

Minutes of the Planning Commission meeting held on Thursday, March 2, 2017, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Buck Swaney, Chair
Scot Woodbury
Travis Nay
Phil Markham
Lisa Milkavich
Jared Hall, Community & Economic Development Manager
Brad McIlrath, Assistant Planner
Jim McNulty, Development Services Manager
Susan Nixon, Associate Planner
Tim Tingey, Administrative and Development Services Director
G. L. Critchfield, Deputy City Attorney
Citizens

Excused: Maren Patterson
Sue Wilson

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

Buck Swaney opened the meeting and welcomed those present. He reviewed the public meeting rules and procedures.

APPROVAL OF MINUTES

Mr. Woodbury made a motion to approve the minutes from February 16, 2017. Seconded by Mr. Nay.

A voice vote was made, motion passed 5-0

CONFLICT OF INTEREST

There were no conflicts of interests for this agenda.

APPROVAL OF FINDINGS OF FACT

Mr. Woodbury made a motion to approve the Findings of Fact for La Europa Academy. Mr. Markham seconded the motion.

A voice vote was made, motion passed 5-0.

WAGSTAFF CRANE – 4645 South 400 West – Project #17-27

Justin Grubb was the applicant present to represent this request. Brad McIlrath reviewed the location and request for a Conditional Use Permit for an electronic message center sign to be located at the property addressed 4645 South 400 West within the M-G Zone. The applicant proposes to convert an existing detached on premise sign to an electronic message center which would include an electronic message center on the north face of the sign with a static cabinet sign on the south face which would say "Wagstaff Crane Service". A smaller sign that hangs beneath the larger proposed sign would need to be removed as a condition of approval

because it is over the maximum allowed square footage allowed by commercial zoning standard. The proposed overall height is approximately 41 feet above adjacent grade. Detached on premise signs are limited to an overall height of thirty five feet (35') from grade however, because this property is adjacent to the freeway the sign height may be measured from the adjacent freeway grade. The proposed sign will stay at 41 feet because the business wishes to use the existing sign pole. As confirmed with a site visit, the sign complies with the minimum setback standard and must stay in compliance with sign standards of detached on-premise signs per condition number five. Condition number six outlines the specific zoning standards to regulate lighting, hours of operation and the length of messages displayed and include lamp size which may not exceed fifty-four (54) watts of incandescent lighting for daytime use and must be reduced to thirty (30) watts at night. Signs may not flash or scintillate, except to change the wording. The EMC must remain lighted for a minimum of two (2) seconds. If the sign is located within five hundred feet (500') of a residential area, or as otherwise determined by the planning commission, it may not operate between the hours of ten o'clock (10:00) p.m. and six o'clock (6:00) a.m. of the following day. The Planning Commission may make changes to the time and duration sign operates or is in use. A minimum of five percent (5%) of the time the sign is in use must be devoted to public services messages (could include date and time, temperature, etc.). Based on the information presented in this report, application materials submitted and the site review, staff recommends approval of Conditional Use Permit for an electronic message center sign to be located 4645 South 400 West subject to conditions.

Mr. Swaney asked if public input was received. Mr. McIlrath explained a phone call was received from a residential neighbor who expressed a concern that the sign not be on the south side face. Staff explained the EMC would be located only on the north side of the sign and the resident did not express any concern about the duration that the sign would be in operation as long as the EMC was not pointed in his direction. Mr. Woodbury asked if the applicant indicated a preference if they wish to leave the sign on all night or not. Mr. McIlrath stated he had spoken to the applicant who indicated his preference to keep the sign running all night if the Planning Commission would allow it.

Justin Grubb stated he is with Young Electric Sign Company representing Wagstaff Crane. Mr. Grubb stated he has reviewed the conditions of approval and will comply. Mr. Grubb stated they would like to leave the sign on all the time or minimize the down time if possible.

Ms. Milkavich asked how many neighbors live to the south of the sign and how many have been contacted. Mr. Grubb stated that he believes that two residents live south of the sign and only one of them called.

The meeting was opened for public comment. No comments were made and the public comment portion was closed.

Mr. Markham stated that he does not feel placing restrictions on the operating hours of the sign are needed as the electronic portion is pointing north, away from neighbors, and there is no impact on the area to the south. Mr. Woodbury stated he is also in support of this proposal.

