



**MAGNA CITY COUNCIL
MEETING AGENDA
September 10, 2024**

Webster Center
8952 West Magna Main Street
Magna, Utah 84044

PUBLIC NOTICE IS HEREBY GIVEN that the Magna City Council will hold a meeting on the **10th day of September 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: 1:55

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. Wasatch Front Waste and Recycling District - ***Pam Roberts, General Manager*** (10 minutes)
- C. Magna Water District Presentation - ***Clint Dilley, General Manager*** (10 minutes)

6. **PUBLIC HEARING** (Action taken September 24, 2024)
 - A. Public Hearing to receive public comment regarding revisions to the Magna Municipal Code, Titles 11 & 12. – *David Brickey, General Manager* (5 minutes)

Action on September 24, 2024: Adopt Ordinance 2024-O-13 Amending Title 12 of Municipal Code, Provisions on Code Enforcement and Community Preservation.

7. **CONSENT AGENDA**

- A. Consider Approval of 5/14/2024 and 5/28/2024 Minutes – *Nicole Smedley, Council Clerk/Recorder Municipal Services District* (5 minutes)

8. **DISCUSSION ITEMS**

- A. Discuss Capital Selection Process for the Municipal Services District (MSD) – *Tolin Hessell, Salt Lake County Engineering* (10 minutes)
- B. Discuss Magna Historic District Area Plan – *Matt Starly, Long Range Planner II* (30 minutes)
 - o Plan document drafts for print and screen, as well as section extracts can be accessed using the following Google drive folder link:
https://drive.google.com/drive/folders/1XLWnop4jvcXVRJFeJ7QryNHm780BJLyg?usp=drive_link, see also: Magna, Utah’s Historic District Area Plan Web Experience:
<https://experience.arcgis.com/experience/dd145b6aaf31417d90d78630eeeb98ee/> (Manga Historic District Area Plan draft pdf, as well as chapter and section draft pdfs are also available using the links embedded within the website).
- C. Discuss City Hall Facilities – *Eric Barney, Mayor* (10 minutes)

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

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

11. **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

12. **ADJOURN**

ZOOM MEETING: Topic: Magna City Council Meeting

When: September 10, 2024, 06:00 PM Mountain Time (US and Canada)

Register in advance for this webinar at:

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: September 6, 2024



Wasatch Front Waste and Recycling District

Report for Magna City Council Meeting September 10, 2024



Our Vision: A sustainable organization that provides for the welfare of our communities.

Our Mission: To provide sustainable quality integrated waste and recycling collection services for the health and safety of our community...because not everything fits in the can.



Employee Satisfaction & Engagement

10 New Trucks Have Arrived & In-Service

This helps with driver morale:
Fewer breakdowns, down time,
better AC systems in hot temps, etc.

New Side Load Truck with CNG Tanks on the Tailgate



A few Photos from the Garbage Person Day Celebration



Leadership Development and Team Strengthening

Our Executive Team, including Pam, Hazel, Matt, David and Renee attended the Mind Body Bridging Workshop on June 27th.

The facilitators included Dr. Derrick Tollefson, and Jontrell from the I-Systems Institute at Utah State University, and Steve Hansen, the Trust's Executive Director. The purpose of this work is to promote productivity in the workplace as individuals and as teams.

Our Management Team met with our leadership consultant, Pam Gardiol, on Tuesday, June 9th for a regroup as we tackle our current and upcoming challenges as an organization. Pam holds a Master's degree in Organizational Management and a Bachelor's degree in Social Work and Psychology.

The objective is to get back to the basics of leadership and focus on our strengths as individuals and as a team to advance our goals and our organization.

Customer Satisfaction & Engagement



Our team believes in having a public presence by attending community events.

Most recent engagement with Magna residents includes having a truck in the Magna 4th of July Parade. Brett Morrill, was the driver in the parade and even added fancy hubcaps for the event!

James Kelsey, Sustainability Coordinator and Pam Roberts, General Manager were also present at the Magna City Open House in June to provide service information and recycling education.

We provide recycling right education at these events. Please like us on Facebook and check out our website for details on responsible recycling.



<https://wasatchfrontwaste.org/how-recycle>

HB 107 and WFWRD's Approach to Help Our Cites & Towns Meet Reporting Requirements

WFWRD staff have created an additional page called District Stats on our website under the About tab that is specifically for reporting collection tonnages by commodity. <https://live-wasatch.pantheonsite.io/node/155>

WASATCH FRONT
Waste & Recycling District

Do We Service You/Service Day ▾
How to Recycle ▾

Rent-A-Trailer
Holiday Schedule

Services & Requests ▾

Additional Subscription Services ▾

Seasonal Container Reservations

The Team
FAQs ▾
News
Our Board of Trustees ▾
WFWRD Policy Manual
Records Management ▾
Utah State Code Information
Fees & Logistics ▾
Join Our Team
District Statistics

Welcome to Wasatch Front Waste & Recycling District

53,454
Tons for Refuse Curbside

3,131
Green Tons

9,469
Tons for Recycle Curbside

349
Glass Tons

1,157
Tons for Refuse in SS

290
Tons for Recycle SS

9
Leaves Tons

440
Trailer Bulk Tons

288
Trailer Green Tons

27
Trees Tons

3,102
SCRIP Tons

1,228
Count of Vouchers

The Integrated Collection System

9,759
Recycle Tons

58,694
Total waste tons

3,138
Green Tons

27
Trees Tons

349
Glass Tonnage

18.47%
Diversion Rate

Diversion Rate by Month

Month	Diversion Rate
January	19.48%
February	18.43%
March	19.15%
April	18.08%
May	19.07%
June	16.93%

Tons Diverted by Month

Month	Tons Diverted
January	1,921.93
February	1,643.43
March	1,823.68
April	2,481.95
May	3,139.31
June	2,262.81

Staff will add a link for each of the cities and towns to click and access their respective recycling tonnage information. We will also provide stats and updates specifically for HB 107 compliance for in each city and town's newsletter at least twice a year in compliance with this State Statute.

Seasonal Container Reservation Program (SCRP) Stats

- The 2024 SCRCP season marks the fifth year of this approach to the program. With this model, we service between 9-11% of the homes in our cities and towns
- Annual SCRCP services run mid-April through September:
 - We started in Millcreek this year and moved clockwise through the District.
 - We will end the season on September 30th serving the City of Taylorsville.
 - Magna services started on Friday, July 26th and the last container was picked up on Monday, August 12th.

Magna SCRCP Service Stats:

- The District provides trash & Recycling to close to 8,000 homes in Magna.
- Magna had two full weeks of SCRCP servicing dates: 07/26 - 08/12 with 529 tons collected.
- Our team was able to accommodate 691 of the 875 requested SCRCP reservations, which is *79% of the reservations being accommodated vs an avg of 57% for all WFWRD*).
- For the past three years our board has been reviewing ideas posed by residents on how to expand this container service to more residents
- One idea that is being considered:
 - Limit repeat reservations year-after-year, which would mean:
 - Those who received a container in 2024, would not be eligible in 2025 **unless** the current year's waitlist was exhausted (essentially a 2nd waitlist)
 - Anyone on the waitlist in 2024, would have "first dibs" in 2025 on the regular reservation list.
- The 2025 Season will begin mid-April in Murray & Holladay and will move clockwise throughout the District.

Prior →
Services



Vs.

SCRCP →



Year-to-Date Services and Tonnages for Magna

- ✓ The 8,000 homes in Magna are 9% of the approximately 85,937 homes in the District boundaries.
- ✓ Residents of Magna are slightly below our goal of 18% diversion with 17% of waste being diverted from the landfill. District-wide estimated 18% diversion.
- ✓ Disposal fee for 6,822 tons of garbage collected curbside in Magna = \$29.00 per ton. (SL Valley Landfill)
- ✓ \$42.00 per ton average processing fee for 964 tons of curbside recycling in Magna. (\$22.00 per ton less than 2023)
- ✓ Processing for 524 tons of curbside green = \$17.00 per ton. (SL Valley Composting Facility)
- ✓ 562 landfill vouchers: 261 QR code and 201 paper. \$6,744 paid by the District.



District Updates and 2025 Budget Discussions

Our Board has been discussing the likelihood of raising fees for services in 2025 to manage rising costs. The main cost drivers account for close to \$5,000,000 increased costs, which equates to \$5.00 per month per home. These categories and costs are as follows:

Increased Costs By Type Work in Progress as of 08/12/24							
	12/31/2020	12/31/2021	12/31/2022	12/31/2023	as of 8/12/2024	as of 08/12/24	WIP
	2020	2021	2022	2023	2024 Budget + Projections	Increase Costs In 5 Years	2025 Pending
Wages & Overtime	\$ 4,909,969	\$ 5,226,486	\$ 5,720,120	\$ 6,466,754	\$ 7,348,300	\$ 2,438,331	
Maintenance	\$ 3,448,266	\$ 3,377,225	\$ 3,554,944	\$ 4,014,809	\$ 4,736,734	\$ 1,288,468	
Dumping Fees	\$ 4,309,102	\$ 4,217,045	\$ 4,137,259	\$ 4,371,035	\$ 4,589,586	\$ 280,484	
Recycling	\$ 1,058,749	\$ 330,584	\$ 692,481	\$ 1,283,250	\$ 1,476,000	\$ 417,251	
Fuel (CNG)	\$ 995,544	\$ 1,125,122	\$ 1,213,415	\$ 1,374,935	\$ 1,593,700	\$ 598,156	
Truck Purchase Price	\$ 322,500	\$ 332,200	\$ 350,277	\$ 415,217	\$ 436,695	\$ 114,195	
Total Over 5 years						\$ 5,136,884	

Considerations: Wages are the highest increase year over year due to the rapidly rising salary markets especially for CDL drivers. For example, on Monday, August 26, 2024, our board approved a 7.61% salary market adjustment for our CDL drivers to stay within markets. This adjustment is doable without a budget adjustment due to under expenditures from driver vacancies, which is a double-edged sword.

The last fee increased was implemented in 2023 with \$2.50 per home/month increase moving to the current \$19.50 per mo./\$58.50 per qtr./\$234 annual.

There was a five-year period since 2018 when fees were raised \$2.25 per home/per month, to \$17.00 from \$14.75 per month. Prior to 2018, fees increased in 2014 with \$2.00 per month from \$12.75 per month to \$14.75.

Staff have engaged with Zions for financial advisory services as we work to manage the rising costs for providing waste and recycling collection services for our residents. We are seeking advice and recommendations on fee structures and billing frequency, revenues and options for funding sources that may include leasing heavy equipment. Incurring debt would be a first for WFWRD but our board may choose this as an option to reduce the amount of a needed fee increase.

More to follow as we go along during the 2025 budget discussions in September and October.

Thank You! Any Questions?





Introduction to Magna Water District

Clint Dilley, P.E. – General Manager, Magna Water District

Magna City Council Meeting September 10, 2024





Before I Get Into It

- ▶ A few questions for you that may help me
 - ▶ What's on your mind?
 - ▶ Any questions for me before I get started or that you'd like to make sure I address in this discussion?
 - ▶ Does water ever keep you up at night?

- ▶ <https://earthobservatory.nasa.gov/images/150187/the-great-shrinking-lake>

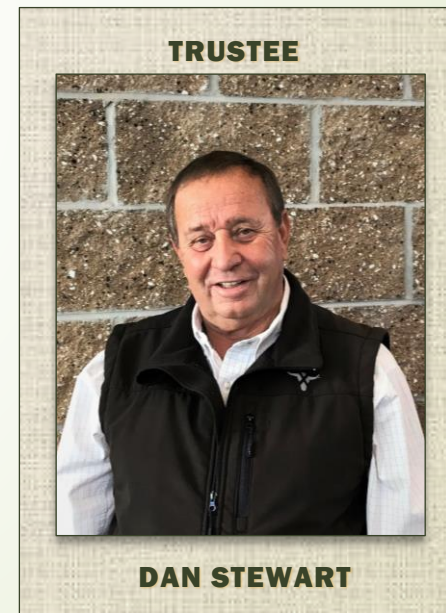
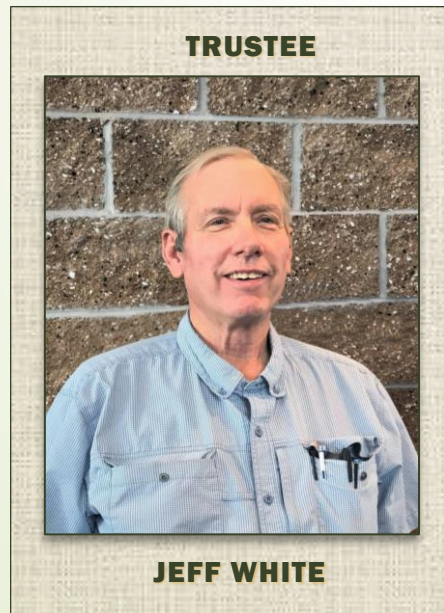
Magna Water District History

- Magna Water District is a Local District
 - What is a Local District?
 - An independent governmental entity created by a city or county to provide specific services such as water & sewer services
- MWD was formed by resolution of the Board of Salt Lake County Commissioners in 1949
- Established the Magna Water Board of Trustees as the governing body of the District
- Previously Pleasant Green Water Company



Board of Trustees

- ▶ Three-member board elected by our customers
- ▶ Four-year term
- ▶ Current board members:





What Makes Us Unique?

- ▶ Magna Water District is quite unique in the Salt Lake Valley
 - ▶ Provide own drinking water sources & treatment in addition to storage & distribution
 - ▶ Provide own wastewater treatment in addition to collection
 - ▶ Provide own secondary water sources, treatment, storage & distribution
 - ▶ Brine facilities
 - ▶ Reuse facilities (forthcoming)



Mission, Vision & Values



Mission

The Magna Water and Sewer District is committed to serving the needs of the Magna Metro Township, portions of West Valley City and Salt Lake City, residents, businesses, and visitors by providing high-quality drinking water and wastewater disposal services while planning for future economic growth



Vision

The continuous delivery of safe, excellent, cost-effective water supply and wastewater services in compliance with all State and Federal regulatory requirements to every home and business within Magna Water District boundaries

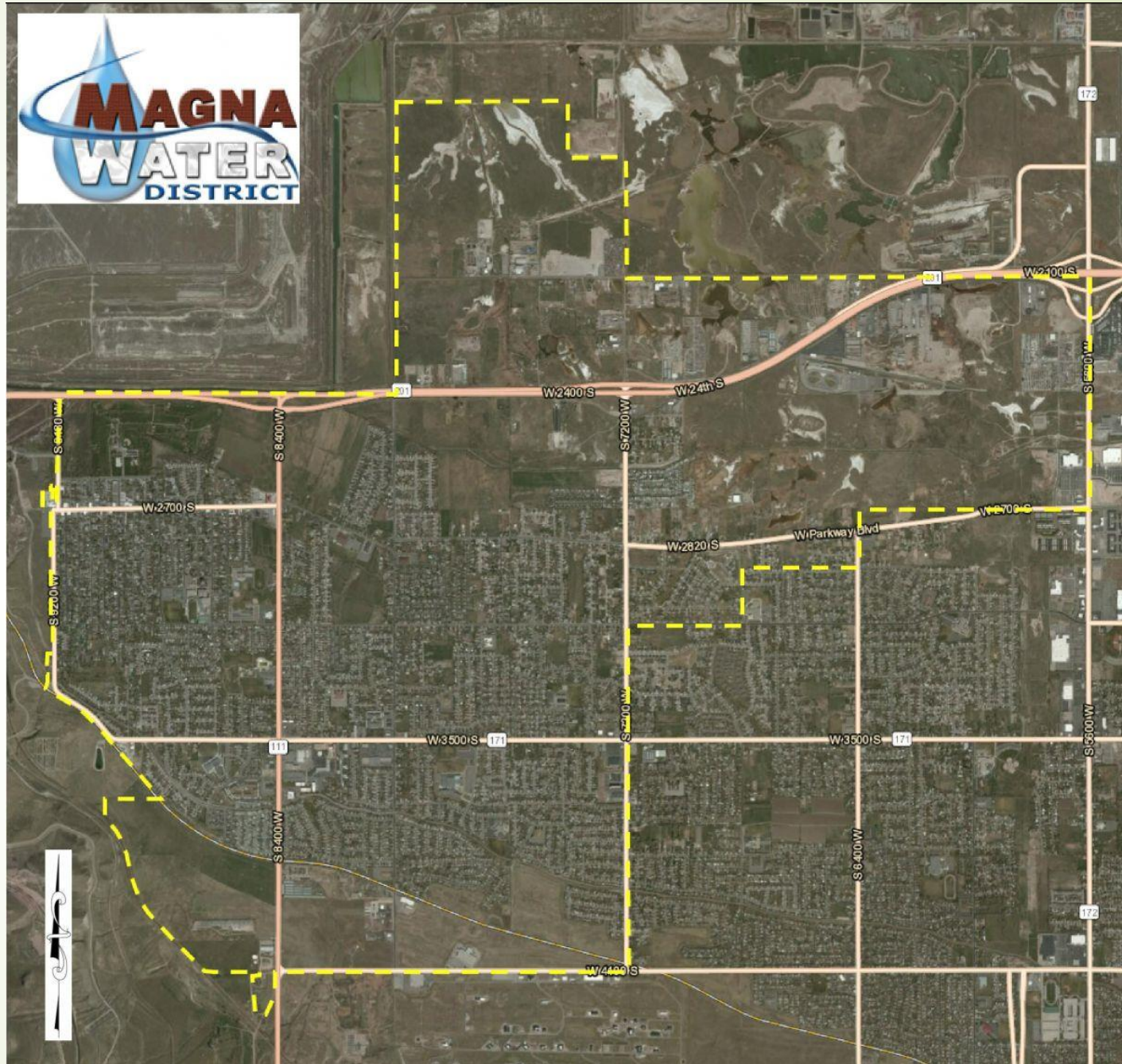


Values

Service, Leadership, Integrity, Flexibility, Efficiency and Stewardship

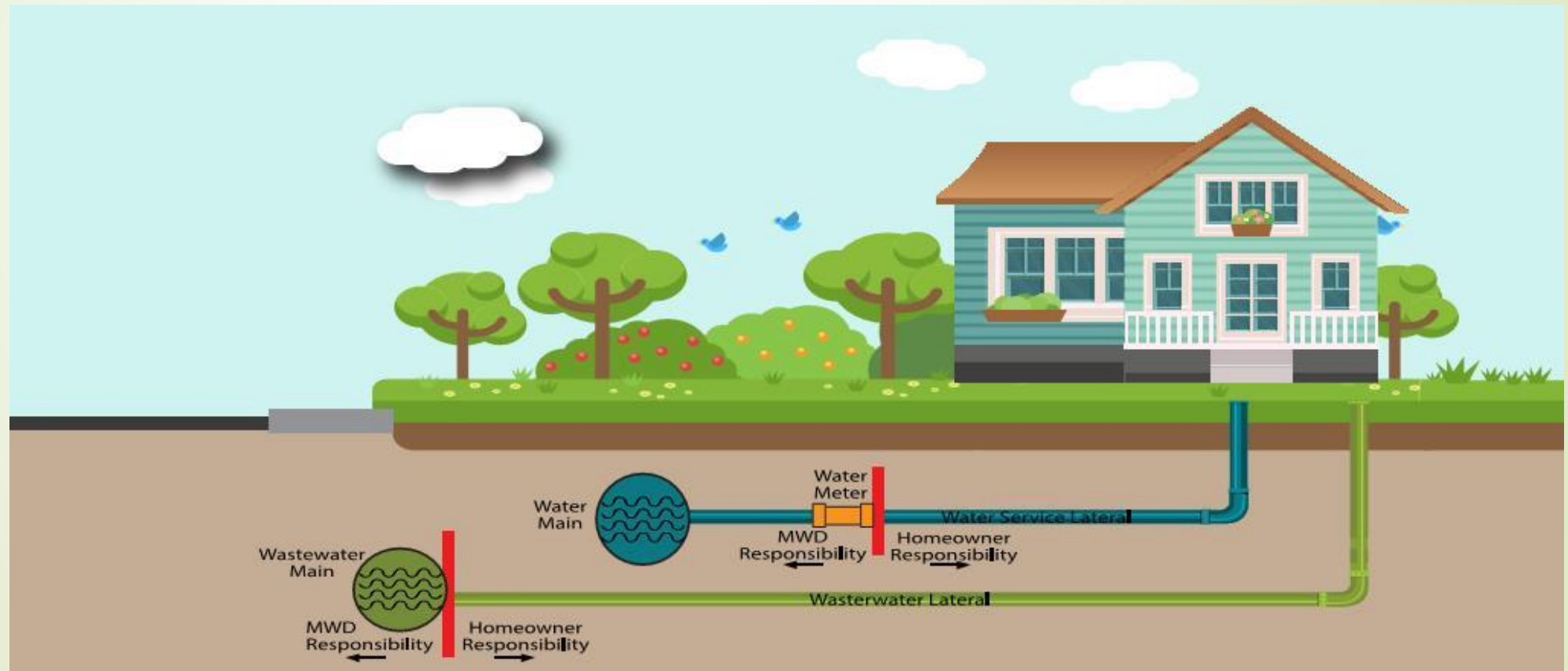
Service Area

- All of Magna City
- NW corner of West Valley City
- Small sliver of Salt Lake City



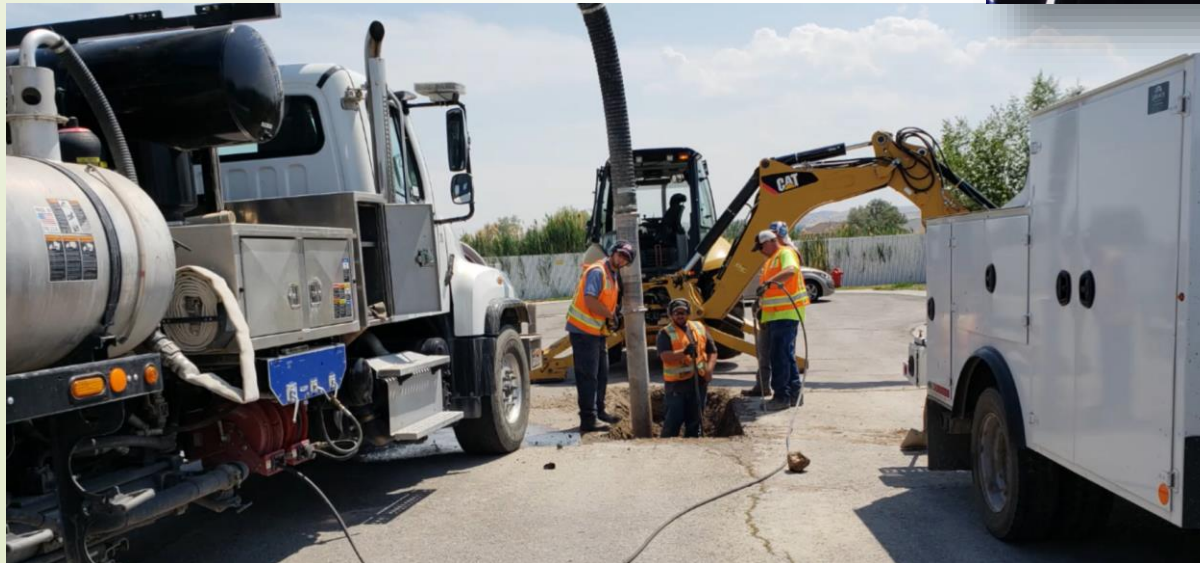
Service Demands

- ▶ ~9,700 drinking water connections
- ▶ ~9,700 sanitary sewer connections
- ▶ ~1,800 secondary water residential equivalent connections



