

**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-25-005

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## PLANNING COMMISSION STAFF REPORT

**Date:** August 20, 2025  
**Re:** Rezone - The Woods at Rosecrest P.U.D.

**Property Address:** 2477 East 3225 South (approx.)  
**Zone:** From: R-1-8, To: R-1-6

**Applicant:** Woods at Rosecrest Homeowner's Association  
**Prepared By:** Brad Sanderson, AICP

**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.

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### REQUEST AND SYNOPSIS

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Property owners within 'The Woods at Rosecrest P.U.D. Subdivision' are requesting to rezone their subdivision for the purposes of changing the zone from the R-1-8 Zone to the R-1-6 Zone, which aligns the minimum lots sizes the appropriate zone (approximately 6,000 sqft) If approved, HOA will then be allowed to remove of the Planned Unit Development (P.U.D) designation and remove or modify their Conditional Use Permit through a later subdivision amendment application, and subsequently allow the landowners to remove the requirements for open space within their subdivision.

The Subdivision contains ten (10) individual residential lots and one, 2,539 square foot open space parcel. The open space was never improved as proposed by the developer as per the design plans which were presented and approved in 2014. The access and location of the open space is less than ideal and is therefore somewhat underutilized. If approved, the intent is to remove the open space by consolidating the property as part of one or more of the adjoining lots.

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### FINDINGS:

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1. All ten of the property owners, including the homeowner's association, have provided signed and notarized affidavits, affirming their support for the proposed rezone to the R-1-6 Zone.

2. For decades, Planned Unit Developments (P.U.D.s) were a widely used to create cluster lot layouts, private roadways, reduce lot size, setbacks, etc. in exchange for a higher quality of architecture and/or to preserve or create open space areas. In no case were PUDs allowed to increase density, however.
3. P.U.D.s were commonly approved by way of a conditional use permit to ensure compliance.
4. P.U.D.s were removed from Millcreek’s code as part of the recent code update.
5. All but one of the lots has had a structure built on it.
6. The clustered lot layout through reduced lot sizes seems to have been one of the primary purposes for the P.U.D.
7. By changing the zone to the R-1-6 Zone lot sizes would be made to comply, as the R-1-6 zone only requires a minimum 6,000 square foot size, as each lot currently exceeds 6,000 square feet in size.
8. Removing the P.U.D allows the possibility of removing the PUD and/or modifying the CUP requirements, such as opens space.
9. If approved, the applicant(s) will still need to seek approval through the subdivision amendment process.
10. All roads within the subdivision are privately owned jointly in common. Because the roads are privately owned, they may be sub-standard in width and design and may need to remain in private ownership.
11. The HOA will likely need to remain in place.
12. All lots currently exceed 7,000 sqft in size.
13. Some homes will become noncompliant with respect to setbacks.
14. There is one lot within the subdivision which currently does not have a house built upon it.
15. No new development or further subdivision of property is being proposed as part of this proposal and/or as part of this application.

**CONCLUSIONS:**

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1. The proposed zone change likely will not have a significant affect to the surround area, since the properties are already within the Single-Family Residential Zone and a both properties already have a built single-family home.
2. The zone change is supported by the adopted Future Land Use Map, showing the land use designation as being ‘Neighborhood 1’.
3. Since the removal of the PUD code, amending the PUD requirements is no longer a viable option.
4. No development improvements are currently being proposed.

**PLANNING STAFF RECOMMENDATIONS**

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**Millcreek Staff:**

Based on the findings and conclusions listed above, Staff recommends that the Planning Commission hold and take comments at a public hearing and make a positive recommendation to the City Council to rezone the properties contained within The Woods at Rosecrest PUD Subdivision, changing the zone from the R-1-8 Zone to the R-1-6 Zone.

**East Mill Creek Community Council:**

On Aug. 7, 2025, East Mill Creek Community Council held a meeting to review, discuss, and take public comment pertaining to the proposal and made a 7-1 recommendation in favor of the proposal to rezone the property from R-1-8 to the R-1-6 Zone. One member was “not in favor of the rezone as a vehicle to facilitate that accomplishment due to the intended removal of the P.U.D. designation.”

## PLANNING STAFF RECOMMENDATIONS

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### **Millcreek Staff:**

Based on the findings and conclusions listed above, Staff recommends that the City Council take comments at a public hearing and approve the rezone of the properties contained within The Woods at Rosecrest PUD Subdivision, changing the zone from the R-1-8 Zone to the R-1-6 Zone.

### **Planning Commission:**

The Planning Commission took comments during a public hearing held August 20, 2025 and made a positive recommendation 5-0 to the City Council to approve the rezone application, changing the zoning of the all property within the Woods at Rosecrest Subdivision - with the exception of Lot 10, which is accessed from Lambourne Ave and because of its larger size (15,582 square feet) Lot 10 might have the potential to further subdivide if rezoned to the R-1-6 Zone.

### **East Mill Creek Community Council:**

On Aug. 7, 2025, East Mill Creek Community Council held a meeting to review, discuss, and take public comment pertaining to the proposal and made a 7-1 recommendation in favor of the proposal to rezone the property from R-1-8 to the R-1-6 Zone. One member was “not in favor of the rezone as a vehicle to facilitate that accomplishment due to the intended removal of the P.U.D. designation.”

### **Canyon Rim Community Council:**

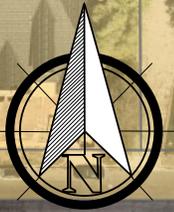
On Aug. 6, 2025, Canyon Rim Community Council held a meeting to review, discuss, and take public comment pertaining to the proposal and made a unanimous 5-0 recommendation in favor of the proposal to rezone the property from R-1-8 to the R-1-6 Zone.

## SUPPORTING DOCUMENTS

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- Zoning Map
- Land Use Map
- The Woods at Rosecrest PUD Subdivision Plat (recorded 2014)
- PUD & CUP Approval (Salt Lake County Meeting Minutes 1/17/2014)
- Ordinance

# Zoning Map



Lambourne Ave

Lambourne Ave

Two-Household Residential (R-2-8)

Single-Household Residential (R-1-8)

Young Haven Cir.

Walnut Park Ct

Harmony Cir.

3225 S

3225 South

3225 S

3225 S

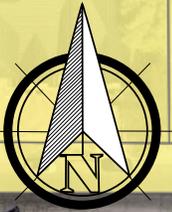
Subject Area

Single-Household Residential (R-1-8)

< Tue Apr 22 2025 >



# Land Use Map



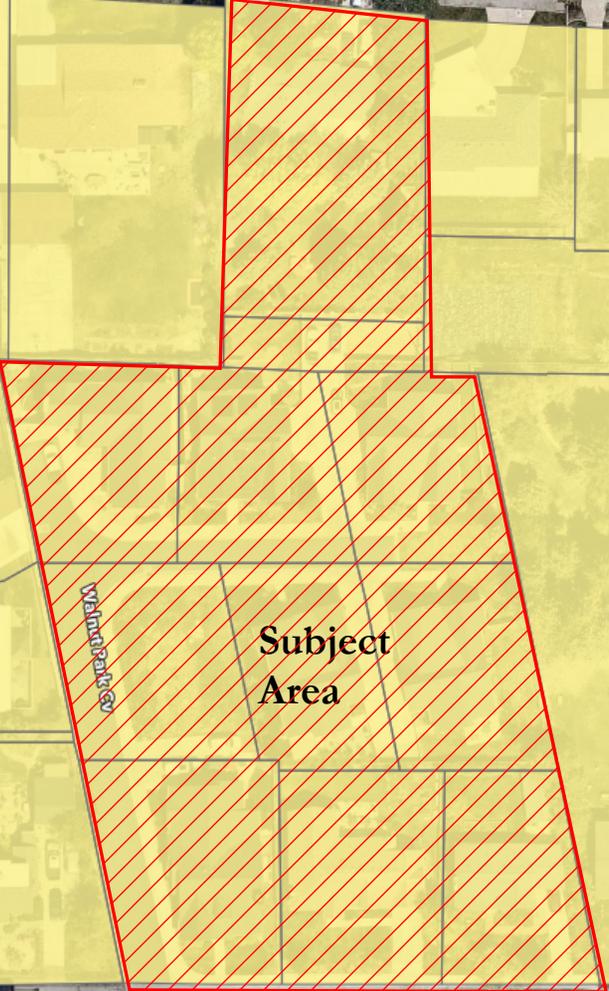
Lambourne Ave

Lambourne Ave

"Neighborhood 1"

Young Haven Cir.

Harmony Cir.



Subject Area

Wahpet Ave

3225 S

3225 South

3225 S

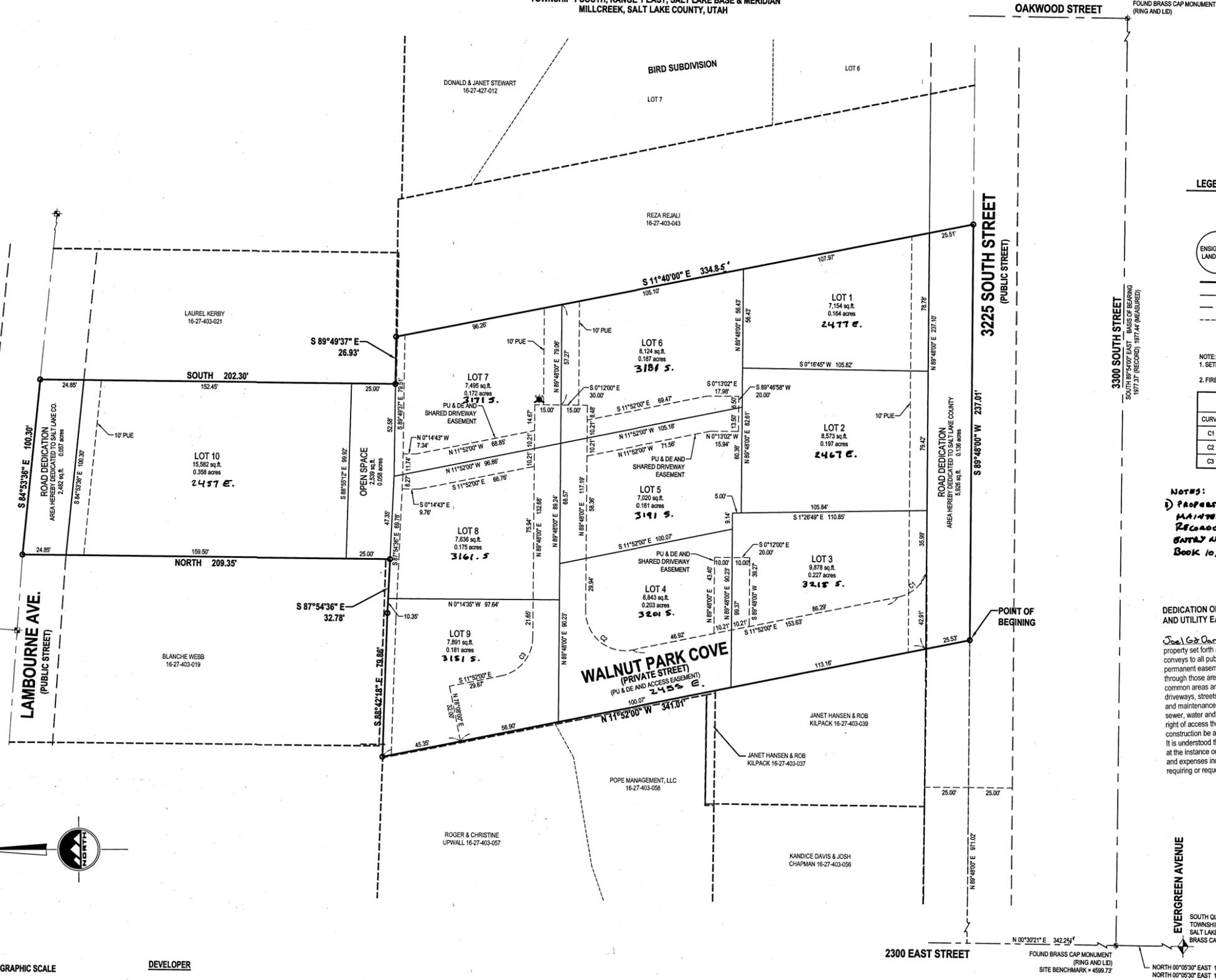
3225 S

< Tue Apr 22 2025 >



# THE WOODS AT ROSECREST P.U.D. SUBDIVISION

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 27,  
TOWNSHIP 1 SOUTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN  
MILLCREEK, SALT LAKE COUNTY, UTAH



**LEGEND**

- EXISTING STREET MONUMENT
- PROPOSED STREET MONUMENT
- SECTION CORNER
- ENGIN' ENGR. LAND SURV.
- BOUNDARY LINE
- SECTION LINE
- CENTER LINE
- EASEMENT LINE
- PU & DE PUBLIC UTILITY AND DRAINAGE EASEMENT
- PROPOSED FIRE HYDRANT

**NOTE:**  
1. SETBACKS ARE BASED UPON THE APPROVED SITE PLAN.  
2. FIRE TURNAROUND MUST REMAIN OPEN AT ALL TIMES.

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	22.50'	22.12'	56°19'10"	S40°01'35"E	21.24'
C2	22.50'	39.92'	101°40'00"	S38°58'00"W	34.89'
C3	22.50'	30.78'	78°20'00"	S51°02'00"E	28.42'

**NOTES:**  
1. PROPERTY SUBJECT TO A STREAM WATER MAINTENANCE AGREEMENT RECORDED JULY 9, 2014 ENTRY NO. 16878558 BOOK 10244 PAGE 3830

**DEDICATION OF COMMON AREA AND UTILITY EASEMENTS**  
Joel G. & Danielle M. Peterson, Thoronder, LLC  
The undersigned owner of the property set forth and described in this plat, hereby offers and conveys to all public utility agencies, their successors and assigns, a permanent easement and right of way over, under, across, and through those areas designated on this plat as public roadways, common areas and limited common areas (including private driveways, streets or lanes) or utility easements for the construction and maintenance of subterranean electrical, telephone, natural gas, sewer, water and drainage lines and appurtenances, together with the right of access thereto, which would require that no surface construction be allowed which would interfere with normal utility use. It is understood that if it becomes necessary to relocate said utilities at the instance or request of any public utility or the owner, the costs and expenses incurred thereby will be borne by the owner or the utility requiring or requesting the same.

**SURVEYOR'S CERTIFICATE**  
I, PATRICK M. HARRIS do hereby certify that I am a Licensed Land Surveyor, and that I hold Certificate No. 28682 as prescribed under laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots and streets, hereinafter to be known as THE WOODS AT ROSECREST P.U.D. SUBDIVISION, and that the same has been correctly surveyed and staked on the ground as shown on this plat. I further certify that all lots meet frontage width and area requirements of the applicable zoning ordinances.

**BOUNDARY DESCRIPTION**  
Beginning at a point said point being North 00°30'21" East 342.24 feet along the center line of 2300 East Street and North 89°48'00" East 971.02 feet from a found street monument at the intersection of 3300 South Street and said 2300 East Street, said street monument being North 00°05'30" East 1145.40 feet from the South Quarter Corner of Section 27, Township 1 South, Range 1 East, Salt Lake Base and Meridian; and running  
thence North 11°52'00" West 341.01 feet to and along the east line to the Northeast Corner of Young Haven Circle Subdivision, Book V, Page 83 of official records on file in the Office of the Salt Lake County Recorder;  
thence South 89°42'18" East 79.96 feet;  
thence South 87°54'38" East 32.79 feet;  
thence North 209.35 feet;  
thence South 84°53'38" East 100.30 feet;  
thence South 202.30 feet;  
thence South 89°49'27" East 26.93 feet;  
thence South 11°40'00" East 334.85 feet;  
thence South 89°48'00" West 237.01 feet to the point of beginning.

Contains 98,146 square feet or 2.276 acres and 10 Lots  
Date: SEP 25, 2014  
Signature: *Patrick M. Harris*  
PATRICK M. HARRIS  
P.L.S. 28682

**OWNER'S DEDICATION**  
Known all men by these presents that I/we, the undersigned owner (s) of the above described tract of land, having caused same to be subdivided, hereinafter known as

## THE WOODS AT ROSECREST P.U.D. SUBDIVISION

do hereby dedicate for perpetual use of the public all parcels of land shown on this plat as intended for Public use. Owner(s) hereby agree to warrant and defend and save the City harmless against any easements or other encumbrance on a dedicated street which will interfere with the City's use, maintenance, and operation of the street.

In witness whereof I/we have hereunto set our hand (s) this 27 day of March, A.D. 2014  
By: *Joel G. Peterson*  
By: *Danielle M. Peterson*  
By: *Russell E. Sorenson, Manager, Thoronder, LLC*

**INDIVIDUAL ACKNOWLEDGMENT**  
STATE OF UTAH, County of Salt Lake  
On the 27 day of March, A.D. 2014, Joel G. Peterson and Danielle M. Peterson personally appeared before me, the undersigned Notary Public, in and for said County of Salt Lake, in said State of Utah, who after being duly sworn, acknowledged to me that He/She/They signed the Owner's Dedication, 2 in number, freely and voluntarily for the purposes therein mentioned.  
MY COMMISSION EXPIRES: 6-9-15  
NOTARY PUBLIC: *Russell E. Sorenson* RESIDING IN Salt Lake COUNTY.

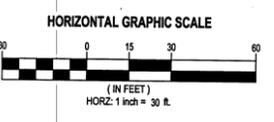
**CORPORATE ACKNOWLEDGMENT**  
STATE OF UTAH, County of Salt Lake  
On the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_, personally appeared before me \_\_\_\_\_, the signer of the foregoing instrument, who duly acknowledged to me that he/she is the \_\_\_\_\_ of \_\_\_\_\_, a Utah Corporation, and is authorized to execute the foregoing Agreement in its behalf and that he/she executed it in such capacity.  
MY COMMISSION EXPIRES: \_\_\_\_\_  
NOTARY PUBLIC: \_\_\_\_\_ RESIDING IN \_\_\_\_\_ COUNTY.

**LIMITED LIABILITY COMPANY ACKNOWLEDGMENT**  
STATE OF UTAH, County of Salt Lake  
On the 29th day of September, A.D. 2014, personally appeared before me Russell E. Sorenson, the signer of the foregoing instrument, who duly acknowledged to me that he/she is a Manager of Thoronder, LLC, a Utah limited liability company, and is authorized to execute the foregoing Agreement in its behalf and that he/she executed it in such capacity.  
MY COMMISSION EXPIRES: 6/11/2018  
*Joel G. Peterson* RESIDING IN Salt Lake COUNTY.  
NOTARY PUBLIC: *Russell E. Sorenson* #677231

**THE WOODS AT ROSECREST P.U.D. SUBDIVISION**  
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 1 SOUTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN MILLCREEK, SALT LAKE COUNTY, UTAH

RECORDED # 11922733

STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE REQUEST OF: Thoronder LLC  
DATE: 10/11/2014 TIME: 11:31am BOOK: 2014P PAGE: 253  
FEE: \$42.00  
DEPUTY SALT LAKE COUNTY RECORDER: *Angie D. Wiley*



DEVELOPER

**ENSIGN**  
SALT LAKE CITY  
45 West 10000 South Suite 500  
Sandy, UT 84070  
Phone: 801.547.1100  
Phone: 801.255.0529  
Fax: 801.255.4449  
WWW.ENSIGNUTAH.COM

LAYTON  
Phone: 801.547.1100  
TOOLE  
Phone: 435.843.3590  
CEDAR CITY  
Phone: 435.865.1453

**SHEET 1 OF 1**  
PROJECT NUMBER: 5725  
MANAGER: JKF  
DRAWN BY: KFW  
CHECKED BY: PMH  
DATE: 3/27/14

**SURVEY RECORDING DATA**  
DATE: 03-24-2014  
DRAWING NO. S2014-030127

**Checked for Zoning Compliance**  
ZONE: R-1-B LOT AREA: \*  
SIDE YARD: \* FRONT YARD: \*  
REAR YARD: \*

APPROVED THIS 3rd DAY OF July 2014  
BY THE SALT LAKE COUNTY PLANNING COMMISSION.  
*John M. Johnson* Spt 26/2011  
SALT LAKE VALLEY HEALTH DEPARTMENT  
*Ronald D. Dwyer*

**PLANNING COMMISSION**  
APPROVED THIS 3rd DAY OF July 2014  
BY THE SALT LAKE COUNTY PLANNING COMMISSION.  
*John M. Johnson* Spt 26/2011  
SALT LAKE VALLEY HEALTH DEPARTMENT  
*Ronald D. Dwyer*

**HEALTH**  
APPROVED THIS 3rd DAY OF July 2014  
BY THE SALT LAKE COUNTY PLANNING COMMISSION.  
*John M. Johnson* Spt 26/2011  
SALT LAKE VALLEY HEALTH DEPARTMENT  
*Ronald D. Dwyer*

**PLAN CHECK**  
I HEREBY CERTIFY THAT THIS OFFICE HAS EXAMINED THIS PLAN AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE.  
DATE: 9-29-14  
PLAN REVIEW SECTION MANAGER: *[Signature]*

**ADDRESS FRONTAGE APPROVED**  
DATE: 9-26-14 SIGNED: *Robert Miller*

**UNIFIED FIRE AUTHORITY APPROVAL**  
DATE: 9-24-14 SIGNED: *[Signature]*

**APPROVAL AS TO FORM**  
APPROVED THIS 30th DAY OF September 2014  
BY: *Wendy J. Christensen, Deputy*  
SALT LAKE COUNTY DISTRICT ATTORNEY

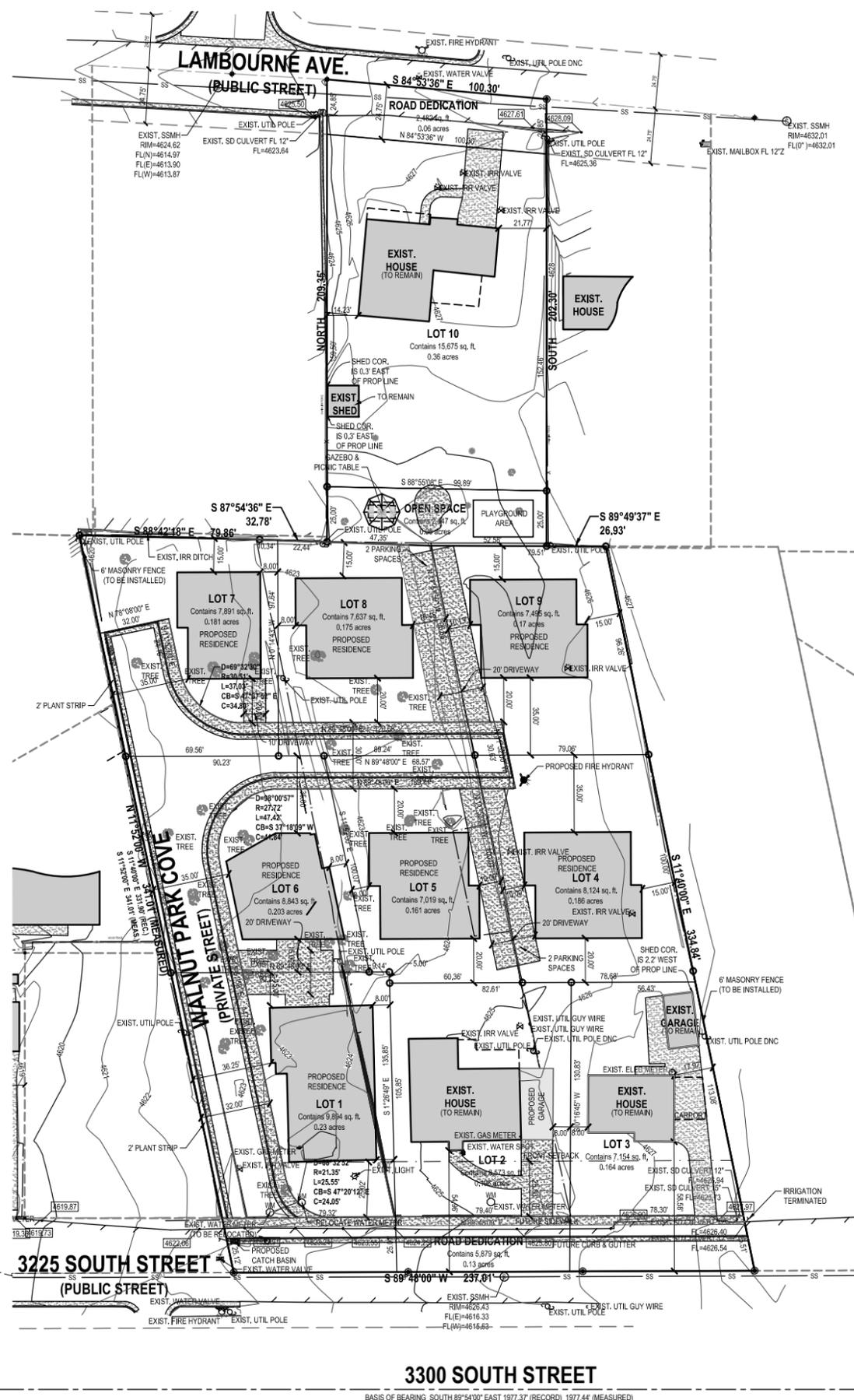
**SALT LAKE COUNTY MAYOR APPROVAL**  
PRESENTED TO THE SALT LAKE COUNTY MAYOR THIS 30 DAY OF SEP, A.D. 2014, AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.  
*Michael Dunn*  
MAYOR, OR DESIGNEE



**BENCHMARK**  
 CENTERLINE ROAD MONUMENT AT  
 3300 SOUTH & 2300 EAST  
 ELEVATION = 4599.73'

**LEGEND**

- |  |                               |  |                             |
|--|-------------------------------|--|-----------------------------|
|  | SECTION CORNER (RING AND LID) |  | MINOR CONTOURS 1' INCREMENT |
|  | MONUMENT                      |  | MAJOR CONTOURS 5' INCREMENT |
|  | SET NAIL & WASHER             |  | CONCRETE                    |
|  | SET ENSIGN REBAR AND CAP      |  | ADJACENT RIGHT OF WAY       |
|  | WATER METER                   |  | RIGHT OF WAY                |
|  | WATER MANHOLE                 |  | SECTION LINE                |
|  | WATER VALVE                   |  | PROPERTY LINE               |
|  | FIRE HYDRANT                  |  | ADJACENT PROPERTY LINE      |
|  | IRRIGATION VALVE              |  | DEED LINE                   |
|  | SANITARY SEWER MANHOLE        |  | TANGENT LINE                |
|  | STORM DRAIN CLEAN OUT         |  | FENCE                       |
|  | STORM DRAIN CATCH BASIN       |  | EDGE OF ASPHALT             |
|  | STORM DRAIN COMBO BOX         |  | SANITARY SEWER              |
|  | SIGN                          |  | STORM DRAIN LINE            |
|  | UTILITY MANHOLE               |  | WATER LINE                  |
|  | UTILITY POLE                  |  | IRRIGATION LINE             |
|  | GAS METER                     |  | TELEPHONE LINE              |
|  | GAS LINE                      |  | OVERHEAD POWER              |
|  | BUILDABLE AREA SHADED         |  |                             |

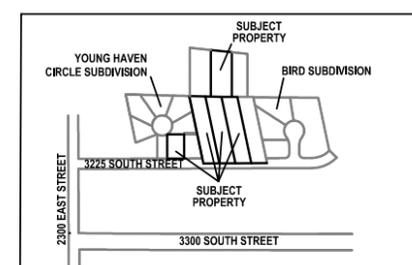


**SURVEYOR'S NARRATIVE**  
 I, Patrick M. Harris, do hereby state that I am a Registered Professional Land Surveyor and that I hold certificate no. 266882 as prescribed by the laws of the State of Utah and represent that I have made a survey of the following described property. The Purpose of this survey is to provide a Site Concept Plan to our client. The Basis of Bearing is the line between a found Street Monument at the Intersection of 3300 South Street and 2300 East Street and a found Street Monument at the Intersection of 3300 South Street and Oakwood Street measuring South 89°54'00" East 1977.44 (record) 1977.44 (measured).

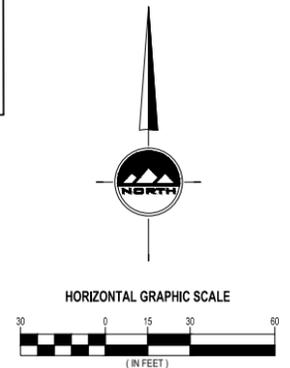
**PROPERTY DESCRIPTION**  
 Beginning at a point said being North 00°30'21" East 342.24 feet along the center line of 2300 East Street and North 89°48'00" East 971.02 feet from a found Street Monument at the Intersection of 3300 South Street and said 2300 East Street and running:  
 thence North 11°52'00" West 341.01 feet to and along the east line to the Northeast Corner of Young Haven Circle Subdivision, Book V, Page 83 of official records on file in the Office of the Salt Lake County Recorder;  
 thence South 88°42'18" East 79.86 feet;  
 thence South 87°54'36" East 32.78 feet;  
 thence North 209.35 feet;  
 thence South 84°53'36" East 100.30 feet;  
 thence South 202.30 feet;  
 thence South 89°49'37" East 26.93 feet;  
 thence South 11°40'00" East 334.84 feet;  
 thence South 89°48'00" West 237.01 feet to the point of beginning.  
 Contains 99,146 square feet or 2.276 acres and 10 Lots.

Date \_\_\_\_\_ Patrick M. Harris  
 License No. 266882

**SITE DATA:**  
 HARD SURFACE/BUILDING AREA = 44,572 SQ. FT. (45%)  
 OPEN SPACE/LANDSCAPE AREA = 54,574 SQ. FT. (55%)  
 TOTAL AREA = 99,146 SQ. FT. (100%)



**VICINITY MAP**



LOCATED IN SECTION 27  
 TOWNSHIP 1 SOUTH, RANGE 1 EAST,  
 SALT LAKE CITY, SALT LAKE COUNTY, UTAH  
 MILLCREEK TOWNSHIP



SALT LAKE CITY  
 45 W. 10000 S., Suite 500  
 Sandy, UT 84070  
 Phone: 801.255.0529  
 Fax: 801.255.4449

LAYTON  
 Phone: 801.547.1100

TOOELE  
 Phone: 435.843.3590

CEDAR CITY  
 Phone: 435.865.1453

RICHFIELD  
 Phone: 435.590.0187

WWW.ENSIGNUTAH.COM

FOR:  
 SOAR REALTY GROUP  
 3267 EAST 3300 SOUTH #539  
 SALT LAKE CITY, UTAH 84109

CONTACT:  
 RUSS SORENSON  
 PHONE: 801-301-4104  
 FAX:

**THE WOODS AT ROSECREST P.U.D.  
 PRELIMINARY SUBMITTAL  
 2467 EAST 3225 SOUTH  
 MILLCREEK TOWNSHIP, SALT LAKE COUNTY, UTAH**

PREL. SUBMITTAL 11-4-13

NO.	DATE	REVISION	BY
1			
2			
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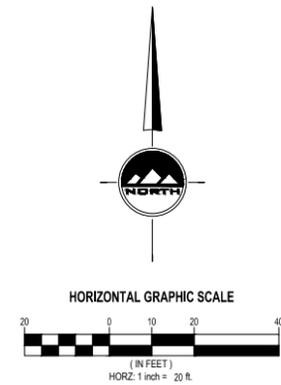
**PRELIMINARY PLAT**

PROJECT NUMBER: 5725 PRINT DATE: 11/4/2013  
 DRAWN BY: B. Greenleaf CHECKED BY: P. HARRIS  
 PROJECT MANAGER: P. HARRIS

**C-100**



**BENCHMARK**  
 CENTERLINE ROAD MONUMENT AT  
 3300 SOUTH & 2300 EAST  
 ELEVATION = 4599.73'



SALT LAKE CITY  
 45 W. 10000 S., Suite 500  
 Sandy, UT 84070  
 Phone: 801.255.0529  
 Fax: 801.255.4449

LAYTON  
 Phone: 801.547.1100

TOOELE  
 Phone: 435.843.3590

CEDAR CITY  
 Phone: 435.865.1453

RICHFIELD  
 Phone: 435.590.0187

WWW.ENSGNUTAH.COM

FOR:  
 SOMA REALTY GROUP  
 3287 EAST 3300 SOUTH #539  
 SALT LAKE CITY, UTAH 84109

CONTACT:  
 RUSS SORENSON  
 PHONE: 801-301-4104  
 FAX:

**THE WOODS AT ROSECREST P.U.D.  
 PRELIMINARY SUBMITTAL  
 2467 EAST 3225 SOUTH  
 MILLCREEK TOWNSHIP, SALT LAKE COUNTY, UTAH**

PREL. SUBMITTAL 11-4-13

NO.	DATE	REVISION	BY
1			
2			
3			
4			
5			
6			
7			
8			

**PRELIMINARY  
 GRADING PLAN**

PROJECT NUMBER: 5725  
 PRINT DATE: 11/4/2013  
 DRAWN BY: B. Greenleaf  
 CHECKED BY: P. HARRIS  
 PROJECT MANAGER: P. Harris

**C-200**



**STAFF REPORT**

Executive Summary					
<b>Hearing Body:</b>	Millcreek Township Planning Commission				
<b>Meeting Date and Time:</b>	Wed. December 11, 2013	04:00 PM	<b>File No:</b>	2	8 6 0 7
<b>Applicant Name:</b>	Russ Sorensen	<b>Request:</b>	Conditional Use		
<b>Description:</b>	Planned Unit Development				
<b>Location:</b>	2455 East 3225 South				
<b>Zone:</b>	R-1-8 Residential Single-Family	<b>Any Zoning Conditions?</b>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
<b>Planning Commission Rec:</b>	Not Yet Received				
<b>Community Council Rec:</b>	Continue				
<b>Staff Recommendation:</b>	Approval with Conditions				
<b>Planner:</b>	Lyle Gibson				

**1.0 BACKGROUND**

**1.1 Summary**

The applicant is requesting Conditional Use and Preliminary Plat approval of a 10 lot PUD subdivision. Details of the proposal are outlined in the Zoning Analysis Table in this report. The proposal includes 50% Open Space which includes a playground and picnic area. Currently the property which occupies 2.27 acres has 4 single family homes. 3 of the 4 homes will remain and the additional 7 units are proposed as 7 new single family units.

*Type of PUD* - Single-Family PUD Subdivision

*Number of Units/Lots & Density* - 10 Units on 2.27 acres = 4.4 dwelling units per acre

*Lot Sizes* - Range approximately 7,000 to 15,500 square feet / 0.16 to 0.36 acres

*Minimum Setbacks -*

*Development Boundary*

Right of way: From 3225 East - 25 feet / From Lambourne Ave. - 30 feet. (measured on plans, existing setback)

Remaining Perimeter - All new structures set back a minimum of 15 feet from project perimeter.

*Internal Setbacks*

From back of curb - Buildings are very close to the proposed Walnut Park Cove along the west side of the development. Dimensions provided indicate that the homes are as close as 2 feet to the edge of the sidewalk or 6 feet from the back of curb with a 4 foot integrated sidewalk.

Between buildings - buildings are setback a minimum of 8' from the property line shared by another structure. Where there is a shared drive the range from 10 to 15 feet to the property line between buildings.

*Recreational Facilities*

*The amenities are all located towards the center of the development, north of the new homes and are proposed on the south side of lot 10. The play structure and picnic pavilion are location in a dedicated common space area that is approximately 2,500 square feet.*

*Playground - Play Structure details provided*

*Picnic Areas - Example of structures provided.*

*Open Space - Total of 48,271 sq. ft. or 1.13 acres of open space -49% of development*

*Typical Architecture - See attached elevations. Essentially brick ramblers.*

*The elevations proposed are all under 28' in height.*

*Private Street - (Proposed Name - Walnut Park Cove)*

*Internal 25-foot wide Private Right-of-way owned in common (not part of the lots). With 5' integrated sidewalk along east side. The street then become a 20' paved surface with 5' of integrated sidewalk along each side as it turns heading east.*

*Public Street -*

*Dedication proposed to correct property alignment with right of way along both Lambourne Ave and 3225 S.*

*Cross Section/Improvements - Applicant proposes to add Sidewalk, Curb, Gutter and park-strip in the public right-of-way in front of the subject property. Engineering staff has initial concerns with the installation of the curb, gutter, and sidewalk along 3225 S. and will be working with the applicant through the technical review process to determine if the right of way improvements are appropriate or if they will require the applicant to pay into the highway fund in lieu of the improvements.*

*Parking*

*2 spaces in the garage of each home minimum (20 spaces);*

*Spaces provided in a few driveways (5 spaces);*

*2 spaces at end of drives near amenities dedicated to guest parking (4 spaces)*

*Total 29 spaces = 2.9 parking spaces per dwelling.*

Property Info

*Zoning - Subject property and surrounding area is zoned R-1-8, Single Family Residential, 8,000 square foot lots. Directly adjacent to the proposed development on the west are 7 homes that are zone R-2-8, Residential Two-Family 8,000 square foot minimum lot size.*

*Surrounding Land Use - The property is surrounded by single family homes with the exception of some duplex units that lie directly west of the property at the end of a cul-de-sac.*

*Property Size - The subject property is 2.276 acres.*

*Existing Improvements*

*The properties involved currently have 4 single family dwellings. Lambourne Avenue has curb and gutter, but no sidewalk along the south side of the street up until the project area. 3225 S. does not have curb, gutter, or sidewalk along the north side of the street. The south side of the street and the cul-de-sac to the east have curb gutter and sidewalk.*

### 1.2 Hearing Body Action

This item is on the agenda for a final decision from the Millcreek Township Planning Commission.

