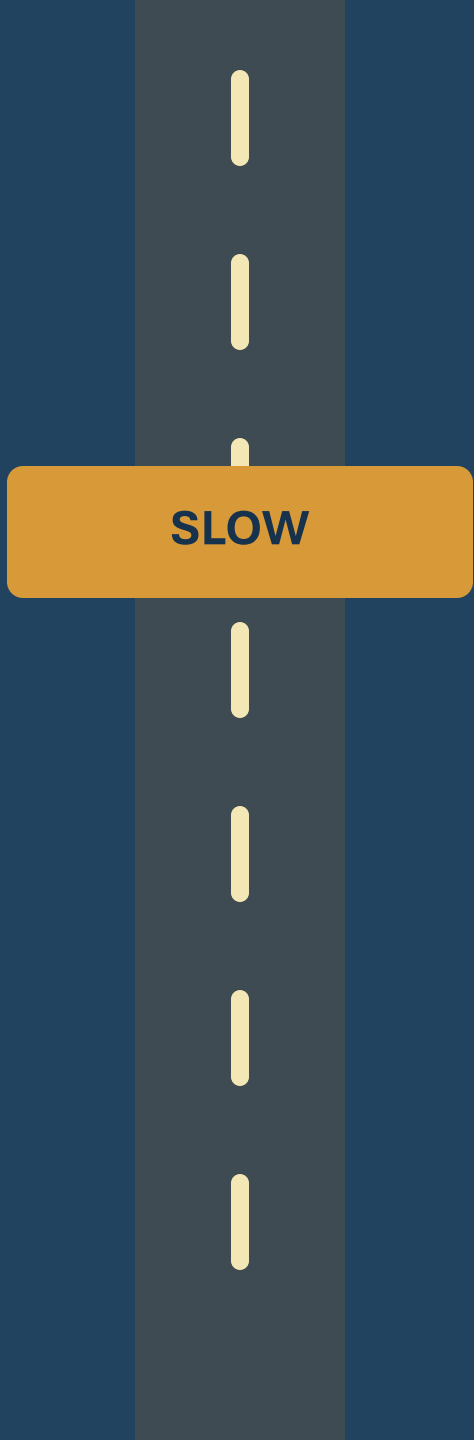


Matching the solution to the street

A five-minute overview for City Council

Millcreek City

Based on the adopted Traffic Calming Program



SLOW



What traffic calming means

Traffic calming combines Education, Enforcement and Engineering (street design) to reduce neighborhood speeding and improve how local streets function.

01

Start with behavior

Speed trailers, **dynamic feedback** signs, outreach, targeted enforcement, pavement markings and signs.

02

Change the street

Use a physical feature only when data show a continuing problem and the street can safely accommodate it.

03

Measure the result

Test the proposed feature, compare before and after speeds, gather neighborhood feedback, then evaluate again after construction.

“STOP signs should not be used for speed Control” – MUTCD Section 2B.05



Eligibility for a physical plan

All six conditions must be satisfied

- | | | |
|---|-------------------------|---|
| 1 | Street class | Local street. Collectors have a limited toolbox. Arterials and frontage roads are not eligible. |
| 2 | Street form | No more than two travel lanes, one in each direction. |
| 3 | Daily traffic | Between 400 and 2,000 vehicles per day. |
| 4 | Occupancy | At least 50% of neighborhood or subdivision units occupied. |
| 5 | Measured speed | 85th percentile over 7 mph on streets under 30 ft wide, or 11 mph over on streets 30 ft or wider. |
| 6 | Constructability | The location must meet the selected device's design criteria. |

If the street fails this screen, the City can still use education and enforcement.



Criteria for choosing the measure

Eligibility answers whether a plan can proceed. These factors determine which treatment fits.

Problem to solve	Excess speed, cut-through traffic, crossing safety or intersection behavior
Street context	Width, traffic volume, intersection spacing, sidewalks and adjacent land uses
Safety record	Speed-related crashes within 500 feet during the previous five years
Operations	Fire and police response, access, drainage, winter maintenance, trash collection, and large vehicles
Community fit	67% neighborhood support, comments, cost and tolerance for tradeoffs
Evidence	Temporary installation, before-and-after speed data and observed side effects



Physical treatments in practice



Speed hump – Evergreen Ave

Repeated midblock speed control



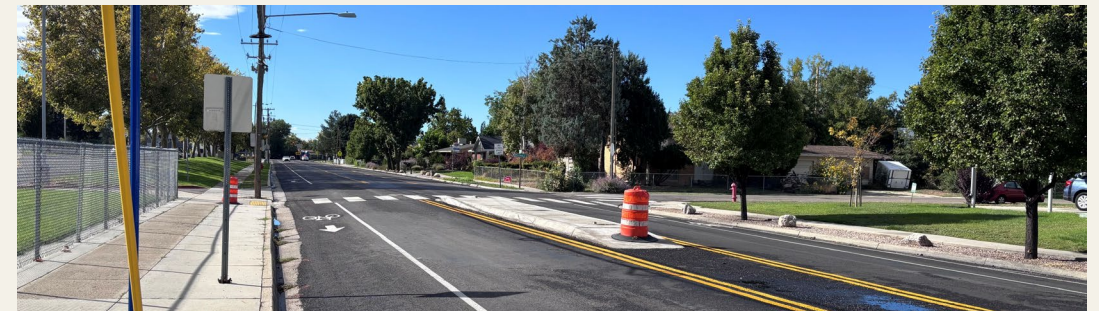
Street narrowing / bulb-out – Upland Dr and Birch

Narrows the roadway and shortens crossings



Traffic circle – Heritage Way

Slows intersection approaches and turns



Median island – 500 E (Moss Elem)

Channels traffic and creates horizontal deflection



Crossing treatments and driver feedback



Raised crosswalk

Slows vehicles and elevates the pedestrian crossing



Raised intersection

Slows all approaches through the intersection



Dynamic Feedback Sign (DFS) – 2700 E

Displays speed and prompts voluntary compliance

DFS role

Displays each driver's speed and can flash when the vehicle exceeds the posted limit. Use it as an early, nonphysical response or as a targeted test and data tool. Confirm performance with follow-up speed studies.



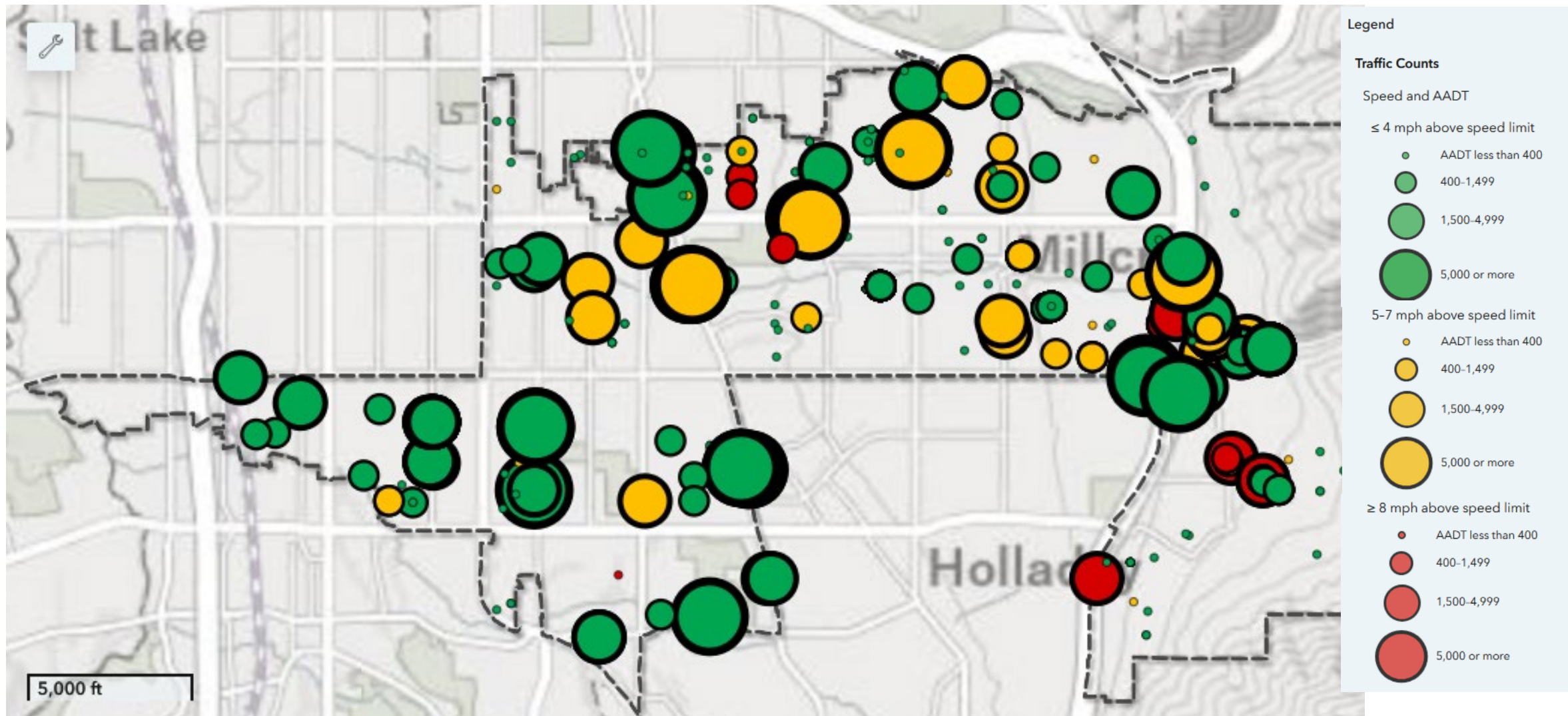
Decision path and Council role

- | | |
|---|---|
| <p>1 Request received</p> <p>Constituent, Council Member, City request starts the study.</p> <hr/> | <p>2 Data Gathering</p> <p>Schedule traffic counters.</p> <hr/> |
| <p>3 Review of Data</p> <p>Review data against Traffic Calming Criteria.</p> <hr/> | <p>4 Gather support from community</p> <p>Let Constituent know location qualifies have them gather petition with at least 67% support.</p> <hr/> |
| <p>5 Engineer Evaluation - Design</p> <p>Analyze the data and design a solution. Budget approval if over Traffic Calming annual budgeted. Check grant eligibility.</p> | <p>6 Build - Implement</p> <p>Complete final design. Implement solution.</p> |

Council's decision: fund the highest-priority solution within available funding.

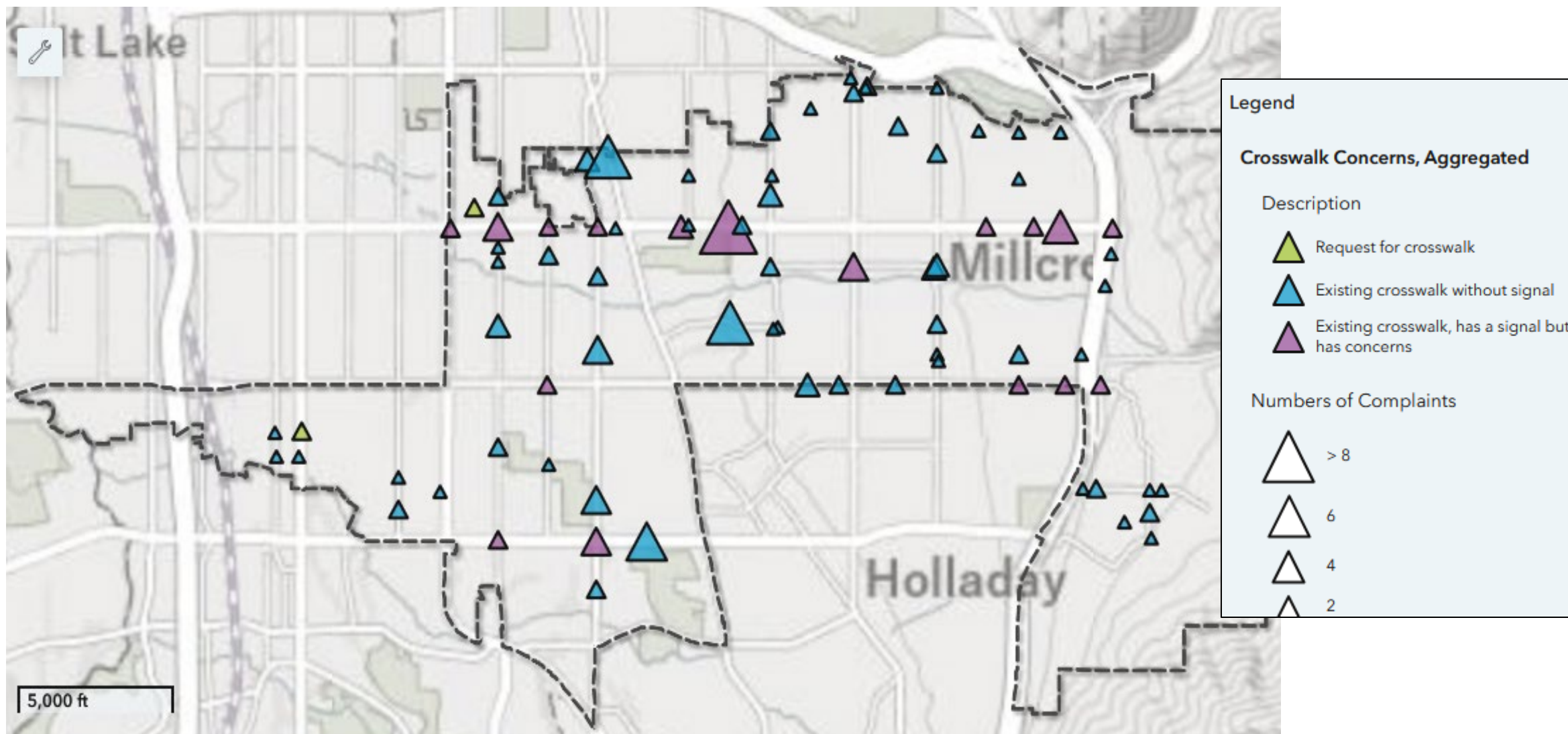


Traffic Counts – 2028 thru 2026



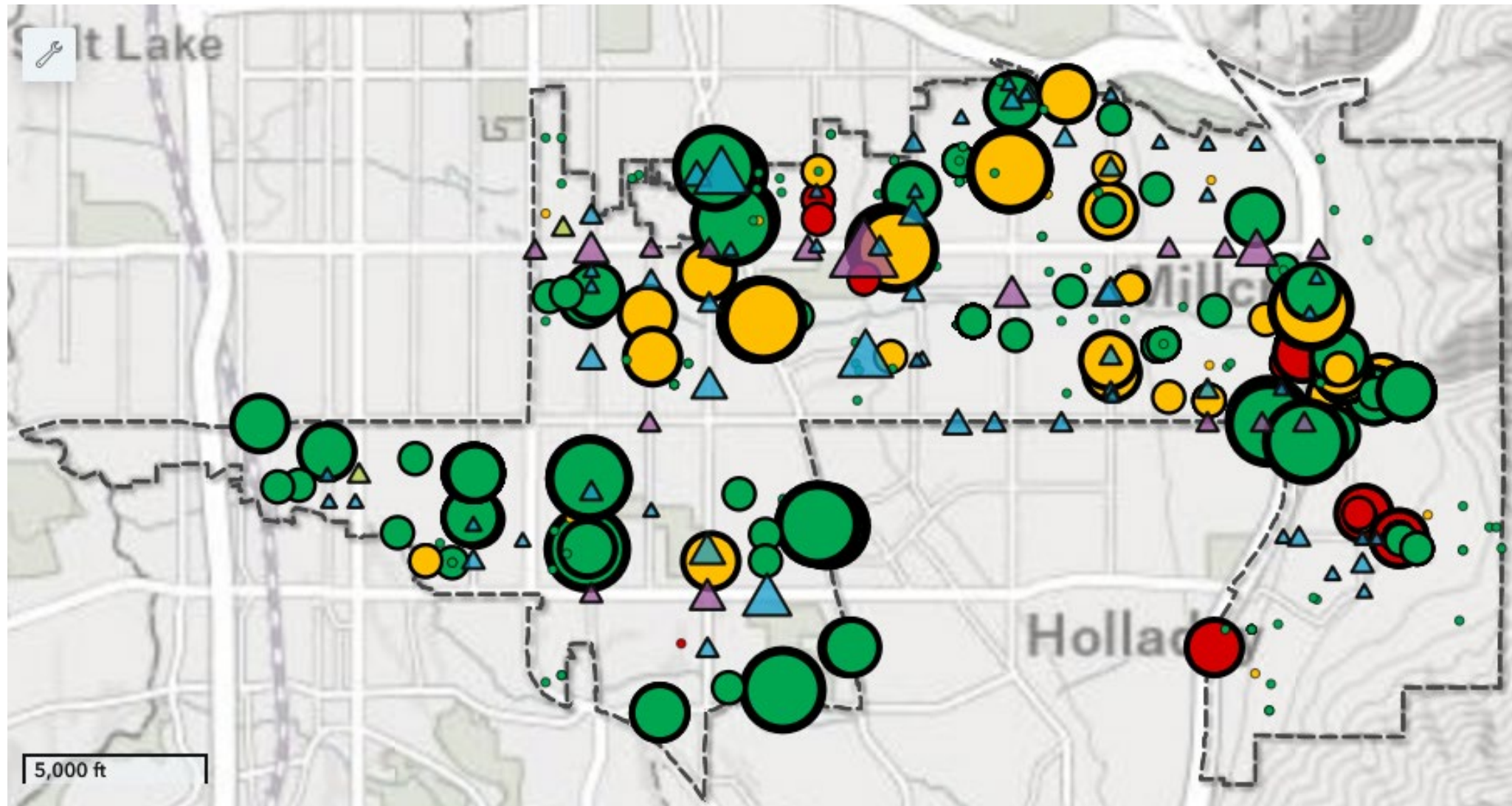


Crosswalk Concerns – 2028 thru 2026

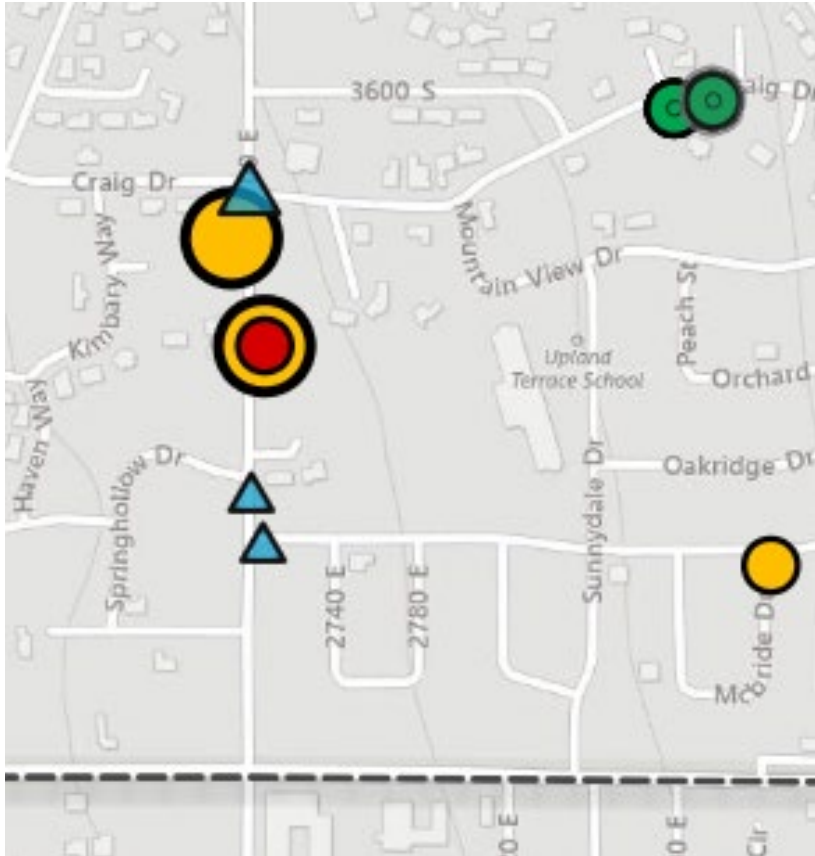




Traffic Counts Overlayed with Crosswalk Concerns – 2028 thru 2026



2700 E – Case Study



2700 E – Near Upland Terrace Elem

- **Speed – yellow and red**
- **Three Crosswalks in area**
- **Complaints from UPD Crossing guard coordinator**
- **Recent Accident – No ADA Landing/Edge drop-off**

Engineering Analysis

- **Existing DFS in area – Not working at the time**
- **Missing Sidewalk on West side**
- **Safe Route to school**
- **Great “Safe Route to School” Grant Candidate**

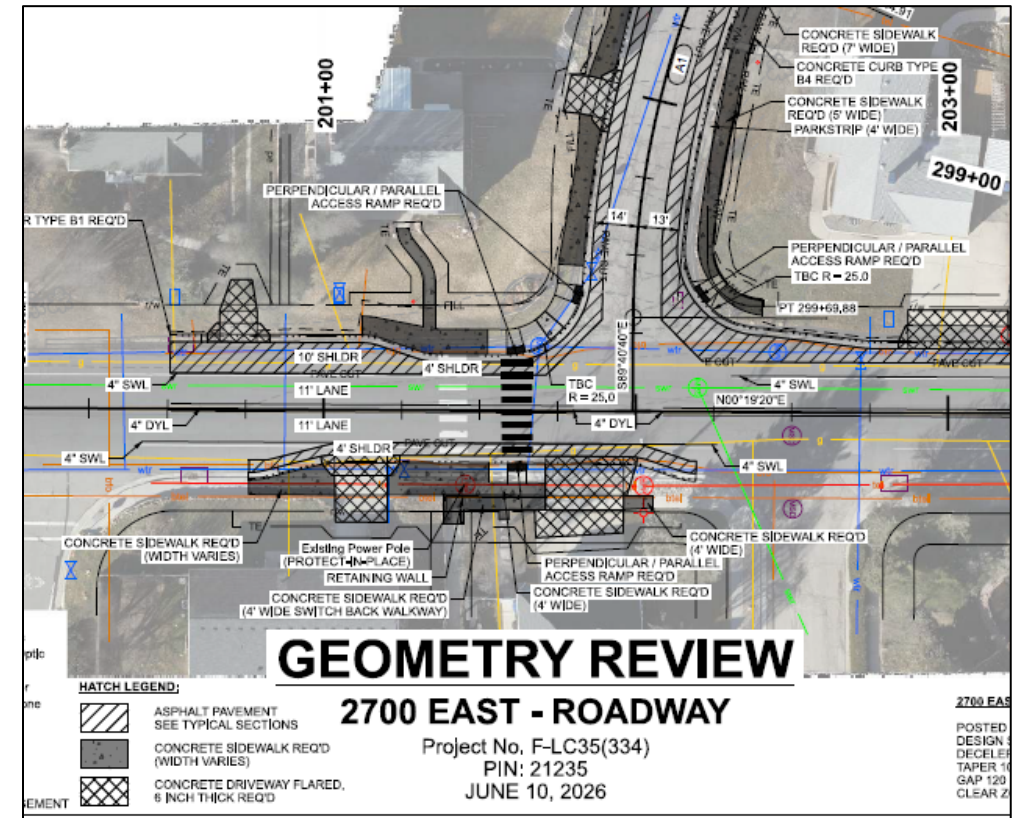
FY 2026-27 Engineering Recommendations

Speed Complaints

- Place DFS in areas where speeds are Red
 - Replace old Temp Sign with 4 new DFS
- Finish replacing Old maintenance-heavy signs
- Check for other “Engineering” Traffic Calming treatments when possible

