



**MAGNA CITY COUNCIL
BUSINESS MEETING AGENDA
November 26, 2024**

Webster Center
8952 West Magna Main Street
Magna, Utah 84044

PUBLIC NOTICE IS HEREBY GIVEN that the Magna City Council will hold a business meeting on the **26th day of November 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: 1:25

6:00 PM – PUBLIC MEETING

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

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

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

5. STAKEHOLDER REPORTS

- A. Unified Police Department - **Chief Del Craig** (5 minutes)
- B. Financial Report – **Dave Sanderson, Financial Manager** (5 minutes)
- C. Pleasant Green Cemetery – **Sharon Nicholes** (5 minutes)
- D. Unified Fire Service Area (UFSA) Potential Tax Increase – **Chief Burchett and Tony Hill, CFO** (10 minutes)

6. PUBLIC HEARING

A. Public Hearing for a Petition to Vacate Dora Street – **Paul Ashton, Legal Counsel** (10 minutes)

7. COUNCIL BUSINESS (Motion/Discussion)

- A. Consider **Resolution 2024-11-04** Approving a 2025 Tax Rate in Excess of the Certified Tax Rate by the Salt Lake Valley Law Enforcement Service Area (SLVLESA) - **Mayor Barney** (5 minutes)
- B. Consider **CUP2024-001185** Delay Agreement for Right-of-Way Improvements: 2100 S. – **Justin Smith, Planner** (5 minutes)
- C. Consider **Ordinance 2024-O-16** Amending Section 16.02.340 Glass Requirements in Overpressure Areas (**OAM2024-001294** – Applicant: Magna Staff) - **Brian Tucker, Planning Manager** (5 minutes)
- D. Consider **Ordinance 2024-O-17** amending the Magna Zoning Ordinance, Title 19 of the Magna Municipal Code, related to residential off-street parking regulations (**OAM2024-001231** – Applicant: Magna Staff) - **Brian Tucker, Planning Manager** (5 minutes)
- E. Consider **Ordinance 2024-O-18** Amending Titles 18 and 19 to replace Magna Township with Magna or Magna City, as appropriate; clarifying when infrastructure and public improvements must be installed by a developer subject to the limitations on exactions in Utah Code; clarifying that Internal and Attached Dwelling Units may only be constructed on single family lots with 6,000 square feet or greater; amending the definition of Commercial Vehicles and clarifying the circumstances in which Commercial Vehicles may be parked in R-1 and R-2 zones; clarifying 1 acre minimum for new development in the A-1 zone; clarifying that a lot must include 20,000 square feet to have "animal rights"; requiring an "all weather surface" in Storage and Salvage Yards; requiring trees and landscaping to be trimmed to 14.5" above the street; and adding or clarifying definitions for "Off Premise Signs", "Animal Rights", "Alteration", "Clustering", "Expansion", "Grading", "Natural Open Space", "Net Developable Acreage", "Retaining Wall", "Site Plan", "Slope", "Stream, Ephemeral", "Stream, Perennial", "Stream Corridor", "Substantial economic hardship", "Undevelopable", and "Waiver" (**OAM2024-001293**– Applicant: Magna Staff) - **Brian Tucker, Planning Manager** (5 minutes)

8. MANAGER/CITY ATTORNEY UPDATES (10 minutes)

9. COUNCIL REPORTS (10 minutes)

10. 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

11. ADJOURN

ZOOM MEETING: Topic: Magna City Council Meeting

When: November 26, 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: *November 23, 2024*

Magna City
Budget Report Yearly

33.30%

10/31/2024

	Actual to 10/31/2024	FY 2024 Budget	Projected
Revenues			
Sales taxes	2,006,096	5,450,000	6,000,000
Google franchise tax	-	-	-
Grants	-	200,000	200,000
Transportation sales tax	175,942	525,000	525,000
Class C road funds	460,526	1,200,000	1,200,000
Corridor preservation funds	56,250	-	56,250
Liquor allotment	-	-	-
Cares Act	-	-	-
ARPA funding	-	2,865,883	2,865,883
Business License	22,310	50,000	50,000
Building permits	409,658	1,250,000	1,250,000
Other permits	-	21,000	21,000
Sewer and water permits	-	5,000	5,000
Zoning - land use permit	-	75,000	75,000
Engineering services	9,388	50,000	50,000
Planning service	16,913	500,000	500,000
Storm drain fee	-	-	-
Code enforcement fines	1,513	5,000	5,000
Justice court fines	50,525	175,000	175,000
Interest earnings	87,767	75,000	175,000
Miscellaneous	1,572	15,000	15,000
Transfers in	1,060,009	1,060,009	1,060,009
Total Revenues	\$ 4,358,469	\$ 13,521,892	\$ 14,228,142
Expenses - Administration			
Wages	90,734	279,700	279,700
Employee Benefits	25,891	79,030	79,030
Awards, promotional & meals	121	2,000	2,000
Subscriptions/Memberships	830	24,330	24,330
Printing/Publications/Advertising	292	8,000	8,000
Travel/Mileage	-	2,500	2,500
Cell phone and telephone	1,038	-	2,000
Office expense and supplies	419	6,200	6,200
Computer equipment/Software	-	10,000	10,000
Attorney-Civil	19,163	75,000	75,000
Attorney-Land use	-	30,000	30,000
Training & Seminars	340	17,500	17,500
Web page development/Maintenance	1,600	19,745	19,745
Software/Streaming	8,597	5,000	10,000
Payroll processing fees	169	5,000	5,000
Grant charged expense	-	-	-
Communications	-	10,000	10,000
Contribution/Special events	35,567	172,000	172,000
Insurance	17,645	26,000	26,000
Workers comp insurance	-	2,500	2,500
Postage	2,323	20,000	20,000
Professional and technical	6,892	89,504	89,504
UFA emergency services	-	-	-
Grant related	1,000	-	1,000
SL (Client) County Support Services	-	30,500	30,500
Equipment/Computer purchases	-	7,500	7,500
Beer funds	-	-	-
Rent	6,000	133,000	133,000
Non classified expenses	-	5,000	5,000
Total Administration	\$ 218,621	\$ 1,060,009	\$ 1,068,009

Budget Report Yearly

33.30%

10/31/2024

	Actual to 10/31/2024	FY 2024 Budget	Projected
Revenues			
Expenses - Transfers			
Contribution to GF	3,298,459	9,596,000	9,596,000
ARPA expenses	-	2,865,883	2,865,883
Transfer to Capital projects	-	-	-
Total Transfers	\$ 3,298,459	\$ 12,461,883	\$ 12,461,883
Total Expenses	\$ 3,517,080	\$ 13,521,892	\$ 13,529,892
Surplus/Deficit	\$ 841,389	\$ -	\$ 698,250
	33.30%		10/31/2024

Pleasant Green Cemetery

	Actual to 10/31/2024	FY 2024 Budget	Projected
Revenues			
Sale of lots	4,687	20,000	20,000
Grave openings	950	20,000	20,000
Other revenue	921	4,500	4,500
Transfers In	-	-	-
Total Revenues	\$ 6,558	\$ 44,500	\$ 44,500
Expenses - Administration			
Grave opening expenses	1,550	-	2,000
Cremation expenses	2,500	-	2,500
Office supplies	-	-	-
Utilities - water	-	-	-
Travel/Mileage	-	-	-
Computer equipment/Software	-	2,500	2,500
Professional and technical	19,068	42,000	50,000
Sundry charges	-	-	-
Total Administration	\$ 23,118	\$ 44,500	\$ 57,000
Total Expenses	\$ 23,118	\$ 44,500	\$ 57,000
Surplus/Deficit	\$ (16,560)	\$ -	\$ (12,500)

Communities that Care

	Actual to 10/31/2024	FY 2024 Budget	Projected
Revenues			
Intergovernmental	-	-	-
Operating transfers in	-	-	-
State Liquor allotment	24,949	20,000	24,949
Grants - Magna CTC	8,333	125,000	125,000
Grants- Safety & Success	14,390	500,000	500,000
Donations	-	-	-
Other revenue	1,864	-	2,500
Total Revenues	\$ 49,536	\$ 645,000	\$ 652,449
Expenses - Administration			
Wages	18,999	65,000	65,000
Employee Benefits	7,492	30,000	30,000
Social Security Tax	-	-	-
Medicare	-	-	-
Medical Insurance	-	-	-
Retirement Contribution	-	-	-
Liquor funds	-	-	-
Awards	262	-	2,358
Subscriptions\Memberships	-	-	-
Travel/Mileage	12,769	-	12,769
Office Expense and Supplies	272	-	421
Training and seminars	-	-	-
Contractors	1,545	-	1,545
Programs (Afterschool)	710	-	1,000
Communications & PR	614	-	1,000
Events	3,667	-	3,667
Youth coalition	81	-	250
Sponsorships	5,723	-	6,000
School support website	-	-	1,500
Youth court	1,097	-	1,250
Safety & success	5,628	500,000	500,000
Safety & success contractors	3,730	-	5,000
Beer funds	-	20,000	20,000
Reserves	-	30,000	30,000
Total Administration	\$ 62,589	\$ 645,000	\$ 681,760
Total Expenses	\$ 62,589	\$ 645,000	\$ 681,760
Surplus/Deficit	\$ (13,053)	\$ -	\$ (29,311)

UNIFIED FIRE



SERVICE AREA

Proudly Serving
15 COMMUNITIES
in Greater Salt Lake

CHIEF
13

ABOUT UFSA

UNIFIED FIRE SERVICE AREA

Unified Fire Service Area (UFSA) is a taxing entity that uses collected taxes to go directly towards fire service costs. UFSA is a proud member of Unified Fire Authority (UFA). UFA is a governmental entity that provides emergency services on behalf of its member entities.

PROUDLY SERVING 12 JURISDICTIONS

City of Kearns

City of Taylorsville

Copperton Town

Eagle Mountain City

Emigration Canyon City

Magna City

Midvale City

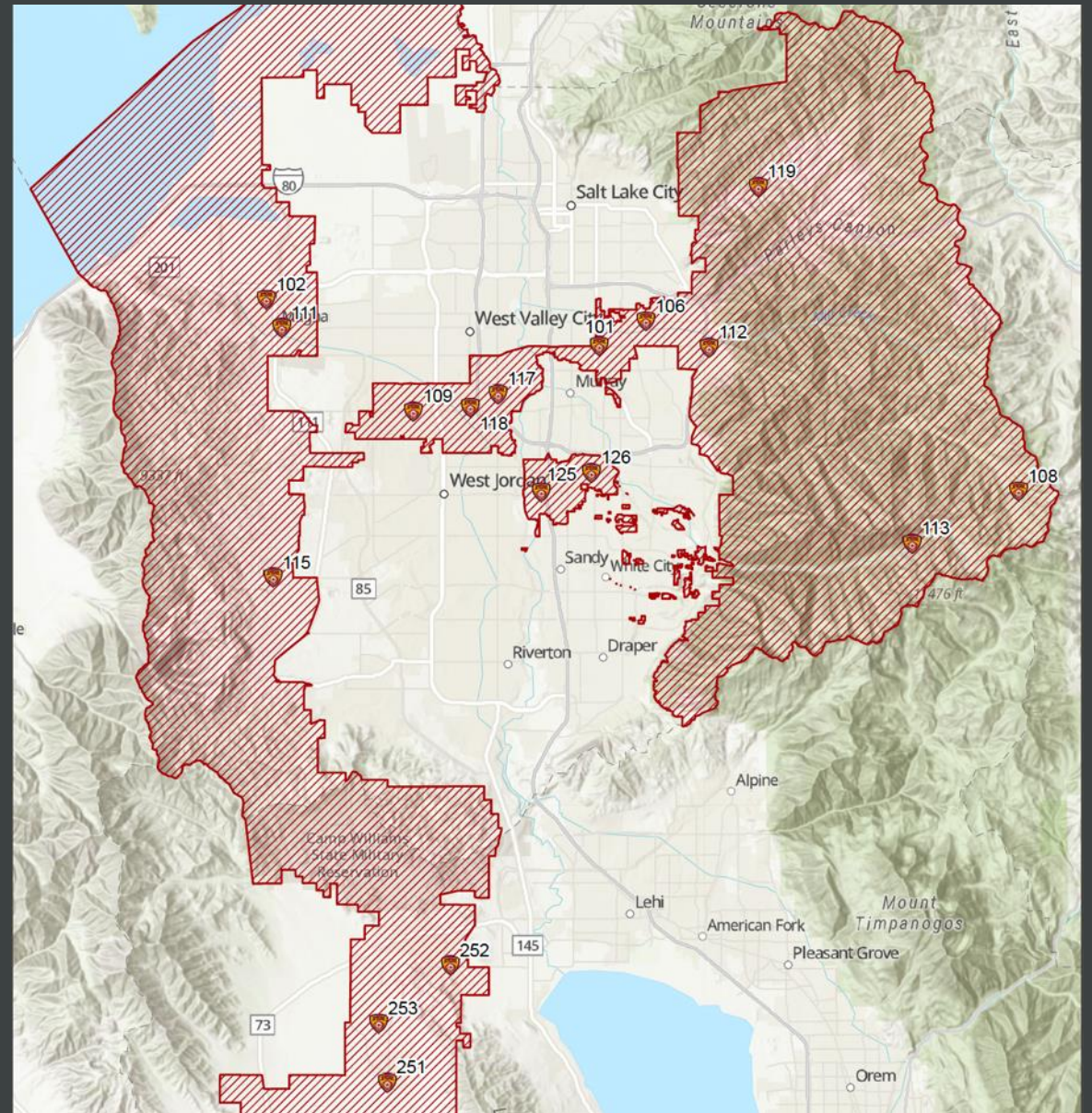
Millcreek City

Town of Alta

Town of Brighton

White City

Unincorporated Salt Lake County



PURPOSE FOR PROPOSED TAX INCREASE

UNIFIED FIRE SERVICE AREA



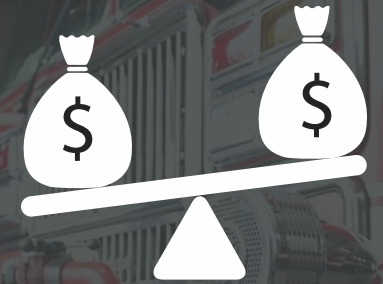
**UPGRADING
FIRE
STATIONS**



**COST
OF
SERVICE**



**ADDITIONAL
STAFFING**



**MAINTAIN
BOARD APPROVED
MINIMUM FUND
BALANCE**

TOTAL COST PER AVERAGE TAXPAYER

UNIFIED FIRE SERVICE AREA



Avg. 2024 residential and commercial value of **\$525,300**



2024 UFSA Annual Tax
Residential: **\$405.35**
Commercial: **\$737.00**

2025 Proposed Annual UFSA Tax	Annual Difference	Monthly Difference
Residential \$498.58	\$93.23	\$7.77
Commercial \$906.50	\$169.51	\$14.13