### 1.3 Neighborhood Response

As of the date of this report, 11/27/2013, staff has not received any response from the neighborhood.

### 1.4 Community Council Response

The Canyon Rim Community Council heard this item at their meeting on November 19, 2013. Staff and the applicant were in attendance at the meeting. Concerns were raised during the discussion about the sidewalk and internal setbacks between the new homes. The Community Council approved a motion to approve the PUD as proposed and recommend that curb gutter and sidewalk be installed along 3225 S.

The applicant and staff left the meeting shortly after this item was discussed and an original motion had been passed. Before the meeting was adjourned, the motion previously passed was amended seeking a continuance to allow for more feedback from the community.

The following e-mail was received by staff from the Canyon Rim Community Council Chair describing the request:

...'My council had further discussions on the "Woods as Rosecrest" PUD and since our council is off in December CRCA voted to ask for a continuance from the planning and zoning commission so the citizens surrounding the area have a chance to voice their opinion on the matter before P&Z makes their ruling.

From what I remember the flyers were going to go out to residents around the 11th of December. That flyer will need to have January 21st, 2014 as the date of the next CRCA council meeting on it. P&Z's vote will need to be after Jan 21st in order to let the citizens approach CRCA on the conditional use.'

## 2.0 ANALYSIS

### 2.1 Applicable Ordinances

Section 19.84.060 of the Conditional Use Chapter of the Zoning Ordinance establishes five standards to be used in evaluating Conditional Use applications. The Planning Commission must find that all five of these standards have been met before granting approval of an application. Based on the foregoing analysis, Staff suggests the following:

Criteria Met		Conditional Use Criteria and Evaluation
YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	<u>Standard `A`:</u> <i>The proposed site development plan shall comply with all applicable provisions of the Zoning Ordinance, such as parking, building setbacks, building height, etc.</i>
		As proposed, with the approval of the planning commission as stated in 19.78.090 of the zoning ordinance, the setbacks, and height may be approved per the proposed site plan. The amount of parking meets and exceeds the usual standard of 2.25 stalls per unit. The development appears to be able to meet and shall apply with all other applicable provisions of the zoning ordinance prior to final approval including landscaping requirements.

YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	<u>Standard `B`:</u> <i>The proposed use and site development plan shall comply with all other applicable laws and ordinances.</i>
		As proposed the plan appears to comply with all other applicable laws and ordinance. The technical review process by staff will require verification of compliance with these items prior to final approval. Summary:
YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	<u>Standard `C`:</u> <i>The proposed use and site development plan shall not present a traffic hazard due to poor site design or to anticipated traffic increases on the nearby road system which exceed the amounts called for under the County Transportation Master Plan.</i>
		Lots 1, 4, 5, 6, 8, and 9 have side load garages that show a very tight turn radius. There are initial concerns that as proposed there may be issues turning into the garages proposed, however it is not impossible and the applicant may provide documentation to demonstrate that the current layout is appropriate.
YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	<u>Standard `D`:</u> <i>The proposed use and site development plan shall not pose a threat to the safety of persons who will work on, reside on, or visit the property nor pose a threat to the safety of residents or properties in the vicinity by failure to adequately address the following issues: fire safety, geologic hazards, soil or slope conditions, liquefaction potential, site grading/ topography, storm drainage/flood control, high ground water, environmental health hazards, or wetlands.</i>
		Preliminary reviews by Geology indicate that there are no mapped geologic hazards at this location. However due to the projects size, a geotechnical report will be required and compliance with the findings must be demonstrated for final approvals from staff. The final storm drain details will require approval through the technical review, this issue has been considered but the actual design is in discussion with engineering and shall be required to meet their standards prior to final approval.
YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	<u>Standard `E`:</u> <i>The proposed use and site development plan shall not adversely impact properties in the vicinity of the site through lack of compatibility with nearby buildings in terms of size, scale, height, or noncompliance with community general plan standards.</i>
		The proposed use and plan creates homes that fit within the Residential compatibility overlay zone building envelope that will help create home similar in size and scale to the existing single family homes in the area. The use consisting of single family homes is compatible with the single and two-family homes in the area.

## 2.2 Zoning Requirements

The following is a summary comparing the zoning requirements and the proposal from the applicant. The table also indicates whether or not the provision meets, exceeds, doesn't comply, or would need approval under this PUD Conditional Use application. Some items in the zoning regulations can be modified through PUD approval, others cannot. For example, the Commission cannot approve density higher than the maximum allowed in the underlying zone; approves land uses not listed in the underlying zone; or approved exceptions from County Roadway Standards on public streets. Setbacks, Architecture, layout, minim lot size, recreational facilities and open space can be modified under a PUD. A maximum density can also be set as long as it does not exceed the maximum allowed in the zone.

* = Needs PUD Approval	Base Standard	Proposed	PUD Modification
Minimum PUD Project Area	R-1-8 zones: 1- Acre	2.27 acres	<u>Exceeds Standard</u>
R-1-8 Maximum Density	4.5 units per acre	4.4 units per acre	<u>Meets Standard</u>
<b>Lot Dimensions</b>			
*Minimum Area	8,000 square feet	Lots range between approximately 7,000 to 15,500 sq. ft.	Needs PUD Approval (proposed sizes are reflective of proposed building footprints)
*Minimum Width	65 feet at 25-foot setback	<u>Estimated:</u> 45 to 65 feet	Needs PUD Approval
<b>Recreational Facilities</b>			
Quantity	2	2	<u>Meets Standard</u>
Type	Playground 1,000 sq. ft. w/play equipment, PLUS Two other per policy standards	Playground 1,000 sq. ft. Picnic Areas 500 sq. ft. –	<u>Meets Standard</u> (allows for 2% reduction in open space)
<b>Open Space</b>			
Types of Open Space	Landscape, Natural Areas, Recreational Areas, Yards, Patios	Playground, Picnic Area	<u>Meets Standard</u>
Percent of Site	50% (may be reduced to 42%)	50% (landscape plan indicates 49%... this does not count internal sidewalk as open space)	<u>Meets Standard</u>
Maximum Building Height	28 feet to ridge line per RCOZ (option B allows up to 33')	No elevations exceed 28 feet in height	<u>Meets Standard</u>
<b>MINIMUM BUILDING SETBACK</b>			
<b>Project Perimeter</b>			
East	15 feet - perimeter	15 feet. (existing detached garage within a couple feet. Would meet standards allowed for accessory structures).	<u>Meets Standard</u>
North	25 feet from Lambourne Ave. 15 feet from project perimeter	30 foot estimated setback from Lambourne Ave. (Existing) Perimeter - 15 foot minimum	<u>Meets Standard</u>

* = Needs PUD Approval	Base Standard	Proposed	PUD Modification
South	25 feet from 3225 South. Lot 1 has side yard facing 3225 South, side yard facing public street may have 20 foot setback.	25 foot minimum	<u>Meets Standard</u>
West	15 feet	35 foot minimum per private drive on west side	<u>Meets Standard</u>
<b>Individual Lots</b>			
*Front	25 feet	-Lots 4, 5, 8, and 9 have 20 foot front yard setbacks -Lots have an estimated 3 foot setback from closest point of structure to private drive. -Existing lots have 25 and 30 foot front yard setbacks.	Needs PUD Approval
Interior Side	8 feet (both 25% of lot width)	8 foot minimum, where homes share drive access sideyards range from 10 to 15 feetd	<u>Meets Standard</u>
Street Side	Side yard facing public street – 20 feet	This development does not include sideyards facing a public street except for lot 1 which has a 25' setback.	<u>Meets Standard</u>
Rear	15 feet with Garage	Estimated: 15 minimum	<u>Meets Standard</u>
<b>Parking</b>			
*Total	2 per dwelling + guest space (Qty. approved by PC)	2 per dwelling 4 guest 5 additional on lots	Needs PUD Approval
Per Unit	2 per dwelling	2 per dwelling in garage	<u>Meets Standard</u>
In Driveway	None, but can count towards guest parking	5 spaces which keeps shared access drives free from cars blocking access.	<u>Meets Standard</u>
*Guest (Not on the lots)	Determined by Planning Commission	4 off lot	Needs PUD Approval

## 2.3 Other Agency Recommendations or Requirements

### Building Inspector:

Prior to building approval for the new subdivision planning file, will need to obtain permits to do one of the following options for buildings or structures that will have exterior walls or roof overhangs within 5' of the new property line locations.

Option 1 - obtain a building permit to demo the existing structure

Option 2 - obtain a building permit to address fire rated protection for the walls/openings/overhangs that are within this 5' protection area.

Once this issue has been resolved, conditional approval will be based on the following:

1. Building permits are required for the removal of existing structures.
2. Building permits are required for the construction of the new homes. Building permit is required for the homes. At time of building permit application, provide complete building plans showing compliance with current building code. At time of building permit application, provide fire flow verification and show how compliance is going to be made with any Unified Fire District Guidelines.

### Geology:

Approved, no apparent or mapped geologic hazards at this site.

### Grading:

- 1- Need to submit a copy of the Geotechnical Engineering report
- 2- Need to submit site grading and drainage plans
- 3- Need to show how the lot surface drainage will be maintained on the property or directed to an approved outlet.
- 4- Due to the size of the lot and disturbance to develop a SWPPP and NOI are required.
- 5- Need to submit a Stormwater maintenance agreement and stormwater management plan for review and recording against the property prior to final approval.
- 6- All site grading shall be completed under the Grading permit process administered through planning and development services.

### Traffic:

1. Need to see plan and profile for curb, gutter, and sidewalk.
2. Driveways need to have clear dimensions site plan showing garage to driveway to indicate enough turn radius.
3. Deposit funds into highway fund for 3225 S.

### Unified Fire Authority:

1. Site plan as shown works for UFA.

### Urban Hydrology:

1. Need to route storm drain to approved Salt Lake County storm drain facility. 3300 S. or Lambourne if applicable
2. Please note that all irrigation, whether abandon of active must be shown on the plans. All Active

irrigation must be piped with 15-inch (minimum) RCP per SLCo. ordinance #18.24.130.

3. Over 2 CFS must be piped.

4. Irrigation master to sign off on utility / drainage plan.

#### **2.4 Update since last Planning Commission Meeting**

At the last planning commission meeting a question arose whether the Applicant may include all of the Patterson property in the calculation of the open space requirements of the County's Open Space Standards for Residential PUD ("Open Space Standards"). The answer is yes, if certain requirements of County ordinance are met.

The Open Space Standards require that each development must provide a minimum of 50% open space, which may include private yards and common areas.

County Ordinance 19.78.100 provides that preservation, maintenance and ownership of required open space within the development must be accomplished by any one of the following: 1) dedication as a public park or parkway (not applicable here), 2) granting the County a permanent open space easement, similar to a conservation easement (not applicable here), or 3) complying with the Condominium Ownership Act (57-8-101 et seq., hereinafter "the Act") relating to common areas.

The Act requires that each owner must own an undivided interest in the fee simple estate of the common area. Utah Code Sections 57-8-3(8),(11),(33) and 57-8-7(2). The common area in the subject PUD may not be owned individually by Patterson, but each owner within the PUD must own an undivided interest in that common area. The Act also requires that Patterson sign and be subject to the PUD's Declaration of CC&Rs. Utah Code Sections 57-8-2, 57-8-10(8)(a), and 57-8-34(1).

So, if the common area is owned in common by all the owners within the PUD, including Patterson, and Patterson signs and is subject to the CC&Rs, then the common area satisfies County Ordinance 19.78.100 relating to open space requirements for a PUD. Additionally, if Patterson signs and is subject to the CC&Rs (thereby becoming "part of the PUD"), then it is reasonable to include his private yard in the calculation of open space (along with all other lot owners' private yards). And if Patterson is "part of the PUD", and Patterson and the other lot owners all have ownership and access to the centrally located common area, there is also substantial evidence that the integrated design element of the PUD definition is present, which was another concern of the Planning Commission.

The Planning Commission could impose a condition that the requirements of County Ordinance 19.78.100 be met, namely that the common area be commonly owned in fee simple by all lot owners within the PUD (including Patterson), and that Patterson and the other lot owners sign and be subject to the Declaration of CC&Rs.

### **3.0 STAFF RECOMMENDATION**

#### **3.1 Staff recommends APPROVAL of the proposed Conditional Use with the following conditions:**

- 1 ) Applicant to verify safe and appropriate turn radius for side load garages on shared drive. Must receive approval from traffic engineer for final drive access to all homes.
- 2 ) Setbacks as per preliminary plat shall remain as minimum required setbacks.
- 3 ) To comply with section 19.71.030 of RCOZ, final home designs shall demonstrate compliance with item 7: Mass and Scale. To avoid a large, continuous building mass of uniform height; no portion of

any building shall continue more than forty feet horizontally without a minimum of an eighteen-inch break in the roofline or an architectural element such as an overhang, projection, inset, material and textural change to create shadow patterns along the elevation of the building. The elements required by this section are in addition to all other requirements under this Part.

- 4 ) All of the lot owners within the PUD (including Patterson) own an undivided interest in the common area, and that Patterson and the other lot owners sign and be subject to the Declaration of CC&Rs.

### **3.2 Reasons for Recommendation**

- 1 ) Proposal meets the majority of standards from the underlying zone, the remaining standards may be approved as proposed by the planning commission.
- 2 ) The development meets the criteria for a conditional use or appears to be able to comply with all the criteria before final approval.

### **3.3 Other Recommendations**

- Applicant shall complete the technical review, preliminary plat, and final plat process with staff prior to recording.



**Public Works Project Recap**  
**2025**

# Summary

- Pavement Preservation
- Safety Improvement
- Stormwater Utility Fee Projects
- Ongoing Projects
- Upcoming Projects 2026-2027





**In 2023-2024 fiscal year, we treated 821,600 square feet of our roads.**

How much square feet did the extra \$1 million help treat in pavement preservation efforts for fiscal year 2024-2025?



**In 2024-2025 fiscal year, we treated 2,268,000 square feet of our roads!**

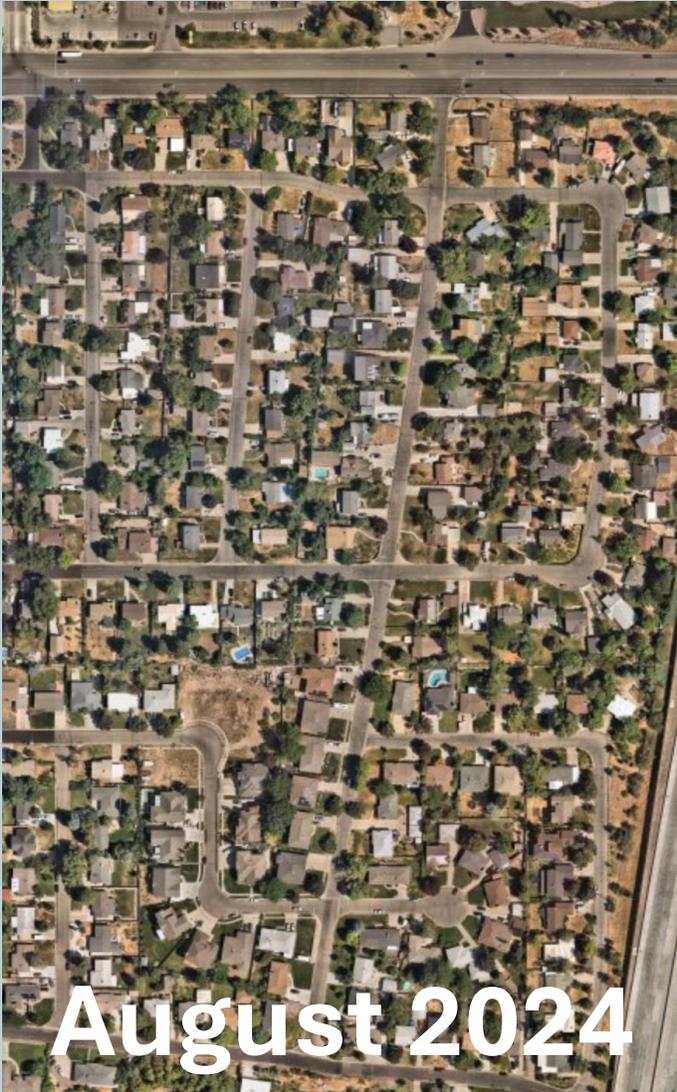
# 3900 South; 700 East to Highland Drive



# 2300 East; I-80 Roundabout to 3900 South



# Del Verde Ave Neighborhood – East



# Mar Vian Drive – Overlay

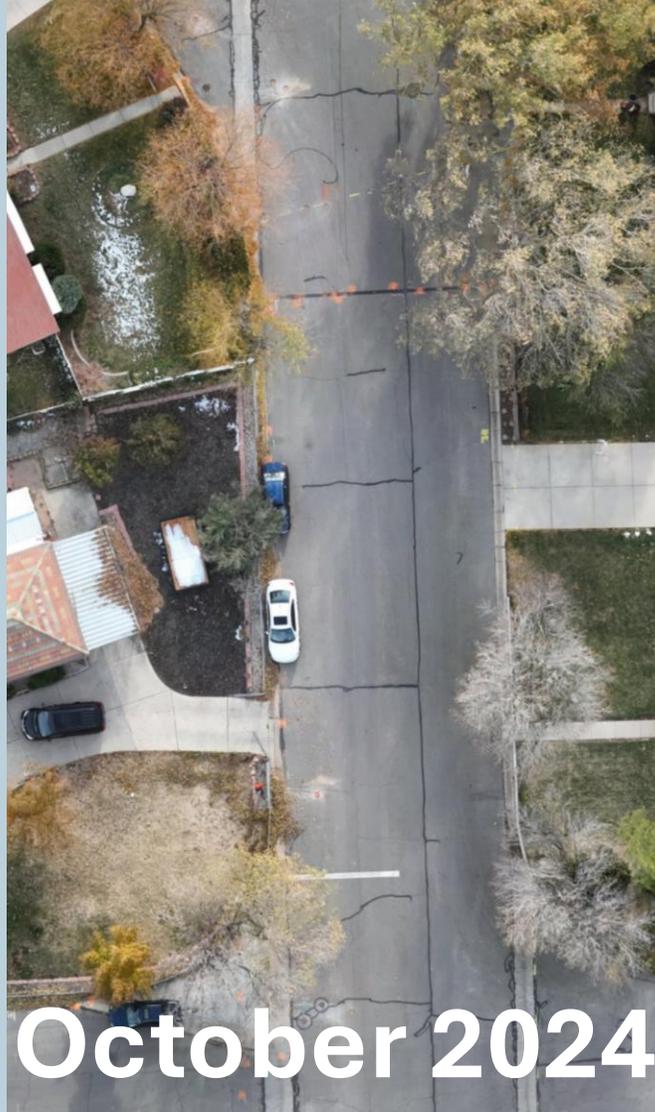


# Margie Ave to Metro Way – Partnering SLCDPU



- Poor conditions underneath the roadway
- SLCDPU agreed to split the cost with Millcreek
- Completed work included roadway reconstruction, and replacing curb & gutter

# Margie Avenue – East-West Conveyance



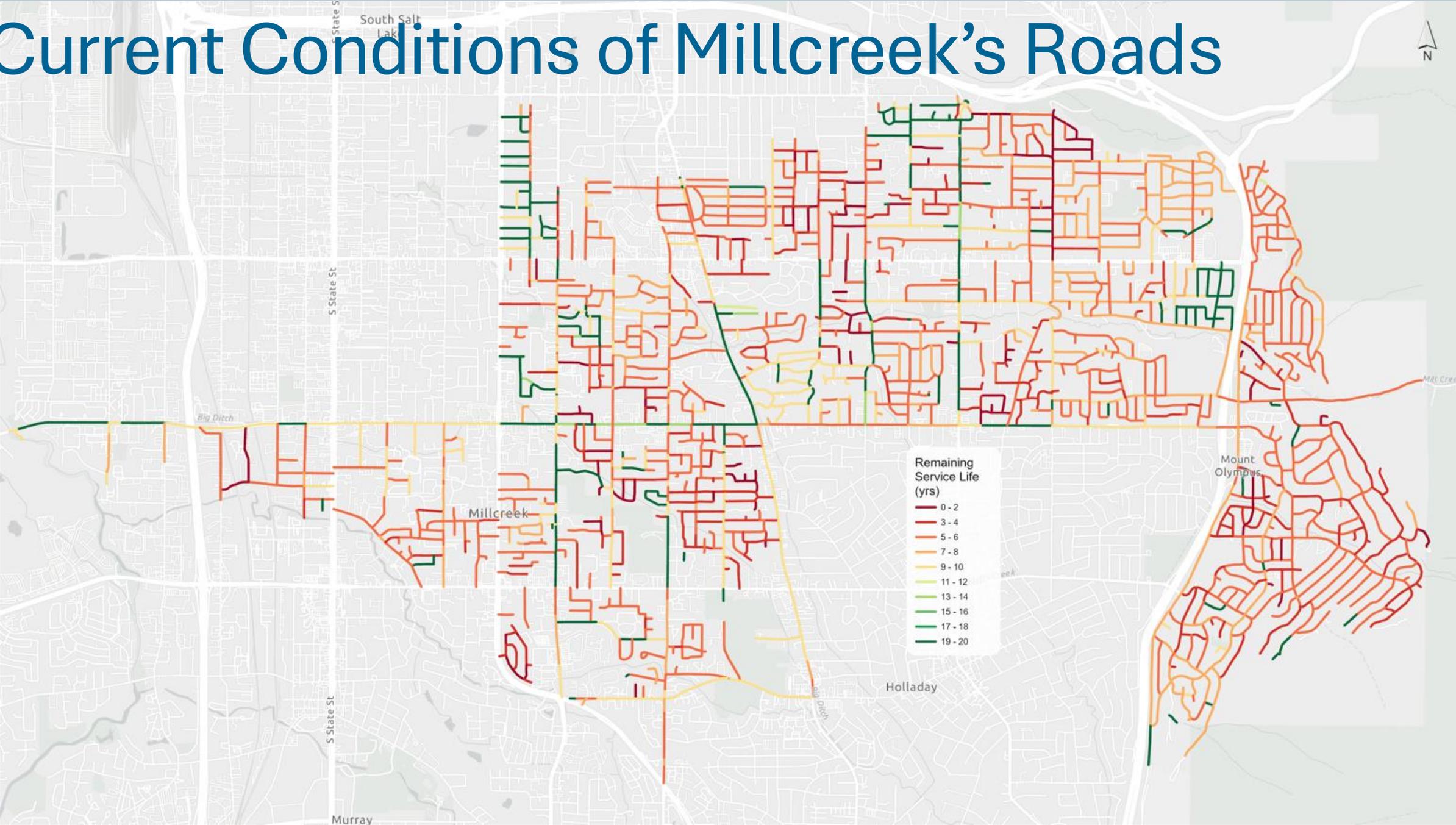
How many square feet of roadways will the extra \$1 million treat pavement preservation efforts for fiscal year 2025-2026?

# Upcoming Pavement Preservation Efforts



**For fiscal year 2025-2026, we plan to treat 1,610,972 square feet of roads!**

# Current Conditions of Millcreek's Roads



# Columbia Avenue Sidewalk Improvement



# Sunnydale Avenue Sidewalk Improvement



# Ongoing – Orchard Drive Stormwater Utility Project



# Orchard Drive Stormwater Utility Project

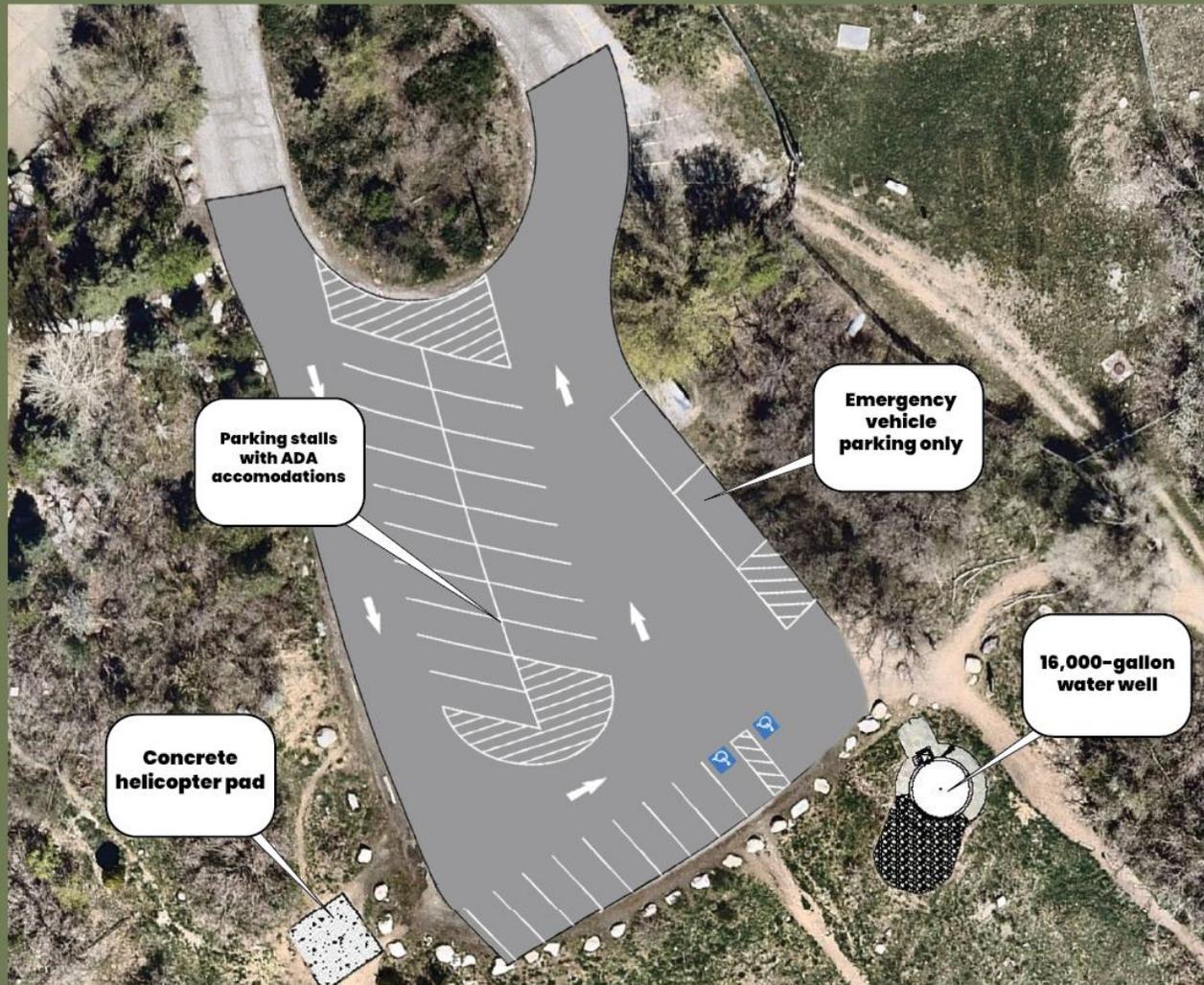


# Upcoming – Astro Way Stormwater Utility Project



- New storm drain system to connect with Gilroy Rd
- Response to failing infrastructure in the area
- Construction to begin early September 2025

# Neffs Canyon Parking Lot & Emergency Facilities

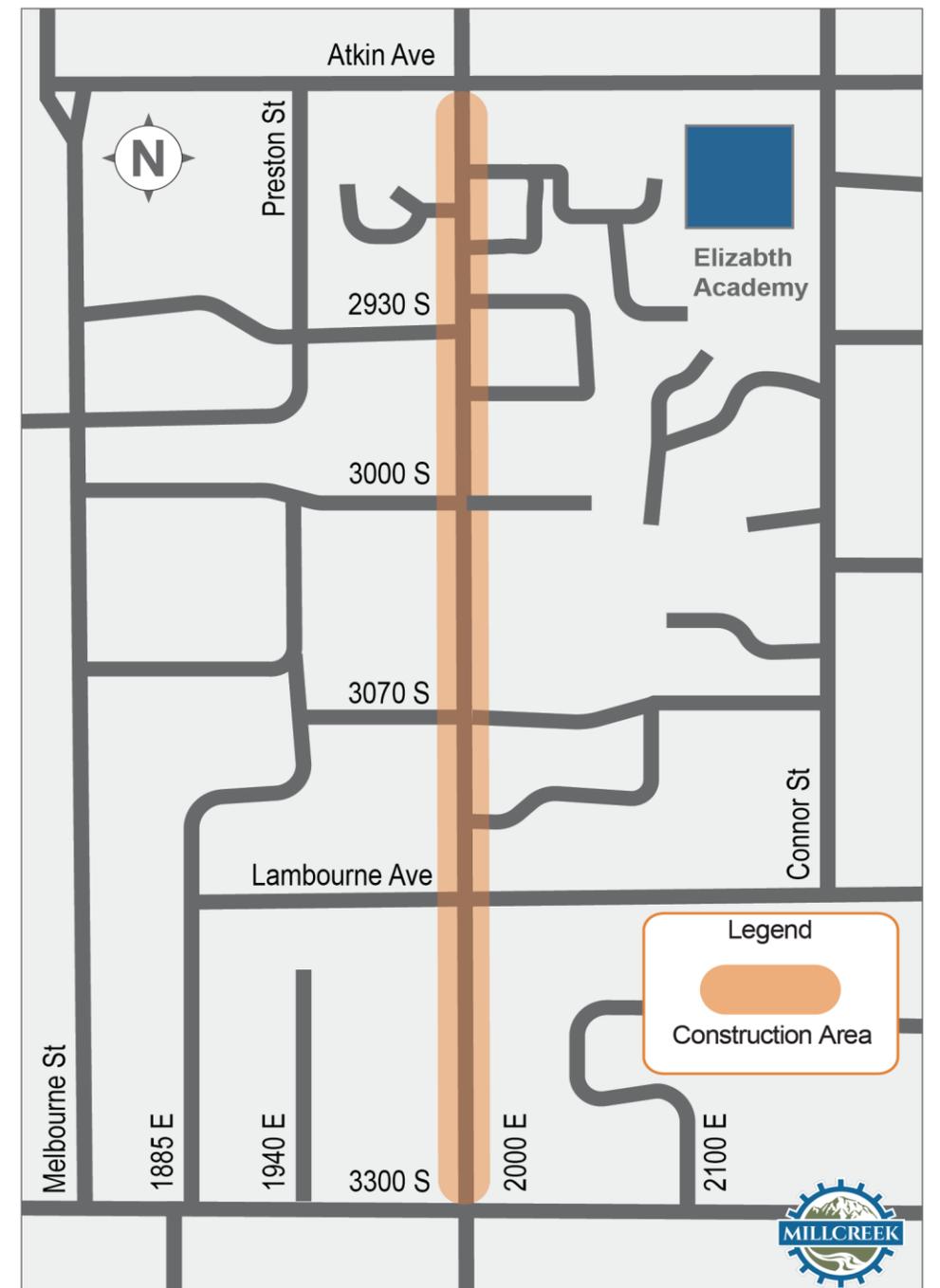


*\*Design of the project is subject to change and is not to scale.*

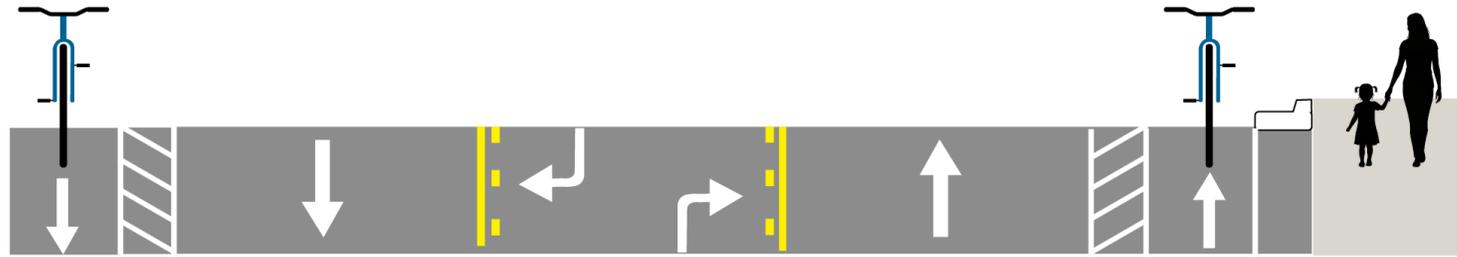
- Ongoing, anticipated to be completed end of October 2025
- Coordination with USFS, communication and signage created by Millcreek

# 2000 East Phase 2

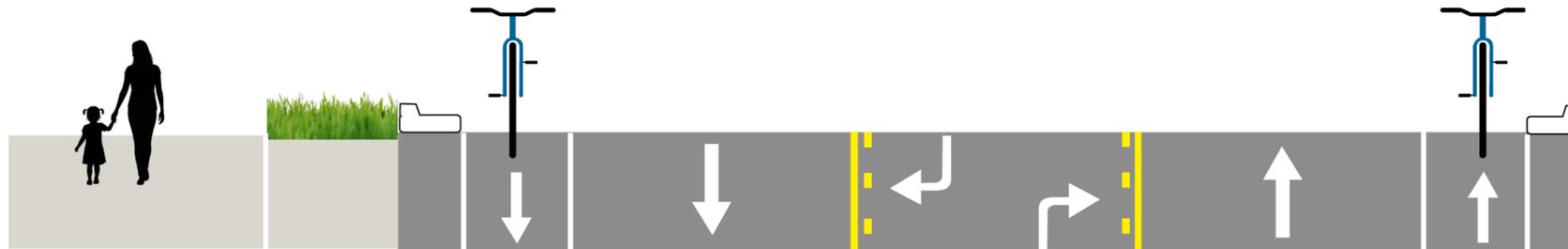
- ROW acquisitions still in progress
- Attempting for bid in October/November timeframe
- Construction to begin January 2026
- Partially funded through grants



# Wasatch Blvd Active Transportation



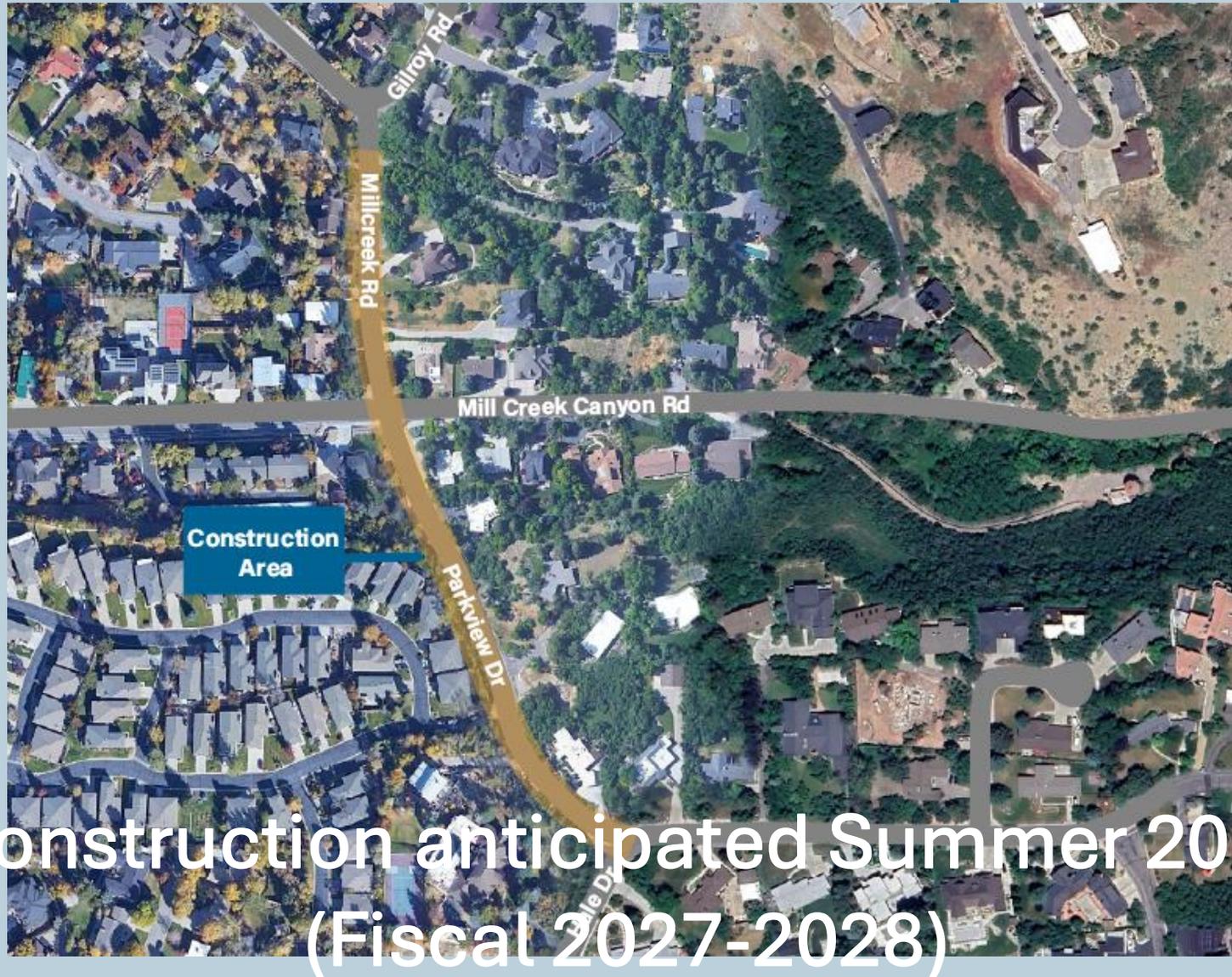
**Wasatch Boulevard**  
City Limits (South) to 4500 South