Crossing Complaints

- Safe Route to School Crossings
- Higher speeds roadways
- Ensure the crossing is ADA Compliant (no Missing sidewalks)
- Check Grant potential or combine with other projects

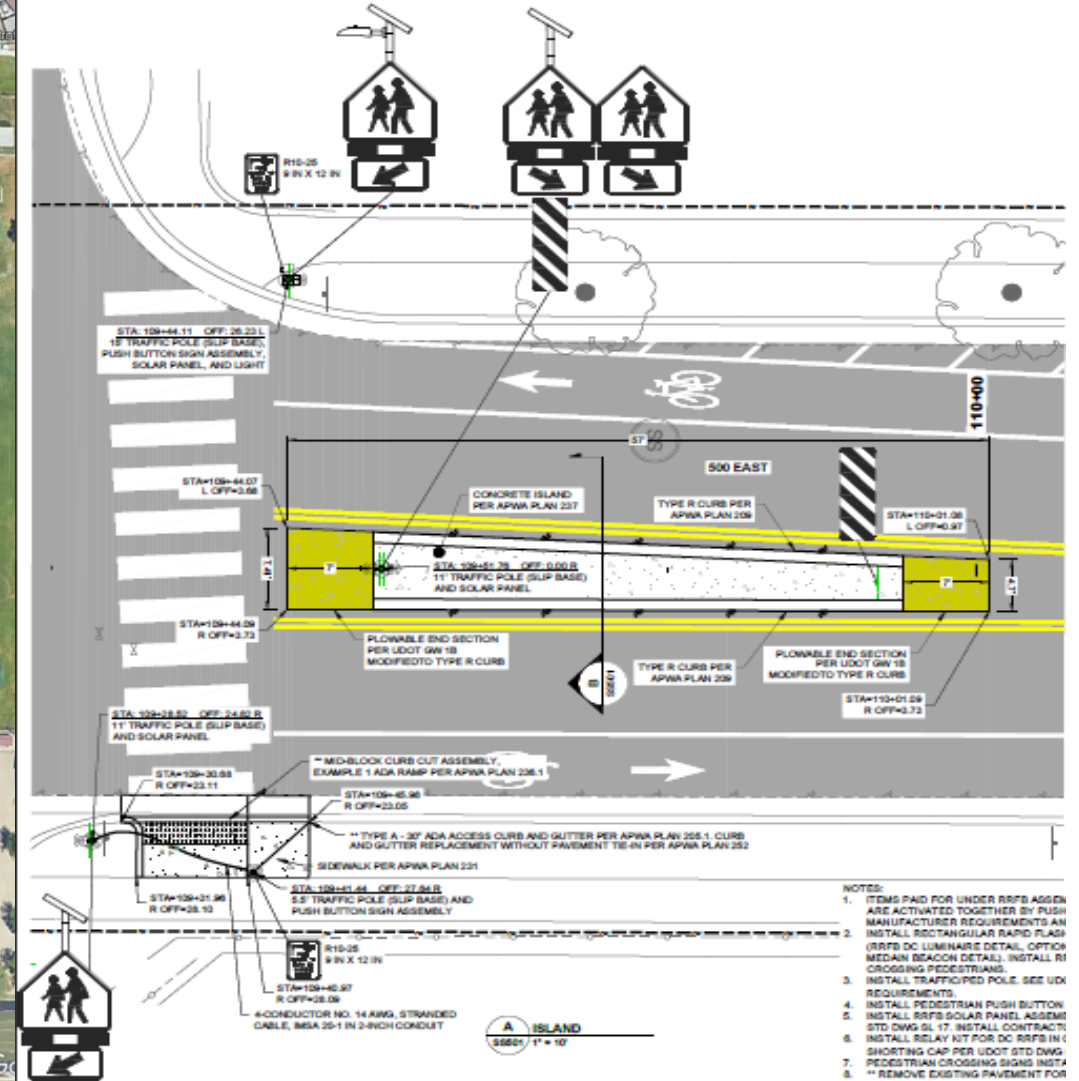




FY 2026-27 Engineering Recommendations

Project Recommendations Crosswalk Enhancements:

- **RRFB – 500 E Moss Elem (Dist 1)**
- **RRFB – Oakview Dr and Olympus View Dr (Churchill JrHS) (Dist 4)**
- **RRFB and ADA Ramps – 1300 E and College St – RSA Audit (Dist 1 & 2)**
- **On Hold – Highland Drive and Elgin Ave – Combine with Grant Project (Dist 2 & 3)**
- **Crosswalk – Bridlewood Dr and 500 E (Dist 1) – Completed**
- **RRFB – Oakview Dr and Neptune (Oakridge Elem) (Dist 4)**
- **Crosswalk – 2000 E and Atkin Ave (Coordinate with SLC after construction) (Dist 3)**
- **RRFB – Wasatch Blvd and 3622 S (Dist 4)**
- **State Street Crossing – Hill Ave UDOT to install (Dist 1)**
- **RRFB – 1300 E 3745 S – Old Millcreek Elem Crossing (Dist 2 & 3)**





RRFB – Oakview Dr and Olympus View Dr – Churchill JrHS (Dist 4)





RRFB and ADA Ramps – 1300 E and College St – RSA Audit (Dist 1 & 2)





Review of Data – Cont.

On Hold – Highland Dr and Elgin Ave – FY29 Grant Project (Dist 2 & 3)





Crosswalk – Bridlewood Dr and 500 E (Dist 1) Completed





Review of Data – Cont.

RRFB – Oakview Dr and Neptune – Oakridge Elem (Dist 4)





Crosswalk – 2000 E and Atkin Ave – Cord. with SLC after const. (Dist 3)



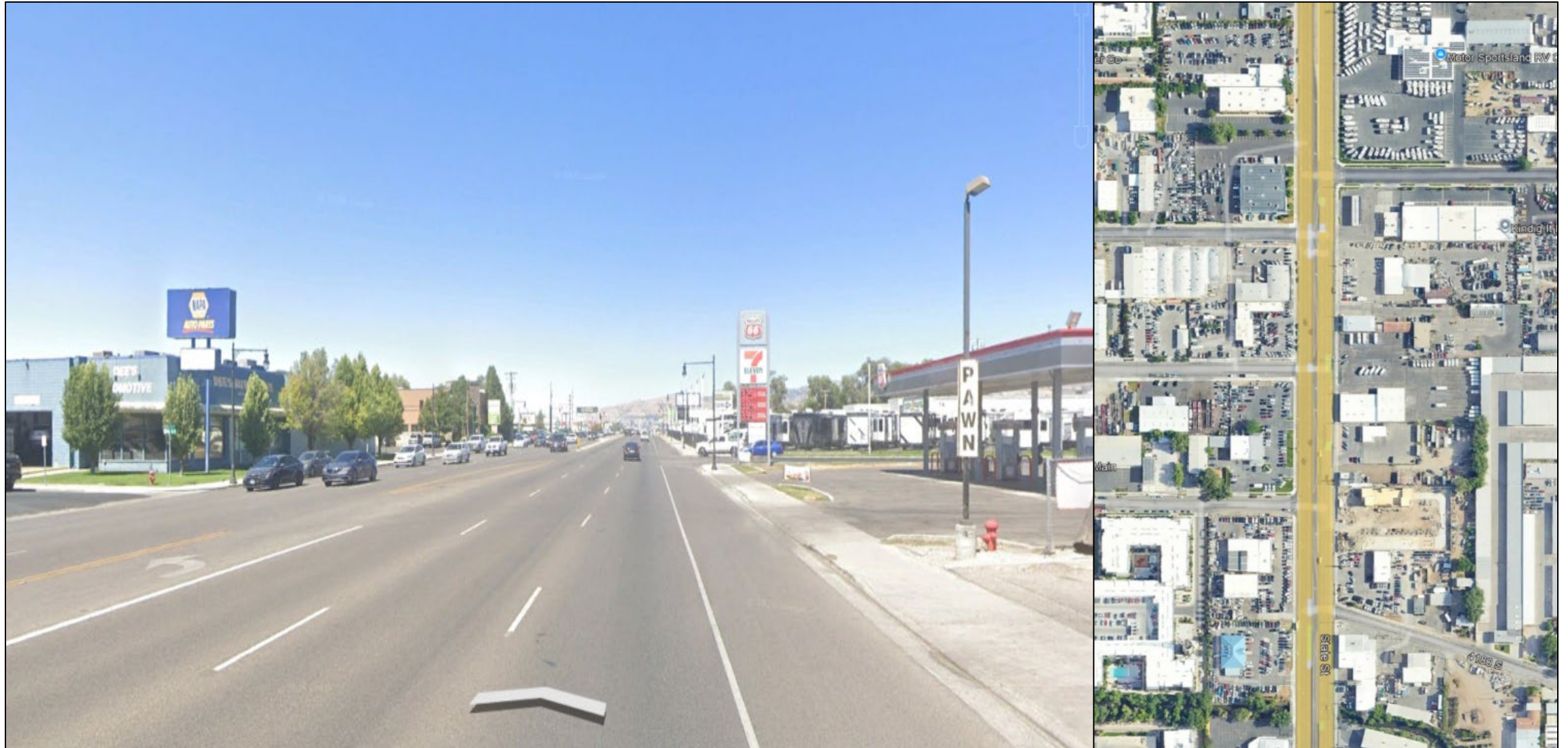


RRFB – Wasatch Blvd and 3622 S (Dist 4)





State Street Crossing – Hill Ave – UDOT to install (Dist 1)





RRFB – 1300 E 3745 S – Old Millcreek Elem Crossing (Dist 2 & 3)





FY 2026-27 Engineering Recommendations

Project Recommendations Crosswalk Enhancements:

- **RRFB – 500 E Moss Elem (Dist 1)**
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- **RRFB – 1300 E 3745 S – Old Millcreek Elem Crossing (Dist 2 & 3)**

MILLCREEK, UTAH
RESOLUTION NO. 26-25

**A RESOLUTION OF THE MILLCREEK COUNCIL APPROVING APPOINTMENTS
TO THE HISTORIC PRESERVATION COMMISSION**

WHEREAS, the Millcreek Council ("*Council*") met in regular meeting on September 28, 2026, to consider, among other things, approving appointments to the Historic Preservation Commission; and

WHEREAS, on April 26, 2021, the Council enacted Ordinance 21-16 amending the Historic Buildings and Sites Ordinance and enacting a Historic Preservation Commission; and

WHEREAS, it is the intent of the Council that the Historic Preservation Commission represent the interests of the community as a whole; that the membership of the historic preservation commission provides balanced representation in terms of geographic, professional, neighborhood, and community interests; and

WHEREAS, Section 18.73.040 of the Millcreek Code establishes a Historic Preservation Commission composed of seven members who shall be bona fide residents of Millcreek; and

WHEREAS, Section 18.73.040 of the Millcreek Code of Ordinances provides that Members of the Historic Preservation Commission shall be appointed by the Mayor, with the advice and consent of the City Council; and

WHEREAS, due to the resignation of two members of the Historic Preservation Commission, Section 18.73.040 of the Millcreek Code of Ordinances provides that any vacancy occurring on the Historic Preservation Commission shall be promptly filled by the Mayor, with the advice and consent of the Council for the unexpired term of such member; and

WHEREAS, the Mayor hereby nominates Richard Hansen and Tess Wenger as members of the Historic Preservation Commission; and

WHEREAS, the Council has given advice regarding the appointment of such members and hereby consents to such appointments; 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 Millcreek to consent to such appointments.

NOW, THEREFORE, BE IT RESOLVED that the Council consents to the appointments of Richard Hansen as a member of the Historic Preservation Commission, serving a term that will end on January 31, 2028, and Tess Wenger as a member of the Historic Preservation Commission, serving a term that will end on January 31, 2030.

This Resolution, assigned No. 26-25, shall take effect immediately upon passage.

PASSED AND APPROVED by the Council this 28th day of September, 2026.

MILLCREEK

ATTEST:

Cheri Jackson, Mayor

Elyse Sullivan, City Recorder

Roll Call Vote:

Jackson	Yes	No
Catten	Yes	No
DeSirant	Yes	No
Handy	Yes	No
Uipi	Yes	No

MILLCREEK, UTAH
ORDINANCE NO. 26-67

AN ORDINANCE AMENDING THE 2026-27 FISCAL YEAR BUDGET

WHEREAS, the Millcreek Council (“*Council*”) met in a regular meeting on September 28, 2026, to consider, among other things, amending the budget for the 2026-27 fiscal year; and

WHEREAS, the City Administration has presented a proposed amendment to the 2026-27 fiscal year budget (see attached Exhibit “A” identified as FY 2026-27 Budget Amendment); and

WHEREAS, on September 9, 2026, notice of a public hearing to consider the recommended amendment to the 2026-27 budget was published on the Utah Public Notice website, Millcreek website, and at City Hall; and

WHEREAS, on September 28, 2026, a public hearing to receive public comment to consider the amendments to the 2026-27 fiscal year budget was held at the Millcreek City Hall located at 1330 E Chambers Avenue, Millcreek, Utah; and

WHEREAS, all interested persons in attendance at the public hearing were given an opportunity to be heard, for or against, amending the budget for the 2026-27 fiscal year; and

WHEREAS, it is the intent and desire of the city to comply with all applicable State and local laws regarding the adoption of and the amendment to the 2026-27 fiscal year budget; and

WHEREAS, the Council finds that it has satisfied all legal requirements required to amend a budget.

NOW, THEREFORE, BE IT ORDAINED by the Council that the budget for the 2026-27 fiscal year is hereby amended as set forth in the attached Exhibit “A” identified as FY 2026-27 Budget Amendment. This ordinance shall take effect upon passage and posting as required by law.

PASSED AND APPROVED this 28th day of September 2026.

MILLCREEK

By: _____
Cheri Jackson, Mayor

ATTEST:

Elyse Sullivan, City Recorder

Roll Call Vote:

Jackson	Yes	No
Catten	Yes	No
DeSirant	Yes	No
Handy	Yes	No
Uipi	Yes	No

CERTIFICATE OF POSTING

I, the duly appointed recorder for Millcreek, hereby certify that:
ORDINANCE 26-67: AN ORDINANCE AMENDING THE 2026-27 FISCAL YEAR
BUDGET was adopted the 28th day of September 2026 and that a copy of the foregoing
Ordinance 26-67 was posted in accordance with Utah Code 10-3-711 this ____ day of September
2026.

Elyse Sullivan, City Recorder

Acct Number	Account Description	Original Budget	09/28/26 Amendments	09/28/26 Amended Budget	Budget Notes
Fund: 100 - General Fund					
<u>Revenue</u>					
100-3460-3464	Rentals - Booth/Equip - CL Events & Mkts	25,000		25,000	Add Budget Notes: 10% x sales The Bazaar / Food Trucks / Farmers Mkts
100-3800-3810	Contributions - Promise Program	150,000	31,100	181,100	\$ 100 - Scheels gift card for Resource Fair \$ 1,000 - FirstUT Bank for Youth Civic Summit \$20,000 - United Way - financial crisis funds \$10,000 - United Way - additional funding
100-3800-3840	Contributions - Other	10,000	75	10,075	Costco gift card for Pioneer Day event
100-3900-3920	Budgetary Use of Fund Balance	430,182	116,600	546,782	\$92,000 - Sales Tax Sharing Agreement \$ 3,000 - Neighborhood Relief Program \$ 1,600 - FY26 unspent UW funds \$20,000 - Compensation Study
Revenue Total			147,775		
<u>Expenditures</u>					
Dept 100-4110	Mayor and Council				
100-4110-8300	Rock Your Block	30,000	(8,000)	22,000	move to Promise Dept for murals at Sunnyvale Park
100-4110-8305	Neighborhood Relief Program		3,000	3,000	funding source = Fund Balance
Dept 100-4210	City Manager's Office				
100-4210-1100	Salaries - Reg FT & PT Employees	250,000	11,500	261,500	Market Adjustment
100-4210-1400	Employee Benefits	70,000	2,500	72,500	Market Adjustment
Dept 100-4250	Promise Program				
100-4250-6100	Miscellaneous Expenditures	2,000	8,000	10,000	Murals at Sunnyvale Park moved from 100-4110-8300 Rock Your Block
100-4250-8200	Events - Promise Events	21,000	32,700	53,700	\$ 100 - Scheels gift card for Resource Fair \$ 1,000 - FirstUT Bank for Youth Civic Summit \$20,000 - United Way - financial crisis funds \$ 1,600 - FY26 unspent UW funds \$10,000 - United Way - additional funding
Dept 100-4310	Recorder's Office				
100-4310-1100	Salaries - Reg FT & PT Employees	142,000		142,000	Add Budget Notes: Market Adjustment (no budget amendment needed)
100-4310-1400	Employee Benefits	40,000		40,000	Market Adjustment (no budget amendment needed)
Dept 100-4710	Finance Department				
100-4710-1100	Salaries - Reg FT & PT Employees	652,000	20,000	672,000	Market adjustment
100-4710-1400	Employee Benefits	230,000	6,000	236,000	Market adjustment
Dept 100-4720	Human Resources				
100-4720-1100	Salaries - Reg FT & PT Employees	105,000	5,000	110,000	Market adjustment
100-4720-1400	Employee Benefits	43,500	1,000	44,500	Market adjustment
100-4720-3100	Professional Services	15,000	20,000	35,000	Compensation Study
Dept 100-4810	Facilities				

Acct Number	Account Description	Original Budget	09/28/26 Amendments	09/28/26 Amended Budget	Budget Notes
100-4810-2670	Utilities - Water & Sewerage	40,000		40,000	Add Budget Notes: includes water for Mt. Aire / Opus Green
Dept 100-4910	Planning & Zoning				
100-4910-1100	Salaries - Reg FT & PT Employees	870,000	11,500	881,500	Market Adjustment
100-4910-1400	Employee Benefits	320,000	2,500	322,500	Market Adjustment
Dept 100-5110	Engineering / PW				
100-5110-1100	Salaries - Reg FT & PT Employees	582,000	22,500	604,500	Market adjustment
100-5110-1400	Employee Benefits	252,000	7,500	259,500	Market adjustment
Dept 100-5710	Comm Life Admin				
100-5710-1100	Salaries - Reg FT & PT Employees	133,000	25,000	158,000	Market adjustment
100-5710-1400	Employee Benefits	58,000	5,000	63,000	Market adjustment
Dept 5720	Comm Life - Events				
100-5720-1100	Salaries - Reg FT & PT Employees	367,000	(140,000)	227,000	Move to Production Dept 100-5750-1100
100-5720-1200	Wages - Non-Benefit PT & Seasonal	58,000	(47,000)	11,000	Move to Production Dept 100-5750-1200
100-5720-1300	Overtime	1,000	(500)	500	Move to Production Dept 100-5750-1300
100-5720-1400	Employee Benefits	120,000	(32,500)	87,500	Move to Production Dept 100-5750-1400
100-5720-2230	Conferences & Training Registration	1,000	(750)	250	Move to Production Dept 100-5750-2230
100-5720-2235	Employee Travel	1,500	(500)	1,000	Move to Production Dept 100-5750-2235
100-5720-2240	Uniforms	2,000	(1,000)	1,000	Move to Production Dept 100-5720-2240
100-5720-2605	Sm Tools, Minor Equip, Supplies	25,000	(20,000)	5,000	Move to Production Dept 100-5720-2605
100-5720-8250	Comm Partnerships - Holidays	32,900	75	32,975	Pioneer Day exp (Costco gift card)
Dept 100-5740	Recreation Programs				
100-5740-1100	Salaries - Reg FT & PT Employees	314,000	(75,000)	239,000	RIF Ice Skating Rec Manager
100-5740-1400	Employee Benefits	155,000	(45,000)	110,000	RIF Ice Skating Rec Manager
Dept 5750	Comm Life - Production				New Dept created; separated Production from Events
100-5750-1100	Salaries - Reg FT & PT Employees		140,000	140,000	
100-5750-1200	Wages - Non-Benefit PT & Seasonal		47,000	47,000	
100-5750-1300	Overtime		500	500	
100-5750-1400	Employee Benefits		32,500	32,500	
100-5750-2230	Conferences & Training Registration		750	750	
100-5750-2235	Employee Travel		500	500	
100-5750-2240	Uniforms		1,000	1,000	
100-5750-2605	Sm Tools, Minor Equip, Supplies		20,000	20,000	
Dept 100-9000	Debt Service & Other Financing Uses				
100-9000-9010	Transfer to Other Funds	1,000,000	92,000	1,092,000	Sales Tax Sharing Agreement - Olympus Hills CRA
General Fund Expenditure Total			147,775		

-

Acct Number	Account Description	Original Budget	09/28/26 Amendments	09/28/26 Amended Budget	Budget Notes
Fund: 204 - CRA Olympus Hills CRA					
<u>Revenue</u>					
204-3700-3710	Transfers-in from Other Funds		92,000	92,000	Transfer from Gen Fund for sales tax sharing agreement
	Revenue Total		92,000		
<u>Expenditures</u>					
204-5310-2701	Sales Tax Sharing Agreements		92,000	92,000	Tax Sharing Agreement w/ Porsche
	Expenditure Total		92,000		
			-		
Fund: 205 - CRA MedTech Fund					
<u>Expenditures</u>					
205-5310-3100	Professional Services	-	5,500	5,500	appraisal services - Old Millcreek Elementary
205-9000-9020	Budgetary Addition to Fund Balance	972,890	(5,500)	967,390	
	Expenditure Total		-		

Acct Number	Account Description	Original Budget	09/28/26 Amendments	09/28/26 Amended Budget	Budget Notes
Fund 450 - General CIP					
Revenue					
450-3900-3920	Budgetary Use of Fund Balance	3,217,850	920,000	4,137,850	Completion of parking structure and payout of retainage
Revenue Total			920,000		
Expenditures					
450-5410-7375	Parking Structure	10,000	920,000	930,000	Completion of parking structure and payout of retainage
Expenditure Total			920,000		
			-		
Fund: 455 - Public Works Yard - CIP					
		NEW FUND FOR PUBLIC WORKS YARD CIP			
Revenue					
455-3900-3910	Transfer from Other Funds		2,550,000	2,550,000	\$2,050,000 restricted cash SW Utility
Revenue Total		-	2,550,000	2,550,000	\$ 500,000 from TUF
Expenditures					
455-9000-9020	Budgetary Addition to Fund Balance		2,550,000	2,550,000	
Expenditure Total		-	2,550,000	2,550,000	
		-	-	-	

Acct Number	Account Description	Original Budget	09/28/26 Amendments	09/28/26 Amended Budget	Budget Notes
Fund: 510 - Storm Water Fund					
<u>Revenue</u>					
510-3900-3920	Budgetary Use of Fund Balance	2,698,500	2,050,000	4,748,500	transfer FY25 bal restricted cash - set aside for PW Yard
	Revenue Total		2,050,000		
<u>Expenses</u>					
510-9000-9010	Transfer to Other Funds		2,050,000	2,050,000	transfer FY25 bal restricted cash - set aside for PW Yard
	Expense Total		2,050,000		
			-		
Fund: 550 - Transportation Utility Fund					
NEW FUND FOR TUF					
<u>Revenue</u>					
550-3420-3420	TUF Fees		3,400,000	3,400,000	10 months billing (Sept 26 - June 27)
550-3600-3610	Interest Income		50,000	50,000	
550-3900-3920	Budgetary Use of Fund Balance			-	
	Revenue Total	-	3,450,000	3,450,000	
<u>Expenses</u>					
550-5610-2900	Administrative Expenses		120,000	120,000	
550-5610-3200	Contracted Services		2,750,000	2,750,000	Roadway maintenance
550-5610-3205	Contracted TUF Billing Service		80,000	80,000	10 months billing (Sept 26 - June 27)
550-9000-9010	Transfer to Other Funds		500,000	500,000	Transfer to PW Yard CIP
	Expense Total	-	3,450,000	3,450,000	
		-	-	-	