COST OF PHASE 2 - 2024 TAX INCREASE

UNIFIED FIRE SERVICE AREA



\$5,088,123



\$41.35

ANNUAL INCREASE
For Average
RESIDENTIAL

\$3.45

MONTHLY INCREASE
For Average
RESIDENTIAL



\$75.17

ANNUAL INCREASE
For Average
COMMERCIAL

\$6.26

MONTHLY INCREASE
For Average
COMMERCIAL

INCREASED COST OF SERVICE FACTORS

GENERAL
INFLATION



WAGES



CAPITAL
REPLACEMENT



BUILDING
CONSTRUCTION



GENERAL INFLATION

UNIFIED FIRE SERVICE AREA



TURNOUT SET

86% INCREASE

2018	2024
\$2,349	\$4,373



FUEL

32% INCREASE

2018	2024
\$479,457	\$630,577

FY TOTAL



MEDICAL SUPPLIES

21% INCREASE

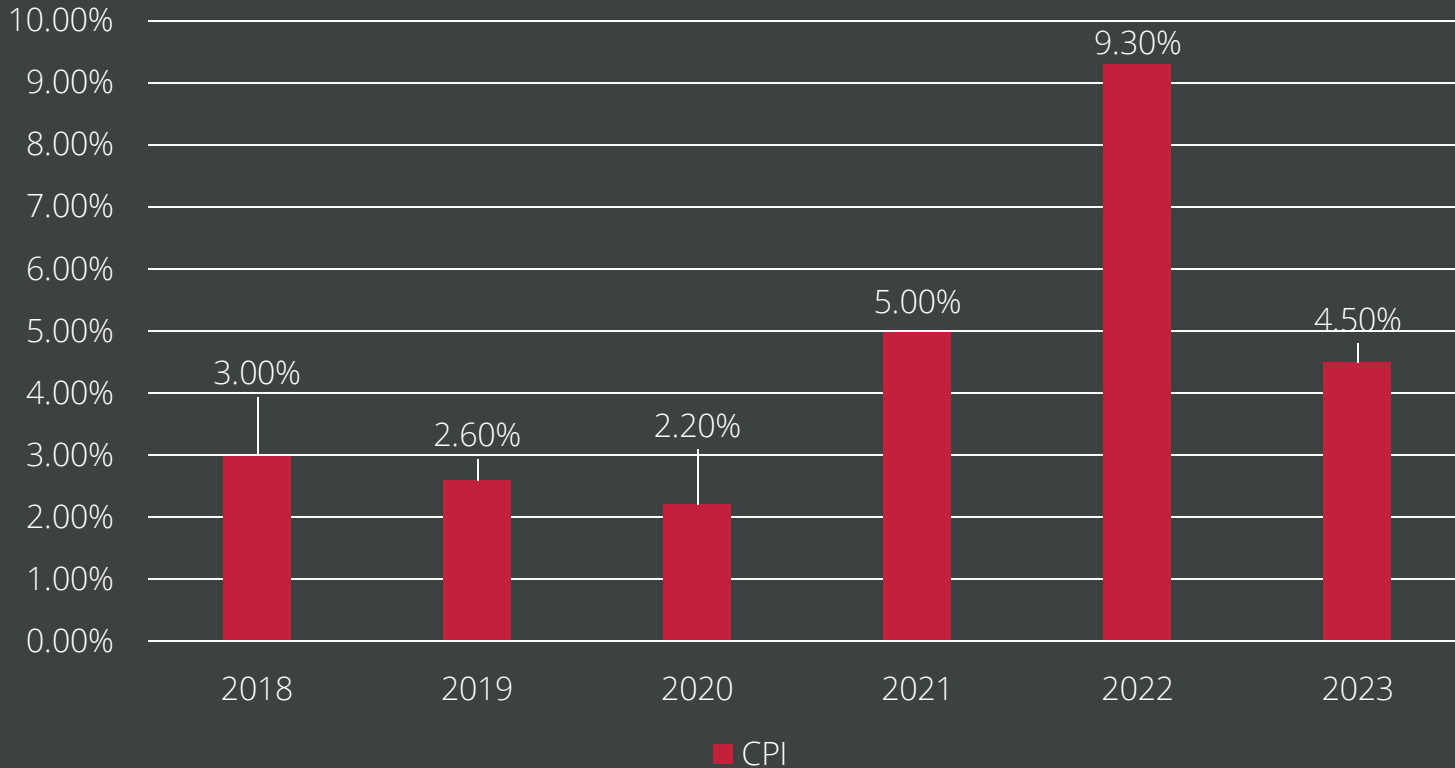
2018	2024
\$504,922	\$611,734

FY TOTAL

WAGE INFLATION

UNIFIED FIRE SERVICE AREA

CPI HISTORY 2018-2024



TOTAL
26.6%

AVERAGE PER YEAR
4.4%

2018

Entry-Level Firefighter

\$44,227 Per Year



22.10%
INCREASE

2024

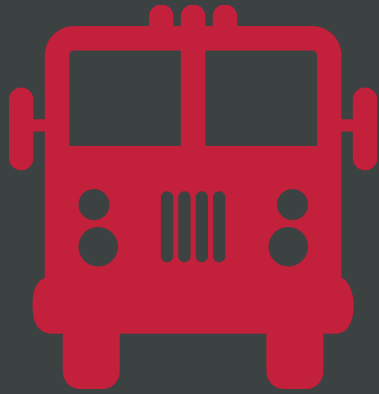
Entry-Level Firefighter

\$54,002 Per Year



CAPITAL REPLACEMENT INFLATION

UNIFIED FIRE SERVICE AREA



TYPE 1 ENGINE

32% INCREASE

2018	2023
\$621,170	\$822,216



AMBULANCE

27% INCREASE

2018	2023
\$270,709	\$344,209



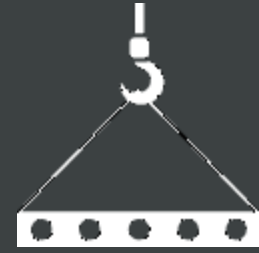
LADDER TRUCK

69% INCREASE

2018	2023
\$1.005M	\$1.7M

UPGRADING FIRE STATIONS (2021 BOND)

UNIFIED FIRE SERVICE AREA



SEISMICALLY PROOFING FIRE STATIONS

5

Stations received structural retrofits

20

Stations received non-structural retrofits

ADDITIONAL NEW FIRE STATIONS (2016 BOND)



FIRE STATIONS

101 106 108 111 117 123



BUILDING CONSTRUCTION INFLATION

UNIFIED FIRE SERVICE AREA



2017
Station 117
\$290/sq.ft.

↑ **91%**
INCREASE

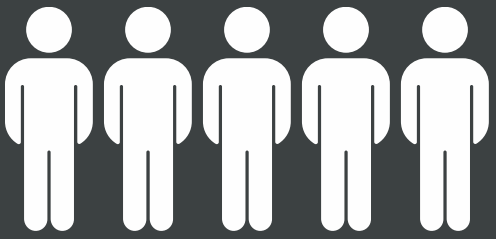
2023
Station 253
\$554/sq.ft.

A dark, atmospheric photograph of firefighters in full gear, including helmets and jackets, working in a smoky or debris-filled environment. The scene is dimly lit, with the primary light source highlighting the firefighters' equipment and the texture of the smoke. The overall mood is serious and focused.

PART 2

**ADDITIONAL STAFFING IN
KEARNS AND EAGLE MOUNTAIN**

GROWTH, CALL VOLUME & CAPITAL IMPROVEMENTS



POPULATION GROWTH (UFSA)

2018	2023
270,101	305,126



CALL VOLUME INCREASE (UFA)

2018	2023
54,834	62,064



CAPITAL IMPROVEMENTS (UFSA)

Fire Stations	Total Capital Assets
18	\$81,905,315

CALL VOLUME & POPULATION SERVED

UNIFIED FIRE AUTHORITY

Municipality	Population (July 1, 2023)	Stations	Population per Station
Kearns	36,005	1	36,005
Holladay	30,910	1	30,910
Herriman	60,062	2	30,031
Eagle Mountain	58,192	2	29,096
Riverton	44,469	2	22,235
Millcreek	62,459	3	20,820
Taylorsville	59,275	3	19,758
Midvale	36,681	2	18,341
Magna	34,102	2	17,051
Cottonwood Heights	33,354	2	16,677
Emigration Canyon	1,440	1	1,440
Copperton	793	1	793
Brighton	452	1	452
Alta	218	1	218

Municipality	2023 Incidents	Stations	Incidents per Station
Kearns	2,324	1	2,324
Holladay	2,197	1	2,197
Midvale	3,979	2	1,990
Millcreek	5,775	3	1,925
Taylorsville	5,140	3	1,713
Cottonwood Heights	2,245	2	1,123
Magna	2,160	2	1,080
Riverton	2,017	2	1,009
Herriman	1,802	2	901
Eagle Mountain	1,708	2	854
Brighton	372	1	372
Emigration Canyon	87	1	87
Alta	79	1	79
Copperton	50	1	50



RESPONSE TIME & AREA SERVED

UNIFIED FIRE AUTHORITY



MUNICIPALITY **SQ. MILES**

Municipality (# of stations)	Sq. Miles
Eagle Mountain (2)	50.42
Herriman (2)	21.57
Millcreek (3)	12.96
Riverton (3)	12.64
Taylorsville (2)	10.85
Cottonwood Heights (2)	9.22
Holladay (1)	8.49
Magna (2)	7.84
Midvale (2)	5.8
Kearns (1)	4.63



90th PERCENTILE

RESPONSE TIME

Municipality (# of heavy apparatus)	90 th Percentile
Midvale (2)	6:57
Magna (2)	7:06
Kearns (1)	7:14
Taylorsville (3)	7:18
Millcreek (3)	7:28
Eagle Mountain (2)	10:44

