-D-C) accommodates businesses, commercial, entertainment, and other related activities that serve the community and surrounding areas. Uses allowed in this zone are intended as part of local and regional shopping centers. Most retail, commercial, office, and entertainment uses are permitted in this zone, or are permitted as conditional uses.

¹ The R-M-25 Zone was established during the planning period, accounting for the absence of corresponding zoned land.

Table 2-3
Existing Zoning: General Description of Residential Zones

Residential Zone	Lot Size	Purpose
R-1-6	6,000 sq. ft. min.	Single-family medium density residential. Intended to provide varied housing style and character. PUD as conditional use.
R-1-8	8,000 sq. ft. min.	Single-family low density residential. Intended to encourage and promote family environment. PUD as conditional use.
R-1-10	10,000 sq. ft. min.	Single-family low density residential. Intended to encourage and promote family environment. PUD as conditional use.
R-1-12	12,000 sq. ft. min.	Single-family low density residential. Intended to encourage and promote family environment. PUD as conditional use.
R-1-14	14,000 sq. ft. min.	Single-family low density residential. Intended to encourage and promote family environment. PUD as conditional use.
R-1-20	20,000 sq. ft. min.	Single-family low density residential. Intended to encourage and promote family environment. PUD as conditional use.
R-M-10	8,000 sq. ft. min. for one unit; 11,000 sq. ft. min. for 2 units; more than 2 units at rate of 7 units per acre	Multiple-family low density residential. Intended to allow opportunity for varied housing styles and character. PUD as conditional use.
R-M-15	8,000 sq. ft. min. for one unit; 10,000 sq. ft. min. for 2 units; more than 2 units at rate of 12 units per acre	Multiple-family medium density residential. Intended to allow opportunity for varied housing styles and character. PUD as conditional use.
R-M-20	8,000 sq. ft. min. for one unit; 10,000 sq. ft. min. for 2 units; more than 2 units at 17 units per acre	Multiple-family high density residential. Intended to allow opportunity for varied housing styles and character. PUD as conditional use.
R-M-25	8,000 sq. ft. min. for one unit; 10,000 sq. ft. min. for 2 units; more than 2 units at 22 units per acre	Multiple-family high density residential. Intended to allow opportunity for varied housing styles and character. PUD as conditional use.
R-M-H	6,000 sq. ft. min. for one unit; 10 acres min. for any mobile home development	Residential mobile home zone. Intended to provide residential environment that accommodates mobile homes and is characterized by attractively landscaped mobile homes and modular units with amenities comparable to any other residential development. Intended to assure high degree of compatibility with adjacent residential development. Must be developed under one plan.

The Commercial Neighborhood Conditional Zone (C-N-C) is essentially a neighborhood commercial zone that allows commercial and service uses for surrounding neighborhoods, usually within a convenient walking distance. This district makes up 0.6 percent of the total land area. Permitted uses include shops for electrical supplies; hardware; variety stores; food; apparel and accessories; furniture; electronics; office equipment and supplies; eating places; book stores; sporting goods; garden supplies; banking; dry cleaning; beauty and barber services; massage therapy; locksmiths; and postal services, among others. The regulations for this zone ensure that uses fit with the surrounding neighborhood scale and character, and that facilities will meet the needs of users. Some conditional uses that can be considered in this zone include department stores, libraries, day nurseries, libraries, and gas stations.

The General Office Zone (G-O) is intended to allow a wide variety of office uses in an attractive environment. This zone places significant emphasis on the physical quality of facilities to ensure a pleasing environment and achieve compatibility with the surrounding neighborhood. Uses allowed in this zone include pharmacies, optical shops, professional services, business services, governmental services, and miscellaneous service organizations. Conditional uses that may be allowed in this zone include restaurants, portrait photography; nursery, primary, and secondary education uses; day nurseries; universities, colleges, junior colleges and professional school education facilities.

Industrial Zone

The Manufacturing General Conditional Zone (M-G-C) covers areas where light industrial applications are desired. This zone imposes regulations that ensure the safety and quality of the environment within the district and surrounding areas. Some permitted uses in this zone include food preparation, furniture manufacture, wholesale trade, repair services, and veterinarian and animal hospital services. Conditional uses include meat packing and processing; grain mills, millwork, paper product manufacture; aircraft and motor vehicle parts and accessories, transit stations and maintenance yards, power plants, waste facilities, petroleum pump stations, fairgrounds and amusement parks, and sport activities.

Open Space Zone

The Outdoor Space Zone (O-S) is intended to accommodate and protect open space resources for the public good and prevent encroachment from incompatible uses. Permitted uses in this zone include governmental services, sport activities, playgrounds and athletic areas, swimming areas, boat rentals and boat access sites, sport fishing sites, picnicking areas and parks. Conditional uses can include cemeteries, educational and cultural activities, amphitheaters, sports assembly, public assembly, fairgrounds, riding academies and recreation uses.

Hospital Zone

The Hospital Zone (H) is intended to accommodate hospitals and related medical facilities in a way that blends harmoniously with the surrounding neighborhood and uses. Special attention to site layout and design is required in order to minimize impacts on surrounding residential areas. Allowed uses include medical and other health services. Conditional uses that maybe allowed include heliport pads, communication facilities, protective functions and related activities, and day nurseries.

Land Use and Zoning Analysis

Over the years Murray has been transformed from a lightly populated agricultural settlement into a sophisticated urban community. According to the policies and visions of the day, vacant land has been slowly converted into properties occupied by homes, factories and schools. In most cases the decisions made have resulted in a harmonious community, while in others the outcome has been less positive, resulting in areas of incompatibility and conflicting land use patterns.

The need for better transitions between land uses was one of the main concerns expressed by the public and others during the early stages of this planning process. Finding ways to deal with established land use problems is one the primary goals of this Plan. As described below and detailed in Appendix B, three key relationships were investigated to help develop a rational approach for improving future land use relationships in Murray City.

Vacant Land and Under-utilized Land Analysis

Key vacant and underutilized sites were investigated to determine possible areas for future commercial redevelopment and intensification. To summarize, the most significant vacant and underutilized parcels are concentrated in commercial and industrial areas near the three TRAX stations and the Interstate freeway system. Smaller concentrations are situated near Fashion Place Mall, and within and around the Neighborhood Commercial area centered at 900 East and 5600 South.

Land Use and Zoning Conflict Analysis

There are several areas in Murray where existing zoning does not match the intended land use, and vice versa. Parcels zoned for residential uses but are occupied by non-residential uses generally indicate the presence of a non-conforming use within a residential neighborhood. There are relatively few instances of this type of conflict, the few examples tending to be located on the edges of residential neighborhoods. Areas where non-conforming uses occur have for the most part been mitigated to reduce the negative effects to adjacent residences.

A land use/zoning conflict that is of greater concern occurs where residential uses are located in areas zoned for non-residential uses. Also tending to occur at the edge of established residential neighborhoods, this pattern typifies residential precincts that have been rezoned for higher uses and are awaiting redevelopment. In these cases, the existing residential uses are placed in a "holding pattern" awaiting transformation, while investment and basic maintenance is curtailed, resulting in a deteriorated neighborhood condition. Left unchecked, the declining environment often spreads to the adjacent neighborhoods, reducing confidence in the future of their neighborhood. In some cases deteriorated neighborhood conditions lead to additional requests for zoning changes, and progressive neighborhood deterioration.

"Hot Spot" Analysis

A number of areas experiencing land use and zoning problems identified early in the planning process were investigated in detail. Encompassing individual sites, entire neighborhoods, and segments of roads and transportation nodes, these areas present particular challenges to the growth and development. Called "Hot Spots", these sites include areas such as (1) Winchester Street; (2) 900 East; (3) State Street, (4) the Fashion Place Mall/Cottonwood Hospital area; (5) the Intermountain Health Care Regional Medical Center/Costco area, (6) the Commerce Drive area, and (7) the three Murray TRAX Station sites.

Summary Analysis

Areas with poor land use relationships and transitions are of great concern to the community. Identified problem areas will require substantial change and modification in order to stabilize and improve. There is a need to coordinate and rationalize land use and zoning in a manner that meets the long-term goals of the community. Since Murray is nearly built-out, vacant land is at a premium.

The development of vacant and underutilized parcels should be encouraged and carefully considered to ensure that the long-term needs of the community are addressed as individual land use decisions are made. Zoning modifications are necessary to ensure that the long-term planning vision for Murray City is met, and that neighborhood stability is achieved.

Land Use Concept

As illustrated in Map 2-3 and described below, the Land Use Concept illustrates the future land use vision for Murray City, and highlights some of the general modifications necessary for improving existing land use relationships.

To summarize, the Land Use Concept alters existing land use profiles and current directions of growth, particularly in the commercial core of Murray City, and along the edges of existing residential neighborhoods. The concept embraces Murray as an emerging regional power, where additional economic and land use development is desired, but land resources are limited.

In order to maximize the use of limited land resources, new and concentrated commercial and mixed uses are proposed within the Commercial Core between State Street and Interstate 15, taking good advantage of nearby "critical mass" projects such as the IHC Regional Medical Center/Costco and Eagle Point shopping center. The Land Use Concept takes advantage of enviable transportation infrastructure (I-15, 1-215, TRAX, regional rail and Cottonwood Street) and the limited availability of vacant or "greenfield" land.

As the Commercial Core is redeveloped and concentrated, Murray's residential neighborhoods should be strengthened and protected. Future development should respect established neighborhoods, and avoid neighborhood fragmentation and land use incompatibility, particularly along the edges of existing residential neighborhoods.

The Planning Concept acknowledges a need to make changes and compromises, but not in an all-encompassing fashion. Change should be carefully implemented, with appropriate tools applied on a case-by-case basis. Land use transitions, architectural controls, design guidelines and mixed-use development patterns are key mechanisms for meeting this goal.

Future Land Use

Murray City's Future Land Use is illustrated in Map 2-4 and summarized in Table 2-4. This presents an idealized "snapshot" of the city at a future date, and indicates the location and extent of land use modifications necessary to achieve the Land Use Concept illustrated in Map 2-3.

As detailed in the text that follows, one land use category has been eliminated and three land use categories added to meet the Future Land Use vision of Murray City.

Eliminated Land Use Category

Vacant and Agricultural

This Murray General Plan assumes that all land will eventually be utilized for one purpose or another, thus no undesignated or vacant land is indicated. It is also assumed that agricultural uses will eventually be phased out and replaced with other land uses as the city reaches build out.

New Land Use Categories

Mixed Use

The Mixed Use category encourages and supports the development and redevelopment of Murray's Core Areas into live/work neighborhood. These neighborhoods should fit in with existing commercial, light industrial and residential uses, and take advantage of TRAX stations and transportation infrastructure.

Table 2-4
Future Land Use

Land Use Category	Acres	Percent of Total Acres	Percent Change from 2002 Existing Land Use
Residential Single Family – Low Density	2429.1	32.1	-1%
Residential Single Family – Medium Density	235.6	3.1	+19%
Residential Multiple Family – Low Density	150.3	2.0	-7%
Residential Multiple Family – Medium Density	235.7	3.1	+1%
Residential Multiple Family – High Density	91.4	1.2	+20%
Mixed Use	435.2	5.8	New Category
Residential Business	54.2	0.7	New Category
Civic and Institutional	258.4	3.4	-20%
Commercial	622.6	8.2	+4%
Office	274.1	3.6	+31%
Industrial	315.4	4.2	-35%
Medical	72.6	1.0	New Category
Parks and Open Space	711.8	9.4	+8%
Cemetery	20.8	0.3	no change
Transportation and Utility	42.7	0.6	-4%
Transportation Corridor	1558.8	20.6	-1%
Waterway	59.9	0.7	-17%
Total Area	7568.6	100.00	-

Mixed Use neighborhoods are places where the line between business and residential uses are purposely blurred. Mixed Use areas support a broad range of residential, commercial, recreational, entertainment, office, and civic uses within single buildings (vertical mix use), or within a neighborhood (horizontal mixed use). Mixed Use development patterns are encouraged as part of Transit-Oriented Development (TOD) projects and other special districts (Historic Downtown and neighborhood commercial centers, for example).

The specific configurations, densities, heights and other details of Mixed Use developments should be approved as part of the project design and approval process utilizing zoning rules, design guidelines and standards, yet to be determined

Residential Business

The Residential Business category is also a type of mixed-use category, supporting low-scale, low-intensity commercial and business operations as transitions to adjacent residential neighborhoods.

Residential Business developments should (1) be low in scale and intensity, (2) share design characteristics with nearby residential uses, (3) provide a good neighborhood "fit" and (4) exude a distinct residential character.

Where possible, existing homes should be preserved and converted as part of Residential Business developments. Where this is not possible, or where existing structures and site conditions are prohibitive, two or more lots can be consolidated to meet the intent of this land use type. The number of curb cuts

providing vehicular access to Residential Business sites should be minimized, and parking consolidated where possible.

The specific configurations, densities, heights and other details of Residential Business developments should be approved as part of the project approval process utilizing zoning rules, design guidelines and standards, yet to be determined

Medical

The proposed IHC Regional Medical Center site has been designated as a distinct land use category.

Other Future Land Use Changes

The following describes other key land use changes envisioned for Murray City. The implementation of these changes will require time, perseverance and clear vision on the part of those charged with implementing this plan.

