



**MAGNA CITY COUNCIL  
BUSINESS MEETING AGENDA  
August 27, 2024**

Webster Center  
8952 West Magna Main Street  
Magna, Utah 84044

**PUBLIC NOTICE IS HEREBY GIVEN** that the Magna City Council will hold a business meeting on the **27<sup>th</sup> day of August 2024** at the Webster Center, 8952 West Magna Main Street Magna, Utah as follows:

**\*\* Portions of the meetings may be closed for reasons allowed by statute. Motions relating to any of the items listed below, including final action, may be taken.**

Anticipated meeting duration: 2:00

**6:00 PM – PUBLIC MEETING**

1. CALL TO ORDER
2. Determine Quorum
3. Pledge of Allegiance

**4. PUBLIC COMMENTS (Limited to 3 minutes per person)**

Any person wishing to comment on any item not otherwise scheduled for a public hearing on this evening's agenda, should sign-up on the "Public Comment" form located at the entrance. Person's signing up to speak will be called up in the order that they signed-in on the "Public Comment" form. Persons addressing the City Council shall step-up to the microphone and give their name for the record. The City Council is interested in hearing directly from residents. In an effort to be both transparent and responsive, the City Council previously adopted rules to help govern public meetings. As such, Councilmembers cannot respond directly to comments during public comment. However, Magna City staff will be responsible for responding directly to citizens who request a response. Should an item on tonight's agenda generate a question you would like answered, there is a QR code at the front entrance. Please scan the QR code and send your question directly to city staff. The City Council will not interrupt the evening's agenda to take questions from the audience once the formal meeting has commenced. ***Comments should be limited to not more than three (3) minutes unless additional time is authorized by the Governing Body.***

**5. STAKEHOLDER REPORTS**

- A. Unified Police Department - ***Chief Del Craig*** (5 minutes)
- B. Financial Report – ***Dave Sanderson, Financial Manager*** (5 minutes)
- C. Salt Lake County Youth Justice Coalition: Youth Court Budget – ***Amber Lietz, Salt Lake County Youth Justice Coalition Coordinator*** (10 minutes)
- D. Salt Lake County Youth Justice Coalition: Swearing in Ceremony – ***Amber Lietz, Salt Lake County Youth Justice Coalition Coordinator*** (10 minutes)

**6. COMMUNITY STAKEHOLDER REPORTS**

A. Pleasant Green Cemetery – *Sharon Nicholes* (5 minutes)

**7. CONSENT AGENDA**

A. Approve Minutes of April 13, 2024 & June 25, 2024 – *Nicole Smedley, City Recorder* (5 minutes)

**8. DETERMINATION OF PUBLIC HEARING**

A. Discuss and set Public Hearing for Adoption of Ordinance Amending Title 12 of the Magna Municipal Code (Provisions on Code Enforcement and Community Preservation) – *David Brickey, City Manager* (7 minutes)

**9. DISCUSSION/ACTION ITEMS**

A. Consider *Ordinance No. 2024-O-08* Amending Title 19, Entitled “Zoning” of the City of Magna Code of Ordinances, 2001, by reclassifying certain property located in the city of Magna from the A-20 (agricultural) to M-1 (manufacturing) (**REZ2024-001215** – Applicant: Trevor Andra) - *Justin Smith, Planner I Municipal Services District* (5 minutes)

B. Consider *Ordinance No. 2024-O-09* Amending Title 19, Entitled “Zoning” of the City of Magna Code of Ordinances, 2001, by reclassifying certain property located in the city of Magna from the A-20 (agricultural) to M-2 (manufacturing) (**REZ2024-001183** – Applicant: Quin Bingham) - *Justin Smith, Planner I Municipal Services District* (5 minutes)

C. Consider *Ordinance No. 2024-O-10* Amending the side and rear yard setbacks in the manufacturing zones (**OAM2024-001210** – Applicant: Planning Staff) - *Brian Tucker, Planning Manager Municipal Services District* (10 minutes)

D. Consider *Ordinance No. 2024-O-11* Amending the Magna Municipal Code, Subsection 19.36.030 and Table 19.36.030 uses to allow drive-thru and drive-up facilities in the DH Mixed Use Zone Under Certain Conditions and *Ordinance No. 2024-O-12* Amending the Magna Municipal Code, Sections 19.42.170 and 19.48.100 to address weaknesses in the general regulations concerning drive-thru and drive-up facilities (**OAM2024-001179** – Applicant: Steve Andrews) - *Brian Tucker, Planning Manager Municipal Services District* (10 minutes)

E. Consider *Ordinance No. 2024-O-13* Amending the zoning map to change the zoning of the Property at 8146 West 3500 South from C-2 to C-1 (**REZ2024-001216** - Applicant: Elliott Smith) - *Jeff Miller, Planner II Municipal Services District* 10 minutes)

**10. MANAGER/CITY ATTORNEY UPDATES** (10 minutes)

**11. COUNCIL REPORTS** (10 minutes)

**12. CLOSED SESSIONS IF NEEDED AS ALLOWED PURSUANT TO UTAH CODE §52-4-205**

A. Discussion of the character, professional competence or physical or mental health of an individual.

B. Strategy sessions to discuss pending or reasonably imminent litigation.

C. **Strategy sessions to discuss the purchase, exchange, or lease of real property.**

- D. Discussion regarding deployment of security personnel, devices, or systems; and
- E. Other lawful purposes as listed in Utah Code §52-4-205

### **13. ADJOURN**

#### **ZOOM MEETING: Topic: Magna City Council Meeting**

**When: August 27, 2024, 06:00 PM Mountain Time (US and Canada)**

**Register in advance for this webinar at:**

**[https://zoom.us/webinar/register/WN\\_3r3CGOQxSnSF7mFJeJVwgQ](https://zoom.us/webinar/register/WN_3r3CGOQxSnSF7mFJeJVwgQ)**

**After registering, you will receive a confirmation email containing information about joining the webinar.**

**Upon request with three (3) working days' notice, the Greater Salt Lake Municipal Services District, in support of Magna City, will make reasonable accommodations for participation in the meeting. To request assistance, please call (385) 468-6703 – TTY 711.**

**A copy of the foregoing agenda was posted at the following locations on the date posted below: Magna City website at <https://magna.utah.gov/> and the Utah Public Notice Website at <https://www.utah.gov/pmn/>. Pursuant to State Law and Magna Ordinance, Councilmembers may participate electronically. Pursuant to Utah Code § 52-4-205, parts of meetings may be closed for reasons allowed by statute.**

***POSTED: August 23, 2024***

Magna Township  
Budget Report Yearly

8.30%

7/1/2024

Revenues	Actual to	FY 2024	
	7/1/2024	Budget	Projected
Sales taxes	425,000	5,450,000	5,450,000
Google franchise tax	-	-	-
Grants	-	200,000	200,000
Transportation sales tax	40,000	525,000	525,000
Class C road funds	-	1,200,000	1,200,000
Corridor preservation funds	-	-	-
Liquor allotment	-	-	-
Cares Act	-	-	-
ARPA funding	-	2,865,883	2,865,883
Business License	4,038	50,000	50,000
Building permits	126,112	1,250,000	1,250,000
Other permits	-	21,000	21,000
Sewer and water permits	-	5,000	5,000
Zoning - land use permit	-	75,000	75,000
Engineering services	243	50,000	50,000
Planning service	1,578	500,000	500,000
Storm drain fee	-	-	-
Code enforcement fines	-	5,000	5,000
Justice court fines	-	175,000	175,000
Interest earnings	19,676	75,000	75,000
Miscellaneous	864	15,000	15,000
Transfers in	1,060,009	1,060,009	1,060,009
<b>Total Revenues</b>	<b>\$ 1,677,520</b>	<b>\$ 13,521,892</b>	<b>\$ 13,521,892</b>
<b>Expenses - Administration</b>			
Wages	19,312	279,700	279,700
Employee Benefits	5,859	79,030	79,030
Awards, promotional & meals	-	2,000	2,000
Subscriptions/Memberships	-	24,330	24,330
Printing/Publications/Advertising	-	8,000	8,000
Travel/Mileage	-	2,500	2,500
Cell phone and telephone	-	-	-
Office expense and supplies	-	6,200	6,200
Computer equipment/Software	-	10,000	10,000
Attorney-Civil	4,480	75,000	75,000
Attorney-Land use	-	30,000	30,000
Training & Seminars	-	17,500	17,500
Web page development/Maintenance	-	19,745	19,745
Software/Streaming	486	5,000	5,000
Payroll processing fees	-	5,000	5,000
Grant charged expense	-	-	-
Communications	-	10,000	10,000
Contribution/Special events	31,966	172,000	172,000
Insurance	17,645	26,000	26,000
Workers comp insurance	-	2,500	2,500
Postage	-	20,000	20,000
Professional and technical	3,482	89,504	89,504
UFA emergency services	-	-	-
Grant related	-	-	-
SL (Client) County Support Services	-	30,500	30,500
Equipment/Computer purchases	-	7,500	7,500
Beer funds	-	-	-
Rent	1,500	133,000	133,000
Non classified expenses	-	5,000	5,000
<b>Total Administration</b>	<b>\$ 84,730</b>	<b>\$ 1,060,009</b>	<b>\$ 1,060,009</b>



Budget Report Yearly

8.30%

7/1/2024

	Actual to 7/1/2024	FY 2024 Budget	Projected
<b>Revenues</b>			
<b>Expenses - Transfers</b>			
Contribution to GF	617,511	9,596,000	9,596,000
ARPA expenses	-	2,865,883	2,865,883
Transfer to Capital projects	-	-	-
<b>Total Transfers</b>	<b>\$ 617,511</b>	<b>\$ 12,461,883</b>	<b>\$ 12,461,883</b>
<b>Total Expenses</b>	<b>\$ 702,241</b>	<b>\$ 13,521,892</b>	<b>\$ 13,521,892</b>
<b>Surplus/Deficit</b>	<b>\$ 975,279</b>	<b>\$ -</b>	<b>\$ -</b>
	8.30%		7/1/2024

## Pleasant Green Cemetery

	Actual to 7/1/2024	FY 2024 Budget	Projected
<b>Revenues</b>			
Sale of lots	-	20,000	20,000
Grave openings	500	20,000	20,000
Other revenue	50	4,500	4,500
Transfers In	-	-	-
<b>Total Revenues</b>	<b>\$ 550</b>	<b>\$ 44,500</b>	<b>\$ 44,500</b>
<b>Expenses - Administration</b>			
Grave opening expenses	-	-	-
Cremation expenses	500	-	500
Office supplies	-	-	-
Utilities - water	-	-	-
Travel/Mileage	-	-	-
Computer equipment/Software	-	2,500	2,500
Professional and technical	4,842	42,000	42,000
Sundry charges	-	-	-
<b>Total Administration</b>	<b>\$ 5,342</b>	<b>\$ 44,500</b>	<b>\$ 45,000</b>
<b>Total Expenses</b>	<b>\$ 5,342</b>	<b>\$ 44,500</b>	<b>\$ 45,000</b>
<b>Surplus/Deficit</b>	<b>\$ (4,792)</b>	<b>\$ -</b>	<b>\$ (500)</b>

## Communities that Care

	Actual to 7/1/2024	FY 2024 Budget	Projected
<b>Revenues</b>			
Intergovernmental	-	-	-
Operating transfers in	-	-	-
State Liquor allotment	-	20,000	20,000
Grants - Magna CTC	8,333	125,000	125,000
Grants- Safety & Success	-	500,000	500,000
Donations	-	-	-
Other revenue	-	-	-
<b>Total Revenues</b>	<b>\$ 8,333</b>	<b>\$ 645,000</b>	<b>\$ 645,000</b>
<b>Expenses - Administration</b>			
Wages	4,470	65,000	65,000
Employee Benefits	1,770	30,000	30,000
Social Security Tax	-	-	-
Medicare	-	-	-
Medical Insurance	-	-	-
Retirement Contribution	-	-	-
Liquor funds	-	-	-
Awards	-	-	-
Subscriptions\Memberships	-	-	-
Travel/Mileage	5,405	-	-
Office Expense and Supplies	342	-	-
Training and seminars	-	-	-
Liasons	-	-	-
Programs (Afterschool)	-	-	-
Communications & PR	75	-	-
School support tshirts	-	-	-
School support website	49	-	-
Safety & success	-	500,000	500,000
Beer funds	-	20,000	20,000
Reserves	-	30,000	30,000
<b>Total Administration</b>	<b>\$ 12,111</b>	<b>\$ 645,000</b>	<b>\$ 645,000</b>
<b>Total Expenses</b>	<b>\$ 12,111</b>	<b>\$ 645,000</b>	<b>\$ 645,000</b>
<b>Surplus/Deficit</b>	<b>\$ (3,778)</b>	<b>\$ -</b>	<b>\$ -</b>

DATE SATURDAY APRIL 13, 2024

THE MAGNA METRO TOWNSHIP COUNCIL, STATE OF UTAH, MET ON SATURDAY, APRIL 13, 2024, PURSUANT TO ADJOURNMENT ON TUESDAY, APRIL 9, 2024, AT THE HOUR OF 8:00 AM, AT MURRAY CITY HALL AT 10 EAST 4800 SOUTH, MURRAY, UT 84107.

COUNCIL MEMBERS PRESENT: TRISH HULL  
AUDREY PIERCE  
STEVE PROKOPIS  
MICK SUDBURY  
ERIC BARNEY, Mayor

OTHERS IN ATTENDANCE: PAUL ASHTON, LEGAL COUNSEL  
DAVID BRICKEY, ADMINISTRATOR



City Name

**Mayor Barney** stated with the transition to a city, the Council needs to determine what name it prefers, Magna City or the City of Magna.

The Council agreed that the new name should be Magna City.



Logo

**Mayor Barney** stated the council received feedback on the presentation of the logo; however, there was no prior input on its development. There is an opportunity to create criteria for what the brand and logo should be and what it should represent. There is an option to pursue a Request for Proposal (RFP) with a marketing firm to ensure the development of a high-quality, professional product.

**Council Member Hull** stated Magna has been a community for over 170 years and Cyprus High School has been around for over 100 years. Cyprus High School is a key element of Magna and the colors blue and gold have become deeply ingrained in Magna's culture.

**Council Member Sudbury** suggested using blue and copper instead of blue and gold.

**Council Member Pierce** stated she likes the blue and gold colors.

**Council Member Prokopis** stated he likes the blue and gold colors; however, the logo can have different color schemes to adapt to different needs.

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**David Brickey** stated it is important to understand the city's identity and the message it wants to convey before finalizing the logo. He stressed the need for clarity on what Magna represents and aims to communicate through its branding.

**Council Member Prokopis** stated Magna is not a modern city, it has historical ties to mining, the Oquirrh Mountains, and Kennecott that should be incorporated into the logo.

**Council Member Pierce** stated retaining aspects of Magna's past is important to preserve its identity.

**Mr. Brickey** asked what aspects of Magna do people value and how can the city preserve its cultural elements.

**Council Member Pierce** stated the importance of maintaining recognizable features, like the blue and gold colors, to avoid confusing the community and losing its cultural identity.

**Mayor Barney** stated it is important to represent the community's history but not everyone identifies with Cyprus High School. The east side of the community attends Hunter High School. The city needs to represent more than just the school. He suggested incorporating elements that acknowledge Magna's history and its future. Scott Taylor is a local photographer who has taken great pictures of Magna, including sunsets.

**Council Member Sudbury** stated the logo could include elements like the sunset, smokestacks, and mountains in the logo.

**Council Member Hull** stated Magna has a longstanding immigrant community. She supports the idea of a logo that could transition to different colors.

**Mr. Brickey** asked how to integrate the new residents, who moved to Magna for affordable housing, into the sense of community.

**Council Member Pierce** suggested including the year that Magna was established in the logo to reinforce its historical roots.

**Mayor Barney** stated elements to consider are: the "C" for Cyprus High School, smoke stacks, mining history, sense of community, immigrant roots, sunset, and marina.

**Council Member Prokopis** stated it will be hard for the Council to come to a consensus and there is an added cost going out for an RFP. The Council will be in the same situation regardless of how many examples of logos are received and how it gets the logo.

**Mr. Brickey** suggested asking Matt Starley, Planner, Greater Salt Lake Municipal Services District (MSD), to draft various designs for the Council to review.



Form of Government

**Mayor Barney** stated with Magna becoming a city, it has the opportunity to change its form a government. He reviewed the following form of governments:

1. Council-Mayor Form (also known as the Mayor-Council Form):

In this form, the mayor is the chief executive officer and the council acts as the legislative body. The mayor has administrative powers, while the council is responsible for legislative functions.

2. Council-Manager Form:

This form features a city or town council that appoints a professional city manager to handle the administrative operations of the municipality. The manager is responsible for implementing the policies set by the council and managing day-to-day operations.

3. Six-Member Council Form (also known as the Weak Mayor Form):

In this structure, the council consists of six members, including the mayor, who is a voting member of the council but typically has limited executive powers. The council collectively handles legislative and executive functions.

4. Five-Member Council Form (also known as the Town Council Form):

This form is usually adopted by towns and consists of a five-member council, including the mayor. The council handles both legislative and executive functions, with the mayor often having a more ceremonial role.

**Council Member Hull** stated if redistricting needs to happen, would it use the 2020 census or will they look at current population.

**Mayor Barney** stated the 2020 census would be used to consider districts.

**Council Member Prokopis** stated he does not think Magna needs a full-time Mayor at this point, possibly in the future. Redistricting is not a big deal. He is fine with a four-member Council and a Mayor at-large. Each of the districts would grow by approximately 1,200 people.

**Council Member Sudbury** asked if the Council chose the four-member Council with a Mayor at-large, would a seat be lost?

**Mayor Barney** stated a council seat would be lost.



**Council Member Prokopis** stated the legislature forced citizens to change the form of government and they chose the metro township model. Now, the legislature is changing the form of government to a city. It is important to respect the citizens' previous choices and expressed a preference for maintaining the current system with a five-member board, including a mayor at large. There had been no public demand for more representation and stressed the importance of not imposing changes without citizen input.

**Chief Del Craig** recommended appointing a City Manager for consistency and leadership. There is a need for stability, whether under a strong mayor or City Manager model.

**Mr. Brickey** stated he would draft an informational sheet regarding the different forms of government.



Municipal Services District (MSD)

**Mayor Barney** asked about the city's strategic long-range planning, focusing on where the city wants to be and what it envisions for municipal services. The city needs to decide whether to continue with the Municipal Services District (MSD) or to consider self-provision of these services. A 1, 5, and 10-year outlook to guide future decisions should be established.

**David Brickey** stated he recently had a discussion with Brian Hartsell, MSD, regarding the role of the MSD. He mentioned that township trustees have been questioning the MSD's role. Mr. Hartsell stated that townships may not fully understand the extent of its commitment to the MSD, which requires an analysis before any withdrawal to ensure there is no negative impact on the MSD. If there is an impact, the MSD has a ten-year period to reclaim costs. This is known as the 5% rule, where if revenues and costs exceed 5%, the MSD can seek compensation.

**Paul Ashton** stated as the legislation is written right now, Magna cannot leave the MSD without changing the statute.

**Council Member Sudbury** asked if Magna could use services from other providers.

**Mr. Ashton** reviewed the process of Metro Townships handling its administrative budgets, noting that each Metro Township submits its own budget. With a new general manager in place, the process has become more streamlined and functional. He spoke with Dave Sanderson, and his advice was to gradually increase what Magna self-provides. For example, hiring a city manager and including its salary in the administrative budget, and then potentially contracting other services like a recorder/clerk, would be steps toward greater self-sufficiency. By incrementally adding services to the administrative budget, the townships could eventually reach a point where it is self-providing most services. At that point, it could consider fully severing ties. A member entity cannot withdraw from a special district if it would jeopardize the viability of the remaining members of the district.



**Mayor Barney** stated the viability should hinge on its taxing authority and ability to provide statutorily required services. There are no restrictions preventing amendments to how the MSD operates. There is an interest in clarifying the responsibilities and services provided by the MSD. He suggested that the board could allow MSD participants to opt out of certain services. For instance, if a participant does not use the MSD's recorder services, they could request a discount reflecting the cost of that unused service. This approach would enable customization of services based on individual participants' needs.

**Council Member Prokopis** stated economies of scale benefit the collective model. The MSD needs to provide a base level of service, and if a member wants its own recorder or full-time code enforcement then it would pay the difference for any additional costs.

**Mayor Barney** stated while shared costs and economies of scale are advantageous, the district model falters when some members heavily subsidize others or when services are inadequate, this leads to members seeking independent solutions.

**Council Member Sudbury** proposed examining a five-year plan to assess its future trajectory.

**Mayor Barney** stated that within the MSD, certain services, such as economic development, compete against each other, affecting financial resources. He expressed concern over the economic development director serving six competing cities and suggested reassessing this structure, emphasizing the need to evaluate new positions within the MSD's administrative budget.

**Mr. Brickey** suggested that decisions regarding roles for other townships should be left to each township's discretion.

**Mr. Ashton** stated that both White City and Magna have hired administrators to manage their respective entities.

**Mayor Barney** stated the MSD Board should discuss defining the baseline responsibilities and burdens for each member.

**Council Member Hull** stressed the need for heightened oversight from either Magna or the MSD concerning Salt Lake County providers such as Parks and Recreation.

**Mayor Barney** stated the MSD does not see itself as a contract manager for County Services, they believe it is Magna's responsibility to handle the contracts.

**Mr. Ashton** stated that MSD is discussing bringing more services in-house, including relocating engineers and managing parks and recreation currently managed by the County.

**Mayor Barney** clarified that in Magna, there are county-owned parks such as Pleasant Green and regional parks managed entirely by the county, where Manga has no

jurisdiction. Newer developments like Magna Copper Park and smaller parks are or will be owned, operated, or leased by Magna, making it the MSD's responsibility to maintain them.

**Mr. Brickey** stated that MSD staff operate independently from county administrative staff, with clear lines of separation and well-defined responsibilities.

**Mr. Ashton** stated the MSD Board of Trustees might find Salt Lake County parks too expensive and consider contracting private contractors for Magna.

**Council Member Prokopis** proposed establishing 1, 3, and 5-year term goals for reaching the desired service levels from the MSD. Additionally, he suggested implementing a potential exit strategy if the targets are not met within five years.

**Mr. Ashton** stated the interlocal agreement allocates funds in the MSD budget for county economic development. He recommended discussing whether this funding should be discontinued following the county's decision to end its economic development efforts.

**Mayor Barney** stated there are ways to make the relationship work more to our advantage through accountability, reporting, and clarification of roles.



Capital Improvement Projects

**Mayor Barney** presented a PowerPoint presentation reviewing Magna's capital maintenance projects. He asked the Council if there is anything missing from the list that needed to be addressed.

**Mr. Ashton** stated that when planning major projects, coordination with the Magna Water District should be kept in mind.

**Council Member Prokopis** stated handling stormwater seemed to be within the scope of a water district's responsibilities. He asked if there was any area where funds could be allocated to have Magna Water District take over maintenance and service, and whether this was a water-related issue.

**Mr. Ashton** stated the MSD can enter into an interlocal agreement with another district to provide services. The Council can also implement a stormwater fee.

**Council Member Prokopis** requested additional information on available grants and indicated a need for the engineering department to assess the needs of Magna.

**Mr. Brickey** stated he can sit down with the MSD to get that information and report back to the council.

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**Mayor Barney** stated in nearly eight years since the inception of the MSD, there has never been a proposed plan to address ongoing issues with the roads. There is a lack of a systematic approach or step-by-step strategy to tackle the challenges.

**Council Member Prokopis** stated he would like Main Street reconstruction on the priority list.

**Council Member Hull** stated that the sections of 7200 West between 3500 South and 4100 South, and 4100 South between 7200 West and up, needed to be addressed.

**Council Member Prokopis** stated 8000 West and SR 201 are ready for improvements.

**Council Member Sudbury** stated Magna Water has a plan each year for replacing water lines, currently focusing on old Magna. When digging occurs, the county requires significant road replacement. Since Magna Water is already funding half of the road work related to these projects, it would be beneficial for the city to contribute to completing the entire road. This would ensure the road is fully done in one go, rather than in parts, which could streamline future projects.

**Mayor Barney** suggested that the budget should include separate line items for the general fund, grants, and ARPA funds, each with its own chart and a total amount.

**Council Member Prokopis** stated in the long term, the goal is to set aside half a million dollars annually. The initial focus will be on curb, gutter, and sidewalk improvements on 9200 West, with plans to complete half of the road first. The approach is to begin gradually addressing these improvements over time.

**Council Member Pierce** stated the Council needs to identify a strategy and approach for determining where to focus their efforts.

**Mayor Barney** suggested that the Council should prioritize improvements starting with arterial roads, then neighborhoods, and finally historical districts. Additionally, it was noted that lighting is an area where residents have expressed complaints.

Lighting issues have been frequently mentioned by residents. Inadequately lit areas can lead to safety and crime concerns and emphasized that improving lighting is not an expensive endeavor.

**Council Member Prokopis** suggested that main arteries should have adequate lighting, though there was uncertainty about the need for lighting in every neighborhood.

**Council Member Pierce** stated there have been discussions on light pollution in small rural areas. The focus could be on improving lighting for main arteries, there is hesitation about extending this to neighborhoods. She would be interested in exploring long-term sustainability options, such as the cost and process of transitioning existing streetlights to solar power. It was requested to include in the lighting conversation the need to involve the chief to address areas with higher crime rates and resident concerns about lighting.



Code Enforcement

**Mayor Barney** outlined the goals of the discussion, which included prioritizing code updates, establishing a communications plan for enforcement, considering seasonal support programs, and determining staffing and funding levels. The discussion also involved ongoing considerations related to reporting code enforcement.

**Council Member Pierce** asked how there could still be so much to discuss regarding updates to the code, given that recent updates had already been made.

**Mayor Barney** stated that Title 19 and 18 were updated, focusing specifically on land use.

**Paul Ashton** stated Titles 1 and 2, which set administrative standards require updates. Parking regulations are a major issue across MSD entities, with Brighton setting a precedent in civil enforcement practices.

**Mayor Barney** stated concerns about cleanliness and safety regarding trash accumulation, focusing on evaluating and improving code effectiveness and enforcement.

**Council Member Pierce** cautioned against basing ordinance decisions on isolated neighborhood disputes, suggesting they could be punitive and not reflective of broader community needs. She stressed individual disagreements between neighbors should not result in sweeping ordinances that impact everyone.

**Mayor Barney** stated that regulations should be reasonable, universally applicable, and equitable across the board. The main issues are parking, landscape waste and refuse, weed control, and creating defined city street standards. What are the issues with parking?

**Chief Del Craig** stated I think parking should be prioritized and a decision needs to be made if even and odd winter street parking will continue. He recommends going to a civil process to be able to properly enforce parking.

**Council Member Prokopis** stated he would like one or two dedicated code enforcement officers in Magna every day.

**Council Member Sudbury** stated having one code enforcement officer will cost approximately \$150,000 a year. He would like to know what it is costing Magna for code enforcement.

**Rori Andreason** stated that shifting from two code enforcement officers to one police officer in full uniform significantly improved compliance.

**Mayor Barney** stated the Council could request a cost estimate for a UPD officer to provide code enforcement services. The funds that are given to the MSD for code enforcement could then be put into the UPD budget.

He recommended moving forward with transitioning from criminal to civil enforcement based on the Chief's recommendation and rewriting Title 11.

**Council Member Prokopis** stated that transitioning parking enforcement to civil and employing dedicated full-time code enforcement officers would allow the city to address blight, neglect, and parking issues more comprehensively than the current approach.



City Standard Streetscape

**Mayor Barney** stated everybody seemed amenable to clarifying Magna's own streetscape requirements for better aesthetics, serviceability, and longevity.

**Council Member Prokopis** stated that 70 banner poles and 50 bump outs on Main Street are unnecessary, suggested reducing bump outs to improve parking and traffic flow.

**Mayor Barney** stated he wants to look at code enforcement in a holistic approach, not just writing code and then sending enforcement officers out. Is there something the Council and city can do to help residents be compliant. If the Council is going to push for residents to clean up, should it provide dumpsters? A spring program could be created where a company brings dumpsters out and moves them to different areas in the community each week.

**Council Member Pierce** stated she agrees with having the dumpsters put on the street and moved every few days. There needs to be a solution for those residents who do not have the means to transport refuse.

**Council Member Prokopis** stated he prefers the original cleanup program format without sign-ups, where crews cleaned streets systematically. He would like to see about partnering with the Wasatch Front Waste and Recycling District (WFWRD) to conduct biannual cleanups in Spring and Fall.

**Mayor Barney** delegated Mr. Brickey to work out the details for dumpsters, including options and costs. He also directed a review of code enforcement staffing needs, considering options such as UPD or funding through the administrative budget with MSD.



Community Engagement

**Mayor Barney** stated there is a tremendous amount of misinformation that is being passed around, especially on social media.

DATE SATURDAY APRIL 13, 2024

**Council Member Hull** stated the coalition would like to partner with the city. It is going to hire an individual to create a communications plan. There is a lot of information that needs to be disseminated to the community and there is not an effective way to do so. The City Journal could send out a monthly newsletter for \$2,500 that includes four to eight pages.

**Council Member Prokopis** recommended securing the “Magna City” Facebook group if it has not been done yet.

**Council Member Hull** stated there are several communication options and one does not work better than the others. There is a strategy that needs to be developed to get the information out on the right day and time.

**Mayor Barney** stated the Council needs to take a holistic approach and figure out what venues it wants to use.

**Council Member Sudbury** stated a welcome package could be created to provide residents with when they move in that explains city ordinances, trash collection, and other information. The packet could be provided when the resident signs up for water.

The Council recessed for lunch.

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The Council continued discussions on various city issues; however, it was not recorded.

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

\_\_\_\_\_  
CHAIR, MAGNA CITY COUNCIL

ATTEST:

By \_\_\_\_\_  
NICOLE SMEDLEY  
City Recorder

DATE

SATURDAY

APRIL

13, 2024

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DRAFT

DATE TUESDAY JUNE 25, 2024

THE MAGNA METRO TOWNSHIP COUNCIL, STATE OF UTAH, MET ON TUESDAY, JUNE 25, 2024, PURSUANT TO ADJOURNMENT ON TUESDAY, JUNE 18, 2024, AT THE HOUR OF 6:00 PM, AT THE WEBSTER CENTER AT 8952 WEST MAGNA MAIN STREET (2700 SOUTH), MAGNA, UT 84044.

COUNCIL MEMBERS PRESENT: ERIC BARNEY  
TRISH HULL  
AUDREY PIERCE  
STEVE PROKOPIS  
MICK SUDBURY

OTHERS IN ATTENDANCE: PAUL ASHTON, LEGAL COUNSEL  
DAVID BRICKEY, MANAGER

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**Mayor Eric Barney** presided.

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Pledge of Allegiance

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

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Agenda Order

**Mayor Barney** stated adjustments need to be made to the agenda. Item 8. H. needed to be moved to the beginning and renumbered to 8. A. and everything else moved down, and then item 9. will need to be postponed.

Council Member Hull, seconded by Council Member Sudbury, moved to adjust the agenda as stated. The motion passed unanimously.

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Public Comment

**Virginia Fish** stated she lived on Jean Street and her neighbors park up and down the street on both sides, including on the night before garbage pick-up day, leaving her nowhere to put her garbage container. In addition, some of them parked halfway in her driveway, blocking her vehicle from getting in or out. She was concerned about other suspicious activity as well, and asked the Council to do its job monitoring neighborhoods.



**Chad (inaudible)**, stated he lived by Pleasant Green Park, and for the last three years, homeless people have been camping there. He contacted the Unified Police Department a couple times, but the homeless people are still there. So, he contacted Salt Lake County's Parks and Recreation Division this morning, and it is trying to get the park cleared out. He asked how the Council was planning to rectify this situation.

**Tim Draper** asked why Magna was not listed on a sheet concerning the selected cities' compensation for its Council and Mayor. His understanding of this was Magna's Council and Mayor received no benefits. However, the ordinance increases the city Mayor's salary by 6.5 percent, and the Council salaries by 46.7 percent, going from \$12,918, to \$18,950. He asked for clarification of these salaries.