COST OF ADDITIONAL STAFFING IN KEARNS AND EAGLE MOUNTAIN

UNIFIED FIRE SERVICE AREA



\$6,385,095



\$51.88
ANNUAL INCREASE
For Average
RESIDENTIAL

\$4.32
MONTHLY INCREASE
For Average
RESIDENTIAL



\$94.34
ANNUAL INCREASE
For Average
COMMERCIAL

\$7.86
MONTHLY INCREASE
For Average
COMMERCIAL

TOTAL COST PER AVERAGE TAXPAYER

UNIFIED FIRE SERVICE AREA



PART 1

PHASE 2 - 2024 TAX INCREASE

\$5,088,123



PART 2

ADDITIONAL STAFFING

\$6,385,095

2025 Proposed UFSA Tax



\$93.23

TOTAL ANNUAL INCREASE
For Average RESIDENTIAL

\$7.77

TOTAL MONTHLY INCREASE
For Average RESIDENTIAL



\$169.51

TOTAL ANNUAL INCREASE
For Average COMMERCIAL

\$14.13

TOTAL MONTHLY INCREASE
For Average COMMERCIAL

\$11,473,218



UFSA TAX INCREASE TIMELINE

UNIFIED FIRE SERVICE AREA



2008



2018



2024

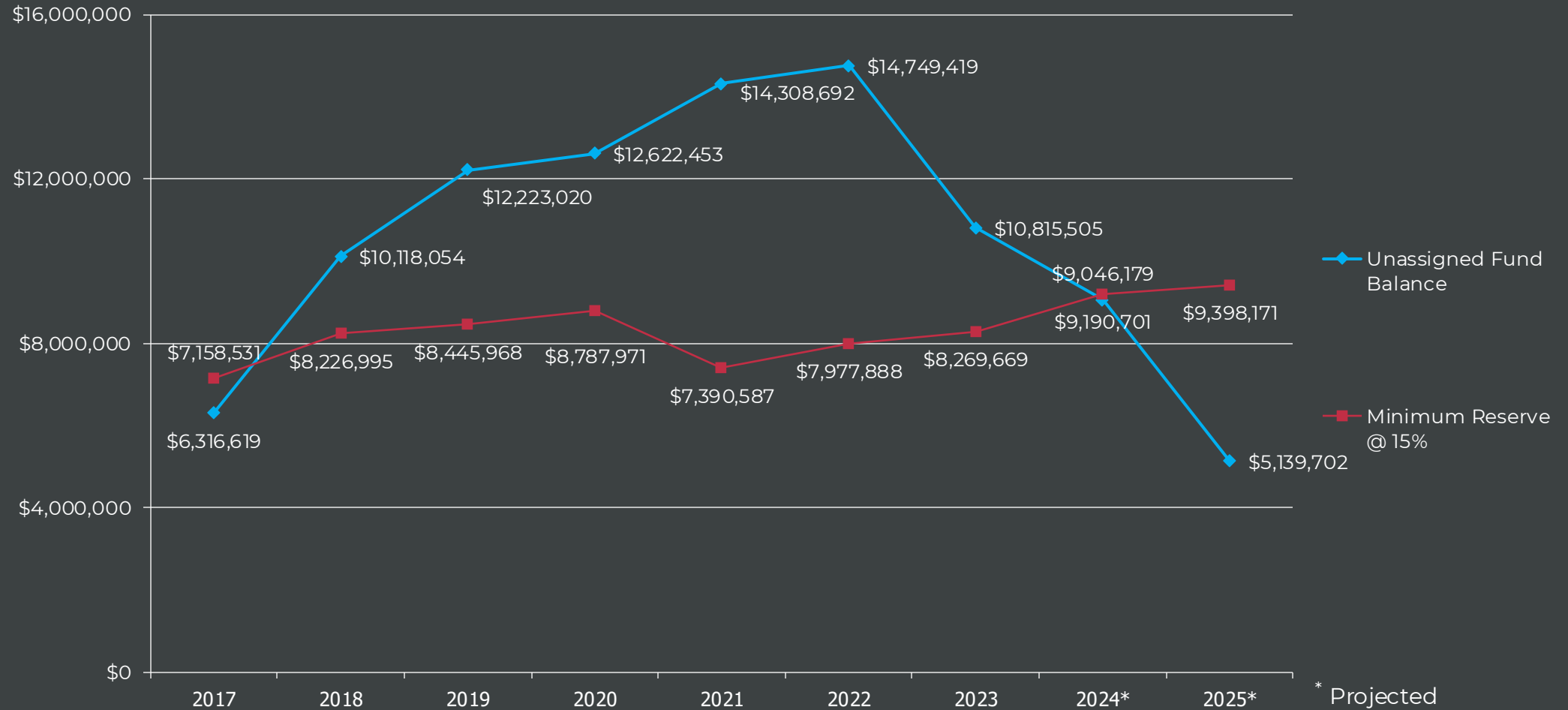


2025

***PROPOSED
TAX INCREASE**

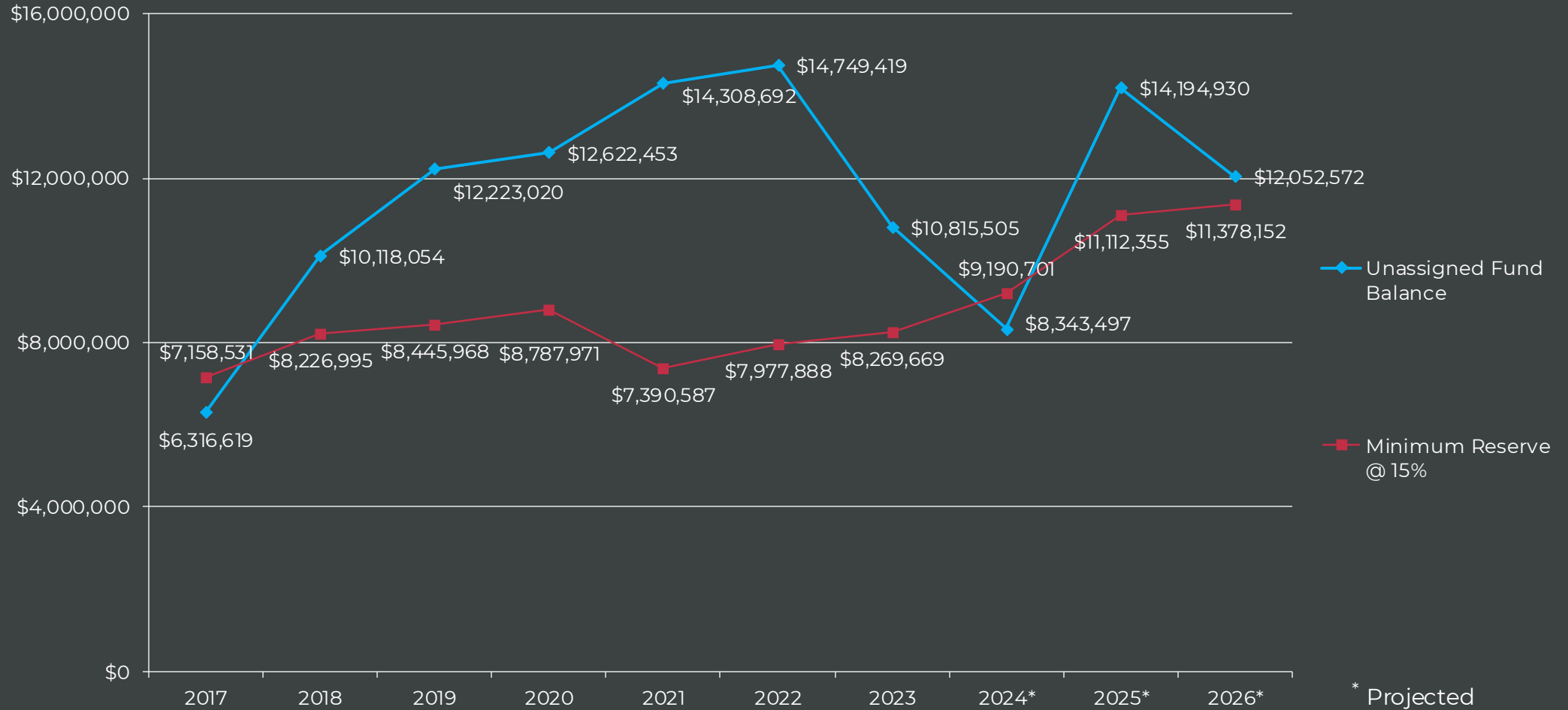
FUND BALANCE WITHOUT INCREASE

UNIFIED FIRE SERVICE AREA



FUND BALANCE WITH INCREASE

UNIFIED FIRE SERVICE AREA

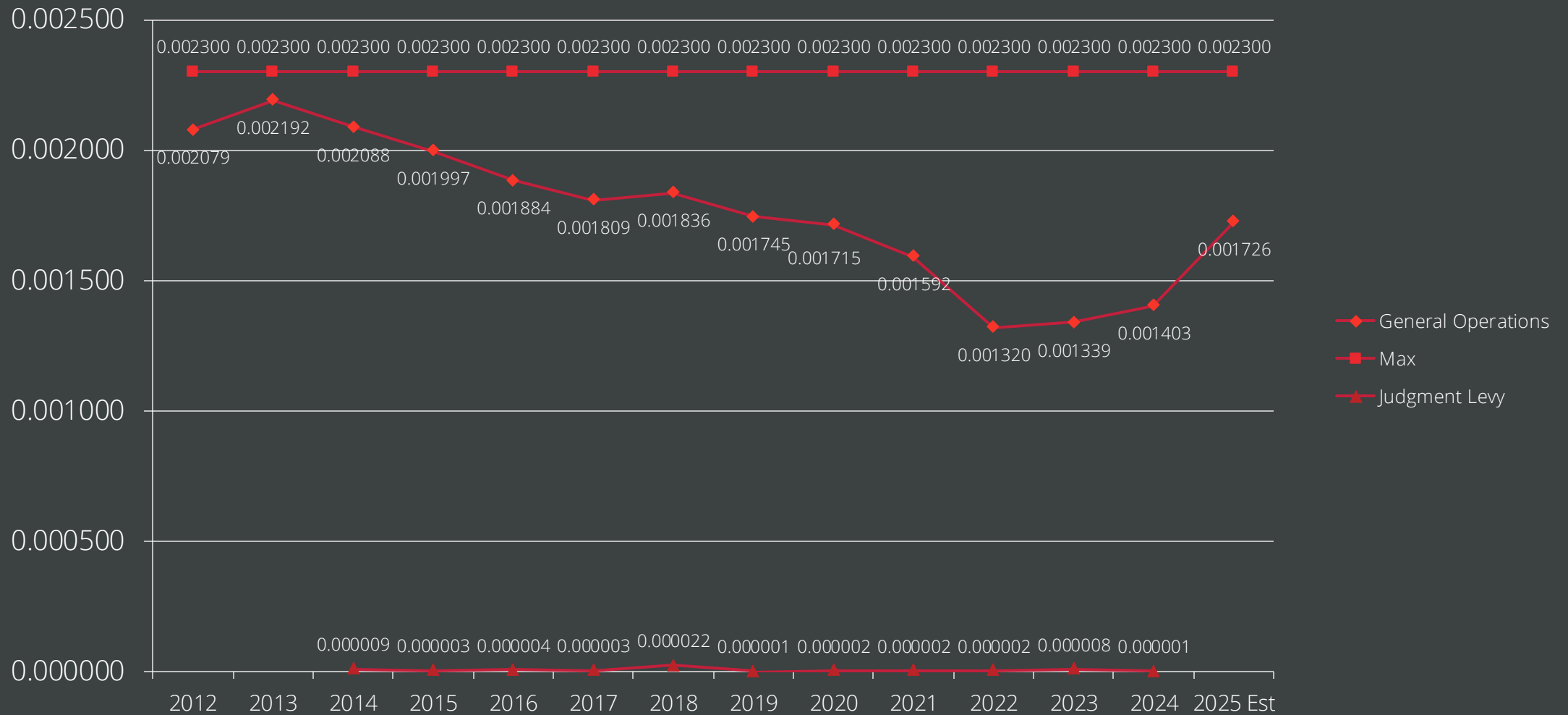


* Projected



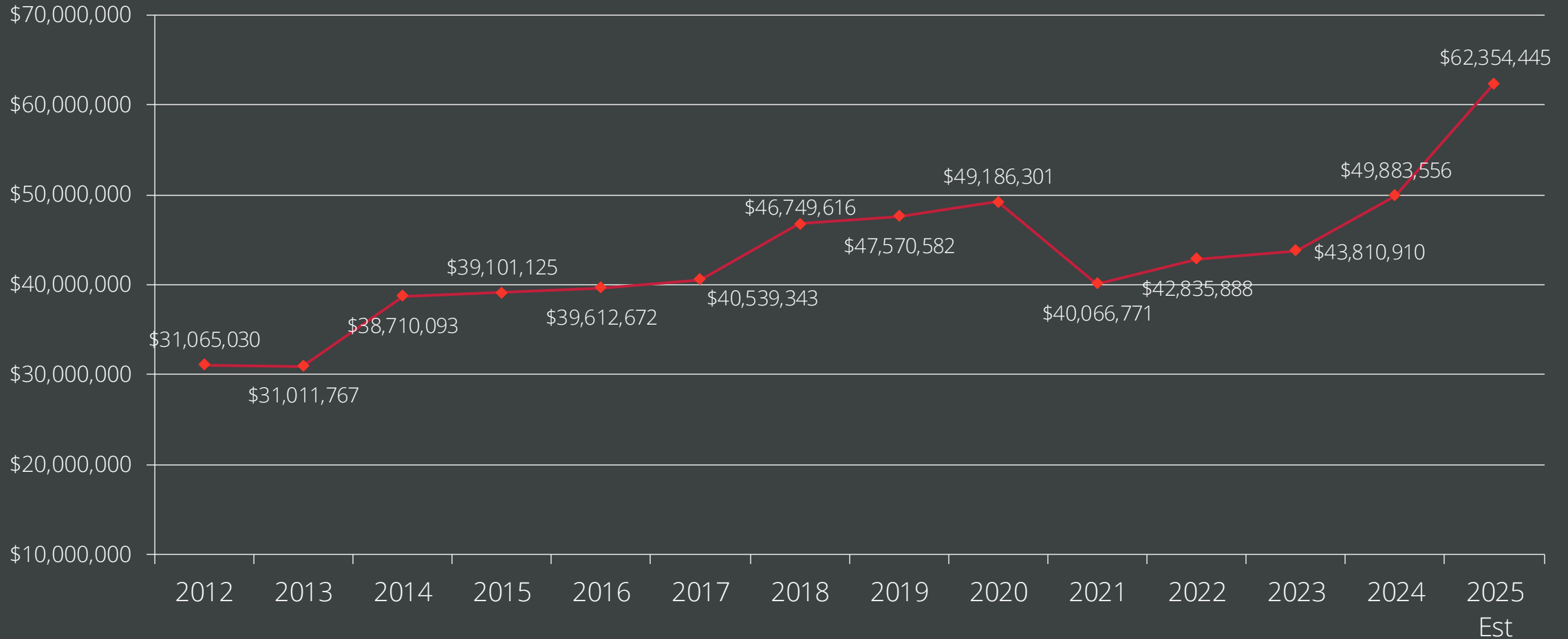
PROPERTY TAX RATES

UNIFIED FIRE SERVICE AREA



PROPERTY TAX REVENUE

UNIFIED FIRE SERVICE AREA



NOTICE OF PUBLIC HEARING

UNIFIED FIRE SERVICE AREA



2025 UFSA PROPOSED TAX INCREASE
PUBLIC HEARING

TUESDAY
DECEMBER 10, 2024
6PM

UNIFIED FIRE AUTHORITY BOARDROOM
3380 S. 900 W. Salt Lake City, Utah 84119



SALT LAKE VALLEY LAW ENFORCEMENT SERVICE AREA



DATE: September 27, 2024

TO: SLVLESA Member Municipalities and Salt Lake County

FROM: Rachel Anderson, SLVLESA District Administrator and Legal Counsel
Rick Moon, SLVLESA Treasurer

SUBJECT: SLVLESA Proposed 2025 Tax Increase

Last year, we came to you with a request for a 7% tax increase, amounting to a \$2,276,837 increase in our revenue. As stated to you at that time, the purpose was to get SLVLESA as close as possible to the statutory maximum rate of .0023. Due to higher than anticipated new growth in our tax base, we learned in June of this year that our certified tax rate was calculated to be at .002038, and thus still below the maximum rate. This presented an unexpected opportunity for us to come back again for a second round of tax increases to again attempt to get us to the maximum rate.

Last year, we were reacting to changes that were set in motion by H.B. 374, adopted by the Utah State Legislature in 2023, which required the Salt Lake County Sheriff to depart from the Unified Police Department, and we were facing a lot of uncertainty. Additionally, we were already in a situation where our budget had gotten very tight, and we were having to use fund balance to dip maintain the district's finances, which is unsustainable in the long term.

Since that time, the municipalities in SLVLESA voted to stay with UPD, while unincorporated Salt Lake County moved to being served by the County Sheriff's Office directly. SLVLESA now pays two service bills, one to each of these two providers that serve the SLVLESA areas. The UPD interlocal agreement was renegotiated, and the separation of the two entities has officially occurred. This is a complicated and unique situation, but we have met the challenges and continue to work on making this situation viable.

Despite last year's tax increase, SLVLESA's finances are still in an unstable position for the future. Many discussions have been had regarding whether the municipalities can or will raise additional funds to pay UPD for services above and beyond what SLVLESA is capable of paying on their behalf, and that is still an option that may occur in the future. I believe that districts should be fully sufficient to fund the services they were set out to provide, but these unique circumstances may

indeed warrant municipal contributions in the future. However, given the significant amount of changes in simply getting the separation off the ground, and in getting the metro townships converted to cities and towns with their own taxing authority, it has been imperative that SLVLESA remain as financially sturdy as possible during this time of change. Future funding options can be worked on in the future.

Therefore, when it became apparent that we did not, in fact, hit the tax cap in 2024, the Board of Trustees felt it was prudent to again take the opportunity to increase its revenues to further support the solvency and functionality of the District.

To that end, on August 15, 2024, the SLVLESA Board of Trustees voted to pursue the truth in taxation process on a potential 12.87% tax increase. SLVLESA's current tax rate is .002038. The intention of the 12.87% increase is to bring us to an estimated final tax rate of .0023, which is our statutory maximum property tax rate. Our final budgeted tax revenue for 2024 will be \$25,458,376. With the increase, our 2025 property tax revenue would be \$28,734,452.

This tax increase would cost an average property in the SLVLESA taxing district about \$65.00 a year or \$5.44 per month. The purpose of this tax increase would be to cover the increase of law enforcement fees paid to Unified Police Department and the Salt Lake County Sheriff's Office. Without this tax increase, SLVLESA's fund balance will be in the negative at the end of 2025. Meaning that SLVLESA will not be able to pay its obligations for 2025.

Under Utah Code § 17B-2a-903, SLVLESA is prohibited from increasing its certified property tax rate without the prior approval of the jurisdictions within SLVLESA.¹ We may satisfy this requirement in one of the following two ways:

Approval of:

- (A) The legislative body of each municipality (i.e., the metro townships), *and* the legislative body of Salt Lake County (i.e., the County Council); *or*
- (B) A majority of the legislative bodies of each municipality (i.e., the metro townships), *and* two-thirds of the legislative body of Salt Lake County (i.e. the County Council).

Accordingly, we are reporting on the proposed tax increase to your legislative body and request your approval of the proposed approximate 12.87% tax increase today.

Our truth-in-taxation hearing will be held on the day of SLVLESA's regularly scheduled December meeting, December 19, but the meeting has been moved to 6:00 p.m. in compliance with law that requires the hearing be conducted in the evening.

Thank you for your consideration of this request, and we look forward to speaking to you and answering your questions at your council meeting.

¹ Please note that this requirement is unique to law enforcement districts, and Unified Fire Service Area, which is also seeking a tax increase this year, is subject to a different statutory language which only requires them to report to your entity, and not seek approval.

MAGNA CITY

RESOLUTION NO. 2024-11-04

DATE: November 26, 2024

A RESOLUTION OF THE CITY OF KEARNS COUNCIL APPROVING A 2025 TAX RATE IN EXCESS OF THE CERTIFIED TAX RATE BY THE SALT LAKE VALLEY LAW ENFORCEMENT SERVICE AREA

RECITALS

WHEREAS, the Salt Lake Valley Law Enforcement Service Area (“SLVLESA”) was created by Resolution of the Salt Lake County Council dated August 18, 2009; and

WHEREAS, Magna City is included in the boundaries of SLVLESA for the funding and provision of law enforcement services to the areas within the boundaries of SLVLESA; and

WHEREAS, SLVLESA has proposed to budget an approximate 12.87% increase in the tax rate in excess of the certified rate as defined in Section 59-2-024 of the Utah Code in 2025 to fund costs of law enforcement through its payments to the Unified Police Department and the Salt Lake County Sheriff, respond to inflationary pressures, and maintain required minimum fund balances; and

WHEREAS, pursuant to Section 17B-1-1003 of the Utah Code, SLVLESA submitted a report on the proposed tax increase to the City of Kearns Council (“Council”) at a duly noticed meeting on November 12, 2024; and

WHEREAS, the Council allowed time during the duly noticed meeting on October 22, 2024 for comment on the proposed tax increase from members of the Council and the public; and

WHEREAS, Section 17B-2a-903 of the Utah Code requires the prior approval of an increase in the certified rate by SLVLESA from the legislative bodies of any municipality and county whose territory is located within SLVLESA, *or* approval of a majority of the municipalities and two-thirds (2/3) of the County legislative body; and

WHEREAS, before the SLVLESA Board of Trustees considers levying a tax rate that exceeds the certified tax rate, the SLVLESA Board of Trustees shall hold a public hearing on December 19, 2024 at 6:00 p.m. at the Millcreek City Hall to provide to all interested parties the opportunity to be heard regarding the proposed tax rate increase; and

WHEREAS, SLVLESA shall provide notices of the public hearing as required by Section 59-2-919 of the Utah Code; and

WHEREAS, after considering all public input from the public hearing and all other information available to them, the SLVLESA Board of Trustees will vote on whether to levy a tax rate that exceeds the certified tax rate.