Staffing

- ▶ 35 full time employees
 - ▶ Administration, Financial & Cust. Service
 - ▶ Human Resources & Safety
 - ▶ Engineering & Inspection
 - ▶ Water Operations & Maintenance
 - ▶ Wastewater Operations & Maintenance
 - ▶ Service Mechanic & Maintenance
- ▶ All non-management employees represented by Teamsters Union



Drinking Water System

➤ Sources

- Barton & Haynes Well fields (10 wells) – 4,100 acre-feet (1.3 billion gallons)
- JWCD Wholesale Connection – 800 Acre-feet (260 million gallons)

➤ Treatment

- Electrodialysis Reversal (EDR) Water Treatment Plant (WTP) - 12 MGD Capacity



Drinking Water System

- ▶ Treatment (Continued)
 - ▶ Brine Wet Well, Pump Station & Pipeline – 3 MGD Capacity



Drinking Water System

- ▶ Storage
 - ▶ 7 Storage Reservoirs
 - ▶ 18 Million Gallons of Total Storage
- ▶ Distribution
 - ▶ 3 Pressure Zones
 - ▶ 3 Booster Pump Stations
 - ▶ 140+ miles of distribution piping
 - ▶ 1,200+ Fire Hydrants





Drinking Water System

- ▶ Significant Water Quality Improvement since 2008
 - ▶ Prior to EDR WTP
 - ▶ 1,000-1,200 mg/L Total Dissolved Solids (TDS)
 - ▶ 14-25 ppb Arsenic
 - ▶ 10-20 ppb Perchlorate
 - ▶ After EDR WTP
 - ▶ 500-600 mg/L Total Dissolved Solids (TDS)
 - ▶ 7-8 ppb Arsenic
 - ▶ 1-2 ppb Perchlorate

Secondary Water System

- ▶ Sources
 - ▶ Shallow Wells (3 wells) – 320 acre-feet delivered in 2023 (104 million gallons)
 - ▶ Utah & Salt Lake Canal Pump Station – 550 Acre-feet delivered in 2023 (179 million gallons)
- ▶ Treatment
 - ▶ Amiad Filtration (100-micron screening) - 4 MGD
 - ▶ Reuse Treatment Facility (under construction) – 4 MGD
- ▶ Storage
 - ▶ 2 Reservoirs
 - ▶ 12 MG Total



Secondary Water System



- ▶ Forthcoming Water Quality Improvement
 - ▶ Prior to Reuse (U&SL Canal Water)
 - ▶ 50-100 mg/L Total Suspended Solids (TSS)
 - ▶ 50-100+ NTU Turbidity
 - ▶ Subject to Harmful Algae Blooms (HAB) & Water Restrictions
 - ▶ Expected After Reuse (Treated Effluent Type I Reuse)
 - ▶ 5 mg/L Total Suspended Solids (TSS)
 - ▶ 2 NTU Turbidity
 - ▶ Not subject to HAB's nor Water Use Restrictions

- ▶ Distribution
 - ▶ 3 Pressure Zones
 - ▶ 2 Booster Pump Stations
 - ▶ 25+ miles of distribution piping



*Visual Comparison of Secondary Water Quality
39 – Untreated Effluent, 43 – Untreated Canal Water*

Wastewater System

- ▶ Sanitary Sewer Collections System
 - ▶ 103+ miles of sewer piping
 - ▶ 1700+ sewer manholes



Wastewater System

- ▶ Wastewater Treatment Plant (WWTP) – 4 MGD Capacity
 - ▶ Headworks Screening & Grit Removal
 - ▶ Oxidation Ditches for biological aeration & mixing



Wastewater System

- Wastewater Treatment Plant (WWTP) – 4 MGD Capacity (Continued)



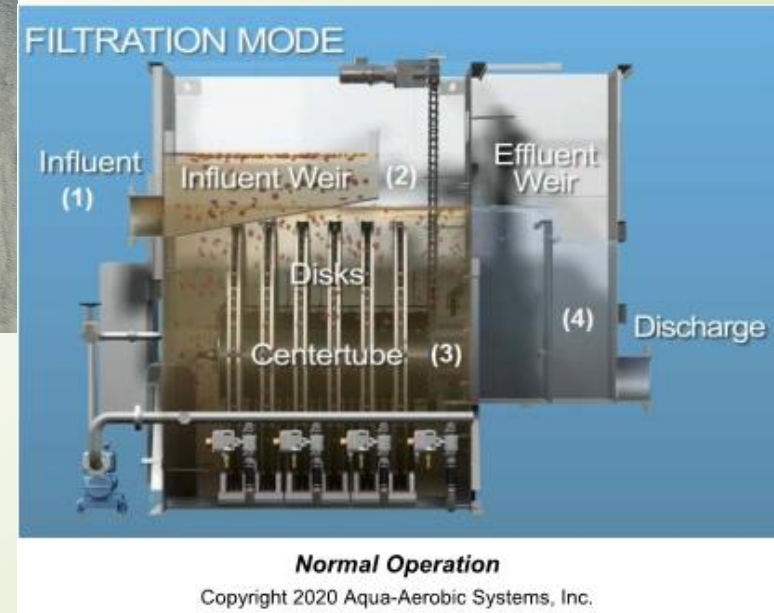
- Clarification process
- Chlorination process

Wastewater System

- Wastewater Treatment Plant (WWTP) – 4 MGD Capacity (Continued)

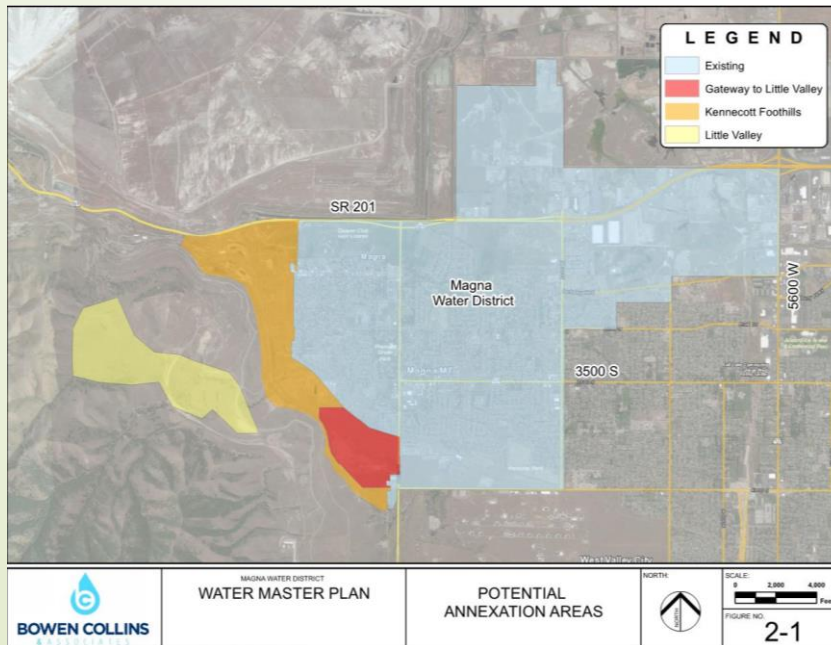


- Reuse filtration & pump station (under construction)
- Solids Handling process
- UPDES discharge permit to C-7 Ditch



Big Picture Issues

- Aging Infrastructure
 - Much of District's original infrastructure 80+ years old
 - Master planning process to evaluate & prioritize
 - Rehabilitation & Replacement Projects
 - Preventative Maintenance programs



- Increasing Population & Service Demands
 - Expand capacity of water & sewer systems
 - Master planning to determine size/capacity
 - Existing undeveloped lands within District
 - Planned annexations into District
 - Water budgets for future development (coming soon)

Big Picture Issues

- ▶ Drought Planning & Conservation
 - ▶ Extreme drought cycles new norm
 - ▶ Water conservation action levels
 - ▶ Leak Detection programs
 - ▶ Tiered rate structures
 - ▶ Conservation Gardens
 - ▶ AMI meter infrastructure (starting)
- ▶ Emergency Response Planning
 - ▶ Shelf spares for critical equipment
 - ▶ Increase standby generator capacity
 - ▶ Mobile water storage tank trailer
 - ▶ Earthquake, fire, flood, etc.





Big Picture Issues

- ▶ Reusable, Renewable & Sustainable Uses
 - ▶ Reduce Peak Demands on DW EDR Plant by Expanding SW System
 - ▶ Peak Demand is 4-5 times higher than baseline
 - ▶ Expand storage capacity
 - ▶ Solar panels on three of administration buildings
 - ▶ Reuse water (forthcoming)
 - ▶ Aquifer recharge (future)
- ▶ Water Quality Improvements
 - ▶ Replace EDR stacks with more efficient units to improve Drinking Water Quality (forthcoming)
 - ▶ Brine separation from wastewater effluent for cleaner reuse water
 - ▶ Reuse water instead of canal water to improve Secondary Water Quality (forthcoming)
 - ▶ Aquifer recharge (future)

Big Picture Issues

- More Stringent Drinking Water Standards
 - Lead & Copper Rule Changes
 - Unregulated Contaminants
 - PFAS/PFOS
 - Perchlorate
 - Freon
- More Stringent Wastewater Effluent Standards
 - Nutrient limits
 - Phosphorous (recent)
 - Reuse dual benefit helps phosphorous limits
 - Nitrogen (future)
 - Emerging Contaminants of Concern
 - PFAS/PFOS
 - Personal care products/pharmaceuticals
 - Increased BOD loadings from high density housing

Magna Water District Infrastructure



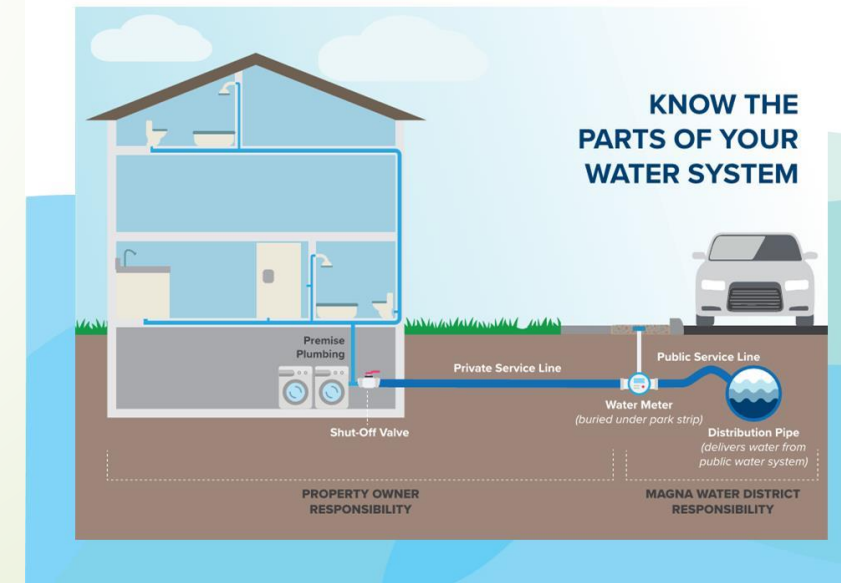
Magna Water District is providing this information to let you know about an upcoming inventory of lead pipes in the District's public and private infrastructure. The inventory process will happen over the next 12 to 18 months. No action is needed by homeowners or businesses at this time.

Do you know the different parts of your water system?

Water travels in large distribution pipes underground to a public service line in front of your house before reaching your water meter under the park strip. The water meter measures how much water your household utilizes each month to calculate your monthly bill. The distribution pipe, public service line, and water meter are owned by Magna Water District.

A private service line runs underground between the meter and into your home, where you can find your water shut-off valve. The private service line connects to your premise plumbing inside the walls of your house. The premise plumbing delivers water to all your faucets, showers and bathtubs, as well as your washing machine, toilets, and outdoor spigots. The private service line and premise plumbing are owned by the property owner.

Knowing the parts of our water system and the materials that were utilized to construct it is important. The diagram below illustrates how water treated by Magna Water District makes it to your faucet. Flip this page over to learn why Magna Water District may need your help to determine the materials used in your pipes.





Questions?

- ▶ Contact Information:
 - ▶ Clint Dilley, P.E., General Manager
 - ▶ Cell Phone – 801-707-1266
 - ▶ Email – clintd@magnawater.com

**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]

DRAFT

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

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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

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- 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.

DRAFT

DATE TUESDAY MAY 14, 2024

THE MAGNA CITY COUNCIL, STATE OF UTAH, MET ON TUESDAY, MAY 14, 2024, PURSUANT TO ADJOURNMENT ON TUESDAY, APRIL 23, 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: TRISH HULL
STEVE PROKOPIS
AUDREY PIERCE
MICK SUDBURY
ERIC BARNEY, Mayor

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

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Mayor Barney, Chair, 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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Public Comment

Carin Crowe, CEO, Salt Lake Valley Habitat for Humanity, stated that after receiving feedback from Magna residents at last week's Magna City Planning Commission meeting, it rescinded submitted plans. It will revisit the plans to better address community concerns.

Nick Filter expressed frustration over delays in obtaining a building permit for his home addition. He began the process in September 2023 but only received meaningful communication on May 6, 2024. His concerns included a requirement for a drainage study and the installation of a retention basin on his property, which he felt were excessive for a home addition. He also noted discrepancies in permit requirements compared to others. He urged the City Council to improve customer service, ensure transparency in the permit process, and reconsider the curb and gutter installation demand.

Annabeth Nakum stated that she had lived in Magna for fifty years and is happy with Habitat for Humanity's presence in Magna and grateful for the Council's responsiveness to the community.

Jeff Scott stated he owns the property near Habitat for Humanity. He raised concerns about the project’s density, building heights, and parking. He thanked the Council for reconsidering the plans.

John Hardman stated he owns property next to Habitat for Humanity. He thanked the Council for addressing concerns and emphasized the need for clarity on maintaining single-family dwelling zoning.



Unified Police Department Report

Chief Del Craig stated there had been a significant increase in vandalism around Matheson Jr. High and Elk Run Elementary Schools. Nearly 100 windows were broken at Matheson Jr. High with an estimated \$50,000 in damage and Elk Run Elementary’s estimate for damages is approximately \$10,000. Arrests of some juveniles have been made. Multiple vehicles and LDS churches have been damaged as well. The incidents continue to be investigated.



Community Stakeholder Reports

4th of July

Kari Duckworth stated there were 35 entries confirmed for the parade and seven sponsors, with a committed sponsorship amount of approximately \$5,500. Efforts were ongoing to secure additional sponsors. T-shirt sales had begun for the year. A meeting at the park was held the previous day to plan the layout in a way that would accommodate more visitors, aiming to position activities towards the front to reduce walking distance for attendees.

For entertainment, a local band called Jagertown, which has gained mainstream recognition, was booked. However, securing the band required additional funds beyond the initial budget. Ms. Duckworth requested an adjustment to the budget to allocate an additional \$2,500 from reserve funds. This amount would supplement the \$1,500 already secured as part of the entertainment package. Kari acknowledged that the amount requested was significant but emphasized the importance of the band for the event.

She also mentioned that efforts were being made to involve the local media to feature the event, though it was uncertain if they would attend.



Consent Agenda

Minutes

DATE TUESDAY MAY 14, 2024

Council Member Hull, seconded by Council Member Sudbury, moved to approve the minutes of the Magna Metro Township meetings held on March 12, 2024 and March 26, 2024. The motion passed unanimously.

Public Hearing to Consider FY2025 Magna City Final Budget

Council Member Hull, seconded by Council Member Sudbury, moved to set a public hearing to consider the adoption of the proposed FY2025 Magna City Final Budget for June 11, 2024, at 6:00 PM. The motion passed unanimously.

Public Hearing to Consider Increases to Elected, Appointed and Executive Municipal Officers

Council Member Hull, seconded by Council Member Sudbury, moved to set a public hearing to consider increases to elected, appointed, and executive municipal officers for Magna City for June 11, 2024, at 6:00 PM. The motion passed unanimously.



Discussion and Action Items

Fiscal Year 2025 Magna City Tentative Budget

Dave Sanderson, Financial Manager, stated a public hearing needs to be set for the FY2025 Tentative budget.

Council Member Sudbury, seconded by Council Member Hull, moved to set a public hearing to consider adoption of the FY2025 Magna Tentative Budget for May 28, 2024, at 6:00 PM. The motion passed unanimously.

FY2025 Magna City Municipal Fee Schedule

Dave Sanderson, Financial Manager, stated a public hearing needs to be set for the FY2025 Magna City Municipal Fee Schedule.

Council Member Hull, seconded by Council Member Sudbury, moved to set a public hearing to consider adoption of the FY2025 Magna City Municipal Fee Schedule for June 11, 2024, at 6:00 PM. The motion passed unanimously.

Municipal Energy, Sales, and Use Tax, Municipal Telecommunications License Tax, and Property Tax

Paul Ashton stated now that Magna is a city, there are three available taxes. Funds are primarily needed for public safety. Funding for the Unified Police Department (UPD) for the next fiscal year was secured by drawing down reserves. While this approach is permissible and maintains the statutory minimum reserve levels, it was acknowledged that it is not an ideal budgeting practice.

Mr. Ashton reviewed the following three taxes.

1. Energy Tax: This tax, which can go up to 6%, is common and familiar, being applied to utility bills. It requires entering into agreements with the State Tax Commission and energy providers. The tax is primarily paid by customers.
2. Telephone Communication Tax: This tax, set at 3% and an additional half percent, is typically paid by utility companies, who pass the cost through the Public Service Commission process. During negotiations with utility companies for franchise agreements, it was noted that if this tax is imposed, the usual fees charged for the use of public rights-of-way could be offset by the tax. Both the energy and telephone communication taxes are available for implementation without requiring a public hearing. However, it was recommended to hold a public hearing in June to discuss the implementation of these taxes. Ordinances for the taxes and agreements with the Tax Commission would be prepared for consideration.
3. Property Tax: The third tax discussed was the property tax, which is more complex and often unpopular. The process for imposing a property tax was described as difficult and lengthy, requiring careful consideration and planning. A session on June 6th was mentioned, where further guidance on the process would be provided for those interested.

Revenue from property taxes, if implemented, would not be realized for at least a year, possibly longer. This raises the question of how to determine the necessary amount for property tax when the revenue from other taxes, like the energy tax and the telecommunication tax, is still uncertain. The UPD budget and other financial needs might be covered by the revenue from these other taxes, potentially making property tax collection unnecessary. However, this remains unknown at this time, and the decision will ultimately rest with the Council.

Council Member Prokopis asked whether 6% is the maximum rate for the Municipal Energy Tax and if the Council is required to implement the full 6% rate.

Mr. Ashton stated no and advised to set the Municipal Energy Tax at the maximum rate of 6% initially. Once there is a clearer understanding of the revenue generated, the rate can be adjusted downward if necessary.

Council Member Prokopis stated Salt Lake Valley Law Enforcement Service Area (SLVLESA) has hit its cap. He suggested that the Council could request the legislature to raise the cap on what SLVLESA could levy.

Mayor Barney stated in Magna, law enforcement is funded through a special services district known as the Salt Lake Valley Law Enforcement Service Area (SLVLESA). This funding is reflected as a line item on property tax bills. SLVLESA covers law enforcement for several cities and unincorporated areas in the county.

The current discussion revolves around an anticipated shortfall in SLVLESA's funding over the next two years. As a result, participating cities, including Magna, may need to contribute additional funds to cover the gap and ensure adequate funding for their policing needs. This shortfall and the required contributions are the primary concerns being addressed.

Mr. Ashton proposed holding a public hearing on June 1st at 6:00 PM to discuss the various taxes, including the Municipal Energy Tax and other related matters.

Council Member Sudbury, seconded by Council Member Hull, moved to set a public hearing to receive public comments on the Municipal Energy Sales, and Use Tax, Municipal Telecommunications License Tax, and Property Tax for June 11, 2024, at 6:00 PM. The motion passed unanimously.

Rezone Request

REZ2023-001004 – Pablo Tovar is requesting approval to rezone a property from an M-1 Manufacturing Zone to the M-2 Manufacturing Zone located at 7251 West 2100 South.

Brian Tucker, Planning Manager, Municipal Services District, stated the property is currently a 3.996-acre parcel zoned M-1, and is used for truck storage. This use was approved a few years ago under the old M-1 zoning. With the recent update to the zoning districts, where M-1 now represents light industrial uses and M-2 represents heavy industrial uses, the current zoning no longer aligns with the property's use. To continue the existing use and extend it, the applicant is proposing to rezone the property from M-1 to M-2.

Mayor Barney stated this item will come back in two weeks for approval.

Wasatch Front Waste and Recycling District (WFWRD) Neighborhood Cleanup

Paul Ashton stated WFWRD provided the following options to support neighborhood cleanup:

1. Landfill vouchers at no cost to the municipality.
2. Provide an 18-yard trailer rental paid by the municipality cost per residence.
3. Provide an 14-yard container delivery to residential property.
4. Provide trailers or containers parked at a central location for one day.

Council Member Sudbury suggested placing dumpsters around the town once a month, from spring to fall, in various areas for overnight use. This approach aims to facilitate widespread cleanup rather than addressing individual yards. During a conversation with Pam Roberts, General Manager, WFWRD, she indicated that WFWRD would not be able to provide that type of service.

Mayor Barney asked how WFWRD could accommodate the residents' request, noting they stopped the neighborhood cleanup program due to insufficient drivers and funding. WFWRD's resources are already committed to a reservation program this summer.

Mr. Ashton stated that the item was added to the agenda to seek Council's instructions. David Brickey is looking for approval to prepare a proposal request from other carriers, which he will then bring back to the Council.

Council Member Sudbury, seconded by Council Member Hull, moved to direct David Brickey to move forward with an RFP to obtain quotes from various dumpster companies. The motion passed unanimously.

Chapter 14 – Utility Facility Review Board Act

Brian Tucker, Planning Manager, Salt Lake County Municipal Services District, stated a high voltage transmission line is planned to extend from Tooele to near the airport, passing through approximately one-fifth of a mile in Magna. The transmission line project requires notifying the local authorities and property owners, with Kennecott being the sole property owner in Magna.

The purpose of the notice is to provide the option to request that the line be buried underground instead of being overhead. However, this would entail covering the significant cost difference between underground and overhead installation. Given the small segment in Magna and the extensive overhead lines in the surrounding areas, it is unlikely that any of the line will be buried in Salt Lake City or Salt Lake County. The decision to pursue underground installation in Magna would involve substantial expense, which would need to be considered if the Council decides to proceed with that option.

Mahogany Ridge Planned Community Amendments

File #OAM2024-001065 – Ross Dinsdale of Ivory Homes requests amendments to the Mahogany Ridge Planned Community Development Agreement.