Unified Police Department Report

**Lieutenant Shane Manwaring** delivered a report on this month's call volume. He compared this year to last year, showing calls had increased by about 100 calls. He also compared this month to last month, which also showed an increase, but calls normally increased when the weather warmed up. This month, assaults increased slightly; damaged property offenses increased significantly, but that could be attributed to some juveniles who had been causing problems; family offenses, larceny, public order and public peace stayed the same; and traffic offenses increased, but that was because traffic enforcement had increased.

He responded to public comments, stating the UPD was aware of noise problems. It was making sure its officers understood noise ordinances and that enforcement was standardized, and it wanted to give people an opportunity to comply before taking enforcement action. The UPD was also working with the Council to improve parking ordinances, so it could rectify the parking problem, which was occurring across Magna City. He had not been aware of a homeless encampment at the Pleasant Green Cemetery. The Magna Precinct patrols that park every day, but it could increase patrol.

**Council Member Hull** stated the Council was working on a parking ordinance, and it could perhaps include in there that people had to leave empty spots in front of people's homes for garbage containers.

**Council Member Sudbury** suggested the Wasatch Front Waste and Recycling District (WFWRD) put something in its invoices about that.

**Mayor Barney** stated Magna City has a parking ordinance, which aligns with the State's requirements for parking. It prohibits parking within five feet of another person's driveway, prohibits parking on sidewalks, and does other things. He thought that ordinance could be enforced more aggressively.

**Lieutenant Manwaring** stated the UPD also needed some stronger language in the ordinance.



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**David Brickey** reviewed the resolution authorizing the Magna City Mayor and City staff to prepare recommendations on revised voting districts and to take other actions needed to implement HB 35. This is an opportunity for the Council to choose Magna City's form of government between a council-mayor form of government; a five-member council, with one council member elected as mayor; or a six-member council, with one council member elected as mayor, as set out in Utah Code 10-3b-103, 104, and 105.

**Council Member Hull** stated her preference was the five-member council and mayor at large. In a strong council-mayor form of government if the mayor was a bad mayor, the city would be stuck with them; the council could not override their decisions. In a six-member council, with five council members and a mayor at large, there were checks and balances that enabled a council to tighten a mayor's authority. The majority of cities in Utah have a six-member council. If Magna continued as a five-member council, it would need to redistrict from five to four districts and use the 2020 census or pay for an evaluation of the population. She was not in favor of the five council members being at large because one neighborhood could swamp the entire council.

**Mayor Barney** stated the mayor was not unlimited in their power in a strong mayor form of government. He read the portion of Utah Code 10-3b-203, regarding the Council's duties in a strong form of government, demonstrating that there were checks and balances in place and that it was up to the legislative branch to use its authority to keep the executive branch in check through the power of investigation and the power of requests for removal. He favored the strong mayor form of government, as he liked the idea of the separate branches of power, and it mirrored what the State and Federal governments had. It would also grant Magna City the opportunity to initiate and execute projects and programs quickly and more efficiently than it would be able to do otherwise. Magna City was at the precipice of great things, and efficiency would be helpful.

**Council Member Prokopis** stated changing to anything other than a five-member council was taking advantage of the Legislature's decision without a vote of the people. The Magna Metro Township has had the power to change its form of government for the last eight years by putting a referendum on the ballot for the people to vote on, but it never did that because there was never a need to do that. Magna has been governed by five people since the day it became a township, and it has worked. Then, there could be a benefit to redistricting from five to four districts, as the population has grown in the last four years. The Council could get updated population numbers from the Governor's Office. Adding a sixth person would increase expenses for an additional salary, a computer, and a phone, and there had been a lack of interest from citizens wanting to be on the Council. He did not like the strong mayor form of government because that would limit his voice for his constituents and relegate him to the legislative arm of this board, and because there were fewer checks and balances.

**Mayor Barney** stated in March 2022, this Council decided to move forward with a resolution to put a referendum on the ballot to become a city, with a six-member council, not a council-mayor form of government. However, it postponed a decision on that because it heard about HB 35, which automatically converted metro townships to cities. While it is unconventional for a council to have the authority to decide its form of government, this Council would be remiss not to consider taking advantage of that.

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He explained that HB 35 stipulated that a simple majority could not make this decision. There had to be a two-thirds majority, which on a five-member council meant there had to be four votes in favor of any decision. The deadline to pass a resolution changing the form of government was July 1<sup>st</sup>. If the Council did not meet that deadline, the default would be a five-member council, which was four districts, and a mayor elected at large.

**Council Member Hull** stated if the Council remained a five-member council, and someone outside of this Council was elected mayor, a Council Member would lose their seat.

Council Member Hull made a motion to move to a six-member council form of government, with five council members and an elected mayor at large, not a strong mayor form of government. The motion died due to the lack of a second.

Council Member Prokopis made a motion to stay a five-member Council, with four districts and one mayor elected at large. The motion died due to the lack of a second.

Council Member Pierce, seconded by Council Member Sudbury, made a motion to move to a council-mayor form of government, with five council members. Roll was called, showing the vote to be 3 to 2, with Council Member Pierce voting "Aye," Council Member Hull voting "Nay," Council Member Prokopis voting "Nay," Council Member Sudbury voting "Aye," and Mayor Barney voting "Aye." The motion failed due to not having a two-thirds majority.

**Council Member Pierce** asked if the Council could schedule this on another agenda to discuss it before it defaulted. She was not okay with not making a decision.

**Paul Ashton** stated the Council Members who voted in the minority won the motion, so they were the only Council Members who could seek a motion for reconsideration.

**Council Member Hull** stated she was not going to change her mind.

**Council Member Prokopis** stated he was not going to change his position.

**Mayor Barney** stated he had a second choice, and asked if other Council Members would vote in favor of a motion that failed.

**Mr. Ashton** stated a Council Member whose motion failed due to the lack of a second could ask for reconsideration of their motion.

Council Member Hull, seconded by Council Member Pierce, made a motion to move to a six-member council, with five districts and a mayor at large and adopt Resolution 2024-06-05. Roll was called, showing the vote to be 4 to 1, with Council Member Pierce voting "Aye," Council Member Hull voting "Aye," Council Member Prokopis voting "Nay," Council Member Sudbury voting "Aye," and Mayor Barney voting "Aye," which passed with a two-thirds majority.

**Mr. Brickey** stated for the record, Magna City will be moving to a six-person council, with five council districts, designated as presently described, and a mayor at large. The

DATE TUESDAY JUNE 25, 2024

election will take place in November 2025, and the new form of government will go into effect January 2026.

RESOLUTION NO. 2024-06-05

Date: June 25, 2024

A RESOLUTION AUTHORIZING THE MAGNA CITY MAYOR AND CITY STAFF TO PREPARE RECOMMENDATIONS ON REVISED VOTING DISTRICTS AND TO TAKE OTHER ACTIONS NEEDED TO IMPLEMENT H.B. 35. (MAGNA CITY AS A FIVE-MEMBER COUNCIL FORM OF GOVERNMENT)

RECITALS

WHEREAS, On January 1, 2017, Magna incorporated as a metro township; and

WHEREAS, during the 2024 legislative session, the Utah Legislature passed H.B. 35, which converted the metro townships of Copperton, Emigration Canyon, Kearns, Magna, and White City into cities and towns based on their populations effective May 1, 2024; and

WHEREAS, among other things, H.B. 35 requires: (1) for the Mayor to stand for election at-large at the next municipal election in 2025; and (2) Magna and the other former metro townships to operate as a five-member council form of government unless the Magna City Council by a two/third vote of all members, choose by resolution, before July 1, 2024, to convert to another form of municipal government under Title 10, Chapter 3(b), Section 601(1); and

WHEREAS, to meet the requirements of HB 35, Magna City, operating as a five-member council form of government, will require the Magna City Council ("Council") to reduce and revise its council voting districts from five to four districts in accordance with Utah Code § 10-3-205.5; and

WHEREAS, the Magna City Council desires to coordinate with the Lieutenant Governor's Office and the Salt Lake County Clerk's Office on these changes and to authorize the Mayor and City staff to take any other actions that may be needed to implement H.B. 35.

NOW, THEREFORE, BE IT RESOLVED BY THE MAGNA CITY COUNCIL, EFFECTIVE IMMEDIATELY:

1. The Mayor is authorized and directed to execute and send a letter to the Lieutenant Governor and the Salt Lake County Clerk, requesting assistance to comply with HB 35 preparatory to the November 2025 municipal election.

2. The Mayor is authorized and directed to work with City staff to prepare recommended revised council voting districts that comply with all applicable laws, including Utah Code § 10-3-205.5, in consultation with the Council and to present the recommended revisions to the Council for approval as soon as reasonably practicable.

DATE TUESDAY JUNE 25, 2024

3. The Mayor and City staff are authorized and directed to take such other actions as may be needed to implement H.B. 35 in accordance with all applicable laws and consultation with the Council.

PASSED AND ADOPTED BY THE CITY COUNCIL OF MAGNA CITY, STATE OF UTAH this 25<sup>th</sup> day of June, 2024.

ATTESTED:

FOR MAGNA CITY:

/s/ LANNIE CHAPMAN  
Salt Lake County Clerk  
City Clerk/Recorder

/s/ ERIC BARNEY  
Mayor

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*Ordinance No. 2024-O-05*

**David Brickey** reviewed an ordinance adopting the salaries for the Magna City elected officials and appointed/statutory officers for fiscal year 2025. He collected data on six cities to see what they paid their elected officials and officers, and this proposed pay for Magna's Mayor is less than the mean average, and the Council pay is slightly above the mean average. The Mayor's pay would increase from \$19,376.40 to \$24,220.50, and the Council Member's pay would increase from \$12,918 to \$16,147. The Council's present pay has not changed since the date the Magna Metro Township was created.

**Mayor Barney** stated the Council does not receive any benefits outside of this stipend, and there has been no discussion to consider providing that.

Council Member Pierce, seconded by Council Member Hull, made a motion to approve the following Ordinance No. 2024-O-05. The motion passed unanimously.

ORDINANCE NO. 2024-O-05

Date: June 25, 2024

AN ORDINANCE ADOPTING THE SALARIES FOR THE MAGNA CITY ELECTED OFFICIALS AND APPOINTED/STATUTORY OFFICERS FOR FISCAL YEAR 2025

WHEREAS, Magna City is a Municipality pursuant to Utah Code §§ 10-2a-201 *et seq.*,  
and

WHEREAS, Magna City is governed by a five-member elected Council, which Council elects from its members a Mayor; and

WHEREAS, the Magna City Council held a duly noticed public hearing on June 11, 2024, regarding the proposed changes to the compensation of Magna City's elected and appointed/statutory officers in accordance with Utah Code Ann. 10-3-818; and

DATE TUESDAY JUNE 25, 2024

WHEREAS, it is in the best interests of Magna City and the citizens thereof that the Elected and Appointed/Statutory Official's Salaries for FY2025 be formally adopted.

NOW THEREFORE BE IT ORDAINED by the City Council of Magna City, Utah as follows:

SECTION 1. The City Council desires to adopt the Fiscal Year 2025 Elected Officials salaries with a 46.7% increase and the City Manager's salary with a 6.5% increase.

SECTION 2. This ordinance is effective upon publication in accordance with Section 10-3-711 of the Utah Code. All salary adjustments shall be effective as of July 1, 2024.

PASSED AND APPROVED this 25th day of June, 2024.

ATTESTED:

/s/ LANNIE CHAPMAN  
Salt Lake County Clerk

FOR MAGNA CITY:

/s/ ERIC BARNEY  
Mayor

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*Resolution No. 2024-06-01*

**David Brickey** reviewed the resolution adopting the fiscal year 2025 Magna City Consolidated Fee Schedule. This fee schedule captures the costs associated with services that the Greater Salt Lake Municipal Services District and County's Public Works and Municipal Services Department provide.

**Council Member Hull** asked how these fees compared to cities around Magna City.

**Brian Tucker**, Planning Manager, Greater Salt Lake Municipal Services District, stated the MSD did a fee study last year to find out what other cities were doing and how much time staff spent on a particular service. This fee schedule was based on that study, and it has not changed from last year. However, the form has changed. Before, a fee was charged for every element, and now some elements are combined.

Council Member Sudbury, seconded by Council Member Hull, made a motion to approve the following Resolution No. 2024-06-01. The motion passed unanimously.

RESOLUTION NO. 2024-06-01

Date: June 25, 2024

A RESOLUTION OF THE MAGNA CITY COUNCIL ADOPTING THE FISCAL YEAR 2025 MAGNA CITY CONSOLIDATED FEE SCHEDULE

WHEREAS, Magna City is a Municipality pursuant to Utah Code §§ 10-2a-201 *et seq*; and

DATE TUESDAY JUNE 25, 2024

WHEREAS, Magna City is a five-member elected Council, which Council elects from its members a Mayor, and

WHEREAS, the Greater Salt Lake Municipal Services District (the "MSD") is a local district that provides certain municipal-type services to Magna City pursuant to UCA Section 17B-2a-1103 *et al*; and

WHEREAS, pursuant to fiscal policy for funding the FY2025 Magna City Budget, the Greater Salt Lake Municipal Services District (the "MSD") adopted the FY2025 Budget for the MSD on May 8, 2024, releasing the funding for the FY2025 Magna City Budget; and

WHEREAS, the FY2025 Magna City Budget, and recently adopted Greater Salt Lake Municipal Services District Budget both used revenue projections based on the FY2025 Consolidated Fee Schedule ("Attachment A"); and

WHEREAS, to be in compliance with state law, Magna City must annually adopt a consolidated fee schedule; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAGNA CITY COUNCIL as follows:

SECTION 1. The Magna City Council hereby adopts the FY2025 Magna City Consolidated Fee Schedule, Attachment "A".

SECTION 2. This Resolution shall become effective immediately upon passage thereof.

APPROVED AND ADOPTED this 25<sup>th</sup> day of June, 2024 by the Magna City Council, Magna City, Utah.

ATTESTED:

FOR MAGNA CITY:

/s/ LANNIE CHAPMAN  
Salt Lake County Clerk

/s/ ERIC BARNEY  
Mayor

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*Resolution No. 2024-06-02*

**David Brickey** reviewed the resolution adopting the fiscal year 2025 Magna City budget. He stated the budget has been posted for over 30 days, and in that time, there were no comments by the public.

Council Member Hull, seconded by Council Member Sudbury, made a motion to approve the following Resolution No. 2024-06-02. The motion passed unanimously.

RESOLUTION NO. 2024-06-02

Date: June 25, 2024



DATE TUESDAY JUNE 25, 2024

A RESOLUTION OF THE MAGNA CITY COUNCIL ADOPTING THE FISCAL YEAR 2025 MAGNA CITY BUDGET

WHEREAS, Magna City is a Municipality pursuant to Utah Code §§ 10-2a-201 *et seq.*; and

WHEREAS, Magna City is a five-member elected Council, which Council elects from its members a Mayor, and

WHEREAS, the Council has complied in all respects with State Law, including holding public hearings, in establishing budgets for the Fiscal Year beginning July 1, 2024 and ending June 30, 2025; and

WHEREAS, pursuant to fiscal policy for funding the 2025 Magna City Budget, the Greater Salt Lake Municipal Services District (the "MSD") adopted the FY2025 Budget for the MSD on May 8, 2024, releasing the funding for the FY2025 Magna City Budget; and

WHEREAS, the noticing for the public hearing to consider and copies of the FY2025 Magna City Budget, (Attachment "A") were made available for public consideration at least ten (10) days prior to the date of the public hearing for the Budget; and

WHEREAS, the adoption of the FY2025 Budget will allow Magna City to comply with State Law and the Uniform Fiscal Procedures Act for Cities;

THEREFORE, BE IT RESOLVED BY THE MAGNA CITY COUNCIL as follows:

SECTION 1. The Magna City Council hereby adopts the FY2025 Magna City Final Budget, Attachment "A".

SECTION 2. That upon the final adoption, the budget shall be in effect for the budget year and subject to later amendment as provided by law.

SECTION 3. A copy of the final budget shall be posted and made available to the public on the City's website: Magna.Utah.gov.

SECTION 4. This Resolution shall become effective immediately upon passage thereof.

APPROVED AND ADOPTED this 25<sup>th</sup> day of June, 2024 by the Magna City Council, Magna City, Utah.

ATTESTED:

FOR MAGNA CITY:

/s/ LANNIE CHAPMAN  
Salt Lake County Clerk

/s/ ERIC BARNEY  
Mayor

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DATE TUESDAY JUNE 25, 2024

Ordinance No. 2024-O-06

**Paul Ashton** reviewed the ordinance establishing a Municipal Energy Sales and Use Tax and a Telecommunications License Tax for the purpose of raising revenue for Magna City. Magna City can impose property tax now that it is a city, but the Council has opted not to do that this year. These two taxes will show up on residents' public utility bills. Every city in the state imposes these taxes. He did not know how much money this would bring in, but Magna City had more costs as a city, and needed more revenue.

**Council Member Prokopis** stated there is a cap on what a city can collect from these taxes. He asked what rate Magna City would be imposing.

**Mr. Ashton** stated this resolution took the taxes to the cap because all other cities had done that; and since the Utah State Tax Commission collects the taxes, it would be cleaner for administration purposes to be at the same rate.

Council Member Pierce, seconded by Council Member Sudbury, made a motion to approve the following Ordinance No. 2024-O-06. The motion passed unanimously.

ORDINANCE NO. 2024-O-06

Date: June 25, 2024

AN ORDINANCE OF THE MAGNA CITY COUNCIL ESTABLISHING A MUNICIPAL ENERGY SALES AND USE TAX AND A TELECOMMUNICATIONS LICENSE TAX

RECITALS

WHEREAS, the Magna City Council ("Council") met in regular session on June 11, 2024, to consider, among other things, establishing a municipal energy sales and use tax ("MET") and a telecommunications license tax ("TLT"), and establishing the effective dates and rates for such taxes; and

WHEREAS, pursuant to the Municipal Energy Sales and Use Tax Act, Utah Code § 10-1-301 *et seq.*, Magna City ("Magna City") may levy a MET through ordinance; and

WHEREAS, pursuant to the Municipal Telecommunications License Act, Utah Code § 10-1-401, *et. seq.*, Magna City may levy a TLT through ordinance; and

WHEREAS, the Council has determined to enact a MET and TLT through this ordinance.

BE IT ORDAINED BY THE MAGNA CITY COUNCIL as follows:

1. Enactment of MET. The following is enacted as Chapter 3.80 of the Magna City Municipal Code:

3.80.010 Purpose

It is the intent of Magna City to adopt a municipal energy sales and use tax pursuant to, and in conformance with, Utah Code § 10-1-301 *et seq.*, the “Municipal Energy Sales and Use Tax Act.”

### 3.80.020 Definitions

All words and phrases in this chapter shall have the same meaning given them in the MET Act, with the following additions:

A. “Consumer” means a person who acquires taxable energy for any use that is subject to the MET Act.

B. “MET” means municipal energy sales and use tax.

C. “MET Act” means Utah Code § 10-1-301 *et seq.*, the “Municipal Energy Sales and Use Tax Act.”

D. “Sale” shall mean any transfer of title, exchange, or barter, conditional or otherwise, in any manner, of taxable energy or fuel for consideration. It includes:

E. “Installment and credit sale” means

1. Any closed transaction constituting a sale; and

2. Any transaction under which right to acquire, use, or consume taxable energy is granted under a lease or contract and the transfer would be taxable if an outright sale were made.

I. “Storage” means any keeping or retention of taxable energy in Magna City for any purpose, except the sales in the regular course of business.

J. “Use” means the exercise of any right or power over taxable energy incident to the ownership or the leasing of the taxable energy, excluding the sale, display, demonstration, or trial of the taxable energy in the regular course of business and or taxable energy which is held for resale.

### 3.80.030 Municipal Energy Sales and Use Tax Levied

Pursuant to Utah Code § 59-12-301 *et seq.*, the Municipal Energy Sales and Use Tax Act, there is hereby levied, subject to the provisions of this Ordinance, a tax on every Sale or Use of taxable energy made within Magna City equaling 6% of the value of the taxable energy to the consumer and effective on and after October 1, 2024. This tax shall be known as the Municipal Energy Sales and Use Tax (“MET”). The MET shall be calculated on the delivered value of the taxable energy to the consumer. The MET shall be in addition to any sales or use tax imposed by Magna City under Utah Code § 59-12-201 *et seq.*, the Local Sales and Use Tax Act.

### 3.80.040 Exemptions

DATE TUESDAY JUNE 25, 2024

Pursuant to Utah Code § 10-1-305(2)(b), the MET exempts from its terms the sale and use of:

- A. Aviation fuel, motor fuel, or special fuel which is subject to taxation under Utah Code § 59-13;
- B. Taxable energy where the primary use is for compounding or producing taxable energy or a fuel which is subject to taxation under Utah Code § 59-13;
- C. Taxable energy that Magna City is prohibited from taxing under federal law or the Constitutions of the United States or Utah;
- D. Taxable energy purchased or stored in Magna City for resale;
- E. Taxable energy brought into the state by a nonresident for his or her own personal use while in the state, except taxable energy purchased for use in the state by a nonresident living or working in the state at the time of purchase;
- F. Taxable energy for any purpose other than use as a fuel or energy; and
- G. Taxable energy for use outside of Magna City.
- H. Pursuant to Utah Code § 10-1-305(4), the sale, storage, use, or other consumption of taxable energy is exempt from the MET if:
  - 1. The delivered value of the taxable energy has been subject to a municipal energy sales and use tax levied by another municipality within Utah under an ordinance enacted in accordance with the MET Act; and
  - 2. Magna City shall be paid the difference between the tax paid to the other municipality and the tax that would otherwise be due under the MET if the tax due under the MET exceeds the tax paid to the other municipality.

The MET further incorporates all other exemptions required by Utah law.

#### 3.80.050 No Effect Upon Existing Franchises; Credits for Franchise Fees

This MET shall not alter any existing franchise agreements unless otherwise terminated or altered by agreement or applicable law. Any energy supplier who (a) pays a contractual franchise fee to Magna City pursuant to a contract which was in effect as of July 1, 1997, (b) passes the fee through to taxpayers as a separately itemized charge, and (c) accepts the franchise shall receive a tax credit equal to its contractual franchise fee.

#### 3.80.060 Tax Collection Contract With the Tax Commission

DATE TUESDAY JUNE 25, 2024

A. On or before the effective date of the ordinance from which this chapter is derived, Magna City shall contract with the state Tax Commission to perform all functions related to the administration and collection of the MET, save those functions reserved to Magna City by law and described below. The Mayor and City Recorder are hereby authorized to enter into such agreement or amended agreement as needed with the state Tax Commission that may be necessary to the continued administration and operation of the MET.

B. An energy supplier shall pay the MET collected from its consumers directly to Magna City monthly if:

1. Magna City is the energy supplier; or
2. The energy supplier estimates that the MET collected annually from its Utah consumers equals one million U.S. dollars (\$1,000,000.00) or more and (c) the energy supplier collects the MET.

C. An energy supplier paying the MET directly to Magna City may retain the percent of the tax authorized under Utah Code § 59-12-108(2) for energy supplier's cost of collecting and remitting the tax.

#### 3.80.070 State Statutes Incorporated

A. Except as herein provided, and except insofar as they are inconsistent with the provisions of the MET Act, as well as this Chapter, all of the provisions of Utah Code § 59-12-1, as amended, and in force and effect on the effective date hereof, insofar as they relate to the sales and use taxes levied therein, are hereby adopted and made a part of this chapter as if fully set forth herein.

B. Wherever, and to the extent that in Utah Code § 59-12-1 or the MET Act the State of Utah is named or referred to as the taxing agency, the name of Magna City shall be substituted, insofar as is necessary for the purposes of those parts. In no event shall the word "state" be substituted when used in junction with the "state tax commission, " nor shall the State Tax Commission be substituted with Magna City in any way or for any matter of liability which is assigned by statute to the State Tax Commission.

C. Any amendments made to Utah Code § 59-12-1 that related to levying or collecting a municipal energy sales and use tax are hereby adopted by reference.

#### 3.080.080 No Additional License or Reporting Required

No additional license to collect or report the MET is required, provided the energy supplier collecting the tax has a license issued under Utah Code § 59-12-106.

2. Enactment of TLT. The following is enacted as Chapter 3.90 of the Magna City Municipal Code:

#### 3.90.010 Purpose

It is the intent of the Council to adopt a TLT pursuant to, and in conformance with, Utah Code § 10-1-401 *et seq.*, the “Telecommunications License Tax Act.”

3.90.020 Definitions. All words and phrases in this Chapter shall have the same meaning given them in the TLT Act, with the following additions:

- A. “TLT” means a telecommunications license tax authorized under the TLT Act.
- B. “TLT Act” means the Telecommunications License Tax Act, Utah Code § 10-1-401 *et seq.*

#### 3.90.030 TLT Levied

There is hereby levied, subject to the provisions of this Chapter, a tax on the gross receipts of telecommunications services attributable to Magna City in accordance with Utah Code §§ 59-12- and 10-1-407. The rate of the TLT shall equal 3.5% of each telecommunications provider’s gross receipts from telecommunications services that are attributed to Magna City. The tax shall be effective on and after October 1, 2024. Magna City may exceed this rate if a higher rate is approved by a majority vote among those persons who vote in a municipal general election or a regular general election.

#### 3.90.040 Agreement With the Tax Commission

On or before the effective date of the ordinance from which this chapter is derived, Magna City shall enter a uniform interlocal agreement described in Utah Code § 10-1-405 with the Utah Tax Commission.

#### 3.90.050 Procedure for Taxes Erroneously Recovered from Customers

A customer may not bring a cause of action against a telecommunications provider on the basis that the telecommunications provider erroneously recovered from the customer municipal telecommunications license taxes authorized by this ordinance unless the customer meets the same requirements that a purchaser is required to meet to bring a cause of action against a seller for a refund or credit as provided in Utah Code § 59-12-110.1(3).

3. Notice to Utah State Tax Commission. The Mayor is directed and authorized to execute and send the letter attached to this ordinance to the Utah State Tax Commission.
4. Effective Date of MET and TLT. The MET and TLT will become effective on and after October 1, 2024, pursuant to Utah Code § 10-1-304(3)(b).
5. Agreements with Utah State Tax Commission. On or before the effective date of the MET Tax, the Mayor shall execute agreements that are in substantially the same form as Attachment 2 of the attached letter, unless the Commission requires another form or format, in which case the Mayor will present such agreement(s) to the Council for review and approval.

DATE TUESDAY JUNE 25, 2024

6. Direction to Mayor and Staff. The Council directs the Mayor and Magna City staff to take all actions necessary to implement this ordinance.

7. Effective Date of Ordinance. This ordinance shall take effect as soon as it is posted pursuant to Utah Code § 10-3-711, deposited, and recorded in the office of the City Recorder.

ADOPTED AND APPROVED at a duly called meeting of the Magna City Council on this 25th day of June 2024.

ATTESTED:

FOR MAGNA CITY:

/s/ LANNIE CHAPMAN  
Salt Lake County Clerk  
City Recorder

/s/ ERIC BARNEY  
Mayor

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*Ordinance No. 2024-O-07*

**David Brickey** reviewed the ordinance adopting “Magna City” as the official name for Magna City and adopting an accompanying seal and logo, which he will submit to the Lieutenant Governor. He stated the Council has decided on “Magna City,” as the name of the city, but it has not decided on the logo yet. He had shared two logos the Magna Metro Township had previously used, but the Council did not come to a consensus on either one. Both now have “Magna City” on them, but one also includes pickaxes.

**Council Member Hull** stated she did not have strong feelings either way.

**Council Member Sudbury** stated he wanted to stay with the logo with pickaxes. People who had lived here all their lives had grown up with the mining industry.

**Council Member Prokopis** stated he preferred the logo that had the pickaxes on it, and the bolder font used for “Magna City.”

**Mayor Barney** stated he preferred the logo that removed the pickaxes. He felt that was more welcoming to new residents. Also, the more detailed the logo, the more difficult it was to render. Simplicity was preferred from a graphic design standpoint. However, he could respect history and accept the logo with the pickaxes.

**Council Member Hull** stated the vast majority of people would not notice the logo.

Council Member Hull, seconded by Council Member Prokopis, moved to approve the logo with the pickaxes. The motion passed unanimously.

Council Member Hull, seconded by Council Member Sudbury, moved to approve the name “Magna City” as the name of Magna City and adopt Ordinance 2024-O-07. The motion passed unanimously.

DATE TUESDAY JUNE 25, 2024

ORDINANCE NO. 2024-O-07

Date: June 25, 2024

AN ORDINANCE ADOPTING "MAGNA CITY" AS THE OFFICIAL NAME FOR  
MAGNA CITY AND ADOPTING AN ACCOMPANYING SEAL AND LOGO

RECITALS

WHEREAS, on January 1 2017, the community of Magna ("Magna") incorporated as a metro township, a form of municipal government similar to cities and towns; and

WHEREAS, during the 2024 legislative session, the Utah Legislature passed H.B. 35, which converted the Magna Metro Township and the metro townships of Copperton, Emigration Canyon, Kearns, and White City into cities and towns based on their populations effective May 1, 2024; and

WHEREAS, now that Magna is a city pursuant to H.B. 35., the Magna Council ("Council") desires to adopt "Magna City" as the official municipal name for Magna and to adopt an accompanying seal and logo pursuant to its authority under Utah Code § 10-1-202.

NOW, THEREFORE, BE IT ORDAINED BY THE MAGNA CITY COUNCIL AS FOLLOWS:

1. Enactment of Chapter 1.02. The following is adopted as Chapter 1.02 of the Magna Municipal Code:

Chapter 1.02 OFFICIAL NAME

1.02.010 Purpose and Scope

The official name of the City shall be "Magna City" All official documents, agreements, letterheads, deeds, publications, and other City property shall bear the official name.

1.02.020 Inconsistent Provisions

The enactment of this chapter shall not be construed to repeal or invalidate prior acts the City made previously as the Magna Metro Township or under any other corporate name. To the extent public documents or provisions of this code reference other public names, such documents and provisions shall be construed to incorporate the official name by this reference.

2. Adoption of City Seal and Logo. The following is adopted as the official seal and logo of Magna City:





3. Implementation. The Mayor and Magna staff are authorized and directed to take such actions as may be necessary to implement this ordinance.
4. Effective Date of Ordinance. This ordinance shall take effect as soon as it is posted pursuant to Utah Code § 10-3-711, deposited, and recorded in the office of the Magna City Recorder.

ADOPTED AND APPROVED at a duly called meeting of the Magna City Council on this 24th day of June 2024.

ATTESTED:

FOR MAGNA CITY:

/s/ LANNIE CHAPMAN  
Salt Lake County Clerk  
City Recorder

/s/ ERIC BARNEY  
Mayor

*Beer Policy for City Parks*

**David Brickey** reviewed the policy for the use of beer in city parks when reserving a pavilion and the Reservation Request Form, which had eleven terms attached to it. Individuals wanting to serve beer in a park would have to sign the agreement and adhere to the terms. The terms reflect the expectations of the Utah Department of Alcoholic Beverage Control (DABC).

**Mayor Barney** stated his purpose in requesting this was to protect himself and the city from liability. Additionally, requests that had come before him were on a request form that was specifically for alcohol sales, not just for the distribution of alcohol, so he felt the form was inadequate and inappropriate.

**Council Member Sudbury** asked why the Council could not make the decision whether to approve these requests.

**Mr. Brickey** stated if the Mayor denied a request, the requester could appeal to the Council and the Council could override his denial.

**Council Member Prokopis** asked if a family wanted to bring a cooler of beer, whether they had to get the Mayor's approval.

**Council Member Hull** stated any use of alcohol in a public park had to be approved.

**Council Member Prokopis** asked what the procedure was if someone wanted to sell alcohol in a park.

**Mayor Barney** stated someone wanting to sell alcohol would have to go through the DABC's permitting process, and then sign Magna City's application agreeing to adhere to the terms.

**Paul Ashton** asked if the policy was limited to beer, or if it included other alcoholic beverages.

**Mr. Brickey** stated the policy applies to any beverage that has a five percent or less alcohol content.

Council Member Hull, seconded by Council Member Pierce, made a motion to approve the beer policy as presented. The motion passed 3 to 2, with Council Members Prokopis and Sudbury voting "Nay."

