

# **Murray City Municipal Council Chambers**

## **Murray City, Utah**

**Tuesday, July 6<sup>th</sup>, 2021**

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The Murray City Municipal Council met on Tuesday, July 6, 2021, at 6:30 p.m. (or as soon as possible thereafter) for a meeting held in the Murray City Council Chambers, 5025 South State Street, Murray, Utah.

The public was able to view the meeting via the live stream at [www.murraycitylive.com](http://www.murraycitylive.com) or <https://www.facebook.com/Murraycityutah/>. A recording of the City Council meeting can be viewed [HERE](#).

### **Council Members in Attendance:**

Kat Martinez	District #1
Dale Cox	District #2
Rosalba Dominguez	District #3
Diane Turner	District #4 – Council Chair – Conducting
Brett Hales	District #5 – Council Vice-Chair

### **Others in Attendance:**

Blair Camp	Mayor	Jennifer Kennedy	Council Director
Doug Hill	Chief Administrative Officer	Patti Johnson	Council Office Administrator III
GL Critchfield	Deputy City Attorney	Brooke Smith	City Recorder
Jared Hall	Community Development Supervisor	Jennifer Heaps	Chief Communication Officer
Bruce Turner	Operations Manager for Power	Kathleen A. Riebe	<a href="#">Senator from District 8-Salt Lake City</a>
Katheryn Litchfield	Citizen comment for Public Hearing # 1	Bill Francis	Utah VOD
Bill and Wendy Livingston	Landowners regarding Business Item # 1	Brad Lambert	The applicant for Public Hearing # 1

### **Opening Ceremonies**

Call to Order – Councilmember Turner called the meeting to order at 6:30 p.m.

Pledge of Allegiance – The Pledge of Allegiance was led by Councilmember Rosalba Dominguez.

## Approval of Minutes

Council Meeting – June 1, 2021, and June 15, 2021.

MOTION: Councilmember Hales moved to approve the minutes. The motion was SECONDED by Councilmember Dominguez.

### Council roll call vote:

*Ayes: Councilmember Hales, Councilmember Martinez, Councilmember Cox, Councilmember Dominguez, Councilmember Turner*

*Nays: None*

*Abstentions: None*

*Motion passed 5-0*

## Special Recognition

None scheduled.

## Citizen Comments

Written comments received before the meeting were forwarded to the City Council and a copy of those comments can be viewed in the Council Packet published [HERE](#). Below is a copy of the comments in the packet:

Beverly Crangle

*The saga started with a single page stapled to a rubber band placed on my front doorknob announcing the "Public Information Meeting" to be held August 16, 2017, regarding the Widening of Vine Street. The date coincided with many families getting ready for the start of school and some taking last-minute vacations.*

*This meeting is falsely presented as the "citizen communication" requirement demanded by NEPA. NEPA's requirement for citizen input, with meaningful communication, has not been met when traffic patterns will change, and create an increase in noise and pollution. Murray City officials may be assuming that the actions of hired contractors are lawful.*

*In the years following this August 2017 meeting, petitions were signed, hundreds of citizens complained, and then in 2020 a survey, the basis for the re-design, was developed without citizen input (and property owners affected), giving only 4 scenarios, all with middle-turn lanes and most with 7 feet wide sidewalks.*

*Now I am being told that I must allow 7 foot wide sidewalks in front of my property. Some hundred-year-old trees have already been destroyed. So much for Murray being "Tree City!" Having lived on Vine Street for over 40 years, the problem stated that there is a need for a middle turn lane to reduce accidents does not exist yet.*

*Only standard sidewalks are needed, but we are being told that we must also have a middle-turn lane that will make Vine Street into a HIGHWAY, designed for cars, not neighborhoods. This will increase the number and speed of already-speeding vehicles traveling 50 to 60 mph in the 35 mph zone. This will greatly endanger children from Three (3) elementary schools. Would any of you want your children trying to cross this street? After researching and reviewing the topic of "safety" and "street widths," the message was loud and that "the wider the street, the greater the injury and number of accidents." I asked Amalia Andrews (project contractor's liaison) for information on middle turn lanes and safety. I received a 40 page document written for HIGHWAYS. When I stated that the brochure was for HIGHWAYS, her response was "That was all I could find." If middle turnlanes were good for residential areas, there would be more information.*

*With the current plan, major congestion will occur traveling west where Vine Street leads to 5900 South westbound as the street narrows dramatically. Please rethink this plan and use citizens' tax dollars on real problems.*

Susan Michaels

*I sent these comments to you several months ago, but now that this issue is up for a vote in the July 6 City Council meeting, I wanted to send this to you again. I am writing to express my concern and opposition to the NeighborWorks Tripp Lane Subdivision road extension behind Riverview Junior High School. You will be voting to condemn someone's property to complete this development. While I am quite happy this property is being developed because it was essentially a junkyard, there should not be a road connecting Tripp Lane to Willow Grove Lane. Connecting these roads will divert too much traffic from 700 West, causing safety issues.*

*For your reference, below are maps of the Riverview Junior High School boundary, showing my assumption on the current traffic pattern and what the new pattern will be when this road is built. While I am not a traffic planner, it seems like extremely poor planning to create a road that will divert traffic from a larger street onto much smaller streets.*

*700 West is a large street designed to handle a lot of vehicles. Willow Grove Lane was never designed to be a through street, it was designed to be a cul-de-sac. I hear from proponents of this plan that the connection was always planned by the city, but that cannot be true because a house existed on this property until it was purchased and torn down by NeighborWorks. Also, if the city's plan was to connect these streets, they certainly did did not design Willow Grove Lane correctly. Willow Grove Lane should have been made at least as wide as Greenoaks or Bullion Street in order to accommodate the traffic that will surely come. Willow Grove Lane can only accommodate one vehicle at a time if there are cars parked along the sides, and this happens all the time due to events at the park and schools.*