- The residential mix will increase slightly, primarily the result of medium-density single-family infill development on vacant and agricultural land, and as part of mixed-use projects.
- Civic and community land will decrease substantially, primarily the result of reclassifying particular uses as part of other categories.
- The amount of commercial land will increase slightly, the result of infill development on vacant land, and land changes within the central core area.
- Office uses will increase, primarily along key transit ways and within the core commercial area.
- The amount of land dedicated to parks, open space and trails will increase somewhat. This is due to (1) the designation of continuous open space corridors along the Jordan River, Big and Little Cottonwood Creeks and other open space corridors; (2) official designation of all parks as a specific land use category²; and (3) the introduction of a limited number of new community and local parks (see Chapter 6 for details.)
- "Drawing a line" around existing commercial precincts to protect adjacent residential areas. New land uses at the perimeter of existing residential areas should help stabilize existing neighborhoods and support the creation of a quality residential environment.
- Creating large mixed-use districts in the city core to accommodate a range of commercial and residential uses. Mixed-use development will also support redevelopment and densification, maximize the advantage supplied by TRAX and commuter rail proximities, and help create a more diverse and responsive core district.
- Encouraging mixed-use development in the Historic Downtown area to help stabilize the unique neighborhood profile and increase 24-hour activity in the area. Land uses in adjacent residential areas should also be stabilized to support the historic nature of the area, and the Historic Residential Area east of Historic Downtown should support mixed uses.
- The civic/institutional land use profile around City Hall is maintained, with city hall remaining in its present location as a landmark institution. The former county fair grounds and southern portion of Murray Park should continue to redevelop into a site for major civic, cultural and recreational uses, with park and visitor uses such as hotels further to the south.
- The IHC Regional Medical Center site should take advantage of Little Cottonwood Creek as a usable and aesthetic parkway. Hospital buildings and service areas should be designed and sited to provide a continuous, pleasant and generous pedestrian passage through the site from the north,

south, east and west, particularly to accommodate pedestrian movement between Historic Downtown and Murray Central TRAX Station.

- **Mixed used development should be encouraged around the IHC site and Historic Downtown to help create a more thriving city center and entertainment district, and to provide downtown housing options.**
- Current efforts to transform Historic Downtown into a cultural center should continue, but not necessarily as a major source of tax revenue. The fine-grain streets, historic character, existing entertainment uses and unique State Street setting should be maintained in a effort to make Historic Downtown a unique, pedestrian-oriented cultural destination.
- **Land use changes along Big and Little Cottonwood Creeks and the Jordan River should be implemented. The result should be an interconnected and meaningful open space system.**
- **Existing uses along State Street should be cleaned up and beautified.**
- **State Street auto dealerships should be encouraged to maintain operations at existing locations and within existing commercial boundaries.**
- **State Street should be enhanced to become the main connector between hospital and medical uses, auto dealerships, and Fashion Place Mall. New entertainment and office uses should be encouraged throughout the State Street area.**
- **State Street north of 4800 South should be redeveloped as part of the Historic Downtown mixed use neighborhood.**
- **Cottonwood Street should be developed with land uses that are compatible with adjacent and nearby residential, Transit-Oriented Development (TOD) and mixed-use areas. This corridor could be the site for smaller start-up business and incubator space.**
- 900 East is changing, and will require additional analysis. Additional design investigations should evaluate the conversion of 900 East corridor into a parkway that links Wheeler Farm, residential and business uses with important community gateway locations.
- The corner property south of Wheeler Farm should retain a strong open space presence that supports the park.
- **Winchester Street should be developed into a green parkway, linking Wheeler Farm in the east with Jordan River Parkway to the west.**
- **4500 South from 700 West to State Street should be transformed into a major commercial corridor. Redevelopment should maximize the advantage of nearby freeway access points and scheduled roadway improvements.**
- **Transportation improvements should be focused in the central core area, west of State Street and east of I-15. Improvements to east-west running streets east of State Street should be a second priority, and should not conflict with the established character of the residential neighborhoods.**

Corresponding Zoning Changes

The zoning changes required to achieve the future land uses described above are illustrated in Map 2-5.

Goals and Policies

Goal: To bring the Murray City Zoning Ordinance into conformance with the updated 2003 General Plan.

Policy: To rewrite the Murray Zoning Ordinance to achieve a more workable and current ordinance that supports the General Plan.

Implementation Measure: Modify the Official Zoning Map to reflect the zoning changes illustrated in Map 2-4 (Future Land Use) and Map 2-5 (Proposed Zoning Changes).

² At present, most, but not all, parks are classified as residential land uses.

Implementation Measure: Modify the Official Land Use Plan to reflect the changes illustrated in Map 2-4 (Future Land Use).

Implementation Measure: Rezone currently zoned Agricultural land to a more appropriate zone according to the Future Land Use Map, and transition the Agricultural Zone out.

Implementation Measure: Ensure that all public parks, utility rights-of-ways used for trails and recreational purposes, buffers, golf courses, and other open spaces are designated as open space. Rezone all open space uses accordingly.

Implementation Measure: Create a mixed-use development zone in which a mixture of residential, commercial, recreational, entertainment, office, and civic uses is encouraged and supported. Architectural and site development standards should be developed and strictly enforced. Rezone all Mixed Use Areas accordingly.

Implementation Measure: Establish new and revised commercial zoning classifications that accomplish transit-oriented development, Historic Downtown development standards, Medical campus and mixed use opportunities such as those referred to in Maps 2-4 to 2-7.

Implementation Measure: Do not allow new commercial development in transitional areas adjacent to residential neighborhoods.

Goal: To preserve and protect the quality of life for viable residential neighborhoods. (Also see Chapter 3 – Urban Design)

Policy: Establish, enhance and maintain appropriate transitions, buffers, and screens to protect residential neighborhoods from encroachment by inappropriate commercial, industrial, and other uses that have incompatible characteristics.

Implementation Measure: Identify existing residential neighborhood edges that require stabilization.

Implementation Measure: Require buffers, screens, and transitional uses in the zoning and development ordinance and develop a palette of possible treatments as examples for implementation.

Implementation Measure: Enhance the image of residential streets where necessary with street trees, pedestrian-scale lighting, and other street furnishings.

Implementation Measure: In order to retain a strong open space presence, require additional site review for development of the vacant corner property south of Wheeler Farm.

Policy: Ensure that public health and safety is addressed as the City develops and changes.

Implementation Measure: Locate sites for all necessary public facilities, including a new east-side fire station.

Goal: Stimulate redevelopment of deteriorating and threatened areas of the city.

Policy: To identify areas where redevelopment will most benefit the city and where market driven redevelopment is most appropriate.

Implementation Measure: Establish site development and design guidelines to ensure quality development that is consistent with the Murray City General Plan.

Implementation Measure: Develop partnerships for both RDA and market-driven projects to maximize the benefit to the community.

Goal: Master Plan around transit oriented development opportunities.

Policy: Continue on-going communications with Utah Transit Authority concerning the three existing TRAX stations and the development of a commuter rail station in Murray.

Implementation Measure: Define Transit Oriented Development (TOD) districts.

Implementation Measure: Coordinate with UTA and WFRC in the development of a plan for the commuter rail station.

Implementation Measure: Prepare a detailed study for the proposed commuter rail station.

8 Economic Development

The Economic Development Element evaluates the current economic activity in the City and makes recommendations for future economic development initiatives.

Existing Conditions

Revenue Sources

Murray City's 2001 budget generated revenues of \$24,069,690. The income from sales tax was by far the largest source of revenues for the City. Sales tax accounted for more than half (51.9 percent) of the general fund revenues. Property taxes also made up a substantial part of Murray's income at 13 percent (see Figure 8-1).

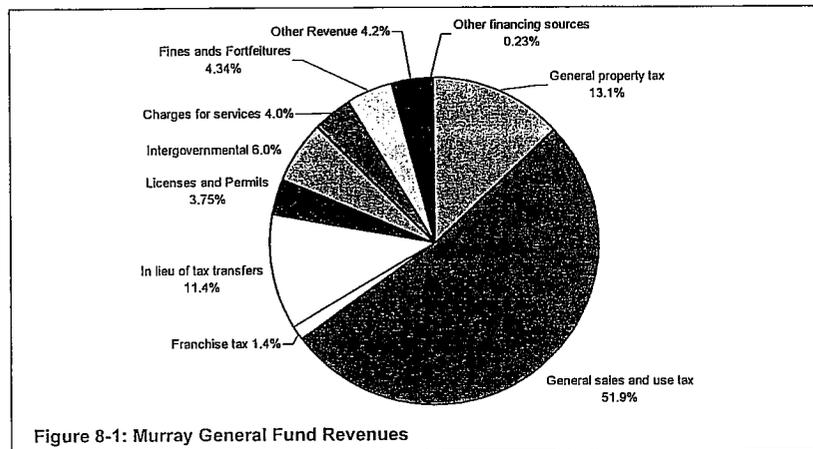


Figure 8-1: Murray General Fund Revenues

Property Tax Base

The majority of Murray's property tax revenue comes from residential property followed by retail and office property. Retail and office properties make up a total of 18.9 percent of the total market value for Murray but this greatly increases to 28.4 percent of the total taxable value. This is a result of nearly all residential property owners only being taxed on 55 percent of their property's value.

Table 8-1
Property Values and Acreage by type

	MARKET VALUE		TAXABLE VALUE		AREA	
	Amount	% of total	Amount	% of total	Acres	% of total
Residential	\$2,040,067,700	60.3%	\$1,113,994,845	50.9%	269,164	50.1%
Industrial	139,952,900	4.1%	135,570,843	6.2%	23,756	4.4%
Commercial	184,929,300	5.5%	141,874,403	6.5%	37,075	6.9%
Retail	341,418,800	10.1%	333,605,005	15.2%	32,669	6.1%
Office	296,921,320	8.8%	286,949,983	13.2%	17,859	3.3%
Warehouse	98,186,120	2.9%	96,796,601	4.4%	20,918	3.9%
Vacant Residential	21,962,310	0.6%	13,245,101	0.6%	23,282	4.3%
Vacant Commercial	41,121,650	1.2%	41,004,233	1.9%	13,059	2.4%
Vacant Industrial	20,001,200	0.6%	19,897,475	0.9%	10,396	1.9%
Other	196,678,520	5.8%	5,142,935	0.2%	88,667	16.5%
TOTAL	3,381,239,820	100.0%	2,190,081,224	100.0%	536,845	100.0%

Source: Salt Lake County Assessor's Office; Wikstrom Economic & Planning Consultants, Inc.

Murray City has a higher percentage of taxable property value from commercial and industrial properties than the average city in Salt Lake County. The taxable value of Murray's residential property represents a significantly lower percentage of the City's total taxable property value compared to the County average even though its percentage of total market value is only slightly below the average.

Table 8-2
Percentage of Total Property Value by Property Type

	% Of total value (market or taxable)	SOUTH SALT LAKE					Average of SL County cities
		MURRAY	MIDVALE	SANDY	LAKE	TAYLORSVILLE	
Residential	% Market	60.3%	67.9%	75.8%	34.0%	77.3%	66.1%
	% Tax	50.9%	60.6%	72.2%	28.9%	75.3%	65.1%
Commercial	% Market	23.7%	18.2%	11.9%	18.4%	12.1%	11.7%
	% Tax	33.9%	28.6%	19.7%	28.1%	20.4%	18.1%
Industrial	% Market	6.9%	4.8%	2.1%	24.0%	1.0%	4.9%
	% Tax	10.4%	7.5%	3.3%	37.3%	1.7%	7.8%
Recreational, Open Space	% Market	0.3%	0.1%	0.3%	0.1%	0.3%	1.2%
	% Tax	0.0%	0.0%	0.3%	0.0%	0.1%	1.1%
Agricultural	% Market	0.0%	0.0%	0.1%	0.0%	0.2%	3.0%
	% Tax	0.0%	0.0%	0.0%	0.0%	0.0%	0.2%
Government	% Market	1.5%	3.5%	3.0%	14.0%	2.4%	3.5%
	% Tax	0.1%	0.0%	0.1%	0.0%	0.2%	0.1%
Not for profit	% Market	3.9%	3.6%	4.2%	5.8%	5.3%	4.9%
	% Tax	0.0%	0.1%	0.0%	0.1%	0.0%	0.1%
Vacant	% Market	3.3%	2.1%	2.6%	3.8%	1.5%	4.7%
	% Tax	4.7%	3.2%	4.2%	5.7%	2.3%	7.4%

Source: Salt Lake County Assessor's Office; Wikstrom Economic & Planning Consultants, Inc.

Commercial Activity

Murray City experienced continued growth in total sales at an average annual rate of 1.8 percent throughout the 1990s. Since 1999, total gross sales have declined from \$1.4 billion to \$1.3 billion. Sales are not only declining in Murray but in Salt Lake County as a whole. Salt Lake County's sales have declined 0.8 percent from 1999 to 2001 while Murray's gross sales declined over 10 percent when adjusted for inflation over the same two year time period.

Despite the recent decline in sales, Murray City still maintains a strong commercial base. Murray City's gross taxable sales per capita totaled over \$40,000 for the year 2000, more than double the County's per capita sales of \$18,250. Murray's 2001 gross taxable sales totaled over \$1.3 billion. Motor vehicle sales accounted for over 28 percent of the total followed by general merchandise retail sales and furniture sales comprising over 12 and 10 percent of total sales respectively. Figure 8-2 breaks down Murray's total taxable sales for 2001 by percentage.

