

# **Murray City Municipal Council Chambers**

## **Murray City, Utah**

**Tuesday, September 21<sup>st</sup>, 2021**

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The Murray City Municipal Council met on Tuesday, September 21, 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 in Attendance:**

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

### **Administrative Staff in Attendance:**

Blair Camp	Mayor
Doug Hill	Chief Administrative Officer
Jennifer Heaps	Chief Communication Officer
Brooke Smith	City Recorder
GL Critchfield	City Attorney
Brenda Moore	Finance and Administrative Director
Jon Harris	Fire Chief
Karen Gallegos	Senior Court Clerk
Amy Lambert	Court/Judicial Assistant II
Melinda Greenwood	Community & Economic Development Director
Zach Smallwood	Associate Planner
Rob White	IT Director

### **Others in Attendance:**

Jann Cox	Pam Cotter	Daren Rasmussen
Kathryn Lichfield	Brent Barnett	Janice Strobell

### **Opening Ceremonies**

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

Pledge of Allegiance – The Pledge of Allegiance was led by Zach Smallwood.

### **Approval of Minutes**

Council Meeting – August 24, 2021  
Council Meeting – September 7, 2021

MOTION: Councilmember Dominguez moved to approve both minutes. The motion was SECONDED by Councilmember Martinez.

Council roll call vote:

Ayes: Councilmember Martinez, Councilmember Cox, Councilmember Dominguez,

Councilmember Turner, Councilmember Hales

Nays: None

Abstentions: None

Motion passed 5-0

### **Special Recognition**

#### **1. Murray City Council Employee of the Month, Amy Lambert, Court/Judicial Assistant II.**

Presenting: Brett Hales, Councilmember, and Karen Gallegos, Senior Court Clerk

Councilmember Hales said the Council started the Employee of the Month Program because they felt it was important to recognize the City's employees. He stated that Amy Lambert would receive a certificate, a \$50 gift card and told her that her name would appear on the plaque located in the Council Chambers. Amy Lambert has worked for the city for the past ten (10) years and he expressed his appreciation to Lambert for all she does for the City.

Karen Gallegos, Senior Court Clerk said Amy Lambert is a joy to work with and is highly dependable. Lambert is always early to work to make sure everything is set up and ready to open on time. Lambert takes great pride in the work to make sure it is precise, thorough, and complies with all policies and procedures, for the Court and Murray City. Whenever staff has a question about something they can go to Lambert and she will research it until she finds the answer.

Lambert said it is a joy to work with Murray and expressed gratitude for the opportunity to work at Murray City.

Councilmembers thanked Lambert for her service, and they appreciate her being a part of Murray City.

### **Citizen Comments**

Janice Strobell

Janice thanked the council for all they have done today. She shared the following two key

points:

- 1) In response to the open house, she would like the citizens to get involved at the onset of projects.
- 2) All development downtown should go to the city council for final approval.

The public comments were closed.

## **Consent Agenda**

None scheduled.

## **Public Hearings**

Staff, sponsor presentations, and public comments will be given prior to Council action on the following matter. The Council Meeting Agenda Packet can be found [HERE](#).

### **1. Consider an ordinance amending Section 17.48.120 of the Murray City Municipal Code relating to temporary signs**

Presentation: Melinda Greenwood, Community & Economic Development Director, and Zach Smallwood, Associate Planner

PowerPoint Presentation Attachment A- Text Amendment: Chapter 17.48.120 Temporary Signs

Committee of the Whole Presentation on September 7, 2021

Planning Commission Presentation on June 17, 2021

## **Presentation**

Zach Smallwood requested an ordinance amendment updating Section 17.48.120, Temporary Signs, in the Murray City Land Use Ordinance. As staff researched the code, it became apparent that there was conflicting language, duplicate items, or rules that were not practical to enforce in our sign code. Smallwood displayed some examples of temporary signage such as “opening soon” signs and political signs. The proposed changes are intended to clean up the temporary sign section of the ordinance and to provide clear language for those who want to use temporary signs.

In the previous ordinance was passed on May 21, 2019, there was a requirement to have a Murray City sticker on banner signs to hang it, but the city was never able to find a vendor that could make a weatherproof sticker to adhere to sign materials. This proposal is also intended to remove that requirement.

The proposed amended ordinance would continue to regulate the most important elements of temporary signage while removing the conflict within the ordinance and making the regulations clearer.

The Planning Commission did vote 6-0 to recommend approval of the proposed tet amendment of Section 17.48.120, Temporary Signs, in the Murray City Land Use Ordinance.