*I do not believe the city should be condemning a residents' personal property for this private development. It would be an inappropriate use of eminent domain by the city when this property can be easily developed into a cul-de-sac, with the same number*

*of lots and the same tax revenue going to the city. While the use of eminent domain can be used because the road would be for public use, the road is not needed. Property should be taken from Murray citizens only when absolutely necessary.*

*I have lived in this area for years and understand the traffic issues that result from Viewmont and Riverview Schools, but this just not the right solution. The neighborhood will be much safer if a cul-de-sac is built rather than a road.*

William Stewart

*I first learned about the Tripp Lane subdivision and potential use of eminent domain to complete this development in the Murray Journal, and expressed my concerns to you back in December. Now that this issue is finally coming to a vote, I feel my concerns are still valid and want to share them with you again.*

*I am writing to ask that you do not use eminent domain in order for Neighborworks to build their subdivision. I am familiar enough with the law to know that Murray City has the legal right to take private property, however that does not mean they should.*

*The Fifth Amendment mandates the government can only take private property for public need. This is a crucial constraint on the government's power of eminent domain, which enables the state to force owners to turn over their property, even if they refuse to sell voluntarily. Unfortunately governments today too often use eminent domain for much broader purposes, diminishing private rights as they condemn property for the benefit of other private users. This means title to property is too often taken not for the public but for a private use.*

*The NeighborWorks property can be developed without taking the property owned by the Livingstons. That alternative, a cul-de-sac, would result in the same financial benefit to the developer and to Murray City. Riverview Junior High was built in 1961 and parents and families have been able to commute to this school for decades without this road. The neighborhood would be safer without it because a connecting road will encourage more traffic through the area, not less. Based on comments submitted to the planning commission, the majority of residents do not want this road. There is no public need for this road to such a degree that that it warrants the taking of personal property.*

*If the Livingston's property is taken, it will be done primarily for the benefit of a private development, not because there is a public need. As such, NeighborWorks and the Murray City Planning Division have turned the property owned by the Livingston's from a matter of protecting property rights to one of deciding whose "interests" should prevail. That was never the intent of the use of eminent domain.*

*The use of eminent domain should not be taken lightly. Please use it only when it is absolutely required for the public. This is a private development and the taking of this property primarily benefits NeighborWorks. The Livingston's are simply asking their government to obey the original intent of the law. Reduced to its essence, they are simply saying this: stop taking our property when it is not required. That hardly seems*

*too much to ask.*

Tucker Dansie

*I have real concerns with the eminent domain plan for Willow Grove Lane connecting to Tripp Lane. I'm beginning to think that our elected officials don't live around here. Have you seen that area on a Saturday morning during soccer season where there are wall to wall cars on BOTH sides of that road? Or for that matter, all the kids that walk to and from the Junior high? My guess is that if you allow this dangerous, narrow road that in 5 years you'll be having another meeting to build an overpass walkway. I also can't understand why you would take the property of a Murray citizen to build such a dangerous road that would increase traffic so much. I'm concerned for my kids but also the citizens of Murray in that quiet neighborhood.*

*Let's make some sense of this and not allow it, do better.*

Jason Roberts

*I am writing to you in regards to the Tripp Lane subdivision being developed by NeighborWorks behind Riverview Junior High School. Below are comments I provided to you some time ago. I am sending them again to be considered since this is now going to a vote on July 6.*

*Throughout the years, Murray City has made numerous planning errors in regards to this neighborhood. I feel strongly that building a connecting road between Tripp Land and Willow Grove Lane will be another one of these errors. I would like to share some history about this development and the Geenoaks neighborhood which will hopefully assist in your decision making.*

*Murray City never planned for Willow Grove Lane to connect to Trip Lane. In the July 16, 2020 Murray Planning Commission meeting, commission members and Jared Hall mentioned several times that Murray City must have intended for this connection or they would not have approved the stub at the end of Willow Grove Lane. Had they reviewed the May 2004 Planning Commission documentation for this development (Murray Oaks phase IV), they would have learned that when Willow Grove Lane was built, the plan for the property now owned by NeighborWorks was to add a cul-de-sac from the stub road and build 5 additional homes. In addition, back in 2004 there was no option to connect Willow Grove Lane and Tripp Lane because there was a house at the North end of the property that would have prevented a connection. That house was not torn down until 2019 by Neighborworks. This is also why only 5 homes were originally planned vs. the 10 that NeighborWorks can now build.*

*Because Murray City did not intend Willow Grove Lane to connect, it was built at a width to support only a cul-de-sac. I believe Neighborworks has discussed a limit to parking on their intended connection, but this is simply a bandaid and does not solve the error in this design. This road along with Greenoaks will be overwhelmed by traffic commuting to Riverview and Viewmont schools from throughout Murray.*

*This error in design, if approved, will add to the numerous errors made in the Greenoaks neighborhood. Greenoaks Drive originally ended at the corner of Normandy Oaks Circle. When Murray City proposed extending Greenoaks to Riverside Drive, residents were strongly opposed. They believed it would turn into a commuter street, used as another route to get to Redwood Road. Murray City proceeded to connect the road, but residents were right and the traffic came. When city officials later agreed that resident traffic concerns were valid, they approved and built several concrete islands just off of 5900 South to serve as traffic calming devices. These islands were bandaids, not really solving the problem, and the traffic continued. At this time the city estimated there were approximately 2,600 commuter trips per day passing through Greenoaks.*

*Years later residents filed a petition with Murray City in regards to the continued traffic problems. In response, the city added rubberized speed bumps along Greenoaks Drive and a stop sign. However, the fire department didn't like the speed bumps and they eventually wore out and were removed. The traffic continued.*