Jeff Miller, Planner II, Municipal Services District, stated the first proposed amendment is to allow for the proposed gas station at the corner of 4100 South and 8400 West to not require the C-Store to be placed on the corner of the property. The second proposed change is to remove the requirement to require 10 feet of spacing between driveways. Ivory has recently requested exceptions to this roadway standard for their Gabler's Grove Subdivision. Ivory Homes indicated that the project developers would cooperate with Magna City to preserve an area for a monument sign at the corner.

An updated traffic study for Mahogany Ridge was reviewed, focusing on Cordero Street, which has a 28-foot-wide pavement. The study suggested that this width could be feasible, but the planning staff still recommended moving to a 35-foot cross-section. According to Section 19.04.030 of the code, a collector street is defined as one that carries traffic from local streets to the arterial street system, including principal entrance streets in residential developments. Given this definition, the planning staff considered Cordero Street a principal entrance street and therefore classified it as a collector street, which would necessitate a wider pavement.

Three options were discussed:

1. 28-foot Pavement: The current development plan, preferred by some because it acts as a traffic calming measure.
2. 35-foot Pavement: Recommended by the staff, this option allows for parking on both sides of the street and also acts as a traffic calming measure.
3. 41-foot Pavement: An option suggested by engineering, though there were concerns about making the road too wide, which might reduce its traffic-calming effect.

Contrary to initial analysis, the 35-foot pavement option would indeed allow parking on both sides of the street when accounting for the additional two feet on both sides provided by the gutter.

Council Member Prokopolis stated concerns about the burden of traffic control at the intersection on Cordero Drive, particularly with the larger DR Horton development and the high school on the west side, which is expected to generate significant traffic. The question was posed as to why the traffic impact on the west side, where Cordero Drive is a big, wide road, was not accounted for more thoroughly in the planning and why the intersection on the west side was not considered for traffic control measures, given the anticipated higher traffic volumes in that area.

Mr. Miller stated the responsibility for implementing traffic control measures at the intersection on Cordero Drive should involve multiple stakeholders. This might include collaborating with the school district, DR Horton, and possibly other parties to share the burden of addressing the traffic concerns generated by the development and the high school.

Mayor Barney stated that the Utah Department of Transportation (UDOT) is open to traffic calming measures on 8400 West before 4100 South, including installing islands similar

DATE TUESDAY MAY 14, 2024

to those past the railroad tracks, and a possible stoplight. Despite owning the road, UDOT prefers a shared cost approach, which could be acceptable to all parties involved.

Council Member Prokopis stated initial discussions considered a taller fence between the fire training property and the east fence in the Mahogany Ridge due to the different uses, but this proposal was excluded from the final development agreement despite prior council deliberations.

Council Member Hull stated a signal needs to be installed on U-111 by August 2025.

Mr. Miller stated one option to address the traffic control needs at the intersection on Cordero Drive is to seek appropriate funds from the state legislature for signalization. However, securing these funds could be a lengthy process, potentially taking around three years to obtain the necessary resources.

Mayor Barney asked what the cost is for a stop light.

Mr. Miller stated that signalizing an intersection with UDOT in Tooele County typically costs between \$400,000 to \$500,000 for the mechanisms alone, not including road widening and other related expenses.

Mayor Barney stated developers will enhance the streetscape as part of their development process. The current focus is solely on the footing, pole, and signal technology for the intersection.

Ross Dinsdale, Ivory Homes, the updated traffic study indicated that the 28-foot asphalt width is sufficient to handle the traffic generated by the development. The study showed that traffic is heaviest at the entrances, where vehicles quickly turn and disperse throughout the development, leading to lighter traffic flow in the middle areas. When discussing with the traffic engineer, it was noted that switching from the 28-foot width to the 35-foot width would not significantly impact the traffic projections, meaning that all the traffic numbers would remain the same regardless of the road width. Cordero Drive, if expanded to a 35-foot-wide road, would allow for on-street parking. This increased width would provide additional parking capacity along the street while maintaining traffic flow.

Council Member Sudbury stated concerns in regards to increasing Cordero Drive to a 35-foot width, which would allow on-street parking. It might lead to issues similar to those already seen in the community, where streets are often congested with parked cars, making it difficult to navigate. This situation is something the community has been trying to avoid, as it was part of the argument against allowing extensive on-street parking in the first place. The goal is to prevent the same congestion problems from occurring on Cordero Drive.

Brian Tucker, Planning Manager, Salt Lake County Municipal Services District, explained that a 25-foot-wide asphalt section accommodates tight parking on both sides, with a 2.5-foot curb and gutter, and 2-foot flat portions on each side, there is 39 feet of space, allowing

for parking while maintaining two travel lanes. This setup enhances neighborhood safety while providing sufficient space for drivers.

Mr. Dinsdale stated regardless of whether the development consists of single-family homes or townhomes, people tend to park in the closest spot available, even if it is not the most suitable parking spot. The design includes a two-and-a-half-foot curb and gutter, which provides an additional two-foot flat portion on either side of the road. This results in a total of 39 feet of space, which is sufficient to allow parking on both sides of the street while still maintaining two travel lanes. This design aims to accommodate parking needs while ensuring that traffic can continue to flow smoothly through the area.

Mr. Tucker stated that in the original development agreement, Cordero Drive was planned to be 35 feet wide. However, this was later changed to 28 feet. A comment was made by engineering regarding this change, but it was not clearly emphasized or followed up on in the amended agreement. This lack of clarity might have led to some confusion or oversight regarding the final width of the road.

Mr. Dinsdale stated the primary concern was making changes to the development agreement and plans, particularly regarding the width of Cordero Drive, would cause delays. The team is eager to begin building phase two of the development as soon as possible. They currently have crews actively building homes, and following their typical schedule, they would soon be ready to start on phase two. However, any modifications to the agreement or plans would take time, potentially pushing back the construction timeline and creating hurdles for the project.

It was proposed to explore the possibility of accommodating a trail on the west side of Cordero Drive within the development. This trail could be an eight to ten-foot-wide asphalt path, providing an alternative to a traditional sidewalk. Such a trail would enhance the neighborhood and serve as a valuable amenity for the community.

While accommodating the concerns of engineering, the biggest challenge is time. The added costs associated with the changes can be managed, but expediting the process is crucial. A request was made to explore any possible ways to accelerate the approval and implementation process to avoid delays in the development.

Council Member Hull asked if 10-foot-wide trail would be included in the 35-foot road width.

Mr. Dinsdale stated since the road is already being widened, it would be relatively straightforward to extend the width to 35 feet. Phase two and three could easily be built prior to August 2025 if the planning process does not take too much time.

To obtain a permit from UDOT for a road connection, the typical process would involve their approval of the connection from Cordero Drive to 84th West. UDOT would likely require that the connection be configured as a right-in, right-out access only. If the connection to 84th West is quickly established, it would provide UDOT with sufficient time to coordinate the connection with the city. The city could then request UDOT to conduct a warrant study. If the study determines that a traffic signal is necessary, UDOT would then be responsible for constructing it.

Mr. Miller stated UDOT would need a traffic study completed; however, he believes that the traffic study from Ivory Homes would be sufficient.

Mr. Dinsdale stated if the connection to Cordero Drive is established and left in place, UDOT would be responsible for constructing the traffic signal. Ivory Homes would handle most of the planning for the signal to ensure that everything is correctly positioned. This would allow UDOT to focus on the installation of pole bases and the signal itself.

Mayor Barney stated the request is to allow an exception to the current code to allow Maverick to build without adhering to the usual requirement of occupying the corner of the building. Additionally, a modification to the agreement was suggested to remove the distance requirement between driveways. The plan is to widen Cordero Drive to 35 feet and add a 10-foot-wide pedestrian path.

Mr. Miller stated staff's recommendation would be the 35-foot road width and that the council provide direction to allow Ivory Homes to proceed with the 35-foot width.

Third Amendment to the Greater Salt Lake Municipal Services District (MSD) Agreement regarding Clerk Services

Paul Ashton stated the county is currently providing services for the Metro Townships and is willing to continue until the MSD can hire someone. They are prepared to manage the minutes until a new hire or an amendment to the Master Interlocal Agreement is made. This follows statutory exceptions originally for Metro Townships, now extended to the MSD. Each entity must approve a simple third amendment to the Master Interlocal Agreement for formalization.

Mayor Barney stated that the MSD is seeking to hire a clerk to provide services for all members, replacing the county clerk who has been notified to continue until a replacement is found.

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Manager / City Attorney Updates

No update given.

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Council Reports

Greater Salt Lake Municipal Services District (MSD)

Council Member Pierce stated the MSD meeting focused on selecting contractors for the remodel at the new location in Taylorsville.

Magna Mosquito Abatement District

Council Member Pierce stated the District will be doing pre-spring treatments to prepare for upcoming events.

Unified Fire Authority (UFA)

Council Member Hull stated there will be a 5.5% increase in the member fee, which will be processed through UFSA. They noted that a tax increase had already been implemented last year, so this increase is covered. She strongly urged the community to avoid using fireworks as the season approached, emphasizing the dangers of sparklers. Sparklers can reach temperatures of 1,200 degrees Fahrenheit and cautioned against letting young children handle them due to the risk of severe burns.

Unified Police Department (UPD)

Council Member Prokopis stated the Board discussed the tentative budget and the separation between the Sheriff's Department and UPD. The board aimed to cap the budget increase at 7% for those who wished to remain with UPD, believing they could manage within that limit. The tentative budget came in with a 5.5% increase, which was below the cap but still represented an increase.

Efforts have been made to find efficiencies on both the Sheriff's and UPD sides, but progress has been slow. The sheriff intends to take forensics services back to the county. Details are still being worked out, with this process expected to continue through July 1st.

Greater Salt Lake Municipal Services District (MSD)

Mayor Barney stated it was budget season and that a public hearing for the fiscal year budget had been held. The Audit Committee also provided a report during the meeting. Additionally, there was a tentative motion to swap Mayor Bush from Kearns with Mayor Barney, placing to serve on the Audit Committee.

Public Open House

DATE TUESDAY MAY 14, 2024

Mayor Barney stated a public open house would be held on June 3rd to address community concerns and misinformation about recent changes, particularly around taxation. They noted that misinformation was spreading on social media and emphasized the need to provide accurate information. The session will cover the history, current status, and future outlook, including the path to taxation. Matheson Junior High has been reserved for the event, which will start at 7:00 PM, with community stakeholders and MSD partners invited to participate.

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Closed Session

Council Member Hull, seconded by Council Member Sudbury, moved to close the public meeting to discuss 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.

METRO TOWNSHIP CLERK

By _____
Deputy Clerk

CHAIR, MAGNA METRO TOWNSHIP COUNCIL

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DATE TUESDAY MAY 28, 2024

THE MAGNA CITY COUNCIL, STATE OF UTAH, MET ON TUESDAY, MAY 28, 2024, PURSUANT TO ADJOURNMENT ON TUESDAY, MAY 14, 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: TRISH HULL
AUDREY PIERCE
STEVE PROKOPIS
MICK SUDBURY
ERIC BARNEY, Mayor

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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Public Comment

Gary Collins stated he was alarmed by the amount of illegally parked cars in the Lake Ridge neighborhood. He has complained to code enforcement, but it will not do anything to fix the problem. He also asked what happened to the pickleball courts in Magna.

Council Member Sudbury stated the pickleball courts are currently in the first phase of construction. Completion was subject to County funding.

Mario Rodriguez stated the parking in the Little Valley Gateway Community was a mess. When people park on the corners, it is impossible to turn because drivers cannot see oncoming traffic.

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Unified Police Department Report

Chief Del Craig, Unified Police Department (UPD), stated UPD was able to make arrests and file charges regarding the case he reported on last meeting wherein some juveniles vandalized a local property. During that process, UPD was able to solve several other graffiti

cases. UPD was able to clear out about 15 trailers and help obtain resources for several homeless individuals residing near the area of 7200 West and California Avenue. He added that UPD is aware of the parking issues surrounding the Little Valley Gateway Community and is working on a solution.



Financial Report

Dave Sanderson stated the Greater Salt Lake Municipal Services District (MSD) still had not adjusted its financial report to a half-year, so this report should be divided by two. The Magna Township was at 38 percent of revenues and only 14 percent of expenditures. This was on track with expectations. A budget adjustment request for the Pleasant Green cemetery would most likely be coming in June. Magna United Communities That Care will also require a budget adjustment that will be covered by revenues.

Council Member Hull stated the reimbursement from the County has been taking a long time. The revenue is coming in, but it is lagging by about six months.



Community Stakeholder Reports

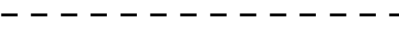
Fourth of July

Council Member Hull stated Kari Duckworth was not able to attend today's meeting, but asked her to report on a budget adjustment. The Committee wanted to hire a band and a photographer that were slightly out of budget. The approximate \$10,000 would come from 2022 and 2023 revenues, so it would be budget neutral.

Mayor Barney clarified that unused budget from previous years was not intended to carry over.

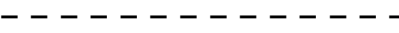
Council Member Prokopis asked David Brickey if the alleged underspend tracked with his records.

David Brickey stated state law allows for the transfer of money within a department. He was not concerned about \$2,500.



Magna Chamber of Commerce

Nothing to report



Pleasant Green Cemetery

Sharon Nichols stated the cemetery sold ten plots. Nine were for residents, and one was for a non-resident. It had one burial and two are coming up this week. Five headstones have been set. The dedication at the cemetery hosted by Daughters of the Utah Pioneers was a great success. She thanked the Draper family for setting up and taking down flags. There was some vandalism in the cemetery recently; someone beat the hinges off the gate going into the shed and damaged the lock. Everything has been fixed and it was reported to Chief Del Craig of the Unified Police Department. The Magna Water District mowed the weeds around the pond.

There is a time capsule from the 1940s in the cemetery near the flagpole that was opened in 2011. Everything was photographed and documented, and some items were sent to a museum. Some items were added back and a group from the Masonic temple rededicated it.

Magna Town Council

Nothing to report

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Consent Agenda

Approve Minutes of April 23, 2024

Council Member Sudbury, seconded by Council Member Hull, made a motion to approve the consent agenda. The motion passed unanimously.

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Public Hearing

Public Hearing to receive comments on the proposed Fiscal Year 2025 tentative budget of Magna City beginning July 1, 2024 and ending June 30, 2025.

Mayor Eric Barney stated the public hearing was to hear comments on the proposed fiscal year 2025 tentative budget of Magna City beginning July 1, 2024, and ending June 30, 2025.

David Brickey stated, for the record, that the proposed budget had been publicly noticed both online and physically.

Council Member Prokopis, seconded by Council Member Hull, made a motion to open the public hearing. The motion passed unanimously.

DATE TUESDAY MAY 28, 2024

There were no comments in favor of nor in opposition to the proposed budget.

Council Member Prokopis, seconded by Council Member Sudbury, made a motion to close the public hearing. The motion passed unanimously.



Action Items

Resolution No. 2024-05-01

Council Member Hull, seconded by Council Member Sudbury, made a motion to approve Resolution 2024-05-01. The motion passed unanimously.

RESOLUTION NO. 2024-05-01

Date: May 28, 2024

A RESOLUTION OF THE MAGNA CITY COUNCIL APPROVING THE FISCAL
YEAR 2025 MAGNA CITY TENTATIVE BUDGET

WHEREAS, state law requires the filing of a tentative budget for each municipality located within the state of Utah; and

WHEREAS, the budget shall be reviewed, considered, and tentatively adopted by the governing body and may be amended or revised in such manner as is considered advisable prior to final adoption; and

WHEREAS, a public hearing will be scheduled to consider adoption of the final FY2025 budget with all related supporting documents being made available for public inspection no later than ten (10) days prior to the public hearing for the budget pursuant to Utah Code §§ 10-6-112 *et al*,

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

Section 1. The Magna City Council hereby adopts the FY 2025 Mgna City Tentative Budget, attached to this resolution as listed as "Attachment-Budget".

APPROVED AND ADOPTED in the Magna City Council, Salt Lake County, Utah this 28th day of May, 2024.

By: /s/ ERIC BARNEY
Mayor

ATTEST

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

DATE TUESDAY MAY 28, 2024

Ordinance No. 2024-O-04

Shad Cook, Planner, Greater Salt Lake Municipal Services District (MSD), reviewed the ordinance, which had been discussed at the last meeting. The application for this ordinance, REZ 2023-001004, submitted by Pablo Tovar, regarding his three-acre property located near 2100 S and 7200 W. The property was used for the storage of trucks. The proposal seems to be consistent with the Magna General Plan and Title 19.

Mayor Barney asked if the Planning Commission had any recommended conditions.

Mr. Cook stated the recommendation was to include the condition that the east side of the property be prepared with a road base for a future project on 7200 W.

Mayor Barney asked if that condition was included in the resolution.

Mr. Cook stated it was not.

Council Member Sudbury, seconded by Council Member Hull, made a motion to approve Ordinance 2024-O-04. The motion passed unanimously.

ORDINANCE NO. 2024-O-04

Date: May 28, 2024

AN ORDINANCE OF THE MAGNA CITY COUNCIL AMENDING THE ZONING MAP TO CHANGE THE ZONING OF A CERTAIN PROPERTY LOCATED IN MAGNA CITY FROM THE M-1 (MANUFACTURING) TO THE M-2 (MANUFACTURING) ZONE.

WHEREAS, the Magna City is a municipality and has authority to regulate Zoning in general pursuant to Utah Code Ann. Subsection 10-9a-102 (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, ("MLUMDA"), Title 10, Section 9a, Utah Code, to establish zones within the city; and

WHEREAS, the Council deems it necessary to amend its zoning map in order to accommodate the proposed rezone request from the M-1 (Manufacturing) Zone to the M-2 (Manufacturing) Zone for the subject parcel located at: 7251 W. 2100 S, and for the protection and preservation of the public health, safety, and general welfare.

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

DATE TUESDAY MAY 28, 2024

Section 1: Section 19.14.020, The Zoning Map of Magna City, Magna Municipal Code of Ordinances 2024, is hereby amended, as follows:

The property described in application REZ2023-001004 filed by Pablo Tovar and located at 7251 West 2100 South, within Magna City, is hereby reclassified from the M-1 zone to M-2 zone, said property being described as follows:

PARCEL #: 14-21-200-023-0000

LEGAL DESCRIPTION:

BEGINNING AT A POINT S 89°58'54" W 33 FT & S 0°08'06" E 241.7 FT FR NE COR SEC 21, T 1S, R 2W, SLM; S 0°08'06" E 137.5 FT; S 89°58'54" W 625.03 FT; N 346.21 FT; N 89°58'54" E 415.514 FT; S 0°08' 06" E 208.7 FT; N 89°58'54" E 208.7 FT TO BEG. 3.96 AC M OR L. 6863-2265 6965-1559 8454-0398 9171-9426,9430,9434 09171-9437

CONTAINS 3.96 ACRES IN AREA

Section 2: The map showing such change shall be filed with the Magna City Planning Commission in accordance with Section 19.14.020 of the Magna Municipal Code of Ordinances, 2024.

Section 3: This Ordinance will take effect immediately upon posting and publication as required by law.

PASSED AND ADOPTED this 28th day of May 2024.

MAGNA CITY COUNCIL

By: /s/ ERIC BARNEY
Mayor

ATTEST

/s/ LANNIE CHAPMAN
Salt Lake County Clerk

Resolution No. 2024-05-02

Jeff Miller, Planner, Greater Salt Lake Municipal Services District (MSD), reviewed the resolution and proposed amendments.

Council Member Prokopis had questions about the part of the language regarding berming.

DATE TUESDAY MAY 28, 2024

Council Member Sudbury asked what happens when berming is washed away.

Ross Dinsdale, Ivory Homes, stated sloping directs draining into the yard toward the home to help prevent erosion.

Council Member Hull, seconded by Council Member Pierce, made a motion to adopt resolution 2024-05-02.

Council Member Prokopis asked for an amendment to adopt the resolution with the conditions as recommended.

Council Member Hull, seconded by Council Member Pierce, made a motion to adopt resolution 2024-05-02 with the conditions as recommended. The motion passed by a 4 to 1 vote with Council Member Sudbury voting "Nay".

RESOLUTION NO. 2024-05-02

Date: May 28, 2024

A RESOLUTION OF MAGNA CITY COUNCIL AUTHORIZING THE MAYOR TO
ENTER INTO THE SECOND AMENDMENT TO MAHOGANY RIDGE
DEVELOPMENT AGREEMENT

WHEREAS, Magna City is a city pursuant to Utah Code §§ 10-1-201.5 *et. seq.*; and

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

WHEREAS, the Magna City Council finds it's in the best interest of the citizens of Magna City to enter into the Second Amendment to the Mahogany Ridge Development Agreement between Magna City and Ivory Development, LLC,

NOW, THEREFORE IT IS RESOLVED, by the Magna City Council, Magna, Utah:

Section 1. The Magna City Council hereby authorizes the Mayor to enter into the Second Amendment to Mahogany Ridge Development Agreement between Magna City and Ivory Development, LLC as set forth in Attachment A.

APPROED AND ADOPTED by the Magna City Council, in Magna, Salt Lake County, Utah this 28th day of May 2024.

MAGNA CITY:

/s/ ERIC BARNEY
Mayor

ATTEST

/s/ LANNIE CHAPMAN

Salt Lake County Clerk
Clerk/Recorder

Council Discussion Setting a Date and Time for a Special Workshop to Review the Magna Historic District Plan.

David Brickey stated he talked to Matthew Starley about the presentation, and he can provide either a 30 minute or an hour-long presentation. He asked if the Council would want to have a special meeting in June or make time during one of the regular meetings.

Paul Ashton asked if this was scheduled for the Planning Commission.

Brian Tucker, Planning Manager, Greater Salt Lake Municipal Services District (MSD), stated it was scheduled for the Planning Commission on June 13th and a public hearing would be held.

Mayor Barney stated since the Legislature has been carving away at the authority of city councils to make changes once a master plan has been set, he thought it would behoove Magna City to heavily scrutinize these plans before approving them. The plan needed to be iron-clad because once there is a plan, it must be strictly followed.

Matthew Starley, Planner, MSD, stated he would be happy to accommodate the Council in any way that would work. He took this to the Planning Commission in April and reviewed the plan and did not receive any push-back.

Council Member Pierce stated the Council had added multiple layers of extra approval to this area already for those trying to revitalize it. She saw the plan as one more hurdle when getting a building permit was already cumbersome.

Matthew Starley stated he agreed there were challenges, but the purpose of the plan was to eliminate those barriers by figuring out how to overcome hurdles.

Council Member Prokopis stated he would not want to preclude homeowners from being able to make improvements to the homes they have owned for decades because those homes are now within an arbitrary district created by the Council. He thought addressing those concerns in a workshop would be beneficial.

Brian Tucker, Planning Manager, MSD, explained the plan would be intended to guide zoning practices, but would not be zoning in and of itself. The Council, as a legislative body, can make decisions on zoning.

The Council decided that Matthew Starley would present during the regular Council meetings for both June and July.

DATE TUESDAY MAY 28, 2024

Open House of June 3rd and Neighborhood Clean-up Update

David Brickey stated Scott Baird, Director, Salt Lake County Public Works Department, and other city service providers will be attending the open house on June 3rd. He posted information about this on Facebook and mailers have been sent.

Paul Ashton asked where the Open House would be held.

Mayor Barney stated it would be at Matheson Junior High School at 7:00 PM.