NOW, THEREFORE, BE IT RESOLVED by the Magna City Council effective immediately that:

1. The Council hereby approves for 2025 the budgeting of an approximate 12.87% increase in property tax revenues in excess of revenues budgeted in the prior year and the imposition of property taxes in excess of the certified tax rate to generate the increase in budgeted property tax revenues as defined in Section 59-2-924 of the Utah Code.

ADOPTED AND APPROVED at a duly called meeting of the Magna City Council on this 26th day of November, 2024.

MAGNA CITY:

By: _____
Eric Barney, Mayor

ATTEST

City Recorder

APPROVED AS TO FORM: _____ PAUL H. ASHTON

VOTING:

Mayor Barney	_____
Council Member Pierce	_____
Council Member Prokopis	_____
Council Member Hull	_____
Council Member Sudbury	_____



GREATER SALT LAKE
**Municipal Services
District**

Planning and Development Services

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

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

msd.utah.gov

Files # CUP2024-001185

Conditional Use Summary

Public Body: Magna City Council

Meeting Date: November 12, 2024

Parcel ID: 14-21-200-041-0000, 14-21-200-029-0000, 14-21-200-028-0000, 14-21-201-004-0000

Current Zone: M-2

Property Address: 2167 S Jenkins Park Lane, 2198 S 7400 W, 2185 S 7400 W

Request: Right-of-Way Improvement Delay Request

Applicant Name: Quin Bingham

MSD Planner: Justin Smith

Magna Planning Commission Recommendation: Approval

PROJECT SUMMARY

The applicant, Quin Bingham, is currently working on a conditional use permit for a hot mix asphalt plant that would create asphalt from recycled materials. The Magna Planning Commission has approved of the conditional use, but one of the conditions of approval was getting a delay agreement for right-of-way improvements along 2100 S.

SITE & ZONE DESCRIPTION

The property is located along the southside of 2100 S, just west of the WHCP7581 subdivision and directly south of Copart. The four lots are currently zoned M-2. The property has access on the west side from an easement.

the west side of the proposed development the approximate frontage along 2100 S for this development is 126 feet.

The asphalt plant was presented to the Magna Planning Commission on October 3, 2024 where the proposed development was approved with one of the conditions that the applicant get a delay agreement. The Magna Planning Commission recommended a 10 year delay agreement. A 10 year delay agreement would require the applicant or landowner to pay for the improvements if there is a project to install the improvements within the next ten years. If these improvements were to put in after that 10 year period then the landowner or applicant would not be responsible for the costs of installing the improvements.

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

PLANNING STAFF RECOMMENDATION

On October 3rd, 2024 the Magna City Planning Commission recommended to the Magna City Council to approve of the delay agreement for right-of-way improvements.

ATTACHMENTS:

- A. Engineer's Recommendation Letter



October 1st, 2024

Jenny Wilson
Mayor

Catherine Kanter
Deputy Mayor of Regional
Operations

Scott R. Baird, P.E.
Director, Public Works
and Municipal Services

Kade D. Moncur, P.E., CFM
Director, Public Works
Engineering Division

**PUBLIC WORKS
ENGINEERING DIVISION**

Government Center
2001 South State Street
Suite N3-120
Salt Lake City, Utah 84190

T 385-468-6600
F 385-468-6603

To Whom It May Concern,

This recommendation letter is in consideration of the following proposed development:

Application: 001185 – CUP Granite Asphalt Plant
Location: 2198 S 7400 W

It is the recommendation of Salt Lake County Public Works Engineering that a delay agreement be granted for the installation of curb, gutter and sidewalk. The applicant is granted to wait to install the improvements on their roadway frontage at the time when additional private property development occurs.

Regards,

Ahmed Dahir, PE
Salt Lake County
Public Works Engineering



MAGNA CITY COUNCIL NOTICE OF PUBLIC HEARING

The Magna City Council hereby gives notice that they will hold a public hearing on **Tuesday, November 26, 2024, at 6:00 p.m.** at the Webster Center, 8952 West Magna Main Street, Magna, UT, to receive public comment regarding vacating Dora Street.

Information about how to access the meeting will be provided on the agenda which will be posted on the Utah Public Notice Website at least 24 hours in advance of the meeting.

All persons interested and present will be given an opportunity to be heard in this matter.

In accordance with the Americans with Disabilities Act, Magna City will make reasonable accommodations to participate in the hearing. Request for assistance can be made by calling 385-508-5944 within three working days of the meeting.

Dated this 16th day of November, 2024.

A copy of this notice may be viewed or obtained from the following:

509–Utah Public Notice Website: <https://www.utah.gov/pmn/>

510–Magna City: <https://magna.utah.gov/>



Council Staff Report

Meeting Body: Magna City Council

Meeting Date: November 26th, 2024

File Number & Project Type:
OAM2024-001294- Glass Requirements in Overpressure Areas

Applicability: Overpressure Zones

Planner: Brian Tucker, Planning Manager

Applicant: Magna Staff

Key Findings:

- The size of the opening is not regulated in any enforceable manner by Subsection 16.02.340, only the size of the windowpane.
- The existing overpressure regulations were adopted in 2021 with input from Northrup Grumman.
- There is no scientific study or reasoning to justify the adoption of West Valley's older glass provisions over the recently reviewed and amended Magna glass provisions.

Recommendation: The Planning Commission recommend that the Council not adopt any ordinance associated with this request at this time.

Exhibits:

- A. **April 27, 2021 Memo**
- B. **Ordinance 21-04-01**
- C. **West Valley Overpressure Ordinance (83-06)**

BACKGROUND/ ISSUES TO CONSIDER

In May 2021, the (then) Magna Township Council adopted Ordinance 21-04-01. The purpose of this ordinance was to consolidate Chapter 15.14, and Sections 18.20.060 and 19.76.270, regulations all regulating the overpressure zones, into one ordinance. This ordinance was developed by the MSD Planning Staff, Salt Lake County Engineering (who Magna has contracted with to review engineering plans in the City), legal counsel and Northrop Grumman. According to a memo from MSD Planner Travis Hair, dated April 27, 2021, the ordinance was a joint effort by Magna and Northrop Grumman to consolidate the various chapters and sections dealing with overpressure area in the existing ordinances into one chapter and add safety related specificity that the two parties believed the existing language lacked.

The owner of a property in Magna in the vicinity of 3350 South and 7250 West would like to build a new home. His preferred home does not comply with Magna's overpressure ordinance, specifically as it relates to Subsection 16.02.340 – Glass Requirements in Overpressure Areas. Specifically, he would like to install a 5' x 5' (25 sq ft) window or a sliding glass door. This owner has been working with the plans examiners at the MSD to on a building permit to build his home. This owner has reached out to Councilman Prokopolis, the owner's Council representative, along with David Brickey, the Magna City Manager to find a solution that would allow him to build as the owner wants.

The ordinance does not allow a single pane in the .02 overpressure area to exceed 15 sq ft or to be more than 4' wide "measured between the mullions." "The size of" each "pane is measured between the mullions" (Subsection 16.02.340 (B)(3)). The language in Subsection 16.02.340(B)(4) seems to indicate that the amount of glass should be minimized facing the overpressure areas. This is a statement indicating a preference but is too vague

to be enforceable as it lacks any standard to enforce. As a result, neither the opening size nor the number of openings on any surface of the home is regulated in any enforceable manner. Only the windowpane is regulated. The owners can build the doors and windows they desire as long as the windowpanes do not exceed the sizes specified in the code.

While much of the previous regulations for the overpressure areas were amended in the 2021 ordinance, the glass requirements were adopted in 1987 (by Salt Lake County) and have not changed since at least 2001* except that the 2021 ordinance was amended to require tempered or laminated glass.

*Magna adopted Salt Lake County's Code when they became a Metro Township.

The owner has requested that Magna adopt an overpressure similar to West Valley's, where the glass type (width and window tempering or lamination) be based on the "maximum sizes or glass or glass substitutes" (West Valley Code, 7-14-505). I have reached out to West Valley's Zoning Administrator, who sent me the 1983 ordinance that adopted these standards. The Zoning Administrator was not able to find any history, scientific study, or other reasoning behind the ordinance they adopted beyond the findings on the adopted ordinance (the "where-as" statements).

The MSD Staff have reached out to Northrup Grumman in an effort to find any studies that might justify one ordinance or the other. To date, the staff have not heard back from Northrup Grumman.

PLANNING COMMISSION PUBLIC HEARING

On November 12, 2024, the Magna Planning Commission held a public hearing about potentially amending Section 16.02.340 Glass Requirements in Overpressure Areas to adopt an ordinance more similar to West Valley's overpressure glass requirements. Because the size of windows, doors and other openings is not regulated by this Chapter, only the size of windowpanes, the Planning Commission did not show much interest in amending the ordinance to eliminate the current glass requirements in favor of West Valley's and ultimately the motion on this proposal was to take no action, deny the request amend the ordinance.

The Planning Commission did express concern about the replacement of existing windows. If the owner were to replace existing windows within the overpressure areas, the ordinance would require compliance with the overpressure glass requirements. The specific issue is that the 2021 ordinance requires tempered or laminated glass. This type of windowpane can cost in excess of three times as much per window. The replacement of a windowpane broken by a rock or baseball could be replaced on a like for like basis because it is maintenance. The replacement of a window unit consisting of the windowpane and frame must comply with the new code.

A property owner wanting to take a single pane, aluminum or wood framed, inefficient window unit and replace it with a modern unit can only replace their windows if the glass is also tempered or laminated.

The Planning Commission directed the staff to study the possibility of exempting a “like for like” window replacement from the tempered or laminated glass requirement if the size of the opening did not change.

RECOMMENDATION

The Planning Commission finds that:

1. West Valley’s ordinance was adopted in 1983. The only legislative record for the reasoning behind this ordinance is the ordinance itself;
2. The West Valley ordinance predates the County’s 1987 ordinance that was subsequently adopted by the Magna Township;
3. The 2021 amended ordinance, created in conjunction with Northrup Grumman, did not result in the requirements specific to Glass Requirements in Overpressure Areas changing except that tempered or laminate glass was required;
4. The size of the opening is not regulated in any enforceable manner by Subsection 16.02.340, only the size of the windowpane;
5. The current Magna Overpressure ordinance has been reviewed in the last 4 years by the City and Northrup Grumman;
6. The West Valley version has not changed in 41 years; and
7. There is no scientific study or reasoning to justify the adoption of West Valley’s older glass provisions over the recently reviewed and amended Magna glass provisions.

Given the above findings, the Planning Commission:

Unanimously approved a motion “To recommend denial on file #OAM2024-001294 Consideration of an ordinance amending Section 16.02.340 Glass Requirements in Overpressure Areas to the Magna City Council to allow further study on glass size and window size for new construction and window replacement.”



G R E A T E R S A L T L A K E
Municipal Services
District

To: Magna Council
From: Travis Hair, MSD Planner
Date: April 27, 2021
Re: OAM2021-000270– Overpressure Zone Code Amendment

Magna has had a special zoning overlay for the “Overpressure Zone” Area since 1984. This zone was created to mitigate the potential effects of pressure caused by a possible explosion on what is now the Northrop Grumman property. The site is located on the southern border of Magna in West Valley City. The intent of the proposed ordinance amendment and development standards are to reasonably protect residents from possible hazards from manufacturing and storage of explosive items, while allowing for development on properties within Magna near the site. Over the past several years, Magna has continued to grow and the existing ordinance wasn’t as specific as Magna or Northrop would prefer to protect both entities. The MSD Staff has worked with our legal counsel, Salt Lake County Engineering, and Northrop to better define where the different overpressure zones are located, clarify standards regarding building requirements and subdivision layouts, along with other needed updates. Both the original ordinance and the updated draft ordinance are attached along with the overpressure zone maps for your review and consideration. A summary of the proposed revisions includes the following:

Updated Overpressure Zone Map: As shown in the attached exhibits, the rings of the overpressure zone are more clearly defined allowing individual parcels to know exactly where the lines of the different overpressure categories are located. This does change the overpressure category for several parcels. A few parcels are added to the 0.2 and 0.5 categories while others move from 0.3 to a 0.2 category. With information from Northrop (consultant engineer), the main data points have also moved somewhat, but the points closest to Magna which is the only one with impacts to the area has moved very little.

Uses in the Overpressure Area: Part 1 of the proposed ordinance defines how common zoning questions and uses will be handled in the overpressure area. It restricts what uses can be done in each zone and how applications for these uses will be handled. It clarifies application requirements for those developments within the zone. It also clarifies that if a parcel lies in multiple zones, each portion is subject to the requirements that portion is in. For example, a parcel with one of the rings crossing through it may build completely out of the more restrictive zone and only be subject to those requirements. Much of this section was not included in the previous ordinance and made navigating the ordinance complicated for both staff and developers. We believe that this will result in a clear path for all parties moving forward.

Subdivision Standards: Another item not defined in the previous ordinance was how to handle subdivisions within the overpressure areas. This is now defined in Part 2 of the draft. This will help achieve the home orientations outlined in the building standards by requiring that building lots have side yards face the overpressure area. Additionally, the draft ordinance clarifies that

residential subdivisions cannot be created in the 0.5 zone and outlines procedures if a portion of a building lot is located within the 0.5 area. The draft also proposes updated requirements of what information should be included on subdivision plats, so that potential buyers have notice of any limitations on the property.

Finally, this part of the draft adds a requirement that Northrup be given notice of projects being built within the overpressure area. This will allow for important application issues to be addressed at the initial stages of a proposed project. It's important to note that this will protect Northrup, Magna, and developers from potential litigation.

Building Standards: The current Overpressure Area Zone has some very basic additions to both commercial and residential building requirements. For commercial it requires a licensed structural engineer certify any proposed structures within the overpressure zone regarding wind load. For residential it requires that windowless or minimum glass surfaces face toward the center of the overpressure area and that the garage or carport be placed on the side nearest the area. Both have additional requirements for window sizing included.

These requirements are more detailed within the proposed ordinance. While the general concepts remain the same, the exact specifications for the overpressure area forces and wind loads are now included. A structural engineer is now required to sign off on residential buildings as well as commercial buildings. In addition to the existing standards for glass, all glass used must now be tempered or laminated.

Planning Commission Recommendation: The planning commission recommended approval of the ordinance amendment but added that they would like residents in the overpressure zone to be notified and have documentation in place of the requirements on each lot. There are some issues including costs for recording and technical documentation issues, but staff and legal counsel will present options for this at the Magna Council meeting.

Conclusion: The MSD Staff and legal counsel believe that the proposed ordinance is much clearer about what the requirements and process for building within the overpressure area zone are. This will benefit Magna in ensuring those areas closest to the Northrup property are reasonably protected for future residents and visitors in the area. Therefore, the MSD Staff recommends that the Magna Council approve the ordinance amendment

Attachments/

Proposed Overpressure Ordinance

Exhibit A Overpressure Area Map

Existing Overpressure Ordinance

Map with existing overpressure zones shown.

Exhibit 2

MAGNA METRO TOWNSHIP

ORDINANCE NO.: 21-04-01

DATE: May 11, 2021

OVERPRESSURE AREAS ORDINANCE CONSOLIDATION

AN ORDINANCE DELETING MAGNA MUNICIPAL CODE CHAPTER 15.14 AND SECTIONS 18.20.060 AND 19.76.270 AND ADOPTING THE CONSOLIDATED ORDINANCE ENNUMERATED AS CHAPTER 16.02: OVERPRESSURE AREAS REGARDING THE ZONING, SUBDIVIDING, AND BUILDING STANDARDS REQUIRED WITHIN AN OVERPRESSURE AREA

RECITALS

WHEREAS, Utah Code § 10-2a-414(3) provides that a Salt Lake County ordinance will remain in effect as the ordinance of the Magna Metro Township (“Magna”) “until the metro township council amends or repeals the ordinance;” and

WHEREAS, Magna adopted Ordinance No. 17-01-03 on January 17, 2017, adopting ordinances of Salt Lake County, including Chapter 15.14, Sections 18.20.060 and 19.76.270 regarding development in overpressure areas; and

WHEREAS, Magna is actively updating and revising its ordinances, including zoning, to better account for the health, welfare, and benefits to its residents; and

WHEREAS, Magna has determined that the ordinances regarding development in the overpressure areas should be consolidated and updated.