Smallwood did some research on the number of days temporary signs could be placed in neighboring cities:

- Midvale: Allows three (3) months
- Holiday: Allows 30 days
- Millcreek: Allows up to six (6) months
- South Salt Lake: Allows 21 days and up to 63 days per year
- West Jordan: Allows 60 days
- Taylorsville: unknown

Councilmember Turner recommends the proposed ordinance be changed to 180 days and not 90 days to account for election campaign season.

### **Citizen Comments**

The public hearing was open for public comment.

No comments were given, and the public hearing was closed.

### **MOTION**

Councilmember Turner moved to adopt the ordinance Section 17.48.120 of the Murray City Municipal Code relating to temporary signs and change the timeframe from 90 days to 180. The motion was SECONDED by Councilmember Cox.

#### *Council roll call vote:*

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

*Nays: None*

*Abstentions: None*

*Motion passed 5-0*

### **2. Consider an ordinance amending Chapter 17.78 of the Murray City Municipal Code relating to accessory dwelling units**

[Presentation: Melinda Greenwood and Zach Smallwood](#)

[PowerPoint Presentation Attachment B- Chapter 17.78, Accessory Dwelling Units, Land Use Ordinance Text Amendment](#)

[Committee of the Whole Presentation on September 7, 2021](#)

### **Presentation**

Zach Smallwood requested an ordinance amendment to Section 17.78, Accessory Dwelling Units, in the Murray City Land Use Ordinance. Smallwood shared that the State recently passed HB82 which is the legislature's attempt to curb the housing affordability crisis. The new requirements of HB82 in the State Code will go into effect on October 1, 2021.

On September 11, 2009, Murray City adopted an Accessory Dwelling Unit Ordinance, which allows for accessory dwelling units (ADU's) in single-family residential zones subject to obtain a

conditional use permit. Since then, 67 ADU's have been approved in the city.

Smallwood clarified that there are two types of ADU's: attached and detached. He then shared the new requirements and changes for each type of ADU.

Smallwood clarified the difference between an ADU and a duplex is in an ADU, the utilities do have to connect to the main house. If they are building a duplex, then the utilities can be separate.

The Planning Commission recommended denial of the short-term rental ordinance so for ADU's to be built, property owners must fill out an Accessory Dwelling Unit Permit and sign an affidavit that confirms no short-term renting will occur.

ADUs have increased in popularity as a way to combat rising housing costs across the valley. In a city such as Murray where most of the land has been developed, finding ways to reinvest in the community is an important factor to contribute to the housing shortage across the region.

#### Staff findings

1. The proposed text amendment furthers objective nine (9) of the Land Use and Urban Design Element of the General Plan to "provide a mix of housing options and residential zones to meet a diverse range of needs related to lifestyle and demographics, including age, household size, and income" by making the process to construct and operate an ADU easier.
2. The proposed changes are in harmony with objective eleven (11) of the Land Use and Urban Design Element to "stimulate reinvestment in deteriorating areas of the city to support growth and enhance the image of the community" by reducing the requirements needed to operate an ADU.
3. Staff finds that objective three (3) of the Neighborhoods & Housing Element that states "encourage housing options for a variety of age, family size and financial levels" supports the proposed changes. This allows residents that own a home that may be struggling to pay their mortgage or have a family member or friend that needs affordable housing to reside on the property within an ADU.
4. Objective one (1) of the Moderate-Income Housing Element states "ensure housing affordability targets are achievable using a range of strategies". One of the strategies in this objective state is to continue to support ADUs in all residential zones. Staff finds that the proposed changes further this objective by making it easier to construct and operate an ADU.
5. The planning commission voted 5-0 to forward a recommendation of approval.

Smallwood explained the various types of ADU's: attached, over a garage, and detached. For attached ADUs the State has mandated there not be restrictions on size or number of bedrooms and not require more than one parking space. During the application process, if approved, the city will require a signed affidavit by the property owner that they will be living in either the residence or ADU as well as sign an affidavit that they will not be operating a short-term rental.

The proposed changes are intended to comply with the requirements of HB82 by addressing any differences in Murray's current ordinance and the language that was adopted by the State Legislature. Planning Division Staff recommends that the proposed amendment addresses those differences and complies with all the rules and intentions of that legislation. The proposed changes also make it easier for a homeowner to obtain a permit for an Accessory

Dwelling Unit by removing the requirement for a public meeting.