David Brickey stated he would like the city's Facebook page to specify that questions from the public should be emailed to him in advance. In this way, he could share those comments with the Council prior to the open house. However, this would require Magna to allow questions on Facebook, which cannot be undone in the future. There were reasons for and against allowing questions, and he asked the Council to consider it.

Regarding the neighborhood cleanup, Mr. Brickey stated he previously shared a sheet from Wasatch Front Waste and Recycling. The State has an agreement with ACE Disposal, so those services can be utilized without a Request for Proposal (RFP). He also plans to reach out to Waste Management & Recycling Services.

Resolution 2024-05-03

Paul Ashton reviewed the resolution, which was discussed during the previous meeting. The interlocal agreement was necessary because the County Clerk's Office was no longer able to contract Clerk services to individual cities. Pursuant to the agreement, cities can either hire their own clerk or contract with the Greater Salt Lake Municipal Services District (MSD) to use the services of the clerk it hired.

Council Member Hull, seconded by Council Member Prokopis, made a motion to adopt resolution 2024-05-03. The motion passed unanimously.

RESOLUTION NO. 2024-05-03

Date: May 28, 2024

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A THIRD AMENDMENT TO THE MASTER INTERLOCAL AGREEMENT BETWEEN GREATER SALT LAKE MUNICIPAL SERVICES DISTRICT, SALT LAKE COUNTY, TOWN OF COPPERTON, EMIGRATION CANYON CITY, CITY OF KEARNS, WHITE CITY, AND MAGNA CITY FOR MUNICIPAL, ADMINISTRATIVE, AND OPERATIONAL SERVICES

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

DATE TUESDAY MAY 28, 2024

WHEREAS, the Greater Salt Lake Municipal Services District (the “MSD”) is a Local District pursuant to UCA §§ 17B-2a-1101 *et al.*, and

WHEREAS, Salt Lake County (the “County”) is a county pursuant to Utah Code Ann. Title 17 Counties and is the contracted service provider of certain municipal-type service via the MSD; and

WHEREAS, Magna City receives services from Salt Lake County, through the MSD, pursuant to a Master Interlocal Agreement (the “Agreement”), which is subject to amendment to ensure the services being provided are of satisfactory quality and consistent with the needs of the Council and the Community, and

WHEREAS, Magna City feels the Proposed Third Amendment to the Master Interlocal Agreement between the Greater Salt Lake Municipal Services District, Salt Lake County, Town of Copperton, Emigration Canyon City, City of Kearns, White City, and Magna City will greatly benefit Magna City and the MSD and improves effectiveness, efficiency, overall quality, and better control costs and services.

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

Section 1. The Magna City Council hereby approves the proposed Third Amendment to the Master Interlocal Agreement between the Greater Salt Lake Municipal Services District, Salt Lake County, Town of Copperton, Emigration Canon City, City of Kearns, White City, and Magna City as indicated in Attachment A.

APPROVED AND ADOPTED by the Magna City Council, of Magna City, Utah, this 28th day of May 2024.

/s/ ERIC BARNEY
Mayor

ATTEST

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

Resolution 2024-05-04

Steven Kuhlmeier, Project Manager, Salt Lake County Engineering and Flood Control Division, stated the resolution was related to two small purchases for the sidewalk project. Engineering and Flood Control has made an offer for the 167 square feet on Patricia Drive, and that offer has been accepted. The division is still in negotiations for the 31 square foot property on Western Drive. The division offered \$560, and the owner countered with an ask of \$2,500.

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The division is asking Council approval for an offer of up to \$1,000. If an agreement cannot be reached, the division has an engineered solution in mind.

Council Member Hull, seconded by Council Member Prokopis, made a motion to adopt resolution 2024-05-04. The motion passed unanimously.

RESOLUTION NO. 2024-05-04

Date: May 28, 2024

A RESOLUTION AUTHORIZING THE MAYOR OR DESIGNEE TO SIGN A RIGHT-OF-WAY PURCHASE AGREEMENT FOR THE PURCHASE OF 31 SQUARE FEET OF PARCELS # 14-29-201-008-0000 AND 167 SQUARE FEET OF 14-29-205-005-0000 LOCATED ON WESTERN DRIVE AND PATRICIA DRIVE, RESPECTIVELY

WHEREAS, Kevin G White and Valeri White own a: Parcel # 14-29-205-005-0000 located at approximately 2836-2838 S Patricia Drive in Magna (the "White Property"); and

WHEREAS, Dee Ann Oldham owns a: Parcel # 14-29-291-008-0000 located at 8386 W Western Dr in Magna (the "Oldham Property"); and

WHEREAS, Magna City has offered to buy 167 square feet of the White Property for three thousand and ten dollars (\$3,010) and 31 square feet of the Oldham Property for up to one thousand dollars (\$1,000); and

WHEREAS, the Magna City Council has determined that acquiring the property benefits the health, safety and welfare of Magna's residents.

NOW, THEREFORE, BE IT RESOVLED BY THE MAGNA CITY COUNCIL, STATE OF UTAH, AS FOLLOWS:

Section 1. The Mayor or designee (City Manager, David R. Brickey) is authorized to execute the Right-of Way contracts and other necessary documents if any that represent the seller's interest and Magna's interest in purchasing partials of parcel #14-29-201-008-0000 and 14-29-205-005-0000.

Section 2. Severability Clause. If any section, part, or provision of this Resolution is held invalid, or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts, and provisions of this Resolution shall be severable.

Section 3. Effective Date. This Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED BY THE MAGNA CITY COUNCIL, STATE OF UTAH, ON THIS 28th DAY OF MAY, 2024.

Magna City

DATE TUESDAY MAY 28, 2024

/s/ ERIC BARNEY
Mayor

ATTEST

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



Discussion Items

Magna Copper Park Entry Sign

Council Member Sudbury stated he thinks a nice concrete sign that says “Magna Copper Park” would be ideal.

David Brickey stated he is reaching out to the property owner, Kennecott, to make sure this would be agreeable to the lease, which is for one year. He then reached out to the County to get some ideas based on the design of some of its signs. He would like to present those suggestions to the Council.

Council Member Sudbury stated he reached out to Kennecott to see if it would be interested in sharing the cost of the sign. Kennecott has asked for more information and will decide.



Pleasant Green Cemetery Sign

David Brickey stated he has been reaching out to various monument companies in attempts to obtain a cost comparison for the cemetery sign. He would like to maintain the integrity of the historic posts. Two of the companies have requested additional information. He will update the Council when he is able.

Council Member Sudbury stated he met with Sharon Nicholes at the cemetery. It has been three years in the making and there is still nothing. Making a cap for the pillars would be very costly, so he suggested the possibility of a big boulder or wagon wheel with writing instead. He submitted a written example to the Council.

Council Member Hull asked about the column that was created for the dedication and wondered if a second column could be created to match.

Mayor Barney stated it would be easier to get a cap for the second column as well.

Council Member Prokopis asked if the Council was opposed to putting a precast concrete cap on the top.

Sharon Nicholes stated with all the ground rock spaced at different levels, Nunny Nicholes' opinion was that there was no way to get things flat and even. They would have to be custom made and would be pricey. There have been incidents of vandalism and people have tried to lift and steal similar items.

The Council elected to do columns.

Power and Maintenance of Memorial Park

David Brickey stated he was in the process of letting Rocky Mountain Power know a meter needs to be installed so lights can be put on the flagpole since it is not taken down at the end of the day. The water bill also needs to be put in the City's name. There is currently a water meter, but it needs to be done manually. Veterans of Foreign Wars (VFW) is currently maintaining the park.

Council Member Sudbury asked if it would be a good idea to contact Roth Landscape Serves and add the property to the existing parks maintenance agreement.

David Brickey stated he would have no problem with doing that, as there was no existing landscaping agreement with any other provider.

The rest of the Council agreed there should be a landscaping provider to keep things looking nice.

Council Member Prokopis thanked VFW for all its work in maintaining the area, planting flowers, etc.

Quinton Lambert, President, VFW, stated he has taken over landscaping of the memorial and he has also had volunteers help pull weeds. His main issue was that there was no power to run lights or an irrigation system. VFW was willing to continue to care for and maintain the park, but needed the City to help with the power and irrigation issues.

The Council agreed the city should help toward some of the costs of planting flowers, fertilization, etc.

Matthew Starley, Planner, Greater Salt Lake Municipal Services District, stated some artists from an unrelated project had expressed interest in creating a mural for the memorial park.

Manager / City Attorney Updates

David Brickey stated many of the vinyl fences along parks had been damaged due to local youth punching holes in them, prompted by a “TikTok challenge”. A possible remedy would be to put up a chain link fence on the backside to add additional support. In the instance of the CW Farms Park, the damage was so substantial that it interfered with irrigation behind the park. The current contract agreement with Roth Landscape Services does not provide it to clean up the broken panels, so he has asked for an estimate of what that cost would be. The cost to replace the fence at CW Farms Park could end up costing as much as \$60,000.

Council Member Sudbury stated Millcreek City had the Salt Lake County Public Works and Municipal Services Department provide that service. He suggested Magna City do the same.

Mayor Barney asked David Brickey if it would be a good idea to add assets to the trust for insurance purposes. His understanding was that Kearns and Copperton cities have added their public fences to their trusts.

David Brickey stated that is an option, but the trust will want to come and look at the fences, make recommendations, etc. He was willing to look into what would be required.



Council Reports

Wasatch Front Waste and Recycling District (WFWRD)

Nothing to report



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

Council Member Prokopis UPD approved its tentative budget and plans on approving the final budget next month. It is still working through the separation from the Sheriff’s Office. The Sheriff is still hiring employees. It remains to be seen which UPD employees will leave for the Sheriff’s Office. Most of the major hurdles of the separation have been passed.



Utah League of Cities and Towns

Council Member Hull stated



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

Council Member Hull stated the tentative budget for UFA was approved. It held a banquet at Snowbird Ski Resort last week, where it honored a retired member and a current member who had performed some very valuable services for the community as a whole.

There was a 5.41 percent increase in the membership fee for UFSA.

Magna Mosquito Abatement District

Nothing to report

Animal Services Advisory Committee

Nothing to report

Emergency Management

Council Member Pierce stated the Emergency Management Division of Unified Fire Authority (UFA) has asked her to sit in during its interview process for their planning position. She will be doing that in the next couple of weeks.

Greater Salt Lake Municipal Services District (MSD)

Mayor Barney stated the MSD had a budget adjustment for a Community Development Block Grant (CDBG) reimbursement grant that will put sidewalks on 9100 W. The adjustment was for \$371,000.

He clarified that while MSD members used to budget within their administrative budgets for the Emergency Management position, the MSD is now paying for that position out of its General Fund.

He was appointed to sit on the audit committee with Joe Smolka. Audit meetings will be held quarterly.

Marla Howard, General Manager, MSD, who put together a packet of an itemization of the services provided by Code Enforcement. He offered to scan that and distribute it to the Council.



DATE TUESDAY MAY 28, 2024

Closed Session

Council Member Prokopis, seconded by Council Member Hull, moved to close the open session of the Magna City Council meeting to discuss the character, professional competence, or physical or mental health of an individual; imminent pending litigation; and the purchase, exchange, or lease of real property. The motion passed unanimously.

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

CITY CLERK

By _____
Deputy Clerk

CHAIR, MAGNA CITY COUNCIL

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Public Works Engineering (PWE) Capital Selection Process for all MSD communities (town, cities, and unincorporated county)

- The MSD admin team will create an online Smartsheet for all communities to submit proposed capital projects similar to those done in 2023. (August 2024).
- The assigned engineer for the jurisdiction, with help from Long Range Planners (LRP), meets with each community, including the Unincorporated community council liaisons, to educate them about the capital selection process, the criteria used for ranking capital projects, and how to use the Smartsheet to submit their proposed capital projects for review by PWE. This will give each community the opportunity to ask questions and give additional input (September 2024).
- The assigned engineer or planner will give permission to one person on the council (or a designee chosen by the council) to enter proposed projects into the Smartsheet (September 2024).
- LRP may also submit proposed capital projects; however, LRP should coordinate with PWE to prevent overlap, especially on projects that involve “Active Transportation Plans” (September 2024).
- **The deadline to submit proposed capital projects for consideration for the next year budget will be October 31, 2024.** Any project submitted after October 31, 2024, will be considered for the following year (October 2024).
- Capital projects submitted through the Smartsheet may pertain to Public Works Engineering (PWE), Public Works Operations (PW Ops), or Parks and Recreation. Capital projects that are determined to be maintenance projects will be forwarded to PW Ops and those that are park related will be forwarded to Parks & Recreation (November 2024).
- PWE reviews grants that have been awarded to see which ones will be started in the coming year that may need matching funds. This report will be sent from PWE to MSD Finance (November 2024).
- MSD Finance will incorporate the grant matching fund requests for the next year and provide PWE with a 5-yr capital budget forecast for all communities (November 2024).
- After grant matching funds are accounted for, PWE reviews submitted projects, existing sidewalk and traffic calming priority lists, transportation and drainage master plans, metro township and town general plans, any previous community/council requests, and creates a list of potential projects for each community (November 2024).
- PWE provides high-level cost estimates for each project and shares the potential project list with MSD Admin, LRP, Parks and Rec, and PW Ops to get their input and to see if there are any project synergies or community needs/hot-button issues that should be considered which will be incorporated into a project or added to the list if not already on the list and if warranted i.e. if they align with master plans and are appropriate for engineering projects (December 2024).
- The assigned engineer for the jurisdiction gets the list of potential projects approved by the council. It is important that the assigned engineer notifies each community that not all projects can be funded and it will be up to the MSD board to give final approval (January 2025).
- PWE gathers all the potential projects which have been approved by each council and presents its final recommendation of capital projects for the next year to MSD board for consideration of final approval (January 2025).
- Since grant funding is usually a year or two out (sometimes more), PWE will continue to apply for them using the overall project rankings on unfunded projects. Occasionally, there is an opportunity for grant funding that could align with the next budget year so PWE will apply for those but since

grants are not guaranteed, PWE may have to ask the MSD board for approval to reallocate the budget to fund the full project amount until grants have been awarded. (ongoing).

- PWE provides quarterly updates to IT to update their dashboard and the MSD board to keep them informed (ongoing).
- This capital selection process along with the ranking criteria will be reviewed annually, taking into consideration how it went during the previous year, starting around mid-January of each year (annual).

PWE Capital Project Ranking Criteria

Prioritized by engineering weigh factors such as:

1. Property damage reduction
2. Masterplan system completion
3. Reduction of hazard or improved safety
4. Reduction of cost of maintenance
5. Overall project cost
6. Money available from other sources
7. Community/Public/UPD/School interest and meets stated needs of Municipality's General Plan.
 - a. Questions to be considered:
 - i. What is the anticipated level of conflict, controversy, opportunity, or concern on this or related issues?
 - ii. How significant are the potential project impacts to the public?
 - iii. How much do the major stakeholders care about this issue or project?
 - iv. What is the potential for public impact on the potential decision or project?
8. Recreational improvement
9. Water quality improvement
10. Opportunities for collaboration with other municipalities
11. Ability to meet engineering standards.
12. Public Works Operations overlay schedule.

*Capital Projects with a history of traffic congestion, property damage, project ROW damage will be given higher value than community requested improvement projects.



Meeting Body: Magna City Council

Meeting Date: September 10, 2024

Planner: Matthew Starley, Long Range Planner II

Project Name and File Number:
OAM2024-001175: Magna Historic District Area Plan

Project Type:

- New General Plan Element
- General Plan Amendment
- New Master or District Plan
- Master or District Plan Amendment

Areas Affected: The Historic District Plan Area (MHDAP), shown on the map on pg. 17, encompasses nearly 2 square miles representing the northwest corner of urban Magna.

Key Findings:

- Magna can promote economic vitality & sustainability in the district by balancing retail sqft and housing availability.
- Magna can create parking solutions facilitating economic activity and development in the historic core using of multi-faceted approach to improving public/private parking and identifying a public parking pool.
- Magna can update the environmental conditions of the district by introducing streetscape furnishing and updating parks and open space throughout the district.

Staff Recommendation: That the council review the Magna Historic District Area Plan document and website and make recommendation as required to meet the perceived needs of the plan area and community at large.

SUMMARY

Historic Main Streets, when performing at their best, function as the economic and social heart of a community. They are a visual manifestation of the community’s history, culture, pride, and vibrancy. They are walkable, shoppable, entertainment districts that provide a community-managed outdoor mall that provides a familiar and comfortable venue to host community events, markets, fairs, and celebrations. A vibrant and vital historic main street acts as the centerpiece of a neighborhood where people live, work, and play.

Magna’s Main Street peaked in 1970’s but has seen little development since that time. In 2020, in the aftermath of a damaging earthquake, Main Street was add to the National Park Service National Register of Historic Places. At the same time, Magna was selected to participate in the Utah Main Street Program. These designations provide access to resources and funding opportunities that promote the preservation and restoration within the Historic Downtown Area.

In 2021, the MSD Planning Staff was tasked with preparing a Historic District Area Plan to create a vision for the future of Magna’s Main Street and surrounding blocks. The multi-year planning process has been a collaborative effort, with contributions from the Planning Commission and Council, members of the public, Rio Tinto Kennecott, the State Historic Preservation Office, UTA, Salt Lake County Economic Development, and other key stakeholders. Through recommendations for land use, parking, streetscape improvement, signage, and branding, the Plan is intended to guide Magna in its decision making for the area by providing a framework for development and renovation and suppling a vision for updating and placemaking. Ultimately creating a, “vibrant family-friendly, family-serving historic main street that acts as the centerpiece of a community where people live, work, and play”.

On June 13th, the drafted Historic District Area Plan was presented to the Planning Commission for consideration. Following a public hearing, the Planning Commission recommend that the Council adopt the Plan as drafted.

ATTACHMENTS

The following attachment is included as supplementary materials to the end of this staff report:

Attachment 1: *Magna Historic District Area Plan.PDF*

- *Plan Document Drafts for print and screen, as well as section extracts can be accessed using the following Google Drive Folder Link:*
https://drive.google.com/drive/folders/1XLWnop4jvcXVRJFeJ7QryNHm780BJLyg?usp=drive_link
 - **See also:** Magna, Utah's Historic District Area Plan Web Experience:
<https://experience.arcgis.com/experience/dd145b6aaf31417d90d78630ebeb98ee/>
- *Magna Historic District Area Plan draft pdf, as well as chapter and section draft pdfs are also available utilizing the links embedded within the website.*

BACKGROUND

Project Purpose:

The MSD Planning Staff was tasked with creating a District Plan for Magna's Main Street to spark revitalization following the 2020 earthquake, and guide Magna's participation in the Main Street Program and National Historic Register. The Magna Historic District Area Plan ("MHDAP") is intended to be a long range vision for Magna's greater Historic District area, aligning:

- The needs and desires of the community members regarding updates to the historic district, open space and transportation opportunities, and future development and economic opportunities within the area;
- The vision and goals outlined in the General Plan.;
- The economic development and housing needs of the historic neighborhood and City as a whole;
- The needs of district property owners and development community; and
- The incentives and opportunities associated with, the National Historic District Designation, Utah Main Street Program, and the active Community Reinvestment Area (CRA).

The MHDAP specifically creates a guiding framework for:

- Updating the physical environment within and around the Historic District core.
- Promoting context-sensitive development and renovation within the historic district and surrounding neighborhood.
- Capitalizing on funding opportunities available to Magna City, businesses, property owners, and developers operating within the district area; and
- Updating zoning ordinances and other regulatory frameworks affecting the area.

Project Timeline:

The planning process began in 2021. The project has been influenced by and influential to municipal efforts throughout the period of its development. Phases of the plan development and projects initiated in the effort included:

1. An inventory and analysis of existing conditions to establish housing and economic development targets and goals that work to ensure future economic vitality and sustainability, as well as address housing affordability and availability issues within the district area and city.
2. A collaborative effort with Utah State University Department of Landscape Architecture and Environmental Planning, 4100 Urban Studio led by Professor Caroline Lavoie in the Spring 2021. The Studio helped to develop concepts for updates to the Historic District and explore best practices in planning and design as applied to Magna City by a group of young planners and designers.
3. Development of Magna Moderate Income Housing Plan goals and strategies for Magna City, adopted in 2022. Completion of the MHDAP demonstrates measurable progress toward meeting Magna's identified Moderate Income Housing strategies.
4. A collaborative effort with University of Utah Department of City & Metropolitan Planning 6440 Urban Design Principles led by Professor Mark Morris in the fall of 2022. The Studio conceptualized site development for potential project sites in the Historic District Core.
5. A collaborative effort with Utah State University Department of Landscape Architecture and Environmental Planning, 2720 Site Design Studio led by Professor Dave Evans in the Spring 2023. The Studio designed updates to the open spaces within the Historic District Area, including Magna Mantle Park, Magna Copper Park, and the Historic Main St. streetscape.
6. The development, adoption, and application of the Downtown Historic District Mixed-Use Zone. The new zoning district was adopted by Magna Council on June 16, 2023.
7. Plan Document development for updates to the Historic Core including streetscape updates, district branding, street furnishing and signage, as well as solutions for circulation and parking issues (completed over the course of 2023).
8. Plan document development creating guidance for development within the plan area. Including the representation of a buildout scenario for the Downtown Historic District Mixed-Use Zone, and the outline of an overlay zone plan that articulates where residential density increases should be allowed (completed 2023-2024).
9. The development of an accompanying plan document Website, Magna's Historic District Revival (2024): <https://experience.arcgis.com/experience/dd145b6aaf31417d90d78630eeeb98ee/>

Public Input:

Public engagement was integral to the development of the plan document. Planning Staff attended multiple public activities to engage in-person with district residents and visitors. Three separate online surveys were released to collect public input on the subjects of: existing and future conditions in the Historic District generally, branding of the historic district, and potential updates to the Magna Neighborhood Park properties.

As the MHDAP has approached completion, efforts have been made to communicate the results to the community for their feedback. Updated drafts have been presented to local community organizations, including Magna Main Street Alliance (MMSA) on March 6, 2024, and Magna Communities that Care on March 26, 2024. Plan drafts were also presented to the community during a site visit from leadership within the America Main Street Program June 6, 2023, and project updates have been given to the Magna Planning Commission and Council during the development process. Plan drafts have also been shared with regional partners and stakeholders for review and comment including Rio Tinto, Salt Lake

County Parks and Recreation, Salt Lake County Economic Development, Utah State Historic Preservation Office, and Utah Main Street Program.

Feedback from the public has been primarily very positive. Community members have expressed interest in participating in beautification efforts and excitement about the potential updates to open spaces and opportunities for new businesses. Some community members have expressed concerns about the plan's recommended increase in residential units, and potential for increasing competition for parking spaces and community resources. However, recommendations in the drafted Plan related to proposed district parking solutions and increased access to public transportation resources have helped to reduce these concerns.

State Code Requirements:

There are no state code requirements specific to the development of District Plans. However, municipalities are generally allowed to plan for historic preservation, civic activities, cultural opportunities, and prosperity (economic development). 10-9a-401. Adoption of the document creates no obligation to complete projects and proposals outlined.