 MILLCREEK FY27 CONSOLIDATED FEE SCHEDULE			
#	DESCRIPTION	CODE	FEE
RECREATION FEES			
Millcreek Common Rentals			
228	Locker, 12"x12"x12"	3-54-010	\$2.00 for every 90 minutes
Millcreek Common Admission			
233	Mini Golf (admission + equipment rental)	3-54-010	\$12.00/session
Millcreek Common Event - Tickets and Passes			
259	More at Millcreek Monthly Activity Pass	3-54-010	\$24.00/month
261	Climbing Camp - Half Day Session	3-54-010	\$60.00/session
Millcreek Common Event - Venue Rental			
275	Community Room, Prefunction 1, Green Room, Balcony - Each Additional Hour*	3-54-010	\$250.00/hour
281	Alpenglobe Session (90 minutes with 15 minute setup & 15 minute takedown)	3-54-010	\$100.00
282	Alpenglobe Special Event	3-54-010	\$125.00 - \$300.00
283	Catering Commission	3-54-010	10% of food + nonalcoholic beverage sales, excluding taxes and gratuities
284	Bar Services	3-54-010	10% of total annual net sales

MILLCREEK, UTAH
ORDINANCE NO. 26-68

**AN ORDINANCE APPROVING A NONMONETARY/SERVICE CONTRIBUTION OF
UP TO \$3,000 FOR THE MILLCREEK NEIGHBORHELP PROPERTY CLEANUP
ASSISTANCE PROGRAM**

WHEREAS, the Millcreek Council (“Council”) met in a regular session on September , 2026, to consider, among other things approving a nonmonetary/service contribution of up to \$3,000 to establish the NeighborHelp Property Cleanup Assistance Program (the Appropriation”); and

WHEREAS, Utah Code Section 10-8-2 provides, among other things, that services or assistance are not subject to the “study requirements " of Subsection (3), provided that the Council first holds a public hearing and the total amount of services or other nonmonetary assistance provided in any given fiscal year may does not exceed 1% of the municipality's budget for that fiscal year; and

WHEREAS, finds that the NeighborHelp Property Cleanup Assistance Program is a service as contemplated in Utah Code Section 10-8-2; and

WHEREAS, staff has informed the Council that 1% of the municipality’s budget for the 2026-2027 fiscal year is \$441,835; and

WHEREAS, the Council finds that the nonmonetary contributions/services are not expected to exceed \$441,835 which is less than 1% of the City’ budget for the 2026-2027 fiscal year budget; and

WHEREAS, on September 23, 2026, a notice of a public hearing was published as a Class A notice under Section 63G-30-102; and

WHEREAS, on September 28, 2026, the Council held the requisite public hearing to receive public comments concerning the Appropriation; and

WHEREAS, all interested persons in attendance at the public hearing were given the opportunity to be heard, and written comments were solicited; and

WHEREAS, the Council finds that the nonmonetary/service appropriation is necessary and appropriate to accomplish the reasonable goals and objectives of Millcreek. Such goals and objectives include, but are not limited to, assisting the City in achieving its Code Enforcement, public health, safety, neighborhood preservation, and property maintenance objectives economic development, job creation, and job preservation; and

WHEREAS, the Council finds that the Appropriation is necessary and appropriate to accomplish the reasonable goals and objectives of Millcreek. Such goals and objectives include, but are not limited to, include, but are not limited to, assisting the City in achieving its Code Enforcement, public health, safety, neighborhood preservation, and property maintenance objectives economic development, job creation, and job preservation; and

WHEREAS, the Council finds that the net value received for the nonmonetary/service contribution is equivalent and includes certain intangible benefits to Millcreek, including, but not limited to, prosperity, moral well-being, comfort, and convenience to the inhabitants of Millcreek and economic development, job creation, and job preservation in Millcreek; and

WHEREAS, the Council finds that it has satisfied all the requirements of Utah Code Ann. § 10-8-2 to make the Appropriation.

NOW, THEREFORE, BE IT ORDAINED that the Council hereby approves a nonmonetary/service contribution of up to \$3,000 to establish the NeighborHelp Property Cleanup Assistance Program.

This Ordinance assigned Ordinance No. 26-68, 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 28th day of September, 2026.

MILLCREEK

By: _____
Cheri Jackson, Mayor

ATTEST:

Elyse Sullivan, City Recorder

Roll Call Vote:

Jackson	Yes	No
Catten	Yes	No
DeSirant	Yes	No
Handy	Yes	No
Uipi	Yes	No

CERTIFICATE OF POSTING

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

ORDINANCE 26-68: AN ORDINANCE APPROVING A NONMONETARY/SERVICE CONTRIBUTION OF UP TO \$3,000 FOR THE MILLCREEK NEIGHBORHELP PROPERTY CLEANUP ASSISTANCE PROGRAM was adopted the 28th day of September 2026 and that a copy of the foregoing Ordinance 26-68 was posted in accordance with Utah Code 10-3-711 this ____ day of September 2026.

Elyse Sullivan, City Recorder

MILLCREEK, UTAH
ORDINANCE NO. 26-64

AN ORDINANCE REZONING THE EAST 0.64 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 3496 SOUTH 1300 EAST AND 3500 SOUTH 1300 EAST FROM THE R-1-8 SINGLE-HOUSEHOLD ZONE AND R-2-8 TWO-HOUSEHOLD ZONE TO THE R-2-6.5 TWO-HOUSEHOLD ZONE; AND REZONING THE REMAINING WESTERLY 0.96 ACRES OF THE SAME PROPERTY FROM THE R-1-8 SINGLE-HOUSEHOLD ZONE AND R-2-8 TWO-HOUSEHOLD ZONE TO THE R-1-5 SINGLE-HOUSEHOLD ZONE

WHEREAS, the Millcreek Council (“Council”) met in a regular meeting on September 28, 2026 to consider, among other things, rezoning the east 0.64 acres of property located at approximately 3496 South 1300 East and 3500 South 1300 East from the R-1-8 single-household zone and R-2-8 two-household zone to the R-2-6.5 two-household zone; and rezoning the remaining westerly 0.96 acres of the same property from the R-1-8 single-household zone and R-2-8 two-household zone to the R-1-5 single-household zone; and

WHEREAS, Utah Code Ann. § 10-20-503 provides in part that the Council may make zoning map amendments; and

WHEREAS, Utah Code Ann. § 10-20-503 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. § 10-20-503 also provides that the Council shall comply with the procedure specified in Utah Code Ann. § 10-20-502 in preparing and adopting an amendment to a land use regulation; and

WHEREAS, Utah Code Ann. § 10-20-502 provides planning commission shall provide notice as required by Subsection 10-20-205(1)(a) and, if applicable, Subsection 10-20-205(4) and hold a public hearing on the proposed land use ordinances; and

WHEREAS, on July 27, 2026, the required public hearing notice was published; and

WHEREAS, on August 12, 2026, the proposed amendment was submitted to the planning commission for its recommendation; and

WHEREAS, on August 19, 2026, the planning commission held the required public hearing with respect to this rezone; and

WHEREAS, at the August 19, 2026 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 23, 2026, the Council caused the required notice to be given; and

WHEREAS, on September 28, 2026, the Council discussed the rezone application, and 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-26-014 filed by Ryan Reynolds Construction LLC, that the easterly 0.64 acres of property generally located at 3496 South 1300 East and 3500 South 1300 East is hereby rezoned/reclassified from the R-1-8 single-household zone and R-2-8 two-household zone to the R-2-6.5 two-household zone; and the remaining westerly 0.96 acres of the same property is hereby rezoned/reclassified from the R-1-8 single-household zone and R-2-8 two-household zone to the R-1-5 single-household zone, such portions of property being more particularly described as follows:

Parcel No: 1632231039, 1632231040, 1632231041, 1632231069, 1632231070, 1632231071, 1632231086

Address: 3496 South 1300 East & 3500 South 1300 East

Legal Description:

East Parcel – Zone R-2-6.5

Beginning at a point on the westerly right-of-way line of 1300 East Street and the southerly right-of-way of Lorraine Drive, said point being North 0°18'43" East 192.63 feet from the Southeast Corner of Lot 12, Block 22, Ten Acre Plat "A", Big Field Survey, said point also being North 0°18'43" East 384.11 feet along the centerline and North 89°41'17" West 33.00 feet from the existing street monument at the intersection of Murphys Land and 1300 East; and running

thence South 0°18'43" West 209.64 feet along said westerly right-of-way line;
thence North 89°50'56" West 171.36 feet;
thence North 0°09'04" East 16.00 feet;
thence Northeasterly 67.42 feet along the arc of a 43.00 feet radius curve to the left (center bears North 0°09'04" East and the chord bears North 45°13'53" East 60.73 feet with a central angle of 89°50'22");
thence North 0°18'42" East 150.14 feet to the southerly right-of-way line of Lorraine

Drive;

thence North 89°52'39" East 128.53 feet along said southerly right-of-way line to the point of beginning.

Contains 27,984 square feet or 0.642 acres

West Parcel – Zone R-1-5

Beginning at a point on the southerly right-of-way of Lorraine Drive, said point being North 0°18'43" East 192.63 feet and South 89°52'39" West 128.53 feet from the Southeast Corner of Lot 12, Block 22, Ten Acre Plat "A", Big Field Survey, said point also being North 0°18'43" East 384.11 feet along the centerline and North 89°41'17" West 33.00 feet and South 89°52'39" West 128.53 feet from the existing street monument at the intersection of Murphys Land and 1300 East; and running

thence South 0°18'42" West 150.14 feet;
thence Southwesterly 67.42 feet along the arc of a 43.00 feet radius curve to the right (center bears North 89°41'18" West and the chord bears South 45°13'53" West 60.73 feet with a central angle of 89°50'22");
thence South 0°09'04" West 16.00 feet;
thence North 89°50'56" West 237.24 feet;
thence South 44°44'59" West 42.95 feet;
thence South 69°54'16" West 74.80 feet;
thence North 89°34'32" West 24.93 feet;
thence North 0°00'21" West 2.45 feet;
thence South 89°59'39" West 16.88 feet;
thence North 0°00'21" West 24.21 feet;
thence South 89°41'56" East 70.03 feet;
thence North 0°00'57" East 133.38 feet;
thence South 89°40'56" East 323.87 feet;
thence North 0°18'42" East 106.36 feet to the southerly right-of-way line of Lorraine Drive;
thence North 89°52'39" East 29.00 feet along said southerly right-of-way line to the point of beginning.

Contains 42,055 square feet or 0.965 acres

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. 26-64, 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 28th day of September, 2026.

MILLCREEK COUNCIL

By: _____
Cheri Jackson, Mayor

ATTEST:

Elyse Sullivan, City Recorder

Roll Call Vote:

Jackson	Yes	No
Catten	Yes	No
DeSirant	Yes	No
Handy	Yes	No
Uipi	Yes	No

CERTIFICATE OF POSTING

I, the duly appointed recorder for Millcreek, hereby certify that:
ORDINANCE 26-64: AN ORDINANCE REZONING THE EAST 0.64 ACRES OF
PROPERTY LOCATED AT APPROXIMATELY 3496 SOUTH 1300 EAST AND 3500
SOUTH 1300 EAST FROM THE R-1-8 SINGLE-HOUSEHOLD ZONE AND R-2-8 TWO-
HOUSEHOLD ZONE TO THE R-2-6.5 TWO-HOUSEHOLD ZONE; AND REZONING THE
REMAINING WESTERLY 0.96 ACRES OF THE SAME PROPERTY FROM THE R-1-8
SINGLE-HOUSEHOLD ZONE AND R-2-8 TWO-HOUSEHOLD ZONE TO THE R-1-5
SINGLE-HOUSEHOLD ZONE was adopted the 28th day of September 2026 and that a copy of
the foregoing Ordinance 26-64 was posted in accordance with Utah Code 10-3-711 this ____ day
of September, 2026.

Elyse Sullivan, City Recorder

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



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

ZM-26-014

CITY COUNCIL STAFF REPORT

(Second Reading)

Date: September 28, 2026

Request: Rezone Application
From: R-1-8 & R-2-8
To: R-1-5 & R-2-6.5

Subject Property: 3496 & 3500 South, 1300 East

Applicant: Ryan Reynolds w/Brad Reynolds Construction

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 Millcreek Planning Commission. While your recommendation can be broad in scope it should consider prior adopted policies, especially the Millcreek General Plan.

REQUEST AND SYNOPSIS

Ryan Reynolds, on behalf of Brad Reynolds Construction, has filed a land use application seeking the city's approval to rezone approximately 1.65 acres of property generally located between 3496 South & 3500 South, immediately abutting the west side of 1300 East. The property includes several parcels and is currently located within both the R-1-8 and R-2-8 Zones.

The applicant is requesting two zone changes related to the Subject Property as follows:

First – The applicant is requesting to rezone the easterly 0.45 acres (approx.) of the property abutting 1300 East, from the R-1-8 single-household zone & R-2-8 two-household zone, to the R-2-6.5 two-household zone, with the intention of constructing duplex-style buildings along 1300 East.

Second, The applicant is requesting to rezone the remaining westerly 1.2 acres (approx.) of property from the R-1-8 single-household zone & R-2-8 two-household zone to the R-1-5 single-household zone.

By way of information, the R-1-5 zone allows single-household dwelling on lots with a minimum 5,000sqft lot size with 50-foot-wide property frontages.

FINDINGS:

1. The property contains two existing single-family residential structures, both of which are intended to be removed upon further development.
2. According to the City Future Land Use Map as contained within Millcreek's General Plan, the entire property including the surrounding area, is designated as 'Neighborhood 1', which "includes neighborhoods (of all ages) that are comprised of predominantly of single-family detached homes", ranging between 1-6 units per acre (see Millcreek General Plan, p.22).
3. The easterly 0.60-acre portion of property, located closest to 1300 East is currently zoned R-2-8, which allows for two-household dwellings.
4. The concept plan contemplates two duplex style buildings oriented towards 1300 East with the remainder of the property being designated for single-household dwellings on min. 5,000sqft lots.
5. According to the concept plan, one lot would potentially be accessed from Lorraine Drive while the remaining west portion of property may allow up to five SF residential lots with a new private street connecting out to 1300 East.
6. All surround properties are currently developed, making this somewhat of an infill lot.
7. Further development or subdivision of property would require a separate application to be processed and approved by the city and other utility entities.
8. A development agreement may be considered to ensure layout and certain elevations based on concepts presented by the applicant.
9. Setbacks, height envelopes, and lot coverages standards are already established by each respective zone.
10. The R-2-6.5 Zone requires a tapered or stepped height envelop while the R-1-5 Zone does not.
11. Millcreek Staff is requesting the development include a pedestrian access be installed on the far west end of the property, connecting the new development with the existing neighborhood to the west.
12. The following General Plan goals and strategies apply to this proposal:

Goal N-1 - Strategy 1.5: Ensure that new infill development is compatible with existing neighborhoods by regulating structure sizes and heights; building forms and materials; yard setbacks; streetscape character; height and bulk transitions; buffering; and other factors.

Goal GC-1B - Strategy 1.1B: Encourage a well-connected system of streets, sidewalks, bike facilities, and off-system trails for new developments and redevelopment areas.

13. A development agreement is suggested to ensure compatible residential elements such as elevation, pitched roof or building envelopes and porches, as well as a pedestrian path connection per the concept plan and elevations.
14. There may need to be some street dedication along 1300 East.
15. An Open House was held August 4, 2026, wherein eight individuals were in attendance. Most comments related to fencing and landscape buffering, setbacks, building height envelopes, and timing of construction (see attached). No members of the Community Council were present.

CONCLUSIONS:

1. An R-1-8 Zone would allow eight (8) 8,000sqft lots/dwellings on 1.65 acres. The current R-2-8 and R-1-8 Zones would allow eleven (11) total dwellings. In comparison, if approved, the R-1-5 and R-2-6.5 Zones would allow up to ten (10) dwelling units.
2. All surrounding properties are developed making this a true infill development.

3. The proposal lends itself to a variety of housing types as suggested within the Goals and strategies and 'Neighborhood 1' Land Use designation, according to the Millcreek General Plan.
4. While there is little reason for a development agreement, such agreement may however help shore up areas where both zones may not be specific enough in terms of building styles and pedestrian connectivity.

RECOMMENDATIONS:

Based on the Findings and Conclusions listed above, the following is recommended:

Staff Recommendation: That the City Council take public comments during the public hearing and approve application file number ZM-26-014, to rezone property generally located between 3496 & 3500 South along 1300 East, from the R-1-8 & R-2-8 Zones, to the R-2-6.5 & R-1-5 Zones, and a consider a possible development agreement, unless during the meeting facts are presented that contradict these findings or new facts are presented, either of which would warrant further investigation by Staff.

Planning Commission Recommendation: The Planning Commission recommend approval of ZM-26-014, to rezone property generally located between 3496 and 3500 South, along 1300 East, from the R-1-8 and R-2-8 zones to the R-1-5 and R-2-6.5 zones based on the findings and conclusions presented by staff. Commissioner Burgess seconded. Chair LaMar called for the vote. Chair LaMar voted no, Commissioner Anderson voted yes, Commissioner Burgess voted yes, Commissioner Peterson voted yes, Commissioner Reid voted yes, Commissioner Richardson voted yes, Commissioner Soule voted yes, and Commissioner Wright voted yes. **The motion passed 7-1** Chair LaMar explained his no vote was due to the lack of a development agreement.

SUPPORTING DOCUMENTS

- Zoning Map
- Land Use Map
- Proposed Concept Plan
- Public Comments

Zoning Map



Single-Household Residential (R-1-8)

Single-Household Residential (R-2-8)

Subject Property

Lavon Cir

Lorraine Dr

Luck Spring Dr

Melvina St

Melvina St

Single-Household Residential (R-1-8)

Two-Household Residential (R-2-8)

Ash Tree Cv

Urbandale Ln

Brookshire Dr

Single-Household Residential (R-1-8)

3545 S

1300 E

1300 E

1200 E

1200 E

1200 E

Land Use Map



Neighborhood 1

Subject Property

Lavon Cir

Lorraine Dr

Ash Tree Cv

3545 S

Luck Spring Dr

Neighborhood 1

Urbandale Ln

Brookshire Dr

Melvina St

Melvina St

1200 E

1200 E

1200 E

1300 E

1300 E

R1-5 LOT
LOT IS 6,370 SQ.FT

LORAINNE DR

R2-6.5 ZONING
FOR EACH DUPLEX

R1-5 LOT
5 LOTS EACH OVER
5,000 SQ. FT.

6370 SQ.FT.
SINGLE FAMILY

DUPLEX
7901 SQ.FT.

DUPLEX
7924 SQ.FT.

TURN AROUND
EASEMENT

ALL LOT SQUARE FOOTAGE
DOES NOT INCLUDE SIDEWALK
OR ROAD AREA.

1300 EAST STREET

CREEK MILL LANE

PARCEL A
(Turnaround easement)

UNIT 1

UNIT 2

UNIT 3

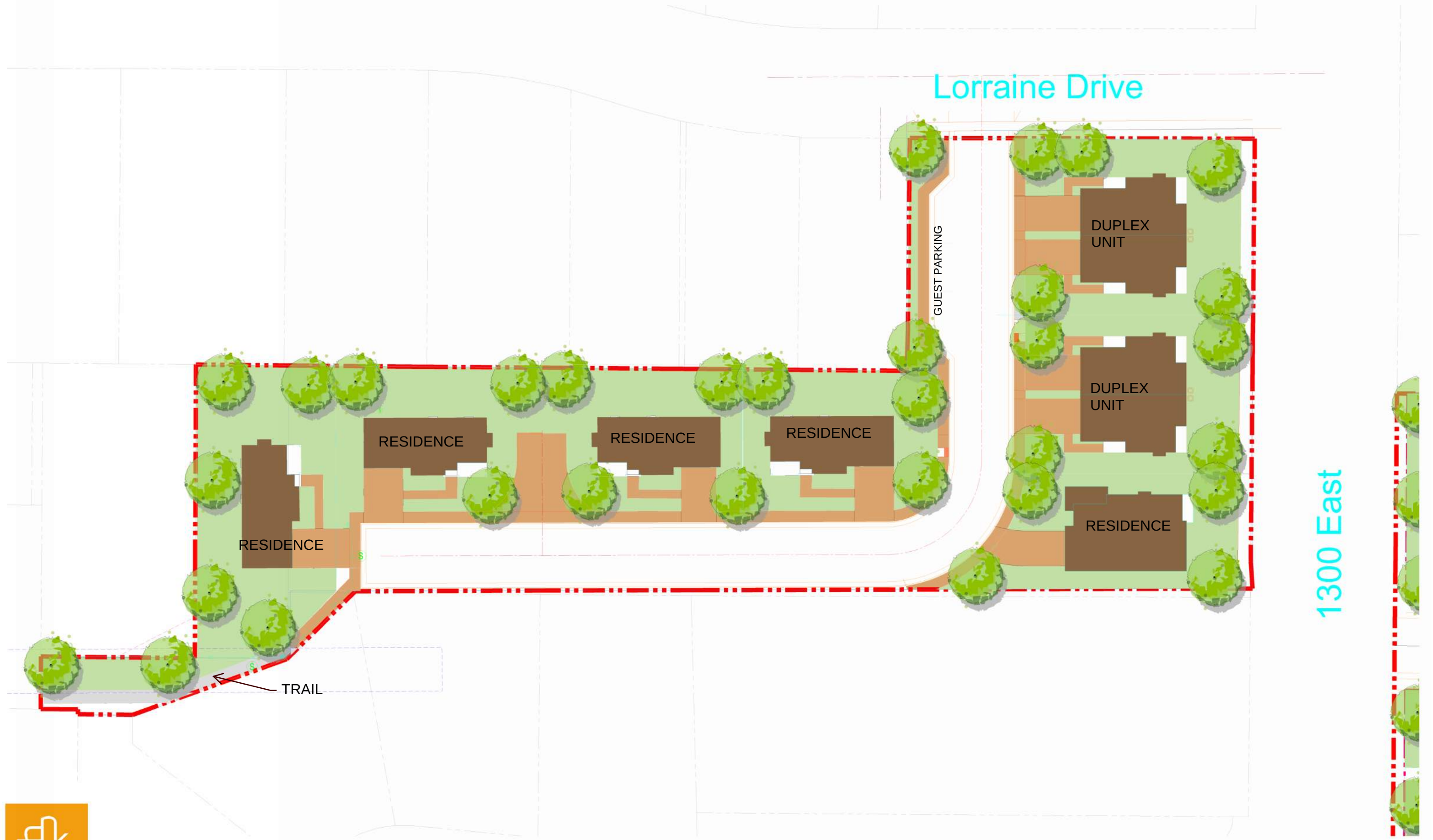
UNIT 4

UNIT 7

UNIT 8

UNIT 9

UNIT 10





BRC 1300 EAST TOWNHOMES

1300 EAST, MILLCREEK, UTAH

SITE RENDERINGS

D002

11 SEP., 2026



BRC 1300 EAST TOWNHOMES

1300 EAST, MILLCREEK, UTAH

SITE RENDERINGS

D003

11 SEP., 2026



BRC 1300 EAST TOWNHOMES

1300 EAST, MILLCREEK, UTAH

SITE RENDERINGS

D004

11 SEP., 2026



BRC 1300 EAST TOWNHOMES

1300 EAST, MILLCREEK, UTAH

SITE RENDERINGS

D005

11 SEP., 2026



Planning & Zoning Open House

Community Feedback Form

Name: [REDACTED] Date: 8/11/2026

Email Address: [REDACTED]

Project Location or #: [REDACTED]

Comments: We would like to work with developers on the landscaping and fence. Trees please!!!
• Add in height and building envelope agreements.



