



## Millcreek City Council Meeting Agenda

Public Notice is hereby given that the City Council of Millcreek will assemble in a public work meeting and a regular meeting on Monday, **22 July 2024** at City Hall, 1330 E. Chambers Avenue, Millcreek, Utah 84106, commencing at **5:00 p.m.** for the work meeting and **7:00 p.m.** for the regular meeting.

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### **5:00 p.m. – WORK MEETING:**

1. Great Salt Lake Watershed Water Conservation Program Pilot Project Demonstration, Justin Whittaker, WETx
2. Unified Fire Authority Quarterly Report; Assistant Chief Zach Robinson
3. Wasatch Front Waste and Recycling District Quarterly Report; Pam Roberts, General Manager/CEO
4. Planning Matters First Reading:
  - a. *ZM-24-004*, Request to Rezone from R-2-8 to R-M at Approximately 950 E Grape Ivy Way; Brad Sanderson, Current Planning Manager
  - b. *ZT-24-004*, Proposed Updates to the Wireless Telecommunication Facilities Code in Chapter 18.75; Brad Sanderson, Current Planning Manager
5. Staff Reports
6. Discussion of Agenda Items, Correspondence, and/or Future Agenda Items

### **7:00 p.m. - REGULAR MEETING:**

#### **1. Welcome, Introduction and Preliminary Matters**

- 1.1 Pledge of Allegiance
- 1.2 Unified Police Department Millcreek Precinct Officer of the Month for June 2024
- 1.3 Public Comment

*Audience members may bring any item to the Council's attention. Comments are subject to the Public Comment and Policy set forth below. State Law prohibits the Council from acting on items that do not appear on the agenda.*

#### **2. Planning Matters**

- 2.1 First Reading: *ZT-24-002*, Proposed Application Procedures Ordinance Chapter 18.13; Francis Lilly, Planning Director

#### **3. Business Matters**

- 3.1 Discussion and Consideration of **Ordinance 24-37**, Amending Millcreek Code of Ordinances Section 2.24.060 Regarding the Consolidated Fee Schedule

#### **4. Reports**

- 4.1 Mayor's Report
- 4.2 City Council Member Reports
- 4.3 Treasurer's Report
- 4.4 Staff Reports
- 4.5 Unified Police Department Report

#### **5. New Items for Subsequent Consideration**

#### **6. Calendar of Upcoming Meetings**

- City Council and Planning Commission Special Mtg. 7/29/24 5:00 p.m.
- East Mill Creek Community Council Mtg., 8/1/24, 7:00 p.m.
- Mt. Olympus Community Council Mtg., 8/5/24, 6:00 p.m.

- Millcreek Community Council Mtg., 8/6/24, 6:30 p.m.
- Canyon Rim Citizens Association Mtg., 8/7/24, 6:30 p.m.
- Historic Preservation Commission Mtg., 8/8/24, 6:00 p.m.
- City Council Mtg. 8/12/24 7:00 p.m.

## **7. Closed Session (If Needed)**

*The Council may convene in a closed session to discuss items as provided by Utah Code Ann. §52-4-205.*

## **8. Adjournment**

In accordance with the Americans with Disabilities Act, Millcreek will make reasonable accommodation for participation in the meeting. Individuals may request assistance by contacting the ADA Coordinator, 801-214-2751 or [adainfo@millcreekut.gov](mailto:adainfo@millcreekut.gov), at least 48 hours in advance of the meeting.

Public Comment Policy and Procedure: The purpose of public comment is to allow citizens to address items on the agenda. Citizens requesting to address the Council may be asked to complete a written comment form and present it to the City Recorder. In general, the Chair will allow an individual two minutes to address the Council. A spokesperson, recognized as representing a group in attendance, may be allowed up to five minutes. At the conclusion of the citizen comment time, the Chair may direct staff to assist the citizen on the issue presented; direct the citizen to the proper administrative department(s); or take no action. This policy also applies to all public hearings. Citizens may also submit written requests (outlining their issue) for an item to be considered at a future council meeting. The Chair may place the item on the agenda under citizen comments; direct staff to assist the citizen; direct the citizen to the proper administrative departments; or take no action. *Public comment can be submitted via the City's website at:* <https://www.millcreekut.gov/FormCenter/Contact-Us-5/Public-Comments-61>.

The meetings will be live streamed via the City's website at: <https://www.millcreekut.gov/373/Meeting-Live-Stream>. The Council may convene in an electronic meeting. Council members may participate from remote locations and may be connected to the electronic meeting by GoToMeeting, Zoom, or telephonic communications. The anchor location will be City Hall.

THE UNDERSIGNED DULY APPOINTED RECORDER FOR THE MUNICIPALITY OF MILLCREEK HEREBY CERTIFIES THAT A COPY OF THE FOREGOING NOTICE WAS EMAILED OR POSTED TO:

City Hall  
Those Listed on the Agenda

City Website  
<https://www.millcreekut.gov/>

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

DATE: July 17, 2024

RECORDER: Elyse Sullivan

Agenda items may be moved in order, sequence, and time to meet the needs of the Council.



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ZT-24-002

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## Staff Report

**Meeting Date:** 7/22/2024

**Applicant:** City

**Re:** Adoption of an Application Procedures Ordinance

**Prepared By:** Francis Xavier Lilly, AICP, Planning Director

**Scope of Decision:** **Discretionary.** This is a legislative matter, to be decided by the Millcreek City Council upon receiving a recommendation from the Community Council(s) and the Millcreek Planning Commission. Your recommendation can be broad in scope, but should consider prior adopted policies, especially the Millcreek General Plan.

## REQUEST AND SYNOPSIS

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As part of Millcreek's comprehensive zoning code update, City Planning Staff is seeking the Community Council's recommendation regarding the adoption of an Application Procedures Chapter. Currently, application procedures, roles of public bodies, and noticing requirements are found in different sections of Millcreek's land use code, and the code currently lacks a single location for an applicant or staff to obtain information pertaining to an application. As the Millcreek Planning and Zoning Department seeks to refine and codify its procedures, staff recommends adoption of an ordinance that consolidates the information, so that an applicant can get a complete sense of the requirements by application type, without having to search several different chapters in the code.

The Planning Commission recommended adoption of the proposed Application Procedures Ordinance.

**The attached draft of the procedures ordinance reflects the Planning Commission's recommendation.**

Because the code seeks to identify each application staff processes, and establish a procedure for each, it is quite long; it will form one of the most significant chapters in the entire code rewrite.

The Applications Procedures Chapters are outlined as follows:

- 1) **18.13. Application Procedures Purpose and Applicability.** This Chapter essentially functions as an index for the two following chapters.

- 2) **18.14.** Land Use Authority Designations and Application Procedures in General. This Chapter establishes the following:
  - a. A Land Use Authority designation for each application type. Land Use Authorities must be identified in our ordinance pursuant to state law.
  - b. Roles of Recommending Bodies for each application type.
  - c. General application requirements, including the payment of a fee and the submittal of a complete application, including all appropriate checklist materials.
  - d. Formal Public Engagement Processes. “Formal Public Engagement” can take the form of a public meeting or a public hearing, pursuant to state law.
  - e. Noticing requirements. These requirements are significantly unchanged from our current requirements.
- 3) **18.15.** Land Use Application Steps. This chapter is a narration and definition of every land use application step that is referenced for each application type in the subsequent chapter. This chapter includes formalized processes for modifications to approved site plans, and expirations of application approvals.
- 4) **18.16.** Specific Application Procedures by Category and Type. Application types are split into the following categories: Legislative, Administrative – Subdivisions, Administrative – Land Use, and Administrative – Nonconformities and Variances. The final chapter creates a sequential procedure for each application type that will be processed by Millcreek Planning and Zoning. Applications that involve public noticing and formal public engagement have a short summary table at the end of that application discussion.
- 5) **Checklists.** The Application procedures make references to checklists, that staff either has developed or will develop for each application type. Rather than including every specific submittal requirement in ordinance, staff recommends relying on checklists to communicate technical submittal requirements. An example of an adopted checklist for subdivision approvals can be found [here](#). Additional draft checklists are included as an appendix to this staff report.

While long and detailed, the Application Procedures Chapters are designed as a ready reference for any applicant seeking to obtain a land use decision from Millcreek. Staff believes this approach will add clarity both to staff and the applicant as to the expectations of a particular application. This ordinance will essentially replace our Conditional Use Permit Chapters and sections found in many of our existing zone district and nonconformities language.

Millcreek is **not proposing** to make any significant changes to the procedures we have adopted so far, including enhanced noticing for rezones and general plan amendments, community council recommendations for most legislative decisions and conditional use permits, and pre-application neighborhood meetings for rezones and general plan amendments. We believe these processes work well for the city.

## PROPOSED ORDINANCE AMENDMENTS

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Attached to this staff report is a proposed draft of the sign code. The ordinance compiles requirements that exist in many locations throughout the code, using inconsistent terminology. A summary of the proposed significant changes is below:

| Requirement                                                                            | Current Standard                                                                                                 | Proposed Standard | Rationale                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|----------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|-------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Land Use Authority Designations</b>                                                 | See 19.05.030 and 19.06.050                                                                                      | See 18.14.010     | Land use authority designations adjusted pursuant to state law, and clearly stated for each application type in a table, for ease of understanding.                                                                                                                                                                                                                                                                                                                                           |
| <b>Role of Recommending Bodies, such as Community Councils and Planning Commission</b> | See 2.56.100 for Community Council recommendations<br>See 19.05.030 for Powers and Duties of Planning Commission | See 18.14.020     | Information placed in one section for clarity, and to ensure consistent use of terminology. Title 2 will remain in the code, as will a broad statement of Planning Commission powers and duties.<br><br>Planning Commission is proposed to provide recommendation on public street and municipal easement vacations.<br><br>Clarifies that Community Councils give recommendations on general plan adoptions and amendments. This is currently a practice, but not technically a requirement. |
| <b>Public Noticing Requirements</b>                                                    | See 18.13.080 and 19.02.160                                                                                      | See 18.14.060     | Noticing for subdivisions is in a separate chapter. This new section consolidates all noticing requirements in one section, for clarity. The noticing requirements are substantially unchanged, except where required to comply with state statutes.                                                                                                                                                                                                                                          |

| Requirement                            | Current Standard                                                                                                                                                                                                                                                             | Proposed Standard | Rationale                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Application Steps</b>               | Discussion of application steps can be found throughout our code, but language is often inconsistent, or is lacking. For example, Subdivisions (18.03) FCOZ (19.72.030), CCOZ (19.73.030), and conditional use permits (19.84.030) all have separate application procedures. | See 18.15.        | <p>When the original Salt Lake County code was written, staff was given significant latitude in determining the process and sequence for an application. Articulating and defining each relevant application step follows current best practice, case law, and statutory requirements that state that any ambiguity in our ordinances benefits the applicant. Defining and articulating application steps provides transparency and reliability to our code.</p> <p>Any special application requirements found in a particular zone can be outlined in an adopted checklist, which will be approved as part of the Application Procedures.</p>                                                                      |
| <b>Specific Application Procedures</b> | <p>See 19.02.080 for site plan requirements.</p> <p>See 19.72.030 for FCOZ applications</p> <p>See 19.73.030 for CCOZ applications.</p> <p>See 19.84.030 for Conditional Use Permit applications.</p> <p>See 18.03 for Subdivision applications.</p>                         | See 18.16.        | <p>Some application procedures are well articulated in our code, and other application procedures are not articulated at all, such as applications for land use hearings for variances or nonconforming uses.</p> <p>Certain sections of our code currently make reference to a site plan review requirement, and there is no corresponding application requirement for site plan reviews.</p> <p>Our code currently lacks a consistent process for approving minor site plan amendments or sign permits. A proposed standard for minor site plan approvals, site plan amendments, sign permits, and change of use permits, outlining a scope of approval for staff, can be found in 18.16.030 (B) through (D).</p> |

## **COMMUNITY COUNCIL RECOMMENDATIONS**

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Generally, the Community Councils recommended approval of the Application Procedures Chapters as written.

1. **Mount Olympus Community Council.** The Mount Olympus Community Council met on June 3, 2024.

The MOCC voted unanimously in favor of the adoption of the Application Procedures Chapters as written.

2. **Millcreek Community Council.** The Millcreek Community Council met on June 4, 2024.

The MCC voted unanimously in favor of the adoption of the Application Procedures Chapters, subject to the addition of language to ensure that an applicant required to conduct a neighborhood meeting gives email notice to the relevant community councils one week prior to the meeting.

3. **Canyon Rim Citizens Association.** The Canyon Rim Citizens Association met on June 5, 2024.

The CRCA voted unanimously in favor of the adoption of the Application Procedures Chapters as written.

4. **East Mill Creek Community Council.** The East Mill Creek Community Council met on June 6, 2024.

The EMCCC voted unanimously in favor of the adoption of the Application Procedures Chapters as written, subject to typographical corrections suggested by the EMCCC chair.

## **PLANNING STAFF RECOMMENDATIONS AND FINDINGS**

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Staff finds that:

1. The Application Procedures Ordinance provides a consolidated, clear, and understandable roadmap for application approval procedures, for the benefit of applicants, staff, and reviewing and recommending bodies.
2. The use of consistent language throughout the Application Procedures Ordinance will aid in discussion and interpretation of expectations regarding applications with applicants and reviewing and recommending bodies.
3. The inclusion of summary tables for application procedures requiring public meetings and notice will aid in readability and in the consistent enforcement of application requirements.
4. The delineation of administrative and legislative actions, and the corresponding recommendations, complies with Utah State statutes.

Staff recommends adoption of the Application Procedures Ordinance and associated checklists, subject to

additional findings and suggestions by the City Council the City Attorney prior to a second reading.

## **PLANNING COMMISSION ECOMMENDATION**

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At a public hearing held on 19 June 2024, the Millcreek Planning Commission recommended unanimously that the City Council adopt an Application Procedures Ordinance. Subject to the addition of an application procedure for reasonable accommodations and an additional technical review by staff and the City attorney.

## **SUPPORTING DOCUMENTS**

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- **Draft Ordinance**
- **Draft Checklists**

## **18.13-18.16 APPLICATION PROCEDURES**

### **18.13 APPLICATION PROCEDURES PURPOSE AND APPLICABILITY**

#### **18.13.010 Purpose**

The purpose of this chapter is to establish procedures for submittals and review of applications for land use and development activity in Millcreek and for review of all applications for land use and development activity in Millcreek.

#### **18.13.020 Applicability**

A person intending to conduct development activities in Millcreek must first obtain land use approval from Millcreek for development. The specific procedure for land use decisions is pursuant to the specific application types described herein as identified in subsequent chapters of this Land Use Code.

#### **18.13.030 Organization**

The Application Procedures are organized as follows:

- 18.13 Application Procedures Purpose and Applicability
- 18.14 Land Use Authority Designations and Application Procedures in General
- 18.15 Land Use Application Steps
- 18.16 Specific Procedures by Application Category and Type

## 18.14. LAND USE AUTHORITY DESIGNATIONS AND APPLICATION PROCEDURES IN GENERAL

### 18.14.010 Application Categories and Land Use Authority Designations

- A. The Land Use Authority is a person, board, commission, or body designated by Millcreek to act upon a land use application.
- B. Millcreek hereby designates the following land use authorities by application type, pursuant to Utah Code Ann. §10-9a-101 et seq., as set forth in Table 18.14-1- Land Use Authority Designations.
- C. Depending on the nature of the Land Use Authority designated to act upon a land use application, land use applications fall under two categories, Legislative Decisions and Administrative Decisions.
1. Legislative Decisions. Legislative decisions are discretionary, and include those application types listed in Table 18.14-1 that are made by the City Council upon receiving a recommendation from the Planning Commission and Community Council, where applicable.
  2. Administrative Decisions consist of all other development approvals, and include those application types listed in Table 18.14-1 that are made by the Planning Commission, Planning Director, or Land Use Hearing Officer. Administrative decisions are subject to standards of review, and shall be made based on findings of fact.

| Table 18.14-1 Land Use Authority Designations               |                                |
|-------------------------------------------------------------|--------------------------------|
| Application Type                                            | Land Use Authority Designation |
| <b>Legislative Decisions</b>                                |                                |
| General Plan and Future Land Use Map Adoption and Amendment | City Council                   |
| Land Use Code Text Amendment                                | City Council                   |
| Zoning Map Amendment                                        | City Council                   |
| Development Agreement                                       | City Council                   |
| <b>Administrative Decisions – Subdivisions</b>              |                                |
| Minor Subdivision                                           | Planning Director              |
| Major Subdivision Preliminary Approval                      | Planning Commission            |
| Major Subdivision Final Approval                            | Planning Director              |
| Subdivision Amendment for Minor Plat Adjustments            | Planning Director              |
| Lot Line Adjustment                                         | Planning Director              |
| Parcel Line Adjustment                                      | Planning Director              |
| Vacating a Subdivision Plat – Minor Subdivision             | Planning Director              |
| Vacating a Subdivision Plat – Major Subdivision             | Planning Commission            |
| Vacating a Subdivision Plat – By Ordinance                  | City Council                   |
| Public Street or Municipal Utility Easement Vacation        | City Council                   |

| <b>Table 18.14-1 Land Use Authority Designations</b>            |                                       |
|-----------------------------------------------------------------|---------------------------------------|
| <b>Application Type</b>                                         | <b>Land Use Authority Designation</b> |
| <b>Administrative Decisions – Other Land Use Decisions</b>      |                                       |
| Conditional Use Permit                                          | Planning Commission                   |
| Site Plan Approval for Permitted Uses                           | Planning Director                     |
| Change of Use Permit                                            | Planning Director                     |
| Minor Site Plan Amendment                                       | Planning Director                     |
| Sign Permit                                                     | Planning Director                     |
| Temporary Use Permit                                            | Planning Director                     |
| <b>Administrative Decisions – Nonconformities and Variances</b> |                                       |
| Nonconformities Determination                                   | Planning Director                     |
| Expansion or Enlargement of a Noncomplying Structure            | Land Use Hearing Officer              |
| Variances                                                       | Land Use Hearing Officer              |

#### **18.14.020 Designation of Recommending Bodies and the Role of Staff in Application Reviews**

- A. Millcreek also establishes the roles of recommending bodies, including the Planning Commission and Community Councils, to make a recommendation on certain land use application types, as set forth in Table 18.14-2 – Roles of Recommending Bodies by Application Type. For application types not listed in Table 18.14-2, no recommendation is required.
- B. Millcreek Staff shall review all applications for completeness and substantial compliance with relevant requirements, and provide recommendations on Land Use Applications before the Land Use Authority.

| <b>Table 18.14-2. Roles of Recommending Bodies by Application Type</b> |                          |                            |
|------------------------------------------------------------------------|--------------------------|----------------------------|
| <b>Application Type</b>                                                | <b>Community Council</b> | <b>Planning Commission</b> |
| <b>Legislative Decisions</b>                                           |                          |                            |
| General Plan and Future Land Use Map Adoption and Amendment            | Recommendation           | Recommendation             |
| Land Use Code Text Amendment                                           | Recommendation           | Recommendation             |
| Zoning Map Amendment                                                   | Recommendation           | Recommendation             |
| Development Agreement                                                  | Recommendation           | Recommendation             |
| Public Street or Municipal Utility Easement Vacation                   | None                     | Recommendation             |
| <b>Administrative Decisions – Other Land Use Decisions</b>             |                          |                            |
| Conditional Use Permit                                                 | Recommendation           | N/A                        |

#### **18.14.030 Appeal Authorities**

- A. Where the Land Use Authority is the City Council or the Land Use Hearing Officer, appeals shall be filed within thirty (30) days of a final decision to the Third District Court of Utah.

- B. Appeals for decisions where the Land Use Authority is the Planning Commission or the Planning Director shall be filed within seven (7) days of a final decision to the Land Use Appeal Authority as set forth in MKZ 18.XX.XX.

#### **18.14.040 Submittal Requirements in General**

- A. For each application type described in this Title, the following submittal requirements apply. Additional requirements may be established for each application type as set forth in MKZ 18.16.
  - 1. An application must be submitted on a form approved by the Planning and Zoning Department.
  - 2. A Submittal Checklist for each application type must be submitted with complete materials as specified on the applicable Checklist.
  - 3. An application fee for each application type must be paid in full as set forth in the Consolidated Fee Schedule.
- B. Persons filing a Land Use Application shall follow the procedures for each application type in the sequence as set forth in MKZ 18.16. A Description of each application step is established in MKZ 18.15.
- C. Application review and scheduling of any required formal public engagement shall only take place after an application is deemed complete by Millcreek staff, following the standards as set forth in MKZ 18.15.050.

#### **18.14.050 Formal Public Engagement and Community Council Engagement Requirements**

- A. Certain application types require Formal Public Engagement, which includes either a Public Meeting or a Public Hearing. The type of public engagement applicable to each application type is set forth in MKZ 18.16. For the purposes of this Title, Community Council meetings are not considered a Formal Public Engagement. A summary of the Formal Public Engagement types by application category is set forth in Tab 18.14-3.
  - 1. Public Meetings. Public Meetings are required to be open to the public as set forth in Utah Code Ann. 52-4-101 et seq. All land use decisions made by the City Council and Planning Commission shall be rendered during open and public meetings. The Planning Director may also conduct public meetings related to land use applications or other land use issues. No public meeting shall commence until all procedures as set forth in MKZ 18.14.060 are met. The following criteria is applicable to public meetings:
    - a. At a public meeting to consider an application, the Land Use Authority shall review the data supplied by the applicant, review the findings and recommendations of the Planning Director, and may take public comment from all interested persons in attendance.

- b. The applicant or their designated agent whose application is before the Applicable Community Council, Planning Commission or City Council shall be present at the public meeting.
    - c. The applicant shall offer competent evidence in support of the application sufficient to enable the reviewing body to consider the matter and make findings on the subject. The applicant has the burden of presenting all necessary and relevant information and evidence in support of the application.
  - 2. Public Hearings. At a public hearing, members of the public are provided a reasonable opportunity to comment on the subject of the hearing. No public hearing shall commence, nor shall public comment be received, until all notice procedures as set forth in MKZ 18.14.060 are met.
    - a. At a hearing to consider an application, the reviewing body shall review the data supplied by the applicant, review the findings and recommendations of the Planning Director, and take testimony from all interested persons in attendance.
    - b. The applicant or their designated agent whose application is before the Applicable Community Council, Planning Commission or City Council shall be present at the hearing.
    - c. The applicant shall offer evidence in support of the application sufficient to enable the reviewing body to consider the matter and make findings on the subject. The applicant has the burden of presenting all necessary and relevant information and evidence in support of the application.
- B. Continuances. For Administrative Decisions, the Land Use Authority may allow for up to two continuances of a public meeting or public hearing, totaling not more than six months, to hear the matter, so the applicant may make modifications or provide additional information and evidence in support of the application.
  - 1. If an application is continued to a date certain so that the Land Use Authority can receive additional information, then notice of a continuation to a date certain shall be posted on the subject property, but no further publication or mailed notice for a continued public meeting is required.
  - 2. If an application is not continued to a date certain, the application requires re-noticing following the procedure as set forth in MKZ 18.14.060.
- C. Community Council Engagement. Certain application types are required to be subject to review by a relevant community council, which may choose to make a recommendation on that application.

1. Community Councils are encouraged to provide written recommendations to the Planning and Zoning Department. If the relevant Community Council does not provide a recommendation on an application, the application shall proceed through the approval process without a Community Council recommendation.
2. Where a land use application involves property located within six hundred feet (600') of the boundaries of another community council district, the Planning and Zoning Department shall submit the application for review by the community councils of each community district.
3. If a complete application is submitted prior to a Planning Commission meeting held on a month where the applicable Community Council meeting is not scheduled to be held, a Neighborhood Meeting may be utilized in lieu of the Community Council meeting, with a summary report of the meeting provided to the Community Council electronically. This neighborhood meeting must be completed at least seven (7) days prior to the Planning Commission meeting.

| <b>Table 18.14-3 Summary of Formal Public Engagement by Application Category</b> |                                  |                                  |
|----------------------------------------------------------------------------------|----------------------------------|----------------------------------|
| <b><i>Legislative Decisions</i></b>                                              |                                  |                                  |
|                                                                                  | <b><i>Recommending Body</i></b>  | <b><i>Land Use Authority</i></b> |
| Formal Public Engagement Type                                                    | Planning Commission              | City Council                     |
|                                                                                  | Public Hearing                   | Public Meeting                   |
| <b><i>Administrative Decisions</i></b>                                           |                                  |                                  |
|                                                                                  | <b><i>Land Use Authority</i></b> |                                  |
| Formal Public Engagement Type                                                    | Public Meeting                   |                                  |

#### **18.14.060 Public Noticing Requirements**

- A. Public Notices are required to inform the public about relevant proceedings of an application. The public noticing requirements are intended to provide information regarding the application and relevant public meetings or hearings for the application.
- B. The Land Use Authority as set forth in Table 18.14-1, shall schedule and hold any required public hearing or public meeting according to the provisions of this Code and State Statute. Where applicable, the notice shall include the date and time of the meeting of the appropriate recommending body, as set forth in Table 18.14-2. This section describes the general noticing procedure for public meetings and hearings in Millcreek. Noticing requirements follow this section unless otherwise noted in MKZ 18.16, Specific Development Application Procedures
- C. Table 18.15.081, Noticing Summary, summarizes the various types of noticing requirements for each type of application. Specific noticing requirements of each application type are more fully described in MKZ 18.16, Specific Development Application Procedures.

- D. Mailed Notices Procedure. Applications requiring mailed notices as set forth in Table 18-14.4, Noticing Summary shall follow the requirements of Utah Code Ann. § 10-9a-101 et seq and these procedures unless otherwise noted in in MKZ 18.16, Specific Development Procedures.
1. Mailed notices shall be sent by Millcreek for any application requiring a public meeting or public hearing. The applicant shall be responsible for the mailing expenses as set forth in the Consolidated Fee Schedule.
  2. Mailed notices shall follow the requirements of Utah Code Ann. § 10-9a-205.
  3. Mailed notices shall be sent to each owner of record of real property whose property is located partially or entirely within three hundred feet (300') of the subject property, unless otherwise set forth in this Title.
    - a. For applications where a Community Council is requested to make a recommendation, mailed notices must be sent a minimum of seven (7) calendar days prior to the Community Council meeting.
    - b. For applications where a Community Council is not requested to make a recommendation, mailed notices must be sent a minimum of ten (10) calendar days prior to the first public hearing or seven (7) calendar days prior to a public meeting.
  4. If multiple mailed notices are needed, they may be combined into a single mailed notice with all applicable information.
- E. Notice Sign Procedure. Applications requiring a noticing sign on the subject property as set forth in Table 18.14-4 Noticing Summary shall follow these procedures unless otherwise set forth in MKZ 18.16.
1. Millcreek shall post notification signage on the subject property with a sign of sufficient size, durability, print quality, and location that is reasonably calculated to give notice to passers-by.
  2. The notice shall be posted a minimum of five (5) calendar days prior to the first Formal Public Engagement on the item and shall remain posted on sight till after the final Land Use Authority decision on the matter. If a notice is removed prior to a final decision, the applicant shall promptly notify the Planning Director within one business day, and the city shall replace the notice within one business day thereafter.
  3. The notice sign shall state the purpose of the public notice and where interested parties can find out more information on the application and Formal Public Engagement schedule.

F. Online Noticing Procedure. Applications requiring online noticing as set forth in Table 18.14-4 Noticing Summary shall follow these procedures unless otherwise set forth in MKZ 18.16.

1. Millcreek is responsible for posting notice for any application requiring online noticing on Millcreek's official website no later than twenty four (24) hours prior to the first Formal Public Engagement on the item.
2. Millcreek is responsible for posting notice to the Utah Public Notice Website no later than ten (10) calendar days prior to the first public meeting or hearing on the item.

G. Hard Copy Notice. A hard copy of any public notice issued by Millcreek shall be posted at Millcreek City Hall at least twenty four (24) hours prior to a public hearing or a public meeting.

| <b>Table 18.14-4 Noticing Summary Table</b>                                 |                                                                                                                        |                                                                                    |                                                                                                                                            |                                                                                                                                     |                                                                                   |
|-----------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| <b><i>Application Type</i></b>                                              | <b><i>Mailed Notice – Calendar days prior to first Community Council Meeting or first Formal Public Engagement</i></b> | <b><i>Mailed Notice Distance from Subject Property</i></b>                         | <b><i>Notice Sign (on subject property) – Calendar days prior to first Community Council Meeting or first Formal Public Engagement</i></b> | <b><i>Posting On Millcreek Website &amp; Utah Public Notice Website – Calendar days prior to first Formal Public Engagement</i></b> | <b><i>Hard Copy of Notice – Hours prior to first Formal Public Engagement</i></b> |
| <b>Legislative Decisions</b>                                                |                                                                                                                        |                                                                                    |                                                                                                                                            |                                                                                                                                     |                                                                                   |
| <b>General Plan<sup>1</sup> / Future Land Use Map Adoption or Amendment</b> | 7                                                                                                                      | 600 feet                                                                           | 5                                                                                                                                          | 10                                                                                                                                  | 24 hours                                                                          |
| <b>Land Use Code Text Amendment<sup>1</sup></b>                             | 7                                                                                                                      | N/A                                                                                |                                                                                                                                            | 10                                                                                                                                  | 24 hours                                                                          |
| <b>Zoning Map Amendment<sup>1</sup></b>                                     | 7                                                                                                                      | 600 feet                                                                           | 5                                                                                                                                          | 10                                                                                                                                  | 24 hours                                                                          |
| <b>Public Street or Municipal Utility Easement Vacation<sup>1</sup></b>     | 10                                                                                                                     | Each property that is accessed by the public street or municipal utility easement. | 5                                                                                                                                          | 10                                                                                                                                  | 24 hours                                                                          |

| <b>Table 18.14-4 Noticing Summary Table</b>                                                |                                                                                                                        |                                                            |                                                                                                                                            |                                                                                                                                     |                                                                                   |
|--------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| <b><i>Application Type</i></b>                                                             | <b><i>Mailed Notice – Calendar days prior to first Community Council Meeting or first Formal Public Engagement</i></b> | <b><i>Mailed Notice Distance from Subject Property</i></b> | <b><i>Notice Sign (on subject property) – Calendar days prior to first Community Council Meeting or first Formal Public Engagement</i></b> | <b><i>Posting On Millcreek Website &amp; Utah Public Notice Website – Calendar days prior to first Formal Public Engagement</i></b> | <b><i>Hard Copy of Notice – Hours prior to first Formal Public Engagement</i></b> |
| <b>Administrative Decisions - Subdivisions</b>                                             |                                                                                                                        |                                                            |                                                                                                                                            |                                                                                                                                     |                                                                                   |
| <b>Minor Subdivision (3 lots or less)</b>                                                  | 7                                                                                                                      | 300 feet                                                   | 5                                                                                                                                          | 7                                                                                                                                   | 24 hours                                                                          |
| <b>Major Subdivision-Preliminary</b>                                                       | 7                                                                                                                      | 300 feet                                                   | 5                                                                                                                                          | 7                                                                                                                                   | 24 hours                                                                          |
| <b>Subdivision Amendment<sup>1</sup></b>                                                   | 7                                                                                                                      | Affected Property Owners                                   | 5                                                                                                                                          | 7                                                                                                                                   | 24 hours                                                                          |
| <b>Lot Line Adjustment</b>                                                                 | 7                                                                                                                      | Affected Property Owners                                   | 5                                                                                                                                          | 7                                                                                                                                   | 24 hours                                                                          |
| <b>Vacating a Subdivision Plat</b>                                                         | 7                                                                                                                      | 300 Feet                                                   | 5                                                                                                                                          | 7                                                                                                                                   | 24 hours                                                                          |
| <b>Administrative Decisions – Other Land Use Decisions</b>                                 |                                                                                                                        |                                                            |                                                                                                                                            |                                                                                                                                     |                                                                                   |
| <b>Conditional Use Permit</b>                                                              | 7                                                                                                                      | 300 feet                                                   | 5                                                                                                                                          | 7                                                                                                                                   | 24 hours                                                                          |
| <b>Administrative Decisions – Nonconformities and Variances</b>                            |                                                                                                                        |                                                            |                                                                                                                                            |                                                                                                                                     |                                                                                   |
| <b>Expansion of a Noncompliant Structure or a Structure Containing a nonconforming use</b> | 10                                                                                                                     | 300 feet                                                   | 5                                                                                                                                          | 10                                                                                                                                  | 24 hours                                                                          |
| <b>Variance</b>                                                                            | 10                                                                                                                     | 300 feet                                                   | 5                                                                                                                                          | 10                                                                                                                                  | 24 hours                                                                          |

Table Note 1. These application types require affected entities to be notified.

## **18.15 LAND USE APPLICATION STEPS**

### **18.15.010 Pre-Application Consultation**

- A. Purpose. The purpose of a pre-application consultation is to engage Millcreek staff for a no-fee, no commitment consultation to discuss the applicant's concept and to learn about Millcreek's procedures.
- B. Applicability. A pre-application consultation may be requested by an applicant or the Planning Director prior to submittal of any application. If a pre-application consultation is required, an application shall not be accepted until after the pre-application consultation is completed.
- C. Procedure
  - 1. The Planning Director shall schedule a pre-application consultation after either requesting the meeting with the potential applicant or after receipt of a written request for the pre-application consultation, and any required fees are paid.
  - 2. An applicant is entitled to one pre-application consultation free of charge. Additional pre-application consultations may be subject to a payment of a fee as set forth in the Consolidated Fee Schedule.
- D. Informal evaluation not binding. The informal evaluation of the application is not binding upon the applicant or Millcreek.
- E. Application required within six (6) months. After a pre-application consultation has been completed, the associated application must be filed within six (6) months. If an application is not filed within such time frame, a new pre-application consultation shall be required prior to filing an application.

### **18.15.020 Concept Review**

- A. Purpose. A concept review is a more formal process and is intended to provide the applicant with applicable information on development standards and the development process for a proposed project. A concept review will allow the applicant to receive feedback and information from relevant departments and to flag any potential issues the applicant may wish to address prior to application submittal.
- B. Applicability. A concept review may be requested by an applicant or the Planning Director prior to submittal of any application. If an application type requires a concept review as set forth in MKZ 18.16, the concept review must be completed prior to submittal.
- C. Procedure
  - 1. The Planning Director shall schedule the concept review for the next available concept review meeting after either requesting the meeting with the potential applicant or receipt of

a written request for the concept review, submittal of a concept plan, and payment of any applicable fees as set forth in in the Consolidated Fee Schedule.

2. The Planning Director, and any other persons the Planning Director deems appropriate to attend, shall discuss the proposed development at the concept review meeting based upon the information provided by the applicant.
3. The Planning Director shall issue written notes to the applicant regarding the concept review within seven (7) calendar days of the meeting.

D. Multiple Meetings. Applicants may request additional concept review prior to submittal if the concept plan changes in scope, intensity, or layout. Additional concept review meetings at the request of an applicant shall be subject to a payment of a fee as set forth in the Consolidated Fee Schedule.

#### **18.15.030 Neighborhood Meeting**

- A. Purpose. A neighborhood meeting is intended for an applicant to inform residents and property owners of potential projects, to help solicit neighborhood input on land use application, to provide any additional local information, and to give the applicant an opportunity to address any relevant neighborhood concerns prior to submittal of an application.
- B. Applicability. A neighborhood meeting is required for relevant application types, as set forth in MKZ 18.16.
- C. Procedure. It is the applicant's responsibility to conduct the neighborhood meeting. The applicant shall organize the meeting and provide adequate proof of notice to include the following:
  1. The applicant shall send a written notice stating the place, date, and time of the neighborhood meeting to all property owners, as identified in the Salt Lake County recorder's records, whose property is within the required notice radius for the land use applications as set forth in MKZ 18.14.060.
  2. The applicant shall mail notice via First Class Mail at least one week prior to the neighborhood meeting.
  3. The applicant shall e-mail notice to members of the relevant community council(s) at least one week prior to the neighborhood meeting, using email addresses provided by the Planning Director.
  4. The neighborhood meeting shall be conducted at a location within Millcreek.
  5. Phone calls or informal door to door contacts shall not constitute a neighborhood meeting.

6. The record of a neighborhood meeting shall be submitted with the application and shall include:
  - a. A list of all individuals who were notified;
  - b. A roster of attendees; and
  - c. A copy of the minutes.

#### **18.15.040 Application Submittal**

- A. Purpose. Application Submittals serve as the initial formal interaction between an applicant and Millcreek regarding an application.
- B. Applicability. Application Submittal is required for any application type.
- C. Procedure. Application submittals are made electronically through the Millcreek website.

#### **18.15.050 Application Completeness Review**

- A. Purpose. The Purpose of a completeness review is to ensure a given application contains the necessary information for staff and the pertinent Land Use Authority to make an informed decision on a given application.
- B. Applicability. All applications are subject to a completeness review to ensure that all necessary information and materials have been provided for review.
- C. Timing. The Planning Director shall make a determination of application completeness within fifteen (15) business days of application filing.
- D. Complete Submittals. If the application is determined to be complete, the Planning Director shall communicate with the applicant, in writing, the timeframe for application review. The application shall then be processed according to the procedures set forth in this Chapter and reviewed for compliance with the applicable regulations of this Code.
- E. Incomplete Submittals. If an application is determined to be incomplete, the Planning Director shall provide notice to the applicant along with an explanation of the application's deficiencies. No further processing of an incomplete application shall occur and a new submittal is required with the corrected materials.
- F. Completeness Criteria. An application can only be deemed complete if it satisfies the requirements as set forth in MKZ 18.14.040.
- G. Additional supplementary materials. Additional supplementary materials may be submitted after a completeness review is complete and the application has been accepted for review. In such events, any additional supplementary materials must be received at least thirty (30) days

prior to the first public meeting / hearing to be held on the application. Millcreek may postpone and reschedule a public meeting / hearing or approval deadline if such reports and studies are submitted less than thirty (30) days prior to a public meeting / hearing.

#### **18.15.060 Application Compliance Review**

- A. Purpose. The application review is intended to ensure that a given application is in conformance with the requirements of all applicable standards of the Millcreek Code other relevant ordinances and statutes. Application review also provides an opportunity to check for the accuracy of documents provided by the applicant.
- B. Applicability. All applications deemed complete are subject to full review by the Planning Director and other relevant reviewing authorities.
- C. Procedure.
  - 1. The Planning Director shall review the application and determine if the application meets the standards of the Millcreek Code. If adjustments are needed to meet approval, these will be communicated to the applicant in writing. The applicant will have the opportunity to amend the application and resubmit for subsequent review.
  - 2. As part of the initial review, the Planning Director shall refer the development application to the appropriate review agencies and specify the timeframe for comments to be due back to the Planning Director.
  - 3. Upon an application's resubmittal for a subsequent review, it shall be reviewed by the agencies who requested revisions.
  - 4. Once the application has been amended to meet the approval of the Planning Director, The Planning Director shall schedule the first public meeting or public hearing, if required, and prepare a staff report. The staff report shall be made available for inspection and copying by the applicant and the public prior to any scheduled public hearing(s) on the application. The staff report shall indicate whether, in the opinion of the Planning Director, the development application complies with all applicable standards of this Code.
  - 5. If the Planning Director is the Land Use Authority, an application may be approved upon the finding that all necessary revisions have been made and the application is compliant with the regulations of this Code.
  - 6. No application shall be scheduled for a review and recommendation by a community council, if applicable, or a public meeting or public hearing without a review for compliance with the Code and applicable regulations.

#### **18.15.070 Public Notice**

- A. Purpose. Public noticing is required for certain application types to inform the public about the relevant proceedings of an applicant, and to give the public an opportunity to participate in community council meetings, if applicable, and in a Formal Public Engagement as required.
- B. Applicability. Public notice is required for the application types listed in table 18.15-4 Noticing Summary, or as set forth elsewhere in this Title.
- C. Procedure. Providing public notice shall follow the procedures as set forth in MKZ 18.14.060, or as set forth elsewhere in this Title.

#### **18.15.080 Formal Public Engagement and Community Council Engagement**

- A. Purpose. Formal Public Engagement and Community Council Engagement is required for certain application types so that the public can participate in the proceedings of applicable community councils and of public bodies they make recommendations or decisions on land use applications.
- B. Applicability. Formal Public Engagement and Community Council Engagement is required for the application types listed in table 18.14-4 Noticing Summary, or as set forth elsewhere in this Title.
- C. Procedure. Providing public notice shall follow the procedures as set forth in MKZ 18.14.060, or as set forth elsewhere in this Title.

#### **18.15.090 Decision and Findings**

- A. Decision. After consideration of the development application, the staff report, comments received from other reviewers (if applicable), and the evidence obtained from a Formal Public Engagement Process, the Land Use Authority shall approve, approve with conditions, or deny the application. For Administrative Decisions, approvals must be based on applicable criteria.
- B. Approval criteria. To approve an land use application involving an administrative decision, the applicable Land Use Authority shall find that the development application has satisfied and followed the applicable requirements of this Code and all of the approval criteria required for the applicable application.
- C. Denial. An application for an Administrative Decision may be denied if the request does not meet the requirements of this Code or other relevant ordinances or statutes. An application for a Legislative Decision may be denied at the discretion of the Land Use Authority.
- D. Findings. For all Administrative Decisions or as required by state law, decisions shall include at the least the following elements:

1. A written statement of approval, approval with conditions, or denial, whichever is appropriate; and
  2. A written statement of the basis upon which the decision was made, including specific written findings of fact with reference to the relevant standards of this Code.
- E. Final Action. Applicants shall be given a written decision from the Land Use Authority, and it shall be provided by the Planning Director to the applicant within seven (7) days after the decision.
- F. Failure to Act on Legislative Decisions. If, after a reasonable period of time for the Land Use Authority to consider an application, the Land Use Authority fails to take final action on an application within forty five (45) days of receipt of the written request, then this failure may be appealed to district court within thirty (30) days of the date on which the Land Use Authority should have taken final action. Nothing in this section and no inaction of the Land Use Authority relieves an applicant's duty to comply with all applicable ordinances and regulations of Millcreek.
- G. Failure to Act on Administrative Decisions. If the Land Use Authority fails to take final action on an application within forty five (45) days of receipt of the written request, this failure may be appealed to the Land Use Appeal Authority within thirty (30) days of the date on which the Land Use Authority should have taken final action. Nothing in this section and no inaction of the Land Use Authority relieves an applicant's duty to comply with all applicable Millcreek ordinances and regulations.