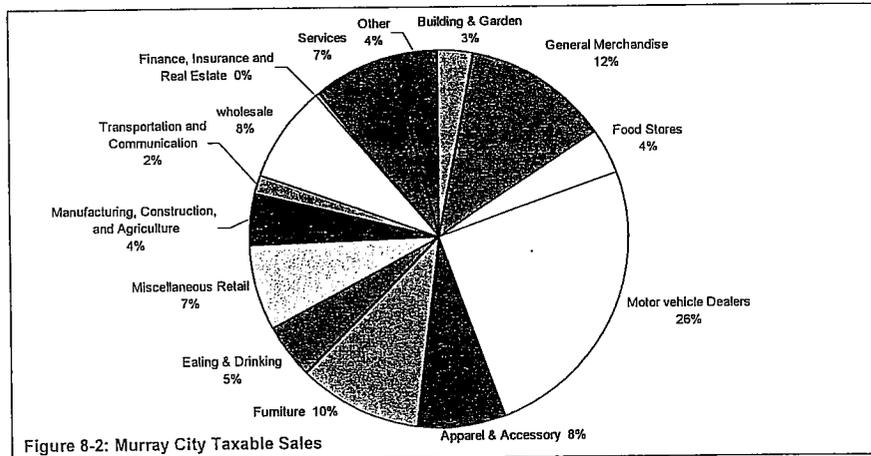


Figure 8-2: Murray City Taxable Sales

Leakage

A leakage analysis was conducted to determine the amount of consumer dollars that could be captured by Murray City that are currently being lost to businesses outside of city limits. Murray City consumers may be spending money elsewhere because certain types of establishments are unavailable to them or the existing commercial establishments in the area are not suitable in quality or quantity. The analysis allows us to see which commercial establishments are capturing consumer dollars and which ones are not. By determining which commercial categories have leakage, Murray City can assess the potential to recapture lost sales by adding new commercial establishments.

The Utah Tax Commission tracks direct sales by gross sales amount and by standard industrial classification (SIC) code. With the use of sales per capita in each category, the consumption patterns of Murray City are compared to the consumption of the average Utah consumer. The State's per capita

expenditure in each commercial classification is calculated by dividing the category's gross sales by the state's population. In theory, Murray City residents should be spending as much as the average Utah consumer. The expected (potential) Murray City gross sales for each commercial classification is calculated by multiplying the state's per capita sales in each category by the number of Murray City residents. This amount – expected sales – is then compared to the actual gross sales of the City in each category. If actual sales exceed expected sales, this particular commercial category is capturing more than what could be expected from Murray City households. Two things can be deduced from this; either Murray City residents are spending more than their Utah counterparts or non-city residents are spending their consumer dollars in the City. The latter is most likely the case. Conversely, if actual sales are less than expected sales, there is "leakage" in that category. In other words, Murray City residents are most likely spending their consumer dollars within these commercial categories outside of the City.

Murray City is capturing significant sales from other communities in most of the commercial categories. In particular, the apparel and accessory category is well represented, as well as the motor vehicle and furniture categories. Leakage is occurring in the entertainment and amusement and the hotels and lodging categories. Within the entertainment and amusement category, the motion picture theater segment shows the most leakage, losing over \$1 million in annual sales to surrounding communities. This is an opportunity that should be explored by the city.

The following table lists the leakage for the major sales categories as well as for the theater sub-category. A negative leakage number represents the amount that Murray consumers spend outside of the City. A positive number or rate over 100 percent indicates that more consumer dollars are spent in Murray than what the City's population spends. A negative number or rate below 100 percent represents fewer consumer dollars are spent.

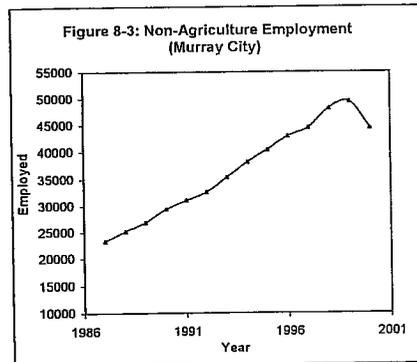
Table 8-3
Leakage Analysis of Murray Sales

Category	Per capita leakage	Total leakage	Capture rates
Building & Garden	\$602.70	\$20,885,923	194.8%
General Merchandise	3,301.56	114,412,149	344.5%
Food Stores	81.47	2,823,361	105.3%
Motor Vehicle Dealers	8,358.15	289,643,332	637.5%
Apparel & Accessory	2,524.60	87,487,443	822.5%
Furniture	3,403.65	117,950,177	696.0%
Eating Places	1,024.21	35,493,118	220.8%
Miscellaneous Retail	2,476.60	85,824,143	383.5%
Hotels & Lodging	-53.88	-1,867,285	79.3%
Personal Services	44.94	1,557,501	149.7%
Business Services	75.06	2,601,241	114.9%
Auto & Misc. Repair	1,002.13	34,727,682	281.5%
Entertainment & Amusement	-34.67	-1,201,463	89.0%
Motion Picture Theaters sub-category	-41.64	-1,443,013	3.6%
TOTAL	22,806.53	-790,337,320	341.7%

Source: Utah State Tax Commission; Wikstrom Economic & Planning Consultants, Inc.

Employment Activity

Murray has seen a steady increase in the number of people employed with a sharp decrease in only the last couple years (See Figure 8-3). From 1987 to 1999, average annual growth had been at 6.5 percent. Most of this growth is attributable to increases in the employment for the Services, Construction, and Finance, Insurance, & Real Estate (FIRE) industries over this period. The year 2000 saw a sharp 10 percent drop in the number of employed, going from 49,400 to 44,500 according to the Department of Workforce Services. This decrease is mostly attributable to a decline of employment in the Services, Trade (wholesale and retail) and Manufacturing industries combined with declines or slow growth in all other industries.



The sectors with the largest employment base for Murray City are the Services and Trade industries. They comprise 34.6 and 24.7 percent of all Murray jobs respectively.

Table 8-4
Number of Employees by sector, 1991, 1994, 1997, 2000

Year	1991	1994	1997	2000	Average annual % change 1991-2000	Average annual % change 1997-2001
Mining	19	35	11	6	-12.0%	-18.29%
Construction	2,434	3,049	4,350	4,744	7.7%	2.93%
Manufacturing	2,820	3,026	3,497	2,901	0.3%	-6.04%
Trans./Comm./ Public Util.	1,521	2,501	2,793	3,265	8.9%	5.34%
Trade	10,362	11,517	12,067	11,003	0.7%	-3.03%
FIRE	2,275	3,418	4,116	4,568	8.1%	3.53%
Services	10,260	12,720	15,088	15,395	4.6%	0.67%
Government	1,340	1,927	2,586	2,590	7.6%	0.05%
Total non-agricultural	31,031	38,195	44,502	44,472	4.1%	-0.02%

Source: Utah Department of Employment Security; Wikstrom Economic & Planning Consultants, Inc.

The development of a regional hospital will add substantially to these employment figures. It is estimated that the new hospital will add 4,500¹ employees over its first couple years of operation. The regional hospital is expected to begin operations in 2005 or 2006. It is also estimated that new corporate offices will employ over 750 individuals. Additional office development will also impact employment opportunities within the city.

¹ Estimates were obtained from a telephone interview with Cottonwood Hospital Administration on December 18, 2002

Economic Impact of Annexation

Murray City has a very strong commercial tax base. Compared to other cities in Salt Lake County, Murray's commercial and industrial tax base is almost twice the average. Murray's recent annexations will add 781 acres of residential land and 30 acres of commercial land to the city. This will reduce Murray's ratio of commercial taxable value to total taxable value from 34 percent to 30 percent (see Table 8-5). Note, however, that this is still substantially higher than the average for all cities in the county. One way of addressing this change is through planning for more intensified use of areas that are already established as commercial zones.

Table 8-5
Economic Comparison: Pre/Post 2002 Annexation

LAND USE	COMMERCIAL/RETAIL/OFFICE	INDUSTRIAL	RESIDENTIAL	OTHER
Current Murray City (acres)	744.9	482.6	2,359.8	3,775.4
Taxable Value	\$743,194,535	\$227,183,305	\$1,113,994,845	\$105,708,539
Taxable Value as % Total	34%	10%	51%	5%
Average Taxable Value/Acre	\$997,700	\$470,763	\$472,075	\$27,999
Annexation Area (acres)	30.2	0.0	780.9	0.0
Total After Annexation (acres)	775.1	482.6	3,140.7	3,775.4
Estimated Taxable Value After annexation	\$773,325,061	\$227,183,305	\$1,482,635,618	\$105,708,539
Taxable Value as % Total	30%	9%	57%	4%
Salt Lake County Average	18%	8%	65%	9%

Goals and Policies

Goal: To expand commercial growth within the commercial core and designated strategic areas of Murray City as illustrated in Map 8-1.

Policy: Focus retail and business expansion efforts within the commercial core and strategic areas included in Map 8-1.

Implementation Measure: Identify any underutilized or undeveloped parcels located within Murray's commercial core (estimated at 700 acres) and concentrate economic development strategies on these areas.

Goal: To increase the regional draw of Murray's economy.

Policy: Take advantage of regional transportation systems by locating major traffic-generating uses at sites served by freeways, major highways and mass transit.

Implementation Measure: Relocate lower-value businesses that are near areas with high amounts of traffic so that these areas will offer opportunities for higher value commercial use.

Goal: Promote mixed-use developments that integrate residential, office and retail uses.

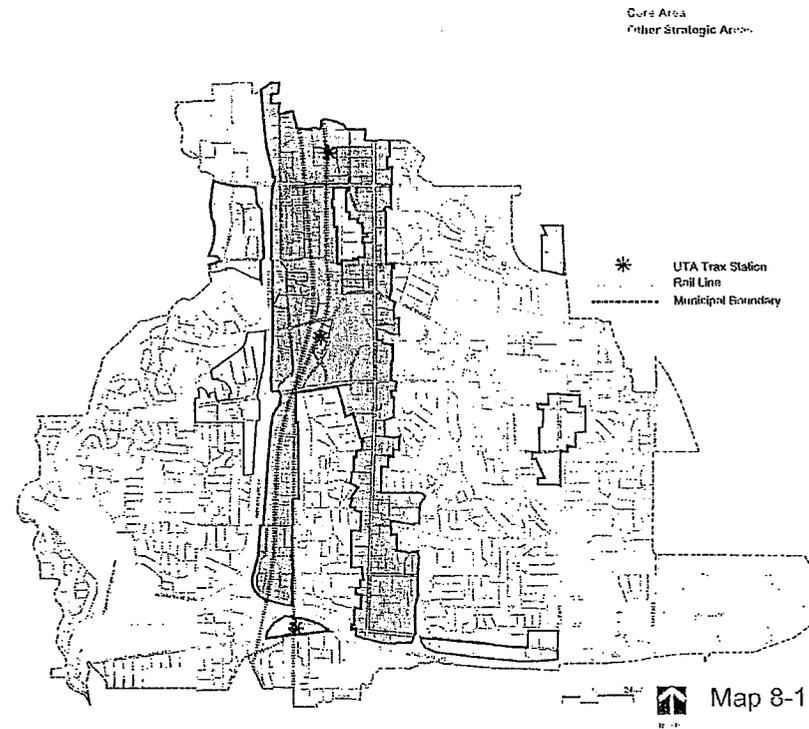
Policy: Support mixed use development proposals that provide for a well-integrated mix of residential with retail and/or office.

- Implementation Measure:* Identify sites that are suitable for mixed-use projects; target transit station areas for transit-oriented, mixed-use design.
- Goal:** Advance the economic health of all of Murray City including its commercial AND residential areas.
- Policy:* Support existing businesses and established commercial nodes.
- Policy:* Enhance the quality of residential neighborhoods.
- Goal:** To strengthen the City's medical related commercial activity.
- Policy:* Foster the interest and growth of hospital and medical related services and research.
- Implementation Measure:* Develop a plan that focuses on attracting health-care and biomedical related businesses that will complement current and future medical related developments.
- Implementation Measure:* Recognize the aging demographic of Murray and assure that a broad range of medical services for the elderly is created, including residential facilities.
- Goal:** To increase the number of consumers of Murray's retail businesses.
- Policy:* Establish a plan to increase the marketability of areas with a strong retail presence.
- Implementation Measure:* Identify the areas within Murray that have a strong retail presence. Plans should include the redesign and renovation of each area that is determined to be in need of improvement. Also, plans should include the improvement of pedestrian access to all Murray Businesses. Areas near residential zones should be designed to be pedestrian friendly.
- Goal:** To increase the utilization of land in Murray City.
- Policy:* Combine underused properties to make parcels that are "development ready." Redevelop underused land to make it fit for commercial or industrial use.
- Implementation Measures:* Combine properties that are underutilized for future development. Replace older residential structures and outdated commercial buildings with commercial developments that allow for higher utilization of the land, *while maintaining important historical structures.* Identify and redevelop areas that topographically are not suitable for commercial and industrial use into high-density residential areas.
- Goal:** To retain existing businesses within Murray City.
- Policy:* Improve business expansion and retention efforts.
- Implementation Measure:* Identify the areas that may experience high rates of turnover and focus expansion and retention efforts on these areas and offer assistance to businesses in meeting expansion needs.

- Goal:** Expand the types of businesses available in Murray City.
- Policy:* Expand the amount of entertainment, amusement and lodging opportunities in Murray City.
- Implementation Measures:* Target regional theaters/cinemas for locations in Murray. Develop a facility to host performing arts productions. Recruit a full-service hotel.