Planning & Zoning Open House

Community Feedback Form

Name: [REDACTED] Date: 08/04/2026

Email Address: [REDACTED]

Project Location or #: [REDACTED]

Comments: NICE LOOKING HOMES. I LIKE THE CONCEPTS.



Planning & Zoning Open House

Community Feedback Form

Name: [REDACTED] Date: 8-4-2026

Email Address: [REDACTED]

Project Location or #: [REDACTED]

Comments: I appreciate the time involved in planning and listening to the neighbors on zoning and building. We appreciate Brad Reynolds working with us in concept and developments.

MILLCREEK, UTAH
ORDINANCE NO. 26-65

**AN ORDINANCE OF MILLCREEK AMENDING TITLE 18 OF THE MILLCREEK
MUNICIPAL CODE FOR THE PURPOSE OF MAKING TEXT AMENDMENTS TO
THE ZONING AND SUBDIVISION CODES**

WHEREAS, the Millcreek Council (“*Council*”) met in a regular session on September 28, 2026, to consider, among other things, amending Title 18 of the Millcreek Municipal Code for the purpose of making text amendments to Title 18; and

WHEREAS, Utah Code Ann. § 10-20-503 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 to Title 18; and

WHEREAS, Utah Code Ann. § 10-20-502 provides the planning commission shall provide notice as required by Subsection 10-20-205(1)(a) and, if applicable, Subsection 10-20-205(4) and hold a public hearing on the proposed land use ordinances; and

WHEREAS, on August 26, 2026, the required notice informing the public of potential amendments to various provisions of Title 18 was published; and

WHEREAS, on September 9, 2026, the proposed amendments were submitted to the planning commission for recommendation; and

WHEREAS, on September 16, 2026, the planning commission held the required public hearing with respect to amending Title 18 of the Millcreek Municipal Code; and

WHEREAS, at the September 16, 2026 planning commission meeting, the planning commission unanimously recommended amending Title 18 of the Millcreek Municipal Code for the purpose of making text amendments to the zoning and subdivision codes; 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 28, 2026, the Council considered amending Title 18 of the Millcreek Code of Ordinances for the purpose of making text amendments to the zoning and subdivision codes.

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).

This Ordinance, assigned Ordinance No. 26-65, 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 28th day of September, 2026.

MILLCREEK

By: _____
Cheri Jackson, Mayor

ATTEST:

Elyse Sullivan, City Recorder

Roll Call Vote:

Jackson	Yes	No
Catten	Yes	No
DeSirant	Yes	No
Handy	Yes	No
Uipi	Yes	No

CERTIFICATE OF POSTING

I, the duly appointed recorder for Millcreek, hereby certify that:
ORDINANCE 26-65: AN ORDINANCE OF MILLCREEK AMENDING TITLE 18 OF THE MILLCREEK MUNICIPAL CODE FOR THE PURPOSE OF MAKING TEXT AMENDMENTS TO THE ZONING AND SUBDIVISION CODE was adopted the 28th day of September, 2026 and that a copy of the foregoing Ordinance 26-65 was posted in accordance with Utah Code 10-3-711 this ____ day of September, 2026.

Elyse Sullivan, City Recorder

18.01.020 Purpose And Authority

- B. This title is adopted as set forth in Utah Code Section ~~10-9a-101~~10-20-101 et seq., Municipal Land Use, Development, and Management Act, the general welfare power delegated to municipalities as set forth in Utah Code Section 10-8-84, Ordinances, Rules and Regulations, and the police power authority of local government established by Utah common law.

18.03.010 Planning Commission

- E. Removal and Vacancy. ~~The Mayor may remove members of the Planning Commission may be removed by the Mayor with the advice and consent of the City Council. The Mayor shall promptly fill any vacancy occurring on the Planning Commission with the advice and consent of the City Council for the unexpired term of such member. The Mayor shall also promptly fill any vacancy on the Planning Commission due to the expiration of a term, with the advice and consent of the City Council.~~
1. ~~The Mayor may remove members of the Planning Commission with the advice and consent of the City Council. Causes for removal include:~~
 - a. ~~Using public funds for a political purpose under Utah Code Title 20A, Chapter 11, Part 12, Political Activities of Public Entities Act;~~
 - b. ~~Violating a provision of Utah Code Title 10, Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act;~~
 - c. ~~Acting with the intent to influence a land use decision or an appeal of a pending land use application in a manner that creates actual impermissible bias or an unacceptable risk of impermissible bias in the planning commission member's administrative or quasi-judicial duties; and~~
 - d. ~~Malfeasance, misfeasance, or nonfeasance as determined by the Mayor.~~
 2. ~~A planning commission member deliberating about a specific pending land use application in a planning commission meeting with municipal staff, an elected official, or the land use applicant is not cause for removing a planning commission member from the planning commission.~~
 3. ~~The Mayor shall promptly fill any vacancy occurring on the Planning Commission with the advice and consent of the City Council for the unexpired term of such member. The Mayor shall also promptly fill any~~

vacancy on the Planning Commission due to the expiration of a term, with the advice and consent of the City Council.

18.03.020 Land Use Hearing Officer (LUHO)

A. Creation. A Land Use Hearing Officer (LUHO) is hereby created as set forth in Utah Code Chapter ~~10-9a~~10-20, Municipal Land Use, Development, and Management Act. It is the intent of the City Council that the Land Use Hearing Officer (LUHO) satisfies the requirement of the above-referenced statute for an appeal authority to hear and decide requests for appeals from decisions applying land use ordinances.

C. Hearings, Meetings, and Due Process

1. The LUHO shall hold hearings or meetings as necessary and shall not have ex-parte contacts. It shall have the authority to administer oaths, provide an opportunity for cross-examination, and direct the proceedings in a quasi-judicial manner, so that each participant's due process rights are respected. All hearings must be open to the public and recorded.
2. Notice Requirements. Noticing shall be as set forth in MKZ 18.14.080, Public Notice.
3. Upon request Millcreek will provide copies to all parties of public regarding the matter. Otherwise, no discovery shall be allowed except as specifically ordered and scheduled by the LUHO.
4. Hearings or meetings shall be conducted with appropriate formality and decorum to protect due process rights. The Utah Rules of Evidence and Rules of Civil Procedure are used as guidelines and are not strictly followed or applied. The rules regarding authorization, foundation, hearsay, or relevance shall not be strictly applied.
5. The LUHO may only allow the following people to present or speak during an appeal hearing:
 - a. The appellant or the appellant's representatives;
 - b. The land use applicant or the land use applicant's representatives; and
 - c. Millcreek Staff or designated staff representatives.

18.04.010 Appeals

- A. Purpose. Appeals are intended to provide additional review of a decision made by the Land Use Authority. Appeals are subject to the standards as set forth in Utah Code Section 10-20-1101 et seq.
- B. Applicability. An applicant, Millcreek, or an adversely affected party may appeal any final decision made by the Land Use Authority regarding the administration or interpretation of this Code.
- C. Procedure for Legislative Decisions. Legislative decisions are appealed to the district court as set forth in Utah Code Section ~~10-9a-101~~ 10-20-101 et seq.
- D. Procedure for Administrative Decisions.
1. A notice of appeal must be filed with the Planning Director within ten (10) business days of the issuance of a written administrative decision from a Land Use Authority.
 2. Any applicable fee as set forth in the Consolidated Fee Schedule must be paid at the time of filing the notice of appeal.
 3. Upon receipt of the notice of appeal, the Planning Director will schedule the item for the next available public meeting of the Land Use Hearing Officer (LUHO), not to exceed forty-five (45) days from when the notice of appeal was received.
 4. Noticing shall be as set forth in MKZ 18.14.080, Public Notice.
 5. The LUHO shall make a determination at the meeting and issue a written decision within ten (10) days of the meeting.
- E. Approval Criteria and Burden of Proof. An appeal may be approved if the LUHO finds that there was an error in any order, requirement, decision, or determination made by the Land Use Authority in the administration or interpretation of this Code. In an appeal, the burden of proof is as follows:
1. If the appellant is a land use applicant, the appellant has the burden of proving that the land use authority's land use decision is illegal or is not supported by substantial evidence.
 2. If the appellant is an adversely affected party, the appellant has the burden of proving that the land use authority's land use decision is illegal, or that the factual findings are clearly erroneous.

- F. Appeals from Subdivision Improvement Plans. Notwithstanding the foregoing, appeals from subdivision improvement plans shall be handled in accordance with Utah Code Section ~~10-9a-604.2~~ 10-20-806.

18.13.060 Public Notice Requirements

- D. Mailed Notices Procedure. Applications requiring mailed notices as set forth in Table 18.13-3, Noticing Summary shall follow the requirements of Utah Code Section ~~10-9a-101~~ 10-20-101 et seq., Municipal Land Use, Development, and Management Act, and these procedures unless otherwise noted in in MKZ 18.15, Specific Procedures by Application Category and Type.
- E. Millcreek will mail notices for any application requiring a public meeting or public hearing. The applicant is responsible for the mailing expenses as set forth in the Consolidated Fee Schedule.
1. Mailed notices shall follow the requirements of Utah Code Section ~~10-9a-205~~ 10-20-205, Notice of public hearings and public meetings on adoption or modification of land use regulation.

18.14.010 Pre-Application Consultation

- B. Applicability. An applicant may request a pre-application consultation with the Planning Director prior to submitting any application. If a pre-application consultation is required, an application may not be accepted until after the pre-application consultation is completed. For purposes of Regular Residential Subdivisions, the pre-application consultation is a pre-application meeting for purposes of Utah Code Section ~~10-9a-604.1~~ 10-20-805.
- D. The informal evaluation of the application is not binding upon the applicant or Millcreek and does not constitute a pre-application meeting under Utah Code Section ~~10-9a-604.1~~ 10-20-805.

18.14.020 Concept Review

- B. Applicability. An applicant may request a concept review from the Planning Director prior to submitting any application. If an application type requires a concept review as set forth in MKZ 18.15, Specific Procedures by Application Category and Type, the concept review must be completed prior to submission. For purposes of Regular

Residential Subdivisions, the concept review is an alternative pre-application meeting for purposes of Utah Code Section ~~10-9a-604.1~~ 10-20-805.

18.14.050 Application Completeness And Compliance Review For Regular Residential Subdivisions

- D. Appeal from Subdivision Improvement Plans. For a dispute arising from the subdivision improvement plans, an appeal from Millcreek's final decision shall be made in accordance with Utah Code Section ~~10-9a-604.2~~ 10-20-806.

18.15.010 Legislative Decisions

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

- 2. Applicability. The City or any person may file an application requesting an amendment to the General Plan or Future Land Use Map. Applications for General Plan and Future Land Use Map Adoption or Amendments shall include the reasons or basis upon which the applicant believes the general plan should be amended. Amendments to the General Plan and Future Land Use Map shall comply with the procedures set forth in Utah Code Section ~~10-9a-101~~ 10-20-101 et seq., Municipal Land Use, Development, and Management Act. No application may be filed by any property to amend any part of the general plan for a period of one year after adoption of such part of the general plan by the council.

B. Land Use Code Text Amendment

- 2. Applicability. The City or any person may file an application requesting an amendment to the text of this Land Use Code. Applications for Land Use Code Text Amendments shall include the reasons or basis upon which the applicant believes the Land Use Code should be amended. Amendments to the Land Use Code shall comply with the procedures set forth in Utah Code Section ~~10-9a-101~~ 10-20-101 et seq., Municipal Land Use, Development, and Management Act.

18.15.020 Administrative Decisions - Subdivisions

A. Minor Subdivision

3. Procedure. Unless noted otherwise, the following application steps are required, as set forth in MKZ 18.14, Land Use Application Steps.

e. Subdivision Plan Review. A subdivision plan review for Regular Residential Subdivisions includes the engineering drawings that are subject to the standards as set forth in this Title and constitute the subdivision improvement plans as identified in Utah Code Section ~~10-9a-604.2~~ **10-20-806**.

4. Approval Criteria. The Planning Director shall approve the request if:

g. ~~No new lot nor any lot affected by the subdivision will have a noncomplying structure or a structure occupied by a nonconforming use, unless the lot created for the purpose of dividing a legally-established two-household dwelling pursuant to the standards as set forth in MKZ 18.26. Any new lot or any lot affected by the subdivision that has a noncomplying structure or a structure occupied by a nonconforming use is subject to the following additional approval criteria:~~

(1) ~~The noncomplying structure or the structure occupied by a nonconforming use shall be legally established through the process for a nonconformities determination as set forth in MKZ 18.15.040 (A).~~

(2) ~~Any new lot or any lot affected by the subdivision that has a noncomplying structure or a structure occupied by a nonconforming use meets all other requirements of the code, including but not limited to setbacks and lot coverage. No nonconformity or noncompliant condition may be created or expanded through a subdivision.~~

B. Major Subdivision

3. Preliminary Subdivision Procedure. The following application steps, as set forth in MKZ 18.14, Land Use Application Steps, are required, unless noted otherwise.

- e. Subdivision Plan Review. A subdivision plan review for Regular Residential Subdivisions includes the engineering drawings that are subject to the standards as set forth in this Title and constitute the subdivision improvement plans as identified in Utah Code Section ~~10-9a-604.2~~ 10-20-806.

5. Approval Criteria. The Planning Commission shall approve the request if:

- g. The Planning Commission may not approve a Preliminary Subdivision with a noncomplying structure or a structure occupied by a nonconforming use, ~~unless:~~

(1) The noncomplying structure or the structure occupied by a nonconforming use was legally established through the process for a nonconformities determination as set forth in MKZ 18.15.040 (A).

(2) Any new lot or any lot or parcel affected by the subdivision that has a noncomplying structure or a structure occupied by a nonconforming use meets all other requirements of the code, including but not limited to setbacks and lot coverage. No nonconformity or noncompliant condition may be created or expanded through a subdivision.

D. Subdivision Amendment for Minor Plat Adjustments

4. Approval Criteria. The Planning Director shall approve the request if:

- e. The amended plat complies with all other applicable requirements of this Code, Utah Code Section ~~10-9a-608~~ 10-20-811, and regulations and standards.

F. Vacating a Subdivision Plat. The vacation of a subdivision plat shall comply with the requirements as set forth in, and shall follow the process as outlined below:

3. The City Council may vacate a subdivision or a portion of a subdivision by adopting and recording an ordinance as set forth in Utah Code Section ~~10-9a-609~~ 10-20-812, Land use authority approval of vacation or amendment of plat -- Recording the amended plat.

G. Public Street or Municipal Utility Easement Vacation

4. Procedure – Public Street or Municipal Utility Easement Vacation by Ordinance. In lieu of a Minor Subdivision, Major Subdivision, or Subdivision Amendment, a petition to vacate a public street or municipal utility easement may be filed following the procedure as set forth in Utah Code Section ~~10-9a-609.5~~ 10-20-813, Petition to vacate a public street, and shall follow the procedure as set forth below:

18.15.030 Administrative Decisions - Other Land Use Decisions

A. Conditional Use Permit

5. Conditions of Approval. Unless otherwise specified in this Code or Utah Code Section ~~10-9a-507~~ 10-20-506, 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. All conditional uses are presumed to be compatible with the zone and the General Plan's intent.

C. Change of Use Permit.

2. Applicability. A Change of Use Permit is required when any existing property changes from one use classification established in this Title to another use classification established in this Title. Home offices and home businesses that do not have employees or customers visiting the site of the business are not required to obtain a Change of Use Permit.

J. Classification Request

1. Purpose. The purpose of this Section is to establish standards for Classification Requests to determine whether a proposed ~~land~~ **business** use aligns with an existing land use specified in this Code in a manner compliant with state statute.
2. Applicability. An applicant may formally request a Classification Request. Classification Requests are limited to those land uses for which a Millcreek business license is required.
3. Procedure. The following application steps, as set forth in [MKZ 18.14, Land Use Application Steps](#), are required.
 - a. Pre-application Consultation.
 - b. Application Submittal.
 - c. Application Completeness Review.
 - d. Application Compliance Review.
 - e. Decision and Findings.
 - (1) The Planning Director shall be the Land Use Authority for Classification Requests.
 - (2) The City Council shall be the Land Use Authority for Reviews of Classification Requests.
4. Approval Criteria. The Planning Director shall find that a proposed land use aligns with an existing land use specified in this Code, if the proposed land use complies with all applicable provisions of this Code and other applicable Millcreek policies, including the following:
 - a. The applicant provided sufficient evidence demonstrating that the proposed land use complies with the zone district's development standards, including but not limited to parking and vehicular access requirements, inventory storage, lighting, noise, and landscaping.
 - b. The proposed land use is substantially similar to the uses allowed in that district and is more comparable to such uses than those uses allowed in a less restrictive district.

- c. If the proposed use is most similar to a conditional use authorized in the zone district in which it is proposed to be located, any Classification Request Determination for such use shall require that it may be approved only as a conditional use.
 - d. The proposed use is consistent with the purpose statement of the underlying zoning district.
 - e. The proposed land use requires a Millcreek business license.
- 5. Submittal Requirements. Any person seeking a Classification Request shall submit a complete application, a completed Classification Request Checklist, a fee as set forth in [MKZ 18.13.040, Submittal Requirements in General](#), any other relevant supporting documentation, maps, studies, and any other information that would inform Staff and allow the Land Use Authority to make a decision. As part of an application for a Classification Request, the Planning Director may require the submittal studies or plans following the procedure as set forth in [MKZ 18.69, Required Studies and Plans](#).
- 6. City Council Review of a Classification Request Determination. If the Planning Director determines that the proposed land use is new and unlisted, the applicant may submit an application to the City Council ~~to review the Planning Director's determination requesting that the City Council adopt a land use ordinance that permits the new or unlisted business use as a permitted or conditional use~~, by following the procedure and paying a fee as set forth in [MKZ 18.15.010 \(B\)](#), ~~except that no Planning Commission recommendation is required~~. An application ~~requesting that the City Council adopt a land use ordinance that permits the new or unlisted business use as a permitted or conditional use for City Council Review of a Classification Request~~ must be submitted within ten (10) business days of issuing a written Classification Request Determination from the Planning Director.
 - a. The City Council shall schedule a public meeting to review the classification request within 60 days of filing a complete application for a City Council Review of a Classification Request Determination.
 - ~~b. The City Council shall apply the approval criteria for Classification Requests as set forth in [MKZ 18.15.030 \(j\)\(4\)](#).~~

- ~~c. If the City Council approves the Classification Request, it shall designate an appropriate zone or zones for the proposed use and determine whether it is a conditional use or a permitted use.~~
 - d. b. The Planning Director shall notify the applicant in writing of the City Council's determination, and the reasons for their determination.
7. Appeal. ~~The City Council's decision of a review of a classification request is a legislative decision. Legislative decisions are appealed to the district court as set forth in Utah Code Section 10-20-1109 et seq. An Appeal of the City Council's determination shall follow the process as set forth in MKZ 18.04, Appeals.~~

18.15.040 Administrative Decisions - Nonconformities And Variances

A. Nonconformities Determination

2. Applicability. A property owner shall have the burden of establishing that a nonconforming use, noncomplying structure, nonconforming lot, or other nonconformity legally existed before its current land use designation, unless the Planning Director can make a nonconformities determination based on records held by Millcreek, including but not limited to historic building and land use permits, and historic zoning and subdivision codes. A Nonconformities Determination is required prior to an application to expand or enlarge a noncomplying structure.

C. Variances

1. Purpose. The purpose of this Section is to establish standards for requests for variances from the standards of this Code. Variances are intended to provide a means of relief from the requirements of this Title if they have resulted in a hardship as they are applied to a property. Variances are subject to the standards as set forth in Utah Code Section ~~10-9a-701~~ 10-20-1101 et seq., Appeal authority required.

18.24.060 Improvement Assurance Guarantee

E. Inspections and Warranty Inspections.

5. Within 15 days after the warranty period expires, and upon a determination that the infrastructure improvement meets City standards, the City shall return the remaining 10% of the improvement completion assurance for that category, along with any remaining portion of a bond as described in Utah Code Section ~~10-9a-604.5(5)(b)~~ 10-20-807(5)(b).

18.25.020 Development Standards

All private streets shall be constructed to City standards as set forth in MKC 14.20, and development on lots or parcels along private streets are subject to the development standards of the underlying zone, except as follows:

1. Any lot or parcel fronting on a private street shall have the minimum lot or parcel width and area requirements of the underlying zone.
2. The minimum setback for buildings on lots or parcels on a private street that are located in an R-1, R-2, or A zone shall be the minimum setbacks required of the underlying zone measured from edge of private street.
3. The minimum area for a lot or parcel on a private street shall not include the area dedicated or reserved by easement as a private street.

18.34.040 Spatial Requirements

- D. Side Yard Setbacks on Lots ~~or Parcels~~ Fifty Percent Larger Than Minimum Lot or Parcel Width. Lots or parcels with a width at least 50 percent larger than the required minimum lot or parcel width shall measure side yard setbacks as set forth in the following:

1. The combined measurements of the side yard setbacks shall be at least 25 percent of the ~~lot or parcel width~~ diameter of the largest circle that can be inscribed entirely within the lot or parcel excluding any streams, floodplains, wetlands, areas of thirty percent slope or greater, or other natural hazard areas shall be excluded from the circle, as illustrated in Figure 18.34.1.
2. No side setback shall be less than the required minimum side yard setback.
3. ~~The width of the lot or parcel is measured as the diameter of the largest circle that can be inscribed entirely within the lot or parcel excluding any streams,~~

~~floodplains, wetlands, areas of thirty percent slope or greater, or other natural hazard areas shall be excluded from the circle, as illustrated in Figure 18.36.1.~~

18.36.040 Spatial Requirements

- B. Side and Rear Setbacks for Civic and Institutional Uses. Civic and Institutional Uses require a minimum ~~30~~20-foot rear and side yard setback when abutting and sharing a property line with a residential use.
- E. Side Yard Setbacks on Lots or Parcels Fifty Percent Larger Than Minimum Lot or Parcel Width. Lots or parcels with a width at least 50 percent larger than the required minimum lot or parcel width shall measure side yard setbacks as set forth in the following:
 - 1. The combined measurements of the side yard setbacks shall be at least 25 percent of the ~~lot or parcel width~~ diameter of the largest circle that can be inscribed entirely within the lot or parcel excluding any streams, floodplains, wetlands, areas of thirty percent slope or greater, or other natural hazard areas shall be excluded from the circle, as illustrated in Figure 18.36.1.
 - 2. No side setback shall be less than the required minimum side yard setback.
 - 3. ~~The width of the lot or parcel is measured as the diameter of the largest circle that can be inscribed entirely within the lot or parcel excluding any streams, floodplains, wetlands, areas of thirty percent slope or greater, or other natural hazard areas shall be excluded from the circle, as illustrated in Figure 18.36.1.~~

18.37.040 Spatial Requirements

- E. Side Yard Setbacks on Lots or Parcels Fifty Percent Larger Than Minimum Lot or Parcel Width. Lots or parcels with a width at least 50 percent larger than the required minimum lot or parcel width shall measure side yard setbacks as set forth in the following:
 - 1. The combined measurements of the side yard setbacks shall be at least 25 percent of the ~~lot or parcel width~~ diameter of the largest circle that can be inscribed entirely within the lot or parcel excluding any streams, floodplains, wetlands, areas of thirty percent slope or greater, or other natural hazard areas shall be excluded from the circle, as illustrated in Figure 18.37.1.
 - 2. No side setback shall be less than the required minimum side yard setback.
 - 3. ~~The width of the lot or parcel is measured as the diameter of the largest circle that can be inscribed entirely within the lot or parcel excluding any streams, floodplains, wetlands, areas of thirty percent slope or greater, or other~~

~~natural hazard areas shall be excluded from the circle, as illustrated in Figure 18.36.1.~~

18.39.090 Required Features

1. Storage. Each residential dwelling unit for developments with three or more dwelling units shall be required to contain interior storage equal to 100 cubic feet.
2. Washer and Dryer Connections. All multi-household residential developments shall include either washer and dryer connections for each dwelling unit or an on-site laundry.
3. Balconies or Patios ~~or Additional Open Space~~. 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, ~~or shall provide open space in lieu of private balconies or patios. Open space in lieu of balconies or patios shall be provided for at least 60 square feet per residential unit that lacks a balcony or patio, in addition to the minimum requirements set forth in MKZ 18.39.050 (G), and shall meet all the standards in that section.~~
4. Management. Twenty-four-hour on-site management is required for all residential developments consisting of more than 50 dwelling units.