#### **18.15.100 Post-Approval Modifications**

- A. Purpose. If, after an application has been approved, it becomes necessary to modify the approved plan, minor modifications may be approved by the Planning and Zoning Department. In no case shall the request for modification exceed what is allowed by zone, to include the result of cumulative requests. Post-Approval Modifications for Development Agreements shall follow the process as set forth in MKZ 18.16.040.
- B. Minor modifications include:
1. Five percent (5%) or less of an increase or decrease in nonresidential floor space.
  2. Five percent (5%) of an increase or decrease in the amount of land area covered by structures provided the total lot coverage complies with the maximum lot coverage requirements of the governing zoning district.
  3. Minor changes in the location of streets and utilities for reasons not caused by the applicant.

C. Approval Criteria include:

1. The minor modification does not result in an increase in the approved number of dwelling units.
2. The minor modification does not result in a change in the housing unit type.
3. The minor modification does not result in a change in the character of the development.
4. The minor modification includes additional mitigating measures to reasonably mitigate anticipated detrimental effects of the proposed use.

D. Minor Modifications for Site Plan. If after an application has been approved, and needed modifications exceed those permitted in a minor modification, a minor site plan amendment application shall be submitted per the requirements of this chapter. Should changes not be permissible under the criteria for Minor Site Plan Amendments, a new site plan shall be required.

**18.15.110 Expirations and Extensions of Land Use Approvals**

A. If applicable, the expiration time frames as set forth in MKZ 18.16, Specific Application Procedures, may be extended only when each of the following conditions exist:

1. The provisions of this Code must expressly allow the extension;
2. An extension request must be filed prior to the applicable expiration deadline;
3. The extension request must be in writing and must show good cause; and
4. Unless otherwise noted, authority to grant extensions of time shall rest with the Land Use Authority that granted the original approval being extended.

B. The Planning Director may grant no more than one extension for a period of up to one (1) year for good cause, unless otherwise noted in this Title.

1. "Good cause" for purposes of this section shall mean justifiable and reasonable reasons why an application did not commence in a timely manner.
2. Examples of good cause include delays in preparation of construction documents due to new information not available at time of approval, changes in site conditions, lack of materials, financing issues, labor supply problems or similar causes not solely the result of the applicant's failure to pursue the development with due diligence.

#### **18.15.120 Subsequent Applications for Legislative Approvals**

Following denial of an application for a legislative approval, the City Council shall not decide on the same or substantially the same application within one (1) year of the date of denial. The waiting period required by this Section may be waived in an individual case, for good cause shown, by the City Council upon a written request by the applicant.

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## **18.16 SPECIFIC PROCEDURES BY APPLICATION CATEGORY AND TYPE**

### **18.16.010 Legislative Decisions**

#### **A. General Plan and Future Land Use Map Adoption or Amendment**

1. Purpose. The purpose of this Section is to provide standards to amend the text and/or maps of the General Plan. The amendment process is established to provide flexibility in response to changing circumstances, to reflect changes in public policy, and to advance the general welfare of Millcreek. A summary of meeting and noticing requirements for applications for General Plan and Future Land Use Map Adoptions or Amendments is set forth in Table 18.16-1.
2. Applicability. The City or any person may file an application requesting an amendment to the General Plan or Future Land Use Map. Applications for General Plan and Future Land Use Map Adoption or Amendments shall include the reasons or basis upon which the applicant believes the general plan should be amended. Amendments to the General Plan and Future Land Use Map shall comply with the procedures set forth in Utah Code Ann. § 10-9a-101 et seq.
3. Procedure. The following application steps, as set forth in MKZ 18.15, Land Use Application Steps, are required.
  - a. Pre-Application Consultation
  - b. Neighborhood Meeting
  - c. Application Submittal. An associated Development agreement may be required as determined by the Planning Director. A development agreement must be considered concurrently with the application, and shall follow the procedure as set forth in MKZ XX.XX.XXX.
  - d. Application Completeness Review
  - e. Application Compliance Review. Upon completion of the review, the Planning Director shall make a recommendation.
  - f. Public Notice
  - g. Formal Public Engagement
    - 1) The application shall be presented to the relevant Community Council(s) for a recommendation; and

- 2) The Planning Commission shall hold a public hearing and make a recommendation to the Land Use Authority; and
- 3) The City Council shall hold a public meeting and shall be the Land Use Authority for General Plan and Future Land Use Map Adoption or Amendment applications.

h. Decision.

4. Submittal Requirements. Any person seeking an amendment to the General Plan or Future Land Use Map shall submit a complete application, a completed General Plan or Future Land Use Map Adoption or Amendment Checklist, and a fee as set forth in MKZ 18.14.040; and any other relevant supporting documentation, maps, studies and any other information that would inform Staff and the Planning Commission in making a recommendation, and that would allow City Council to make a decision.

| <b>Table 18.16-1 General Plan and Future Land Use Map Adoption or Amendment Meeting and Noticing Requirements</b> |                                                       | <b>Code Reference</b>          |
|-------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|--------------------------------|
| Pre-Application Consultation                                                                                      | Required                                              | MKZ 18.15.010                  |
| Neighborhood Meeting                                                                                              | Required                                              | MKZ 18.15.020                  |
| Community Council Recommendation                                                                                  | Required                                              | MKZ 18.14.050                  |
| Planning Commission Public Hearing and Recommendation                                                             | Required                                              | MKZ 18.14.050<br>MKZ 18.15.080 |
| City Council Public Meeting                                                                                       | Required                                              | MKZ 18.14.050<br>MKZ 18.15.080 |
| Mailed Notice to Affected Entities                                                                                | Required                                              | MKZ 18.14.060                  |
| Mailed Noticing Requirement for Property Owners – Distance                                                        | 600 feet                                              | MKZ 18.14.060                  |
| Mailed Noticing Requirement – Time                                                                                | 7 days prior to first<br>Community<br>Council Meeting | MKZ 18.14.060                  |

B. Land Use Code Text Amendment

1. Purpose. The purpose of this Section is to provide standards to amend the text of the Land Use Code. The Land Use Code Text Amendment procedure is established to provide flexibility in response to changing circumstances, to reflect changes in public policy, and to advance the general welfare of Millcreek. A summary of meeting and noticing requirements for applications for Land Use Code Text Amendments is set forth in Table 18.16-2.
2. Applicability. The City or any person may file an application requesting an amendment to the text of this Land Use Code. Applications for Land Use Code Text Amendments shall include the reasons or basis upon which the applicant believes the Land Use Code should be amended. Amendments to the Land Use Code shall comply with the procedures set forth in Utah Code Ann. § 10-9a-101 et seq.

3. Procedure. The following application steps, as set forth in MKZ 18.15, Land Use Application Steps, are required.
  - a. Pre-Application Consultation
  - b. Application Submittal. An associated Development agreement may be required as determined by the Planning Director. A development agreement must be considered concurrently with a Land Use Text Amendment application and shall follow the procedure as set forth in MKZ XX.XX.XXX.
  - c. Application Completeness Review
  - d. Application Compliance Review. Upon completion of the review, the Planning Director shall make a recommendation.
  - e. Public Notice
  - f. Formal Public Engagement
    - 1) The application shall be presented to all Community Councils for a recommendation; and
    - 2) The Planning Commission shall hold a public hearing and make a recommendation; and
    - 3) The City Council shall hold a public meeting and shall be the Land Use Authority for Land Use Code Text Amendment applications.
  - g. Decision.
4. Submittal Requirements. Any person seeking an amendment to the Land Use Code shall submit a complete application, a completed Land Use Code Amendment Checklist, and a fee as set forth in MKZ 18.14.040; and any other relevant supporting documentation, maps, studies and any other information that would inform Staff and the Planning Commission in making a recommendation, and that would allow City Council to make a decision.

| Table 18.16-2 Land Use Code Text Amendment Meeting and Noticing Requirements |                                                 | Code Reference                 |
|------------------------------------------------------------------------------|-------------------------------------------------|--------------------------------|
| Pre-Application Consultation                                                 | Required                                        | MKZ 18.15.010                  |
| Community Council Recommendation                                             | Required                                        | MKZ 18.14.050                  |
| Planning Commission Public Hearing and Recommendation                        | Required                                        | MKZ 18.14.050<br>MKZ 18.15.080 |
| City Council Public Meeting                                                  | Required                                        | MKZ 18.14.050<br>MKZ 18.15.080 |
| Mailed Notice to Affected Entities                                           | Required                                        | MKZ 18.14.060                  |
| Mailed Noticing Requirement for Property Owners – Distance                   | 600 feet                                        | MKZ 18.14.060                  |
| Mailed Noticing Requirement – Time                                           | 7 days prior to first Community Council Meeting | MKZ 18.14.060                  |

### C. Zoning Map Amendment

1. Purpose. The purpose of this Section is to provide standards to amend the boundaries of any zone district, or the zone classification of any property in a zone district. The Zoning Map Amendment procedure is established to provide flexibility in response to changing circumstances, to reflect changes in public policy, and to advance the general welfare of Millcreek. A summary of meeting and noticing requirements for applications for Land Use Code Text Amendments is set forth in Table 18.16-3.
2. Applicability. The City or any person may file an application requesting an amendment to the Official Zoning Map. Zoning Map Amendment applications shall include the reasons or basis upon which the applicant believes the Zoning Map should be amended.
3. Procedure. The following application steps, as set forth in MKZ 18.15, Land Use Application Steps, are required.
  - a. Pre-Application Consultation
  - b. Concept Review
  - c. Neighborhood Meeting
  - d. Application Submittal. An associated Development agreement may be required as determined by the Planning Director. A development agreement must be considered concurrently with a Zoning Map Amendment application, and shall follow the procedure as set forth in MKZ XX.XX.XXX.

- e. Application Completeness Review
  - f. Application Compliance Review. Upon completion of the review, the Planning Director shall make a recommendation.
  - g. Public Notice
  - h. Formal Public Engagement
    - 1) The application shall be presented to the relevant Community Council(s) for a recommendation; and
    - 2) The Planning Commission shall hold a public hearing and make a recommendation; and
    - 3) The City Council shall hold a public meeting and shall be the Land Use Authority for Zoning Map Amendment applications.
  - i. Decision.
4. Submittal Requirements. Any person seeking a Zoning Map Amendment shall submit a complete application, a completed Zoning Map Amendment Checklist, and a fee as set forth in MKZ 18.14.040; and any other relevant supporting documentation, maps, studies and any other information that would inform Staff and the Planning Commission in making a recommendation, and allow City Council to make a decision.

| Table 18.16-3 Zoning Map Amendment Meeting and Noticing Requirements |                                                 | Code Reference                 |
|----------------------------------------------------------------------|-------------------------------------------------|--------------------------------|
| Pre-Application Consultation                                         | Required                                        | MKZ 18.15.010                  |
| Concept Review                                                       | Required                                        | MKZ 18.15.020                  |
| Neighborhood Meeting                                                 | Required                                        | MKZ 18.14.030                  |
| Community Council Recommendation                                     | Required                                        | MKZ 18.14.050                  |
| Planning Commission Public Hearing and Recommendation                | Required                                        | MKZ 18.14.050<br>MKZ 18.15.080 |
| City Council Public Meeting                                          | Required                                        | MKZ 18.14.050<br>MKZ 18.15.080 |
| Mailed Notice to Affected Entities                                   | Required                                        | MKZ 18.14.060                  |
| Mailed Noticing Requirement for Property Owners – Distance           | 600 feet                                        | MKZ 18.14.060                  |
| Mailed Noticing Requirement – Time                                   | 7 days prior to first Community Council Meeting | MKZ 18.14.060                  |

#### D. Development Agreement

1. Purpose. The purpose of this Section is to provide standards for the consideration and adoption of development agreements as part of applications for Legislative Decisions. Development agreements are intended to stipulate specific unique details of a development proposal that exceed the standards of the Code, in order to establish a clear understanding of timing, responsibility, and other relevant details regarding a proposal and its supporting infrastructure.
2. Applicability. A development agreement is a voluntary process on the part of Millcreek and the Applicant. A development agreement must be submitted concurrently with a land use application for a Legislative Decision.
3. Procedure. Approval of a development agreement shall follow the procedure for the relevant application type.
4. Minimum Standards. The Development Agreement shall include, at a minimum, the following:
  - a. Site plans and building elevations.
  - b. A detailed narrative of materials, design, uses, public and private amenities, landscaping, or any other detail that is relevant to the development agreement.
  - c. A list of all agreed-upon public improvements, an estimate of the cost of such improvements, the proposed form of construction security for the improvements, and any other provisions or conditions deemed necessary by Millcreek to ensure that all public improvements will be completed in a timely, cost-effective manner that meets the Millcreek's standards.
  - d. A clause that states that the developer would not object to a decision by the City to initiate a Zoning Map Amendment for the property and withdraw from the Development Agreement if a building permit is not applied for within two (2) years of execution of the Development Agreement, or if the Development Agreement is not recorded within two (2) years of execution of the Agreement.
5. Submittal Requirements. Any person seeking a Development Agreement as part of a land use application for a Legislative Decision shall submit an additional fee as set forth in MKZ 18.14.040, shall follow the application procedure and submittal requirements for the relevant application type, and shall submit and any other relevant supporting documentation, maps, studies and any other information that would inform Staff and the Planning Commission in making a recommendation, and allow City Council to make a decision.

## **18.16.020 Administrative Decisions – Subdivisions**

### **A. Minor Subdivision**

1. The purpose of this Section is to provide standards for Minor Subdivisions. Minor Subdivisions are intended to provide for a streamlined review for small scale projects with limited impact. A Minor Subdivision is required prior to issuance of a grading permit, if applicable, or building permit, or other minor development activities. A summary of meeting and noticing requirements for applications Minor Subdivisions is set forth in Table 18.16-4.
2. Applicability. The minor subdivision procedure is applicable for a property creating or modifying three (3) lots or fewer. Plats involving four (4) or more lots are not eligible for the Minor Subdivision procedure.
3. Procedure. The following application steps, as set forth in MKZ 18.15, Land Use Application Steps, are required, unless noted otherwise.
  - a. Pre-application Consultation. This is optional at the applicant's request for regular residential subdivisions and required for all other subdivisions. If the applicant requests a pre-application consultation, then Millcreek shall, within fifteen (15) business days, schedule the pre-application consultation to review the concept plan and give initial feedback.
  - b. Concept Review. This is optional at the applicant's request for Regular Residential Subdivisions and required for all other subdivisions.
  - c. Application Submittal
  - d. Application Completeness Review. In the case of minor regular residential subdivisions, after the application is deemed complete, Millcreek has fifteen (15) business days to provide the initial review back to the applicant.
  - e. Application Compliance Review
  - f. Public Notice
  - g. Formal Public Engagement. The Planning Director shall hold a public meeting and shall be the Land Use Authority for Minor Subdivision applications.
  - h. Decision and Findings
4. Approval Criteria. The Planning Director shall approve the request if:
  - a. The minor subdivision creates no more than three (3) lots in total.

- b. The minor subdivision does not create remnant or otherwise unusable lots or parcels.
  - c. The minor subdivision is consistent with and complies with the requirements specific zoning district in which it is located.
  - d. The lots created with the proposed minor subdivision have a buildable area that would not require a future variance in order to construct the use the lot is intended for.
  - e. As applicable, the minor subdivision is consistent with the terms and conditions of any previously approved plat.
  - f. The minor subdivision will not limit Millcreek's ability to effectively provide facilities or services.
  - g. No new lot nor any lot affected by the subdivision will have a noncomplying structure or a structure occupied by a nonconforming use.
5. Submittal Requirements. Any person seeking a Minor Subdivision shall submit a complete application, a completed Subdivision Requirements Checklist, and a fee as set forth in MKZ 18.14.040; and any other relevant supporting documentation, maps, studies and any other information that would inform Staff and allow the Land Use Authority to make a decision.
6. Development Improvement Completion Assurance. Before an applicant conducts any development activity on a minor subdivision or records a plat, the applicant shall complete any required landscaping improvement or infrastructure improvements or post an improvement competition assurance for any required public landscaping or infrastructure improvements as set forth in MKC 14.
7. Expiration. Failure to submit the approved minor subdivision for recording within six (6) months after the date of the approval letter shall void the approval and the subdivider shall be required to submit a new minor subdivision application for review. Prior to expiration of the six (6) month period, the Planning Director may grant no more than one extension as set forth in MKZ 18.15.110, Expirations and Extensions of Land Use Approvals.

| Table 18.16-4 Minor Subdivision Meeting and Noticing Requirements |                                                                                        | Code Reference                 |
|-------------------------------------------------------------------|----------------------------------------------------------------------------------------|--------------------------------|
| Pre-Application Consultation                                      | Optional for Regular Residential Subdivisions.<br>Required for all other Subdivisions. | MKZ 18.15.010                  |
| Concept Review                                                    | Optional for Regular Residential Subdivisions.<br>Required for all other Subdivisions. | MKZ 18.15.020                  |
| Planning Director Public Meeting                                  | Required                                                                               | MKZ 18.14.050<br>MKZ 18.15.080 |
| Mailed Noticing Requirement for Property Owners – Distance        | 300 feet                                                                               | MKZ 18.14.060                  |
| Mailed Noticing Requirement – Time                                | 7 days prior to Planning Director Public Meeting                                       | MKZ 18.14.060                  |

## B. Major Subdivision

1. The purpose of this Section is to provide standards for Major Subdivisions. Major Subdivisions are intended to ensure lots and development that conform with zoning regulations, and all applicable Millcreek standards. A summary of meeting and noticing requirements for applications for Major Subdivisions is set forth in Table 18.16-5.
2. Applicability. The major subdivision procedure is required for a proposed division of land when one (1) or more of the following conditions exist:
  - a. The resultant subdivision will produce four (4) or more lots; or
  - b. The subdivision is not otherwise eligible for approval as a Minor Subdivision.
3. Procedure Overview. Major Subdivisions require two (2) steps.
  - a. Preliminary Subdivision, which requires approval by the Planning Commission; and
  - b. Final Subdivision, which requires approval by the Planning Director.
4. Preliminary Subdivision Procedure. The following application steps, as set forth in MKZ 18.15, Land Use Application Steps, are required, unless noted otherwise.
  - a. Pre-application Consultation. This is optional at the applicant's request for regular residential subdivisions and required for all other subdivisions. If the applicant requests a pre-application consultation, then Millcreek shall, within fifteen (15) business days,

schedule the pre-application consultation to review the concept plan and give initial feedback.

- b. Concept Review. This is optional at the applicant's request for Regular Residential Subdivisions and required for all other subdivisions.
  - c. Neighborhood Meeting. This is optional at the applicant's request for Regular Residential Subdivisions and required for all other subdivisions.
  - d. Application Submittal
  - e. Application Completeness Review. In the case of minor regular residential subdivisions, after the application is deemed complete, Millcreek has fifteen (15) business days to provide the initial review back to the applicant.
  - f. Application Compliance Review. Upon completion of the review, the Planning Director shall make a recommendation.
  - g. Public Notice
  - h. Formal Public Engagement. The Planning Commission shall hold a public meeting and shall be the Land Use Authority for Major Subdivision applications.
  - i. Decision and Findings
5. Preliminary Subdivision Approval Criteria. The Planning Commission shall approve the request if:
- a. The Preliminary Subdivision is consistent with and complies with the requirements specific zoning district in which the Preliminary Subdivision is located and the applicable requirements of this Code and other applicable Millcreek and State requirements.
  - b. As applicable, the Preliminary Subdivision is consistent with the terms and conditions of any previously approved development plan or development agreements.
  - c. Provides a layout of lots, streets, blocks, driveways, utilities, drainage, and other public facilities as required by all applicable standards of this Code and applicable regulations and standards.
  - d. The project preserves, protects, integrates, or mitigates impacts to any identified sensitive or hazardous natural features associated with the site.

- e. The Preliminary Subdivision will not limit Millcreek's ability to effectively provide facilities or services.
  - f. The Planning Commission may not approve a Preliminary Subdivision that will have a noncomplying structure or a structure occupied by a nonconforming use.
6. Preliminary Subdivision Submittal Requirements. Any person seeking a Major Subdivision shall submit a complete application, a completed Subdivision Requirements Checklist, and a fee as set forth in MKZ 18.14.040; and any other relevant supporting documentation, maps, studies and any other information that would inform Staff and allow the Land Use Authority to make a decision.
7. Preliminary Subdivision Post Approval Action. Following an approval or approval with conditions of a Preliminary Subdivision, the Planning Director shall issue a timely written record of decision, including any required conditions of approval, along with a copy of the approved preliminary plat, as set forth in MKZ 18.15.090.
8. Preliminary Subdivision Expiration. Preliminary Subdivision Expiration. Approval of a Preliminary Subdivision shall be effective for six (6) months following the date of the approval letter. An approved Preliminary Subdivision shall expire and be of no further force and effect if a complete Final Subdivision application for the subdivision or a phase of the subdivision has not been submitted within six (6) months after the date of the approval letter. In the case of phased Final Subdivision submission, the approval of the remaining portion of the Preliminary Subdivision shall automatically gain an extension of six (6) months, up to a maximum number of years specified by the Planning Commission at the time of approval of the initial phase. Prior to expiration of the six (6) month period, the Planning Director may grant one extension as set forth in MKZ 18.15.110.
9. Final Subdivision Procedure. The following application steps, as set forth in MKZ 18.15, Land Use Application Steps, are required.
- a. Application Submittal
  - b. Application Completeness Review
  - c. Application Compliance Review. Application compliance reviews shall be completed within twenty (20) business days for regular residential subdivisions.
10. Development Improvement Completion Assurance. Before an applicant conducts any development activity on a minor subdivision or records a plat, the applicant shall complete any required landscaping improvement or infrastructure improvements or post an improvement competition assurance for any required public landscaping or infrastructure improvements as set forth in MKC 14.

11. Final Subdivision Approval. The Planning Director shall approve, conditionally approve, or deny the Final Subdivision and approve the plat and engineering plans based on the approval criteria in this section. The Planning Director shall confirm that:

- a. The Final Subdivision is in conformance with the previously approved Preliminary Subdivision and any conditions imposed by the Planning Commission; and
- b. The Final Subdivision will comply with the applicable requirements of this Code and other applicable Millcreek and State requirements.

12. Expiration. Failure to submit the approved major subdivision for recording within six (6) months after the date of the approval letter shall void the approval and the subdivider shall be required to submit a new minor subdivision application for review. Prior to expiration of the six (6) month period, the Planning Director may grant no more than one extension as set forth in MKZ 18.15.110, Expirations and Extensions of Land Use Approvals.

| Table 18.16-5 Major Subdivision Meeting and Noticing Requirements |                                                                                        | Code Reference                 |
|-------------------------------------------------------------------|----------------------------------------------------------------------------------------|--------------------------------|
| <b>Preliminary Subdivision</b>                                    |                                                                                        |                                |
| Pre-Application Consultation                                      | Optional for Regular Residential Subdivisions.<br>Required for all other Subdivisions. | MKZ 18.15.010                  |
| Concept Review                                                    | Optional for Regular Residential Subdivisions.<br>Required for all other Subdivisions. | MKZ 18.15.020                  |
| Neighborhood Meeting                                              | Optional for Regular Residential Subdivisions.<br>Required for all other Subdivisions. | MKZ 18.15.030                  |
| Planning Commission Public Meeting                                | Required                                                                               | MKZ 18.14.050<br>MKZ 18.15.080 |
| Mailed Noticing Requirement for Property Owners – Distance        | 300 feet                                                                               | MKZ 18.14.060                  |
| Mailed Noticing Requirement – Time                                | 7 days prior to Planning Director Public Meeting                                       | MKZ 18.14.060                  |
| <b>Final Subdivision</b>                                          |                                                                                        |                                |
| Pre-Application Consultation                                      | Optional                                                                               | MKZ 18.15.010                  |
| Concept Review                                                    | Optional                                                                               | MKZ 18.15.020                  |

C. Condominium Subdivisions, Condominium Conversions, and Condominium Vacations.

1. Purpose. The purpose of this Section is to provide standards for Condominium Subdivisions, Condominium Conversions, and Condominium Vacations as part of an application for a Major Subdivision, a Subdivision Amendment, or a Vacation of a Subdivision Plat. Condominium Subdivisions, Condominium Conversions, and Condominium Vacations shall be reviewed pursuant to the requirements as set forth in Utah Code Ann. 57-8-101 et seq. and shall follow the major subdivision procedure with additional documentation as set forth in Utah Code Ann. 57-8-101 et seq., as amended. Condominium Conversions are intended to allow for existing multifamily developments to be converted into condominiums to promote affordable homeownership in Millcreek.
2. Applicability. Any application affecting a plat or property that is defined as a Condominium Plat or Condominium as set forth in Utah Code Ann. 57-8-101 et seq., is subject to the standards of this section.
3. Procedure. A Condominium Subdivision, Condominium Conversion, or Condominium Vacation shall follow the procedures for the relevant application type, and Condominium Conversions shall the procedures as set forth in this Section.
4. Condominium Conversion Submittal Requirements. Any person seeking a Condominium Conversion shall submit a complete Major Subdivision application, completed Subdivision Requirements and Condominium Conversions Checklists, and a fee as set forth in MKZ 18.14.040; and any other relevant supporting documentation, maps, studies and any other information that would inform Staff and allow the Land Use Authority to make a decision. Additionally, a Property Report must be submitted for any Major Subdivision application for a Condominium Conversion, and the Property Report shall include the following requirements:
  - a. A site plan indicating the layout of existing landscaping, parking, and amenities.
  - b. The age of the building or buildings.
  - c. The general condition, useful life and capacity of the building's structural elements, including the roof, foundations, mechanical system, electrical system, plumbing system, boiler, and other structural elements.
  - d. All known conditions constituting deficiencies requiring repair to meet existing building codes.
  - e. All known conditions which may require repair or replacement within the next succeeding five (5) year period.

- f. A statement from a third-party building inspector licensed to practice in the State of Utah that the structure or structures have been inspected for compliance with the international building code minimum standards. If the building inspector finds deficiencies with the structure or structures, the applicant shall present plans to bring the structure or structures into conformity with said standards prior to issuance of certificates of occupancy.
  - g. Where it is determined that physical conditions in an existing building do not allow the strict application of the international building code standard, the Land Use Appeal Authority shall review all requests to vary from these standards and may grant variances or approve alternates where it is determined the intent of the requirement will be met. In any event, there shall be disclosure to buyers of any conditions that do not meet code or standards set by Millcreek.
- 5. Condominium Conversion Application Compliance Review Requirements. As part of an Application Compliance Review for an application for a Preliminary Major Subdivision, the Application Compliance Review shall include the following actions:
  - a. Building Inspection Staff Review. Upon receipt of the application for approval of a condominium project, the building inspection department shall review the proposed building plans for new construction and/or in the case of a conversion project, the property report and plan of improvement, renovations, and repairs to determine conformance with applicable building codes. In the case of a conversion, the department shall require inspections of the property and may require supplementation, revision, and resubmission of the property report where necessary. In the preliminary review report to the planning commission, the building inspection department shall note corrections, repairs and replacements which must be made to bring the structures into code compliance, together with a list of renovation improvements proposed by the owner/developer which are not required by code. The chief building official shall also list any requirements of the international building code that needs board of appeal consideration due to unique circumstances associated with the structure. The building official may then recommend denial until such time as existing violations of code are corrected or may recommend preliminary approval of the project and building report subject to correction of the violations prior to final approval.
  - b. Fire Marshal Review. The fire marshal shall inspect each structure proposed for conversion and shall submit a report thereon to the planning staff outlining the conditions of the structures as they relate to fire safety. The marshal shall stipulate those conditions requiring improvement, prior to occupancy, in the report.
  - c. Code Compliance Review. The City Code Compliance inspector shall inspect each structure proposed for conversion and shall submit a report thereon to the planning staff outlining the conditions of the structure as they relate to municipal code

compliance. Millcreek shall stipulate those conditions requiring improvement, prior to being issued final plat approval, in the report.

6. Public Notice – Additional Requirements for Condominium Conversions. In addition to the Public Notice requirements for Subdivisions as set forth in MKZ 18.14.060, the applicant for a Condominium Conversion shall provide written notice of intended conversion to the existing tenants as of the date of the application. Service of the written notice shall be in accordance with a service of a summons as set forth in the Utah Rules of Civil Procedure. The applicants shall provide proof of service stating the date, place, and manner of service, including a copy of the notice.
7. Approval Criteria for Condominium Conversions. The Planning Commission shall approve the request if it satisfies the Preliminary Approval Criteria for Major Subdivisions as set forth in MKZ 18.16.020 (B) and the following additional criteria:
  - a. Any condominium conversion shall have a minimum of eight (8) legal units or lots. One (1) or more single-family detached dwellings shall not be platted as a condominium development.
  - b. To be considered for a condominium conversion, an existing multifamily development must have been legally established at least five years prior to filing an application for a condominium conversion.

#### D. Subdivision Amendment for Minor Plat Adjustments

1. Purpose. The purpose of this Section is to provide standards for Subdivision Amendments that make minor changes to lots that are of a small, technical nature, but largely do not affect otherwise approved or existing plats. The Planning Director shall allow such modifications according to the criteria within this Section. A summary of meeting and noticing requirements for applications for Subdivision Amendments for Minor Plat Adjustments is set forth in Table 18.16-6.
2. Applicability. A subdivision amendment may only be considered on approved subdivisions. If an application for a subdivision amendment cannot satisfy the approval criteria in this section, it shall be processed as a Minor or Major Subdivision.
3. Procedure. The following application steps, as set forth in MKZ 18.15, Land Use Application Steps, are required.
  - a. Pre-Application Consultation
  - b. Application Submittal
  - c. Application Completeness Review

- d. Application Compliance Review
  - e. Public Notice
  - f. Formal Public Engagement. The Planning Director shall hold a public meeting and shall be the Land Use Authority for Subdivision Amendment applications.
  - g. Decision and Findings
4. Approval Criteria. The Planning Director shall approve the request if:
- a. The amended plat is in substantial conformance with the original approved subdivision.
  - b. The amended subdivision does not increase the number of lots or parcels or create new lots or parcels.
  - c. The amended subdivision does not eliminate or move a recorded easement without the prior approval of the easement holder.
  - d. The amended subdivision will not create any nonconformities or increase the degree of nonconformity of any existing structure or use.
  - e. The amended plat is compliant with all other applicable requirements of this Code and all other applicable regulations and standards.
5. Submittal Requirements. Any person seeking a Subdivision Amendment for Minor Plat Adjustments shall submit a complete application, a completed Subdivision Requirements Checklist, and a fee as set forth in MKZ 18.14.040; and any other relevant supporting documentation, maps, studies and any other information that would inform Staff and allow the Land Use Authority to make a decision.
6. Expiration. Failure to submit the approved subdivision amendment for recording within six (6) months after the date of the approval letter shall void the approval and the subdivider shall be required to submit a new subdivision amendment application for review. Prior to expiration of the six (6) month period, the Planning Director may grant no more than one extension as set forth in MKZ 18.15.110, Expirations and Extensions of Land Use Approvals.

| Table 18.16-6 Subdivision Amendment for Minor Plat Adjustments Meeting and Noticing Requirements |                                                  | Code Reference                 |
|--------------------------------------------------------------------------------------------------|--------------------------------------------------|--------------------------------|
| Pre-Application Consultation                                                                     | Required                                         | MKZ 18.15.010                  |
| Planning Director Public Meeting                                                                 | Required                                         | MKZ 18.14.050<br>MKZ 18.15.080 |
| Mailed Noticing Requirement for Property Owners – Distance                                       | Affected Property Owners                         | MKZ 18.14.060<br>MKZ 18.98     |
| Mailed Noticing Requirement – Time                                                               | 7 days prior to Planning Director Public Meeting | MKZ 18.14.060                  |

#### E. Lot Line Adjustment

1. Purpose. The purpose of this Section is to provide standards for Lot Line Adjustments that make minor changes to lots that are of a small, technical nature, but largely do not otherwise affect existing plats. The Planning Director shall allow such modifications according to the criteria within this Section. A summary of meeting and noticing requirements for applications for Lot Line Adjustments is set forth in Table 18.16-7.
2. Applicability. A lot line adjustment may only be considered on approved subdivisions. Only adjacent lots may be involved in a single action whether or not the lots are located in the same subdivision. Neither lot involved may have received a prior lot line adjustment. The fifteen percent (15%) limitation as set forth in the Approval Criteria for lot line adjustments is an aggregate of all previous lot line adjustments. If an application for a subdivision amendment cannot satisfy the approval criteria in this section, it shall be processed as a Minor or Major Subdivision.
3. Procedure. The following application steps, as set forth in MKZ 18.15, Land Use Application Steps, are required.
  - a. Application Submittal
  - b. Application Completeness Review
  - c. Application Compliance Review
  - d. Public Notices
  - e. Formal Public Engagement. The Planning Director shall hold a public meeting and shall be the Land Use Authority for Lot Line Adjustment applications.
  - f. Decision and Findings
4. Approval Criteria. The Planning Director shall approve the request if:

- a. The lot line adjustment does not increase or decrease the area of an existing lot by more than fifteen percent (15%).
  - b. The lot line adjustment does not increase or decrease the number of lots or create new lots or parcels.
  - c. The lot line adjustment does not affect a recorded easement without the prior approval of the easement holder.
  - d. Existing platted easements adjacent to the lot line being adjusted remain in their original locations and no new easements are dedicated.
  - e. Rights-of-way, ingress or egress easements, or any required common areas are not affected or changed.
  - f. The lot line adjustment will not create any nonconformities or increase the degree of nonconformity of any existing structure or use.
  - g. The lot line adjustment does not result in a lack of conformance with any other applicable requirements of this Code and all other applicable regulations and standards.
5. Submittal Requirements. Any person seeking a Lot Line Adjustment shall submit a complete application, a completed Subdivision Requirements Checklist, and a fee as set forth in MKZ 18.14.040; and any other relevant supporting documentation, maps, studies and any other information that would inform Staff and allow the Land Use Authority City to make a decision.
  6. Expiration. Failure to submit the approved lot line adjustment for recording within six (6) months after the date of the approval letter shall void the approval and the subdivider shall be required to submit a new lot line adjustment application for review. Prior to expiration of the six (6) month period, the Planning Director may grant no more than one extension as set forth in MKZ 18.15.110, Expirations and Extensions of Land Use Approvals.

| Table 18.16-7 Lot Line Adjustment Meeting and Noticing Requirements |                                                  | Code Reference                 |
|---------------------------------------------------------------------|--------------------------------------------------|--------------------------------|
| Pre-Application Consultation                                        | Optional                                         | MKZ 18.15.010                  |
| Planning Director Public Meeting                                    | Required                                         | MKZ 18.14.050<br>MKZ 18.15.080 |
| Mailed Noticing Requirement for Property Owners – Distance          | Affected Property Owners                         | MKZ 18.14.060<br>MKZ 18.98     |
| Mailed Noticing Requirement – Time                                  | 7 days prior to Planning Director Public Meeting | MKZ 18.14.060                  |

## F. Parcel Line Adjustment

1. Purpose. The purpose of this Section is to provide standards for parcel line adjustment that make minor changes to parcels that are of a small, technical nature, but largely do not otherwise affect existing parcels.
2. Applicability. A parcel line adjustment may only be made to a property that is not a lot and must meet the criteria listed in this section.
3. Procedure. The following application steps, as set forth in MKZ 18.15, Land Use Application Steps, are required.
  - a. Application Submittal
  - b. Application Completeness Review
  - c. Application Compliance Review
  - d. Decision and Findings. The Planning Director shall be the Land Use Authority for Parcel Line Adjustment applications.
4. Approval Criteria. The Planning Director shall approve the request if:
  - a. The parcel line adjustment does not increase or decrease the area of an existing lot by more than fifteen percent (15%).
  - b. The parcel line adjustment does not increase or decrease the number of lots or create new lots or parcels.
  - c. The parcel line adjustment does not affect a recorded easement without the prior approval of the easement holder.
  - d. Existing platted easements adjacent to the parcel line being adjusted remain in their original locations and no new easements are dedicated.
  - e. Rights-of-way, ingress or egress easements, or any required common areas are not affected or changed.
  - f. The parcel line adjustment will not create any nonconformities or increase the degree of nonconformity of any existing structure or use.
  - g. The parcel line adjustment does not result in a lack of conformance with any other applicable requirements of this Code and all other applicable regulations and

standards.

5. Submittal Requirements. Any person seeking a Lot Line Adjustment shall submit a complete application, a completed Subdivision Requirements Checklist, and a fee as set forth in MKZ 18.14.040; and any other relevant supporting documentation, maps, studies and any other information that would inform Staff and allow the Land Use Authority to make a decision.

G. Vacating a Subdivision Plat. The vacation of a subdivision plat shall comply with the requirements as set forth in Utah Code Ann. §10-9a-609, and shall follow the process as outlined below:

1. Vacation of subdivisions with three or fewer lots shall follow the Minor Subdivision process.
2. Vacation of subdivisions with more than three lots shall follow the Major Subdivision process.
3. The City Council may vacate a subdivision or a portion of a subdivision by adopting and recording an ordinance pursuant to Utah Code Ann. §10-9a-609.

H. Public Street or Municipal Utility Easement Vacation

1. Purpose. The purpose of this Section is to provide standards for the vacation of public streets or municipal utility easements. Dedicated public streets and municipal utility easements may be vacated, in whole or in part, in the event Millcreek determines that all or a portion of the public street or municipal utility easement is unnecessary or infeasible for future public access or use. A summary of meeting and noticing requirements for applications for Land Use Code Text Amendments is set forth in Table 18.16-8.
2. Applicability. A public street or municipal utility easement may be vacated by filing an application for a minor subdivision, a major subdivision, or a subdivision amendment, or the City Council may approve a petition to vacate a public street or municipal utility easement by ordinance.
3. Procedure – Public Street or Municipal Utility Easement Vacation By Plat. A vacation of a public street or municipal utility easement may be accomplished through the filing of an application for a Minor Subdivision, a Major Subdivision, or a Subdivision Amendment, and shall follow the process for each application type, and the following additional steps:
  - a. After the Land Use Authority grants Preliminary Subdivision approval and before a Final Subdivision approval is issued, the City Council shall hold a public hearing to consider the vacation of a public street or municipal utility easement.

- b. Public Notice shall follow the process as set forth in MKZ 18.14.060.
  - c. A public hearing shall follow the process as set forth in MKZ 18.14.050.
  - d. In the event that a vacation of a public street or municipal utility easement is accompanied through the filing of a subdivision plat, the final decision on the plat shall be withheld until the City Council issues a decision regarding the vacation of a public street or municipal utility easement
4. Procedure – Public Street or Municipal Utility Easement Vacation by Ordinance. In lieu of a Minor Subdivision, Major Subdivision, or Subdivision Amendment, a petition to vacate a public street or municipal utility easement may be filed following the procedure as set forth in Utah Code Ann. §10-9a-609.5, and shall follow the procedure as set forth below:
- a. Pre-Application Consultation
  - b. Concept Review
  - c. Neighborhood Meeting
  - d. Application Submittal
  - e. Application Completeness Review
  - f. Application Compliance Review. Upon completion of the review, the Planning Director shall make a recommendation.
  - g. Public Notice
  - h. Formal Public Engagement
    - 1) The Planning Commission shall hold a public hearing and make a recommendation; and
    - 2) The City Council shall hold a public meeting and shall be the Land Use Authority for Public Street or Municipal Utility Easement Vacation applications.
  - i. Decision and Findings
5. Approval Criteria. Public streets or municipal utility easements shall not be vacated unless the following criteria are met:

- a. The vacation does not deprive abutting properties of adequate, legal access to existing or proposed public utilities or drainage installations.
  - b. The vacation is consistent with the General Plan and other adopted policies and plans, including any adopted transportation plan or streets/roadway plan;
  - c. The land to be vacated is no longer necessary for the public use and convenience;
  - d. The right-of-way no longer needed for public transportation purposes;
  - e. The vacation will not adversely impact use of the right-of-way for public utility and/or drainage purposes;
  - f. Access to lots or properties surrounding the plat will not be adversely affected, and the vacation will not leave any land-locked properties or deprive abutting properties of adequate, legal access;
  - g. The vacation will not adversely impact the health, safety and/or welfare of the general community, or reduce the quality of public facilities or services provided to any property, including but not limited to police/fire protection, access, and utility service; and
  - h. The vacation is consistent with the purpose of this Code and state law.
6. Submittal Requirements. Any person seeking a Public Street or Municipal Utility Easement Vacation shall submit a complete application, a completed Public Street or Municipal Utility Easement Checklist, and a fee as set forth in MKZ 18.14.040; and any other relevant supporting documentation, maps, studies and any other information that would inform Staff and the Planning Commission in making a recommendation, and allow City Council to make a decision.
7. Final Approval and Recording. Approval of a plat or ordinance vacating a public street or municipal utility easement be deemed as certification of the vacation. With this certification, the Planning and Zoning Department shall forward a signed copy of the signed plat or ordinance to the Salt Lake County Recorder for recording. Failure of the applicant to submit any revised information or legal description which enables the ordinance to be processed as approved within three months following approval shall render the vacation void.

| Table 18.16-8 Public Street and Municipal Utility Easement Meeting and Noticing Requirements |                                                                                    | Code Reference                 |
|----------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|--------------------------------|
| Pre-Application Consultation                                                                 | Required                                                                           | MKZ 18.15.010                  |
| Concept Review                                                                               | Required                                                                           | MKZ 18.15.020                  |
| Neighborhood Meeting                                                                         | Required                                                                           | MKZ 18.15.030                  |
| Planning Commission Public Hearing and Recommendation                                        | Required                                                                           | MKZ 18.14.050<br>MKZ 18.15.080 |
| City Council Public Meeting                                                                  | Required                                                                           | MKZ 18.14.050<br>MKZ 18.15.080 |
| Mailed Notice to Affected Entities                                                           | Required                                                                           | MKZ 18.14.060                  |
| Mailed Noticing Requirement for Property Owners – Distance                                   | Each property that is accessed by the public street of municipal utility easement. | MKZ 18.14.060                  |
| Mailed Noticing Requirement – Time                                                           | 10 days prior to Planning Commission Public Hearing                                | MKZ 18.14.060                  |

## **18.16.030 Administrative Decisions – Other Land Use Decisions**

### **A. Conditional Use Permit**

1. Purpose. The purpose of this Section is to provide standards for Conditional Use Permits, which are intended for a land use that, because of the unique characteristics or reasonably anticipated detrimental effects of the land use on Millcreek, surrounding neighbors, or adjacent land uses, require additional consideration subject to objective standards. The additional consideration allows for the Planning Commission to impose reasonable conditions to mitigate reasonably anticipated detrimental effects. The intent of the conditional use is to take identify reasonably anticipated detrimental effects and impose reasonable conditions on a use, including but not limited to noise, pollution, traffic, or other similar harms to the general health, safety and welfare of Millcreek. A summary of meeting and noticing requirements for applications for Conditional Use Permits is set forth in Table 18.16-9.
2. Applicability. A Conditional Use Permit is required for those uses listed as a conditional use in the applicable zoning district regulations of this Code.
3. Procedure. The following application steps, as set forth in MKZ 18.15, Land Use Application Steps, are required.
  - a. Pre-Application Consultation
  - b. Concept Review
  - c. Neighborhood Meeting
  - d. Application Submittal
  - e. Application Completeness Review
  - f. Application Compliance Review. Upon completion of the review, the Planning Director shall make a recommendation.
  - g. Public Notice
  - h. Formal Public Engagement
    - 1) The application shall be presented to the relevant Community Council(s) for a recommendation; and
    - 2) The Planning Commission shall hold a public meeting and shall be the Land Use Authority for Conditional Use Permit applications.

i. Decision and Findings

4. Approval Criteria. The Planning Commission shall consider the following criteria in reviewing all conditional use applications:

- a. The proposed conditional use shall comply with Millcreek ordinances, Federal, and State Law, as applicable to the use and to the site where the conditional use will be located; and
- b. The Land Use Authority shall approve a Conditional Use Permit if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use. Detrimental effects of the proposed use include:
  - 1) Detrimental effects of decreased street service levels and/or traffic patterns including the need for street modifications such as dedicated turn lanes, traffic control devices, safety, street widening, curb, gutter and sidewalks, location of ingress/egress, parking lot surfacing and design of off-street parking and circulation, loading docks, as well as compliance with off-street parking standards, including other reasonable mitigation as determined by a qualified traffic engineer.
  - 2) Detrimental effects on the adequacy of utility systems, water and sewer, solid waste, snow removal, service delivery, and capacities, including the need for such items as relocating, upgrading, providing additional capacity, irrigation systems, or preserving existing systems, including other reasonable mitigation as determined by Millcreek's engineering staff, contracted engineers, and utility service providers.
  - 3) Detrimental effects on connectivity and safety for pedestrians and bicyclists.
  - 4) Detrimental effects by the use due to its nature, including noise that exceeds sound levels normally found in residential areas, odors beyond what is normally considered acceptable, within a neighborhood including effects of environmental impacts, dust, fumes, smoke, odor, noise, vibrations; chemicals, toxins, pathogens, gases, heat, light, electromagnetic disturbances, and radiation. Detrimental effects by the use may include hours of operation and the potential to create an attractive nuisance.
  - 5) Detrimental effects that increase the risk of contamination of or damage to adjacent properties and injury or sickness to people arising from, but not limited to, waste disposal, fire safety, geologic hazards, soil or slope conditions, liquefaction potential, site grading/topography, storm drainage/flood control, the removal of dangerous or blighted structures, high ground water, environmental health hazards, or wetlands, as determined by the City Engineer, and/or other qualified specialists.