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

1. Repeal of Prior Code Sections.
 - a. Chapter 15.14 is hereby repealed in its entirety.
 - b. Section 18.20.060 is hereby repealed in its entirety.
 - c. Section 19.76.270 is hereby repealed in its entirety.
2. Adoption of Consolidated and Amended Overpressure Ordinance
 - a. Chapter 16.02, entitled “Overpressure Areas,” attached as **Exhibit A**, is hereby ADOPTED.
3. This ordinance will become effective 20 days after publication pursuant to Utah Code Ann. § 10-3-711(1) and Utah Code Ann. § 10-3-712.

[signature pages follow]

APPROVED and ADOPTED this 11 day of MAY, 2021.

MAGNA METRO TOWNSHIP COUNCIL

By: Dan W. Peay
Dan Peay, Mayor

ATTEST

APPROVED AS TO FORM:

Sherrie Swensen
Sherrie Swensen, Clerk/Recorder

Paul W. Galt
METRO TOWNSHIP ATTORNEY

VOTING

Council Member Steve Prokopolis voting
Council Member Brint Peel voting
Mayor Dan Peay voting
Council Member Trish Hull voting
Council Member Audrey Pierce voting

Aye
Aye
Aye
Aye
Aye

(Complete as Applicable)

Summary of ordinance published in newspaper:
<https://www.utah.gov/pmn/sitemap/notice/697353.html>

Date of publication: August 18, 2021

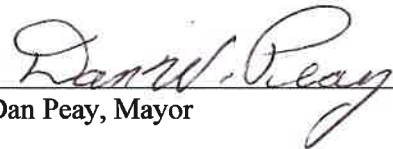
Effective date of ordinance: August 18, 2021

SUMMARY OF

MAGNA METRO TOWNSHIP ORDINANCE NO. 21-04-01

On the 11 day of May, 2021, the Magna Metro Township Council adopted Ordinance No. 21-04-01, enacting a new Chapter 16.02 of the Magna Metro Township Code and consolidated, with amendments to address development standards in the overpressure areas within Magna.

MAGNA METRO TOWNSHIP COUNCIL

By: 
Dan Peay, Mayor

ATTEST


Sherrie Swensen, Clerk

APPROVED AS TO FORM:


METRO TOWNSHIP ATTORNEY

VOTING

Council Member Steve Prokopis voting	<u>Aye</u>
Council Member Brint Peel voting	<u>Aye</u>
Mayor Dan Peay voting	<u>Aye</u>
Council Member Trish Hull voting	<u>Aye</u>
Council Member Audrey Pierce voting	<u>Aye</u>

A complete copy of Ordinance No. 21-04-01 is available in the office of the Magna Metro Township Clerk, 2001 South State Street, N2-700, Salt Lake City, Utah.

EXHIBIT A

Chapter 16.02: OVERPRESSURE AREAS

16.02.005 SHORT TITLE

This Chapter shall be known as "Overpressure Areas." This Chapter shall also be known as 16.02 of the Magna Municipal Code. This Chapter may be cited under either designation.

16.02.010 AUTHORITY

The Municipality promulgates this Ordinance pursuant to Utah Code §§ 10-3-701, 10-3- 702, 10-3-707, 10-9a-102, 10-9a-104, 10-9a-501, and any other applicable law or successor statute(s).

16.02.020 DECLARATION OF PURPOSE

Magna finds that, for the general health and safety of its residents, it must identify certain areas of the municipality where development of real property, and more specifically certain types of development, are not desirable due to possible hazards inherent with the manufacture and/or storage of highly explosive materials. Property within the overpressure areas may be subject to significant overpressure waves and fragments in the event of an accidental explosion of energized materials which are manufactured, stored or handled.

It is based on this potential scenario that Magna chooses to impose certain regulations on the development, building construction, building design standards, and the types of land uses allowed on properties located within these areas of Magna.

16.02.030 DEFINITIONS

- A. "Council" means the Council of Magna, a municipal corporation pursuant to state law.
- B. "Director" means the Director of Planning and Development Services, or designee.
- C. "Overpressure Areas" means any land in the Magna Township that is located within the following distances from the closest of the center points identified as Area #1, Area #2, or Area #3, below, which center points are within the Northrop Grumman Bacchus Works Property located south of 4100 South and west of 6400 West, Salt Lake County: 5,200 ft. to 8,300 ft. (the 0.2 PSI Overpressure Area), 3470 to 5200 ft. (the 0.3 PSI Overpressure Area), and 3470 ft. or less (the 0.5 PSI Overpressure Area). The Overpressure Areas are based on the expected force from an explosion equivalent to that of 20,000 pounds of TNT. For general reference, the 0.2 psi, 0.3 psi, and 0.5 psi overpressure forces in these areas are roughly equivalent to forces generated by wind speeds of 130 mph, 167 mph, and 192 miles per hour, respectively. The Overpressure Areas are also shown on the map entitled Overpressure Areas Map, adopted and incorporated by this reference and included in

Appendix A of the Magna Municipal Code. The three center points for the Overpressure Areas are located at the following GPS coordinates:

Area #1— N40°40'38.3" W112°04'20.0";

Area #2— N40°40'05.5" W112°05'04.7"; and

Area #3— N40°39'31.8" W112°06'19.8".

- D. "Overpressure Areas Map" means the map, included in Appendix A hereto, designating the Overpressure Areas as approved and adopted by the Council. The Overpressure Areas Map shall be on file with the Planning and Development Services Department, or designated agency providing planning and development services to the municipality.
- E. "Planning and Development Services" means the Municipality's Planning and Development Services Department, or designated agency providing planning and development services to Magna.
- F. "Planning Commission" means the Magna Planning Commission.
- G. "Subdivision" means any land that is divided, re-subdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development. Subdivision does not include a bona fide division or partition of agricultural land for agricultural purposes, provided that such agricultural land shall be subject to the requirements of the subdivision ordinance upon the conversion of the land from agricultural use to residential, commercial, or manufacturing use.

PART 1 – ZONING IN OVERPRESSURE AREAS

16.02.110 AUTHORITY

The authority for adopting this land use ordinance is derived from Utah Code Ann. Section 10-9a-102 and related statutes.

16.02.120 DECLARATION OF PURPOSE

The purpose of Part 1 is to identify and clarify acceptable land uses for the Overpressure Areas that recognize safety and to minimize or mitigate harms to life and health in the event of an accidental explosion occurring on the Bacchus Works property.

16.02.130 ZONING AND CONDITIONAL USES IN THE OVERPRESSURE AREAS

- A. Noting the exceptions as stated in Section 16.02.220 relating to subdivisions in Overpressure Areas, no lot containing more than 10 percent (10%) of its area in the 0.5 psi Overpressure Area shall be allowed to be zoned as single-family or multi-family residential.

- B. The following uses are prohibited in the 0.5 psi Overpressure Area:
1. Any residential, lodging, or sleeping use, whether of a temporary or permanent nature, including but not limited to any dwelling, hotel, motel, resort hotel, apartment hotel, boardinghouse, lodging house, tourist court, apartment court, guestroom, accessory dwelling unit, nursing home, protected living arrangement, residential facility, or other structure or portion thereof used for permanent or temporary residential or lodging use.
 2. Any daycare, preschool, church, or educational use, including but not limited to daycare/preschool center, home daycare/preschool, and/or church.
 3. Any non-residential outdoor use which would involve outdoor gatherings of people, unless the Director determines that such gatherings are sufficiently distanced and situated from structures to mitigate the risk to humans associated with the Overpressure Area to an acceptable and reasonable level. Such determination shall only be made after the pre-development meeting pursuant to Subsection F below.
 4. Any structure having more than two floors above grade.
 5. Any structure having a height in excess of thirty feet above grade except as permitted by subsection 16.02.130(B)(6).
 6. Any single-story structure, or portions of a structure that are single-story, having a height in excess of sixty feet above grade provided that such structure or portion of a structure is used for industrial purposes.
- C. The following uses are prohibited in the 0.3 PSI Overpressure Area:
1. Any residential use prohibited by Subsection B.1, above, except single-family residences having a density no greater than 6 lots per acre, with a minimum lot size of 75,000 square feet.
 2. Any lodging or sleeping use prohibited by Subsection B.1, above, except residential uses allowed under Subsection C.1, above.
 3. Any nonresidential use which would involve an outdoor gathering of people, unless the Director determines that such a gathering is sufficiently distant from structures to reasonably mitigate the risk associated with the Overpressure Area. Such determination shall only be made after the pre-development meeting pursuant to sub-Section D below.
 4. Any structure having more than three floors above grade.
 5. Any structure having a height in excess of forty feet above grade except as permitted by subsection 16.02.130(C)(6).

6. Any single-story structure, or portions of a structure that are single-story, having a height in excess of sixty feet above grade provided that such structure or portion of a structure is used for industrial purposes.
- D. If a parcel lies in more than one Overpressure Area, each parcel portion is subject, respectively, to the provisions of this Code governing the Overpressure Area in which such portion is located.
 - E. The provisions of the Magna Municipal Code governing Overpressure Areas shall not apply to any parcel, or portion of a parcel, not located within any Overpressure Area.
 - F. Approval by the Director, or a qualified and licensed professional whom the Director has designated to perform the Director's duties in this Section, shall be obtained before any construction or development begins within any Overpressure Area or any permits are issued for construction or development activities. Upon designation of a qualified licensed designee, the designee shall have all powers as the Director, except the Director shall have the final authority to issue an approval based on the designee's recommendation. Development within the Overpressure Areas shall not be approved unless the applicant demonstrates that the design of the project sufficiently mitigates the risks associated with the Overpressure Areas. Applications and submissions for such approval shall be prescribed by the Director or the Director's designee, and may include:
 1. Plans drawn to scale, showing the location, dimensions, and elevation of the area in question;
 2. the nature, location, dimensions, and elevations of existing or proposed structures;
 3. the dimensions and location of parking, walking, and gathering areas;
 4. a survey to locate the exact location of proposed improvements and the over pressure zone lines; and
 5. any other information the Director, or the Director's designee, may determine necessary or helpful to review an application. The applicant may be required to have submissions stamped and certified by an appropriate qualified professional licensed in the State of Utah.
 - G. As a condition of approval for any development application or building permit, the Director shall cause to be recorded covenants, conditions, and restrictions by plat, or otherwise, which provide notice of the restricted use of property in the Overpressure Areas to the structures and uses approved in this Section. These covenants, conditions, and restrictions shall be enforceable by Magna. The right to so enforce the covenants, conditions, and restrictions may also be delegated and assigned by the Director to the then-current operator of the Northrop Grumman Bacchus Works property.

H. The Director or the Director's designee shall be responsible to:

1. Review all applications to determine whether a proposed development is located in an Overpressure Area.
2. For all proposed development located fully or partially within any Overpressure Area:
 - a. Review all applications to ensure that the overpressure requirements of this Chapter have been satisfied, including but not limited to Sections 16.02.220, 16.02.320, 16.02.330, 16.02.340, and this Section.
 - b. Conduct a predevelopment meeting with the applicant to review the application and consider overpressure risks and design alternatives. The Director shall have the authority to require design modifications (i) to satisfy the overpressure requirements of the Magna Municipal Code and (ii) to reduce the risk associated with the Overpressure Areas to an acceptable and reasonable level.
 - a. Provide the then-current operator of the Northrop Grumman Bacchus Works property with:
 - (1) a copy of the application, and
 - (2) not less than 14 days' advance notice of the pre-development meeting pursuant to section 16.02.130(F)(1)(b)(2). Notice shall be given to the following address:

Legal Counsel
Northrop Grumman Systems Corporation
P0 Box 98, UT03-E2W2
Magna, UT 84044-0098

or to any updated address provided in writing, delivered by certified mail to the Director by the Northrop Grumman Bacchus Works operator. The Northrop Grumman Bacchus Works operator shall be entitled to submit comments to the Director, and to participate in any pre-development meeting.

- (3) Maintain an information file showing approved designs for structures in the Overpressure Areas.

PART 2 – SUBDIVISION OF REAL PROPERTY IN OVERPRESSURE AREAS

16.02.210 DECLARATION OF PURPOSE

Real property located in an Overpressure Area requires development rules to balance development with personal safety. Part 2 strives to achieve this balance in the layout of subdivisions in the Overpressure Areas.

16.02.220 SUBDIVISIONS IN OVERPRESSURE AREAS

- A. The side yard of lots in subdivisions within the 0.2 psi, 0.3 psi, and 0.5 psi overpressure areas as defined in Section 16.02.030(C) and shown on the Overpressure Areas Map described in Section 16.02.030(D), shall be designed, to the extent possible, to orient side yards of the lots toward the center of the Overpressure Areas. This lot orientation (in conjunction with the manner in which the structure is placed on the lot, the design of the structure, and type, location, and size of glass surfaces in the structure) is intended to reduce the possibility of damage within the Overpressure Areas in the event of an accidental explosion.
- B. New residential subdivisions shall not be approved in the 0.5 psi Overpressure Area, except that a residential subdivision partially located in the 0.5 psi Overpressure Area may be approved if:
 1. No particular lot will be located with more than ten percent (10%) of said lot within the 0.5 psi Overpressure Area;
 2. no more than twenty percent (20%) of the residential subdivision will be partially located in the 0.5 psi Overpressure Area;
 3. the final plat prohibits any structure, as defined in Section 19.04.520, from being located in the 0.5 psi Overpressure Area; and
 4. the requirements Section 16.02.130 are satisfied.
- C. The recorded subdivision plat for a new subdivision containing property in any Overpressure Area shall:
 1. identify the lots within each Overpressure Area, including a designation of the zone (0.2, 0.3, or 0.5); and
 2. specifically list those uses prohibited in the Overpressure Areas in which such lots lie, under Section 16.02.130 of the Magna Municipal Code, and reference the specific sections of the Magna Municipal Code which are applicable to the subdivision or lots within the subdivision.
- D. The current adopted Overpressure Areas Map is available for review and inspection in the Planning and Development Services office during regular business hours.

PART 3 – CONSTRUCTION STANDARDS IN OVERPRESSURE AREA

16.02.310 DECLARATION OF PURPOSE

Property within the Overpressure Areas may be subject to significant overpressure waves and fragments in the event of an accidental explosion of energized materials which are manufactured, stored, or handled. In order to provide for the health, safety, and welfare of residents within the Overpressure Areas, Part 3 provides construction standards for all property located within the Overpressure Areas.

16.02.320 APPLICABILITY OF STANDARDS

The standards in Part 3 shall be applicable to all new construction requiring a building permit within the Overpressure Areas as shown on the Overpressure Areas Map. Such construction shall include new buildings and/or modification or additions to existing buildings.

16.02.330 STANDARDS

- A. Commercial and industrial buildings, where permitted in the 0.2, 0.3, and 0.5 psi Overpressure Areas, shall:
 - 1. Be certified by structural engineer, licensed in the State of Utah, that the proposed structures are designed to withstand the blast overpressure loads of the Overpressure Area in which they are located (0.2, 0.3, or 0.5 psi);
 - 2. Conform to the glass standards contained in Section 16.02.350.
- B. Residential buildings, where permitted in the 0.2, 0.3 and 0.5 psi Overpressure Areas, shall:
 - 1. Be certified by structural engineer, licensed in the State of Utah, that the proposed structures are designed to withstand the blast overpressure loads of the Overpressure Area in which they are located (0.2, 0.3, or 0.5 psi);
 - 2. Be designed, where feasible, with windowless walls or minimum glass surfaces facing towards the center of the Overpressure Areas. Where possible, the garage or carport shall be placed on the side of the building facing the center of the Overpressure Areas;
 - 3. Conform to the Overpressure Areas glass standards contained in Section 16.02.350.
- C. Design application of overpressure force:
 - 1. For the design of the structure or element, the overpressure forces shall be considered to act uniformly on all exterior vertical and horizontal surfaces individually and all surfaces in each orthogonal direction when designing the lateral force resisting system.