*In 2004 Murray City approved the Murray Oaks subdivision which included Willow Grove Lane. Residents requested a barrier on the stub road so vehicles could not drive from the ballpark and Riverview Junior High 2 onto Willow Grove lane. This was approved and the developer, Gough Construction, built a fence across the stub, to be removed only when the cul-de-sac was to be added (Gough had a first right of refusal to develop the cul-de-sac and 5 additional homes). Another stop sign was also added between Greenoaks and Willow Grove Lane which was done due to a traffic study requested by the residents. That study (included in the May 2004 Planning Commission packet) assumed there would only be 21 homes coming from Willow Grove Lane/Cherry Oak Circle (16 homes from the Murray Oaks development plus 5 from the future cul-de-sac on land now owned by Neighborworks). This intersection was not designed to handle another connecting street. I travel down this road every day from my home and have witnessed multiple accidents and consistently see drivers ignoring the stop sign.*

*Hopefully you can see that this area has had a history of planning errors, and a history of Murray City trying to correct these errors with band aid solutions. Please don't create another planning error by connecting Willow Grove Lane and Trip Lane. This road will push even more commuter traffic onto Greenoaks, and Willow Grove Lane isn't designed to accommodate this type of traffic pattern.*

*Please do not condemn the Livingstons Property for this development.*

Doug and Emilee Barnett

*We have written to you several times over the last year in regards to the Tripp Lane subdivision development. We live directly adjacent to the South-end of the NeighborWorks property and directly across the street from the Livingstons. We have a road-side view of the daily use of the area being considered for eminent domain. And while we can see both sides of this argument, we believe the council should not condemn the Livingston's property for the following reasons:*

1. *The Use of Eminent Domain without exhausting options: We do not believe Murray City should take private property from a resident to benefit a private developer when there is an alternative. The property can easily be developed into a cul-de-sac off Willow Grove Lane or Tripp Lane, resulting in the same number of lots. The developer would earn the same profit per lot and the city would receive the same property tax dollars from a cul-de-sac. The use of eminent domain to take private property should only be used when there is no reasonable alternative.*
2. *Murray City School District has not approved: NeighborWorks has said the school district approves of their plans, when in fact, the district has expressly told us that they do not comment on such matters. As an employee of Viewmont Elementary School, I, Emilee Barnett, spoke with the principal, Jenn King, in June of 2021 and she was instructed by the superintendent, Jennifer Covington, to offer no comments on the development. Emilee also received an email from Doug Perry, Communications/Public Information Department Coordinator for Murray City School District, with a similar “no comment” response.*
3. *Traffic: Connecting Tripp Lane to Willow Grove Lane will change the traffic pattern for residents that drive to Riverview Junior High, Viewmont Elementary and the softball fields. Drivers that currently use 700 West and Bullion Street (defined as collector roads) will begin commuting through a residential area where families and children are biking, walking and playing. This increases the risk of pedestrian vehicle accidents. We feel this proposed connection diverts traffic from higher volume roads and displaces it on to a smaller road, unequipped to handle the increase. The narrowness of a small residential road and the high volume of sudden traffic at school drop off and pick up times creates a bottleneck, not a solution.*
4. *Inadequate Design: Willow Grove Lane was ended with a “stub road” in the hope that a future development at the South end of the Galvan’s property (now owned by NeighborWorks) might occur. But, after the Murray Oaks subdivision was built, the developer, Gough Construction, was unsuccessful in purchasing the field behind the Galvan’s home. Our good neighbors on Tripp Lane always hoped for a through connection but documentation for any planned connection is not supported in city records or in the following information found in the May 2004 Murray Planning Commission meeting notes:*

This project will be located north of Greenoaks Drive at the west end of Riverview Park. The access road into the project will tie into Greenoaks Drive immediately east of a church where the road makes a 90-degree bend. The initial plan consists of 16 units with the possibility of five additional units to be built if the road through the project is continued northward. The site plan is attached at the end of this report.

*The Murray Oaks phase IV subdivision extension planned for only five additional homes which tied in from Green Oaks Drive only with no mention of Tripp Lane. Five homes between the Galvan home and the stub road would have been a cul-de-sac, not a through street. The current proposal is for ten homes which can be accomplished now that the Galvan’s home has been removed.*

5. *Narrowness of the road: Comparing Willow Grove Lane to other streets in this area:*
  - *Willow Grove Lane: 26 feet wide*
  - *Green Oaks Drive: 36 feet wide*
  - *Walden Ridge Drive: 36 feet wide*

- Bullion Street: 41 feet wide

While the width of Willow Grove Lane meets the minimum requirements for Murray City, and has been fully vetted for emergency vehicles, the street width is much smaller than other streets that currently connect subdivisions. As a comparison, Salt Lake City requires streets be 36 feet wide for a residential street and 30 feet wide for a cul-de-sac.

Here is a link to a short video we filmed which shows what the traffic is like on Willow Grove Lane during large events: <https://youtu.be/EUKjv0eI8I4>

You can see, when cars are parked on the street there is room for only one vehicle at a time to pass through. We do not believe this situation is acceptable once the volume of traffic that flows through the street during student pick up and drop off and for sporting events at the park increases by 300-400%. We do not expect to live on a street with no traffic issues but we also cannot do anything about the narrowness of Willow Grove Lane.

6. Emergency & Safety: Safety concerns have been expressed by proponents of this road, citing that the new connection is required to allow for emergency vehicle access. The initial concerns for fire and police departments are understandable and appreciated. However, in the sixteen years we have lived on Willow Grove Lane, the road has never limited a safety response from the police, the fire department or any other emergency vehicles. And if the dead ends at Willow Grove Lane and Tripp Lane were truly a hindrance to emergency services, our wonderful city would have resolved the matter before now. And when emergency vehicles are called to the surrounding streets, Tripp Lane and Green Oaks Drive are and will continue to be the preferred routes of responders.
7. Neighborhood Walkway: A walkway was requested by the existing neighbors when the Murray Oaks subdivision was built as a safe, convenient way for children to get to the nearby schools and residents also wanted to limit traffic in the area (see attached City Planning Meeting notes from April and May of 2004). The builder, Gough Construction, put in the walkway for the neighborhood children and the fence to prevent vehicles from accessing the softball park via Willow Grove Lane.