Decision-Making Authority:

The Magna Planning Commission, as the advisory body for the City of Magna, may make a motion to recommend the Area Plan Document for adoption following a public hearing. The Magna Planning Commission may recommend that the Council adopt, adopt with revisions, or not adopt the MHDAP as drafted. The Magna Council, as the legislative body for the City of Magna, has the final decision-making authority regarding the MHDAP. Following a recommendation from the Planning Commission, the Council may adopt, adopt with revisions, or not adopt the Plan as drafted.

PLAN CONTENT

Sections: Magna Historic District Area Plan Chapters and Sections

Summary & Relevance pg. 06 – *This section introduces the reasoning for engaging in the planning projects and outlines some of the opportunities that have been established to encourage renovation and development in the district area.*

Chapter 1. Introduction pg. 12 – *This section begins by establishing Magna's role in a regional planning context. It then outlines the development history of the district and discusses how that has influenced existing character and current community conditions.*

Chapter 2. Inventory and Analysis pg. 30 – *This section contains a thorough analysis of existing economic and housing conditions within the district. Effort is spent on explaining the consistent commercial vacancy and lack of vitality within the historic core. Solutions identified include the need to balance retail and service square footage (sqft) available in the district with the number of housing units and district residents living within a walkable context of the Commercial Main St. Analysis also identifies gaps in housing affordability within the district, and makes suggests for providing greater equity in housing accessibility within the area.*

Chapter 3. Public Engagement pg. 60 – *This section is dedicated to outlining the public engagement approach utilized for the development of the plan document, as well as the results of online surveys on the district generally and the more specifically on the branding of the district.*

Chapter 4. Goals, Metrics, & Strategies pg. 68 – This section is dedicated to outlining the economic development and housing solution identified in the inventory and analysis section and integrating them with goals regarding improvements the streetscape environment of the Historic core, updates to open space and active transportation opportunities, and coordination with public transportation resources and future plans.

Chapter 5. The Historic Core pg. 76 – This section focuses on improving the streetscape environment of the National Historic Commercial District and the surrounding area. Emphasis is placed on improving walkability within the district through updates to sidewalks, bulb-outs, street furniture such as benches and bikes racks. Parking solutions are recommended along with updates to the district’s alley system. Also, area beautification and event planning solutions are also articulated.

Chapter 6. Development in the Historic District pg.114 – This section outlines development scenarios articulating the capacity of the HDMUZ to accommodate growth within the Historic Core. It also outlines an overlay zone plan for the remainder of the district that will direct growth where it can best be accommodated within the district and improve the performance of existing zoning to ensure the character of historic neighborhoods is preserved.

Chapter 7. Regional Connectivity and Open Space pg. 144 – This section is focused on improving open space and trails opportunities within the district. Special attention is paid to the potential that updates Magna Copper Park mu act as regional attraction to the district supporting economic development and provide improved access to amenities for district residents.

Chapter 8. Work Program and Goals pg. 164 - This section is dedicated to outlining the action items and initiates that will be required to accomplish the goals and strategies articulated in the plan document. The chapter provides a mapped timeline that attempts to articulate projects and the geographies to which they relate. The chapter also provides a work program tables that match categories for historic district management as described by the Utah and America Main Street Programs.

Index pg. 198 - This section assembles funding opportunities that should be considered when working to accomplish Work Program action items and initiatives. It also contains greater detail and guidance regarding the directives of the Magna General Plan, and includes additional information on regional funding partners.

Existing Conditions:

Chapter 2: Inventor and Analysis provides a review of existing conditions in the plan area. The chapter identifies issues related to land use, economic stability, and housing. Much of the research is centered on identifying contributing factors to persistent vacancies within the National Historic Commercial District and steps the city can make reverse this trend and provide the vitality and foot traffic required to support the total retail and service square footage existing within historic commercial buildings and additional commercial buildings added subsequently. The chapter provides examples of how these land uses in the district might be addressed to provide for greater economic stability and more economically inclusive housing opportunities.

Vision and Goals:

A vibrant family friendly-Family, family serving historic main street that acts as the centerpiece of a community where people live, work, and play.

Chapter 4: Goals, Metrics, & Strategies outlines strategies to:

- Promote, incentivize, and support context sensitive development in the district.
- Provide infrastructure supporting community development and walkability.

- Generate taxable value in the district.
- Support economic development within the district.
- Support housing diversity and affordability.
- Improve social organization and regional and rational Program Participation

Key Plan Recommendations:

Key plan recommendations are identified in Chapter 8, *Work Program & Transformation Strategies*. This Chapter establishes action items organized using the Main Street America Transformation Strategies Framework. There are four categories in this framework, and Chapter 8 articulates significant action items for the plan area within each category.

- **Economic Vitality Work Program Table** - The Economic Vitality Work Program Table focuses on zoning, public/private development opportunities, and business and entrepreneurial support. *Action Items Overview:*
 - Adopt Historic District Overlay Zones
 - Develop Historic District Parking Pool
 - Promote Public/Private Development in the Historic Core
 - Establish Historic District Business & Entrepreneur Support Program
- **Design Work Program Table** - The Design Work Program Table focuses on transformation and updating of the physical environment in the historic district. Action items are focused on updates to the streetscape, open space and trails, as well as infrastructure improvements such as updating of the alley system and downtown parking opportunities. *Action Items Overview:*
 - Improve the streetscape and environmental conditions of the Historic Core with the addition of streetscape furniture and improvements to the bulb-outs.
 - Improve Open Space Opportunities in Magna Mantle Park, Copper Park, and Neighborhood Park.
 - Improve Streetscape corridor on 8400 w.
 - Support the addition of active transportation projects within the district.
- **Promotion Work Program Table** - The Promotion Work Program Table focuses on items related to communicating the brand and identity of the Historic District. Promoting the areas businesses, economic development opportunities, events, and partnerships under a cohesive brand. *Action Items Overview:*
 - Improve the streetscape environment withing the historic core with public art, murals, signage, and banners.
 - Develop a brand, logo, and slogan for promotion of the Historic District.
 - Develop promotional materials and website to advertise district economic development opportunities, business, and events.
- **Organization Work Program Table** - The Organization Work Program Table focuses on building partnerships and programing in the historic district. Planning for advancement in the Utah Main Street Program and the formation of a Magna Certified League of Governments will increase avenues for grant and funding opportunities for business, property owners, and the municipality. *Action Items Overview:*
 - Support Magna Main Street Alliance in becoming an independent 501c3.
 - Develop a Magna Certified Local Government program.

- Expand Programming at the Baseball Diamond
- Continue to collaborate with Utah and America Main Street Programs.

STAFF ANALYSIS

Compatibility with Existing Plans and Ordinances:

General Plan Guidance - The Magna Historic District Area Plan (MHDAP) will support the existing General Plan document, by providing a greater level of detail and specificity for the area. The project will address over 60 items in the General Plan Work Program in the competition of this planning project. Some of the most notable action items in the General Plan Work Program are listed below for reference.

Work Program: Land Use & Neighborhoods

#9. Create and adopt an Illustrative Plan, Regulating Plan, Building Form Standards and Public Space Standards for Magna Main Street

#43. Advance efforts to capitalize on recently established historic district status.

#44. Create a study group to evaluate the expansion of the historic district to include part or all of the Old Magna Neighborhood

#45. Consider adoption of design guidelines for infill and replacement housing in the Old Magna Neighborhood to ensure preservation of the historic character of the area.

#3. Enhance existing and future commercial nodes to allow higher density residential development, improve walkability, connect the commercial areas to surrounding neighborhoods, and increase retail square footage.

#4. Review current parking requirements to ensure the highest and best use of land within commercial nodes.

#5. Create community entry areas that identify the primary entrances to Magna, create a sense of identity, and enhance community pride.

Integration of Stakeholder and Public Engagement:

Chapter 3: Public Engagement outlines a proactive approach that was adopted to ensure ongoing public awareness and participation throughout the planning process, employing a range of community engagement strategies. These strategies encompassed online interactions through surveys and face-to-face engagements at community events and gatherings, utilizing interactive posters and activities to foster meaningful dialogue about the future of Magna's Historic District Plan Area.

Online surveys and In-person engagement were used to engage residents, business owners, stakeholders, and visitors, all of which are important in shaping a shared vision for the Historic District Area. Survey responses are quoted throughout the document to demonstrate the public feedback was incorporated in the plan goals and recommendations.

Consistency with State Code Requirements:

There are no state code requirements specific to the development of District Plans. However, municipalities are generally allowed to plan for historic preservation, civic activities, cultural opportunities, and prosperity (economic development). 10-9a-401. Adoption of the document creates no obligation to complete projects and proposals outlined.

Anticipated Impacts:

The adoption of the Magna Historic District Area Plan provides guidance for important projects within the community. Including:

- The development and adoption of a Historic District Parking Ordinance providing guidance and solutions for parking issues associated with new development within the district.
- The development and adoption of Historic District Overlay Zones will guide context appropriate development opportunities in the district as well as help adapt existing zoning to the historic conditions existing within the district.
- Updates to the streetscape and environment of the National Historic District Area.
- Updates to public circulation in the district including improvements to the east/west alley system of the Historic Core.
- Updates to city and district signage and branding.
- Updates to open space and recreation opportunities within the district.
- Conceptual guidance for potential development projects in and around the historic core.

An important aspect of this planning effort has been to identify funding opportunities that can be coordinated to assist the community in accomplishing many of the recommended updates to streetscapes and the physical environment. Prioritizing suggested action items and budgeting for the required commitment to match funding will be paramount in accomplishing these goals.

STAFF RECOMMENDATION

MSD Planning Staff has thoroughly reviewed the drafted Magna Historic District Area Plan. In addition, the draft was sent to *Salt Lake County Economic Development, Salt Lake County Parks and Recreation, Rio Tinto, Utah Main Street Program, Magna Main Street Steering Alliance, and Magna Communities That Care* for comment. Based on their review and analysis, staff finds that:

1. The plan document is sufficient to provide local and regional partners with guidance for the coordination of updates to the streetscape environment, parks and open space, as well as active and public transportation opportunities.
2. The plan document provides justified targets regarding economic and housing development within the district, and outlines the steps required to facilitate context appropriate development in strategic locations throughout the district.
3. Outlines expectations for updates to the public and private parking opportunities, as well as improvements to automotive and pedestrian circulation in and around the Historic Core.

4. The plan document reflects the desires of community members and businesses owners in the district, and outlines opportunities to develop regional attractions that can encourage increased visitation and economic activity in the district.

Given the above findings, staff recommends the following action: That the council review the Magna Historic District Area Plan document and website and make recommendation as required to meet the perceived needs of the plan area and community at large.

NEXT STEPS

Public notice of the staff recommendation for the Magna Historic District Area Plan has been made prior to this council session. Public comment was taken June 13th, 2024, during the Magna Planning Commission session. The Magna Planning Commission voted to recommend adoption by the Council. Staff will return to Council during an upcoming Business Meeting to review the plan document with the Council to present any revisions made as a result of recommendations made by the Council during or after this session to approach the Council for a vote to adopt the Magna Historic District Area Plan as a guiding document for the plan area and the city.

MAGNA HISTORIC DISTRICT

CHARTING A PATH FORWARD



GSL | MSD | Long Range Planning



Works with communities to **identify opportunities**, **establish a vision**, and **implement the recommendations** necessary to exceed expectations for all your planning-related needs. Our engaging outreach and creative approach to planning empower communities to work together creating a more desirable place for everyone to live.

- Zoning Ordinances
- Grant Writing & Administration
- General Plans | District Plans
- Active Transportation Plans
- Short Term Work Programs
- Historic Preservation Plans
- Implementation Plan Evaluation
- Community Outreach and Engagement
- Data Collection and Analysis



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**MSD Education, Outreach,
& Technical Assistance**

Resilience

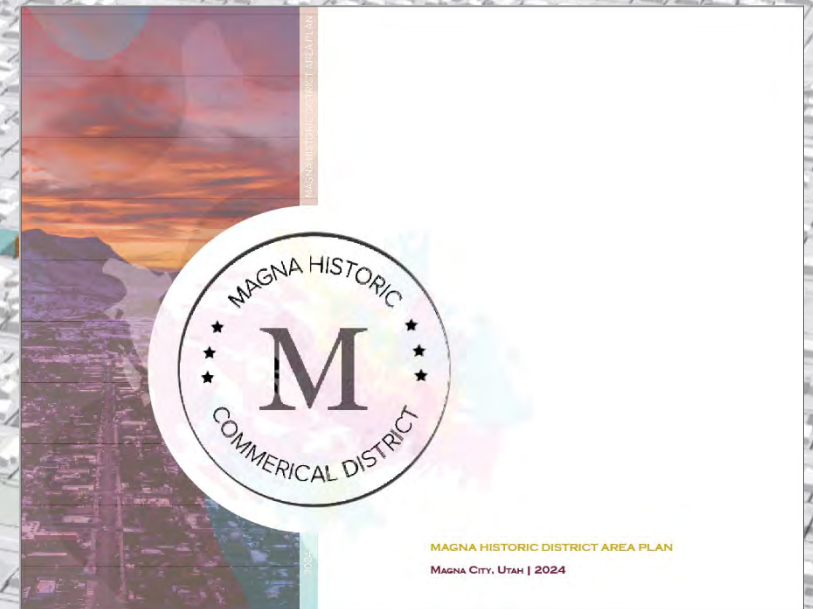
Sustainability &
Resource
Management

Placemaking

Diversity &
Inclusion

Co-Production

MAGNA HISTORIC DISTRICT AREA PLAN



WHY SHOULD WE TAKE THIS ON NOW?

CREATE A GUIDING DOCUMENT FOR THE DISTRICT WHICH ALIGNS:

- The needs of the **Community**
- The vision of the **General Plan**
- The realities of the **Development Industry**, including consideration of market trends
- The requirements of the **National Historic District Designation**

CREATE A FRAMEWORK FOR:

- **Updating** the physical environment within the Historic District
- **Developing** within the historic context
- **Accessing** Funding for the Magna, business and land owners, and developers
- **Addressing** inadequacies of current land use ordinances in the district

WILL THIS REPLACE THE GENERAL PLAN?

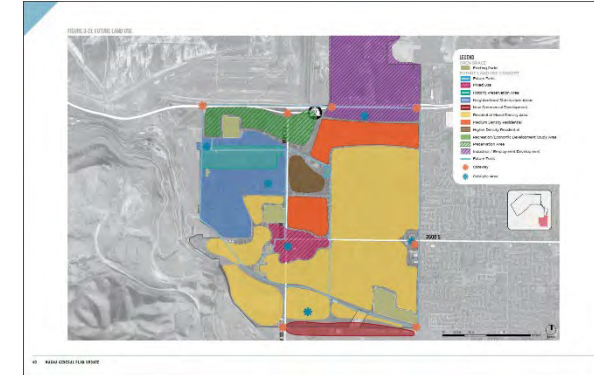
No, The General Plan Calls for the creation of a **Historic District Plan**

We will address over **60 items** in the General Plan Work Program in the competition of this planning project!

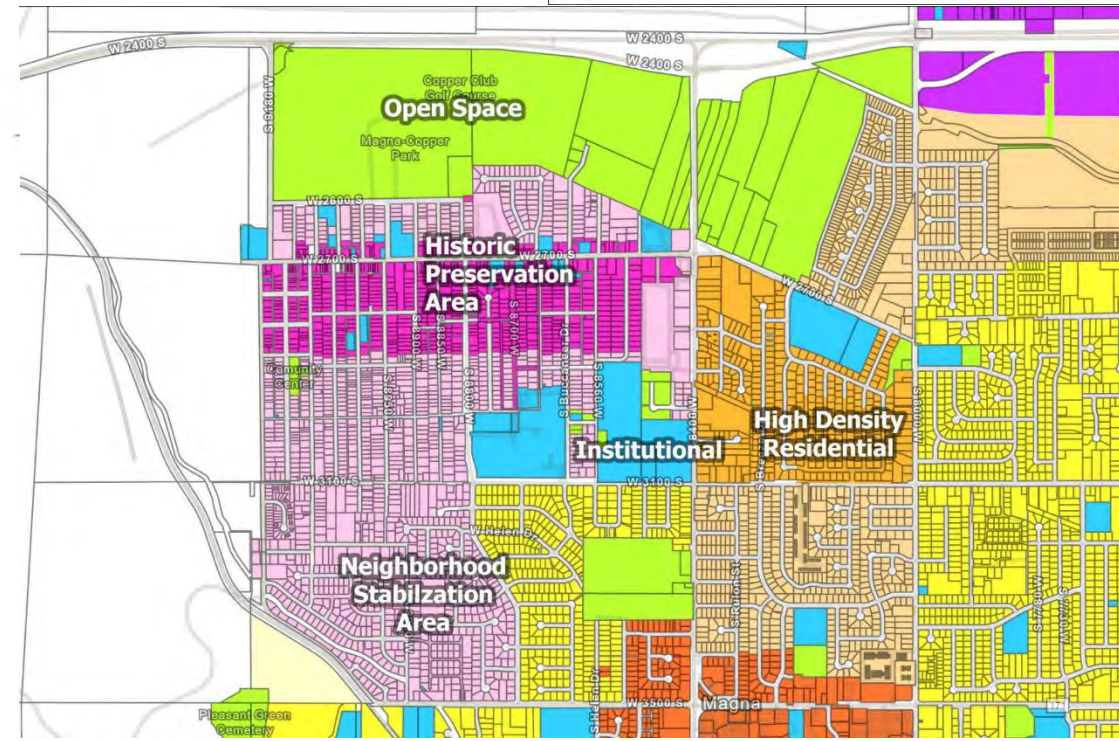
General Plan

Future Land Use

Historic Preservation Areas & Neighborhood Stabilization Areas



- High Density Residential
- Historic Preservation Area
- Industrial
- Institutional
- Medium Density Residential
- Mixed Use
- Neighborhood Stabilization Area
- New Commercial Development
- Open Space
- Residential Mixed Density Area
- <all other values>
- MSD_Parcel



PROMOTING VIBRANCY

COMMERCIAL VIBRANCY

Address persistent vacancy
within the commercial core

COMMUNITY VIBRANCY

Active on Main Street
morning, afternoon, &
evening.

VIBRANT EVENTS

Consistent year-round event
schedule supporting identity



What are the some **Contributing/Competing** Issues?

HOW DO YOU **GET PEOPLE TO LIVE**
DOWNTOWN?

- MIX OF HOUSING UNIT TYPE
OPPORTUNITIY
- ADQUATE SOCIAL SERVICES AND
AMENITIES



HOW DO YOU **GET PEOPLE TO WORK**
DOWNTOWN?

- DIVERSE MIX OF EMPLOYMENT
OPPORTUNITIES
- DIVERSE TRANSIT OPPORTUNITIES

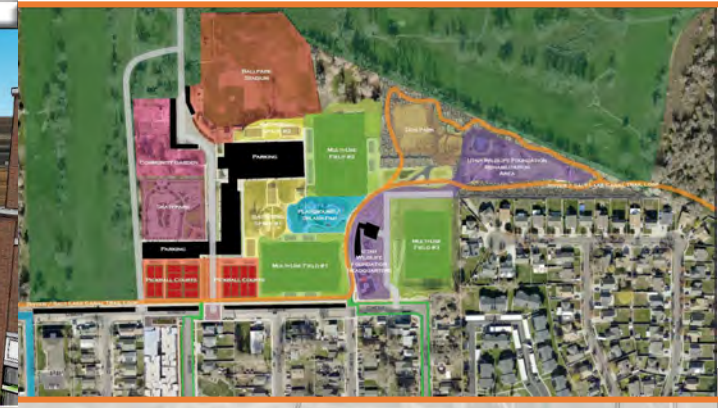
HOW DO YOU **GET PEOPLE TO WALK**
DOWNTOWN?

- A REASON TO WALK
 - A SAFE WALK
- A COMFORTABLE WALK
- AN INTERESTING WALK

CREATING A DESTINATION

ROGER BROOKS REPORT

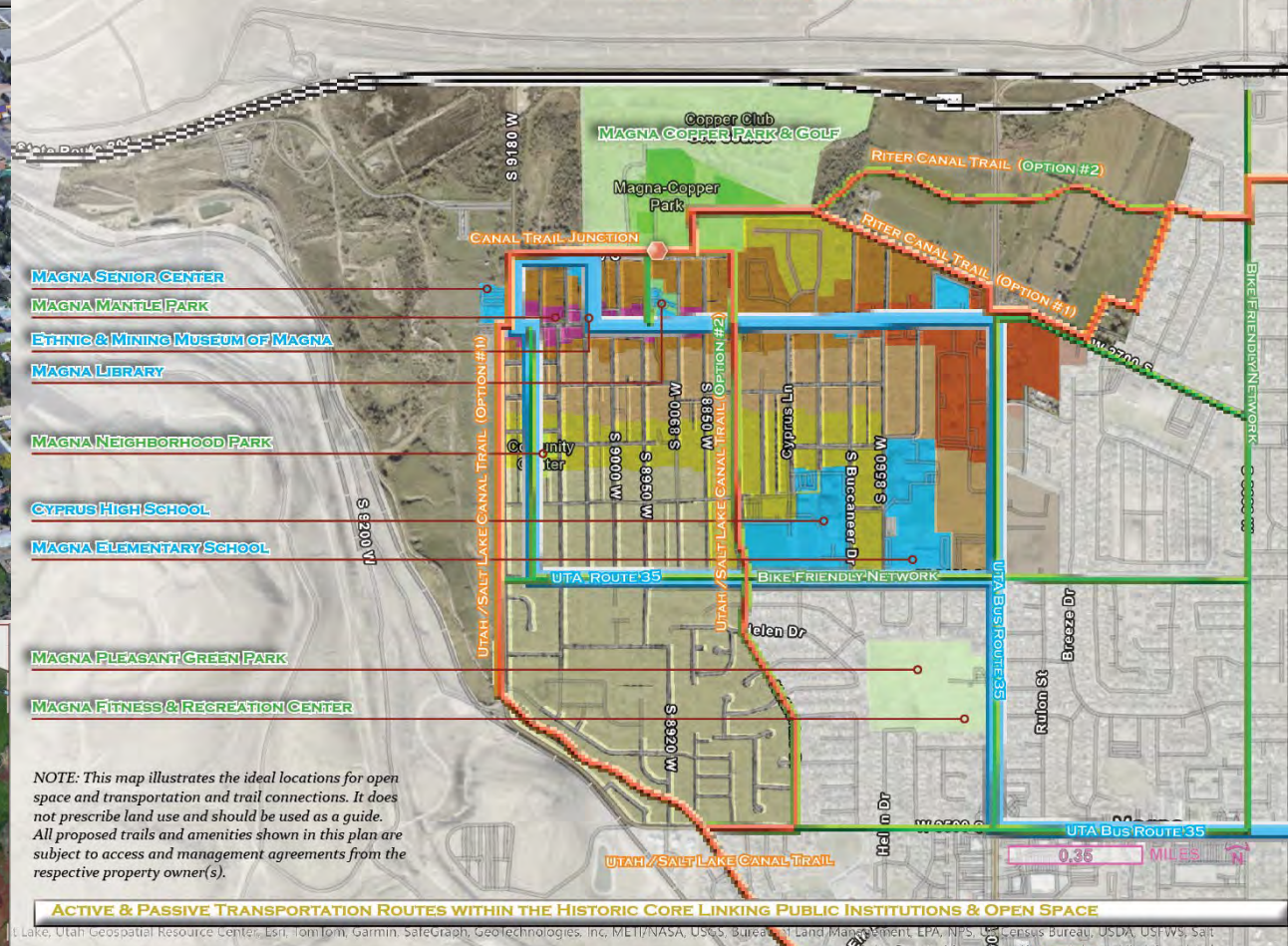
50 suggestions on how to Brand and create destination site within the community