**Wasatch Boulevard**  
4500 South to 3800 South

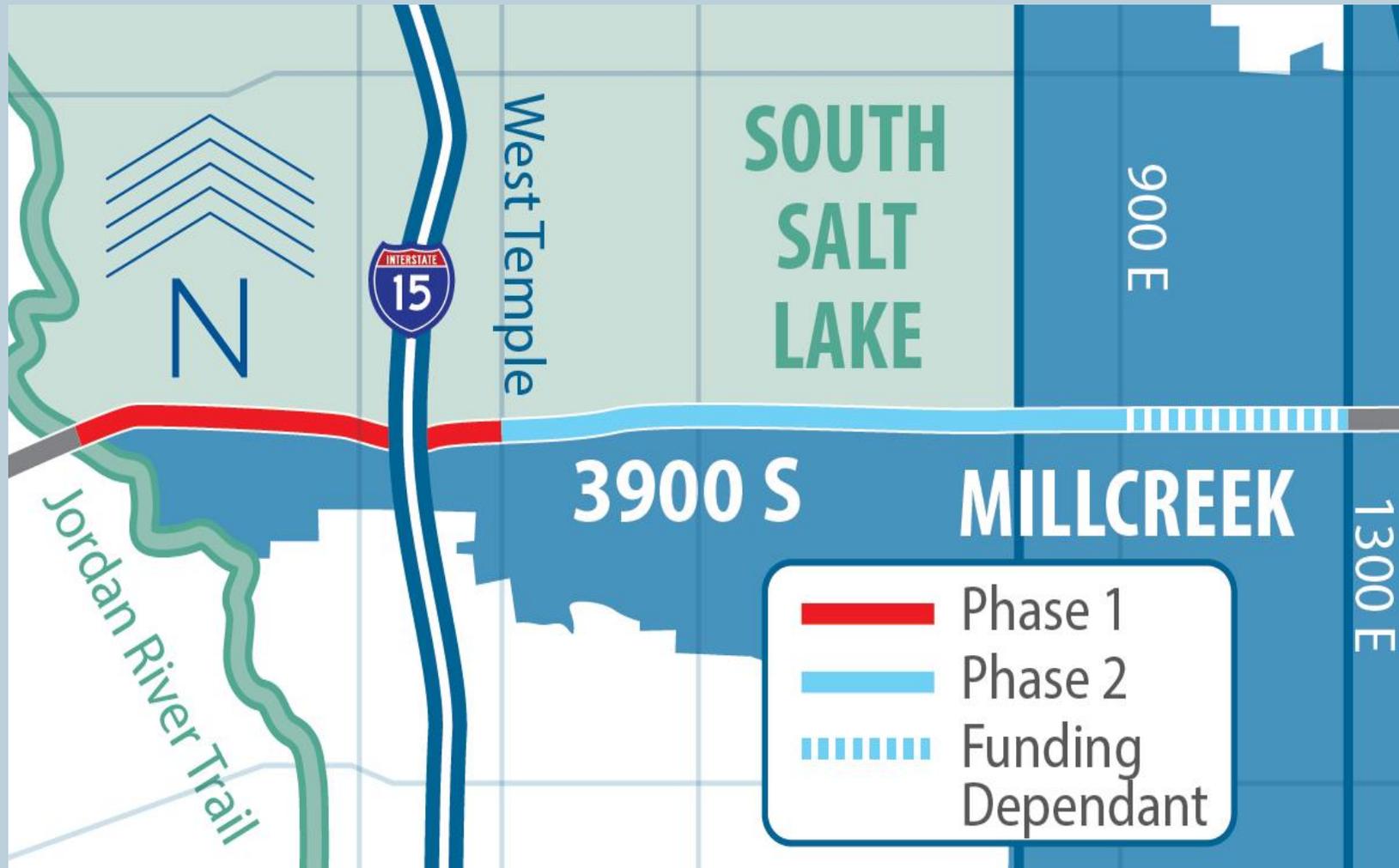
**Construction anticipated Summer 2026**

# Parkview Drive Stormwater Improvement



Construction anticipated Summer 2026  
(Fiscal 2027-2028)

# UDOT 3900 South Active Transportation Plan



- UDOT-owned project, Millcreek are stakeholders
- Currently in ROW
- Construction anticipated Summer 2026

# Honeycut Road Safety Improvement Concept; Siggard Avenue to 3900 South

- In design, understanding cost estimate with 30% design elements
- Exploring east-side, west-side, or both sidewalk corridors
- Present to Council with comparisons, cost, and review



# Scoped Projects Funded with Grants

- Birch Drive & 2700 East (Upland Terrace Elementary) Sidewalks
  - Environmental completed, engineer consultant in the works, construction anticipated Summer 2026
- 1300 East: 3300 South to Lavon – Full Reconstruction (2027 Grant)
- Highland Drive: 3300 South to North City Border (2029 Grant)
- Neffs Canyon Debris Basin & Parking Lot Expansion
  - Environmental design in progress,

# Upcoming Projects Anticipated Construction

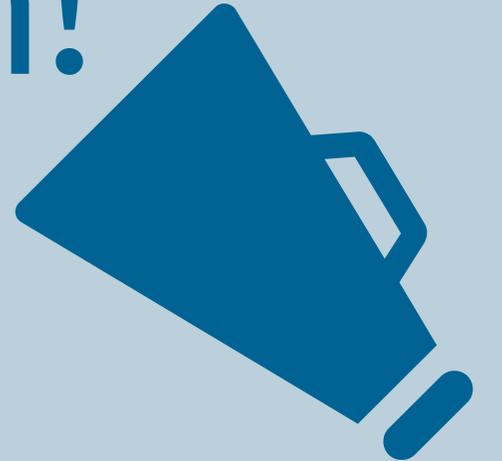
- 500 East (Moss Elementary) Safety Enhancements
  - Summer 2026 (Fiscal 2026-2027)
- Green Valley Stormwater & Pavement Improvement
  - March 2026
- West Temple Sidewalk

# Studies in Progress

- Transportation Utility Fee Feasibility Study
  - Public outreach efforts and video in progress
- Public Works Feasibility Study

QUESTIONS?

Report a Concern!



**MILLCREEK, UTAH**  
**ORDINANCE NO. 25-35**

**AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT  
APPROXIMATELY 41 & 81 WEST CENTRAL AVENUE FROM THE  
MANUFACTURING ZONE TO THE MIXED DEVELOPMENT ZONE**

**WHEREAS**, the Millcreek Council (“Council”) met in a regular meeting on September 8, 2025, to consider, among other things, an ordinance rezoning certain property located at approximately 41 & 81 West Central Avenue from the Manufacturing Zone to the Mixed Development Zone; and

**WHEREAS**, Utah Code Ann. § 10-9a-503 provides in part that the Council may make zoning map amendments; and

**WHEREAS**, Utah Code Ann. § 10-9a-503 also provides that the Council may not make any amendment to its land use ordinances unless the amendment was first submitted to the planning commission for its recommendation; and

**WHEREAS**, Utah Code Ann. § 10-9a-503 also provides that the Council shall comply with the procedure specified in Utah Code Ann. § 10-9a-502 in preparing and adopting an amendment to a land use regulation; and

**WHEREAS**, Utah Code Ann. § 10-9a-502 provides planning commission shall provide notice as required by Subsection 10-9a-205(1)(a) and, if applicable, Subsection 10-9a-205(4) and hold a public hearing on the proposed land use ordinances; and

**WHEREAS**, on July 29, 2025, the required public hearing notice was published; and

**WHEREAS**, on August 20, 2025, the proposed amendment was submitted to the planning commission for its recommendation; and

**WHEREAS**, on August 20, 2025, the planning commission held the required public hearing with respect to this rezone; and

**WHEREAS**, at the August 20, 2025 planning commission meeting, the Millcreek Planning Commission recommended approval of the proposed rezone; and

**WHEREAS**, the Millcreek Code of Ordinances, provides among other things, that before finally adopting any such rezone, the Council shall consider the application during a public meeting which has been properly noticed in compliance with the provisions of Title 52, Chapter 4, of the Open and Public Meetings Act; and

**WHEREAS**, on September 4, 2025, the Council caused the required notice to be given; and

**WHEREAS**, on August 25, 2025, the Council discussed the rezone application, and on September 8, 2025, the Council considered the rezone during a public meeting; and

**WHEREAS**, Section 18.33.020 of the Millcreek Code of Ordinances provides that each of the sections of the City which are amended or zoned be shown on the maps on file with Millcreek; and

**WHEREAS**, the Council finds that it is in the best interest of the citizens of Millcreek to adopt the rezone/map change as recommended by the Planning Commission.

**NOW THEREFORE, BE IT ORDAINED** by the Council that the property described in File # ZM-24-003 filed by Micah Peters, the property located at 41 & 81 West Central Avenue is hereby rezoned/reclassified from the Manufacturing Zone to the Mixed Development Zone, such property being more particularly described as follows:

Parcel No.

**Parcel 1:** 21012280120000

**Parcel 2:** 21012280110000

**Parcel 3:** 21012280140000

Address

**Parcel 1:** 81 W Central Ave. Millcreek, UT 84107

**Parcel 2:** 81 W Central Ave. Millcreek, UT 84107

**Parcel 3:** 41 W Central Ave. Millcreek, UT 84107

Legal Description

**Parcel 1 :** BEG S 41°47'06" E 50.05 FT & N 89°58'30" W 450 FT & S 0°01'30" W 33 FT & NW'LY ALG CURVE TO R 3.13 FT FR NE COR OF SEC 1, T 2S, R 1W, S L M; S 0°05'39" W 157.15 FT; S 89°14'06" E 212.51 FT; S 0°45'54" W 35 FT; N 89°14'06" W 714.57 FT TO E'LY R OF W OF UNION PACIFIC RR; N 09° 02'48" W 52.81 FT; NW'LY ALG CURVE TO L 182.66 FT; S 83°15'40" E 244.61 FT; SE'LY ALG CURVE TO L 300.4 FT TO BEG. EXCEPT BEG S 41°47'06" E 50.05 FT & N 89°58'30" W 450 FT & S 0°01'30" W 33 FT FR NE COR OF SD SEC 1; NW'LY ALG CURVE TO R 283.43 FT; S 0°04'53" W 15.49 FT; S 89°58'30" E 282.88 FT TO BEG. 2.62 AC M OR L. 5817-2253, 2251 5789-796 THRU 800 5834-2966 06403-2882

**Parcel 2 :** BEG S 41°47'06" E 50.05 FT & N 89°58'30" W 450 FT & S 0°01'30" W 33 FT FR NE COR OF SEC 1, T 2S, R 1W, S L M; NW'LY ALG CURVE TO R 283.43 FT; S 0°04'53" W 15.49 FT; S 89°58'30" E 282.88 FT TO BEG. 0.034 AC M OR L. 5834-2966 5899-1011 5899-1013 06403-2882

**Parcel 3 :** BEG S 41°47'06" E 50.05 FT & N 89°58'30" W 206.9 FT & S 0° 01'30" W 33 FT FR NE COR SEC 1, T 2S, R 1W, S L M; N 89°58' 30" W 243.1 FT; W'LY 3.13 FT ALG A 2590.25 FT RADIUS CURVE TO R; S 0°05'39" W 157.5 FT; S 89°14'06" E 212.51 FT; S 0° 45'54" W 35 FT; S 89°14'45" E 36.56 FT M OR L TO W BDRY LINE GORDON SOUTH LAWN ADD; N 3°50' E 186.41 FT; N 56°13'07" W 17.51 FT TO BEG. 0.96 AC M OR L 7549-2288 8419-2036 08419-2042

**BE IT FURTHER ORDAINED**, that pursuant to Section 18.33.020 of the Millcreek Code of Ordinances that the official zoning map showing the change enacted hereby be filed as provided in Section 18.33.020.

This Ordinance assigned no. 25-35, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's recorder.

**PASSED AND APPROVED** this 8<sup>th</sup> day of September, 2025.

**MILLCREEK COUNCIL**

By: \_\_\_\_\_  
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 25-35: AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT APPROXIMATELY 41 & 81 WEST CENTRAL AVENUE FROM THE MANUFACTURING ZONE TO THE MIXED DEVELOPMENT ZONE**  
was adopted the 8<sup>th</sup> day of September, 2025 and that a copy of the foregoing Ordinance 25-35 was posted in accordance with Utah Code 10-3-711 this \_\_\_\_ day of September, 2025.

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

**MILLCREEK, UTAH**  
**ORDINANCE NO. 25-36**

**AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT FOR MIXED USE  
WITH RESPECT TO APPROXIMATELY 3.61 ACRES OF REAL PROPERTY  
LOCATED AT APPROXIMATELY 41 & 81 WEST CENTRAL AVENUE**

**WHEREAS**, the Millcreek Council (“*Council*”) met in regular meeting on September 8, 2025, to consider, among other things, an ordinance approving a development agreement for mixed use development with respect to approximately 3.61 acres of real property located at approximately 41 & 81 West Central Avenue; and

**WHEREAS**, the Utah Code Ann. § 10-9a-102 authorizes, among other things, that the City may enter into development agreements; and

**WHEREAS**, staff has presented to the Council a Development Agreement for the referenced property (“Development Agreement”); and

**WHEREAS**, the Council has reviewed the Development Agreement and hereby finds that it is in the best interests of both parties to enter into the Development Agreement.

**NOW, THEREFORE, BE IT ORDAINED** that the Development Agreement is approved, and the Mayor and Recorder are hereby authorized and directed to execute and deliver the same.

**PASSED AND APPROVED** by the Council this 8<sup>th</sup> day of September, 2025.

**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 25-36: AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT  
FOR MIXED USE WITH RESPECT TO APPROXIMATELY 3.61 ACRES OF REAL  
PROPERTY LOCATED AT APPROXIMATELY 41 & 81 WEST CENTRAL AVENUE was  
adopted the 8<sup>th</sup> day of September, 2025 and that a copy of the foregoing Ordinance 25-36 was  
posted in accordance with Utah Code 10-3-711 this \_\_\_\_\_ day of September, 2025.

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Elyse Sullivan, City Recorder

**WHEN RECORDED, RETURN TO:**

**Millcreek City Hall  
1330 E Chambers Ave  
Millcreek, UT 84106**

**MASTER DEVELOPMENT AGREEMENT  
FOR THE  
OPUS GREEN NORTH DEVELOPMENT**

THIS DEVELOPMENT AGREEMENT is made and entered as of 3<sup>rd</sup> day of September, 2025, by and between Millcreek City, a Utah municipal corporation (the “City”), and Clearwater Homes, LLC, a Utah limited liability company and 81 Central, LLC, a Utah limited liability company (“Master Developer”).

**RECITALS**

- A. Master Developer is the owner of certain real property located in Millcreek.
- B. The Master Developer desires to develop the Property as townhomes and commercial land illustrated on the Site Plan.
- C. The Property has been zoned as Manufacturing (M).
- D. Master Developer hereby represents to the City that it is voluntarily entering into this Agreement.

E. The City and Master Developer desire to enter into this Agreement to further memorialize the development rights, terms, requirements, and conditions for the development of the Project, as more fully described herein.

F. The City, acting pursuant to its authority under the Utah Municipal Land Use, Development, and Management Act, Utah Code Ann. §10-9a-101, *et seq.*, and its 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.

G. Many of the capitalized terms used in these Recitals are defined in Section 1.2, below.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and Master Developer hereby agree to the following:

### **TERMS**

1. **Incorporation of Recitals and Exhibits/ Definitions.**

1.1. **Incorporation.** The foregoing Recitals and Exhibits “A” – “H” are hereby incorporated into this MDA.

1.2. **Definitions.** As used in this MDA, the words and phrases specified below shall have the following meanings:

1.2.1. **Act** means the Municipal Land Use Development and Management Act, Utah Code Ann. §§10-9a-101, *et seq.*

1.2.2. **Administrator** means the person designated by the City as the Administrator of the Ordinance and/or this Agreement.

1.2.3. **MDA** means this Master Development Agreement including all of its Exhibits.

1.2.4. **Applicant** means a person or entity submitting a Development Application, a Modification Application or a request for an Administrative Action.

1.2.5. **Building Permit** means a permit issued by the City to allow construction, erection or structural alteration of any building, structure, private or public infrastructure, On-Site Infrastructure, or Off-Site Infrastructure.

1.2.6. **Buildout** means the completion of all of the development on the entire Project.

1.2.7. **City** means Millcreek, a Utah municipal corporation.

1.2.8. **City Consultants** means those outside consultants designated by the City in various disciplines, such as traffic, hydrology, or drainage, and employed by the City for reviewing certain aspects of the development of the Project.

1.2.9. **City's Vested Laws** means the ordinances, policies, standards, and procedures of the City at the time of adoption of this MDA.

1.2.10. **City's Future Laws** means the then current ordinances, policies, standards, procedures and processing fee schedules of the City, as amended from time to time.

1.2.11. **Commercial Site Plan** means the plan submitted to the City for the approval of the development of a portion of the Project which may include multiple buildings that are not intended to be on individual subdivision lots, and includes apartments, shopping centers or similar multi-building developments or plans for other developments on the Project which are allowed by the applicable zone as a conditional use.

1.2.12. **Council** means the elected City Council of the City.

1.2.13. **Denied** means a formal denial issued by the Council and does not include review comments or "redlines" by City staff.

1.2.14. **Density** means the number of Residential Dwelling Units per acre.

1.2.15. **Development Application** means an application to the City for development of a portion of the Project including a Subdivision, a Commercial Site Plan, a Building Permit or any other permit, certificate or other authorization from the City required for development of the Project.

1.2.16. **Development Report** means a report submitted to the City by Master Developer for the development by Master Developer of any Parcel, or for the sale of any Parcel to a Subdeveloper, or the submittal of a Development Application by a Subdeveloper pursuant to an assignment

from Master Developer that shows the Density used with the Parcel(s) and the Density remaining with Master Developer and for the remaining Project.

1.2.17. **Final Plat** means a map or other graphical representation of land prepared in accordance with Utah Code Ann. § 10-9a-603, and approved by the City, effectuating a Subdivision of any portion of the Project.

1.2.18. **Impact Fees** means fees, assessments or payments of money imposed upon development activity by the City as a condition of development approval as contemplated in Utah Code Ann. §§ 11-36-101, *et seq.*

1.2.19. **Intended Uses** means the use of all or portions of the Project for single-family and multi-family residential units, public facilities, commercial areas, open space, parks, etc., as shown on the Site Plan.

1.2.20. **Master Developer** means Clearwater Homes and their respective assignees or transferees as permitted by this MDA.

1.2.21. **Maximum Residential Density** means 22 units per acre.

1.2.22. **Modification Application** means an application to amend this MDA.

1.2.23. **Non-City Agency** means a governmental or quasi-governmental entity, other than those of the City, which has jurisdiction over the approval of any aspect of the Project.

1.2.24. **Notice** means any notice to or from any party to this MDA that is either required or permitted to be given to another party.

1.2.25. **Off-Site Infrastructure** means those items of public or private infrastructure necessary for development of the Property such as roads and utilities that are not on the site of any portion of the Property that is the subject of a Development Application.

1.2.26. **On-Site Infrastructure** means those items of public or private infrastructure that are necessary for development of the Property such as roads or utilities and that are located on that portion of the Property which is subject to a Development Application.

1.2.27. **Open Space** means those areas without any buildings or other physical improvements except those customary and/or necessary to the provision of recreation or any natural break that provides appropriate breaks from building masses or conserves or preserves natural, historic, or other amenities with social or cultural values or maintains the natural water table level or preserves wetlands. Open Space includes, but is not limited to, those areas identified as Open Space in the Site Plan.

1.2.28. **Outsourc[e][ing]** means the process of the City contracting with City Consultants or paying overtime to City employees to provide technical support in the review and approval of the various aspects of the development of the Property as is more fully set out in this MDA.

1.2.29. **Parcel** means portions of the Property for development of a particular type of Intended Use.

1.2.30. **Phase** means the development of a portion of the Project at a point in a logical sequence as determined by Master Developer.

1.2.31. **Planning Commission** means the City's Planning and Zoning Commission established by the Ordinance.

1.2.32. **Project** means the development to be constructed on the Property with the associated public and private facilities, Intended Uses, Densities, Phases, and all of the other aspects approved as part of this MDA including its Exhibits.

1.2.33. **Property** means certain real property located at or near 81 W Central Ave, Millcreek, Salt Lake County, Utah, as more particularly described in Exhibit "A."

1.2.34. **Residential Dwelling Unit** means, for purposes of calculating Density, a unit intended to be occupied for residential living purposes; one single-family residential dwelling and each separate unit in a multi-family dwelling, apartment building, condominium, or time-share equals one Residential Dwelling Unit.

1.2.35. **Site Plan** means the site plan substantially as illustrated in Exhibit "C," subject to the technical guidelines/specific design criteria as set forth below.

1.2.36. **Sub developer** means an entity not "related" (as defined by Internal Revenue Service regulations) to Master Developer which purchases a Parcel for development.

1.2.37. **Subdivision** means the division of any portion of the Property into a subdivision pursuant to State Law or the Zoning Ordinance.

1.2.38. **Subdivision Application** means the application to create a Subdivision.

1.2.39. **Subdivision Site Plan** means the plan submitted with a Subdivision Application.

1.2.40. **Substantial Completion** means a point in the progress of a construction project where the work has reached the point that it is sufficiently complete such that any remaining work will not interfere with the intended use or occupancy of the project. For work to be substantially complete it is not required that the work be 100% complete.

1.2.41. **Technical Guidelines/Specific Design Criteria** means guidelines approved by the City that control certain aspects of the design and construction of the development of the Property substantially as set forth in Exhibit "B."

2. **Development of the Project.** Development of the Project shall be in accordance with the City's Future Laws, this MDA and its Exhibits. In the event of inconsistencies within or between or among parts of this MDA, Exhibits, and City's Future Laws, development of the Project shall comply with the more stringent requirements.

3. **Development of the Property in Compliance with the Site Plan.**

3.1. **Project Maximum Density.** The Density on any areas, zones or Parcels shall not exceed the Density for the area or the aggregate of such Densities shall not exceed the Maximum Residential Density for the Project. The City makes no representations or warranties that Master Developer will be able to develop the full Maximum Residential Density

3.2. **Specific Design Conditions and Development Rights.** The Property and each Parcel shall be developed and constructed substantially as set forth in the Site Plan, subject to the Technical Guidelines/Specific Design Criteria

3.3. **Accounting for Density for Parcels Sold to Subdevelopers.** Any parcel sold by Master Developer to a Subdeveloper shall include the transfer of a specified amount of Density for any Intended Use (e.g., a specified maximum number of Residential Dwelling Unit, a specified maximum square footage of a Commercial Use, etc.). At the recordation of a Final Plat or other document of conveyance (deed or otherwise) for any Parcel sold to a Subdeveloper, Master Developer shall provide the City a Subdevelopment Report showing the ownership of the Parcel(s) sold, the Density transferred with the Parcel(s), the Density remaining with Master Developer and any effects of the sale on the Site Plan. This reconciliation will balance to the Densities established to the Project Maximum Density.

3.3.1. Unused Density. If any Density transferred to a Subdeveloper is unused at the time the Parcels transferred with such Density receives final approval from the City for a Development Application for the final portion of such transferred Parcels, the unused Density then shall automatically expire.

3.4. **Parcel Sales.** The City acknowledges that the precise location and details of the public improvements, lot layout and design and any other similar item regarding the development of a particular Parcel may not be known at the time of the sale of a Parcel. The City acknowledges that Master Developer may seek and obtain approval for the subdivision of a portion of the Project into a Parcel without

providing such detailed development information subject to the specific “Parcel Sales” provisions of Section 17 of Exhibit “B”.

4. **Zoning and Vested Rights.**

4.1. **Current Zoning.** The Project is currently zoned Manufacturing (M).

4.2. **Vested Rights Granted by Approval of this MDA.** The parties specifically intend that this MDA grants to Master Developer “vested rights” as the term vested rights is construed in Utah’s common law and pursuant to Utah Code Ann. §10-9a-509.

4.2.1. **Exceptions.** The exclusion from changes to the City’s Vested Laws set forth in this Section are subject to the following exceptions:

4.2.1.1. Laws, rules or regulations that the Master Developer agrees in writing to the application thereof to the Project;

4.2.2. 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;

4.2.3. 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;

4.2.4. 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; or,

4.2.5. 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).

4.2.6. Changes by the City to its planning principles and design standards such as architectural or design requirements, setbacks, or similar items so long as such changes are generally applicable across the entire City to the respective zones within the Project.

4.2.7. Laws, rules, or regulations that the City's land use authority finds on the record, are necessary to avoid jeopardizing a compelling, countervailing public interest pursuant to Utah Code Ann. § 10-9a-509(1)(a)(i).

4.3. **Term of Agreement.** The term of this MDA shall automatically expire on December 31, 2035.

6. **Approval Processes for Development Applications.**

6.1. **Phasing.** The City acknowledges that Master Developer, assignees of

Master Developer, and/or Subdevelopers who have purchased Parcels of the Property may submit multiple applications from time-to-time to develop and/or construct portions of the Project pursuant to the Site Plan in phases.

6.2. **Processing Under Current City Laws.** The City shall utilize the City's Future Laws with regards to the processes the City utilizes to review and approve Development Applications.

6.3. **City's Cooperation in Processing Development Applications.** The City shall cooperate reasonably in promptly and fairly processing Development Applications.

6.4. **Outsourcing of Processing of Development Applications.** Within fifteen (15) business days after receipt of a Development Application upon the request of either party the parties will confer and determine whether the City and/or the Master Developer or a Subdeveloper wishes the City to Outsource the review of any aspect of the Development Application to ensure that it is processed on a timely basis. If both parties determine that Outsourcing is appropriate, the City shall promptly estimate the reasonably anticipated differential cost of Outsourcing in the manner selected by City (either overtime to City employees or the hiring of a City Consultant). If the Master Developer or a Subdeveloper notifies the City of its intent to proceed with the Outsourcing based on the City's estimate of costs, then the Master Developer or Subdeveloper shall deposit in advance to such Outsourcing with the City the estimated differential cost and the City shall promptly proceed with such Outsourcing. If the City hired a consultant for the Outsourcing services then upon completion of the Outsourcing services and

submission of an invoice for the actual differential cost of Outsourcing (with such reasonable supporting documentation as may be requested by Master Developer) or if the City has incurred overtime with respect to City employees for such Outsourcing services, then upon completion of the Outsourcing services and submission of a statement for the actual differential cost of Outsourcing, Master Developer or the Subdeveloper shall, within ten (10) business days pay or receive credit (as the case may be) for any difference between the estimated differential cost deposited for the Outsourcing and the actual differential cost.

**6.5. Non-City Agency Reviews.** If any aspect or portion of a Development Application is governed by a Non-City Agency and not the City, then such aspects or portion of a Development Application does not need to be submitted to the City for approval provided, however, the Applicant shall notify the City in writing of such submission, and upon request by the City, provide to the City a copy of the submission and approval. The City may only grant final approval for any Development Application subject to compliance by Applicant with any conditions required for such Non-City Agency's approval.

**6.6. Acceptance of Certifications required for Development Applications.** Any Development Application requiring the signature, endorsement, or certification and/or stamping by a person holding a license or professional certification required by the State of Utah in a particular discipline shall be so signed, endorsed, certified or stamped signifying that the contents of the Development Application comply with the applicable regulatory standards of the City. The Development Application shall be deemed to meet the specific standards

which are the subject of the opinion or certification without further objection or required review by the City or any other agency of the City.

**6.7. Expert Review of Certifications Required for Development Applications.** If the City, notwithstanding such a certification by Applicant's experts, as provided in Section 6.6, subjects the Development Application to review by City Consultants, the Applicant shall bear the costs of such review.

**6.7.1. Selection of City Consultants for Review of Certifications Required for Development Applications.** The City Consultant undertaking any review by the City required or permitted by this MDA shall be selected from a list generated by the City pursuant to a "request for proposal" process required by City ordinances. Applicant may, in its sole discretion, strike from the list of qualified proposers any of such proposed consultants so long as at least three (3) qualified proposers remain for selection. The anticipated cost and timeliness of such review may be a factor in choosing the expert.

**6.8. Extraordinary Technical Analysis.** If the City requires technical analysis beyond the scope of analysis contemplated in Section 6.4 above, then the City shall notify the Applicant and absent a written objection by Applicant within five (5) business days of City's notifying the applicant, the City may engage such expert or consultant and the actual cost incurred by the City with respect to such expert or consultant shall be the responsibility of Applicant.

**6.9. Meet and Confer regarding Development Application Objections.** The City and Applicant shall meet within fifteen (15) business days of any Denial to resolve the issues specified in the rejection of a Development Application.

**6.10. City Denials of Development Applications Based on Denials from Non-City Agencies.** If the City's denial of a Development Application is based on the denial of the Development Application by a Non-City Agency, Master Developer shall appeal any such denial through the appropriate procedures for such a decision and not through the processes specified below.

**6.11. Mediation of Development Application Objections.**

6.11.1. Issues Subject to Mediation. Issues resulting from the Denial of a Development Application that are not subject to arbitration provided in Section 6.12 shall be mediated.

6.11.2. Mediation Process. If the City and Applicant are unable to resolve a disagreement subject to mediation, the parties shall attempt within seven (7) business days to appoint a mutually acceptable mediator with knowledge of the issue in dispute. If the parties are unable to agree on a single acceptable mediator, they shall each, within seven (7) business days thereafter, appoint their own representative. These two representatives shall, between them, choose the single mediator. Applicant shall pay the fees of the chosen mediator. The chosen mediator shall within fourteen (14) business days, review the positions of the parties regarding the mediation issue and promptly attempt to mediate the issue between the parties. If the parties are unable to reach agreement, the mediator shall notify the parties in writing of the resolution that the mediator deems appropriate. The mediator's opinion shall not be binding on the parties.

**6.12. Arbitration of Development Application Objections.**

6.12.1. Issues Subject to Arbitration. Issues regarding the Denial of a Development Application that are subject to resolution by scientific or technical experts such as traffic impacts, water quality impacts, pollution impacts, etc. are subject to arbitration. Denials based on the Applicants failure to satisfy City's Future Laws with respect to development standards are not issues subject to resolution by scientific or technical experts.

6.12.2. Mediation Required Before Arbitration. Prior to any arbitration the parties shall first attempt mediation as specified in Section 6.10.2.

6.12.3. Arbitration Process. If the City and Applicant are unable to resolve an issue through mediation, the parties shall attempt within seven (7) business days to appoint a mutually acceptable expert in the professional discipline(s) of the issue in question. If the parties are unable to agree on a single acceptable arbitrator, they shall each, within seven (7) business days, appoint their own individual appropriate expert. These two experts shall, between them, choose the single arbitrator. Applicant shall pay the fees of the chosen arbitrator. The chosen arbitrator shall within fourteen (14) business days, review the positions of the parties regarding the arbitration issue and render a decision. The arbitrator shall ask the prevailing party to draft a proposed order for consideration and objection by the other side. Upon adoption by the arbitrator, and consideration of such objections, the arbitrator's decision shall be final and binding upon both parties.

7. **Infrastructure Improvements.** The City may refuse in its sole and absolute discretion to approve any Development Applications until the City reviews and approves the

funding and construction mechanisms of On-Site and Off-Site Infrastructure or other needed infrastructure for the Property.

8. **Construction Standards and Requirements.**

8.1. **General.** All construction on the Project shall be conducted and completed in accordance with the City's Future Laws, and the Technical Guidelines to the extent the Technical Guidelines impose a more stringent requirement.

8.2. **Building Permits.** No buildings or other structures shall be constructed within the Project or Property without Master Developer and/or the Master Developer(s) first obtaining building permits. Master Developer may apply for and obtain a grading permit following approval of a Commercial Site Plan or a Subdivision Site Plan if Master Developer has submitted and received approval of a site grading plan from the City Engineer.

8.3. **Security for Public Improvements.** All public improvements shall be constructed and completed in accordance with City's Future Laws and bonding requirements.

8.4. **City and Other Governmental Agency Permits.** Before commencement of construction or development of any buildings, structures or other work or improvements upon any portion of the Project, Master Developer or a Subdeveloper shall, at its expense, secure, or cause to be secured, any and all permits which may be required by the City or any other governmental entity having jurisdiction over the work. The City shall reasonably cooperate with the Master Developer or a Subdeveloper in seeking to secure such permits from other governmental entities.

8.5. **Compliance with Law.** Except as otherwise specifically set forth herein, Master Developer and/or a Subdeveloper shall comply with all applicable Federal, State and City's Future Laws pertaining to the Project.

9. **Default.**

13.1. **Notice and Cure.** If Master Developer or a Subdeveloper or the City fails to perform their respective obligations hereunder or to comply with the terms hereof, then within thirty (30) calendar days after Notice specifying the default, the non-defaulting party may, except as specifically limited in 31 below at its election, have the following remedies:

13.1.1. All rights and remedies available in equity, including, but not limited to, injunctive relief and specific performance.

13.1.2. The right to draw on any security posted or provided in connection with the Project and relating to remedying of the particular default.

13.1.3. The right to withhold all further reviews, approvals, licenses, permits or refuse to issue any building permits for any development of the Project in the case of a default by Master Developer, or in the case of a default by a Subdeveloper, development of those Parcels owned by the Subdeveloper until such default has been cured. Notwithstanding anything to the contrary herein, the City may withhold future revisions, approvals, licenses, permits or refuse to issue any building permits for any development of the Project during such thirty (30) day period or any extended cure period if the City determines that there is a compelling, countervailing public interest to withhold such approvals. If the cure of any

alleged default can be effectuated by the City because the alleged default is covered by any security the City may have for the completion of On-Site or Off-Site Infrastructure then the City may proceed against the security, as a default under this Agreement, or both.

13.1.4. **Extended Cure Period.** If any default cannot be reasonably cured within such thirty (30) days, then such cure period shall be extended so long as the defaulting party is pursuing a cure with reasonable diligence.

13.1.5. **Cumulative Rights.** The rights and remedies set forth herein shall be cumulative.

13.1.6. **Emergency Defaults.** Anything in this MDA 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 without the requirement to Meet and Confer. The City shall give Notice to Owner/Developer of any public meeting at which an emergency default is to be considered and the Developer shall be allowed to address the City Council at that meeting regarding the claimed emergency Default.

14. **Notices.** All notices required or permitted under this Development Agreement shall, in addition to any other means of transmission, be given in writing by certified mail and regular mail to the following address:

To the Master Developer:

Clearwater Homes  
81 Central  
Micah Peters  
336 W Broadway #110  
SLC, UT 84101

To the City:

Millcreek  
Jeff Silvestrini  
1330 E Chambers Ave  
Millcreek, UT 84106

14.1. **Effectiveness of Notice.** Except as otherwise provided in this MDA, each Notice shall be effective and shall be deemed delivered on the earlier of (1) its actual receipt, if delivered personally, by courier service, or by fax or telecopy (provided that a copy of the telex, fax or telecopy Notice is mailed or personally delivered as set forth herein on the same day and the sending party has confirmation of transmission receipt of the Notice) or, (2) on the day the Notice is postmarked for mailing, postage prepaid, by First Class or Certified United States Mail and actually deposited in or delivered to the United States Mail. Any party may change its address for Notice under this MDA by giving written Notice to the other party in accordance with the provisions of this section.

15. **Amendments.** This MDA may not be modified except by written instrument signed by the parties hereto.

16. **Estoppel Certificate.** Upon twenty (20) days prior written request by Master Developer or a Subdeveloper, the City will execute an estoppel certificate to any third party

certifying that Master Developer or a Subdeveloper, as the case may be, at that time is not in default of the terms of this Agreement.

17. **Entire Agreement.** This MDA, and all Exhibits thereto, is the entire agreement between the Parties and may not be amended or modified except either as provided herein or by a subsequent written amendment signed by all parties.

18. **Recordation and Running with the Land.** This MDA shall be recorded in the chain of title for the Project and shall be deemed to run with the land and shall be binding on Master Developer and all successors and assigns of any of the foregoing.

19. **Headings.** The captions used in this MDA are for convenience only and are not intended to be substantive provisions or evidence of intent.

20. **No Third-Party Rights/No Joint Venture.** This MDA does not create a joint venture relationship, partnership, or agency relationship between the City and Master Developer. Further, the parties do not intend this MDA to create any third-party beneficiary rights. The parties acknowledge that this MDA refers to a private development and that the City has no interest in, responsibility for or duty to any third parties concerning any improvements to the Property unless the City has accepted the dedication of such improvements at which time all rights and responsibilities for the dedicated public improvement shall be the City's.