This is a well-maintained neighborhood and the walkway is hazard free. The Northeastern portion of this walkway is on school district property and is maintained by their ground keepers. In its current form, the walkway is much safer than having students walk along a congested street to get to the schools. Children walk through the softball parking lot free from the danger of passing cars. The parents whose children use Willow Grove Lane to walk to school appreciate this safe direct path to the 3 schools. Many joggers, cyclists, and dog walkers prefer to use the walkway over 700 West for safety reasons as well.

Those who drive to the schools have other routes available to use. These other driving routes are not as safe for walking children as Willow Grove Lane currently is. The proposed through-street also creates new safety issues for students who use this street and walkway to get to school: it creates a new crossing point at corner of 800 West and Tripp Lane where students will be forced to cross amongst a stream of vehicles.

8. *Original Development plan and Preferred Design is a Cul-de-sac: During the Planning Commission meeting last year regarding this development, twenty-three resident comments were submitted regarding this proposed development. Seventeen of the commenters, or 74%, asked for a cul-de-sac. In an email sent to Wendy Livingston from Doug Hill in the mayor's office, after hearing feedback from residents, the mayor's office asked NeighborWorks to submit a new set of plans for a cul-de-sac. Below is an excerpt from an email Doug Barnett personally received from Maria Garciaz, the CEO of NeighborWorks confirming the original plan for a cul-de-sac:*

*"Our initial intent with Tripp Lane was a cul de sac and when we submitted a preliminary plan to previous Mayoral and economic development administration, they rejected it stating Murray city wanted a through street to better connect the neighborhoods. As a result, we developed our subdivision based on Murray City request. As the City started to hear concerns from residents about a through street, Murray City then asked us to withdraw and start the process over for a cul de sac."*

*It's understandable why a city planner, looking at an aerial map, would want to connect roads but viewing this development at the street level reveals that this isn't as simple as connecting two points. Due to the proximity to Viewmont Elementary School, Riverview Junior High, and a four-plex of softball fields, this road will become a major transportation path to three large destinations points. This is a monumental undertaking for such a small residential street.*

*We look forward to welcoming our new neighbors who build in the NeighborWorks subdivision and we have no issues with the number of homes proposed or the additional traffic generated by those residents. However, the use of eminent domain while viable options exist, the safety concerns we have for our neighborhood children, and the sudden, significant increase of traffic to Willow Grove Lane alarm us greatly. We ask that you consider these issues and vote no to the proposed use of eminent domain in this instance.*

*Thank you for your time and for your continued service to Murray City. We know you have the best interest for Murray City and its residents at heart and you sincerely desire the safety and well being of Murray's citizens.*

Dana Cowan

*I want to voice my opinion about opening Willow Grove Lane as a through street. There is absolutely no reason this should happen. Willow Grove is not a wide street. The increased traffic is going to get a child hurt or killed. Children need this area to walk to school in safety. And you are putting them at risk for the benefit of a development firm. Willow Grove ends and the new subdivision should end their street in a cul-de-sac*

*This street is not needed for first responders they can use Tripp Lane. It makes more sense to use 700 West this road is designed to move traffic. You allowed*

*Greenoaks to open up as a through street and it was never designed as one. It is a neighborhood street.*

*Please put our children first!*

Kathy Milne

*My name is Kathy Milne and I live in the last house on Tripp Lane. While I am excited and happy that the old Galvin property, kitty corner from me, is going to be developed, I do have concerns about the future traffic problems. If the road is developed from Willow Grove Lane to Tripp Lane there will be much more congestion and it will be less safe for our children. In talking with one person at the Planning Division they said that it would only be around a hundred more cars a day. I think that is way understated. A neighbor talked to the city engineer and they say that it will be between 200-300 more cars which I find to be more reasonable and truthful. Just the 10+ new homes in a cul-de-sac will add 20-30 cars traveling back and forth numerous times a day.*

*One of the reasons we built our home on Tripp Lane is that it was on a dead end street and because of road and congestion issues we had where we lived in Sandy. There are parking issues with the ball park, football and with both Riverview Junior High and Viewmont Elementary. Although things have gotten slightly better with the added parking at Riverview, there is still a parking issue. Because of this issue, people park on both sides of Tripp Lane and on 800 West. There have been numerous times that I cannot get up the street or down the street because of the parking issue and vehicles trying to travel up or down the street. Tripp Lane is slightly wider than Willow Grove. People park extra cars in front of their houses. There is not room for homeowner parking and 2 lanes of through traffic on either street!*

*Our neighborhoods consist of many cul de sacs and circles. This makes it a safer place for our children to play outside. I am asking you to please consider the safety of our children, as they walk to and from school. If you put a road in, it will be narrow, congested and people will speed. There will be continuous traffic which can bring in more crime.*

*Let us stay in with the design of the rest of the neighborhood. Put in a cul de sac, with a walkway if needed. Let's keep our neighborhood and our children safe. No through street!!*

*I have had a few conversations with individuals who have either bought the property or are developing it, etc. While they have stated they do not know if a through street is in the plans, a couple of the individuals have told me that they would prefer a cul de sac. Reason one, would be able to put in more homes and reason two, they said it would be safer and not only fit in with the neighborhood, but less congestion of traffic.*

*I agree with them. A little more traffic from a cul de sac is preferable over the*

*traffic a through street would bring.*

*I also understand that there are other contingencies that need to be taken care of before the street can go through. NeighborWorks was aware of these contingencies when they bought the property.*