Mr. Swaney asked for clarification about the notification from staff. Mr. McIlrath answered the notification was provided to all the properties within three hundred feet of the property line and believes that three or four residential homes are in the area, but is unsure if they are being used residentially. Mr. Swaney stated he feels this is consistent with the intended land use for the

area and is in agreement for approval of the EMC.

Mr. Woodbury made a motion to grant Conditional Use Permit approval for an electronic message center sign to be located at the property addressed 4645 South 400 West subject to the conditions 1-7, with the addition to condition number six that states "excluding the time restriction normally imposed with residential properties that are within five hundred feet of the sign.":

1. The project shall meet all applicable building code standards. A sign permit shall be obtained from the Murray Building Division prior to the installation of the electronic message center and static sign cabinet.
2. Upon application for a building permit, the applicant shall demonstrate that the overall height of the sign does not exceed thirty five feet (35') above freeway grade. This may be demonstrated with elevations noted on the submitted building permit plans.
3. The existing hanging sign located beneath the large sign shall be removed as part of the conversion.
4. The project shall meet all applicable fire code standards.
5. The sign shall comply with all applicable sign standards for detached on premise signs outlined in Chapter 17.48 of the Murray Municipal Code.
6. The electronic message center shall comply with all standards outlined in Section 17.48.200 for electronic message centers, excluding the time restriction normally imposed for signs that are within five hundred feet of a residential use.
7. The applicant shall obtain a Murray City Business License for this location and pay all applicable licensing fees.

Seconded by Mr. Markham.

Call vote recorded by Mr. McIlrath.

 A Buck Woodbury

 A Phil Markham

 A Lisa Milkavich

 A Travis Nay

 A Buck Swaney

Motion passed 5-0.

TWIN PEAKS CIRCLE SUBDIVISION – 1011 & 1021 East Peaks Circle – Project #17-30

Ray Black was the applicant present to represent this request. Brad McIlrath reviewed the location and request for Land Use Authority approval for a subdivision amendment by way of a lot line adjustment for the properties addressed 1021 & 1011 E. Peaks Circle located in the R-1-8 zone. The proposed lot line adjustment will not significantly reduce the lot area as both lots

are well above the required 8,000 square feet, which would still comply with the minimum area required for properties in the R-1-8 Zone. The lot line adjustment is for a small triangular portion approximately 151.7 square feet of Lot 7 to be conveyed to Lot 6 in order to align with the existing sport court located in the rear yard of Lot 6. Municipal Code Ordinance 16.04.030.C requires that any amendment, vacation, alteration or modification of any prior recorded subdivision plat be approved by Murray City officials. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval of the proposed subdivision amendment by way of lot line adjustment for the properties addressed 1021 & 1011 E. Peaks Circle subject to the one condition.

Ray Black, 1010 Peak Circle, representation for Mr. Banks and Mr. Amis, stated he has reviewed the conditions and will be able to comply. Mr. Black stated this proposal is to align the property lines with the addition of the sport court and make the lots compliant in order for John Banks to purchase the lot currently owned by Ben Banks

The meeting was opened for public comment. No comments were made and the public comment portion was closed.

Mr. Woodbury made a motion to approve the proposed subdivision amendment by way of lot line adjustment for the properties addressed 1021 & 1011 East Peaks Circle, subject to the following condition:

1. The applicants shall comply with the requirements of the Murray City Engineering and Community Development Divisions for recording the Lot Line Adjustment Approval document and the Deeds with the Salt Lake County Recorder's office.

Seconded by Mr. Nay.

Call vote recorded by Mr. McIlrath.

 A Buck Woodbury
 A Travis Nay
 A Lisa Milkavich
 A Phil Markham
 A Buck Swaney

Motion passed 5-0.