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*Fee Waiver Request*

**David Brickey** reviewed a fee waiver application from USW392, stating one section of the application was not filled out regarding USW392's budget.

**Chris Lowe**, Recording Secretary, USW392, stated there was a question on the application that he had been unsure about regarding a percentage of USW392's budget. However, USW392 was willing to withdraw its request for a fee waiver.

**Mayor Barney** stated he thought the fee had been paid.

**Mr. Brickey** stated that was correct, although the fee had not been paid at the time the fee waiver request was placed on the agenda.

Council Member Hull, seconded by Council Member Sudbury, made a motion to strike 8. H. from the agenda as the request has been rescinded. The motion passed unanimously.

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Manager Update

**David Brickey** stated he has been meeting weekly with Daniel Torres, Economic Development Manager, Greater Salt Lake Municipal Services District (MSD), and others to let them know what Magna wants. He will meet with Mr. Torres and another individual again tomorrow about possible solutions for signage for the Copper Park and Pleasant Green Cemetery.

**Council Member Sudbury** stated he would like those weekly meetings to include representation from the Unified Police Department.

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City Attorney Update

**Paul Ashton** stated now that the Council has decided on its form of government and made other decisions, he would make sure all the documents got signed and sent. He also wanted to make sure any questions regarding a six-member form of government were addressed prior to the election next year.

**Council Member Prokopis** asked if Magna City would benefit from the added population, now that it was not redistricting. He thought Class B and C Road funds, and other Federal and State funds were tied to redistricting. He would be interested in redistricting for that reason and to get the districts in balance.

**Mayor Barney** stated there was a trigger provision in HB 330 that said districts would shift if the remaining unincorporated County incorporated or annexed. Since that has happened, Magna City's weighted vote at the Greater Salt Lake Municipal Services would shift and that was tied to Class B and C Road funds. He was not aware a municipality could re-district mid-census, but he would research that.

**Mr. Ashton** stated he would also look into that.

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Council Reports

*Unified Police Department (UPD) / Salt Lake Valley Law Enforcement Service Area (SLVLESA)*

**Council Member Prokopis** stated the separation of the UPD from the Sheriff's Office has taken place, and the UPD has vacated the County buildings it occupied. It has moved its administration to the precincts, but there is not much space, so it will be looking for a facility for its headquarters, so everyone from the UPD can be together. It will continue to share Property and Evidence with the Sheriff's Office in its building for at least a year because much of that is co-mingled. The split was as amicable as could be expected, with both sides fighting for what they thought was best. However, he thought everyone would remain friends, and that both entities would back up the other entity.

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*Magna Mosquito Abatement District*

**Council Member Pierce** stated at the last Mosquito Abatement District meeting, the Board discussed the schedule to spray the park to get ready for the 4<sup>th</sup> of July and Movies in the Park. It also discussed its budget. It was asked whether it would be submitting any fee increases that would show up on property tax bills, and it was not.

**Council Member Sudbury** asked if the Mosquito Abatement District still sprayed roads. He heard it quit doing that to protect beehives.

**Council Member Pierce** stated she had a conversation outside of the Board meeting and learned that the Mosquito Abatement District had a map showing where beehives were, and it avoided spraying in those areas. When it investigates for West Nile virus or the mosquito counts, it regularly traps in three permanent locations and three other areas around the entire jurisdiction. Then, it sprays more vigilantly in the areas where there are higher density mosquito populations. She did not know whether it sprayed along roadways.

She had also asked whether the unincorporated annexations changed any of the Mosquito Abatement District's boundaries, and was told no. However, at some point, it wanted to consider expanding into the Salt Lake City Mosquito Abatement District's jurisdiction around the Great Salt Lake, which bordered the Magna Mosquito Abatement District because that area is hard to treat and maintain. The Mosquito Abatement District purchased a drone, which has helped get to areas that it was not previously able to get to.

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*Unified Fire Authority (UFA) / Unified Fire Service Area (UFSA)*

**Council Member Hull** stated the UFA and UFSA were just audited by an independent auditor and received a clean audit. That audit is online. The important focus now was on fireworks. The UFA had a map of where fireworks were and were not allowed, and she thought it would include a QR Code for people to scan. She would like to put that map on Magna City's website and social media pages.

**Council Member Prokopis** stated a QR Code will be posted at all the popup firework sale locations, and it will show where it is illegal to light fireworks. Law enforcement, with the help of the UPD, will be enforcing that.

**Council Member Pierce** asked if the UFA had a program that would inspect people's homes and teach them how to mitigate a fire, especially for those living close to the Wildland Urban Interface.

**Council Member Prokopis** stated the UFA has a wildland division that provides a community risk assessment. The UFA does not have jurisdiction over residential property, but

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it can offer advice, and put homeowners in touch with others who can help them improve their property. That information is on the UFA's website.

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*Greater Salt Lake Municipal Services District (MSD)*

**Mayor Barney** stated at last night's meeting, the MSD Board approved a federal-aid agreement grant to install sidewalks on Brees Drive for the Safe Walking Route for Schools initiative. This is a matching grant for a total of \$624,000. The local match is \$304,000. The board also approved a notification that will be provided to Salt Lake County informing it that the MSD was terminating its lease with the County for offices and moving to a new location. The new location is in Taylorsville at about 4700 South where the old riverboat used to be. In addition, the board discussed whether to bring Salt Lake County's engineering services over to the MSD or create its own engineering division. Currently, the MSD contracts with the County for those services. The final decision was to do a study on the costs for both options.

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Closed

**David Brickey** stated the Council needed to close the meeting to discuss personnel and litigation.

Council Member Hull, seconded by Council Member Sudbury, made a motion to close the meeting for the purpose of discussing the a) character, professional competence, or physical or mental health of an individual, and b) pending or reasonably imminent litigation. The motion passed unanimously.

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

ATTEST:

By \_\_\_\_\_  
City Recorder

DATE

TUESDAY

JUNE

25, 2024

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**MAGNA CITY  
ORINANCE NO. 2024-O-\_\_**

**AN ORDINANCE OF MAGNA CITY COUNCIL AMENDING TITLE 12 OF  
MUNICIPAL CODE, PROVISIONS ON CODE ENFORCEMENT AND  
COMMUNITY PRESERVATION**

**RECITALS**

**WHEREAS**, Magna City ("Magna") adopted each county ordinance in effect at the time of its incorporation as a Metro Township pursuant to Utah Code Ann. Subsection 10-2a-414(3)(2023), which ordinance continued in force upon its conversion to a City, pursuant to Utah Code Ann. § 10-1-201.5(6)(2024), and Magna has authority to amend or repeal such ordinance when it determines it is necessary; and

**WHEREAS**, Magna ship is a municipality and has authority to regulate and enforce its code pursuant to Utah Code; and

**WHEREAS**, Magna has authority to adopt ordinances and land use controls necessary for the use and development of land within its municipal boundaries in accordance with the Municipal Land Use, Development, and Management Act, ("MLUDMA"), Title 10, Section 9a, Utah Code, to protect public health, safety, and welfare; and

**WHEREAS**, the Magna City Council deems it necessary to amend its ordinances in order to ensure compliance with State Statute, encourage conformity with the Magna General Plan, promote ease of use for residents and staff, and preserve the unique character of the Magna community; and for the protection and preservation of the public health, safety and general welfare.

**BE IT ORDAINED BY MAGNA CITY COUNCIL** as follows:

1. Title 12 is repealed and replaced in its entirety with the revised Title 12 attached hereto as **Attachment 1**.
2. Severability. If a court of competent jurisdiction determines that any part of these Ordinances is unconstitutional or invalid, then such portion(s) of these Ordinances, or specific application of these Ordinances, shall be severed from the remainder, which shall continue in full force and effect.
3. Implementation. Magna staff are instructed to take any administrative steps needed to prepare and finalize Attachment 1 for publication to Municode, including but not limited

to making any formatting, grammatical, or other non-substantive changes to the Ordinances that may be needed.

4. Posting and Effective Date. After Magna staff have prepared Attachment 1 for publication to Municode, the staff shall post the attached summary pursuant to Utah Code § 10-3-711(1)(b); and publish Attachment 1 to Municode. This ordinance will become effective as of the date the summary is posted and Attachment 1 is published to Municode.

This Ordinance is effective upon posting as required by law.

*[Execution on following page]*

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ADOPTED AND APPROVED at a duly called meeting of the Magna City Council on this \_\_\_th Day of \_\_\_\_\_ 2024.

MAGNA CITY

\_\_\_\_\_  
By: Eric G. Barney, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Recorder

\_\_\_\_\_  
City Attorney

Voting:

Council Member Barney voting \_\_\_\_\_

Council Member Prokopis voting \_\_\_\_\_

Council Member Hull voting \_\_\_\_\_

Council Member Sudbury voting \_\_\_\_\_

Council Member Pierce voting \_\_\_\_\_

*(Complete as Applicable)*

Date ordinance summary was published on the Utah Public Notice Website per Utah Code §10-3-711: \_\_\_\_\_

Effective date of ordinance: \_\_\_\_\_

**SUMMARY OF MAGNA CITY  
ORDINANCE NO. 2024- -**

On the \_\_\_ day of \_\_\_\_\_, 2024 the Magna City Council enacted Ordinance No. 2024-\_\_-\_\_ that adopts a new and updated version of Titles 12 (Code Enforcement and Community Preservation) of the Magna Municipal Code (“MMC”) and repeals and replaces in its entirety the prior version of Title 12.

MAGNA CITY COUNCIL

\_\_\_\_\_  
Eric Barney, Mayor

ATTEST

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

\_\_\_\_\_  
City Recorder

Voting:

Council Member Barney voting \_\_\_\_\_  
Council Member Prokopis voting \_\_\_\_\_  
Council Member Hull voting \_\_\_\_\_  
Council Member Sudbury voting \_\_\_\_\_  
Council Member Pierce voting \_\_\_\_\_

A complete copy of Ordinance No. 2024-\_\_\_\_-\_\_\_\_ is available in the office of the Magna City Recorder, 2001 South State Street, N2-700, Salt Lake City, Utah.

## **Title 12 CODE ENFORCEMENT AND COMMUNITY PRESERVATION**

Chapter 12.02 General

Chapter 12.04 Administrative Code Enforcement Procedures

Chapter 12.06 Administrative and Judicial Remedies

Chapter 12.08 Recover of Code Enforcement Penalties and Costs

### **12.02 General**

12.02.010 Short Title

12.02.020 Authority

12.02.030 Declaration of Purpose

12.02.040 Scope

12.02.02.050 Existing Ordinances and Laws Continued\*

12.02.060 Criminal Prosecution Right

12.02.070 Effect of Headings

12.02.080 Validity of Title – Severability

12.02.090 No Mandatory Duty – Civil Liability

12.02.100 General Rules of Interpretation of Ordinances

12.02.110 Definitions Applicable to Title Generally

12.02.111 Acts Include Causing, Aiding and Abetting

12.02.200 Part 2 – Service Requirements

12.02.210 Service of Process

12.02.220 Construction Notice of Recorded Documents

12.02.300 Part 3 - General Authority and Offenses

12.02.310 General Enforcement Authority

12.02.320 Adoption of Policy and Procedures

12.02.330 Authority to Inspect

12.02.340 Administrative Warrant Procedure

12.02.350 Power to Issue Citations

12.02.360 False Information or Refusal Prohibited

12.02.370 Failure to Obey a Subpoena

#### **12.02.010 Short Title\***

Title 12 shall be known as the "Code Enforcement and Community Preservation Program."

#### **12.02.020 Authority\***

Magna promulgates this Code pursuant to Utah Code Ann. §§ 10-3-702- 703.7; 10-3-716; 10-8-60; 10-11-1, *et seq.*; and 76-10-801, *et seq.*.

#### **12.02.030 Declaration Of Purpose\***

Magna finds enforcement of its Code and applicable state codes throughout the municipality to be an important public service. Code enforcement and abatement are vital to the protection of the public's health, safety, and quality of life. The Council recognizes that comprehensive code enforcement starts with the drafting of precise regulations that can be effectively applied in administrative code enforcement hearings and judicial proceedings that use a combination of judicial and administrative remedies to achieve fair and equitable compliance, and which address the failure to comply through judicial action.

#### **12.02.040 Scope\***

The provisions of this Title may be applied to any violation of Magna Code as an additional remedy to achieve compliance.

#### **12.02.050 Existing Ordinances And Laws Continued\***

The provisions of this Title do not invalidate any other title or ordinance but shall be read in conjunction with the title or ordinance as an additional enforcement remedy and with any other applicable laws. If there is a conflict between this Title and another provision of Magna Code, this Title shall control.

#### **12.02.060 Criminal Prosecution Right\***

Magna has sole discretion in deciding whether to file a civil or criminal case or both for the violation of any of its ordinances. The enactment of the administrative remedies in this Title shall not interfere with Magna's right to prosecute ordinance violations as criminal offenses in a court of law. Magna may use any of the remedies available under the law in both civil and criminal prosecution. If Magna decides to file both civil and criminal charges for the same day of violation, no civil penalties may be assessed, but all other remedies will be available. Magna may at its discretion proceed with a civil enforcement action under this Title in district court without first holding an administrative hearing or exhausting other administrative remedies.

#### **12.02.070 Effect Of Headings\***

Title, chapter, part and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any title, chapter, part, or section hereof.

#### **12.02.080 Validity Of Title - Severability\***

If any provision of this Title is held to be invalid or unconstitutional by a court of competent jurisdiction, the decision of invalidity or unconstitutionality shall not affect the other provisions of this Title which can be given effect without the invalid or unconstitutional provision.

#### **12.02.090 No Mandatory Duty - Civil Liability\***

It is the intent of the Council that in establishing performance standards or an obligation to act by a Magna officer, employee, or designee, the standards or obligation shall not be construed to create a mandatory duty for purposes of tort liability if the officer, employee, or designee fails to perform his or her directed performance standards or obligation to act.

#### **12.02.100 General Rules Of Interpretation Of Ordinances\***

For purposes of this Title:

- (1) Any gender includes the other gender(s).
- (2) "Shall" is mandatory; "may" is permissive.
- (3) The singular number includes the plural.
- (4) Any word or phrase used in this Title, and not specifically defined, shall be construed according to the context and approved usage of the language.

#### **12.02.110 Definitions Applicable To Title Generally\***

The following words and phrases, as used in this Title, shall be construed as defined in this section, unless the context or subject matter requires a different meaning as specifically defined elsewhere in this Title

and specifically stated to apply:

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- (1) "Abate" or "Abatement" means any action Magna may take on public or private property and any adjacent property as may be necessary to remove or alleviate a violation, including demolition, removal, eviction of persons, repair, boarding, securing, or replacement of property.
- (2) "Administrative Code Enforcement Order" means an order issued by an Administrative Law Judge. The order may include an order to abate the violation, pay civil penalties and administrative costs, or take any other action as authorized or required by this Title and applicable state codes.
- (3) "Administrative Law Judge" or "hearing officer" means the position established by the Code § 1.16.
- (4) "Animal Control Administrator" means the supervisor of the Animal Control Division, established in the Code § 8.1.
- (5) "Chief Building Official" means the official authorized and responsible for planning, directing, and managing the building inspection activities within Magna.
- (6) "Council" means the Magna Council.
- (7) "Code Enforcement Lien" means a lien recorded to collect outstanding civil penalties, administrative fees, or costs.
- (8) "Code Enforcement Performance Bond" means a bond posted by a responsible person to ensure compliance with Magna Code, applicable state titles, a judicial action, or an administrative code enforcement order.
- (9) "County" means Salt Lake County, Utah.
- (10) "Courtesy Notice" means a written notice prepared by an enforcement official that informs a responsible person of a minor violation and notifies the responsible person of the necessary actions that are required to correct the minor violation.
- (11) "Department" means Magna's Planning and Development Services Department, or its designee.
- (12) "Director" means the director of Magna's Planning and Development Services Department or the director's authorized agent or any other person or entity and authorized agent directed to provide code enforcement services.
- (13) "Enforcement Official" means any person authorized to enforce violations of Magna Code or applicable state codes.
- (14) "Financial Institution" means any person or entity that holds a recorded mortgage or deed of trust on a property.
- (15) "Fire Department" means the applicable entity that is authorized and responsible for providing fire and emergency services to Magna.
- (16) "Good Cause" means incapacitating illness; death; lack of proper notice; unavailability due to unavoidable, unpreventable, or extenuating emergency or circumstance; if a required act causes an imminent and irreparable injury; or acts of nature adverse to performing required acts.
- (17) "Hazardous Materials" means the same as that term is defined in Utah Code Section 10-11-1.
- (18) "Imminent Life Safety Hazard" means any condition that creates a present, extreme, or immediate danger to life, property, health, or public safety.
- (19) "Magna" means Magna City, a municipal corporation or city under state law' pursuant to Utah Code Subsection 68-3-12.5(6).
- (20) "Legal Interest" means any interest that is represented by a document, including a deed of trust, quitclaim deed, mortgage, judgment lien, tax or assessment lien, mechanic's lien, or other similar instrument that is recorded with the County Recorder.
- (21) "Major Violation" means any nuisance or other violation as defined in Magna Code, state code or Utah state courts, to include, without limitations, any:
  - a. land use that does not conform to existing zoning of the property;
  - b. unauthorized collection of motor vehicles that are unlicensed, unregistered, or inoperable;
  - c. accumulations of trash, litter, illegal dumping, which occupy a combined area more than 50 square feet;
  - d. weeds that occupy a combined area that exceeds 100 square feet or increase the risk of fire spreading to a neighboring property;
  - e. unauthorized use of any public street or sidewalk, including news racks, merchandise displays, mobile food vending, or other illegal uses.
  - f. illegal advertising;

- g. illegal residing in a Recreational Vehicle
  - h. open storage of items; or
  - i. any other violation of Magna Municipal Code that is not specifically defined as a minor violation.
- (22) "Municipality" or "City" means the area within the territorial municipal limits of Magna, and such territory outside the area over which Magna has jurisdiction or control.
- (23) "Minor violation" means the following violations of Magna Municipal Code:
- a. accumulations of trash, litter, or illegal dumping, which occupy a combined area less than 50 square feet; or
  - b. weeds which occupy a combined area less than 100 square feet and do not increase the risk of fire spreading to a neighboring property.
- (24) "Notice of Compliance" means a document issued by Magna, representing that the violations outlined in the notice of violation have been remedied and the property is in compliance with applicable codes.
- (25) "Notice of Satisfaction" means a document or form approved by the Director or designee, which states that all outstanding civil penalties and costs have been paid in full, negotiated to an agreed amount, or resolved by a subsequent administrative or judicial decision. The property shall also be in compliance with the requirements of the notice of violation.
- (26) "Notice of Violation" means a written notice prepared by an enforcement official that informs a responsible person of any code violation and orders the person to take certain actions to correct the violation.
- (27) "Oath" includes any affirmation or oath.
- (28) "Person" means any natural person, firm, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, organization, or the manager, lessee, agent, sergeant, officer, or employee of any of them, or any other entity that is recognized by law as the subject of rights or duties.
- (29) "Program" means the Code Enforcement and Community Enhancement Program authorized under this Title.
- (30) "Property Owner" means the record owner of real property based on the county assessor's records.
- (31) "Public Nuisance" means any condition caused, maintained, or permitted to exist that constitutes a threat to the public's health, safety, and welfare or that significantly obstructs, injures, or interferes with the reasonable or quiet use of property in a neighborhood, community, or by a considerable number of persons. A public nuisance also has the same meaning as set forth in the Utah statute.
- (32) "Recreational Vehicle" means a vehicular unit other than a mobile home, primarily designed as a temporary dwelling for travel, recreational, or vacation use, that is either self-propelled or pulled by or on another vehicle, including truck campers, camper trailers, motorhomes, vehicles converted to have living facilities, or other vehicles used as sleeping or living accommodations.
- (33) "Residing" as it relates to a Recreational Vehicle means a rebuttable presumption that a Recreational Vehicle is being used as a residential unit if the Recreational Vehicle is occupied at any time between the hours of 1:00 a.m. and 5:00 a.m. for more than 14-consecutive days within a 6-month period. This presumption may be rebutted upon a showing of substantial evidence that the Recreational Vehicle is not used for sleeping, toilet facilities, food preparation, or showering.
- (34) "Responsible Person" means a person who has charge, care, or control of any premises, dwelling, or dwelling unit as the legal or equitable owner, agent of the owner, lessee, or as an executor, administrator, trustee, or guardian of the estate of the owner. In all cases, the person with legal title to any premises, dwelling, or dwelling unit shall be considered a responsible person, with or without accompanying actual possession thereof.
- (35) "Treasurer" means the Magna Treasurer as designated pursuant to Utah Code Ann. § 10-3c-203.
- (36) "Written" includes handwritten, typewritten, photocopied, computer printed, or facsimile, whether in physical or electronic form.

### **12.02.111 Acts Include Causing, Aiding And Abetting\***

If any act or omission is made unlawful in this Title, it shall include causing, permitting, aiding, or abetting the act or omission.

### **12.02.200 Part 2 - Service Requirements\***

#### **12.02.210 Service Of Process\***

- (1) If service in person or by mail is required to be given under this Title, service shall be made in accordance with Utah Code Ann. § 10-11-2 unless another form of service is required by law.
- (2) If service complies with the requirements of this Part, it shall be considered to be a valid service even if a party claims not to have received the service and it shall not affect the validity of any proceedings taken under this Title.
- (3) The failure to serve all responsible persons shall not affect the validity of any proceedings.

#### **12.02.220 Construction Notice Of Recorded Documents\***

If a document is recorded with the County Recorder as authorized or required by this Title or applicable state statute, recordation shall provide constructive notice of the information contained in the recorded documents.

### **12.02.300 Part 3 - General Authority and Offenses\***

#### **12.02.310 General Enforcement Authority\***

If the Director or enforcement official finds that a violation of Magna Code or applicable state code has occurred or continues to exist, the administrative enforcement procedure may be used as provided in this Title. The Director or any designated enforcement official has the authority and power necessary to enforce compliance with the provisions of Magna Code and applicable state code provisions, including issuing notices of violation or administrative citations, inspecting public or private property, abating public and private property, or using other judicial and administrative remedies available pursuant to Magna Code or state statute. Magna may elect to proceed with an action in District Court without first exhausting administrative remedies.

#### **12.02.320 Adoption of Policy and Procedures\***

In compliance with the Utah Administrative Code, the Administrative Law Judge is authorized to develop policies and procedures relating to the hearing procedures, scope of hearings, subpoena powers, and other matters relating to the Program. The policies and procedures may vary based on the circumstances of each matter before the Administrative Law Judge.

#### **12.02.330 Authority to Inspect\***

The Director or any designated enforcement official is authorized to enter upon any property or premises to inspect and ascertain if the person is complying with Magna Code or applicable state code provisions and to make any necessary examination or survey in the performance of the enforcement duties with either the permission of the responsible person, land owner, or upon obtaining a search warrant. If the responsible person refuses to allow the enforcement official to enter the property, the enforcement official shall obtain a search warrant. The Director or any designated enforcement official may not enter a property, except to access the front door, without permission or a warrant. Any inspection entry, examination, or survey shall be done in a reasonable manner based upon probable cause. The Director or any designated enforcement official may obtain evidence viewable from any public street, sidewalk, adjacent property or location where the responsible person has given authorization for entry without a warrant.



### **12.02.340 Administrative Search Warrant Procedure**

- (1) The Director or any designated enforcement official may apply for an administrative search warrant with the Administrative Law Judge upon a showing of probable cause to believe that a violation of the Magna Code or an applicable state code has occurred, is occurring, or is about to occur. The showing of probable cause shall be based on specific and articulable facts or circumstances and shall be supported by a sworn affidavit or a verified complaint.
- (2) A search warrant shall be issued by the Administrative Law Judge upon a finding of probable cause to believe that a violation of the Magna Code or an applicable state code has occurred, and that a search of private property is necessary to investigate and enforce such ordinance.
- (3) A search warrant shall specify the property to be searched and, if applicable, the items to be seized.
- (4) The search warrant shall be executed by a designated enforcement official in accordance with the Fourth Amendment to the United States Constitution and Utah law.
- (5) The search warrant shall be executed in a reasonable manner, taking into account the nature of the ordinance being enforced, the nature of the property being searched, and the presence of any individual(s) on the property.
- (6) A report of the execution of the search warrant shall be made in writing and filed with the Administrative Law Judge that issued the warrant. The report shall include a description of the property searched, the items seized, and any other information required by law or court order.
- (7) No person shall refuse entry or access to any authorized representative of the department who requests entry for purposes of inspection, and who presents appropriate credentials and warrant, nor shall any person obstruct, hamper or interfere with any such inspection.
- (8) Nothing in this section shall be construed to prevent prompt inspection without consent or appropriate warrant in emergency situations.

### **12.02.350 Power to Issue Citations\***

The Director or any designated enforcement official is authorized to issue a misdemeanor citation or administrative citation if there is reasonable cause to believe that the person is committing or has committed a violation of the Magna Code or state code in the enforcement official's presence.

### **12.02.360 False Information or Refusal Prohibited\***

It shall be unlawful for any person to make a false statement or refuse to give his or her name or address with intent to deceive or interfere with a duly authorized Magna official or agent, including to the Director or any authorized enforcement officials, when in the performance of official duties under the provisions of this Title. A violation of this Section is a class B misdemeanor.

### **12.02.370 Failure to Obey a Subpoena\***

It is unlawful for any person to refuse or fail to obey a subpoena issued for an administrative code enforcement hearing. Failure to obey a subpoena constitutes contempt and is a class B misdemeanor.

## **Chapter 12.04 Administrative Code Enforcement Procedures**

- 12.04.010 Authority
- 12.04.020 Courtesy Notice
- 12.04.030 Notice of Violation
- 12.04.040 Failure to Bring Property Into Compliance
- 12.04.050 Inspections
- 12.04.200 Part 2 - Emergency Abatement\*
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- 12.04.310 Authority\*
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- 12.04.230 Notice of Emergency Abatement\*
- 12.04.400 Part 4 - Abatement of Hazardous Materials
- 12.04.420 Notice Of Hazardous Material Abatement\*
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- 12.04.560 Disqualification of Administrative Law Judge\*
- 12.04.570 Powers of The Administrative Law Judge\*
- 12.04.580 Procedures at Administrative Code Enforcement Hearing\*
- 12.04.590 Failure to Attend Administrative Code Enforcement Hearing\*
- 12.04.591 Administrative Code Enforcement Order\*
- 12.04.595 Failure to Comply With Order\*
- 12.04.600 Part 6 - Administrative Enforcement Appeals\*
- 12.04.610 Appeal of Administrative Code Enforcement Hearing Decision\*

### **12.04.010 Authority\***

Any condition caused, maintained, or permitted to exist in violation of any provisions of the Magna Code or applicable state codes that constitutes a violation may be abated by Magna pursuant to the procedures set forth in this Title.

### **12.04.020 Courtesy Notice\***

(1) If the Director or any designated enforcement official determines that a minor violation has occurred, the Director or enforcement official may issue a courtesy notice to a responsible person by leaving a courtesy notice with the responsible person or affixing the notice to the door or gate of the property. The courtesy notice shall include the following information:

- a. Name of the property owner of record according to the records of the County Recorder;
- b. Street address of violation;
- c. Nature and results of the examination and investigation conducted;
- d. Date and approximate time the violation was observed
- e. All code sections violated and descriptions of the condition of the property that violates the applicable codes;

- f. A statement explaining the type of remedial action required to permanently correct outstanding violations, which may include corrections, repairs, demolition, removal, eradication, destruction, or other appropriate action;
- g. A statement that if the violation has not been remedied within 7 days, the designated enforcement official will issue a notice of violation consistent with the requirements of this chapter.
- h. The name and contact information of the code enforcement official who may be contacted regarding the courtesy notice.

(2) The issuance of a courtesy notice is discretionary, and an enforcement official may proceed with the issuance of a notice of violation without first issuing a courtesy notice.

#### **12.04.030 Notice of Violation\***

(1) If the Director or any designated enforcement official determines that a major violation of the Magna Code or applicable state codes has occurred or continues to exist or a minor violation continues to exist, the Director or enforcement official may issue a notice of violation to a responsible person. The notice of violation shall include the following information and shall comply with Utah Code § 10-11-2 or the applicable successor statute(s):

- a. Name of the property owner of record according to the records of the County Recorder;
- b. Street address of violation;
- c. Nature and results of the examination and investigation conducted;
- d. Date and approximate time the violation was observed;
- e. All code sections violated and descriptions of the condition of the property that violates the applicable codes;
- f. A statement explaining the type of remedial action required to permanently correct outstanding violations, which may include corrections, repairs, demolition, removal, eradication, destruction, or other appropriate action;
- g. A specific date for the responsible party to correct the violations listed in the notice of violation or appeal the notice of violation, which date shall be at least fifteen days from the date of service unless the Director determines that the violation requires emergency abatement under Section 12.2.200;
- h. Explanation of the consequences if the responsible person fails to comply with the terms and deadlines as prescribed in the notice of violation, which may include criminal prosecution; civil penalties; revocation of permits; recordation of the notice of violation; withholding of future municipal permits; abatement of the violation by Magna and re-payment to Magna for the costs of the abatement; other costs incurred by Magna; administrative fees; and any other legal remedies;
- i. Civil penalties shall begin to accrue immediately on expiration of the date to correct violations;
- j. The amount of the civil penalty on each violation and that the penalty shall accrue daily until the property is brought into compliance;
- k. Only one notice of violation is required for any 12-month period, and civil penalties begin immediately upon any subsequent violation of the notice. The responsible person may request a hearing on the renewed violation by following the same procedure as provided for the original notice;
- l. Procedures to appeal the notice and request a hearing, including the amount of the appeal fee, as provided in the adopted fee schedule and consequences for failure to request one, including that failure to appeal waives all defenses to the notice of violation and the Director, or designee, may order the abatement of the property without a subsequent hearing or order; and
- m. Procedures to request an inspection after the violation has been abated.

- (2) The notice of violation shall be served by one of the methods of service listed in Section 12.2.210 of this Title.
- (3) More than one notice of violation may be issued against the same responsible person if it encompasses different dates, or different violations.

#### **12.04.040 Failure To Bring Property Into Compliance\***

- (1) If a responsible person fails to bring a violation into compliance within the compliance period specified in the notice of violation:
  - a. civil penalties shall be owed to Magna for each and every subsequent day of violation;
  - b. If the responsible party does not request a hearing on the notice of violation within the required period specified in the notice of violation, the Director may
    - i. schedule the abatement of violations on the property specified in the notice of violation;
    - ii. schedule a default hearing with the Administrative Law Judge; or
    - iii. bring an enforcement and abatement action in the district court.
- (2) Failure to comply with the notice of violation is a Class C misdemeanor.

#### **12.04.050 Inspections\***

It shall be the duty of the responsible person served with a notice of violation to request in writing an inspection when the responsible person's property has been brought into compliance. It is prima facie evidence that the violation remains on the property if no inspection is requested. Civil penalties accumulate daily until the property has been inspected and a notice of compliance is issued. Re-inspection fees shall be assessed if more than one inspection is necessary.

#### **12.04.200 Part 2 - Abatement**

##### **12.04.210 Authority To Abate\***

The Director is authorized to enter upon any property or premises to abate the violation of Magna Code and applicable state codes pursuant to this Part. The Director is authorized to assess all costs for the abatement to the responsible person and use any remedy available under the law to collect the costs, including assessment of the costs on the County tax rolls.

##### **12.04.220 Procedures For Abatement\***

- (1) The Director may abate a violation pursuant to this Part after providing notice under this Title and by following the process set forth in Utah Code § 10-11-3 or any applicable successor statute if the Responsible Party:
  - a. Does not abate a violation within the time period prescribed in a notice; and
  - b. Did not file a request for an administrative code enforcement hearing under this Title.
- (2) The Director may request a default hearing but is not required to do so to abate the violation under this Part and may abate the violation without a default hearing pursuant to Utah Code § 10-11-3 or any applicable successor statute.
- (3) The Director may use Magna personnel or a private contractor acting under the Director's or Magna' direction to abate the violation.
- (4) Magna personnel or a private contractor may enter upon private property in a reasonable manner to abate the ordinance violation as specified in the notice of violation or administrative code enforcement order.
- (5) If the responsible person abates the violation before Magna performs the actual abatement pursuant to a notice of violation or administrative code enforcement order, the Director may still assess the costs incurred by Magna against the responsible person.