*I also understand that at the time Gough was building homes, they were trying to get the Galvin property on the south and wanted to put 5 homes in a cul-de-sac at the end of Willow Grove, but the Galvin's were not interested in selling. It was not going to be a thru street.*

*I am hoping that you will listen, hear and take heed of how we feel concerning this development. Please consider our concerns and the issues a through street will bring into our neighborhood.*

### **Consent Agenda**

- 1. Consider confirmation of the Mayor's appointment of Kimberlee Bird to the Murray City Parks and Recreation Advisory Board for a three-year term beginning July 6, 2021, to expire January 1, 2024.**

#### **Presentation: Mayor Blair Camp**

Mayor Camp requested Kimberlee Bird to be appointed as a member of the Parks and Recreation Advisory Board from July 6, 2021, to January 1, 2024. Ms. Bird will be filling the position that was vacated by Mindy Canova.

MOTION: Councilmember Cox moved to confirm the Mayor's appointments. The motion was SECONDED by Councilmember Martinez.

#### **Council roll call vote:**

*Ayes: Councilmember Hales, Councilmember Martinez, Councilmember Cox, Councilmember Dominguez, Councilmember Turner*

*Nays: None*

*Abstentions: None*

*Motion passed 5-0*

### **Public Hearings**

- 1. Consider a land-use ordinance amending sections 17.92.090, 17.96.090, 17.100.090, 17.104.090, 17.108.090, 17.112.090, 17.116.060, 17.120.060, 17.124.060, and 17.128.060 of the Murray City Municipal Code relating to the height of residential zone accessory structures**

#### **Presentation: Jared Hall, Community Development Supervisor**

**Applicant: Brad Lambert**

**PowerPoint Presentation: Attachment A – Text Amendment: Accessory Structure Height in Residential Zoning Districts**

Murray resident, Brad Lambert, submitted an application requesting a text amendment to allow all residential accessory structures (detached shed or garages) to be constructed to a height of 20 feet.

Currently, the code states: An accessory structure may consist only of a one-story building and may not exceed sixteen feet {16'} to the peak of the roof if the primary residential dwelling is less than twenty feet (20') in height. If the primary residential dwelling is greater than twenty feet {20'} in height, an accessory structure is allowed at a height of twenty feet {20'} to the peak of the roof.

The proposal removes the consideration of the height of the primary dwelling in determining the allowable height for accessory structures on the property. The amended text would read simply: "An accessory structure may consist only of a one-story building and may not exceed twenty feet {20'} to the peak of the roof.

The applicant's proposed revisions would apply to the following zones:

- Chapter 17.92, Agricultural District A-1
- Chapter 17.96, Single-Family Medium Density Residential District R-1-6
- Chapter 17.100, Single-Family Low-Density Residential District R-1-8
- Chapter 17.104, Single-Family Low-Density Residential District R-1-10
- Chapter 17.108, Single-Family Low-Density Residential District R-1-12
- Chapter 17.112, Medium-Density Residential District R-2-10
- Chapter 17.116, Multi-Family Low-Density Residential District R-M-10
- Chapter 17.120, Multi-Family Medium Density Residential District R-M-15
- Chapter 17.124, Multi-Family High-Density Residential District, R-M-20
- Chapter 17.128, Multi-Family High-Density Residential District R-M-25

With requirements for yard area coverage and setbacks in place, Mr. Hall indicated that the staff does not find a meaningful benefit of limiting the height of accessory structures by relation to the height of the primary dwelling.

The proposed ordinance was made available for review by City Staff from various departments on April 23, 2021. The proposed text amendment would eliminate the need to verify the height of the primary structure before issuing a building permit.

A public hearing was held on Thursday, May 6, 2021. No comments were received and the Planning Commission voted 7-0 to forward a recommendation of approval to the City Council.

#### Findings

1. The proposed text amendments are consistent with the purpose of Title 17, Murray City Land Use Ordinance.
2. The proposed text amendments are consistent with the goals and objectives of the Murray City General Plan.
3. The proposed text amendments will allow Murray City residents more flexibility in the reasonable use of accessory structures in residential zoning districts.
4. The Planning Commission forwarded a recommendation of approval.

Mr. Hall indicated based on the background, staff review, findings of both the Planning Commission and Staff he recommended the City Council approve the proposed text amendment to Chapters 17.92, 17.96, 17.100, 17.104, 17.108, 17.112, 17.116, 17.120, 17.124, 17.128 regarding the allowed height of accessory structures as presented.

**Council Questions**

Councilmember Dominguez requested how many applications the city gets for similarly sized structures.

Mr. Hall answers, that the city gets several requests per year and most of them are applications from the older neighborhood where the home heights are much smaller than the traditional builds being designed today.

Councilmember Dominguez asked what will happen if the proposal is denied (since the building is already built).

Mr. Hall says the applicant has a 2<sup>nd</sup> permit pending to increase the roof height to meet the current code requirements and clarified that when the applicant for the accessory dwelling was originally submitted, the height of the home was wrong.

Councilmember Cox and Martinez agree that this proposal allows older homes the opportunity to build a standard size garage without adding height to the home to meet the current city code.

**Applicant**

Mr. Lambert declined to address the Council.

**Citizen Comments:**

Katheryn Litchfield – In person

Ms. Litchfield shared her concerns with a blanket ruling of twenty feet. The code (as proposed) has no specification for the height of a roof pitch. She indicated that this affects the neighborhood sightlines when accessory dwellings are built one foot off the property line. Ms. Litchfield clarifies that there is only one city (Lehi) that allows a 24-foot property line, other cities make accessory structures over 16 feet be brought in 1 foot for each foot over 16 feet. This requirement is in the code, so the accessory structure is put in the back of the applicant's yard and not one foot off the property line. Ms. Litchfield also says zoning requirements in California and New York account for "light and air". Ms. Litchfield urges the council for moderation and additional conditions before his motion is considered.