NEIGHBORHOOD PARK LOCATION



CHAPTER 7 | REGIONAL CONNECTIVITY & OPEN SPACE | MAGNA COPPER PARK



Assessment Findings and Suggestions Report

Kearns & Magna, Utah
August 2021

ROGER BROOKS International

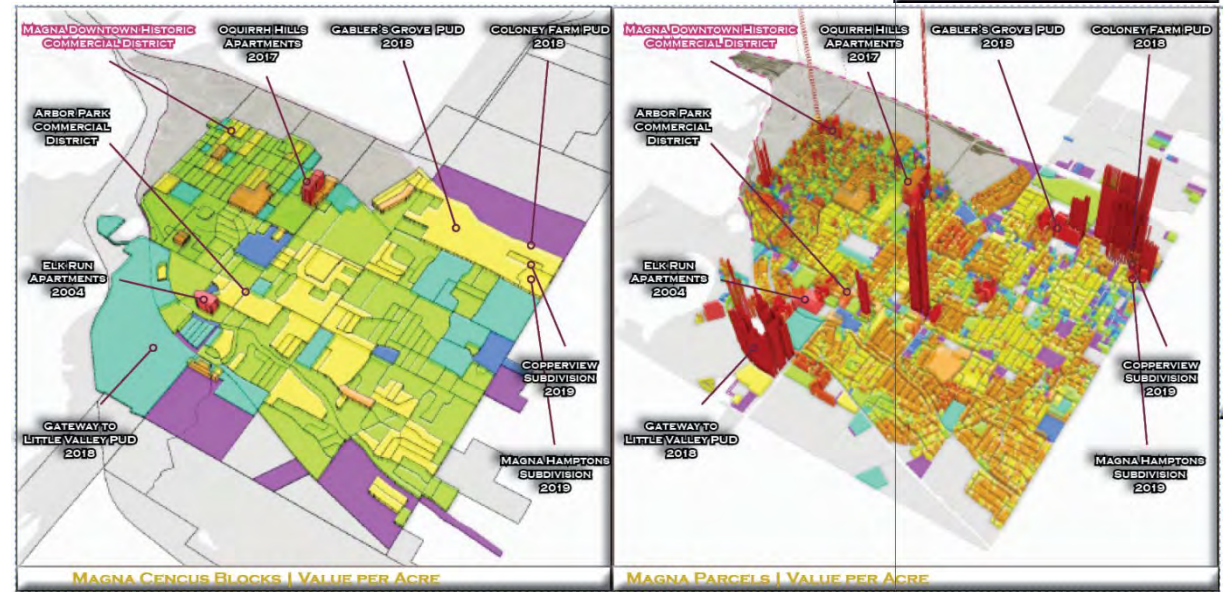
GENERATING TAXABLE VALUE FOR THE CITY

PROPERTY TAX

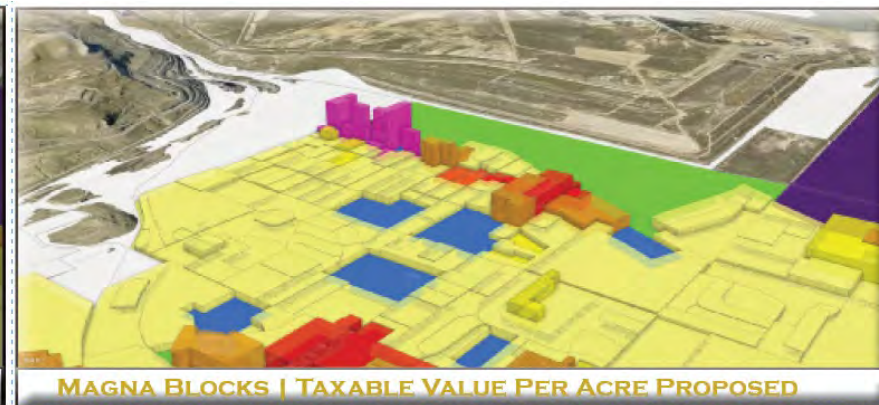
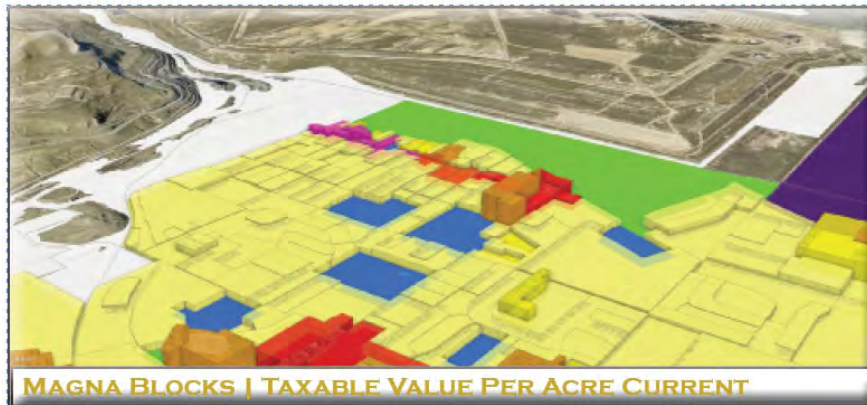
Supporting land uses that return taxable value

RETAIL TAX

Supporting a Retail/Service/Entertainment District

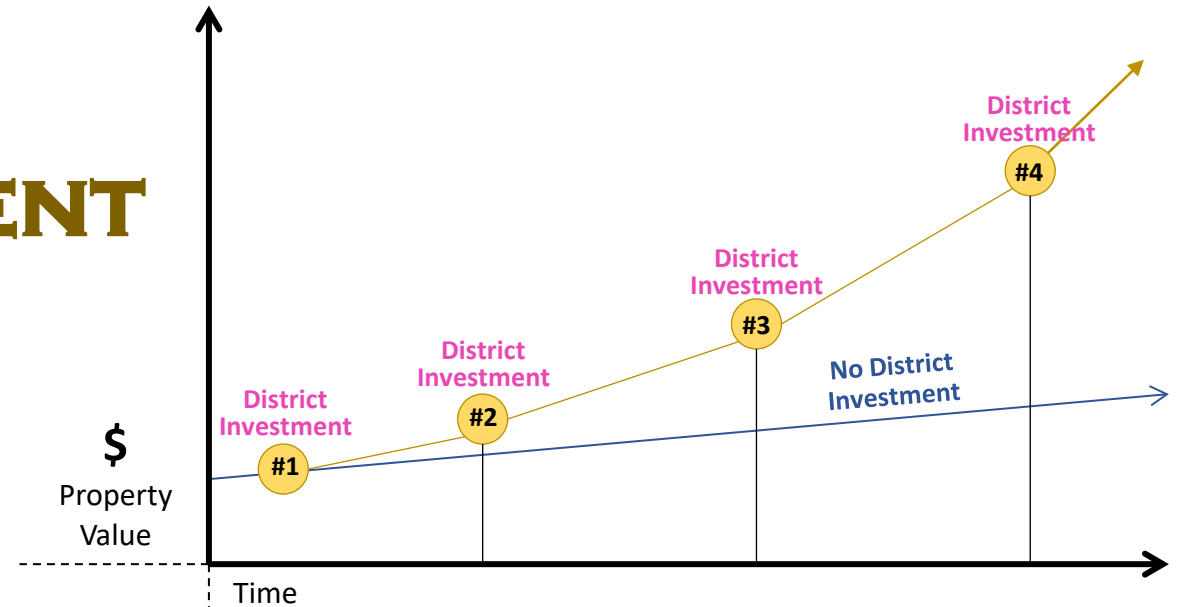


TAXABLE VALUE OF BLOCK AREAS AS REPRESENTED BY GENERALIZED LAND USE WITHIN THE BLOCK



SUPPORTING CATALYTIC DEVELOPMENT

- IMPROVED RETAIL AND SERVICE SQFT
 - Existing | Target | Phasing
- INCREASED RESIDENTIAL UNIT DIVERSITY/OPPORTUNITY
 - Existing | Target | Phasing
- IMPROVED OPEN SPACE AND PUBLIC SPACE
 - Existing | Target | Phasing
- IMPROVED PLACEMAKING & WALKABILITY
 - Existing | Target | Phasing
- PARKING PLAN AND STRATEGY
 - Existing | Target | Phasing



BALANCING COMMERCIAL & RESIDENTIAL OPPORTUNITY

- **Matching Desired Retail & Service sqft with Residential Opportunities**
 - Finding a balance of housing to support commercial uses and develop a walkable neighborhood

Retail Space Needs Per Capita	
Year	Space Needs Per Capita – Square Feet
2000	25
2017	20
2022	15

Current population = 35,000
 2000 Space Needs = 875,000 sq.ft.
 2017 Space Needs = 700,000 sq.ft.
 2022 Space Needs = 525,000 sq.ft.

SUPPORTING RETAIL, SERVICE, AND ENTERTAINMENT WITH A LOCAL CUSTOMER BASE

CURRENT CAPACITY TO SUPPORT RS&E

- District RS&E Target = 15 sqft per District Resident
- Current District Residents = 7,200
- $7,200 \times 15 \text{ sqft} = 108,000 \text{ sqft}$ Total supported RS&E

EXISTING RS&E

- Existing RS&E = approx 150,000 sqft available
- $150,000 \text{ sqft} / 15 = 10,000$ District Resident needed to support existing RS&E

RESIDENTIAL INCREASE REQUIRED

- This means we need to add 3,000 residents to the district to meet existing RS&E
- About 1,000 units total
- Around 300 units within the commercial Cores.

LAND USE & PROPERTY VALUE

- Multi-Family Housing produces by far the greatest taxable value per acre
- 8% of total Land Use
- 14% of taxable value
- 3x increase in Land value compared to any other use

EXISTING CONDITIONS

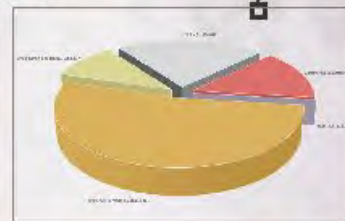
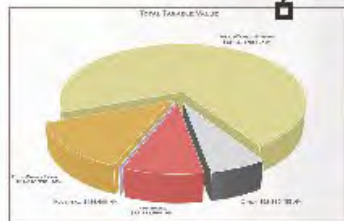
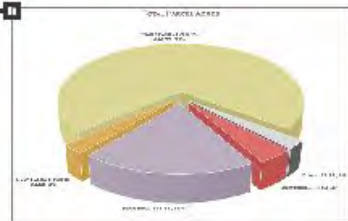
LAND USE

LAND USE PATTERNS WILL DICTATE THE POTENTIAL TAXABLE VALUE OF THE DISTRICT

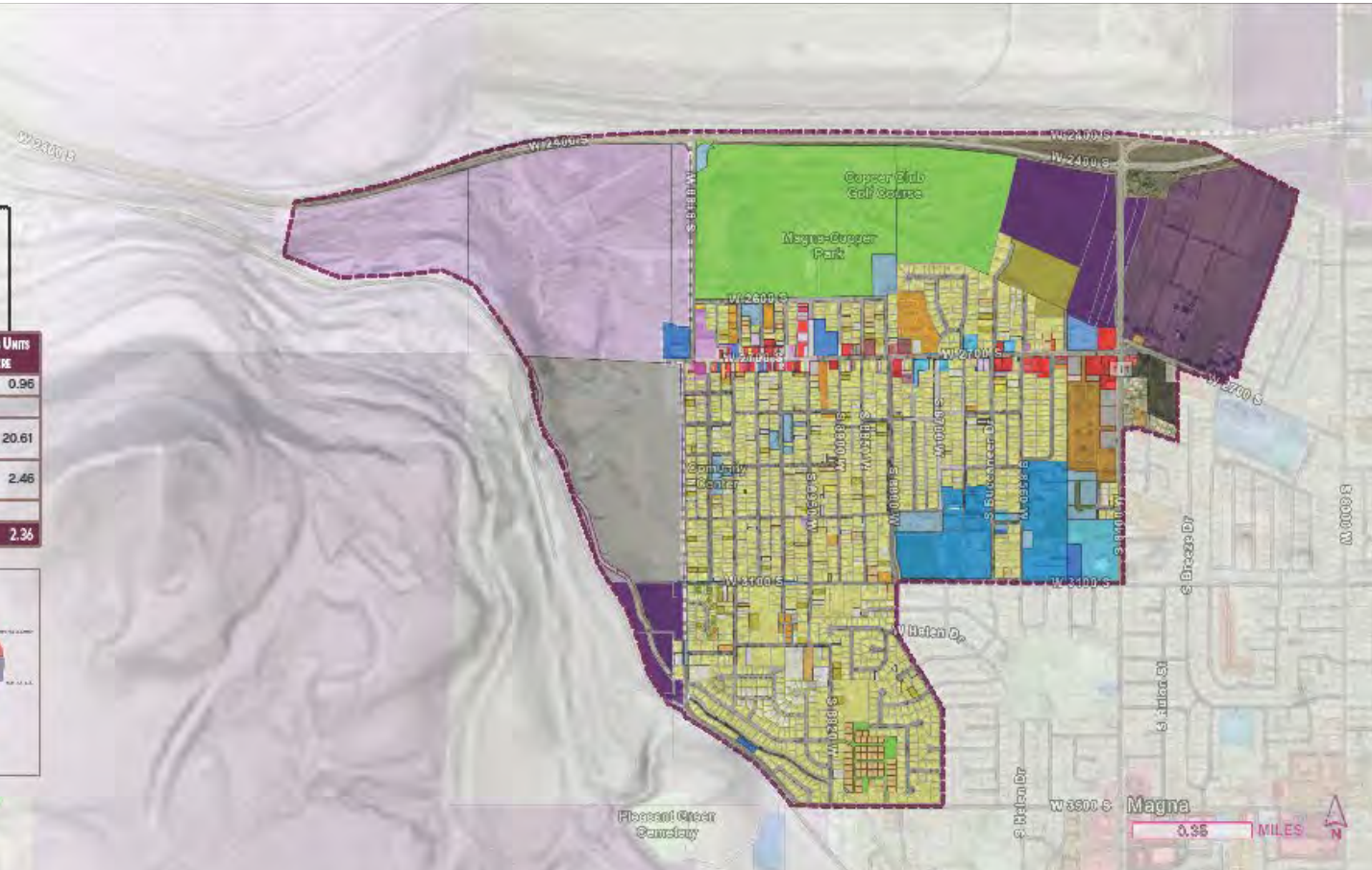
LAND USE PATTERNS WILL DICTATE THE FUTURE VALUE PER ACRE OF THE DISTRICT

LAND USE PATTERNS WILL DICTATE THE SUCCESS OR FAILURE OF THE HISTORIC COMMERCIAL CORE.

USE TYPE	# OF PARCELS	TOTAL PARCEL ACRES	TOTAL HOUSING UNITS	TOTAL STRUCTURE SQ FOOTAGE	TOTAL FULL MARKET VALUE	TOTAL TAXABLE VALUE	TOTAL ASSESSED VALUE	MARKET VALUE / ACRES	HOUSING UNITS / ACRE
COMMERCIAL	119	36.538	35	355,195	\$33,067,520	\$32,882,886	\$33,235,120	\$899,964	0.96
INDUSTRIAL	8	173.33	-	176	\$28,900	\$138,400	\$138,400	\$167	
MULTI-FAMILY HOUSING	40	24.6	507	577,482	\$63,381,960	\$49,620,378	\$89,815,670	\$3,389,511	20.61
SINGLE-FAMILY RESIDENTIAL	1,756	646.7729	1,580	2,748,318	\$426,105,120	\$264,249,651	\$475,621,790	\$658,817	2.46
<NULL>	123	22.115	-	34,891	\$32,598,400	\$23,310,455	\$41,484,200	\$1,474,040	
GRAND TOTAL	2,046	903.3559	2,132	3,716,062	\$575,181,920	\$370,201,770	\$640,295,180	\$636,717	2.36



MULTI-FAMILY HOUSING REPRESENTS 8% OF OUR LAND USE AREA | 14% TAXABLE VALUE | AND INCREASES LAND VALUE AT MORE THAN 3X THE RATE OF ANY OTHER LAND USE.



EXISTING RETAIL AND SERVICE SQFT IN THE DISTRICT

- Given the current available retail & service space within the district we need at least 1,000 Units
- Lack of residents within a walkable district helps to explain the current commercial vacancies along Historic Main Street

EXISTING CONDITIONS

RETAIL & SERVICE SQFT

CREATING A HEALTHY COMMERCIAL RETAIL ENVIRONMENT

DISTRICT RETAIL SQUARE FOOTAGE TARGET = **15 SQFT OF RETAIL SPACE PER DISTRICT RESIDENT**

CURRENT DISTRICT POPULATION = **7,200 x 15 SQFT = 108,000 SQFT TOTAL SUPPORTED RETAIL SQFT**

CURRENT RETAIL SQUARE FOOTAGE = **APX 150,000 SQFT AVAILABLE / 15 = 10,000 NEEDED TO SUPPORT EXISTING RETAIL**

THIS MEANS WE NEED TO ADD **3,000 RESIDENTS TO THE DISTRICT TO MEET CURRENT RETAIL AVAILABILITY!**

ABOUT **1,000 UNITS!** THIS MEANS **1,300,000 Sq Foot HDH**

THIS HELPS TO EXPLAIN CURRENT PERSISTENT VACANCIES IN EXISTING RETAIL SPACES.

USE TYPE	# OF PARCELS	PARCEL ACRES	HOUSING UNITS	STRUCTURE SQ FOOTAGE	FULL MARKET VALUE	TAXABLE VALUE	ASSESSED VALUE	MARKET VALUE / ACRES	HOUSING UNITS / ACRE
503 - RETAIL MIXED	1	0.11	1	1,656	\$128,790	\$136,292	\$168,080	\$1,170,818	9.1
504 - ART MIXED	1	0.23	6	8,436	\$794,490	\$754,207	\$898,590	\$3,454,304	26.1
507 - RETAIL CONVERSION	1	0.15	1	1,170	\$119,790	\$175,149	\$185,090	\$798,600	6.7
515 - BANK	1	0.26	-	4,703	\$557,400	\$707,200	\$707,200	\$2,143,846	-
523 - CONVENIENCE STORE	5	2.27	1	12,743	\$2,304,900	\$5,600,700	\$5,600,700	\$1,015,374	0.4
535 - FRATERNAL BUILDING	2	0.81	1	15,502	\$1,169,800	\$494,600	\$494,600	\$1,444,198	1.2
537 - SERVICE GARAGE	5	1.47	1	18,879	\$1,938,100	\$2,461,900	\$2,461,900	\$1,318,435	0.7
539 - LOUNGE	6	1.00	2	16,401	\$1,334,390	\$1,835,790	\$1,835,790	\$1,334,390	2.0
550 - MIXED USE BLDG	1	0.13	-	2,065	\$327,400	\$372,100	\$372,100	\$2,518,462	-
561 - MORTUARY	1	0.66	1	4,397	\$849,980	\$1,012,343	\$1,137,470	\$1,287,848	1.5
565 - OFFICE	2	0.39	1	8,349	\$411,500	\$243,000	\$243,000	\$1,055,128	2.6
573 - RESTAURANT	1	0.06	-	1,975	\$128,700	\$164,500	\$164,500	\$2,145,000	-
574 - FAST FOOD RESTAURANT	1	1.23	-	3,952	\$2,795,200	\$3,200,400	\$3,200,400	\$2,274,369	-
575 - RETAIL STORE	18	2.48	3	46,994	\$3,268,500	\$4,401,005	\$4,442,000	\$1,317,412	1.2
585 - STORE CENTER	2	0.68	3	11,329	\$558,200	\$878,000	\$878,000	\$820,882	4.4
581 - TRUCKEE	1	0.09	-	3,500	\$197,300	\$250,300	\$250,300	\$2,192,222	-
956 - CHURCH	5	2.43	-	27,306	\$1,340,290	\$-	\$-	\$551,560	-
	54	14	21	188,957	18,224,730	22,687,486	23,039,720	1,578,991	3.3



CURRENT EMPLOYMENT OPPORTUNITIES

- 70 total businesses identified within the district
- 1,200 employees
- 7,200 Population
- 2,150 Housing units

EXISTING CONDITIONS

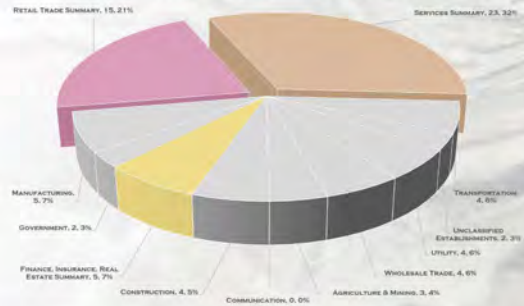
HISTORIC DISTRICT ECONOMICS

BUSINESS TYPES & EMPLOYMENT

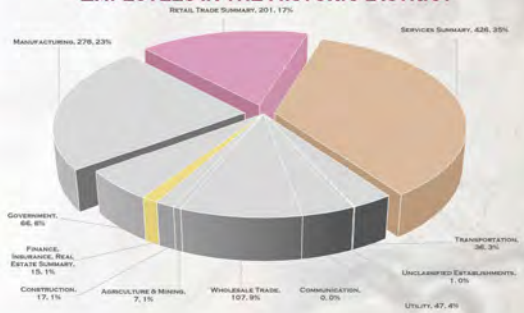
TOTAL BUSINESSES:	70
TOTAL EMPLOYEES:	1,199
TOTAL RESIDENTIAL POPULATION:	7,137
EMPLOYEE/RESIDENTIAL POPULATION RATIO (PER 100 RESIDENTS)	17

CATEGORY	BUSINESS TYPE	# OF BUSINESSES	% OF BUSINESSES	# OF EMPLOYEES	% OF EMPLOYEES
RETAIL TRADE SUMMARY	HOME IMPROVEMENT	2	2.9	109	9.1
	GENERAL MERCHANDISE STORES	1	1.4	5	0.4
	FOOD STORES	2	2.9	14	1.2
	AUTO DEALERS, GAS STATIONS, AUTO AFTERMARKET	0	0	2	0.2
	APPAREL & ACCESSORY STORES	0	0	0	0
	FURNITURE & HOME FURNISHINGS	0	0	1	0.1
	EATING & DRINKING PLACES	5	7.1	44	3.7
	MISCELLANEOUS RETAIL	5	7.1	25	2.1
TOTAL	15	21.4	201	16.8	
FINANCE, INSURANCE, REAL ESTATE SUMMARY	BANKS, SAVINGS & LENDING INSTITUTIONS	1	1.4	4	0.3
	SECURITIES BROKERS	0	0	0	0
	INSURANCE CARRIERS & AGENTS	0	0	0	0
	REAL ESTATE, HOLDING, OTHER INVESTMENT OFFICES	4	5.7	11	0.9
TOTAL	5	7.1	15	1.3	
SERVICES SUMMARY	HOTELS & LODGING	0	0	0	0
	AUTOMOTIVE SERVICES	3	4.3	17	1.4
	MOTION PICTURES & AMUSEMENTS	2	2.9	13	1.1
	HEALTH SERVICES	1	1.4	33	2.8
	LEGAL SERVICES	0	0	0	0
	EDUCATION INSTITUTIONS & LIBRARIES	5	7.1	229	19.1
	OTHER SERVICES	13	18.6	134	11.2
TOTAL	23	32.9	426	35.5	