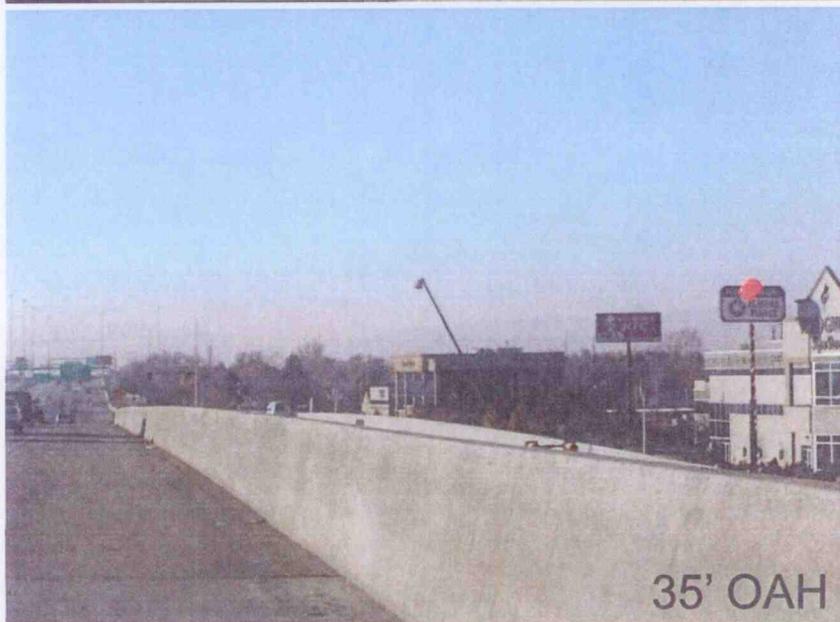
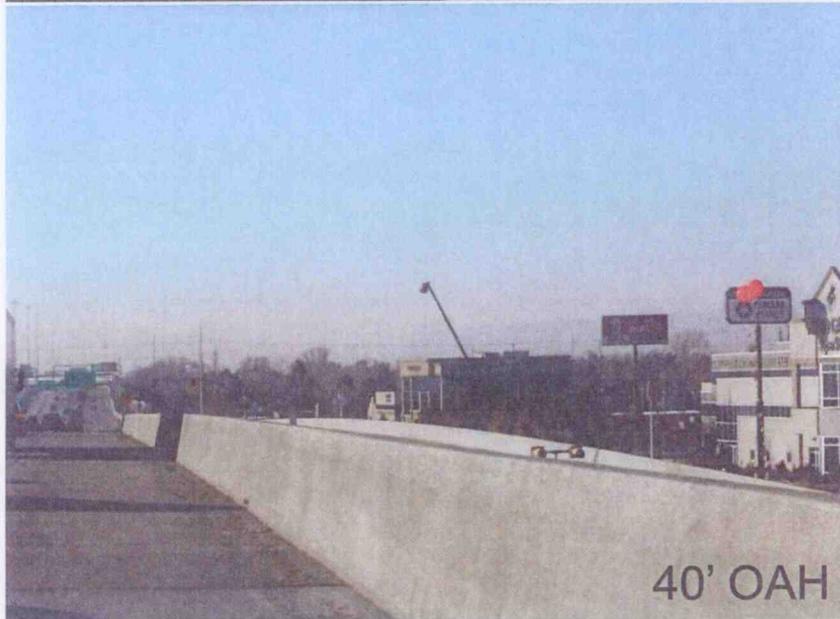
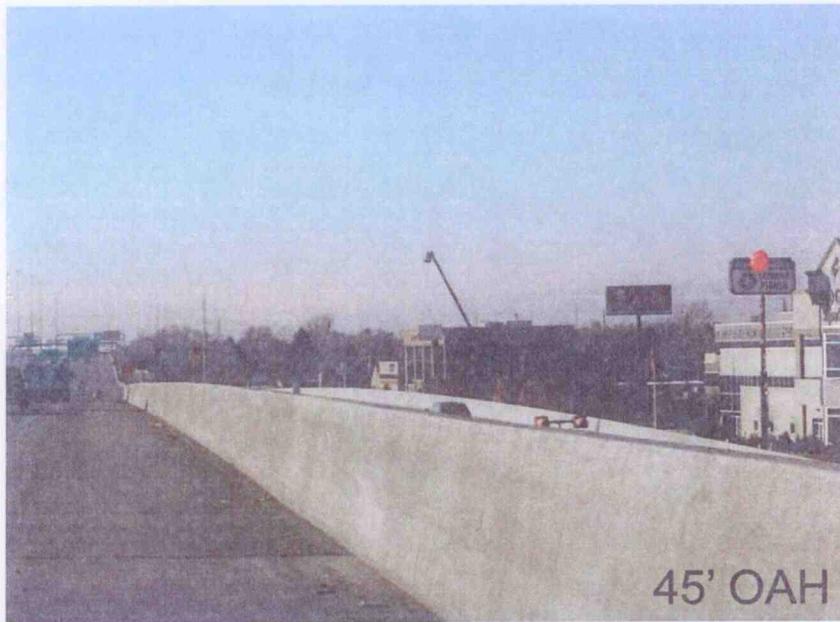
Economic Development:
Commercial Opportunity Areas

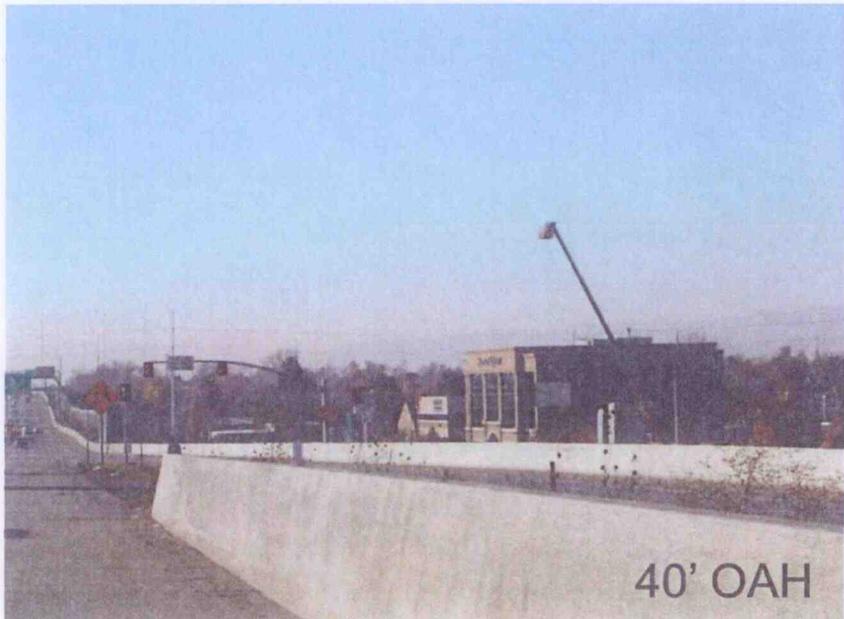
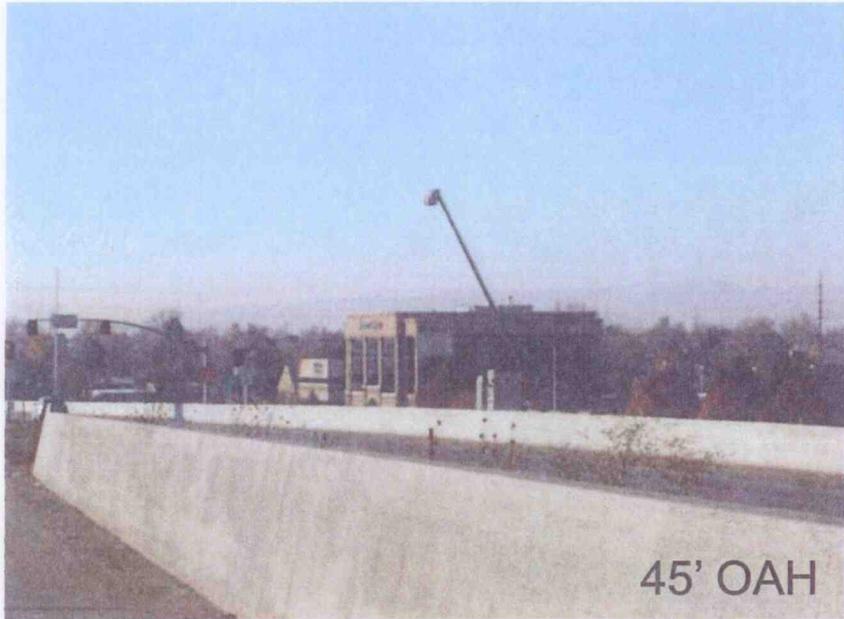
**Murray City
General Plan**



ATTACHMENT 4

ATTACHMENT 5



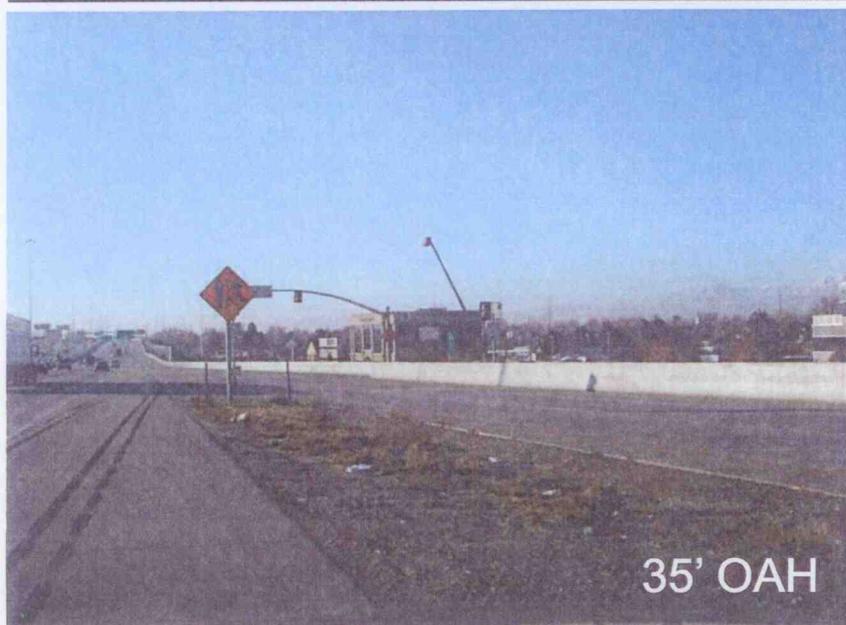




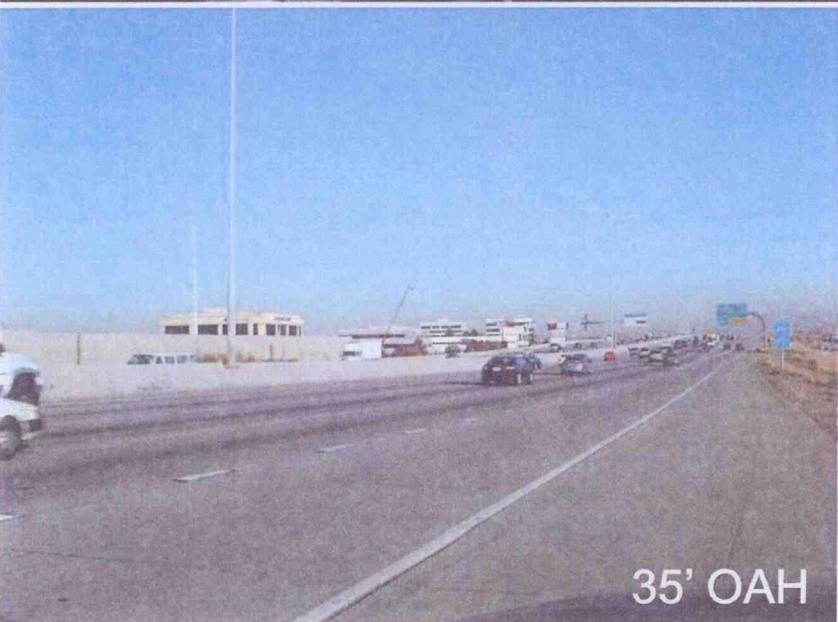
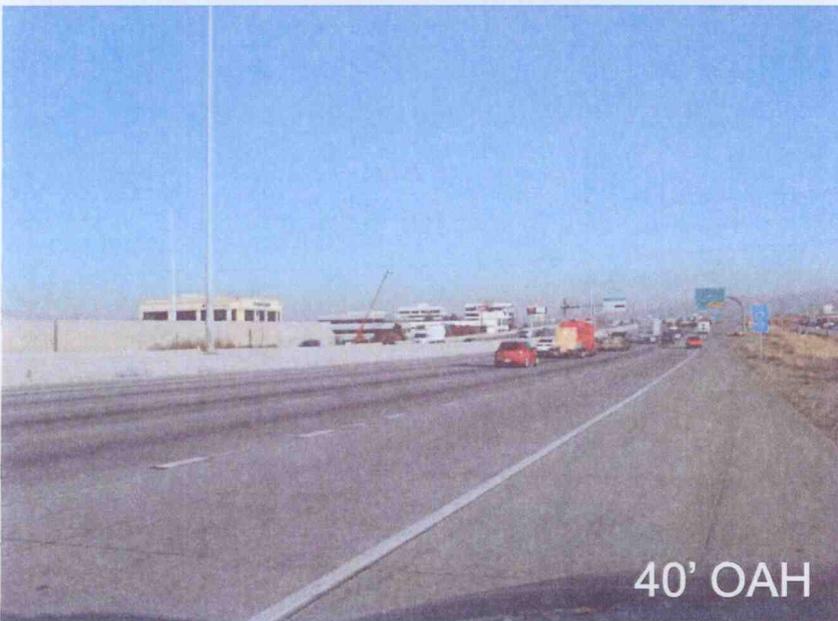
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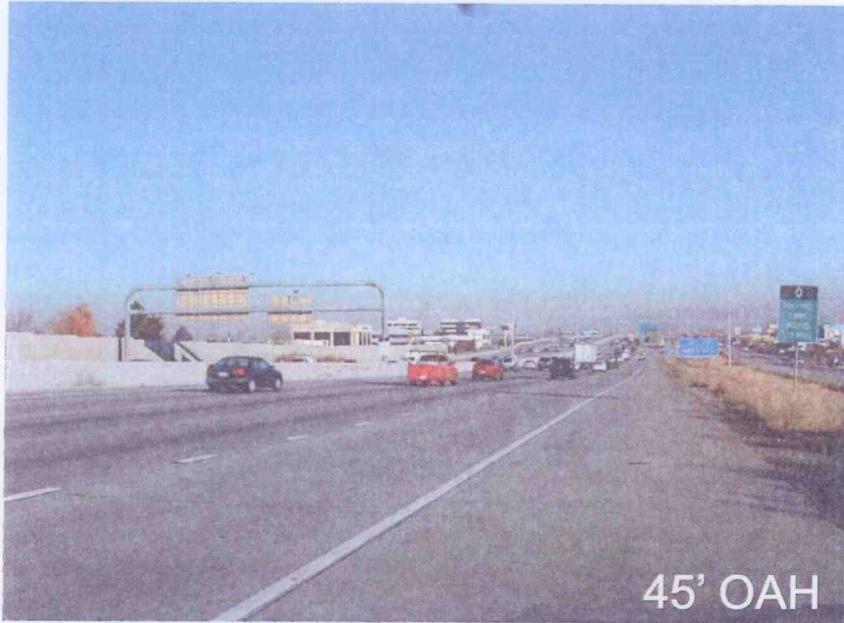