Councilmember Cox asked for confirmation that the ADU's would be owner-occupied. Smallwood confirmed.

Councilmember Dominguez asked what the difference is between ADU's and short-term rentals. Smallwood answered that ADU's are meant to be occupied for more than 30 days.

Councilmember Martinez recommends an amendment that allows ADU's to have separate addresses.

### **Citizen Comments**

Kathryn Litchfield

Kathryn Litchfield expressed concerns about the 1200 square feet requirement and recommends the council reduce that to 8000 square feet so more citizens would have the opportunity to participate.

Litchfield also asked the council to consider including tiny homes to be considered as an ADU, even though they are on wheels.

No other comments were received. The public hearing was closed.

Smallwood came back up to the podium and clarifies that there are still several properties that would qualify under the 1200 square foot zone. They have looked at reducing the square footage but they wanted to keep the language as close to the HB82 law as possible.

Tiny homes are a big trend, but the code requires ADU's to be on foundations. Tiny homes would fall under the Mobile Home Zone. As such, tiny homes would not be defined as an ADU.

Councilmember Martinez asked if the council could consider changing the code to allow 8000 square feet lots to participate in ADU's.

Attorney Critchfield clarifies the reason for the change, is due to the HB82 law. Because the law was changed, then the city will do what is required to do and recommends a size change go before the Planning commission first.

Melinda Greenwood recommends she ask GIS to pull a report to see how many single-family homes a change impact could. In the meantime, she recommends the Council approve the ordinance to comply with state code, which goes into effect at the beginning of October.

Councilmember Dominguez requested staff to look at exemptions to areas in the city where ADU's could be added if they do not meet the minimum 1200 square foot requirement.

Greenwood recommends looking at different land use issues and sees case studies from other cities to make sure we get it right.

Smallwood clarifies that the 1200's square foot lot is only required for detached ADU.

**Public Comments re-opened**

Kathryn Litchfield – In person

Kathryn recommends the council study the size of an RV. With fairness, you can't exclude words like Tiny Homes or RV's when considering ADU's. The concept of size and making things something permanent needs more study so the rules work for everyone.

Public comments closed.

**MOTION**

Councilmember Martinez moved to approve ordinance 17.78 of the Murray City Municipal Code relating to accessory dwelling units with the amendment to allow ADU's to have a separate address. The motion was SECONDED by Councilmember Turner.

*Council roll call vote:*

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

*Nays: None*

*Abstentions: None*

*Motion passed 5-0*

**Business Item**

None scheduled.

**Mayor's Report and Questions**

Mayor Camp shared the following:

- Murray City's Paralympian Ali Ibanez won a Bronze Medalist Women's Basketball team is from Murray City. Murray City is planning a meet and greet in her honor at Murray Park Pavilion # 1 on Friday, September 24, from 4-5 p.m.

Council members shared their appreciation to the staff and audience.

Councilmember Dominguez mentioned that this month is Hispanic Heritage Month which will run from September 15 to October 15. She would like to recognize the Murray Mexican-American citizens who have been here for the past years and decades. Dominguez requests citizens contact her if they know anyone with a Latin or Hispanic background, as she would like to personally recognize those Murray citizens.

**Adjournment**

The meeting was adjourned at 7:17 p.m.