- 6) Detrimental effects of modifications to exterior lighting that conflict with abutting properties.
  - 7) Detrimental effects arising from site design and/or building design in terms of use, scale, intensity, height, mass, setbacks, character, construction, solar access, landscaping, fencing, screening, lighting (on-site and adjacent street lighting), signs, and architectural design and exterior detailing/finishes and colors within the area.
  - 8) Detrimental effects on emergency fire service and emergency vehicle access.
  - 9) Detrimental effects on usable/functional/accessible open space and sensitive lands.
  - 10) Detrimental effects arising from inadequate maintenance of the property and structures in perpetuity including performance measures, compliance reviews, and monitoring.
  - 11) Detrimental effects of excessive storm water generation.
- c. Conditions of Approval. Unless otherwise specified in this Code or in Utah Code Ann. §10-9a-507, the Planning Commission shall approve with conditions, based on standards, all conditional use applications. In such cases, any conditions attached to approvals shall be directly related to the anticipated detrimental effects of the proposed use or development. No conditions of approval shall be less restrictive than the requirements of this Code, except where the Code allows flexibility.
  - d. All conditional uses are presumed to be compatible in the zone and compatible with the intent of the General Plan.
  - e. Denial. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the Land Use Authority may deny the conditional use.
5. Submittal Requirements. Any person seeking a Conditional Use Permit shall submit a complete application, a completed Conditional Use Permit Checklist, and a fee as set forth in MKZ 18.14.040; and any other relevant supporting documentation, maps, studies and any other information that would inform Staff and allow the Land Use Authority to make a decision.
  6. Revocation. Upon a determination by Millcreek that there is a failure to comply with a condition of a conditional use permit, the Planning Director shall forward that determination to the Planning Commission for review at a public meeting. The Planning Commission shall consider staff's recommendation and make a recommendation to the

Land Use Hearing Officer (LUHO) regarding whether a failure to comply with a condition of the conditional use permit exists. At a hearing of the LUHO, the LUHO shall determine if there is a failure to comply with a condition of the approved Conditional Use Site Plan. Should the LUHO determine that there is failure to comply with condition(s) of the Conditional Use, the LUHO shall revoke the Conditional Use Permit.

7. **Expiration.** A Conditional Use Permit granted pursuant to this section shall expire within one (1) year from the date of final approval if action is not taken within that time. An applicant may apply for no more than one extension by following the process as set forth in MKZ 18.15.110. For the purposes of this section, “action” means obtaining a building permit pursuant to the issuance of a conditional use permit or, if a building permit is not required, obtaining a business license pursuant to the issuance of a conditional use permit.
8. **Discontinuance and Termination of Right.** If a Conditional Use Permit is abandoned or discontinued for a period of twelve (12) continuous months, the Planning Director may provide notice via certified mail to the applicant and upon such notice, the Conditional Use Permit shall expire. Prior to expiration of the Conditional Use Permit due to discontinuation, the Planning Director may approve one, six (6) month extension of the Conditional Use Permit if no changes to the site design are required. Upon expiration, the property affected shall be subject to all provisions and regulations of this Code, applicable to the zoning district which such property is classified.
9. **Transferability.** Conditional Use Permits shall run with the land.

| <b>Table 18.16-9 Conditional Use Permit Meeting and Noticing Requirements</b> |                                                 | <b>Code Reference</b>          |
|-------------------------------------------------------------------------------|-------------------------------------------------|--------------------------------|
| Pre-Application Consultation                                                  | Required                                        | MKZ 18.15.010                  |
| Concept Review                                                                | Required                                        | MKZ 18.15.020                  |
| Neighborhood Meeting                                                          | Required                                        | MKZ 18.15.030                  |
| Community Council Recommendation                                              | Required                                        | MKZ 18.14.050                  |
| Planning Commission Public Meeting                                            | Required                                        | MKZ 18.14.050<br>MKZ 18.15.080 |
| Mailed Noticing Requirement for Property Owners – Distance                    | 300 feet                                        | MKZ 18.14.060                  |
| Mailed Noticing Requirement – Time                                            | 7 days prior to first Community Council Meeting | MKZ 18.14.060                  |

#### **B. Site Plan Approval for Permitted Uses**

1. **Purpose.** The purpose of this Section is to establish standards for Site Plan Approvals for Permitted Use approvals that are intended to ensure that development or redevelopment in Millcreek is developed in accordance with this Code.

2. Applicability. A Site Plan Approval is required under the following circumstances:
  - a. Construction, reconstruction or alteration of a building or structure.
  - b. Review of a permitted use approval or a request for reasonable accommodation for a group home or residential facility for persons with a disability, subject to the standards as set forth in MKZ XX.XX.XX and MKZ XX.XX.XX
  - c. Changes or alterations to an existing site plan do not otherwise qualify for a Minor Site Plan Amendment.
3. Procedure. The following application steps, as set forth in MKZ 18.15, Land Use Application Steps, are required.
  - a. Concept Review
  - b. Application Submittal
  - c. Application Completeness Review
  - d. Application Compliance Review
  - e. Decision and Findings. The Planning Director shall be the Land Use Authority for Site Plan Approval for Permitted Uses applications.
4. Approval Criteria. The Planning Director shall approve the site plan if it is in compliance with all applicable provisions of this Code and other applicable Millcreek policies.
5. Submittal Requirements. Any person seeking a Site Plan Approval for Permitted Uses shall submit a complete application, a completed Site Plan Approval for Permitted Uses Checklist, and a fee as set forth in MKZ 18.14.040; and any other relevant supporting documentation, maps, studies and any other information that would inform Staff and allow the Land Use Authority to make a decision.
6. Expiration. A site plan that is approved pursuant to this section shall expire within one (1) year from the date of final approval if action is not taken within that time. An applicant may apply for no more than one extension by following the process as set forth in MKZ 18.15.110. For purposes of this subsection, "action" means obtaining a building permit.
7. Discontinuance and Termination of Right. If a site plan that is approved pursuant to this section is abandoned or discontinued for a period of six (6) continuous months the site plan shall be considered expired. Prior to expiration of the site plan due to discontinuation, the Planning Director may approve one, six (6) month extension of the site plan if no changes to the site design are required. Upon expiration, the property affected shall be subject to all

provisions and regulations of this Code, applicable to the zoning district which such property is classified.

8. Transferability. Site plans shall run with the land.

#### C. Change of Use Permit

1. Purpose. The purpose of this Section is to establish standards for Change of Use Permits, which are intended for developed property that has changed from one use to another. This permit is intended to ensure that the existing site is adequate for the new use, and that the proposed use is compliant with all applicable standards.
2. Applicability. A Change of Use Permit is required when any existing property changes from one use classification established in this Title to another use classification established in this Title.
3. Procedure. The following application steps, as set forth in MKZ 18.15, Land Use Application Steps, are required.
  - a. Application Submittal
  - b. Application Completeness Review
  - c. Application Compliance Review
  - d. Decision and Findings. The Planning Director shall be the Land Use Authority for Change of Use applications.
4. Approval Criteria. The Planning Director shall approve the site plan if it is in compliance with all applicable provisions of this Code and other applicable Millcreek policies, including the following:
  - a. The new use is permitted in the governing zoning district; and
  - b. The new use complies with all applicable development standards, including but not limited to landscaping standards, parking and mobility standards, minimum driveway and roadway widths, and any dedication or public improvement requirements.
5. Submittal Requirements. Any person seeking a Change of Use Permit shall submit a complete application, a completed Change of Use Permit Checklist, and a fee as set forth in MKZ 18.14.040; and any other relevant supporting documentation, maps, studies and any other information that would inform Staff and allow the Land Use Authority to make a decision.

#### D. Minor Site Plan Amendment

1. Purpose. The purpose of this Section is to establish standards and a streamlined review process for Minor Site Plan Amendments, which allow for minor changes to approved site plans for conditional and permitted uses.
2. Applicability. An applicant who has obtained a site plan that has been previously approved may apply for a Minor Site Plan Amendment approval for minor changes to the site plan, subject to the approval criteria as set forth in this section.
3. Procedure. The following application steps, as set forth in MKZ 18.15, Land Use Application Steps, are required.
  - a. Application Submittal
  - b. Application Completeness Review
  - c. Application Compliance Review
  - d. Decision and Findings. The Planning Director shall be the Land Use Authority for Minor Site Plan Amendment applications.
4. Approval Criteria. The Planning Director shall approve the site plan if it complies with all applicable provisions of this Code and other applicable Millcreek policies, including the following:
  - a. The proposed change does not significantly alter the approved access, circulation, or layout of the approved site plan.
  - b. The proposed changes do not increase the number of residential units.
  - c. The proposed change does not expand commercial floor area more than ten percent (10%).
  - d. The proposed change is in conformance with all applicable requirements of the Code and other relevant Millcreek and State regulations.
  - e. The proposed change does not affect any required mitigations or violate any conditions of approval for a Conditional Use Permit.
  - f. The amended site plan complies with all applicable development standards, including but not limited to landscaping standards, parking and mobility standards, minimum driveway and roadway widths, and any dedication or public improvement requirements.

5. Submittal Requirements. Any person seeking a Minor Site Plan Amendment shall submit a complete application, a completed Minor Site Plan Amendment Checklist, and a fee as set forth in MKZ 18.14.040; and any other relevant supporting documentation, maps, studies and any other information that would inform Staff and allow the Land Use Authority to make a decision.
  6. Expiration. A site plan that is approved pursuant to this section shall expire within one (1) year from the date of final approval if action is not taken within that time. An applicant may apply for no more than one extension by following the process as set forth in MKZ 18.15.110. For purposes of this subsection, "action" means obtaining a building permit.
  7. Discontinuance and Termination of Right. If a site plan that is approved pursuant to this section is abandoned or discontinued for a period of six (6) continuous months the site plan shall be considered expired. Prior to expiration of the site plan due to discontinuation, the Planning Director may approve one, six (6) month extension of the site plan if no changes to the site design are required. Upon expiration, the property affected shall be subject to all provisions and regulations of this Code, applicable to the zoning district which such property is classified.
  8. Transferability. Site plans shall run with the land.
- E. Reasonable Accommodation Determination for Residential Facilities for Persons With a Disability
1. Purpose. The purpose of this Section is to establish standards for applications for a Reasonable Accommodation Determination for Residential Facilities for Persons With a Disability in a manner that balances local zoning considerations with state and federal mandates requiring a reasonable accommodation for disabled persons living together in a group housing arrangement in a residential neighborhood.
  2. Applicability. Any person or entity seeking a reasonable accommodation to exceed the residential occupancy limits established in any zone for a residential facility for persons with a disability shall apply for a Reasonable Accommodation Determination for Residential Facilities for Persons With a Disability. Applicants have the burden of provides sufficient evidence that the requested accommodation is necessary to allow disabled individuals reasonable, non-discriminatory, federally mandated housing opportunities in the relevant zone.
  3. Procedure. An application for a Reasonable Accommodation Determination for Residential Facilities for Persons With a Disability shall follow the procedure for a Site Plan Approval for Permitted Uses as set forth in MKZ XX.XX.XX.
  4. Approval Criteria. The Planning Director shall consider the following in making a Reasonable Accommodation Determination for a Residential Facility For Persons With a Disability:

- a. The facility meets or will meet all program, physical facility, and licensure requirements of the Utah Department of Health and Human Services.
- b. Except as otherwise provided in this chapter, buildings and uses shall meet all applicable City development standards, licensing and zoning requirements.
- c. The facility shall not house persons who are involuntarily residing therein or who are residing therein as a part of or in lieu of confinement, rehabilitation, or treatment in a correctional facility.
- d. The applicant provides sufficient evidence that the requested accommodation is necessary to allow disabled individuals reasonable, non-discriminatory, federally mandated housing opportunities in the relevant zone. Evidence may include information relating to the history, management, financial feasibility, and therapeutic benefits of the facility, and applicable law.
- e. The zoning ordinance applicable to the property.
- f. The anticipated parking, traffic, and noise impact on the neighborhood if the reasonable accommodation is granted.
- g. Whether or not the accommodation will be an undue burden or expense to the city.
- h. The extent to which the accommodation will or will not benefit the applicant.
- i. The extent to which the accommodation will or will not benefit the community.
- j. Whether or not the accommodation fundamentally alters the citywide zoning ordinance and whether or not the accommodation would likely create a fundamental change in the character of a residential neighborhood.
- k. Whether or not the applicant has demonstrated that the accommodation will affirmatively enhance the applicant's life or ameliorate the effects of the applicant's disability, or the lives or disabilities of those on whose behalf the applicant is applying.
- l. Whether or not, without the accommodation, similar housing is available in the city for the applicant or group of applicants.
- m. The anticipated impact of the requested accommodation on the immediate neighborhood.
- n. The requirements of applicable federal and state laws and regulations.

5. Submittal Requirements. Any person seeking a Reasonable Accommodation Determination For A Residential Facility For Persons With A Disability shall submit a complete application, a completed Site Plan Approval for Permitted Uses Checklist, a completed Reasonable Accommodation Determination Checklist, and a fee as set forth in MKZ 18.14.040; and the following additional information:
  - a. The specific regulation, policy, or procedure from which an accommodation is sought and/or for which deviation or waiver is requested.
  - b. A document that provides a detailed explanation of why the requested accommodation is warranted under federal and/or state law, including a description how the person(s) is disabled under the Americans with Disabilities Act or the Fair Housing Act.
  - c. An analysis with evidence, legal authorities, and other information showing that the accommodation is reasonable and necessary to afford the disabled person(s) an equal opportunity to use and enjoy the residential dwelling.
  - d. The number of residents and employees that will have vehicles at the property and a site plan showing where the vehicles will be parked at the property.
  - e. Whether the owner/operator of the Residential Facility For Persons With A Disability or applicant has other facilities for the disabled and, if so, a description and copy of any complaints from neighbors, incident reports from a local police department, or investigations, citations, notices of violations(s) or complaints received from any federal, state, or local agencies, etc. relating to licensure , parking, traffic, a direct threat to health or safety of other persons, or substantial physical damage to the property of others.
  - f. An accurate description of the type of program(s), treatment(s), therapies, and/or services that will be provided to the residents of the Residential Facility For Persons With a Disability, and the clinical rationale for such program(s), treatment(s), therapies, and/or services.
  - g. The category of state licensure that the Residential Facility for Persons With A Disability will have.
  - h. An accurate summary and/or description of the admissions criteria and operational protocols for the Residential Facility for Persons With a Disability.
6. Expiration. A Reasonable Accommodation Determination for a Residential Facility for Persons With a Disability that is issued pursuant to this section shall expire within one (1) year from the date of final approval if action is not taken within that time. An applicant may apply for no more than one extension by following the process as set forth in MKZ 18.15.110. For purposes of this subsection, "action" means obtaining the required state

licensure and a Millcreek business license.

7. Transferability. Reasonable Accommodation Determinations for Residential Facility are nontransferable. A new Reasonable Accommodation Determination is required if any ownership changes, or if the applicant desires to revise the maximum occupancy, or changes the licensing or disability classification under state or federal law, or remodels or expands.
8. Termination. A use permitted by this shall be subject to revocation by the appropriate land use or licensing authority if:
  - a. The facility is devoted to a use other than a residential facility for persons with a disability;
  - b. The facility exceeds the maximum number of residents specified and approved in the Reasonable Accommodation Determination, or changes the disability classification under state or federal law, or remodels or expands without first applying for and receiving an additional Reasonable Accommodation Determination;
  - c. The facility is not licensed by the Utah Department of Health and Human Services, or if a license is revoked; or
  - d. It is determined by an appropriate authority that residents of the facility have engaged in a pattern of criminal acts of nuisance, theft, or violence in the adjoining neighborhood.

#### F. Sign Permit

1. Purpose. The purpose of this Section is to establish standards for Sign Permits, to ensure that that signage in Millcreek is in conformance with Millcreek's adopted signage requirements found within this Code.
2. Applicability. No person shall erect, alter, relocate, or modify any sign without first obtaining a sign permit, if required, and a building permit, if required, for such work unless no permit is required as set forth in MKZ 18.66, Signs.
3. Procedure. The following application steps, as set forth in MKZ 18.15, Land Use Application Steps, are required.
  - a. Application Submittal
  - b. Application Completeness Review
  - c. Application Compliance Review

d. Decision and Findings. The Planning Director shall be the Land Use Authority for Sign Permit applications.

4. Approval Criteria. The Planning Director shall approve the request if the proposed signage is in conformance with the requirements as set forth in MKZ 18.66, Signs, and all other applicable Millcreek, State, and Federal statutes.
5. Submittal Requirements. Any person seeking a Sign Permit shall submit a complete application, a completed Sign Permit Checklist, and a fee as set forth in MKZ 18.14.040; and any other relevant supporting documentation, maps, studies and any other information that would inform Staff and allow the Land Use Authority to make a decision.
6. Expiration. A sign permit that is approved pursuant to this section shall expire within one (1) year from the date of final approval if action is not taken within that time. An applicant may apply for no more than one extension by following the process as set forth in MKZ 18.15.110. For purposes of this subsection, "action" means obtaining a building permit, if a building permit is required.
7. Transferability. Sign permits shall run with the land.

#### G. Temporary Use Permit

1. Purpose. The purpose of this section is to establish standards for Temporary Use Permits, which are intended to ensure that temporary uses within Millcreek are in conformance with all applicable Millcreek requirements found within this Code.
2. Applicability. A Temporary Use Permit is required when a temporary use as set forth in MKZ 18.59 is intended to be placed on a property in Millcreek.
3. Procedure. The following application steps, as set forth in MKZ 18.15, Land Use Application Steps, are required.
  - a. Application Submittal
  - b. Application Completeness Review
  - c. Application Compliance Review
  - d. Decision and Findings. The Planning Director shall be the Land Use Authority for Temporary Use applications.
4. Approval Criteria. The Planning Director shall approve the request if the proposed temporary use is in conformance with the requirements of the zoning district in which the use is located, the requirements as set forth in MKZ 18.59, Temporary, and all other

applicable Millcreek, State, and Federal statutes.

5. Submittal Requirements. Any person seeking a Temporary Use Permit shall submit a complete application, a completed Temporary Use Permit Checklist, and a fee as set forth in MKZ 18.14.040; and any other relevant supporting documentation, maps, studies and any other information that would inform Staff and allow the Land Use Authority to make a decision.
6. Expiration. A Temporary Use Permit that is approved pursuant to this section shall expire within one (1) year from the date of final approval if action is not taken within that time. An applicant may apply for no more than one extension by following the process as set forth in MKZ 18.15.110.

#### **18.16.040 Administrative Decisions – Nonconformities and Variances**

##### **A. Nonconformities Determination**

1. Purpose. The purpose of this Section is to establish standards for a Nonconformities Determination regarding a use or property in Millcreek. A formal nonconformities determination acknowledges the use and development rights for legally established uses, structures, lots, or parcels, and other circumstances that do not conform to the applicable requirements of this Title.
2. Applicability. A property owner shall have the burden of establishing that a nonconforming use, noncomplying structure, nonconforming lot, or other nonconformity legally existed before its current land use designation. A Nonconformities Determination is required prior to an application to expand or enlarge a noncompliant structure.
3. Procedure. The following application steps, as set forth in MKZ 18.15, Land Use Application Steps, are required.
  - a. Application Submittal
  - b. Application Completeness Review
  - c. Application Compliance Review
  - d. Decision and Findings. The Planning Director shall be the Land Use Authority for Nonconformities Determination applications.
4. Approval Criteria. The Planning Director shall make a nonconformities determination upon receipt of a complete application, including acceptable evidence that a nonconformity exists pursuant to MKZ 18.61.080.

5. Submittal Requirements. Any person seeking a Nonconformities Determination shall submit a complete application, a completed Nonconformities Determination Checklist, and a fee as set forth in MKZ 18.14.040; and any other relevant supporting documentation, maps, studies and any other information that would inform Staff and allow the Land Use Authority to make a decision.

#### B. Expansion or Enlargement of a Noncompliant Structure

1. Purpose. The purpose of this Section is to establish standards for the expansion or enlargements of noncompliant structures in a manner that controls the expansion of structures that were legally established but that do not comply with current standards, while recognizing the interests of affected property owners. A summary of meeting and noticing requirements for applications for Expansion or Enlargement of a Noncompliant Structure is set forth in Table 18.16-10.
2. Applicability. No person may expand or enlarge a noncompliant structure without first having the structure deemed noncompliant pursuant to MKZ 18.61 and obtaining a permit of the Land Use Hearing Officer as set forth in MKZ 18.61
3. Procedure. The following application steps, as set forth in MKZ 18.15, Land Use Application Steps, are required.
  - a. Pre-Application Consultation
  - b. Application Submittal
  - c. Application Completeness Review
  - d. Application Compliance Review
  - e. Public Notice
  - f. Formal Public Engagement. The Land Use Hearing Officer shall hold a Public Hearing and is the Land Use Authority for Expansion or Enlargement of a Noncompliant Structure applications.
  - g. Decision and Findings
4. Approval Criteria. Approval criteria for expanding or enlarging a noncompliant structure are set forth in MKZ 18.61.
5. Submittal Requirements. Any person seeking an Expansion or Enlargement of a Noncomplying Structure shall submit a complete application, a completed Expansion or Enlargement of a Noncomplying Structure Checklist, and a fee as set forth in MKZ

18.14.040; and any other relevant supporting documentation, maps, studies and any other information that would inform Staff and allow the Land Use Authority to make a decision.

6. Expiration. A permit to expand or enlarge a noncompliant structure pursuant to this part shall expire within one (1) year from the date of final approval if a building permit is not applied for within that time.

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| Table 18.16-10 Expansion or Enlargement of a Noncompliant Structure Permit Meeting and Noticing Requirements |                                 | Code Reference                 |
|--------------------------------------------------------------------------------------------------------------|---------------------------------|--------------------------------|
| Pre-Application Consultation                                                                                 | Required                        | MKZ 18.15.010                  |
| Concept Review                                                                                               | Required                        | MKZ 18.15.020                  |
| Land Use Hearing Officer Public Hearing                                                                      | Required                        | MKZ 18.14.050<br>MKZ 18.15.080 |
| Mailed Noticing Requirement for Property Owners – Distance                                                   | 300 feet                        | MKZ 18.14.060                  |
| Mailed Noticing Requirement – Time                                                                           | 10 days prior to Public Hearing | MKZ 18.14.060                  |

### C. Variances

1. Purpose. The purpose of this Section is to establish standards for requests for variances from the standards of this Code. Variances are intended to provide a means of relief from the requirements of this Title if they have resulted in a hardship as they are applied to a property. Variances are subject to the standards as set forth in Utah Code Ann. §10-9a-701 et seq. A summary of meeting and noticing requirements for applications for Expansion or Enlargement of a Noncompliant Structure is set forth in Table 18.16-11.
2. Applicability. Any person or entity desiring a waiver or modification of the requirements of this Code as applied to a parcel of property that they own, lease, or hold some other beneficial interest may apply to the Land Use Hearing Officer for a variance. Applicants have the burden of proving that a hardship has been caused by the requirements of this Code. Variances may not be requested regarding land use.
3. Procedure. The following application steps, as set forth in MKZ 18.15, Land Use Application Steps, are required.
  - a. Pre-Application Consultation
  - b. Application Submittal
  - c. Application Completeness Review
  - d. Application Compliance Review
  - e. Public Notice
  - f. Formal Public Engagement. The Land Use Hearing Officer shall hold a Public Hearing and is the Land Use Authority for Variance applications.
  - g. Decision and Findings

4. Approval Criteria. Approval criteria for variances are set forth in MKZ 18.05.020.
5. Submittal Requirements. Any person seeking a variance shall submit a complete application, a completed Variance Checklist, and a fee as set forth in MKZ 18.14.040; and any other relevant supporting documentation, maps, studies and any other information that would inform Staff and allow the Land Use Authority to make a decision.
6. Expiration. Variances shall not expire.
7. Transferability. Variances shall run with the land.

| Table 18.16-11 Variance Meeting and Noticing Requirements  |                                 | Code Reference                 |
|------------------------------------------------------------|---------------------------------|--------------------------------|
| Pre-Application Consultation                               | Required                        | MKZ 18.15.010                  |
| Concept Review                                             | Required                        | MKZ 18.15.020                  |
| Land Use Hearing Officer Public Hearing                    | Required                        | MKZ 18.14.050<br>MKZ 18.15.080 |
| Mailed Noticing Requirement for Property Owners – Distance | 300 feet                        | MKZ 18.14.060                  |
| Mailed Noticing Requirement – Time                         | 10 days prior to Public Hearing | MKZ 18.14.060                  |

| GENERAL PLAN OR FUTURE LAND USE MAP ADOPTION OR AMENDMENT CHECKLIST |                      |                                                                                                                                                                                                                                                                                                                                                    |                 |                   |
|---------------------------------------------------------------------|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-------------------|
| Applicant Use                                                       |                      | ITEM                                                                                                                                                                                                                                                                                                                                               | Office Use Only |                   |
| Completed                                                           | Application Page No. |                                                                                                                                                                                                                                                                                                                                                    | Completed       | Revision Required |
|                                                                     |                      | Completed and Signed Millcreek Land Use Application                                                                                                                                                                                                                                                                                                |                 |                   |
|                                                                     |                      | Notarized Property Owner Affidavit, for Future Land Use Map Amendment Applications                                                                                                                                                                                                                                                                 |                 |                   |
|                                                                     |                      | Application Fee                                                                                                                                                                                                                                                                                                                                    |                 |                   |
|                                                                     |                      | Letter of Intent describing proposed amendments to the General Plan Text or the Future Land Use Map.                                                                                                                                                                                                                                               |                 |                   |
|                                                                     |                      | A summary of the rationale for proposed amendments to the General Plan Text or the Future Land Use Map. As applicable, answer the <i>Essential Questions for Zoning, Development Agreements, and City Initiatives</i> as set forth in Sections 3.1.7, 3.2.7, 3.3.7, 3.4.7, 3.5.7, 3.6.7, and 3.7.7 of the <i>Millcreek Together General Plan</i> . |                 |                   |
|                                                                     |                      | Proposed text revisions to the General Plan, if applicable                                                                                                                                                                                                                                                                                         |                 |                   |
|                                                                     |                      | The current Future Land Use Map designation and present use of the subject property.                                                                                                                                                                                                                                                               |                 |                   |
|                                                                     |                      | A legal description of the subject property.                                                                                                                                                                                                                                                                                                       |                 |                   |
|                                                                     |                      | A development agreement, if applicable, and a completed Development Agreement Checklist.                                                                                                                                                                                                                                                           |                 |                   |
|                                                                     |                      | A Summary of the Neighborhood Meeting, pursuant to MKZ XX.XX.XX.                                                                                                                                                                                                                                                                                   |                 |                   |
|                                                                     |                      | any other relevant supporting documentation, maps, studies and any other information that would inform Staff and the Planning Commission in making a recommendation, and that would allow City Council to make a decision.                                                                                                                         |                 |                   |

| LAND USE CODE TEXT AMENDMENT CHECKLIST |                      |                                                                                                                                                                                                                                                                                                           |                 |                   |
|----------------------------------------|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-------------------|
| Applicant Use                          |                      | ITEM                                                                                                                                                                                                                                                                                                      | Office Use Only |                   |
| Completed                              | Application Page No. |                                                                                                                                                                                                                                                                                                           | Completed       | Revision Required |
|                                        |                      | Completed and Signed Millcreek Land Use Application                                                                                                                                                                                                                                                       |                 |                   |
|                                        |                      | Application Fee                                                                                                                                                                                                                                                                                           |                 |                   |
|                                        |                      | Letter of Intent describing proposed amendments to the Land Use Code.                                                                                                                                                                                                                                     |                 |                   |
|                                        |                      | A summary of the rationale for proposed amendments to the Land Use Code Text. As applicable, answer the Essential Questions for Zoning, Development Agreements, and City Initiatives as set forth in Sections 3.1.7, 3.2.7, 3.3.7, 3.4.7, 3.5.7, 3.6.7, and 3.7.7 of the Millcreek Together General Plan. |                 |                   |
|                                        |                      | Proposed text revisions to Land Use Code.                                                                                                                                                                                                                                                                 |                 |                   |
|                                        |                      | A development agreement, if applicable, and a completed Development Agreement Checklist.                                                                                                                                                                                                                  |                 |                   |
|                                        |                      | any other relevant supporting documentation, maps, studies and any other information that would inform Staff and the Planning Commission in making a recommendation, and that would allow City Council to make a decision.                                                                                |                 |                   |

| ZONING MAP AMENDMENT CHECKLIST |                      |                                                                                                                                                                                                                                                                                                                  |                 |                   |
|--------------------------------|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-------------------|
| Applicant Use                  |                      | ITEM                                                                                                                                                                                                                                                                                                             | Office Use Only |                   |
| Completed                      | Application Page No. |                                                                                                                                                                                                                                                                                                                  | Completed       | Revision Required |
|                                |                      | Completed and Signed Millcreek Land Use Application                                                                                                                                                                                                                                                              |                 |                   |
|                                |                      | Notarized Property Owner Affidavit                                                                                                                                                                                                                                                                               |                 |                   |
|                                |                      | Application Fee                                                                                                                                                                                                                                                                                                  |                 |                   |
|                                |                      | Letter of Intent describing proposed amendments to the Zoning Map.                                                                                                                                                                                                                                               |                 |                   |
|                                |                      | A summary of the rationale for proposed amendments to the Zoning Map. As applicable, answer the <i>Essential Questions for Zoning, Development Agreements, and City Initiatives</i> as set forth in Sections 3.1.7, 3.2.7, 3.3.7, 3.4.7, 3.5.7, 3.6.7, and 3.7.7 of the <i>Millcreek Together General Plan</i> . |                 |                   |
|                                |                      | Proposed text revisions to the General Plan, if applicable                                                                                                                                                                                                                                                       |                 |                   |
|                                |                      | The current Zoning Map designation and present use of the subject property.                                                                                                                                                                                                                                      |                 |                   |
|                                |                      | A legal description of the subject property.                                                                                                                                                                                                                                                                     |                 |                   |
|                                |                      | A development agreement, if applicable, and a completed Development Agreement Checklist.                                                                                                                                                                                                                         |                 |                   |
|                                |                      | A Summary of the Neighborhood Meeting, pursuant to MKZ XX.XX.XX.                                                                                                                                                                                                                                                 |                 |                   |
|                                |                      | A Summary of other Pre-Application Meetings, if required.                                                                                                                                                                                                                                                        |                 |                   |
|                                |                      | any other relevant supporting documentation, maps, studies and any other information that would inform Staff and the Planning Commission in making a recommendation, and that would allow City Council to make a decision.                                                                                       |                 |                   |

| DEVELOPMENT AGREEMENT CHECKLIST           |                      |                                                                                                                                                                                                                             |                 |                   |
|-------------------------------------------|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-------------------|
| Applicant Use                             |                      | ITEM                                                                                                                                                                                                                        | Office Use Only |                   |
| Completed                                 | Application Page No. |                                                                                                                                                                                                                             | Completed       | Revision Required |
| <b>Summary and Narrative Requirements</b> |                      |                                                                                                                                                                                                                             |                 |                   |
|                                           |                      | Completed and Signed Millcreek Land Use Application                                                                                                                                                                         |                 |                   |
|                                           |                      | Notarized Property Owner Affidavit                                                                                                                                                                                          |                 |                   |
|                                           |                      | Application Fee                                                                                                                                                                                                             |                 |                   |
|                                           |                      | A Completed Checklist for the relevant application type for which a development agreement is being considered.                                                                                                              |                 |                   |
|                                           |                      | A Summary of the Neighborhood Meeting, pursuant to MKZ XX.XX.XX.                                                                                                                                                            |                 |                   |
|                                           |                      | A Summary of other Pre-Application Meetings, if required.                                                                                                                                                                   |                 |                   |
|                                           |                      | any other relevant supporting documentation, maps, studies and any other information that would inform Staff and the Planning Commission in making a recommendation, and that would allow City Council to make a decision.  |                 |                   |
|                                           |                      | A completed Sensitive Lands Review Checklist, if required.                                                                                                                                                                  |                 |                   |
| <b>Property Survey Requirements</b>       |                      |                                                                                                                                                                                                                             |                 |                   |
|                                           |                      | A property survey showing, at a minimum:                                                                                                                                                                                    |                 |                   |
|                                           |                      | Property boundaries                                                                                                                                                                                                         |                 |                   |
|                                           |                      | The location and type of easements, covenants, or other property restrictions.                                                                                                                                              |                 |                   |
|                                           |                      | Location of existing rights-of-way and right-of-way centerlines.                                                                                                                                                            |                 |                   |
|                                           |                      | Location of all existing buildings, structures, and utilities, including water utilities.                                                                                                                                   |                 |                   |
|                                           |                      | Location of existing trees measured at four inch (4") caliper or greater.                                                                                                                                                   |                 |                   |
|                                           |                      | Location of any sensitive lands features as described in MKZ XX.XX.XX.                                                                                                                                                      |                 |                   |
| <b>Site Plan Requirements</b>             |                      |                                                                                                                                                                                                                             |                 |                   |
|                                           |                      | Location of proposed buildings                                                                                                                                                                                              |                 |                   |
|                                           |                      | Location of proposed off-street and on-street parking areas                                                                                                                                                                 |                 |                   |
|                                           |                      | Location of proposed open spaces                                                                                                                                                                                            |                 |                   |
|                                           |                      | A summary table showing floor area by use, required parking by use, materials percentages, percentages of doors and windows, minimum lot size requirements, residential amenities if required, and open space requirements. |                 |                   |
|                                           |                      | Location and Conceptual design and cross-sections of proposed streets, driveways, lanes, or paths.                                                                                                                          |                 |                   |

| DEVELOPMENT AGREEMENT CHECKLIST                |                         |                                                                                                                      |                 |                      |
|------------------------------------------------|-------------------------|----------------------------------------------------------------------------------------------------------------------|-----------------|----------------------|
| Applicant Use                                  |                         | ITEM                                                                                                                 | Office Use Only |                      |
| Completed                                      | Application<br>Page No. |                                                                                                                      | Completed       | Revision<br>Required |
|                                                |                         | Number, size, height, and location of all proposed signs.                                                            |                 |                      |
|                                                |                         | Location of existing and proposed fire hydrants.                                                                     |                 |                      |
|                                                |                         | Conceptual landscape plan showing location and type of proposed plantings, and trees to be preserved, if applicable. |                 |                      |
|                                                |                         | Setbacks and buffers as required by the relevant zoning or landscaping standard.                                     |                 |                      |
|                                                |                         | Conceptual lighting plan showing location and height of proposed street and interior property lighting.              |                 |                      |
|                                                |                         | Location of any required right-of-way dedications, as measured from a right-of-way centerline.                       |                 |                      |
| Building Floor Plan and Elevation Requirements |                         |                                                                                                                      |                 |                      |
|                                                |                         | Proposed building bulk and height.                                                                                   |                 |                      |
|                                                |                         | Proposed building elevations, including building color and materials.                                                |                 |                      |
|                                                |                         | Proposed building floor plans.                                                                                       |                 |                      |
| Required Studies                               |                         |                                                                                                                      |                 |                      |
|                                                |                         | Geological Hazards Study, if required.                                                                               |                 |                      |
|                                                |                         | Parking and Traffic Impact Study, if required.                                                                       |                 |                      |
|                                                |                         | Photometric Study, if required.                                                                                      |                 |                      |

| PUBLIC STREET OR MUNICIPAL UTILITY EASEMENT VACATION CHECKLIST |                      |                                                                                                                                                                                                                                                         |                 |                   |
|----------------------------------------------------------------|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-------------------|
| Applicant Use                                                  |                      | ITEM                                                                                                                                                                                                                                                    | Office Use Only |                   |
| Completed                                                      | Application Page No. |                                                                                                                                                                                                                                                         | Completed       | Revision Required |
| <b>Summary and Narrative Requirements</b>                      |                      |                                                                                                                                                                                                                                                         |                 |                   |
|                                                                |                      | Completed and Signed Millcreek Land Use Application. All petitioners for a public street or municipal utility easement vacation must sign the land use application.                                                                                     |                 |                   |
|                                                                |                      | Application Fee                                                                                                                                                                                                                                         |                 |                   |
|                                                                |                      | Letter of Intent describing proposed public street or municipal utility easement vacation.                                                                                                                                                              |                 |                   |
|                                                                |                      | A narrative describing how the proposed public street or municipal utility easement vacation meets the requirements of MKZ 18.16.020(H)(5).                                                                                                             |                 |                   |
|                                                                |                      | A legal description of the portion of the public street or municipal utility easement proposed to be vacated.                                                                                                                                           |                 |                   |
|                                                                |                      | A development agreement, if applicable, and a completed Development Agreement Checklist.                                                                                                                                                                |                 |                   |
|                                                                |                      | A list of parcel numbers, property addresses, property owner names, and property owner addresses for all properties that adjoin the boundaries of the proposed public street or municipal utility easement vacation.                                    |                 |                   |
|                                                                |                      | A letter from all utility providers who provide utilities within the proposed public street or easement to be vacated on properties that abut the proposed public street or easement to be vacated stating that they have no objection to the vacation. |                 |                   |
|                                                                |                      | A Summary of the Neighborhood Meeting, pursuant to MKZ XX.XX.XX.                                                                                                                                                                                        |                 |                   |
|                                                                |                      | any other relevant supporting documentation, maps, studies and any other information that would inform Staff and the Planning Commission in making a recommendation, and that would allow City Council to make a decision.                              |                 |                   |
| <b>Property Survey and Title Report Requirements</b>           |                      |                                                                                                                                                                                                                                                         |                 |                   |
|                                                                |                      | An ALTA property survey showing, at a minimum:                                                                                                                                                                                                          |                 |                   |
|                                                                |                      | Boundaries of the proposed public street or municipal utility easement vacation.                                                                                                                                                                        |                 |                   |
|                                                                |                      | The location and type of easements, covenants, or other property restrictions.                                                                                                                                                                          |                 |                   |
|                                                                |                      | Location of existing rights-of-way and right-of-way centerlines.                                                                                                                                                                                        |                 |                   |
|                                                                |                      | Location of all existing buildings, structures, and utilities, including water utilities.                                                                                                                                                               |                 |                   |
|                                                                |                      | Location of any sensitive lands features as described in MKZ XX.XX.XX.                                                                                                                                                                                  |                 |                   |

| PUBLIC STREET OR MUNICIPAL UTILITY EASEMENT VACATION CHECKLIST |                         |                                                                                                   |                 |                      |
|----------------------------------------------------------------|-------------------------|---------------------------------------------------------------------------------------------------|-----------------|----------------------|
| Applicant Use                                                  |                         | ITEM                                                                                              | Office Use Only |                      |
| Completed                                                      | Application<br>Page No. |                                                                                                   | Completed       | Revision<br>Required |
|                                                                |                         | A Title report prepared and dated not more than thirty (30) days before application<br>submittal. |                 |                      |