BUSINESSES IN THE HISTORIC DISTRICT



EMPLOYEES IN THE HISTORIC DISTRICT



CURRENT HOUSING REQUIRED

Homeowner Mortgage as % of Salary

% of Salary Spent	Homes	%
10 %	81	70%
10-14.9%	156	
15-19.9%	154	
20-24.9%	240	
25-29.9%	106	
30-34.9%	118	30% experiencing cost-burdened housing
35-39.9%	31	
40-49.9%	00	
50+%	74	
	1,050	

AREA MEDIAN INCOME (AMI) DISTRIBUTION
The midpoint of a region's income distribution, where half of families earn more than the median and half earn less

2022 TOTAL POPULATION = 7,137

2022 HOUSEHOLDS = 2,171

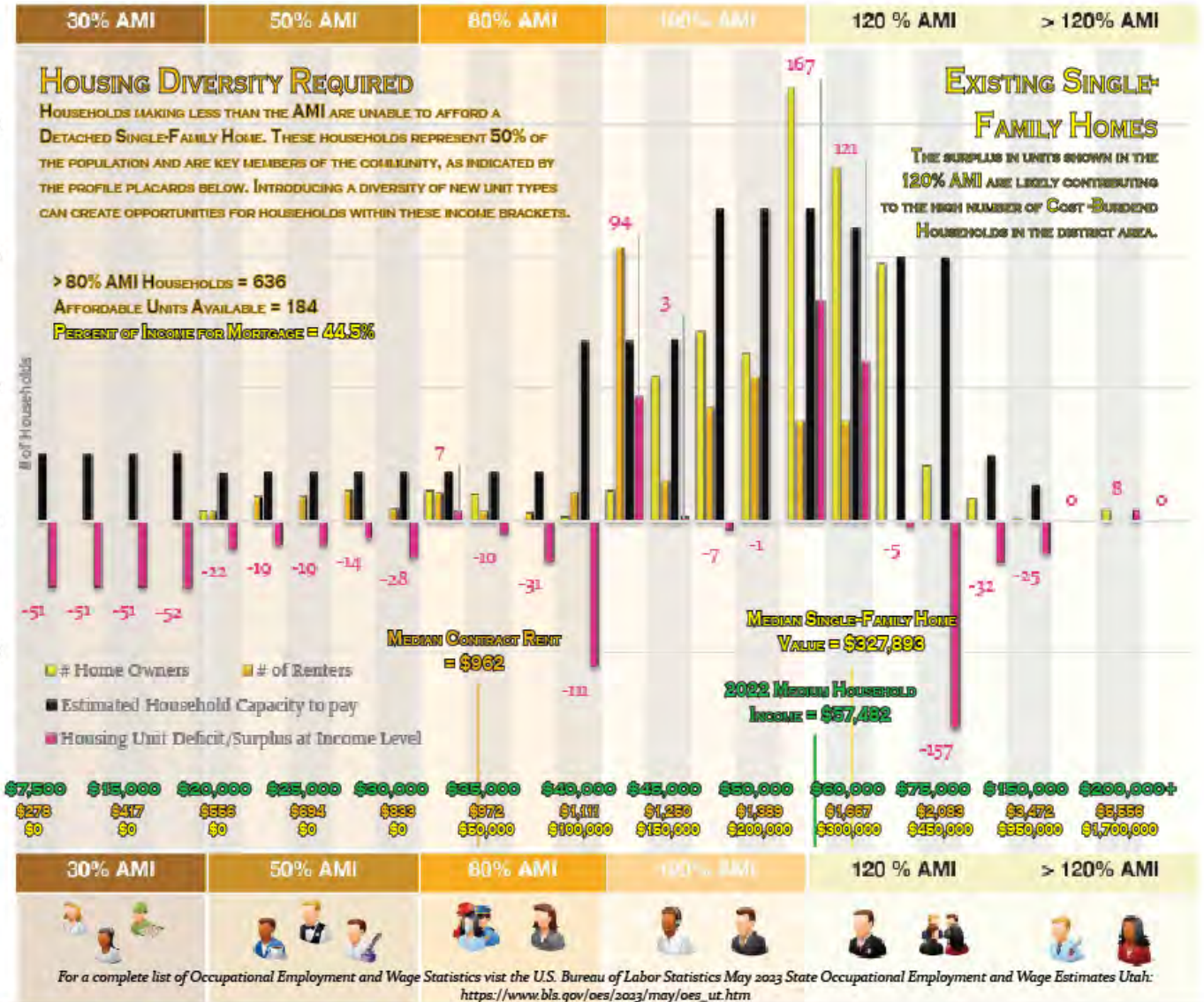
2022 OWNER OCCUPIED UNITS = 1,817

2022 RENTER OCCUPIED UNITS = 717

AFFORDABLE UNITS REQUIRED TO MEET EXISTING NEED = 450

ANNUAL HOUSEHOLD INCOME AFFORDABLE MONTHLY RENT \$ AFFORDABLE HOME OWNERSHIP UNIT COST

AMI HOUSEHOLD TYPICAL EMPLOYMENT SECTORS

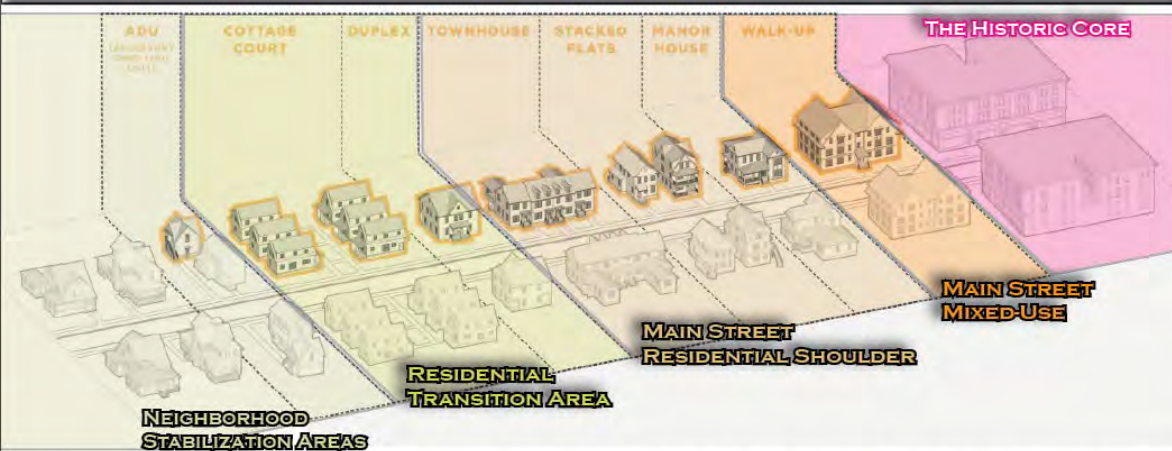


HOUSING AVAILABILITY AND COST COMPARED WITH THE COMMUNITY CAPACITY TO PAY

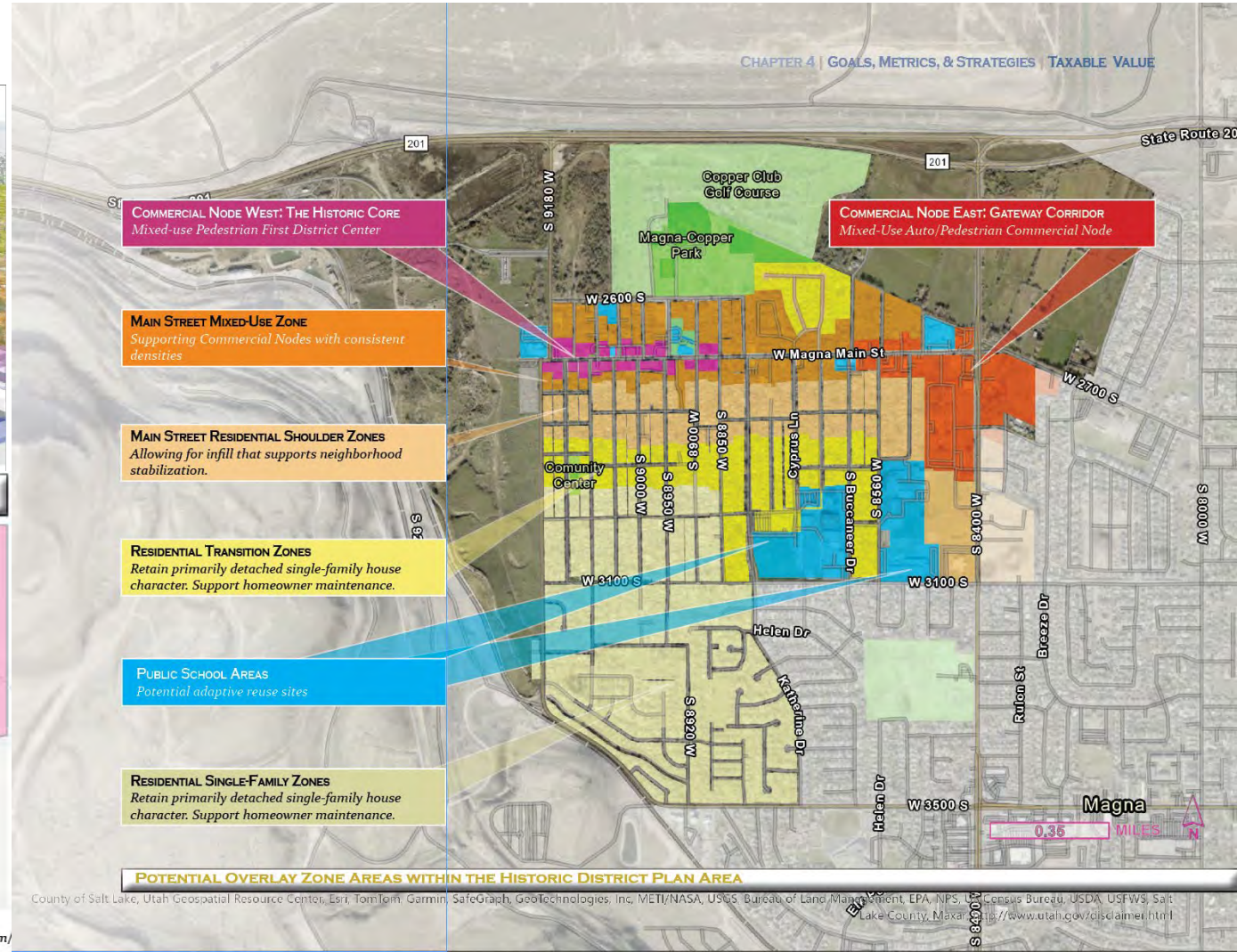
DEVELOPMENT IN THE HISTORIC DISTRICT PLAN AREA



OVERLAY ZONES INFILL OPPORTUNITIES | UNIT TYPE & DENSITY EXAMPLES



Common Missing Middle Housing Types in New England - Created by Union Studio <https://unionstudioarch.com/>





THE HISTORIC CORE

PROMOTING THE PRESERVATION OF THE NATIONAL HISTORIC DISTRICT DESIGNATION & APPLICATION OF THE DOWNTOWN HISTORIC MIXED-USE ZONE

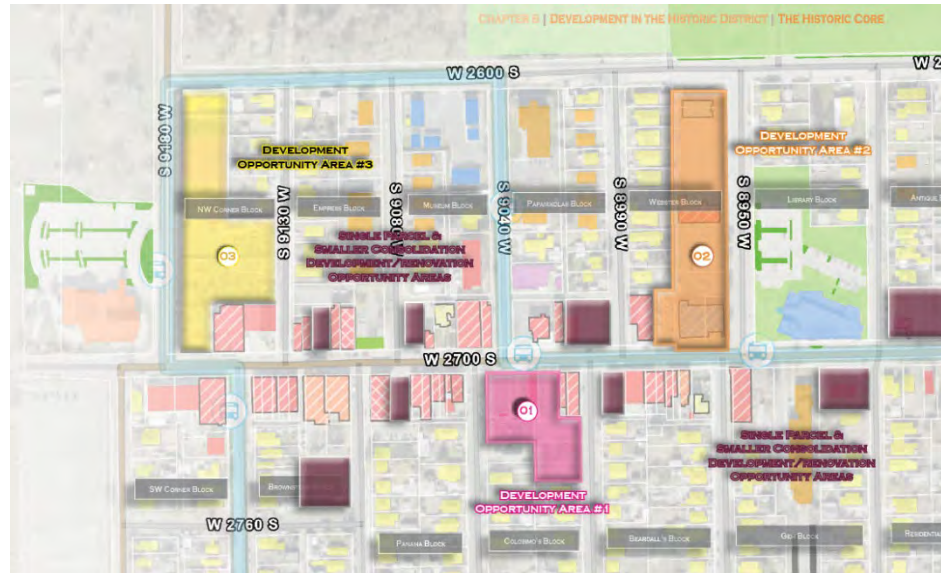
TARGET ZONING: DOWNTOWN HISTORIC MIXED-USE ZONE (DHMUZ)

Zoning updates for the district

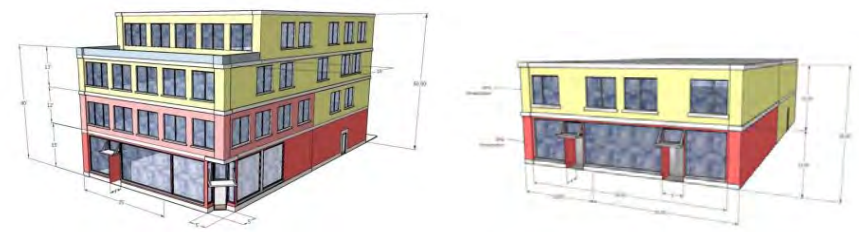
- Building upon **Mixed-Use Zone** update work
- Respecting unique character and parcel distribution of the district

Design Standards for future development in the district

- **Protect/enhance the character** of the Magna Historic District



PHASE #2 - EXAMPLE BUILD OUT PERSPECTIVES 8950 W. 02



PHASE #2 - EXAMPLE BUILD OUT PERSPECTIVES 9180 W. 03



DEVELOPMENT OPPORTUNITY AREA #1 | THE COLOSIMO'S BLOCK: STREETSCAPE PERSPECTIVE 01





GATEWAY CORRIDOR MIXED-USE OVERLAY

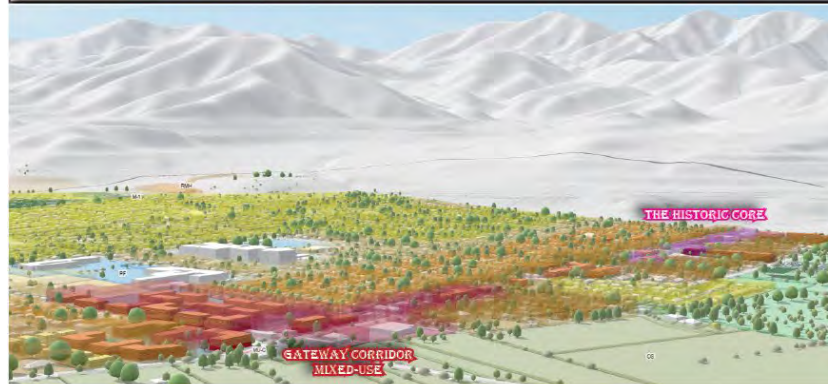
TRANSFORMING THE GATEWAY TO THE HISTORIC DISTRICT
WITH ENHANCED RESIDENTIAL AND COMMERCIAL OPPORTUNITIES

TARGET ZONING: CORRIDOR MIXED USE (CMU) | RESIDENTIAL MULTI-FAMILY (RM)



Downtown Thoroughfare Example Created by the National Association of City Transportation Officials - <https://nacto.org/publication/urban-street-design-guide/streets/downtown-thoroughfare/>

COORDINATED CORRIDOR IMPROVEMENTS



8400 W. STREETSCAPE IMPROVEMENT PRECEDENT



BENEFICIAL LAND USE PROXIMITIES



Graphics Created Utilizing Esri, Esri Urban, Version 2.0, 2024, Esri, <https://www.esri.com/en-us/arcgis/products/esri-urban/overview>



MAIN STREET MIXED-USE OVERLAY

ENABLING MULTI-FAMILY HOUSING DEVELOPMENT ON MAIN STREET AND ADJACENT AREAS NEAR THE HISTORIC COMMERCIAL CORE

TARGET ZONING: NEIGHBORHOOD MIXED-USE (NMU) | RESIDENTIAL MULTI-FAMILY (RM) | RESIDENTIAL (R-4)

STRATEGIC DEVELOPMENT OVERLAY | MAIN STREET MIXED-USE

Goals

Reduction in parking for Deed Restricted Affordable Housing units.
Reduction in parking based on Historic Parcel Alignment.
Alteration of lot min-width, setbacks, etc., to meet precedent established by existing structures within the immediate area for:

Zoning Encouraged:

Neighborhood Mixed Use Zone (NMU):

The NMU Zone is intended to create a residential district that allows a small-scale, horizontal or vertical mixture of neighborhood commercial uses to serve the daily needs of area residents. This zone is intended only for small-scale, low-impact uses, to promote a better mixture of uses close to home and within a walkable environment.

Residential Multi-Family (RM):

The RM Zone is intended to promote medium and high-density residential housing of greater than four (4) units. Development projects in this zone should accommodate multi-modal transportation opportunities, open space, amenities for units, limited commercial uses, and provide buffering between high-density and low-density housing.

Strategies

Reduction in parking for Deed Restricted Affordable Housing units.

- 0.50 spaces per studio unit
- 0.75 spaces per one-bedroom unit
- 1.00 spaces per two-bedroom unit
- 1.25 spaces per unit with 3 or more bedrooms

Reduction in parking based on Historic Parcel Alignment.

- .75 spaces per studio unit
- 1.0 space per one-bedroom unit
- 1.25 spaces per two-bedroom unit
- 1.5 spaces per unit for units with three or more bedrooms

Reduction in parking based on available district parking pools.

Street Parking Credits purchased.
Where striped public parking spaces are present within 660 ft. as measured along a public pedestrian right of way from any structure entrance:
Striped on-street or off-street public spaces may contribute up to fifty percent (50%) of the parking minimum requirement.
In the case that street parking is constructed as an improvement in conjunction with an approved site plan, the striped on-street spaces may contribute to the parking minimum requirement.

MAIN STREET STREETScape IMPROVEMENT PRECEDENT



Neighborhood Main Street Example Created by the National Association of City Transportation Officials - <https://nacto.org/publication/urban-street-design-guide/streets/neighborhood-main-street/>

MAIN STREET MULTI-FAMILY DEVELOPMENT EXAMPLE



Missing Middle Should Always be "Mixed-In" - Image Created by Work Program Architects - <https://wparch.com/projects/urban-design-planning/missing-middle-pattern-book/>



MAIN STREET RESIDENTIAL SHOULDER

FACILITATING A GRADUAL INCREASE IN DENSITY TO SEAMLESSLY INTEGRATE NEIGHBORHOOD STABILIZATION AREAS WITH MIXED-USE DEVELOPMENT IN THE HISTORIC CORE

TARGET ZONING: NEIGHBORHOOD MIXED-USE (NMU) | RESIDENTIAL (R-4) | RESIDENTIAL (R-2)

STRATEGIC DEVELOPMENT OVERLAY | MAIN ST. RESIDENTIAL SHOULDER

Goals

Reduction in parking for Deed Restricted Affordable Housing units.
Alteration of lot min-width, setbacks, etc., to meet precedent established by existing structures within the immediate area for:

Zoning Encouraged:

Neighborhood Mixed Use (NMU):

The NMU Zone is intended to create a residential district that allows a small-scale, horizontal or vertical mixture of neighborhood commercial uses to serve the daily needs of area residents. This zone is intended only for small-scale, low-impact uses, to promote a better mixture of uses close to home and within a walkable environment.

Residential (R-4):

The R-4 Zones are intended to promote medium-density middle housing options between one and four (1-4) units per building. Multiple buildings may be located on one lot; however, lots with multiple buildings are encouraged to establish a PUD as part of the development process. Medium-density housing will serve as a transition between higher-density commercial, residential, or mixed-used and low-density residential or single-family.

Residential (R-2):

The R-2 Zones are intended to promote medium-density middle housing options between one and two (1-2) units per building. Multiple buildings may be located on one lot; however, lots with multiple buildings are encouraged to establish a PUD as part of the development process.

Strategies

Reduction in parking for Deed Restricted Affordable Housing units.

- 0.50 spaces per studio unit
- 0.75 spaces per one-bedroom unit
- 1.00 spaces per two-bedroom unit
- 1.25 spaces per unit with 3 or more bedrooms

Reduction in parking based on Historic Parcel Alignment.

- .75 spaces per studio unit
- 1.0 space per one-bedroom unit
- 1.5 spaces per two-bedroom unit
- 2.0 spaces per unit for units with three or more bedrooms

Reduction in parking based on available district parking pools.

Street Parking Credits purchased.

Where striped public parking spaces (excluding parallel parking along Main St.) are present within 660 ft. as measured along a public pedestrian right of way from any structure entrance:

Striped on-street or off-street public spaces may contribute up to 25 percent (25%) of the parking minimum requirement

In the case that street parking is constructed as an improvement in conjunction with an approved site plan, the striped on-street spaces may contribute to the parking minimum requirement.

Alteration of lot min-width, setbacks, etc., to meet historic parcel alignment.

RM

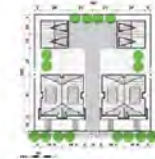
R-4

MAIN STREET RESIDENTIAL SHOULDER INFILL EXAMPLE

CONTEXTUAL ROWHOUSE VARIANT

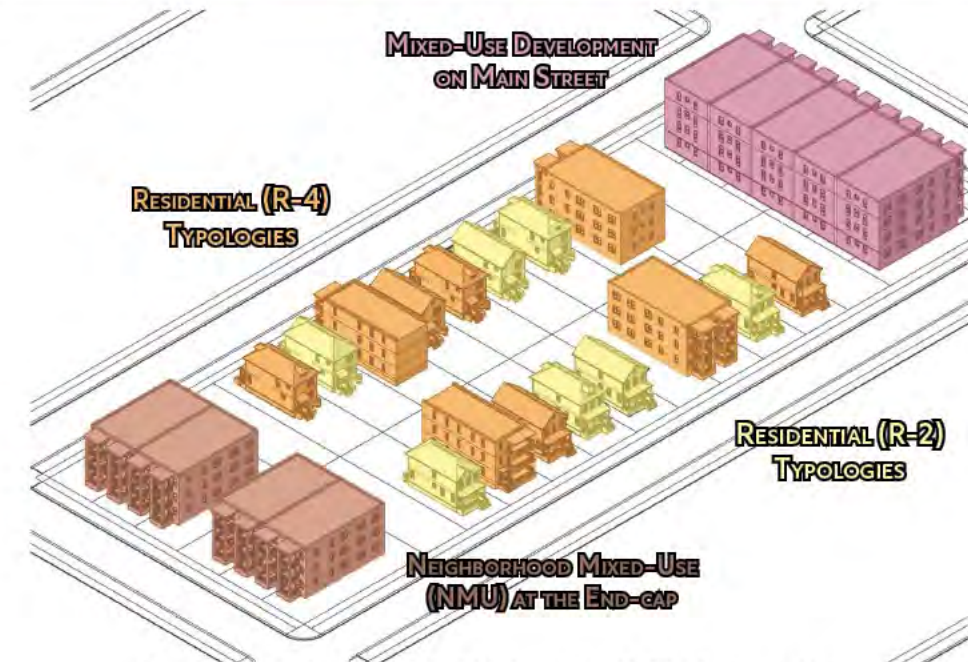
Density Pictured - 16 units per acre

This side-by-side duplex example demonstrates four rowhouse units (1,300-1,600 sq.ft each). These units are grouped in pairs, providing building forms reflective of typical neighborhood patterns. This also avoids the wall-like effect of four attached units. A double-loaded rear alley makes efficient use of site area. This allows for larger backyards than with conventional rear parking. It is also possible to locate garages closer to each other, further reducing impervious surface area.