2. For checking the capacity of the structure or structural element to withstand the effect of the 0.2 psi, 0.3 psi, or 0.5 psi overpressure force (OP), the force shall be considered to act in whichever load combination produces to the most unfavorable effect, considering the following load combinations:

a. For allowable stress design:

$$0.6D + OP$$

$$D + OP + 0.4L + 0.3S$$

b. For strength design or load and resistance factor design:

$$0.9D + 1.6OP$$

$$1.2D + 1.6OP + 0.5L + 0.2S$$

16.02.340 GLASS REQUIREMENTS IN OVERPRESSURE AREAS

A. The windowpane size requirements in the Overpressure Areas shall be as follows:

Overpressure Area as Shown on Map (psi)	Maximum Size of Windowpane (sq. ft.)
0.50	9.0
0.30	12.0
0.20	15.0

B. Additional requirements in the Overpressure Areas:

1. All windows shall be double glazed.
2. Each layer of glass shall be a minimum thickness of one-eighth inch (1/8") thick.
3. The size of pane is measured between mullions.
4. Each building located in the Overpressure Areas shall be designed, where feasible, to minimize the amount of glass facing the center of the Overpressure Areas.
5. The maximum width of any windowpane shall be four feet, measured between mullions.
6. All windowpanes within the Overpressure Areas shall be tempered or laminated glass.

Exhibit 3

WEST VALLEY CITY, UTAH

ORDINANCE NO. 83-06

Draft Date 11/17/82, 1/13/83, 1/20/83, 2/14/83, 2/17/83, 2/18/83, 3/3/83
3/15/83, 3/22/83

Introduced by _____
Date Introduced _____
Date Adopted _____
Date Effective _____

AN ORDINANCE ESTABLISHING OVERPRESSURE ZONES FOR CERTAIN AREAS IN THE SOUTHWEST SECTION OF WEST VALLEY CITY AND ESTABLISHING STANDARDS FOR INSTALLATION OF WINDOWS AND NOTIFICATION REQUIREMENTS TO FUTURE PROPERTY OWNERS.

WHEREAS, Hereules Incorporated, owner of a plant located in the southwest area of West Valley City which manufactures and tests solid rocket motors, has expressed great concern over potential adverse injury and damage to persons or property surrounding the facility which could result from an accidental explosion; and

WHEREAS, throughout the 1970's Hereules has expressed this concern to the Salt Lake County Planning Commission as applications for rezoning of the surrounding area for residential use were heard; and

WHEREAS, at the request of the County Planning Commission and staff, Hereules prepared a report concerning this danger in 1977; and

WHEREAS, during the same period of time, some developer/landowners in that area hired an outside consultant to study the matter; and

WHEREAS, in April, 1980 the Salt Lake County Planning Staff prepared a report for the Salt Lake County Planning Commission utilizing both the Hereules and outside consultant's report as well as their own studies; and

WHEREAS, the Salt Lake County report concluded by recommending that no residential development be allowed in the areas which are subject to 0.5 pounds per square inch (hereinafter psi) overpressure waves which could emanate from the Hereules Plant in the event of an accidental explosion and that in the areas that would be subject to less than 0.5 psi to 0.2 psi only low density residential structures be allowed with all windows being of a shatterproof nature with the dwellings oriented to minimize window exposure to an explosion and that all future owners be notified of the potential problems which could be caused by an accidental explosion; and

WHEREAS, since West Valley City's incorporation, the West Valley City Planning Commission has also been confronted by subdivision and zoning applications in these areas; and

WHEREAS, the West Valley City Planning Staff was directed to restudy the issue and prepare an ordinance to carry out the intent of the Salt Lake County report; and

WHEREAS, some developer/landowners again hired two separate outside consultants, one of whom issued an opinion concerning both structural damage and window requirements, and the other issued an opinion concerning glass requirements; and

WHEREAS, the West Valley City Planning Staff has at their disposal all of these foregoing reports above-mentioned, which, by this reference, are made a part of this preamble; and

WHEREAS, the West Valley Planning Commission has recommended that an ordinance be adopted which institutes notification requirements such that all future owners will be made aware of this potential problem and requires special glass or a glass substitute to be installed which has been tested and shown to be able to that can withstand certain overpressure waves which might result from an accidental explosion, thus eliminating the need to orient the buildings. In addition, the Planning Commission has recommended that the boundaries of the overpressure zones be set at very conservative distances; and

WHEREAS, the Planning Staff recommends that building be allowed only in areas where significant structural damage will not occur since the Uniform Building Code does not have any provisions which address safe building requirements for structures subject to overpressure waves caused by explosions and such information is not readily available; and

WHEREAS, HUD regulations found in the Federal Register dated September 10, 1979 state that "it has been determined that 0.5 psi is the acceptable level of blast overpressure for both buildings and occupants because a frame structure building can withstand that level of external exertion with no structural damage and human beings would suffer only minor superficial injuries" and Hercules's own reports indicate that there will be no major structural damage in those areas less than 0.5; and

WHEREAS, the City Council of West Valley City find that in the best interest of the health, safety and welfare of those who reside or who will reside or work within the vicinity of the Hercules plant, the following ordinance should be adopted;

NOW THEREFORE, BE IT ORDAINED by the City Council of West Valley City as follows:

Section 1. Repealer. Any provisions of the West Valley City Code found in conflict with this ordinance are hereby repealed.

Section 2. Enactment. Sections 12-13-101 through 12-13-107 are hereby enacted to read:

SECTION 12-13-101. PURPOSE.

A. The overpressure zones are overlay zones intended to minimize the adverse impacts associated with potential accidental exposures. The property within the overpressure zones may be subject to significant overpressure waves and fragments generated from the manufacture, handling or storage of energetic material. In order to preserve the health, safety and welfare of residents in the area, this ordinance establishes certain requirements for the type and installation of windows in new construction and sets forth certain notification requirements.

B. Though it cannot be legally mandated, it is the intent of this ordinance to also recommend and encourage owners of existing structures to replace glass with the glazing specified in Section 12-13-105.

C. Since the purpose for this ordinance is based on Hereule's operation, if Hereules or any other person can show the Planning Commission that Hereules has changed operation such as to eliminate or reduce the danger, then this ordinance shall be reviewed by the City Council after receipt of recommendations, if any, from the Planning Commission.

SECTION 12-13-102. OVERPRESSURE ZONES AND LAND USES.

A. There are three gradations of overpressure exposure as follows:

1. Zone A. In areas exposed to overpressures greater than or equal to 0.5 pounds per square inch (psi) no significant structural development will be allowed except as provided in Section 12-13-103.
2. Zone B. In areas between 0.5 and 0.35 psi, the only residential structures allowed shall be low density development (8,000 or greater square foot minimum lot sizes). All other uses such as commercial/industrial land uses shall only be allowed as provided in Section 12-13-103 below.
3. Zone C. In areas between 0.35 to 0.2 psi, the only residential structures allowed shall be low density development (8,000 or greater square foot minimum lot sizes). All other uses such as commercial/industrial land uses shall only be allowed as provided in Section 12-13-103 below.

B. These three overpressure zones are defined on the official West Valley City zoning map in blue tones with the more restrictive zones being shown in darker shades of blue.

C. Where a question exists in defining the location of an overpressure line on the ground, the provisions of the most restrictive zone shall apply to the entire structure divided by the line.

SECTION 12-13-103. COMMERCIAL/INDUSTRIAL USES.

Where a use other than a residential use is contemplated, calculations shall be submitted by a licensed engineer who specializes in structural engineering certifying that any proposed structures are designed to withstand up to 0.5 psi on all exterior horizontal and vertical surfaces.

SECTION 12-13-104. EXISTING ZONING ORDINANCE.

A. The requirements contained in this chapter do not change the regulations of the existing zoning ordinances other than limiting the land to certain uses as provided in Sections 12-13-102 and 12-13-103 above and adding certain notification requirements and glass requirements for windows.

B. The provisions of Section 12-13-102 do not automatically authorize the residential uses listed. The proper zoning is still required and an application for a zoning change or conditional use shall still be approved or denied based on the criteria used for any other zoning change request or conditional use application.

SECTION 12-13-105. NOTIFICATION REQUIREMENTS.

Any proposed residential development within the overpressure zones will be required to provide notification to the buyers that the property is within the overpressure zones and subject to these regulations. The notification shall be given in the restrictive covenants for each parcel of property and on all recorded liens of subdivision plats as follows:

Notice — This area may be subject to overpressure waves caused by accidental explosions. While the probability of such an occurrence is remote, the provisions of West Valley City Ordinance 83-06 will apply which requires all new structures and additions in the overpressure zone to comply with certain specifications for the type of glass or glass substitute used in windows, doors and skylights.

SECTION 12-13-106. GLASS REQUIREMENTS — WINDOWS, DOORS AND SKYLIGHTS.

A. In all new construction or any building addition requiring a building permit located in an overpressure zone, the following types and maximum sizes of glass or glass substitutes for windows, doors and skylights shall be required:

1. In Zone B (0.35 psi to 0.50 psi), either the glass types in subsection (a) or the glass substitute in subsection (b) as set forth below may be allowed:

- a. If glass is used, the following glass sizes and glass types shall be required:

<u>Maximum Area</u>	<u>Glass Type</u>
6.0 square feet	1/4" laminated
12.0 square feet	3/8" laminated
17.5 square feet	5/32" fully-tempered
26.5 square feet	3/16" fully-tempered
40.0 square feet	1/4" fully-tempered
Single regular (annealed) glass, heat-strengthened (partially tempered) glass, and wired glass shall not be permitted.	

- b. If a glass substitute is used, all inboard windows or all outboard windows, but not both, shall be nonlockable and shall be constructed of material conforming to federal specification FSL-P-507 and to the following minimum thicknesses:

<u>Maximum Size</u>	<u>Minimum Thickness</u>
3' wide	1/4" thickness
3' to 4' wide	3/8" thickness
No glass substitute wider than 4' shall be permitted.	

2. In Zone C (0.2 psi to 0.35 psi), either the glass types in subsection (a) or the glass substitute in subsection (b) as set forth below may be allowed:

- a. If glass is used, the following glass sizes and glass types shall be required:

<u>Maximum Area</u>	<u>Glass Type</u>
8.0 square feet	1/4" laminated
17.0 square feet	3/8" laminated
25.5 square feet	5/32" fully-tempered
37.5 square feet	3/16" fully-tempered
60.0 square feet	1/4" fully-tempered
Single regular (annealed) glass, heat-strengthened (partially tempered) glass, and wired glass shall not be permitted.	

- b. If a glass substitute is used, then all inboard windows or all outboard windows, but not both, shall be nonlockable and shall be constructed of material conforming to federal specification FSL-P-507 and to the following minimum thicknesses:

<u>Maximum Size</u>	<u>Minimum Thickness</u>
3' wide window	3/16" thickness
3' to 4' wide window	1/4" thickness
No windows wider than 4' shall be permitted.	

B. For factory-fabricated insulated glass, combinations of prime and storm windows, and combinations of prime and storm doors, all glass (inboard and outboard) shall comply with the requirements of paragraph A. An exception is the outboard pane of any double glazed window whose top edge is 24" or less above grade. This glass may be regular (annealed) glass complying with all other applicable Uniform Building Code requirements.

C. The laminated and fully-tempered glass shall be certified by the Safety Glazing Certification Council and be so designated on a permanent monogram.

D. Factory fabricated insulating glass shall be certified by the Insulating Glass Certification Council and be so marked.

E. The requirements of this section shall be met when any windows, doors or skylights are replaced or added in any structures which originally had to comply with this section.

SECTION 12-13-107. PENALTY AND ENFORCEMENT.

A. It shall constitute an infraction to violate any provision of this chapter.

B. In addition to criminal prosecution for violation of this chapter, the City may utilize any other remedy provided by law including injunctions and the revocation of any building permits and/or conditional use permits.

Section 3. Severability. In the event any of the provisions of this chapter are declared invalid, the remaining provisions shall continue in full force and effect.

Section 4. Effective Date. This ordinance shall take effect immediately upon posting as required by law.

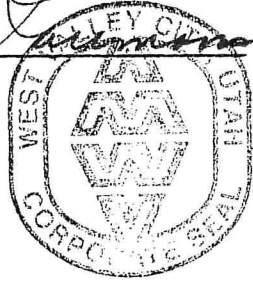
PASSED and APPROVED this 24 day of 8 March, 1983.

WEST VALLEY CITY

Carol K. McKinney
MAYOR

ATTEST:

Patricia K. ...
CITY RECORDER





City Council Staff Report

Meeting Body: Magna City Council

Meeting Date: November 26th, 2024

File Number & Project Type: OAM2024-001231- 2024 Magna Parking Revisions

Applicability: Single and Two-Family Zones Citywide

Planner: Brian Tucker, Planning Manager

Applicant: Magna Staff

Key Findings:

- On street parking must be regulated on public streets to ensure that they are passable in all weather conditions.
- Older neighborhoods in Magna were not designed with enough parking to accommodate today’s automobile ownership rates.
- If well regulated, on premise parking can be expanded without compromising the desire for an attractive street scape.

Recommendation: The Magna Planning Commission and Planning Staff recommend that the Council approve the attached ordinance.

Exhibits:

A. Proposed Ordinance

BACKGROUND/ ISSUES TO CONSIDER

In response to citizen concerns about parking on streets, parking on front lawns, and snow removal operations, Magna’s Planning Staff, Code Enforcement Staff, and the Magna Precinct of the Unified Police Department have worked to update Titles 11, 12 and 19 to ensure that city streets remain passable in all weather conditions. The proposed amendments to Title 19 are intended to create more opportunities for on premise parking while ensuring that front yards continue to project an attractive streetscape.

Utah, like much of the country, is in a housing crisis. The combination of elevated housing prices and the shortage of housing units have resulted in more people sharing the housing that is available. In Magna this has resulted in more working age people sharing households. With more working age people living in a suburban environment that is not efficiently served by transit, this has resulted in more commuters per household than the driveways in Magna’s older neighborhoods were designed to accommodate. This is the root cause of the parking concerns that the citizens have brought to the Council’s attention. Until the housing market sees increased availability of housing and an easing of housing prices, Magna is not going to see any significant reduction in the number of cars per dwelling. The challenge is to ensure that those cars can be accommodated without turning front yards into parking lots or rendering the streets impassible due to parked cars, especially in inclement weather.

PROPOSED ORDINANCE

Working with the Magna Precinct and Code Enforcement, Planning Staff have created an ordinance that:

- Allows parking on a gravel parking pad between the driveway and the nearest side lot line. This allows additional parking on a

more affordable surface without significantly decreasing the landscaped area between a house and the street.

- With the exception of the gravel parking pad between the driveway and the nearest side lot line, requires hard surfaced front yard parking.
- Allows parking on a gravel parking pad in a side or rear yard when located behind a view obscuring fence or gate.
- Allows up to 60% of a front yard to be used for parking if the combined coverage area of all impervious surfaces, including buildings, driveways, paved walkways, patios, decks, and other structures, does not exceed 60% of the area of the lot. The municipal engineering division must approve site plans with more than 50% front yard parking.
- In order to better implement these changes and the parking related ordinances in general, the proposed ordinance defines the terms "Drive Approach", "Driveway", "Driveway, Cross Access", "Driveway, Multifamily", "Driveway, Private", "Driveway Shared", "Hard surface", "Pavement", and "Paved".
- Clarifies that Private Roads are Private Streets.
- Expands the definition of "Street, Private" to limit the use of private streets to the owner or group of owners who share the use and maintenance obligations. This definition is more in line with the definition in Title 14.