DE-ANNEXATION OF MURRAY PROPERTY TO MIDVALE CITY AND ADJUST CITY BOUNDARY – Project #17-29

Jared Hall presented the request for a boundary adjustment to de-annex the subject properties which would move those properties into Midvale City from Murray City. Garbett Homes has petitioned the Murray City Council to de-annex the subject properties. The City Council requested that the Planning Commission review and provide input on this issue before the Council makes a decision. The properties total approximately 24.47 acres south of Winchester Street on the west side of 700 West. The request is the result of concept plans submitted by Garbett Homes to subdivide the properties for new residential R-1-6 development. Development of the property would require a sewer lift station, which the Murray City Sewer and Water Division does not wish to install or maintain a lift station due to cost, on-going

maintenance, and liability concerns. Any lift station would have to be privately owned and maintained, necessitating a home owner's association which Garbett Homes does not want to do. The property could be served by Midvale City's facilities for sewer and storm water, but upon talking with Midvale City they have indicated that the sewer service would only be available for the development of this property if the boundary is adjusted. As a result of these issues Garbett Homes has requested the de-annexation and boundary adjustment. Utah State Code allows the legislative bodies of municipalities with common boundaries to adjust those common boundaries. The process for this change is that the legislating bodies, both Murray and Midvale cities, would have to adopt a resolution that states the intent to adjust the boundary. The City Council would have to hold a public hearing on the adjustment as it is proposed by the resolution. After the hearing is held, the Council would enact an ordinance that would approve the adjustment, then a notice of the action would be filed and a local entity plat with the adjustment would be filed with the Lieutenant Governor's office, then the Governor would provide a certificate that states it has been adjusted which would then be filed with all the original documents at the Salt Lake County Recorder's Office. This meeting is the first step to hear public comment generated from the notices that were sent out, as well as give the Planning Commission the opportunity to provide insight to the City Council, which would again allow for a public hearing and public comments on this topic during a future meeting.

The zoning of this area is R-1-6 which would allow single family homes on 6,000 square foot lots. Located to the west and north of this property is the Winchester Estates Mobile Home Park, the zoning to the south is in the Midvale Bingham Junction and Riverwalk Overlay zone. The suggested zoning by Garbett Homes if approved would be called SF-2 which is similar to R-1-6 but allows homes on 5,000 square foot lots as opposed to 6,000 square foot lots. They have produced a concept plan based on the SF-2 zoning which is included in the commission packets. If the property is de-annexed it would then be developed in Midvale City and subject to their zoning requirements.

Several Murray City public departments have been contacted for input on this topic. The property can only be served by Murray Sewer with a lift station, the City will not accept and maintain a sewer lift station for various reasons, meaning that if such a station is constructed it will have to be private, and Midvale City is in a better position to provide sewer service to facilitate development of this area. Subsequently, Midvale City is not willing to take the sewer as part of an interlocal agreement. The Power Department concerns revolve around a transmission line that runs along 700 West on the east property line and must stay in place as it serves hundreds of Murray residents and a well house that the City maintains. If the development is de-annexed into Midvale, it will have to be served by Rocky Mountain Power and would require them to locate on Murray City power poles that have to remain in place to service Murray residents. The Police did identify a few concerns related to traffic issues, and code enforcement issues which are complicated by this sort of boundary adjustment as it would create a pocket of Midvale with Murray surrounding it on three sides, potentially making responses and code enforcement difficult. The Community and Economic Development Division has concerns that if this property becomes Midvale property, the City will no longer have direct input or control for the land use regulations and zoning that govern development. The area includes 24 acres of developable land in Murray City. The City does not have many parcels of property this size, and thus there are few opportunities to develop significant residential subdivisions. The potential land uses are a concern. The service road along the southerly boundary recently had a zone change made by Garbett Homes to an R-1-6 zoning in

preparation for this subdivision. The property has a significant drop off on the south side which requires the lift station.

Staff has not made a formal recommendation to the Planning Commission as the City Council was interested in having the Planning Commission weigh in regarding this topic, as well as allowing for public comment.

Mr. Swaney asked for additional information about the concerns that the Sewer and Water Divisions have in regard to the sewer lift stations cost, on-going maintenance and liability concerns. Mr. Hall stated that the information he is aware of is that a lift station of this size would require daily maintenance and would likely need to be replaced within fifteen years. The City would be liable if the pump were to back up and thus creates a need for daily maintenance. Mr. Swaney asked if the developer were to install the lift station as part of the development would the City still be responsible to replace this in fifteen years. Mr. Hall answered that the city does assume any cost associated with the upkeep of the pump as they would if it were a City lift station and City drain line. Mr. Swaney asked if staff is aware of the cost to replace a sewer lift station. Mr. Hall answered that he is not aware of the cost is. Mr. Markham stated that the Water and Sewer Superintendent gave an approximate cost of \$500,000.00. This is a general estimate and it has not yet been engineered or designed.