(6) In compliance with Utah Code § 10-11-3 or any applicable statute, the Director shall prepare an itemized statement of the work performed when the abatement is completed on the responsible person.

(7) The Administrative Law Judge shall hear any appeals filed by a responsible person in response to an itemized statement issued under this Part and shall conduct such appeals and any related hearings in accordance with Utah Code § 10-11-3 or any applicable successor statute.

### **12.04.300 Part 3 - Emergency Abatement\***

#### **12.04.310 Authority\***

(1) Whenever the Director determines that an imminent life safety hazard exists that requires immediate correction or elimination, the Director may exercise the following powers without prior notice to the responsible person:

- a. Order the immediate vacation of any tenants, and prohibit occupancy or entry until all repairs are completed, provided that an order prohibiting entry shall specify how entry is to be made to mitigate damage, complete repairs, retrieve personal property, or for any other purpose, if any, during the abatement process;
- b. Post the premises as unsafe, substandard, or dangerous;
- c. Board, fence, or secure the building or site;
- d. Raze, grade, and remove that portion of the building or site to prevent further collapse or any hazard to the general public;
- e. Make any minimal emergency repairs as necessary to eliminate any imminent life safety hazard; or
- f. Take any other action appropriate to eliminate the emergency.

(2) The Director and his or her agents have the authority for good cause to enter the property without a search warrant or court order to accomplish the above listed acts to abate the safety hazard.

(3) The responsible person shall be liable for all costs associated with the abatement of the life safety hazard. Costs may be recovered pursuant to this Title.

#### **12.04.320 Procedures\***

(1) The Director shall pursue only the minimum level of correction or abatement as necessary to eliminate the immediacy of the hazard. Costs incurred by Magna during the emergency abatement process shall be assessed and recovered against the responsible person through the procedures provided in this Title.

(2) The Director may also pursue any other valid and legal administrative or judicial remedy to abate any remaining violations.

#### **12.04.330 Notice Of Emergency Abatement\***

After an emergency abatement, Magna shall notify the owner or responsible person of the abatement action taken in writing. This notice shall be served within ten days of completion of the abatement and will describe in reasonable detail the abatement actions taken.

### **12.04.400 Part 4 – Abatement of Hazardous Materials\***

#### **12.04.410 Authority\***

If the Director determines that a structure has been closed to occupancy or entry by a local health department due to contamination from hazardous materials, the Director may appoint a municipal inspector for the purpose of implementing and complying with the provisions of Utah Code 10-11-1. The

Director may authorize abatement of the interior of the structure to eliminate or remove hazardous materials within a structure that has been closed to occupancy or entry by a local health department or fire department.

#### **12.04.420 Notice of Hazardous Material Abatement\***

(1) If the Director or any designated enforcement official determines that a structure has been closed by the local health department or fire department for hazardous materials, the Director or enforcement official will issue a notice of hazardous material abatement to a responsible person.

(2) The notice of hazardous material abatement shall include the following information and shall comply with Utah Code § 10-11-2 or the applicable successor statute:

- a. Name of the property owner of record according to the records of the County Recorder;
- b. Street address of violation;
- c. Nature and results of the examination and investigation conducted;
- d. Date and approximate time the violation was observed;
- e. All code sections violated and descriptions of the condition of the property that violates the applicable codes;
- f. A statement explaining the type of remedial action required to permanently correct outstanding violations, which may include corrections, repairs, demolition, removal, eradication, destruction, or other appropriate action;
- g. A specific date for the responsible party to correct the violations listed in the notice of hazardous material abatement or appeal the notice of hazardous material abatement, which date shall be at least 180 days from the date of service;
- h. Explanation of the consequences if the responsible person fails to comply with the terms and deadlines as prescribed in the notice of violation, which may include criminal prosecution; civil penalties; revocation of permits; recordation of the notice of violation; withholding of future municipal permits; abatement of the violation by Magna and re-payment to Magna for the costs of the abatement; other costs incurred by Magna; administrative fees; and any other legal remedies;
- i. Civil penalties shall begin to accrue immediately on expiration of the date to correct violations or the appeal and administrative proceeding process is completed;
- j. The amount of the civil penalty on each violation and that the penalty shall accrue daily until the property is brought into compliance;
- k. Procedures to appeal the notice and request a hearing, including the amount of the appeal fee, as provided in the adopted fee schedule, and consequences for failure to request one, including that failure to appeal waives all defenses to the notice of hazardous material abatement and the Director, or designee, may order the abatement of the property without a subsequent hearing or order; and
- l. Procedures to request an inspection after the violation has been abated.

(3) The notice of hazardous material abatement shall be served by one of the methods of service listed in Section 12.02.210 of this Title.

#### **12.04.430 Certified Decontamination Specialist\***

A responsible party, owner, or occupant must use a certified decontamination specialist to abate hazardous materials as described in Utah Code § 19-6-906.

#### **12.04.430 Restricting Access\***

The Director may issue an order limiting or restricting access to a structure and the real property appurtenant to the structure while the municipal inspector or a certified decontamination specialist destroys, removes, or abates hazardous materials within the structure.

## **12.04.500 Part 5 - Demolitions\***

### **12.04.510 Authority\***

If the Director determines that a property or building requires demolition, the Director may demolish or remove the offending structure, or exercise any or all of the powers listed in this Title once appropriate notice has been given to a responsible person pursuant to the Uniform Abatement of Dangerous Buildings Code or Uniform Fire Codes as required under state law, provided that the notice shall include a written description of the Director's findings, explaining the need for the demolition and citations to the applicable ordinances or laws authorizing the demolition. The responsible person shall be liable for all costs associated with the demolition. Costs may be recovered pursuant to this Title.

### **12.04.420 Procedures\***

Once the Director has determined that the Magna Chief Building Official or the Fire Department has complied with all of the notice requirements of the applicable laws, the property will be demolished. Other applicable remedies may also be pursued.

## **12.042.400 Part 4 – Administrative Citations\***

### **12.042.410 Declaration Of Purpose\***

The Council finds that there is a need for an alternative method of enforcement for violations of the Magna Code and applicable state codes which do not relate to land use violations. The Council further finds that an appropriate method of enforcement is an administrative citation program.

The procedures established in this Part shall be in addition to criminal, civil, or any other legal remedy established by law that may be pursued to address violations of the Magna Code or applicable state codes.

### **12.042.420 Authority\***

Any person violating a provision of the Magna Code or applicable state codes may be issued an administrative citation by an enforcement official as provided in this Part.

A civil penalty shall be assessed by means of an administrative citation issued by the enforcement official and shall be payable directly to the Magna Treasurer's Office, or other offices designated to receive payment on behalf of Magna.

Penalties assessed by means of an administrative citation shall be collected in accordance with the procedures specified in the remedies section of this Title.

### **12.042.430 Procedures\***

(1) Upon discovering any violation of the Magna Code, or applicable state codes, an enforcement official may issue an administrative citation to a responsible person in the manner prescribed in this Part or as prescribed in Section 12.1.210. The administrative citation shall be issued on a form approved by the Director.

(2) If the responsible person is a business, the enforcement official shall attempt to locate the business owner and issue an administrative citation to the business owner. If the enforcement official can only locate the manager of the business, the administrative citation may be given to the manager of the business. A



copy of the administrative citation may also be mailed to the business owner or any other responsible person in the manner prescribed in Section 12.1.210 of this Title.

(3) Once the responsible person has been located, the enforcement official shall attempt to obtain the signature of that person on the administrative citation. If the responsible person refuses or fails to sign the administrative citation, the failure or refusal to sign shall not affect the validity of the citation and subsequent proceedings.

(4) If the enforcement official is unable to locate the responsible person for the violation, then the administrative citation shall be mailed to the responsible person in the manner prescribed in Section 12.1.210 of this Title.

(5) If no one can be located at the property, then the administrative citation may be posted in a conspicuous place on or near the property and a copy subsequently mailed to the responsible person in the manner prescribed by Section 12.1.210 of this Title.

(6) The administrative citation shall also contain the signature of the enforcement official.

(7) The failure of any person with an interest in the property to receive notice shall not affect the validity of any proceedings taken under this Part.

#### HISTORY

Adopted by Ord. [19-07-01](#) on 7/22/2019

### **12.042.440 Contents Of Administrative Citation\***

Administrative citations shall include the information required in Section 12.2.020 and shall:

- (1) State the amount of penalty imposed for the minor violations; and
- (2) Explain how the penalty shall be paid, the time period by which the penalty shall be paid, and the consequences of failure to pay the penalty.

### **12.042.450 Civil Penalties Assessed\***

- (1) The City Council shall establish policies to assist in the assessment of civil penalties for administrative citations.
- (2) Civil penalties shall be assessed immediately for each violation listed on the administrative citation. The penalties shall be those established in the Consolidated Fee Schedule.
- (3) Payment of the penalty shall not excuse the failure to correct the violations, nor shall it bar further enforcement action by the City.

### **12.04.500 Part 5 – Appeal and Hearing Procedures\***

#### **12.04.510 Declaration Of Purpose\***

The Council finds that there is a need to establish uniform procedures for administrative code enforcement hearings conducted pursuant to Magna Code. It is the purpose and intent of the Council to afford due process of law to any person who is directly affected by an administrative action. Due process of law includes notice, an opportunity to participate in the administrative hearing, and an explanation of the reasons justifying the administrative action. These procedures are also intended to establish a forum to efficiently, expeditiously, and fairly resolve issues raised in any administrative code enforcement action.

#### **12.04.520 Authority and Scope of Hearings\***

The Administrative Law Judge shall preside over hearings of Magna Code violations. The Administrative Law Judge shall develop policies and procedures to regulate the hearing process for any violation of



Magna Code and applicable state codes that are handled pursuant to the administrative abatement procedures, emergency abatement procedures, demolition procedures, or administrative citation procedures. If there is a conflict between the appeal procedures in this Title and the appeal procedures in another code incorporated by Magna, this Title shall control.

#### **12.04.530 Appeal and Request For Administrative Code Enforcement Hearing\***

- (1) A person served with one of the following documents or notices has the right to appeal by requesting an administrative code enforcement hearing, if the request is filed within 15 calendar days from the date of service of one of the following notices:
  - a. Notice of violation;
  - b. Notice of itemized bill for costs; or
  - c. Notice of emergency abatement;
- (2) A person served with a notice of hazardous material abatement shall have the right to appeal by requesting an administrative code enforcement hearing, if the request is filed within 180 calendar days from the date of service.
- (3) The request for hearing shall be made in writing and filed with the Director or as otherwise indicated in the notice of violation. The request shall contain the following:
  - a. the case number,
  - b. the address of the violation,
  - c. a statement of the legal and factual basis supporting the overturning the notice of violation; and
  - d. the signature of the responsible party.
- (4) The request for hearing shall be accompanied by payment of the appeal fee the amount of which shall be provided forth in the Magna Fee Schedule.
- (5) Failure to provide all the information required in Subsection 12.02.530(2) and payment of the appeal fee required in Subsection 12.02.530 (3), may result in the dismissal of the appeal without a hearing.
- (6) As soon as practicable after receiving the written notice of the request for hearing, the Director shall schedule a date, time, and place for the hearing with the Administrative Law Judge and serve a Notice of Hearing on the responsible party.
- (7) Failure to request a hearing as provided shall constitute a waiver of the right to a hearing and a waiver of the right to appeal the action.

#### **12.04.540 Hearings And Orders\***

- (1) If the responsible person fails to request a hearing before the expiration of the 15 calendar day required deadline, the Director may:
  - a. Schedule the abatement of the property and serve a notice of abatement on the responsible party.
  - b. Request a default hearing, with the Administrative Law Judge and notify the responsible person of the date, time, and place of the hearing by one of the methods listed in Section 12.2.210.
- (2) A default hearing may be scheduled for all cases that have outstanding or unpaid civil penalties, fines, fees and/or costs due to Magna before collection.
- (3) At any hearing, the responsible person shall have the opportunity to present evidence to show that good cause exists, as defined in the Title, to do one or more of the following in addition to any other rights afforded under other provisions of Magna Code or applicable law:
  - a. Waive or reduce the fines which have accumulated;
  - b. Postpone an abatement action by Magna; or
  - c. Excuse the responsible person's failure to request a hearing within the 15-day period.
- (4) If the responsible person fails to establish good cause to take one or more of the actions set forth in paragraph (3), the Administrative Law Judge shall review the notice of violation and any other relevant information included in the case file. The Administrative Law Judge shall not accept any other evidence.

If the evidence shows that the violations existed, the Administrative Law Judge shall enter an order requiring abatement of the violations, and the payment of all fines and fees. Fines shall run until the Director or other duly authorized representative of Magna issues a Notice of Compliance stating when the violations were actually abated.

#### **12.04.550 Notification Of Administrative Code Enforcement Hearing\***

(1) The Administrative Law Judge or Magna shall provide written notice of the day, time, and place of the hearing to a responsible person as soon as practicable prior to the date of the hearing with the format and contents of the hearing provided in accordance with rules and policies promulgated by the Administrative Law Judge.

(2) The notice of hearing shall be served by any of the methods of service listed in Section 12.1.210 of this Title.

#### **12.04.560 Disqualification Of Administrative Law Judge\***

(1) A responsible person may file a written motion to disqualify an Administrative Law Judge for bias, prejudice, a conflict of interest, or any other reason for which a judge may be disqualified in a court of law. The motion to disqualify shall be accompanied by an affidavit or unsworn declaration as described in Title 78B of the Utah Code or applicable successor statute signed by the responsible person, which shall:

- a. State that the motion is filed in good faith;
- b. Allege facts sufficient to show bias, prejudice, a conflict of interest, or any other reason that would disqualify a judge in a court of law in Utah; and
- c. State when and how the Responsible Party came to know of the reason for disqualification.

(2) The responsible person shall file the motion within 21 days of the assignment of the action to an Administrative Law Judge or the date on which the responsible person knew or should have known of the grounds on which the motion is based, whichever is later.

(3) A responsible person may only file one motion to disqualify an Administrative Law Judge, unless a second or subsequent motion is based on grounds that the responsible person did not know of and could not have known of at the time of the earlier motion.

(4) The Administrative Law Judge who is the subject of a motion to disqualify must, without taking any further action, provide the Director with a copy of the motion and refer the motion to the Magna Council.

(5) Upon receipt of a motion to disqualify, the Magna Council will schedule and notice the matter for review at its next regular scheduled meeting. The Magna Council may, in its sole discretion, elect to hold a special meeting to hear the motion before its next regularly scheduled meeting. The Magna Council shall first review the motion to disqualify to determine if it satisfies the requirements of paragraphs (1) and (2) of this Section. If the motion to disqualify does not satisfy the requirements of this Section, the Council will deny the motion and remand it to the Administrative Law Judge for further proceedings. If the motion to disqualify satisfies the requirements of paragraphs (1) and (2) of this Section, the Magna Council shall determine whether the motion is legally sufficient to warrant disqualification. If the Magna Council determines that disqualification is warranted, it will assign the matter to another Administrative Law Judge. If the Magna Council determines that the motion to disqualify is not legally sufficient, it will remand the matter back to the Administrative Law Judge.

#### **12.04.570 Powers of the Administrative Law Judge\***

(1) The Administrative Law Judge has the authority to conduct an adjudicative proceeding, determine if any violation of Magna Code exists, order compliance with Magna Code, and enforce compliance as provided in this Title on any matter subject to the provisions of the Title.

(2) The Administrative Law Judge may complete the attendance of a witness and production of a document or other evidence, administer an oath, take testimony, and receive evidence as necessary.

(3) The Administrative Law Judge may continue a hearing based on good cause shown by one of the parties to the hearing. The Administrative Law Judge must enter on the record the good cause on which a continuance is granted.

(4) The Administrative Law Judge, at the request of any party to the hearing, may sign subpoenas for witnesses, documents, and other evidence. All costs related to the subpoena, including witness and mileage fees, shall be borne by the party requesting the subpoena. The Administrative Law Judge shall develop policies and procedures relating to the issuance of subpoenas in administrative code enforcement hearings, including the form of the subpoena and related costs.

(5) The Administrative Law Judge has continuing jurisdiction over the subject matter of an administrative code enforcement hearing for the purposes of granting a continuance; ordering compliance by issuing an administrative code enforcement order using any remedies available under the law; ensuring compliance with that order, which includes the right to authorize Magna to enter and abate a violation; modifying an administrative code enforcement order; or, where extraordinary circumstances exist, granting a new hearing.

(6) The Administrative Law Judge has the authority to require a responsible person to post a code enforcement performance bond to ensure compliance with an administrative code enforcement order.

#### **12.04.580 Procedures at Administrative Code Enforcement Hearing\***

(1) Administrative code enforcement hearings are intended to be informal. Formal rules of evidence and discovery do not apply; however, an informal exchange of discovery may be required. The request shall be in writing. Failure to request discovery may not be a basis for a continuance. Complainant information is protected and shall not be released unless the complainant is a witness at the hearing. The procedure and format of the administrative hearing shall follow the procedures promulgated by the Administrative Law Judge.

(2) Magna bears the burden of proof at an administrative code enforcement hearing to establish the existence of a violation of Magna or applicable state codes.

(3) The standard of proof to be used by the Administrative Law Judge in deciding the issues at an administrative hearing is whether the preponderance of the evidence shows that the violations exist.

(4) Each party shall have the opportunity to cross-examine witnesses and present evidence in support of his or her case. A written declaration signed under penalty of perjury may be accepted in lieu of a personal appearance. Testimony may be given by telephone or other electronic means. The Administrative Law Judge may accept testimony offered by proffer.

(5) All hearings are open to the public, but public notice is not required. All hearings shall be recorded. The recording may be audio or video. Hearings may be held at the location of the violation.

(6) The responsible person has a right to be represented by an attorney. If an attorney is representing the responsible person at the hearing, notice of the attorney's name, address, and telephone number shall be provided to Magna at least one day prior to the hearing. If notice is not given, the hearing may be continued at Magna's request, and all costs of the continuance assessed to the responsible person.

(7) No new hearing shall be granted, unless the Administrative Law Judge determines that extraordinary circumstances exist which justify a new hearing.

#### **12.04.590 Failure to Attend Administrative Code Enforcement Hearing\***

Any party whose property or actions are the subject of any administrative code enforcement hearing and who fails to appear at the hearing is considered to have waived the right to a hearing, and will result in a default judgment, provided that proper notice of the hearing has been provided.

#### **12.04.591 Administrative Code Enforcement Order\***

- (1) Once all evidence and testimony are completed, the Administrative Law Judge shall issue, or cause the prevailing party to circulate, an administrative code enforcement order that affirms, modifies, or rejects the notice or citation. The Administrative Law Judge may increase or decrease the total amount of civil penalties and costs that are due pursuant to Magna's fee schedule and the procedures in this Title.
- (2) The parties may enter into a stipulated agreement, which must be signed by both parties. This agreement shall be entered as a stipulated administrative code enforcement order. Entry of this agreement shall constitute a waiver of the right to a hearing and the right to appeal.
- (3) The Administrative Law Judge may order Magna to enter the property and abate all violations, including demolitions and the removal of vehicles, garbage, animals, and other property kept in violation of Magna Code.
- (4) The Administrative Law Judge may revoke a kennel permit, an animal license, or the right to possess animals as provided in Magna Code.
- (5) As part of the administrative code enforcement order, the Administrative Law Judge may condition the total or partial assessment of civil penalties on the responsible person's ability to complete compliance by specified deadlines.
- (6) The Administrative Law Judge may schedule subsequent review hearings as may be necessary or as requested by a party to the hearing to ensure compliance with the administrative code enforcement order.
- (7) The Administrative Law Judge may order the responsible person to post a performance bond to ensure compliance with the order.
- (8) The administrative code enforcement order shall become final on the date of the signing of the order.
- (9) The administrative code enforcement order shall be served on all parties by any one of the methods listed in Section 12.1.210 of this Title.

#### **12.04.595 Failure To Comply With Order\***

Upon the failure of the responsible person to comply with the terms and deadlines set forth in the administrative code enforcement order, Magna may abate the violation as provided in this Title and use all appropriate legal means to recover the civil penalties and administrative costs to obtain compliance.

#### **12.04.600 Part 6 - Administrative Enforcement Appeals\***

##### **12.04.610 Appeal of Administrative Code Enforcement Hearing Decision\***

- (1) Any person adversely affected by any administrative decision made pursuant to this Chapter may file a petition for review of the decision or order by the district court within 30 days after the decision is rendered.
- (2) No person may challenge in district court an administrative code enforcement hearing officer's decision until that person has exhausted his or her administrative remedies.
- (3) Within 120 days after submitting the petition, the party petitioning for appeal shall request a copy of the record of the proceedings, including transcripts of hearings when necessary. The Administrative Law Judge shall not submit copies of files or transcripts to the reviewing court until the party petitioning for appeal has paid all required costs, including the cost of a licensed court reporter transcribing all relevant recorded hearings. The petitioning party's failure to properly arrange for copies of the record, or to pay the full costs for the record, within 180 days after the petition for review was filed shall be grounds for dismissal of the petition.
  - a. If a transcript of a hearing cannot be prepared because the tape recording is incomplete or unintelligible, the district court may remand the matter to the Administrative Law Judge for a

supplemental proceeding to complete the record. The district court may limit the scope of the supplemental proceeding to issues that, in the court's opinion, need to be clarified.

(4) The district court's review is limited to the record of the administrative decision that is being appealed. The court shall not accept nor consider any evidence that is not part of the record of that decision.

(5) The courts shall:

- a. Presume that the administrative code enforcement hearing officer's decision and orders are valid; and
- b. Review the record to determine whether or not the decision was arbitrary, capricious, or illegal.

#### **12.04.700 Part 7 – Administrative Citations\***

##### **12.04.710 Declaration of Purpose\***

The Council finds there is a need for an enforcement of administrative violations that are not land use or nuisance violations of the Magna Code and applicable state code. The Council further finds that an appropriate method of enforcement is an administrative citation program.

The procedures established in this part shall be in addition to criminal, civil, or any other legal remedy established by law that may be pursued to address violations of Magna Code or applicable State Code.

##### **12.04.720 Authority\***

(1) Any person violating any minor provision of the Magna Code or applicable state statutes may be issued an administrative citation by an enforcement official as provided in this Part.

(2) A civil penalty shall be assessed by means of an administrative citation issued by the enforcement official, and shall be payable directly to Magna Treasurer's Office, or other offices designated to receive payment on behalf of Magna.

(3) Penalties assessed by means of an administrative citation shall be collected in accordance with the procedures specified in the remedies section of this Title.

##### **12.04.730 Procedures\***

(1) Upon discovering a violation of the Magna Code, or applicable state codes, an enforcement official may issue an administrative citation to a responsible person in the manner prescribed in this Part or as prescribed in Section 12.1.210. The administrative citation shall be issued on a form approved by the Director.

(2) If the responsible person is a business, the enforcement official shall attempt to locate the business owner and issue an administrative citation to the business owner. If the enforcement official can only locate the manager of the business, the administrative citation may be given to the manager of the business. A copy of the administrative citation may also be mailed to the business owner or any other responsible person in the manner prescribed in Section 12.1.210 of this Title.

(3) Once the responsible person has been located, the enforcement official shall attempt to obtain the signature of that person on the administrative citation. If the responsible person refuses or fails to sign the administrative citation, the failure or refusal to sign shall not affect the validity of the citation and subsequent proceedings.

(4) If the enforcement official is unable to locate the responsible person for the violation, then the administrative citation shall be mailed to the responsible person in the manner prescribed in Section 12.1.210 of this Title.

- (5) If no one can be located at the property, then the administrative citation may be posted in a conspicuous place on or near the property and a copy subsequently mailed to the responsible person in the manner prescribed by Section 12.1.210 of this Title.
- (6) The administrative citation shall also contain the signature of the enforcement official.
- (7) The failure of any person with an interest in the property to receive notice shall not affect the validity of any proceedings taken under this Part.

#### **12.04.740 Contents Of Administrative Citation\***

Administrative citations shall include the information required in Section 12.2.020 and shall:

- (1) State the amount of penalty imposed for the minor violations; and
- (2) Explain how the penalty shall be paid, the time period by which the penalty shall be paid, and the consequences of failure to pay the penalty.

#### **12.04.750 Civil Penalties Assessed\***

- (1) The Council shall establish policies to assist in the assessment of civil penalties for administrative citations.
- (2) Civil penalties shall be assessed immediately for each violation listed on the administrative citation. The penalties shall be those established in the Consolidated Fee Schedule.
- (3) Payment of the penalty shall not excuse the failure to correct the violations, nor shall it bar further enforcement action by Magna.

## **Chapter 12.06 Administrative and Judicial Remedies\***

- 12.06.100 Part 1 - Recordation of Notices Of Violation\*
- 12.06.110 Declaration of Purpose\*
- 12.06.120 Authority\*
- 12.06.130 Procedures for Recordation\*
- 12.06.140 Service of Notice of Recordation\*
- 12.06.150 Failure to Request\*
- 12.06.160 Notice of Compliance - Procedures\*
- 12.06.170 Prohibition Against Issuance of Municipal Permits\*
- 12.06.180 Cancellation of Recorded Notice of Violation\*
- 12.06.200 Part 2 - Administrative Civil Penalties\*
- 12.06.210 Authority\*
- 12.06.220 Procedures for Assessing Civil Penalties\*
- 12.06.230 Determination of Civil Penalties\*
- 12.06.240 Modification of Civil Penalties\*
- 12.06.250 Failure To Pay Penalties\*
- 12.06.300 Part 3 – Costs\*
- 12.06.310 Declaration of Purpose\*
- 12.06.320 Authority\*
- 12.06.330 Notification of Assessment Of Reinspection Fees
- 12.06.340 Failure To Timely Pay Costs\*
- 12.06.400 Part 4 - Administrative Fees\*
- 12.06.410 Administrative Fees\*
- 12.06.500 Part 5 - Injunctions\*
- 12.06.510 CML Violations - Injunctions\*
- 12.06.600 Part 6 - Performance Bonds\*
- 12.06.610 Performance Bond\*

### **12.06.100 Part 1 - Recordation of Notices of Violation\***

#### **12.06.110 Declaration Of Purpose\***

The Council finds that there is a need for alternative methods of enforcement for violations of Magna Code and applicable state codes that are found to exist on real property. The Council further finds that an appropriate method of enforcement for these types of violations is the issuance and recordation of notices of violation.

The procedures established in this Part shall be in addition to criminal, civil, or any other remedy established by law that may be pursued to address the violation of Magna Code or applicable state codes.

#### **12.06.120 Authority\***

Whenever the Director determines that a property or violation has not been brought into compliance as required in this Title, the Director has the authority, in his or her discretion, to record the notice of violation or administrative code enforcement order with the County Recorder's Office.

#### **12.06.130 Procedures For Recordation\***

- (1) Once the Director has issued a notice of violation to a responsible person, and the property remains in violation after the deadline established in the notice of violation, and no request for an administrative hearing has been filed, the Director shall record a notice of violation with the County Recorder's Office.
- (2) If an administrative hearing is held, and an order is issued in Magna's favor, the Director shall record the administrative code enforcement order with the County Recorder's Office.
- (3) The recordation shall include the name of the property owner, the parcel number, the legal description of the parcel, and a copy of the notice of violation or order.
- (4) The recordation does not encumber the property, but merely places future interested parties on notice of any continuing violation found upon the property.

#### **12.06.140 Service Of Notice Of Recordation\***

A notice of the recordation shall be served on the responsible person and the property owner pursuant to any of the methods of service set forth in Section 12.1.210 of this Title.

#### **12.06.150 Failure To Request\***

The failure of any person to file a request for an administrative code enforcement hearing when served with a notice of violation shall constitute a waiver of the right to an administrative hearing and shall not affect the validity of the recorded notice of violation.

#### **12.06.160 Notice of Compliance - Procedures\***

- (1) When the violation has been corrected, the responsible person or property owner may request an inspection of the property from the Director.
- (2) Upon receipt of a request for inspection, the Director shall re-inspect the property as soon as practicable to determine whether the violations listed in the notice of violation or the order have been corrected, and whether all necessary permits have been issued and final inspections have been performed.
- (3) The Director shall serve a notice of satisfaction to the responsible person or property owner as provided in Section 12.2.210 of this Title, if the Director determines that the violation listed in the recorded notice of violation or order has been corrected;
- (4) All necessary permits have been issued and finalized;
- (5) All civil penalties assessed against the property have been paid or satisfied; and
- (6) The party requesting the notice of satisfaction has paid all administrative fees and costs.
- (7) If the Director denies a request to issue a notice of satisfaction, upon request, the Director shall serve the responsible person with a written explanation setting forth the reasons for the denial. The written explanation shall be served by any of the methods of service listed in Section 12.1.210 of this Title.

#### **12.06.170 Authority to Withhold Issuance of Municipal Permits**

If a property is in violation, Magna may withhold business licenses; permits for kennels; or permits for any alteration, repair, or construction pertaining to any existing or new structures or signs on the property, or any permits pertaining to the use and development of the real property or the structure. Magna may withhold permits until a notice of satisfaction has been issued by the Director. Magna may not withhold permits that are necessary to obtain a notice of satisfaction or that are necessary to correct serious health and safety violations if violator has otherwise satisfied the compliance standards. Nothing in this section shall be construed as prohibiting Magna from denying a permit if the application is insufficient or denial is otherwise warranted.



### **12.06.180 Cancellation Of Recorded Notice Of Violation\***

The Director or Responsible Person shall record the notice of satisfaction with the County Recorder's Office. Recordation of the notice of satisfaction shall cancel the recorded notice of violation.

### **12.06.200 Part 2 - Administrative Civil Penalties\***

#### **12.06.210 Authority\***

- (1) Any person violating any provision of Magna Code, or applicable state codes, may be subject to the assessment of civil penalties for each violation.
- (2) Each and every day a violation of any provision of Magna Code or applicable state codes exists is a separate violation subject to the assessment of civil penalties.
- (3) Civil penalties cannot be assessed when a criminal case has been filed for the same date and violation, because fines will be assessed with the criminal case.
- (4) Interest shall be assessed pursuant to Magna policy, or at the judgment rate provided in Utah Code § 15-1-4 in the absence of Magna policy, on all outstanding civil penalties balances until the case has been paid in full.
- (5) Civil penalties for violations of any provision of Magna Code or applicable state codes shall be assessed pursuant to the Magna's applicable fee schedule.

#### **12.06.220 Procedures For Assessing Civil Penalties\***

If a responsible person fails to bring a violation into compliance by the required deadline and fails to request an administrative hearing appealing the notice, civil penalties shall be owed to Magna for each and every subsequent day of violation.

#### **12.06.230 Determination Of Civil Penalties\***

- (1) Civil penalties shall be assessed per violation per day pursuant to the applicable Magna fee schedule.
- (2) Civil penalties shall continue to accrue until the violation has been brought into compliance with Magna Code or applicable state codes.

#### **12.06.240 Modification Of Civil Penalties\***

- (1) After the property is determined by the Chief Building Official to be in compliance with Magna Municipal Code, the responsible person may request a modification of the civil penalties on a finding of good cause.
- (2) Civil penalties may be waived or modified by the Administrative Law Judge if there is a finding of good cause based on the responsible person's claim of nonconforming use or conditional use and:
  - (3) Magna's need to verify the claim; or
  - (4) The responsible person's filing of an application for either use before expiration of the date to correct.

#### **12.06.250 Failure To Pay Penalties\***

The failure of any person to pay civil penalties assessed within the specified time may result in the Director pursuing any legal remedy to collect the civil penalties as provided in the law.

### **12.06.300 Part 3 - Costs\***

#### **12.06.310 Declaration of Purpose\***

(1) The Council finds that there is a need to recover costs incurred by enforcement officials and other Magna personnel who spend considerable time inspecting and re-inspecting properties throughout Magna in an effort to ensure compliance with Magna Code or applicable state codes.