18.58.040 Allowed Temporary Uses And Structures

- E. Yard and Garage Sales, ~~Open houses~~, shall be limited to three (3) consecutive days, ~~and shall occur no more than two times a year on a lot or parcel. and Yard and Garage Sales~~ are only allowed within non-commercial zones or on a lot or parcel with a legally-established residential use. No consignment goods may be offered.

18.59.030 General Requirements For Accessory Structures

D. Setback Requirements:

3. On lots where the rear ~~or side~~ yard abuts a public right-of-way, the minimum setback requirement for an accessory structure is 20 feet from the ~~side and rear property lines~~ the property line that abuts the public right-of-way, unless a noise barrier authorized and constructed by the Utah Department of Transportation or the City separates the right-of-way from the accessory structure.

18.60.050 Noncomplying Structures

- C. Ordinary Maintenance and Repair. A noncomplying structure may be maintained or repaired provided no structural alterations are made and the degree of nonconformity is not increased.
1. Fences and Retaining Walls. The replacement of a noncomplying fence or retaining wall with a new fence or retaining wall at the same height and location is considered ordinary maintenance and repair.
 2. All Other Noncomplying Structures. Ordinary maintenance and repair for all other noncomplying structures is allowed provided no structural alterations are made and the degree of nonconformity is not increased.

18.60.100 Exemptions

- A. Billboards. The provisions of this chapter shall not apply to billboards. Nonconforming billboards shall be terminated in accordance with applicable provisions of Utah Code Section ~~10-9a-512~~10-20-607, Termination of a billboard and associated rights, and ~~10-9a-513~~10-20-608, Municipality's acquisition of billboard by eminent domain. In the event such provisions are repealed, nonconforming billboards shall be subject to the provisions of this chapter.

18.61.010 Purpose And Intent

- D. To provide for the health, safety, and welfare of residents, as well as protect urban and nonurban development, the good order and aesthetics of Millcreek, and protection of property values as set forth in Utah Code Section ~~10-9a-102~~10-20-101(1), General land use authority.

18.66.090 Determination Status Procedure For Nonconformities

- A. ~~In all cases, the~~ The property owner shall have the burden of establishing that a nonconforming use, noncomplying structure, nonconforming lot, or other nonconformity ~~legally existed~~ was legally established before its current land use designation-, unless the Planning Director can make a nonconformities determination using records held by Millcreek, including but not limited to historic building and land use permits, and historic zoning and subdivision codes. In cases where the Planning Director cannot make a nonconformities determination using records held by Millcreek, the property owner shall file a Nonconformities

Determination Application. The Planning Director shall review the application as follows:

18.66.140 Retaining Wall Setbacks

A. The following shall apply to retaining walls within the front and street side yard setback areas:

1. ~~Each~~ A single retaining wall located in the front or street side yard setback area shall not exceed ~~four feet (4')~~ three feet (3') in height.
2. For terraced retaining wall systems located in the front or street side yard setback area, the retaining wall that is closest to the right-of-way line shall not exceed three feet (3') in height. Any other retaining wall located within a front or street side yard setback shall not exceed four feet (4') in height.
3. The City shall require a survey establishing a right-of-way line as part of any land use application or building permit for a retaining wall that is to be located within four feet (4') of a current or future public right-of-way as set forth in the adopted Millcreek Transportation Master Plan. The survey must be completed by a surveyor licensed to practice in the State of Utah.

B. Fences shall not be installed on the top of, or within four (4') feet parallel to the top of a retaining wall. Any retaining wall exceeding 30 inches in height and within 36 inches of a walking surface or a property line shall provide a minimum 42-inch high guardrail, or similar barrier on top of the retaining wall.

C. ~~At no point shall a r~~Retaining walls shall not be located within ~~four feet (4')~~ of the current ~~or future~~ public right-of-way as set forth in the adopted Millcreek Transportation Master Plan unless, otherwise approved in writing by the Public Works Director.

18.71.040 Permitted And Conditional Uses And Limitations

A. Internal ADUs are a permitted use as set forth in Utah Code Section ~~10-9a-530~~ 10-21-303, with additional requirements set forth in MKZ 18.71.070.

18.71.060 Development Standards Generally

- A. An accessory dwelling unit shall not be sold separately or subdivided from the principal dwelling unit or property.
- B. A property may have either an internal or attached ADU as part of a primary dwelling, or a detached ADU on the lot or parcel that is shared with the primary dwelling. No property may have more than one ADU.
- C. The design and size of the ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. When a new ADU is proposed in an existing single-household dwelling, the entire ADU shall comply with all applicable standards.
- D. The installation of separate utility meters is prohibited.
- E. An ADU shall comply with the regulations of the underlying zone for accessory buildings. Where the provisions in this chapter are inconsistent with provisions found in any other chapters of City ordinances, the most restrictive provisions shall apply.
- ~~F. **Design Standards.** The ADU, attached or detached, shall incorporate at least one of the exterior materials used in the principal dwelling for 20 percent of all structure facades. The ADU must have a pitched roof unless the principal dwelling has a flat roof, in which case an ADU may have a flat roof or a pitched roof. The ADU shall maintain the same color of the primary dwelling for at least 50 percent of all facades.~~
- ~~G.~~ F. ADUs may not be built within a recorded easement.
- ~~H.~~ G. Additional requirements for internal ADUs shall be as set forth in [MKZ 18.71.070](#).
- ~~I.~~ H. Additional requirements for attached ADUs shall be as set forth in [MKZ 18.71.080](#).
- ~~J.~~ I. Additional requirements for detached ADUs shall be as set forth in [MKZ 18.71.090](#).

18.71.070 Development Standards For Internal Accessory Dwelling Units

Internal ADUs are regulated pursuant to Utah Code Section ~~10-9a-530~~ [10-21-303](#), and additionally shall:

- A. Not change the appearance of the primary dwelling as a single-household dwelling;
- B. Be prohibited from having separate utility meters from the primary dwelling; and
- C. Be prohibited in a mobile home or manufactured home.

18.71.090 Development Standards For Detached Accessory Dwelling Units

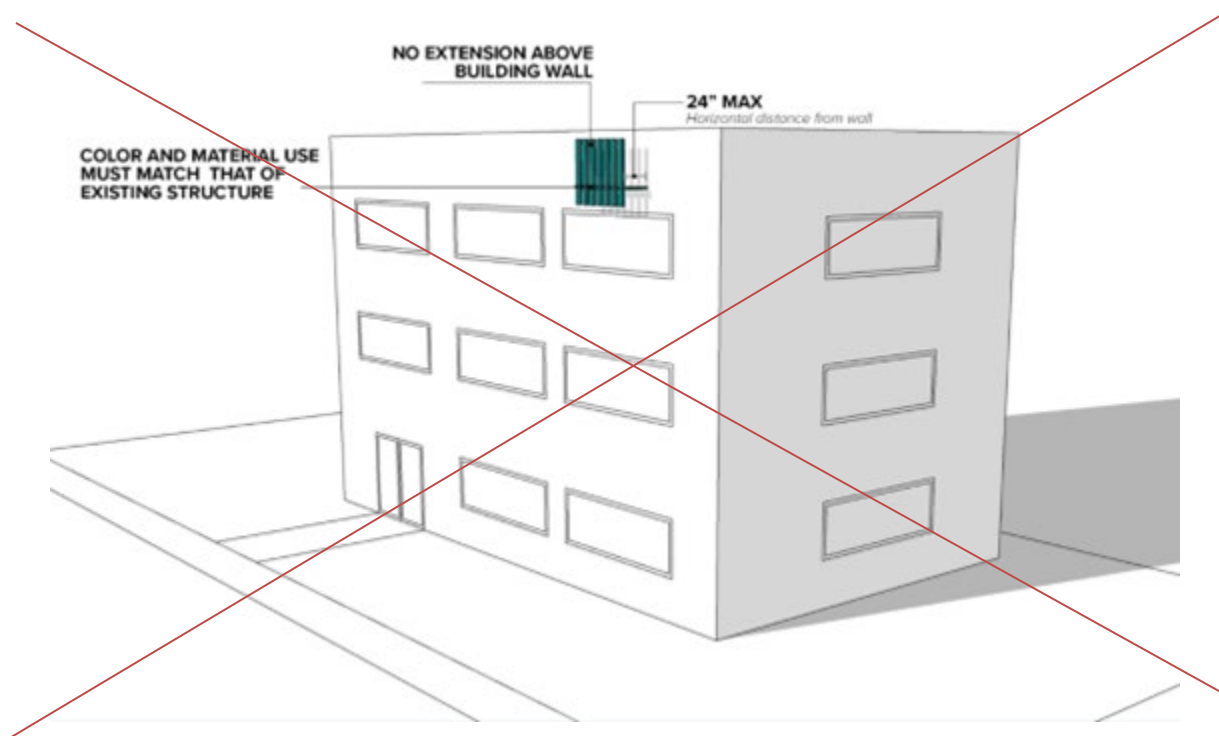
- A. A detached ADU shall be a permanent structure. Trailers, mobile homes, and other portable structures, especially structures with wheels, shall not be permitted as a detached ADU.
- B. A detached ADU is not eligible for The Neighborhood Compatibility Modification provisions found in [MKZ 18.34](#) or [MKZ 18.36](#).
- C. A detached ADU shall not be used as a short-term rental.
- D. Exterior lighting shall provide illumination directed downward and shall follow the standards as set forth in [MKZ 18.68, Outdoor Lighting](#). Light sources shall not be visible from abutting properties.
- ~~E. Windows on a façade, located within 15 feet of an abutting property containing a single-household, twin home, or duplex dwelling, shall be fixed (non-operable) and translucent or shall be installed skylights.~~
- ~~(F)~~ E. Entrances, parking, and stairways within 15 feet of an abutting property shall not be visible from the abutting property. This may be done with a fence along the side and rear property lines, landscaping that is dense enough to obscure activity or by placing the entrances and stairs out of view of abutting properties. Corner properties with ADU entrances facing a right-of-way are not required to screen the entrance if not facing the same right-of-way as the primary dwelling entrance.
- ~~(G)~~ F. Detached ADUs shall not be built on slopes of 30 percent or greater.
- ~~(H)~~ G. Balconies on the second story of an ADU are prohibited.
- ~~(I)~~ H. Exterior stairways and landing shall not encroach into a setback.

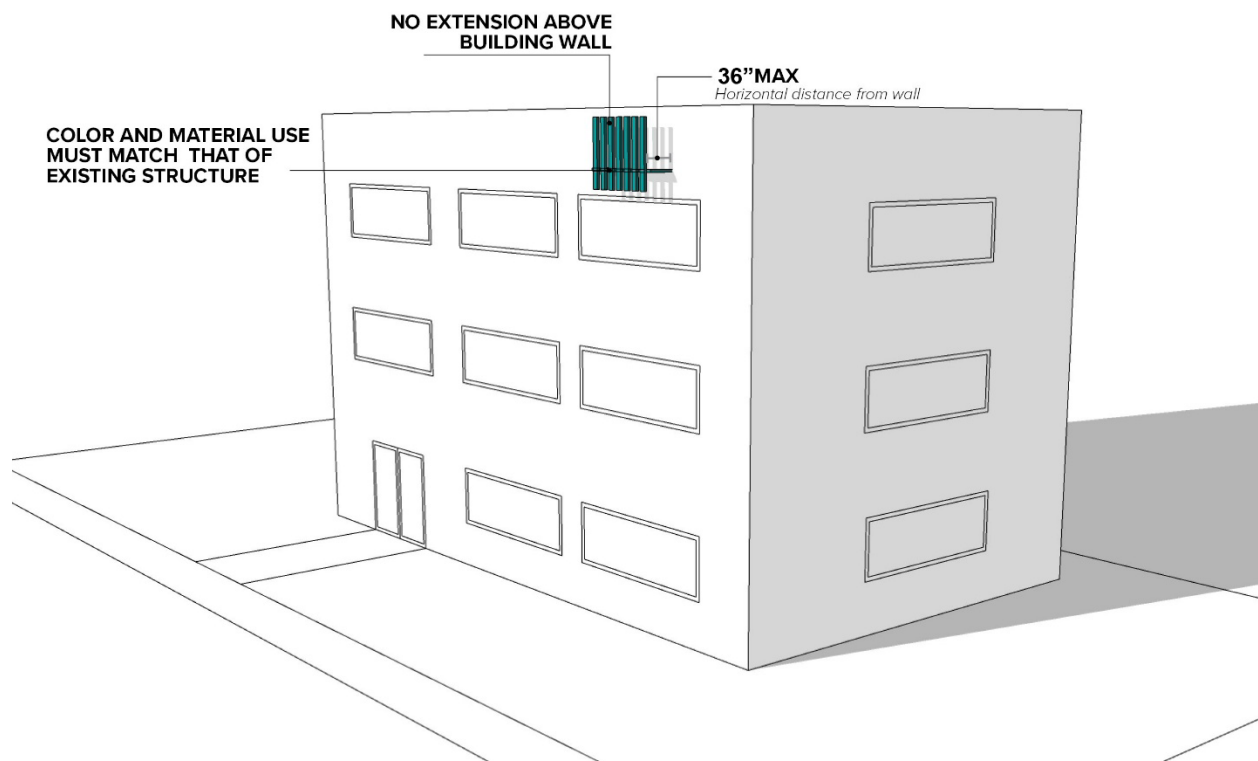
18.75.060 Wall Mounted Wireless Telecommunication Facilities

Wall-mounted wireless telecommunication facilities shall satisfy the following standards, as depicted in Figure 18.75.4:

- A. Wall mounted wireless telecommunication facilities shall be mounted to the wall of the primary structure and not extend more than ~~24 inches~~ **36 inches** as measured from the surface edge of the wall to the front or furthest portion of the equipment.
- B. Wall-mounted wireless telecommunication facilities shall be located at least ~~30~~ **thirty** feet (**30'**) above the finished grade of the wall surfaces to which it is mounted.
- C. Wall-mounted commercial transmission equipment shall not extend above the wall to which it is mounted.
- D. Wall-mounted wireless telecommunication facilities, including the supporting structure, shall be colored to match the building colors, textures, and materials.

Figure 18.75.4, Wall Mounted Transmission Equipment Illustration





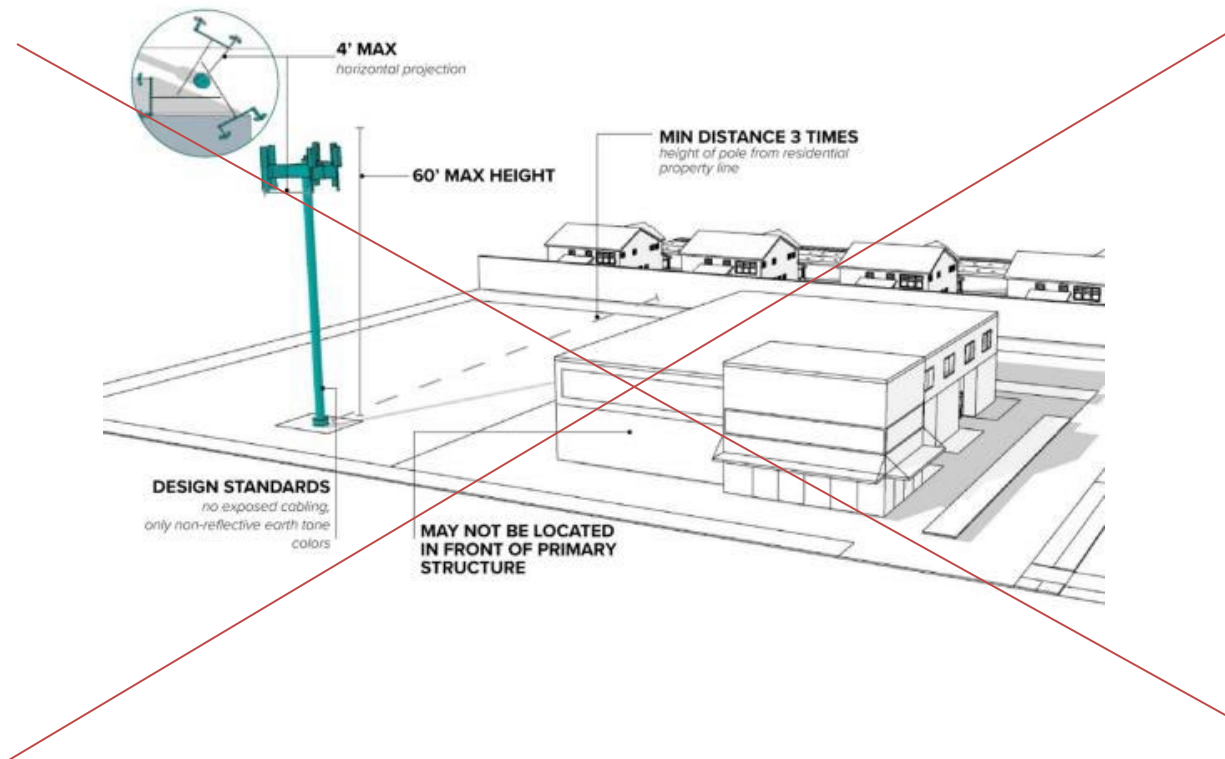
18.75.090 Monopole Wireless Telecommunication Facilities

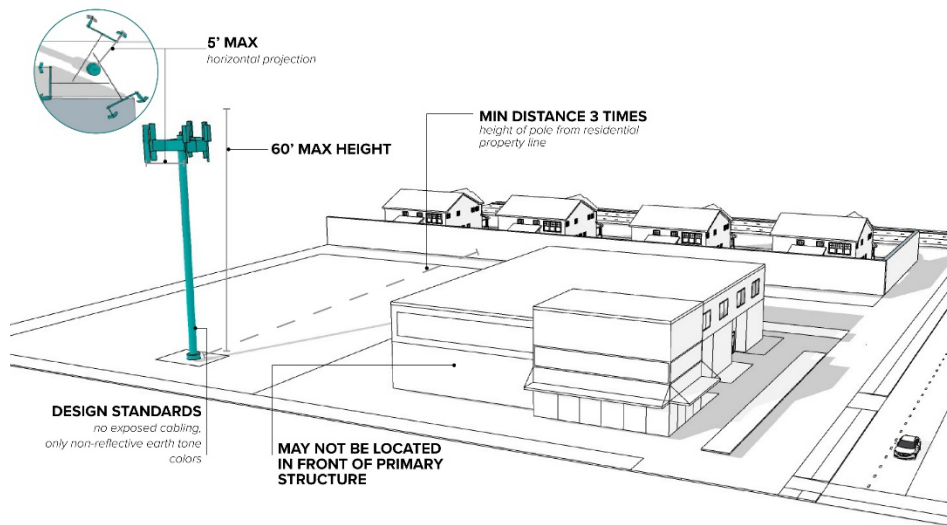
Freestanding stealth Monopole wireless telecommunication facilities shall satisfy the following standards, as depicted in Figure 18.75.7, provided that:

- A. Monopole wireless telecommunication facilities may only be considered after the applicant has submitted a statement of need demonstrating why the proposed facility cannot be wall-mounted, roof mounted, co-located, or integrated into a freestanding structure.
- B. Monopoles are prohibited on properties within an R-1, R-2, R-4, **RM**, or AG Zone, or a sensitive land designation unless the monopole and equipment are made stealth based upon the surrounding natural **environment** and/or architectural **elements located environment** within 1,320 feet of the facility, as directed by the Planning Director.
- C. Monopoles are prohibited in residential and agricultural zones except in public parks and schools or properties exceeding two (2) acres in size.

- D. A minimum of one-half (1/2) mile distance is required between monopoles.
- E. Monopoles shall not be allowed in the front yard setback of any lot or parcel, or between the primary building and abutting right-of-way.
- F. Monopoles shall be set back from any residential property line three times (3x) the height of the monopole.
- G. Monopoles shall not exceed 60 feet in height as measured from the top of the monopole or equipment to the finished grade.
- H. Monopoles and related pole-mounted transmission equipment, including antennas, shall have non-reflective or powder coated surfaces in unobtrusive earth-tone colors.
- I. External pole mounted antennas shall not project more than ~~four~~five feet ~~(4')~~ (5') as measured from the front of or furthest portion of the antenna, or similar equipment, to the nearest surface edge of the monopole.
- J. No exposed cabling is permitted, and all cables shall be routed internally within the pole and ~~or~~ buried underground. The Planning Director may consider exterior cable trays designed to replicate an existing vertical element. Standard cable trays painted and textured to match the existing facade do not satisfy the intent or qualify as hidden or concealed.

Figure 18.75.7, Monopole Installation





18.97.030 Alphabetized Definitions

Final Plat means an instrument approved for recording subdividing property into lots as depicted on a map that a licensed professional land surveyor makes and prepares in accordance with Utah Code Sections ~~10-9a-603~~ 10-20-803 or 57-8-13.

LUDMA (the Municipal Land Use Development Management Act) means the Utah State Law pertaining to land use codified at Utah Code Section ~~10-9a-101~~ 10-20-101 et seq.

Ordinary Maintenance and Repair means any maintenance or repair to any existing noncomplying structure that is for the limited purpose of correcting decay, deterioration or

damage, and that doesn't increase the degree of noncompliance of the existing noncomplying structure.

Parking Lot means a property used for the storing or parking of vehicles, excluding properties that are used to store vehicles for sale or lease.

Recreational Vehicles (RVs) means ~~motor vehicles or trailers with living space for traveling, camping, or daily living. These may include campers, travel trailers, or motor homes. A~~ vehicle, snowmobile, trailer, camper, or watercraft with or without a motor, designed and constructed for recreational use or as temporary living quarters for travel or vacation purposes. Recreational vehicle includes a vehicle, snowmobile, trailer, camper, or watercraft with or without a motor, designed and constructed for recreational use. Recreational vehicle does not include human or battery powered personal apparatuses, such as bicycles, kick-scooters, or children's toys.

Subdivision means any land that is divided, re-subdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development. Subdivision does not include a bona fide division or partition of agricultural land for agricultural purposes, as set forth in Utah Code Section ~~10-9a-605(2)~~10-20-808(2), a recorded conveyance document, consolidating multiple lots or parcels into one legal description encompassing all lots by reference to a recorded plat and all parcels by metes and bounds description, joining a lot to a parcel, a bona fide division of land by deed or other instruments if the deed or other instrument states in writing that the division is in anticipation of future land use approvals on the parcel or parcels, does not confer any land use approvals, and has not been approved by the City, a boundary adjustment, a boundary establishment, road, street, or highway dedication plat, a deed or easement for a road, street, or highway purposes, or any other division of land authorized by law. The word "subdivide," and any derivative thereof shall have reference to the term subdivision as defined in this Title.