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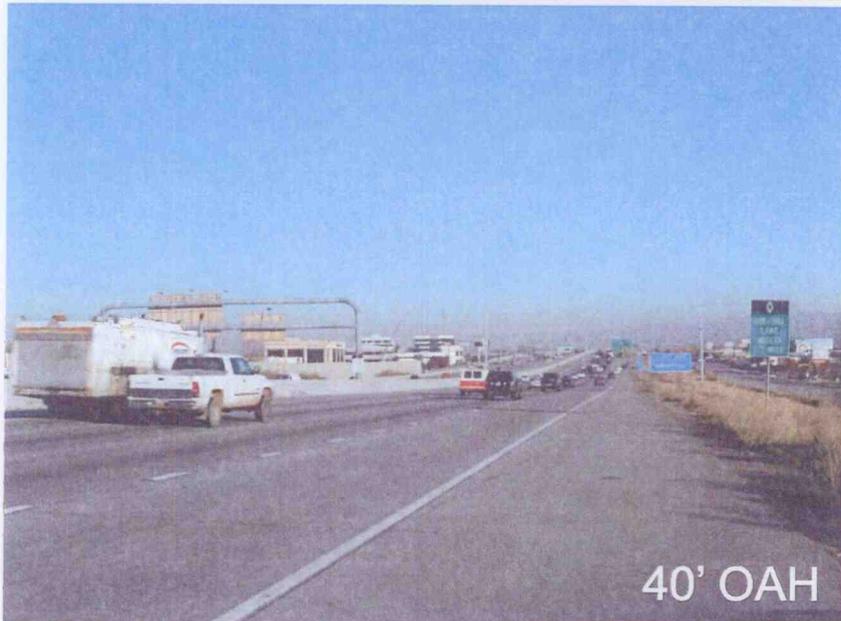


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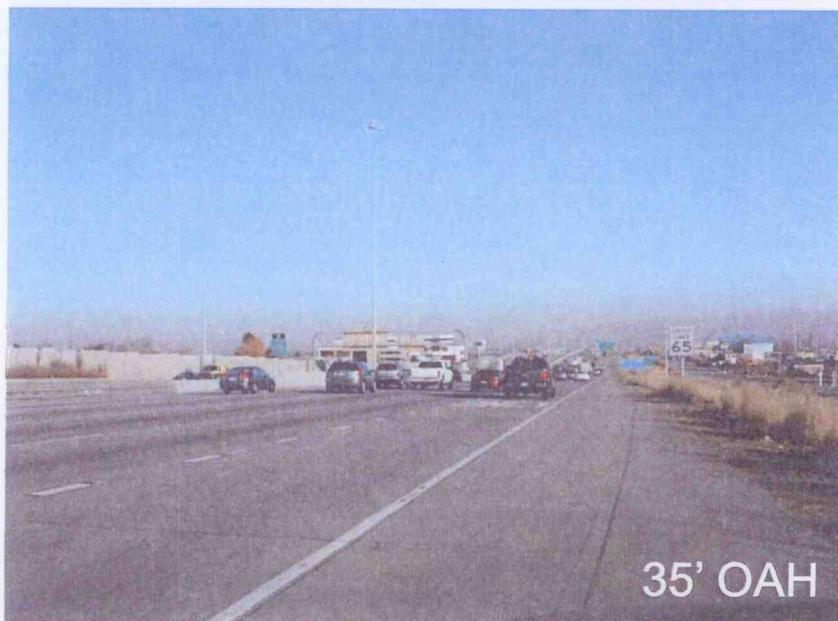




45' OAH



40' OAH



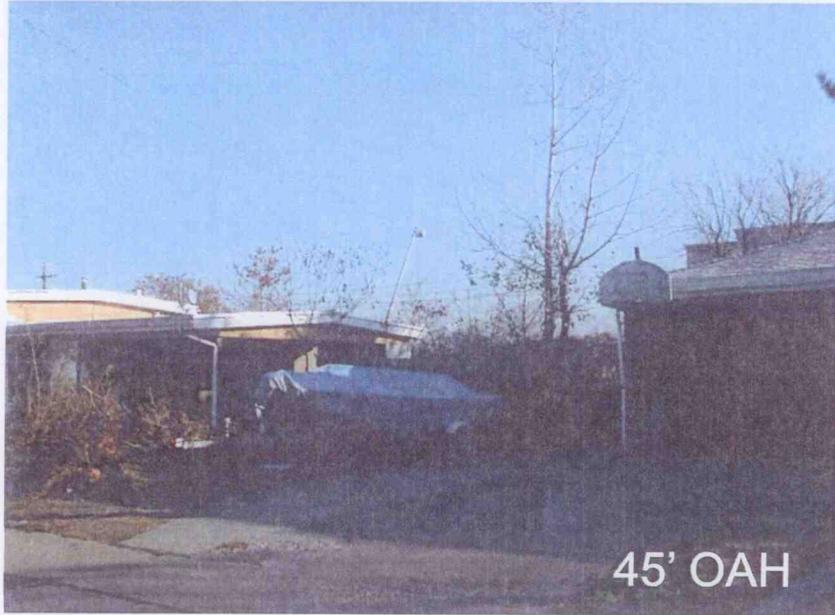
35' OAH



45' OAH



45' OAH



45' OAH

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TAYLORSVILLE UT 84118

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8000 S 1700 W
WEST JORDAN UT 84088

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5250 S COMMERCE DR #180
MURRAY UT 84107

MURRAY SCHOOL DIST
ATTN: PAT O'HARA
147 E 5065 S
MURRAY UT 84107

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MIDVALE UT 84047

SALT LAKE COUNTY
PLANNING DEPT
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SLC UT 84190

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2500 S STATE ST
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12840 PONY EXPRESS ROAD
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SLC UT 84145-0360

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8215 S 1300 W
WEST JORDAN UT 84088

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OREM UT 84058

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HOLLADAY UT84117

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CTNWD HEIGHTS UT 84047

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10000 CENTENNIAL PRKWY
SANDY UT 84070

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WEST VALLEY UT 84119

UTOPIA
Attn: TOM MARRIOTT
2175 S REDWOOD RD
WEST VALLEY CITY UT 84119

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*Amend
G-O sign
regulation*

ACCOUNT NAME			
MURRAY CITY RECORDER,			
TELEPHONE	ADORDER# / INVOICE NUMBER		
8012642660	0000831425 /		
SCHEDULE			
Start 10/21/2012	End 10/21/2012		
CUST REF NO			
G-O Zone PC 11/1			
CAPTION			
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NOTICE OF PUBLIC HEARING**
NOTICE IS HEREBY GIVEN that on the 1st day of November, 2012, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City, 5025 South State Street, Murray, Utah, the Murray City Planning Commission will hold and conduct a public hearing for the purpose of receiving public comment on a land use ordinance amendment, section 17.48, for amend sign regulations in the G-O Zone.
MURRAY CITY CORPORATION
Crista Wilkinson, Manager
Community & Economic Development
831-425- UPAFLP

AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF **MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN** that on the 1st day of November, 2012, at the hour of 6:30 p.m. of said day in the Coun FOR **MURRAY CITY RECORDER**, WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH, AGENT FOR THE SALT LAKE TRIBUNE AND DESERET NEWS, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINATELY.

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CUSTOMER'S COPY

CUSTOMER NAME AND ADDRESS	ACCOUNT NUMBER	DATE
MURRAY CITY RECORDER, 5025 S STATE, ROOM 113 MURRAY, UT 84107	9001341938	11/5/2012

FILE COPY

text amend
sign reqs
in G-0
zone

ACCOUNT NAME	
MURRAY CITY RECORDER,	
TELEPHONE	ADORDER# / INVOICE NUMBER
8012642660	0000834740 /
SCHEDULE	
Start 11/04/2012	End 11/04/2012
CUST. REF. NO.	
Sign Amend	
CAPTION	
MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN	
SIZE	
24 Lines	1.00 COLUMN
TIMES	RATE
4	
MISC. CHARGES	AD. CHARGES
TOTAL COST	
45.32	

MURRAY CITY CORPORATION
NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN that on the 15th day of November, 2012, at the hour of 6:30 p.m. of said day in the County of Salt Lake, in the Council Chambers of Murray City, Center, 5025 S. State Street, Murray, Utah, the Murray City Planning Commission will hold and conduct a public hearing for the purpose of receiving public comment on and use of ordinance 1911 amendment to section 11.06 to amend sign regulations in the G-0 zone.

MURRAY CITY CORPORATION
Chad Wilkinson, Manager
Community & Economic Development
834740 UPXLP

AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF **MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN** that on the 15th day of November, 2012, at the hour of 6:30 p.m. of said day in the County of Salt Lake, FOR **MURRAY CITY RECORDER**, WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH, AGENT FOR THE SALT LAKE TRIBUNE AND DESERET NEWS, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINITELY.

PUBLISHED ON Start 11/04/2012 End 11/04/2012

SIGNATURE

[Handwritten Signature]

DATE

11/5/2012

VIRGINIA CRAFT
Notary Public, State of Utah
Commission # 581469
My Commission Expires
January 12, 2014



[Handwritten Signature: Virginia Craft]

THIS IS NOT A STATEMENT BUT A "PROOF OF PUBLICATION"
PLEASE PAY FROM BILLING STATEMENT

Order Confirmation for Ad #0000845667-01

Client	MURRAY CITY CORP.	Payor Customer	MURRAY CITY CORP.
Client Phone	801-264-2662	Payor Phone	801-264-2662
Account#	9001344649	Payor Account	9001344649
Address	5025 S STATE ST ROOM 113 MURRAY UT 84107 USA	Payor Address	5025 S STATE ST ROOM 113 MURRAY UT 84107
Fax		Ordered By	Acct. Exec
E-Mail	aromanczyk@murray.utah.gov	Andrea	mfultz

Total Amount	\$57.08			
Payment Amt	\$0.00			
Amount Due	\$57.08	Tear Sheets	Proofs	Affidavits
		0	0	1
Payment Method		PO Number	PH 12-34	

Confirmation Notes:
Text: Andrea

Ad Type	Ad Size	Color
Legal Liner	1.0 X 31 Li	<NONE>

Product	Placement	Position
Salt Lake Tribune::	Legal Liner Notice - 0998	Public Meeting/Hear-ing Notices
Scheduled Date(s):	12/23/2012	
Product	Placement	Position
Deseret News::	Legal Liner Notice - 0998	Public Meeting/Hear-ing Notices
Scheduled Date(s):	12/23/2012	
Product	Placement	Position
sltrib.com::	Legal Liner Notice - 0998	Public Meeting/Hear-ing Notices
Scheduled Date(s):	12/23/2012	
Product	Placement	Position
utahlegals.com::	utahlegals.com	utahlegals.com
Scheduled Date(s):	12/23/2012	

Ad Content Proof Actual Size

Murray City Corporation
NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN that on the 8th day of January, 2013, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Municipal Council will hold and conduct a hearing to receive public comment concerning an ordinance amendment to Section 17.48.120 of the Murray City Municipal Code to allow for additional height and size for signs on properties adjacent to I-15 and I-215 in the G-O zoning district.
DATED this 17th day of December, 2012.
MURRAY CITY CORPORATION
City Recorder
DATE OF PUBLICATION:
December 23, 2012
PH 12-34
845667 UPAJLP

P/C AGENDA MAILINGS
"AFFECTED ENTITIES"
Updated 11/1/12

UDOT - REGION 2
ATTN: MARK VELASQUEZ
2010 S 2760 W
SLC UT 84104

UTAH TRANSIT AUTHORITY
ATTN: PLANNING DEPT
PO BOX 30810
SLC UT 84130-0810

TAYLORSVILLE CITY
PLANNING & ZONING DEPT
2600 W TAYLORSVILLE BLVD
TAYLORSVILLE UT 84118

WEST JORDAN CITY
PLANNING DIVISION
8000 S 1700 W
WEST JORDAN UT 84088

CHAMBER OF COMMERCE
ATTN: SCOTT BAKER
5250 S COMMERCE DR #180
MURRAY UT 84107

MURRAY SCHOOL DIST
ATTN: PAT O'HARA
147 E 5065 S
MURRAY UT 84107

MIDVALE CITY
PLANNING DEPT
655 W CENTER ST
MIDVALE UT 84047

SALT LAKE COUNTY
PLANNING DEPT
2001 S STATE ST
SLC UT 84190

GRANITE SCHOOL DIST
ATTN: KIETH BRADSHAW
2500 S STATE ST
SALT LAKE CITY UT 84115

UTAH POWER & LIGHT
ATTN: KIM FELICE
12840 PONY EXPRESS ROAD
DRAPER UT 84020

QUESTAR GAS
ATTN: KIM BLAIR
P O BOX 45360
SLC UT 84145-0360

COTTONWOOD IMPRVMT
ATTN: LONN RASMUSSEN
8620 S HIGHLAND DR
SANDY UT 84093

JORDAN VALLEY WATER
ATTN: LORI FOX
8215 S 1300 W
WEST JORDAN UT 84088

CENTRAL UTAH WATER DIST
355 W UNIVERSITY PARKWAY
OREM UT 84058

HOLLADAY CITY
PLANNING DEPT
4580 S 2300 E
HOLLADAY UT84117

COTTONWOOD HEIGHTS CITY
ATTN: PLANNING & ZONING
1265 E FT UNION BLVD #250
CTNWD HEIGHTS UT 84047

SANDY CITY
PLANNING & ZONING
10000 CENTENNIAL PRKWY
SANDY UT 84070

UTOPIA
Attn: JARED PANTIER
2175 S REDWOOD RD
WEST VALLEY UT 84119

UTOPIA
Attn: TOM MARRIOTT
2175 S REDWOOD RD
WEST VALLEY CITY UT 84119

GENERAL PLAN MAILINGS:

UTAH AGRC
STATE OFFICE BLDG #5130
SLC UT 84114

WASATCH FRONT REG CNCL
PLANNING DEPT
295 N JIMMY DOOLITTLE RD
SLC UT 84116

«Next Record»

«Next Record»

«Next Record»

**New Business
Item #1**

Murray City Municipal Council

Request for Council Action

INSTRUCTIONS: The City Council considers new business items each Tuesday in Council meeting. All new business items for the Council must be submitted to the Council office, Room, 107, no later than 5:00 p.m. on the Tuesday one week before the Council meeting in which they are to be considered. This form must accompany all such business items. If you need additional space for any item below, attach additional pages.