Ms. Milkavich asked if the cost for the lift station takes into account if the north side of the development could be serviced by normal gravity fed sewer. If so, only the south side would need a pump. Mr. Hall responded that he assumed the cost is only relevant to the needs of the pump for the south side alone. The Public Services Department objects to the need to have the lift station itself, maintenance and liability as they are trying to do away with the few currently in the City. They would like to eliminate the use of them in the future, if they are able.

Mr. Nay asked if Winchester Estates Mobile Home Park is currently serviced by a lift station. Mr. Hall stated that he is not positive if it is or is not. Mr. Markham stated that the only lift station is located at 5300 south called Walden Glen lift station in the park. Mr. Nay asked how many connections could be serviced by a lift station in case the City has the need for development or redevelopment support in the future. Would the lift station have the ability to facilitate the additional need? Mr. Hall stated he is not sure what the pump house could support in the future, and the reason Midvale could take the sewer is that it could be gravity fed to a lift station that is in Midvale.

Mr. Woodbury asked why Midvale City can't service the lower portion and Murray City service the upper portion, and if it's an all or nothing situation? He stated that he does not want Murray City to lose the land. Mr. Hall stated that the request has not been proposed as of now and if we were to propose it then Midvale City would have to be in agreement with the boundary adjustment. This further clarifies that the sewer lines are not the issue as the City has plenty of capacity to handle the sewer itself, rather the issue is not wanting to have a new lift station at all.

Mr. Swaney asked for clarification about an earlier comment that the City is trying to do away with current lift stations and future lift stations, and to describe how that is being handled now. Mr. Hall stated that he is not aware how the Sewer Department is doing it, but that it may begin with a policy that eventually eliminates the need for additional lift stations. Lift stations are not common, but they are not uncommon either as the City currently has six stations.

Mr. Nay asked if the City is currently unable to handle the storm water runoff as well for this area. Mr. Hall stated that from what he understands Murray City can handle storm water and it is not required to be pumped.

Mr. Woodbury asked if the land were to be de-annexed into Midvale would we get anything in return. Mr. Hall answered that it generally does not work that way and it has not been part of the discussion. Mr. Nay asked if Midvale is unable to handle the storm water because the concept shows a detention pond on their site plan and the concept plan for Murray does not show a detention pond. Mr. Hall stated that he is not aware of why the pond wasn't included, but speculated that it could be from the fact that Midvale's potential zoning would allow more homes on the site and that may create the need for the detention pond or it could be that the original concept plan submitted to Murray did not show the pond.

Mr. Nay made note that public officials from both cities are present.

Jacob Ballstaedt, Garbett Homes, 273 North East Capital Street, indicated he is representing Garbett Homes who has requested the de-annexation of property. Mr. Ballstaedt explained that Garbett Homes put the property under contract a few months ago and started working through the process of site plans, utilities and so forth. It soon became apparent that they would not be able to gravity flow the sewer to the sewer that is in Murray. The closest sewer is in 700 West and it is very shallow. The property extends about 700 feet to the west of the sewer and drops in elevation about eight to ten feet as it travels west. Another problem is storm drain as there is not a storm drain in Murray that can service this property, but there is a storm drain in Midvale just on the boarder that can handle the capacity. He stated that he had a meeting with Murray City public utilities to talk about using a lift station to pump the sewer. He stated that Murray City was adamant that they would not do a sewer lift station.

Mr. Nay asked who would be financing the initial cost of the sewer lift station. Mr. Ballstaedt stated that the developer is responsible for the \$500,000.00 cost to install and build the lift station, but Murray just does not want the maintenance of it. The next option is to gravity flow into the Midvale lift station. Midvale City is willing to service the storm drain, but not the sewer due to liability and risk unless the property is within Midvale. Mr. Ballstaedt stated that they would rather stay in Murray but the land is undevelopable with the sewer and storm drains being serviced by Murray. Mr. Ballstaedt stated that the current zoning in Murray is zoned as R-1-6 but Midvale stated they would allow SF-2 as it most closely matches the surrounding area. A detailed report itemizing the difference between the two zones was compiled and submitted which shows the difference and similarities. The detention pond is planned for Murray but was not shown on the conceptual site plan, but regardless of which city it is in they will both require detention ponds. If the property is moved into Midvale it would need to be serviced by Rocky Mountain Power. Discussions with Rocky Mountain Power have determined that they could hook into the existing three face power lines just across the border. If the property goes into Midvale the Unified Police would police the area. Garbett Homes would take measure to ensure the home owners are aware the residents are in Midvale and would not be serviced by Murray Police.