(2) The Council further finds that the assessment of costs is an appropriate method to recover expenses incurred for actual costs of abating violations, re-inspection fees, filing fees, attorney fees, hearing officer fees, title search, and any additional actual costs incurred by Magna for each individual case. The assessment and collection of costs shall not preclude the imposition of any administrative or judicial civil penalties or fines for violations of Magna Code or applicable state codes.

#### **12.06.320 Authority\***

(1) If actual costs are incurred by Magna on a property to obtain compliance with provisions of Magna Code and applicable state codes, the Director may assess costs against the responsible person.

(2) Once a notice of violation has been issued, the property will be inspected one time. Any additional inspections shall be subject to re-inspection fees pursuant to the applicable Magna fee schedule as adopted in Magna's annual budget.

#### **12.06.330 Notification of Assessment of Reinspection Fees**

(1) Notification of any applicable re-inspection fees adopted by Magna shall be provided on the notice of violation served to the responsible person.

(2) Any re-inspection fees assessed or collected pursuant to this Part shall not be included in any other costs assessed.

(3) The failure of any responsible person to receive notice of the re-inspection fees shall not affect the validity of any other fees imposed under this Part.

#### **12.06.340 Failure To Timely Pay Costs\***

The failure of any person to pay assessed costs by the deadline specified in the invoice shall result in a late fee pursuant to Magna policy.

### **12.06.400 Part 4 - Administrative Fees\***

#### **12.06.410 Administrative Fees\***

The Director or the Administrative Law Judge is authorized to assess administrative fees for costs incurred in the administration of this program, such as investigation of violations, preparation for hearings, hearings, and the collection process. The fee assessed shall be the amount set in the applicable Magna fee schedule.

### **12.06.600 Part 5 - Injunctions\***

#### **12.06.510 Violations - Injunctions\***

In addition to any other remedy provided under Magna Code or state codes, including criminal prosecution or administrative remedies, any provision of Magna Code may be enforced by injunction issued in the Third District Court upon a suit brought by Magna.

### **12.06.700 Part 6 - Performance Bonds\***

### **12.06.610 Performance Bond\***

(1) As part of any notice, order, or action, the Director or Administrative Law Judge has the authority to require responsible persons to post a performance bond to ensure compliance with Magna Code, applicable state codes, or any judicial action.

(2) If the responsible person fails to comply with the notice, order, or action, the bond will be forfeited to Magna. The bond shall not be used to offset the other outstanding costs and fees associated with the case.

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## **Chapter 12.08 Recovery of Code Enforcement Penalties and Costs\***

12.08.100 Part 1 - Code Enforcement Tax Liens\*

12.08.110 Declaration of Purpose\*

12.08.120 Procedures for Tax Liens Without A Judgement\*

12.08.130 Procedures for Tax Liens With A Judgement\*

12.08.140 Cancellation of Code Enforcement Tax Lien\*

12.08.200 Part 2 - Writ of Execution\*

12.08.201 Recovery of Costs By Writ Of Execution\*

12.08.300 Part 3 - Writ of Garnishment\*

12.08.310 Recovery of Costs By Writ Of Garnishment\*

12.08.400 Part 4 - Allocation of Funds Collected Under Administrative Code Enforcement Hearing Program\*

12.08.410 Abatement Fund\*

12.08.420 Repayment of Abatement Fund\*

12.08.430 Code Enforcement Administrative Fees And Cost Fund\*

12.08.440 Allocation of Civil Penalties\*

### **12.08.100 Part 1 - Code Enforcement Tax Liens\***

#### **12.08.110 Declaration Of Purpose\***

The Council finds that recordation of code enforcement tax liens will assist in the collection of civil penalties, administrative costs, actual costs, and administrative fees assessed by the administrative code enforcement hearing program or judicial orders. The Council further finds that collection of civil penalties, costs, and fees assessed for code enforcement violations is important in deterring future violations and maintaining the integrity of Magna's code enforcement system. The procedures established in this Part shall be used to complement existing administrative or judicial remedies that may be pursued to address violations of Magna Code or applicable state codes.

#### **12.08.120 Procedures For Tax Liens Without a Judgement\***

- (1) Once Magna has abated a property, the Director shall prepare an Itemized Statement of Costs incurred in the removal and destruction of the violations and deliver them to the Director after completion of the work of removing the violations.
- (2) The Director shall send, by registered mail to the property owner's last known address, a copy of the Itemized Statement of Costs informing the property owner that a code enforcement tax lien is being recorded for the amount of actual costs of abatement. Payment shall be due within 30 calendar days from the date of mailing.
- (3) Upon receipt of the Itemized Statement of Costs, the Director, shall record a Code Enforcement Tax Lien against the property with the County Treasurer's office.
- (4) The failure of any person with a financial interest in the property to actually receive the notice of the lien shall not affect the validity of the lien or any proceedings taken to collect the outstanding costs of abatement.

#### **12.08.130 Procedures For Tax Liens With A Judgement\***

Once a judgment has been obtained from the appropriate court assessing costs against the responsible person, the Director may record a code enforcement tax lien against any real property owned by the responsible person.

#### **12.08.140 Cancellation Of Code Enforcement Tax Lien\***

Once payment in full is received for the outstanding civil penalties and costs, or the amount is deemed satisfied pursuant to a subsequent administrative or judicial order, the Director shall either record a Notice of Satisfaction of Judgment, or provide the Responsible Person, property owner, or financial institution with the Notice of Satisfaction of Judgment so that it can record this notice with the county recorder's office. The notice of satisfaction of judgment shall include the same information as provided for in the original Code Enforcement Tax Lien. Such notice of satisfaction of judgment shall cancel the code enforcement tax lien.

#### **12.08.200 Part 2 - Writ of Execution\***

##### **12.08.201 Recovery of Costs By Writ of Execution\***

After obtaining a judgment, the Director may collect the obligation by use of all appropriate legal means. This may include the execution on personal property owned by the responsible person by filing a writ with the applicable court.

##### **12.08.300 Part 3 - Writ of Garnishment\***

##### **12.08.310 Recovery of Costs By Writ of Garnishment\***

After obtaining a judgment, the Director may collect the obligation by use of all appropriate legal means. This may include the garnishment of paychecks, financial accounts, and other income or financial assets by filing a writ with the applicable court.

#### **12.08.400 Part 4 - Allocation of Funds Collected Under Administrative Code Enforcement Hearing Program\***

##### **12.08.410 Abatement Fund\***

There is established a revolving fund to be known as the "Abatement Fund" to defray costs of administrative and judicial abatements as provided in Section 12.08.430. The fund shall be reimbursed by collection from the property or property owner as specified in this Title. The Magna Council shall establish accounting procedures to ensure proper account identification, credit, and collection. This fund may be operated and used in conjunction with procedures ordered or authorized under the abatement provision of this Title.

##### **12.08.420 Repayment Of Abatement Fund\***

All monies recovered from the sale or transfer of property or by payment for the actual abatement costs shall be paid to the Magna Treasurer, who shall credit the appropriate amount to the Abatement Fund.

##### **12.08.430 Code Enforcement Administrative Fees And Cost Fund\***

Administrative fees and administrative costs, except for actual abatement costs, collected pursuant to this Part shall be deposited in a fund established by the Magna Council for the enhancement of Magna's code enforcement efforts and to reimburse Magna for investigative costs and costs associated with the hearing process. Fees and costs deposited in this fund shall be appropriated and allocated in a manner determined by the Magna Council. Magna Council shall establish accounting procedures in consultation with the Magna Auditor to ensure proper account identification, credit, and collection.

**12.08.440 Allocation Of Civil Penalties\***

Civil penalties collected pursuant to this Part shall be deposited in the General Fund of Magna. Civil penalties deposited in this fund shall be appropriated and allocated in a manner determined by the Magna Manager and the Magna Council. The Magna Council shall establish accounting procedures to ensure proper account identification, credit, and collection.

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GREATER SALT LAKE  
**Municipal Services  
District**

**Planning and Development Services**

2001 S. State Street N3-600 • Salt Lake City, UT 84190-4050

Phone: (385) 468-6700 • Fax: (385) 468-6674

[msd.utah.gov](http://msd.utah.gov)

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**Files # REZ2024-001215**

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## Rezone Summary

**Public Body:** Magna City Council

**Meeting Date:** August 27, 2024

**Parcel ID:** 14-16-382-002-0000, 14-16-376-015-0000, 14-16-376-013-0000

**Current Zone:** A-20

**Property Address:** 7650 W 2100 S, 7750 W 2100 S, 7764 W 2100 S

**Request:** Rezone from A-20 to M-1

**Applicant Name:** Trevor Andra

**MSD Planner:** Justin Smith

**Magna Planning Commission Recommendation:** Approval

### PROJECT SUMMARY

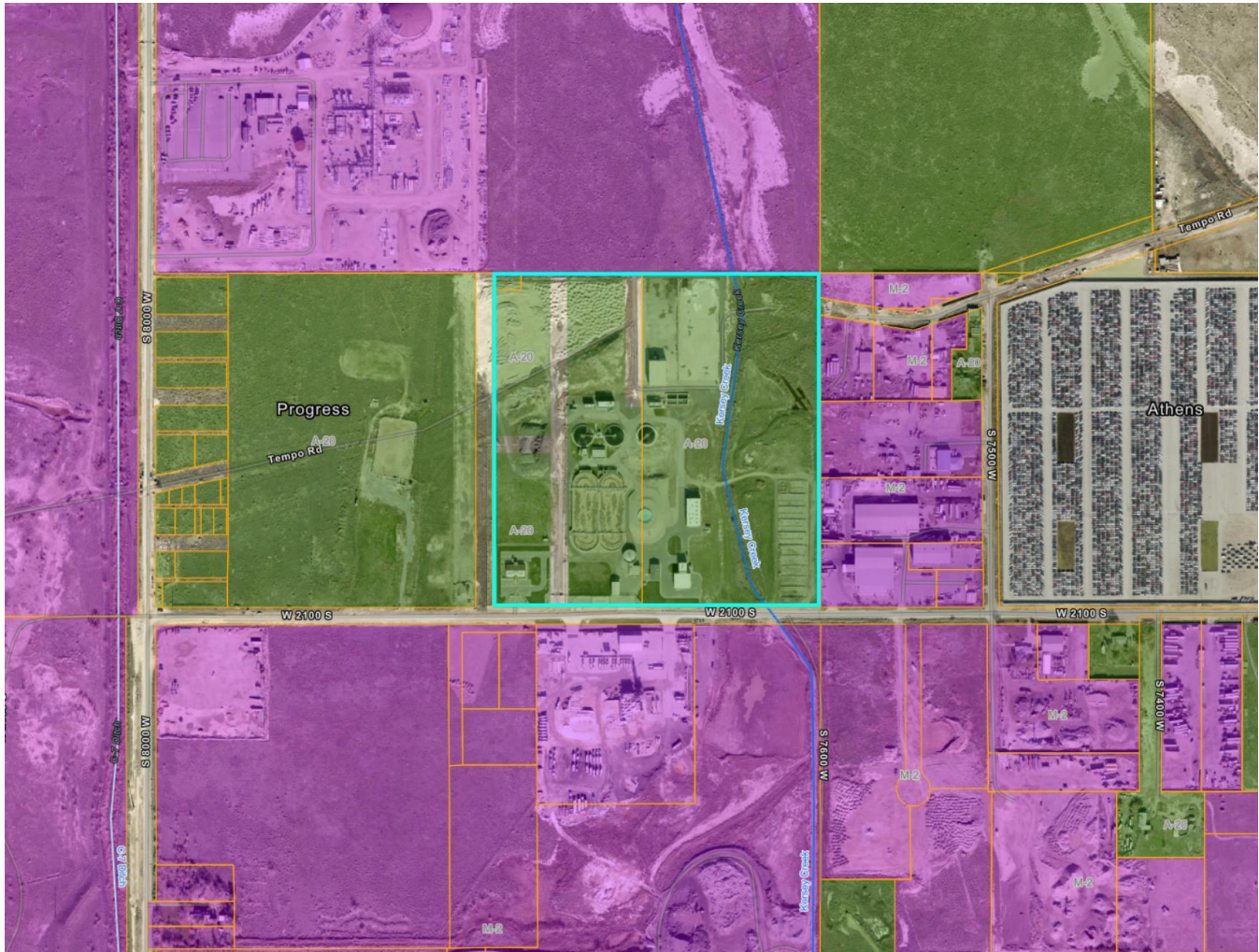
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The applicant, Trevor Andra, is applying for a rezone from A-20 to M-1 on behalf of the Magna Water District. The applicant is seeking the rezone in order to have a reduced front setback requirement. The Magna Water District is proposing a new pump facility that would be very close to the required setback in the A-20 zone.

### SITE & ZONE DESCRIPTION

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The property is located along 2100 S and is just to the east of the Progress Subdivision.



## ISSUES OF CONCERN/PROPOSED MITIGATION

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The Greater Salt Lake Municipal Services District and reviewing agencies have reviewed the application and have not spotted any issues with the rezone. No other departments or reviewing agencies have pointed out any issues of concern and have given an “ok” to the conceptual review.

## PLANNING STAFF ANALYSIS

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### General Plan Considerations

Magna’s General Plan calls out this part of Magna as an area for industrial and employment development. Magna Water District’s water storage, water and sewage treatment, and pumps are considered to be a major public utility use and would fall under the category of institutional uses. While the use an institutional in the land use code, a major public utility such as this is specifically allowed in the M-1 industrial zone. In addition, the building setbacks in the M-1 zone are more conducive to this type of use than the A-20 zone (which requires a 50-foot front yard setback, for example).



**Review Criteria**

There are seven factors for consideration in Chapter 19.16.080. These factors are not binding approval criteria, but are merely a guide as to issues that may be considered in forming a recommendation:

The first is whether the proposed (zoning) amendment is compatible with the Adopted General Plan. The Adopted General Plan calls for industrial and employment oriented development in the area of Magna north of SR-201. Magna Water District's facility is a public utility that is similar to industrial uses in the area and also provides employment opportunities.

The second is whether it would promote the public health, safety and welfare. The reduced setback requirement that M-1 zone has would allow the Magna Water District to put a building over a new pump. The A-20 zone has a 50 foot front setback requirement that could prevent a building from being built on top of the pump. There have not been any comments from reviewing agencies that are opposed to the rezone.

The third is whether the proposed zone is a more suitable zone than the current classification. A-20 zone is intended to be for larger agricultural uses, while the M-1 zone is intended to be for light industrial uses. The existing use is not permitted in the A-20 zone. The M-1 zone's 20 foot front setback requirement would allow for the Magna Water District to put a building over the new pump station in the future.

The fourth is whether the proposed amendment is compatible with the intent and general purposes of Magna's land use ordinances. The proposed zone change is compatible with the intent and general purposes of Magna's land use ordinance And does so by changing the zone to one that is compatible with the current use. The purpose of the Manufacturing zones is provide places in Magna for industrial, warehousing, wholesale, and other uses that contribute to the economic stability of the community and the wellbeing of its employees and residents. The Magna Water District's location provides to the wellbeing of Magna and employment opportunities for those who work for the water district.

The fifth is whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy. This criteria is not applicable to this rezone as it is not intended to be a correction.

The sixth is whether the proposed amendment benefits the citizen of the municipality as a whole.

The seventh is whether the rezone does not create a significant number of nonconformities. This proposed rezone would eliminate a nonconformity.

The last is whether the proposed amendment is compatible with the trend of development in the general area of the property. Much of the rezones that have occurred in Magna north of SR-201 have been to the M-1 and M-2 zones.

The Magna Planning Commission makes recommendations to the Magna City Council for rezones. The Magna City Council is the decision-making body for rezones and will weigh the recommendation of the Planning Commission. The Planning Commission made a recommendation for approval of the rezone on August 8, 2024.

Based on the above analysis, MSD staff has found that the proposal is consistent with the surrounding land uses as well as the general plan. Full compliance with required ordinances and policies will be verified through the subsequent technical review process before the issuance of the Land Use permit, and license inspection process.

ATTACHMENTS:

- A. Site Plan
- B. Narrative
- C. Legal Description









**BOARD OF TRUSTEES**  
Mick Sudbury, Chairman  
Jeff White  
Dan L. Stewart

**GENERAL MANAGER**  
Clint Dilley, P.E.

April 29, 2024

Magna Water District  
8885 West 3500 South  
P.O. Box 303  
Magna, UT 84044

**Subject: Zone Change – Magna Water District WRF Influent Project**

Magna Water District (MWD) is requesting a zone change from A-20 to M-2 for Parcels 14163820020000 & 14163760150000. The request is due to a new MWD WRF project. There will be two structures and associated piping and appurtenances: 1) Influent Pump Station and 2) Grit washing building. The Influent Pump Station is located closer than the 50-ft front yard setback required for an A-20 zone.

Legal Description of 14163820020000:

E 699 FT OF SE 1/4 OF SW 1/4 SEC 16, T 1S, R 2W, SLM. LESS 2100 S ST. TOG/W VACATED BETA ST ABUTTING ON W. 20.65 AC M OR L. 8424-8953 9756-5341

Legal Description of 14163760150000:

LOT 1, ATHENS AMD

**BOUNDARY DESCRIPTION**

A PARCEL OF LAND LOCATED IN THE SOUTHWEST CORNER OF SECTION 16, TOWNSHIP 1 SOUTH, RANGE 2 WEST, S.L.B. & M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH RIGHT OF WAY OF 2100 SOUTH STREET, SAID POINT BEING SOUTH 89°39'23" EAST 1353.00' FEET ALONG THE SOUTH LINE OF SAID SECTION 16 AND NORTH 00°20'37" EAST 33.00 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION 16, THENCE NORTH 00°20'37" EAST 1247.76 FEET, (NORTH 1227.00 FEET RECORD); THENCE SOUTH 89°38'35" EAST 114.00 FEET (114.00' RECORD); THENCE NORTH 00°20'37" EAST 60.84 FEET (60.00 FEET RECORD); THENCE SOUTH 89°38'35" EAST 474.00 FEET, (EAST 474.00 FEET RECORD.); THENCE SOUTH 00°20'37" WEST 1306.49 FEET, (SOUTH 1287.00 FEET RECORD.) TO A POINT ON SAID NORTH RIGHT OF WAY OF 2100 SOUTH STREET; THENCE NORTH 89°39'23" WEST 588.00 FEET, (WEST 588.00 FEET RECORD.) ALONG SAID RIGHT OF WAY TO THE POINT OF BEGINNING.

CONTAINING 17.50 ACRES +/-

Thanks,

Trevor Andra, P.E.  
District Engineer  
Magna Water District

**Legal Description of 16163760130000:**  
**Lots 14 & 15 BLK 4 ATHENS SUB. TOG/W VACATED ALLEY ABUTTING ON THE N.**  
**9756-5341**

**MAGNA CITY, UTAH  
ORDINANCE NO. 2024-O-08**

**AN ORDINANCE OF THE MAGNA CITY COUNCIL AMENDING THE ZONING MAP  
TO CHANGE THE ZONE OF THE PROPERTY LOCATED AT 7750 W 2100 S, 7764 W  
2100 S, AND 7650 W 2100 S FROM A-20 (AGRICULTURAL) TO M-1  
(MANUFACTURING)**

RECITALS

**WHEREAS**, Magna City is a municipality and has authority to regulate zoning in general pursuant to Utah Code Ann. Subsection 10-3c-103 (2);

**WHEREAS**, Magna City has authority to adopt zoning ordinances, including a zoning map pursuant to Utah Code Ann. § 10-9a-501 in accordance with the Municipal Land Use, Development, and Management Act, (“MLUDMA”), Title 10, Section 9a, Utah Code, to establish zones within the metro township; and

**WHEREAS**, the Council deems it appropriate to amend its zoning map in order to accommodate the use of the land for industrial purposes; and for the protection and preservation of the public health, safety and general welfare.

Be it ordained by the Magna City Council as follows:

Section I: Section, 19.06.020, The Zoning Map of the Magna City, Magna Municipal Code of Ordinances 2017, is hereby amended as follows:

The property described **Application** REZ202-001215 filed by Trevor Andra and located at 7750 W 2100 S, 7764 W 2100 S, and 7650 W 2100 S within the Magna City, is hereby reclassified from the A-20 zone to the M-1 zone, said property being described as follows:

Parcel #: 14-16-376-013-0000

**Legal Description:**

LOTS 14 & 15 BLK 4 ATHENS SUB. TOG/W VACATED ALLEY ABUTTING ON THE N.  
9756-5341  
Contains 0.14 acres in area.

Parcel #: 14-16-376-015-0000

**Legal Description:**

LOT 1, ATHENS AMD  
Contains 17.5 acres in area.

Parcel #: 14-16-382-002-0000

**Legal Description:**

E 699 FT OF SE 1/4 OF SW 1/4 SEC 16, T 1S, R 2W, SLM. LESS 2100 S ST. TOG/W  
VACATED BETA ST ABUTTING ON W. 20.65 AC M OR L. 8424-8953 9756-5341  
Contains 20.65 acres in area.

**Section 2:** The map showing such change shall be filed with the Magna City Planning Commission in accordance with Section 19.06.020 of the Magna Municipal Code of Ordinances, 2017.

**Section 3:** This ordinance shall take effect fifteen (15) days after its passage and upon at least one publication in a newspaper published in and having general circulation in Magna City, and if not so published within fifteen (15) days then it shall take effect immediately upon its first publication.

SECTION II: This Ordinance is effective upon posting as required by law.

*[Execution on following page]*

ADOPTED AND APPROVED at a duly called meeting of the Magna City Council on this 27<sup>th</sup> Day of August 2024.

MAGNA CITY

\_\_\_\_\_  
By: Eric G. Barney, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Recorder

\_\_\_\_\_  
City Attorney

- Voting:
- Council Member Barney voting \_\_\_\_\_
  - Council Member Prokopis voting \_\_\_\_\_
  - Council Member Hull voting \_\_\_\_\_
  - Council Member Sudbury voting \_\_\_\_\_
  - Council Member Pierce voting \_\_\_\_\_

*(Complete as Applicable)*  
 Date ordinance summary was published on the Utah Public Notice Website per Utah Code §10-3-711: \_\_\_\_\_  
 Effective date of ordinance: \_\_\_\_\_



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Files # REZ2024-001183

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## Rezone Summary

**Public Body:** Magna City Council

**Meeting Date:** August 27, 2024

**Parcel ID:** 14-21-200-028-0000

**Current Zone:** A-20

**Property Address:** 2185 S 7400 W

**Request:** Rezone from A-20 to M-2

**Applicant Name:** Quin Bingham

**MSD Planner:** Justin Smith

**Magna Planning Commission Recommendation:** Approval

### PROJECT SUMMARY

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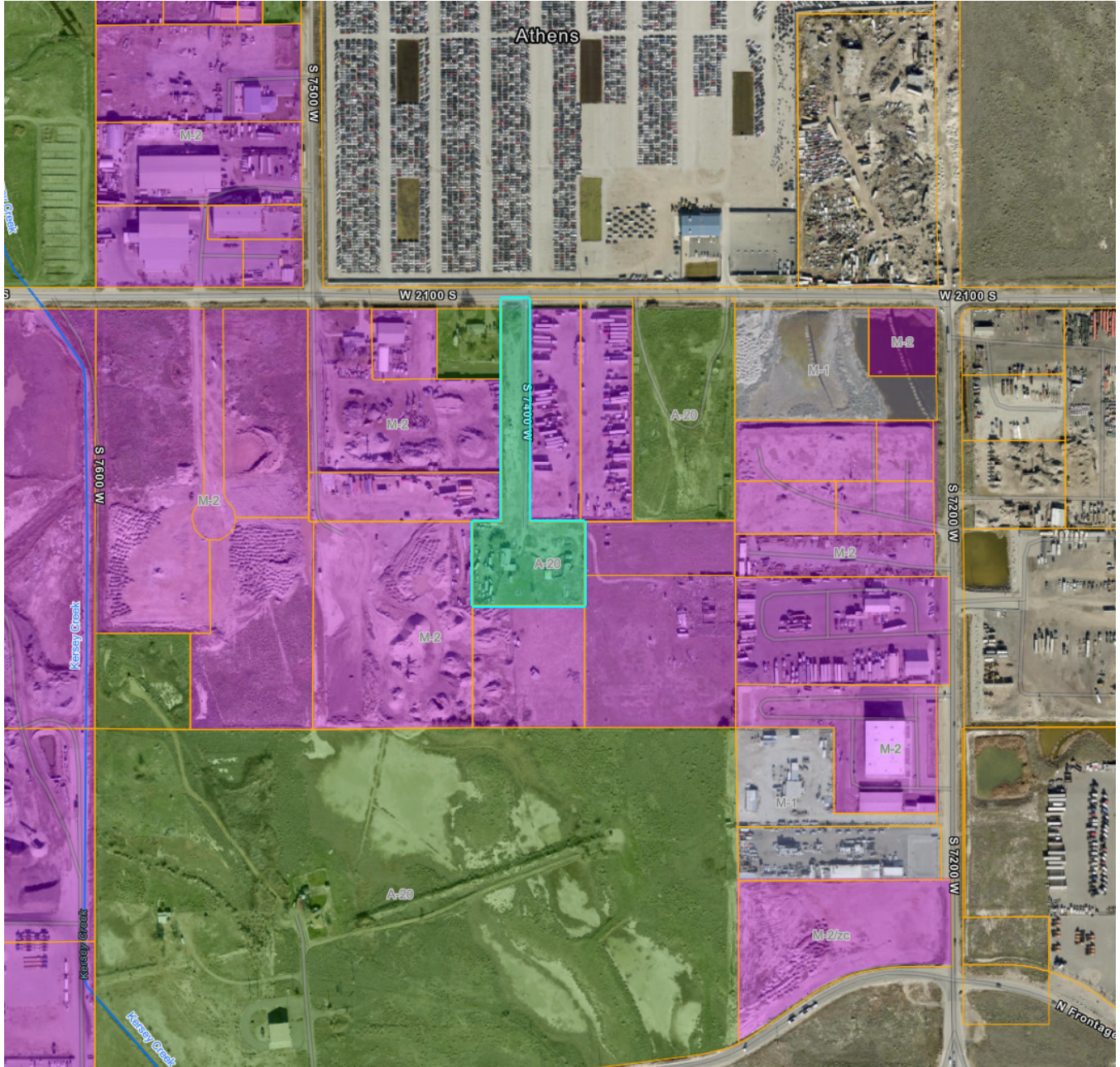
The applicant, Quin Bingham, is seeking a rezone from A-20 to M-2 for an asphalt and concrete recycling plant on behalf of Granite Construction. Several other neighboring lots were rezoned from A-20 to M-2 with the application REZ2023-000869.

### SITE & ZONE DESCRIPTION

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This lot is located along 2100 S and has a flag lot type shape. The majority of the surrounding lots are zoned M-2 with a few nearby lots being zoned A-20 along 2100 S. This lot is 3.43 acres in size.





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### ISSUES OF CONCERN/PROPOSED MITIGATION

The Greater Salt Lake Municipal Services District and reviewing agencies have reviewed the application and have not identified any issues with the rezone. No other departments or reviewing agencies have pointed out any issues of concern and have given an “ok” to the conceptual review.

---

### PLANNING STAFF ANALYSIS

#### General Plan Considerations

The Magna City General Plan calls for Industrial and Employment development in this area of Magna. The rezoning is seeking the rezone in order to build a hot mix asphalt plant.

## **Review Criteria**

There are seven criteria set in Chapter 19.16.080. The first criteria is that the proposed (zoning) amendment is compatible with the Adopted General Plan. The Adopted General Plan calls for industrial development in this section of Magna. The applicant's requested M-2 zone meets that criteria as does the proposed use.

The second criteria is that it must promote the public health, safety and welfare. There have not been any comments from reviewing agencies that are conceptually opposed to the rezone or have presented a concern regarding safety, health, or welfare.

The third criteria is that the proposed zone is a more suitable zone than the current classification. The M-2 zone is more compatible for industrial development than the A-20 zone as many industrial uses are not allowed in the A-20 zone. Much of the surrounding area has active industrial uses or are intended to have industrial uses in the future.

The fourth criteria is that the proposed amendment is compatible with the intent and general purposes of Magna's land use ordinances. The proposed zone change is compatible with the intent and general purposes of Magna's land use ordinance and the M-2 zone is the only zone that allows the proposed use.

The next criteria is the proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy. This criteria is not applicable to this rezone as it is not intended to be a correction.

The next criteria is that the proposed amendment benefits the citizens of the municipality as a whole. This rezone would allow the development of a concrete and asphalt recycling plant that would provide more jobs to Magna City and facilitate economic development.

The next criteria is that the rezone does not create a significant number of nonconformities. This lot currently has a single-family residence on it. Single family residences are not allowed in the M-2, but the applicant is currently in the process of creating a conditional use application for an industrial development. The applicant has provided a site plan in which a hot mix asphalt plant is being proposed.

The last criteria is that the proposed amendment is compatible with the trend of development in the general area of the property. Almost all of the development in this area is industrial development. 10 acres were previously rezoned in 2023 from A-20 to M-2.

The Magna Planning Commission makes recommendations to the Magna City Council for rezones. The Magna City Council is the decision-making body for rezones and will weigh the recommendation of the Planning Commission. The Magna Planning Commission made a recommendation for approval of the rezone on August 8, 2024.

Based on the above analysis, MSD staff has found that the proposal is consistent with the surrounding land uses as well as the general plan. Full compliance with required ordinances and policies will be verified through the subsequent technical review process before the issuance of the Land Use permit, and license inspection process.

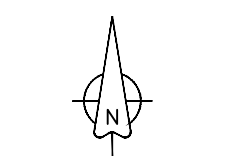
ATTACHMENTS:

- A. Site Plan
- B. Narrative
- C. Legal Description





Revisions	



April 22, 2024  
 Design: BJC  
 Drawn: BJC  
 Scale: 1" = 70'  
 Drawing Number:

**F - 1**  
 1 OF 1

**Granite Construction Company**  
**Conceptual Plant Layout - Opt 3**





May 28, 2024

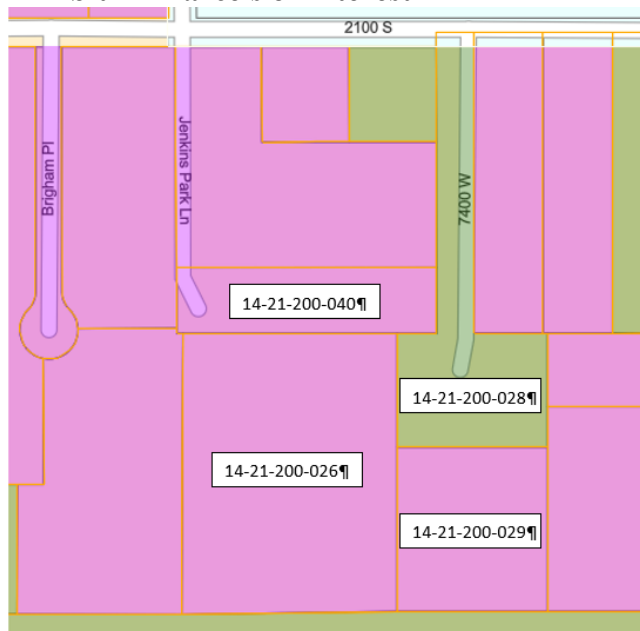
Municipal Services District

**Re: Rezoning of Parcel 14-21-200-028**

Dear Zoning and Planning Committee,

Granite Construction Company (Granite) is under contract to purchase parcels 14-21-200-026, 14-21-200-028, 14-21-200-029, and 14-21-200-040 (**Exhibit 1**). Currently, the zoning for parcels -026, -029, and -040 is M-2, while parcel -028 is zoned A-20. Granite requests the rezoning of parcel -028 from A-20 to M-2 to align with the zoning of the other three parcels under contract and the neighboring parcels. The address of parcel -028 is 2185 S 7400 W, Magna, Utah.

**Exhibit 1 – Parcels of Interest**



Granite plans to collaborate with Magna Township and the Municipal Services District (MSD) to construct an asphalt production plant at this location. Rezoning parcel -028 is essential for this project, prompting this application. **Attachment A** includes the tentative site plan. **Attachment B** is the notarized owner authorization permitting Granite to request the rezoning of the subject parcel, contingent on the finalization of the purchase. **Attachment C** contains the Sewer and Water Letters placeholder. These letters will be obtained as part of the building permit process.