21. **Assignability.** Notwithstanding any of the provisions of this MDA to the contrary, but without waiving the requirement of notice as provided in this section, Master Developer shall have the right without the consent of City, to assign its rights and delegate its duties under this MDA, in whole or in part, to a limited liability company, corporation, or other entity which is an organization in which Master Developer owns a majority and controlling interest in the capital stock, membership, or other ownership interest, in value, profits interest, capital interests, and

voting interests (“Permitted Assignee”). If Master Developer desires to affect an assignment to a Permitted Assignee, Master Developer shall deliver to City written notice of the identity of the Permitted Assignee and of all persons with an interest in Permitted Assignee with a description of the interest of each such person, in advance of the date on which Master Developer proposes to make such assignment. Master Developer may assign its rights and delegate its duties under this MDA to any other assignee (“Other Assignee”) with the consent of the City. The City may only withhold such consent if the City is not reasonably satisfied with the Other Assignee’s financial ability to perform the obligations of Master Developer proposed to be assigned. If Master Developer desires to affect an assignment to an Other Assignee, Master Developer shall deliver to City notice of any such proposed assignment and provide such information regarding the Other Assignee that the City may reasonably request in making the evaluation permitted under this section. Unless the City consents in writing, the City shall be deemed to have disapproved of and not consented to the assignment. Master Developer selling and conveying of lots in any approved subdivision or parcels to the builders, users, or subdevelopers, shall not be deemed an assignment subject to the above-referenced notice to and/or approvals by the City. If any of the proposed assignments hereunder are for less than all of Master Developer’s rights and duties, then Master Developer shall remain liable for performance of each of the obligations that are not assigned. Upon any partial assignment that is permitted pursuant to this section, Master Developer shall be released of any future obligations as to those duties which are assigned. Any assignee shall consent in writing to be bound by the terms and conditions of this MDA as condition precedent to the effectiveness of the assignment.

22. **Binding Effect.** If Master Developer sells or conveys Parcels of lands to Subdevelopers or related parties, the lands so sold and conveyed shall bear the same rights,

privileges, Intended Uses, configurations, and Density as applicable to such Parcel and be subject to the same limitations and rights of the City when owned by Master Developer and as set forth in this MDA without any required approval, review, or consent by the City except as otherwise provided herein.

23. **No Waiver.** Failure of any party hereto to exercise any right hereunder shall not be deemed a waiver of any such right and shall not affect the right of such party to exercise at some future date any such right or any other right it may have.

24. **Severability.** If any provision of this MDA is held by a court of competent jurisdiction to be invalid for any reason, the parties consider and intend that this MDA shall be deemed amended to the extent necessary to make it consistent with such decision and the balance of this MDA shall remain in full force and affect.

25. **Force Majeure.** Any prevention, delay or stoppage of the performance of any obligation under this Agreement which is due to strikes, labor disputes, inability to obtain labor, materials, equipment or reasonable substitutes therefor; acts of nature, governmental restrictions, regulations or controls, judicial orders, enemy or hostile government actions, wars, civil commotions, fires, or other casualties or other causes beyond the reasonable control of the party obligated to perform hereunder shall excuse performance of the obligation by that party for a period equal to the duration of that prevention, delay, or stoppage.

26. **Time is of the Essence.** Time is of the essence to this MDA and every right or responsibility shall be performed within the times specified.

27. **Appointment of Representatives.** To further the commitment of the parties to cooperate in the implementation of this MDA, the City and Master Developer each shall designate and appoint a representative to act as a liaison between the City and its various departments and

the Master Developer. The initial representative for the City shall be Sean Murray and the initial representative for Master Developer shall be Micah Peters. The parties may change their designated representatives by Notice. The representatives shall be available at all reasonable times to discuss and review the performance of the parties to this MDA and the development of the Project.

28. **Mutual Drafting.** Each party has participated in negotiating and drafting this MDA and therefore no provision of this MDA shall be construed for or against either party based on which party drafted any particular portion of this MDA.

29. **Applicable Law.** This MDA is entered into in Millcreek in the State of Utah and shall be construed in accordance with the laws of the State of Utah irrespective of Utah's choice of law rules.

30. **Venue.** Any action to enforce this MDA shall be brought only in the Third District Court for the State of Utah, Salt Lake County.

31. **Limitation on Recovery for Default – No Damages.** Anything in this Agreement notwithstanding Developer shall not be entitled to any claim for any monetary damages as a result of any breach of this Agreement. The sole remedy available to Developer shall be that of specific performance.

32. **Further Acts.** In addition to the acts recited in this Agreement to be performed by the parties hereto, the parties agree to perform or cause to be performed any and all such further acts as may be reasonably necessary to consummate the transactions contemplated hereby and to carry out the terms and provisions, spirit and intent of this Agreement.

33. **Authority.** The parties to this MDA each warrant that they have all of the necessary authority to execute this MDA. Specifically, on behalf of the City, the signature of the Mayor of

the City is affixed to this MDA lawfully binding the City pursuant to Ordinance No. \_\_\_ adopted by the City on \_\_\_\_\_, 2025.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by and through their respective, duly authorized representatives as of the day and year first herein above written.

**MASTER DEVELOPER**

**CITY**

**Clearwater Homes, LLC, a  
Utah limited liability company**

By: *Micah W. Peters*  
Signed with **Stavvy**  
Micah W. Peters  
Manager/CEO

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

**81 Central, LLC, a Utah limited  
liability company**

By: *Micah W. Peters*  
Signed with **Stavvy**  
Micah W. Peters  
Manager

Approved as to form:

Attest:

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

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

**CITY ACKNOWLEDGMENT**

STATE OF UTAH )  
 :ss  
COUNTY OF SALT LAKE )

On the \_\_\_\_ day of \_\_\_\_\_, 2025, personally appeared before me \_\_\_\_\_ who being by me duly sworn, did say that he is the \_\_\_\_\_ of Millcreek, a Utah municipal corporation, and that said instrument was signed in behalf of the City by authority of its governing body and said \_\_\_\_\_ acknowledged to me that the City executed the same.

My Commission Expires:

\_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

Residing at: \_\_\_\_\_

**MASTER DEVELOPER ACKNOWLEDGMENT**

STATE OF UTAH )  
 :ss  
COUNTY OF SALT LAKE )

On the 3rd day of September, 2025, personally appeared before me Micah W. Peters who being by me duly sworn, did say that he is the Manager/CEO of Clearwater Homes, LLC , a Utah limited liability company , and that the foregoing instrument was duly authorized by the company at a lawful meeting held by authority of its operating agreement and signed in behalf of said company. This act was performed via remote online audio-visual communication.

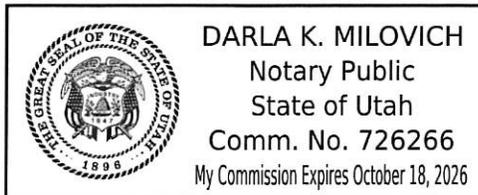
My Commission Expires:

10/18/26

*Darla K. Milovich*  
Signed with Stavvy

\_\_\_\_\_  
NOTARY PUBLIC

Residing at: Salt Lake County, Utah



Notarized remotely via audio/video communication using Stavvy



**Exhibit A**  
**Location of Development**

**Parcel Number**

**Parcel 1 :** 21012280120000

**Parcel 2 :** 21012280110000

**Parcel 3 :** 21012280140000

**Physical Address**

**Parcel 1 :** 81 W Central Ave. Millcreek, UT 84107

**Parcel 2 :** 81 W Central Ave. Millcreek, UT 84107

**Parcel 3 :** 41 W Central Ave. Millcreek, UT 84107

**Legal Description**

**Parcel 1 :** BEG S 41<sup>^</sup>47'06" E 50.05 FT & N 89<sup>^</sup>58'30" W 450 FT & S 0<sup>^</sup>01'30" W 33 FT & NW'LY ALG CURVE TO R 3.13 FT FR NE COR OF SEC 1, T 2S, R 1W, S L M; S 0<sup>^</sup>05'39" W 157.15 FT; S 89<sup>^</sup>14'06" E 212.51 FT; S 0<sup>^</sup>45'54" W 35 FT; N 89<sup>^</sup>14'06" W 714.57 FT TO E'LY R OF W OF UNION PACIFIC RR; N 09<sup>^</sup> 02'48" W 52.81 FT; NW'LY ALG CURVE TO L 182.66 FT; S 83<sup>^</sup>15'40" E 244.61 FT; SE'LY ALG CURVE TO L 300.4 FT TO BEG. EXCEPT BEG S 41<sup>^</sup>47'06" E 50.05 FT & N 89<sup>^</sup>58'30" W 450 FT & S 0<sup>^</sup>01'30" W 33 FT FR NE COR OF SD SEC 1; NW'LY ALG CURVE TO R 283.43 FT; S 0<sup>^</sup>04'53" W 15.49 FT; S 89<sup>^</sup>58'30" E 282.88 FT TO BEG. 2.62 AC M OR L. 5817-2253, 2251 5789-796 THRU 800 5834-2966 06403-2882

**Parcel 2 :** BEG S 41<sup>^</sup>47'06" E 50.05 FT & N 89<sup>^</sup>58'30" W 450 FT & S 0<sup>^</sup>01'30" W 33 FT FR NE COR OF SEC 1, T 2S, R 1W, S L M; NW'LY ALG CURVE TO R 283.43 FT; S 0<sup>^</sup>04'53" W 15.49 FT; S 89<sup>^</sup>58'30" E 282.88 FT TO BEG. 0.034 AC M OR L. 5834-2966 5899-1011 5899-1013 06403-2882

**Parcel 3 :** BEG S 41<sup>^</sup>47'06" E 50.05 FT & N 89<sup>^</sup>58'30" W 206.9 FT & S 0<sup>^</sup> 01'30" W 33 FT FR NE COR SEC 1, T 2S, R 1W, S L M; N 89<sup>^</sup>58' 30" W 243.1 FT; W'LY 3.13 FT ALG A 2590.25 FT RADIUS CURVE TO R; S 0<sup>^</sup>05'39" W 157.5 FT; S 89<sup>^</sup>14'06" E 212.51 FT; S 0<sup>^</sup> 45'54" W 35 FT; S 89<sup>^</sup>14'45" E 36.56 FT M OR L TO W BDRY LINE GORDON SOUTH LAWN ADD; N 3<sup>^</sup>50' E 186.41 FT; N 56<sup>^</sup>13'07" W 17.51 FT TO BEG. 0.96 AC M OR L 7549-2288 8419-2036 08419-2042

**Exhibit B**  
**Project Specifications**

Developer and the City agree that the proposed development will incorporate the following:

1. **Height.** The height of the townhome buildings will not exceed 30' 2" in height. Said height excludes the final height of parapet walls, and roof mounted HVAC and plumbing vents which may exceed the stated height of 30'2". The commercial building may not exceed two stories in height and a maximum height of 45 feet.
2. **Parking.** The project will include 207 parking stalls for the development. 154 stalls will be private garage parking in 77 townhome units. The development shall have 28 off street guest parking stalls. 25 of the 33 stalls provided along Central Avenue may be used to calculate parking for the commercial use on the site.
3. **Common Open Space.** The project will consist of open space totaling 33.5 percent of the project site.
4. **Amenities.** The open space will include the following residential amenities:
  - a. A picnic area at least 500 square feet with a pergola, seating and tables, a grill, and at least one trash can. Floor area for the picnic area can be comprised of any of the following materials: cement, gravel, wood or composite decking material, simulated grass, turf, ceramic tile, or rubberized sport court material. The pergola and features will match the design aesthetic of surrounding buildings in terms of materials and style. Some approved materials for the pergola shall be steel, aluminum, and wood. The shade shall be made out of outdoor fabric, standing metal seam, TPO, or 30-to-50-year architectural shingles.
  - b. A trail that connects to the Opus Green South trail system. This new trail will be about 1,500 linear feet from Central Ave to Main Street. See Exhibit "H" for layout and location.
  - c. The playground on Opus Green South shall be accessible and open to use by residents of the Opus Green North development.
5. **Units.** The project will consist of seventy-seven (77) townhome units. Twenty-four (24) shall be two-bedroom units, fifty-three (53) shall be three-bedroom units. Three (3) of the three-bedroom units shall be constructed as live/work units facing Central Avenue.
6. **Private Open Space.** Each unit shall have semi-private main floor courtyards. Two-bedroom units shall have a minimum of 104 sf of courtyard space. Three-bedroom units shall have a minimum of 136 sf of courtyard space. Courtyard space is defined as the total area including unit entrance sidewalks, planters, rock /mulch drainage area, and cement patio square footage.
7. **Lighting.** The developer will install path lighting and interior lighting in accordance with Millcreek standards for outdoor lighting found in MKC 18.68. Developer will install five (5)

streetlights along Central Avenue. The streetlights shall meet Millcreeks typical collector streetlight standard.

8. **Fencing.** The developer will install a precast wall along the western property line abutting the Trax rail line. The current wall along the southern property line will be removed and placed along the western property line. The wall will measure roughly 220 linear feet.
9. **Uses.** Uses will be limited to residential uses for the townhome units. Three (3) live/work units along Central Avenue will allow for residential and non-residential uses within each unit. A commercial building on the site will host a vet clinic at a parking ratio of 1 stall per 300 sf of floor space. Other commercial uses using this parking ratio or a ratio as low as 1 stall per 150 square feet of commercial space is allowable.
10. **Landscaping.** Landscaping will be provided as shown in the attached landscape plan, Exhibit "D". All landscaping will adhere to standards found in MKC 18.64 of the Millcreek zoning code.
11. **Materials.** The exterior materials to be used for the residential and live work units in the project will consist of the following material options.
  - a. Stucco,
  - b. Aluminum soffit,
  - c. Facil façade or like high quality exterior composite material,
  - d. James Hardy products, or like cementitious products,
  - e. Natural wood, or wood grain composite imitation product,
  - f. Aluminum façade products.
12. **Design Standards.** Arrangement of the materials and the windows will be as indicated on the attached renderings in Exhibit "E". Developer reserves the ability to alter some materials, window sizes, and the location of materials on the building depending on available materials and supplies. All buildings, regardless of alterations, must adhere to the design standards found in MKC 18.41.070(L).
13. **Easements.** Developer shall grant a storm drain and public access easement to Millcreek for the area located along the western edge of the property. The easement shall be described as follows:

Located in the Northeast 1/4 of Section 1, Township 2 South, Range 1 West, Salt Lake Base and Meridian, located in Millcreek City, Salt Lake County, Utah, being more particularly described as follows:

Beginning at a point located along the Northerly line of Opus Green Phase 4, according to the official plat thereof recorded March 7, 2024 as Entry No. 14213250 in Book: 2024P Page: 055 in the Salt Lake County Recorder's Office, said point being S0°15'54"W 216.67 feet along the monument line of Main Street and S89°53'39"W 939.66 feet from the street monument found in the intersection of Main Street and Central Avenue, said point also being located S0°06'21"E 254.04 feet along the Section line and S89°53'39"W 907.79 feet from the Northeast Corner of Section 1, Township 2 South, Range 1 West, Salt Lake Base and Meridian; running thence along said Northerly line N89°14'06"W 15.22 feet to the Easterly right-of-way line of UTA Track Alignment filed as Survey No. S1997090651 in the Salt Lake County Surveyor's

Office; thence along said Easterly line the following two (2) courses: (1) N09°02'48"W 52.81 feet; thence (2) thence along the arc of a curve to the left with a radius of 5,762.65 feet a distance of 182.66 feet through a central angle of 01°48'58" Chord: N09°57'17"W 182.65 feet to the Southerly right-of-way of Central Avenue; thence along said Southerly right-of-way S83°15'40"E 15.74 feet; thence Southerly along the arc of a non-tangent curve to the right having a radius of 5,693.34 feet (radius bears: S79°10'18"W) a distance of 178.38 feet through a central angle of 01°47'42" Chord: S09°55'51"E 178.37 feet; thence S09°02'48"E 55.40 feet to the point of beginning.

Developer reserves the right to install gates and restrict easement access during the hours of 10:00 PM to 7:00 AM to align with Millcreek hour of use policy found in MKC 13.04.040. The location of the easement can be found in Exhibit "H".

- 14. UTA Bus Route.** If the Utah Transit Authority (UTA) establishes a bus route along Central Avenue and determines that a bus stop is appropriate along the Project frontage along Central Avenue, Developer shall install a UTA approved bus shelter.
- 15. Pedestrian Rail Crossing Improvements.** Developer will work with the Utah Rail Association for the required pedestrian safety improvements for the crossing at 135 West Central Ave.
- 16. Trax Rail Crossing.** If the State of Utah Chief Rail Engineer determines a need for improvements to the Trax Line Crossing at approximately 135 West Central Avenue as illustrated in Exhibit "G", the Developer shall be financially responsible to pay its proportionate share of the cost to install the required improvements. Proportionate share shall be determined by trips generated from the Project as a percentage of overall trips as determined by a trip generation study performed by a professional traffic engineer. The trip generation study shall be paid for by the Developer but managed by the City. If the Developer disagrees with the conclusions of the trip generation study, the Developer may request a second trip generation study to be commissioned by the City. The second study shall be paid for by the Developer but managed by the City.
- 17. For Sale-For Rent Requirement.** The developer shall make best efforts to sell 50% of the total units, no later than eleven (11) years from the date that the first building permit is issued to begin vertical construction. Developer shall have the right to utilize the remaining fifty percent (50%) of the Residential Units (i.e., those units that are not For Sale Residential Units) as rental units (the "For Lease Residential Units"), or can sell such Residential Units as For Sale Residential Units, at Developer's sole discretion.
- 18. Central Ave Right of Way.** Developer will construct the improvements associated with the right of way for the entire frontage of the project along Central Avenue from the centerline of the right of way to the back of sidewalk. Improvements shall be built as shown in Exhibit "F". Once improvements have been completed, Developer will dedicate the right-of-way area to Millcreek defined as the south side of the sidewalk which will be 10 feet from the façade of the buildings.
- 19. Approved Drive Aisle Right of Way.** Internal drive aisles accessing the garages on site will be constructed to a width no narrower than 27 feet from building to building. Drive aisles shall meet standards found in Title 14 of the Millcreek municipal code.

**Exhibit C**  
**Site Plan**



**Exhibit D**  
**Landscape Plan**



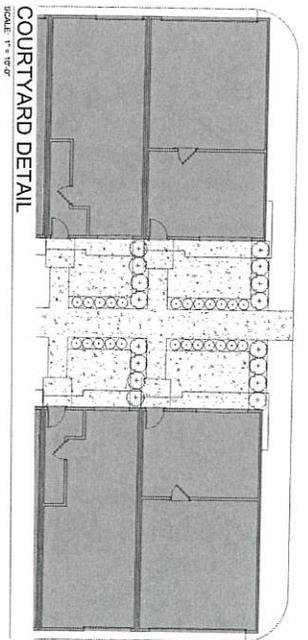
**PLANT SCHEDULE**

SYMBOL      BOTANICAL NAME      COMMON NAME

**DECIDUOUS TREES**

-  *Acer negundo* 'Sensation'      Sensation Maple
-  *Acer platanoides* 'Columnar'      Columnar Norway Maple
-  *Malus x 'Spring Snow'*      Spring Snow Crabapple
-  *Tilia cordata* 'Greenspire'      Greenspire Linden

 Landscape Planting Area



# Opus Green North

# Landscape Plan

June 13, 2025

**Exhibit E**  
**Building Renderings**



# OPUS NORTH

4085 SWAIN ST. MILWAUKEE, WISCONSIN 53207

THIS IS A PRELIMINARY ARCHITECTURAL RENDERING AND NOT A CONTRACT DOCUMENT. IT IS SUBJECT TO CHANGE WITHOUT NOTICE. FOR MORE INFORMATION, CONTACT US AT 414.224.1111 OR VISIT US AT WWW.ARBELIA.COM

Unit

APRIL 2023

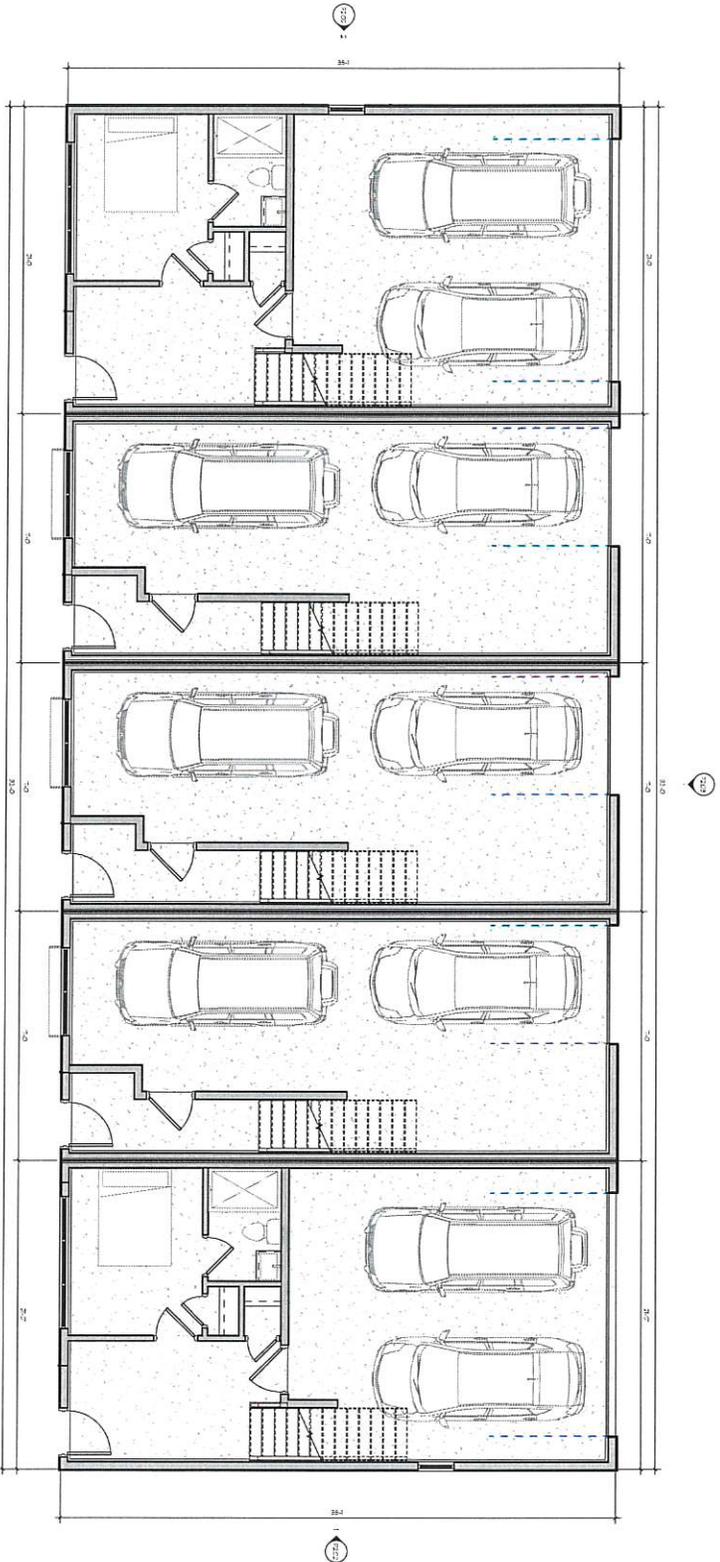


Architecture  
Belgique, Inc.

7805 W. Main St. #1000  
Milwaukee, WI 53224  
414.224.1111

# OPUS NORTH

4865 S MAIN ST, MILWAUKEE, WISCONSIN 53221



1 LEVEL 1  
SCALE: 1/8" = 1'-0"

SYNOPSIS - LEVEL 1

APRIL 24, 2025



Architecture  
Belgique, Inc.

7033 South Lincoln Avenue, Suite 100  
Milwaukee, WI 53221

# OPUS NORTH

486 S MAIN ST, MILWAUKEE, WISCONSIN, WI 53204

10/15/14 ARCHITECTURE BELGIQUE, INC. 7335 WEST KENNEDY DRIVE, SUITE 100, MILWAUKEE, WI 53224 TEL: 414.224.1111 FAX: 414.224.1112



1 LEVEL 2  
SD SCALE 1/8"=1'-0"

SYNCHRONIC - 0812

APRIL 14, 2015



Architecture  
Belgique, Inc.

7335 West Kennedy Drive  
Milwaukee, WI 53224  
414.224.1111

# OPUS NORTH

4963 MAIN ST, MILWAUKEE, WISCONSIN 53212



1 LEVEL 3  
SCALE 1/8" = 1'-0"

SYMBOLS - LEVEL 3  
APRIL 14, 2005



7333 S. Main St. Milwaukee, WI 53212  
414.353.3333

# OPUS NORTH

4085 S MAIN ST, MILWAUKEE, SOUTH LAKE CITY, WI 53207



5 PLEX - FRONT ELEVATION  
SCALE 1/4" = 1'-0"

SYNCHRONIC - EXTERIORS

APRIL 24, 2025

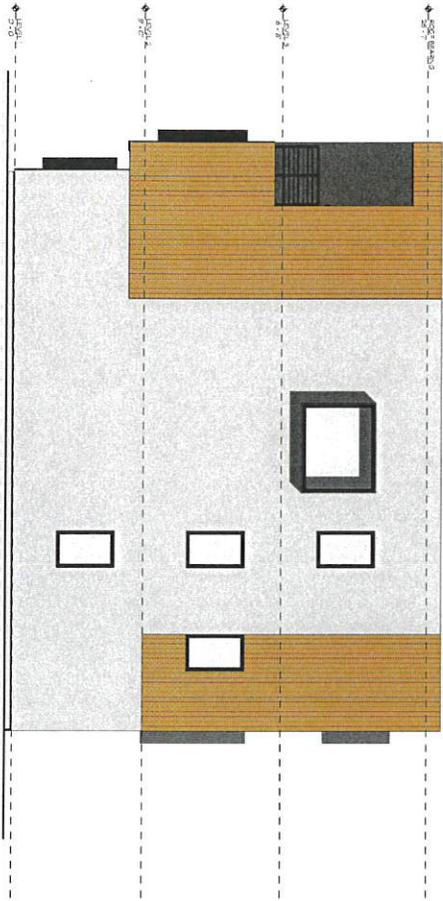


Architecture  
Belgique, Inc.

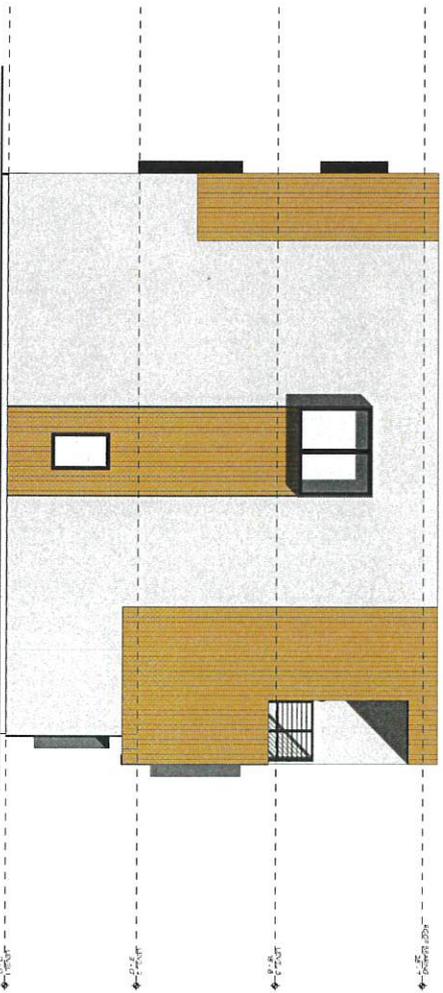
7055 West Lincoln Highway  
Milwaukee, WI 53214

# OPUS NORTH

4085 SWAIN ST. MILWAUKEE, SOUTH LAKE CITY, WI 53007



1 5 PLEX - RIGHT ELEVATION  
SCALE: 1/4" = 1'-0"



2 5 PLEX - LEFT ELEVATION  
SCALE: 1/4" = 1'-0"

SYNER BUILDING - ELEVATIONS

APRIL 14, 2025

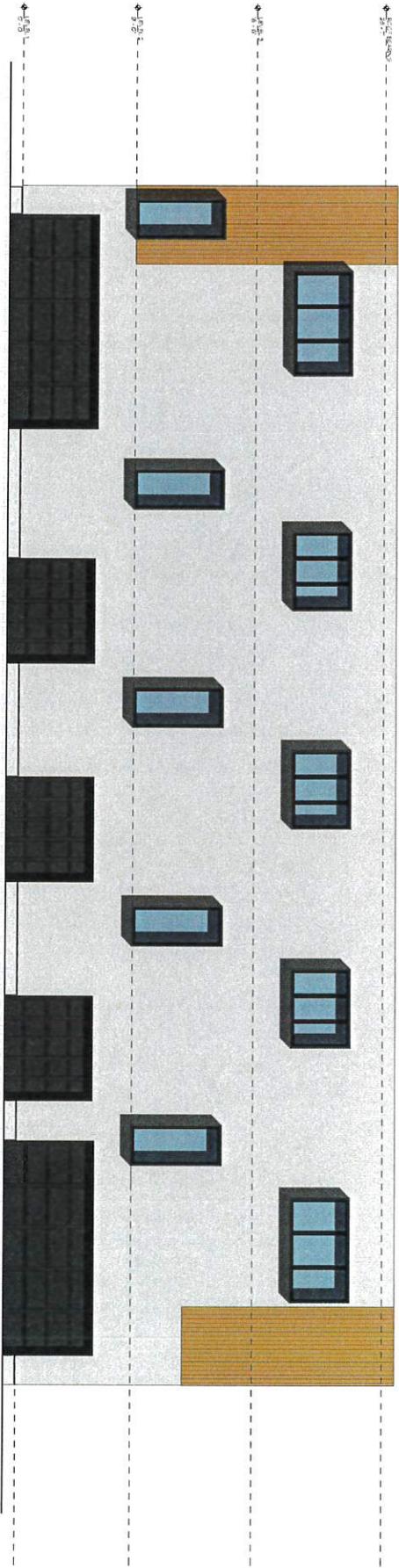


Architecture  
Belgique, Inc.

7835 N. Main St. Greenwood, IN 46040  
818.581.8333

# OPUS NORTH

4065 SWAIN ST. MILLCREEK, SALT LAKE CITY, UT 84007



1 5 PLEX - REAR ELEVATION  
SCALE 1/4" = 1'-0"

SYNOPSIS - ELEVATIONS

APRIL 14, 2025



Architecture  
Belgique, Inc.

7031 SWAIN ST. MILLCREEK, UT 84007  
801.581.1333

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1 PRESENTATION LEFT 3D VIEW  
50 SCALE



2 PRESENTATION RIGHT 3D VIEW  
50 SCALE

# OPUS NORTH

4186 S MAIN ST, MILCREEK, SALT LAKE CITY, UT 84007

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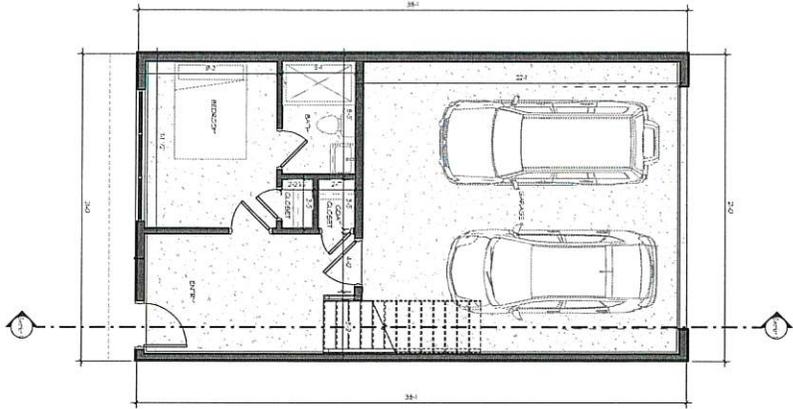
STRICKLAND + JENNENS

APRIL 14, 2015

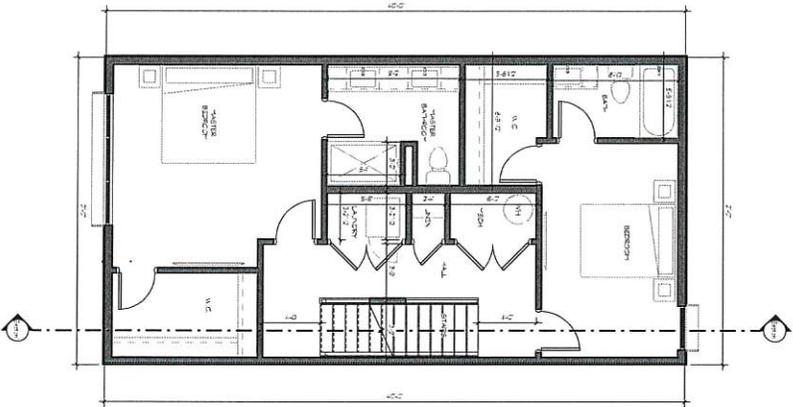


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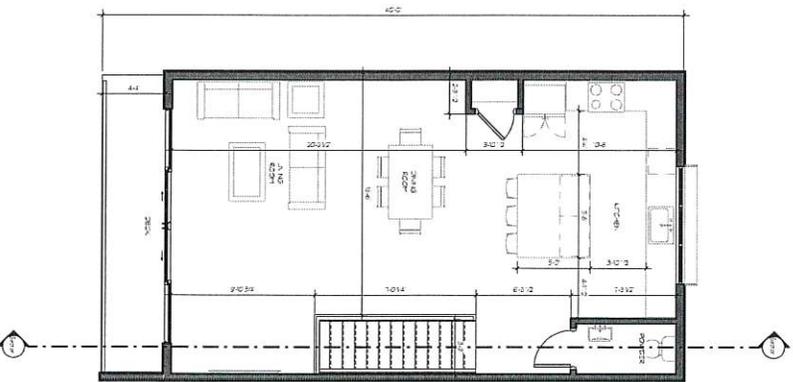
7833 Main St, Suite 100, Salt Lake City, UT 84113  
801.581.1033



1 3 BED UNIT - LEVEL 1 - FLOOR PLAN  
 SD SCALE 1/4" = 1'-0"



2 3 BED UNIT - LEVEL 2 - FLOOR PLAN  
 SD SCALE 1/4" = 1'-0"



3 3 BED UNIT - LEVEL 3 - FLOOR PLAN  
 SD SCALE 1/4" = 1'-0"

# OPUS NORTH

4185 S MAIN ST, MILWAUKEE, WISCONSIN, 53212

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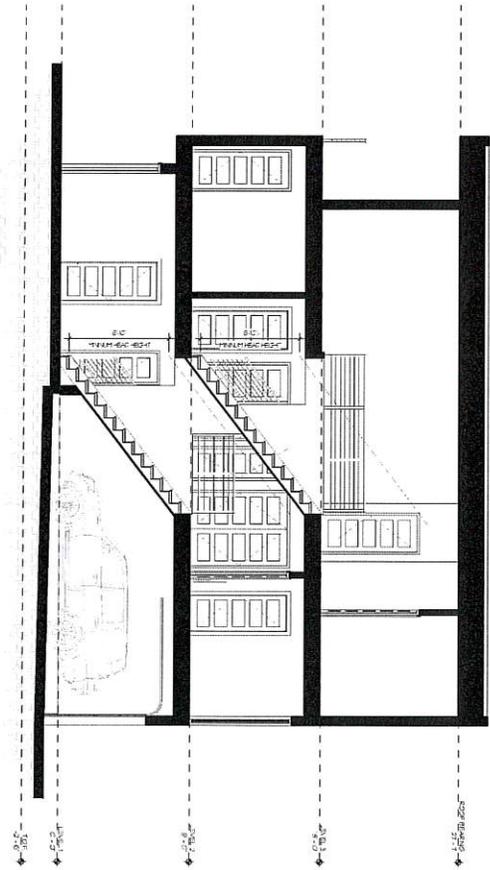
3 BEDROOMS UNIT  
 APRIL 14, 2025



Architecture  
 Belgique, Inc.  
 7805 Main Street, Milwaukee, WI 53212  
 414-381-1333

# OPUS NORTH

4106 S MAIN ST, MILWAUKEE, WI 53212



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3 BED UNIT - SECTION 1  
SCALE 1/8\"/>

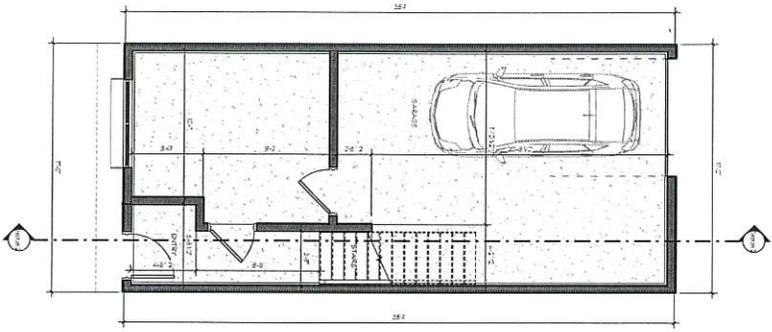


SHOES  
APRIL 14, 2025

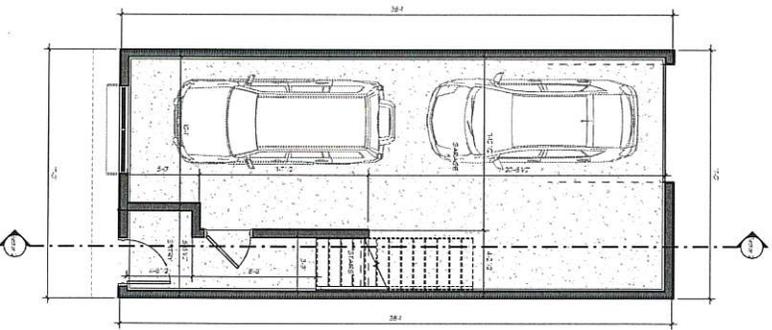


Architecture  
Belgique, Inc.