Subdivision Amendment means an amendment to a recorded subdivision as set forth in Utah Code Section ~~10-9a-608~~10-20-811 that vacates all or a portion of a subdivision, increases the number of lots within a subdivision, that alters a public right-of-way, a public easement, or public infrastructure within the subdivision, or alters a common area or other common amenity within the subdivision. A subdivision amendment does not include a simple or full boundary adjustment.



ZT-26-002

City Council Staff Report

Meeting Date: September 28, 2026

Applicant: Millcreek

Re: Zoning Code Changes

Prepared By: Francis Xavier Lilly, AICP, Planning Director

REQUEST AND SYNOPSIS

Since the zoning code update of 2025, staff have successfully employed the new code to various projects and developments around the city. So far this has proven to be a major improvement from the previous zoning code. After adopting the code, staff proposed a series of additional code amendments in Autumn 2025 and again earlier this year. The following updates are a third round of updates. Primarily, these updates are a response to changes in the State of Utah's Land Use Development and Management Act (LUDMA), which we are required to follow. In addition, staff is proposing some clarifying language that:

- Allows for nonconforming uses and noncomplying structures to be eligible for subdivision, provided the nonconformity or noncompliance does not increase;
- Clarifies that the minimum area for a lot or parcel created on a private street shall not include the area for the private street.
- Provides options for multifamily buildings to provide extra open space in lieu of balconies.
- Allows for retaining walls to abut a right-of-way, where currently the requirement is a four-foot setback.
- Allows for noncomplying retaining walls or fences to be replaced to the same height and location.
- Slightly increases the projection or "standoff" distances for wireless telecommunications antennae on monopoles and wall-mounted structures, upon the recommendation of wireless telecommunications users, in order to facilitate the relocation or removal of existing wireless telecommunications facilities in Millcreek.
- Corrects State statute references. Last year, LUDMA was recodified, and the statutory references changed.

Specifically, the changes are as follows:

Removal and Vacancy of Planning Commission Members – Page 1

Staff is proposing expanding the language for the removal and vacancy of planning commission members, in compliance with a State statute update adopted this year. See [Utah Code Ann. 10-20-301](#) for state statutory requirements. Pursuant to a Planning Commission recommendation, staff is adding language that allows the Mayor to remove Planning Commissioners on the basis of malfeasance, misfeasance, or nonfeasance.

Appeal Hearing Due Process – Pages 2-4

State statute was updated to limit public participation in appeals. Staff is proposing to update the ordinance in a manner compliant with State law. See [Utah Code Ann. 10-20-1106](#).

State statute also changed to establish a different burden of proof for applicants than for adversely affected parties. See [Utah Code Ann. 10-20-1105](#).

Nonconformities in Subdivisions – Pages 6-8

Currently, the code does not allow for a subdivision to be created that involves a noncompliant property or a nonconforming use. The noncompliance/nonconformity would have to be eliminated before subdivision. This has proven to be a substantial development impediment for residential subdivisions that would otherwise be legal, and could require the removal of housing. In the interest of preserving naturally-occurring affordable housing, staff is proposing to allow for noncompliant structures and nonconforming uses to be included in subdivisions, provided that the new lots created or the properties effected are compliant in terms of lot coverage, lot size, and setbacks.

Change of Use Permit – Page 9

In the interest of streamlining approvals and enhancing the customer service experience, staff is proposing exempting home offices and home businesses (that do not have employees or customers on-site) from applying for a change of use permit.

Classification Requests – Pages 9-11

In 2025, State law required cities to create a process to establish standards to determine whether a proposed business use aligns with an existing land use listed in our code. That statute created an appeal process that required city council review. Earlier this year, the law was changed that clarified that classification requests are administrative in nature, and no automatic city council review was warranted. See [Utah Code Ann. 10-20-507](#) for the statutory requirements.

Nonconformities Application Procedures – Pages 9-10, Page 16

In the interest of streamlining approvals and enhancing the customer service experience, staff is proposing to allow the city to make a nonconformities determination if it is supported by records held by Millcreek, without requiring an application and a fee of a land owner.

Determining Minimum Area for a Lot or Parcel on a Private Street – Page 12

Millcreek has a process for lots, parcels, and buildings on a private street. By definition, a lot or parcel is defined in a manner that excludes the street, however, staff is proposing a change to the ordinance that clearly states that the minimum area for a lot or parcel on a private street does not include the area used as the street itself. In the future, the city may be asked to take over private streets; unless the lot area does not include the private street, the lots could become nonconforming.

Calculating Side Yard Setbacks on Properties and Parcels 50% Larger than the Minimum Width – Pages 13-14

These proposed redlines do not change any standards, but the calculation language for determining the required setbacks is moved for clarity and enforceability.

Setbacks for Civic and Institutional Uses in the R-1 Zones – Page 13

Civic and Institutional Uses in all our residential zones have a consistent setback: 20 feet. However, there is an error in the R-1 zones: The table references 20 feet, but the text references 30 feet. The proposed change aligns the text with the table.

Balconies and Patios in the RM Zone – Page 14

Each unit in a building in the RM zone requires a balcony or patio. Notably, that requirement doesn't exist for multifamily or mixed use buildings in other zones. Balconies or patios provide useful open space and building relief to buildings, however. In response to Salt Lake County's housing authority, which is seeking approval for a deeply affordable housing project in Millcreek, staff is suggesting an option where additional open space can be provided in lieu of a balcony or patio. In the case of the housing authority, balconies may not be appropriate for the senior housing project they are proposing. This proposal would maintain the open space requirement provided by the balconies, but would provide a developer with flexibility in how that open space is deployed.

Garage Sales – Page 15

Millcreek Code Compliance is requesting additional clarity for our regulations regarding yard and garage sales, to aid in enforceability and responsiveness to concerns reported by Millcreek residents. Garage sales will be allowed twice a year, for up to three days at a time.

Setback Requirements for Accessory Structures – Page 15

Staff identified an error in the language for setback requirements for accessory structures in rear or side yards that abut a public right-of-way, and clarified that the enhanced setback requirement only applies to the property boundary that abuts the right-of-way, and not all yards.

Ordinary Maintenance and Repair / Fences and Retaining Walls – Page 15

Staff is proposing to clarify that the replacement of a fence or retaining wall should be considered as "ordinary maintenance and repair", because it is often infeasible or impossible to repair a fence or retaining wall without addressing footings or foundations. For all other structures, ordinary maintenance and repair would prohibit any structural alterations. A definition of "ordinary maintenance and repair" is included on Page 15.

Retaining Wall Setbacks – Pages 16-17

Currently, retaining walls are required to be set back 4 feet from a right-of-way. This has proven to be a challenging requirement for many homeowners in Millcreek, who are replacing existing, failing retaining walls. Staff is proposing modifying the language that would allow a retaining wall to abut a right-of-way, without a setback, provided a survey is included that establishes the right-of-way line. The retaining wall closest to the street will be limited to 3 feet in height. Any other retaining wall in the front yard setback can be up to 4 feet in height.

Accessory Building Requirements – Pages 17-19

In the 2026 legislative session, the State of Utah made some significant changes to the statute that limits how cities can regulate ADUs. For the most part, Millcreek's code complies with the new statutory requirements.

However, state statute plainly restricts regulating materials, roof pitch, and window placement on single-household buildings (See [Utah Code Ann. 10-20-618](#) for a list of prohibited design elements). Recent changes to state law extended that prohibition to detached ADUs (See [Utah Code Ann. 10-21-304\(3\)\(d\)](#)). Staff notes that elements of the new state law is unclear, and we are advocating for some greater municipal flexibility for regulating detached ADUs, particularly those that are built within the accessory building setbacks. For now, however, the staff recommendation is to remove our current design and window-placement requirements to ensure compliance with state statute.

Wireless Telecommunication Facilities – Pages 19-25

Staff is proposing some minor changes to wireless telecommunication facilities to promote the relocation of wireless telecommunication infrastructure in Millcreek. Specifically, the additional standoff distance allowance for a wall-mounted wireless antenna would facilitate the removal of the noncomplying monopole located at the southwest corner of 1300 East and 3300 South. Similarly, increasing the standoff distance for monopoles will facilitate collocation at an existing Millcreek facility. Neither situation appears to impose unreasonable aesthetic impacts on Millcreek. In both cases, the redlines include text modification and a revised image. Additionally, the Planning Commission recommends that monopoles in the RM zone be stealth, which is similar to the requirements in place for monopoles in an R-1, R-2, R-4, or AG zone.

Updated Definitions – Pages 25-26

Staff is proposing a definition for “parking lot” and an revised definition for “recreational vehicle” that is identical to the definition for “recreational vehicle” in Title 14. Aligning definitions will aid Millcreek’s code compliance department in enforcing and clarifying requirements around unlicensed RVs in Millcreek.

Utah Code Statutory Reference Corrections

Many of the redlines are simple corrections to the numerous hyperlinked references in Millcreek code to state statute requirements. In 2025, the State of Utah recodified LUDMA, so the old references are no longer valid.

PUBLIC COMMENT

No formal public comment was submitted for this application at the open house held on Tuesday, 1 September 2026. As of the submittal of this staff report, East Mill Creek Community Council submitted a letter recommending approval of the proposed changes and a vote of 4 in favor to none opposed, with abstentions. HousingConnect, Salt Lake County’s housing authority, submitted a letter expressing support of the proposed changes to the balcony requirements in the RM Zone. That letter is attached to this staff report.

Additional comment will be transmitted to the Planning Commission once it is received by staff.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission held a public hearing on this matter at their meeting on 16 September 2026. At that meeting, they unanimously recommended approval of the changes found in the zoning code as presented by staff, with the following additional updates:

1. Add *malfeasance*, *misfeasance*, *nonfeasance* to cause for removal of a planning commissioner
2. Add maximum number of days in a year that a garage or yard sale can be held.
3. Require stealth monopoles in the RM Zone.
4. Allow for 4-foot street side and front retaining walls beyond the first retaining wall.

The attached draft ordinance reflects the Planning Commission’s recommendations.

SUPPORTING DOCUMENTS

- **Code Rewrite Redlines**
- **Planning Commission Draft Meeting Minutes – September 16, 2026**
- **Letter of Support from HousingConnect**
- **Recommendation Letter from East Mill Creek Community Council**
- **URL: [Planning Commission Staff Report](#)**

18.01.020 Purpose And Authority

- B. This title is adopted as set forth in Utah Code Section ~~10-9a-101~~10-20-101 et seq., Municipal Land Use, Development, and Management Act, the general welfare power delegated to municipalities as set forth in Utah Code Section 10-8-84, Ordinances, Rules and Regulations, and the police power authority of local government established by Utah common law.

18.03.010 Planning Commission

- E. Removal and Vacancy. ~~The Mayor may remove members of the Planning Commission may be removed by the Mayor with the advice and consent of the City Council. The Mayor shall promptly fill any vacancy occurring on the Planning Commission with the advice and consent of the City Council for the unexpired term of such member. The Mayor shall also promptly fill any vacancy on the Planning Commission due to the expiration of a term, with the advice and consent of the City Council.~~
1. ~~The Mayor may remove members of the Planning Commission with the advice and consent of the City Council. Causes for removal include:~~
 - a. ~~Using public funds for a political purpose under Utah Code Title 20A, Chapter 11, Part 12, Political Activities of Public Entities Act;~~
 - b. ~~Violating a provision of Utah Code Title 10, Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act;~~
 - c. ~~Acting with the intent to influence a land use decision or an appeal of a pending land use application in a manner that creates actual impermissible bias or an unacceptable risk of impermissible bias in the planning commission member's administrative or quasi-judicial duties; and~~
 - d. ~~Malfeasance, misfeasance, or nonfeasance as determined by the Mayor.~~
 2. ~~A planning commission member deliberating about a specific pending land use application in a planning commission meeting with municipal staff, an elected official, or the land use applicant is not cause for removing a planning commission member from the planning commission.~~

3. The Mayor shall promptly fill any vacancy occurring on the Planning Commission with the advice and consent of the City Council for the unexpired term of such member. The Mayor shall also promptly fill any vacancy on the Planning Commission due to the expiration of a term, with the advice and consent of the City Council.

18.03.020 Land Use Hearing Officer (LUHO)

A. Creation. A Land Use Hearing Officer (LUHO) is hereby created as set forth in Utah Code Chapter ~~10-9a~~10-20, Municipal Land Use, Development, and Management Act. It is the intent of the City Council that the Land Use Hearing Officer (LUHO) satisfies the requirement of the above-referenced statute for an appeal authority to hear and decide requests for appeals from decisions applying land use ordinances.

C. Hearings, Meetings, and Due Process

1. The LUHO shall hold hearings or meetings as necessary and shall not have ex-parte contacts. It shall have the authority to administer oaths, provide an opportunity for cross-examination, and direct the proceedings in a quasi-judicial manner, so that each participant's due process rights are respected. All hearings must be open to the public and recorded.
2. Notice Requirements. Noticing shall be as set forth in MKZ 18.14.080, Public Notice.
3. Upon request Millcreek will provide copies to all parties of public regarding the matter. Otherwise, no discovery shall be allowed except as specifically ordered and scheduled by the LUHO.
4. Hearings or meetings shall be conducted with appropriate formality and decorum to protect due process rights. The Utah Rules of Evidence and Rules of Civil Procedure are used as guidelines and are not strictly followed or applied. The rules regarding authorization, foundation, hearsay, or relevance shall not be strictly applied.
5. The LUHO may only allow the following people to present or speak during an appeal hearing:
 - a. The appellant or the appellant's representatives;
 - b. The land use applicant or the land use applicant's representatives; and

- c. Millcreek Staff or designated staff representatives.

18.04.010 Appeals

- A. Purpose. Appeals are intended to provide additional review of a decision made by the Land Use Authority. Appeals are subject to the standards as set forth in Utah Code Section 10-20-1101 et seq.
- B. Applicability. An applicant, Millcreek, or an adversely affected party may appeal any final decision made by the Land Use Authority regarding the administration or interpretation of this Code.
- C. Procedure for Legislative Decisions. Legislative decisions are appealed to the district court as set forth in Utah Code Section ~~10-9a-101~~ 10-20-101 et seq.
- D. Procedure for Administrative Decisions.
1. A notice of appeal must be filed with the Planning Director within ten (10) business days of the issuance of a written administrative decision from a Land Use Authority.
 2. Any applicable fee as set forth in the Consolidated Fee Schedule must be paid at the time of filing the notice of appeal.
 3. Upon receipt of the notice of appeal, the Planning Director will schedule the item for the next available public meeting of the Land Use Hearing Officer (LUHO), not to exceed forty-five (45) days from when the notice of appeal was received.
 4. Noticing shall be as set forth in MKZ 18.14.080, Public Notice.
 5. The LUHO shall make a determination at the meeting and issue a written decision within ten (10) days of the meeting.
- E. Approval Criteria and Burden of Proof. An appeal may be approved if the LUHO finds that there was an error in any order, requirement, decision, or determination made by the Land Use Authority in the administration or interpretation of this Code. In an appeal, the burden of proof is as follows:

1. If the appellant is a land use applicant, the appellant has the burden of proving that the land use authority's land use decision is illegal or is not supported by substantial evidence.
2. If the appellant is an adversely affected party, the appellant has the burden of proving that the land use authority's land use decision is illegal, or that the factual findings are clearly erroneous.

F. Appeals from Subdivision Improvement Plans. Notwithstanding the foregoing, appeals from subdivision improvement plans shall be handled in accordance with Utah Code Section ~~10-9a-604.2~~ 10-20-806.

18.13.060 Public Notice Requirements

- D. Mailed Notices Procedure. Applications requiring mailed notices as set forth in Table 18.13-3, Noticing Summary shall follow the requirements of Utah Code Section ~~10-9a-101~~ 10-20-101 et seq., Municipal Land Use, Development, and Management Act, and these procedures unless otherwise noted in in MKZ 18.15, Specific Procedures by Application Category and Type.
- E. Millcreek will mail notices for any application requiring a public meeting or public hearing. The applicant is responsible for the mailing expenses as set forth in the Consolidated Fee Schedule.
1. Mailed notices shall follow the requirements of Utah Code Section ~~10-9a-205~~ 10-20-205, Notice of public hearings and public meetings on adoption or modification of land use regulation.

18.14.010 Pre-Application Consultation

- B. Applicability. An applicant may request a pre-application consultation with the Planning Director prior to submitting any application. If a pre-application consultation is required, an application may not be accepted until after the pre-application consultation is completed. For purposes of Regular Residential Subdivisions, the pre-application consultation is a pre-application meeting for purposes of Utah Code Section ~~10-9a-604.1~~ 10-20-805.

- D. The informal evaluation of the application is not binding upon the applicant or Millcreek and does not constitute a pre-application meeting under Utah Code Section ~~10-9a-604.1~~ 10-20-805.

18.14.020 Concept Review

- B. Applicability. An applicant may request a concept review from the Planning Director prior to submitting any application. If an application type requires a concept review as set forth in MKZ 18.15, Specific Procedures by Application Category and Type, the concept review must be completed prior to submission. For purposes of Regular Residential Subdivisions, the concept review is an alternative pre-application meeting for purposes of Utah Code Section ~~10-9a-604.1~~ 10-20-805.

18.14.050 Application Completeness And Compliance Review For Regular Residential Subdivisions

- D. Appeal from Subdivision Improvement Plans. For a dispute arising from the subdivision improvement plans, an appeal from Millcreek's final decision shall be made in accordance with Utah Code Section ~~10-9a-604.2~~ 10-20-806.

18.15.010 Legislative Decisions

- A. General Plan and Future Land Use Map Adoption or Amendment
2. Applicability. The City or any person may file an application requesting an amendment to the General Plan or Future Land Use Map. Applications for General Plan and Future Land Use Map Adoption or Amendments shall include the reasons or basis upon which the applicant believes the general plan should be amended. Amendments to the General Plan and Future Land Use Map shall comply with the procedures set forth in Utah Code Section ~~10-9a-101~~ 10-20-101 et seq., Municipal Land Use, Development, and Management Act. No application may be filed by any property to amend any part of the general plan for a period of one year after adoption of such part of the general plan by the council.

B. Land Use Code Text Amendment

2. Applicability. The City or any person may file an application requesting an amendment to the text of this Land Use Code. Applications for Land Use Code Text Amendments shall include the reasons or basis upon which the applicant believes the Land Use Code should be amended. Amendments to the Land Use Code shall comply with the procedures set forth in Utah Code Section ~~10-9a-101~~ 10-20-101 et seq., Municipal Land Use, Development, and Management Act.

18.15.020 Administrative Decisions - Subdivisions

A. Minor Subdivision

3. Procedure. Unless noted otherwise, the following application steps are required, as set forth in MKZ 18.14, Land Use Application Steps.
 - e. Subdivision Plan Review. A subdivision plan review for Regular Residential Subdivisions includes the engineering drawings that are subject to the standards as set forth in this Title and constitute the subdivision improvement plans as identified in Utah Code Section ~~10-9a-604.2~~ 10-20-806.
4. Approval Criteria. The Planning Director shall approve the request if:
 - g. ~~No new lot nor any lot affected by the subdivision will have a noncomplying structure or a structure occupied by a nonconforming use, unless the lot created for the purpose of dividing a legally established two-household dwelling pursuant to the standards as set forth in MKZ 18.26. Any new lot or any lot affected by the subdivision that has a noncomplying structure or a structure occupied by a nonconforming use is subject to the following additional approval criteria:~~
 - (1) The noncomplying structure or the structure occupied by a nonconforming use shall be legally established through the process for a nonconformities determination as set forth in

MKZ 18.15.040 (A).

- (2) Any new lot or any lot affected by the subdivision that has a noncomplying structure or a structure occupied by a nonconforming use meets all other requirements of the code, including but not limited to setbacks and lot coverage. No nonconformity or noncompliant condition may be created or expanded through a subdivision.

B. Major Subdivision

3. Preliminary Subdivision Procedure. The following application steps, as set forth in MKZ 18.14, Land Use Application Steps, are required, unless noted otherwise.

- e. Subdivision Plan Review. A subdivision plan review for Regular Residential Subdivisions includes the engineering drawings that are subject to the standards as set forth in this Title and constitute the subdivision improvement plans as identified in Utah Code Section ~~10-9a-604.2~~ 10-20-806.

5. Approval Criteria. The Planning Commission shall approve the request if:

- g. The Planning Commission may not approve a Preliminary Subdivision with a noncomplying structure or a structure occupied by a nonconforming use, ~~unless:~~

(1) The noncomplying structure or the structure occupied by a nonconforming use was legally established through the process for a nonconformities determination as set forth in MKZ 18.15.040 (A).

(2) Any new lot or any lot or parcel affected by the subdivision that has a noncomplying structure or a structure occupied by a nonconforming use meets all other requirements of the code,

including but not limited to setbacks and lot coverage. No nonconformity or noncompliant condition may be created or expanded through a subdivision.

D. Subdivision Amendment for Minor Plat Adjustments

4. Approval Criteria. The Planning Director shall approve the request if:

- e. The amended plat complies with all other applicable requirements of this Code, Utah Code Section ~~10-9a-608~~10-20-811, and regulations and standards.

F. Vacating a Subdivision Plat. The vacation of a subdivision plat shall comply with the requirements as set forth in, and shall follow the process as outlined below:

- 3. The City Council may vacate a subdivision or a portion of a subdivision by adopting and recording an ordinance as set forth in Utah Code Section ~~10-9a-609~~10-20-812, Land use authority approval of vacation or amendment of plat -- Recording the amended plat.

G. Public Street or Municipal Utility Easement Vacation

- 4. Procedure – Public Street or Municipal Utility Easement Vacation by Ordinance. In lieu of a Minor Subdivision, Major Subdivision, or Subdivision Amendment, a petition to vacate a public street or municipal utility easement may be filed following the procedure as set forth in Utah Code Section ~~10-9a-609.5~~10-20-813, Petition to vacate a public street, and shall follow the procedure as set forth below:

18.15.030 Administrative Decisions - Other Land Use Decisions

A. Conditional Use Permit

- 5. Conditions of Approval. Unless otherwise specified in this Code or Utah Code Section ~~10-9a-507~~10-20-506, 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. All conditional uses are presumed to be compatible with the zone and the General Plan's intent.

C. Change of Use Permit.

2. Applicability. A Change of Use Permit is required when any existing property changes from one use classification established in this Title to another use classification established in this Title. Home offices and home businesses that do not have employees or customers visiting the site of the business are not required to obtain a Change of Use Permit.

J. Classification Request

1. Purpose. The purpose of this Section is to establish standards for Classification Requests to determine whether a proposed ~~land~~ **business** use aligns with an existing land use specified in this Code in a manner compliant with state statute.
2. Applicability. An applicant may formally request a Classification Request. Classification Requests are limited to those land uses for which a Millcreek business license is required.
3. Procedure. The following application steps, as set forth in MKZ 18.14, Land Use Application Steps, are required.
 - a. Pre-application Consultation.
 - b. Application Submittal.
 - c. Application Completeness Review.
 - d. Application Compliance Review.
 - e. Decision and Findings.

(1) The Planning Director shall be the Land Use Authority for Classification Requests.

(2) The City Council shall be the Land Use Authority for Reviews of Classification Requests.