| CONDITIONAL USE PERMIT CHECKLIST          |                      |                                                                                                                                                                                                                             |                 |                   |
|-------------------------------------------|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-------------------|
| Applicant Use                             |                      | ITEM                                                                                                                                                                                                                        | Office Use Only |                   |
| Completed                                 | Application Page No. |                                                                                                                                                                                                                             | Completed       | Revision Required |
| <b>Summary and Narrative Requirements</b> |                      |                                                                                                                                                                                                                             |                 |                   |
|                                           |                      | Completed and Signed Millcreek Land Use Application                                                                                                                                                                         |                 |                   |
|                                           |                      | Notarized Property Owner Affidavit                                                                                                                                                                                          |                 |                   |
|                                           |                      | Application Fee                                                                                                                                                                                                             |                 |                   |
|                                           |                      | A Summary of the Neighborhood Meeting, pursuant to MKZ XX.XX.XX.                                                                                                                                                            |                 |                   |
|                                           |                      | A Summary of other Pre-Application Meetings, if required.                                                                                                                                                                   |                 |                   |
|                                           |                      | Letter of Intent describing the proposed conditional use permit.                                                                                                                                                            |                 |                   |
|                                           |                      | A narrative describing reasonably anticipated detrimental effects from the proposed conditional use and describing proposed mitigations to the reasonably anticipated detrimental effects.                                  |                 |                   |
|                                           |                      | A completed Sensitive Lands Review Checklist, if required.                                                                                                                                                                  |                 |                   |
|                                           |                      | any other relevant supporting documentation, maps, studies and any other information that would inform Staff to make a recommendation, and that would allow the Land Use Authority to make a decision.                      |                 |                   |
| <b>Property Survey Requirements</b>       |                      |                                                                                                                                                                                                                             |                 |                   |
|                                           |                      | A property survey showing, at a minimum:                                                                                                                                                                                    |                 |                   |
|                                           |                      | Property boundaries                                                                                                                                                                                                         |                 |                   |
|                                           |                      | The location and type of easements, covenants, or other property restrictions.                                                                                                                                              |                 |                   |
|                                           |                      | Location of existing rights-of-way and right-of-way centerlines.                                                                                                                                                            |                 |                   |
|                                           |                      | Location of all existing buildings, structures, and utilities, including water utilities.                                                                                                                                   |                 |                   |
|                                           |                      | Location of existing trees measured at four inch (4") caliper or greater.                                                                                                                                                   |                 |                   |
|                                           |                      | Location of any sensitive lands features as described in MKZ XX.XX.XX.                                                                                                                                                      |                 |                   |
| <b>Site Plan Requirements</b>             |                      |                                                                                                                                                                                                                             |                 |                   |
|                                           |                      | Location of proposed buildings                                                                                                                                                                                              |                 |                   |
|                                           |                      | Location of proposed off-street and on-street parking areas                                                                                                                                                                 |                 |                   |
|                                           |                      | Location of proposed open spaces                                                                                                                                                                                            |                 |                   |
|                                           |                      | A summary table showing floor area by use, required parking by use, materials percentages, percentages of doors and windows, minimum lot size requirements, residential amenities if required, and open space requirements. |                 |                   |

| CONDITIONAL USE PERMIT CHECKLIST                      |                      |                                                                                                |                 |                   |
|-------------------------------------------------------|----------------------|------------------------------------------------------------------------------------------------|-----------------|-------------------|
| Applicant Use                                         |                      | ITEM                                                                                           | Office Use Only |                   |
| Completed                                             | Application Page No. |                                                                                                | Completed       | Revision Required |
|                                                       |                      | Location, design, and cross-sections of proposed streets, driveways, lanes, or paths.          |                 |                   |
|                                                       |                      | Number, size, height, and location of all proposed signs.                                      |                 |                   |
|                                                       |                      | Location of existing and proposed fire hydrants.                                               |                 |                   |
|                                                       |                      | Landscape plan showing location and type of proposed plantings and trees to be preserved.      |                 |                   |
|                                                       |                      | Setbacks and buffers as required by the relevant zoning or landscaping standard.               |                 |                   |
|                                                       |                      | Lighting plan showing location and height of proposed street and interior property lighting.   |                 |                   |
|                                                       |                      | Location of any required right-of-way dedications, as measured from a right-of-way centerline. |                 |                   |
| <b>Building Floor Plan and Elevation Requirements</b> |                      |                                                                                                |                 |                   |
|                                                       |                      | Proposed building bulk and height.                                                             |                 |                   |
|                                                       |                      | Proposed building elevations, including building color and materials.                          |                 |                   |
|                                                       |                      | Proposed building floor plans.                                                                 |                 |                   |
| <b>Required Studies</b>                               |                      |                                                                                                |                 |                   |
|                                                       |                      | Geological Hazards Study, if required.                                                         |                 |                   |
|                                                       |                      | Parking and Traffic Impact Study, if required.                                                 |                 |                   |
|                                                       |                      | Photometric Study, if required.                                                                |                 |                   |

| SITE PLAN APPROVAL FOR PERMITTED USES CHECKLIST |                      |                                                                                                                                                                                                                             |                 |                   |
|-------------------------------------------------|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-------------------|
| Applicant Use                                   |                      | ITEM                                                                                                                                                                                                                        | Office Use Only |                   |
| Completed                                       | Application Page No. |                                                                                                                                                                                                                             | Completed       | Revision Required |
| <b>Summary and Narrative Requirements</b>       |                      |                                                                                                                                                                                                                             |                 |                   |
|                                                 |                      | Completed and Signed Millcreek Land Use Application                                                                                                                                                                         |                 |                   |
|                                                 |                      | Notarized Property Owner Affidavit                                                                                                                                                                                          |                 |                   |
|                                                 |                      | Application Fee                                                                                                                                                                                                             |                 |                   |
|                                                 |                      | Letter of Intent describing the proposed site plan.                                                                                                                                                                         |                 |                   |
|                                                 |                      | A completed Sensitive Lands Review Checklist, if required.                                                                                                                                                                  |                 |                   |
|                                                 |                      | any other relevant supporting documentation, maps, studies and any other information that would inform Staff to make a decision                                                                                             |                 |                   |
| <b>Property Survey Requirements</b>             |                      |                                                                                                                                                                                                                             |                 |                   |
|                                                 |                      | A property survey showing, at a minimum:                                                                                                                                                                                    |                 |                   |
|                                                 |                      | Property boundaries                                                                                                                                                                                                         |                 |                   |
|                                                 |                      | The location and type of easements, covenants, or other property restrictions.                                                                                                                                              |                 |                   |
|                                                 |                      | Location of existing rights-of-way and right-of-way centerlines.                                                                                                                                                            |                 |                   |
|                                                 |                      | Location of all existing buildings, structures, and utilities, including water utilities.                                                                                                                                   |                 |                   |
|                                                 |                      | Location of existing trees measured at four inch (4") caliper or greater.                                                                                                                                                   |                 |                   |
|                                                 |                      | Location of any sensitive lands features as described in MKZ XX.XX.XX.                                                                                                                                                      |                 |                   |
| <b>Site Plan Requirements</b>                   |                      |                                                                                                                                                                                                                             |                 |                   |
|                                                 |                      | Location of proposed buildings                                                                                                                                                                                              |                 |                   |
|                                                 |                      |                                                                                                                                                                                                                             |                 |                   |
|                                                 |                      | Location of proposed off-street and on-street parking areas                                                                                                                                                                 |                 |                   |
|                                                 |                      | Location of proposed open spaces                                                                                                                                                                                            |                 |                   |
|                                                 |                      | A summary table showing floor area by use, required parking by use, materials percentages, percentages of doors and windows, minimum lot size requirements, residential amenities if required, and open space requirements. |                 |                   |
|                                                 |                      | Location, design, and cross-sections of proposed streets, driveways, lanes, or paths.                                                                                                                                       |                 |                   |
|                                                 |                      | Number, size, height, and location of all proposed signs.                                                                                                                                                                   |                 |                   |
|                                                 |                      | Location of existing and proposed fire hydrants.                                                                                                                                                                            |                 |                   |
|                                                 |                      | Landscape plan showing location and type of proposed plantings and trees to be preserved.                                                                                                                                   |                 |                   |

| SITE PLAN APPROVAL FOR PERMITTED USES CHECKLIST                                                                                                                                                     |                      |                                                                                                                                                                                                                                                                                      |                 |                   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-------------------|
| Applicant Use                                                                                                                                                                                       |                      | ITEM                                                                                                                                                                                                                                                                                 | Office Use Only |                   |
| Completed                                                                                                                                                                                           | Application Page No. |                                                                                                                                                                                                                                                                                      | Completed       | Revision Required |
|                                                                                                                                                                                                     |                      | Setbacks and buffers as required by the relevant zoning or landscaping standard.                                                                                                                                                                                                     |                 |                   |
|                                                                                                                                                                                                     |                      | Lighting plan showing location and height of proposed street and interior property lighting.                                                                                                                                                                                         |                 |                   |
|                                                                                                                                                                                                     |                      | Location of any required right-of-way dedications, as measured from a right-of-way centerline.                                                                                                                                                                                       |                 |                   |
| <b>Building Floor Plan and Elevation Requirements</b>                                                                                                                                               |                      |                                                                                                                                                                                                                                                                                      |                 |                   |
|                                                                                                                                                                                                     |                      | Proposed building bulk and height.                                                                                                                                                                                                                                                   |                 |                   |
|                                                                                                                                                                                                     |                      | For buildings in an R-1 or R-2 zone, indicate the location of the building height envelope for the existing building and the proposed expansion.                                                                                                                                     |                 |                   |
|                                                                                                                                                                                                     |                      | Proposed building elevations, including building color and materials.                                                                                                                                                                                                                |                 |                   |
|                                                                                                                                                                                                     |                      | Proposed building floor plans.                                                                                                                                                                                                                                                       |                 |                   |
| <b>Additional Requirements for Requests for a Neighborhood Compatibility Modification</b>                                                                                                           |                      |                                                                                                                                                                                                                                                                                      |                 |                   |
| <i>Requests for Neighborhood Compatibility Modifications are limited to conforming residential dwellings in an R-1 and R-2 zone, and are subject to the standards as set forth in MKZ XX.XX.XX.</i> |                      |                                                                                                                                                                                                                                                                                      |                 |                   |
|                                                                                                                                                                                                     |                      | Describe in detail the land use code standard for which a neighborhood compatibility modification is sought. Neighborhood compatibility modifications are limited to building height, setbacks, and lot coverage modifications.                                                      |                 |                   |
|                                                                                                                                                                                                     |                      | Provide a survey completed by a surveyor licensed to practice in the State of Utah that describes the applicable characteristics (building height, setbacks, and lot coverage) of residential properties located within 200 feet radial distance from the subject property boundary. |                 |                   |
| <b>Required Studies</b>                                                                                                                                                                             |                      |                                                                                                                                                                                                                                                                                      |                 |                   |
|                                                                                                                                                                                                     |                      | Geological Hazards Study, if required.                                                                                                                                                                                                                                               |                 |                   |
|                                                                                                                                                                                                     |                      | Parking and Traffic Impact Study, if required.                                                                                                                                                                                                                                       |                 |                   |
|                                                                                                                                                                                                     |                      | Photometric Study, if required.                                                                                                                                                                                                                                                      |                 |                   |

| CHANGE OF USE PERMIT CHECKLIST            |                         |                                                                                                                                  |                 |                      |
|-------------------------------------------|-------------------------|----------------------------------------------------------------------------------------------------------------------------------|-----------------|----------------------|
| Applicant Use                             |                         | ITEM                                                                                                                             | Office Use Only |                      |
| Completed                                 | Application<br>Page No. |                                                                                                                                  | Completed       | Revision<br>Required |
| <b>Summary and Narrative Requirements</b> |                         |                                                                                                                                  |                 |                      |
|                                           |                         | Completed and Signed Millcreek Land Use Application                                                                              |                 |                      |
|                                           |                         | Notarized Property Owner Affidavit                                                                                               |                 |                      |
|                                           |                         | Application Fee                                                                                                                  |                 |                      |
|                                           |                         | Letter of Intent describing the proposed change of use.                                                                          |                 |                      |
|                                           |                         | any other relevant supporting documentation, maps, studies and any other information that would inform Staff to make a decision. |                 |                      |
| <b>Property Survey Requirements</b>       |                         |                                                                                                                                  |                 |                      |
|                                           |                         | A property survey showing, at a minimum:                                                                                         |                 |                      |
|                                           |                         | Property boundaries                                                                                                              |                 |                      |
|                                           |                         | The location and type of easements, covenants, or other property restrictions.                                                   |                 |                      |
|                                           |                         | Location of existing rights-of-way and right-of-way centerlines.                                                                 |                 |                      |
|                                           |                         | Location of all existing buildings, structures, and utilities, including water utilities.                                        |                 |                      |
| <b>Site Plan Requirements</b>             |                         |                                                                                                                                  |                 |                      |
|                                           |                         | Location of existing buildings and structures.                                                                                   |                 |                      |
|                                           |                         | Location of existing off-street and on-street parking areas, and the total number of parking spaces.                             |                 |                      |
|                                           |                         | A summary table showing floor area by proposed use, required parking by proposed use.                                            |                 |                      |
|                                           |                         | Location, design, and cross-sections of existing driveways, accesses, or paths.                                                  |                 |                      |
|                                           |                         | Number, size, height, and location of all proposed signs.                                                                        |                 |                      |
|                                           |                         | Location of existing fire hydrants.                                                                                              |                 |                      |
|                                           |                         | Location of any required right-of-way dedications, as measured from a right-of-way centerline.                                   |                 |                      |
| <b>Required Studies</b>                   |                         |                                                                                                                                  |                 |                      |
|                                           |                         | Geological Hazards Study, if required.                                                                                           |                 |                      |
|                                           |                         | Parking and Traffic Impact Study, if required.                                                                                   |                 |                      |
|                                           |                         | Photometric Study, if required.                                                                                                  |                 |                      |

| MINOR SITE PLAN AMENDMENT CHECKLIST       |                         |                                                                                                                                                                                                                             |                 |                      |
|-------------------------------------------|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|----------------------|
| Applicant Use                             |                         | ITEM                                                                                                                                                                                                                        | Office Use Only |                      |
| Completed                                 | Application<br>Page No. |                                                                                                                                                                                                                             | Completed       | Revision<br>Required |
| <b>Summary and Narrative Requirements</b> |                         |                                                                                                                                                                                                                             |                 |                      |
|                                           |                         | Completed and Signed Millcreek Land Use Application                                                                                                                                                                         |                 |                      |
|                                           |                         | Notarized Property Owner Affidavit                                                                                                                                                                                          |                 |                      |
|                                           |                         | Application Fee                                                                                                                                                                                                             |                 |                      |
|                                           |                         | Letter of Intent describing the proposed site plan.                                                                                                                                                                         |                 |                      |
|                                           |                         | A narrative describing how the proposed site plan meets the approval criteria for minor set plan amendments in MKZ 18.16.030 (D)(4).                                                                                        |                 |                      |
|                                           |                         | A completed Sensitive Lands Review Checklist, if required.                                                                                                                                                                  |                 |                      |
|                                           |                         | any other relevant supporting documentation, maps, studies and any other information that would inform Staff to make a decision.                                                                                            |                 |                      |
| <b>Property Survey Requirements</b>       |                         |                                                                                                                                                                                                                             |                 |                      |
|                                           |                         | A property survey showing, at a minimum:                                                                                                                                                                                    |                 |                      |
|                                           |                         | Property boundaries                                                                                                                                                                                                         |                 |                      |
|                                           |                         | The location and type of easements, covenants, or other property restrictions.                                                                                                                                              |                 |                      |
|                                           |                         | Location of existing rights-of-way and right-of-way centerlines.                                                                                                                                                            |                 |                      |
|                                           |                         | Location of all existing buildings, structures, and utilities, including water utilities.                                                                                                                                   |                 |                      |
|                                           |                         | Location of existing trees measured at four inch (4") caliper or greater.                                                                                                                                                   |                 |                      |
|                                           |                         | Location of any sensitive lands features as described in MKZ XX.XX.XX.                                                                                                                                                      |                 |                      |
| <b>Site Plan Requirements</b>             |                         |                                                                                                                                                                                                                             |                 |                      |
|                                           |                         | Location of proposed buildings or building additions.                                                                                                                                                                       |                 |                      |
|                                           |                         | Location of proposed off-street and on-street parking areas                                                                                                                                                                 |                 |                      |
|                                           |                         | Location of proposed open spaces or open space additions.                                                                                                                                                                   |                 |                      |
|                                           |                         | A summary table showing floor area by use, required parking by use, materials percentages, percentages of doors and windows, minimum lot size requirements, residential amenities if required, and open space requirements. |                 |                      |
|                                           |                         | Location, design, and cross-sections of proposed streets, driveways, lanes, or paths.                                                                                                                                       |                 |                      |
|                                           |                         | Number, size, height, and location of all proposed signs.                                                                                                                                                                   |                 |                      |
|                                           |                         | Location of existing and proposed fire hydrants.                                                                                                                                                                            |                 |                      |

| MINOR SITE PLAN AMENDMENT CHECKLIST                   |                      |                                                                                                                                                  |                 |                   |
|-------------------------------------------------------|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-------------------|
| Applicant Use                                         |                      | ITEM                                                                                                                                             | Office Use Only |                   |
| Completed                                             | Application Page No. |                                                                                                                                                  | Completed       | Revision Required |
|                                                       |                      | Landscape plan showing location and type of proposed plantings and trees to be preserved.                                                        |                 |                   |
|                                                       |                      | Setbacks and buffers as required by the relevant zoning or landscaping standard.                                                                 |                 |                   |
|                                                       |                      | Lighting plan showing location and height of proposed street and interior property lighting.                                                     |                 |                   |
|                                                       |                      | Location of any required right-of-way dedications, as measured from a right-of-way centerline.                                                   |                 |                   |
| <b>Building Floor Plan and Elevation Requirements</b> |                      |                                                                                                                                                  |                 |                   |
|                                                       |                      | Proposed building bulk and height.                                                                                                               |                 |                   |
|                                                       |                      | For buildings in an R-1 or R-2 zone, indicate the location of the building height envelope for the existing building and the proposed expansion. |                 |                   |
|                                                       |                      | Proposed building elevations, including building color and materials.                                                                            |                 |                   |
|                                                       |                      | Proposed building floor plans.                                                                                                                   |                 |                   |
| <b>Required Studies</b>                               |                      |                                                                                                                                                  |                 |                   |
|                                                       |                      | Geological Hazards Study, if required.                                                                                                           |                 |                   |
|                                                       |                      | Parking and Traffic Impact Study, if required.                                                                                                   |                 |                   |
|                                                       |                      | Photometric Study, if required.                                                                                                                  |                 |                   |

| REASONABLE ACCOMMODATION DETERMINATION FOR RESIDENTIAL FACILITIES FOR PERSONS WITH A DISABILITY CHECKLIST |                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                 |                   |
|-----------------------------------------------------------------------------------------------------------|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-------------------|
| Applicant Use                                                                                             |                      | ITEM                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Office Use Only |                   |
| Completed                                                                                                 | Application Page No. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Completed       | Revision Required |
| Summary and Narrative Requirements                                                                        |                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                 |                   |
|                                                                                                           |                      | Completed and Signed Millcreek Land Use Application                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                 |                   |
|                                                                                                           |                      | Notarized Property Owner Affidavit                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                 |                   |
|                                                                                                           |                      | Application Fee                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                 |                   |
|                                                                                                           |                      | A completed Site Plan Approval for Permitted Uses Checklist.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                 |                   |
|                                                                                                           |                      | Letter of Intent describing the proposed use and documenting the need for the proposed reasonable accommodation.                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                 |                   |
|                                                                                                           |                      | A statement describing how the request for a reasonable accommodation satisfies the approval criteria for reasonable accommodation determinations in MKZ 18.16.030 (E)(4).                                                                                                                                                                                                                                                                                                                                                                                                   |                 |                   |
|                                                                                                           |                      | A description of the specific regulation, policy, or procedure from which an accommodation is sought and/or for which deviation or waiver is requested.                                                                                                                                                                                                                                                                                                                                                                                                                      |                 |                   |
|                                                                                                           |                      | A document that provides a detailed explanation of why the requested accommodation is warranted under federal and/or state law, including a description how the person(s) is disabled under the Americans with Disabilities Act or the Fair Housing Act.                                                                                                                                                                                                                                                                                                                     |                 |                   |
|                                                                                                           |                      | An analysis with evidence, legal authorities, and other information showing that the accommodation is reasonable and necessary to afford the disabled person(s) an equal opportunity to use and enjoy the residential dwelling.                                                                                                                                                                                                                                                                                                                                              |                 |                   |
|                                                                                                           |                      | The number of residents and employees that will have vehicles at the property.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                 |                   |
|                                                                                                           |                      | A statement regarding whether the owner/operator of the Residential Facility For Persons With A Disability or applicant has other facilities for the disabled and, if so, a description and copy of any complaints from neighbors, incident reports from a local police department, or investigations, citations, notices of violations(s) or complaints received from any federal, state, or local agencies, etc. relating to licensure , parking, traffic, a direct threat to health or safety of other persons, or substantial physical damage to the property of others. |                 |                   |
|                                                                                                           |                      | An accurate description of the type of program(s), treatment(s), therapies, and/or services that will be provided to the residents of the Residential Facility For Persons With                                                                                                                                                                                                                                                                                                                                                                                              |                 |                   |

| REASONABLE ACCOMMODATION DETERMINATION FOR RESIDENTIAL FACILITIES FOR PERSONS WITH A DISABILITY CHECKLIST |                      |                                                                                                                                                                                                                                                   |                 |                   |
|-----------------------------------------------------------------------------------------------------------|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-------------------|
| Applicant Use                                                                                             |                      | ITEM                                                                                                                                                                                                                                              | Office Use Only |                   |
| Completed                                                                                                 | Application Page No. |                                                                                                                                                                                                                                                   | Completed       | Revision Required |
|                                                                                                           |                      | a Disability, and the clinical rationale for such program(s), treatment(s), therapies, and/or services.                                                                                                                                           |                 |                   |
|                                                                                                           |                      | The category of state licensure that the Residential Facility for Persons With a Disability will have.                                                                                                                                            |                 |                   |
|                                                                                                           |                      | An accurate summary and/or description of the admissions criteria and operational protocols for the Residential Facility for Persons With a Disability.                                                                                           |                 |                   |
|                                                                                                           |                      | any other relevant supporting documentation, maps, studies and any other information that would inform Staff to make a decision.                                                                                                                  |                 |                   |
| <b>Site Plan Requirements</b>                                                                             |                      |                                                                                                                                                                                                                                                   |                 |                   |
|                                                                                                           |                      | Number and location of off-street parking stalls where vehicles will be parked at the property.                                                                                                                                                   |                 |                   |
|                                                                                                           |                      | Area calculations and footprints of all buildings, structures, impervious surfaces, and open spaces on the property.                                                                                                                              |                 |                   |
| <b>Building Floor Plan Requirements</b>                                                                   |                      |                                                                                                                                                                                                                                                   |                 |                   |
|                                                                                                           |                      | Proposed building floor plans, showing area calculations and proposed number of occupants for all bedrooms, location and area calculations for all bedroom closets, and locations and details for all bathrooms and common areas in the building. |                 |                   |

| SIGN PERMIT CHECKLIST                     |                         |                                                                                                                                                                                  |                 |                      |
|-------------------------------------------|-------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|----------------------|
| Applicant Use                             |                         | ITEM                                                                                                                                                                             | Office Use Only |                      |
| Completed                                 | Application<br>Page No. |                                                                                                                                                                                  | Completed       | Revision<br>Required |
| <b>Summary and Narrative Requirements</b> |                         |                                                                                                                                                                                  |                 |                      |
|                                           |                         | Completed and Signed Millcreek Land Use Application                                                                                                                              |                 |                      |
|                                           |                         | Notarized Property Owner Affidavit                                                                                                                                               |                 |                      |
|                                           |                         | Application Fee                                                                                                                                                                  |                 |                      |
|                                           |                         | Letter of Intent describing the proposed sign or signs.                                                                                                                          |                 |                      |
|                                           |                         | any other relevant supporting documentation, maps, studies and any other information that would inform Staff to make a decision                                                  |                 |                      |
| <b>Property Survey Requirements</b>       |                         |                                                                                                                                                                                  |                 |                      |
|                                           |                         | A property survey showing, at a minimum:                                                                                                                                         |                 |                      |
|                                           |                         | Property boundaries                                                                                                                                                              |                 |                      |
|                                           |                         | The location and type of easements, covenants, or other property restrictions.                                                                                                   |                 |                      |
|                                           |                         | Location of existing rights-of-way and right-of-way centerlines.                                                                                                                 |                 |                      |
|                                           |                         | Location of all existing buildings, structures, and utilities, including water utilities.                                                                                        |                 |                      |
|                                           |                         | Location of existing trees measured at four inch (4") caliper or greater.                                                                                                        |                 |                      |
|                                           |                         | Location of any sensitive lands features as described in MKZ XX.XX.XX.                                                                                                           |                 |                      |
| <b>Site Plan Requirements</b>             |                         |                                                                                                                                                                                  |                 |                      |
|                                           |                         | Number, size, height, and location of all proposed signs. Indicate on the site plan which signs are proposed to be illuminated.                                                  |                 |                      |
|                                           |                         | A summary table showing the area and height of all signs by sign type.                                                                                                           |                 |                      |
|                                           |                         | Zoning and existing land use for the subject property and for all adjacent properties.                                                                                           |                 |                      |
|                                           |                         | Setbacks and buffers as required by the relevant zoning or landscaping standard.                                                                                                 |                 |                      |
|                                           |                         | Location of any existing pole or monument sign located within 100 feet of any proposed pole or monument sign, whether on the applicant's property or on other nearby properties. |                 |                      |
|                                           |                         | Location of all driveways or other property accesses, and location of clear vision areas as set forth in MKZ XX.XX.XX.                                                           |                 |                      |
| <b>Sign Elevation Requirements</b>        |                         |                                                                                                                                                                                  |                 |                      |
|                                           |                         | Elevations of each proposed sign, including color and materials of all components of the sign.                                                                                   |                 |                      |

| SIGN PERMIT CHECKLIST                         |                      |                                                                                                                                                                                                                                |                 |                   |
|-----------------------------------------------|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-------------------|
| Applicant Use                                 |                      | ITEM                                                                                                                                                                                                                           | Office Use Only |                   |
| Completed                                     | Application Page No. |                                                                                                                                                                                                                                | Completed       | Revision Required |
|                                               |                      | Indicate the area of each proposed sign.                                                                                                                                                                                       |                 |                   |
| <b>Illuminated Sign Requirements</b>          |                      |                                                                                                                                                                                                                                |                 |                   |
|                                               |                      | Provide a specification that verifies that, except for internally illuminated logos and text, all light sources used to illuminate signage shall have color temperature equal to or less than 4,000 degrees Kelvin (4,000°K).  |                 |                   |
|                                               |                      | Provide a sign illuminance study as set forth in MKZ XX.XX.XX.                                                                                                                                                                 |                 |                   |
| <b>Electronic Message Center Requirements</b> |                      |                                                                                                                                                                                                                                |                 |                   |
|                                               |                      | Provide an elevation of the sign showing the percentage of the sign that will be used as an electronic message center.                                                                                                         |                 |                   |
|                                               |                      | Provide a specification for a sensor or other programmable device that automatically determines the ambient illumination and must be programmed to automatically adjust the illuminance according to ambient light conditions. |                 |                   |
|                                               |                      | Provide a sign illuminance study as set forth in MKZ XX.XX.XX.                                                                                                                                                                 |                 |                   |
|                                               |                      | Applicant shall sign and notarize a Notice of Compliance and Acknowledgement of Sign Requirements on a form provided by Millcreek.                                                                                             |                 |                   |

| TEMPORARY USE PERMIT CHECKLIST            |                      |                                                                                                                                 |                 |                   |
|-------------------------------------------|----------------------|---------------------------------------------------------------------------------------------------------------------------------|-----------------|-------------------|
| Applicant Use                             |                      | ITEM                                                                                                                            | Office Use Only |                   |
| Completed                                 | Application Page No. |                                                                                                                                 | Completed       | Revision Required |
| <b>Summary and Narrative Requirements</b> |                      |                                                                                                                                 |                 |                   |
|                                           |                      | Completed and Signed Millcreek Land Use Application                                                                             |                 |                   |
|                                           |                      | Notarized Property Owner Affidavit                                                                                              |                 |                   |
|                                           |                      | Application Fee                                                                                                                 |                 |                   |
|                                           |                      | Letter of Intent describing the proposed temporary use.                                                                         |                 |                   |
|                                           |                      | any other relevant supporting documentation, maps, studies and any other information that would inform Staff to make a decision |                 |                   |
| <b>Site Plan Requirements</b>             |                      |                                                                                                                                 |                 |                   |
|                                           |                      | Location and area of proposed temporary structures or buildings associated with the temporary use.                              |                 |                   |
|                                           |                      | Location and number of parking spaces associated with the temporary use.                                                        |                 |                   |
|                                           |                      | Location and area of existing permanent buildings on the property, and associated parking.                                      |                 |                   |
|                                           |                      | Zoning and existing land use for the subject property and for all adjacent properties.                                          |                 |                   |
|                                           |                      | Setbacks as required by the relevant zoning or landscaping standard.                                                            |                 |                   |
|                                           |                      | Location, type, and area of any temporary signage associated with the temporary use.                                            |                 |                   |
|                                           |                      | Location of all driveways or other property accesses, and location of clear vision areas as set forth in MKZ XX.XX.XX.          |                 |                   |

| NONCONFORMITIES DETERMINATION CHECKLIST      |                      |                                                                                                                                              |                 |                   |
|----------------------------------------------|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-------------------|
| Applicant Use                                |                      | ITEM                                                                                                                                         | Office Use Only |                   |
| Completed                                    | Application Page No. |                                                                                                                                              | Completed       | Revision Required |
| <b>Summary and Narrative Requirements</b>    |                      |                                                                                                                                              |                 |                   |
|                                              |                      | Completed and Signed Millcreek Land Use Application                                                                                          |                 |                   |
|                                              |                      | Notarized Property Owner Affidavit                                                                                                           |                 |                   |
|                                              |                      | Application Fee                                                                                                                              |                 |                   |
|                                              |                      | Letter of Intent describing the request for a nonconformities determination.                                                                 |                 |                   |
|                                              |                      | any other relevant supporting documentation, photographs, maps, studies and any other information that would inform Staff to make a decision |                 |                   |
| <b>Evidence of Nonconformity</b>             |                      |                                                                                                                                              |                 |                   |
|                                              |                      | Submit evidence for the nonconforming status of the subject property. Evidence may include:                                                  |                 |                   |
|                                              |                      | Historical zoning maps clearly identifying the use and structure existed.                                                                    |                 |                   |
|                                              |                      | Previously issued building permits.                                                                                                          |                 |                   |
|                                              |                      | Documentation supporting a variance was granted or issued for the use or structure.                                                          |                 |                   |
|                                              |                      | Aerial imagery that clearly establishes use or structure existed                                                                             |                 |                   |
|                                              |                      | Court Orders or Judgements                                                                                                                   |                 |                   |
|                                              |                      | Affidavits from previous property owners attesting to the use/structure.                                                                     |                 |                   |
|                                              |                      | Evidence of utility connections                                                                                                              |                 |                   |
|                                              |                      | A building inspection that certifies that the building or structure was compliant with the codes in effect of the time it was built.         |                 |                   |
| <b>Site Plan and Floor Plan Requirements</b> |                      |                                                                                                                                              |                 |                   |
|                                              |                      | Indication of the area of the property and location of all property lines on the subject property.                                           |                 |                   |
|                                              |                      | Location of existing buildings and structures, if applicable.                                                                                |                 |                   |
|                                              |                      | Setbacks as measured from property lines.                                                                                                    |                 |                   |
|                                              |                      | Floor plans of existing buildings and structures, if applicable.                                                                             |                 |                   |

| EXPANSION OR ENLARGEMENT OF A NONCOMPLYING STRUCTURE CHECKLIST |                         |                                                                                                                                                                                                                                                                               |                 |                      |
|----------------------------------------------------------------|-------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|----------------------|
| Applicant Use                                                  |                         | ITEM                                                                                                                                                                                                                                                                          | Office Use Only |                      |
| Completed                                                      | Application<br>Page No. |                                                                                                                                                                                                                                                                               | Completed       | Revision<br>Required |
| <b>Summary and Narrative Requirements</b>                      |                         |                                                                                                                                                                                                                                                                               |                 |                      |
|                                                                |                         | Completed and Signed Millcreek Land Use Application                                                                                                                                                                                                                           |                 |                      |
|                                                                |                         | Notarized Property Owner Affidavit                                                                                                                                                                                                                                            |                 |                      |
|                                                                |                         | Application Fee                                                                                                                                                                                                                                                               |                 |                      |
|                                                                |                         | Letter of Intent describing the request for an expansion or enlargement of a noncomplying structure.                                                                                                                                                                          |                 |                      |
|                                                                |                         | A narrative describing how the proposal to expand or enlarge a noncomplying structure satisfies the approval criteria for expansions or enlargements of noncomplying structures in MKZ 18.61.050.                                                                             |                 |                      |
|                                                                |                         | An applicant may not apply for an expansion or enlargement of a noncomplying structure unless the application has obtained a nonconformities determination for the structure. Include a copy of a formal decision from Millcreek regarding the nonconformities determination. |                 |                      |
|                                                                |                         | A Summary of other Pre-Application Meetings, if required.                                                                                                                                                                                                                     |                 |                      |
|                                                                |                         | A completed Sensitive Lands Review Checklist, if required.                                                                                                                                                                                                                    |                 |                      |
|                                                                |                         | any other relevant supporting documentation, photographs, maps, studies and any other information that would inform Staff to make a decision                                                                                                                                  |                 |                      |
| <b>Property Survey Requirements</b>                            |                         |                                                                                                                                                                                                                                                                               |                 |                      |
|                                                                |                         | A property survey showing, at a minimum:                                                                                                                                                                                                                                      |                 |                      |
|                                                                |                         | Property boundaries                                                                                                                                                                                                                                                           |                 |                      |
|                                                                |                         | The elevation as measured from mean sea level of existing and proposed ground surface at all points along the existing and proposed building.                                                                                                                                 |                 |                      |
|                                                                |                         | The location and type of easements, covenants, or other property restrictions.                                                                                                                                                                                                |                 |                      |
|                                                                |                         | Location of existing rights-of-way and right-of-way centerlines.                                                                                                                                                                                                              |                 |                      |
|                                                                |                         | Location of all existing buildings, structures, and utilities, including water utilities.                                                                                                                                                                                     |                 |                      |
|                                                                |                         | Location of all existing buildings on adjacent properties.                                                                                                                                                                                                                    |                 |                      |
|                                                                |                         | Location of existing trees measured at four inch (4") caliper or greater.                                                                                                                                                                                                     |                 |                      |
|                                                                |                         | Location of any sensitive lands features as described in MKZ XX.XX.XX.                                                                                                                                                                                                        |                 |                      |
| <b>Site Plan Requirements</b>                                  |                         |                                                                                                                                                                                                                                                                               |                 |                      |

| EXPANSION OR ENLARGEMENT OF A NONCOMPLYING STRUCTURE CHECKLIST |                         |                                                                                                                                                                                                                             |                 |                      |
|----------------------------------------------------------------|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|----------------------|
| Applicant Use                                                  |                         | ITEM                                                                                                                                                                                                                        | Office Use Only |                      |
| Completed                                                      | Application<br>Page No. |                                                                                                                                                                                                                             | Completed       | Revision<br>Required |
|                                                                |                         | Location of proposed buildings or building additions.                                                                                                                                                                       |                 |                      |
|                                                                |                         | A summary table showing floor area by use, required parking by use, materials percentages, percentages of doors and windows, minimum lot size requirements, residential amenities if required, and open space requirements. |                 |                      |
|                                                                |                         | Location, design, and cross-sections of proposed streets, driveways, lanes, or paths.                                                                                                                                       |                 |                      |
|                                                                |                         | Landscape plan showing location and type of proposed plantings and trees to be preserved.                                                                                                                                   |                 |                      |
|                                                                |                         | Setbacks and buffers as required by the relevant zoning or landscaping standard.                                                                                                                                            |                 |                      |
|                                                                |                         | Location of any required right-of-way dedications, as measured from a right-of-way centerline.                                                                                                                              |                 |                      |
| <b>Building Floor Plan and Elevation Requirements</b>          |                         |                                                                                                                                                                                                                             |                 |                      |
|                                                                |                         | Proposed building bulk and height.                                                                                                                                                                                          |                 |                      |
|                                                                |                         | Proposed building elevations, including building color and materials.                                                                                                                                                       |                 |                      |
|                                                                |                         | For buildings in an R-1 or R-2 zone, indicate the location of the building height envelope for the existing building and the proposed expansion.                                                                            |                 |                      |
|                                                                |                         | Existing and proposed building floor plans.                                                                                                                                                                                 |                 |                      |
| <b>Required Studies</b>                                        |                         |                                                                                                                                                                                                                             |                 |                      |
|                                                                |                         | Geological Hazards Study, if required.                                                                                                                                                                                      |                 |                      |
|                                                                |                         | Parking and Traffic Impact Study, if required.                                                                                                                                                                              |                 |                      |
|                                                                |                         | Photometric Study, if required.                                                                                                                                                                                             |                 |                      |

| VARIANCE CHECKLIST                        |                      |                                                                                                                                                                                                                             |                 |                   |
|-------------------------------------------|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-------------------|
| Applicant Use                             |                      | ITEM                                                                                                                                                                                                                        | Office Use Only |                   |
| Completed                                 | Application Page No. |                                                                                                                                                                                                                             | Completed       | Revision Required |
| <b>Summary and Narrative Requirements</b> |                      |                                                                                                                                                                                                                             |                 |                   |
|                                           |                      | Completed and Signed Millcreek Land Use Application                                                                                                                                                                         |                 |                   |
|                                           |                      | Notarized Property Owner Affidavit                                                                                                                                                                                          |                 |                   |
|                                           |                      | Application Fee                                                                                                                                                                                                             |                 |                   |
|                                           |                      | Letter of Intent describing the request for an expansion or enlargement of a noncomplying structure.                                                                                                                        |                 |                   |
|                                           |                      | A description of the specific land use ordinance from which a variance is requested.                                                                                                                                        |                 |                   |
|                                           |                      | A narrative describing how the request for a variance satisfies the approval criteria for variances as set forth in MKZ 18.05.020.                                                                                          |                 |                   |
|                                           |                      | A Summary of other Pre-Application Meetings, if required.                                                                                                                                                                   |                 |                   |
|                                           |                      | A completed Sensitive Lands Review Checklist, if required.                                                                                                                                                                  |                 |                   |
|                                           |                      | any other relevant supporting documentation, photographs, maps, studies and any other information that would inform Staff to make a decision                                                                                |                 |                   |
| <b>Property Survey Requirements</b>       |                      |                                                                                                                                                                                                                             |                 |                   |
|                                           |                      | A property survey showing, at a minimum:                                                                                                                                                                                    |                 |                   |
|                                           |                      | Property boundaries                                                                                                                                                                                                         |                 |                   |
|                                           |                      | The elevation as measured from mean sea level of existing and proposed ground surface at all points along the existing and proposed building.                                                                               |                 |                   |
|                                           |                      | The location and type of easements, covenants, or other property restrictions.                                                                                                                                              |                 |                   |
|                                           |                      | Location of existing rights-of-way and right-of-way centerlines.                                                                                                                                                            |                 |                   |
|                                           |                      | Location of all existing buildings, structures, and utilities, including water utilities.                                                                                                                                   |                 |                   |
|                                           |                      | Location of all existing buildings on adjacent properties.                                                                                                                                                                  |                 |                   |
|                                           |                      | Location of existing trees measured at four inch (4") caliper or greater.                                                                                                                                                   |                 |                   |
|                                           |                      | Location of any sensitive lands features as described in MKZ XX.XX.XX.                                                                                                                                                      |                 |                   |
| <b>Site Plan Requirements</b>             |                      |                                                                                                                                                                                                                             |                 |                   |
|                                           |                      | Location of proposed buildings or building additions.                                                                                                                                                                       |                 |                   |
|                                           |                      | A summary table showing floor area by use, required parking by use, materials percentages, percentages of doors and windows, minimum lot size requirements, residential amenities if required, and open space requirements. |                 |                   |

| VARIANCE CHECKLIST                                    |                      |                                                                                                                                                  |                 |                   |
|-------------------------------------------------------|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-------------------|
| Applicant Use                                         |                      | ITEM                                                                                                                                             | Office Use Only |                   |
| Completed                                             | Application Page No. |                                                                                                                                                  | Completed       | Revision Required |
|                                                       |                      | Location, design, and cross-sections of proposed streets, driveways, lanes, or paths.                                                            |                 |                   |
|                                                       |                      | Landscape plan showing location and type of proposed plantings and trees to be preserved.                                                        |                 |                   |
|                                                       |                      | Setbacks and buffers as required by the relevant zoning or landscaping standard.                                                                 |                 |                   |
|                                                       |                      | Location of any required right-of-way dedications, as measured from a right-of-way centerline.                                                   |                 |                   |
| <b>Building Floor Plan and Elevation Requirements</b> |                      |                                                                                                                                                  |                 |                   |
|                                                       |                      | Proposed building bulk and height.                                                                                                               |                 |                   |
|                                                       |                      | Proposed building elevations, including building color and materials.                                                                            |                 |                   |
|                                                       |                      | For buildings in an R-1 or R-2 zone, indicate the location of the building height envelope for the existing building and the proposed expansion. |                 |                   |
|                                                       |                      | Existing and proposed building floor plans.                                                                                                      |                 |                   |
| <b>Required Studies</b>                               |                      |                                                                                                                                                  |                 |                   |
|                                                       |                      | Geological Hazards Study, if required.                                                                                                           |                 |                   |
|                                                       |                      | Parking and Traffic Impact Study, if required.                                                                                                   |                 |                   |
|                                                       |                      | Photometric Study, if required.                                                                                                                  |                 |                   |

**MILLCREEK, UTAH**  
**ORDINANCE NO. 24-37**

**AN ORDINANCE OF MILLCREEK AMENDING MILLCREEK CODE OF  
ORDINANCES SECTION 2.24.060 REGARDING THE CONSOLIDATED FEE  
SCHEDULE**

**WHEREAS**, the Millcreek Council (“*Council*”) met in a regular session on July 22, 2024, to consider, among other things amending Millcreek Code of Ordinances section 2.24.060 regarding the consolidated fee schedule; and

**WHEREAS**, staff has analyzed the current fee schedule and recommends that the consolidated fee schedule be amended; and

**WHEREAS**, after careful consideration, the Council has determined that it is in the best interests of the health, safety and welfare of the inhabitants of the City to amend the consolidated fee schedule.

**NOW, THEREFORE, BE IT ORDAINED** by the Council that the consolidated fee schedule be amended as attached (designated by interlineating the words to be deleted and underlining the words to be added).

This Ordinance assigned Ordinance No. 24-37, shall take effect as soon as it shall be published or posted as required by law, deposited, and recorded in the office of the City Recorder, and accepted as required herein.