STAFF RECOMMENDATION

Staff finds that:

1. On street parking must be regulated on public streets to ensure that they are passable in all weather conditions.
2. Older neighborhoods in Magna were not designed with enough parking to accommodate today's automobile ownership rates.
3. If well regulated, on premise parking can be expanded without compromising the desire for an attractive street scape.

Given the above findings, staff recommends the following action:

The Magna Planning Commission and Planning Staff recommend that the Council approve the attached ordinance.

Exhibit A - Proposed Ordinance

19.04.020 General Definitions.

“Drive Approach” means an area of the public right-of-way located between the roadway and property adjacent to the public right-of-way that is intended to provide access for vehicles from the roadway to the adjacent property.

“Driveway” means a path of ingress and egress constructed within and adjoining a roadway, connecting the roadway with adjacent or nearby property in accordance with Magna Municipal Code. A “driveway” is an unobstructed access from a public or private right of way to an adjacent or nearby property that does not interfere with vehicular or pedestrian travel within the right of way.

“Driveway, Cross Access” means a service drive providing vehicular access between two or more contiguous sites, so the driver need not enter the public street system.

“Driveway, Multifamily” means a driveway providing access to more than four dwelling units.

“Driveway, Private” means a driveway limited to the use of the owner or a group of owners who share the use and maintain the access and those having express or implied permission from the owner or owners, but not by other persons.

“Driveway, Shared” means a driveway serving more than one lot.

“Hard surface” means any asphalt or concrete surface of an approved thickness, or other approved surface, but excluding rock, gravel, grass, or dirt.

“Pavement” includes the paved portion of a street, including paved shoulders and on street parking areas. “Pavement does not include curbs, gutters, park strips, sidewalks, trails, and driveways.

“Paved” means ground covered with stone, brick, concrete, asphalt, or other approved surface, installed over a compacted base course, making a permanent surface that is firm, smooth, and level. A graded natural surface, or one covered with rolled stone or overlaid with compacted or loose gravel is not considered a paved surface.

“Road, Private” means the same as “Street, Private”

“Street, Private” means an access way, other than a driveway, similar to and having substantially the same or similar function as a public street, providing access to one or more properties, but held in private ownership. A “private street” is limited to the use of the owner or group of owners who share the use and maintain the street without the assistance of public entities. “Street, Private” and “Road, Private” can be used interchangeably.

19.28.060 Lot Coverage

- A. No combination of buildings, including accessory structure and other structures, may cover more than forty percent (40%) of the area of the lot or parcel of land.
- B. No accessory structure or group of accessory structures may cover more than twenty-five percent (25%) of the rear yard.
- C. The combined coverage area of all impervious surfaces, including buildings, driveways, paved walkways, patios, decks, and other structures, may not exceed 60% of the area of the

~~lot. Concrete, asphalt and other impervious surfaces may not cover more than fifty percent (50%) of the yard area between a structure and a property line. This includes both the required setback area and any other yard area between the main building and the property boundary. Any lot less than forty feet (40') wide may install one driveway that exceeds the fifty percent (50%) impervious surface rule as long as that driveway does not exceed twenty feet (20') in width.~~

19.48.040 Standards For Parking In R-1 And R-2 Residential Zones

- A. Residential Driveways. A driveway shall be provided for vehicular access from the street or right-of-way to the required parking spaces of any dwelling in an R-1 or R-2 zone.
1. The number, location, and width of driveways shall comply with the specifications set forth in Sections 14.12.110 and 14.36.060.
 2. Driveways over one hundred fifty feet (150') in length are subject to approval by the Fire Authority.
 3. The area within the front yard of any single- or two-family dwelling not occupied by a driveway or parking surface set forth above shall be landscaped in compliance with the applicable provisions of this Title.

~~There shall be a hard surfaced driveway from the public or private road or drive to each required parking space (See Table 19.48.150). Each required parking space shall also be hard surfaced. The drive and parking surfaces shall consist of a permanent, durable, hard surface such as concrete (including permeable concrete), asphalt (including permeable asphalt), brick, pavers, stone, or block. A pervious surface may be used, subject to applicable municipal ordinances and policies.~~

- B. Except as provided in subsection C, Paved or gravel parking areas or driveways may not occupy more than fifty percent (50%) of the area of a front or rear yard. Any lot less than forty feet (40') wide may install one driveway that exceeds the fifty percent (50%) parking or driveway rule as long as that driveway does not exceed twenty feet (20') in width.

C. Parking areas in the front yard may exceed 50% of the front yard area under the following conditions:

1. The combined coverage area of all impervious surfaces, including buildings, driveways, paved walkways, patios, decks, and other structures, may not exceed 60% of the area of the lot; and
2. The parking areas in the front yard do not exceed 60% of the front yard area; and
3. The municipal engineer verifies that the site plan as proposed will not adversely impact the municipal or local storm drain system; and
4. A landscape planting area of at least 500 square feet is maintained in the front yard.

- D.C. Front Yard Parking. Parking or storage of motor vehicles in the unpaved portion of the front yard of a residential use or residentially-zoned property is prohibited. A legal driveway in the front yard may be used for parking, provided the public sidewalk is not blocked.

E. Driveway Surfacing. There shall be a hard-surfaced driveway from the public or private road or drive to each required parking space (See Table 19.48.150). Each required parking space shall also be hard surfaced except for parking pads as provided in this Subsection.

1. The drive and parking surfaces shall consist of a permanent, durable, hard surface such as concrete, asphalt, brick, pavers, stone, or block.
2. A pervious surface, including permeable concrete or permeable asphalt may be used, subject to applicable municipal ordinances and policies.
3. A parking pad consisting of six inches of compacted gravel may be located between a paved driveway and the nearest side lot line in a front yard, provided the gravel parking pad is not within the clear view area of intersecting streets. Motor vehicles and recreational vehicles may be parked or stored on said gravel parking pad provided the parking pad is kept weed free. No other parking pad is permitted in the front yard area.
4. Parking pads consisting of six inches of compacted gravel may also be located in a side yard or rear yard provided they are accessible by a driveway surfaced in accordance with this part. These parking pads must be located behind a view obscuring fence or gate and kept weed free.

~~D. Recreational Vehicles. Recreational vehicles parked or stored on residential property in any R-1 or R-2 zone shall:~~

- ~~1. Be parked or stored on a paved surface in the front yard, side yard, or rear yard of a dwelling. Additionally, a recreational vehicle may be parked or stored on a parking pad which is constructed of six inches of compacted gravel. This area shall be kept weed free.~~

FE. Commercial Vehicles. Commercial vehicles may not be parked or stored on residential property in an R-1 or R-2 zone, except in the following circumstances:

1. Commercial vehicles may be parked on a property in conjunction with lawfully permitted construction, maintenance, or site development activities so long as said activities are diligently pursued.
2. One commercial vehicle may be parked behind the front line of the dwelling and screened from view from public streets or neighboring properties with an opaque fence that is at least six feet (6') tall, provided it is parked on a paved surface. The commercial vehicle may not exceed Class 5 (two (2)-axle, six (6)-tire single unit trucks) in Federal Highway Administration vehicle classification.
3. One commercial vehicle may be parked in the front yard or side yard of a dwelling in the R-1 or R-2 Zones upon issuance of a permit by PDS, as long as all of the following criteria are met:
 - a. No other commercial vehicle is parked or stored on the property;
 - b. The operator of the vehicle is required to be on call twenty-four (24) hours a day to use the vehicle in response to an emergency;
 - c. The commercial vehicle is parked on a paved surface;

- d. The commercial vehicle is parked entirely on private property, not parked on or over the street or sidewalk; and
- e. The commercial vehicle does not exceed Class 5 (two-axle, six tire single unit trucks) in Federal Highway Administration vehicle classification.

GF. Clear View Triangles. In accordance with Subsections 19.46.120 D and E, no vehicle may be parked in a manner that obstructs the clear view triangle of an intersecting street or a driveway.



Council Staff Report

Meeting Body: Magna City Council

Meeting Date: November 26th, 2024

File Number & Project Type:
OAM2024-001293- Magna Zoning Ordinance Revisions

Applicability: Citywide

Planner: Brian Tucker, Planning Manager

Applicant: Magna Staff

Key Findings:

- A code section requiring infrastructure and public improvements to be installed by a developer was inadvertently left out of the adopted Title 19 in 2023,
- The parking of commercial vehicles in residential areas is not desirable, but is acceptable in limited circumstances,
- Animal rights were never intended to be allowed on lots with less than 20,000 square feet,

Staff Recommendation: The Magna Planning Commission and Planning Staff recommend that the Council approve the attached ordinance.

Exhibits:

A. Proposed Ordinance

BACKGROUND/ ISSUES TO CONSIDER

In June 2023, Magna repealed and replaced its Titles 18 and 19, the Subdivision and Zoning ordinances respectively. Staff have been using the ordinance for a year and have noted that a few of the provisions could be amended to clarify what the ordinance is requiring, recalibrate the wording to reflect the legislative intent, and/or respond to requests from the Planning Commission or Council.

PROPOSED ORDINANCE

The proposed ordinance:

Amending Titles 18 and 19 to replace Magna Township with Magna or Magna City as appropriate;

Clarifies when infrastructure and public improvements must be installed by a developer subject to the limitations on exactions in Utah Code;

Clarifies that Internal and Attached Dwelling Units may only be constructed on single family lots with 6,000 square feet or greater;

Amends the definition of Commercial Vehicles and clarifies the circumstances in which Commercial Vehicles may be parked in R-1 and R-2 zones;

Clarifies that there is a 1 acre minimum for new development in the A-1 zone, which seemed to be the consensus based on the workshop discussions that lead to the Title 19 repeal and replace in June 2023;

Clarifies that a lot must include 20,000 square feet to have "animal rights";

Requires an "all weather surface" in Storage and Salvage Yards;

Requires trees and landscaping to be trimmed to 14.5" above the street; and

Adds or clarifies the definitions for "Off Premise Signs", "Animal Rights", "Alteration", "Clustering", "Expansion", "Grading", "Grading", "Natural Open Space", "Net Developable Acreage", "Retaining Wall", "Site Plan", "Slope", "Stream, Ephemeral", "Stream, Perennial", "Stream Corridor", "Substantial economic hardship", "Undevelopable", and "Waiver".

STAFF RECOMMENDATION

Staff find that:

1. A code section requiring infrastructure and public improvements to be installed by a developer was inadvertently left out of the adopted Title 19 in 2023,
2. These improvement installation requirements are subject to the limitations on exactions in the Utah Code,
3. The legislative intent in adopting an ADU ordinance was that lots with less than 6,000 square feet would not be allowed to build ADU's,
4. The parking of commercial vehicles in residential areas is not desirable, but is acceptable in limited circumstances,
5. The workshop consensus for a 1 acre lot area requirement in the A-1 zone needed to be clarified to reflect the legislative intent,
6. Animal rights were never intended to be allowed on lots with less than 20,000 square feet,
7. An "all weather surface" is necessary to ensure adequate storm water pollution prevention,
8. Commercial vehicles can often exceed 13.5' in height, but rarely exceed 14.5' in height,
9. Clear definitions of the words and phrases used in titles 18 and 19 are essential to administering those titles.

Given the above findings, staff recommend the following action:

The Magna Planning Commission and Planning Staff recommend that the Council approve the attached ordinance.

Magna Ordinance Clean Up, Fall 2024

Remove References to Metro Township, Replacing with Magna City or Magna, as appropriate in Titles 18 and 19.

Clarify when infrastructure and public improvements must be installed by a developer subject to the limitations on exactions in Utah Code.

19.46.120 Infrastructure and Public Improvements

The minimum requirements for public improvements shall be a combination of standards set forth in Title 14 Highways, Sidewalks, and Public Places and applicable standards set forth in this Title or adopted in the municipality's Magna's Master Transportation Plan.

A. Off-Site Improvements Required.

1. Off-Site Improvements. Subject to the essential link and rough proportionality tests for exactions in Utah Code Section 10-9a-508, an applicant for a building or land use permit for a dwelling, or a commercial or industrial use shall provide curb, gutter, sidewalk and urban hydrology improvements along the entire property line which abuts any public road or street in cases where it does not exist at municipal standards.
2. Access to public right of ways. New and reconstructed vehicular entrances to the property shall be provided as required in Section 14.12.110. Height, location, structural specifications, maximum and minimum cut radii and minimum roadway approach angles to the centerline of the street are subject to the approval of the Municipal Engineering Division.
3. Exceptions.
 1. The planning commission may grant exception to the installation of the sidewalk in industrial areas where the planning commission determines that the sidewalk is not necessary to serve the public need, and the elimination of the sidewalk does not jeopardize the public health, safety or welfare.
 2. The planning commission may grant exception to the installation of curb, gutter and sidewalk in rural or estate areas where topographic or other exceptional conditions exist, provided that the public health, safety and welfare is preserved.
 3. The planning commission may require the applicant to sign a delay agreement binding the current and future property owner to pay for their share of any required improvements that are installed by Magna City within 10 years of the waiver.

B. Acceptance of Public Streets.

1. Street lighting shall either be chosen from the municipality's approved streetlight list or installed to match a theme set by developments within the zone or neighborhood.
2. Street lighting shall be installed in conformance with Title 18.
3. Street Signs and Markers. Standard street name signs shall be installed at one corner of all street intersections. The size, design, materials, location, fabrication, installation, and maintenance of the signs and poles within the public right of way and elsewhere shall be

in accordance with the Utah Department of Transportation, the Manual of Uniform Traffic Control Devices for Streets and Highways (MUTCD), or the municipality's adopted policies, as applicable.

C. Private Streets.

1. Private streets or roads shall be designed and constructed to meet or exceed the public street standards set forth in Title 14 Highways, Sidewalks, and Public Places, as applicable.
 - a. Private streets or roads are allowed in the following circumstances:
 - (i) If shown on an approved development plan as private streets;
 - (ii) For multi-family developments; and
 - (iii) For residential subdivisions if the street is equally shared between properties. Such streets shall have a maintenance and operations plan included in the declaration of covenants, conditions, and restrictions for the subdivision.

D. Ingress and Egress Requirements. No building with human occupiable space may be erected or enlarged on a parcel in any zone unless such parcel abuts upon or has access to a publicly accepted and maintained street, a private driveway leading to an approved public street, a private road, or a public or private alley.

E. Intersecting Streets and Clear Visibility. In all zones which require a front yard, no obstruction to view in excess of three feet (3') in height may be placed on any corner lot within a triangular area formed by the street property lines or right-of-way lines and a line connecting them at points forty feet (40') from the intersection of the street lines, except mature trees which are located in the clear sight triangle shall be pruned to a height of at least seven feet (7') above the established sidewalk or street elevation.

F. Intersecting Streets and Driveways. In all zones, no view obstruction, including a sight-obscuring fence, wall, sign, other similar structures, and landscaping which exceeds three feet (3') in height shall be placed within a triangular area formed by a diagonal line connecting lines located at the curb line or sidewalk line and driveway line ten feet (10') from the projected intersection of such lines.

G. Acceptance of Private Streets. Prior to acceptance by the municipality, any private street, or any driveway allowed for access with a development that is not constructed and maintained to the municipality's adopted street standards shall be improved to the municipality's adopted street standards.

H. Driveways. A driveway shall be allowed for vehicular access according to the standards set forth in Title 14 Highways, Sidewalks, and Public Places, and Chapter 19.48 Parking and Mobility.

