



**Minutes of the
Millcreek City Council
August 16, 2023
5:00 p.m.
Special Meeting**

The City Council of Millcreek, Utah, met in a special public meeting with the Planning Commission of Millcreek on August 16, 2023, at City Hall, located at 3330 S. 1300 E., Millcreek, UT 84106. The meeting was conducted electronically and live streamed via the City's website with an option for online public comment.

PRESENT:

Council Members

Jeff Silvestrini, Mayor (excused)
Silvia Catten, District 1
Thom DeSirant, District 2 (electronic)
Cheri Jackson, District 3
Bev Uipi, District 4 (electronic)

City Staff

Francis Lilly, Planning & Zoning Director
Elyse Sullivan, City Recorder
Robert May, Long Range Planning Manager
Sean Murray, Planner
Jake Green, Planning Engineer
Kurt Hansen, Facilities Director

Attendees: Chair LaMar, Commissioner Reid, Commissioner Anderson, Commissioner Larsen, Commissioner Lofgren, Commissioner Soule, Commissioner Vance, Commissioner Wright, Luigi Resta, Matt Strong, Teri Gallegos, Adam Watts

TIME COMMENCED – 5:00 p.m.

Chair LaMar called the meeting to order and read a statement describing the duties of the Planning Commission.

1. Discussion of Code Update Process and Sensitive Land Areas

Francis Lilly gave a project update on the R-1, R-2, and R-4 Zones. He said the R-1, R-2, and R-4 Zones were enroute to the city council, with the R-4 being a “legacy” district with tri-plexes and four-plexes. The Residential Multifamily (RM) Zone would change to the Residential Mix Zone (RMZ). The current RM zone is on corridors identified as mixed use areas. The new RMZ does retain many existing standards of the RM including building materials, massing requirements, height limits, lot and setback requirements, and uses, and the amenities were updated and revised with additional criteria. The revised site criteria included buildings being required to be parallel to the street, entrances along street facades being oriented to a hierarchy, and required ground floor living space for new multifamily projects. There were spatial limits tables and graphics, design graphics, and minimum criteria for amenities added. Commissioner LaMar appreciated the illustrations with definitions on the design standards.

Lilly then described the proposed Sensitive Lands Overlay (SLO) Zone. The sensitive lands map addressed debris flows, faults, alluvial fans, and liquefaction. The city code has geological hazards and Foothills and Canyons Overlay Zone (FCOZ) in different sections. These would be combined into a single zone. The SLO would rely more heavily on geotechnical reports and introduce a sensitive lands map, carry over existing standards and processes with minor updates, have new requirements for soils and water table analysis for all development to assure foundational integrity, prohibit all construction on slopes greater than 30%, provide review and assessment responsibilities to the contracted city geologist, include language to reduce the risk to the city and the eventual owner of the building/lot, and include a dispute resolution process. FCOZ was designed to address sensitive land issues all over Salt Lake County on the hillsides and canyons, but it was not found elsewhere in the city, and it needed to be. The proposed ordinance was very technical. Lilly said existing lots greater than 30% could apply for a variance. The geotechnical submittal requirements would vary based on what hazards were present on the site. It would now include coverage of additional hazards such as alluvial fans, wildland urban interface, and saturated soils. A certified inspector would also be required on site to monitor improvements being built as per the building permit and/or the land use approval. A contracted city geologist would review the geotechnical reports and provide recommendations.

Commissioner Soule asked what other cities were doing. Lilly said this proposed ordinance was more robust than what other cities were using. Commissioner Soule asked about protecting consumers from purchasing sensitive lots. Lilly said liquefaction or geological hazards such as fault study areas, if a subdivision was done, would have a disclosure on the property title. He said there were other disclosures for alluvial fans and flood plains. There was not a disclosure for a steep slope. He did not know how to solve that problem. Commissioner Soule asked how many of the proposed rules were new. Lilly said it would be easier for people to get a permit for a fence or accessory structure in FCOZ, but there were complicated waiver special exception processes. The biggest change was prohibition on development of lots with slopes greater than 30%. Council Member Uipi submitted an online comment asking, "To speak to Diane's inquiry, you stated we could look at a solution to inform disclosure if there wasn't disclosure in the last twenty years. What does that look like?" Lilly said when it gets caught, there could be disclosures on title or when a building permit is applied for.

Lilly said code was relatively silent on temporary use standards. A new section would cover miscellaneous temporary uses that were currently missed or fragmented throughout the code, help standardize procedure and criteria, eliminate previously vague discretionary conditions, and cover a wide range of temporary uses such as construction trailers, shipping containers, and seasonal retail, etc.

Lilly gave an overview on the proposed Commercial Zone District; it would replace existing C-1, C-2, C-3 zones with one commercial zone, prohibitions on uses within the C-1 and C-2 zone would remain as separate requirements in the new C Zone, it would retain or enhance existing standards, allow "affordable housing" as an allowed use without requiring a mixed use if at least 300 feet away from an intersection, and clarify uses and provide better definitions (there were only a couple of uses not allowed in the C-1 zone that was not included in the other zones, mostly automobile uses). There would be new spatial requirements and design standards. The City Center Overlay Zone updates would reduce the maximum building length from 300 feet to 250 or 200, clarify drive-through prohibitions, and make potential minor adjustments such as allowing pillars to support awnings in the design standards.

Commissioner Reid wondered if the city had any authority with disclosures in real estate transactions. Lilly was not sure. Commissioner Reid said the real estate disclosure process was currently robust. Lilly said city disclosures could be recorded on title whereas real estate ones were not. Chair LaMar asked about the drive through prohibitions in the city center. Lilly said the code would further restrict them.

The city council members left the meeting at 5:43 p.m.

APPROVED:



Jeff Silvestrini, Mayor

Date

9-25-2023

Attest:



Elyse Sullivan, City Recorder