1. **TITLE:** (State how it is to be listed on the agenda)
CONSIDER A RESOLUTION APPROVING THE MAYOR'S APPOINTMENT OF REPRESENTATIVES TO BOARDS OF INTERLOCAL ENTITIES

2. **ACTION REQUESTED:** (Check all that apply)

Discussion Only
 Ordinance (attach copy)
 Resolution (attach copy)
 Public Hearing (attach copy of legal notice)
 Appeal (explain)
 Other (explain) Consent Calendar or New Business

Has the Attorney reviewed the attached copy? _____
Has the Attorney reviewed the attached copy? YES
Has the Attorney reviewed the attached copy? _____

3. **WHEN REQUESTED:** (Explain when action on this proposal is needed by and why)
January 21st 2014

4. **FUNDING:** (Explain budget impact of proposal, including amount and source of funds.)
N/A

5. **RELATED DOCUMENTS:** (Describe all minutes, exhibits, maps, plats, etc., accompanying this proposal and whether or not each is attached)
The Memo and the list of Persons and Board specifics, and the Resolution are attached

6. **REQUESTOR:**

Name: Ted Eyre Title: Mayor
Presenter: Ted Eyre Title: Mayor
Agency: Mayor's Office Phone: 264-2600
Date: January 8th 2014 Time: _____

7. **APPROVALS:** (If submitted by city personnel, the following signatures are required, and indicate (1) each has reviewed and approved the proposal, (2) all preparatory steps have been completed, and (3) the item is ready for Council action)

Head of Department: Daniel C. Snarr Date: January 8th 2014

Mayor: *David Ted Eyre* Date: January 8th 2014

8. **COUNCIL STAFF:** (For Council use only)

Number of pages: _____ Number of copies submitted: _____
Received by: _____ Date: _____ Time: _____
Recommendation: _____

9. **NOTES:**

MEMO

To: Murray City Council
Jan Lopez, Council Director
From: Mayor Ted Eyre
Date: January 8, 2014
RE: Interlocal Board Appointments

Thank you for the opportunity we had to discuss the interlocal board appointments for the upcoming year in the last Committee of the Whole meeting. I appreciate the willingness of Council Members and Staff in filling these important roles. My recommendations are attached.

Thank you for your consideration.

Proposed Interlocal Board Representatives – 2014

UTOPIA -	Doug Hill Ted Eyre, Alternate
UIA -	Justin Zollinger Diane Turner, Alternate
VECC -	Blair Camp Jan Wells, Alternate
UAMPS -	Blaine Haacke Greg Bellon, Alternate Charles Crutcher, Alternate
Central Valley -	Jim Brass Danny Astill, Alternate
TransJordan -	Russ Kakala Doug Hill, Alternate
WFWARD -	Jim Brass Diane Turner, Alternate
IPA -	Blaine Haacke Greg Bellon, Alternate
Metro Fire -	Blair Camp
NeighborWorks -	Tim Tingey
CAP -	Jennifer Kennedy

RESOLUTION NO. _____

A RESOLUTION APPROVING THE MAYOR'S APPOINTMENT OF REPRESENTATIVES TO BOARDS OF INTERLOCAL ENTITIES.

WHEREAS, the Mayor needs to make appointments to the governing boards of the Utah Associated Municipal Power Systems (UAMPS), Central Valley Water Reclamation Facility, Salt Lake Valley Emergency Communications Center (VECC), TransJordan Cities, Utah Telecommunications Open Infrastructure Agency (UTOPIA), Utah Infrastructure Agency (UIA), Wasatch Front Waste and Recycling District, Intermountain Power Agency, Metro Fire Agency, NeighborWorks Salt Lake and the Community Action Program (collectively "Interlocal Entities"); and

WHEREAS, the Mayor has made appointments to the governing boards of the Interlocal Entities; and

WHEREAS, the Mayor wants approval by the Murray City Municipal Council of the appointments;

NOW, THEREFORE, BE IT RESOLVED by the Murray City Municipal Council that it hereby approves the following appointments:

1. Blaine Haacke as the City's representative to the Utah Associated Municipal Power Systems (UAMPS) Board with Greg Bellon as the first alternate representative and Charles Crutcher as the second alternate representative.
2. Council Member James Brass as the City's representative to the Central Valley Water Reclamation Facility Board with Danny Astill as the alternate representative.
3. Council Member Blair Camp as the City's representative to the Salt Lake Valley Emergency Communications Center (VECC) Board with Jan Wells as the alternate representative.
4. Russ Kakala as the City's representative to the TransJordan Cities Board with Doug Hill as the alternate representative.
5. Doug Hill as the City's representative to the Utah Telecommunications Open Infrastructure Agency (UTOPIA) Board with Mayor Ted Eyre as the alternate representative.

6. Justin Zollinger as the City's representative to the Utah Infrastructure Agency (UIA) Board with Council Member Diane Turner as alternate representative.
7. Council Member James Brass as the City's representative to the Wasatch Front Waste and Recycling District Board with Council Member Diane Turner as alternate representative.
8. Blaine Haacke as the City's representative to the Intermountain Power Agency Board with Greg Bellon as alternate representative.
9. Council Member Blair Camp as the City's representative to the Metro Fire Agency Board.
10. Tim Tingey as the City's representative to NeighborWorks Salt Lake Board.
11. Jennifer Kennedy as the City's representative to the Community Action Program Board.

These appointments shall take effect immediately.

DATED this 21st day of January, 2014.

MURRAY CITY MUNICIPAL COUNCIL

Brett A. Hales, Council Chair

ATTEST:

Jennifer Kennedy, City Recorder

**New Business
Item #2**

Murray City Municipal Council Request for Council Action

INSTRUCTIONS: The City Council considers new business items in Council meeting. All new business items for the Council must be submitted to the Council office, Room, 112, no later than 5:00 p.m. on the Wednesday two weeks before the Council meeting in which they are to be considered. This form must accompany all such business items. If you need additional space for any item below, attach additional pages with corresponding number and label.

1. **TITLE:** (Similar wording will be used on the Council meeting agenda.)
CONSIDER A RESOLUTION APPROVING AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY AND THE UTAH DEPARTMENT OF TRANSPORTATION TO RECEIVE FINANCING FROM THE FEDERAL-AID HIGHWAY FUNDS FOR THE ROADWAY PROJECT AT 5900 SOUTH; STATE STREET TO 700 WEST

2. **KEY PERFORMANCE AREA:** (Please explain how request relates to Strategic Plan Key Performance Areas.)
FINANCIALLY SUSTAINABLE; WELL MAINTAINED, PLANNED AND PROTECTED INFRASTRUCTURE AND ASSETS

3. **MEETING, DATE & ACTION:** (Check all that apply)
 Council Meeting OR Committee of the Whole
 Date requested JANUARY 21, 2014
 Discussion Only
 Ordinance (attach copy)
Has the Attorney reviewed the attached copy?
 Resolution (attach copy)
Has the Attorney reviewed the attached copy? YES
 Public Hearing (attach copy of legal notice)
Has the Attorney reviewed the attached copy?
 Appeal (explain) _____
 Other (explain) _____

4. **FUNDING:** (Explain budget impact of proposal, including amount and source of funds.)
\$4,639,000 FEDERAL AND \$336,866 LOCAL MATCH

5. **RELATED DOCUMENTS:** (Attach and describe all accompanying exhibits, minutes, maps, plats, etc.)
MEMO, RESOLUTION, INTERLOCAL AGREEMENT

6. **REQUESTOR:**
Name: DOUG HILL Title: PUBLIC SERVICES DIRECTOR
Presenter: DOUG HILL Title: PUBLIC SERVICES DIRECTOR
Agency: MURRAY CITY Phone: 801-270-2404
Date: January 8, 2014 Time: _____

7. **APPROVALS:** (If submitted by City personnel, the following signatures indicate, the proposal has been reviewed and approved by Department Director, all preparatory steps have been completed, and the item is ready for Council action)

Department Director: *Doug Hill* Date: 1/8/14

Mayor: *David Ted Egan* Date: 1/8/14

8. **COUNCIL STAFF:** (For Council use only)
Number of pages: _____ Received by: _____ Date: _____ Time: _____
Recommendation: _____

9. **NOTES:**



MEMO

To: Mayor David Ted Eyre
From: Doug Hill, Public Services Director
Cc: Jan Wells, Chief Administrative Officer
Janet Towers, Executive Assistant to the Mayor
Justin Zollinger, Finance Director
Frank Nakamura, City Attorney
Date: January 8, 2014
Subject: 5900 South: State Street to 700 West Federal Aid Agreement

Murray City has received federal-aid highway funds for the reconstruction of 5900 South between State Street and 700 West. The approved project funds are \$4,975,866, of which Murray City is required to provide a local match of \$336,866 (6.77%). The Fiscal Year 2014 Budget includes \$200,000 for this project. The remaining funds will be requested in the Fiscal Year 2015 Budget.

Funding for the project includes design and reconstruction of the right-of-way, including storm drain, curb and gutter, and a asphalt or concrete road surface. The City is also planning to install a new water line using funds from the Water Fund. The project will be designed this calendar year and is planned for construction in 2015.

Attached is an Interlocal Agreement with the Utah Department of Transportation (UDOT) to receive the federal-aid highway funds. I am requesting that this be presented to the City Council for their consideration.

Please call me if you have any questions or concerns.

RESOLUTION NO. _____

A RESOLUTION APPROVING AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY AND THE UTAH DEPARTMENT OF TRANSPORTATION TO RECEIVE FINANCING FROM THE FEDERAL-AID HIGHWAY FUNDS FOR THE ROADWAY PROJECT AT 5900 SOUTH; STATE STREET TO 700 WEST

WHEREAS, Title 11, Chapter 13, of the Utah Code, provides that two or more public agencies may, by agreement, jointly exercise any power common to the contracting parties for joint undertakings and services; and

WHEREAS, the City has a Project ("Project") which consists of roadwork at 5900 South; State Street to 700 West that will receive funding from the Federal-Aid Highway Funds; and

WHEREAS, Utah Department of Transportation has the responsibility to oversee the Federal Aid Projects to ensure adequate supervision and inspection so the Project is completed in conformance with the approved plans and specifications, including compliance with all Federal requirements; and

WHEREAS, an Interlocal Agreement has been prepared to accomplish such a purpose.

NOW, THEREFORE, BE IT RESOLVED by the Murray City Municipal Council as follows:

1. It hereby approves the Interlocal Cooperation Agreement, in substantially the form attached hereto; and
2. The Interlocal Cooperation Agreement is in the best interest of the City; and
3. Mayor David Ted Eyre is hereby authorized to execute the Agreement on behalf of the City and act in accordance with its terms.

DATED this 21st day of January, 2014.

MURRAY CITY MUNICIPAL COUNCIL

Brett A. Hales, Chair

ATTEST:

Jennifer Kennedy, City Recorder

LOCAL ENTITY COPY



State of Utah

Department of Transportation

Federal Aid Agreement for Local Agency Project CFDA No. 20.205	Murray City - Trae Stokes E. 1000 S	Maximum Project Value Authorized \$4,975,866
PIN Number 8108 FINET Number 53083 FMIS Number F006565	Project Number F-LC35(201) PIN Description 5900 SOUTH; STATE STREET TO 700 WEST	Agreement Number (Assigned By Comptrollers) 148020 Date Executed

This Agreement is entered into this 9 day of July, 2013, by and between the Utah Department of Transportation ("UDOT") and Murray City ("Local Agency"), a political subdivision of the State of Utah.

The (City/County) has a project that will receive financing from federal-aid highway funds. The Project consists of 5900 SOUTH; STATE STREET TO 700 WEST, located at Murray City and identified as project number F-LC35(201);

Pursuant to 23 CFR 635.105, UDOT has the responsibility to oversee the federal aid projects to ensure adequate supervision and inspection so the projects are completed in conformance with the approved plans and specifications, including compliance with all federal requirements;

In instances where UDOT does not have jurisdiction over the road where the Project is being performed, UDOT may arrange for the Local Governmental Agency with jurisdiction of the road to perform the work with its own forces or by contract; and

This Agreement describes the respective roles and requirements of UDOT and the City/County to ensure compliance with the federal requirements for the receipt of federal funding for the Project.