The meeting was opened for public comment.

Tim Tingey, Director of Administrative and Development Services, Murray City, discussed some of the issues if the property is de-annexed. It would create three boarders that are surrounded

by Murray City which creates issues related to code enforcement. If there are problems or issues we do not have any jurisdiction over it even though we surround the properties by three borders. Mr. Tingey stated he feels there will be issues of concern with the Police Department even with the education of the residents about what city they are serviced by.

Mr. Nay asked which Fire agency would respond in the event of a fire in the area. Mr. Tingey replied that he spoke to the Fire Chief who stated that there are no issues of concern because of the coverage. Mr. Swaney asked for clarification about the language in the report where it states, "the ability to enforce traffic ordinances on portions of 700 West would be difficult if not impossible". Mr. Tingey stated that it is a matter of jurisdictional issues, such as traffic issues or complaints on the borders of Murray and we would have an area that is a pocket of Midvale in close proximity to three boarders of Murray. Mr. Swaney asked if it is along the lines of who is writing tickets and so forth. Mr. Tingey stated that is correct. Mr. Nay asked if 700 West would be divided between the cities down the middle or at the curb and gutter? Mr. Tingey answered that it would be defined in the ordinance by the legal description if de-annexed, but it has the potential to cause issues related to the Police Department.

Kelly Peterson, Engineer with Murray City Power Department, stated that he has been out on the site and has checked the location of Rocky Mountain Power facilities and they do have facilities in the apartment complex directly to the south that may be able to be used to provide services if Murray does not. He stated it would be a matter of procuring the easements and extending the lines. The lines along 700 West may have to be relocated for the new alignment of the curb and gutter. This is a small issue that can be worked out. In a conversation with a Garbett official, it was said that it may be a possibility to relocate the line to the wells, which we absolutely want to maintain the lines to the wells. He stated that Murray Power would want the lines along 700 West to stay in place, and can accommodate small adjustments for the alignment as it is feeding the subdivision on the east side of 700 West.

Ms. Milkavich asked who would pay the cost to relocate the line. Mr. Peterson stated that the cost is normally covered by the developer. He explained if it is a matter of setting new poles and transferring existing lines over to the new alignment that could cost \$30K to \$40K as a rough estimate. Mr. Nay asked if the property was to be turned over to Midvale that Murray would not service the power. Mr. Peterson stated that Murray would not service power to Midvale if it was turned over. Mr. Swaney asked if there were to be any additional cost if Rocky Mountain Power were to piggy back on Murray's infrastructure and would this cost possibly be ongoing. Mr. Peterson stated that it would not be practical for Rocky Mountain Power to do so. An existing alternative to this is down the street. There is an overhead line that feeds a Midvale apartment complex. If they were to choose to come down the street and run into an easement issue with the apartment owners, Rocky Mountain would still have the ability to come down 700 West about 800 feet which would cost a lot more, but is possible.

Nicole Squires, 222 South Main Street, Suite 2200, Salt Lake City, stated that she is legal counsel representing the Littleson property, and she wanted to be put on record that the Littleson property owner is in support of de-annexation and would like to see it approved.

Lisa Hubbard, 6653 South 700 West, stated that she lives on 700 West directly across from the property and wanted to go on record that she and her husband do not want the de-annexation into Midvale. She was concerned that 24 acres is a lot of land for our City to give up as the tax revenue over many years would help compensate the maintenance of the lift station. Grant

Elementary also needs students and homes to help the school. Ms. Hubbard further stated she lives on the border of Murray and the "Welcome to Murray" sign is located in front of her home. She has lived here for thirty-eight years and over the years has noticed that Midvale is not good at keeping up the roads. They never grade or fill pot holes and maintenance won't stop at the exact border between cities. Murray City officials need to find a way to make this work so our City can pay for the maintenance of the lift station as de-annexation is not fair for the residents. Ms. Hubbard continued to state that she feels that Garbett Homes would have an advantage if they were moved into Midvale as they are a greenhouse builder with solar power and Murray City does not provide rebates for solar.

Deanna Thompson, 6575 South 670 West, stated she has traffic concerns on 700 West between 4:30 p.m. and 7:00 p.m. as it is hard to get out of her subdivision with all the apartments that have been added to the area and has concerns about adding more homes to the area.