Katheryn Litchfield – Email sent to Council prior to meeting

*Dear Council Members: As a Murray City Resident and a Design/Build professional, I would like to speak to the issue slated for July 6, 2021 - the proposed Text Amendment in relation to the Height of garages and accessory structures. I*

*understand it will come before the City Council, having been approved by the Planning Commission - It proposes to amend the text of the Zoning Code to read that the Height of any detached garage is not dependent upon the height of the primary residence, but can always be 20ft, instead of the Present Code that reads: Murray City Zoning Code 17.104.040 G. Height: An accessory structure may consist only of a one-story building and may not exceed sixteen feet (16') to the peak of the roof if the primary residential dwelling is less than twenty feet (20') in height. If the primary residential dwelling is greater than twenty feet (20') in height, an accessory structure is allowed at a height of twenty feet (20') to the peak of the roof.*

*I Oppose this proposed Text Amendment, based on the fact that it contradicts the letter, intention and spirit of the Zoning Code in General, namely I feel it is very important to consider the GENERAL PROVISIONS of the CODE, TITLE 17 ZONING .*

*Points & Exerpts ( highlighted ) which may apply to violations of the spirit and fact of the Title 17 Code: 17.04.020:*

*PURPOSE: This title and the regulations and restrictions contained herein are designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity and general welfare of the present and future inhabitants of the city to: B. Provide adequate open space for light and air and prevent overcrowding. D. Preserve and create a favorable environment for the citizens and visitors of the city; E. Enhance the economic and cultural well being of the inhabitants of the city; H. Promote the development of a wholesome, serviceable and attractive city resulting from an orderly, planned use of resources. (Ord. 07-30 § 2) In addition: Parts of the Genneral Code state: 17.04.050: CONFLICTING PROVISIONS: This title shall not nullify the more restrictive provisions of other private covenants and agreements or other laws or general ordinances of the city, but shall prevail and take precedence over such provisions which are less restrictive. (Ord. 07-30 § 2)*

*I see it is stated that the restrictive provision shall be preferred above such provisions which are less restrictive. The truth is: #1. No garage needs to be higher than 16 feet flat roof to function to house the largest vehicle allowed to travel on the roads of UT & Idaho which represents the largest vehicle allowed to travel in the whole country. [ 14 ft high x 45 ft long x 8.6 ft wide ]. I have shown by plan and engineering for Murray snow load by TrussPlant a local truss engineering firm ( see attached Truss Engineering schedule ) that the total depth of a truss that would clear-span 30 feet ( which is a very wide garage which would only fit on a few properties in Murray) need only be 1 ft 4 inches deep, and that with this simple common 2" x 4" wooden truss, which is not expensive, could afford the proper clearance over any vehicle 14 feet as tall which is permitted on UT roads. The largest high-end luxury motorhome rarely exceeds 13.5 ft or 41 ft in length. If anyone should possess such a vehicle and desire to build a garage to house it - they would not need need to vere from this 16 ft high design. ( See attached Garage Plan ).*

*If this Text Amendment passes, anyone in Murray City could have three 20 foot high walls looming 1 ft off of their property-lines in their backyard - one on each side. They could basically be boxed in. With each structure of this height a neighbor loses 25 % more sunlight from their view and receives 25 % more shadow than a with a 16 ft structure. Most of the typical original homes are around 15 feet high, and the neighborhood presents a low-key modesty. The new homes tend to include a garage within their structures which are built with the setbacks of a home - 8-10 ft, 20 ft, 15 ft. -- not a 1 ft setback which is allowed for an attached garage. A 20 foot structure, 1 ft off the property line - looms over the neighboring property.*

*Murray has .23 acre average size yards which facilitate gardens with light and air. A garden culture of planting and growing is strong in the community, also most of Murray citizens enjoy a good view of the mountains to the east and the sunsets to the west, due to the lower nature of most homes in original neighborhoods. Drive around and you will see this. There is also the occasional tall garage, to house an RV or a shop. I have noticed these at 16 feet in height, I am told that there are 20 ft garages in Murray, but until April 2021, I had never seen one. They are usually used to house RV's. However, as I have shown - The largest vehicle allowed on Utah roads does not need a of any greater height than 16 feet to house any legal RV.*

*I hope that Murray City Council members will consider what they are permitting if they pass the 20 ft high permitted garage height for all garages. I hope that each member will find a 20 ft high structure and stand near it - as if it was in their own backyards, and notice the lack of views of the sky and the mountains, the diminished sunlight, morn and night, and then imagine one on three sides of their own backyard. I think no one would be willing to state that this does not change the character, the value, and the pastoral enjoyment of our community of Murray City, and that the present Height Ordinance as it pertains to residential accessory structures and Garages serves a good purpose to moderate the character of the built community. I hope the City Coucil Members will see that a change in the text of this Zoning Ordinance is unnecessary and even damaging to the future built character of our enjoyable environment and vote to deny this Text Amendment.*

*When I moved to Paradise Park in Murray, I chose it due in part to it's homey and modest residential character. It is similar to my former home in Menlo Park, California. The attraction was the presence of large open space in the typical yard which facilitate growing plants, the beautiful views from almost every home of the sunrises over the mountain and the sunsets to the west, the low-lying profile of Twin Peaks Elementary. There is the occasional 16 ft garage mostly built for RV storage, man of these were built prior to Murray's incorporation under the present code. My neighborhood in California is also valued for it's modest character and beautiful trees. Steve Jobs and other tech people chose it above neighborhoods with larger, taller fancier homes – because they said they value the modest family feel. The value of the houses in a neighborhood which has preserved it's residential character is great – the same modest homes now range from 3.5 -7 million and up.*