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Brooke Smith, City Recorder

# Attachment A

## Text Amendment:

### Chapter 17.48.120

### Temporary Signs

Text Amendment:  
Chapter 17.48.120 Temporary Signs

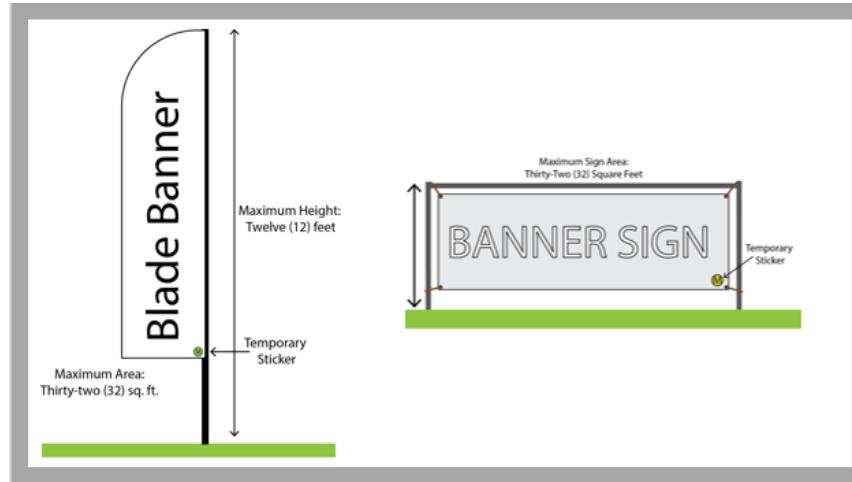
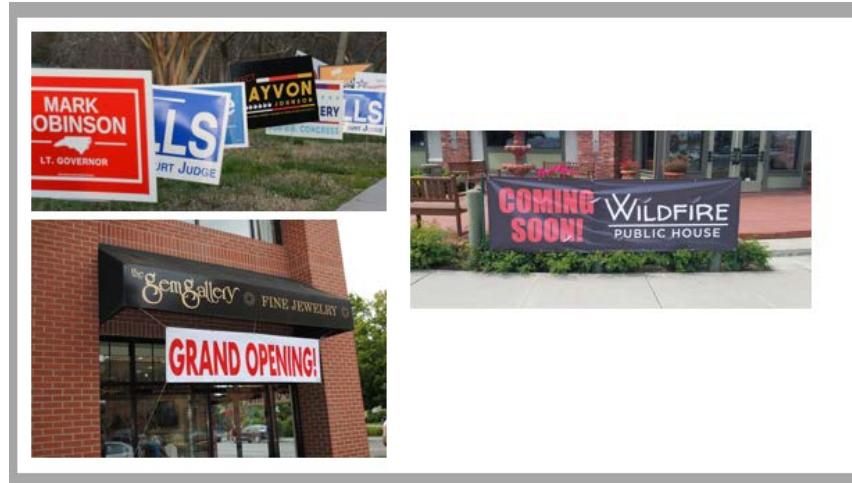


#### **Conflicting Language**

**Section 17.48.120(A)(10)** governs “Temporary Signs” and:

- Requires an application, approval and a permit from CED.
- Allows temporary signs for up to ninety (90) days.

**Section 17.48.130** specifically governs signs not requiring a permit. Subsections A(8) and (9) identify “temporary residential signs in compliance with the residential sign standards herein” and “temporary commercial signs in compliance with the commercial sign standards herein.”



## Proposed Changes

- No application or permit would be required
- No tracking with stickers
- Clearly state signs are not allowed in ROW or placed on public property

## Findings

1. The proposed text amendment furthers the mission of the general plan to “guide growth to promote prosperity and sustain a high quality of life for those who live, work, shop, and recreate in Murray” by allowing temporary sign requirements to be clearly defined, easier to administer and more usable.
2. The proposed text amendment furthers the purposes of the sign code by preserving and improving the appearance of the City, reducing hazards to motorists and pedestrians, and reducing or eliminating excessive and confusing sign displays.
3. The Planning Commission voted 6-0 to forward a recommendation of approval.

## Staff Recommendation

Staff and the Planning Commission **recommend APPROVAL** of the proposed text amendment of Section 17.48.120, Temporary Signs, in the Murray City Land Use Ordinance.