Granite will obtain all necessary UDEQ permits, comply with all Magna Township/MSD conditional use permit and building permit requirements, and fulfill any other prerequisites to construct and operate said facility.

Regards,



Quin Bingham  
Environmental Manager

Granite Construction  
1000 North Warm Springs Rd  
Salt Lake City, UT 84116  
P: (801) 526-6050  
C: (435) 770-4319  
E: [quin.bingham@gcinc.com](mailto:quin.bingham@gcinc.com)

**Attachments:**

Attachment A: Site Plan

Attachment B: Owner Authorization

Attachment C: Sewer and Water Letters

Attachment D: Legal Description

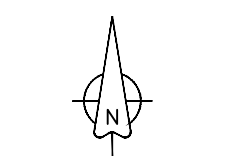


**Attachment A**  
Proposed Facility Site Map



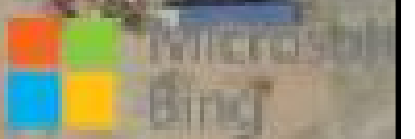


Revisions	



**Granite Construction Company  
Conceptual Plant Layout - Opt 3**

April 22, 2024  
 Design: BJC  
 Drawn: BJC  
 Scale: 1" = 70'  
 Drawing Number:







**Attachment B**

Owner Rezone Authorization Letter

May 28, 2024

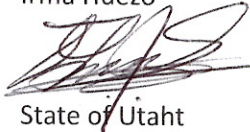
To Whom It May Concern,

This affidavit dated 06-04, 2024, serves as authorization for Granite Construction Company to apply for the rezoning of parcel #14-21-200-028, located at 2185 S 7400 W, Magna, Utah. I, Irma G HUEZO, am the current owner of this parcel. Granite Construction Company (Granite) is currently under contract to purchase this parcel.

This authorization is contingent upon Granite successfully closing on the property purchase. If Granite fails to close on the property purchase, this authorization will be nullified.

Sincerely,

Irma Huevo

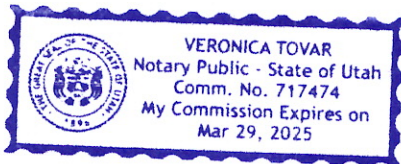


State of Utaht  
County of Salt Lake

The record was acknowledged before me on June 4, 2024 (date) by Irma G Huevo (name(s) of individual(s)).

Signature of notarial officer 

Stamp:





**Attachment C**  
Water and Sewer Letters



**Attachment D**  
Legal Description

## **Parcel 14212000280000 Legal description**

BEG 1126.69 FT W & 685.74 FT S FR NE COR OF SEC 21, T 1S, R 2W, SLM; S 260.26 FT M OR L; W 345 FT M OR L; N 260.26 FT M OR L; E 89.82 FT; N 685.74 FT; E 86.63 FT; S 685.74 FT; E 168.55 FT TO BEG. 3.43 AC. 8831-7853 10110-8960 10361-5085 10361-5085 10361-5086

Link: <https://slco.org/assessor/new/valuationInfoExpanded.cfm?parcelid=14212000280000>

## **Parcel 14212000280000 Legal description**

BEG 1126.69 FT W & 685.74 FT S FR NE COR OF SEC 21, T 1S, R 2W, SLM; S 260.26 FT M OR L; W 345 FT M OR L; N 260.26 FT M OR L; E 89.82 FT; N 685.74 FT; E 86.63 FT; S 685.74 FT; E 168.55 FT TO BEG. 3.43 AC. 8831-7853 10110-8960 10361-5085 10361-5085 10361-5086

Link: <https://slco.org/assessor/new/valuationInfoExpanded.cfm?parcelid=14212000280000>

**MAGNA CITY, UTAH  
ORDINANCE NO. 2024-O-09**

**AN ORDINANCE OF THE MAGNA CITY COUNCIL AMENDING THE ZONING MAP  
TO CHANGE THE ZONE OF THE PROPERTY LOCATED AT 2185 W 7400 W FROM  
A-20 (AGRICULTURAL) TO M-2 (MANUFACTURING)**

**RECITALS**

**WHEREAS**, the Magna City is a municipality and has authority to regulate zoning in general pursuant to Utah Code Ann. Subsection 10-3c-103 (2);

**WHEREAS**, the Magna City has authority to adopt zoning ordinances, including a zoning map pursuant to Utah Code Ann. § 10-9a-501 in accordance with the Municipal Land Use, Development, and Management Act, (“MLUDMA”), Title 10, Section 9a, Utah Code, to establish zones within the metro township; and

**WHEREAS**, the Council deems it appropriate to amend its zoning map in order to accommodate the use of the land for industrial purposes, which is adjacent to another lot currently zoned M-2; and for the protection and preservation of the public health, safety and general welfare.

Be it ordained by the Magna City Council as follows:

Section I: Section, 19.06.020, The Zoning Map of the Magna City, Magna Municipal Code of Ordinances 2017, is hereby amended as follows:

The property described **Application** REZ202-001183 filed by Quin Bingham and located at 2185 S 7400 W within the City of Magna, is hereby reclassified from the A-20 zone to the M-2 zone, said property being described as follows:

Parcel #: 14-21-200-028-0000

**Legal Description:**

BEG 1126.69 FT W & 685.74 FT S FR NE COR OF SEC 21, T 1S, R 2W, SLM; S 260.26 FT M OR L; W 345 FT M OR L; N 260.26 FT M OR L; E 89.82 FT; N 685.74 FT; E 86.63 FT; S 685.74 FT; E 168.55 FT TO BEG. 3.43 AC. 8831-7853 10110-8960 10361-5085 10361-5085 10361-5086Contains 3.43 acres in area.



**Section 2:** The map showing such change shall be filed with the Magna City Planning Commission in accordance with Section 19.06.020 of the Magna Municipal Code of Ordinances, 2017.

**Section 3:** This ordinance shall take effect fifteen (15) days after its passage and upon at least one publication in a newspaper published in and having general circulation in Magna City, and if not so published within fifteen (15) days then it shall take effect immediately upon its first publication.

SECTION II: This Ordinance is effective upon posting as required by law.

*[Execution on following page]*

ADOPTED AND APPROVED at a duly called meeting of the Magna City Council  
on this 27<sup>th</sup> Day of August 2024.

MAGNA CITY

\_\_\_\_\_  
By: Eric G. Barney, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Recorder

\_\_\_\_\_  
City Attorney

- Voting:
- Council Member Barney voting \_\_\_\_\_
  - Council Member Prokopis voting \_\_\_\_\_
  - Council Member Hull voting \_\_\_\_\_
  - Council Member Sudbury voting \_\_\_\_\_
  - Council Member Pierce voting \_\_\_\_\_

*(Complete as Applicable)*  
 Date ordinance summary was published on the Utah Public Notice Website per Utah Code §10-3-711: \_\_\_\_\_  
 Effective date of ordinance: \_\_\_\_\_

**Meeting Body:** Magna City Council

**Meeting Date:** August 27, 2024

**Planner:** Brian Tucker, Planning Manager

**Project Name and File Number:**  
OAM2024-001210 –

Manufacturing Zone Setbacks

**Applicant(s):**

Staff

**Project Type:**

Amend Text Ordinance

**Areas Affected:** Industrial Areas in Magna generally

**Key Findings:**

- Current setback requirements when applied between two Manufacturing or industrial uses are excessive.
- Substantial setbacks between manufacturing or industrial uses and incompatible zones are appropriate.

**Exhibits:**

1. Proposed Ordinance



GREATER SALT LAKE  
**Municipal Services  
District**

**SUMMARY/BACKGROUND**

In June 2023, Magna repealed and replaced Titles 18 and 19 of the Magna Code. These Subdivision and Zoning ordinances had been extensively rewritten by the Planning Staff to:

- Ensure compliance with State Statute, which restricts the authority and powers of local government;
- Encourage conformity with the Magna General Plan, which was adopted in 2020 and sets a vision for the community's future land uses;
- Promote ease of use for both staff and residents by using clear and concise language and incorporating graphics where appropriate; and (to)
- Meet the unique needs and preserve the character of the Magna community.

Prior to the adoption of these ordinances, each chapter of the draft ordinance was reviewed by multiple staff members, was discussed over the course of four workshops with the Council and Planning Commission, reviewed by Magna's attorney and by Smith Hartvigsen (a firm specializing in land use law). Despite all of these reviews it was inevitable that revisions would be needed as time went by due to legislation, changing circumstances and needs and even due to oversites.

In the case of Chapter 19.34: Manufacturing Zones, the adopted ordinance required side yard setbacks from between 20 and 25 feet and rear yard setbacks from between 25 and 35 feet. These setbacks might be desirable when a proposed use is located near residential or commercial uses, but in manufacturing and industrial areas these are atypical and excessive setbacks. A potential applicant brought this to the staff's attention and having

consulted with Magna's City Manager, the staff have proactively drafted an amended ordinance.

### **ISSUES TO CONSIDER/PROPOSED ORDINANCE**

It is uncommon for industrial and manufacturing zones to have significant side and rear yard setbacks when found in industrial or manufacturing parks and districts. Significant side and rear yard setbacks are typically reserved for those areas adjacent to incompatible residential or commercial uses.

Magna's M-2 (Manufacturing Zone – Heavy) zones are located almost exclusively north of Highway 201. This area is part of the larger "Inland Port" area and is located adjacent to similar manufacturing, industrial and warehousing districts in West Valley City and Salt Lake City.

Magna's M-1 (Manufacturing Zone – Flex) zones tend to not be located adjacent to residential and commercial areas. Generally, these zones are separated from these incompatible areas by rail lines, canals or major streets.

A review of setback requirements in cities with similarly situated industrial and manufacturing areas reveals that Magna's current side and rear yard setbacks for its manufacturing zones are out of step with the norm. The setback requirements that Magna had used as part of Unincorporated Salt Lake County and later as a Metro Township utilized a lightly adapted version of the county code, which had no side or rear yard setback requirements. Salt Lake City and West Valley City also do not have side and rear yard setback requirements for their manufacturing/industrial zones. West Jordan has setback requirements when adjacent to commercial and residential zones, but not when manufacturing uses are found in an industrial park or district.

The Staff propose that the side and rear yard setbacks be eliminated from the M-1 and M-2 zones when located in industrial parks or districts. In those relatively rare occasions where the flex manufacturing zone is located adjacent to potentially incompatible uses a setback would be appropriate.

Staff recommends that subsection 19.34.050 – Required Yards and Setbacks, be revised to read as follows:

**(continued on the next page)**

**19.34.050 - Required Yards and Setbacks.**

A. Development in the M-1 or M-2 Zones shall comply with the yard and setback standards shown in Table 19.34.050 and all other applicable standards in this Title.

<b>Table 19.34.050: Required Yards and Setbacks for M-1 and M-2 Zones.</b>		
<b>Standard</b>	<b>M-1</b>	<b>M-2</b>
Front Yard and Side Yard, Corner Lot Setback (in feet)	Minimum: 20 Maximum: NA	Minimum: 25 Maximum: NA
Side Yard, Interior Lot Setback (in feet)	Minimum: 0 <sup>B</sup> Maximum: NA	Minimum: 0 <sup>B</sup> Maximum: NA
Rear Yard Setback (in feet)	Minimum: 0 <sup>B</sup> Maximum: NA	Minimum: 0 <sup>B</sup> Maximum: NA
Minimum Distance between Primary and Accessory Structures (in feet)	10	10
Side Yard, Interior Lot and Rear Yard Setback (in feet) from a residential zone boundary	Minimum: 30 <sup>C</sup> Maximum: NA	Minimum: 30 <sup>C</sup> Maximum: NA
Side Yard, Interior Lot and Rear Yard Setback (in feet) from a nonresidential or nonmanufacturing zone boundary	Minimum: 20 Maximum: NA	Minimum: 20 Maximum: NA

B. Required Setback to Contain Roof Drainage. All buildings located closer than five feet (5') from a property line shall be equipped with facilities for the discharge of all roof drainage onto the subject lot.

C. Residential Buffer. Masonry Wall and 8' landscaped buffer required between residential and non-residential uses in accordance with Section 19.50.050.B.

\*See the attached draft ordinance for the redlined version.

**NEIGHBORHOOD RESPONSE**

Planning Staff have not received any comments from the general public or property owners.

**PLANNING COMMISSION HEARING AND ACTION**

On August 8, 2024, the Magna Planning Commission held a public hearing on the proposed ordinance amendment. After opening the hearing to public comment, the Planning Commission recommended approval of the proposed ordinance.

## **CONCLUSION AND RECOMMENDATION**

Staff finds that:

1. The existing side and rear yard setbacks in the Manufacturing Zones are excessive when located in a manufacturing district or adjacent to other manufacturing, industrial, or warehousing uses.
2. Where manufacturing, industrial or warehousing uses are proposed adjacent to zones that are primarily residential or commercial, due to the incompatibility of uses, a substantial setback is appropriate.
3. Where buildings are allowed within five feet of a property line, drainage must still be routed to stormwater facilities on the subject parcel.

Given the above findings, staff recommends the following action:

The MSD Planning Staff recommends that the Magna City Council to approve the attached ordinance.

Ordinance No. 2024-\_\_

Date: August 27, 2024

**AN ORDINANCE OF THE MAGNA CITY COUNCIL AMENDING THE SIDE AND REAR YARD SETBACKS IN THE MANUFACTURING ZONES**

RECITALS

**WHEREAS**, Magna City is a municipality and has authority to regulate land use pursuant to Utah Code Ann. Subsection 10-9a-102(2); and

**WHEREAS**, the existing side and rear yard setbacks in the Manufacturing Zones are excessive when located in a manufacturing district or adjacent to other manufacturing, industrial, or warehousing uses; and

**WHEREAS**, where manufacturing, industrial or warehousing uses are proposed adjacent to zones that are primarily residential or commercial, due to the incompatibility of uses, a substantial setback is appropriate; and

**WHEREAS**, where buildings are allowed near a property line, drainage must still be routed to stormwater facilities on the subject parcel; and

**WHEREAS**, the Council deems it necessary to amend its ordinances accordingly, and for the protection and preservation of the public health, safety, and general welfare.

**BE IT ORDAINED BY THE MAGNA CITY COUNCIL** as follows:

1. Subsection 19.34.050 of the Magna City Code is amended to read as shown on **Attachment A** to this Ordinance:
2. Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which shall continue in full force and effect.
3. Effective Date. This Ordinance will take effect immediately upon posting and publication as required by law.

[execution on following page]

**PASSED AND ADOPTED** this 27<sup>th</sup> day of August 2024.

MAGNA CITY COUNCIL

\_\_\_\_\_  
By: Eric Barney, Mayor

ATTEST

\_\_\_\_\_  
Nicole Smedley, Clerk/Recorder

Voting:

Council Member Prokopis	voting ____
Council Member Barney	voting ____
Council Member Hull	voting ____
Council Member Pierce	voting ____
Council Member Sudbury	voting ____

*(Complete as Applicable)*

Date ordinance summary was published on the Utah Public Notice Website per Utah Code §10-3-711: \_\_\_\_\_

Effective date of ordinance: \_\_\_\_\_



**SUMMARY OF**  
**MAGNA CITY**  
**ORDINANCE NO. 2024-**

On August 27, 2024, the Magna City Council Enacted Ordinance No. 2024-\_\_\_, amending it's the side and rear setbacks in the M-1 and M-2 Manufacturing Zones as set forth in Subsection 19.34.050 of the Magna City Code

MAGNA CITY COUNCIL

\_\_\_\_\_  
By: Eric Barney, Mayor

ATTEST

APPROVED AS TO FORM:

\_\_\_\_\_  
Nicole Smedley, Clerk/Recorder

\_\_\_\_\_  
Paul Ashton, City Attorney

Voting:

Council Member Prokopis	voting ___
Council Member Barney	voting ___
Council Member Hull	voting ___
Council Member Pierce	voting ___
Council Member Sudbury	voting ___

A complete copy of Ordinance No. 2024-\_\_\_ is available in the office of the Magna City Clerk, 2001 South State Street, N3-600, Salt Lake City, Utah.

## Chapter 19.34: MANUFACTURING ZONES

### 19.34.010 - Purpose of Provisions.

The purpose of the manufacturing zones is to provide places in the municipality for industrial, warehousing, wholesale, and other uses that contribute to the economic stability of the community and wellbeing of its employees and residents. The zones intend to provide employment opportunities and expand the municipal tax base while also encouraging sustainable development and providing an attractive transition between residential and non-residential uses.

### 19.34.020 - Establishment of Manufacturing Zones.

To anticipate and respond to the changing needs of our community and implement industrial and employment center concepts included in the adopted General Plan, the Magna Metro Township establishes the following zones:

- A. Manufacturing Zone – Flex (M-1): The M-1 Zone is intended to provide a flexible mix of industrial uses, including light manufacturing, warehousing, wholesale, and accessory uses that contribute to employee wellbeing and quality development.
- B. Manufacturing Zone – Heavy (M-2): The M-2 Zone is reserved for areas of the municipality that support more intense industrial uses, such as distribution centers, resource processing, and energy production. Development standards are intended to minimize adverse impacts of these uses and protect the surrounding environment.

### 19.34.030 - Schedule of Permitted Uses.

- A. Schedule of Permitted Uses. The specific uses listed in the following schedule are permitted in the zones as indicated, subject to the general provisions, special conditions, additional restrictions, and exceptions set forth in this Title.
- B. Special Conditions. Any special conditions related to a specific use are in Chapter 19.42 *Specific Use Standards*.
- C. Procedure for Multiple Uses (Combination of Uses). If a development proposal involves a combination of uses other than accessory uses as identified in Table 19.34.030, the more restrictive provisions of this Title shall apply. For example, if a portion of a development is subject to Conditional Use (“C”) approval and the other portion is subject only to Permitted Use (“P”) review, the entire development shall be reviewed and approved by the Conditional Use process.
- D. Abbreviations. The abbreviations used in the schedule mean:
  - 1. P = Permitted Use. This use is allowed in the zone but may be subject to additional restrictions and approval processes as provided in this Title.
  - 2. C = Conditional Use. This use is conditional because of the unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent uses, incompatibility in some areas of the zone, or compatibility only if special provisions or conditions are required to mitigate the detrimental impacts of the use. The Planning Commission is the land use authority for uses with this designation.

3. X = Prohibited Use. This use is prohibited in this zone. Any use not specifically identified in Table 19.34.030 is prohibited in this zone.

<b>Table 19.34.030: Table of Uses for M-1 and M-2 Zones.</b>		
<b>Use Categories</b>	<b>M-1</b>	<b>M-2</b>
<b>Residential Uses:</b>		
Rail-Transit Mixed Use	P	X
<b>Retail and Service:</b>		
Animal Control or Rescue Facility	P	X
Animal Hospital or Clinic with or without Outdoor Boarding Facilities	P	X
Child Care Center	P	X
Commercial Plant Nursery	X	P
Contractor's Office	X	P
Vehicle and Equipment Repair – All Types	P	P
<b>Food and Drink:</b>		
See Accessory Uses.		
<b>Recreational:</b>		
Open Space	P	P
See also Accessory Uses.		
<b>Lodging:</b>		
No Lodging Uses are allowed in the Manufacturing Zones.		
<b>Office:</b>		
Office – Intensive or Medical	P	X
<b>Industrial:</b>		
Agricultural Products Processing	X	P
Assembly Use	P	P
Breweries and Distilleries, Industrial	P	P
Freight Service	X	C
Industrial Flex Space	P	X
Machine Shop	P	P
Manufacturing, Heavy	X	C
Manufacturing, Light	P	P
Meat or Poultry Processing Facility	X	P
Recycling Processing Facility	X	P
Resource Recycling Collection Point	P	P
Self-Service Storage Facilities, Enclosed or Outdoor	P	X
Storage Yard	X	P
Underground Record Storage Vaults	X	C
Vertical Indoor Agriculture	P	P
Vehicle Assembly	X	P
Warehouse and Distribution Facilities	X	P
<b>Institutional:</b>		
Micromobility Support Infrastructure	P	P
Public Service Training Facility	P	P
Public Use	P	P
Public Utility, Major	C	P

Public Utility, Minor	P	P
Water Treatment Facility	X	P
Wireless Telecommunication Site, Facility, or Equipment Shelter	X	P
Planned Unit Developments, subject to Chapter 19.18:		
Condominium Conversion Planned Unit Developments	P	P
Infill Development Planned Unit Developments	X	X
Residential Neighborhood Planned Unit Developments	X	X
Residential Community Planned Unit Developments	X	X
Mixed Use Planned Unit Development	X	X
Commercial Planned Unit Developments	C	C
Specialty:		
Crematorium	P	P
Hospital	C	X
Laboratory, Medical or Dental	P	X
Laboratory, Research and Development	P	X
Park-and-Ride	P	P
Solar Energy System, Commercial	X	C
Wind Energy System, Commercial	X	C
Accessory Uses:		
Accessory Uses, including Employee Amenities and Accessory Outdoor Storage	P	P

**19.34.040 - Development Standards.**

A. General Design Standards: The following building design requirements apply in the M-1 and M-2 Zones:

1. View Protection. The proportion and massing of buildings shall be designed to minimize the obstruction of all views. No vertical design elements, dominant rooflines, or other features which exaggerate building height shall be used.
2. Building Massing. In order to maximize the integration of buildings and features with the natural environment and surrounding neighborhoods, all developments in the M-1 and M-2 Zones shall incorporate techniques for reducing the apparent size and bulk of buildings and structures. The following methods are required:
  - a. A consistent level of detail and finish on all sides of a building shall be provided.
  - b. Continuous building wall surfaces shall be relieved with variations of wall planes or overhangs that create shadow areas and add visual interest.

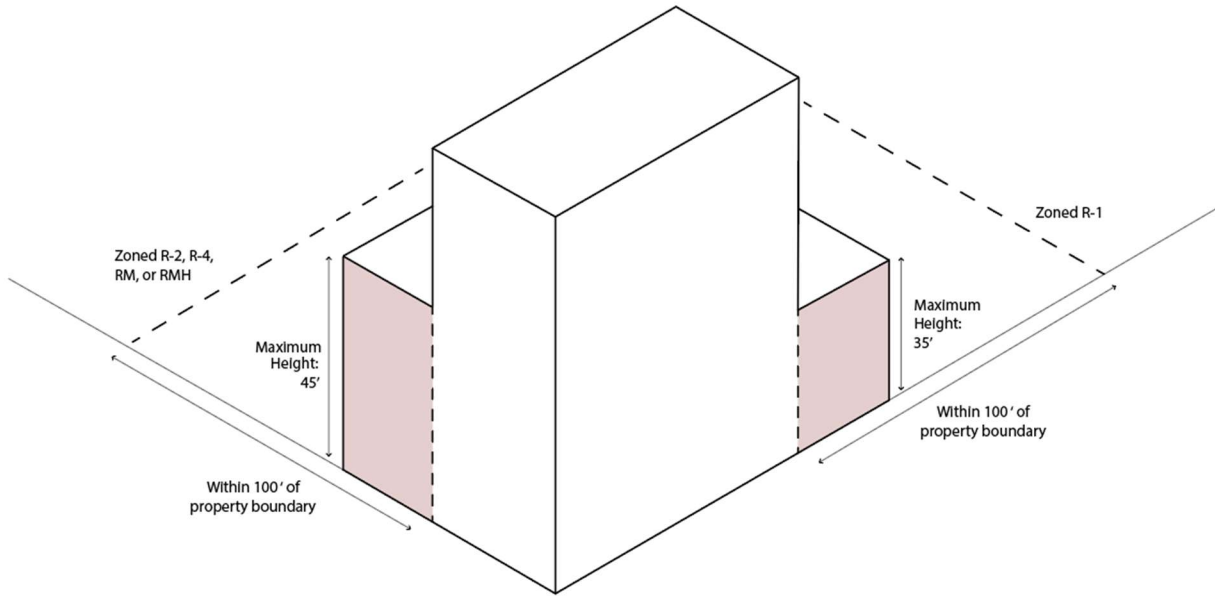
B. Development in the M-1 or M-2 Zones shall comply with the development standards of Table 19.34.040 and all other applicable standards in this Title.

<b>Table 19.34.040: M-1 and M-2 Zone Development Standards.</b>		
<b>Standard</b>	<b>M-1</b>	<b>M-2</b>

Minimum Lot Size (in square feet) <sup>C</sup>	12,000	25,000
Minimum Lot Width (in feet) <sup>C</sup>	75	100
Building Height (in feet) <sup>D</sup>	<p><i>Minimum:</i> No primary building within this zone shall be erected to a height less than fifteen feet (15') above grade.</p> <p><i>Maximum:</i> No building within this zone may exceed sixty feet (60') above grade.</p>	<p><i>Minimum:</i> No primary building within this zone shall be erected to a height less than fifteen feet (15') above grade.</p> <p><i>Maximum:</i> 80</p>
Minimum Floor Area Ratio	0.5:1	NA
Maximum Building Lot Coverage	80%	80%

- C. Existing Lots: Lots legally established prior to the adoption date of this ordinance shall be considered legal conforming lots.
- D. Step-down Height Adjacent to Residential Areas: Within one hundred feet (100') of sites zoned residential, the following standards shall apply:
  1. On the portion of the site within one hundred feet (100') of a site zoned R-1, including any sub-zone of R-1, no structure or any portion thereof may exceed thirty-five feet (35') in height.
  2. On the portion of the site within one hundred feet (100') of a site zoned R-2, R-4, RM, or RMH, no structure or any portion thereof may exceed forty-five feet (45') in height.

**Figure 19.34.040: Stepdown Heights Adjacent to Residential Areas.**



**19.34.050 - Required Yards and Setbacks.**

A. Development in the M-1 or M-2 Zones shall comply with the yard and setback standards shown in Table 19.34.050 and all other applicable standards in this Title.

**Table 19.34.050: Required Yards and Setbacks for M-1 and M-2 Zones.**

Standard	M-1	M-2
Front Yard <u>and Side Yard, Corner Lot</u> Setback (in feet)	Minimum: 20 Maximum: NA	Minimum: 25 Maximum: NA
Side Yard, <u>Interior Lot</u> Setback <del>—Interior Lots—</del> (in feet)	Minimum: <u>200<sup>B</sup></u> Maximum: NA	Minimum: <u>200<sup>B</sup></u> Maximum: NA
<del>Side Yard Setback — Corner Lots (in feet)</del>	<del>Minimum: 20</del> <del>Maximum: NA</del>	<del>Minimum: 25</del> <del>Maximum: NA</del>
Rear Yard Setback (in feet)	Minimum: <u>250<sup>B</sup></u> Maximum: NA	Minimum: <u>350<sup>B</sup></u> Maximum: NA
Minimum Distance between Primary and Accessory Structures (in feet)	10	10
<u>Side Yard, Interior Lot and Rear Yard Setback (in feet) from a residential zone boundary</u>	<u>Minimum: 30<sup>C</sup></u> <u>Maximum: NA</u>	<u>Minimum: 30<sup>C</sup></u> <u>Maximum: NA</u>

<u>Side Yard, Interior Lot and Rear Yard Setback (in feet) from a nonresidential or nonmanufacturing zone boundary</u>	<u>Minimum: 20</u> <u>Maximum: NA</u>	<u>Minimum: 20</u> <u>Maximum: NA</u>
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B. Required Setback to Contain Roof Drainage. All buildings located closer than five feet (5') from a property line shall be equipped with facilities for the discharge of all roof drainage onto the subject lot.

C. Residential Buffer. Masonry Wall and 8' landscaped buffer required between residential and non-residential uses in accordance with Section ~~19.05.050.B~~19.50.050.B.

**19.34.060 - Height Exceptions.**

Exceptions to the building heights specified in Table 19.34.040 apply, in accordance with Section 19.46.110.

**19.34.070 - Additional Standards.**

It is the responsibility of the applicant to comply with all other standards of Title 19 and all other municipal ordinances, including, without limitation:

- A. 19.04: Definitions
- B. 19.18: Planned Unit Developments
- C. 19.42: Specific Use Standards
- D. 19.44: Temporary Use Standards
- E. 19.46: Site Development Standards
- F. 19.48: Off-Street Parking and Loading
- G. 19.50: Landscaping and Screening
- H. 19.52: Signs
- I. 19.56: Flood Plain Regulations
- J. 19.58: Geological Hazards

**MAGNA CITY, UTAH  
ORDINANCE NO. 2024-O-10**

**AN ORDINANCE OF THE MAGNA CITY COUNCIL AMENDING THE SIDE AND REAR  
YARD SETBACKS IN THE MANUFACTURING ZONES**

RECITALS

**WHEREAS**, Magna City is a municipality and has authority to regulate land use pursuant to Utah Code Ann. Subsection 10-9a-102(2); and

**WHEREAS**, the existing side and rear yard setbacks in the Manufacturing Zones are excessive when located in a manufacturing district or adjacent to other manufacturing, industrial, or warehousing uses; and

**WHEREAS**, where manufacturing, industrial or warehousing uses are proposed adjacent to zones that are primarily residential or commercial, due to the incompatibility of uses, a substantial setback is appropriate; and

**WHEREAS**, where buildings are allowed near a property line, drainage must still be routed to stormwater facilities on the subject parcel; and

**WHEREAS**, the Council deems it necessary to amend its ordinances accordingly, and for the protection and preservation of the public health, safety, and general welfare.

**BE IT ORDAINED BY THE MAGNA CITY COUNCIL** as follows:

1. Subsection 19.34.050 of the Magna City Code is amended to read as shown on **Attachment A** to this Ordinance:
2. Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which shall continue in full force and effect.
3. Effective Date. This Ordinance will take effect immediately upon posting and publication as required by law.

*[Execution on following page]*



ADOPTED AND APPROVED at a duly called meeting of the Magna City Council on this 27<sup>th</sup> Day of August 2024.

MAGNA CITY

\_\_\_\_\_  
By: Eric G. Barney, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Recorder

\_\_\_\_\_  
City Attorney

Voting:  
Council Member Barney voting \_\_\_\_\_  
Council Member Prokopis voting \_\_\_\_\_  
Council Member Hull voting \_\_\_\_\_  
Council Member Sudbury voting \_\_\_\_\_  
Council Member Pierce voting \_\_\_\_\_

*(Complete as Applicable)*  
Date ordinance summary was published on the Utah Public Notice Website per Utah Code §10-3-711: \_\_\_\_\_  
Effective date of ordinance: \_\_\_\_\_

**SUMMARY OF**  
**MAGNA CITY**  
**ORDINANCE NO. 2024-O-10**

On August 27, 2024, the Magna City Council Enacted Ordinance No. 2024-O-10, amending it's the side and rear setbacks in the M-1 and M-2 Manufacturing Zones as set forth in Subsection 19.34.050 of the Magna City Code

**MAGNA CITY COUNCIL**

\_\_\_\_\_  
By: Eric Barney, Mayor

ATTEST

APPROVED AS TO FORM:

\_\_\_\_\_  
Nicole Smedley, Clerk/Recorder

\_\_\_\_\_  
Paul Ashton, City Attorney

Voting:

Council Member Prokopis	voting ___
Council Member Barney	voting ___
Council Member Hull	voting ___
Council Member Pierce	voting ___
Council Member Sudbury	voting ___

A complete copy of Ordinance No. 2024-O-10 is available in the office of the Magna City Clerk, 2001 South State Street, N3-600, Salt Lake City, Utah.

**Attachment A**

**19.34.050 - Required Yards and Setbacks.**

A. Development in the M-1 or M-2 Zones shall comply with the yard and setback standards shown in Table 19.34.050 and all other applicable standards in this Title.