*My neighborhood retains a balance between the height of the residences and the complementary height of the accessory garages. There is a residential harmony between built structures which would be disrupted if all new structures can be 20 feet high regardless of the height of the home. I did not intend to reside in a neighborhood swinging toward the profile of an industrial zone. I believe this Zoning change would degrade the harmonious residential character of the neighborhood.*

*Before a final vote – I urge the Council members to stand near to a 20 foot high structure as if is were in your own backyards, then multiply that by it's being on each side of your backyard. Feel the in person impact of a 20 foot wall overhead and compare it to the feel of a 16 ft high structure. Jared Hall stated to me that he had not stood near such a 20 ft structure and felt the height – before the Planning Commission voted to change the limit for all accessory structures to 20 feet. I feel that the deciding body ought to have actual exposure to the human feel. I invite you to come to my backyard and to conveniently view a 16 ft garage on the South of my lot to the 18 foot high garage on the West of my backyard, with a pitch to 20 ft. Neighbors have commented to me that 18 ft wall itself, takes their breathe away and feels unexpectedly high for a residential backyard, in addition to diminishing the sunlight and sky view. I believe the current height code preserves the residential look and feel and architectural harmony of our beautiful neighborhoods. It allows for a gradual evolution of building heights. Most new home designs incorporate the garage into the primary structure which retains the setbacks for residential buildings, not placing a 20 foot structure so near, 1 ft off the property line, which impacts the neighbor more than the home owner, because there is a 6 ft setback required from the same owner's primary residence. These structures unduly impact the neighbors' properties in comparison to the home owners.*

*I object to the blanket assassination of the residential character of our present lovely community and the taking of 25 % more light and air from our homes. A 20 ft height if an accessory structure is unnecessary, invasive and intrusive in our idyllic neighborhoods I believe it will devalue our community and degrade its character. I petition you to please emphatically halt this ordinance change. I believe it will not contribute to the betterment of our beautiful residential community on balance.*

*Thank you. I hope that you will vote to deny this Text Amendment.*

*P.S. ( my attached petition is not complete - but just begun. I however, speak for myself but also with the support of the petitioners on this issue.) Thank you.*

The public hearing was closed.

## **Discussion**

Councilmember Cox asks if this proposal would allow applicants to have a twenty-foot structure with a flat roof.

Mr. Hall said the code does not permit flat roof accessory dwellings. However, most accessory structures application permits are not flat roofs and he can add clarification or language for the pitch of the roof.

**MOTION:** Councilmember Martinez moved to approve the ordinance. The motion was SECONDED by Councilmember Cox.

**DISCUSSION ON MOTION:**

Councilmember Dominguez spoke deciding after the building has been completed and she wishes the council could have discussed this before the accessory dwelling was built.

*Council roll call vote:*

*Ayes: Councilmember Hales, Councilmember Martinez, Councilmember Cox, Councilmember Turner*

*Nays: Councilmember Dominguez*

*Abstentions: None*

*Motion passed 4-1*

**2. Consider an ordinance vacating a municipal utility easement located at approximately 20 East Winchester Street.**

Presentation: Bruce Turner, Operations Manager of Power

Bruce Turner requested the City Council approve to vacate the Municipal Utility Easement to Cell Tower Holdings LLC. at 20 East Winchester St., The Municipal Easement is being requested so that the owner, Cell Tower Holdings LLC, may utilize this property for their needs. When the powerline was built, it was built out of the easement and now they want to shift the easement to the appropriate area. In addition, there is an agreement for additional support and land use if additional land use is needed.

**Citizen Comments:**

The floor was opened for public comments: None received.

**MOTION:** Councilmember Hales moved to approve the ordinances. The motion was SECONDED by Councilmember Dominguez.

No discussion on the motion.

*Council roll call vote:*

*Ayes: Councilmember Hales, Councilmember Martinez, Councilmember Cox, Councilmember*

*Dominguez, Councilmember Turner*  
*Nays: None*  
*Abstentions: None*

*Motion passed 5-0*

### **Business Item**

1. **Consideration of a resolution authorizing and approving proceedings in eminent domain as necessary for a strip of land located at 5859 S. Willow Grove Lane.**

Presenting: G.L. Critchfield, City Attorney

Landowners: Bill and Wendy Livingston

[Refer to Planning Commission on June 17, 2004]

[Refer to Planning Commission on [July 16, 2020](#)]

[Refer to Committee of the Whole on [August 25, 2020](#)]

[Refer to Committee of the Whole on [July 6, 2021](#)]

Mr. Critchfield addressed the council by stating that a business item was originally brought to the council on August 4<sup>th</sup>[sic], 2020, during the committee of the whole meeting. This is a resolution that would authorize the city to exercise eminent domain, if necessary, on a 106-foot parcel on Willow Grove Lane.

#### **Background**

Originally this came to the city by NeighborWorks who wanted to build a subdivision in the area. The proposal included a cul-de-sac. The City requested the street Willow Grove Lane be connected to Tripp Lane, by building a thru street and not the cul-de-sac.

Appraisals for the land to build a through street has been done. A 2<sup>nd</sup> appraisal has been done by the landowners (Livingstons) using an Ombudsman and negotiations have been declined.

#### **Questions**

Councilmember Cox asked who will pay for the property?

GL says the city would have to speak to the developer.

#### **Land Owner -Bill and Wendy Livingston**

Mr. Livingston appreciates the opportunity to address the council. He indicates there is support in the surrounding neighborhoods to not have a thru street and keep the land developed as a cul-de-sac. Based on the support for not developing a thru street, the Livingstons are representing the community around them. They want to make sure the request for a street by eminent domain is not developed.

One of the main concerns about creating a through street are 1) Safety; 2) Additional traffic to the area; and 3) Using eminent domain to benefit a private developer.