4. Approval Criteria. The Planning Director shall find that a proposed land use aligns with an existing land use specified in this Code, if the proposed land use complies with all applicable provisions of this Code and other applicable Millcreek policies, including the following:
 - a. The applicant provided sufficient evidence demonstrating that the proposed land use complies with the zone district's development standards, including but not limited to parking and vehicular access requirements, inventory storage, lighting, noise, and landscaping.
 - b. The proposed land use is substantially similar to the uses allowed in that district and is more comparable to such uses than those uses allowed in a less restrictive district.
 - c. If the proposed use is most similar to a conditional use authorized in the zone district in which it is proposed to be located, any Classification Request Determination for such use shall require that it may be approved only as a conditional use.
 - d. The proposed use is consistent with the purpose statement of the underlying zoning district.
 - e. The proposed land use requires a Millcreek business license.
5. Submittal Requirements. Any person seeking a Classification Request shall submit a complete application, a completed Classification Request Checklist, a fee as set forth in [MKZ 18.13.040, Submittal Requirements in General](#), any other relevant supporting documentation, maps, studies, and any other information that would inform Staff and allow the Land Use Authority to make a decision. As part of an application for a Classification Request, the Planning Director may require the submittal studies or plans following the procedure as set forth in [MKZ 18.69, Required Studies and Plans](#).
6. City Council Review of a Classification Request Determination. If the Planning Director determines that the proposed land use is new and unlisted, the applicant may submit an application to the City Council ~~to review the Planning Director's determination~~ requesting that the City Council

adopt a land use ordinance that permits the new or unlisted business use as a permitted or conditional use, by following the procedure and paying a fee as set forth in MKZ 18.15.010 (B), except that no Planning Commission recommendation is required. An application requesting that the City Council adopt a land use ordinance that permits the new or unlisted business use as a permitted or conditional use for City Council Review of a Classification Request must be submitted within ten (10) business days of issuing a written Classification Request Determination from the Planning Director.

a. The City Council shall schedule a public meeting to review the classification request within 60 days of filing a complete application for a City Council Review of a Classification Request Determination.

~~b. The City Council shall apply the approval criteria for Classification Requests as set forth in MKZ 18.15.030 (J)(4).~~

~~c. If the City Council approves the Classification Request, it shall designate an appropriate zone or zones for the proposed use and determine whether it is a conditional use or a permitted use.~~

d. b. The Planning Director shall notify the applicant in writing of the City Council's determination, and the reasons for their determination.

7. Appeal. The City Council's decision of a review of a classification request is a legislative decision. Legislative decisions are appealed to the district court as set forth in Utah Code Section 10-20-1109 et seq. An Appeal of the City Council's determination shall follow the process as set forth in MKZ 18.04, Appeals.

18.15.040 Administrative Decisions - Nonconformities And Variances

A. Nonconformities Determination

2. Applicability. A property owner shall have the burden of establishing that a nonconforming use, noncomplying structure, nonconforming lot, or other nonconformity legally existed before its current land use designation, unless the Planning Director can make a nonconformities determination based on records held by Millcreek, including but not limited to historic building and land use permits, and historic zoning and subdivision codes. A

nonconformities Determination is required prior to an application to expand or enlarge a noncomplying structure.

C. Variances

1. Purpose. The purpose of this Section is to establish standards for requests for variances from the standards of this Code. Variances are intended to provide a means of relief from the requirements of this Title if they have resulted in a hardship as they are applied to a property. Variances are subject to the standards as set forth in Utah Code Section ~~10-9a-701~~ 10-20-1101 et seq., Appeal authority required.

18.24.060 Improvement Assurance Guarantee

E. Inspections and Warranty Inspections.

5. Within 15 days after the warranty period expires, and upon a determination that the infrastructure improvement meets City standards, the City shall return the remaining 10% of the improvement completion assurance for that category, along with any remaining portion of a bond as described in Utah Code Section ~~10-9a-604.5(5)(b)~~ 10-20-807(5)(b).

18.25.020 Development Standards

All private streets shall be constructed to City standards as set forth in MKC 14.20, and development on lots or parcels along private streets are subject to the development standards of the underlying zone, except as follows:

1. Any lot or parcel fronting on a private street shall have the minimum lot or parcel width and area requirements of the underlying zone.
2. The minimum setback for buildings on lots or parcels on a private street that are located in an R-1, R-2, or A zone shall be the minimum setbacks required of the underlying zone measured from edge of private street.
3. The minimum area for a lot or parcel on a private street shall not include the area dedicated or reserved by easement as a private street.

18.34.040 Spatial Requirements

D. Side Yard Setbacks on Lots ~~or Parcels~~ Fifty Percent Larger Than Minimum Lot or Parcel Width. Lots or parcels with a width at least 50 percent larger than the required minimum lot or parcel width shall measure side yard setbacks as set forth in the following:

1. The combined measurements of the side yard setbacks shall be at least 25 percent of the ~~lot or parcel width~~ diameter of the largest circle that can be inscribed entirely within the lot or parcel excluding any streams, floodplains, wetlands, areas of thirty percent slope or greater, or other natural hazard areas shall be excluded from the circle, as illustrated in Figure 18.34.1.
2. No side setback shall be less than the required minimum side yard setback.
3. ~~The width of the lot or parcel is measured as the diameter of the largest circle that can be inscribed entirely within the lot or parcel excluding any streams, floodplains, wetlands, areas of thirty percent slope or greater, or other natural hazard areas shall be excluded from the circle, as illustrated in Figure 18.36.1.~~

18.36.040 Spatial Requirements

B. Side and Rear Setbacks for Civic and Institutional Uses. Civic and Institutional Uses require a minimum ~~30~~20-foot rear and side yard setback when abutting and sharing a property line with a residential use.

E. Side Yard Setbacks on Lots ~~or Parcels~~ Fifty Percent Larger Than Minimum Lot or Parcel Width. Lots or parcels with a width at least 50 percent larger than the required minimum lot or parcel width shall measure side yard setbacks as set forth in the following:

1. The combined measurements of the side yard setbacks shall be at least 25 percent of the ~~lot or parcel width~~ diameter of the largest circle that can be inscribed entirely within the lot or parcel excluding any streams, floodplains, wetlands, areas of thirty percent slope or greater, or other natural hazard areas shall be excluded from the circle, as illustrated in Figure 18.36.1.
2. No side setback shall be less than the required minimum side yard setback.
3. ~~The width of the lot or parcel is measured as the diameter of the largest circle that can be inscribed entirely within the lot or parcel excluding any streams, floodplains, wetlands, areas of thirty percent slope or greater, or other~~

~~natural hazard areas shall be excluded from the circle, as illustrated in Figure 18.36.1.~~

18.37.040 Spatial Requirements

E. Side Yard Setbacks on Lots ~~or Parcels~~ Fifty Percent Larger Than Minimum Lot or Parcel Width. Lots or parcels with a width at least 50 percent larger than the required minimum lot or parcel width shall measure side yard setbacks as set forth in the following:

1. The combined measurements of the side yard setbacks shall be at least 25 percent of the ~~lot or parcel width~~ diameter of the largest circle that can be inscribed entirely within the lot or parcel excluding any streams, floodplains, wetlands, areas of thirty percent slope or greater, or other natural hazard areas shall be excluded from the circle, as illustrated in Figure 18.37.1.
2. No side setback shall be less than the required minimum side yard setback.
3. ~~The width of the lot or parcel is measured as the diameter of the largest circle that can be inscribed entirely within the lot or parcel excluding any streams, floodplains, wetlands, areas of thirty percent slope or greater, or other natural hazard areas shall be excluded from the circle, as illustrated in Figure 18.36.1.~~

18.39.090 Required Features

1. Storage. Each residential dwelling unit for developments with three or more dwelling units shall be required to contain interior storage equal to 100 cubic feet.
2. Washer and Dryer Connections. All multi-household residential developments shall include either washer and dryer connections for each dwelling unit or an on-site laundry.
3. Balconies or Patios ~~or Additional Open Space~~. 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, or shall provide open space in lieu of private balconies or patios. Open space in lieu of balconies or patios shall be provided for at least 60 square feet per residential unit that lacks a balcony or patio, in addition to the minimum requirements set forth in MKZ 18.39.050 (G), and shall meet all the standards in that section.

4. Management. Twenty-four-hour on-site management is required for all residential developments consisting of more than 50 dwelling units.

18.58.040 Allowed Temporary Uses And Structures

- E. Yard and Garage Sales, ~~Open houses~~, shall be limited to three (3) consecutive days, and shall occur no more than two times a year on a lot or parcel. ~~and Yard and Garage Sales~~ are only allowed within non-commercial zones or on a lot or parcel with a legally-established residential use. No consignment goods may be offered.

18.59.030 General Requirements For Accessory Structures

- D. Setback Requirements:

3. On lots where the rear ~~or side~~ yard abuts a public right-of-way, the minimum setback requirement for an accessory structure is 20 feet from the ~~side and rear property lines~~ the property line that abuts the public right-of-way, unless a noise barrier authorized and constructed by the Utah Department of Transportation or the City separates the right-of-way from the accessory structure.

18.60.050 Noncomplying Structures

- C. **Ordinary Maintenance and Repair.** ~~A noncomplying structure may be maintained or repaired provided no structural alterations are made and the degree of nonconformity is not increased.~~
 1. Fences and Retaining Walls. The replacement of a noncomplying fence or retaining wall with a new fence or retaining wall at the same height and location is considered ordinary maintenance and repair.
 2. All Other Noncomplying Structures. Ordinary maintenance and repair for all other noncomplying structures is allowed provided no structural alterations are made and the degree of nonconformity is not increased.

18.60.100 Exemptions

- A. Billboards. The provisions of this chapter shall not apply to billboards. Nonconforming billboards shall be terminated in accordance with applicable provisions of Utah Code Section ~~10-9a-512~~ 10-20-607, Termination of a billboard

and associated rights, and ~~10-9a-513~~10-20-608, Municipality's acquisition of billboard by eminent domain. In the event such provisions are repealed, nonconforming billboards shall be subject to the provisions of this chapter.

18.61.010 Purpose And Intent

- D. To provide for the health, safety, and welfare of residents, as well as protect urban and nonurban development, the good order and aesthetics of Millcreek, and protection of property values as set forth in Utah Code Section ~~10-9a-102~~10-20-101(1), General land use authority.

18.66.090 Determination Status Procedure For Nonconformities

- A. ~~In all cases, the~~ The property owner shall have the burden of establishing that a nonconforming use, noncomplying structure, nonconforming lot, or other nonconformity ~~legally existed~~ was legally established before its current land use designation~~-, unless the Planning Director can make a nonconformities~~ determination using records held by Millcreek, including but not limited to historic building and land use permits, and historic zoning and subdivision codes. In cases where the Planning Director cannot make a nonconformities determination using records held by Millcreek, the property owner shall file a Nonconformities Determination Application. The Planning Director shall review the application as follows:

18.66.140 Retaining Wall Setbacks

- A. The following shall apply to retaining walls within the front and street side yard setback areas:
1. ~~Each~~ A single retaining wall located in the front or street side yard setback area shall not exceed ~~four feet (4')~~ three feet (3') in height.
 2. For terraced retaining wall systems located in the front or street side yard setback area, the retaining wall that is closest to the right-of-way line shall not exceed three feet (3') in height. Any other retaining wall located within a front or street side yard setback shall not exceed four feet (4') in height.

3. The City shall require a survey establishing a right-of-way line as part of any land use application or building permit for a retaining wall that is to be located within four feet (4') of a current or future public right-of-way as set forth in the adopted Millcreek Transportation Master Plan. The survey must be completed by a surveyor licensed to practice in the State of Utah.
- B. Fences shall not be installed on the top of, or within four (4') feet parallel to the top of a retaining wall. Any retaining wall exceeding 30 inches in height and within 36 inches of a walking surface or a property line shall provide a minimum 42-inch high guardrail, or similar barrier on top of the retaining wall.
- C. ~~At no point shall a retaining wall~~ Retaining walls shall not be located within ~~four feet (4')~~ of the current ~~or future~~ public right-of-way as set forth in the adopted Millcreek Transportation Master Plan unless, otherwise approved in writing by the Public Works Director.

18.71.040 Permitted And Conditional Uses And Limitations

- A. Internal ADUs are a permitted use as set forth in Utah Code Section ~~10-9a-530~~ 10-21-303, with additional requirements set forth in MKZ 18.71.070.

18.71.060 Development Standards Generally

- A. An accessory dwelling unit shall not be sold separately or subdivided from the principal dwelling unit or property.
- B. A property may have either an internal or attached ADU as part of a primary dwelling, or a detached ADU on the lot or parcel that is shared with the primary dwelling. No property may have more than one ADU.
- C. The design and size of the ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. When a new ADU is proposed in an existing single-household dwelling, the entire ADU shall comply with all applicable standards.
- D. The installation of separate utility meters is prohibited.

E. An ADU shall comply with the regulations of the underlying zone for accessory buildings. Where the provisions in this chapter are inconsistent with provisions found in any other chapters of City ordinances, the most restrictive provisions shall apply.

~~F.—Design Standards. The ADU, attached or detached, shall incorporate at least one of the exterior materials used in the principal dwelling for 20 percent of all structure facades. The ADU must have a pitched roof unless the principal dwelling has a flat roof, in which case an ADU may have a flat roof or a pitched roof. The ADU shall maintain the same color of the primary dwelling for at least 50 percent of all facades.—~~

~~G.~~ F. ADUs may not be built within a recorded easement.

~~H.~~ G. Additional requirements for internal ADUs shall be as set forth in [MKZ 18.71.070](#).

~~I.~~ H. Additional requirements for attached ADUs shall be as set forth in [MKZ 18.71.080](#).

~~J.~~ I. Additional requirements for detached ADUs shall be as set forth in [MKZ 18.71.090](#).

18.71.070 Development Standards For Internal Accessory Dwelling Units

Internal ADUs are regulated pursuant to Utah Code Section ~~10-9a-530~~ [10-21-303](#), and additionally shall:

- A. Not change the appearance of the primary dwelling as a single-household dwelling;
- B. Be prohibited from having separate utility meters from the primary dwelling; and
- C. Be prohibited in a mobile home or manufactured home.

18.71.090 Development Standards For Detached Accessory Dwelling Units

- A. A detached ADU shall be a permanent structure. Trailers, mobile homes, and other portable structures, especially structures with wheels, shall not be permitted as a detached ADU.
- B. A detached ADU is not eligible for The Neighborhood Compatibility Modification provisions found in [MKZ 18.34](#) or [MKZ 18.36](#).

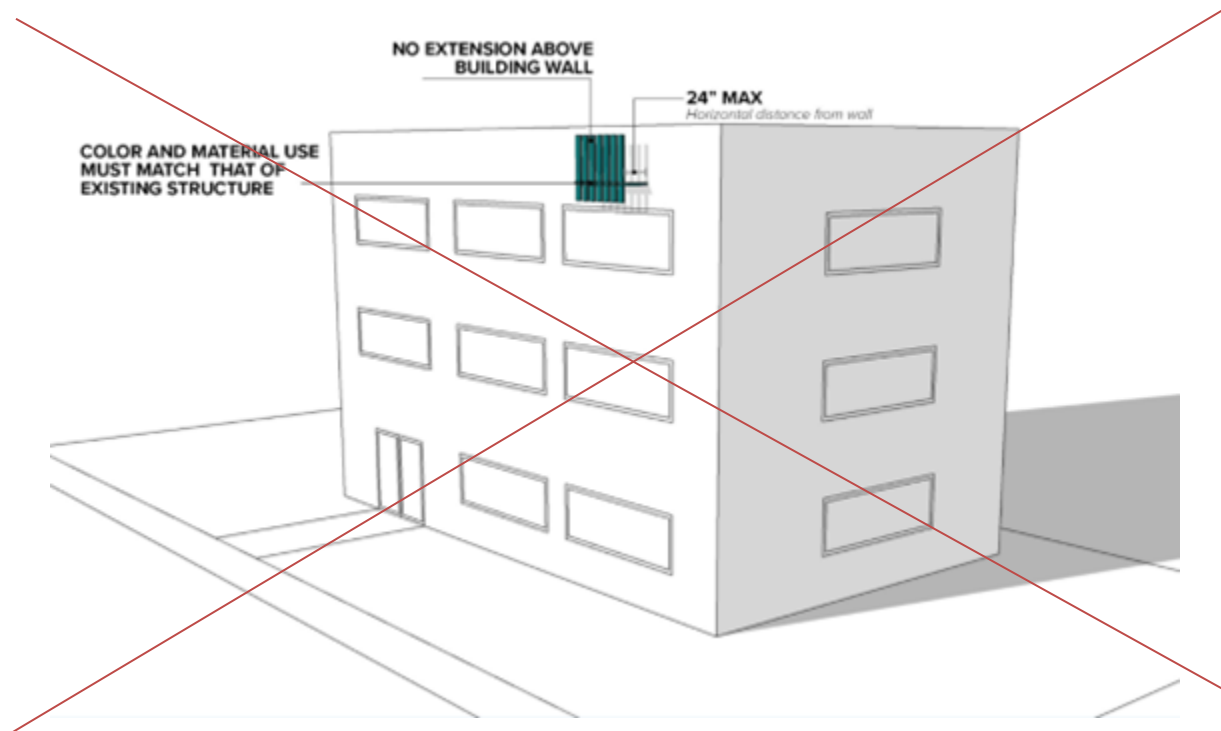
- C. A detached ADU shall not be used as a short-term rental.
- D. Exterior lighting shall provide illumination directed downward and shall follow the standards as set forth in [MKZ 18.68, Outdoor Lighting](#). Light sources shall not be visible from abutting properties.
- ~~E. Windows on a façade, located within 15 feet of an abutting property containing a single-household, twin home, or duplex dwelling, shall be fixed (non-operable) and translucent or shall be installed skylights.~~
- ~~(F)~~ E. Entrances, parking, and stairways within 15 feet of an abutting property shall not be visible from the abutting property. This may be done with a fence along the side and rear property lines, landscaping that is dense enough to obscure activity or by placing the entrances and stairs out of view of abutting properties. Corner properties with ADU entrances facing a right-of-way are not required to screen the entrance if not facing the same right-of-way as the primary dwelling entrance.
- ~~(G)~~ E. Detached ADUs shall not be built on slopes of 30 percent or greater.
- ~~(H)~~ G. Balconies on the second story of an ADU are prohibited.
- ~~(I)~~ H. Exterior stairways and landing shall not encroach into a setback.

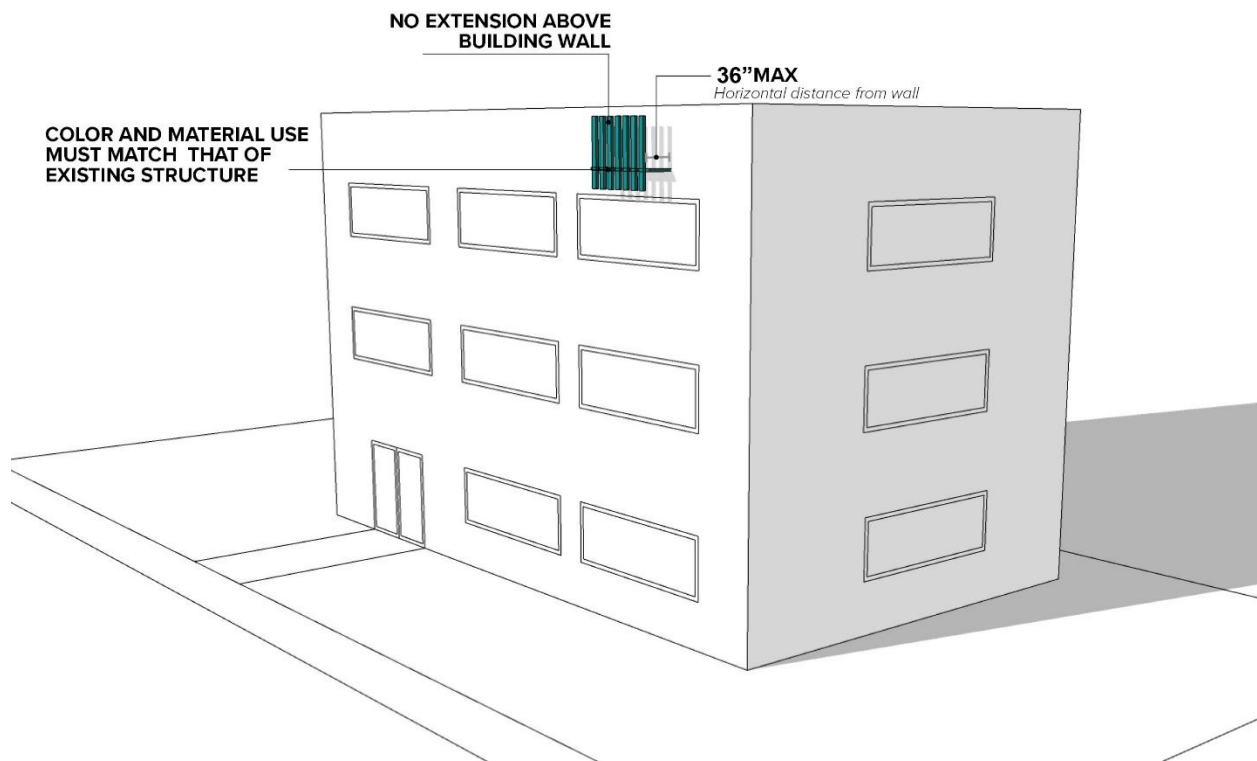
18.75.060 Wall Mounted Wireless Telecommunication Facilities

Wall-mounted wireless telecommunication facilities shall satisfy the following standards, as depicted in Figure 18.75.4:

- A. Wall mounted wireless telecommunication facilities shall be mounted to the wall of the primary structure and not extend more than ~~24 inches~~ **36 inches** as measured from the surface edge of the wall to the front or furthest portion of the equipment.
- B. Wall-mounted wireless telecommunication facilities shall be located at least ~~30~~ **thirty** feet ~~(30')~~ above the finished grade of the wall surfaces to which it is mounted.
- C. Wall-mounted commercial transmission equipment shall not extend above the wall to which it is mounted.
- D. Wall-mounted wireless telecommunication facilities, including the supporting structure, shall be colored to match the building colors, textures, and materials.