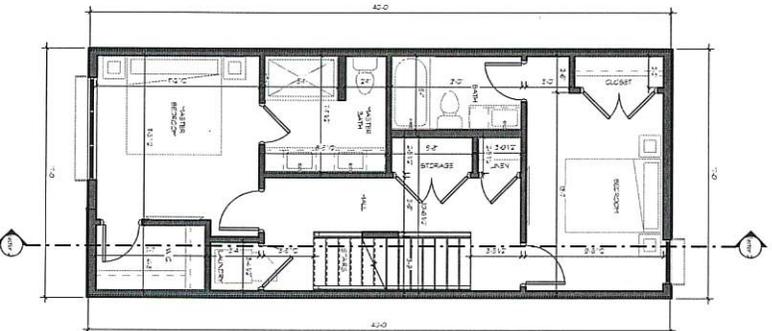
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800.561.8333



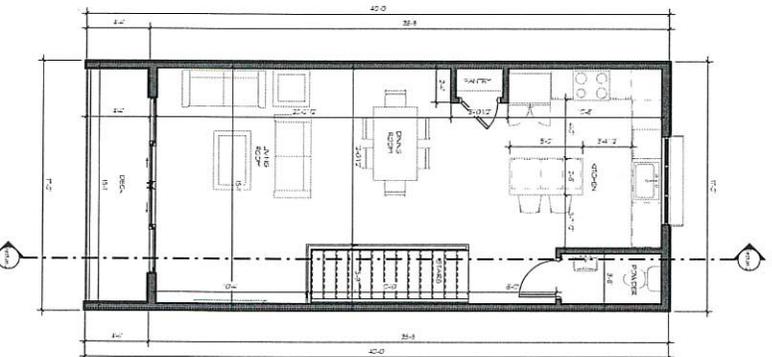
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2 BED UNIT - LEVEL 1 - FLOOR PLAN  
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2 BED UNIT - LEVEL 2 - FLOOR PLAN  
 SD SCALE: 1/4" = 1'-0"



2 BED UNIT - LEVEL 3 - FLOOR PLAN  
 SD SCALE: 1/4" = 1'-0"

# OPUS NORTH

4805 S MAIN ST., MILWAUKEE, WISCONSIN 53214



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 APRIL 14, 2015



Architecture  
 Belgique, Inc.

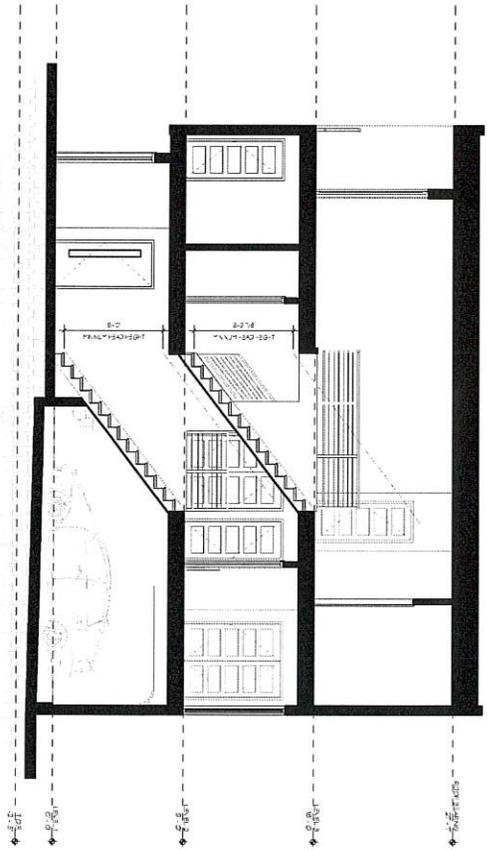
3801 S. MAIN ST., MILWAUKEE, WISCONSIN  
 (414) 354-1533

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# OPUS NORTH

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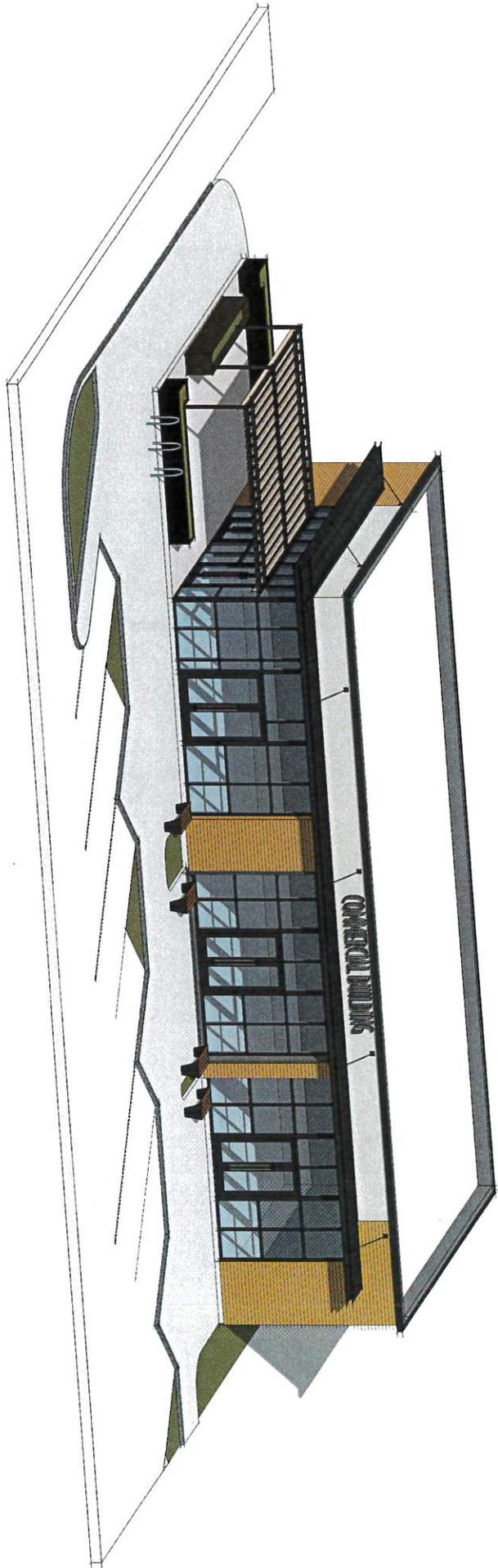
2 2 BED UNIT - SECTION 2  
SD SCALE: 1/2" = 1'-0"

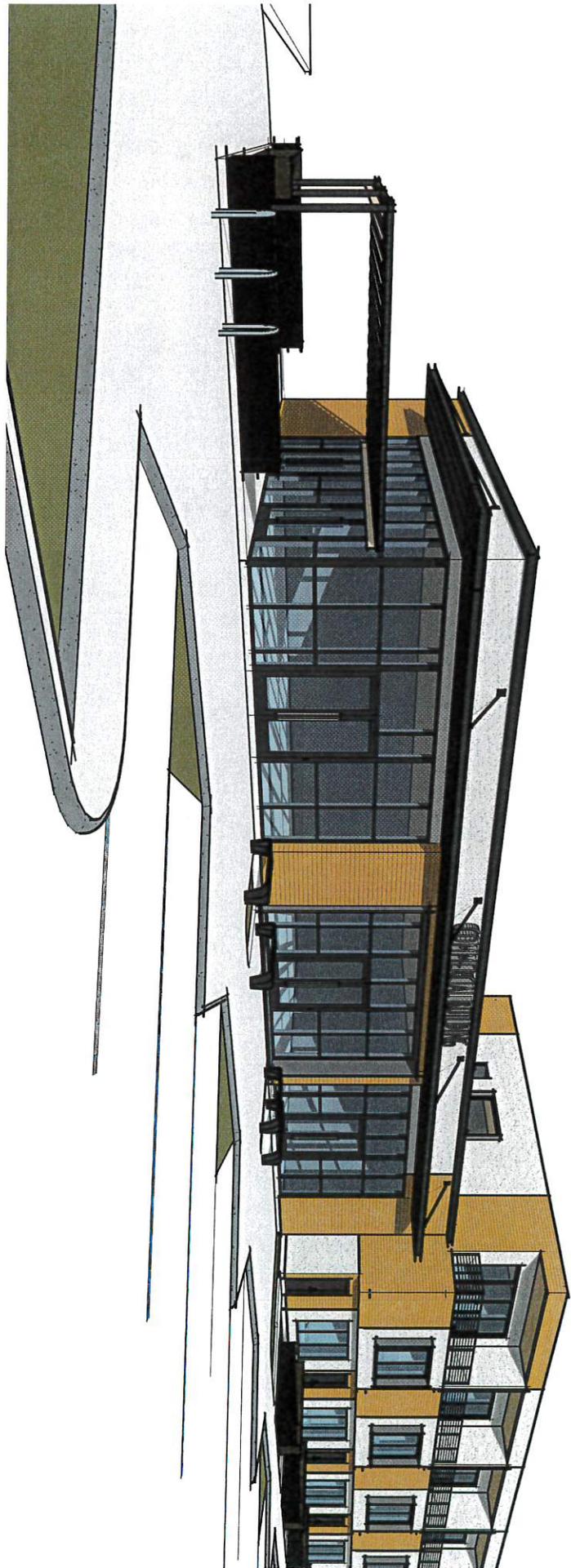


SDS SECTIONS  
APRIL 14, 2025

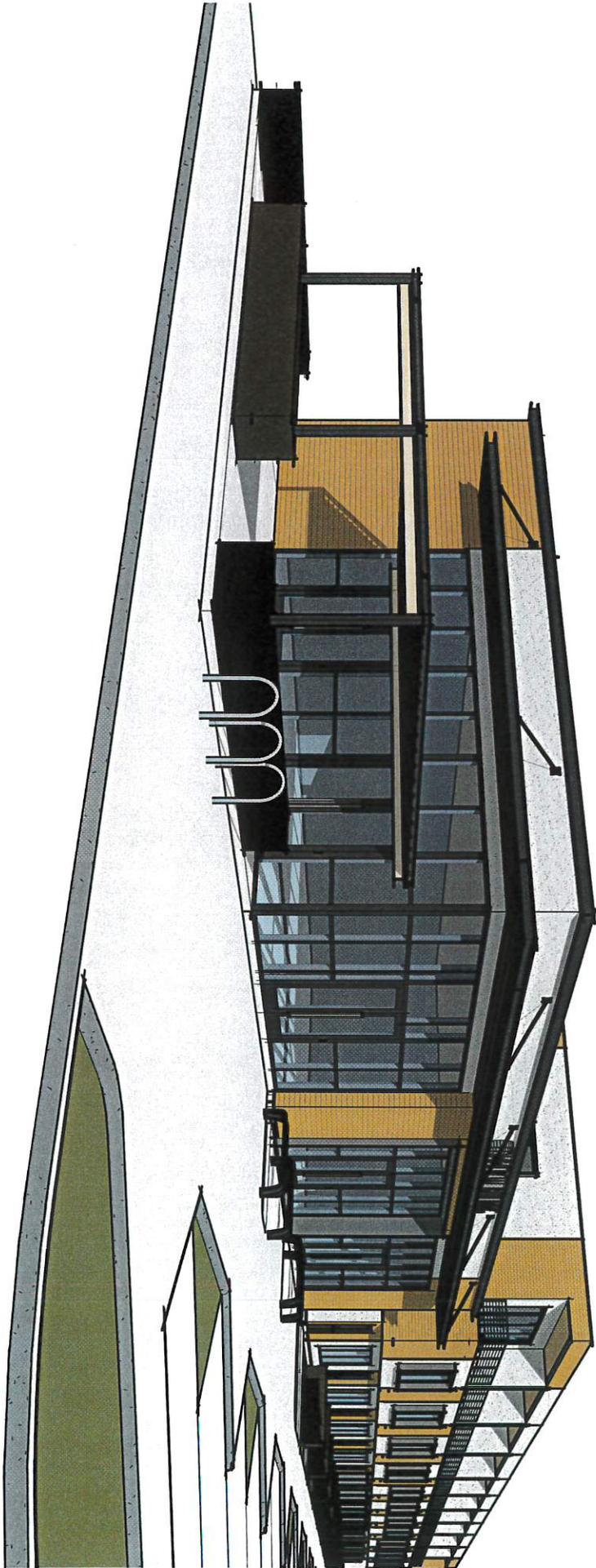


Architecture  
Belgique, Inc.  
7833 Main St. Anderson, SC 29627  
803-581-3333







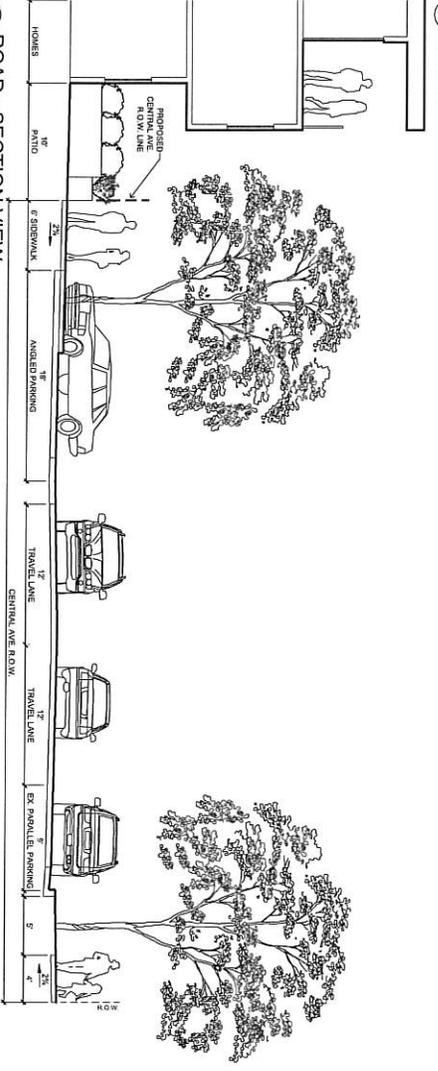


**Exhibit F**  
**Central Ave Cross Section**

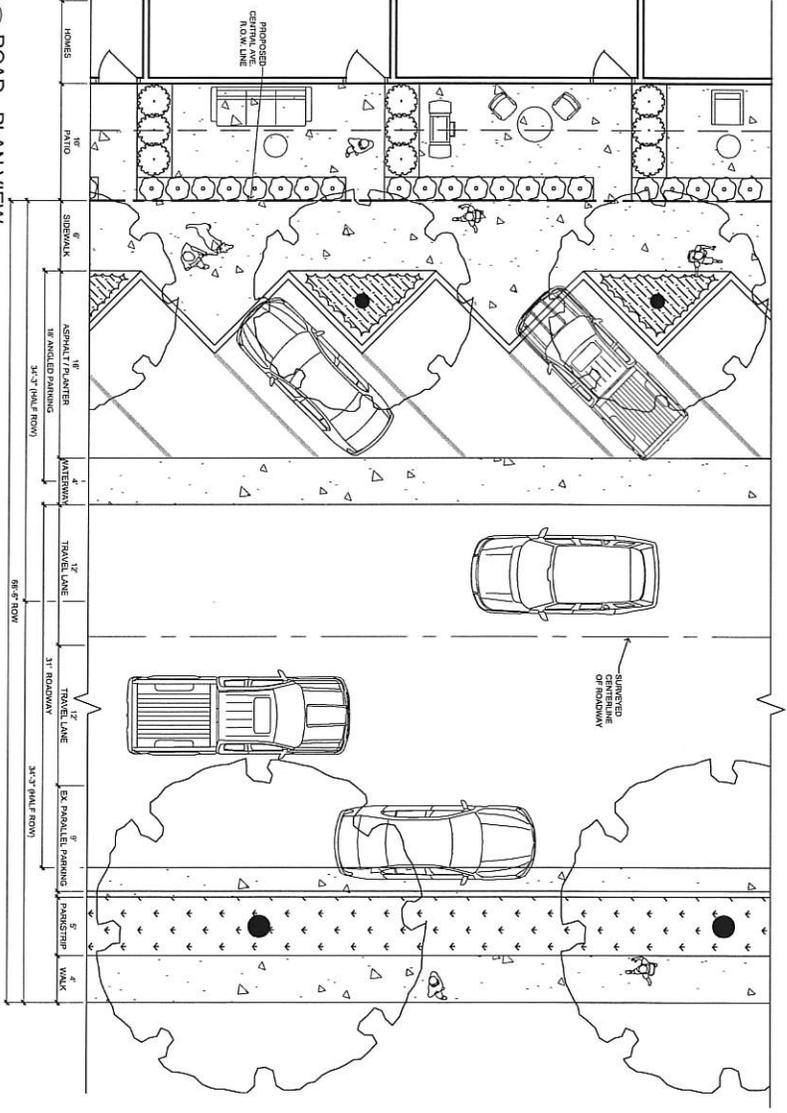


# Opus Green North

② ROAD - SECTION VIEW  
SCALE: 1" = 5'-0"



① ROAD - PLAN VIEW  
SCALE: 1" = 5'-0"



**Exhibit G**  
**Trax Crossing Location**



Trax Crossing at  
135 W Central  
Ave

Opus North Development

Opus South Development

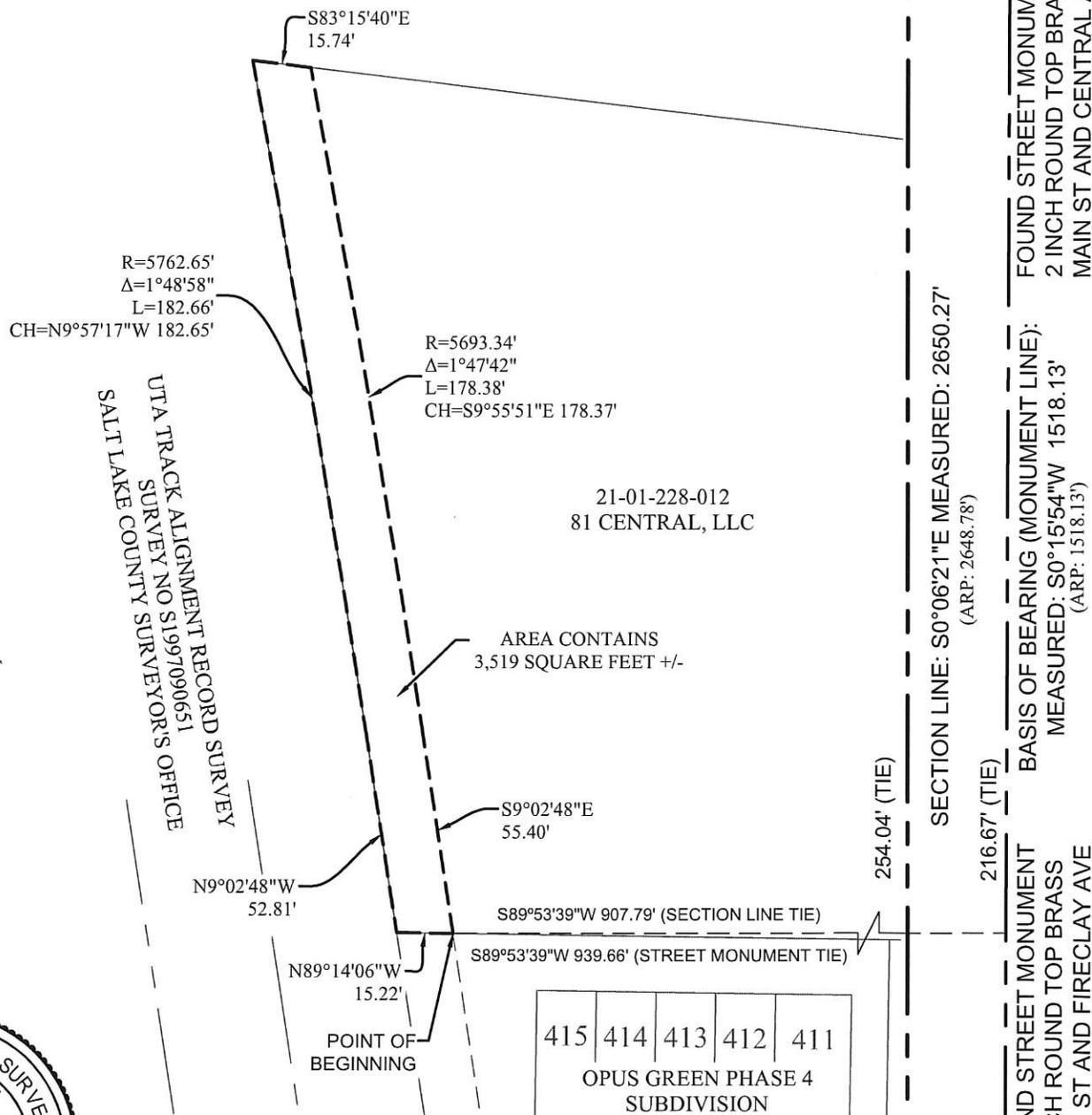


**Exhibit H**  
**Proposed Public Trail Easement**



FOUND NORTHEAST CORNER SECTION 1  
T2S, R1W, SL B&M  
2.5 INCH FLAT BRASS

CENTRAL AVENUE  
(PUBLIC ROAD)



21-01-226-006  
GRBRT; JKBRT

SALT LAKE COUNTY SURVEYOR'S OFFICE  
UTA TRACK ALIGNMENT RECORD SURVEY  
SURVEY NO S1997090651

21-01-228-012  
81 CENTRAL, LLC

AREA CONTAINS  
3,519 SQUARE FEET +/-

415 | 414 | 413 | 412 | 411  
OPUS GREEN PHASE 4  
SUBDIVISION  
ENTRY NO: 14213250  
BOOK: 2024P PAGE: 055

FOUND EAST QUARTER SECTION 1  
T2S, R1W, SL B&M  
2.5 INCH FLAT BRASS



**FOCUS**  
ENGINEERING AND SURVEYING, LLC  
6949 S. HIGH TECH DRIVE SUITE 200  
MIDVALE, UTAH 84047 PH: (801) 352-0075  
www.focus-es.com

**81 CENTRAL, LLC**  
**STORM DRAIN & ACCESS EASEMENT**  
LOCATION: NE 1/4 OF S1, T2S, R1W, SLB&M

Date Created:	7-29-2025
Scale:	NTS
Drawn:	EE
Job:	19-0060
Sheet:	1 OF 1

Z:\2019\19-0060 Opus Green\Design\19-0060\Survey\Utilities\SURVEY EASEMENTS\19-0060 Survey Easement 1.dwg

**LEGAL DESCRIPTION  
PREPARED FOR  
OPUS GREEN  
MILLCREEK CITY, UTAH**

7-29-2025  
19-0060  
EE

**81 CENTRAL, LLC STORM DRAIN & ACCESS EASEMENT**

Located in the Northeast 1/4 of Section 1, Township 2 South, Range 1 West, Salt Lake Base and Meridian, located in Millcreek City, Salt Lake County, Utah, being more particularly described as follows:

Beginning at a point located along the Northerly line of Opus Green Phase 4, according to the official plat thereof recorded March 7, 2024 as Entry No. 14213250 in Book: 2024P Page: 055 in the Salt Lake County Recorder's Office, said point being S0°15'54"W 216.67 feet along the monument line of Main Street and S89°53'39"W 939.66 feet from the street monument found in the intersection of Main Street and Central Avenue, said point also being located S0°06'21"E 254.04 feet along the Section line and S89°53'39"W 907.79 feet from the Northeast Corner of Section 1, Township 2 South, Range 1 West, Salt Lake Base and Meridian; running thence along said Northerly line N89°14'06"W 15.22 feet to the Easterly right-of-way line of UTA Track Alignment filed as Survey No. S1997090651 in the Salt Lake County Surveyor's Office; thence along said Easterly line the following two (2) courses: (1) N09°02'48"W 52.81 feet; thence (2) thence along the arc of a curve to the left with a radius of 5,762.65 feet a distance of 182.66 feet through a central angle of 01°48'58" Chord: N09°57'17"W 182.65 feet to the Southerly right-of-way of Central Avenue; thence along said Southerly right-of-way S83°15'40"E 15.74 feet; thence Southerly along the arc of a non-tangent curve to the right having a radius of 5,693.34 feet (radius bears: S79°10'18"W) a distance of 178.38 feet through a central angle of 01°47'42" Chord: S09°55'51"E 178.37 feet; thence S09°02'48"E 55.40 feet to the point of beginning.

Contains 3,519 Square Feet +/-



**MILLCREEK, UTAH**  
**ORDINANCE NO. 25-37**

**AN ORDINANCE AMENDING A DEVELOPMENT AGREEMENT FOR THE OPUS  
GREEN MIXED USE DEVELOPMENT WITH RESPECT TO APPROXIMATELY 7.05  
ACRES OF REAL PROPERTY LOCATED AT APPROXIMATELY  
4186 SOUTH MAIN STREET**

**WHEREAS**, the Millcreek Council (“*Council*”) met in regular meeting on September 8, 2025, to consider, among other things, an ordinance amending a development agreement for the Opus Green Mixed Use Development with respect to approximately 7.05 acres of real property located at approximately 4186 South Main Street; and

**WHEREAS**, the Utah Code Ann. § 10-9a-102 authorizes, among other things, that the City may enter into development agreements; and

**WHEREAS**, staff has presented to the Council a Development Agreement for the referenced property (“Development Agreement”); and

**WHEREAS**, the Council adopted Ordinance No. 19-43 on October 14, 2019, approving a Development Agreement for the Opus Green Mixed Use Development; and

**WHEREAS**, the Council adopted Ordinance No. 20-20 on April 27, 2020 approving a First Amended Development Agreement for the Opus Green Mixed Use Development; and

**WHEREAS**, the Council has reviewed the Development Agreement and the First Amended Development Agreement and hereby finds that it is in the best interests of both parties to enter into a Second Amended Development Agreement.

**NOW, THEREFORE, BE IT ORDAINED** that the Second Amended Development Agreement is approved, and the Mayor and Recorder are hereby authorized and directed to execute and deliver the same.

**PASSED AND APPROVED** by the Council this 8<sup>th</sup> day of September, 2025.

**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 25-37: AN ORDINANCE OF THE MILLCREEK COUNCIL AMENDING A DEVELOPMENT AGREEMENT FOR THE OPUS GREEN MIXED USE DEVELOPMENT WITH RESPECT TO APPROXIMATELY 7.05 ACRES OF REAL PROPERTY LOCATED AT APPROXIMATELY 4186 SOUTH MAIN STREET was adopted the 8<sup>th</sup> day of September, 2025, and that a copy of the foregoing Ordinance 25-37 was posted in accordance with Utah Code 10-3-711 this \_\_\_\_ day of September, 2025.

---

Elyse Sullivan, City Recorder

WHEN RECORDED RETURN TO:

Millcreek  
Attn: Jeff Silvestrini  
3330 South 1300 East  
Millcreek, UT 84106

**SECOND AMENDMENT TO  
DEVELOPMENT AGREEMENT**

This Second Amendment to Development Agreement (“**First Amended Agreement**”) is made and entered into as of this \_\_\_\_\_ day of September 2025, (“**Effective Date**”), by and between **Millcreek OG, LLC**, a Utah limited liability company (the “**Developer**”), and **Millcreek**, a Utah municipality (the “**City**”).

**RECITALS:**

A. On or about April 14, 2021, City and Owner/Developer executed a Development Agreement (“**Original DA**”) for a real property development located at or near located at or near 4186 South Main Street, Millcreek City, Salt Lake County, Utah, as more particularly described in exhibit “A” (the “**Property**”).

B. On or about May 28, 2024, City and Owner/Developer executed a First Amended Agreement for a real property development located at the Property.

C. Paragraph 17 of the DA provides in part that the MDA may be amended by a subsequent written amendment signed by all Parties be modified by a written amendment agreed to and approved by the parties.

D. Owner/Developer and the City desire to amend the MDA as provided herein.

E. Developer hereby represents to the City that it is voluntarily entering into this Second Amended Agreement.

F. The City, acting pursuant to its authority under the Utah Municipal Land Use, Development, and Management Act, Utah Code Ann. §10-9a-101, *et seq.*, and its 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, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, City and Owner/ Developer hereby amend the First Amended Agreement as follows:

1. Paragraph 2 (b) is deleted in its entirety and following is inserted in lieu thereof:

**Park Plaza Component.** In lieu of the commercial component of the Project proposed in the First Amended Agreement, Developer shall construct a Park Plaza that abuts the Park Property, as set forth in “Exhibit A” of this Second Amended Agreement. The Park Plaza shall be designed to accommodate small-scale community events and Mobile Food Vendors. The Park Plaza Component shall be developed substantially as depicted in “Exhibit B”. Landscaping and trees shall be installed subject to the standards as set forth in Chapter 18.64 of the Millcreek Code of Ordinances. Developer shall obtain all required building permits. The Park Plaza Component shall be constructed by March 30, 2026.

The Park Plaza Component shall be developed at no cost or expense to the City subject to City standards and at a design as approved by the City. Developer shall develop and then convey the Park Plaza Component free and clear of all liens and encumbrances. After the expiration of a one-year warranty period the City will maintain, or cause to be maintained, at no cost or expense to the Developer, the owners of the property comprising the Project, and all residents of the Project, the Park Plaza Component and all improvements located thereon in a clean and safe condition in perpetuity.

2. All other provisions to the Original DA as amended remain the same.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by and through their respective duly authorized representatives as of the day and year first written above.

**Millcreek OG, LLC**

By: \_\_\_\_\_  
Its: Manager

**Millcreek**

\_\_\_\_\_

Jeff Silvestrini, Mayor

Attest:

\_\_\_\_\_  
Elyse Greiner, MMC City Recorder  
STATE OF UTAH )  
 )  
COUNTY OF SALT LAKE ) ss.:

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2025 by \_\_\_\_\_, the Mayor of Millcreek, State of Utah.

\_\_\_\_\_  
Notary Public

[Notarial Seal]

STATE OF \_\_\_\_\_ )  
 )  
CITY OF \_\_\_\_\_ ) : ss.

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2019 by \_\_\_\_\_, the Manager of Clearwater Development, LLC.

\_\_\_\_\_  
Notary Public

[Notarial Seal]

**EXHIBIT A**

**Legal Description of the Property**

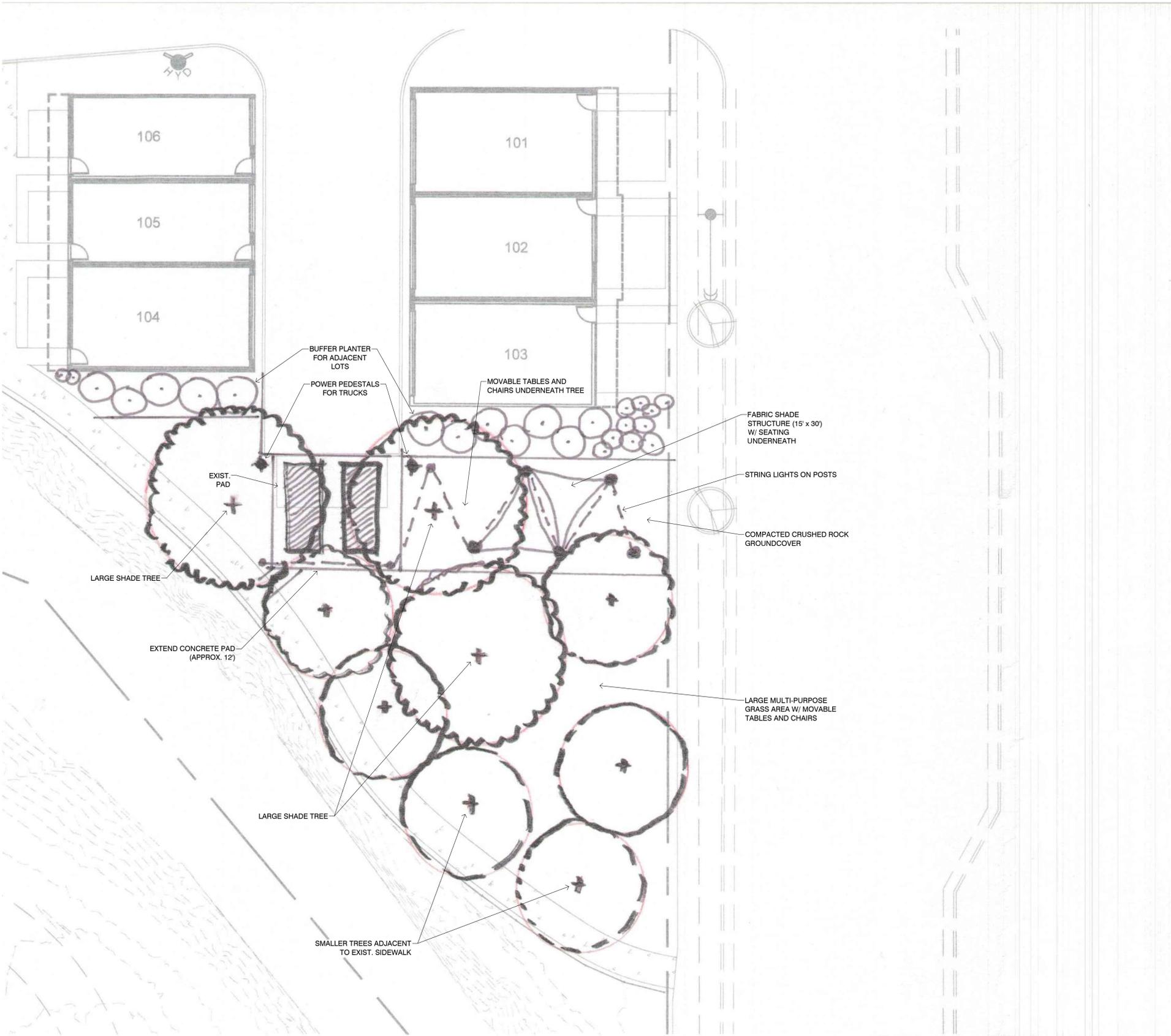
Parcel No. 21-01-228-067-0000

Address: 3 West Shakedown Street

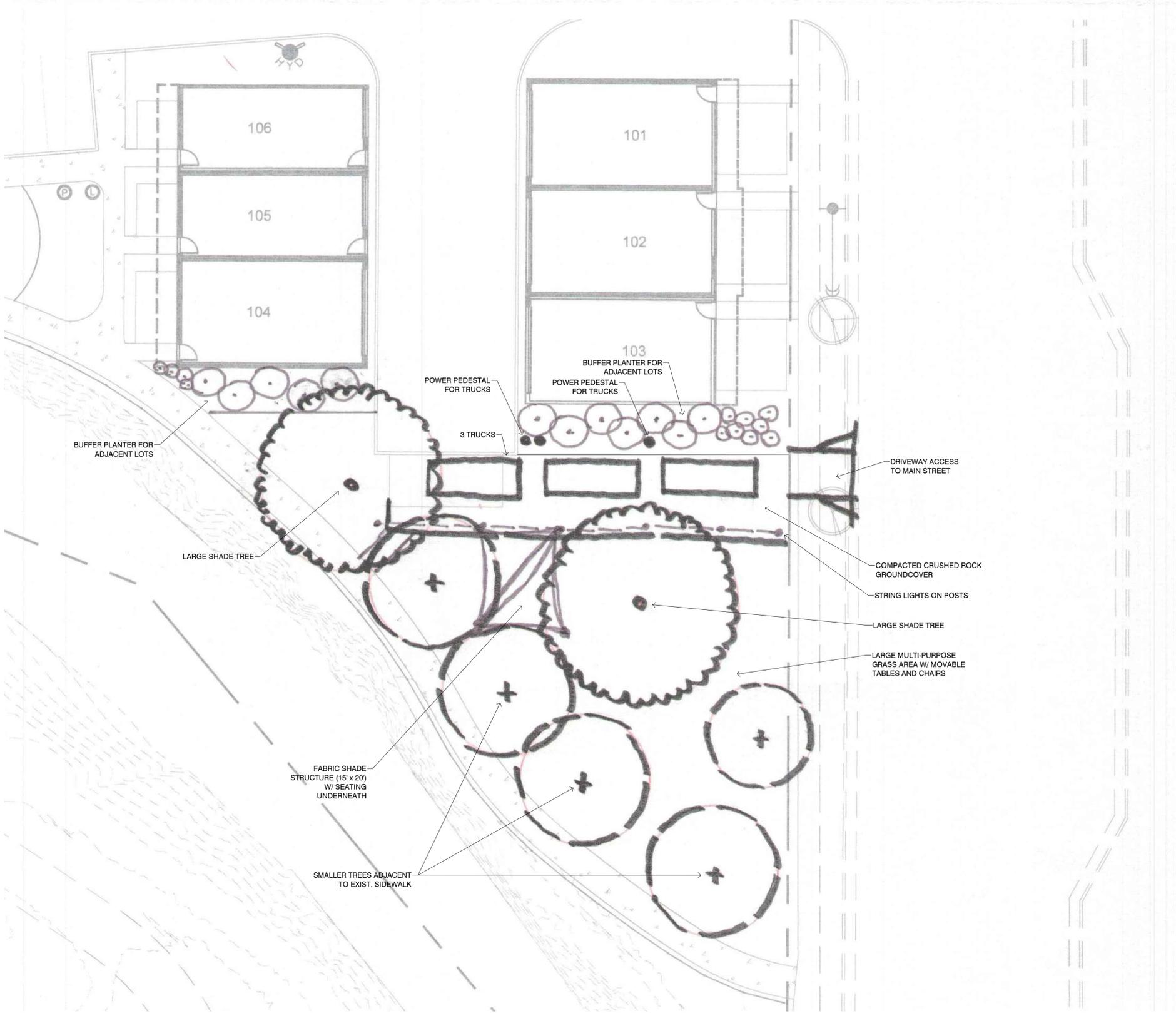
Legal Description:

PARCEL C, OPUS GREEN PHASE 1

**EXHIBIT B - OPTION 1**



**EXHIBIT B - OPTION 2**



**MILLCREEK, UTAH**  
**ORDINANCE NO. 25-38**

**AN ORDINANCE AMENDING TITLE 18 OF THE MILLCREEK MUNICIPAL CODE  
FOR THE PURPOSE OF MAKING TECHNICAL CORRECTIONS TO TITLE 18**

**WHEREAS**, the Millcreek Council (“*Council*”) met in a regular session on September 8, 2025, to consider, among other things, amending Title 18 of the Millcreek Municipal Code for the purpose of making technical corrections to Title 18; and

**WHEREAS**, Utah Code Ann. § 10-9a-503 provides that the Council may amend any provisions of a land use regulation; and

**WHEREAS**, Millcreek (“*City*”) has adopted the Uniform Land Use Ordinance of Millcreek, Utah (“*Land Use Ordinance*”), and

**WHEREAS**, City staff has recommended that the Council amend the Land Use Ordinance for the purpose of making technical corrections; and

**WHEREAS**, Utah Code Ann. § 10-9a-502 provides the planning commission shall provide notice as required by Subsection 10-9a-205(1)(a) and, if applicable, Subsection 10-9a-205(4) and hold a public hearing on the proposed land use ordinances; and

**WHEREAS**, on July 28, 2025, the required notice was published; and

**WHEREAS**, on August 20, 2025, the proposed amendment was submitted to the planning commission for recommendation; and

**WHEREAS**, on August 20, 2025, the planning commission held the required public hearing with respect to amending Title 18 of the Millcreek Municipal Code; and

**WHEREAS**, on August 20, 2025 planning commission meeting, the planning commission recommended amending Title 18 of the Millcreek Municipal Code for the purpose of making technical corrections to Title 18; and

**WHEREAS**, the Millcreek Code of Ordinances provides among other things that before finally adopting any such amendment, the Council shall consider the application during a public meeting which has been properly noticed in compliance with the provisions of Title 52, Chapter 4, of the Open and Public Meetings Act; and

**WHEREAS**, on September 8, 2025, the Council considered amending Title 18 of the Millcreek Code of Ordinances for the purpose of making technical corrections.