**PASSED AND APPROVED** this 22<sup>nd</sup> day of July, 2024.

**MILLCREEK**

\_\_\_\_\_

\_\_\_\_\_  
**Jeff Silvestrini, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Elyse Sullivan, City Recorder**

Roll Call Vote:

|             |     |    |
|-------------|-----|----|
| Silvestrini | Yes | No |
| Catten      | Yes | No |
| DeSirant    | Yes | No |
| Jackson     | Yes | No |
| Uipi        | Yes | No |

## CERTIFICATE OF POSTING

I, the duly appointed recorder for Millcreek, hereby certify that:

ORDINANCE 24-37: AN ORDINANCE OF MILLCREEK AMENDING MILLCREEK CODE  
OF ORDINANCES SECTION 2.24.060 REGARDING THE CONSOLIDATED FEE  
SCHEDULE

was adopted the 22<sup>nd</sup> day of July, 2024 and that a copy of the foregoing Ordinance 24-37 was  
posted in accordance with Utah Code 10-3-711 this \_\_\_\_ day of July, 2024.

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Elyse Sullivan, City Recorder



# MILLCREEK

## FY25 CONSOLIDATED FEE SCHEDULE

| ITEM                                                                                                                                                                                                                                        | DESCRIPTION                                                                                                                                                       | CODE                   | FEE                                                                                                                      | ADOPTION/<br>AMENDED DATE |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|--------------------------------------------------------------------------------------------------------------------------|---------------------------|
| <b>BUILDING PERMIT FEES</b>                                                                                                                                                                                                                 |                                                                                                                                                                   |                        |                                                                                                                          |                           |
| All valuations are calculated using the current International Code Council (ICC) Building Valuation Data, except under certain circumstances, which are calculated by project cost.<br><a href="#">*Current ICC Building Valuation Data</a> |                                                                                                                                                                   |                        |                                                                                                                          |                           |
| <b>Permit Types</b>                                                                                                                                                                                                                         |                                                                                                                                                                   |                        |                                                                                                                          |                           |
| 1                                                                                                                                                                                                                                           | Building Permit                                                                                                                                                   | 15-08-030              | *Based on current ICC Valuation Table                                                                                    | unknown                   |
| 2                                                                                                                                                                                                                                           | Demolition Permit                                                                                                                                                 | 15-08-030              | *Based on current ICC Valuation Table                                                                                    | unknown                   |
| 3                                                                                                                                                                                                                                           | Mechanical, Electrical, Plumbing Permits (Circuit, Electrical Service Charge, Power to Panel, Temporary Panel, Furnace/AC, Ductwork, Water Heater, Re-Pipe, etc.) | 15-16-020              | \$70.00                                                                                                                  | 5/28/2019                 |
| 4                                                                                                                                                                                                                                           | Mechanical, Electrical, Plumbing Permits - Additional Appliances, Fixtures, etc.                                                                                  | 15-16-020              | \$20.00/additional item                                                                                                  | 5/28/2019                 |
| 5                                                                                                                                                                                                                                           | Grading Permit                                                                                                                                                    | 15-08-030              | *Based on current ICC Valuation Table                                                                                    | unknown                   |
| 6                                                                                                                                                                                                                                           | Retaining Wall Permit                                                                                                                                             | 15-08-030              | *Based on current ICC Valuation Table                                                                                    | unknown                   |
| 7                                                                                                                                                                                                                                           | Manufactured Home Permit                                                                                                                                          | 15-08-030              | \$200.00                                                                                                                 | unknown                   |
| <b>Solar Permits</b>                                                                                                                                                                                                                        |                                                                                                                                                                   |                        |                                                                                                                          |                           |
| 8                                                                                                                                                                                                                                           | Base Solar Permit (Charged with KWA Fee)                                                                                                                          | 15-08-030              | \$70.00                                                                                                                  | unknown                   |
| 9                                                                                                                                                                                                                                           | KWA (In addition to Base Solar Permit)                                                                                                                            | 15-08-030              | \$30.00                                                                                                                  | unknown                   |
| 10                                                                                                                                                                                                                                          | Plan Review Fee (Solar)                                                                                                                                           | 15-08-030              | \$100.00                                                                                                                 | unknown                   |
| <b>Re-Roof Permits</b>                                                                                                                                                                                                                      |                                                                                                                                                                   |                        |                                                                                                                          |                           |
| 11                                                                                                                                                                                                                                          | Re-roof (Residential)                                                                                                                                             | 15-08-030              | \$70.00                                                                                                                  | unknown                   |
|                                                                                                                                                                                                                                             | Re-roof (Commercial) based on valuation below:                                                                                                                    |                        |                                                                                                                          |                           |
| 12                                                                                                                                                                                                                                          | \$1-\$9,999                                                                                                                                                       | 15-08-030              | \$150.00                                                                                                                 | unknown                   |
| 13                                                                                                                                                                                                                                          | \$10,000-\$49,999                                                                                                                                                 | 15-08-030              | \$300.00                                                                                                                 | unknown                   |
| 14                                                                                                                                                                                                                                          | \$50,000-and up                                                                                                                                                   | 15-08-030              | \$500.00                                                                                                                 | unknown                   |
| <b>Window and Door (Replacement only with no other work) Permits</b>                                                                                                                                                                        |                                                                                                                                                                   |                        |                                                                                                                          |                           |
| 15                                                                                                                                                                                                                                          | Window and Door (Residential)                                                                                                                                     | 15-08-030              | \$70.00                                                                                                                  | unknown                   |
| 16                                                                                                                                                                                                                                          | Window and Door (Commercial)                                                                                                                                      | 15-08-030              | *Based on current ICC Valuation Table                                                                                    | unknown                   |
| <b>Plan Review Fees</b>                                                                                                                                                                                                                     |                                                                                                                                                                   |                        |                                                                                                                          |                           |
| 17                                                                                                                                                                                                                                          | Plan Review Fee (Hourly)                                                                                                                                          | 15-08-030              | \$120/hour                                                                                                               | unknown                   |
| 18                                                                                                                                                                                                                                          | Plan Review Fee (Card File)                                                                                                                                       | 15-08-030              | \$100.00                                                                                                                 | unknown                   |
| 19                                                                                                                                                                                                                                          | Plan Review Fee (Residential)                                                                                                                                     | 15-08-030              | 40% of Building Permit Fee                                                                                               | unknown                   |
| 20                                                                                                                                                                                                                                          | Plan Review Fee (Commercial)                                                                                                                                      | 15-08-030              | 65% of Building Permit Fee                                                                                               | unknown                   |
| 21                                                                                                                                                                                                                                          | Plan Review Fee (Foothills/Canyons Overlay Zone (FCOZ))                                                                                                           | 15-08-030              | 65% of Building Permit Fee                                                                                               | unknown                   |
| 22                                                                                                                                                                                                                                          | Substantial Improvement/Substantial Damage Determination                                                                                                          | 15-08-040              | \$120.00                                                                                                                 | 6/12/2023                 |
| <b>Inspection Fees</b>                                                                                                                                                                                                                      |                                                                                                                                                                   |                        |                                                                                                                          |                           |
| 23                                                                                                                                                                                                                                          | Re-inspection                                                                                                                                                     | 15-08-040              | \$75.00                                                                                                                  | 5/28/2019                 |
| 24                                                                                                                                                                                                                                          | Overtime/After Hour/Same Day Requests                                                                                                                             | 15-08-040              | \$120/hour                                                                                                               | 5/28/2019                 |
| <b>Administrative Fees</b>                                                                                                                                                                                                                  |                                                                                                                                                                   |                        |                                                                                                                          |                           |
| 25                                                                                                                                                                                                                                          | Canceled Building Permit Fee                                                                                                                                      | 15-08-040              | 25% of Building Permit Fee                                                                                               | 5/28/2019                 |
| 26                                                                                                                                                                                                                                          | Building without Permit Penalty                                                                                                                                   | 15-08-040              | 100% of Building Permit Fee                                                                                              | 5/28/2019                 |
| 27                                                                                                                                                                                                                                          | Permit Re-instatement Fee                                                                                                                                         | 15-08-040              | 1/2 of BLDG Permit Fee or \$200, whichever is less                                                                       | 5/28/2019                 |
| 28                                                                                                                                                                                                                                          | Board of Appeals Hearing                                                                                                                                          | 15-08-040              | \$300.00                                                                                                                 | 11/12/2023                |
| <b>State Surcharge</b>                                                                                                                                                                                                                      |                                                                                                                                                                   |                        |                                                                                                                          |                           |
| 29                                                                                                                                                                                                                                          | Applicable State Surcharge on all permits                                                                                                                         | 15-08-040              | 1% of Building Fees                                                                                                      | 5/28/2019                 |
| <b>BUILDING PERMIT AND INSPECTION FEES VALUATION TABLE</b>                                                                                                                                                                                  |                                                                                                                                                                   |                        |                                                                                                                          |                           |
| <b>Value of Project</b>                                                                                                                                                                                                                     |                                                                                                                                                                   | <b>Bldg Permit Fee</b> |                                                                                                                          |                           |
| 30                                                                                                                                                                                                                                          | Less Than \$2,000                                                                                                                                                 | 15-08-030              | \$76.50                                                                                                                  | unknown                   |
| 31                                                                                                                                                                                                                                          | \$2,001 to \$25,000                                                                                                                                               | 15-08-030              | \$76.50 for the first \$2,000<br>+ \$16.50 for each additional \$1,000 or fraction thereof, up to and including \$25,000 | unknown                   |

| ITEM                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | DESCRIPTION                                                                           | CODE      | FEE                                                                                                                          | ADDITIONAL<br>APPROVED DATE |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|-----------|------------------------------------------------------------------------------------------------------------------------------|-----------------------------|
| 32                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | \$25,001 to \$50,000                                                                  | 15-08-030 | \$456 for the first \$25,000<br>+ \$12 for each additional \$1,000 or fraction thereof, up to and including \$50,000         | unknown                     |
| 33                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | \$50,001 to \$100,000                                                                 | 15-08-030 | \$765 for the first \$50,000<br>+ \$8.50 for each additional \$1,000 or fraction thereof, up to and including \$100,000      | unknown                     |
| 34                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | \$100,001 to \$500,000                                                                | 15-08-030 | \$1,181 for the first \$100,000<br>+ \$6.50 for each additional \$1,000 or fraction thereof, up to and including \$500,000   | unknown                     |
| 35                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | \$500,001 to \$1,000,000                                                              | 15-08-030 | \$3,781 for the first \$500,000<br>+ \$5.50 for each additional \$1,000 or fraction thereof, up to and including \$1,000,000 | unknown                     |
| 36                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Over \$1,000,001                                                                      | 15-08-030 | \$6,531 for the first \$1,000,000<br>+ \$4.50 for each additional \$1,000 or fraction thereof                                | unknown                     |
| <b>BUSINESS LICENSE FEES</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                       |           |                                                                                                                              |                             |
| <b>Annual Business Licensing Fees (new business license or annual renewals)</b>                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                       |           |                                                                                                                              |                             |
| 37                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Home Business                                                                         | 5-08-080  | \$55.00                                                                                                                      | unknown                     |
| 38                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Home Based Daycare                                                                    | 5-08-080  | \$145.00                                                                                                                     | unknown                     |
| 39                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Group Homes                                                                           | 5-08-080  | \$145.00                                                                                                                     | unknown                     |
| 40                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Booth Rental                                                                          | 5-08-080  | \$55.00                                                                                                                      | unknown                     |
| 41                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Short-Term Rental                                                                     | 5-19-060  | \$145.00                                                                                                                     | 8/10/2020                   |
| 42                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Seasonal License                                                                      | 5-08-080  | \$200.00                                                                                                                     | unknown                     |
| 43                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Temporary License                                                                     | 5-08-080  | \$115.00                                                                                                                     | unknown                     |
| 44                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Large Scale Event Temporary License                                                   | 5-08-080  | \$125.00                                                                                                                     | unknown                     |
| 45                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Solicitor ID                                                                          | 5-17-060  | \$65.00                                                                                                                      | unknown                     |
| 46                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Penalty Fee for Renewal Fees Outstanding After 30 Days of Original Notice Date        | 5-08-080  | 25% of Renewal Fee                                                                                                           | unknown                     |
| 47                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Penalty Fee for Renewal Fees Outstanding After 60 Days of Original Notice Date        | 5-08-080  | 100% of Renewal Fee                                                                                                          | unknown                     |
| <b>Disproportionate License Fees - In addition to a \$145 base licensing fee, the City Council has determined that a disproportionate level of municipal services are provided to certain businesses within the City in comparison with those level of services provided to other businesses and residents within the City, based on the disproportionate use of police services. The following businesses are subject to the associated fees related to the disproportionate cost of police services.</b> |                                                                                       |           |                                                                                                                              |                             |
| 48                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Business License - Annual Base Fee (applicable disproportionate fee shown separately) | 5-08-040  | \$145.00                                                                                                                     | 6/22/2020                   |
| 49                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Annual Disproportionate Fees (in addition to the \$145 Base License Fee):             |           |                                                                                                                              |                             |
| 50                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Assisted Living                                                                       | 5-08-040  | \$10/bed                                                                                                                     | 6/22/2020                   |
| 51                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Automotive Dealers - if < 1 Acre                                                      | 5-08-040  | \$344.00                                                                                                                     | 6/22/2020                   |
| 52                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Automotive Dealers - if > 1 Acre                                                      | 5-08-040  | \$400.00                                                                                                                     | 6/22/2020                   |
| 53                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Automotive and Transportation Services                                                | 5-08-040  | \$344.00                                                                                                                     | 6/22/2020                   |
| 54                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Bank/Finance                                                                          | 5-08-040  | \$825.00                                                                                                                     | 6/22/2020                   |
| 55                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Business and Professional Services                                                    | 5-08-040  | \$178.00                                                                                                                     | 6/22/2020                   |
| 56                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Contracted Services - Construction, Landscaping, etc.                                 | 5-08-040  | \$172.00                                                                                                                     | 6/22/2020                   |
| 57                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Convenience Store                                                                     | 5-08-040  | \$1,970.00                                                                                                                   | 6/22/2020                   |
| 58                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Day Care                                                                              | 5-08-040  | \$272.00                                                                                                                     | 6/22/2020                   |
| 59                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Education and Clubs                                                                   | 5-08-040  | \$230.00                                                                                                                     | 6/22/2020                   |
| 60                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Entertainment                                                                         | 5-08-040  | \$185.00                                                                                                                     | 6/22/2020                   |
| 61                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Grocery Stores                                                                        | 5-08-040  | \$1,543.00                                                                                                                   | 6/22/2020                   |
| 62                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Legal Services                                                                        | 5-08-040  | \$178.00                                                                                                                     | 6/22/2020                   |
| 63                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Movie Theaters                                                                        | 5-08-040  | \$1,900.00                                                                                                                   | 6/22/2020                   |
| 64                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Gyms                                                                                  | 5-08-040  | \$205.00                                                                                                                     | 6/22/2020                   |
| 65                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Industrial, Manufacturing, and Wholesale                                              | 5-08-040  | \$230.00                                                                                                                     | 6/22/2020                   |
| 66                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Lodging                                                                               | 5-08-040  | \$1,000.00                                                                                                                   | 6/22/2020                   |
| 67                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Massage                                                                               | 5-08-040  | \$130.00                                                                                                                     | 6/22/2020                   |
| 68                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Medical Center                                                                        | 5-08-040  | \$2,294.00                                                                                                                   | 6/22/2020                   |
| 69                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Medical Professional                                                                  | 5-08-040  | \$130.00                                                                                                                     | 6/22/2020                   |
| 70                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Personal and Home Services                                                            | 5-08-040  | \$130.00                                                                                                                     | 6/22/2020                   |
| 71                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Restaurant w/ Alcohol                                                                 | 5-08-040  | \$275.00                                                                                                                     | 6/22/2020                   |
| 72                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Fast Food and Take-Out                                                                | 5-08-040  | \$275.00                                                                                                                     | 6/22/2020                   |
| 73                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Restaurants and Food (no Alcohol)                                                     | 5-08-040  | \$240.00                                                                                                                     | 6/22/2020                   |

| ITEM                                                                                                     | DESCRIPTION                                                                                                                       | CODE         | FEE                                         | ACCOMPLISHMENT DATE |
|----------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|--------------|---------------------------------------------|---------------------|
| 74                                                                                                       | Retail - if < 5,000 sq. ft.                                                                                                       | 5-08-040     | \$142.00                                    | 6/22/2020           |
| 75                                                                                                       | Retail - between 5,001-25,000 sq. ft.                                                                                             | 5-08-040     | \$446.00                                    | 6/22/2020           |
| 76                                                                                                       | Retail - if > 25,001 sq. ft.                                                                                                      | 5-08-040     | \$1,579.00                                  | 6/22/2020           |
| 77                                                                                                       | Storage Units                                                                                                                     | 5-08-040     | \$150.00                                    | 6/22/2020           |
| 78                                                                                                       | Sexually Oriented Business                                                                                                        | 5-08-040     | \$1,970.00                                  | 6/22/2020           |
| 79                                                                                                       | Outcall Service Businesses                                                                                                        | 5-08-040     | \$250.00                                    | 6/22/2020           |
| <b>Long Term Rental Fees - include an annual fee and a disproportionate fee based on number of units</b> |                                                                                                                                   |              |                                             |                     |
| 80                                                                                                       | Long-Term Rentals - Annual Base Fee                                                                                               | 5-08-040     | \$40.00                                     | 6/22/2020           |
| 81                                                                                                       | Annual Disproportionate Fees (in addition to the \$40 Base License Fee)                                                           | 5-08-040     | \$20/unit                                   | 6/22/2020           |
| <b>Alcohol Related Licensing Fees (new alcohol license or annual renewal)</b>                            |                                                                                                                                   |              |                                             |                     |
| 82                                                                                                       | Single Event                                                                                                                      | 6-10-110     | \$110.00                                    | 5/28/2019           |
| 83                                                                                                       | Off-premise Beer Retailer                                                                                                         | 6-10-110     | \$60.00                                     | 5/28/2019           |
| 84                                                                                                       | Beer-Only Restaurant                                                                                                              | 6-10-110     | \$60.00                                     | 5/28/2019           |
| 85                                                                                                       | On-Premise Beer Tavern                                                                                                            | 6-10-110     | \$60.00                                     | 5/28/2019           |
| 86                                                                                                       | Resort                                                                                                                            | 6-10-110     | \$60.00                                     | 5/28/2019           |
| 87                                                                                                       | Wholesale Beer                                                                                                                    | 6-10-110     | \$60.00                                     | 5/28/2019           |
| 88                                                                                                       | Restaurant Liquor                                                                                                                 | 6-10-110     | \$60.00                                     | 5/28/2019           |
| 89                                                                                                       | Manufacturing                                                                                                                     | 6-10-110     | \$155.00                                    | 5/28/2019           |
| 90                                                                                                       | Recreational On-Premise Beer Retailer                                                                                             | 6-10-110     | \$60.00                                     | 5/28/2019           |
| 91                                                                                                       | Limited Restaurant Liquor                                                                                                         | 6-10-110     | \$60.00                                     | 5/28/2019           |
| 92                                                                                                       | Club Liquor                                                                                                                       | 6-10-110     | \$60.00                                     | 5/28/2019           |
| 93                                                                                                       | Reception Center                                                                                                                  | 6-10-110     | \$60.00                                     | 5/28/2019           |
| 94                                                                                                       | Temporary Beer Event                                                                                                              | 6-10-110     | \$100.00                                    | 5/28/2019           |
| <b>CODE ENFORCEMENT FINES AND FORFEITURES</b>                                                            |                                                                                                                                   |              |                                             |                     |
| 95                                                                                                       | Civil Penalty - From 11 to 30 Days                                                                                                | 1-18-230     | \$100/day out of compliance                 | 4/24/2022           |
| 96                                                                                                       | Civil Penalty - After 30 Days                                                                                                     | 1-18-230     | \$200/day out of compliance                 | 4/24/2022           |
| 97                                                                                                       | Abatement                                                                                                                         | 1-18-265     | Actual Cost                                 | 8/13/2018           |
| 98                                                                                                       | Code Enforcement Re-inspection                                                                                                    | 1-18-185     | \$75/re-inspection                          | 5/28/2019           |
| <b>PUBLIC WORKS FEES</b>                                                                                 |                                                                                                                                   |              |                                             |                     |
| <b>Administrative Fees - Public Works (PW)</b>                                                           |                                                                                                                                   |              |                                             |                     |
| 99                                                                                                       | 50/50 Curb, Gutter, Sidewalk (CGS) Program Application Fee                                                                        | 14-12-027    | No fee                                      | 8/7/2017            |
| 100                                                                                                      | Incomplete PW Application / Non-compliance                                                                                        | 14-16-030    | \$50.00                                     | 5/28/2019           |
| 101                                                                                                      | Penalty for working without a permit in the Public Right of Way (in addition to permit fee)                                       | 14-16-035    | 100% of permit                              | 9/14/2020           |
| 102                                                                                                      | Excavation Permit Administrative Fee                                                                                              | 14-16-040    | \$50.00                                     | 9/14/2020           |
| <b>Right of Way Improvement Fees [3.48.010]</b>                                                          |                                                                                                                                   |              |                                             |                     |
| <b>Right of Way Excavation / Encroachment Permits</b>                                                    |                                                                                                                                   |              |                                             |                     |
| 103                                                                                                      | Dumpster / Moving Pod (up to 7 days)                                                                                              | 14.16.040    | no charge                                   | 7/25/2023           |
| 104                                                                                                      | Penalty for Dumpster / Moving Pod (greater than 7 days)                                                                           | 14.16.040    | \$50/day                                    | 7/25/2023           |
| 105                                                                                                      | Paved Surfaces (all hard surfaces)                                                                                                | 14-36-010    | \$250 min + \$0.50/sq. ft. over 500 sq. ft. | unknown             |
| 106                                                                                                      | Unpaved Surfaces (grass, dirt, gravel, etc.)                                                                                      | 14-36-010    | \$125 min + \$0.25/sq. ft. over 500 sq. ft. | unknown             |
| 107                                                                                                      | Permit Extensions for excavations and encroachments                                                                               | 14-16-040(a) | 1/2 of original fee                         | 9/14/2020           |
| 108                                                                                                      | Sidewalk Closure Fee (after 72 hour grace period; includes emergency repairs)                                                     | 14-16-040    | \$25/day for full or partial closure        | 5/13/2024           |
| 109                                                                                                      | Traffic Control or Obstructions on local roads (remaining after 72-hr grace period)                                               | 14-16-040    | \$50/day for full or partial lane           | 9/14/2020           |
| 110                                                                                                      | Traffic Control or Obstructions on arterial and collector roads (daily fee / lane or partial lane, which is closed or obstructed) | 14-16-040    | \$50/day for each lane or partial lane      | 9/14/2020           |
| 111                                                                                                      | Traffic Control or Obstructions for emergency repairs on any road (remaining after 72-hr grace period)                            | 14-16-040(b) | \$50/day for each lane or partial lane      | 9/14/2020           |
| 112                                                                                                      | Road Closure Fee                                                                                                                  | 14-16-040    | \$250/day                                   | 6/13/2023           |
| <b>DEVELOPMENT FEES</b>                                                                                  |                                                                                                                                   |              |                                             |                     |
| <b>Bond Fees</b>                                                                                         |                                                                                                                                   |              |                                             |                     |
| <b>Administrative Fees - Engineering Bond</b>                                                            |                                                                                                                                   |              |                                             |                     |
| 113                                                                                                      | Bond Administration Fee                                                                                                           | 3-56-060     | \$100.00                                    | 5/28/2019           |
| 114                                                                                                      | Bond Forfeiture [see Bond Agreement]                                                                                              | 3-56-060     | up to 100% of bond amount                   | 5/28/2019           |
| 115                                                                                                      | Partial Release Inspection (min of \$100,000 release with min of \$100,000 remaining)                                             | 3-56-070     | \$100.00                                    | 5/28/2019           |
| 116                                                                                                      | Bond Re-inspection Fee                                                                                                            | 3-56-080     | \$100/re-inspection                         | 5/28/2019           |
| <b>Administrative Fees - Landscape Bond</b>                                                              |                                                                                                                                   |              |                                             |                     |
| 117                                                                                                      | Bond Administration Fee                                                                                                           | 3-56-060     | \$100.00                                    | 5/28/2019           |
| 118                                                                                                      | Bond Forfeiture [see Bond Agreement]                                                                                              | 3-56-060     | up to 100% of bond amount                   | 5/28/2019           |
| 119                                                                                                      | Partial Release Inspection (min of \$100,000 release with min of \$100,000 remaining)                                             | 3-56-070     | \$100.00                                    | 5/28/2019           |

| ITEM                                                                                                                                                                                                                                                           | DESCRIPTION                                                                                                                                                                                                                          | CODE                  | FEE                                        | ACCOMPLISH<br>APPROVED DATE |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|--------------------------------------------|-----------------------------|
| 120                                                                                                                                                                                                                                                            | Bond Re-inspection Fee                                                                                                                                                                                                               | 3-56-080              | \$100/re-inspection                        | 5/28/2019                   |
| <b>LAND USE FEES</b>                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                      |                       |                                            |                             |
| <i>Concept Reviews - Required for new and re-developments on property over 1 acre, all new Foothills/Canyons Overlay Zone (FCOZ) development, and all development proposals which will require more than one review process, as requested by an applicant.</i> |                                                                                                                                                                                                                                      |                       |                                            |                             |
| 121                                                                                                                                                                                                                                                            | Development Agreement                                                                                                                                                                                                                | 19-02-130             | \$1,500.00                                 | unknown                     |
| 122                                                                                                                                                                                                                                                            | Subdivision Concept Review                                                                                                                                                                                                           | 18-03-030             | \$250.00                                   | 6/12/2023                   |
| <b>Permitted Uses (Administrative Decisions, Staff Decisions)</b>                                                                                                                                                                                              |                                                                                                                                                                                                                                      |                       |                                            |                             |
| <b>Staff Reviews:</b>                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                      |                       |                                            |                             |
| 123                                                                                                                                                                                                                                                            | Accessory Dwelling Unit - Request for Compliance Determination                                                                                                                                                                       | 19-89-050             | \$250.00                                   | 9/27/2021                   |
| 124                                                                                                                                                                                                                                                            | Site Plan Review for Permitted Uses and Signs                                                                                                                                                                                        | 19-02-130             | \$500.00                                   | 6/12/2023                   |
| 125                                                                                                                                                                                                                                                            | Site Development Plan Approval - Foothills/Canyons Overlay Zone (FCOZ)                                                                                                                                                               | 19-72-030             | \$2,000.00                                 | 6/12/2023                   |
| 126                                                                                                                                                                                                                                                            | Residential Canyons Overlay Zone (RCOZ) Option B / Neighborhood Compatibility Modification                                                                                                                                           | 19-02-130 / 19-71-040 | \$175.00                                   | unknown                     |
| 127                                                                                                                                                                                                                                                            | Home Business                                                                                                                                                                                                                        | 19-85-030             | \$110.00                                   | 5/28/2019                   |
| 128                                                                                                                                                                                                                                                            | Tenant Change                                                                                                                                                                                                                        | 19-02-130             | \$110.00                                   | unknown                     |
| 129                                                                                                                                                                                                                                                            | Sign Permit                                                                                                                                                                                                                          | 19-02-130             | \$110.00                                   | unknown                     |
| <b>Planning Director Review:</b>                                                                                                                                                                                                                               |                                                                                                                                                                                                                                      |                       |                                            |                             |
| 130                                                                                                                                                                                                                                                            | Minor Subdivision                                                                                                                                                                                                                    | 18-03-140             | \$1,200.00                                 | 3/13/2023                   |
| 131                                                                                                                                                                                                                                                            | Property Line Adjustment                                                                                                                                                                                                             | 18-03-170             | \$650.00                                   | 3/13/2023                   |
| 132                                                                                                                                                                                                                                                            | Conditional Use Permit - Extension of Time                                                                                                                                                                                           | 19-84-050             | Equal to original filing fee               | 6/12/2023                   |
| 133                                                                                                                                                                                                                                                            | Waiver of Foothills/Canyons Overlay Zone (FCOZ) Standards                                                                                                                                                                            | 19-72-060(a)          | \$275.00                                   | 6/12/2017                   |
| 134                                                                                                                                                                                                                                                            | Takings Relief Petition Review                                                                                                                                                                                                       | 19-93-030             | \$275.00                                   | unknown                     |
| <b>Public Body Review</b>                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                      |                       |                                            |                             |
| <b>Planning Commission Meeting [19.05.040]:</b>                                                                                                                                                                                                                |                                                                                                                                                                                                                                      |                       |                                            |                             |
| 135                                                                                                                                                                                                                                                            | Major Subdivision                                                                                                                                                                                                                    | 18-03-150             | \$2,000.00                                 | 3/13/2023                   |
| 136                                                                                                                                                                                                                                                            | Subdivision Amendment                                                                                                                                                                                                                | 18-03-160             | \$1,800.00                                 | 3/13/2023                   |
| 137                                                                                                                                                                                                                                                            | Conditional Use for New Development (includes site plan review)                                                                                                                                                                      | 19-84-030             | \$2,000.00                                 | 6/12/2023                   |
| 138                                                                                                                                                                                                                                                            | Conditional Use - Change of Use and No New Development (includes site plan review)                                                                                                                                                   | 19-84-030             | \$1,200.00                                 | 6/12/2023                   |
| 139                                                                                                                                                                                                                                                            | Waiver of Foothills/Canyon Overlay Zone (FCOZ) Standards                                                                                                                                                                             | 19-72-060(b&c)        | \$675.00                                   | 6/12/2017                   |
| 140                                                                                                                                                                                                                                                            | Residential Canyons Overlay Zone (RCOZ) Option C                                                                                                                                                                                     | 19-71-050             | \$675.00                                   | unknown                     |
| 141                                                                                                                                                                                                                                                            | Special Exception to have Use Violation declared legal                                                                                                                                                                               | 19-88-140             | \$675.00                                   | unknown                     |
| 142                                                                                                                                                                                                                                                            | Re-Zone Gen Plan, etc.                                                                                                                                                                                                               | 19-02-130             | \$675.00                                   | unknown                     |
| 143                                                                                                                                                                                                                                                            | Public Notice Mailings                                                                                                                                                                                                               | 19-02-160             | \$1.25/notice                              | 9/13/2021                   |
| <b>Mayor's Meeting (Planning Commission's recommendation to the Mayor):</b>                                                                                                                                                                                    |                                                                                                                                                                                                                                      |                       |                                            |                             |
| 144                                                                                                                                                                                                                                                            | Subdivision Amendment to Vacate a Public Street                                                                                                                                                                                      | 14-48-040             | \$115.00                                   | 5/28/2019                   |
| 145                                                                                                                                                                                                                                                            | Street Dedication (for streets not reviewed as part of a Subdivision Plat)                                                                                                                                                           | 15-28-030(b)          | \$115.00                                   | unknown                     |
| 146                                                                                                                                                                                                                                                            | Exception to Road Improvements                                                                                                                                                                                                       | 15-28-070             | \$115.00                                   | 4/8/2019                    |
| <b>Millcreek Council Meeting: (Planning Commission's Recommendation to the Millcreek Council):</b>                                                                                                                                                             |                                                                                                                                                                                                                                      |                       |                                            |                             |
| 147                                                                                                                                                                                                                                                            | General Plan and General Plan Amendment Ordinances                                                                                                                                                                                   | 19-02-130             | \$115.00                                   | unknown                     |
| 148                                                                                                                                                                                                                                                            | Re-Zone up to 10 Acres (Zoning Map Amendment) [19.90.050] (Re-Zones greater than 10 acres require consideration of an Area Amendment to the General Plan prior to acceptance of the Re-Zone application. See General Plan Amendment) | 19-90-050             | \$115.00                                   | unknown                     |
| 149                                                                                                                                                                                                                                                            | Takings Relief Petition Hearing                                                                                                                                                                                                      | 19-93-040             | \$115.00                                   | unknown                     |
| <b>General Plan Amendment:</b>                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                      |                       |                                            |                             |
| 150                                                                                                                                                                                                                                                            | Text Amendment                                                                                                                                                                                                                       | 19-90-070             | \$300.00                                   | unknown                     |
| 151                                                                                                                                                                                                                                                            | Future Land Use Map Amendment (base - includes up to 10 acres)                                                                                                                                                                       | 19-02-130             | \$1,500.00                                 | unknown                     |
|                                                                                                                                                                                                                                                                | Future Land Use Map acreage fee (in addition to base):                                                                                                                                                                               |                       |                                            |                             |
| 152                                                                                                                                                                                                                                                            | Between 10 and 50 Acres                                                                                                                                                                                                              | 19-02-130             | \$200.00/acre                              | unknown                     |
| 153                                                                                                                                                                                                                                                            | Between 50 to 100 Acres                                                                                                                                                                                                              | 19-02-130             | \$300.00/acre                              | unknown                     |
| 154                                                                                                                                                                                                                                                            | Greater than 100 Acres                                                                                                                                                                                                               | 19-02-130             | TBD prior to acceptance of the application | unknown                     |
| <b>Small Wireless Telecom Facilities Deployment</b>                                                                                                                                                                                                            |                                                                                                                                                                                                                                      |                       |                                            |                             |
|                                                                                                                                                                                                                                                                | Application Fees:                                                                                                                                                                                                                    |                       |                                            |                             |
| 155                                                                                                                                                                                                                                                            | Collocate existing or replacement utility poles or wireless support structures                                                                                                                                                       | 16-20-070             | \$100/collocation                          | 8/27/2018                   |
| 156                                                                                                                                                                                                                                                            | Install, modify, or replace a utility pole in connection with a permitted use                                                                                                                                                        | 16-20-070             | \$250/utility pole                         | 8/27/2018                   |
| 157                                                                                                                                                                                                                                                            | Install, modify, or replace a utility pole in connection with discretionary use                                                                                                                                                      | 16-20-070             | \$1,000/utility pole                       | 8/27/2018                   |
| 158                                                                                                                                                                                                                                                            | Master License Agreement and Site License                                                                                                                                                                                            | 16-20-070             | See Agreements                             | 8/27/2018                   |
| <b>Administrative Fees</b>                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                      |                       |                                            |                             |
| 159                                                                                                                                                                                                                                                            | Legal Status of a lot or parcel                                                                                                                                                                                                      | 19-02-130             | \$50.00 base fee + \$50/hour               | unknown                     |
| 160                                                                                                                                                                                                                                                            | Zoning Compliance Letter                                                                                                                                                                                                             | 19-02-130             | \$50.00 base fee + \$50/hour               | unknown                     |

| ITEM                                                                                                    | DESCRIPTION                                                  | CODE      | FEE                                            | ACCOMPLISH/AMENDED DATE |
|---------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|-----------|------------------------------------------------|-------------------------|
| 161                                                                                                     | Administrative Decision                                      | 19-76-030 | \$50.00 base fee + \$50/hour                   | unknown                 |
| <b>Civil Penalties for Violation of Zoning Regulations (Warning Period: 28 Days for All Violations)</b> |                                                              |           |                                                |                         |
| <i>Residential Zones: R-1's; R-2's; R-4-B.5; FR's; F-1; RMH</i>                                         |                                                              |           |                                                |                         |
| 162                                                                                                     | Conditional use without a permit & Other Violations          | 19-94-070 | \$25 fine for each day after warning period    | unknown                 |
| 163                                                                                                     | Nonpermitted use; Violation of permit or approval            | 19-94-070 | \$50 fine for each day after warning period    | unknown                 |
| <i>Mixed Zones: R-M; MD's; FM's; S-1-G</i>                                                              |                                                              |           |                                                |                         |
| 164                                                                                                     | Conditional use without a permit & Other Violations          | 19-94-070 | \$50 fine for each day after warning period    | unknown                 |
| 165                                                                                                     | Nonpermitted use; Violation of permit or approval            | 19-94-070 | \$100 fine for each day after warning period   | unknown                 |
| <i>Commercial/Manufacturing Zones: C's; M's; O-R-D</i>                                                  |                                                              |           |                                                |                         |
| 166                                                                                                     | Conditional use without a permit & Other Violations          | 19-94-070 | \$100 fine for each day after warning period   | unknown                 |
| 167                                                                                                     | Nonpermitted use; Violation of permit or approval            | 19-94-070 | \$200 fine for each day after warning period   | unknown                 |
| <i>Agricultural Zones: A's; FA's</i>                                                                    |                                                              |           |                                                |                         |
| 168                                                                                                     | Conditional use without a permit & Other Violations          | 19-94-070 | \$25 fine for each day after warning period    | unknown                 |
| 169                                                                                                     | Nonpermitted use; Violation of permit or approval            | 19-94-070 | \$50 fine for each day after warning period    | unknown                 |
| <i>Overlay Zones: AQZ; HPZ</i>                                                                          |                                                              |           |                                                |                         |
| 170                                                                                                     | Violation of provisions                                      | 19-94-070 | \$100 fine for each day after warning period   | unknown                 |
| <b>Land Use Hearing Officer Review</b>                                                                  |                                                              |           |                                                |                         |
| 171                                                                                                     | Appeals of Conditional Use Decisions                         | 19-92-030 | \$300.00                                       | 8/26/2019               |
| 172                                                                                                     | Appeals of a zoning decision or interpretation               | 19-92-050 | \$300.00                                       | unknown                 |
| 173                                                                                                     | Special Exceptions:                                          |           |                                                |                         |
|                                                                                                         | Adjusting a zone boundary line                               | 19-92-060 | \$300.00                                       | unknown                 |
|                                                                                                         | Enlargement or addition to a noncomplying structure          | 19-92-060 | \$300.00                                       | unknown                 |
|                                                                                                         | Relocation or reconstruction of a noncomplying structure     | 19-92-060 | \$300.00                                       | unknown                 |
| 174                                                                                                     | Variances from the terms of the zoning ordinance             | 19-92-040 | \$300.00                                       | 8/26/2019               |
| 175                                                                                                     | Appeal of a final decision on a Subdivision                  | 18-07     | \$300.00                                       | 3/13/2023               |
| 176                                                                                                     | Appeals of a waiver or modification decision                 | 19-92-040 | \$300.00                                       | 8/26/2019               |
| 177                                                                                                     | Double Fee (if construction has started)                     |           | \$600.00                                       |                         |
| <b>Planning and Engineering Plan Checking Fees</b>                                                      |                                                              |           |                                                |                         |
| <i>Planning and Engineering Checking Fee for Subdivision Development:</i>                               |                                                              |           |                                                |                         |
| 178                                                                                                     | Engineering Review Fee for Subdivision Development           | 3-48-020  | 6% of Engineering bond                         | 5/28/2019               |
| 179                                                                                                     | Planning Review Fee for Subdivision Development              | 3-48-020  | 6% of Landscape bond                           | 5/28/2019               |
| <i>Planning and Engineering Checking Fee for Non-Subdivision Development:</i>                           |                                                              |           |                                                |                         |
| 180                                                                                                     | Engineering Review Fee for Non-Subdivision Development       | 3-48-030  | 4.5% of Engineering bond                       | 6/12/2023               |
| 181                                                                                                     | Planning Review Fee for Non-Subdivision Development          | 3-48-030  | 4.5% of Landscape bond                         | 6/12/2023               |
| 182                                                                                                     | Road dedication without plat                                 | 3-48-040  | \$150.00                                       | 5/28/2019               |
| <b>Address Change Fees</b>                                                                              |                                                              |           |                                                |                         |
| 183                                                                                                     | SLCo Assignment of Address                                   | 3-42-010  | Actual SLCO Cost must be paid in advance       | 5/28/2019               |
| <b>Surveying Review Fees:</b>                                                                           |                                                              |           |                                                |                         |
| 184                                                                                                     | Surveying Charge                                             |           | Actual SLCO Cost must be paid in advance       |                         |
| 185                                                                                                     | Review of Geologic and/or Technical Reports                  |           | Actual Cost must be paid in advance            |                         |
| 186                                                                                                     | Traffic and Parking Study                                    | 11-26-040 | Actual Cost must be paid in advance            | 6/12/2023               |
| <b>STORMWATER QUALITY FEE, PENALTY, AND FINE SCHEDULES</b>                                              |                                                              |           |                                                |                         |
| <b>Permit Fees</b>                                                                                      |                                                              |           |                                                |                         |
| 187                                                                                                     | Land Disturbance Permit (LDP) and Stormwater Quality Permits | 17-22-040 | \$75 + \$50 for every 1/4 acre (\$125 minimum) | 4/11/2022               |
| <b>Control Measure Fine (By Violation)</b>                                                              |                                                              |           |                                                |                         |
| 188                                                                                                     | Primary Boundary Control                                     | 17-22-180 | \$1,000/day                                    | unknown                 |
| 189                                                                                                     | Secondary Boundary Control                                   | 17-22-180 | \$500/day                                      | unknown                 |
| 190                                                                                                     | Exit control                                                 | 17-22-180 | \$500/day                                      | unknown                 |
| 191                                                                                                     | Waste Control                                                | 17-22-180 | \$500/day                                      | unknown                 |
| 192                                                                                                     | Material Storage Control                                     | 17-22-180 | \$250/day                                      | unknown                 |
| 193                                                                                                     | Fugitive Dust Control                                        | 17-22-180 | \$250/day                                      | unknown                 |
| 194                                                                                                     | Safety Control                                               | 17-22-180 | \$250/day                                      | unknown                 |