Contextual Rowhouse Variant Housing Example adapted from Solutions for Achieving Density and Neighborhood Friendly Design - Created by City of Portland, OR

MAIN STREET RESIDENTIAL SHOULDER INFILL EXAMPLE



Missing Middle Should Always be "Mixed-In" - Image Created by Work Program Architects - <https://wparch.com/projects/urban-design-planning/missing-middle-pattern-book/>



RESIDENTIAL TRANSITION ZONE

OFFERING OPPORTUNITIES TO INCREASE PROPERTY VALUE BY EXTENDING SECOND DWELLING OPTIONS

TARGET ZONING: : RESIDENTIAL (R-2) | NEIGHBORHOOD MIXED-USE (NMU) | ATTACHED AND DETACHED ADU'S

STRATEGIC DEVELOPMENT OVERLAY | HISTORIC SINGLE-FAMILY CORE Goals

Reduction in parking for Deed Restricted Affordable Housing units.

Alteration of lot min-width, setbacks, etc., to meet president established by existing structures within the immediate area for:

Zoning Encouraged:

Residential Transition Zones (R-2):

The R-2 Zones are intended to promote medium-density middle housing options between one and two (1-2) units per building. Multiple buildings may be located on one lot; however, lots with multiple buildings are encouraged to establish a PUD as part of the development process.

Neighborhood Mixed Use District (NMU):

The NMU Zone is intended to create a residential district that allows a small-scale, horizontal, or vertical mixture of neighborhood commercial uses to serve the daily needs of area residents.

Strategies

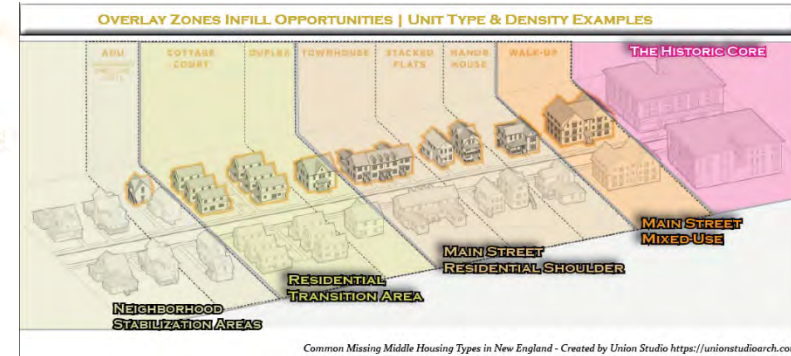
Reduction in parking for Deed Restricted Affordable Housing units.

.75 spaces per studio unit

1.0 space per one-bedroom unit

1.25 spaces per two-bedroom unit

1.50 spaces per unit for units with three or more bedrooms



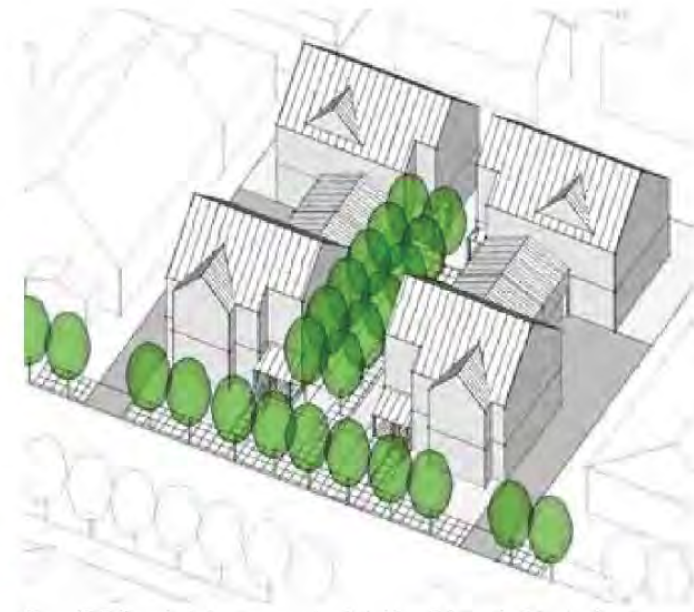
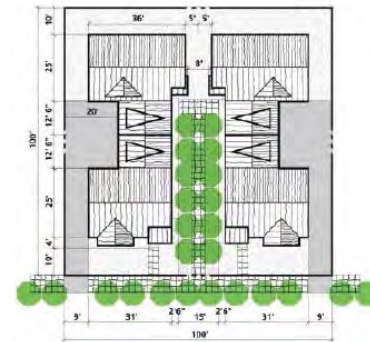
Common Missing Middle Housing Types in New England - Created by Union Studio <https://unionstudioarch.com/>

RESIDENTIAL TRANSITION ZONE INFILL EXAMPLE

COTTAGE CLUSTER

Density Pictured – 16 units per acre

This side-by-side duplex example demonstrates four units (1,500–1,950 sq.ft each) arranged around a common green. These units can be either attached or detached, with the common green hold as a common tract. The massing of front units reflects neighborhood patterns of houses on 50'-wide lots. Slightly smaller than typical lots in Moab and Spanish Valley, but near enough to blend with existing lot sizes.



Cottage Cluster Housing Example adapted from Solutions for Achieving Density and Neighborhood Friendly Design - Created by City of Portland, OR



PUBLIC INSTITUTIONS AREAS

ANTICIPATING POTENTIAL CHANGES IN LAND OWNERSHIP WITHIN THE PUBLIC INSTITUTIONS AREA

TARGET ZONING: NEIGHBORHOOD MIXED-USE (NMU) | RESIDENTIAL (R-4) | RESIDENTIAL (R-2)

STRATEGIC DEVELOPMENT OVERLAY | PUBLIC INSTITUTIONS TRANSITION ZONE Goals

Reduction in parking for Deed Restricted Affordable Housing units.
Alteration of lot min-width, setbacks, etc., to meet present established by existing structures within the immediate area for:

Zoning Encouraged:

Neighborhood Mixed Use (NMU):

The NMU Zone is intended to create a residential district that allows a small-scale, horizontal or vertical mixture of neighborhood commercial uses to serve the daily needs of area residents. This zone is intended only for small-scale, low-impact uses, to promote a better mixture of uses close to home and within a walkable environment.

Residential (R-4):

The R-4 Zones are intended to promote medium-density middle housing options between one and four (1-4) units per building. Multiple buildings may be located on one lot; however, lots with multiple buildings are encouraged to establish a PUD as part of the development process. Medium-density housing will serve as a transition between higher-density commercial, residential, or mixed-used and low-density residential or single-family.

Residential (R-2):

The R-2 Zones are intended to promote medium-density middle housing options between one and two (1-2) units per building. Multiple buildings may be located on one lot; however, lots with multiple buildings are encouraged to establish a PUD as part of the development process.

Strategies

Reduction in parking for Deed Restricted Affordable Housing units.

- 0.50 spaces per studio unit
- 0.75 spaces per one-bedroom unit
- 1.00 spaces per two-bedroom unit
- 1.25 spaces per unit with 3 or more bedrooms

Reduction in parking based on Historic Parcel Alignment.

- .75 spaces per studio unit
- 1.0 space per one-bedroom unit
- 1.25 spaces per two-bedroom unit
- 1.50 spaces per unit for units with three or more bedrooms

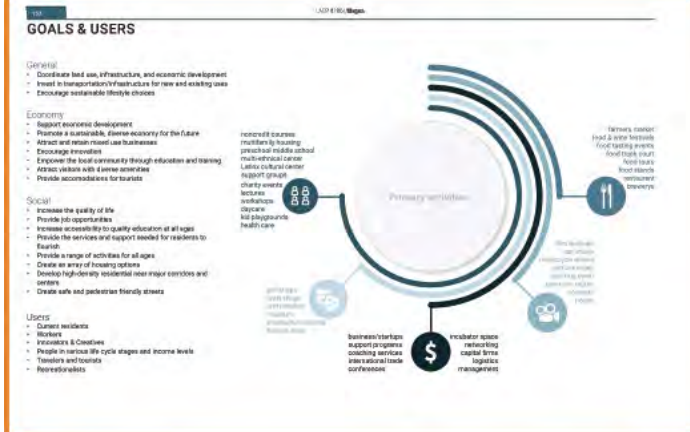
UNIVERSITY COLLABORATION VISIONING

Utah State Department of Landscape Architecture engaged in a project with the Greater Salt Lake Municipal Services District in Fall 2021. The focus was on urban design and city planning in Magna City, aiming to stimulate dialogue among stakeholders in the surrounding area.

Specifically, the Economic Development team examined Cyprus High School and its surrounding area to support Magna's development as a vibrant and sustainable hub. The proposed concept involves transforming a designated zone into a Life Long Learning Center. This center would prioritize teaching skills and enhancing infrastructure to contribute to Magna's economic growth.

Follow the link on the page to view the results of student efforts. The links lead to a final submittal that includes analysis of the district and surrounding areas, as well as design and development proposals for the Cyprus High School site.

ECONOMIC AND DEVELOPMENT & LIFELONG LEARNING EXTRACTS:





DEVELOPMENT PHASES IN THE HISTORIC DISTRICT

IDENTIFYING DEVELOPMENT AND GROWTH TARGETS FOR THE DISTRICT SUPPORTED BY DEVELOPMENT OPPORTUNITY AREA
CATALYTIC GROWTH

PHASE #1

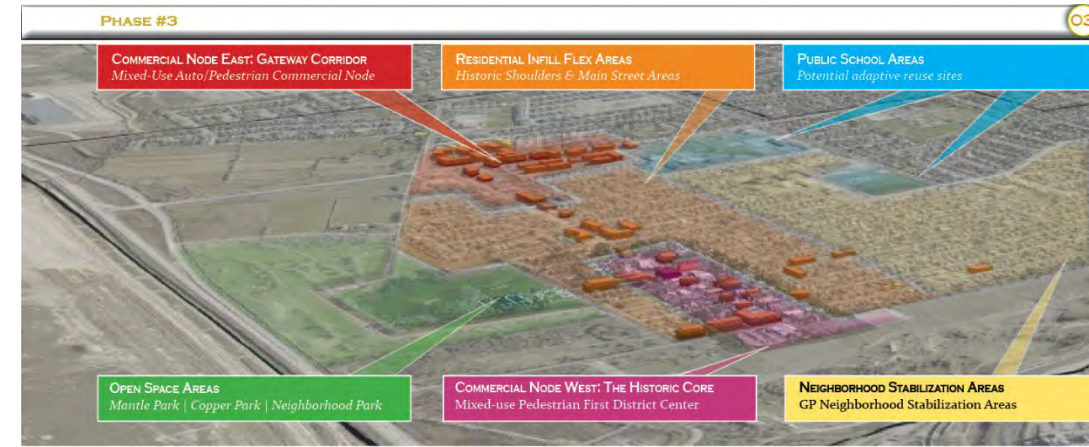
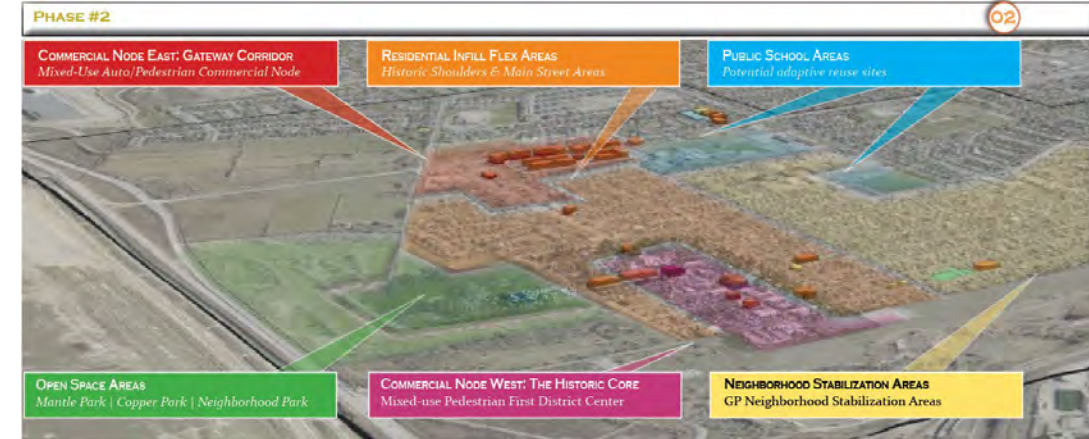
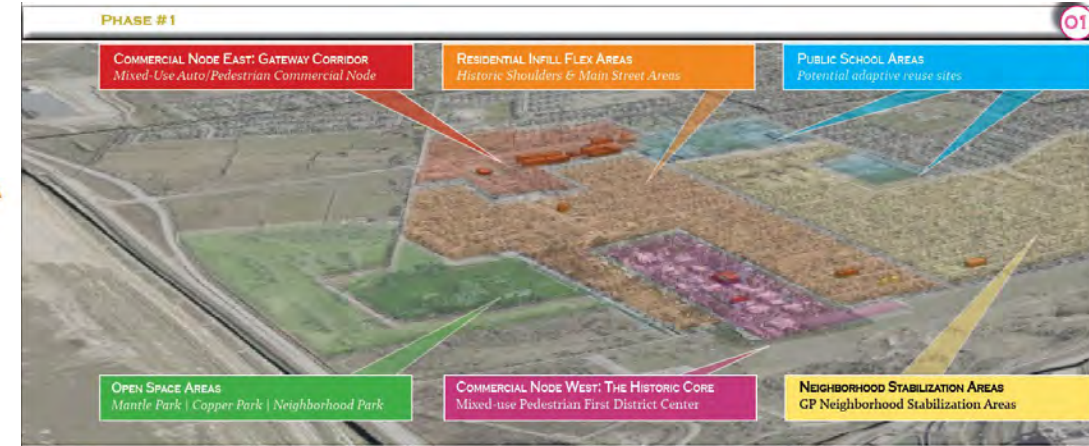
\$80 million in property value increase
555 new residents to the district
320 new households
68 new jobs
612 new parking spots (with public space & public/private parking improvements)
467 new parking spots required
1,850 Daily trips added

PHASE #2

\$190 million in property value increase
1,218 new residents to the district
717 new households
231 new jobs
1,400 new parking spots (with public space & public/private parking improvements)
1,251 new parking spots required
5,785 Daily trips added

PHASE #3

\$350 million in property value increase
2,200 new residents to the district
1,250 new households
400 new jobs
2,000 new parking spots (with public space & public/private parking improvements)
1,850 new parking spots required
10,600 Daily trips added



8 Work Program & Transformation Strategies

WORK PROGRAM TIMELINE
WORK PROGRAM TABLES
ECONOMIC VITALITY
DESIGN
PROMOTION
ORGANIZATION

WORK PROGRAM TIMELINE PHASE MAPS

The Work Program Timeline that follows organizes action items into 6 categories as listed with icons below.



GRANT / FUNDING OPPORTUNITY



ORGANIZATION ACTION ITEM



DESIGN & ENGINEERING ACTION



CONSTRUCTION ACTION ITEM



PROMOTION ACTION ITEM



CODE UPDATE ACTION ITEM

WORK PROGRAM TABLES HAVE BEEN DEVELOPED FOR EACH OF THE TRANSFORMATION STRATEGIES:

Economic Vitality Work Program Table

The Economic Vitality Work Program Table focuses on zoning, public/private development opportunities, and business and entrepreneurial support.

Action Items Overview:

- Adopt Historic District Overlay Zones
- Develop Historic District Parking Pool
- Promote Public/Private Development in the Historic Core
- Establish Historic District Business & Entrepreneur Support Program

Design Work Program Table

The Design Work Program Table focuses on transformation and updating of the physical environment in the historic district. Action items are focused on updates to the streetscape, open space and trails, as well as infrastructure improvements such as updating of the alley system and downtown parking opportunities.

Action Items Overview:

- Improve streetscape and environmental conditions of the Historic Core with the addition of streetscape furniture and improvements to the bulb-outs.
- Improve Open Space Opportunities in Magna Mantle Park, Copper Park, and Neighborhood Park.
- Improve Streetscape corridor on 8400 w.
- the addition of active transportation projects within the district.

Promotion Work Program Table

The Promotion Work Program Table focuses on items related to communicating the brand and identity of the Historic District. Promoting the areas businesses, economic development opportunities, events, and partnerships under a cohesive brand.

Action Items Overview:

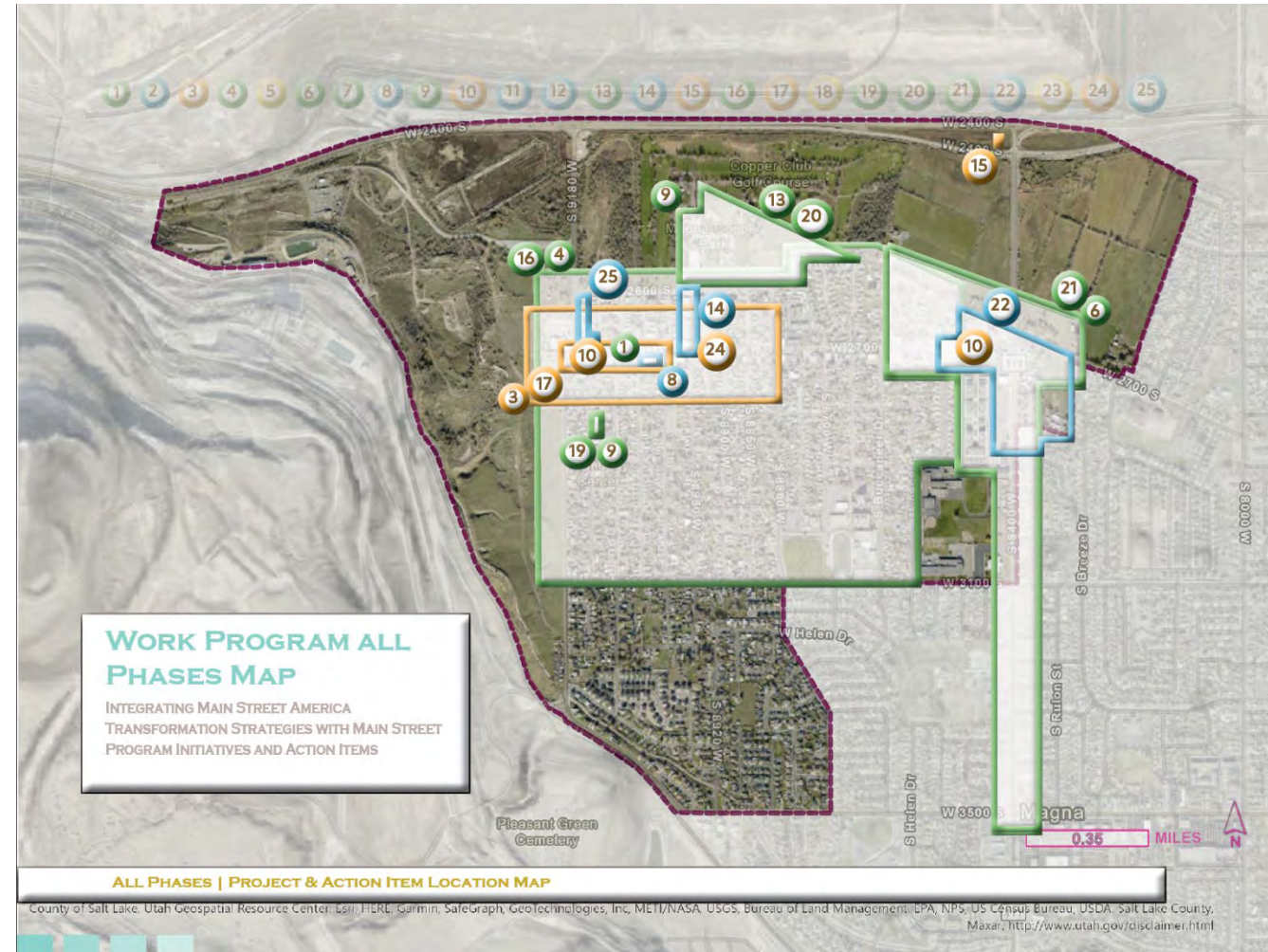
- Improve the streetscape environment withing the historic core with public art, murals, signage, and banners.
- Develop a brand, logo, and slogan for promotion of the Historic District.
- Develop promotional materials and website to advertise district economic development opportunities, business, and events.

Organization Work Program Table

The Organization Work Program Table focuses on building partnerships and programing in the historic district. Planning for advancement in the Utah Main Street Program and the formation of a Magna Certified League of Governments will increase avenues for grant and funding opportunities for business, property owners, and the municipality.

Action Items Overview:

- Support Magna Main Street Alliance in becoming an independent 501c3
- Develop a Magna Certified Local Government program
- Expand Programming at the Baseball Diamond
- Continue to collaborate with Utah and America Main Street Programs.



County of Salt Lake, Utah Geospatial Resource Center, Esri, HERE, Garmin, SafeGraph, Geotechnologies, Inc, MHI/NASA-USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA, Salt Lake County, Maxar, <http://www.utah.gov/disclaimer.html>

MEET THE REQUIREMENTS OUTLINED BY THE GENERAL PLAN

ILLUSTRATIVE PLAN

- **Streetscape Design of the Downtown Area**
 - Guide for future [Capital Improvement Lists and Tracking for the District](#)
 - Step toward Grant Application
- **Design Standards for the Public Realm**
 - Improve [quality](#), [feel](#), [safety](#) and [orientation](#) in Downtown Magna

REGULATING PLAN

- **Circulation & Parking**
 - Active Transportation element – Bus, Bike, Walk
 - [Parking Plan and Ordinance](#)

BUILDING FORM STANDARDS

- **Zoning updates for the district**
 - Building upon [Mixed-Use Zone](#) update work
 - Respecting unique character and parcel distribution of the district
- **Design Standards for future development in the district**
 - [Protect/enhance the character](#) of the Magna Historic District

ECONOMIC & HOUSING DEVELOPMENT GOALS

- **Matching Desired Retail & Service sqft with Residential Opportunities**
 - Finding a balance of housing to support commercial uses and develop a walkable neighborhood



THANK YOU, QUESTIONS?

- Thank you for your **time** and **collaboration**!