**NOW, THEREFORE, BE IT ORDAINED** by the Council that Title 18 of the Millcreek Municipal Code be amended as attached (designated by interlineating the words to be deleted and underlining the words to be added)

### 18.15.030(B)(2)(a)

Property development, redevelopment, construction, reconstruction, or alteration of a building or structure, except for attached or detached single or two-household dwellings that are located in a recorded subdivision and that are not in a sensitive lands area.

### 18.15.030(A)(4)

1. 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 Statutes, 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:

i. 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.

ii. 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.

iii. Detrimental effects on connectivity and safety for pedestrians and bicyclists.

iv. Detrimental effects of 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

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neighborhood including effects of environmental impacts, dust, fumes, smoke, odor, noise, vibrations; chemicals, toxins, pathogens, gases, heat, light, electromagnetic disturbances, and radiation. Detrimental effects of the use may include hours of operation and the potential to create an attractive nuisance.

v.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.

vi.6. Detrimental effects of modifications to exterior lighting that conflict with abutting properties.

vii.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.

viii.8. Detrimental effects on emergency fire service and emergency vehicle access.

ix.9. Detrimental effects on usable/functional/accessible open space and sensitive lands.

x.10. Detrimental effects from inadequate maintenance of the property and structures in perpetuity, including performance measures, compliance reviews, and monitoring.

xi.11. Detrimental effects of excessive storm water generation.

2. 5. Conditions of Approval. Unless otherwise specified in this Code or [Utah Code Section 10-9a-507, Conditional Uses](#), the Planning Commission shall approve all conditional use applications with objective standards as set forth in the Land Use Code. 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.

3- 6. All conditional uses are presumed to be compatible with the zone and the General Plan's intent.

4- 7. 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.

**18.21-71**

~~18.71~~ **18.120 Enforcement And Noticing**

~~18.71~~ **18.130 Existing Buildings**

**18.34**

Add 31% lot coverage in table 18.34-2

Table 18.34-2 Spatial Requirements for the Agricultural Zone							
Zone	Minimum lot area	Minimum lot width	Minimum Front Setback	Minimum Side Setback	Minimum Rear Setback	Maximum Height	Max. Lot or Parcel Coverage
AG	10,000 square feet (A)	75' (B)	30' (C)	10' on interior lots or parcels (D) 20' on a corner lot or parcel (E)	15' (F)	30'	31%

18.38.040, Table 18.38-2

Table 18.38-2 Spatial Regulations for the Medium Density Residential (R-4) Zone					
	Single-Household Dwellings	Two - Household Dwellings	Three-Household Dwellings	Four-Household Dwellings	Civic/Institutional and Non-Residential Uses
Minimum <del>Lot Gross</del> Land Area (A)	6,000 sf per dwelling unit	<del>36,255</del> 36,250 sf per dwelling unit	<del>27,500</del> 27,500 sq ft per dwelling unit, except affordable units and individually owned units require <del>6,500</del> 2,000 sq ft per dwelling unit	<del>8,500</del> 2,125 sq ft per dwelling unit, except affordable units and individually owned units require <del>6,500</del> 2,000 sq ft per dwelling unit	20,000 sf
Minimum Lot or Parcel Width (B)	60'	60'	60'	60'	60'
Minimum Front Yard Setback (C)	25 feet	25 feet	25 feet	25 feet	25 feet
Minimum Interior Side Yard Setback (D)	8 feet	8 feet	8 feet	8 feet	20 feet
Minimum Corner Side Yard Setback (E)	20 feet	20 feet	20 feet	20 feet	20 feet

Minimum Rear Yard Setback (F)	20 feet				
Maximum Lot or Parcel Coverage	40 percent				

**18.39.030 – Table 18.39-1**

In the “Commercial Uses” section change, “Allowed within mixed use.” to “Allowed within legally-established commercial buildings or within mixed use.”. Need to define “Legally-established commercial buildings”

<b>Table 18.39-1 Permitted and Conditional Uses in the Residential Mixed (RM) Zone</b>		
<b>Land Use</b>	<b>RM</b>	<b>Limitations/References</b>
<i>P= Permitted, C= Conditional Use Review Required</i>		
<i>Residential Uses</i>		
Dwelling, Single-Household	P	
Dwelling, Two-Household	P	
Dwellings, Three- or Four-Household	P	
Dwellings, Multiple-Household up to 32’ building height and up to 25 units	P	Mixed-use shall be required for developments located within 500’ of specified intersections. See additional standards below.

Dwellings, Multiple-Household over 32' building height or more than 25 units	C	Mixed-use shall be required for developments located within 500' of specified intersections. At least three units shall have primary façade and primary entrance facing the street in developments with more than six units
Affordable Housing	P	Subject to <a href="#">MKZ 18.78, Affordable Housing Incentives</a>
Home Business	P	Subject to <a href="#">MKZ 18.76, Special Business Land Use Regulations</a>
Home Daycare or Preschool – up to 6 children	P	Subject to <a href="#">MKZ 18.76, Special Business Land Use Regulations</a>
Home Daycare or Preschool – 7 to 12 children	C	Subject to <a href="#">MKZ 18.76, Special Business Land Use Regulations</a>
Live/Work Unit	P	Only permitted in association with requirements for mixed use developments as set forth in <a href="#">MKZ 18.43.090</a> .
Residential Facilities for Elderly Persons or Persons With a Disability	P	Limitations as set forth in <a href="#">MKZ 18.74, Residential Facilities for Persons With a Disability</a>
Nursing Home or Assisted Living	C	
Short-Term Rental	P	Provided a valid Millcreek business license has been issued and is in good standing with respect to the property. Further limitations are as set forth in <a href="#">MKC 5.19, Short Term Rentals</a> .
<i>Commercial Uses</i>		
Depository Financial Institution	C	<del>Allowed within mixed use</del> <a href="#">Allowed within legally-established commercial buildings or within mixed use</a> <del>Allowed only within mixed use</del> . Drive-up Windows are prohibited.
Mixed Use	C	

Commercial Daycare or Preschool	C	<del>Allowed within legally-established commercial buildings or within mixed use</del> <del>Allowed within mixed use.</del>
Gym / Fitness Studio	C	<del>Allowed within legally-established commercial buildings or within mixed use</del> <del>Allowed within mixed use.</del>
Medical or Dental Clinic	C	<del>Allowed within legally-established commercial buildings or within mixed use</del> <del>Allowed within mixed use.</del>
Office	C	<del>Allowed within legally-established commercial buildings or within mixed use</del> <del>Allowed within mixed use.</del>
Personal Service	C	<del>Allowed within legally-established commercial buildings or within mixed use</del> <del>Allowed within mixed use.</del>
Eating or Drinking Establishments, Dine-In	C	<del>Allowed within legally-established commercial buildings or within mixed use</del> <del>Allowed within mixed use.</del> Drive-up Windows are prohibited.
Neighborhood Retail or General Retail	C	<del>Allowed within legally-established commercial buildings or within mixed use</del> <del>Allowed only within mixed use.</del>
<i>Civic and Institutional Uses</i>		
Public Use	C	
Quasi-Public Use	C	
Religious Assembly	P	
Schools, Public and Private	P	
<i>Miscellaneous Uses</i>		
Accessory Uses, Buildings and Structures	P	As set forth in <a href="#">MKZ 18.59, Accessory Structures</a>

Temporary Uses	P	As set forth in <a href="#">MKZ 18.58, Temporary Uses and Structures</a>
----------------	---	--

**18.39.040 & Table 18.39-2**

<b>Table 18.39-2 Spatial Regulations for the Residential Mixed (RM) Zone</b>				
	<b>Single-Household Dwellings (1)</b>	<b>Two, Three, and Four-Household Dwellings</b>	<b>Multiple-household Dwellings– Five or more dwellings in a building</b>	<b>Other Permitted Principal Uses</b>
<i>Principal Buildings</i>				
Minimum <del>Lot or Parcel</del> Gross Land Area (A)	6,000 sf per dwelling <u>unit</u>	3,000 sf per dwelling <u>unit</u>	2,000 sq ft per <u>dwelling</u> unit, except affordable units and individually owned units require 1,500 sq ft per unit	20,000 sf
Minimum Lot or Parcel Width (B)	60 feet	None	None	None
Maximum Building Height	30 feet	32 feet	45 feet <sup>2(2)</sup>	45 feet <sup>2(2)</sup>
Maximum Lot or Parcel Coverage	35%	40%	50%	50%
Maximum Building Length	None	None	150 feet	150 feet
Minimum Front Yard Setback (C)	20 feet	20 feet	20 feet	20 feet
Minimum Interior Side Yard Setback (D)	8 feet	10 feet	10 feet	10 feet
Minimum Interior Side Yard Setback, where	8 feet	10 feet	25 feet	25 feet

abutting <del>R-1, R-2, R-4, or AG Zones (D)</del> a residential zone boundary. (3)				
Minimum Corner Side Yard Setback (D)	20 feet	20 feet	20 feet	20 feet
Minimum Rear Yard Setback (E)	10 feet	10 feet	20 feet	20 feet
Minimum Distance Between Residential Buildings	5 feet	5 feet	10 feet	10 feet

D. Table 18.39-2 Notes:

1. Additional Requirements for Single-Household Dwellings. Single-Household dwellings are subject to the building envelope requirements for the R-1-6 zone as set forth in MKZ 18.36.040 and MKZ 18.36.050.
2. Height Transition Requirements. Buildings or structures within 100 feet of a Residential Zone Boundary shall not exceed 30 feet, excluding Height Projection Allowances identified in MKZ 18.72.040.
3. The Minimum Interior Side Yard Setback, where abutting a residential use boundary may be reduced to the standard Minimum Interior Side Yard Setback where the abutting use is an institutional use, a commercial use, and industrial use, or a cemetery.

**18.39.050(B)(3) & 18.39.090(C)(2)**

18.39.050(B)

3. First story entrances shall include a porch of at least ~~60+00~~ square feet and a fence, wall or hedge no taller than four feet (4'). Such areas are included in the open space requirement.

18.39.090(C)

C. Balconies or Patios. All residential units shall have ~~a private outdoor space as set forth in the following standards:~~

1. ~~Developments with up to four dwelling units: Each residential unit shall have a private balcony and/or patio with a minimum of 60 square feet with a minimum five-foot (5') depth.~~

2. ~~Developments with five or more dwelling units: Each residential unit shall have a private outdoor balcony and/or patio. Balconies must be a minimum of 60 square feet. Patios must be a minimum of 100 square feet with a minimum five (5) foot depth.~~

### **18.39.050(F)(3)**

#### ~~Vehicular Access to Private Garages.~~

a. ~~Vehicle access serving a private garage shall be at least 26 feet in width.~~

b. ~~Where such drives serve units with opposing garages, where garages face each other, a minimum of 25 square feet of landscaping shall be required at the edges of each driveway, between each dwelling unit.~~

c. ~~Developments with 25 feet or more units and lot or parcel widths of one 150 feet shall provide a driveway for each garage with a minimum width of 12 feet and minimum unobstructed depth of 20 feet.~~

### **18.39.110**

Design standards for mixed use buildings in the RM zone containing residential uses shall follow the design requirements found in MKZ 18.44.090 (H).

### **18.41.070 E**

Windows shall constitute at least 50 percent of first story street-facing facades, and windows shall be at least 50 percent transparent. ~~When a residential use occupies the first story, windows shall constitute 33 percent of the first story street-facing facades.~~ On double or triple-frontage lots, living screens may replace up to 50 percent of the window requirement for the façade along the lowest anticipated pedestrian traffic frontage. Windows shall constitute at least 25 percent of all upper story street-facing facades. Interior lighting is required.

### ~~18.44.030, Table 18.44-1~~

Add neighborhood retail as permitted. Add general retail as permitted or conditional.

<b>Table 18-44-1 Permitted and Conditional Uses in the Commercial (C) Zone</b>		
<b>Land Use</b>	<b>C</b>	<b>Limitations / References</b>
<i>P= Permitted, C= Conditional Use Review Required</i>		
<i>Residential Uses</i>		
Affordable Housing	P	Subject to the requirements and incentives for affordable housing as set forth in <a href="#">MKZ 18.78, Affordable Housing Incentives</a> .
Dwelling, Multiple Household	C	Only permitted as part of a mixed use development, subject to the development standards as set forth in <a href="#">MKZ 18.44.090 (H)</a> .
Nursing Home or Assisted Living	P	
Home Business	P	Permitted in legally-established dwellings in the C Zone. Subject to <a href="#">MKZ 18.76, Special Business Land Use Regulations</a> .
Residential Facility For Elderly Persons or Persons With a Disability	P	Limitations as set forth in <a href="#">MKZ 18.74, Residential Facilities for Persons With a Disability</a> .
Caretaker Dwelling	P	Additional use standards apply as set forth in <a href="#">MKZ 18.44.090</a>
<i>Commercial Uses</i>		
Kennel, Indoor or Outdoor	P	Outdoor kennels or animal play areas prohibited within 300' of a Residential Zone Boundary or a legally established residential use.
Automobile, Equipment, or Recreational Vehicle Sales or Rental	C	Only allowed when located on arterial roadways 100' or greater in width. Prohibited within 300' of a residential use

		or a residential zone. Additional use standards apply as set forth in <a href="#">MKZ 18.44.090</a> .
Automobile Service and Repair	C	Prohibited within 150' of a residential use or a residential zone and within 1,320' (1/4 mile) of an established substantially similar business. Additional use standards apply as set forth in <a href="#">MKZ 18.44.090</a> .
Car Wash	C	Prohibited within 150' of a residential use or a residential zone and within 300' of a major intersection and within 1,320' (1/4 mile) of an established substantially similar business.
Medical or Dental Clinic	P	
Mixed Use	C	Additional use standards apply as set forth in <a href="#">MKZ 18.44.090</a>
Commercial Daycare or Preschool	P	
Commercial Entertainment under 25,000 square feet	P	Outdoor entertainment uses are prohibited within 300' of legally established dwelling or a Residential Zone Boundary. Indoor or Outdoor Gun or Archery Ranges are prohibited.
Commercial Entertainment, 25,000 square feet or more	C	Outdoor entertainment uses are prohibited within 300' of a legally established dwelling or a Residential Zone Boundary. Indoor or Outdoor Gun or Archery Ranges are prohibited.
Commercial Kitchen / Ghost Kitchen	P	

Commercial Parking Lot or Commercial Parking Garage	C	Parking garages shall include non-residential uses for at least 75% of the ground story facing a public street.
Community Garden	P	
Depository Financial Institution	P	
Drive-up Window	C	Drive up windows prohibited within mixed use developments. Additional development standards apply as set forth in <a href="#">MKZ 18.44.090 (D)</a> .
Eating and Drinking Establishment	P	
Flex Space	P	Maximum square footage of 10,000 square feet per building, a minimum of 20% of story area must be office and or retail uses.
Fuel Station	C	Prohibited within 1,320' (1/4 mile) of an existing fuel station and within 150' of a residential use or a residential zone. See additional development standards as set forth in <a href="#">MKZ 18.44.090 (G)</a> .
Funeral Home or Mortuary	P	
Greenhouse or Plant Nursery	P	
Gym or Fitness Studio under 5,000 square feet	P	
Gym or Fitness Studio - 5,000 square feet or more	C	
Hospital	C	
Light Service and Repair	P	Maximum square footage of 10,000 square feet.

Live/Work Unit	P	Only permitted in association with mixed use set forth in the development standards as set forth in <a href="#">MKZ 18.44.090 (H)</a> .
Lodging	P	
Non-Depository Financial Institution	P	Prohibited within 300' of a major intersection and within 2,640' (1/2 mile) of an established substantially similar business.
Office	P	
Pawn Shop	P	Prohibited within 300' of a major intersection and within 2,640' (1/2 mile) of an established substantially similar business.
Personal Service	P	
Reception or Event Center	P	Outdoor uses prohibited within 300' of a residential use or a Residential Zone Boundary.
Neighborhood or General Service	P	
<a href="#">Neighborhood or General Retail</a>	<a href="#">P</a>	
Retail Sales	P	Retail Tobacco Specialty Businesses are prohibited within 1,320' (1/4 mile) of an established substantially similar business.
Retail Food Trucks, Pop-Up Markets, and/or Farmer's Market	P	Subject to Temporary Use Standards as set forth in <a href="#">MKZ 18.58, Temporary Uses and Structures.</a>
Self-Storage facility	C	Prohibited within 300' of a major intersection and within 1,320' (1/4 mile) of an established substantially similar

		business. Additional location restrictions apply as set forth in <a href="#">MKZ 18.44.090</a> .
Temporary Uses	P	As set forth in <a href="#">MKZ 18.58, Temporary Uses and Structures</a>
<i>Institutional Uses</i>		
Wireless Telecommunication Facility	P	Must be a Stealth Facility, subject to the standards as set forth in MKZ 18.75, Wireless Telecommunications Facilities.
Public Use	P	Detention Facilities or Jails are not permitted
Religious Assembly	P	
Schools, Public and Private	P	
Quasi-Public Use	P	

**18.46.080 Special Regulations For The Light Manufacturing Zone**

A. General Conditions in the M Zone. All uses in the M zone shall be permitted only under all the following conditions:

1. Business operations that abut a legally established residential use, a Residential Zone Boundary, or a street shall be conducted predominantly within an enclosed building, except for the following:
  - a. Parking and servicing vehicles and equipment,
  - b. Loading and unloading of products and equipment,
  - c. Outside storage of products, materials, vehicles, or equipment may be in the rear or side yard in the rear or side yard for new uses, subject to the following standards:
    - (1) Outside storage shall occupy no more than sixty percent (60%) of the lot or parcel.

- (2) Outside storage must be screened by a solid visual barrier perimeter fence of six feet (6') to eight feet (8'), depending on and relating to the height of the products, materials, or equipment stored outside. The maximum height of outside storage shall be established by a formula of setback to height where the minimum setback from the property line abutting a public street equals one-and-a-half times the height of the products, materials, vehicles, or equipment being stored.
  - (3) The surface area of the outside storage area shall be paved with cement or asphalt hard surface paving or a contained durable permeable surfacing such as gravel.
  - (4) Any outdoor storage of vehicles and equipment shall be considered temporary and only include operable, functional vehicles and equipment able to be immediately put to the intended use.
- d. Existing legal uses with outdoor storage operating at the time of the adoption of this ordinance, January 22, 2018, shall retain the ability to store product, materials, vehicles, or equipment on 100 percent of the lot, lots, parcel, or parcels occupied by such use.
  - e. Outdoor dining associated with eating and drinking establishments.
- 2. All uses shall minimize, so as not to become a nuisance, any unsafe, unhealthy, objectionable, and unreasonable waste, odor, dust, smoke, other emissions, noise, vibration, as determined by any Federal, State, County, and/or City health and safety codes, regulations, or ordinances.
  - 3. All principal assembly, manufacturing, testing, cleaning, testing and associated services or processes shall be done wholly within completely enclosed buildings. Accessory use may include outside repair, fabrication, and cleaning of equipment, vehicles, and/or stored products.
  - 4. Roof mounted mechanical equipment, and vents shall be screened from view from the ground-level vantage point along an abutting arterial, collector, or local street.
- B. Design and Use Standards for Specific Uses. The following standards are applicable to the uses specified in addition to the development standards in this Chapter. In

the event there is language elsewhere in MKZ Title 18 that conflicts with language in this chapter, the more restrictive standard prevails.

1. Automobile, Equipment, or Recreational Vehicle Sales or Rental uses shall meet the following site requirements:
  - a. The minimum lot size for such use is 20,000 square feet.
  - b. The site must contain an office of at least 2,000 square feet.
  - c. Inventory lot parking shall not be included in the minimum parking requirements.
2. Automobile Service and Repair uses shall meet the following site standards:
  - a. Bay doors shall not be located on facades facing residential uses or zones.
  - b. Vehicles awaiting repair or service shall be screened by Landscape Buffer C as set forth in MKZ 18.64, Landscape Standards.
  - c. Vehicle storage areas shall not count toward parking minimum requirements.

#### **18.47.070 Site Standards**

##### L. Perimeter Fencing.

1. To ensure maximum pedestrian connectivity, fencing between parcels is not required.
2. ~~No fencing of any kind will be allowed~~ Fencing along the Richmond, 3300 South, Highland Drive and Millcreek Common Street frontages shall be limited to open style fencing that does not exceed three feet in height.
3. Privacy and/or security fencing is only allowed to screen unsightly, utility, or vehicle service areas from public right-of-way.
4. Fencing along a Neighborhood Street frontage is permitted to define front porches and can consist of wrought iron/similar materials, wood, or composites. Vinyl is prohibited as a fencing material.
5. Fences must be a minimum of 50 percent open, have a maximum height of 42 inches and may incorporate a maximum 18-inch-high stone, or brick wall at the base.

### **18.47.080 Building Standards**

#### A. Entrances and Windows.

1. Entrances to the first story of buildings shall front on the public street.
2. On double or triple frontage lots or parcels, entrances are required where the greatest amount of pedestrian traffic is anticipated.
3. ~~When a non-residential use occupies the first story, windows~~ Windows shall constitute at least 50 percent of first story street-facing facades, ~~and 25 percent of all upper-story facades.~~ When a residential use occupies the first story, windows shall constitute at least 33 percent of first story street-facing facades. Windows shall constitute at least 25 percent of all upper-story facades.
4. Windows shall be at least 50 percent transparent. Interior lighting is required. Street facing windows that are not on the same façade as the main building entrance, may cover the first story windows with non-advertising window films using a mountain, mill, orchard, or mountain related sports theme.
5. Living screens may replace up to 50 percent of the window requirement for the lowest anticipated pedestrian traffic frontage.
6. Mirrored windows are not allowed. Any east or west facing windows above the third story shall be non-reflective to prevent glare.
7. For any building opposing a residential bedroom window, buildings shall provide window blinds for each opposing window, or reduce the opacity of the window to prevent one side from viewing the other. In no case shall any balconies have a separation from an opposing balcony of less than 10 feet.
8. Windows above the first story shall conform to the standards described in Figure 18.47.18 Window Design Standards.

### **18.48.020 Applicability**

The City Council may approve a CCOZ-DA zone upon receiving a recommendation from the Planning Commission regarding adoption of the zone and a development agreement. Once a CCOZ-DA zone is established over a particular property, the provisions of this chapter shall apply to all property located within the CCOZ-DA zone as shown on the official zoning map. Development Agreements are entered into and approved at the sole discretion of the City. The following developments are eligible for a CCOZ-DA.

1. Buildings ~~with~~ that do not exceed 150 feet in length or 100 feet in depth.

#### **18.59.030 General Requirements For Accessory Structures**

- F. Design Standards. Accessory structures ~~that are greater than 200 sf in area~~ shall incorporate at least one of the exterior materials used in the main building for 20 percent of all structure facades, or shall be clad in wood, vinyl, or cementitious fiberboard siding. Accessory structures ~~that are greater than 200 sf in area~~ must have a pitched roof unless the main building has a flat roof, in which case an accessory structure may have a flat roof or a pitched roof.

#### **18.60.050 Noncomplying Structures**

- A. Continuation. A noncomplying structure may be continued so long as no additions or enlargements are made thereto ~~and no structural alterations are made therein~~, except as permitted by this chapter or as may be required by law. If a noncomplying structure is removed from the lot or parcel where it was located, each future structure on such lot or parcel shall conform to the provisions of this title.

- B. Expansion and Enlargement. ~~A noncomplying structure may be expanded or enlarged upon a permit authorized by the land use hearing officer, provided that the land use hearing officer shall find the following:~~

- ~~1. The addition, enlargement, or reconstruction of the structure at a new location complies with the standards and regulations of the current zone and the applicable requirements of this title.~~
- ~~2. The addition to, enlargement of, moving of, or reconstruction of the structure at a new location of the lot is compatible with existing development within a reasonable distance in terms of height, mass, applicable building envelope requirements, and lot or parcel coverage; and~~
- ~~3. The addition to, enlargement of, moving of, or reconstruction of the structure at a new location of the lot will not be detrimental to the health, safety and general welfare of persons residing within a reasonable distance of the subject property.~~
- ~~4. The cumulative expansion since the structure became nonconforming does not exceed 50% of the structure's height, footprint, lot or parcel coverage, and/or area when it became nonconforming.~~

1. Compliant Expansions and Enlargements. A noncomplying structure may be expanded or enlarged if the expansion or enlargement complies with the standards of the zone district and the applicable requirements of this

title. The cumulative expansion since the structure became nonconforming does not exceed 50% of the structure's height, footprint, lot or parcel coverage, and/or area when it became nonconforming.

2. Noncompliant Expansions and Enlargements. A noncomplying structure may be expanded or enlarged upon a permit authorized by the land use hearing officer, provided that the land use hearing officer shall find the following:

- a. The expansion or enlargement of the structure is compatible with existing development within a reasonable distance in terms of height, mass, applicable building envelope requirements, and lot or parcel coverage; and
- b. The expansion or enlargement of the structure is not detrimental to the health, safety and general welfare of persons residing within a reasonable distance of the subject property.
- c. The cumulative expansion since the structure became nonconforming does not exceed 50% of the structure's height, footprint, lot or parcel coverage, and/or area when it became nonconforming.

C. Maintenance and Repair. A noncomplying structure may be maintained. Repairs ~~and structural alterations~~ may be made to a noncomplying structure provided the degree of nonconformity is not increased.

E. ~~Alteration-Enlargement~~ Where Parking Insufficient. A complying structure housing a use with insufficient parking, as required by this title, may be ~~altered or~~ enlarged provided additional parking is supplied to meet the requirements of this title for the noncomplying portion of the structure and the ~~alteration or-~~ enlargement.

#### **18.60.060 Nonconforming Lot Or Parcel**

A. Continuation. A nonconforming lot or parcel may continue to be occupied and used although it may not conform in every respect with the dimensional requirements of this title, subject to the provisions of this chapter.

B. New Buildings Constructed on Nonconforming Lots or Parcels:

1. New Single-Household Dwellings. A new single-household dwelling may be constructed on a legally established lot or parcel that is nonconforming as to area, width, or both, provided:

- a. The lot or parcel was legally nonconforming when the area or width requirements were changed;
  - b. The use is for the sole purpose of a single-household dwelling;
  - c. There is only one main building on the lot or parcel; and
  - d. The dwelling conforms to all requirements of the title, such as use requirements, frontage, yard setbacks, building heights, and all other applicable requirements, including street improvements and compliance with building codes
2. All Other New Buildings or Structures. New buildings other than single-household dwellings may be constructed on a legally established lot or parcel that is nonconforming as to area, width, or both provided the building conforms to all requirements of the title, such as use requirements, frontage, yard setbacks, building heights, and all other applicable requirements, including street improvements and compliance with building codes.

~~C. New Single Household Dwelling. A new single household dwelling may be constructed on a legally established lot or parcel which is nonconforming as to area, width, or both, provided:~~

- ~~1. The lot or parcel was legally nonconforming when the area or width requirements were changed;~~
- ~~2. The use is for the sole purpose of a single household dwelling;~~
- ~~3. There is only one main building on the lot or parcel; and~~
- ~~4. The dwelling conforms to all other requirements of this title, such as frontage, yard setbacks, building height, and other applicable requirements, such as street improvements and compliance with construction codes.~~

D. Lot or Parcel with Building. If a nonconforming lot or parcel contains a building legally established before the effective date of this title, then the owner may continue the then-existing use of such building and may expand the building in any way that does not increase the degree of nonconformity. An increase in building size shall not increase the degree of nonconformity of the lot or parcel. Interior remodeling and/or exterior maintenance of a building within an existing footprint or expansion in compliance with this section shall not require a variance to lot or parcel requirements but shall be reviewed by the Planning Director as though the lot or parcel conforms to the requirements of this title. Such remodeling or maintenance shall require a building permit.

E. Effect of Public Uses. If the required area, width, frontage, or yard space of a lot is rendered noncompliant as a result of acquisition of a portion of the lot for public

use, the lot shall be considered a legal lot for purposes of this title. No construction or boundary change may be undertaken which will render these requirements further noncompliant. New buildings, structures or site improvements proposed for construction on such a lot shall meet all other requirements of the zone in which it is located.

#### **18.61.020 Applicability**

- E. Existing properties located in low liquefaction potential areas with slope angles less than 15% may be exempt from a full Geotechnical Report requirement, provided that soil type and water table depth information is furnished to the City to assure foundation suitability. Geotechnical Reports are not required for fences but are required for any retaining wall or accessory building over ~~200~~ 1,000 square feet when located in a Sensitive Lands Area.

#### **18.61.030 Sensitive Lands Description**

Sensitive Lands contain characteristics that can influence, modify, or limit development patterns through physical or regulatory restrictions. Sensitive lands features covered by this chapter are described as follows:

- A. Topographical Features. The types of lands represented in this typology include slopes that ~~average 15~~ average 15 percent over a 50-foot interval in any direction, wetlands, rock outcroppings larger than 10 feet wide and 10 feet tall, avalanche zones, alluvial fans, rock fall areas, gullies/ravines deeper than 10 feet and wider than 20 feet), intermittent or constant flow stream corridors, ridgelines, springs, species protection, Wildland Urban Interfaces, and floodplains. Additional requirements for floodplains are found in [MKZ 18.62, Floodplain Hazards Mitigation](#).
- B. Subsurface Features. Soils, saturated soils, and soil structures such as areas of liquefaction potential, surface fault rupture hazard areas, and debris flow areas. Soil types used to determine surface stability, foundation stability, movement potential, depth to bedrock, and shallow water table levels, may also reveal factors to consider for avoidance/preservation and/or design modifications when determining the extent of sensitive lands.

#### **18.61.070 Development Design Considerations**

- D. Stormwater. Storm drainage plans shall include a system design to return collected and clarified waters to the natural drainage channels or to the adjacent ground. All developments are may be required to obtain a Storm Water Pollution

Prevention Plan (SWPPP) and a Utah State Department of Environment Quality General Construction Storm Water (UPDES) Permit at building permit issuance as determined by the City Engineer.

**18.63.020 Vehicle Parking Requirements**

- B. Design Specifications for Residential Uses with Four or Fewer Units.
  - 2. Surfacing. The driveway shall be constructed of a durable, hard surface such as: concrete (including permeable concrete), asphalt (including permeable asphalt), brick, pavers, stone, or block. Gravel is prohibited as a surfacing material for driveways. The number, location, and width of driveways shall comply with the specifications set forth in [MKC 14.12.110](#) and [MKC 14.36.060](#). Driveways over 150 feet in length are subject to approval by the fire marshal.

**18.64.040 Tree Preservation Standards**

- A. Purpose. To maintain the environmental integrity of trees for shade, evapotranspiration, and habitat along with preserving the aesthetic of mature, and healthy vegetation for Millcreek’s streetscapes.
- B. Applicability. All healthy trees having a caliper of four inches (4”) in size or larger shall be preserved to the maximum extent feasible. Species identified as noxious or invasive as declared by the Millcreek Plant Species List or the Utah Department of Agriculture and Food are exempt from this requirement.
- C. Design Standards
  - 1. Preserved trees shall be credited toward the satisfaction of the tree planting requirements of this chapter at a rate of 1:1 based on caliper size, except for the replacement of large caliper trees as set forth in Table 18.64-4, Tree Replacement Table. For example, a six-inch (6”) caliper tree preserved shall count toward three (3) two-inch (2”) caliper trees.

<b>Table 18.64-4 Tree Replacement Table</b>	
<b><i>Tree Replacement Table</i></b>	
<b>Tree to be removed</b>	<b>Replace with</b>

4" to 12" caliper tree	Three trees as 2" caliper min. size
12" to 24" caliper tree	Six trees at 2" caliper min. size
24" or larger caliper tree	Eight trees at 2" caliper min. size

2. Where existing trees are to be protected during site development or construction activity, the following standards shall apply:
  - a. A fenced tree protection zone shall be established around the dripline of each tree or cluster of trees to be retained with high-visibility materials at a minimum height of four feet (4').
  - b. The storage or movement of equipment, material, debris, or fill is prohibited within the tree protection zone to minimize soil compaction.
  - c. The cleaning of equipment or material or the storage and disposal of waste material such as paints, oils, solvents, asphalt, concrete, motor oil or any other material harmful to the life of a tree is prohibited within the tree protection zone.
3. No cut or fill is permitted within the tree protection zone unless Landscape Architect licensed to practice in the State of Utah or an ISA Certified Arborist has evaluated and approved the disturbance.
4. All protected existing trees shall be pruned as specified by an ISA Certified Arborist.
5. No damaging attachment, wires, signs, or permits may be fastened to any protected tree.
6. Trees being preserved that are located further than 50 feet from the primary area being disturbed by construction may be ribboned off in lieu of erecting protective fencing. This may be accomplished by placing metal t-post stakes a maximum of 50 feet apart and tying ribbon or rope from stake-to-stake along the outside perimeters of such areas being cleared.
7. The removal of trees is allowed under the following circumstances by way of a tree removal permit as set forth in [MKZ 18.64, Landscape Standards](#).
  - a. Where trees have naturally fallen or are determined by an ISA Certified Arborist to be dead or dying.
  - b. Where trees have been diagnosed by an ISA Certified Arborist as unhealthy beyond reasonable rehabilitation.
  - c. Where trees are determined to be potentially harmful to the public health, safety, or welfare.

- d. Where it has been determined by the City that tree removal is necessary to restore clear visibility at driveways and intersections.
- 8. Plants considered noxious or invasive species as identified in the Millcreek Plant Species List or the Utah Department of Agriculture and Food are not required to meet these requirements.
- 9. Trees having a caliper of four inches (4") in size or greater which are removed shall be replaced on the development site at the following rate, except that street trees are to be replaced at a rate of one new tree per tree removed.