# Attachment B

## Chapter 17.78,

### Accessory Dwelling Units,

### Land Use Ordinance Text Amendment

Chapter 17.78, Accessory Dwelling Units

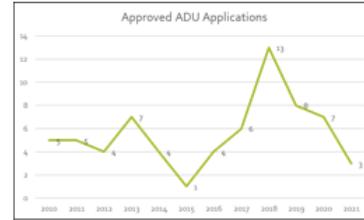
Land Use Ordinance Text Amendment

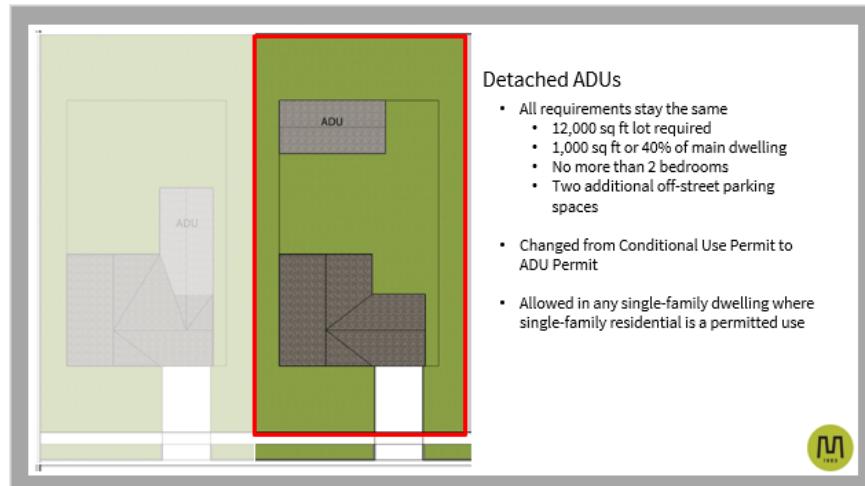
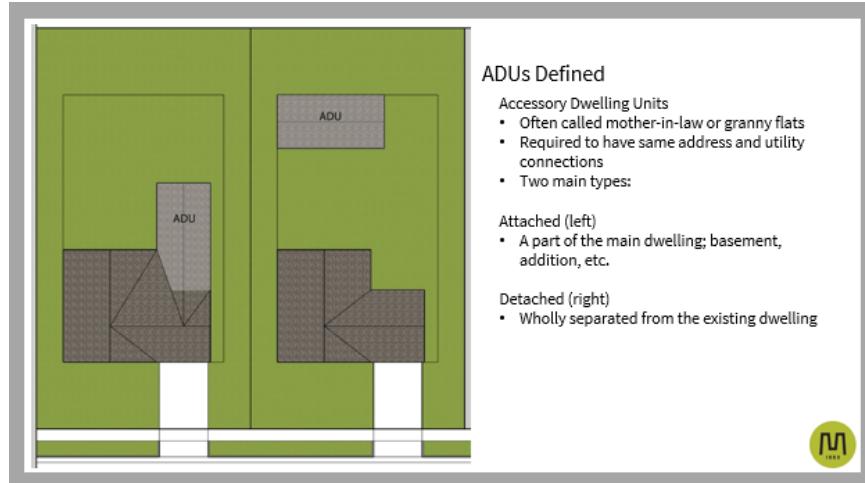


#### Why Are We Here?

##### State Mandate

- House Bill 82
  - Legislature attempting to help with the housing issues in the state
  - Goes into effect October 1, 2021
  - The bill requires cities
    - Allow attached ADUs by right
    - Prohibits cities from limiting size
    - Prohibits cities from requiring more than 1 parking space







**Short Term Rentals and Post Planning Commission Changes**

- Property owner must sign an affidavit that no short-term renting will occur
- (spoiler alert) The Planning Commission recommended denial of the short-term rental ordinance.
- Planning Division staff updated the proposed ordinance to reflect the penalties that were outlined in the Short-Term Rental Ordinance
  - 1<sup>st</sup> Occurrence = \$500
  - 2<sup>nd</sup> Occurrence = \$750
  - 3<sup>rd</sup> Occurrence = \$750 (unable to obtain ADU Permit for two years)
  - Any additional occurrence = class B misdemeanor and \$1,000 fine



**Accessory Dwelling Unit Permit**

- Application Form
  - Type of ADU
  - Owner information
- Site plans
- Floorplans
- Affidavits
  - Acknowledging the owner will live on property
  - Acknowledging the prohibition of short-term rentals
- This would be a staff level administrative permit that does not require Planning Commission approval

### Staff Findings

1. The proposed text amendment furthers objective 9 of the Land Use and Urban Design Element of the General Plan to "provide a mix of housing options and residential zones to meet a diverse range of needs related to lifestyle and demographics, including age, household size, and income" by making the process to construct and operate an ADU easier.
2. The proposed changes are in harmony with objective 11 of the Land Use and Urban Design Element to "stimulate reinvestment in deteriorating areas of the city to support growth and enhance the image of the community" by reducing the requirements needed to operate an ADU.
3. Staff finds that objective 3 of the Neighborhoods & Housing Element that states "encourage housing options for a variety of age, family size and financial levels" supports the proposed changes. This allows residents that own a home that may be struggling to pay their mortgage or have a family member or friend that needs affordable housing to reside on the property within an ADU.
4. Objective 1 of the Moderate Income Housing Element states "ensure housing affordability targets are achievable using a range of strategies". One of the strategies in this objective states to continue to support ADUs in all residential zones. Staff finds that the proposed changes further this objective by making it easier to construct and operate an ADU.
5. The Planning Commission voted 5-0 to forward a recommendation of approval.

### **Staff Recommendation**

Based on the background, staff review, and the Planning Commission recommendation, staff recommends the City Council accept the proposed modifications and **APPROVE** the proposed text amendment for Section 17.78, Accessory Dwelling Units.