Lisa Butcher, 6632 So. Daniel Way, stated she has lived on the property for twenty-two years and her children want to live in Murray and they want their children to go to school at Grant Elementary, Riverview Jr. High and Murray High School. Ms. Butcher further stated that Murray does not have a lot of opportunities to have additional new homes. Generations of families want to stay in the Murray community, but are limited due to the limitation of new homes. She is against the de-annexation.

Paul Nielson, 541 West 6570 South, stated he is an architect and has put lift stations in other projects and does not feel it is uncommon. He stated the only homes that would need to use the lift station were homes that are in the lower area of the property and asked what percentage of the property would need to use the lift station. Mr. Nielson stated his concern with the Murray powerlines and pump house being in Midvale, and complications with the roads that need to be widened. He expressed a need for a turn lane that is causing traffic backups, as well as the increased density from 6,000 square feet to 5,000 square feet with additional houses. He stated that he would like this property to stay in Murray and to find a way to make it developable.

Joselyn Reese, 6570 South 630 West, stated she has lived in her neighborhood for seventeen years and her concern is for the increased density from 6,000 square feet to 5,000 square feet lots. Ms. Reese further stated that she has traffic concerns with the additional homes as well as the foot traffic on 700 West that originates from the apartments to the bus stops. There is a lack of snow maintenance and the need for the street to be widened with additional traffic lights. Ms. Reese had additional concerns with the police being able to have access and the possible confusion of what city would service the area as the Unified Police that services Midvale do not respond in a timely manner. Ms. Reese feels that adding the extra homes would increase crime in the area and Midvale Police do not properly support this corner of their city now. Ms. Reese stated that Grant Elementary is currently under four hundred students and is not an equitable school and needs the extra homes to fill the schools.

Michelle Mitchell, 6627 South Daniel Way, stated she has lived in the neighborhood over eighteen years and has concerns that Murray will lose control over the area as Murray has very high standards. Ms. Mitchell stated that the crime has increased in the neighborhood and they have had to start a neighborhood watch program. Ms. Mitchell further stated she works for the School District in the Midvale area. She is familiar with city standards and pride from Midvale to Murray. The Murray pride entices people to want to live in Murray and welcomes the new

development of new homes and asked that Murray invest in the well-being of our residents.

Cynthia Reese, 586 West 6640 South, stated she has lived in the neighborhood about seven years and does not want to give up the land because of the loss of tax money long term. Ms. Reese stated that she made a conscious choice to only live in Murray and agrees that Murray has high standards and pride. Ms. Reese further stated the density that Midvale City proposes is too high and would affect the nearby homes, as well as the need for the students in Murray Schools. Ms. Reese commented that she is not aware of any benefit to Murray to de-annex this property.

Susan Siamani, 686 West 6645 South, stated she has lived at her house for thirty-one years and is upset as the traffic from 700 West is affecting her ability to exit her neighborhood. Ms. Siamani further stated the increased traffic from the addition of the new homes will only further increase the traffic on 700 West and agrees the crime has increased, that and that the Murray City Police has a far better response time than Midvale City. Ms. Siamani stated that 700 West needs to be widened for the school children that walk that street. Additional ingress/egress to Winchester Street needs to be considered. The residents who have to deal with the traffic increase from the new homes and should be considered. She definitely does not agree with de-annexing the property to Midvale as Murray is a better place to live.

Jeff Hubbard, 6653 South 700 West, stated he is concerned about the sewer and is aware that Garbett Homes would pay the \$500,000.00 to get the pump station up and running if development were allowed. He would like to see Murray City maintain the pump house.

Ted Maestas, 609 Krista Court, stated he lives northeast of the proposed site and is in support of keeping the land in Murray and wondered if the City has looked into the option of open space to utilize the lower lands instead of developing it as homes. Mr. Maestas asked if the 6,000 square feet is a maximum or minimum amount and asked for more review of the development plans with public input.

The public comment portion was closed.

Mr. Ballstaedt stated that he agrees with the residents of Murray City and appreciates the Murray Pride they display. Mr. Ballstaedt stated the issue at hand is a boundary adjustment and there are many issues to workout in due time with the development of the future subdivision. Mr. Ballstaedt added that if the property stays in Murray, it will look exactly the same as it does now as it may not be developable and Garbett is trying to find a way to develop the property and the only choice is to de-annex into Midvale.