<b>Table 18.64-4 Tree Replacement Table</b>	
<b><i>Tree Replacement Table</i></b>	
<b>Tree to be removed</b>	<b>Replace with</b>
<u>4" to 12" caliper tree</u>	<u>Three trees as 2" caliper min. size</u>
<u>12" to 24" caliper tree</u>	<u>Six trees at 2" caliper min. size</u>
<u>24" or larger caliper tree</u>	<u>Eight trees at 2" caliper min. size</u>

D. Tree Preservation Site Plan Submittal

- 1. Applicants seeking to remove trees as part of a land use application shall seek a tree removal permit and shall submit a tree preservation plan as part of their application, to include the following:
  - a. Purpose of the requested tree removal permit.
  - b. Plan showing existing and proposed land uses, buildings, parking, utilities, and light poles; existing trees over four (4) inch diameter at breast height to be preserved; and other pertinent development elements.
  - c. A boundary survey which shall include the location of all easements, building setback lines, nearby zoning district boundaries; and
  - d. A location map showing the location of the property within the City.
- 2. If a permit is denied, the reason for denial shall be furnished to the applicant in writing, either electronically or by mail. The applicant or any person adversely affected by a final decision on a tree removal permit

shall have the right to appeal the decision to the land use hearing officer, as set forth in [MKZ 18.04, Appeals](#).

#### **18.64.050 Screening And Buffering**

##### C. Buffer Design Standards

1. Buffer Type A, as illustrated in Figure 18.64.1, shall be placed within 10 feet of the property line as site conditions permit and shall consist of trees, shrubs, and ornamental grasses at the following rates per 100 linear feet of buffer:
  - a. Two (2) trees with a minimum mature height of 20 feet, and
  - b. One of the following is required:
    - (1) 10 shrubs or large ornamental grasses with a minimum height of five feet (5').
    - (2) A six-foot (6') high ornamental fence with five (5) shrubs or large ornamental grasses with a minimum height of five feet (5').
    - (3) A six-foot (6') high wall.

#### **18.64.050 Screening And Buffering**

##### D. Buffer Requirements

1. All ~~multi~~multiple-household development abutting ~~single-household detached, single-household attached, two-household attached, or three-household attached dwelling uses~~ residential uses shall incorporate a Buffer Type ~~A B~~ along the perimeter between the two uses.

#### **18.64.060 Commercial, Mixed Use, Institutional, Public Or Quasi-Public Use, And Multi-Household Development Landscape Standards**

2. Landscaping is required around the perimeter of the site, along all side and rear property lines, and around the perimeter of drive-through service facilities at the following rates:
  - a. Consistent with Buffer Type A, as set forth in [MKZ 18.64.050 \(1\)](#), when adjacent to another commercial, mixed use, or ~~multi~~multiple-household dwelling use; or
  - b. Consistent with Buffer Type B, as set forth in [MKZ 18.64.050 \(2\)](#), when adjacent to a single-household detached, single-household attached, two-household attached, or three-household attached dwelling use.

#### **18.66.080 Fence Materials**

1. Permitted Fence Materials

1. Fences and walls shall be made of high quality, durable materials that require minimal maintenance. The following materials and colors shall be used for all fences, except as otherwise provided in this section or by a more restrictive provision of this title or engineering standard:

1. Decorative precast concrete or integrally colored and textured block, brick, stone, or other masonry wall materials;
2. Vinyl, polyethylene materials with beige, white or other neutral color;
3. Composite fence materials (Trex®, SimTek®, or similar);
4. Weather-tolerant wood materials such as but not limited to cedar, redwood, cypress, bamboo;
5. Decorative wrought iron or metal picket materials or solid metal panels with a thickness of at least 1/8";
6. Powder-coated chain-link may be allowed for public recreational uses or sport courts;
7. Welded wire panel;
8. ~~(7-)~~ Chain-link is allowed for temporary construction fences.

2. Prohibited Fence Materials

1. The following fencing materials shall be prohibited in all zones:

1. Plastic materials other than vinyl and composite;
2. Materials not typically used, designated, or manufactured for fencing, such as but not limited to roofing panels, corrugated or sheet metal, tarps, wood panel (plywood OSB sheathing), scrap lumber or metal, rubber, tires, containers;
3. Chain-link, when located within a front or street side yard area.
4. Barbed wire, concertina wire, razor ribbon, and similar fencing materials;
5. Electric fences.

3. Fences on properties zoned as agricultural and large enough for livestock animals shall be constructed of sturdy fence materials, such as metal pipes, horse-grade

vinyl, wood posts or similar materials the manufacturer recommends and as the Planning Director determines.

**18.71.090 Development Standards for Detached Accessory Dwelling Units**

<b>Table 18.71-2</b>		
<b><i>Detached Accessory Dwelling Unit Standard</i></b>		<b><i>Specific Use Limitations or Specific Standards</i></b>
Minimum Property Area	8,000 SF	
Location	Rear Yard	
Gross Square Footage	An ADU shall be the lesser of the gross square footage of the existing main building, or 1,000 square feet.	
Property Coverage Total	Determined by the underlying zone designation	
Setbacks from Side and Rear Yards	5 Feet <u>minimum</u>	<del>For heights above 14 feet, the setback shall increase by 1 inch for each added inch of height. For each inch in height over 16 feet 6 inches, detached accessory dwelling units shall be set back from the side and rear property lines an additional inch.</del>
Setback from Main Building	6 Feet	
Maximum Height	The lesser of 24 feet or the height of the existing main building.	

Occupancy Limit	2 adults and any number of children	
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**18.97 Definitions**

**City Engineer** means the Millcreek’s City Engineer or designee(s).

**Commercial Building, Legally-Established** means a commercial building that complied with all zoning and building code requirements at the time it was constructed, and that received a building permit.

**Dwelling Unit** means a habitable space physically arranged to create an independent housekeeping establishment for occupancy by one household with separate facilities for sanitation, cooking, and sleeping. Buildings with more than one kitchen or set of cooking facilities are considered to contain more than one dwelling unit. Factors for determining whether cooking facilities are accessory to a dwelling unit may include but are not limited to: A building design that allows all occupants ready access to all portions of the building including cooking facilities. No portion of the building containing cooking facilities can be separated from the remaining rooms to form a separate dwelling unit; There is only one electric and/or gas meter for the building dwelling unit, except for submeters intended for renewable energy infrastructure.

**Fence, welded wire panel** means a fence constructed of prefabricated panels consisting of welded steel wire mesh with a minimum wire size of AWG 12 gauge / 2.05 mm in a rectangular or square grid pattern, mounted within a rigid metal, wood, or composite frame. The mesh shall be composed of horizontal and vertical wires welded at each intersection, with uniform openings no larger than six inches in width or height. This definition expressly excludes woven wire fences, including chain link, which are constructed from interwoven wire strands forming a diamond or similar pattern without welded intersections.

**Lot or Parcel Coverage** means the measurement of land use intensity that represents the portion of a lot or parcel occupied by the principal building and all accessory buildings, but excluding all other impervious improvements such as sidewalks, driveways, uncovered patios, uncovered decks and open porches.

**General Retail** means selling goods intended to serve a community and regional market. Typical General Retail Uses include, but are not limited to, Appliance and Electronic Sales and Service, Automotive Supply (no service), Computer Software

Sales and Leasing, Department Store, Gun Shop, Home Furnishings and Accessories Sales, Rental supply, Medical Supply Store and Rental, ~~Motorcycle and Motor Scooter Sales~~, Heating, Air Conditioning and Plumbing Supplies, Sales, and Service, Cabinet Supply (display only), Machine Sales and Rental, Agriculture Equipment and Supply, Electrical Supplies.

**Yard, Front** means the minimum horizontal distance between the street front lot or parcel line and the front foundation of the building. Corner lots or parcels may have two front yards depending on the zoning district. For lots or parcels abutting streets that are dedicated or abandoned to the use of the public as set forth in Utah Code Section 72-5-104, the minimum horizontal distance between the street front lot or parcel line and the front foundation line of the building shall be measured from the edge of the street right-of-way.

**Yard, Rear** means an open, unoccupied space on the same lot or parcel as a building, measured from the rear line of the building (exclusive of steps), and the rear lot or parcel line, and extending for the entire width of the lot or parcel. For lots or parcels abutting streets that are dedicated or abandoned to the use of the public as set forth in Utah Code Section 72-5-104, the minimum horizontal distance between the street rear lot or parcel line and the rear line of the building shall be measured from the edge of the street right-of-way.

This Ordinance, assigned Ordinance No. 25-38, 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 8<sup>th</sup> day of September, 2025.

**MILLCREEK**

By: \_\_\_\_\_  
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 25-38: AN ORDINANCE AMENDING TITLE 18 OF THE MILLCREEK MUNICIPAL CODE  
FOR THE PURPOSE OF MAKING TECHNICAL CORRECTIONS TO TITLE 18  
was adopted the 8<sup>th</sup> day of August, 2025 and that a copy of the foregoing Ordinance 25-38 was posted in accordance  
with Utah Code 10-3-711 this \_\_\_\_ day of September, 2025.

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

**MILLCREEK, UTAH**  
**ORDINANCE NO. 25-38**

**AN ORDINANCE AMENDING TITLE 18 OF THE MILLCREEK MUNICIPAL CODE  
FOR THE PURPOSE OF MAKING TECHNICAL CORRECTIONS TO TITLE 18**

**WHEREAS**, the Millcreek Council (“*Council*”) met in a regular session on September 8, 2025, to consider, among other things, amending Title 18 of the Millcreek Municipal Code for the purpose of making technical corrections to Title 18; and

**WHEREAS**, Utah Code Ann. § 10-9a-503 provides that the Council may amend any provisions of a land use regulation; and

**WHEREAS**, Millcreek (“*City*”) has adopted the Uniform Land Use Ordinance of Millcreek, Utah (“*Land Use Ordinance*”), and

**WHEREAS**, City staff has recommended that the Council amend the Land Use Ordinance for the purpose of making technical corrections; and

**WHEREAS**, Utah Code Ann. § 10-9a-502 provides the planning commission shall provide notice as required by Subsection 10-9a-205(1)(a) and, if applicable, Subsection 10-9a-205(4) and hold a public hearing on the proposed land use ordinances; and

**WHEREAS**, on July 28, 2025, the required notice was published; and

**WHEREAS**, on August 20, 2025, the proposed amendment was submitted to the planning commission for recommendation; and

**WHEREAS**, on August 20, 2025, the planning commission held the required public hearing with respect to amending Title 18 of the Millcreek Municipal Code; and

**WHEREAS**, on August 20, 2025 planning commission meeting, the planning commission recommended amending Title 18 of the Millcreek Municipal Code for the purpose of making technical corrections to Title 18; and

**WHEREAS**, the Millcreek Code of Ordinances provides among other things that before finally adopting any such amendment, the Council shall consider the application during a public meeting which has been properly noticed in compliance with the provisions of Title 52, Chapter 4, of the Open and Public Meetings Act; and

**WHEREAS**, on September 8, 2025, the Council considered amending Title 18 of the Millcreek Code of Ordinances for the purpose of making technical corrections.

**NOW, THEREFORE, BE IT ORDAINED** by the Council that Title 18 of the Millcreek Municipal Code be amended as attached (designated by interlineating the words to be deleted and underlining the words to be added)

### **18.15.030(B)(2)(a)**

Property development, redevelopment, construction, reconstruction, or alteration of a building or structure, except for attached or detached single or two-household dwellings that are located in a recorded subdivision and that are not in a sensitive lands area.

### **18.15.030(A)(4)**

1. 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 Statutes, 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 of 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 of 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 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.

5. Conditions of Approval. Unless otherwise specified in this Code or [Utah Code Section 10-9a-507, Conditional Uses](#), the Planning Commission shall approve all conditional use applications with objective standards as set forth in the Land Use Code. 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.

6. All conditional uses are presumed to be compatible with the zone and the General Plan's intent.

7. 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.

**18.21-71**

**18.71.120 Enforcement And Noticing**

**18.71.130 Existing Buildings**

**18.34**

Add 31% lot coverage in table 18.34-2

<b>Table 18.34-2 Spatial Requirements for the Agricultural Zone</b>							
<b><i>Zone</i></b>	<b><i>Minimum lot area</i></b>	<b><i>Minimum lot width</i></b>	<b><i>Minimum Front Setback</i></b>	<b><i>Minimum Side Setback</i></b>	<b><i>Minimum Rear Setback</i></b>	<b><i>Maximum Height</i></b>	<b><i>Max. Lot or Parcel Coverage</i></b>
AG	10,000 square feet (A)	75' (B)	30' (C)	10' on interior lots or parcels (D) 20' on a corner lot or parcel (E)	15' (F)	30'	31%

**18.38.040, Table 18.38-2**

**Table 18.38-2 Spatial Regulations for the Medium Density Residential (R-4) Zone**

	<b>Single-Household Dwellings</b>	<b>Two - Household Dwellings</b>	<b>Three-Household Dwellings</b>	<b>Four-Household Dwellings</b>	<b>Civic/Institutional and Non-Residential Uses</b>
Minimum Gross Land Area (A)	6,000 sf per dwelling unit	3,250 sf per dwelling unit	2,500 sq ft per dwelling unit, except affordable units and individually owned units require 2,000 sq ft per dwelling unit	2,125 sq ft per dwelling unit, except affordable units and individually owned units require 2,000 sq ft per dwelling unit	20,000 sf
Minimum Lot or Parcel Width (B)	60'	60'	60'	60'	60'
Minimum Front Yard Setback (C)	25 feet	25 feet	25 feet	25 feet	25 feet
Minimum Interior Side Yard Setback (D)	8 feet	8 feet	8 feet	8 feet	20 feet
Minimum Corner Side Yard Setback (E)	20 feet	20 feet	20 feet	20 feet	20 feet

Minimum Rear Yard Setback (F)	20 feet				
Maximum Lot or Parcel Coverage	40 percent				

**18.39.030 – Table 18.39-1**

In the “Commercial Uses” section change, “Allowed within mixed use.” to “Allowed within legally-established commercial buildings or within mixed use.”. Need to define “Legally-established commercial buildings”

<b>Table 18.39-1 Permitted and Conditional Uses in the Residential Mixed (RM) Zone</b>		
<b>Land Use</b>	<b>RM</b>	<b>Limitations/References</b>
<i>P= Permitted, C= Conditional Use Review Required</i>		
<i>Residential Uses</i>		
Dwelling, Single-Household	P	
Dwelling, Two-Household	P	
Dwellings, Three- or Four-Household	P	
Dwellings, Multiple-Household up to 32’ building height and up to 25 units	P	Mixed-use shall be required for developments located within 500’ of specified intersections. See additional standards below.

Dwellings, Multiple-Household over 32' building height or more than 25 units	C	Mixed-use shall be required for developments located within 500' of specified intersections. At least three units shall have primary façade and primary entrance facing the street in developments with more than six units
Affordable Housing	P	Subject to <a href="#">MKZ 18.78, Affordable Housing Incentives</a>
Home Business	P	Subject to <a href="#">MKZ 18.76, Special Business Land Use Regulations</a>
Home Daycare or Preschool – up to 6 children	P	Subject to <a href="#">MKZ 18.76, Special Business Land Use Regulations</a>
Home Daycare or Preschool – 7 to 12 children	C	Subject to <a href="#">MKZ 18.76, Special Business Land Use Regulations</a>
Live/Work Unit	P	Only permitted in association with requirements for mixed use developments as set forth in <a href="#">MKZ 18.43.090</a> .
Residential Facilities for Elderly Persons or Persons With a Disability	P	Limitations as set forth in <a href="#">MKZ 18.74, Residential Facilities for Persons With a Disability</a>
Nursing Home or Assisted Living	C	
Short-Term Rental	P	Provided a valid Millcreek business license has been issued and is in good standing with respect to the property. Further limitations are as set forth in <a href="#">MKC 5.19, Short Term Rentals</a> .
<i>Commercial Uses</i>		
Depository Financial Institution	C	Allowed within legally-established commercial buildings or within mixed use Drive-up Windows are prohibited.
Mixed Use	C	

Commercial Daycare or Preschool	C	Allowed within legally-established commercial buildings or within mixed use
Gym / Fitness Studio	C	Allowed within legally-established commercial buildings or within mixed use
Medical or Dental Clinic	C	Allowed within legally-established commercial buildings or within mixed use
Office	C	Allowed within legally-established commercial buildings or within mixed use
Personal Service	C	Allowed within legally-established commercial buildings or within mixed use
Eating or Drinking Establishments, Dine-In	C	Allowed within legally-established commercial buildings or within mixed use. Drive-up Windows are prohibited.
Neighborhood Retail or General Retail	C	Allowed within legally-established commercial buildings or within mixed use
<i>Civic and Institutional Uses</i>		
Public Use	C	
Quasi-Public Use	C	
Religious Assembly	P	
Schools, Public and Private	P	
<i>Miscellaneous Uses</i>		
Accessory Uses, Buildings and Structures	P	As set forth in <a href="#">MKZ 18.59, Accessory Structures</a>

Temporary Uses	P	As set forth in <a href="#">MKZ 18.58, Temporary Uses and Structures</a>
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### 18.39.040 & Table 18.39-2

<b>Table 18.39-2 Spatial Regulations for the Residential Mixed (RM) Zone</b>				
	<b><i>Single-Household Dwellings (1)</i></b>	<b><i>Two, Three, and Four-Household Dwellings</i></b>	<b><i>Multiple-household Dwellings– Five or more dwellings in a building</i></b>	<b><i>Other Permitted Principal Uses</i></b>
<i>Principal Buildings</i>				
Minimum Gross Land Area (A)	6,000 sf per dwelling unit	3,000 sf per dwelling unit	2,000 sq ft per dwelling unit, except affordable units and individually owned units require 1,500 sq ft per unit	20,000 sf
Minimum Lot or Parcel Width (B)	60 feet	None	None	None
Maximum Building Height	30 feet	32 feet	45 feet <sup>2(2)</sup>	45 feet <sup>2(2)</sup>
Maximum Lot or Parcel Coverage	35%	40%	50%	50%
Maximum Building Length	None	None	150 feet	150 feet
Minimum Front Yard Setback (C)	20 feet	20 feet	20 feet	20 feet
Minimum Interior Side Yard Setback (D)	8 feet	10 feet	10 feet	10 feet
Minimum Interior Side Yard Setback, where	8 feet	10 feet	25 feet	25 feet

abutting a residential zone boundary. (3)				
Minimum Corner Side Yard Setback (D)	20 feet	20 feet	20 feet	20 feet
Minimum Rear Yard Setback (E)	10 feet	10 feet	20 feet	20 feet
Minimum Distance Between Residential Buildings	5 feet	5 feet	10 feet	10 feet

D. Table 18.39-2 Notes:

1. Additional Requirements for Single-Household Dwellings. Single-Household dwellings are subject to the building envelope requirements for the R-1-6 zone as set forth in MKZ 18.36.040 and MKZ 18.36.050.
2. Height Transition Requirements. Buildings or structures within 100 feet of a Residential Zone Boundary shall not exceed 30 feet, excluding Height Projection Allowances identified in MKZ 18.72.040.
3. The Minimum Interior Side Yard Setback, where abutting a residential use boundary may be reduced to the standard Minimum Interior Side Yard Setback where the abutting use is an institutional use, a commercial use, and industrial use, or a cemetery.

**18.39.050(B)(3) & 18.39.090(C)(2)**

18.39.050(B)

3. First story entrances shall include a porch of at least 60 square feet and a fence, wall or hedge no taller than four feet (4'). Such areas are included in the open space requirement.

18.39.090(C)

1. C. Balconies or Patios. All residential units shall have a private balcony and/or patio with a minimum of 60 square feet with a minimum five-foot (5') depth.

**18.39.050(F)(3)**

~~Vehicular Access to Private Garages.~~

- ~~a. Vehicle access serving a private garage shall be at least 26 feet in width.~~
- ~~b. Where such drives serve units with opposing garages, where garages face each other, a minimum of 25 square feet of landscaping shall be required at the edges of each driveway, between each dwelling unit.~~
- ~~c. Developments with 25 feet or more units and lot or parcel widths of one 150 feet shall provide a driveway for each garage with a minimum width of 12 feet and minimum unobstructed depth of 20 feet.~~

**18.39.110**

Design standards for mixed use buildings in the RM zone containing residential uses shall follow the design requirements found in MKZ 18.44.090 (H).

**18.41.070 E**

Windows shall constitute at least 50 percent of first story street-facing facades, and windows shall be at least 50 percent transparent. When a residential use occupies the first story, windows shall constitute 33 percent of the first story street-facing facades. On double or triple-frontage lots, living screens may replace up to 50 percent of the window requirement for the façade along the lowest anticipated pedestrian traffic frontage. Windows shall constitute at least 25 percent of all upper story street-facing facades. Interior lighting is required.

**18.44.030, Table 18.44-1**

Add neighborhood retail as permitted. Add general retail as permitted or conditional.

<b>Table 18-44-1 Permitted and Conditional Uses in the Commercial (C) Zone</b>		
<b>Land Use</b>	<b>C</b>	<b>Limitations / References</b>
<i>P= Permitted, C= Conditional Use Review Required</i>		
<i>Residential Uses</i>		
Affordable Housing	P	Subject to the requirements and incentives for affordable housing as set forth in <a href="#">MKZ 18.78, Affordable Housing Incentives.</a>

Dwelling, Multiple Household	C	Only permitted as part of a mixed use development, subject to the development standards as set forth in <a href="#">MKZ 18.44.090 (H)</a> .
Nursing Home or Assisted Living	P	
Home Business	P	Permitted in legally-established dwellings in the C Zone. Subject to <a href="#">MKZ 18.76, Special Business Land Use Regulations</a> .
Residential Facility For Elderly Persons or Persons With a Disability	P	Limitations as set forth in <a href="#">MKZ 18.74, Residential Facilities for Persons With a Disability</a> .
Caretaker Dwelling	P	Additional use standards apply as set forth in <a href="#">MKZ 18.44.090</a>
<i>Commercial Uses</i>		
Kennel, Indoor or Outdoor	P	Outdoor kennels or animal play areas prohibited within 300' of a Residential Zone Boundary or a legally established residential use.
Automobile, Equipment, or Recreational Vehicle Sales or Rental	C	Only allowed when located on arterial roadways 100' or greater in width. Prohibited within 300' of a residential use or a residential zone. Additional use standards apply as set forth in <a href="#">MKZ 18.44.090</a> .
Automobile Service and Repair	C	Prohibited within 150' of a residential use or a residential zone and within 1,320' (1/4 mile) of an established substantially similar business. Additional use standards apply as set forth in <a href="#">MKZ 18.44.090</a> .

Car Wash	C	Prohibited within 150' of a residential use or a residential zone and within 300' of a major intersection and within 1,320' (1/4 mile) of an established substantially similar business.
Medical or Dental Clinic	P	
Mixed Use	C	Additional use standards apply as set forth in <a href="#">MKZ 18.44.090</a>
Commercial Daycare or Preschool	P	
Commercial Entertainment under 25,000 square feet	P	Outdoor entertainment uses are prohibited within 300' of legally established dwelling or a Residential Zone Boundary. Indoor or Outdoor Gun or Archery Ranges are prohibited.
Commercial Entertainment, 25,000 square feet or more	C	Outdoor entertainment uses are prohibited within 300' of a legally established dwelling or a Residential Zone Boundary. Indoor or Outdoor Gun or Archery Ranges are prohibited.
Commercial Kitchen / Ghost Kitchen	P	
Commercial Parking Lot or Commercial Parking Garage	C	Parking garages shall include non-residential uses for at least 75% of the ground story facing a public street.
Community Garden	P	
Depository Financial Institution	P	
Drive-up Window	C	Drive up windows prohibited within mixed use developments. Additional development standards apply as set forth in <a href="#">MKZ 18.44.090 (D)</a>

Eating and Drinking Establishment	P	
Flex Space	P	Maximum square footage of 10,000 square feet per building, a minimum of 20% of story area must be office and or retail uses.
Fuel Station	C	Prohibited within 1,320' (1/4 mile) of an existing fuel station and within 150' of a residential use or a residential zone. See additional development standards as set forth in <a href="#">MKZ 18.44.090 (G)</a>
Funeral Home or Mortuary	P	
Greenhouse or Plant Nursery	P	
Gym or Fitness Studio under 5,000 square feet	P	
Gym or Fitness Studio - 5,000 square feet or more	C	
Hospital	C	
Light Service and Repair	P	Maximum square footage of 10,000 square feet.
Live/Work Unit	P	Only permitted in association with mixed use set forth in the development standards as set forth in <a href="#">MKZ 18.44.090 (H)</a> .
Lodging	P	
Non-Depository Financial Institution	P	Prohibited within 300' of a major intersection and within 2,640' (1/2 mile) of an established substantially similar business.
Office	P	

Pawn Shop	P	Prohibited within 300' of a major intersection and within 2,640' (1/2 mile) of an established substantially similar business.
Personal Service	P	
Reception or Event Center	P	Outdoor uses prohibited within 300' of a residential use or a Residential Zone Boundary.
Neighborhood or General Service	P	
Neighborhood or General Retail	P	
Retail Sales	P	Retail Tobacco Specialty Businesses are prohibited within 1,320' (1/4 mile) of an established substantially similar business.
Retail Food Trucks, Pop-Up Markets, and/or Farmer's Market	P	Subject to Temporary Use Standards as set forth in <a href="#">MKZ 18.58, Temporary Uses and Structures.</a>
Self-Storage facility	C	Prohibited within 300' of a major intersection and within 1,320' (1/4 mile) of an established substantially similar business. Additional location restrictions apply as set forth in <a href="#">MKZ 18.44.090.</a>
Temporary Uses	P	As set forth in <a href="#">MKZ 18.58, Temporary Uses and Structures</a>
<i>Institutional Uses</i>		
Wireless Telecommunication Facility	P	Must be a Stealth Facility, subject to the standards as set forth in MKZ 18.75, Wireless Telecommunications Facilities.

Public Use	P	Detention Facilities or Jails are not permitted
Religious Assembly	P	
Schools, Public and Private	P	
Quasi-Public Use	P	

**18.46.080 Special Regulations For The Light Manufacturing Zone**

A. General Conditions in the M Zone. All uses in the M zone shall be permitted only under all the following conditions:

1. Business operations that abut a legally established residential use, a Residential Zone Boundary, or a street shall be conducted predominantly within an enclosed building, except for the following:
  - a. Parking and servicing vehicles and equipment,
  - b. Loading and unloading of products and equipment,
  - c. Outside storage of products, materials, vehicles, or equipment may be in the rear or side yard in the rear or side yard for new uses, subject to the following standards:
    - (1) Outside storage shall occupy no more than sixty percent (60%) of the lot or parcel.
    - (2) Outside storage must be screened by a solid visual barrier perimeter fence of six feet (6') to eight feet (8'), depending on and relating to the height of the products, materials, or equipment stored outside. The maximum height of outside storage shall be established by a formula of setback to height where the minimum setback from the property line abutting a public street equals one-and-a-half times the height of the products, materials, vehicles, or equipment being stored.
    - (3) The surface area of the outside storage area shall be paved with cement or asphalt hard surface paving or a contained durable permeable surfacing such as gravel.

(4) Any outdoor storage of vehicles and equipment shall be considered temporary and only include operable, functional vehicles and equipment able to be immediately put to the intended use.

d. Existing legal uses with outdoor storage operating at the time of the adoption of this ordinance, January 22, 2018, shall retain the ability to store product, materials, vehicles, or equipment on 100 percent of the lot, lots, parcel, or parcels occupied by such use.

e. Outdoor dining associated with eating and drinking establishments.

2. All uses shall minimize, so as not to become a nuisance, any unsafe, unhealthy, objectionable, and unreasonable waste, odor, dust, smoke, other emissions, noise, vibration, as determined by any Federal, State, County, and/or City health and safety codes, regulations, or ordinances.
3. All principal assembly, manufacturing, testing, cleaning, testing and associated services or processes shall be done wholly within completely enclosed buildings. Accessory use may include outside repair, fabrication, and cleaning of equipment, vehicles, and/or stored products.
4. Roof mounted mechanical equipment, and vents shall be screened from view from the ground-level vantage point along an abutting arterial, collector, or local street.

B. Design and Use Standards for Specific Uses. The following standards are applicable to the uses specified in addition to the development standards in this Chapter. In the event there is language elsewhere in MKZ Title 18 that conflicts with language in this chapter, the more restrictive standard prevails.

1. Automobile, Equipment, or Recreational Vehicle Sales or Rental uses shall meet the following site requirements:
  - a. The minimum lot size for such use is 20,000 square feet.
  - b. The site must contain an office of at least 2,000 square feet.
  - c. Inventory lot parking shall not be included in the minimum parking requirements.
2. Automobile Service and Repair uses shall meet the following site standards:

- a. Bay doors shall not be located on facades facing residential uses or zones.
- b. Vehicles awaiting repair or service shall be screened by Landscape Buffer C as set forth in MKZ 18.64, Landscape Standards.
- c. Vehicle storage areas shall not count toward parking minimum requirements.

### **18.47.070 Site Standards**

#### L. Perimeter Fencing.

1. To ensure maximum pedestrian connectivity, fencing between parcels is not required.
2. ~~No fencing of any kind will be allowed~~ Fencing along the Richmond, 3300 South, Highland Drive and Millcreek Common Street frontages shall be limited to open style fencing that does not exceed three feet in height.
3. Privacy and/or security fencing is only allowed to screen unsightly, utility, or vehicle service areas from public right-of-way.
4. Fencing along a Neighborhood Street frontage is permitted to define front porches and can consist of wrought iron/similar materials, wood, or composites. Vinyl is prohibited as a fencing material.
5. Fences must be a minimum of 50 percent open, have a maximum height of 42 inches and may incorporate a maximum 18-inch-high stone, or brick wall at the base.

### **18.47.080 Building Standards**

#### A. Entrances and Windows.

1. Entrances to the first story of buildings shall front on the public street.
2. On double or triple frontage lots or parcels, entrances are required where the greatest amount of pedestrian traffic is anticipated.
3. ~~When a non-residential use occupies the first story, windows~~ Windows shall constitute at least 50 percent of first story street-facing facades, ~~and 25 percent of all upper story facades.~~ When a residential use occupies the first story, windows shall constitute at least 33 percent of first story street-facing facades. Windows shall constitute at least 25 percent of all upper-story facades.

4. Windows shall be at least 50 percent transparent. Interior lighting is required. Street facing windows that are not on the same façade as the main building entrance, may cover the first story windows with non-advertising window films using a mountain, mill, orchard, or mountain related sports theme.
5. Living screens may replace up to 50 percent of the window requirement for the lowest anticipated pedestrian traffic frontage.
6. Mirrored windows are not allowed. Any east or west facing windows above the third story shall be non-reflective to prevent glare.
7. For any building opposing a residential bedroom window, buildings shall provide window blinds for each opposing window, or reduce the opacity of the window to prevent one side from viewing the other. In no case shall any balconies have a separation from an opposing balcony of less than 10 feet.
8. Windows above the first story shall conform to the standards described in Figure 18.47.18 Window Design Standards.

#### **18.48.020 Applicability**

The City Council may approve a CCOZ-DA zone upon receiving a recommendation from the Planning Commission regarding adoption of the zone and a development agreement. Once a CCOZ-DA zone is established over a particular property, the provisions of this chapter shall apply to all property located within the CCOZ-DA zone as shown on the official zoning map. Development Agreements are entered into and approved at the sole discretion of the City. The following developments are eligible for a CCOZ-DA.

1. Buildings **with** that do not exceed 150 feet in length or 100 feet in depth.

#### **18.59.030 General Requirements For Accessory Structures**

- F. Design Standards. Accessory structures **that are greater than 200 sf in area** shall incorporate at least one of the exterior materials used in the main building for 20 percent of all structure facades, or shall be clad in wood, vinyl, or cementitious fiberboard siding. Accessory structures **that are greater than 200 sf in area** must have a pitched roof unless the main building has a flat roof, in which case an accessory structure may have a flat roof or a pitched roof.

## **18.60.050 Noncomplying Structures**

- A. Continuation. A noncomplying structure may be continued so long as no additions or enlargements are made thereto ~~and no structural alterations are made therein~~, except as permitted by this chapter or as may be required by law. If a noncomplying structure is removed from the lot or parcel where it was located, each future structure on such lot or parcel shall conform to the provisions of this title.
- B. Expansion and Enlargement. ~~A noncomplying structure may be expanded or enlarged upon a permit authorized by the land use hearing officer, provided that the land use hearing officer shall find the following:~~
- ~~1. The addition, enlargement, or reconstruction of the structure at a new location complies with the standards and regulations of the current zone and the applicable requirements of this title.~~
  - ~~2. The addition to, enlargement of, moving of, or reconstruction of the structure at a new location of the lot is compatible with existing development within a reasonable distance in terms of height, mass, applicable building envelope requirements, and lot or parcel coverage; and~~
  - ~~3. The addition to, enlargement of, moving of, or reconstruction of the structure at a new location of the lot will not be detrimental to the health, safety and general welfare of persons residing within a reasonable distance of the subject property.~~
  - ~~4. The cumulative expansion since the structure became nonconforming does not exceed 50% of the structure's height, footprint, lot or parcel coverage, and/or area when it became nonconforming.~~
1. Compliant Expansions and Enlargements. A noncomplying structure may be expanded or enlarged if the expansion or enlargement complies with the standards of the zone district and the applicable requirements of this title. The cumulative expansion since the structure became nonconforming does not exceed 50% of the structure's height, footprint, lot or parcel coverage, and/or area when it became nonconforming.
  2. Noncompliant Expansions and Enlargements. A noncomplying structure may be expanded or enlarged upon a permit authorized by the land use hearing officer, provided that the land use hearing officer shall find the following:
    - a. The expansion or enlargement of the structure is compatible with existing development within a reasonable distance in terms of height, mass, applicable building envelope requirements, and lot or parcel coverage; and

- b. The expansion or enlargement of the structure is not detrimental to the health, safety and general welfare of persons residing within a reasonable distance of the subject property.
  - c. The cumulative expansion since the structure became nonconforming does not exceed 50% of the structure's height, footprint, lot or parcel coverage, and/or area when it became nonconforming.
- C. Maintenance and Repair. A noncomplying structure may be maintained. Repairs ~~and structural alterations~~ may be made to a noncomplying structure provided the degree of nonconformity is not increased.
- E. ~~Alteration-Enlargement~~ Where Parking Insufficient. A complying structure housing a use with insufficient parking, as required by this title, may be ~~altered or~~ enlarged provided additional parking is supplied to meet the requirements of this title for the noncomplying portion of the structure and the ~~alteration or-~~ enlargement.

#### **18.60.060 Nonconforming Lot Or Parcel**

- A. Continuation. A nonconforming lot or parcel may continue to be occupied and used although it may not conform in every respect with the dimensional requirements of this title, subject to the provisions of this chapter.
- B. New Buildings Constructed on Nonconforming Lots or Parcels:
  - 1. New Single-Household Dwellings. A new single-household dwelling may be constructed on a legally established lot or parcel that is nonconforming as to area, width, or both, provided:
    - a. The lot or parcel was legally nonconforming when the area or width requirements were changed;
    - b. The use is for the sole purpose of a single-household dwelling;
    - c. There is only one main building on the lot or parcel; and
    - d. The dwelling conforms to all requirements of the title, such as use requirements, frontage, yard setbacks, building heights, and all other applicable requirements, including street improvements and compliance with building codes
  - 2. All Other New Buildings or Structures. New buildings other than single-household dwellings may be constructed on a legally established lot or parcel that is nonconforming as to area, width, or both provided the building conforms to all requirements of the title, such as use

requirements, frontage, yard setbacks, building heights, and all other applicable requirements, including street improvements and compliance with building codes.

~~C. New Single Household Dwelling. A new single household dwelling may be constructed on a legally established lot or parcel which is nonconforming as to area, width, or both, provided:~~

- ~~1. The lot or parcel was legally nonconforming when the area or width requirements were changed;~~
- ~~2. The use is for the sole purpose of a single household dwelling;~~
- ~~3. There is only one main building on the lot or parcel; and~~
- ~~4. The dwelling conforms to all other requirements of this title, such as frontage, yard setbacks, building height, and other applicable requirements, such as street improvements and compliance with construction codes.~~

D. Lot or Parcel with Building. If a nonconforming lot or parcel contains a building legally established before the effective date of this title, then the owner may continue the then-existing use of such building and may expand the building in any way that does not increase the degree of nonconformity. An increase in building size shall not increase the degree of nonconformity of the lot or parcel. Interior remodeling and/or exterior maintenance of a building within an existing footprint or expansion in compliance with this section shall not require a variance to lot or parcel requirements but shall be reviewed by the Planning Director as though the lot or parcel conforms to the requirements of this title. Such remodeling or maintenance shall require a building permit.

E. Effect of Public Uses. If the required area, width, frontage, or yard space of a lot is rendered noncompliant as a result of acquisition of a portion of the lot for public use, the lot shall be considered a legal lot for purposes of this title. No construction or boundary change may be undertaken which will render these requirements further noncompliant. New buildings, structures or site improvements proposed for construction on such a lot shall meet all other requirements of the zone in which it is located.

### **18.61.020 Applicability**

E. Existing properties located in low liquefaction potential areas with slope angles less than 15% may be exempt from a full Geotechnical Report requirement, provided that soil type and water table depth information is furnished to the City to assure foundation suitability. Geotechnical Reports are not required for fences but are

required for any retaining wall or accessory building over ~~200~~ 1,000 square feet when located in a Sensitive Lands Area.