| ITEM                                                                                                                                                                                              | DESCRIPTION                                                                                                                                                                         | CODE            | FEE                            | ACCOMMODATION<br>AWARDED DATE |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|--------------------------------|-------------------------------|
| 195                                                                                                                                                                                               | Plan Administration - Each LDP requires SWPPP administration and written documentation such as but not limited to; inspections, training, SWPPP amendments, closeout documents etc. | 17-22-180       | \$1,000.00                     | unknown                       |
| 196                                                                                                                                                                                               | Working without a SWPPP permit                                                                                                                                                      | 17-22-180       | up to \$1,000/day              | unknown                       |
| <b>Illicit Discharge Fine (By Violation) - Stormwater violation schedule for illicit discharges common to construction and maintenance activities. It is a violation to discharge pollutants.</b> |                                                                                                                                                                                     |                 |                                |                               |
| <i>The presence of BMP's does not excuse an illicit discharge. Illicit discharges are divided into the following categories.</i>                                                                  |                                                                                                                                                                                     |                 |                                |                               |
| 197                                                                                                                                                                                               | Sediment                                                                                                                                                                            | 17-22-180       | \$250/day                      | unknown                       |
| 198                                                                                                                                                                                               | Cementations material                                                                                                                                                               | 17-22-180       | \$500/day                      | unknown                       |
| 199                                                                                                                                                                                               | Paints and solvents                                                                                                                                                                 | 17-22-180       | \$500/day                      | unknown                       |
| 200                                                                                                                                                                                               | Solid waste                                                                                                                                                                         | 17-22-180       | \$500/day                      | unknown                       |
| 201                                                                                                                                                                                               | Sanitary waste                                                                                                                                                                      | 17-22-180       | \$2,000/day                    | unknown                       |
| 202                                                                                                                                                                                               | Fuels                                                                                                                                                                               | 17-22-180       | \$1,000/day                    | unknown                       |
| 203                                                                                                                                                                                               | Fertilizers                                                                                                                                                                         | 17-22-180       | \$500/day                      | unknown                       |
| 204                                                                                                                                                                                               | Organics                                                                                                                                                                            | 17-22-180       | \$250/day                      | unknown                       |
| 205                                                                                                                                                                                               | Cleaners                                                                                                                                                                            | 17-22-180       | \$500/day                      | unknown                       |
| 206                                                                                                                                                                                               | Remediation fee (if City services are utilized)                                                                                                                                     | 17-22-180       | \$5,000.00                     | unknown                       |
| <b>Stormwater Utility Fee</b>                                                                                                                                                                     |                                                                                                                                                                                     |                 |                                |                               |
| 207                                                                                                                                                                                               | Monthly - based on residential unit                                                                                                                                                 | 17-30-070       | \$10.73                        | 6/23/2020                     |
| 208                                                                                                                                                                                               | Stormwater ERU Credit Application Review Fee                                                                                                                                        | 17-30-070       | \$40.00                        | 6/23/2020                     |
| <b>IMPACT FEES</b>                                                                                                                                                                                |                                                                                                                                                                                     |                 |                                |                               |
| <b>Park Impact Fees</b>                                                                                                                                                                           |                                                                                                                                                                                     |                 |                                |                               |
| 209                                                                                                                                                                                               | Single-Family Residential                                                                                                                                                           | Ordinance 19-08 | \$494.68                       | 3/11/2019                     |
| 210                                                                                                                                                                                               | Multi-Family Residential                                                                                                                                                            | Ordinance 19-08 | \$440.75                       | 3/11/2019                     |
| <b>MISCELLANEOUS FEES</b>                                                                                                                                                                         |                                                                                                                                                                                     |                 |                                |                               |
| <b>Labor costs for GRAMA requests</b>                                                                                                                                                             |                                                                                                                                                                                     |                 |                                |                               |
| 211                                                                                                                                                                                               | Commensurate Services Rendered - Salary of the lowest paid employee who has the necessary skill and training to perform the request                                                 | 3-12-040        | First 15 minutes free          | 8/14/2017                     |
| 212                                                                                                                                                                                               | Audio, video, photographs, or other media                                                                                                                                           | 3-12-030        | Actual Cost                    | 5/28/2019                     |
| 213                                                                                                                                                                                               | CDs                                                                                                                                                                                 | 3-12-030        | Actual Cost                    | 5/28/2019                     |
| 214                                                                                                                                                                                               | Thumb Drives                                                                                                                                                                        | 3-12-030        | Actual Cost                    | 5/28/2019                     |
| 215                                                                                                                                                                                               | Fee for Delivery: USPS                                                                                                                                                              | 3-12-050        | Actual Cost                    | 5/28/2019                     |
| <b>Copies (Including copies for GRAMA requests)</b>                                                                                                                                               |                                                                                                                                                                                     |                 |                                |                               |
| 216                                                                                                                                                                                               | Copies - Black & White (up to 11x17)                                                                                                                                                | 3-12-030        | \$0.50                         | 5/28/2019                     |
| 217                                                                                                                                                                                               | Copies - Color (up to 11x17 in)                                                                                                                                                     | 3-12-030        | \$1.00                         | 5/28/2019                     |
| 218                                                                                                                                                                                               | Copies - Black & White (larger than 11x17in)                                                                                                                                        | 3-12-030        | \$2.50                         | 5/28/2019                     |
| 219                                                                                                                                                                                               | Copies - Color (larger than 11x17 in)                                                                                                                                               | 3-12-030        | \$5.00                         | 5/28/2019                     |
| 220                                                                                                                                                                                               | Plotter copies (Bond paper)                                                                                                                                                         | 3-12-030        | \$2.00/sq. ft.                 | 5/28/2019                     |
| 221                                                                                                                                                                                               | Plotter copies (Photo paper)                                                                                                                                                        | 3-12-030        | \$5.00/sq. ft.                 | 5/28/2019                     |
| <b>Business Council Event Fees</b>                                                                                                                                                                |                                                                                                                                                                                     |                 |                                |                               |
| 222                                                                                                                                                                                               | Booth Rental                                                                                                                                                                        | 3-12-030        | \$50.00                        | 4/8/2024                      |
| 223                                                                                                                                                                                               | Canopy                                                                                                                                                                              | 3-12-030        | \$100.00                       | 4/8/2024                      |
| 224                                                                                                                                                                                               | Table and 2 Chairs                                                                                                                                                                  | 3-12-030        | \$25.00                        | 4/8/2024                      |
| 225                                                                                                                                                                                               | Booth Equipment Package (includes booth rental, canopy, table, and 2 chairs)                                                                                                        | 3-12-030        | \$175.00                       | 4/8/2024                      |
| <b>Election Fees</b>                                                                                                                                                                              |                                                                                                                                                                                     |                 |                                |                               |
| 226                                                                                                                                                                                               | Candidate Declaration Filing Fee (includes write-ins) - May be waived with Affidavit of Impecuniosity                                                                               | 2-11-020        | \$50.00                        | 4/10/2023                     |
| 227                                                                                                                                                                                               | Nomination Petition Filing Fee - May be waived with Affidavit of Impecuniosity                                                                                                      | 2-11-020        | \$50.00                        | 4/10/2023                     |
| 228                                                                                                                                                                                               | Campaign Finance Statement Penalty                                                                                                                                                  | 2-11-010        | \$50.00                        | 5/13/2024                     |
| <b>Miscellaneous Fees</b>                                                                                                                                                                         |                                                                                                                                                                                     |                 |                                |                               |
| 229                                                                                                                                                                                               | Declaration of Mutual Commitment                                                                                                                                                    | 2-10-050        | \$10.00                        | 5/28/2019                     |
| 230                                                                                                                                                                                               | Postage                                                                                                                                                                             | 3-12-030        | Actual Cost - USPS             | 5/28/2019                     |
| <b>RECREATION FEES</b>                                                                                                                                                                            |                                                                                                                                                                                     |                 |                                |                               |
| <b>Millcreek Common Rentals</b>                                                                                                                                                                   |                                                                                                                                                                                     |                 |                                |                               |
| 231                                                                                                                                                                                               | Ice Skates / Roller Skates / Climbing Equipment                                                                                                                                     | 3-54-010        | \$5.00/session (sessions vary) | 6/12/2023                     |
| 232                                                                                                                                                                                               | Skate Helper                                                                                                                                                                        | 3-54-010        | No fee                         | 6/12/2023                     |
| 233                                                                                                                                                                                               | Chalk Bag                                                                                                                                                                           | 3-54-010        | \$2.00                         | 4/8/2024                      |
| 234                                                                                                                                                                                               | Locker, 12"x12"x12"                                                                                                                                                                 | 3-54-010        | \$2.00 for every 90 minutes    | 4/11/2022                     |
| 235                                                                                                                                                                                               | Ice Skate Sharpening Service                                                                                                                                                        | 3-54-010        | \$10.00/pair                   | 4/11/2022                     |
| <b>Millcreek Common Admission</b>                                                                                                                                                                 |                                                                                                                                                                                     |                 |                                |                               |

| ITEM                                         | DESCRIPTION                                                                                                             | CODE     | FEE                                 | ACCOMMODATION<br>ARRANGED DATES |
|----------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|----------|-------------------------------------|---------------------------------|
| 236                                          | Ice Skating (admission only)                                                                                            | 3-54-010 | \$7.00/session (sessions vary)      | 6/12/2023                       |
| 237                                          | Roller Skating (admission only)                                                                                         | 3-54-010 | \$7.00/session (sessions vary)      | 6/12/2023                       |
| 238                                          | Climbing Wall (admission only)                                                                                          | 3-54-010 | \$7.00/session (sessions vary)      | 4/8/2024                        |
| 239                                          | Ice Skating Punch Pass (admission only)                                                                                 | 3-54-010 | \$50.00 (10 sessions)               | 4/8/2024                        |
| 240                                          | Ice Skating Punch Pass (admission + equipment rental)                                                                   | 3-54-010 | \$100.00 (10 sessions)              | 4/8/2024                        |
| 241                                          | Roller Skating Punch Pass (admission only)                                                                              | 3-54-010 | \$50.00 (10 sessions)               | 4/8/2024                        |
| 242                                          | Roller Skating Punch Pass (admission + equipment rental)                                                                | 3-54-010 | \$100.00 (10 sessions)              | 4/8/2024                        |
| 243                                          | Climbing Wall Punch Pass (admission only)                                                                               | 3-54-010 | \$50.00 (10 sessions)               | 4/8/2024                        |
| 244                                          | Climbing Wall Punch Pass (admission + equipment rental)                                                                 | 3-54-010 | \$100.00 (10 sessions)              | 4/8/2024                        |
| 245                                          | Season Ice Skate Access Pass (admission only)                                                                           | 3-54-010 | \$150.00                            | 6/12/2023                       |
| 246                                          | Season Roller Skate Access Pass (admission only)                                                                        | 3-54-010 | \$150.00                            | 6/12/2023                       |
| 247                                          | Season Climbing Wall Access Pass (admission only)                                                                       | 3-54-010 | \$150.00                            | 4/8/2024                        |
| 248                                          | Season Ice Skate Pass (includes admission, ice skate rental, estimated 100 skating days, excludes blackout dates)       | 3-54-010 | \$250.00                            | 6/12/2023                       |
| 249                                          | Season Roller Skate Pass (includes admission, roller skate rental, estimated 180 skating days, excludes blackout dates) | 3-54-010 | \$250.00                            | 6/12/2023                       |
| 250                                          | Season Climbing Wall Pass (includes admission, climbing equipment rental, excludes blackout dates)                      | 3-54-010 | \$250.00                            | 4/8/2024                        |
| <b>Millcreek Common Event - Tickets</b>      |                                                                                                                         |          |                                     |                                 |
| 251                                          | Holiday Event Ticket                                                                                                    | 3-54-010 | \$3.00 - \$5.00/person              | 4/8/2024                        |
| 252                                          | Full Experience Holiday Event Ticket (includes 6th floor)                                                               | 3-54-010 | \$20.00/person                      | 4/8/2024                        |
| 253                                          | Special Event Skate Discount #1 (for groups of 25 or more)                                                              | 3-54-010 | \$2.00 off regular admission price  | 4/8/2024                        |
| 254                                          | Special Event Skate Discount #2 (includes school groups, sponsored events, and specified holidays)                      | 3-54-010 | Free admission, \$5.00/skate rental | 4/8/2024                        |
| <b>Millcreek Common Event - Venue Rental</b> |                                                                                                                         |          |                                     |                                 |
| 255                                          | Conference Room Only, 8:00am-4:00pm (Cleaned up by 4:00pm, 2 hour minimum)                                              | 3-54-010 | \$100.00/hour                       | 6/12/2023                       |
| 256                                          | Conference Room Only, 4:00pm - 10:00pm (Cleaned up by 11:00pm, 2 hour minimum)                                          | 3-54-010 | \$200.00/hour                       | 6/12/2023                       |
| 257                                          | Sun Deck Only, 8:00am-4:00pm (Cleaned up by 4:00pm, 2 hour minimum)                                                     | 3-54-010 | \$100.00/hour                       | 6/12/2023                       |
| 258                                          | Sun Deck Only, 4:00pm - 10:00pm (Cleaned up by 11:00pm, 2 hour minimum)                                                 | 3-54-010 | \$200.00/hour                       | 6/12/2023                       |
| 259                                          | Conference Room and Sun Deck, 8:00am-4:00pm                                                                             | 3-54-010 | \$530 (4-hour minimum)              | 6/12/2023                       |
| 260                                          | Conference Room and Sun Deck, 4:00pm - 10:00pm (Cleaned up by 11:00pm)                                                  | 3-54-010 | \$1,070 (4-hour minimum)            | 6/12/2023                       |
| 261                                          | Entire Plaza Buy-Out, 8:00am-4:00pm, M-TH, Must be approved by Mayor and City Council (Cleaned up by 4:00pm)            | 3-54-010 | \$3,500 (6-hour minimum)            | 6/12/2023                       |
| 262                                          | Entire Plaza Buy-Out, 4:00pm - 10:00pm, M-TH, Must be approved by Mayor and City Council (Cleaned up by 11:00pm)        | 3-54-010 | \$6,000 (6-hour minimum)            | 6/12/2023                       |
| 263                                          | Cultural Community Partner Event Plaza Rental                                                                           | 3-54-010 | \$1,500.00                          | 4/8/2024                        |
| 264                                          | Community Room, Prefunction 1, Green Room, Balcony, 8:00am-4:00pm (Cleaned up by 4:00pm)                                | 3-54-010 | \$1,900 Mon-Wed, \$2,250 Thurs-Sun  | 6/12/2023                       |
| 265                                          | Community Room, Prefunction 1, Green Room, Balcony, 4:00pm-10:00pm (Cleaned up by 11:00pm)                              | 3-54-010 | \$2,500 Mon-Wed, \$3,200 Thurs-Sun  | 6/12/2023                       |
| 266                                          | Multipurpose Room, 8:00am-4:00pm (Cleaned up by 4:00pm)                                                                 | 3-54-010 | \$800.00                            | 6/12/2023                       |
| 267                                          | Multipurpose Room, 4:00pm-10:00pm (Cleaned up by 11:00pm)                                                               | 3-54-010 | \$1,000.00                          | 6/12/2023                       |
| 268                                          | Kitchen                                                                                                                 | 3-54-010 | \$200.00                            | 6/12/2023                       |
| 269                                          | City Hall 1st Floor Market Place, 8:00am-4:00pm (Cleaned up by 4:00pm) Limited Availability                             | 3-54-010 | \$2,500.00                          | 6/12/2023                       |
| 270                                          | City Hall 1st Floor Market Place, 4:00pm-10:00pm (Cleaned up by 11:00pm) Limited Availability                           | 3-54-010 | \$3,200.00                          | 6/12/2023                       |
| 271                                          | City Hall Forum, 8:00am-4:00pm (Cleaned up by 4:00pm) Limited Availability                                              | 3-54-010 | \$1,000.00                          | 6/12/2023                       |
| 272                                          | City Hall Forum, 4:00pm-10:00pm (Cleaned up by 11:00pm) Limited Availability                                            | 3-54-010 | \$1,000.00                          | 6/12/2023                       |
| 273                                          | Food Truck or Food/Drink Space Outside of a Special Event                                                               | 3-54-010 | 10% of total sales                  | 11/12/2023                      |
| 274                                          | Not for Profit Discount on Event Spaces (Cannot be combined with any other discounts)                                   | 3-54-010 | 50% off original cost               | 11/12/2023                      |
| 275                                          | Millcreek Resident Discount on Event Spaces (Cannot be combined with any other discounts)                               | 3-54-010 | 20% off original cost               | 11/12/2023                      |
| 276                                          | Millcreek Employee Discount on Event Spaces (Cannot be combined with any other discounts)                               | 3-54-010 | 50% off original cost               | 11/12/2023                      |
| <b>Booth Fees During Special Events</b>      |                                                                                                                         |          |                                     |                                 |
|                                              | Tier 1:                                                                                                                 |          |                                     |                                 |
| 277                                          | Vendor                                                                                                                  | 3-54-010 | \$150.00                            | 11/12/2023                      |
| 278                                          | Food                                                                                                                    | 3-54-010 | \$250.00                            | 11/12/2023                      |
|                                              | Tier 2:                                                                                                                 |          |                                     |                                 |
| 279                                          | Vendor                                                                                                                  | 3-54-010 | \$75.00                             | 11/12/2023                      |
| 280                                          | Food                                                                                                                    | 3-54-010 | \$100.00                            | 11/12/2023                      |
|                                              | Tier 3:                                                                                                                 |          |                                     |                                 |
| 281                                          | Vendor                                                                                                                  | 3-54-010 | \$45.00                             | 11/12/2023                      |
| 282                                          | Food                                                                                                                    | 3-54-010 | \$65.00                             | 11/12/2023                      |
|                                              | Tier 4:                                                                                                                 |          |                                     |                                 |
| 283                                          | Single                                                                                                                  | 3-54-010 | \$35.00                             | 11/12/2023                      |
| 284                                          | Season                                                                                                                  | 3-54-010 | \$140.00                            | 11/12/2023                      |
|                                              | Tier 5:                                                                                                                 |          |                                     |                                 |

| ITEM                                                                | DESCRIPTION                                                                               | CODE      | FEE                                                                                                                       | ACCOMMODATION<br>ARRANGED DATE |
|---------------------------------------------------------------------|-------------------------------------------------------------------------------------------|-----------|---------------------------------------------------------------------------------------------------------------------------|--------------------------------|
| 285                                                                 | Single                                                                                    | 3-54-010  | \$50.00                                                                                                                   | 11/13/2023                     |
| 286                                                                 | Season                                                                                    | 3-54-010  | \$200.00                                                                                                                  | 11/13/2023                     |
|                                                                     | Tier 6:                                                                                   |           |                                                                                                                           |                                |
| 287                                                                 | Single                                                                                    | 3-54-010  | \$25.00                                                                                                                   | 11/13/2023                     |
| 288                                                                 | Season                                                                                    | 3-54-010  | \$100.00                                                                                                                  | 11/13/2023                     |
| <b>Micro-Retail Storefronts (Public Market at Millcreek Common)</b> |                                                                                           |           |                                                                                                                           |                                |
| 289                                                                 | 10' x 10' stall (includes secure garage door frontage)                                    | 3-54-010  | Lease terms: \$200/month plus 7% of sales<br>October - January with option to renew                                       | 11/13/2023                     |
| <b>Central Market Stands (Public Market at Millcreek Common)</b>    |                                                                                           |           |                                                                                                                           |                                |
| 290                                                                 | 8' x 8' stand (includes back wall to hang fixtures and soft walls for overnight security) | 3-54-010  | Lease terms: 25% of sales, October - January                                                                              | 11/13/2023                     |
| <b>Millcreek Common Miscellaneous Rentals and Services</b>          |                                                                                           |           |                                                                                                                           |                                |
| 291                                                                 | Table, round                                                                              | 3-54-010  | \$10.00/piece                                                                                                             | 4/11/2022                      |
| 292                                                                 | Table, 6' rectangular                                                                     | 3-54-010  | \$10.00/piece                                                                                                             | 4/11/2022                      |
| 293                                                                 | Table, cabaret                                                                            | 3-54-010  | \$10.00/piece                                                                                                             | 4/11/2022                      |
| 294                                                                 | Chair, folding                                                                            | 3-54-010  | \$3.50/piece                                                                                                              | 4/11/2022                      |
| 295                                                                 | Chair, cabaret                                                                            | 3-54-010  | \$4.00/piece                                                                                                              | 4/11/2022                      |
| 296                                                                 | Table cloth                                                                               | 3-54-010  | \$7.00/piece                                                                                                              | 4/11/2022                      |
| 297                                                                 | Firepit with Fuel                                                                         | 3-54-010  | \$30.00/piece                                                                                                             | 6/13/2023                      |
| 298                                                                 | Bench with back                                                                           | 3-54-010  | \$15.00/piece                                                                                                             | 6/13/2023                      |
| 299                                                                 | Bench with no back                                                                        | 3-54-010  | \$10.00/piece                                                                                                             | 6/13/2023                      |
| 300                                                                 | End Table                                                                                 | 3-54-010  | \$5.00/piece                                                                                                              | 6/13/2023                      |
| 301                                                                 | Canopy                                                                                    | 3-54-010  | \$100/piece                                                                                                               | 11/13/2023                     |
| 302                                                                 | 21' x 21' Dark Maple Dance Floor                                                          | 3-54-010  | \$400.00                                                                                                                  | 11/13/2023                     |
| 303                                                                 | Booth Power connection                                                                    | 3-54-010  | \$45.00/piece                                                                                                             | 4/11/2022                      |
| 304                                                                 | Built in AV Services with no support staff                                                | 3-54-010  | No fee                                                                                                                    | 6/13/2023                      |
| 305                                                                 | AV Services, performance backline & lights                                                | 3-54-010  | \$450.00 (4-hour minimum)<br>\$115.00/additional hour                                                                     | 4/11/2022                      |
| 306                                                                 | AV Services, screen (inflatable or other) & projector                                     | 3-54-010  | \$280.00 (4-hour minimum)<br>\$70.00/additional hour                                                                      | 4/11/2022                      |
| 307                                                                 | AV Services, PA only                                                                      | 3-54-010  | \$250.00 (4-hour minimum)<br>\$60.00/additional hour                                                                      | 4/11/2022                      |
| 308                                                                 | Catering                                                                                  | 3-54-010  | 10% commission on food & beverage sales, by contract with<br>client chosen provider                                       | 4/11/2022                      |
| 309                                                                 | Access Control Event Staff                                                                | 3-54-010  | \$160 for one staff member (4-hour minimum)<br>\$40 for one staff member for each additional hour or partial<br>hour      | 4/11/2022                      |
| 310                                                                 | Skate Shop Staffing Service                                                               | 3-54-010  | \$640 for four staff members (4-hour minimum)<br>\$160 for four staff members for each additional hour or partial<br>hour | 4/11/2022                      |
| <b>Recreation Fees - Venture Out Programs</b>                       |                                                                                           |           |                                                                                                                           |                                |
| 311                                                                 | Camp Tracy:                                                                               |           |                                                                                                                           |                                |
| 312                                                                 | Cabin Rental                                                                              | 3-54-010  | \$200.00 - \$300.00                                                                                                       | 4/8/2024                       |
| 313                                                                 | Campsite Rental                                                                           | 3-54-010  | \$100.00 - \$150.00                                                                                                       | 4/8/2024                       |
| 314                                                                 | Day Passes                                                                                | 3-54-010  | \$10.00/pass                                                                                                              | 4/8/2024                       |
| 315                                                                 | Crafts and Classes                                                                        | 3-54-010  | \$1.00 - \$10.00                                                                                                          | 4/8/2024                       |
| 316                                                                 | Activity Fees                                                                             | 3-54-010  | \$5.00 - \$10.00                                                                                                          | 4/8/2024                       |
| <b>Permits</b>                                                      |                                                                                           |           |                                                                                                                           |                                |
| 317                                                                 | Special Event Permits                                                                     | 14-56-090 | \$50.00                                                                                                                   | 5/28/2019                      |

**Millcreek City Hall**  
1330 E Chambers Ave  
Millcreek, Utah 84106  
millcreekut.gov



**Planning & Zoning**  
(801) 214-2700  
planner@millcreekut.gov

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ZM-24-004

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## City Council Staff Report

(First Reading)

**Meeting Date:** 7/22/2024

**Applicant:** Chase Freebairn

**Re:** Request to Rezone Property

**Property Address:** 950 East Grape Ivy Way

**Zone:** From R-2-8 to R-M

**Prepared By:** Brad Sanderson, AICP  
Planning Project Manager

**Scope of Decision:** **Discretionary.** This is a legislative matter, to be decided by the Millcreek City Council upon receiving a recommendation from the Community Council(s) and the Millcreek Planning Commission. Your recommendation can be broad in scope, but should consider prior adopted policies, especially the Millcreek General Plan.

## REQUEST AND SYNOPSIS

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The applicant is proposing to rezone 1.44 acres of property generally located at 950 E Grape Ivy Way from the Medium Density Residential (R-2-8) Zone to the Multifamily Residential (R-M) Zone.

The Applicant has been working with City Staff to formulate additional terms to be considered as part of a development agreement. Such terms are to ensure certain development criteria is implemented, addressing the improvements of the private lane and other unique aspects of this development which are not clearly addressed by traditional Millcreek development standards and codes. The applicant is agreeable to the terms set forth within the attached Development Agreement and recommended Zoning Conditions.

Subsequently, if approved, the Applicant intends to develop the property as a 20 residential unit townhome development, in accordance with Millcreek's zoning and development standards and the terms of the Development Agreement.

## GENERAL PLAN CONSIDERATIONS

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GOAL N-1: Preserve and enhance the physical elements that define each neighborhood's character.

Strategy 1.5: Ensure that new infill development is compatible with existing neighborhoods by regulating structure sizes and heights; building forms and materials; yard setbacks; streetscape character; height and bulk transitions; buffering; and other factors.

The Subject Property is a new infill development which can be made to be compatible if, the zoning change is accompanied by a development agreement which will help ensure comparable densities, building forms, setbacks, buffering, and other factors.

GOAL N-2: Strive for a variety of housing choices in types, styles, and costs of housing throughout Millcreek.

Strategy 1.4: Support development projects in centers and mixed-use corridors that provide a variety of housing types and sizes to serve a range of demographic sectors and meet the needs of residents and families through various life stages and income levels.

If granted, R-M Zone would allow for 20 residential units. The proposal contemplates a variety of housing types, comprising of 1-, 2-, and 3-bedroom units.

## EXISTING CONDITIONS & FINDINGS:

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1. The Subject Property involves five parcels comprising approximately 1.44 acres. The Subject Property contains three existing residential structures along with other accessory structures, all of which will be removed upon further development of the property.
2. Land Use Designation. The Subject Property is designated as “Neighborhood 2” as outlined within the General Plan, which envisions neighborhoods comprised of “single-family detached homes on smaller lots, duplexes, triplexes, townhomes, and smaller multifamily buildings” This Neighborhood 2 land use specifies densities ranging between 6 and 18 units per acres, within 2-3 story buildings.
3. Zoning. The Subject Property is currently within the R-2-8 Zone. Properties surrounding the Subject Property are within the R-M (north and west), R-2-8 (north), and R-1-8 (east & south) Zones.
4. Surrounding Uses. Properties surrounding the Subject Property primarily consist of similar multi-family residential, with the exception to the property to the immediate south which is an LDS Church and some single-family residential homes.
5. Densities. Based on the property acreage, (1.44 acres), the R-2-8 Zone would allow a total of eight units, whereas the R-M Zone would allow up to 32 units. The applicant is asking for 20 total units which is a density of 13.3 units/acre.  
By comparison:
  - a. Properties directly north of the Subject Property have a combined density of 25+ units/acre.
  - b. Properties north and west of the Subject Property have densities of 13+ units/acre.
  - c. Property directly west (Grape Ivy) of the Subject Property is 15 residential units, or 12 units/acre.
  - d. Property south n/a.
6. There is a power substation located further to the east which has large overhead transmission lines which encumber the northern portion of the Subject Property. Due to these transmission lines and

related easements, the northern portion of the property is unsuitable for structures, but might be used for parking, landscaping, etc.

7. Access. The Subject Property is connected to 900 East through a single access. This access is through an existing 30-foot-wide access easement across the northern portion of the Grape Ivy HOA property. Due to anticipated utility installment within the existing road, CW Urban intends to replace the existing road with 25 feet of new asphalt along with additional new curb/gutter along both sides. By comparison, 30 feet of width is the same vehicular width as a standard residential road (two travel lanes and on street parking on at least one side). Because other improvements (such as a sidewalk/park strip on the south side) already exist beyond the 30-foot-wide access, Grape Ivy Way would have a similar standard as a typical private street.
8. If the units are subdivided into individual ownership, the building code may not require a sidewalk connection between the Subject Property and 900 East.
9. The city commissioned a traffic study conducted by Hales Engineering, (a professional third-party traffic engineering firm) for the purpose of discovering traffic related impacts and recommended mitigation measures which may need to be implemented as follows: (see full Traffic impact Study)
  - a. The traffic impact study (TIS) was conducted/completed May 2024 and took into consideration the 20 unit proposed townhome layout along with the existing conditions of Grape Ivy Way, including the intersection of 900 East.
  - b. The TIS identified some improvements/restrictions to Grape Ivy Way pertaining to clear vision site areas, signage, and limited parking.
  - c. The TIS also evaluated the traffic operation performance and level of service (LOS) impacts of the proposed development. Based upon the proposed site plan concept, "Hales Engineering determined that all study intersections are currently operating at acceptable levels of service during the morning and evening peak hours" whereupon "no mitigation measures are recommended" in terms of traffic volumes.
10. Parking stalls have been painted along the south side of Grape Ivy Way access road, however there is no indication that these stalls were ever required. The Grape Ivy HOA meets the previous and current parking code requirements (2 stalls/unit + 0.33 or 0.25 guest stalls/unit). The HOA has two stalls per unit plus 12 onsite surface parking stalls.
11. Although not designated and counted towards the required parking, limited on-street parking may be allowed along portions of Grape Ivy Way.
12. The applicant commissioned a Geotechnical & Geological Hazard Study to analyze soil conditions, water table, and possible hazards such as fault lines, etc. Additionally, Millcreek also retains a third-party consultant who reviewed the soils report and concurred with the recommendation. The Geotechnical & Geological Hazard Study dated April 16, 2024, states: "The subject property does not appear to have geological hazards that could adversely affect the development as currently proposed, with the exception of ground water hazards. As such, the property is considered suitable for development from a geologic hazard perspective, provided that the recommendations presented within this report are incorporated into the design and construction of the proposed residence."
13. Concept Proposal. If rezoned to the R-M Zone, the applicant intends to develop the property as follows:
  - a. Twenty (20) residential townhome style units comprised within four separate buildings per the concept plan provided.
  - b. The proposal includes a variety of 1-, 2-, and 3- bedroom units.
  - c. Each unit would include a minimum of 2 car garages.
  - d. Open space percentages and amenities shall be as required by the R-M Zone.

## RECOMMENDATIONS:

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**Neighborhood Meeting** – The applicant held a neighborhood meeting on March 21<sup>st</sup>, wherein the HOA asked for the following items: (see attached)

**Millcreek Community Council Meeting** - The Millcreek Community Council held a meeting on June 4<sup>th</sup>, whereupon seven of the eleven (7-4) members made a positive recommendation to approve the rezone of the Subject Property from the R-2-8 Zone to the R-M Zone subject to a development agreement, to include the following items:

- e. Limit building heights to 35’ tall and require the materials and colors per the concept elevation plans.
- f. Require a new six-foot-tall perimeter privacy fence surrounding the CW Urban development.
- g. Require extra trees along the west side of the subject property, per the concept landscape plan.
- h. Require a minimum 15 side yard building setback along the west property line per the concept site plan.
- i. Require the applicant to plat the units via a subdivision, providing owner occupied housing as a “for sale” product.

**Planning Commission Recommendation** – The Planning Commission reviewed the application and took comments at a public hearing held June 19<sup>th</sup> whereupon, they made unanimously recommended to approve application file number ZM-24-004, subject to a Development Agreement as recommended by staff.

Since a development agreement tends to expire within 10 years, it was discussed and recommended that some of the terms listed within the development agreement also be made a zoning condition, which would run with the land.

**Staff Recommendation** - Based on the findings and conclusions listed above, Staff recommends that the Planning Commission take public comments and recommend the City Council approve application file number ZM-24-004, subject to a Zone Condition limiting the use and density to 20 residential units and a Development Agreement to include the following items listed below, unless during the hearing facts are presented that contradict these findings or new facts are presented, either of which would warrant further investigation by Staff.

1. **Uses.** The property shall be limited to no more than twenty (20) townhouse style residential units, comprised within four buildings.
2. **Ownership.** Prior to applying for a building permit, the applicant shall record a subdivision plat, creating individual lots, making each unit available as a “for-sale” product.
3. **Parking.** Each unit shall have a minimum of a two-car garage. Additionally, the Project shall contain and maintain an additional eight (8) surface parking spaces for guests.
4. **Access.** The project shall have secondary emergency vehicular access as shown on the concept plan and as recommended by the Fire Department. The Applicant shall provide engineered plan and profile drawings of Grape Ivy Way and make the necessary improvements, including along 900 East, according to the Millcreek adopted standards unless as otherwise directed by the City Engineer.

5. **Landscaping and Open Space.** The Project shall provide the open space along with the tree species, location, and.
6. **Setback.** The setback between the building foundation and west property line shall be a minimum 15 feet. All other setbacks shall be compliant with the minimum setback standards listed within the R-M Zone.
7. **Fencing.** A minimum six-foot (6') tall solid decorative masonry fence shall be installed along the south, east, and west property lines. The fence height shall be reduced to three feet (3') tall when located within clear vision site areas, as determined by the City Engineer.
8. **Architecture.** Each building shall incorporate the following design elements.
  - a. **Materials.** Building facades shall consist of high quality, durable, low maintenance materials (i.e., composite siding and trellises, brick, stone, glass.). Each outward facing building façade shall receive equal treatment and distribution of materials.
  - b. **Building Height.** Building shall not exceed thirty-six (36') as measured from original grade. The applicant shall submit a topographical survey of the property prior to building demolition to establish the "original grade".
  - c. **Doors and windows.** Garage doors, if used, shall be located to the side or rear of the building. Buildings shall include one primary pedestrian door oriented towards the street or common area.
  - d. **Porches.** Each building shall include at least a forty (40) square foot covered front porch, which shall be oriented toward the public right of way. Porches may encroach up to five feet (5') into the front yard setbacks.
  - e. **Exterior Lighting.** All exterior light fixtures (excluding public streetlights) shall be shielded and directed downward to prevent outward glare.
9. **Street Lighting.** The developer shall install standard streetlights as part of the development, the quantity and location shall be as determined by the City Engineer.
10. **Utilities.** All utilities, including open ditches as part of a private irrigation system, shall be placed underground or piped, with the appropriate access and maintenance easements, (subject to utility providers approval).

## MODEL MOTION

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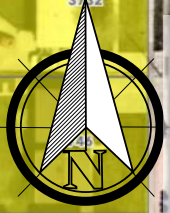
I move that the Planning Commission recommend **approval** of application file number ZM-24-004, subject to a Zone Condition, limiting the use and density to 20 residential units, and a Development Agreement to include all items recommended by Staff.

## **SUPPORTING DOCUMENTS**

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- **Zoning Map**
- **Land Use Map**
- **Density Comparison Map**
- **CW Urban's Development Plans (concept only)**
- **Neighborhood Meeting Summary**
- **Development (Agreement Draft)**

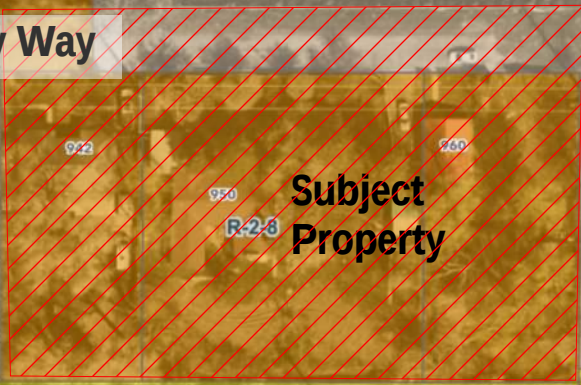
# Zoning Map



Carolyn Street

900 East

Grape Ivy Way



980 East

4500 South

< Fri Mar 22 2024 >



Retail / Office

# Land Use Map



Carolyn Street

N-1

900 East

N-2

Grape Ivy Way

Subject Property

N-3

Public / Quasi

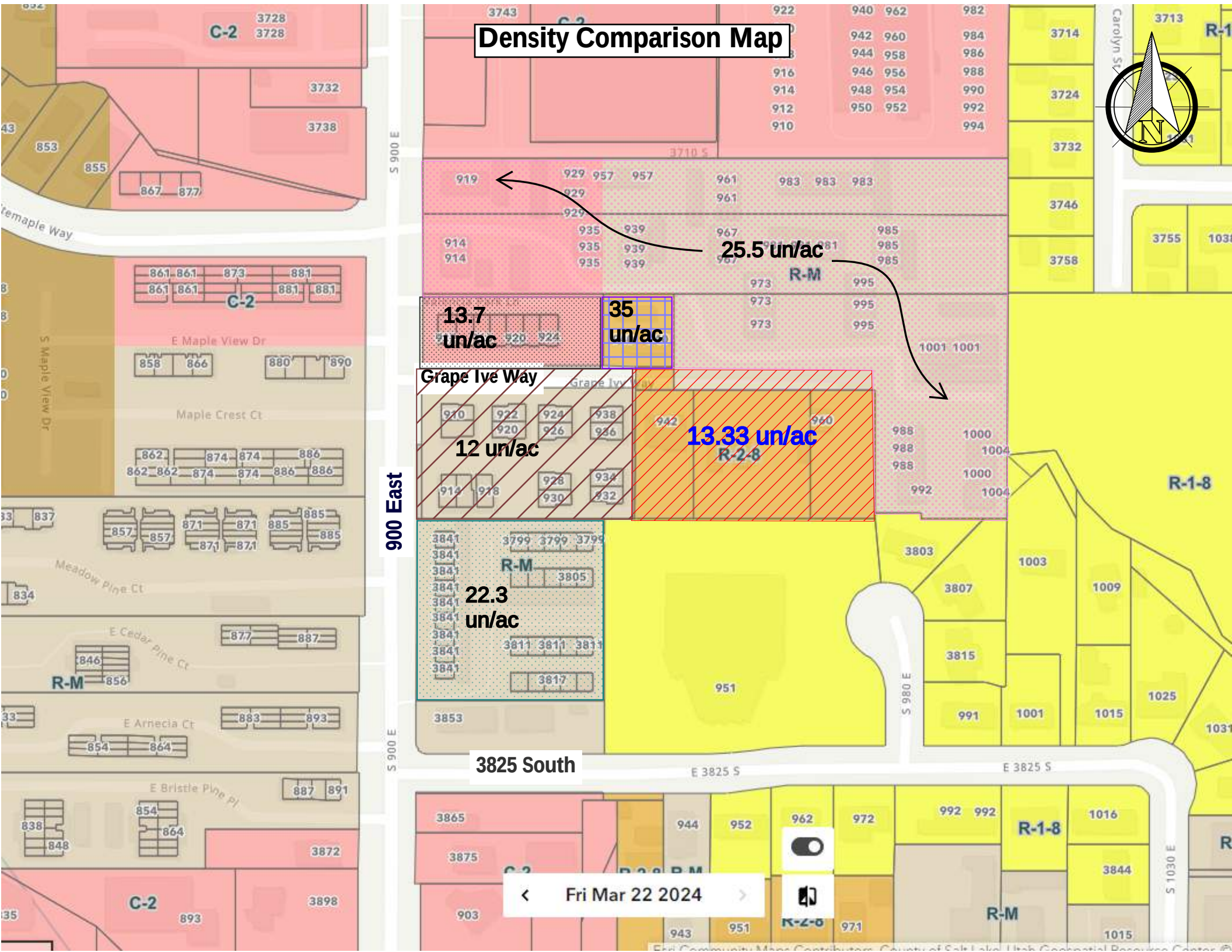
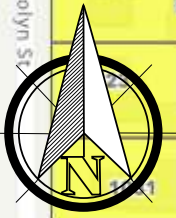
980 East

4500 South

< Fri Mar 22 2024 >



## Density Comparison Map



D

C

B

A

D

C

B

A

UNLESS A PROFESSIONAL SEAL WITH SIGNATURE AND DATE IS AFFIXED, THIS DOCUMENT IS PRELIMINARY AND IS NOT INTENDED FOR CONSTRUCTION, RECORDING PURPOSES, OR IMPLEMENTATION

C.W.  
**URBAN**

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PROJECT  
**theIVY**  
MILLCREEK, UTAH

REVISIONS:

TITLE:  
**EXTERIOR  
PERSPECTIVE  
VIEWS**

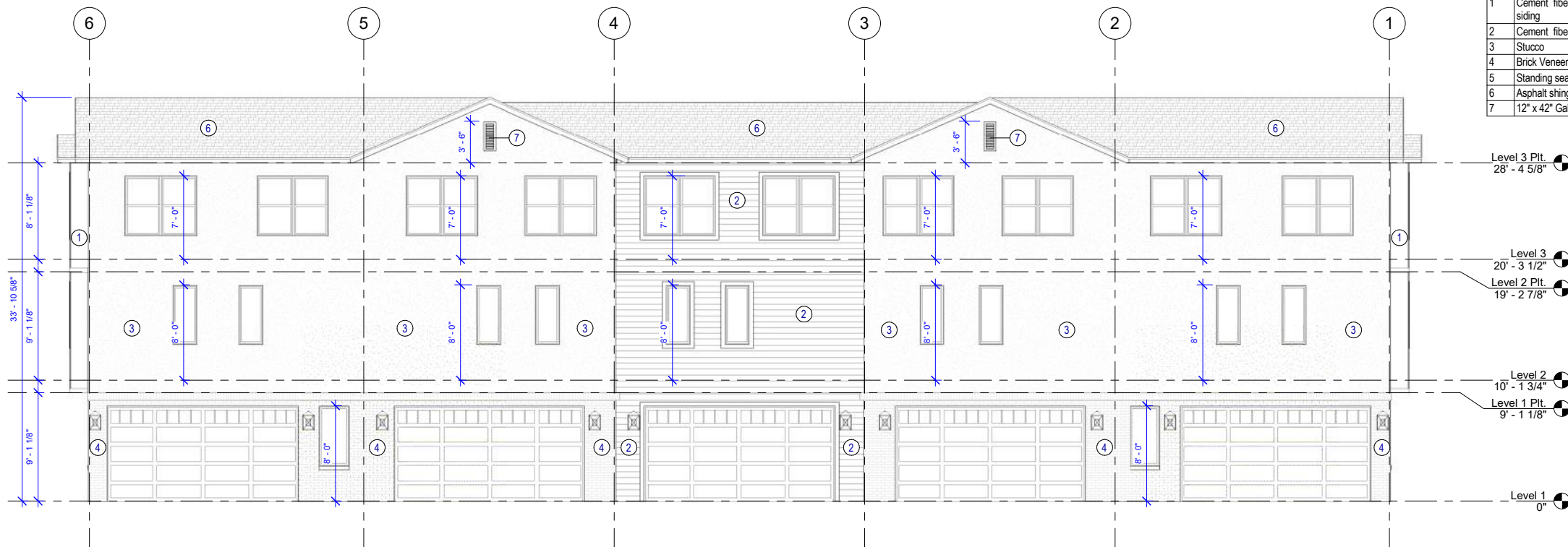
SHEET:  
**G002**

DATE: 7/5/2024 11:59:52 AM





1 FRONT ELEVATION  
3/16" = 1'-0"



2 REAR ELEVATION  
3/16" = 1'-0"

| Keyed Notes - Exterior Elevations |                                    |
|-----------------------------------|------------------------------------|
| Mark                              | Note Text                          |
| 1                                 | Cement fiber board & batten siding |
| 2                                 | Cement fiber lap siding            |
| 3                                 | Stucco                             |
| 4                                 | Brick Veneer                       |
| 5                                 | Standing seam metal roof           |
| 6                                 | Asphalt shingles                   |
| 7                                 | 12" x 42" Gable vent               |

UNLESS A PROFESSIONAL SEAL WITH SIGNATURE AND DATE IS AFFIXED, THIS DOCUMENT IS PRELIMINARY AND IS NOT INTENDED FOR CONSTRUCTION, RECORDING PURPOSES, OR IMPLEMENTATION

C.W.  
**URBAN**

THE DESIGNS SHOWN AND DESCRIBED HEREIN INCLUDING ALL TECHNICAL DRAWINGS, GRAPHIC REPRESENTATIONS & MODELS THEREOF, ARE PROPRIETARY & CAN NOT BE COPIED, DUPLICATED, OR COMMERCIALY EXPLOITED IN WHOLE OR IN PART WITHOUT THE SOLE AND EXPRESS WRITTEN PERMISSION FROM C.W. URBAN

PROJECT  
**theIVY**  
MILLCREEK, UTAH

REVISIONS:

TITLE:  
**FRONT / REAR  
ELEVATIONS**

SHEET:

**A300**

DATE: 7/5/2024 11:59:54 AM



2815 East 3300 South, Salt Lake City, UT 84109  
(801) 305-4670 www.edmpartners.com



SCALE: 1" = 20'



DEVELOPER:

CW Urban  
610 North 800 West  
Centerville, UT 84014  
866-744-2489

HOME  
BY C.W. URBAN

NOTES:

PROJECT STATISTICS:

|                      |                      |
|----------------------|----------------------|
| TOTAL PROJECT AREA = | 62,596 SF            |
| RESIDENTIAL UNITS =  | 20                   |
| DENSITY =            | 13.9 UNITS/ACRE      |
| GARAGE PARKING =     | 40 STALLS (2.0/UNIT) |
| GUEST PARKING =      | 8 STALLS             |
| TOTAL PARKING =      | 48 STALLS            |
| OPEN SPACE =         | 26,398 SF (42.2%)    |

DISCLAIMER:  
ARTIST RENDERING ONLY. PLAN MAY BE ALTERED OR  
CHANGED AT ANY TIME. IT IS FURNISHED MERELY AS  
A CONVENIENCE TO AID YOU IN LOCATING THE LAND  
INDICATED HEREON WITH REFERENCES TO STREETS  
AND OTHER LAND. NO LIABILITY IS ASSUMED BY  
REASON OF ANY RELIANCE HEREON.

the IVY

Conceptual Site Plan

|              |         |
|--------------|---------|
| PROJECT:     |         |
| DRAWN BY:    | NMM     |
| REVIEWED BY: | PMD     |
| REVISIONS:   |         |
| No. DATE     | REMARKS |

DATE: July 1, 2024

SHEET NUMBER:

O-1

## MEMORANDUM

TO C.W. Urban, LLC  
Attn: Quinton Stephens, General Counsel

FROM Steven P. Mehr

DATE April 5, 2024

RE Grape Ivy Way Right-of-Way

---

This memorandum summarizes select encumbrances in connection with certain property located in the City of Millcreek (“**City**”), Salt Lake County, State of Utah consisting of approximately one and one hundred ninety-four thousandths (1.194) acres, also known as Parcel Nos. 16-32-328-015, 16-32-328-004, 16-32-328-005, and 16-32-328-019 and more particularly described in “Exhibit A” attached hereto (“**Property**”). This memorandum is provided for informational purposes only and shall not be construed as expressing any legal opinion; this memorandum is not an exhaustive analysis of the encumbrances or land use issues affecting the Property.