<b>Table 19.34.050: Required Yards and Setbacks for M-1 and M-2 Zones.</b>		
<b>Standard</b>	<b>M-1</b>	<b>M-2</b>
Front Yard and Side Yard, Corner Lot Setback (in feet)	Minimum: 20 Maximum: NA	Minimum: 25 Maximum: NA
Side Yard, Interior Lot Setback (in feet)	Minimum: 0 <sup>B</sup> Maximum: NA	Minimum: 0 <sup>B</sup> Maximum: NA
Rear Yard Setback (in feet)	Minimum: 0 <sup>B</sup> Maximum: NA	Minimum: 0 <sup>B</sup> Maximum: NA
Minimum Distance between Primary and Accessory Structures (in feet)	10	10
Side Yard, Interior Lot and Rear Yard Setback (in feet) from a residential zone boundary	Minimum: 30 <sup>C</sup> Maximum: NA	Minimum: 30 <sup>C</sup> Maximum: NA
Side Yard, Interior Lot and Rear Yard Setback (in feet) from a nonresidential or nonmanufacturing zone boundary	Minimum: 20 Maximum: NA	Minimum: 20 Maximum: NA

B. Required Setback to Contain Roof Drainage. All buildings located closer than five feet (5') from a property line shall be equipped with facilities for the discharge of all roof drainage onto the subject lot.

C. Residential Buffer. Masonry Wall and 8' landscaped buffer required between residential and non-residential uses in accordance with Section 19.50.050.B.

**Meeting Body:** Magna Planning Commission

**Meeting Date:** August 27, 2024

**Planner:** Brian Tucker, Planning Manager

**Project Name and File Number:** OAM2024-001179 –

Magna Drive-Thru Amendments, including facilities on Magna Main

**Applicant(s):**

Jeff Fisher, Steve Andrews

**Project Type:**

Amend Text Ordinance

**Areas Affected:** Commercial Areas in Magna generally, properties in the Downtown Historic Mixed Use zone

**Key Findings:**

- Drive-Thru and Drive-Up Facilities can be made compatible with a traditional downtown environment if adequately designed.
- General Amendments to the code were needed for Drive-Thru and Drive-Up Facilities city wide.

**Attachments:**

1. DH Mixed Use Amendments
2. General Amendments



GREATER SALT LAKE  
**Municipal Services  
District**

**SUMMARY/BACKGROUND**

Steve Andrews owns two properties on Magna Main Street at 9068 and 9078 West, respectively. The 9068 West Main property is the home to We Witches. The applicant wants to make greater use of the property by adding a second building at 9078 W, using it as a coffee/breakfast shop with two residential units upstairs. The applicant is concerned that the shop may not work if a drive-thru window is not included for the coffee/breakfast shop use. The properties are zoned Downtown Historical District (DH) Mixed Use, a zone that does not allow for drive-thru and drive up facilities. The applicant has made an application to amend the ordinance to allow for drive-thru and drive up facilities. As a result of that application, Staff have created a draft ordinance for the Planning Commission and City Council to review. The proposed ordinance would allow drive-thru facilities under certain circumstances in the. The proposed ordinance also includes amendments to the drive-thru and drive up facilities specific use standards and the stacking standards for these facilities to better manage these uses in general.

**ISSUES TO CONSIDER/PROPOSED ORDINANCE**

Drive-Thru and Drive-Up Facilities in the (DH) Mixed Use. The reason the applicants have made this application is that they want to create a drive-thru window in the (DH) Mixed Use zone. When the Downtown Historical District (DH) Mixed Use zone was adopted, drive-thru windows were excluded because the building form and architectural requirements were written to encourage a traditional look with buildings with no setback from the street and with anchor buildings on the street corners. Drive-thru windows are not typical of a historical downtown, although they do and can exist in those areas. The historic area does include a minimalist drive-thru window on a bank building, but that building would not comply with the now adopted DH

Mixed Use standards. The applicant is proposing a drive-thru window on the rear of the building, with the building sited to frame the corner as the ordinance requires. If the applicant can comply with the building form and architectural requirements, could a drive-thru window be a reasonable request in the historic downtown area?

Staff suggest that if a drive-thru is to work in this area it should:

- Typically, be located on the rear façade of the building,
- Not have direct access to Main Street for either the entrance or the exit,
- Have access from a side street or a public alley,
- Have no stacking/queuing that obstructs traffic on a public street,
- Be able to use the alley for access but should not block the alley for use by others, and
- Not be a nuisance to neighboring residential uses.

In an effort to ensure that any ordinance allowing drive-thru windows would not conflict with the goals of the DH Mixed Use zone, Staff have taken on the task of drafting the proposed ordinance. The policy decision allowing or disallowing drive-thru windows is a policy decision for the Council, Staff are merely attempting to provide a set of standards that could make drive-thru windows work in the downtown historic district context.

The proposed ordinance would amend the Mixed-Use Zone Schedule of Permitted Uses to allow drive-thru and drive-up facilities as a permitted use subject to the specific use standards in Section 19.42.170 and the Vehicle Stacking Standards in Section 19.48.100 of Magna Code. In addition to these standards, a drive through window must:

1. Have no drive-thru window, order/menu board, or other aspect of the drive-thru or drive-up transaction on a street facing side of a building,
2. Have no direct access to main street for either the entrance or exit,
3. Make use of a side street or alley for the entrance and exit, and
4. Not block a public alley with stacking/queuing customer vehicles. The ally may be used for access but may not be counted toward the required stacking/queuing spaces.

The Planning Commission may allow for variations to the stacking and capacity standards in Sections 19.48.100 of Magna's code due to site constraints. If a variation is permitted, the drive-thru or drive-up facility must be designed to ensure that adequate on-site maneuvering and circulation areas, ensure that stacking vehicles do not impede traffic on abutting streets, and that stacking lanes will not have nuisance impacts on abutting residential lots.

Amendments applicable to all Drive-Thru and Drive-Up Facilities: In exploring this topic, Staff noticed that some of the adopted standards could be improved for these facilities in general. As a result, Staff proposes the following ordinance amendments to Magna Code, Section 19.42.170, Specific Use Standards for Drive-Thru and Drive-Up Facilities, and Section 19.48.100, Vehicle Stacking Standards.

1. Section 19.42.170(D) is proposed to include a requirement that drive-up/drive-thru windows and their stacking lanes be separated from residentially zoned properties by an intervening building, a masonry wall, or by a major street. These standards would help to reduce noise, lighting, and visual impacts on residential uses.
2. Subsection 19.48.100(A) would be amended to be consistent with the definitions section and for clarity.
3. Subsection 19.48.100(A)(2) clarifies the reasons for the sixty-foot distance between a curb cut and the entrance of a stacking/queuing lane. This should also help the public to understand what this language requires of them.
4. Subsection 19.48.100(A)(3) requires stacking/queuing lanes to be designed to avoid interfering with back out lanes unless site constraints rule out any alternative.
5. Subsection 19.48.100(A)(5) requires stacking/queuing lanes to be designed to avoid conflicts with the main entrance to the establishment unless site constraints rule out any alternative.
6. Subsection 19.48.100(A)(6) strongly discourages stacking/queuing lanes between the building and the street unless site constraints rule out any alternative.
7. Subsection 19.48.100(A)(7) requires a separate escape lane when more than nine stacking/queuing spaces are provided.
8. Subsection 19.48.100(B) rennumbers the stacking capacity subsection for clarity.

### **NEIGHBORHOOD RESPONSE**

Planning Staff have not received any comments from the general public or property owners.

### **PLANNING COMMISSION HEARING AND ACTION**

On July 11, 2024, the Magna Planning Commission held a public hearing on the proposed ordinance amendment. After opening the hearing to public comment, the Planning Commission recommended approval of both the General Drive Thru and Drive Up Facilities Amendments and the DH Mixed Use Zone specific ordinance that would permit drive-thru and drive up facilities under specific circumstances in the Magna Historic District.

## **CONCLUSION AND RECOMMENDATION**

### Drive-Thru and Drive-Up Facilities in the DH Mixed Use Zone:

MSD Planning Staff have created a proposed ordinance intended to allow drive-thru and drive-up facilities in the DH Mixed Use Zone. Staff finds that the proposed ordinance can be made compatible with the building form and architectural standards under the following circumstances:

1. The facility is located on the rear façade of the building,
2. The facility does not have direct access to Main Street for either the entrance or the exit, accessing the site from a side street or a public alley,
3. Stacking/queuing does not obstruct traffic on a public street,
4. Alley access does not block the alley for use by others, and
5. The facility is sited in a manner that results in no foreseeable nuisance to neighboring residential uses.

### General Drive-Thru and Drive-Up Facilities Amendments:

MSD Planning Staff have created a proposed ordinance that addresses weaknesses in the regulations for Drive-Thru and Drive-Up Facilities in Magna generally. Staff finds that the amendments to Magna Code, Sections 19.42.170 and 19.48.100:

1. Reduce noise, lighting, and visual impacts on abutting residential uses,
2. Clarify standards that were not given a clear context in the existing code,
3. Establishes more substantial requirements for the design of stacking/queuing lanes,
4. Allow variations to the design standards when site constraints do not allow for strict compliance.

Therefore, the Planning Staff recommend that the Magna Planning Commission recommend approval of the attached ordinance to the Magna Council.

**Attachment #1 DH Mixed Use Amendments**

Ordinance No. 2024-\_\_\_\_\_ Date: August 27, 2024

**AN ORDINANCE OF THE MAGNA CITY COUNCIL AMENDING THE  
MAGNA MUNICIPAL CODE, SUBSECTION 19.36.030 AND TABLE 19.36.030.  
USES TO ALLOW DRIVE THRU AND DRIVE-UP FACILITIES IN THE DH  
MIXED USE ZONE UNDER CERTAIN CONDITIONS**

**RECITALS**

**WHEREAS**, Magna City is a municipality and has authority to regulate land use pursuant to Utah Code Ann. Subsection 10-9a-102(2); and

**WHEREAS**, Drive-Thru and Drive Up Facilities were not allowed in the DH Mixed Use Zone when it was adopted; and

**WHEREAS**, potential incompatible aspects of Drive-Thru and Drive Up Facilities may include obstruction of traffic, direct access to Main Street that renders designated parking spaces unusable, additional vehicle only uses in a district designed to be pedestrian friendly, and potential impacts on neighboring property in a mixed use environment; and

**WHEREAS**, if those potential impacts can be mitigated through reasonable conditions and standards, Drive-Thru and Drive Up Facilities may be feasible in a mixed use environment; and

**WHEREAS**, the Council deems it necessary to amend its ordinances accordingly, and for the protection and preservation of the public health, safety, and general welfare.

**BE IT ORDAINED BY THE MAGNA CITY COUNCIL** as follows:

1. Subsection 19.36.030 and Table 19.36.030 of the Magna City Code is amended to read as shown in **Attachment A** to this Ordinance:
2. Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which shall continue in full force and effect.
3. Effective Date. This Ordinance will take effect immediately upon posting and publication as required by law.

[execution on following page]



**PASSED AND ADOPTED** this 27<sup>th</sup> day of August 2024.

MAGNA CITY COUNCIL

---

By: Eric Barney, Mayor

ATTEST

---

Nicole Smedley, Clerk/Recorder

Voting:

Council Member Prokopis	voting ___
Council Member Barney	voting ___
Council Member Hull	voting ___
Council Member Pierce	voting ___
Council Member Sudbury	voting ___

*(Complete as Applicable)*

Date ordinance summary was published on the Utah Public Notice Website per Utah Code §10-3-711: \_\_\_\_\_

Effective date of ordinance: \_\_\_\_\_

**SUMMARY OF**  
**MAGNA CITY**  
**ORDINANCE NO. 2024-**

On August 27, 2024, the Magna City Council Enacted Ordinance No. 2024-\_\_\_, amending the Magna Municipal Code, Subsection 19.36.030 and Table 19.36.030. Uses to allow drive thru and drive-up facilities in the DH Mixed Use Zone under certain conditions.

**MAGNA CITY COUNCIL**

\_\_\_\_\_  
By: Eric Barney, Mayor

ATTEST

APPROVED AS TO FORM:

\_\_\_\_\_  
Nicole Smedley, Clerk/Recorder

\_\_\_\_\_  
Paul Ashton, City Attorney

Voting:

Council Member Prokopis	voting ___
Council Member Barney	voting ___
Council Member Hull	voting ___
Council Member Pierce	voting ___
Council Member Sudbury	voting ___

A complete copy of Ordinance No. 2024-\_\_\_ is available in the office of the Magna City Clerk, 2001 South State Street, N3-600, Salt Lake City, Utah.

**Attachment A:**

**Proposed Ordinance Allowing Drive-Thru and Drive-Up Facilities in the DH Mixed Use Zone**

**19.36.030 - Schedule of Permitted Uses.**

- A. Schedule of Permitted Uses. The specific uses listed in the following schedule are permitted in the zones as indicated, subject to the general provisions, special conditions, additional restrictions, and exceptions set forth in this Title.
- B. Special Conditions. Any special conditions related to a specific use are in Chapter 19.42 Specific Use Standards.
- C. Procedure for Multiple Uses (Combination of Uses). If a development proposal involves a combination of uses other than accessory uses as identified in Table 19.36.030, the more restrictive provisions of this Title shall apply. For example, if a portion of a development is subject to Conditional Use (“C”) approval and the other portion is subject only to Permitted Use (“P”) review, the entire development shall be reviewed and approved by the Conditional Use process.
- D. Abbreviations. The abbreviations used in the schedule mean:
1. P = Permitted Use. This use is allowed in the zone but may be subject to additional restrictions and approval processes as provided in this Title.
  2. C = Conditional Use. This use is conditional because of the unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent uses, incompatibility in some areas of the zone, or compatibility only if special provisions or conditions are required to mitigate the detrimental impacts of the use. The Planning Commission is the land use authority for uses with this designation.
  3. X = Prohibited Use. This use is prohibited in this zone. Any use not specifically identified in Table 19.36.030 is prohibited in this zone.

<b>Table 19.36.030. Uses.</b>			
<b>Use Categories</b>	<b>DH</b>	<b>NMU</b>	<b>CMU</b>
<b>Residential Uses: <sup>E</sup></b>			
Accessory Dwelling Unit, Detached or Internal	X	P	X
Dwelling, Multiple Family	P	X	P
Dwelling, Single Family	X	P	X
Dwelling, Single Family Attached	X	P	P
Dwelling, Three- and Four-Family	P	P	P
Dwelling, Two-Family (Duplex)	P	P	X
Educational Facility with Residential Accommodation	X	X	P
<b>Retail and Service:</b>			
Bank, Credit Union, or Other Financial Institution	P	P	P
Car and Light Truck Wash	X	X	P
Child or Adult Care Facility	P	P	P
Laundry Cleaning, Automatic Self-Help	P	P	P

Laundry Cleaning Drop-Off	P	P	P
Liquor and/or Wine Store	X	X	P
Mobile Store	P	X	P
Personal Care Services	P	P	P
Personal Instruction Services	P	P	P
Post Office	P	P	P
Reception Hall, Reception Center	P	X	P
Retail Sales	P	P	P
Retail Shops or Galleries where Primary Product is Produced On-Site	C	C	C
Self-Service Gas Station, with or without Convenience Store	X	X	P
Shopping Center	X	X	C
<b>Food and Drink:</b>			
Bars and Clubs	P	X	P
Breweries and Distilleries, with or without restaurant	P	X	P
Food Truck, Mobile Restaurant, Food Cart	P	X	P
Restaurant, Fast Food	P	P	P
Restaurant, Sit Down with or without Alcohol	P	P	P
<b>Lodging:</b>			
Bed and Breakfast	P	P	P
Hotel/Motel	P	X	P
<b>Office:</b>			
Offices – General, Professional, and Trade Services	P	P	P
<b>Recreational:</b>			
Commercial Recreation and Entertainment, Indoor	P	X	P
Outdoor Recreation, Small Scale	X	X	P
Theatres and Concert Halls (Indoor)	P	X	P
<b>Industrial Uses:</b>			
Light or Heavy Industry or Manufacturing	X	X	X
<b>Institutional Uses:</b>			
Animal Hospital or Clinic	C	X	C
Church, Synagogue, Mosque, Temple, Cathedral, or other religious buildings	P	P	P
Community Garden	P	P	P
Educational Facility	P	P	P
Public or Quasi-Public Use	P	P	P
Public Park	P	P	P
<b>Specialty:</b>			
Medical, Urgent Care, and Dental Clinic	P	X	P
Mortuary or Funeral Home	P	X	P
Park and Ride	X	X	P
Parking Lot (not associated with other use)	X	X	X
<b>Accessory Uses:</b>			
Accessory Buildings, Garages, Carports, and Structures subject to this Title	P	P	P
Drive-Thru and Drive-Up Facilities, <u>subject to Subsection 19.42.170.</u> <sup>EE</sup>	<del>P</del> X	P	P
Home Occupations, subject to Chapter 19.42.	P	P	P
Sidewalk Displays and Sidewalk Cafes	C	C	C
<b>Nonconforming Uses:</b>			

Pre-Existing Lot	P	P	P
------------------	---	---	---

E. Residential Uses:

1. In the DH and CMU Mixed Use Zones, residential uses are limited as follows.
  - a. Units above a business: Residential dwelling units on the second story or above are permitted.
  - b. Units behind a business: Residential dwelling units on the first story that are separated from the front lot line by a non-residential use in the same story are permitted.
  - c. Units attached to a business on a multiple frontage lot: In no case may first-story dwelling units face onto a front lot line.
2. In the NMU Zone, any new development shall include a mix of residential and non-residential uses. These uses may be mixed horizontally or vertically.

F. In addition to the specific use standards for Drive-Thru and Drive Up Facilities in Subsection 19.42.170, said facilities in the Downtown Historic District (DH) Mixed Use zone are subject to the following additional standards:

1. No drive-thru window, order/menu board, or other aspect of the drive-thru or drive-up transaction may be conducted on a street facing side of a building.
2. No entrance or exit for a drive-thru or drive up facility may directly access Main Street. All access must occur from a side street, and
3. A public alley may be used to access stacking lanes. The alley may not be blocked by the stacking of vehicles and the alley may not count as stacking spaces for the purposes of meeting required stacking capacity.
4. The Planning Commission may allow for variations to the stacking lane and capacity requirements in Section 19.48.100 of this code when it finds that site constraints due to lot width or area make compliance impossible. The approved drive-thru or drive up facility must be designed to ensure that adequate on-site maneuvering and circulation areas, ensure that stacking vehicles do not impede traffic on abutting streets, and that stacking lanes will not have nuisance impacts on abutting residential lots.

Ordinance No. 2024-\_\_\_\_\_ Date: August 27, 2024

**AN ORDINANCE OF THE MAGNA CITY COUNCIL AMENDING THE  
MAGNA MUNICIPAL CODE, SECTIONS 19.42.170 AND 19.48.100 TO  
ADDRESS WEAKNESSES IN THE GENERAL REGULATIONS CONCERNING  
DRIVE-THRU AND DRIVE UP FACILITIES**

**RECITALS**

**WHEREAS**, Magna City is a municipality and has authority to regulate land use pursuant to Utah Code Ann. Subsection 10-9a-102(2); and

**WHEREAS**, Drive-Thru and Drive Up Facilities are allowed in commercial and mixed use districts subject to the use standards in Section 19.42.170 of Magna City Code; and

**WHEREAS**, Stacking/queuing standards for Drive-Thru and Drive Up Facilities are subject to the standards in Section 19.48.100 of Magna City Code; and

**WHEREAS**, the existing standards do not adequately reduce noise, lighting and visual impacts to residential uses abutting Drive-Thru and Drive Up Facilities; and

**WHEREAS**, the existing standards do not adequately regulate the location of stacking/queuing areas associated with Drive-Thru and Drive Up Facilities; and

**WHEREAS**, the existing standards lacked context to adequately apply a standard requiring a minimum distance between curb cuts and entrances to stacking/queuing areas; and

**WHEREAS**, the existing standards lacked the ability for the land use authority to adjust the requirements when site constraints made strict compliance impossible; and

**WHEREAS**, the Council deems it necessary to amend its ordinances accordingly, and for the protection and preservation of the public health, safety, and general welfare.

**BE IT ORDAINED BY THE MAGNA CITY COUNCIL** as follows:

1. Section 19.42.170 and 19.48.100 of the Magna City Code is amended to read as shown in **Attachment A** to this Ordinance:
2. Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which shall continue in full force and effect.

3. Effective Date. This Ordinance will take effect immediately upon posting and publication as required by law.

**PASSED AND ADOPTED** this 27<sup>th</sup> day of August 2024.

MAGNA CITY COUNCIL

\_\_\_\_\_  
By: Eric Barney, Mayor

ATTEST

\_\_\_\_\_  
Nicole Smedley, Clerk/Recorder

Voting:

Council Member Prokopis	voting ____
Council Member Barney	voting ____
Council Member Hull	voting ____
Council Member Pierce	voting ____
Council Member Sudbury	voting ____

*(Complete as Applicable)*

Date ordinance summary was published on the Utah Public Notice Website per Utah Code §10-3-711: \_\_\_\_\_

Effective date of ordinance: \_\_\_\_\_

**SUMMARY OF**  
**MAGNA CITY**  
**ORDINANCE NO. 2024-**

On August 27, 2024, the Magna City Council Enacted Ordinance No. 2024-\_\_\_, amending the Magna Municipal Code, Sections 19.42.170 and 19.48.100 to address weaknesses in the general regulations concerning drive-thru and drive-up facilities.

MAGNA CITY COUNCIL

\_\_\_\_\_  
By: Eric Barney, Mayor

ATTEST

APPROVED AS TO FORM:

\_\_\_\_\_  
Nicole Smedley, Clerk/Recorder

\_\_\_\_\_  
Paul Ashton, City Attorney

Voting:

Council Member Prokopis	voting ___
Council Member Barney	voting ___
Council Member Hull	voting ___
Council Member Pierce	voting ___
Council Member Sudbury	voting ___

A complete copy of Ordinance No. 2024-\_\_\_ is available in the office of the Magna City Clerk, 2001 South State Street, N3-600, Salt Lake City, Utah.



## Attachment A:

### General Drive-Thru and Drive Up Facilities Amendments

#### **19.42.170 - Drive-Thru ~~and Drive Up Facilities~~Windows.**

- A. Purpose: The regulations of this section are intended to allow for drive-thru facilities by reducing the negative impacts they may create. These impacts include noise from idling cars and voice amplification equipment, lighting, and queued traffic interfering with on-site and off-site traffic and pedestrian flow. The specific purposes of this section are to:
1. Reduce noise, lighting, and visual impacts on abutting uses, particularly residential uses;
  2. Promote safer and more efficient on site vehicular and pedestrian circulation; and
  3. Reduce conflicts between queued vehicles and traffic on adjacent streets.
- B. Applicability And Permit Requirements: These regulations shall apply to all new drive-through facilities, any rebuild or replacement of an existing structure containing a drive-thru facility or modification to an existing building that includes altering the location of an existing drive-through window, expands the floor area by twenty five percent (25%) or more of the gross floor area or one thousand square feet (1,000 sq. ft.), whichever is less and/or the parking requirement increases as required by this Title.
- C. Additional Application Materials Required: In addition to the site plan and standard application requirements, an applicant for a business with drive-thru facilities shall submit a site plan that includes: a parking and circulation plan, driveway locations, and the placement of audio equipment (if this type of equipment will be used).
- D. Adjacent To Residentially Zoned Property: Drive-up/drive-thru windows and their stacking lanes shall be separated from residentially zoned properties by an intervening building, a masonry wall in accordance with Subsection 19.50.050 (B), or by a major street.
- ED. Capacity and design standards for drive-thru and drive-up facilities are found in Section 19.48.100.

#### **19.48.100 - Vehicle Stacking Standards.**

- A. Drive-Thru~~Up~~ and Drive Up~~Thru~~ Facility, Stacking Lane Design Standards: These standards ensure that there is adequate on-site maneuvering and circulation areas, ensure that stacking vehicles do not impede traffic on abutting streets, and that stacking lanes will not have nuisance impacts on abutting residential lots.
1. Each stacking space shall be a minimum of twenty feet (20') in length and eight feet (8') wide along the straight portions and ten feet (10') wide along the curved segments.
  2. To prevent stacking lanes from blocking traffic on adjacent streets, Entrances to stacking lanes shall be clearly marked and located a minimum of sixty feet (60') from the closest curb cut. Stacking lanes may not enter or exit directly into a public street.

3. Stacking lanes shall be designed so that they do not interfere with parking and vehicle circulation. Stacking lanes may not block required back out areas for adjacent drive aisles and parking spaces unless there is no other alternative for location of the building and drive-thru lane(s) on the site.

3.4. All stacking lanes shall be clearly delineated from traffic aisles, other stacking lanes and parking areas using striping at a minimum and curbing, landscaping, or signs where appropriate.

5. Stacking lanes may not wrap around in front of the main building entrance doors unless there is no other alternative for location of the building and drive-thru lane(s) on the site.

6. Stacking lanes are strongly discouraged between the building and the street unless there is no other alternative for location of the building and drive-thru lane(s) on the site.

7. All drive-thru queuing lanes providing greater than nine (9) spaces shall also provide a separate escape lane.

**B. Required Stacking Capacity:** These standards ensure that adequate stacking for certain land uses is provided.

1. A drive-thru automated teller machine (ATM) shall provide no fewer than two (2) stacking spaces before the teller machine.
2. A car or light truck wash shall provide no fewer than three (3) stacking spaces per lane before the wash bay entrance.
3. A laundry or dry-cleaning establishment with a drive thru window shall provide no fewer than two (2) stacking spaces per lane before the drive-up window.
4. A financial institution with teller lanes shall provide no fewer than three (3) stacking spaces per lane before the teller or drive-up window.
5. A pharmacy with a drive thru window shall provide no fewer than three (3) stacking spaces per lane before the drive-up window.
6. A restaurant with drive thru shall provide no fewer than eight (8) stacking spaces before the first drive-up window. A restaurant with more than one stacking lane shall provide no fewer than six (6) stacking spaced before the first drive-up window. Establishments where orders are placed for food or drink in a similar manner to a restaurant shall provide stacking in the same manner as a restaurant.
7. Uses having a drive thru window but not listed in this part are required to have stacking lanes and stacking spaces as determined by the Director and based on the anticipated demand for stacking spaces given existing and projected traffic and consumer patterns.
8. A stacking lane is not required for accessory facilities where vehicles do not routinely stack up while waiting for the service. Examples are window washing, air compressor, and vacuum cleaning stations.

**MAGNA CITY  
ORDINANCE NO. 2024-O-11**

**AN ORDINANCE OF THE MAGNA CITY COUNCIL AMENDING THE MAGNA  
MUNICIPAL CODE, SUBSECTION 19.36.030 AND TABLE 19.36.030. USES TO  
ALLOW DRIVE THRU AND DRIVE-UP FACILITIES IN THE DH MIXED USE ZONE  
UNDER CERTAIN CONDITIONS**

**RECITALS**

**WHEREAS**, Magna City is a municipality and has authority to regulate land use pursuant to Utah Code Ann. Subsection 10-9a-102(2); and

**WHEREAS**, Drive-Thru and Drive Up Facilities were not allowed in the DH Mixed Use Zone when it was adopted; and

**WHEREAS**, potential incompatible aspects of Drive-Thru and Drive Up Facilities may include obstruction of traffic, direct access to Main Street that renders designated parking spaces unusable, additional vehicle only uses in a district designed to be pedestrian friendly, and potential impacts on neighboring property in a mixed use environment; and

**WHEREAS**, if those potential impacts can be mitigated through reasonable conditions and standards, Drive-Thru and Drive Up Facilities may be feasible in a mixed use environment; and

**WHEREAS**, the Council deems it necessary to amend its ordinances accordingly, and for the protection and preservation of the public health, safety, and general welfare.

**BE IT ORDAINED BY THE MAGNA CITY COUNCIL** as follows:

1. Subsection 19.36.030 and Table 19.36.030 of the Magna City Code is amended to read as shown in **Attachment A** to this Ordinance:
2. Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which shall continue in full force and effect.
3. Effective Date. This Ordinance will take effect immediately upon posting and publication as required by law.

*[Execution on following page]*

ADOPTED AND APPROVED at a duly called meeting of the Magna City Council on this 27<sup>th</sup> Day of August 2024.

MAGNA CITY

\_\_\_\_\_  
By: Eric G. Barney, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Recorder

\_\_\_\_\_  
City Attorney

Voting:  
Council Member Barney voting \_\_\_\_\_  
Council Member Prokopis voting \_\_\_\_\_  
Council Member Hull voting \_\_\_\_\_  
Council Member Sudbury voting \_\_\_\_\_  
Council Member Pierce voting \_\_\_\_\_

*(Complete as Applicable)*  
Date ordinance summary was published on the Utah Public Notice Website per Utah Code §10-3-711: \_\_\_\_\_  
Effective date of ordinance: \_\_\_\_\_

**SUMMARY**  
**MAGNA CITY**  
**ORDINANCE NO. 2024-O-11**

On August 27, 2024, the Magna City Council Enacted Ordinance No. 2024-O-11, amending the Magna Municipal Code, Subsection 19.36.030 and table 19.36.030. Uses to allow drive thru and drive-up facilities in the DH Mixed Use Zone under certain conditions.

MAGNA CITY COUNCIL:

\_\_\_\_\_  
By: Eric Barney, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Nicole Smedley, Clerk/Recorder

\_\_\_\_\_  
Paul Ashton, City Attorney

Voting:

Council Member Prokopis	voting ___
Council Member Barney	voting ___
Council Member Hull	voting ___
Council Member Pierce	voting ___
Council Member Sudbury	voting ___

A complete copy of Ordinance No. 2024-O-11\_ is available in the office of the Magna City Clerk, 2001 South State Street, N3-600, Salt Lake City, Utah.

**Attachment A:**

**Proposed Ordinance Allowing Drive-Thru and Drive-Up Facilities in the DH Mixed Use Zone**

**19.36.030 - Schedule of Permitted Uses.**

- A. Schedule of Permitted Uses. The specific uses listed in the following schedule are permitted in the zones as indicated, subject to the general provisions, special conditions, additional restrictions, and exceptions set forth in this Title.
- B. Special Conditions. Any special conditions related to a specific use are in Chapter 19.42 Specific Use Standards.
- C. Procedure for Multiple Uses (Combination of Uses). If a development proposal involves a combination of uses other than accessory uses as identified in Table 19.36.030, the more restrictive provisions of this Title shall apply. For example, if a portion of a development is subject to Conditional Use (“C”) approval and the other portion is subject only to Permitted Use (“P”) review, the entire development shall be reviewed and approved by the Conditional Use process.
- D. Abbreviations. The abbreviations used in the schedule mean:
  1. P = Permitted Use. This use is allowed in the zone but may be subject to additional restrictions and approval processes as provided in this Title.
  2. C = Conditional Use. This use is conditional because of the unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent uses, incompatibility in some areas of the zone, or compatibility only if special provisions or conditions are required to mitigate the detrimental impacts of the use. The Planning Commission is the land use authority for uses with this designation.
  3. X = Prohibited Use. This use is prohibited in this zone. Any use not specifically identified in Table 19.36.030 is prohibited in this zone.