State Wide Transportation Improvement Program STIP 2013 - 2016

Fund*	Prior	2013	2014	2015	2016	Total	Fed Aid	State	Other	Pct
STIP URB SL	\$0	\$547,034	\$1,141,800	\$3,287,032	\$0	\$4,975,866	\$4,639,000	\$0	\$336,866	6.77%
Total:	\$0	\$547,034	\$1,141,800	\$3,287,032	\$0	\$4,975,866	\$4,639,000	\$0	\$336,866	6.77%

AGREEMENT

Now, therefore, the parties agree as follows:

I. Description of the Project.

II. UDOT's Roles and Responsibilities on a Federally Funded Local Government Project as follows:

- A. Oversee compliance with federal and state regulations.
- B. Ensure transportation project oversight as outlined in 23 CFR.
- C. Assign a UDOT Project Manager to:
 - 1. Assist the Local Government Project Manager to monitor scope, schedule, budget, and help track expenditures during all phases of the project.
 - 2. Assist in project risk monitoring by reviewing and discussing identified risks and mitigation efforts.
 - 3. For projects approved through the Wasatch Front Regional Council (WFRC), assist in early coordination with UDOT's Environmental staff during preparation of the environmental document.
 - 4. Prepare and process the federal aid agreement before project initiation.
 - 5. Help administer consultant qualifications-based selection, negotiation of contract, and contracting process for all phases of the Project.
 - 6. Assist the local agency to process and approve Consultant Pay Requests.
 - 7. Coordinate and participate in design review meetings to ensure the federally-approved, UDOT design process is followed.
 - 8. Coordinate to ensure ongoing communication with the local project sponsor.
 - 9. Coordinate payment of local government matching, betterment or other funding to UDOT prior to project advertisement.
 - 10. Assist the Local Agency in preparing and executing Utility Reimbursement Agreements as required.
 - 11. Coordinate betterment items and finalize agreements prior to construction advertising.
 - 12. Assist with the federally-approved construction advertising and award processes.
 - 13. Coordinate with the Local Project Manager to review and recommend change orders for approval.
 - 14. Coordinate the UDOT project closeout process.

III. Local Agency Roles and Responsibilities on a Federally Funded Local Government Project.

The Local Agency shall manage the Project in compliance with federal and state laws and regulations. The Local Agency shall monitor the quality of work being performed on the Project and daily activities and issues with the consultants. For Class B and C roads, the Local Agency assumes responsibility for the design, construction quality and maintenance of the road.

A. The Local Agency shall assign a representative to serve as the Local Project Manager to:

- 1. Research, understand, and take responsibility for federal requirements by its acceptance of federal funds.
- 2. Coordinate with the UDOT Project Manager concerning the funding.
- 3. Committee (MPO's, etc.) for funding and expenditure time-frames, scope issues and delivery schedule.
- 4. Manage the day-to-day activities of the Project as follows:
 - a. Consultant and professional services used on the Project.
 - b. The Local Agency shall recommend and approve consultant pay requests.
 - c. Project scope, schedule, budget, and quality.
 - d. Coordination of details, decisions and impacts with the local jurisdiction's community councils, commissions, legal counsel, department heads, political leads, engineering and public works departments, etc.
 - e. Coordination with the assigned UDOT Project Manager.
 - f. Project risk monitoring by reviewing and discussing identified risks and mitigation efforts.
 - g. Monitor project schedule and progress of all project tasks to ensure a timely delivery of the project.
 - h. Schedule discussion should be held in all preconstruction and construction project progress meeting.
 - i. Oversee project compliance with federal and state transportation project processes. These responsibilities include (but are not limited to):

- 1) Participate in the federally approved consultant qualifications-based selection, negotiation of contract, and contracting process for all phases of the project.

- 2) Participate as the active lead in project team meetings as well as all field and plan reviews.
 - 3) Ensure NEPA Environmental clearances and approvals are obtained.
 - 4) Ensure current AASHTO, MUTCD, and UDOT design standards are met, or if not, ensure all design exceptions, waivers or deviations are obtained and have the necessary signatures in place.
 - 5) Ensure and certify that right of way acquisitions follow the federal Uniform Act and comply with state right of way acquisition policy, including rules, and meet all Project right of way commitments.
 - 6) Ensure construction standards and specifications are met.
 - 7) Oversee project construction management operations, progress, documentation and quality inspection to meet state and federal contract administration requirements.
- j. Coordinate with utilities to minimize project impacts and ensure needed relocations have the proper documentation, easements and agreements in place. The Local Agency shall provide to UDOT Region Utility Coordinator the Project utility certification prior to construction advertising.
 - k. Ensure required documentation is in place before submitting the advertising package to UDOT for advertising through its federally-approved process.
 - l. Coordinate with the UDOT Project Manager and Comptroller's Office to deposit the local match and betterment funds prior to advertising.
 - m. Approve the final advertising package and obtain local signature approval before proceeding to advertise.
 - n. Review the abstract of bids and recommend to the UDOT Project Manager award of the project.
 - o. Attend Construction Coordination meetings and coordinate with the Consultant Resident Engineer (RE).
 - p. Review all construction change orders for approval and submit them to UDOT Project Manager for review and processing.
 - q. Review the project budget for changes related to change orders, quantity overruns, incentives, fuel and asphalt adjustments, etc.
 - r. Ensure materials comply with the current UDOT Materials Testing and Acceptance Manual and the UDOT Minimum Sampling and Testing Requirements.
 - s. Assist to provide all documentation needed for construction project close out including Buy America certification.
 - t. Coordinate the project close out process by timely closing all open contracts and agreements.
 - u. Provide right of way certification verifying all required right of way has been purchased prior to advertising.

This list of roles and responsibilities is not comprehensive but describes the general roles of the Local Agency.

IV. Funding. Upon signing this agreement, the Local Agency agrees to pay its estimated matching share in phases when requested by UDOT. Phases typically include environmental, design, right of way and construction. The local match for this project is represented by the percentages of the Total Project Value shown below. In addition the Local Agency agrees to pay 100% of the overruns that exceed \$4,975,866 and any ineligible costs when requested by UDOT.

All project costs not reimbursed by FHWA shall be the responsibility of the Local Agency. No costs are eligible for federal aid reimbursement until authorized by the FHWA through Form R-709, Request for Federal Aid Project Approval, separate from this Local Agency Agreement.

For the specific funding for the project, see page 1, Statewide Transportation Improvement Program (STIP).

UDOT will request payment of matching shares and overruns through an email that will be sent to Trae Stokes at TSTOKES@MURRAY.UTAH.GOV the Local Agency Contact. The Local Agency shall pay within 30 days after each payment request. The Local Agency shall make the check payable to the Utah Department of Transportation referencing the project number above and mail to UDOT Comptroller's Office, 4501 South 2700 West, Box 1415010, Salt Lake City, Utah 84114-1510.

The Local Agency shall be responsible for all costs associated with the project which are not reimbursed by the federal government. For a Joint Highway Committee project, the federal participation for construction engineering costs is limited to 20 percent of the construction contract costs.

Funds requested beyond the amount set forth will require execution of a Supplemental Financial Agreement.

If the project has cost overruns, the Local Agency shall pay the additional amount required within 30 days of receiving the invoice. Should the Local Agency fail to reimburse UDOT for costs that exceed the federal reimbursement, federal funding for other Local Agency projects or B&C road funds may be withheld until payment is made.

If the advanced amount exceeds the Local Agency's share of project cost, UDOT will return the amount of overpayment to the Local Agency upon financial closure of the project.

UDOT shall provide the Local Agency with a quarterly statement reflecting a cost summary of project costs.

V. Local Agency's Reimbursement Claims. The Local Agency shall bill UDOT for eligible federal aid project cost incurred after FHWA shall bill UDOT for eligible cost incurred after FHWA approval for authorization to proceed (form R709) and in conformity with applicable federal and state laws. Authorized Local Agency reimbursement claims should be submitted to UDOT Project Manager. Reimbursements to the Local Agency for right of way claims are classified as a pass-through of Federal funds from UDOT to the Local Agency. Expenditures by the Local Agency for general administration, supervision, and other overhead shall not be eligible for federal participation unless an indirect cost plan has been approved by the Federal government.

The Local Agency shall comply with 23 CFR Section 710.203 for FHWA reimbursement requests of real property acquisitions. A Local Agency shall not request reimbursement for excess acquisitions which are not eligible for FHWA reimbursement under 23 CFR Section 710.203 <http://www.gpoaccess.gov/cfr/retrieve.html>.

VI. Federal Aid Project Compliance. Local Agency shall comply with Title 23, USC, 23 CFR, Office of Management and Budget Circulars A-102, A-87 and A-133, policies and procedures promulgated by FHWA, UDOT Local Government and State Aid Project Guide, UDOT's Right of Way Operational Manual and the Federal Aid Project Agreement between UDOT and Federal Highway Administration concerning federal aid projects.

VII. Project Authorization for Federal Aid. The Local Agency, through UDOT, must obtain an Authorization to proceed from FHWA before beginning work on any federal aid project. Federal funds shall not participate in costs incurred prior to the date of authorization, except as provided by 23 CFR Section 1.9(b).

VIII. Liability. Local Agency agrees to hold harmless and indemnify UDOT, its officers, employees and agents (Indemnities) from and against all claims, suits and costs, including attorneys' fees for injury or damage of any kind, arising out of the Local Agency's negligent or intentional acts, errors or omissions in the performance of this Project, and from and against all claims, suits and costs, including attorneys' fees for injury or damage of any kind, arising out of Indemnities' failure to inspect, discover, correct, or otherwise address any defect, dangerous condition or other condition created by or resulting from Local Agency's negligent or intentional acts, errors or omissions in the performance of this Project.

Any periodic plan and specification review or construction inspection performed by UDOT arising out of the performance of the project does not relieve the Local Agency of its duty in the performance of this Project or to ensure compliance with acceptable standards.

IX. Single Audit Act. The Local Agency, as a sub-recipient of federal funds, shall adhere to the Federal Office of Management and Budget (OMB) Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, <http://www.whitehouse.gov/omb/circulars/a133/a133.html>. A sub-recipient who expends \$500,000 or more in federal awards from all sources during a given fiscal year shall have a single or program-specific audit performed for that year in accordance with the provision of OMB Circular A-133. Upon conclusion of the A-133 audit, the Local Agency shall be responsible for ensuring that a copy of the report is transmitted to the Utah Department of Transportation, Internal Audit, 4501 S 2700 W, Box 148230, Salt Lake City, Utah 84114-8230.

X. Maintenance. The Local Agency shall properly maintain and restore each type of roadway, structure and facility as nearly as possible in its original condition as constructed or improved in accordance with state and federal requirements.

XI. Utilities. The Local Agency shall notify and cooperate with utility companies having facilities in the project limits in accordance with Utah Code Section 54-3-29.

The Local Agency shall certify, in accordance with 23 CFR Section 645.107(c), that utility relocation reimbursements to be made in accordance with the provisions of 23 CFR Section 645.107(a) do not violate the terms of a use and occupancy agreement, or legal contract, between the utility and the Local Agency, or are solely for the purpose of implementing safety corrective measures to reduce the roadside hazards of utility facilities to the highway use as provided in 23 CFR Section 645.107(k).

The Local Agency shall determine reimbursement eligibility for identified relocations based on Local Agency Franchise Agreement or Ordinance. If not reimbursable, submit a written statement to UDOT that the Local Agency is "legally unable to reimburse the utilities" for relocation or protection work as part of the project. Utility relocations deemed to be reimbursable will be performed in accordance with 23 CFR Section 645, Utilities, Subpart A, and are subject to 23 CFR Section 635.410, Buy America Requirements.

In accordance with 23 CFR Section 645.209 (g), the Local Agency will provide a degree of protection to the highway that is equivalent to or more protective than Utah Administrative Rule 930-7, Utility Accommodation Rule.

XII. Availability of Records. For a period not less than three (3) years from the date of final project close out with federal government, the Local Agency accounting records pertaining to the federal aid project are to be kept available for inspection and audit by the state and federal government, or furnished upon request.

XIII. Right of Way. The Local Agency shall acquire all the required right of way for the Project in compliance with 23 CFR Section 710.309, 49 CFR Part 24 and UDOT Right of Way Operations Manual. The Local Agency shall use the right of way module in ePM for acquisitions. Once all the necessary right of way is acquired, the Local Agency shall obtain UDOT's certification. All the necessary right of way must be obtained before the project is advertised. No limitations concerning right of way shall be allowed. For UDOT right-of-way certifications required for advertising access the following: <http://www.udot.utah.gov/main/f?p=100:pg:::1:T,V:808.34728>.

For real property disposals the Local Agency shall comply with 23 CFR Sections 710.409 and 710.403. The Local Agency should have property management records, which identify inventories of real property considered excess to project needs. If a Local Agency determines that real property initially acquired as part of the project is declared excess and disposed of the Local Agency must comply with 23 CFR Sections 710.409 and 710.403. This requires that the Federal share of net income from the sale or lease of real property acquired with Federal assistance be used for Title 23 eligible projects. Refer to <http://www.gpoaccess.gov/cfr/retrieve.html> for additional information. The Local Agency shall deposit the net proceeds from the sale or lease with UDOT to be applied towards a Title 23 eligible project as authorized by the appropriate metropolitan planning organization or the Joint Highway Committee.

XIV. Change in Scope and Schedule. Local Agency recognizes that if a project scope changes from the original intent of the project application, the project will need to be re-evaluated by the responsible agency that programmed the project. Such a review may result in approval of the scope change, removal from the program, or adjustment in the federal aid funds programmed for the project.