### **I. Site Context**

C.W. Urban, LLC, a Utah limited liability company (“**CW**”) intends to develop the Property. While the Property currently sits vacant, CW desires to develop the Property consistent with the City’s requirements and contingent upon its approval of CW’s plans and specifications. While the exact design of the redevelopment of the Property will be finalized in accordance with the City’s approval process, CW and the City desire to clarify the terms of certain encumbrances which may affect access to the Property. As such, CW commissioned an ALTA/NPS Land Title Survey of the Property, attached hereto as “Exhibit B” (“**Survey**”).

### **II. CW Right-of-Way**

As depicted on the Survey, Grape Ivy Way is the street providing vehicular access to the Property. While CW intends to purchase a portion of Grape Ivy Way, the remainder is accessed pursuant to that certain right-of-way recorded on October 20, 1966 in the office of the Salt Lake County Recorder (“**Recording Office**”) as Entry No. 2175703, Book No. 2502, Page 438 (“**CW Right-of-Way**”). As depicted on the Survey, the Right-of-Way, granted

pursuant to a quitclaim deed, encumbers a thirty feet (30') wide and seven hundred fifty-nine feet (759') long portion ("**Grape Ivy Easement Property**") of the land which abuts the north side of the Property.

The CW Right-of-Way is drafted as a perpetual grant and does not appear to contain any words of limitation which may permit the servient parcel to prevent the holder of the Right-of-Way from accessing the Property. Further, there are no conditions or restrictions on using the Right-of-Way—the holder may use the Right-of-Way at any time and for any purpose. There also do not appear to be any senior grants of rights which may interfere with CW's future use of the CW Right-of-Way.

### **III. City Encumbrances**

#### **A. City Easement**

The City also possesses rights to the Grape Ivy Easement Property pursuant to that certain perpetual easement recorded on November 1, 1973 in the Recording Office as Entry No. 2585322, Book No. 3467, Page 423, for the construction, maintenance, replacement, and repair of water main extension No. 33-C-861, together with service lines, meters, an attendant facilities, over, under across and through the Grape Ivy Easement Property ("**City Easement**").

While the City Easement is perpetual, it is subordinate to the CW Right-of-Way and is limited to using the Grape Ivy Easement Property for the purpose identified therein. There are also no general rights to park vehicles granted in the City Easement. Likely, however, the City would be able to use the Grape Ivy Easement Property as necessary to repair, maintain or replace water main extension No. 33-C-861, which may include parking construction or City vehicles on or around the City Easement. The Survey has also not identified water main extension No. 33-C-861 that may be located on the Property or on the Grape Ivy Easement Property. Thus, the likelihood of the City needing to use the City Easement or interfering with access to the Property or use of the CW Right-of-Way cannot be determined.

#### **B. City Right-of-Way**

Across the same portion of Grape Ivy Way as the Right-of-Way and the City Easement, the Salt Lake City Suburban Sanitary District, Salt Lake County, Utah possesses that certain a right-of-way and easement recorded on October 3, 1975 in the Recording Office as Entry No. 2748261, Book No. 3988, Page 98, for the purpose of digging a trench along the right-of-way and to lay, maintain, operate, repair, remove, or replace the pipe line for transportation ("**City Right-of-Way**"). According to the legal description, the City Right of Way appears to encumber a larger portion of land than the City Easement and the CW Right-of-Way.

While the City Right-of-Way is also perpetual, it is also subordinate to the CW Right-of-Way and is limited to the purposes set forth therein. There are similarly no rights to park vehicles along the Grape Ivy Easement Property granted in the City Right-of-Way, but it may be able to park cars as necessary to effectuate maintenance of the pipe line referenced therein.

The Survey has also not identified any sanitation pipe line that may be located on the Property or on the Grape Ivy Easement Property. Thus, the likelihood of the City needing to use the City Right-of-Way or interfering with access to the Property or use of the CW Right-of-Way cannot be determined.

#### **IV. Conclusion**

According to the Survey, the primary rights affecting the Grape Ivy Easement Property are the CW Right-of-Way, the City Easement, and the City Right-of-Way. The CW Right-of-Way was filed first-in-time in 1966 with the City Easement and the City Right-of-Way being granted later-in-time. In addition, while individuals are parking vehicles across the Grape Ivy Easement Property, none of the encumbrances discussed herein explicitly grant any rights to do so. CW, if it develops the Property, appears to hold the senior rights to the Grape Ivy Easement Property, and any subsequent grants are subject to the CW Right-of-Way.

SPM/css

**EXHIBIT A**

**Legal Description**

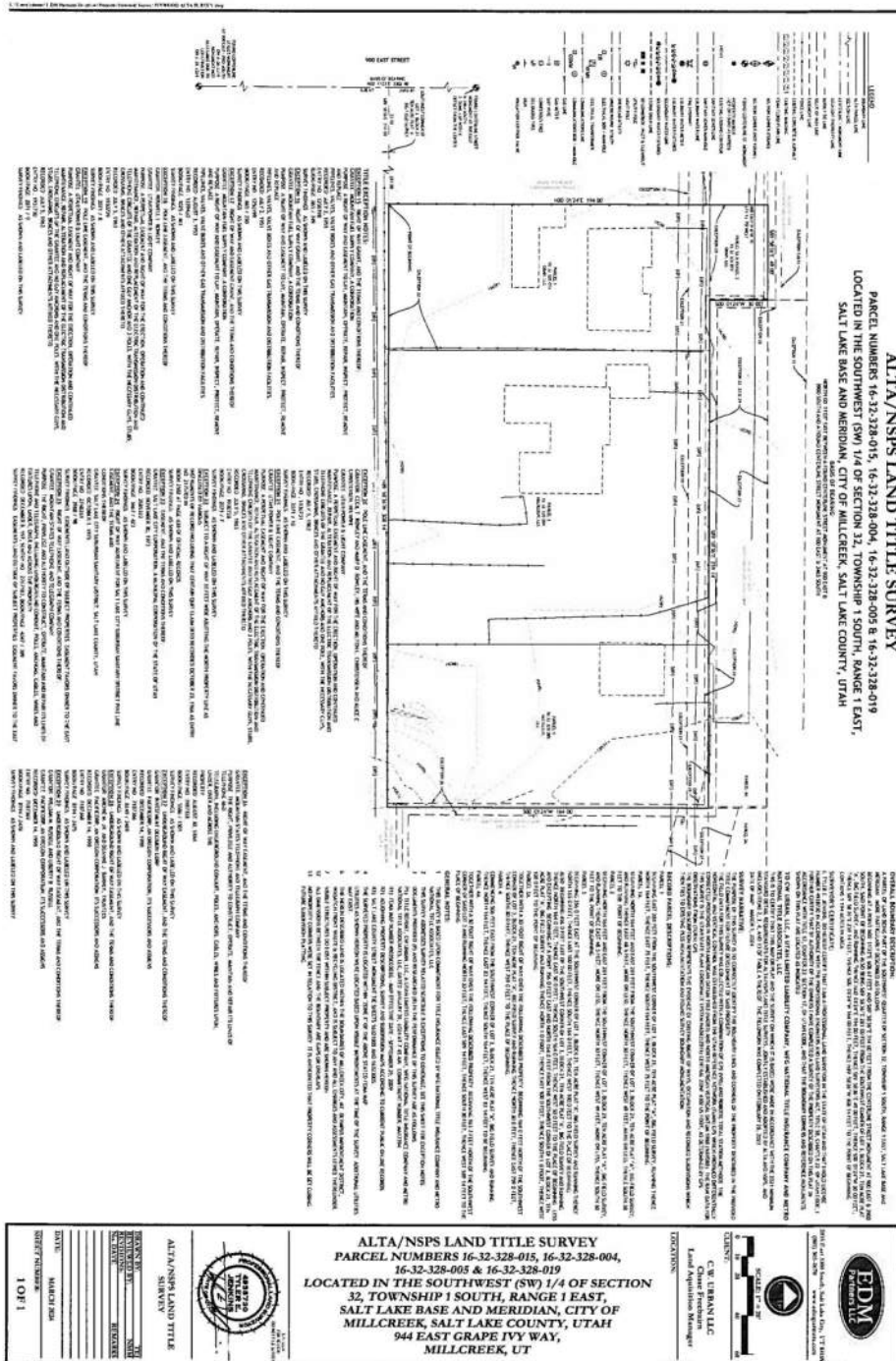
**OVERALL BOUNDARY DESCRIPTION:**

A PARCEL OF LAND BEING PART OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 1 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT N00°11'03"E 608.67 FEET AND S89°58'36"E 314.00 FEET FROM THE CENTERLINE STREET MONUMENT AT 900 EAST & 3900 SOUTH; SAID POINT OF BEGINNING ALSO BEING S89°58'36"E 281.00 FEET FROM THE SOUTHWEST CORNER OF LOT 3, BLOCK 21, TEN ACRE PLAT "A", BIG FIELD SURVEY, AND RUNNING THENCE N00°01'24"E 194.00 FEET; THENCE S89°58'36"E 49.00 FEET; THENCE S00°01'24"W 30.00 FEET; THENCE S89°58'36"E 259.14 FEET; THENCE S00°01'24"W 164.00 FEET; THENCE N89°58'36"W 308.14 FEET TO THE POINT OF BEGINNING.

CONTAINS 1.194 ACRES IN AREA

## Survey



**When recorded, return to:**

Millcreek  
Attn: Jeff Silvestrini  
1330 E Chambers Ave  
Millcreek, UT 84106

**DEVELOPMENT AGREEMENT**

This Development Agreement (this “Agreement”) is entered into this \_\_\_\_ day of \_\_\_\_\_, 2024, by and between CW Urban, LLC and its assigns (“Developer”), for the land to be included in or affected by the property located at approximately 950 East Grape Ivy Way, in Millcreek Utah, a municipal corporation of the State of Utah (“City”). The Developer and the City are sometimes referred to as the “Parties.”

**RECITALS**

**WHEREAS**, Developer owns approximately 1.44 acres of real property located at 950 East Grape Ivy Way, Utah (“Property”). A legal description of the Property is attached hereto as Exhibit “A.” The Parties desire that the Property be developed (the “Project”) in a unified and consistent fashion pursuant to the terms of this Agreement; and

**WHEREAS**, the Property is currently zoned Medium Density Residential R-2-8; and

**WHEREAS**, the Developer desires a zone change of the Property, as described in Exhibit “A” from the R-2-8 Medium Density Residential Zone to the R-M Multifamily Residential Zone; and

**WHEREAS**, the Developer consents to develop the Property consistent with the certain development and design criteria as identified in Exhibit “B” and according to the concept plans as shown in Exhibit “C”; and

**WHEREAS**, Developer hereby represents to the Millcreek Council that it is voluntarily entering into this Agreement; and

**WHEREAS**, Developer is willing to restrict the Property in a manner that is in harmony with the objectives of the City's General Plan and long-range development objectives, and which addresses the more specific development issues set forth in this Agreement, and is willing to abide by the terms of this Agreement; and

**WHEREAS**, the City and Developer acknowledge that the terms of this Agreement shall be enforceable and the rights and responsibilities of the Developer relative to the Property shall vest only if the City Council, in its sole legislative discretion, approves the rezone and this Agreement; and

**WHEREAS**, the City, acting pursuant to its authority under the Utah Municipal Land Use, Development, and Management Act, and specifically Utah Code Ann. §10-9a-523, and associated ordinances, resolutions, and regulations, and in furtherance of its land-use policies, has made certain determinations with respect to the proposed Project, and, in the exercise of its legislative discretion, has elected to approve this Agreement;

**NOW, THEREFORE**, in consideration of the mutual covenants and conditions contained herein, the parties agree as follows:

1. **Affected Property.** The legal description of the Property contained within the Project boundaries is attached as Exhibit "A." No additional property may be added to or removed from this description for the purposes of this Agreement except by written amendment to this Agreement executed and approved by Developer and the City.

2. **Reserved Powers.** Nothing in this Agreement shall limit the City municipality's authority to enact land use regulations, including but not limited to zoning, subdivision, development, transportation, environmental, open space, and related land-use plans, policies, ordinances, and regulations after the date of this Agreement, take any action allowed by Utah Code

section 10-8-84, or require the City to change the zoning designation of an area of land within the City in the future.

3. Vested Rights. Notwithstanding, the Parties intend that that Agreement grant Developer the right to develop the Project in fulfillment of this Agreement.

3.1 **Exceptions.** The vesting as specified above is subject to the following exceptions:

3.1.1. City's future laws/ordinances that Developer agrees, in writing, will apply to the Project. If Developer makes the election for the City's future laws to apply to the Project, then such future laws shall apply for the remaining duration of the Project;

3.1.2 State and Federal Compliance. City's future laws which are generally applicable to all properties in the City, and which are required to comply with State and Federal laws and regulations affecting the Project;

3.1.3 Codes. Any of the following which uniformly apply to all properties, applications, persons, and entities similarly situated with/to Developer: City development standards, engineering requirements and supplemental specifications for Public Works and any new editions or replacement thereof and any City's future laws that are updates or amendments to existing building, plumbing, mechanical, electrical, dangerous buildings, drainage, or similar construction or safety related codes, such as the International Building Code, the APWA Specifications, AAHSTO Standards, the Manual of Uniform Traffic Control Devices or similar standards that are generated by a nationally or statewide recognized construction/safety organization, or by the State or Federal governments and are required to meet legitimate concerns related to public health, safety or welfare;

3.1.4 Taxes. Taxes, or modifications thereto, so long as such taxes are lawfully imposed and charged uniformly by the City to all properties, applications, persons, and entities similarly situated;

3.1.5 Fees. Changes to the amounts of fees for the processing of development applications that are generally applicable to all development within the City (or a portion of the City as specified in the lawfully adopted fee schedule) and which are adopted pursuant to State law;

3.1.6 Impact Fees. Impact Fees or modifications thereto which are lawfully adopted and imposed by the City and which uniformly apply to all properties, applications, person, and entities similar situated; or

3.1.7 Compelling, Countervailing Interest. If, when reviewing Developer's land use application, the City on the record, formally finds a compelling, countervailing public interest pursuant to Utah Code Ann. § 10-9a-509(1)(a)(i) (2019).

4. **Compliance with City Ordinances and Standards.** Developer acknowledges and agrees that nothing in this Agreement shall be deemed to relieve it from the obligation to comply with all applicable ordinances and requirements of the City necessary for development of the Project, including the payment of fees, and compliance with applicable City standards.

5. **Specific Design Conditions.** The Project shall be developed and constructed as set forth in the specific design conditions/criteria set forth in Exhibit "B". The Project shall also comply with all requirements set forth in the minutes of the Millcreek Planning Commission and the Millcreek City Council meetings on this matter. In the event of a conflict between the requirements set forth in the minutes of the Millcreek Planning Commission and the Millcreek City Council, the requirements set forth in the minutes of the Millcreek City Council shall control.

6. **Agreement to Run With the Land.** This Agreement shall be recorded in the Office of the Salt Lake County Recorder, shall be deemed to run with the Property, and shall

encumber the same; and shall be binding on and inure to the benefit of all successors and assigns of Developer in the ownership or development of any portion of the Property. This Agreement supersedes any and all development agreements that have been executed concerning the Property.

7. **Assignment.** Neither this Agreement nor any of the provisions, terms or conditions hereof can be assigned to any other party, individual or entity without the consent of the other party. This Agreement shall be binding upon any successors and assigns. This restriction on assignment is not intended to prohibit or impede the sale by Developer. Notwithstanding the foregoing, Developer shall have the right to assign this Development Agreement to (i) a parent or subsidiary entity under common control, (ii) a successor entity resulting from (a) a transaction or series of related transactions in which an individual or entity, or group of related individuals or entities (other than an affiliate of Developer), directly or indirectly acquires more than fifty percent (50%) of the outstanding ownership interests in Developer, or (b) a sale of (1) all or substantially all of the assets of Developer and/or (2) at least fifty percent (50%) of the direct and indirect subsidiaries of Developer, provided that Developer provides the City with prior written notice of such assignment, the name and address of the applicable parent, subsidiary or affiliate of Developer, and a copy of the assignment.

8. **No Joint Venture, Partnership or Third-Party Rights.** This Agreement does not create any joint venture, partnership, undertaking or business arrangement between the parties hereto nor any rights or benefits to third parties, except as expressly provided herein.

9. **Integration, Modification, and Entire Agreement.** This Agreement contains the entire agreement between the parties with respect to the subject matter hereof and integrates all prior conversations, discussions, or understandings of whatever kind or nature and may only be modified by a subsequent writing duly executed and approved by the parties hereto. Exhibits A through C are hereby incorporated into this Agreement.

10. **Notices.** Any notices, requests, or demands required or desired to be given hereunder shall be in writing and should be delivered personally to the party for whom intended, or, if mailed by certified mail, return receipt requested, postage prepaid to the parties as follows:

TO DEVELOPER:

CW Urban LLC  
Colin Wright  
610 North 800 West  
Centerville Ut 84014

TO CITY:

Millcreek  
Jeff Silvestrini, Mayor  
3330 East Chambers Avenue  
Millcreek, Utah 84106

Any party may change its address by giving written notice to the other party in accordance with the provisions of this section.

11. **Choice of Law and Venue.** Any dispute regarding this Agreement shall be heard and settled under the laws of the State of Utah. Any Utah litigation regarding this Agreement shall be filed in the Third District Court in Salt Lake City, Utah. Any federal litigation regarding this Agreement shall be filed in the United States District Court for the District of Utah in Salt Lake City, Utah.

12. **Severability.** In the event any provision of this Agreement is held to be invalid or unenforceable, the remaining provisions shall remain valid and binding upon the parties. One or more waivers of any term, condition, or other provision of this Agreement by either party shall not be construed as a waiver of a subsequent breach of the same or any other provision.

13. **Limitation on Recovery for Default – No Damages.** No party shall be entitled to any claim for any monetary damages as a result of any breach of this Agreement and each Party waives any claims thereto. The sole remedy available to Developer or and assignee shall be that of specific performance. Notwithstanding such limitation the City may withhold all further reviews, approvals, licenses, building permits and/or other permits for development of the Project in the case of a default by Develop or any assignee.

14. **Term of Agreement.** This Agreement shall run with the land and shall continue in full force and effect until all obligations hereunder have been fully performed and all rights hereunder fully exercised; provided, however, that unless the Parties mutually agree to extend the

term, this Agreement shall not extend further than a period of ten years from its date of recordation in the official records of the Salt Lake County Recorder's Office.

15. **Force Majeure.** Neither party shall be liable or deemed to be in default for any delay, failure, or interruption in performance under the Agreement resulting, directly or indirectly, from acts of God, acts of civil or military authority, acts of public enemy, war, accidents, fires, explosions, earthquakes, floods, failure of transportation, machinery or supplies, vandalism, strikes or other work interruptions, or any other cause beyond the control of either party. Both Parties, however, agree to make good faith efforts to perform under this Agreement in the event of any such circumstance.

16. **Construction.** The Parties stipulate that this Agreement and all agreements or documents incorporated herein shall not be subject to the rule of construction that a written agreement is construed against the Party preparing or drafting that Agreement.

17. **Headings.** The descriptive headings of the paragraphs of this Agreement are inserted for convenience only and shall not control or affect the meaning or construction of any of the provisions hereof.

18. **No Waiver.** The failure of either Party to exercise in any respect a right provided for in this Agreement shall not be deemed to be a subsequent waiver of the same right or of any other right.

19. **Default.** Any failure by either party to perform any term or provision of this Agreement, which failure continues uncured for a period of thirty (30) days following written notice of such failure from the other party, unless such period is extended by written mutual consent, shall constitute a default under this Agreement. Any notice given pursuant to the preceding sentence shall specify the nature of the alleged failure and, where appropriate, the manner in which said failure satisfactorily may be cured. If the nature of the alleged failure is such that it cannot reasonably be cured within such 30-day period, then the commencement of the cure within such time period, and the diligent prosecution to completion of the cure, thereafter, shall be deemed to be a cure within such 30-day period. Subject to paragraph 13 upon

the occurrence of an uncured default under this Agreement, the non-defaulting Party may institute legal proceedings to pursue a remedy and the City shall have a unilateral right to withhold all further reviews, approvals, licenses, building permits, certificates of occupancy and/or other permits for development of the Project in the case of a default by Owner.

20. **Emergency Defaults.** Anything in this Agreement notwithstanding, if the City Council finds on the record that a default materially impairs a compelling, countervailing interest of the City and that any delays in imposing such a default would also impair a compelling, countervailing interest of the City then the City may impose the remedies of Section 19 without the requirements of notice of Sections 19. The City shall give Notice to Owner 24 hours prior notice of any public meeting at which an emergency default is to be considered.

21. **Special Disclosure.** Developer acknowledges that its representative has read and understands all of the covenants, terms and conditions contained in this Agreement and that such covenants, terms and conditions are reasonable, fair and enforceable. Developer acknowledges that it has signed this Agreement as its own free and voluntary act; that this is an important and binding legal contract which has been reviewed by Developer's attorney; and that if Developer has not reviewed this Agreement with its attorney, it is because Developer has knowingly, intelligently, and voluntarily waived consultation with its attorney contrary to the City's recommendation that the covenants, promises and obligations contained herein shall be and remain effective.

[REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK]

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year first above written.

**Millcreek**

ATTEST:

\_\_\_\_\_  
Jeff Silvestrini, Mayor

\_\_\_\_\_  
Elyse Sullivan, MMC, City Recorder

CITY ACKNOWLEDGMENT

STATE OF UTAH                    )  
                                              :SS.  
COUNTY OF SALT LAKE    )

On the \_\_\_\_\_ day of \_\_\_\_\_, 2024, personally appeared before me  
\_\_\_\_\_, who being by me duly sworn, did say that he is the Mayor of Millcreek, a  
political subdivision of the State of Utah, and that said instrument was signed on behalf of the  
City by authority of its City Council and said Mayor acknowledged to me that the City executed  
the same.

**DEVELOPER**

By: \_\_\_\_\_

Title: \_\_\_\_\_

**OWNER/DEVELOPER ACKNOWLEDGMENT**

STATE OF UTAH                    )  
                                              :ss.  
COUNTY OF SALT LAKE    )

On the \_\_\_\_ day of \_\_\_\_\_, 2024, personally appeared before me Colin Wright, who being by me duly sworn, did say that he is the Manager of CW Development Group, LLC, which is the Manager of CW The Manager, LLC, which is the Manager of CW Urban LLC, a Limited Liability Company and that the foregoing instrument was duly authorized by the company.

**Exhibit A**

**OVERALL BOUNDARY DESCRIPTION:**

A PARCEL OF LAND BEING PART OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 1 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT N00°11'03"E 608.67 FEET AND S89°58'36"E 314.00 FEET FROM THE CENTERLINE STREET MONUMENT AT 900 EAST & 3900 SOUTH; SAID POINT OF BEGINNING ALSO BEING S89°58'36"E 281.00 FEET FROM THE SOUTHWEST CORNER OF LOT 3, BLOCK 21, TEN ACRE PLAT "A", BIG FIELD SURVEY, AND RUNNING THENCE N00°01'24"E 199.50 FEET; THENCE S89°58'36"E 317.14 FEET; THENCE S00°01'24"W 124.70 FEET; THENCE N89°58'36"W 9.00 FEET; THENCE S00°01'24"W 74.80 FEET; THENCE N89°58'36"W 308.14 FEET TO THE POINT OF BEGINNING.

CONTAINS 1.44 ACRES IN AREA

**Exhibit B**  
Development and Design Criteria

Developer shall develop the Project consistent with the certain design criteria as identified below:

1. **Uses.** The property shall be limited to no more than twenty (20) townhouse style residential units, comprised within four buildings substantially as depicted in Exhibit C.
2. **Ownership.** Prior to applying for a building permit, the Developer shall record a subdivision plat consistent of twenty (20) individual platted lots, with adequate ingress and egress so that each lot may be sold separately.
3. **Parking.** Each unit shall have a minimum of a two-car garage. Additionally, the Project shall contain and maintain an additional eight (8) surface parking spaces for guests, substantially as depicted within Exhibit C.
4. **Access.** The Project shall have secondary emergency vehicular access as shown on the concept plan and as recommended by the Fire Department. The Developer shall provide engineered plan and profile drawings of Grape Ivy Way consistent with City standards and shall built/rebuild Grape Ivy Way according to applicable City standards that includes an acceptable access to 900 East, determined by the City Engineer.
5. **Landscaping and Open Space.** The Project shall provide the open space along with the tree species, location, and size as substantially depicted within Exhibit C.
6. **Setback.** The setback between the building foundation and west property line shall be a minimum 15 feet. All other setbacks shall be compliant with the minimum setback standards listed within the R-M Zone.

7. **Fencing.** A minimum six-foot (6') tall solid decorative masonry fence shall be installed along the south, east, and west property lines. The fence height shall be reduced to three feet (3') tall when located within clear vision site areas, as determined by the City Engineer.
8. **Architecture.** Each building shall be as substantially depicted within Exhibit C and shall incorporate the following design elements.
- a. **Materials.** Building facades shall consist of high quality, durable, low maintenance materials (i.e., composite siding and trellises, brick, stone, glass.). Each outward facing building façade shall receive equal treatment and distribution of materials.
  - b. **Building Height.** Building shall not exceed thirty-six (36') as measured from original grade. The Developer shall submit a topographical survey of the property that is acceptable to the City prior to building demolition to establish the "original grade".
  - c. **Doors and windows.** Garage doors, if used, shall be located to the side or rear of the building. Buildings shall include one primary pedestrian door oriented towards the street or common area.
  - d. **Porches.** Each unit shall include at least a forty (40) square foot covered front porch, which shall be oriented toward the public right of way. Porches may encroach up to five feet (5') into the front yard setbacks.
  - e. **Exterior Lighting.** All exterior light fixtures (excluding public streetlights) shall be shielded and directed downward to prevent outward glare.
9. **Street Lighting.** The developer shall install standard streetlights as part of the development, the quantity and location shall be as determined by the City Engineer.
10. **Utilities.** All utilities, including open ditches as part of a private irrigation system, shall be placed underground or piped, with the appropriate access and maintenance easements, (subject to utility providers approval).

**Exhibit C**  
(See following pages)

D

C

B

A

D

C

B

A

UNLESS A PROFESSIONAL SEAL WITH SIGNATURE AND DATE IS AFFIXED, THIS DOCUMENT IS PRELIMINARY AND IS NOT INTENDED FOR CONSTRUCTION, RECORDING PURPOSES, OR IMPLEMENTATION

C.W.  
**URBAN**

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PROJECT  
**theIVY**  
MILLCREEK, UTAH

REVISIONS:

TITLE:  
**EXTERIOR  
PERSPECTIVE  
VIEWS**

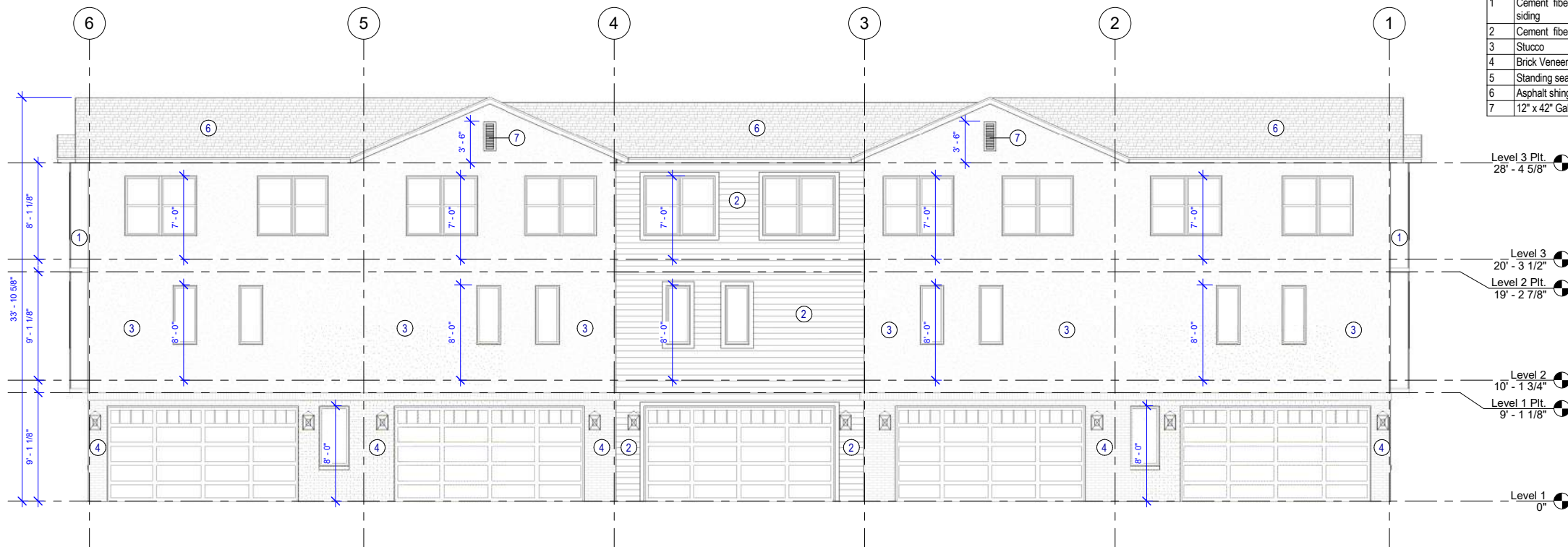
SHEET:  
**G002**

DATE: 7/5/2024 11:59:52 AM





1 FRONT ELEVATION  
3/16" = 1'-0"



2 REAR ELEVATION  
3/16" = 1'-0"

| Keyed Notes - Exterior Elevations |                                    |
|-----------------------------------|------------------------------------|
| Mark                              | Note Text                          |
| 1                                 | Cement fiber board & batten siding |
| 2                                 | Cement fiber lap siding            |
| 3                                 | Stucco                             |
| 4                                 | Brick Veneer                       |
| 5                                 | Standing seam metal roof           |
| 6                                 | Asphalt shingles                   |
| 7                                 | 12" x 42" Gable vent               |

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PROJECT  
**theIVY**  
MILLCREEK, UTAH

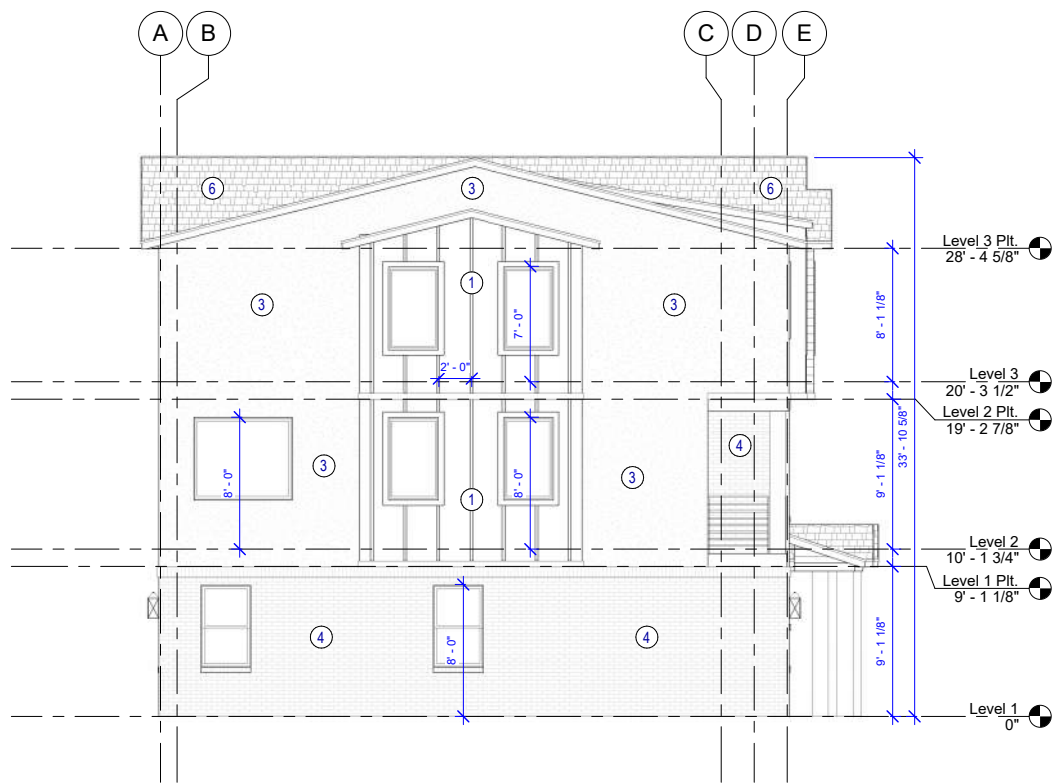
REVISIONS:

TITLE:  
**FRONT / REAR  
ELEVATIONS**

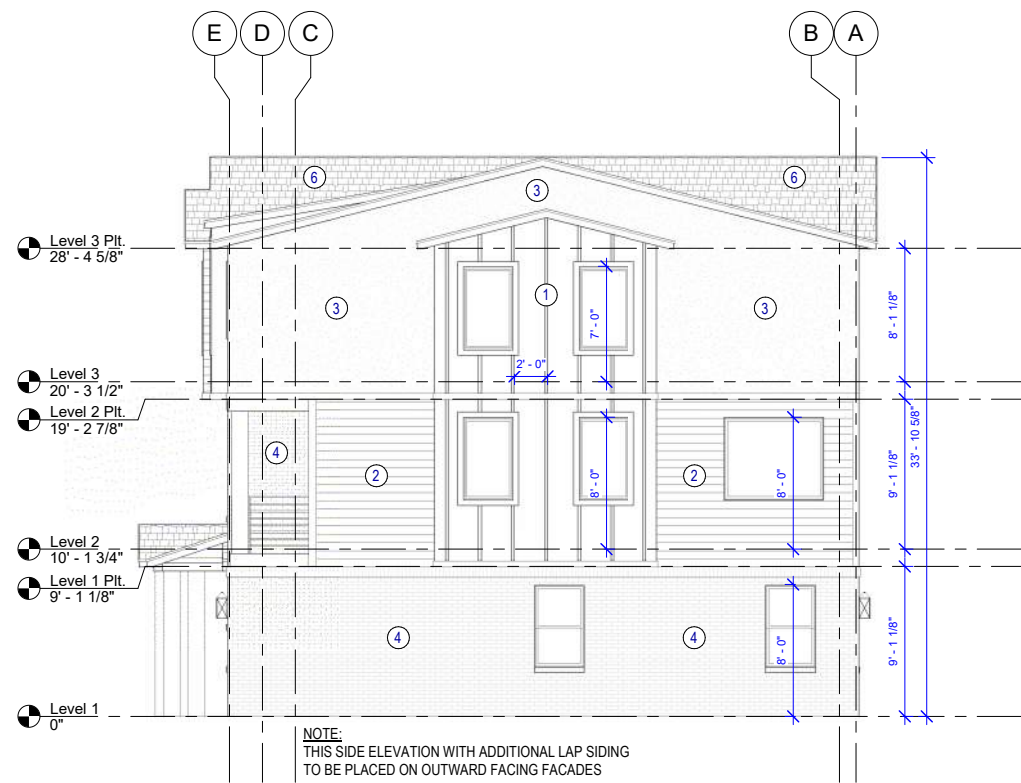
SHEET:

**A300**

DATE: 7/5/2024 11:59:54 AM



1 LEFT ELEVATION  
3/16" = 1'-0"



2 RIGHT ELEVATION  
3/16" = 1'-0"

NOTE:  
THIS SIDE ELEVATION WITH ADDITIONAL LAP SIDING  
TO BE PLACED ON OUTWARD FACING FACADES

| Keyed Notes - Exterior Elevations |           |
|-----------------------------------|-----------|
| Mark                              | Note Text |

|   |                                    |
|---|------------------------------------|
| 1 | Cement fiber board & batten siding |
| 2 | Cement fiber lap siding            |
| 3 | Stucco                             |
| 4 | Brick Veneer                       |
| 5 | Standing seam metal roof           |
| 6 | Asphalt shingles                   |
| 7 | 12" x 42" Gable vent               |

UNLESS A PROFESSIONAL SEAL WITH SIGNATURE AND DATE IS AFFIXED, THIS DOCUMENT IS PRELIMINARY AND IS NOT INTENDED FOR CONSTRUCTION, RECORDING PURPOSES, OR IMPLEMENTATION

C.W.  
URBAN

THE DESIGNS SHOWN AND DESCRIBED HEREIN INCLUDING ALL TECHNICAL DRAWINGS, GRAPHIC REPRESENTATIONS & MODELS, THEREOF, ARE PROPRIETARY & CAN NOT BE COPIED, DUPLICATED, OR COMMERCIALY EXPLOITED IN WHOLE OR IN PART WITHOUT THE SOLE AND EXPRESS WRITTEN PERMISSION FROM C.W. URBAN

PROJECT  
theIVY

MILLCREEK, UTAH

REVISIONS:

TITLE:  
RIGHT / LEFT  
ELEVATIONS

SHEET:

A301

DATE: 7/5/2024 11:59:56 AM





2815 East 3300 South, Salt Lake City, UT 84109  
(801) 305-4670 www.edmpartners.com



SCALE: 1" = 20'



DEVELOPER:

CW Urban  
610 North 800 West  
Centerville, UT 84014  
866-744-2489

HOME  
BY C.W. URBAN

NOTES:

PROJECT STATISTICS:

|                      |                      |
|----------------------|----------------------|
| TOTAL PROJECT AREA = | 62,596 SF            |
| RESIDENTIAL UNITS =  | 20                   |
| DENSITY =            | 13.9 UNITS/ACRE      |
| GARAGE PARKING =     | 40 STALLS (2.0/UNIT) |
| GUEST PARKING =      | 8 STALLS             |
| TOTAL PARKING =      | 48 STALLS            |
| OPEN SPACE =         | 26,398 SF (42.2%)    |

DISCLAIMER:  
ARTIST RENDERING ONLY. PLAN MAY BE ALTERED OR  
CHANGED AT ANY TIME. IT IS FURNISHED MERELY AS  
A CONVENIENCE TO AID YOU IN LOCATING THE LAND  
INDICATED HEREON WITH REFERENCES TO STREETS  
AND OTHER LAND. NO LIABILITY IS ASSUMED BY  
REASON OF ANY RELIANCE HEREON.

the IVY

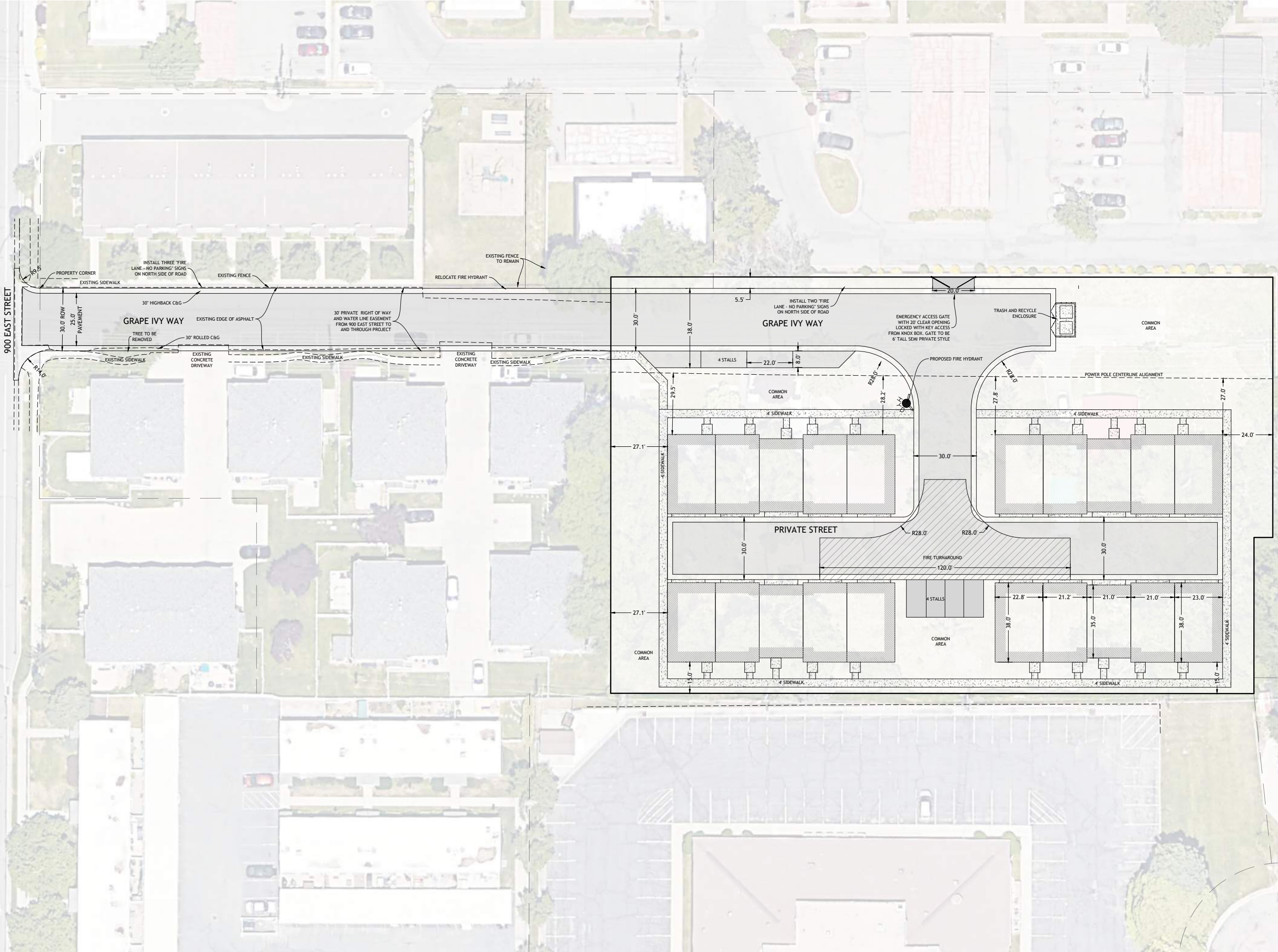
Conceptual Site Plan

|              |         |
|--------------|---------|
| PROJECT:     |         |
| DRAWN BY:    | NMM     |
| REVIEWED BY: | PMD     |
| REVISIONS:   |         |
| No. DATE     | REMARKS |

DATE: July 1, 2024

SHEET NUMBER:

O-1



**Millcreek City Hall**  
1330 E Chambers Ave  
Millcreek, Utah 84106  
millcreekut.gov



**Planning & Zoning**  
(801) 214-2700  
planner@millcreekut.gov

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ZT-24-004

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## City Council Staff Report (First Reading)

**Meeting Date:** 7/22/2024

**Re:** Wireless Telecommunication Code Update

**Prepared By:** Brad Sanderson, AICP  
Logan and Simpson, Consultant

|                           |                                                                                                                                                                                                                                                                                                                                    |
|---------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Scope of Decision:</b> | <b>Discretionary.</b> This is a legislative matter, to be decided by the Millcreek City Council upon receiving a recommendation from the Community Council(s) and the Millcreek Planning Commission. Your recommendation can be broad in scope, but should consider prior adopted policies, especially the Millcreek General Plan. |
|---------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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## REQUEST AND SYNOPSIS

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As part of the comprehensive Millcreek Together Code Update, Millcreek Planning Staff has prepared an update of the Wireless Telecommunication Code for the City Council's consideration. The Wireless Telecommunication Code was originally inherited from Salt Lake County at the time of Millcreek's incorporation in 2017-18. Some minor amendments to the code appear to have been made over the past several years however these amendments were only minor and largely non-substantive and have otherwise not kept up with industry standards nor do they reflect recent changes to federal statutes that have occurred over the past decade.