Mr. Tingey stated this situation is unique in Murray and said that the Planning Commission is the Land Use Authority and has important responsibilities in representing land use interests and decisions. Mr. Tingey further stated that the City Council depends heavily on the input of the Planning Commission. Gathering input from different entities is why it is in this forum for discussion tonight. Mr. Tingey clarified the process by asking the Planning Commission to provide a recommendation that includes a vote that can be forwarded to City Council. The meeting date that the City Council will hold for this item is scheduled for April 18, 2017. The City Council will take into consideration the dialogue here tonight and allow further public comment, but ultimately the decision will be made by City Council.

Mr. Swaney asked if Murray City has the capacity to handle the storm water system on the site. Mr. Tingey stated the Public Services Department provided information that indicated it is doubtful that Murray City would be able to handle the storm water, but feels Murray may have other opportunities to address storm water through multiple jurisdictions without the need to de-annex the property.

Mr. Swaney asked about the ongoing cost of the maintenance of the lift station and wondered if Murray has the ability to do a special service district where they could collect fees over time from this neighborhood to help support the cost. Mr. Tingey answered that it may be a potential option, but would need to be studied further to determine long term impacts on the system and associated costs.

Mr. Swaney wondered about the pump house that is currently located on Murray property and asked if it were to be moved into Midvale City boundaries with the possible de-annexation if it were to be vandalized which City Police Department would be responsible to respond to the incident. Mr. Tingey answered that it would most likely be Midvale jurisdiction, but Murray would have access to the pump to address any issues as well. Mr. Tingey used the example where Murray has water resources in other communities including Cottonwood Heights that we still have access to but if it relates to crime it would be the jurisdiction in which it is located in to address the issue.

Mr. Markham stated that he visited Murray City Public Works today and understands the position they are in; however, the Planning Commissions role tonight is not to tell the City how to approach this situation, but rather to provide an opinion whether to have a boundary adjustment and move the property into Midvale. Mr. Woodbury further stated he feels this property should stay in Murray City for the reasons stated tonight, and that we are a small community that is very autonomous. We have always had good control of our City Police, Fire, Water, Utopia internet and Power and that's what make Murray, Murray. He stated if this property goes into Midvale, Murray would lose control over the same impacts that are going to happen if it were developed in Murray. Mr. Woodbury stated the City Council has the ability to mitigate some of the impact issues presented here tonight if they see fit to do so as long as we don't de-annex the property.

Ms. Milkavich asked for clarification if Murray City has refused to allow a City maintained pump station or not on this property and if the de-annexation were to be denied would the City deny the permit for the lift as well.

Mr. Swaney stated that the point of the discussion tonight is not to make a determination if the land can be developed or not but rather a determination if Murray can support the needs that would allow development so that the property can remain under Murray jurisdiction.

Mr. Markham stated that the land could remain in Murray and stay the way it is and does not have to be developed.

Mr. Tingey recalled the contents of the memo drafted by the Public Works Department related to the lift station. It states the concern of the acceptance of the maintenance, therefore the construction of a lift station would be required to be privately owned and maintained and there are a few more options available to the developer but they may not be feasible.

Mr. Swaney asked for clarification for what the main concern of the Public Works Department is in regard to the lift station. Mr. Tingey answered the main concern is the liability, daily maintenance and the ongoing cost to replace the pump in fifteen or twenty years which would fall upon the city.

Mr. Nay stated it is a budgetary line item that the City has to carry that is above and beyond what the current budget has and the issue comes down to cost.

Mr. Woodbury thanked all the residents for coming out to night and appreciated the community support and pride for Murray. Mr. Woodbury further stated that he is aware that all the concerns will have to be addressed at some point whether in Murray or Midvale and the reality of this issue is the money, as we could lose 24 acres of our City. He stated that he would encourage the City Council to look into other options including a special service district to exhaust all possibilities before we hastily make a decision based on cost.

Ms. Milkavich stated she agrees with Mr. Woodbury's comments that no positive points have been stated that would support the de-annexation of the land, only negatives. Ms. Milkavich further noted that while a representative from Midvale is present none have spoken to any positive reasons why the land should go to Midvale.