Local Agency is responsible for the schedule of the project. If the project cannot progress as programmed, the responsible programming agency may advance other projects and require the project to wait for next available funding.

Any change orders required to meet the terms and conditions of the construction contract will be initiated by UDOT. UDOT will notify the Local Agency of any such change orders. At the Local Agency's request, UDOT will initiate change orders that cover betterments.

The Local Agency shall be responsible for 100% of the costs of all change orders on the Project not reimbursed by FHWA.

XV. UDOT Service Costs. UDOT may provide expertise in project management, contract preparation, design plan reviews, advertising, construction materials verification/certification, technical assistance, engineering services or other services as needed. Appropriate charges for these costs will be included in invoices to the Local Agency.

XVI. Additional Contracting Party. If the Local Agency desires to be an additional contracting party and an additional bondholder or obligee on the performance bond for Class B and C roads, a signed letter on official letterhead by the governing body of the Local Agency shall be an attachment to this Federal Aid Agreement. This provision applies only to federally funded projects and only on B and C roads.

XVII. Termination. This agreement may be terminated as follows:

1. By mutual agreement of the parties, in writing.
2. By either UDOT or the Local Agency for failure of the other party to fulfill their obligations as set forth in the provisions of this agreement. Thirty day written notice to terminate the Agreement will be provided to the other party describing the noncompliance of the Agreement. If the noncompliance is not remedied within the thirty day period, the Agreement shall terminate. However, if UDOT believes that the Local Agency is violating the Agreement that may result in harm to the public, inappropriate use of federal funds or if the Federal Highway Administration requests immediate termination, UDOT may terminate the Agreement without giving the thirty day notice.
3. By UDOT for the convenience of the state upon written notice to the Local Agency.
4. By UDOT, in the event that construction of the project for which this design engineering is undertaken is not started by the close of the fifth fiscal year following the fiscal year in which this agreement is executed.

In the event of termination, the Local Agency shall pay all of UDOT's costs regardless of whether the Project is constructed.

XVIII. Miscellaneous.

1. This Agreement cannot be altered or amended, except pursuant to an instrument in writing signed by each of the parties.
2. If any term or provision of this Agreement or application to any person or circumstance shall, to any extent, be invalid or unenforceable, then the remainder of this Agreement shall not be affected and each term, condition and provision of this Agreement shall be valid and enforced to the fullest extent permitted by law, so long as removing the severed portion does not materially alter the overall intent of this Agreement.
3. The failure of a party to insist upon strict performance of any provisions of this Agreement shall be construed as a waiver for future purposes with respect to any such provision or portion. No provision of this Agreement shall be waived unless such waiver is in writing and signed by the party alleged to have waived its rights.
4. Each undersigned represents and warrants that each has been duly authorized for all necessary action, as appropriate, to execute this Agreement for and on behalf of the respective parties
5. The parties shall not, by this Agreement nor by any act of either party, be deemed principal and agent, limited or general partners, joint ventures or to have any other similar relationship to each other in the conduct of their entities.

XIX. Content Review

Language content was reviewed and approved by the Utah AG's office on March 20, 2013.

GENERAL (FHWA) PROVISIONS FOR FEDERAL-AID AGREEMENT

1. **General Provisions:** The Grantee will comply with all Federal laws and requirements which are applicable to grant agreements, and imposed by the Federal Highway Administration (FHWA) concerning special requirements of law, program requirements, and other administrative requirements.
2. **Modification:** This agreement may be amended at any time by a written modification properly executed by both the FHWA and the Grantee.
3. **Retention and Custodial for Records:**
 - (a) Financial records, supporting documents, statistical records, and all other records pertinent to this instrument shall be retained for a period of three (3) years, with the following exception:
 - (1) If any litigation, claim, or audit is started before the expiration of the 3-year period, the records shall be retained until all litigation claims, or audit findings involving the records have been resolved.
 - (2) Records for non-expendable property, if any, required with Federal funds shall be retained for three years after its final disposition.
 - (3) When records are transferred to or maintained by FHWA, the 3-year retention requirement is not applicable to the recipient.
 - (b) The retention period starts from the date of the submission of the final expenditure report.
 - (c) The Secretary of Transportation and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any pertinent books, documents, papers, and records of the recipient, and its contractors and subcontractors, to make audits, examinations, excerpts, and transcripts.
4. **Equal Employment Opportunity:**
 - (a) The application/recipient agrees to incorporate in all contracts having a value of over \$10,000, the provisions requiring compliance with Executive Order 11246, as amended, and implementing regulations of the United States Department of Labor at 41 CFR 60, the provisions of which, other than the standard EEO clause and applicable goals for employment of minorities and women, may be incorporated by reference.
 - (b) The application/recipient agrees to ensure that its contractors and subcontractors, regardless of tier, awarding contracts and/or issuing purchase orders for material, supplies, or equipment over \$10,000 in value will incorporate the required EEO provisions in such contracts and purchase orders.
 - (c) The applicant/recipient further agrees that its own employment policies and practices will be without discrimination based on race, color, religion, sex, national origin, handicap or age; and that it has or will develop and submit to FHWA by August 1 an affirmative action plan consistent with the Uniform Guidelines on Employee Selection Procedures, 29 CFR 1607, and the Affirmative Action Guidelines, 29 CFR 1608.
5. **Copeland Act:** All contracts in excess of \$2,000 for construction or repair awarded by recipient and its contractors or subcontractors shall include a provision for compliance with the Copeland "Anti-Kick Back" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR, Part 3). This act provides that each contractor or subcontractor shall be prohibited from inducing, by any means, and person employed in the construction, completion, or repair of public work, or give up any part of the compensation to which he is otherwise entitled. The recipient shall report all suspected or reported violations to FHWA.
6. **Davis-Bacon Act:** When required by the Federal program legislation, all construction contracts awarded by the recipient and its contractors or subcontractors of more than \$2,000 shall include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 276a to a-7) and as supplemented by Department of Labor regulations (29 CFR, Part 5). Under this act, contractors shall be required to pay wages to laborers and mechanics at a rate not less than the minimum wages specified in a wage determination made by the Secretary of Labor. In addition, contractors shall be required to pay wages not less than once a week. The recipient shall place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation and the award of a contract shall be conditioned upon the acceptance of the wage determination. The recipient shall report all suspected or reported violations to the G/CAO.
7. **Contract Work Hours and Safety Standards Act:** Where applicable, all contracts awarded by recipient in excess of \$2,500 that involve the employment of mechanics or laborers, shall include a provision for compliance with sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by Department of Labor regulation (29 CFR, Part 5). Under section 103 of the Act, each contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard workday of 8 hours and a standard workweek of 40 hours. Work in excess of the standard workday or workweek is permissible provided that the worker is compensated at a rate of not less than 1-2 times the basic rate of pay for all hours worked in excess of 8 hours in any calendar day or 40 hours in the workweek. Section 107 of the Act if applicable to construction work provides that no laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health and safety as determined under construction safety and health standards promulgated by the Secretary of Labor. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.
8. **Access to Records:** All negotiated contracts (except those of \$10,000 or less) awarded by recipients shall include a provision to the effect that the recipient, FHWA, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers and records of the contractor which are directly pertinent to a specific program for the purpose of making audits, examinations, excerpts, and transcriptions.
9. **Civil Rights Act:** The recipient shall comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352), and in accordance with Title VI of that Act, no person in the United States shall on the ground of race, color, or national origin, be excluded from participation in, be denied that benefits of, or be otherwise subjected to discrimination under any program or activity for which the recipient received Federal financial assistance and shall immediately take any measures necessary to effectuate this Agreement. It shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) prohibiting employment discrimination where:
 - (a) The primary purpose of and instrument is to provide employment, or
 - (b) Discriminatory employment practices will result in unequal treatment of persons who are or should be benefitting from the grant-aided activity.
10. **Nondiscrimination:** The applicant/recipient hereby agrees that, as a condition to receiving any Federal financial assistance from the Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d), related nondiscrimination statutes, and applicable regulatory requirements to the end that no person in the United States shall, on the grounds of race, color, national origin, sex, handicap or age, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity for which the applicant/recipient receives Federal financial assistance. The specific requirements of the United States Department of Transportation standard Civil Rights assurances with regard to the States' highway safety programs (required by 49 CFR 21.7 and on file with the U.S. DOT) are incorporated in this grant agreement.
11. **Rehabilitation Act:** The recipient shall comply with Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794, P.L. 93-112), and all requirements imposed by or pursuant to the regulations of the Department of Health, Education, and Welfare (45 CFR, Parts 80, 81, and 84), promulgated under the foregoing statute. It agrees that, in accordance with the foregoing requirements, no otherwise qualified handicapped person, by reason of handicap, shall be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any program or activity receiving Federal financial assistance, and that it shall take any measures necessary to effectuate this Agreement.

- 12. Government Rights (Unlimited): FHWA shall have unlimited rights for the benefit of the Government in all other work developed in the performance of this Agreement, including the right to use same on any other Government work without additional cost to FHWA.
- 13. Accountability of equipment acquired in prior years will be transferred to the current year Grant. An updated inventory list will be provided by FHWA.
- 14. This Grant is subject to the conditions specified in the enclosed Negotiation Document.
- 15. Drug-Free Workplace: By signing this agreement, the recipient certifies that it is in compliance with the Drug-Free Workplace Act (41 U.S.C. Sec. 701 et seq.) And implementing regulations (49 CFR Part 29), which require, in part, that grantees prohibit drug use in the workplace, notify the FHWA of employee convictions for violations of criminal drug laws occurring in the workplace, and take appropriate personnel action against a convicted employee or require the employee to participate in a drug abuse assistance program.
- 16. Limitation on Use of Federal Funds for Lobbying for Grants in Excess of \$100,000: By signing this agreement the recipient declares that it is in compliance with 31 U.S.C. Sec. 1352, which prohibits the use of Federally appropriated funds to influence a Federal employee, officer, or Member of Congress in connection with the making or modification of any Federal grant, loan, contract, or cooperative agreement. Unless the payment of funds is otherwise reported to FHWA, signing this agreement constitutes a declaration that no funds, including funds not Federally appropriated, were used or agreed to be used to influence this grant. Recipients of subgrants in excess of \$100,000 must make the same declarations to the grant recipient. With respect to the payment of funds not Federally appropriated by the recipient and sub-recipients, the recipient must report to the FHWA the name and address of each person paid or performing services for which payment is made, the amount paid, and the activity for which the person was paid.

50036.2-M-34b

Form FHWA-1273 (Rev. 3-94)

LOCAL AGENCY

Utah Department of Transportation

Murray City Official
 By [Signature]
 Date 6/10/13

By [Signature]
 Region Director
 Date 7/3/13

ATTEST
 Murray City Records Office
[Signature]

UDOT Comptroller
 By [Signature]
 Comptroller's Office
 Date 7-9-13

APPROVED AS TO FORM
 Murray City Attorneys Office

[Signature]

Finance Approved

[Signature]

APPROVED AS TO CONTENT

[Signature]



**New Business
Item #3**

Murray City Municipal Council

Request for Council Action

INSTRUCTIONS: The City Council considers new business items each Tuesday in Council meeting. All new business items for the Council must be submitted to the Council office, Room, 107, no later than 5:00 p.m. on the Tuesday one week before the Council meeting in which they are to be considered. This form must accompany all such business items. If you need additional space for any item below, attach additional pages.

1. **TITLE:** (State how it is to be listed on the agenda)

**CONSIDER A SPECIAL PRESENTATION OF MAYOR TED EYRE'S FIRST
"STATE OF THE CITY" ADDRESS FOR YEAR 2014**

2. **ACTION REQUESTED:** (Check all that apply)

Discussion Only

Ordinance (attach copy)

Has the Attorney reviewed the attached copy?

Resolution / Proclamation (attach copy)

Has the Attorney reviewed the attached copy?

Public Hearing (attach copy of legal notice)

Has the Attorney reviewed the attached copy?

Appeal (explain) _____

Other (explain) A 15 - 20 minute presentation by Mayor Ted Eyre

WHEN REQUESTED: (Explain when action on this proposal is needed by and why)

January 21st 2014

4. **FUNDING:** (Explain budget impact of proposal, including amount and source of funds.)

5. **RELATED DOCUMENTS:** (Describe all minutes, exhibits, maps, plats, etc., accompanying this proposal and whether or not each is attached)

Memo

6. **REQUESTOR:**

Name: Ted Eyre

Title: Mayor

Presenter: Ted Eyre

Title: Mayor

Agency: Murray City Corporation

Phone: 264-2600

Date: January 8th 2014

Time: _____

7. **APPROVALS:** (If submitted by city personnel, the following signatures are required, and indicate (1) each has reviewed and approved the proposal, (2) all preparatory steps have been completed, and (3) the item is ready for Council action)

Head of Department: Daniel C. Snarr

Date: January 8th 2013

Mayor: *Ted Eyre*

Date: January 8th 2013

8. **COUNCIL STAFF:** (For Council use only)

Number of pages: _____

Number of copies submitted: _____

Received by: _____

Date: _____

Time: _____

Recommendation: _____

9. **NOTES:**

MEMO

To: Murray City Council
Jan Lopez, Council Director
From: Mayor Ted Eyre
Date: January 8, 2014
RE: State of the City Address

I am looking forward to the opportunity to address the Council in making a State of the City Address on January 21st in the City Council Meeting. While I recognize that the accomplishments I will be mentioning were during Mayor Snarr's administration, I would like to share them as a beginning point for us to move forward. The various departments in the City have successfully completed many projects that should be recognized and shared with you and the public. We will also be sending an End of Year Report that lists in detail the great work they have done.

This will also be a chance for me to express some of the goals and initiatives I would like to accomplish in the upcoming year.

Thank you for your consideration.

**Mayor's
Report
and Questions**

Adjournment