In addition, the Planning Commission never addresses the safety issue but focuses on connectivity and even though a traffic study was done, they believe the increased traffic

estimate is way too low.

Mr. Livingston referred to Planning Commission meeting minutes on June 17, 2004, when the road was addressed. During that meeting, the Planning Commission indicated that this road could remain a stub road, "because the property owners may never sell."

Another issue that was brought up during the Committee of the Whole is a concern about utilities. The Livingston said they have no concerns granting an easement for utilities on their property if a cul-de-sac is developed.

The last point that Mr. Livingston brought up is the issue of using eminent domain to aware property. Eminent Domain is typically used if there is not an alternative. In this case, however, a cul-de-sac is a viable option without the use of taking someone's property to benefit a private developer.

Based on his concerns, he requests that his property is not condemned and the motion fails.

Council referred to Mr. Critchfield for clarification.

Mr. Critchfield explains that the city typically requires a thru street when there is a stub road. What is complicated, is the land that is required to build a through street is privately owned by the Livingstons.

MOTION: There is one motion.

*Motion failed.*

### **Mayor's Report and Questions**

Mayor Camp shared the following update:

- Express appreciation to all city employees who helped during Fun Days on July 4<sup>th</sup>.
- Fire Department did not receive any calls for fireworks-related fires during the weekend.
- Reminder – summer performances at the amphitheater have started. Shred, the musical begins this Friday and tickets are available at the parks and recreation office.
- Reminder – Flip our Strip program to help conserve water has begun. If you currently have a lawn in your park strip and would like to replace it with water-wise landscaping, please visit the water department webpage. Residents can receive a rebate of \$1.50 per square foot to help with landscaping.

The meeting was open to questions. No questions were asked.

Councilmember Cox addresses the city about a recent Police involved shooting where one of our officers was wounded. Mr. Cox asks the citizens for more respect for our Police and Fire. They risk their lives every day and we need to do more to show our appreciation for them.

Councilmember Martinez acknowledges Senate Kathleen A. Riebe joined us for the meeting.

Councilmembers shared their appreciation to the mayor, staff, and audience.

No additional questions were asked.

**Adjournment**

The meeting was adjourned at 7:23 p.m.

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Brooke Smith, City Recorder

Attachment A – Text Amendment: Accessory Structure Height in Residential Zoning Districts

**Attachment A**  
**Text Amendment:**  
**Accessory Structure Height in Residential Zoning Districts**

**Text Amendment: Accessory Structure Height  
in Residential Zoning Districts**

**Applicant:** Brad Lambert



## Zones Impacted

- A-1
- R-1-6
- R-1-8
- R-1-10
- R-1-12
- R-2-10
- R-M-19
- R-M-15
- R-M-20
- R-M-25

## Proposed Text Amendment

### Existing

An accessory structure may not exceed sixteen feet (16') to the peak of the roof if the primary residential dwelling is less than twenty feet (20') in height.

If the primary dwelling is greater than twenty feet (20') in height, an accessory structure is allowed at a height of twenty feet (20') to the peak of the roof.

### Proposed

An accessory structure may consist only of a one-story building and may not exceed twenty feet (20') to the peak of the roof.

Municipality	Setback	Height	Additional Height	Coverage
Murray City	6' from dwelling & 1' side & rear	16' – 20'	In relation to dwelling	25% of rear yard
Cottonwood Heights	6' from dwelling & 3' side & rear	14' +	20' max w/a 1:1 height/setback	
Draper City	6' from dwelling & 10' side & rear	25' max	25' max (includes a max exterior wall 15' + roof)	8% of total lot
Herriman	3' from property line	16'	20' for <1/2 acre lots 25' for >1/2 acre w/10' min setback	25% of rear yard
Holladay	3' from property line	20'	Graduated height in relation to main dwelling and setback up to 40 ft	
Lehi	6' from dwelling & 1.5' side & rear	24'		30% of rear yard
Midvale	6' from dwelling & 2' side & rear	20' w/pitched roof or 16' w/flat roof		960 ft <sup>2</sup> or 13% of lot
Millcreek	6' from dwelling & 3' side & rear	14'	24' max w/a 1:1 height/setback	35% total lot
Riverton	10' behind dwelling & 1' side & rear	20'	25' (w/15' rear setback) *may not exceed height of dwelling	10% of total lot
Sandy City	10' behind dwelling & 2' side & rear	20'	*CUP for 1:1 additional height up to the height of dwelling	25% of rear yard
South Jordan	3' from property line	16'	25' max w/1:1 height/setback. *CUP for structure that exceed dwelling height	< 60% of dwelling footprint
Taylorsville City	6' behind dwelling & 3' side & rear	16' w/max of 675 ft <sup>2</sup>	*Administrative CUP for up to 20'	25%
West Jordan	3' access path from dwelling	17'	20' max w/a 1:1 height/setback	20%
West Valley	3' from main dwelling & 1' side & rear	14'	20' max w/a 1:1 height/setback	25%

## Planning Commission

- A public hearing was held on Thursday, May 6, 2021.
- No public comments were received.
- The Planning Commission voted 7-0 to forward a recommendation of **approval**.

## Findings

1. The proposed text amendments are consistent with the purpose of Title 17, Murray City Land Use Ordinance.
2. The proposed text amendments are consistent with the goals and objectives of the Murray City General Plan.
3. The proposed text amendments will allow Murray City residents more flexibility in the reasonable use of accessory structures in residential zoning districts.
4. The Planning Commission voted 7-0 to recommend approval of the proposed text amendments.

## Recommendation

Staff and the Planning Commission recommend the City Council **APPROVE** the proposed text amendment to Chapters 17.92, 17.96, 17.100, 17.104, 17.108, 17.112, 17.116, 17.120, 17.124, 17.128 regarding the allowed height of accessory structures as presented in the staff report.