<b>Table 19.36.030. Uses.</b>			
<b>Use Categories</b>	<b>DH</b>	<b>NMU</b>	<b>CMU</b>
<b>Residential Uses: <sup>E</sup></b>			
Accessory Dwelling Unit, Detached or Internal	X	P	X
Dwelling, Multiple Family	P	X	P
Dwelling, Single Family	X	P	X
Dwelling, Single Family Attached	X	P	P
Dwelling, Three- and Four-Family	P	P	P
Dwelling, Two-Family (Duplex)	P	P	X
Educational Facility with Residential Accommodation	X	X	P
<b>Retail and Service:</b>			
Bank, Credit Union, or Other Financial Institution	P	P	P

Car and Light Truck Wash	X	X	P
Child or Adult Care Facility	P	P	P
Laundry Cleaning, Automatic Self-Help	P	P	P
Laundry Cleaning Drop-Off	P	P	P
Liquor and/or Wine Store	X	X	P
Mobile Store	P	X	P
Personal Care Services	P	P	P
Personal Instruction Services	P	P	P
Post Office	P	P	P
Reception Hall, Reception Center	P	X	P
Retail Sales	P	P	P
Retail Shops or Galleries where Primary Product is Produced On-Site	C	C	C
Self-Service Gas Station, with or without Convenience Store	X	X	P
Shopping Center	X	X	C
<b>Food and Drink:</b>			
Bars and Clubs	P	X	P
Breweries and Distilleries, with or without restaurant	P	X	P
Food Truck, Mobile Restaurant, Food Cart	P	X	P
Restaurant, Fast Food	P	P	P
Restaurant, Sit Down with or without Alcohol	P	P	P
<b>Lodging:</b>			
Bed and Breakfast	P	P	P
Hotel/Motel	P	X	P
<b>Office:</b>			
Offices – General, Professional, and Trade Services	P	P	P
<b>Recreational:</b>			
Commercial Recreation and Entertainment, Indoor	P	X	P
Outdoor Recreation, Small Scale	X	X	P
Theatres and Concert Halls (Indoor)	P	X	P
<b>Industrial Uses:</b>			
Light or Heavy Industry or Manufacturing	X	X	X
<b>Institutional Uses:</b>			
Animal Hospital or Clinic	C	X	C
Church, Synagogue, Mosque, Temple, Cathedral, or other religious buildings	P	P	P
Community Garden	P	P	P
Educational Facility	P	P	P
Public or Quasi-Public Use	P	P	P
Public Park	P	P	P
<b>Specialty:</b>			
Medical, Urgent Care, and Dental Clinic	P	X	P

Mortuary or Funeral Home	P	X	P
Park and Ride	X	X	P
Parking Lot (not associated with other use)	X	X	X
Accessory Uses:			
Accessory Buildings, Garages, Carports, and Structures subject to this Title	P	P	P
Drive-Thru and Drive-Up Facilities, subject to Subsection 19.42.170. <sup>F</sup>	P	P	P
Home Occupations, subject to Chapter 19.42.	P	P	P
Sidewalk Displays and Sidewalk Cafes	C	C	C
Nonconforming Uses:			
Pre-Existing Lot	P	P	P

E. Residential Uses:

1. In the DH and CMU Mixed Use Zones, residential uses are limited as follows.
  - a. Units above a business: Residential dwelling units on the second story or above are permitted.
  - b. Units behind a business: Residential dwelling units on the first story that are separated from the front lot line by a non-residential use in the same story are permitted.
  - c. Units attached to a business on a multiple frontage lot: In no case may first-story dwelling units face onto a front lot line.
2. In the NMU Zone, any new development shall include a mix of residential and non-residential uses. These uses may be mixed horizontally or vertically.

F. In addition to the specific use standards for Drive-Thru and Drive Up Facilities in Subsection 19.42.170, said facilities in the Downtown Historic District (DH) Mixed Use zone are subject to the following additional standards:

1. No drive-thru window, order/menu board, or other aspect of the drive-thru or drive-up transaction may be conducted on a street facing side of a building,
2. No entrance or exit for a drive-thru or drive up facility may directly access Main Street. All access must occur from a side street, and
3. A public alley may be used to access stacking lanes. The alley may not be blocked by the stacking of vehicles and the alley may not count as stacking spaces for the purposes of meeting required stacking capacity.
4. The Planning Commission may allow for variations to the stacking lane and capacity requirements in Section 19.48.100 of this code when it finds that site constraints due to lot width or area make compliance impossible. The approved drive-thru or drive up facility must be designed to ensure that adequate on-site maneuvering and circulation areas, ensure that stacking vehicles do not impede traffic on abutting streets, and that stacking lanes will not have nuisance impacts on abutting residential lots.



**MAGNA CITY  
ORDINANCE NO. 2024-O-12**

**AN ORDINANCE OF THE MAGNA CITY COUNCIL AMENDING THE MAGNA  
MUNICIPAL CODE, SECTIONS 19.42.170 AND 19.48.100 TO ADDRESS  
WEAKNESSES IN THE GENERAL REGULATIONS CONCERNING DRIVE-THRU  
AND DRIVE UP FACILITIES**

**RECITALS**

**WHEREAS**, Magna City is a municipality and has authority to regulate land use pursuant to Utah Code Ann. Subsection 10-9a-102(2); and

**WHEREAS**, Drive-Thru and Drive Up Facilities are allowed in commercial and mixed use districts subject to the use standards in Section 19.42.170 of Magna City Code; and

**WHEREAS**, Stacking/queuing standards for Drive-Thru and Drive Up Facilities are subject to the standards in Section 19.48.100 of Magna City Code; and

**WHEREAS**, the existing standards do not adequately reduce noise, lighting and visual impacts to residential uses abutting Drive-Thru and Drive Up Facilities; and

**WHEREAS**, the existing standards do not adequately regulate the location of stacking/queuing areas associated with Drive-Thru and Drive Up Facilities; and

**WHEREAS**, the existing standards lacked context to adequately apply a standard requiring a minimum distance between curb cuts and entrances to stacking/queuing areas; and

**WHEREAS**, the existing standards lacked the ability for the land use authority to adjust the requirements when site constraints made strict compliance impossible; and

**WHEREAS**, the Council deems it necessary to amend its ordinances accordingly, and for the protection and preservation of the public health, safety, and general welfare.

**BE IT ORDAINED BY THE MAGNA CITY COUNCIL** as follows:

1. Section 19.42.170 and 19.48.100 of the Magna City Code is amended to read as shown in **Attachment A** to this Ordinance:
2. Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which shall continue in full force and effect.
3. Effective Date. This Ordinance will take effect immediately upon posting and publication as required by law.

ADOPTED AND APPROVED at a duly called meeting of the Magna City Council on this 27<sup>th</sup> Day of August 2024.

MAGNA CITY

\_\_\_\_\_  
By: Eric G. Barney, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Recorder

\_\_\_\_\_  
City Attorney

Voting:  
Council Member Barney voting \_\_\_\_\_  
Council Member Prokopis voting \_\_\_\_\_  
Council Member Hull voting \_\_\_\_\_  
Council Member Sudbury voting \_\_\_\_\_  
Council Member Pierce voting \_\_\_\_\_

*(Complete as Applicable)*  
Date ordinance summary was published on the Utah Public Notice Website per Utah Code §10-3-711: \_\_\_\_\_  
Effective date of ordinance: \_\_\_\_\_

**SUMMARY OF**  
**MAGNA CITY**  
**ORDINANCE NO. 2024-O-12**

On August 27, 2024, the Magna City Council Enacted Ordinance No. 2024-O-12, amending the Magna Municipal Code, Sections 19.42.170 and 19.48.100 to address weaknesses in the general regulations concerning drive-thru and drive-up facilities.

**MAGNA CITY COUNCIL**

\_\_\_\_\_  
By: Eric Barney, Mayor

ATTEST

APPROVED AS TO FORM:

\_\_\_\_\_  
Nicole Smedley, Clerk/Recorder

\_\_\_\_\_  
Paul Ashton, City Attorney

Voting:

Council Member Prokopis	voting ___
Council Member Barney	voting ___
Council Member Hull	voting ___
Council Member Pierce	voting ___
Council Member Sudbury	voting ___

A complete copy of Ordinance No. 2024-O-12 is available in the office of the Magna City Clerk, 2001 South State Street, N3-600, Salt Lake City, Utah.

## Attachment A:

### General Drive-Thru and Drive Up Facilities Amendments

#### **19.42.170 - Drive-Thru and Drive Up Facilities.**

- A. Purpose: The regulations of this section are intended to allow for drive-thru facilities by reducing the negative impacts they may create. These impacts include noise from idling cars and voice amplification equipment, lighting, and queued traffic interfering with on-site and off-site traffic and pedestrian flow. The specific purposes of this section are to:
1. Reduce noise, lighting, and visual impacts on abutting uses, particularly residential uses;
  2. Promote safer and more efficient on site vehicular and pedestrian circulation; and
  3. Reduce conflicts between queued vehicles and traffic on adjacent streets.
- B. Applicability And Permit Requirements: These regulations shall apply to all new drive-through facilities, any rebuild or replacement of an existing structure containing a drive-thru facility or modification to an existing building that includes altering the location of an existing drive-through window, expands the floor area by twenty five percent (25%) or more of the gross floor area or one thousand square feet (1,000 sq. ft.), whichever is less and/or the parking requirement increases as required by this Title.
- C. Additional Application Materials Required: In addition to the site plan and standard application requirements, an applicant for a business with drive-thru facilities shall submit a site plan that includes: a parking and circulation plan, driveway locations, and the placement of audio equipment (if this type of equipment will be used).
- D. Adjacent To Residentially Zoned Property: Drive-up/drive-thru windows and their stacking lanes shall be separated from residentially zoned properties by an intervening building, a masonry wall in accordance with Subsection 19.50.050 (B), or by a major street.
- E. Capacity and design standards for drive-thru and drive-up facilities are found in Section 19.48.100.

#### **19.48.100 - Vehicle Stacking Standards.**

- A. Drive-Thru and Drive Up Facility, Stacking Lane Design Standards: These standards ensure that there is adequate on-site maneuvering and circulation areas, ensure that stacking vehicles do not impede traffic on abutting streets, and that stacking lanes will not have nuisance impacts on abutting residential lots.
1. Each stacking space shall be a minimum of twenty feet (20') in length and eight feet (8') wide along the straight portions and ten feet (10') wide along the curved segments.

2. To prevent stacking lanes from blocking traffic on adjacent streets, entrances to stacking lanes shall be clearly marked and located a minimum of sixty feet (60') from the closest curb cut. Stacking lanes may not enter or exit directly into a public street.
  3. Stacking lanes shall be designed so that they do not interfere with parking and vehicle circulation. Stacking lanes may not block required back out areas for adjacent drive aisles and parking spaces unless there is no other alternative for location of the building and drive-thru lane(s) on the site.
  4. All stacking lanes shall be clearly delineated from traffic aisles, other stacking lanes and parking areas using striping at a minimum and curbing, landscaping, or signs where appropriate.
  5. Stacking lanes may not wrap around in front of the main building entrance doors unless there is no other alternative for location of the building and drive-thru lane(s) on the site.
  6. Stacking lanes are strongly discouraged between the building and the street unless there is no other alternative for location of the building and drive-thru lane(s) on the site.
  7. All drive-thru queuing lanes providing greater than nine (9) spaces shall also provide a separate escape lane.
- B. Required Stacking Capacity: These standards ensure that adequate stacking for certain land uses is provided.
1. A drive-thru automated teller machine (ATM) shall provide no fewer than two (2) stacking spaces before the teller machine.
  2. A car or light truck wash shall provide no fewer than three (3) stacking spaces per lane before the wash bay entrance.
  3. A laundry or dry-cleaning establishment with a drive thru window shall provide no fewer than two (2) stacking spaces per lane before the drive-up window.
  4. A financial institution with teller lanes shall provide no fewer than three (3) stacking spaces per lane before the teller or drive-up window.
  5. A pharmacy with a drive thru window shall provide no fewer than three (3) stacking spaces per lane before the drive-up window.
  6. A restaurant with drive thru shall provide no fewer than eight (8) stacking spaces before the first drive-up window. A restaurant with more than one stacking lane shall provide no fewer than six (6) stacking spaced before the first drive-up window. Establishments where orders are placed for food or drink in a similar manner to a restaurant shall provide stacking in the same manner as a restaurant.
  7. Uses having a drive thru window but not listed in this part are required to have stacking lanes and stacking spaces as determined by the Director and based on the anticipated demand for stacking spaces given existing and projected traffic and consumer patterns.

8. A stacking lane is not required for accessory facilities where vehicles do not routinely stack up while waiting for the service. Examples are window washing, air compressor, and vacuum cleaning stations.



G R E A T E R   S A L T   L A K E

# Municipal Services District

Greater Salt Lake Municipal Services District - Planning & Development Services  
2001 S. State Street #N3-600 • Salt Lake City, UT 84190 • (385) 468-6700

File # REZ2024-001216

## REZONE SUMMARY AND RECOMMENDATION

**Public Body:** Magna City Council

**Meeting Date:** August 27, 2024

**Parcel ID:** 14-29-476-026-0000

**Acreage:** .87 Acres

**Current Zone:** C-2 (Commercial) Zone

**Proposed Zone:** C-1 (Commercial) Zone

**Property Address:** 8146 West 3500 South

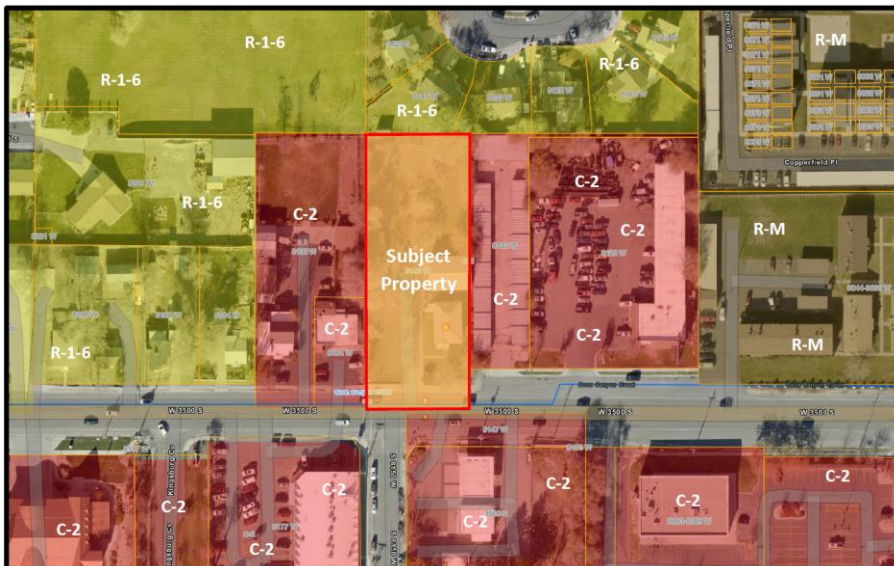
**Request:** Rezone from C-2 to C-1.

**Planning Commission Recommendation:** Approval

**Planner:** Jeff Miller

**Applicant Name:** Elliott Smith

## PROJECT DESCRIPTION



Elliott Smith is requesting a recommendation of approval for a proposed rezone from the C-2 (Commercial) Zone to the C-1 (Commercial) Zone. The subject property is .87 acres in size and is currently occupied by a non-conforming single-family home.

The applicant is requesting the proposed rezone because the C-2 Zone requires a minimum of 3 acres for a "project area", in order to develop the property. If the property is successfully rezoned, the applicant intends to construct a

quick lube oil service station on the subject property (which is a permitted use in both the C-2 & the C-1 Zones).

**Request:** Rezone from C-2 to C-1

## **SITE & VICINITY DESCRIPTION** (see attached map)

The subject property is located along 3500 South and is surrounded on both sides by commercially developed properties in the C-2 Zone. Between 8000 West and 8400 West, there is a large amount of commercially zoned properties on the south side of 3500 West, which includes the shopping center around the Smith’s grocery store, and the Arbor Park Shopping Center around Walmart. Immediately north of the subject property, is a large area of single-family homes in the R-1-6 (Single-Family Residential, 6,000 SF Minimum) Zone.

## **GENERAL PLAN CONSIDERATIONS**

According to the Magna General Plan, which was adopted in 2021, “3500 South (has been identified as) Magna’s primary commercial corridor, (which is) characterized by neighborhood and community strip centers at 8400 West and 7200 West.” The proposed commercial rezone, and the anticipated use of the property is consistent with other commercially developed properties in the general vicinity along 3500 South.

## **ZONE CONSIDERATIONS**

<b>Requirement</b>	<b>Existing Zone (C-2)</b>	<b>Proposed Zone (C-1)</b>
Height	<p>Minimum: No primary building within this district shall be erected to a height less than fifteen feet (15') above grade.</p> <p>Maximum: 45 Feet</p>	<p>Minimum: No primary building within this district shall be erected to a height less than fifteen feet (15') above grade.</p> <p>Maximum: 60 Feet</p>
Front Yard Setback	<p>Front Yard Setback (Major Street): 30 Foot landscaped setback from public right of way.</p> <p>Front Yard Setback (Minor Street): 15 Foot landscaped setback from back of curb.</p>	<p>Front Yard Setback (Major Street): 18 Foot landscaped setback from back of sidewalk.</p> <p>Front Yard Setback (Minor Street): 10 Foot landscaped setback from back of curb.</p>
Side Yard Setback – Corner Lots	Same as the front yard setback.	Same as the front yard setback.
Side Yard Setback – Interior Lots	No setback required when sharing a common wall. 8-foot setback to property line or 16 feet between buildings where building pads are used. Masonry Wall and 8-foot landscape buffer required between residential and non-residential uses in accordance with Section 19.05.050.B.	No setback required when sharing a common wall. 8-foot setback to property line or 16 feet between buildings where building pads are used. Masonry Wall and 8-foot landscape buffer required between residential and non-residential uses in accordance with Section 19.05.050.B.
Rear Yard Setback	10-foot setback to property line or 20 feet between buildings where building pads are used. Masonry Wall and 8-foot landscape buffer required between residential and	10-foot setback to property line or 20 feet between buildings where building pads are used. Masonry Wall and 8-foot landscape buffer required between residential and



**Request:** Rezone from C-2 to C-1

	non-residential uses in accordance with Section 19.05.050.B.	non-residential uses in accordance with Section 19.05.050.B.
Lot Width	No minimum lot width is required for lots in Commercial Zones. Lots not fronting on a street shall be accessible to the public via a recorded easement or right-of-way.	No minimum lot width is required for lots in Commercial Zones. Lots not fronting on a street shall be accessible to the public via a recorded easement or right-of-way.
Lot Area	There is no minimum lot size required in the Commercial Zones.	There is no minimum lot size required in the Commercial Zones.
Minimum Project Area	3 Acres.	None.

Compatibility with existing nearby development in terms of size, scale and height.	Can be Compatible
Compliance with the General Plan.	Yes

## ISSUES OF CONCERN/PROPOSED MITIGATION

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Planning Staff has not identified any issues of concern with the proposed rezone request.

## STAFF ANALYSIS

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**19.32.010 – Purpose of Provisions:** *The purpose of the commercial zones is to provide places in the municipality for a wide range of commercial and retail trades and uses, offices, business and professional services, and other uses that contribute to the economic stability of the community and wellbeing of its employees and residents. The zones are intended to provide employment opportunities and expand the municipal tax base, while also encouraging sustainable development and providing an attractive transition between residential and non-residential uses.*

- **The proposed rezone and anticipated use of the property is compliant with the purposes of the commercial zones within Magna City.**

**19.32.020 – Establishment of Commercial Zones (A):** *The C-1 Zone is intended to provide a wide range of commercial uses designed to serve neighborhood, community and regional needs. The commercial use may be freestanding or integrated in a center. Development is oriented to the street to encourage a pedestrian relationship and buildings are placed to allow interconnected walkways and shared site accesses for increased convenience, accessibility, and enhanced safety for pedestrians. Development includes elements and facades at the pedestrian level and achieves a sense of human scale and creates visual interest at eye-level.*

- **The intended use of the subject property is to be a freestanding commercial development on an .87-acre lot. This proposal complies with the purpose of the C-1 (Commercial) Zone.**

**19.32.020 – Establishment of Commercial Zones (B):** *The C-2 Zone is intended to provide retail uses, service-oriented businesses, offices, and restaurants in an integrated center. Each center shares common architecture access, parking, signage, and landscape design. Each center typically includes three (3) or more acres and provides regional or community level destination shopping which incorporates a design that enhances pedestrian orientation within the center.*

**Request:** Rezone from C-2 to C-1

- **The subject property is not compatible with the existing C-2 Zone, since it is less than 3 acres in size, and is not part of a commercial center (like the Arbor Park Commercial Development).**

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## **NEIGHBORHOOD RESPONSE**

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Planning Staff has not received any comments from the general public or the surrounding neighbors as of the completion of this report. Any comments that are received will be forwarded to the Magna City Planning Commission for review and will be summarized on August 8, 2024.

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## **PLANNING COMMISSION RECOMMENDATION**

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The Magna City Planning Commission heard this item on August 8, 2024. During the discussion on this item, there was a question brought up about an “excess lot” that is listed along the rear fence line of the property on the conceptual site plan. Staff let them know that this site plan hasn’t been fully reviewed for compliance with the codes at this point. There was an additional comment from another planning commissioner that they weren’t opposed to the rezone request, since the property was already commercially zoned, and this rezone allows the existing commercial property to be used.

During the public hearing, Councilman Sudbury made a comment that he was not in favor of the proposed rezone request because Magna already has enough oil change service stations, and additional concerns about traffic along 3500 South. There was one other comment from a member of the public, expressing concerns about traffic and safety along 3500 South.

The Magna City Planning Commission made a favorable recommendation to the Magna City Council for the proposed rezone request.

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## **CONCLUSION AND RECOMMENDATION**

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Planning Staff recommended that the Magna City Planning Commission analyzes the information contained in this report, prior to making a recommendation to the Magna City Council on the proposed rezone request from the C-2 (Commercial) Zone to the C-1 (Commercial) Zone.

Staff recommended that the Magna City Planning Commission should consider motions to recommend approval, approval with condition, or denial of the rezone application.

As rezones are legislative decisions, planning staff recommended that the planning commission consider the intent and purpose of the adopted general plan, and whether this zone change will help to implement the goals and objectives of that plan.

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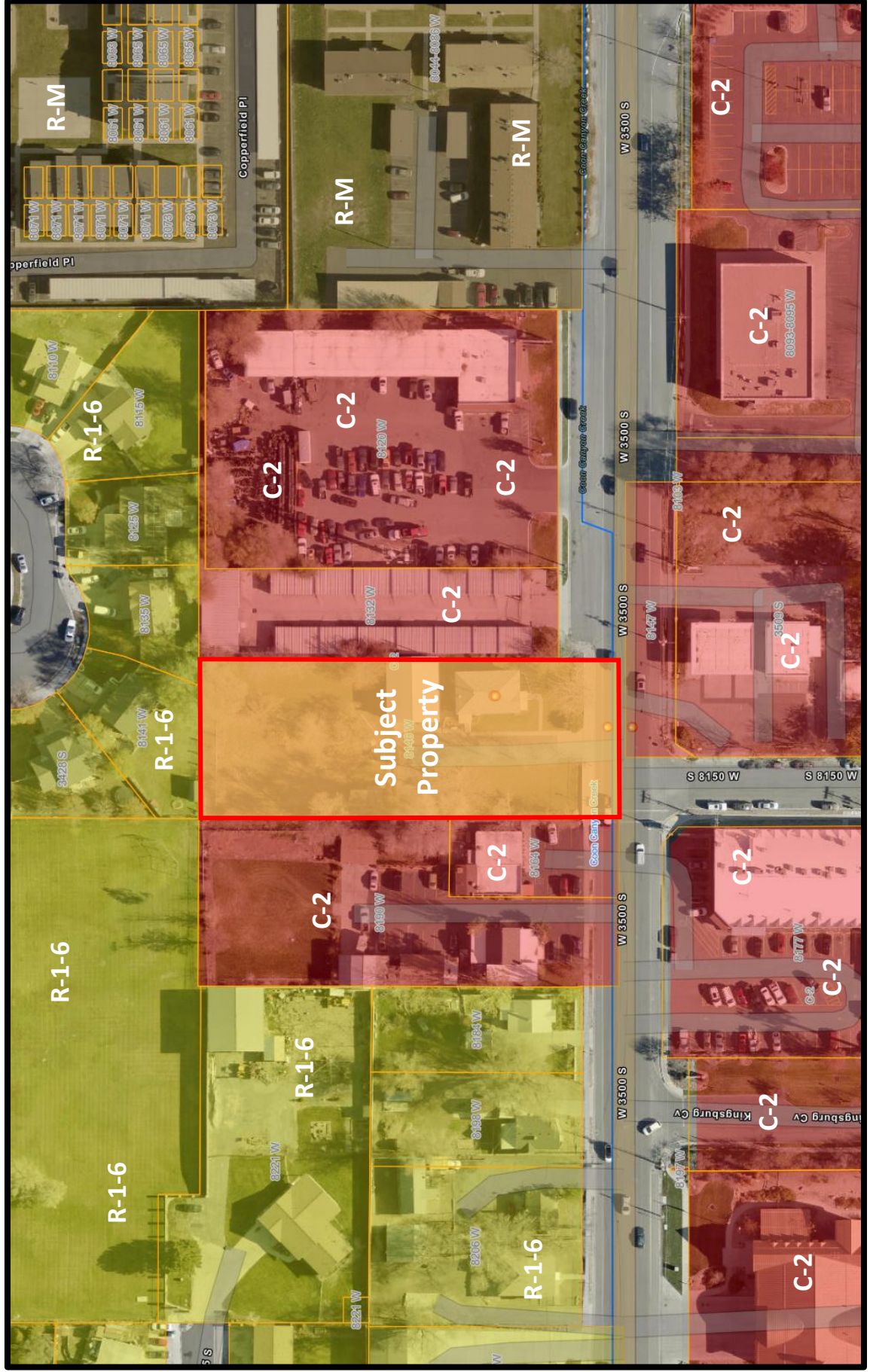
## **EXHIBITS**

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- A. Aerial Map.
- B. Concept Plan.

# REZ2024-001216: Rezone from C-2 (Commercial) Zone to C-1 (Commercial) Zone.

Parcel: 8146 West 3500 South (14-29-476-026-0000)



PRELIMINARY

**MAGNA RETAIL LOT**  
8146 W 3500 S  
MAGNA, UT  
TERRAFORM COMPANIES

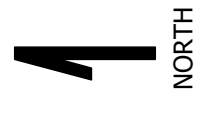
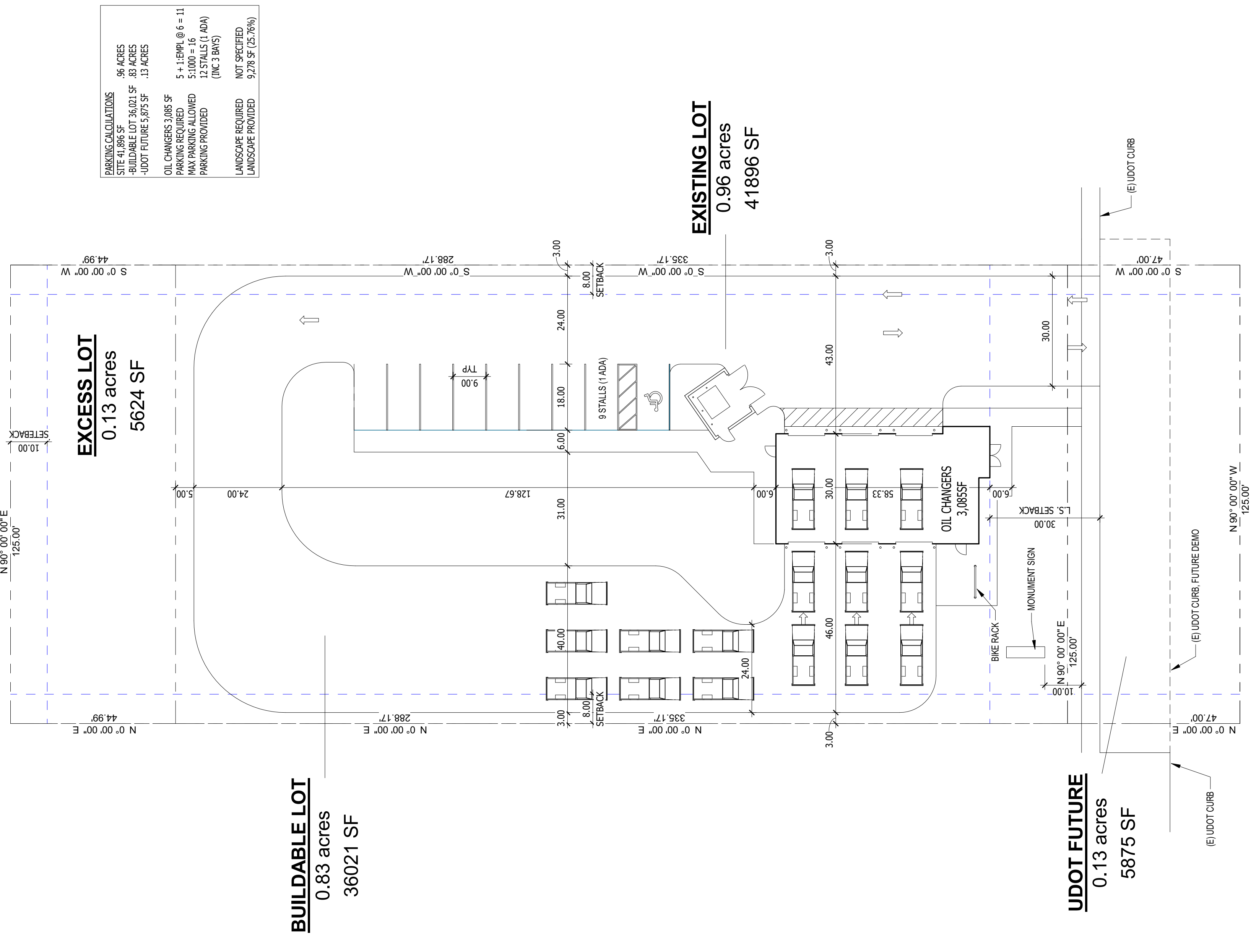
REVISIONS

MARK	DATE	DESCRIPTION

PROJECT #: 161  
DRAWN BY: NSP  
CHECKED BY: --  
ISSUED: 06.23.2024

ARCHITECTURAL  
SITE PLAN

A-002



**A1** ARCHITECTURAL SITE PLAN

1" = 20'-0"



REVISIONS	MARK	DATE	DESCRIPTION

PROJECT #:	161
DRAWN BY:	NSP
CHECKED BY:	--
ISSUED:	06.23.2024



A1 ARCHITECTURAL SITE PLAN  
1" = 20'-0"

**MAGNA CITY, UTAH  
ORDINANCE NO. 2024-O-13**

**AN ORDINANCE OF THE MAGNA CITY COUNCIL AMENDING THE ZONING MAP  
TO CHANGE THE ZONING OF THE PROPERTY AT 8146 WEST 3500 SOUTH FROM  
C-2 TO C-1**

**RECITALS**

**WHEREAS**, Magna City is a municipality and has authority to regulate Zoning in general pursuant to Utah Code Ann. Subsection 10-3c-103 (2); and

**WHEREAS**, Magna City has authority to adopt zoning ordinances, including a zoning map pursuant to Utah Code Ann. § 10-9a-501 in accordance with the Municipal Land Use, Development, and Management Act, (“MLUDMA”), Title 10, Section 9a, Utah Code, to establish zones within the metro township; and

**WHEREAS**, the Council deems it necessary to amend its zoning map in order to accommodate the proposed rezone request from the C-2 (Shopping Center Commercial) Zone to the C-1 (General Commercial) Zone for the subject parcel located at 8146 West 3500 South for the protection and preservation of the public health, safety and general welfare.

**BE IT ORDAINED BY THE MAGNA CITY COUNCIL** as follows:

1. Section 19.14.020, The Zoning Map of Magna City is hereby amended as follows:

The property described in Application #REZ2024-001216 filed by Elliot Smith, and located at 8146 West 3500 South, within Magna City, is hereby reclassified from the C-2 (Shopping Center Commercial) Zone to the C-1 (General Commercial) Zone, said properties being described as follows:

**PARCEL #:** 14-29-476-026-0000

**LEGAL DESCRIPTION:** BEG W 931 FT FR SE COR SEC 29, T 1S, R 2W, SLM; W 125 FT; N 335.17 FT M OR L; E 125 FT; S 335.17 FT M OR L TO BEG. LESS STREET. 0.87 AC.

The official zoning map kept on file with the Planning and Development Services Division of the Municipal Services District of Greater Salt Lake shall be changed to reflect this ordinance.

SECTION II: This Ordinance is effective upon posting as required by law.

*[Execution on following page]*

ADOPTED AND APPROVED at a duly called meeting of the Magna City Council on this 27<sup>th</sup> Day of August 2024.

MAGNA CITY

\_\_\_\_\_  
By: Eric G. Barney, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Recorder

\_\_\_\_\_  
City Attorney

- Voting:
- Council Member Barney voting \_\_\_\_\_
  - Council Member Prokopis voting \_\_\_\_\_
  - Council Member Hull voting \_\_\_\_\_
  - Council Member Sudbury voting \_\_\_\_\_
  - Council Member Pierce voting \_\_\_\_\_

*(Complete as Applicable)*  
 Date ordinance summary was published on the Utah Public Notice Website per Utah Code §10-3-711: \_\_\_\_\_  
 Effective date of ordinance: \_\_\_\_\_