Certain regulations were adopted at the federal level, resulting in "Section 6409(a)" of the Middle Class Tax Relief and Job Creation Act of 2012 ("Section 6409") which mandates that a state or local governments approve certain wireless broadband facilities citing requests for modifications and collocations of wireless transmission equipment on an existing tower or base station that do not result in a substantial change to the physical dimensions of towers or base stations. This statute was later amended in 2016 to

The local government's scope of authority to regulate wireless communication facilities is limited by applicable state and federal statute, including Section 6409. One notable limitation is the City's inability to regulate and deny applications for wireless communication facilities based on alleged health concerns. The proposed text amendment is drafted to comply with those constraints and to find a balance between aesthetic concerns and the growing demand for and reliance on cellular service throughout the city.

The update furthermore seeks to reduce certain discrepancies, enhance clarity, create additional design regulations, protect neighborhoods where certain commercial wireless facilities may be less desirable, introduce better processes, and attempts to meet many industry standards.

The Wireless Telecommunication code works like a floating zone which applies to all zones across the city. The Wireless Telecommunication code regulates both “Personal Transmission Equipment” such as personal antennas, dishes, and “Commercial Transmission Equipment” including commercial antennas, dishes, and related mechanical equipment. The Wireless Telecommunication Facilities are categorized into the four primary types;

- Roof Mounted,
- Wall Mounted,
- Freestanding Stealth Structures (<45’)
- Monopoles (> 45’).

This Wireless Telecommunications Code does not regulate the following:

- “Small Cell” facilities as they are regulated by a different section of Millcreek code.
- Amateur radio antennas and related equipment – these are regulated by the FCC.
- Commercial Radio, TV Broadcasting stations
- Safety requirements since these are regulated by the FCC.

Staff welcomes any guidance from you on how the proposed wireless telecommunication code update on how it could be improved and would otherwise request approval by the City Council.

## GENERAL PLAN CONSIDERATIONS

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Describe how the proposed changes implement the General Plan. Make specific references to the goals and strategies in the general plan as follows:

### **GOAL E-6: “Provide high-quality infrastructure and technology Citywide.”**

***Strategy 6.1. “Support Millcreek’s major institutions, business centers and other businesses with continued quality infrastructure that meets the City’s needs.”***

The proposed code update would allow some wireless telecommunication facilities to be located within areas through alternative options, particularly where roof and wall mounted options might be limited due to the lack of commercial buildings.

### **GOAL N-1: “Preserve and enhance the physical elements that define each neighborhood’s character.”**

***Strategy 6.1. “Ensure that new infill development is compatible with existing neighborhoods by regulating structure sizes and height; building forms and materials; yard setbacks; streetscape character; height and bulk transitions; buffering; and other factors.”***

The ordinance increases standards for wireless telecommunication facilities by promoting quality over quantity though limitations on height, location, buffering, massing, setbacks and other similar requirements.

## PROPOSED ORDINANCE AMENDMENTS

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Attached to this staff report is a proposed draft of the Wireless Telecommunication Code update. The update is a complete reformatting of the previous code. A summary of the proposed changes are listed below:

- Removes Conditional Use Permit (CUP) process and replaces it with several design standards/requirements.
- Includes but limits the size, quantity, and location of personal consumer transmission equipment. (Maximum of two pieces of equipment per dwelling and must be in an inconspicuous location as viewed from the street.)
- Provides additional standards for commercial equipment, particularly when located in proximity to residential uses.
- Wall mounted antennas will have a reduced “stand-off” distance from the wall surface to which they are mounted (reduction from 4 feet to 2 feet) wherein antennas etc., must match the color and texture of the wall surface.
- Roof mounted antennas will have an increased setback from roof edge (from 10 feet to 15 feet) and will have a maximum height of 10’ tall, as measured from roof surface or top of the lowest parapet wall. Roof mounted antennas will no longer be allowed on pitched roofs.
- Both roof and wall mounted antennas/equipment are not allowed on first and second floor levels.
- Introduction of Freestanding Stealth Structures – Primarily defined by height (less the 45 feet tall) and shall be designed to simulate the surrounding environment or other stealth structures, such as, flag poles, ball field lights, water towers, steeples, clock towers. These may be located in areas where roof and wall mounted options are not available or where monopoles may not otherwise be allowed.
- Monopoles would not be permitted to exceed 60 feet tall instead of the previously allowed 80 feet tall, unless otherwise granted through an eligible facility request.
- Monopoles will no longer be allowed within ½ mile radius of each other and will have a height/distant ratio of three times (3x) the pole height when located along residential property lines.
- New four foot (4’) “stand-off” distance standard between the edge of the pole and edge of antennas and other pole mounted equipment.
- Eligible Facilities Requests – New FCC regulations allow wireless telecommunication facilities to modify the physical dimensions of the ground area and/or structure as long the changes are not “substantial”. These would be determined through a separate review process “Eligible Facility Request” (EFR). These must be completed in a timely manner.
- Fundamental equipment updates which do not seek to expand the ground area, pole height or width, will be processed through a building permit review. New graphics have been provided (needs further updates) to show the options and restrictions.

## COMMUNITY COUNCIL RECOMMENDATIONS

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1. **Millcreek Community Council.** The Millcreek Community Council met on 6/4/2024. They voted 7 in favor to 4 opposed for the adoption of file number ZT-24-004. The Millcreek Community Council recommended limiting monopole heights to a maximum of 60 feet with the understanding that modification could be made through the eligible facility request process to further change the physical dimensions of pole.

2. **Canyon Rim Citizens Association.** The Canyon Rim Citizens Association met on 6/5/2024. They voted 8 in favor to 0 opposed for the adoption of file number ZT-24-004. The Millcreek Community Council recommended limiting monopole heights to a maximum of 60 feet with the understanding that modification could be made through the eligible facility request process to further change the physical dimensions of pole.
3. **East Mill Creek Community Council.** The East Mill Creek Community Council met on 6/6/2024. They voted 8 in favor to 0 opposed for the adoption of file number ZT-24-004. The Millcreek Community Council recommended limiting monopole heights to a maximum of 60 feet with the understanding that modification could be made through the eligible facility request process to further change the physical dimensions of pole. Additionally, there was some discussion about including additional landscape where appropriate.
4. **Mount Olympus Community Council.** The Mount Olympus Community Council met on 6/03/2024. They voted in favor 6 to 1 opposed for the adoption of file number ZT-24-004. The Millcreek Community Council recommended:
  - In the absence of a “slim pole” design that incorporates telecommunication equipment within a very slim profile, a monopole wireless telecommunications facilities pole height should be limited to a maximum height of 60 feet. If the pole will be of a “slim pole” design with the equipment mounted in a very slim profile, then the maximum height allowed should not exceed 80 feet.
  - Monopole wireless telecommunications facilities should be required (not recommended) to be of a “stealth” design, subject to the planning director being authorized to waive the stealth requirement, subject to good cause as petitioned for by the applicant.

## PLANNING COMMISSION RECOMMENDATIONS

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During the regularly scheduled public meeting held June 19, 2024, the Planning Commission considered public comment and recommended (5-0) to the City Council to approve the proposal as presented/proposed by Staff.

## PLANNING STAFF RECOMMENDATIONS

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Based on the findings and conclusions listed within this report, staff recommends that the City Council approve, application file number ZT-24-004, unless during the hearing facts are presented that contradict these findings or new facts are presented, either of which would warrant further investigation by Staff.

## MODEL MOTION

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I move that the City Council approve the application, file number ZT-24-004, as proposed.

## SUPPORTING DOCUMENTS

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- Wireless Telecommunication Code Update

## **18.75 Wireless Telecommunications Facilities**

### **18.75.100 Purpose**

- A. The purpose of this chapter is to reasonably regulate, to the extent permitted by Utah and federal law the location, installation, operation, collocation, modification and design of personal transmission equipment and commercial wireless telecommunications facilities. All facilities shall comply with the following regulations and all other ordinances of the city and any pertinent regulations of the Federal Communications Commission (FCC) and the Federal Aviation Administration (FAA).

### **18.75.110 Applicability**

- A. The requirements of this chapter apply to existing and new installation of both personal transmission equipment and commercial transmission equipment referred to as commercial wireless telecommunication facilities. Commercial wireless telecommunication facilities are categorized into the following four types of facilities: roof mount, wall mount, freestanding stealth structures, and monopoles.
- B. This chapter does not regulate small wireless facilities. Small wireless facilities are regulated in Title 16 of the city's code.
- C. Amateur radio antennas and related equipment are exempt from the regulations of this chapter.
- D. This chapter does not regulate TV and radio broadcasting towers as they are not permitted in the city and this chapter does not govern such facilities.
- E. Lattice or guyed structures intended for transmission equipment, of any type, are not permitted.

### **18.75.120 Site Plan Review Required**

- A. A Site Plan shall be submitted by the applicant desiring placement of personal and commercial transmission equipment, including wireless telecommunication facilities. The site plan shall be submitted to the Planning Department for review prior to submitting and processing any building permits.

### **18.75.130 Personal Transmission Equipment**

- A. This section shall apply to all personal transmission equipment for individual use such as antennas, dishes, etc. Personal transmission equipment may be located in all residential and agricultural zones with a building permit, provided that the installation and maintenance of transmission equipment complies with the following:
  - 1. All personal transmission equipment shall be ancillary and accessory to single or two-household dwellings, within the R-1, R-2 or A-1 Zones.

2. An antenna or dish may extend up to five feet (5') above the highest point of the primary structure to which it is affixed and in no case shall antennas, dishes, or any other transmission equipment exceed an overall height of thirty feet (30') as measured from original grade.
3. Satellite dishes shall not exceed three feet (3') in diameter.
4. No more than two (2) antenna or dish per dwelling unit may be installed.
5. Individual freestanding structures used for transmission equipment of any kind are prohibited except as regulated by the FCC for amateur radio.
6. Antennas, dishes, and other transmission equipment shall be attached to the primary structure and shall make a reasonable effort for complete concealment or locate such transmission equipment in the least conspicuous location possible as viewed from a public street as determined by the Planning Director.

*Figure 18.75.041 Personal Transmission Equipment Illustration*

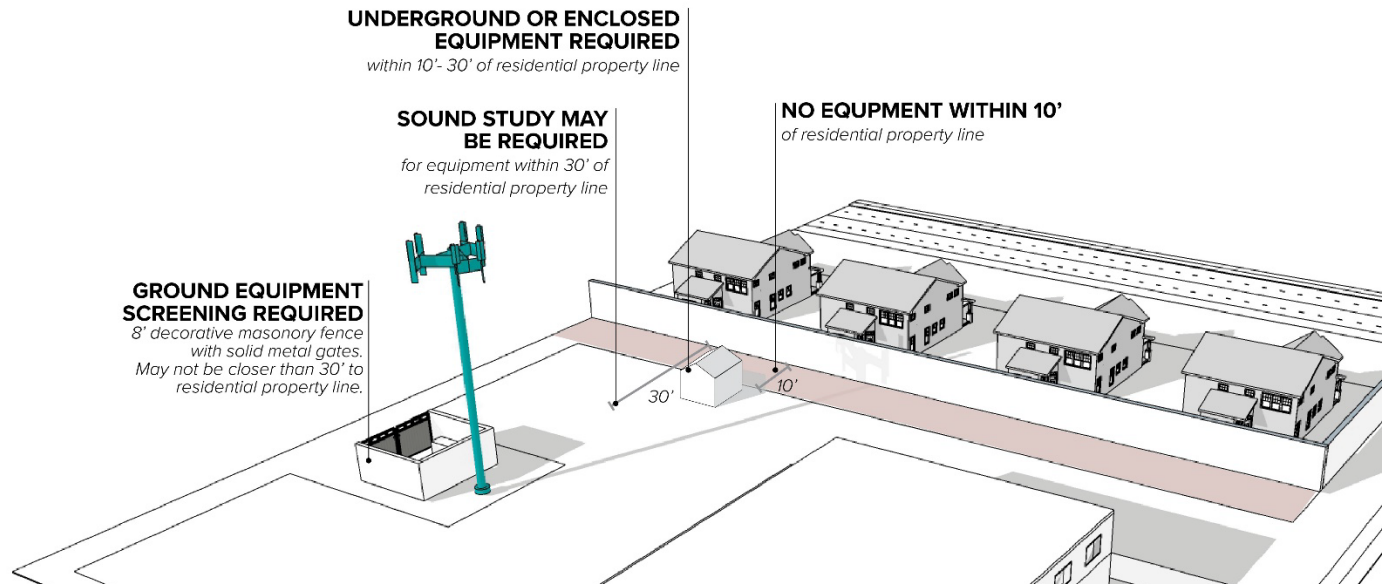


## 18.75.050 General Standards for Wireless Telecommunication Facilities

- A. Commercial wireless telecommunication facilities are permitted in non-residential and non-agricultural zones according to the standards listed within this chapter.

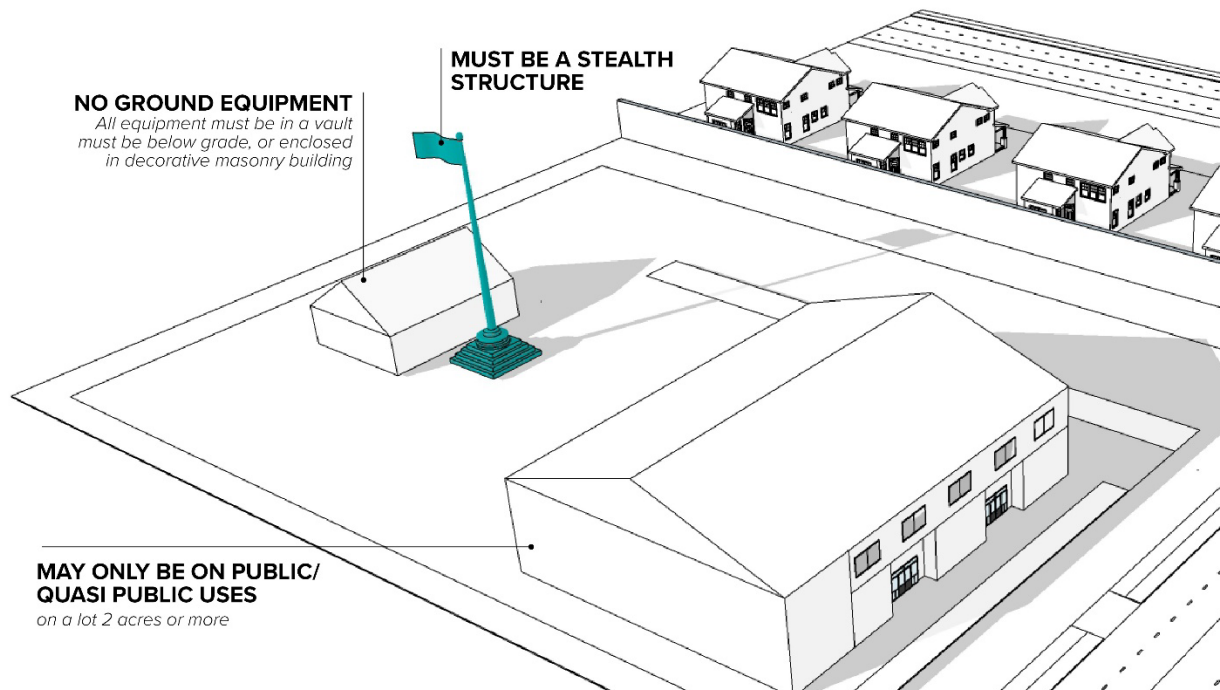
- B. Commercial mechanical and transmission equipment shall meet the following standards:
1. The property shall be used as a commercial, office or manufacturing use or is in conjunction with a public property with a public or quasi-public use such as a public school, fire station, library, park, or other government use.
  2. Equipment may be located within thirty feet (30'), but no closer than ten feet (10') of a residential property line if:
    - a. All mechanical equipment shall be placed within a below grade vault, or;
    - b. All ground equipment shall be located within a completely enclosed decorative masonry accessory building. Such accessory buildings shall meet the height and setback requirements prescribed by the underlying zone.
    - c. A sound study may be required, as determined by the Planning Director, for equipment located within thirty feet (30') of a residential property line. (see sound study standards found in section xx.xx.xx)
  3. Ground equipment shall be completely screened with a minimum eight foot (8') tall decorative masonry wall with solid metal gates and may not be located closer than thirty feet (30') to any residential property line.
  4. Antennas, dishes, and other commercial mechanical and transmission equipment shall not create visual clutter, nuisance or hazard as determined by the Planning Director.

Figure 18.75.051 Commercial Transmission Equipment Illustration



- C. Commercial wireless telecommunication facilities may be located within a residential or agricultural zone, provided that:
1. The applicant has provided technological justification and made all reasonable efforts, to the Planning Director's satisfaction, to first exhaust all other options to first co-locate or locate a new facility within a non-residential or non-agricultural zones.
  2. Facilities shall only be installed on public property and shall be associated with public or quasi-public uses such as, a public school, fire station, library, park, or other government use.
  3. Facilities meet all standards of commercial mechanical and transmission equipment as set forth in MKZ18.75.050.B
  4. Facilities shall be made stealth within a steeple, flagpole, or as an approved freestanding stealth structure.

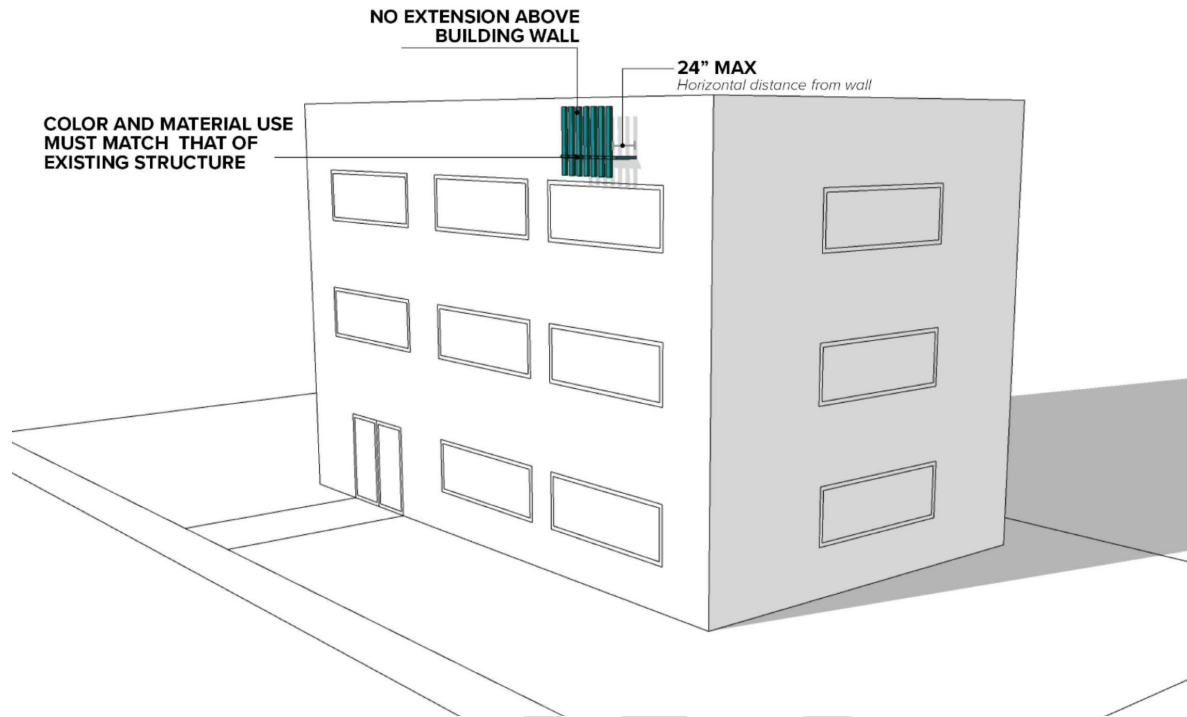
Figure 18.75.052 Commercial Transmission Equipment in Residential or Agricultural Zone Illustration



## 18.75.060 Wall Mounted Wireless Telecommunication Facilities

- A. The following provisions shall apply to wall mounted commercial transmission equipment:
1. Wall mounted commercial transmission equipment shall be mounted to the wall of the primary structure and not extend more than twenty-four inches (24") as measured from the surface edge of the wall to the front or furthest portion of equipment.
  2. Wall mounted commercial transmission equipment shall be located a minimum thirty feet (30') above the finished grade of the wall surfaces to which they are mounted.
  3. Wall mounted commercial transmission equipment shall not extend above the wall to which it is mounted to.
  4. Wall mounted commercial transmission equipment, including the supporting structure shall be colored to match the building colors, textures, and materials.

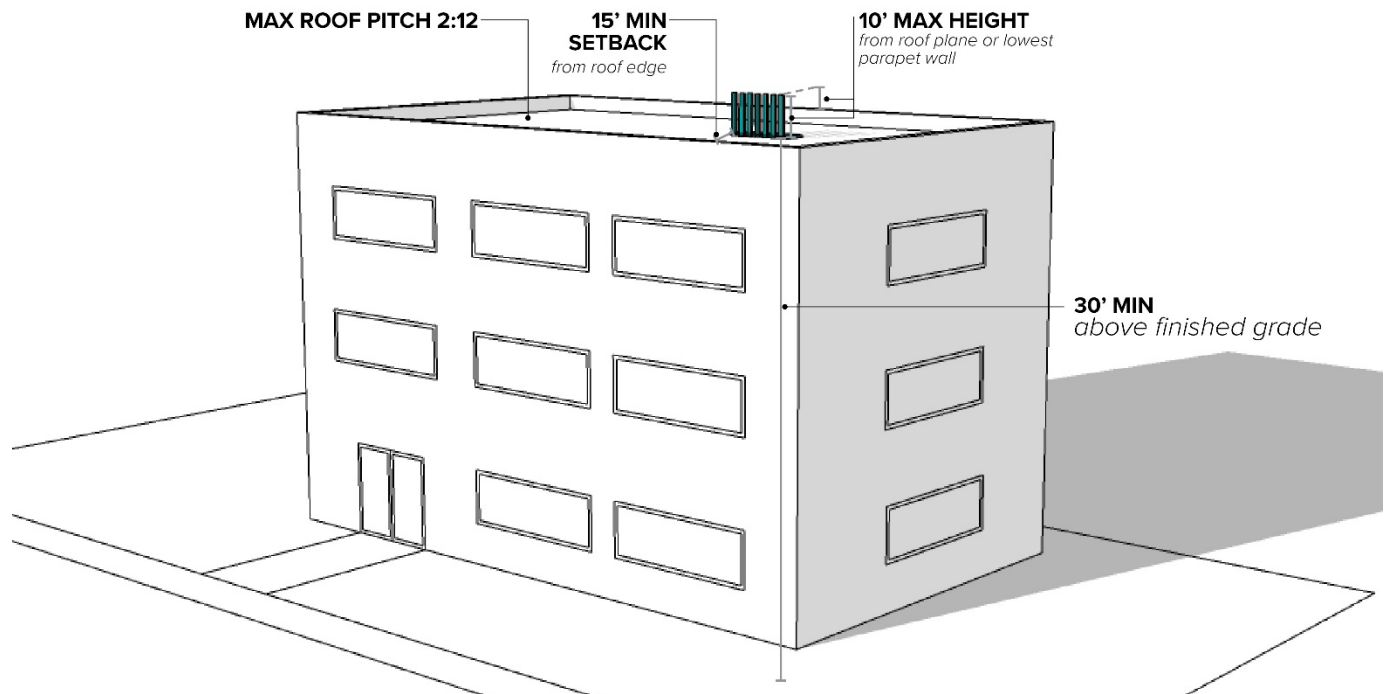
Figure 18.75.061 Wall Mounted Transmission Equipment Illustration



### 18.75.070 Roof Mounted Wireless Telecommunication Facilities

- A. The following provisions shall apply to roof mounted commercial transmission equipment:
1. Transmission equipment shall be located a minimum thirty feet (30') above the finished grade to which they are mounted.
  2. Transmission equipment shall not be placed on a roof pitched greater than 2:12.
  3. The equipment shall be setback a minimum distance of fifteen feet (15') from the edge of the roof to which the equipment is mounted on.
  4. The equipment shall not exceed a maximum of ten feet (10') in total height as measured from the roof surface to which it is mounted, or the top of the lowest parapet wall on the same roof surface.
  5. Stealth roof mounted antennas are encouraged and shall be allowed to vary from the height and setback provisions of this section if the stealth installation seems to achieve the desired stealth appearance and provides a similar effect to the listed stealth options, as reviewed by the Planning Director.

Figure 18.75.071 Roof Mounted Transmission Equipment Illustration

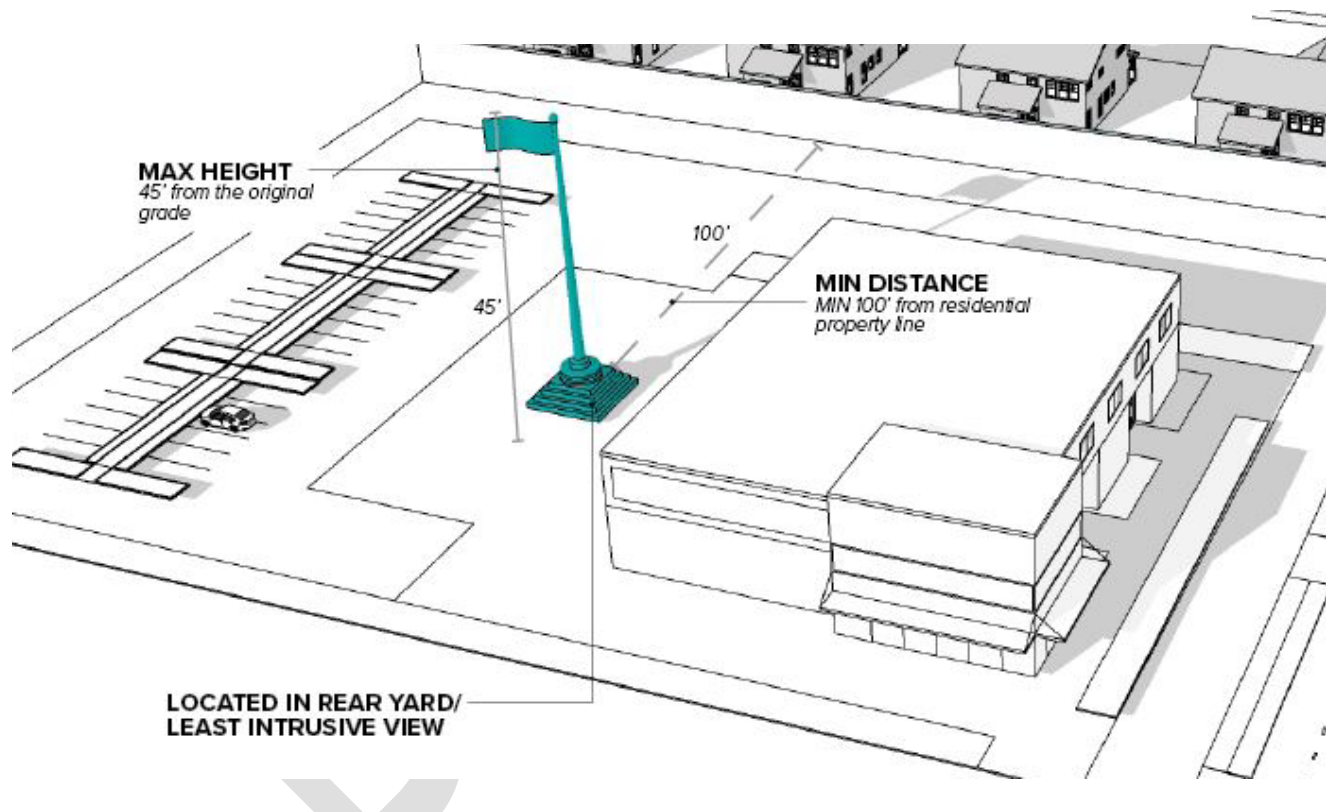


## 18.75.080 Freestanding Stealth Structures

- A. The following provisions shall apply to freestanding stealth structures:
1. Freestanding stealth structures are defined by height and are limited to a maximum height of forty-five (45') feet tall.
  2. Freestanding stealth structures are permitted in all non-residential zones and may be allowed in residential and agricultural zones when associated with public or quasi-public uses.
  3. No distance separation between other wireless telecommunication facilities is required.
  4. Freestanding stealth structures shall be located a minimum of one hundred feet (100') from a residential property line.
  5. The applicant has demonstrated in writing that they have made a minimum three attempts that they have explored the option to first roof mount, wall mount, or co-located on an existing monopole on properties located within ½ mile radius of the desired location.

6. All freestanding structures shall have a stealth design and shall be proportionate to the type of structure which they are intended to imitate. Depending on the environment and surrounding uses, freestanding stealth structures may include but are not limited to; flag poles, water towers, ball field lights, steeples, clock towers, existing signs, utility poles, boulders, monopines, or other stealth designs as determined by the Planning Director.
7. All antennas and other transmission equipment mounted on the freestanding stealth structure including cabling and other associated equipment shall be completely enclosed within the structure or shall be incorporated as part of the stealth design.

*Figure 18.75.081 Freestanding Stealth Structures Illustration*

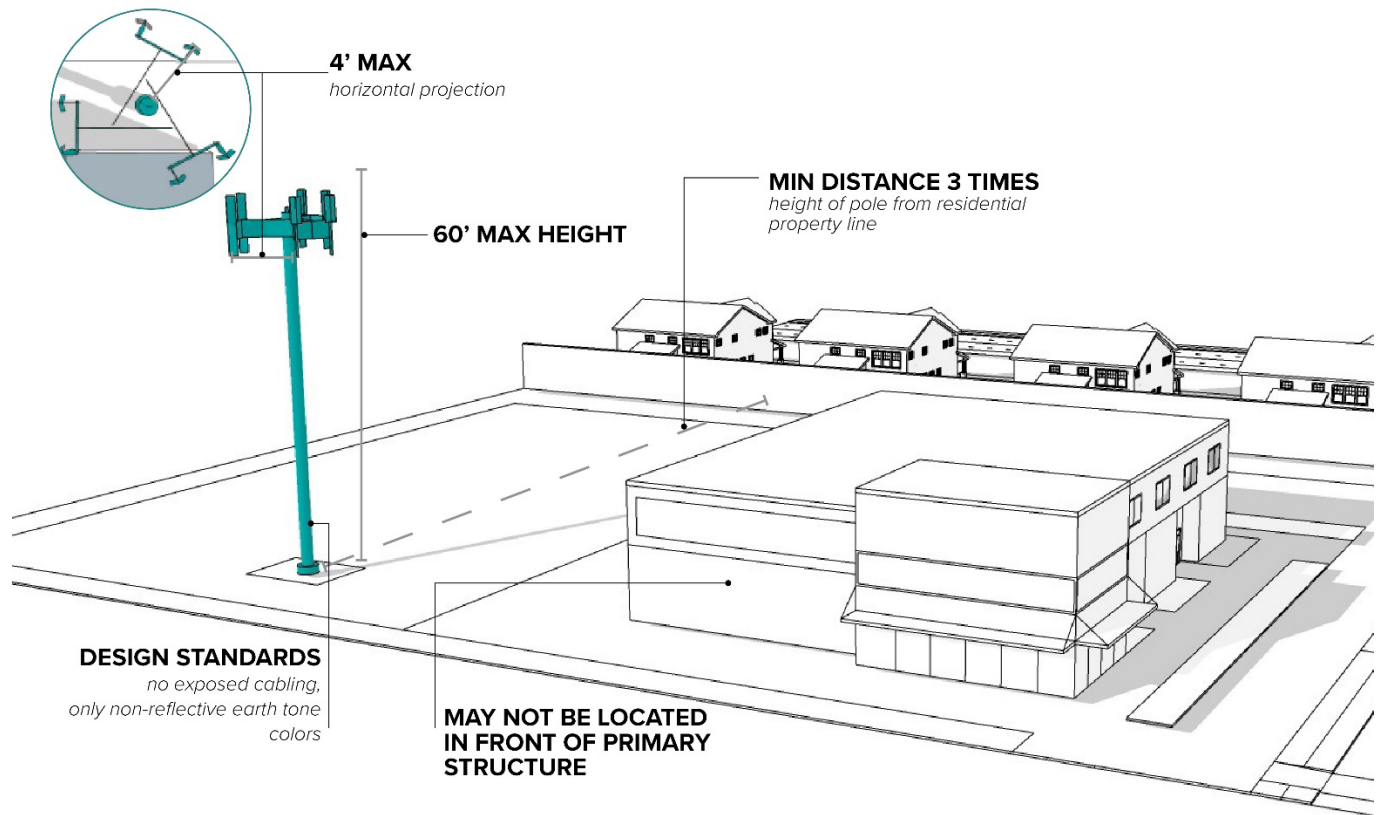


#### **18.75.090 Monopole Wireless Telecommunication Facilities:**

- A. The following provisions shall apply to Monopole structures provided that:
  1. Monopoles are structures exceeding forty-five feet (45') in height.

2. Monopole facilities may only be considered after the applicant has submitted a statement of need, demonstrating why the proposed facility cannot be wall mounted, roof mounted, co-located, or integrated as part of a freestanding structure.
3. Monopoles are prohibited within residential and agricultural zones except when located within public parks and schools and on properties exceeding two (2) acres in size.
4. A minimum of one half (1/2) mile distance is required between monopoles.
5. Monopoles shall not be allowed in the front yard setback of any lot, or between the primary building and abutting right of way.
6. Monopoles shall be setback from any residential property line a distance of three times (3x) the height of the monopole.
7. Monopoles shall not exceed sixty feet (60') in height as measured from the top of the monopole or equipment to the finished grade.
8. Monopoles and related pole-mounted transmission equipment including antennas shall have non-reflective or powder coated surfaces with unobtrusive earthtone colors.
9. External pole mounted antennas shall not project more than four feet (4') as measured from the front of or furthest most portion of the antenna, or similar equipment, to the nearest surface edge of the monopole.
10. No exposed cabling is permitted, and all cables shall be routed internally within the pole and/or buried underground. Exterior cable trays designed to replicate an existing vertical element may be considered by the Planning Director. Standard cable trays painted and textured to match the existing facade do not meet the intent and do not qualify as hidden or concealed.

Figure 18.75.091 Monopole Illustration



- B. Stealth monopole facilities are encouraged and shall be allowed to vary from the setback, height, and other design provisions of this section if the stealth installation seems to achieve the desired stealth appearance as determined by the Planning Director.

### 18.75.100 Eligible Facility Request (EFR)

- A. The purpose and intent of this section are:
1. To implement § 6409(a), which requires the city to approve an EFR for a modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station;
  2. To implement the FCC rules set forth at 47 C.F.R. Part 1 (Part 1 - Practice and Procedure), new Subpart U § 1.6100 (Wireless Facility Modifications), which rules implement § 6409(a);
  3. To establish procedural requirements and substantive criteria applicable to review and approval or denial of applications for an EFR;

4. To ensure that application submittal requirements are related to information reasonably necessary to the determination of whether or not the proposed modification will result in a substantial change in the physical dimensions of the eligible support structure;
5. To exempt EFR from zoning and development regulations that are inconsistent with or preempted by § 6409(a);
6. To preserve the City's right to continue to enforce and condition approvals under this chapter on compliance with generally applicable building, structural, electrical, and safety codes and with other laws codifying objective standards reasonably related to health and safety;
7. To promote timely decisions under this chapter; and
8. To ensure that decisions are made consistently and predictably.

B. Applicability:

1. Sole And Exclusive Procedure: Except as may be otherwise provided in this chapter, and notwithstanding any other provisions in the City Code, the provisions of this chapter shall be the sole and exclusive procedure for review and approval of an EFR which the applicant asserts is subject to review under § 6409(a). To the extent that other provisions of the City Code establish a parallel process for review and approval of a project permit application for a proposed EFR, the provisions of this chapter shall control.
2. First Deployment; Base Station: This chapter shall not apply to a proposed facility modification to a structure, other than a tower, that does not, at the time of submittal of the application, already house or support transmission equipment lawfully installed within or upon, or attached to, the structure.
3. Interpretation: Interpretations of this chapter shall be guided by § 6409(a) and applicable FCC reports and orders.
4. Building Permit: The city will process, review, and, if practicable, issue a decision regarding a building permit for the facility modification concurrent with the EFR permit described herein.
5. Reservation Of Authority: Nothing herein is intended or shall operate to waive or limit the city's right to enforce, or condition approval on, compliance with generally applicable building, structural, electrical, and safety codes and with other laws codifying objective standards reasonably related to health and safety.

C. Application and Submittal Requirements: An EFR application form is found on the city's online portal for applications. No EFR application shall be deemed complete unless the application is submitted through the city's online portal for applications, contains all the information required in the EFR application form, and the applicable fees are paid.

D. Review and Approval of an Application:

1. Review Of Application: The review and approval of an EFR application shall be by City Staff, which shall determine if the proposed EFR will result in a substantial change to the physical dimensions of an eligible support structure.
2. Timeframe For Review And Approval: The city shall comply with all applicable shot clocks when reviewing an EFR application. If an EFR application meets the requirements of this chapter, city staff shall approve the EFR application and issue an EFR permit.
3. Code Requirements: Any EFR permit issued pursuant to this chapter, and any application that has been deemed approved, shall be and is conditioned upon compliance with any generally applicable building, structural, electrical, and safety codes and other laws codifying objective standards reasonably related to health and safety. Violation of any such applicable code or standard shall be deemed to be a violation of the EFR or deemed approved application.