### **18.61.030 Sensitive Lands Description**

Sensitive Lands contain characteristics that can influence, modify, or limit development patterns through physical or regulatory restrictions. Sensitive lands features covered by this chapter are described as follows:

- A. Topographical Features. The types of lands represented in this typology include slopes that ~~average 15~~ average 15 percent over a 50-foot interval in any direction, wetlands, rock outcroppings larger than 10 feet wide and 10 feet tall, avalanche zones, alluvial fans, rock fall areas, gullies/ravines deeper than 10 feet and wider than 20 feet), intermittent or constant flow stream corridors, ridgelines, springs, species protection, Wildland Urban Interfaces, and floodplains. Additional requirements for floodplains are found in [MKZ 18.62, Floodplain Hazards Mitigation](#).
- B. Subsurface Features. Soils, saturated soils, and soil structures such as areas of liquefaction potential, surface fault rupture hazard areas, and debris flow areas. Soil types used to determine surface stability, foundation stability, movement potential, depth to bedrock, and shallow water table levels, may also reveal factors to consider for avoidance/preservation and/or design modifications when determining the extent of sensitive lands.

### **18.61.070 Development Design Considerations**

- D. Stormwater. Storm drainage plans shall include a system design to return collected and clarified waters to the natural drainage channels or to the adjacent ground. All developments ~~are~~ may be required to obtain a Storm Water Pollution Prevention Plan (SWPPP) and a Utah State Department of Environment Quality General Construction Storm Water (UPDES) Permit at building permit issuance as determined by the City Engineer.

### **18.63.020 Vehicle Parking Requirements**

- B. Design Specifications for Residential Uses with Four or Fewer Units.
  - 2. Surfacing. The driveway shall be constructed of a durable, hard surface such as: concrete (including permeable concrete), asphalt (including permeable asphalt), brick, pavers, stone, or block. Gravel is prohibited as

a surfacing material for driveways. The number, location, and width of driveways shall comply with the specifications set forth in [MKC 14.12.110](#) and [MKC 14.36.060](#). Driveways over 150 feet in length are subject to approval by the fire marshal.

**18.64.040 Tree Preservation Standards**

- A. Purpose. To maintain the environmental integrity of trees for shade, evapotranspiration, and habitat along with preserving the aesthetic of mature, and healthy vegetation for Millcreek’s streetscapes.
- B. Applicability. All healthy trees having a caliper of four inches (4”) in size or larger shall be preserved to the maximum extent feasible. Species identified as noxious or invasive as declared by the Millcreek Plant Species List or the Utah Department of Agriculture and Food are exempt from this requirement.
- C. Design Standards
  - 1. Preserved trees shall be credited toward the satisfaction of the tree planting requirements of this chapter at a rate of 1:1 based on caliper size, except for the replacement of large caliper trees as set forth in Table 18.64-4, Tree Replacement Table. For example, a six-inch (6”) caliper tree preserved shall count toward three (3) two-inch (2”) caliper trees.

<b>Table 18.64-4 Tree Replacement Table</b>	
<i>Tree Replacement Table</i>	
<b>Tree to be removed</b>	<b>Replace with</b>
4” to 12” caliper tree	Three trees as 2” caliper min. size
12” to 24” caliper tree	Six trees at 2” caliper min. size
24” or larger caliper tree	Eight trees at 2” caliper min. size

- 2. Where existing trees are to be protected during site development or construction activity, the following standards shall apply:
  - a. A fenced tree protection zone shall be established around the dripline of each tree or cluster of trees to be retained with high-visibility materials at a minimum height of four feet (4’).

- b. The storage or movement of equipment, material, debris, or fill is prohibited within the tree protection zone to minimize soil compaction.
    - c. The cleaning of equipment or material or the storage and disposal of waste material such as paints, oils, solvents, asphalt, concrete, motor oil or any other material harmful to the life of a tree is prohibited within the tree protection zone.
3. No cut or fill is permitted within the tree protection zone unless Landscape Architect licensed to practice in the State of Utah or an ISA Certified Arborist has evaluated and approved the disturbance.
4. All protected existing trees shall be pruned as specified by an ISA Certified Arborist.
5. No damaging attachment, wires, signs, or permits may be fastened to any protected tree.
6. Trees being preserved that are located further than 50 feet from the primary area being disturbed by construction may be ribboned off in lieu of erecting protective fencing. This may be accomplished by placing metal t-post stakes a maximum of 50 feet apart and tying ribbon or rope from stake-to-stake along the outside perimeters of such areas being cleared.
7. The removal of trees is allowed under the following circumstances by way of a tree removal permit as set forth in [MKZ 18.64, Landscape Standards](#).
  - a. Where trees have naturally fallen or are determined by an ISA Certified Arborist to be dead or dying.
  - b. Where trees have been diagnosed by an ISA Certified Arborist as unhealthy beyond reasonable rehabilitation.
  - c. Where trees are determined to be potentially harmful to the public health, safety, or welfare.
  - d. Where it has been determined by the City that tree removal is necessary to restore clear visibility at driveways and intersections.
8. Plants considered noxious or invasive species as identified in the Millcreek Plant Species List or the Utah Department of Agriculture and Food are not required to meet these requirements.
9. Trees having a caliper of four inches (4") in size or greater which are removed shall be replaced on the development site at the following rate, except that street trees are to be replaced at a rate of one new tree per tree removed.

<b><u>Table 18.64-4 Tree Replacement Table</u></b>
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<b><u>Tree Replacement Table</u></b>	
<b><u>Tree to be removed</u></b>	<b><u>Replace with</u></b>
<b><u>4" to 12" caliper tree</u></b>	<b><u>Three trees as 2" caliper min. size</u></b>
<b><u>12" to 24" caliper tree</u></b>	<b><u>Six trees at 2" caliper min. size</u></b>
<b><u>24" or larger caliper tree</u></b>	<b><u>Eight trees at 2" caliper min. size</u></b>

D. Tree Preservation Site Plan Submittal

1. Applicants seeking to remove trees as part of a land use application shall seek a tree removal permit and shall submit a tree preservation plan as part of their application, to include the following:
  - a. Purpose of the requested tree removal permit.
  - b. Plan showing existing and proposed land uses, buildings, parking, utilities, and light poles; existing trees over four (4) inch diameter at breast height to be preserved; and other pertinent development elements.
  - c. A boundary survey which shall include the location of all easements, building setback lines, nearby zoning district boundaries; and
  - d. A location map showing the location of the property within the City.
2. If a permit is denied, the reason for denial shall be furnished to the applicant in writing, either electronically or by mail. The applicant or any person adversely affected by a final decision on a tree removal permit shall have the right to appeal the decision to the land use hearing officer, as set forth in [MKZ 18.04, Appeals](#).

**18.64.050 Screening And Buffering**

C. Buffer Design Standards

1. Buffer Type A, as illustrated in Figure 18.64.1, shall be placed within 10 feet of the property line as site conditions permit and shall consist of trees, shrubs, and ornamental grasses at the following rates per 100 linear feet of buffer:
  - a. Two (2) trees with a minimum mature height of 20 feet, and
  - b. One of the following is required:

- (1) 10 shrubs or large ornamental grasses with a minimum height of five feet (5').
- (2) A six-foot (6') high ornamental fence with five (5) shrubs or large ornamental grasses with a minimum height of five feet (5').
- (3) A six-foot (6') high wall.

#### **18.64.050 Screening And Buffering**

##### **D. Buffer Requirements**

1. All ~~multimultiple~~-household development abutting ~~single-household detached, single-household attached, two-household attached, or three-household attached dwelling uses residential uses~~ shall incorporate a Buffer Type ~~A B~~ along the perimeter between the two uses.

#### **18.64.060 Commercial, Mixed Use, Institutional, Public Or Quasi-Public Use, And Multi-Household Development Landscape Standards**

2. Landscaping is required around the perimeter of the site, along all side and rear property lines, and around the perimeter of drive-through service facilities at the following rates:
  - a. Consistent with Buffer Type A, as set forth in [MKZ 18.64.050 \(1\)](#), when adjacent to another commercial, mixed use, or ~~multimultiple~~-household dwelling use; or
  - b. Consistent with Buffer Type B, as set forth in [MKZ 18.64.050 \(2\)](#), when adjacent to a single-household detached, single-household attached, two-household attached, or three-household attached dwelling use.

#### **18.66.080 Fence Materials**

1. Permitted Fence Materials
  1. Fences and walls shall be made of high quality, durable materials that require minimal maintenance. The following materials and colors shall be used for all fences, except as otherwise provided in this section or by a more restrictive provision of this title or engineering standard:
    1. Decorative precast concrete or integrally colored and textured block, brick, stone, or other masonry wall materials;
    2. Vinyl, polyethylene materials with beige, white or other neutral color;
    3. Composite fence materials (Trex®, SimTek®, or similar);

4. Weather-tolerant wood materials such as but not limited to cedar, redwood, cypress, bamboo;
5. Decorative wrought iron or metal picket materials or solid metal panels with a thickness of at least 1/8”;
6. Powder-coated chain-link may be allowed for public recreational uses or sport courts;
7. Welded wire panel;
8. ~~(7.)~~ Chain-link is allowed for temporary construction fences.

2. Prohibited Fence Materials

1. The following fencing materials shall be prohibited in all zones:

1. Plastic materials other than vinyl and composite;
  2. Materials not typically used, designated, or manufactured for fencing, such as but not limited to roofing panels, corrugated or sheet metal, tarps, wood panel (plywood OSB sheeting), scrap lumber or metal, rubber, tires, containers;
  3. Chain-link, when located within a front or street side yard area.
  4. Barbed wire, concertina wire, razor ribbon, and similar fencing materials;
  5. Electric fences.
3. Fences on properties zoned as agricultural and large enough for livestock animals shall be constructed of sturdy fence materials, such as metal pipes, horse-grade vinyl, wood posts or similar materials the manufacturer recommends and as the Planning Director determines.

**18.71.090 Development Standards for Detached Accessory Dwelling Units**

<b>Table 18.71-2</b>	
<b><u>Detached Accessory Dwelling Unit Standard</u></b>	<b><u>Specific Use Limitations or Specific Standards</u></b>

Minimum Property Area	8,000 SF	
Location	Rear Yard	
Gross Square Footage	An ADU shall be the lesser of the gross square footage of the existing main building, or 1,000 square feet.	
Property Coverage Total	Determined by the underlying zone designation	
Setbacks from Side and Rear Yards	5 Feet <u>minimum</u>	<del>For heights above 14 feet, the setback shall increase by 1 inch for each added inch of height. For each inch in height over 16 feet 6 inches, detached accessory dwelling units shall be set back from the side and rear property lines an additional inch.</del>
Setback from Main Building	6 Feet	
Maximum Height	The lesser of 24 feet or the height of the existing main building.	
Occupancy Limit	2 adults and any number of children	

**18.97 Definitions**

City Engineer means the Millcreek’s City Engineer or designee(s).

Commercial Building, Legally-Established means a commercial building that complied with all zoning and building code requirements at the time it was constructed, and that received a building permit.

**Dwelling Unit** means a habitable space physically arranged to create an independent housekeeping establishment for occupancy by one household with separate facilities for sanitation, cooking, and sleeping. Buildings with more than one kitchen or set of cooking facilities are considered to contain more than one dwelling unit. Factors for determining whether cooking facilities are accessory to a dwelling unit may include but are not limited to: A building design that allows all occupants ready access to all portions of the building including cooking facilities. No portion of the building containing cooking facilities can be separated from the remaining rooms to form a separate dwelling unit; There is only one electric and/or gas meter for the building dwelling unit, except for submeters intended for renewable energy infrastructure.

**Fence, welded wire panel** means a fence constructed of prefabricated panels consisting of welded steel wire mesh with a minimum wire size of AWG 12 gauge / 2.05 mm in a rectangular or square grid pattern, mounted within a rigid metal, wood, or composite frame. The mesh shall be composed of horizontal and vertical wires welded at each intersection, with uniform openings no larger than six inches in width or height. This definition expressly excludes woven wire fences, including chain link, which are constructed from interwoven wire strands forming a diamond or similar pattern without welded intersections.

**Lot or Parcel Coverage** means the measurement of land use intensity that represents the portion of a lot or parcel occupied by the principal building and all accessory buildings, but excluding all other impervious improvements such as sidewalks, driveways, uncovered patios, uncovered decks and open porches.

**General Retail** means selling goods intended to serve a community and regional market. Typical General Retail Uses include, but are not limited to, Appliance and Electronic Sales and Service, Automotive Supply (no service), Computer Software Sales and Leasing, Department Store, Gun Shop, Home Furnishings and Accessories Sales, Rental supply, Medical Supply Store and Rental, ~~Motorcycle and Motor Scooter Sales~~, Heating, Air Conditioning and Plumbing Supplies, Sales, and Service, Cabinet Supply (display only), Machine Sales and Rental, Agriculture Equipment and Supply, Electrical Supplies.

**Yard, Front** means the minimum horizontal distance between the street front lot or parcel line and the front foundation of the building. Corner lots or parcels may have two front yards depending on the zoning district. For lots or parcels abutting streets that are dedicated or abandoned to the use of the public as set forth in Utah Code Section 72-5-104, the minimum horizontal distance between the street front lot or parcel line and the front foundation line of the building shall be measured from the edge of the street right-of-way.

**Yard, Rear** means an open, unoccupied space on the same lot or parcel as a building, measured from the rear line of the building (exclusive of steps), and the rear lot or parcel line, and extending for the entire width of the lot or parcel. For lots or parcels abutting streets that are dedicated or abandoned to the use of the public as set forth in [Utah Code Section 72-5-104](#), the minimum horizontal distance between the street rear lot or parcel line and the rear line of the building shall be measured from the edge of the street right-of-way.

This Ordinance, assigned Ordinance No. 25-38, 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 8<sup>th</sup> day of September, 2025.

**MILLCREEK**

By: \_\_\_\_\_  
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 25-38: AN ORDINANCE AMENDING TITLE 18 OF THE MILLCREEK MUNICIPAL CODE FOR THE PURPOSE OF MAKING TECHNICAL CORRECTIONS TO TITLE 18 was adopted the 8<sup>th</sup> day of August, 2025 and that a copy of the foregoing Ordinance 25-38 was posted in accordance with Utah Code 10-3-711 this \_\_\_\_ day of September, 2025.

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

**MILLCREEK, UTAH**  
**ORDINANCE NO. 25-39**

**AN ORDINANCE AMENDING SECTION 14.12.110 OF THE MILLCREEK CODE OF ORDINANCES REGARDING VEHICULAR ACCESS REQUIREMENTS FOR FOUR-HOUSEHOLD DWELLINGS AND MULTIPLE-HOUSEHOLD DWELLINGS**

**WHEREAS**, the Millcreek Council (“*Council*”) met in a regular session on September 8, 2025, to consider, among other things, amending Section 14.12.110 of the Millcreek Code of Ordinances regarding vehicle access requirements for four-household dwellings and multiple-household dwellings; and

**WHEREAS**, City staff recommended an amendment to Section 14.12.110 of the Millcreek Code of Ordinances regarding vehicle access requirements for four-household dwellings and multiple-household dwellings; and

**WHEREAS**, after careful consideration, the Council has determined that it is in the best interest of the health, safety, and welfare of the residents of the city to Section 14.12.110 of the Millcreek Code of Ordinances regarding vehicle access requirements for four-household dwellings and multiple-household dwellings.

**NOW, THEREFORE, BE IT ORDAINED** by the Council that Section 14.12.110 of the Millcreek Code of Ordinances be amended as follows (designated by interlineating the words to be deleted and underlining the words to be added):

**14.12.110 Driveway Development**

B. The city regulates all Aisleways and similar automobile access to properties from street rights-of-way. Four-Household Dwellings and Multiple-Household Dwellings must use the aisleway standard as described in this section, or shall access a public right-of-way by a private street, following the standards set forth in MKZ 18.25. ~~Density, angle of approach, grades, and other design elements shall conform to Millcreek standards. Aisleways and access restrictions are listed in Table 14.20-9 Aisleway Standards for Four Household Dwellings, Multiple Household Dwellings, and Parking Lots and Parking Structures below:~~

1. Vehicular access to private garages serving four-household dwellings or multiple-household dwellings are subject to the following standards:

a. Vehicle access serving a private garage shall be at least 26 feet in width.

b. Where such drives serve units with opposing garages, where garages face each other, a minimum of 25 square feet of landscaping shall be required at the edges of each driveway, between each dwelling unit.

c. Developments with 25 feet or more units and lot or parcel widths of one 150 feet shall provide a driveway for each garage with a

minimum width of 12 feet and minimum unobstructed depth of 20 feet.

2. Density, angle of approach, grades, and other design elements shall conform to Millcreek standards. Aisleways and access restrictions are listed in Table 14.20-9 Aisleway Standards for Four- Household Dwellings, Multiple Household Dwellings, and Parking Lots and Parking Structures below:

This Ordinance, assigned Ordinance No. 25-39, 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 8<sup>th</sup> day of September, 2025.

**MILLCREEK**

By: \_\_\_\_\_  
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 25-39: AN ORDINANCE AMENDING SECTION 14.12.110 OF THE MILLCREEK CODE OF ORDINANCES REGARDING VEHICULAR ACCESS REQUIREMENTS FOR FOUR-HOUSEHOLD DWELLINGS AND MULTIPLE-HOUSHEHOLD DWELLINGS was adopted the 8<sup>th</sup> day of September, 2025, and that a copy of the foregoing Ordinance 25-39 was posted in accordance with Utah Code 10-3-711 this \_\_\_\_ day of September, 2025.

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



**Minutes of the  
Millcreek City Council  
August 25, 2025  
6:00 p.m.  
Work Meeting  
7:00 p.m.  
Regular Meeting**

The City Council of Millcreek, Utah, met in a public work meeting and regular meeting on August 25, 2025, at City Hall, located at 1330 E. Chambers Avenue, Millcreek, UT 84106. The meeting was recorded for the City's website and had an option for online public comment.

**PRESENT:**

**Council Members**

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

**City Staff**

Mike Winder, City Manager  
Elyse Sullivan, City Recorder  
Kurt Hansen, Facilities Director  
John Brems, City Attorney  
Sean Murray, Planner

**Attendees:** Rick Hansen, Micah Peters, Connor Gale, Jack Adams, Chief Petty-Brown, Lt. Lovato

**WORK MEETING – 6:00 p.m.**

**TIME COMMENCED: 6:02 p.m.**

Mayor Silvestrini called the work meeting to order.

**1. Planning Matters First Reading:**

- a. **ZM-24-003, Rezone Request from the M (Manufacturing) Zone to MD (Mixed Development) Zone to Accommodate 77 Townhome Units and a 3,000 Square Foot Commercial Building; Amendment of the Phase I Development Agreement to Replace Proposed Commercial Component on Main Street with Additional Open Space at approximately 81 W Central Avenue (Opus Green North) by Applicant Micah Peters; Sean Murray, Planner**

Sean Murray said the proposal involves changing the zoning from Manufacturing (M) to Mixed Development (MD) to accommodate a new phase of the Opus Green project, just north of its existing site. The area is currently used as a construction staging ground and includes two unused cement silos. The development plan includes aesthetic and infrastructure improvements along Central Avenue, such as angled street parking, street trees, lighting, and sidewalks, to make the area feel more residential. A proposed landscape plan meets city requirements and includes a half-mile trail connecting the project to a regional transit station, along with outdoor amenities like a gazebo, grill area, and access to an existing large playground.

The development will feature owner-occupied, subdivided units, some of which are live-work spaces, along with a commercial building. Parking is plentiful, with on-street and off-street spaces, two-car garages for each unit, ADA spaces, delivery zones, and bike racks—intended to alleviate existing parking pressures. A traffic study concluded that no major changes to Central Avenue are needed. The development agreement mirrors that of the first phase, including an ownership clause allowing temporary rentals if sales are delayed, with a cap of 11 years. Over 90% of phase one units are already owner-occupied.

Additionally, the original plan for a small commercial site along Main Street in phase one has been revised to become a park and food truck plaza, offering improved public access to the nearby river and greenway. The project aligns with the city's general and future land use plans, promoting mid- to high-density housing, walkability, public transit, and commercial activity. The Millcreek Community Council and Planning Commission both unanimously recommended approval, with minor adjustments for flexibility, such as allowing the commercial building to reach 45 feet in height. A neighborhood meeting was held with no attendees or public comments received.

Mayor Silvestrini expressed appreciation for the extensive collaboration between planning staff and the developer, noting that not all projects receive unanimous recommendations from both the Millcreek Community Council and the Planning Commission. He described the original Opus Green project as a successful development that aligns well with Millcreek's goals, particularly in promoting owner-occupied housing. He supported the proposed angled parking along Central Avenue, stating it would foster a more neighborhood-oriented atmosphere while increasing available parking, benefiting both future residents and surrounding businesses.

Council Member Catten asked why the previous phase one's food truck park was not just left as open space as there is a lack of green space in the area.

Micah Peters, Clearwater Homes, emphasized the unique opportunity the area presents as one of the few open spaces adjacent to the creek. While initially planning for a commercial building, they proposed instead to preserve the space as open parkland, believing it offers greater long-term benefit to the community. The developer intends to dedicate the parcel to the city as a park extension and is open to various design options, including picnic areas, pergolas, or additional landscaping. They are committed to building and maintaining the site for a year and ensuring infrastructure needs like water and power are met, making it ready for city ownership and use.

Council Member Catten acknowledged the poor parking in the area and adding more parking problems by having a food truck park. Peters noted there was excess parking in the development and right-of-way. Mike Winder said the area was very walkable and there was open space on the Murray side of the river. Mayor Silvestrini felt it was worth taking a chance on a food truck park. Council Member Catten again expressed concern about a lack of green space in the area. Winder suggested the number of food trucks could be limited to preserve more green space. Council Member Catten requested the food truck pad be smaller. Council Member Jackson requested an access to Main Street be included so the trucks were not stacked on one ingress/egress.

Peters provided an in-depth overview of the next phase of the Opus Green project, highlighting key features and ongoing commitments. He emphasized that upcoming revisions will be shared for review and welcomed feedback to reach consensus. A major focus is the addition of 1,250 linear feet of new trail connecting Central Avenue to the existing system, improving walkability and access to the nearby TRAX station—just 377 yards from the site. The developer noted strong demand in 2024, with Opus Green becoming the Wasatch Front’s fastest-selling townhome community, moving 84 units in 12 months, far outpacing competitors. However, current market conditions have slowed sales, and they are optimistic that expected interest rate cuts will restore buyer confidence.

Peters also detailed the community’s appeal to tech workers who use public transit and praised the project's unique floor plan—featuring great rooms and kitchens on the top floor—which has drawn strong emotional responses from buyers. He expressed pride in the community’s sustainability, with zero-emissions homes powered entirely by electricity. Heating and cooling costs remain low—approximately \$70 per month for three-bedroom units and \$58 for two-bedroom units—and energy-efficient mini-split systems will be used in the upcoming phase.

The project includes 215 total parking stalls and a major streetscape improvement along Central Avenue, aiming to transform it from an industrial corridor into a more welcoming, landscaped boulevard. A nearly three-quarter-acre open space is centrally located in the development, with generous 58-foot spacing between buildings, contributing to a total of 33.3% open space. The landscaping plan is robust, using perennials, annuals, and evergreens to ensure year-round visual appeal. Previous concerns about units facing each other were resolved through thoughtful design and landscaping, resulting in strong sales. Finally, the developer highlighted the project's environmental impact, with phase one alone saving 937 tons of CO<sub>2</sub> annually and phase two expected to save an additional 539 tons—reinforcing their commitment to responsible, sustainable, and community-oriented development. He showed the council the proposed site plan, floor plans, and building elevation renderings.

**b. ZT-25-003, Technical Corrections to the Millcreek Land Use Code; Sean Murray, Planner**

Sean Murray provided an overview of proposed technical corrections and clarifications to the city’s recently updated development code. While the comprehensive code update significantly improved usability and clarity for staff, residents, and developers, several minor issues have since been identified that now require adjustment. These proposed changes address technical oversights, inconsistencies, and ambiguities, ensuring the code functions as intended without adding unnecessary regulatory burdens.

Key revisions include restoring the correct lot coverage in the Agricultural (AG) Zone, clarifying language in the R4 and RM zones, and correcting unintended restrictions on existing non-residential uses. In the RM zone, overlapping language for patios, porches, and balconies has been unified to a consistent 60-square-foot requirement. Terminology related to garage and vehicle access is also being moved to Title 14 to avoid conflicting code sections.

In the MD and CCOZ zones, window glazing requirements on the ground floor are being reduced from 50% to 33% for residential developments to better reflect practical and privacy concerns. Updates are also being made to allow certain automobile-related uses in the M zone that were previously omitted. For structures under 200 square feet, such as prefabricated sheds or barrel saunas, design standards will no longer apply, though they must still meet setbacks, height, and lot coverage requirements.

A correction is also being made to ensure that property owners with existing non-conforming setbacks can make additions without requiring unnecessary public hearings, provided the additions comply with current code. Proposed changes to fencing regulations aim to clearly define and permit modern open-style fencing, including specifications to distinguish them from chain-link or substandard materials. In commercial areas, particularly the CCOZ zone, updates would also allow for attractive, open style fencing to support outdoor uses like dining, as long as they meet height and transparency requirements. These targeted revisions are intended to fine-tune the code and address real-world applications while maintaining the city's development standards.

Mayor Silvestrini said the fencing change should say, "3 feet or less" rather than less than 3 feet. Murray noted the community councils all unanimously recommended approval of the changes, as did the planning commission.

## 2. Staff Reports

Mike Winder brought up upcoming city events.

Council Member Jackson gave the Treasurer's report. She reported that as of August 25, 2025, the city's current financial report shows a total shared cash balance of \$37,303,952, comprised of \$1,334,047 in the operating account and \$35,969,905 in the state PTIF account. Property tax revenue received to date totals \$65,967, which represents just over 0.5% of the estimated annual revenue. General sales tax revenue, reflecting one month of receipts, stands at \$1,179,144. Building permits issued have generated \$168,793, contributing to a total General Fund revenue of \$2,929,524. On the expenditure side, 270 checks were issued totaling \$3,844,968, along with 15 bank drafts amounting to \$712,663. Additionally, two payroll periods were processed for a total of \$382,400.

## 3. Discussion of Agenda Items, Correspondence, and/or Future Agenda Items

There was none.

**Council Member Jackson moved to go into closed session at 6:46 p.m. per Utah Code Ann. §52-4-205 (c) strategy sessions to discuss pending or reasonably imminent litigation. Council Member Uipi seconded. The Recorder called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.**

**Council Member DeSirant moved to go back into the open meeting. Council Member Jackson seconded. The Recorder called for the vote. Council Member Catten voted yes,**

Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

Council Member Uipi moved to adjourn the work meeting at 6:54 p.m. Council Member Jackson seconded. Mayor Silvestrini called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

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**REGULAR MEETING – 7:00 p.m.**  
**TIME COMMENCED: 7:00 p.m.**

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

### **1.1 Pledge of Allegiance**

Mayor Silvestrini called the meeting to order and led the pledge of allegiance.

### **1.2 Unified Police Department Millcreek Precinct Officer of the Month for July 2025**

Chief Petty-Brown announced the Division Commanders Award in lieu of Officer of the Month. The award was presented to **several officers** from the Unified Police Department for their extraordinary bravery, teamwork, and selfless service during a series of fires on July 25, 2025. The honored officers, including those from the Holladay precinct, responded swiftly to a major fire at the Willow Glen apartment complex. In close coordination with the Unified Fire Authority, they assisted in firefighting efforts by carrying and positioning hoses, enabling faster fire suppression. They evacuated residents from both the burning complex and nearby homes, risking their safety to save lives, including rescuing trapped pets from smoke-filled buildings. Officers also gathered critical information about unaccounted residents and supported emergency personnel in their search efforts.

Additionally, they established a relocation area for evacuees, secured the perimeter, and closed nearby roads to ensure emergency vehicles had clear access. When a second fire broke out nearby, the officers quickly redirected their efforts, evacuating more homes and assisting firefighters in containing the blaze, which resulted in no structural damage or casualties. Their leadership, quick action, and courage in a chaotic and dangerous situation were instrumental in protecting lives and property. These officers' conduct reflects the highest standards of public service and brings great credit to themselves, the Unified Police Department, and the community they serve, making them deserving recipients of the Division Commander's Award.

Mayor Silvestrini expressed appreciation to both the Unified Police Department officers and firefighters for their heroic response to the catastrophic Willow Glen apartment fire. Emphasis was placed on the fact that, thanks to their bravery, dedication, and tireless work, no lives were lost during the incident. In addition to their courageous actions during the blaze, officials acknowledged the extended efforts that followed controlling the scene, securing the property, and managing traffic over several days.

The mayor also praised the broader community response, noting how residents from across the valley came together in support. Each affected household has now received approximately \$4,719 in financial assistance, with a third round of aid scheduled for September. Donations of clothing, hygiene products, and household goods were also collected and distributed, with support from The Other Side Academy.

Additionally, Millcreek, in coordination with Salt Lake City officials and the Department of Public Utilities, is taking proactive steps to address ongoing fire risk in the area, including weed abatement and improved property maintenance near vulnerable residential complexes. While the event was tragic, it has spurred meaningful action, and officials reiterated their deep gratitude to the first responders for their service, courage, and commitment to public safety.

### **1.3 Public Comment**

There were no comments.

## **2. Financial Matters**

### **2.1 Public Hearing to Consider a Monetary Contribution of Up to \$11,500 Pursuant to the Millcreek Emergency Fire Recovery Plan, Including Direct Payment to the Victims of the Willow Glen Apartments Fire**

Mayor Silvestrini reported that following the fire at the Willow Glen apartment complex, the Millcreek City Council took immediate emergency action to provide financial assistance to displaced residents. Recognizing the urgency of the situation, where many victims had lost everything and insurance payouts could take weeks, the council authorized a \$500 emergency payment to each affected household. This initial distribution occurred on the Monday following the fire. In total, each household received approximately \$2,300 at that time, combining city funds with donations from the community and the city's Promise Program fund. Subsequently, the city issued a second round of checks, bringing the total aid to just over \$4,700 per household, with a third distribution planned for September.

The mayor explained that under Utah law, when taxpayer dollars are used for third-party disbursements, a formal study is typically required to confirm the expenditure serves the general welfare of the city. Because of the emergency, this process occurred after the initial payments. A required "10-8-2" study has since been completed by a third-party consultant, affirming that the appropriations were in the city's best interest. Additionally, the city contributed significant staff resources to manage the emergency response and donation logistics. City employees, including department heads, worked extended hours over the weekend to handle donated items and support displaced residents. The city is now taking formal steps, including holding a public hearing and adopting ordinances, to retroactively authorize both the financial assistance and labor expenditures in compliance with statutory requirements.

**Council Member Uipi moved to open the public hearing. Council Member Catten seconded. Mayor Silvestrini called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.**

There were no comments.

**Council Member DeSirant moved to close the public hearing. Council Member Jackson seconded. Mayor Silvestrini called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.**

**2.2 Discussion and Consideration of Ordinance 25-33, Adopting the Millcreek Emergency Fire Recovery Plan and Approving a Monetary Contribution of Up to \$11,500 to Residents Displaced by the Fire at 4878 S 1300 E, Known as Willow Glen Apartments**

**Council Member DeSirant moved to approve Ordinance 25-33, Adopting the Millcreek Emergency Fire Recovery Plan and Approving a Monetary Contribution of Up to \$11,500 to Residents Displaced by the Fire at 4878 S 1300 E, Known as Willow Glen Apartments. Council Member Jackson seconded.**

Council Member Jackson noted she was glad the city could offer support to these residents. Mayor Silvestrini noted this was an extraordinary event as 23 households were displaced and not something the city typically does.

**The Recorder called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.**

**3. Business Matters**

**3.1 Public Hearing to Consider a Nonmonetary Contribution of Services to Residents Displaced by the Fire at 4878 South 1300 East, Known as Willow Glen Apartments**

**Council Member Jackson moved to open the public hearing. Council Member DeSirant seconded. Mayor Silvestrini called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.**

There were no comments.

**Council Member DeSirant moved to close the public hearing. Council Member Catten seconded. Mayor Silvestrini called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.**

**3.2 Discussion and Consideration of Ordinance 25-34, Approving a Nonmonetary Contribution of Services to Residents Displaced by the Fire at 4878 South 1300 East, Known as Willow Glen Apartments**

**Council Member Uipi moved to approve item 3.2, Ordinance 25-34, Approving a Nonmonetary Contribution of Services to Residents Displaced by the Fire at 4878 South 1300 East, Known as Willow Glen Apartments. Council Member Catten seconded. The**

**Recorder called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.**

The council expressed appreciation for staff members' work with the disaster.

#### **4. Reports**

##### **4.1 Mayor's Report**

Mayor Silvestrini reported the city recently issued \$25 million in bonds to fund the construction of a parking structure and related improvements on the east side of Millcreek Common, assets the city will own. The bond sale, managed by underwriter Stifel & Company, was highly successful, generating a \$130,000 premium due to strong investor demand, with the bonds being oversubscribed. The city achieved an impressive AAA bond rating from Fitch Ratings and a AA+ rating for its Community Reinvestment Area, signaling strong financial stability. The bonds were structured with staggered maturities over 20 years and secured an average interest rate of 4.91%, which is favorable given current market conditions.

Importantly, the city's repayment plan ensures that no taxpayer dollars will be used to repay the bonds. Instead, revenues from the parking structure and future city-owned retail space along Millcreek Common will cover the debt. These improvements will support broader economic development efforts, including the construction of a new Hyatt hotel with approximately 100 rooms, the first hotel in Millcreek. The hotel is expected to generate significant transient room and sales tax revenue for the city while serving visitors attending local events, weddings in Millcreek Canyon, or receiving care at St. Mark's Hospital. This project marks a major milestone for the nearly nine-year-old city, which now celebrates a strong financial achievement and a key step forward in completing the vision for Millcreek Common.

##### **4.2 City Council Member Reports**

Council Member Catten reported the first human case of West Nile Virus in Salt Lake County and that the Jordan River Commission celebrated 15 years. Council Member Uipi reported she would be attended a planning conference for the next conference of Asian American Pacific Islander Elected Officials. She expressed appreciation for Millcreek's inclusion. Council Member Jackson attended an American Red Cross emergency shelter training.

##### **4.3 Treasurer's Report**

The report was given during the work meeting.

##### **4.4 Staff Reports**

There were no reports.

##### **4.5 Unified Police Department Report**

Chief Petty-Brown expressed condolences to the police officers who were recently killed in Tremonton. The department currently has two true vacancies and seven allocated positions, with five additional vacancies in specialty units. Patrol staffing is expected to improve significantly with four new officers completing field training and joining

Millcreek in mid-September. In July, response times averaged five minutes for both priority one and two calls, and 12 minutes for priority three, with overall case trends and calls for service continuing to decline, part of a broader national trend.

The chief reported the crime statistics for July 2025. The department handled 796 new police reports and 2,581 total calls for service. Transient-related calls numbered 18, and mental health-related calls totaled 56. The Directed Enforcement Unit remained active with 20 arrests, 17 search warrants, 3 stolen vehicles recovered, and 10 firearms seized. The traffic unit conducted 293 stops, issued 139 citations and 114 warnings, made 10 DUI arrests, and responded to 90 accidents, including 3 involving pedestrians or bicycles. Officers also conducted traffic enforcement around Skyline High School due to parking and safety concerns. Special operations included five crash reconstructions, four drone operations, and various canine deployments. In terms of major crimes for Millcreek in July: there were 46 assaults, 6 burglaries, 17 drug offenses, 66 family-related offenses, 31 fraud cases, 65 larcenies, 1 robbery, 6 sex offenses, and 6 stolen vehicles. Detectives were assigned 37 new cases, with 10 submitted for prosecution.

The department also reported strong community engagement, including 26 hours of outreach through events like the ice cream truck program, funded innovatively through beer tax revenue. In a creative expansion of those efforts, the department is acquiring a PTSD/therapy dog named Flapjack (tentative name), a Border Collie-Poodle mix, to assist with mental health calls and community events. Social worker Gregg Golden will serve as the dog's handler, providing stability in the role. The dog is currently in training and expected to join the team in January.

Mayor Silvestrini commended the chief for the creative use of beer tax funds. Council Member Uipi commended the chief for the team-oriented aspect of UPD. Council Member Catten asked about the new changes in state code for motorbikes. The chief would get information to the council.

## 5. Consent Agenda

- 5.1 Approval of July 28, 2025 Work Meeting and Regular Meeting Minutes
- 5.2 Approval of August 11, 2025 Work Meeting and Regular Meeting Minutes

**Council Member Uipi moved to approve item 5.1 and 5.2. Council Member DeSirant seconded. Mayor Silvestrini called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.**

## 6. New Items for Subsequent Consideration

There was none.

## 7. Calendar of Upcoming Meetings

- Millcreek Community Council Mtg., 9/2/25, 6:30 p.m.
- Canyon Rim Citizens Association Mtg., 9/3/25, 7:00 p.m.
- East Mill Creek Community Council Mtg., 9/4/25, 6:30 p.m.
- Mt. Olympus Community Council Mtg., 9/8/25, 6:00 p.m.
- City Council Mtg. 9/8/25 7:00 p.m.

**ADJOURNED:** Council Member Uipi moved to adjourn the meeting at 7:49 p.m. Council Member Jackson seconded. Mayor Silvestrini called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

**APPROVED:** \_\_\_\_\_ **Date**

**Jeff Silvestrini, Mayor**

**Attest:**

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

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