Mr. Nay clarified that Garbett Homes has come forward prior to this discussion with a quality development and have tried to do this the correct way by offering a sustainable development within our community. This should be applauded because very few developers are willing to go forward and try to bring this type development. But these are the issues that are involved when we develop raw ground. Mr. Nay further stated he is concerned about losing development standards with the difference in what Midvale allows and Murray allows which is 5,000 feet versus 6,000 feet. This could amount to twenty or thirty additional homes and sixty additional vehicles. If this development goes in Murray, basic infrastructure such as sidewalks and improvements to the area would be added. The road may not be widened based on this subdivision, but with public input addressed to City Council about it, the need would be made known. Public Works is trying to operate within their budget and if more money were offered it would create more opportunities for them to look at it. The traffic is going to increase in this area whether this project goes in or not as Midvale is growing rapidly, especially in this area. He stated he would like to keep this land in Murray boundaries and keep it in our control so we have more say in what goes in and that it's developed properly. Mr. Nay addressed the suggestion that open space be utilized in this area and stated that in order for that to happen the City would have to own the property to develop the property and although the city would love to see green space there, the City does not own the property. It is the owners right to do what we have legally allowed them to do on property.

Mr. Markham recalled that a preliminary subdivision proposal did come before the Planning Commission a few months ago and the vote for approval was unanimous so it's not that we are opposed to this development or developers, but rather the boundary adjustment is the focus of the concern.

Mr. Woodbury agreed with Mr. Markham and stated he has acquaintances that desire to build in Murray and Garbett Homes is a great developer and they are the type of developer we want in Murray as it adds value and builds on community pride.

Mr. Swaney stated that he has previously dealt with similar issues where they did not accommodate reasonable needs of the developer and it forced the developer into a de-annexation proceeding just like this one and the ultimate result for that city was that they lost control of the land. Mr. Swaney added that Murray City has a really important interest in protecting the well and the water supply and having real control over the quick and effective police jurisdiction as well as the transportation density issues are something that have been addressed at almost every single meeting. We have spoken about this area of Murray and for us to give up control is problematic. Mr. Swaney further stated that a lot of hub bub has been caused about the lift station and pointed out that it will also have implications for power, water, police, tax, traffic, infrastructure, schools and other issues that the maintenance to upkeep a lift station does not outweigh all the other issues as the cost could be broken down and passed on to all the residents in the new development for a yearly minimal fee which could be maintained by a special services district.

Mr. Woodbury stated in his career he has worked with a lot of Police Departments around the country and has a tremendous amount of respect and pride in response times and has noticed the difference the Police Department can make in a community. Mr. Woodbury further stated the Murray Police department is by far one of the best he has seen in the country as they take their response times and professionalism and would like to see the Murray Police department support this area as the residents deserve it.

Mr. Swaney stated that the commission is not interested in a lift station as a position, rather the interest is really an economic interest as a lift station is costly to have and maintain and it is his personal opinion for a recommendation to look at a way to keep this in Murray and work with this developer, and address what are the real issues and cover the economic concerns which would honor our "social contract: with the Murray citizens to preserve and protect a great neighborhood.

Mr. Nay added that the suggestions of Mr. Swaney be done in a timely fashion as the developer is sitting on a piece of property that they need to do something with.

Mr. Woodbury stated that Murray needs the homes and that people want to live in Murray City and we need to expedite a resolution to this issue and do it right.

Mr. Swaney asked that the Planning Commission members their opinion on this matter.

Mr. Tingey suggested that the Planning Commission outline some findings that prompt the recommendation of approval or denial of the boundary adjustment.

Mr. Woodbury made a motion to recommend denial of the boundary adjustment to City Council based on the findings that Murray City needs to work with the developer to overcome any economic issues which should involve all the different parties with a long term outcome that reflects community pride and upholds the social contract that protects Murray residents, Murray land and future interests. Seconded by Mr. Markham.

Call vote recorded by Mr. McIlrath.

 A Scot Woodbury
 A Phil Markham

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 A Lisa Milkavich

 A Travis Nay

 A Buck Swaney

Motion passed 5-0.

OTHER BUSINESS

Planning commission invited the attendees to attend the City Council meeting which will be held on April 18, 2017 to address this issue.

Mr. Hall stated that City Council will hold a public hearing on the General Plan on March 07, 2017.

Meeting adjourned at 8:30 p.m.



Jared Hall, Manager
Community and Economic Development