I. Pedestrian and Bicycle Mobility.

1. Each lot shall have pedestrian walkways and sidewalks that provide connections between the building entrances, neighboring building entrances, parking areas, open space, and public trail. Such systems shall be designed to connect with all elements within the

development, adjacent areas, and transit stops and can include sidewalks along public or private streets, wide outside travel lanes, bike lanes on roadways, and walkways and trails in alternative locations as appropriate. Design, location, dimensions, dedications, easements, and reservations shall conform to applicable municipal policies and standards for sidewalks, bicycle routes, and trails.

2. Walkways and trails shall be designed to maximize the safety of users and the security of adjoining properties with respect to location, visibility, and landscaping.
3. Bicycle Facilities. Bicycle facilities shall be provided in accordance with the standards set forth in Chapter 19.48 Parking and Mobility.

Clarify that Internal and Attached Dwelling Units may only be constructed in single family lots with 6,000 square feet or greater.

19.42.030 Accessory Dwelling Unit

B. Allowable Areas and Zones.

1. Internal Accessory Dwelling Units (IADU) and Attached Accessory Dwelling Units (AADU) are permitted uses in the R, A and PC zones as identified in the use tables in this Title. IADU's and AADU's may only be constructed on lots with an area of 6,000 square feet or greater.
2. Detached Accessory Dwelling Units (DADU) are a permitted use in the R, A and PC zones as identified in the use tables in this Title. A detached ADU may be constructed on lots with an area of 8,000 square feet or greater. Detached ADUs in a PC Zone are permitted on lots with a minimum area of 6,000 square feet if Magna has approved design standards for the same as part of a development agreement.
3. In no case may an ADU be permitted in, or accessory to, a townhome, a multi-family PUD or other attached unit type, or on any lot that cannot satisfy parking, setback, or lot coverage requirements.
4. The grounds of a church, synagogue, mosque or other religious institution may include one attached or detached accessory dwelling unit for the use of the leader of the congregation, a caretaker, or other employee of the congregation. A detached ADU may be constructed on lots with an area of 12,000 square feet or greater. The lot shall include both the primary religious building and the accessory dwelling unit.

Amend the definition of Commercial Vehicles and clarify the circumstances in which Commercial Vehicles may be parked in R-1 and R-2 zones

19.04.020 General Definitions

A. General terms used in Title 19 are defined as follows:

80. "Vehicle, Commercial" means any motorized vehicle or trailer used for or intended for business use - including but not limited to the transportation of commercial equipment, merchandise, produce, freight, commodities, passengers, or animals - and which is characterized by any of the following:

- a. Heavy equipment, such as earth movers, backhoes, cranes, forklifts, bulldozers, and the like, which are commonly used for construction, excavation, demolition, or lifting;
- b. Vehicles used to haul equipment or materials, such as dump trucks, tanker trucks, semi-tractors, semi-trailers, cement trucks, or other similar vehicles;
- c. Pickup trucks over one ton with a commercial modification, such as a flat bed, a dumping mechanism, mechanical lifts or arms for loading and unloading materials/equipment, aerial buckets or platforms, or other similar features;
- d. Vehicles exceeding Class 5 (two-axle, six tire single unit trucks) in the Federal Highway Administration vehicle category classification with more than two axles; or
- e. Vehicles with a payload capacity of more than eight thousand five hundred (8,500) pounds.

19.48.040 Standards for Parking In R-1 And R-2 Residential Zones

- E. Commercial Vehicles. Commercial vehicles may not be parked or stored on residential property in an R-1 or R-2 zone, except in the following circumstances:
1. Commercial vehicles may be parked on a property in conjunction with lawfully permitted construction, maintenance, or site development activities so long as said activities are diligently pursued.
 2. Subject to Subsection 4, One commercial vehicle may be parked behind the front line of the dwelling and screened from view from public streets or neighboring properties with an opaque fence that is at least six feet (6') tall, provided it is parked on a paved surface. ~~The commercial vehicle may not exceed Class 5 (two (2)-axle, six (6)-tire single unit trucks) in Federal Highway Administration vehicle classification.~~
 3. Subject to Subsection 4, One commercial vehicle may be parked in the front yard or side yard of a dwelling in the R-1 or R-2 Zones upon issuance of a permit by Planning and Development Services, as long as all of the following criteria are met:
 - a. No other commercial vehicle is parked or stored on the property;
 - b. The operator of the vehicle is required to be on call twenty-four (24) hours a day to use the vehicle in response to an emergency;
 - c. The commercial vehicle is parked on a paved surface; and
 - d. The commercial vehicle is parked entirely on private property, not parked on or over the street or sidewalk; ~~and.~~
 4. e. Prohibited Commercial Vehicles. The following commercial vehicles are prohibited from being parked in an R-1 or R-2 Zone except as provided for in Subsection 1:
 - a. Heavy equipment, such as earth movers, backhoes, cranes, forklifts, bulldozers, and the like, which are commonly used for construction, excavation, demolition, or lifting;
 - b. Vehicles used to haul equipment or materials, such as dump trucks, tanker trucks, semi-tractors, semi-trailers, cement trucks, or other similar vehicles; and

~~c. The commercial vehicles does not exceeding~~ Class 5 (two-axle, six tire single unit trucks) in the Federal Highway Administration vehicle category classification.

Clarify 1 acre minimum for new development in the A-1 zone.

19.26.050 Lot Area, Lot Width, Lot Coverage

A. Development in the A-1 and A-2 Zones shall comply with the development standards of Table 19.26.050 and all other applicable standards in this Title.

Table 19.26.050 – Development Standards in Agricultural Zones.			
Zone	Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage (Primary Buildings)
A-1	10,000 Sq Ft/1 Acre ¹	65/100 Feet	35%
A-20	20 Acres	200 Feet	30%

1. Subdivision lots that met the area, width and frontage requirements existing prior to the adoption of this ordinance are legal, nonconforming lots. Lots created subsequent to the adoption of this ordinance must include one (1) acre and have a minimum lot width of one hundred (100) feet.

Clarify that a lot must include 20,000 square feet to have "animal rights".

19.42.060 - Animal Rights.

Animal Rights, where allowed as a permitted or conditional use in the applicable zone, are also subject to the following standards:

A. Parcels containing fewer than twenty thousand square feet (20,000 sq. ft.) are prohibited from keeping animals under the animal rights provisions in this Section.

A.B. When a parcel with animal rights contains at least twenty thousand square feet (20,000 sq. ft.) but fewer than 5.25 acres, that parcel may hold no more than one animal unit and their seasonal offspring for each ten thousand (10,000) square feet.

B.C. When a parcel or group of contiguous parcels with shared ownership contains more than 5.25 acres, that parcel or group of parcels may hold no more than one animal unit and their seasonal offspring for each five thousand (5,000) square feet.

C.D. No animals or fowl may be kept or maintained closer than 40 feet to any dwelling on an adjacent parcel of land. No barn, stable, coop, pen, or corral shall be kept closer than 40 feet to any street.

D.E. Applicant shall submit a manure management plan, which shall address mitigation of stormwater runoff, odor, and flies, and shall include the following:

1. Clean-up of manure and off-site deposit of the same in warm -weather seasons. Manure storage or composting is allowed in accordance with Salt Lake County Health Department General Sanitation Regulation regarding composting.
2. Siting of newly constructed stalls to protect surface water, drainageways, wellheads, streams and irrigation ditches.
3. Bedding system such as stall mats, hay, wood shaving, and/or wood pellets.

E.F. Provisions in the FR or FA zones related to horses shall govern over this section and its associated definitions. A horse shall be considered a large animal, but the number of horses allowed in the FR or FA zones shall not be increased or diminished by this section or its associated definitions.

Require an "all weather surface" in Storage and Salvage Yards.

19.42.320 Storage and Salvage Yards

Storage yards and salvage yards, when listed as a permitted or conditional use in the applicable zone, are subject to the following requirements:

- A. No portion of the storage area shall be located within three hundred feet (300') of any residential zone or use lot line.
- B. Any outdoor storage area shall be completely enclosed by a fence or wall no less than six feet (6') in height, constructed of a sturdy, durable material and sufficiently opaque to ensure that the stored material is not visible from outside the storage area. The fence or wall shall have a minimum of two (2) non-transparent gates not exceeding forty-eight feet (48') in width providing access to the storage area for vehicles but may not allow direct view of the storage area from adjacent properties or streets. Said fence or wall shall be continuously maintained in good condition and may contain only approved signs.
- C. Each salvage or storage yard shall include a masonry wall along the entirety of each street frontage. This wall shall be constructed at the front setback line required for buildings in the underlying zone. The storage or salvage area may not be no closer to street than the front facade of the building. The Director may accept a landscaped berm in lieu of the masonry wall if the height, width, and berm landscaping fully screen the storage or salvage areas. A berm allowed in lieu of a masonry wall shall include live plant material that covers no less than fifty percent (50%) of the berm with grasses, bushes, ground cover or tree canopies. Trees and bushes shall be at least twenty five percent (25%) evergreen.
- D. Stored materials may not be stacked higher than six feet (6') and shall be stored in a manner so as not to be visible from adjoining properties or rights-of-way. In no case may salvage or junk be stored at a height exceeding the height of the storage area fence or wall. Operational vehicles and motorized equipment are not subject to the height requirement for storage. No inoperable vehicle or equipment may be stored within the outdoor storage areas. Permitted salvage yards are the only allowable storage areas for inoperable vehicles or equipment.

E. The surface of the storage yard shall be covered with an all-weather surface. Any stormwater or other runoff from the site shall be contained on the site and disposed of through an on-site drainage system, in conformance with applicable regulations to enforce the requirements of the National Pollutant Discharge Elimination Systems (NPDES) permit.

- F. Outdoor storage shall be kept and maintained in a neat and orderly manner. Outdoor storage may not include dirt, manure, gravel, rocks, sand, bark, or similar materials, unless the items are stored in bags, on pallets, or on other individually sealed containers.
- G. A management office shall be provided on site. A caretaker unit may be permitted for security personnel or on-site operator.
- H. Conditions within the storage area shall be controlled to minimize the hazards of fire and other threats to health and safety. Conditions within the storage area shall be controlled to minimize the hazards of fire and other threats to health and safety. Product, salvage, or other storage shall be stored in rows with a continuously looping drive aisles with a minimum width of twenty feet (20').
- I. Requests for a permit for a salvage yard shall also require submission of a detailed proposal identifying the predominant type of salvage to be received, the methods of separation and/or recycling, and ultimate destination of all salvaged, recycled, and waste materials. The applicant shall submit written materials outlining measures taken to comply with all necessary state, county, and local laws.
- J. All batteries shall be removed from any vehicle, and all radiator and fuel tanks shall be drained prior to the vehicle being placed in ~~a salvage~~~~the storage~~ yard. Salvaged batteries, oil and other such substances shall be removed by a licensed disposal company and be stored in a manner which prevents leakage of battery fluid. No fluids removed from vehicles may be applied as a dust control method, or otherwise allowed to be discharged upon the ground.
- K. Vehicle parts may not be stored, loaded, unloaded, or dismantled outside the fence enclosing the salvage yard.
- L. In order to protect surrounding areas, business operations, including loading and unloading operations shall be limited to daylight hours.

Require trees and landscaping to be trimmed to 14.5" above the street.

19.50.200 Tree and Landscaping Trimming

- A. In addition to the other standards of this Chapter, the property owner is responsible for maintaining all trees and landscaping on the property and adjacent park strips to the following standards.
 - 1. Trees and landscaping which overhang the street pavement shall be trimmed to a minimum height of ~~fourteen~~~~thirteen~~ and one-half feet (~~14.5~~~~13.5~~') above the street pavement.
 - 2. Trees and landscaping which overhang the sidewalk shall be trimmed to a minimum height of eight and one-half feet (8.5') above the sidewalk.
 - 3. The abutting property owner shall remove any tree, tree stump, shrub or vine in or within twenty feet (20') of the right-of-way if that tree, tree stump, shrub, or vine is dead, diseased, or determined by the Director or Designee to be undesirable for any other reason.

4. If trees or landscaping are determined by the Director or Designee to be an imminent threat to public health and safety, the municipality may proceed with an emergency abatement, as outlined in Title 12.
5. Noxious Trees. Noxious trees shall be controlled and contained according to the recommendations of the Utah Department of Agriculture and Food.

B. Enforcement. This Section shall be enforced according to the provisions of Title 12 of the Magna Municipal Code.

Adding or Clarifying Definitions in Chapter 19.04.

19.04.020 General Definitions

"Alteration" means any change or rearrangement in the supporting members of an existing structure, such as bearing walls, columns, beams, girders, or interior partitions, or any change in the dimensions or configurations of the roof or exterior walls.

"Animal Rights" means the keeping of livestock and fowl on lots and parcels containing at least twenty thousand (20,000) square feet. The keeping of livestock and fowl is limited to one animal unit and their seasonal offspring for each ten (10,000) thousand square feet. Household pets are not subject to these limits.

"Clustering" means a development or subdivision design technique that concentrates buildings or lots on a part of the site to allow the remaining land to be used for recreation, common open space, and/or preservation of environmentally sensitive areas.

"Expansion" means an increase in the size of an existing structure or use, including physical size of the property, building, parking, and other improvements.

"Grading" means any change of existing surface conditions by excavating, placing of any soils or rocks, or stripping of vegetation.

"Net developable acreage" is defined as land with all of the following:

- a. An average slope less than thirty percent; and
- b. Free from any identified natural hazards such as flood, avalanche, landslide, high water table and similar features. See Chapter 19.56 (Floodplain Hazard Regulations) and Chapter 19.58 (Geological Hazard Regulations).

"Site plan" means an accurately scaled plan that illustrates the existing conditions on a land parcel and the details of a proposed development, including but not limited to: topography; vegetation; drainage; flood plains; wetlands; waterways; landscaping and open space; walkways; means of ingress and egress; circulation; utility easements and services; structures and buildings; lighting; berms, buffers and screening devices; development on adjacent property; and any other information that may be required to make an informed decision.

"Slope" means the level of inclination from the horizontal, determined by dividing, in fifty foot intervals, the average horizontal run of the slope into the average vertical rise of the same slope and converting the resulting figure into a percentage value.

"Stream, Ephemeral" means those channels, swales, gullies, or low areas that do not have flow year-round or are not shown on United States Geological Services (U.S.G.S.) topographic maps as perennial streams. These are generally channels that are tributary to perennial streams, other ephemeral streams, terminal low areas, ponds, or lakes. They are typically dry except during periods of snowmelt runoff or intense rainfall. (Contrast with "Stream, Perennial.")

"Stream, Perennial" means those streams, excluding ephemeral streams, or ditches and canals constructed for irrigation and drainage purposes, which flow year-round during years of normal rainfall, and that are identified on the appropriate United States Geological Services (U.S.G.S.) topographic maps as perennial streams. (Contrast with "Stream, Ephemeral.")

"Stream corridor" means the corridor defined by a perennial stream's ordinary high water mark.

"Substantial economic hardship" means a denial of all reasonable economic use of a property.

"Undevelopable" means strict application of this title prevents the minimum development necessary to establish a permitted or conditional use in the underlying zone on the property.

"Waiver" means permission to depart from the requirements of an Ordinance with respect to the application of a specific regulation.

19.04.030 Site Standard Definitions

"Natural open space" means land in a predominantly open and undeveloped condition that is suitable for any of the following: natural areas; wildlife and native plant habitat; important wetlands or watershed lands; stream corridors; passive, low-impact activities; little or no land disturbance; or trails for non-motorized activities.

"Retaining wall" means a wall designed and constructed to resist the lateral displacement and erosion of soils or other materials.

19.04.060 Sign Definitions

"Off-Premise Sign" means a sign identifying or advertising a business, person, activity, goods, products or service, which is not related to, or available at the premises where the sign is located.