Figure 18.75.4, Wall Mounted Transmission Equipment Illustration





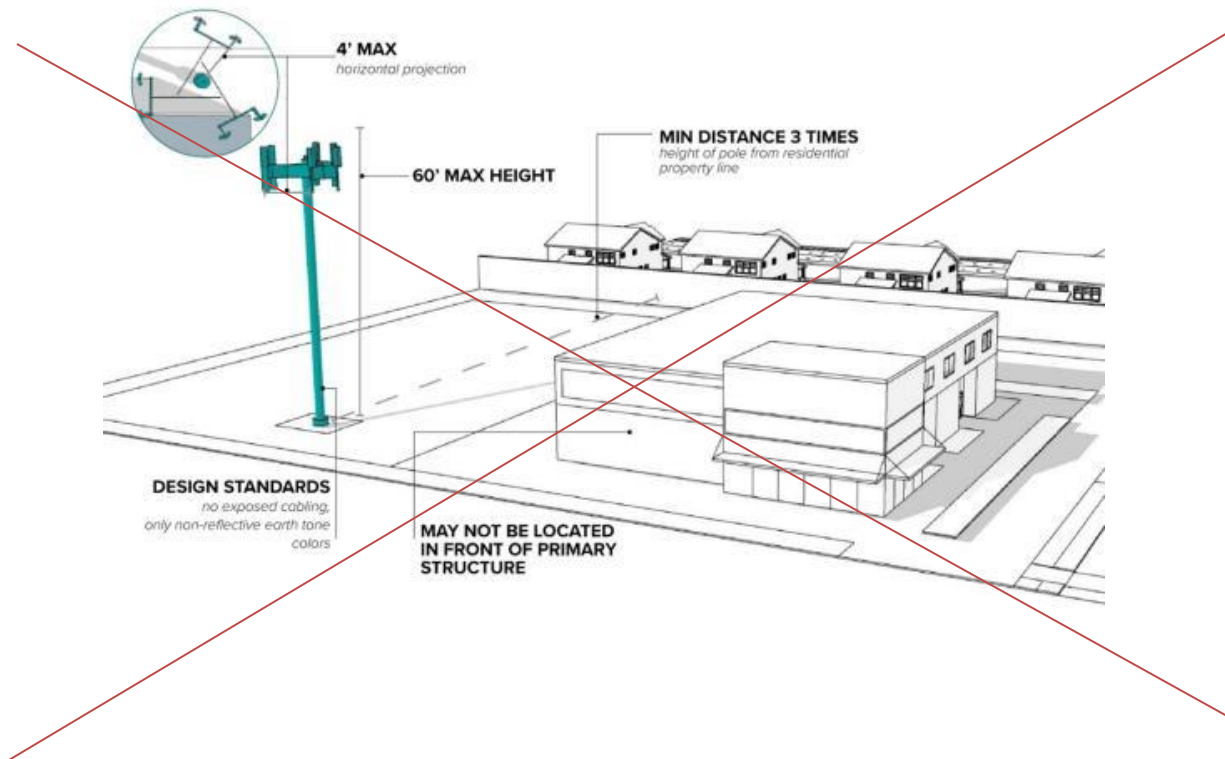
18.75.090 Monopole Wireless Telecommunication Facilities

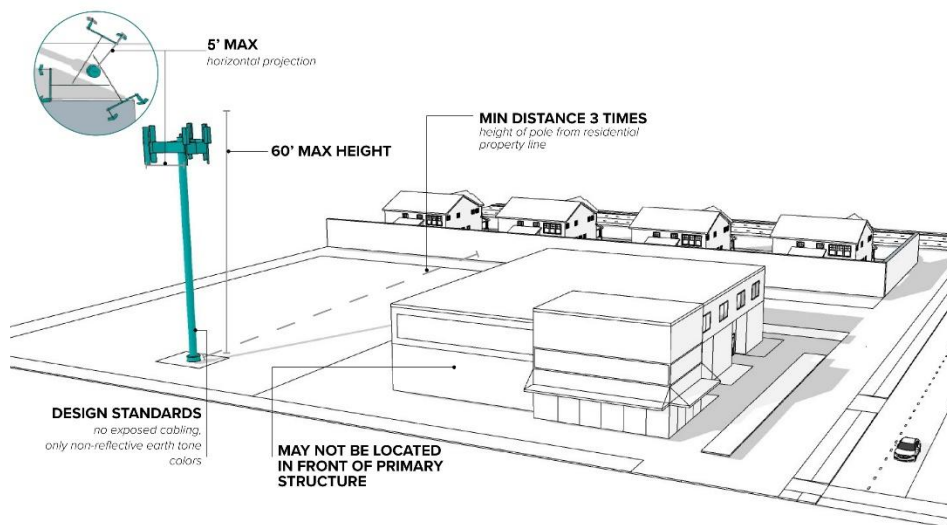
Freestanding stealth Monopole wireless telecommunication facilities shall satisfy the following standards, as depicted in Figure 18.75.7, provided that:

- A. Monopole wireless telecommunication facilities may only be considered after the applicant has submitted a statement of need demonstrating why the proposed facility cannot be wall-mounted, roof mounted, co-located, or integrated into a freestanding structure.
- B. Monopoles are prohibited on properties within an R-1, R-2, R-4, **RM**, or AG Zone, or a sensitive land designation unless the monopole and equipment are made stealth based upon the surrounding natural **environment** and/or architectural **elements located environment** within 1,320 feet of the facility, as directed by the Planning Director.

- C. Monopoles are prohibited in residential and agricultural zones except in public parks and schools or properties exceeding two (2) acres in size.
- D. A minimum of one-half (1/2) mile distance is required between monopoles.
- E. Monopoles shall not be allowed in the front yard setback of any lot or parcel, or between the primary building and abutting right-of-way.
- F. Monopoles shall be set back from any residential property line three times (3x) the height of the monopole.
- G. Monopoles shall not exceed 60 feet in height as measured from the top of the monopole or equipment to the finished grade.
- H. Monopoles and related pole-mounted transmission equipment, including antennas, shall have non-reflective or powder coated surfaces in unobtrusive earth-tone colors.
- I. External pole mounted antennas shall not project more than ~~four~~ five feet ~~(4')~~ (5') as measured from the front of or furthest portion of the antenna, or similar equipment, to the nearest surface edge of the monopole.
- J. No exposed cabling is permitted, and all cables shall be routed internally within the pole and ~~or~~ buried underground. The Planning Director may consider exterior cable trays designed to replicate an existing vertical element. Standard cable trays painted and textured to match the existing facade do not satisfy the intent or qualify as hidden or concealed.

Figure 18.75.7, Monopole Installation





18.97.030 Alphabetized Definitions

Final Plat means an instrument approved for recording subdividing property into lots as depicted on a map that a licensed professional land surveyor makes and prepares in accordance with Utah Code Sections ~~10-9a-603~~ 10-20-803 or 57-8-13.

LUDMA (the Municipal Land Use Development Management Act) means the Utah State Law pertaining to land use codified at Utah Code Section ~~10-9a-101~~ 10-20-101 et seq.

Ordinary Maintenance and Repair means any maintenance or repair to any existing noncomplying structure that is for the limited purpose of correcting decay, deterioration or damage, and that doesn't increase the degree of noncompliance of the existing noncomplying structure.

Parking Lot means a property used for the storing or parking of vehicles, excluding properties that are used to store vehicles for sale or lease.

Recreational Vehicles (RVs) means ~~motor vehicles or trailers with living space for traveling, camping, or daily living. These may include campers, travel trailers, or motor homes. A vehicle, snowmobile, trailer, camper, or watercraft with or without a motor, designed and constructed for recreational use or as temporary living quarters for travel or vacation purposes. Recreational vehicle includes a vehicle, snowmobile, trailer, camper, or watercraft with or without a motor, designed and constructed for recreational use. Recreational vehicle does not include human or battery powered personal apparatuses, such as bicycles, kick-scooters, or children's toys.~~

Subdivision means any land that is divided, re-subdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development. Subdivision does not include a bona fide division or partition of agricultural land for agricultural purposes, as set forth in Utah Code Section ~~10-9a-605(2)~~10-20-808(2), a recorded conveyance document, consolidating multiple lots or parcels into one legal description encompassing all lots by reference to a recorded plat and all parcels by metes and bounds description, joining a lot to a parcel, a bona fide division of land by deed or other instruments if the deed or other instrument states in writing that the division is in anticipation of future land use approvals on the parcel or parcels, does not confer any land use approvals, and has not been approved by the City, a boundary adjustment, a boundary establishment, road, street, or highway dedication plat, a deed or easement for a road, street, or highway purposes, or any other division of land authorized by law. The word "subdivide," and any derivative thereof shall have reference to the term subdivision as defined in this Title.

Subdivision Amendment means an amendment to a recorded subdivision as set forth in Utah Code Section ~~10-9a-608~~10-20-811 that vacates all or a portion of a subdivision, increases the number of lots within a subdivision, that alters a public right-of-way, a public easement, or public infrastructure within the subdivision, or alters a common area or other common amenity within the subdivision. A subdivision amendment does not include a simple or full boundary adjustment.



**Minutes of the
Millcreek Planning Commission
September 16, 2026
5:00 p.m.
Regular Meeting**

The Planning Commission of Millcreek, Utah, met in a regular public meeting on Wednesday, September 16, 2026, at City Hall, located at 1330 E. Chambers Avenue, Millcreek, Utah 84106. The meeting was conducted electronically and live streamed via the city's website with an option for online public comment.

PRESENT:

Commissioners

Shawn LaMar, Chair
Christian Larsen, Vice Chair
Steven Anderson
Jenny Burgess
Robert Peterson
Jacob Richardson
Victoria Reid
Diane Soule
Ian Wright (electronic)

City Staff

Elyse Sullivan, City Recorder
Francis Lilly, Planning Director
Zack Wendel, Planner
Sean Murray, Planner
Jake Green, Dev. Review Specialist
(electronic)

Attendees: Rick Hansen, Ryan Sexton

REGULAR MEETING – 5:00 p.m.

TIME COMMENCED – 5:03 p.m.

Chair LaMar called the meeting to order and briefly explained the duties of the planning commission.

1. Public Hearing

1.1 Consideration of ZT-26-002, Zoning and Subdivision Code Updates Planner: Francis Lilly

Francis Lilly presented the Commission with the redline proposed text changes, explaining that this round of zoning code amendments was geared primarily toward resolving specific state statute issues while continuing a process of ongoing improvement where provisions that "sound good on paper" prove difficult to implement. He apologized for two relatively late additions circulated the prior day, noting that while he ordinarily avoids late substantive land use changes, both items affected only how and when applicants apply for permits.

The first section expanded the removal and vacancy provisions for planning commission members in compliance with state statute. Items A through C were adopted verbatim from state law, including the phrase "impermissible bias," which Lilly indicated derives from case law though the statute provides no definition. Subsection D, "any other cause as determined

by the mayor," was added at the City Attorney's advice to restore language predating the statutory amendments. Lilly volunteered an alternative used by other cities: limiting cause to "malfeasance, misfeasance, or nonfeasance as determined by the mayor," terms he explained as performing work deliberately badly, incompetently, or not at all. He cited the example of a newly elected Orem mayor who removed all planning commissioners at once. Commissioner Reid and Commissioner Soule both characterized subsection D as overly broad and expressed support for the narrower formulation; written comment from Commissioner Ian Wright likewise found D too broad. A second provision clarified that a commissioner's discussion of a pending land use application with municipal staff, an elected official, or an applicant is not by itself cause for removal. In response to Chair LaMar, Lilly distinguished deliberation, conducted in a recorded, public meeting, from ordinary correspondence with staff or applicants, which remains permissible. He noted a variance between this language and the Commission's rules of procedure and committed to convening several commissioners and the City Council to revise those rules.

Lilly explained that language copied directly from state statute clarifies that an appeal hearing is not a venue for public clamor, limiting participation to the appellant, the land use applicant, their respective representatives, and staff. He also updated all statutory cross-references, which the Legislature renumbered after the city adopted its zoning code. He described two differing burdens of proof: an applicant must show the land use authority's decision was illegal or not supported by substantial evidence, while an adversely affected party must show the decision was illegal or that the factual findings were clearly erroneous. Lilly noted he is not an attorney but questioned the equal-protection implications of the distinction, adding that the city's role is to implement what the Legislature directs.

Staff reported that the current requirement that subdivisions resolve all noncompliant properties or uses has proven burdensome for certain residential subdivisions and carries implications for affordable housing. In the interest of preserving naturally occurring affordable housing, the amendment would allow noncompliant structures and structures with nonconforming uses to be included in subdivisions provided the resulting lots comply with lot coverage, lot size, and setback standards. Lilly illustrated the change with a legally nonconforming duplex on a large lot in an R1 zone: under current code the duplex would have to be removed to create a flag lot behind it, whereas the amendment would permit retention of the duplex where the applicant carries the burden of establishing its historic legality. Identical language was proposed for major subdivisions.

Addressing one of the late additions, Lilly explained that the change of use permit requirement adopted in 2025 has worked well overall, particularly for resolving parking questions, but produces an unnecessary burden for home offices and home businesses with no employees and no on-site customers. Such applicants currently must obtain a no-fee state home occupation permit from the business license office and then pay the city \$100 for a determination that no impact exists. The redline exempts those uses from the change of use permit requirement, while retaining the requirement for customer-generating uses such as hair salons, dance schools, or art schools. Commissioners indicated agreement. Lilly said amendments respond to changes in state statute governing classification requests, a process the city has used once. He explained the process using the analogy of a "cat hotel" applying under a code provision addressing dog kennels and noted the original state-mandated process improperly required the City Council to hear appeals, blending administrative and legislative

roles. Under the revised statute and code, a denial is appealed to Third District Court, while City Council review of a classification determination remains available and no longer passes through the Planning Commission.

The second late addition would eliminate the requirement for a formal application where the Planning Director, defined to include staff, can make a nonconformity determination from records held by Millcreek, including historic building and land use permits and historic zoning and subdivision codes dating to 1957. The applicant otherwise retains the burden of establishing that the nonconforming use, structure, lot, or other nonconformity legally existed. Lilly indicated staff can make this determination in most cases and would simply issue a letter. The amendment clarifies that the minimum area of a lot or parcel subdivided on a private street shall not include the area dedicated to the private street, protecting against the creation of noncompliant lots should the city later accept dedication of the street. In response to Chair LaMar's question regarding a private road terminating in what appeared to be a driveway, Lilly noted the existing definition of "private street" largely addresses the issue, that private streets must now be 25 feet wide, and that staff is working on Title 14 amendments to clarify related terms. Additional clarifying language addresses measurement of the largest circle that can be drawn within an oversized lot for purposes of determining side yard setbacks in the A, R1, and R2 zones; Lilly emphasized no spatial requirements were changed, and that the clarification followed a challenge the city successfully defended.

Lilly noted that the RM zone is the only zone requiring balconies or patios for every unit, unlike the C, C-Corridor, and MD zones. Housing Connect, developing deeply affordable senior housing on property it owns between Second and Third East, found the balcony requirement programmatically difficult. The proposed language would permit open space in lieu of private balconies where that open space is in addition to the minimum required and equivalent to at least 60 square feet per unit. Commissioner Reid asked whether the alternative should be restricted to senior housing. Commissioner Larsen recommended against limiting it to a specific demographic, viewing restriction as a hindrance to deeply affordable housing, and Commissioner Burgess agreed the provision should not be restricted, warning that excessive granularity would be unworkable. Commissioner Richardson noted potential value in additional green space and a more spacious property appearance. Lilly observed that most for-profit developers would elect balconies to maximize units, so the alternative would likely be used only in rare cases. The Commission elected to leave the provision as drafted, applicable to all housing in the RM zone.

References to open houses were struck because state law no longer permits their regulation. At the request of code enforcement, clarity was added regarding garage sale limits — three consecutive days per event. Chair LaMar observed that the language as drafted would permit repeated consecutive sales and cited a property in Millcreek maintaining a perpetual garage sale; he recalled a prior code provision establishing roughly twelve total days per calendar year and recommended adding a maximum annual total while retaining the three-consecutive-day limit. Lilly agreed to review the prior code and confer with code enforcement. Separately, a drafting error was corrected so that the 20-foot setback for accessory structures applies only to the property line abutting the public right-of-way, protecting the city's interest in potential right-of-way expansion.

Lilly noted that retaining walls were largely unregulated outside the Foothills and Canyons Overlay Zone until 2020–2021, leaving thousands of nonconforming walls, and that repair often requires full removal and replacement, triggering compliance obligations under the nonconforming ordinance. The amendment treats replacement of a noncomplying fence or retaining wall at the same height and location as ordinary maintenance and repair, while relocation or increased height would not qualify; ordinary maintenance and repair excludes structural alterations and may not increase the degree of nonconformity. Commissioner Richardson asked whether a homeowner replacing a nonconforming front-yard chain link fence could install chain link again, and Lilly confirmed they could under the proposed language, acknowledging this perpetuates the nonconformity. Commissioner Richardson expressed appreciation for staff allowing additional breathing room for homeowners with nonconforming uses.

Regarding new retaining walls, the maximum height of the first wall was reduced at the recommendation of city engineers, and walls were permitted nearer the right-of-way line. Jake Green explained that the three-foot clear view area governs the reduction, avoiding sight distance conflicts at driveways. A survey establishing the right-of-way line would be required where a wall falls within four feet of that line. Chair LaMar asked whether subsequent terraced walls beyond the first could still rise four feet with four-foot setbacks; Green indicated the code as drafted did not provide that, but that staff could discuss it, and Lilly invited the Commission to include the change in their motion.

Lilly reported that state law now prohibits regulation of exterior materials, roof pitch, and window placement on detached ADUs, extending prohibitions previously applicable to single-family homes. He observed that Millcreek permits ADUs closer to property lines than approximately one-third of Utah cities, which allow them only within the principal dwelling's setbacks, and expressed the personal view that such flexibility should be paired with greater municipal design discretion. He reported communicating this concern to the Utah League of Cities and Towns and the Property Rights Land Use Task Force. Because the existing local provisions are unenforceable, staff recommended their removal while continuing to advocate for restoration of municipal discretion.

The final substantive item increases the permitted standoff distance for wall-mounted wireless facilities from 24 to 36 inches, allowing antenna downtilt and enabling the city to remove the existing cell tower behind Check City in favor of a wall-mounted array on the City Hall parking structure. Related changes to the monopole ordinance would accommodate a better-designed, co-location-capable monopole near Evergreen Junior High. Commissioner Richardson noted that stealth monopoles are currently required only in the R1, R2, and R4 districts, while much of the west side of the city — including blocks of single-family homes along 500 East and Old Farm — is zoned RM, and asked that RM be added to the list, expressing openness to a citywide or mixed-use requirement consistent with the city's "Connected by Nature" motto. Lilly indicated the insertion would be straightforward and observed that in higher-density and city center zones, facilities are more likely to be building-mounted. Additional amendments updated images to match the text and added or revised definitions for "ordinary maintenance and repair," "parking lot," and "recreational vehicle," along with comprehensive updates to statutory and code cross-references.

Chair LaMar opened the public hearing.

There were no comments.

Chair LaMar closed the public hearing.

Commissioner Larsen moved that the Planning Commission recommend approval of ZT-26-002 zoning and subdivision code updates with the following additional updates: add malfeasance, misfeasance, and non-feasance to cause for removal of planning commissioner; add a maximum number of days in a year yard sales can be held; require stealth monopolies in RM zone; and allow for four foot side and front retaining walls beyond the first retaining wall. Commissioner Richardson seconded. Chair LaMar called for the vote. Chair LaMar voted yes, Commissioner Anderson voted yes, Commissioner Burgess voted yes, Commissioner Larsen voted yes, Commissioner Peterson voted yes, Commissioner Reid voted yes, Commissioner Richardson voted yes, Commissioner Soule voted yes, and Commissioner Wright voted yes. The motion passed unanimously.



3595 South Main Street,
Salt Lake City, UT 84115

www.housingconnect.org

O: 801-284-4400
TDD: 801-284-4407
F: 801-284-4406
Reasonable Accommodations:
801-284-4439

August 27, 2026

Francis Xavier Lilly, AICP
Planning & Zoning Director
Millcreek City
1330 E. Chambers Avenue
Millcreek, UT 84106

RE: Parkhill Supportive Housing Project Request for Alternative Compliance with Balcony Requirement in Millcreek Municipal Code 18.39.090(C)

Dear Francis,

Thank you for meeting with representatives of Housing Connect, First Step House, and Blueline Development on August 6, 2026, to discuss the Parkhill Supportive Housing project and the applicability of the balcony requirement contained in Millcreek Municipal Code Section 18.39.090(C). We appreciate your willingness, along with Planner Carlos Estudillo, to consider how the City's development standards can be adapted to better serve the unique needs of supportive housing residents while maintaining the intent of the ordinance.

As currently written, Section 18.39.090(C) requires that all residential units include a private balcony or patio with a minimum of 60 square feet of area and a minimum depth of five feet. Housing Connect respectfully requests an exception or alternative compliance pathway for the Parkhill project that would allow the development to be constructed without private balconies.

Parkhill is being designed as a supportive housing community serving individuals who have experienced or at risk of homelessness and who are working toward long-term housing stability. While balconies are often an attractive amenity in conventional multifamily developments, we believe the goals of supportive housing are better served through thoughtfully designed shared indoor and outdoor spaces that encourage community, engagement, and access to services.

First, Housing Connect strives to create environments that support resident well-being and provide safe, accessible spaces for all residents. In our experience, shared amenity spaces and outdoor gathering areas are more effective and easier to design, program, and maintain in a manner that serves the diverse needs of supportive housing residents than private elevated outdoor spaces attached to individual units.

Second, private balconies can present building management and security considerations. Supportive housing communities rely on regular interaction between residents and onsite staff, as well as controlled access to residential areas. Focusing outdoor amenities in common areas allows those spaces to be more effectively monitored, maintained, and activated for resident use.

Third, supportive housing is intentionally designed to encourage resident engagement and connection. Experience has shown that thoughtfully designed common areas, community rooms, outdoor gathering spaces, gardens, and other shared amenities are more effective at promoting social interaction, reducing isolation, and supporting resident services than private balcony spaces that are used by individual residents.

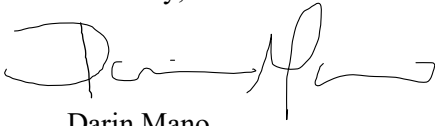


Importantly, Housing Connect is not seeking to eliminate resident amenities. Instead, we propose that the area otherwise required for private balconies be reallocated to enhanced common indoor amenity spaces and shared outdoor open space available to all residents. This approach would continue to provide meaningful access to outdoor recreation, fresh air, and gathering opportunities while better supporting the operational and resident-service goals of supportive housing.

We believe this alternative achieves the underlying intent of the ordinance by providing equivalent or greater resident amenity value while addressing the unique safety, security, and programmatic needs of permanent supportive housing. If the City Council wishes, this alternative compliance option could be limited to affordable housing or supportive housing developments where these considerations are particularly relevant.

We appreciate Millcreek City's partnership and willingness to consider innovative approaches that support both high-quality development and successful housing outcomes for vulnerable residents. Housing Connect looks forward to continuing to work with City staff and the City Council as the Parkhill project moves forward.

Sincerely,

A handwritten signature in black ink, appearing to read 'Darin Mano', with a stylized, flowing script.

Darin Mano
Director of Community Outreach and Development
Housing Connect



September 14, 2026

To: Millcreek Planning Commission
Millcreek Planning and Zoning

Subject: ZT-26-002 Zoning Code Changes

At the September 3, 2026, meeting of the East Mill Creek Community Council (EMCCC) we discussed this application from Millcreek Staff. The EMCCC voted 4-0 with two abstentions to forward a positive recommendation to the Planning Commission.

/s/

Jamie Allyn
Vice Chair | Land Use, EMCCC

CC: Francis Lilly
EMCCC

MILLCREEK, UTAH
ORDINANCE NO. 26-66

**AN ORDINANCE OF THE MILLCREEK CITY COUNCIL ADDING SECTION 9.56.120
TO THE MILLCREEK CODE OF ORDINANCES ESTABLISHING THE
NEIGHBORHELP PROPERTY CLEANUP ASSISTANCE PROGRAM**

WHEREAS, the Millcreek City Council ("Council") met in a regular meeting on September 28, 2026, to consider, among other things, adding Section 9.56.120 to the Millcreek Code of Ordinances to establish the NeighborHelp Property Cleanup Assistance Program ("Program"); and

WHEREAS, the Council finds that accumulated litter, junk, weeds, refuse, and other materials on private property may adversely affect neighborhood conditions and may create conditions that threaten or impair the health, safety, comfort, convenience, and welfare of the City's inhabitants; and

WHEREAS, the Council finds that assisting qualifying property owners in addressing such conditions will facilitate compliance with City ordinances, assist the City's Code Enforcement efforts, promote neighborhood cleanliness, reduce conditions that may contribute to blight or the accumulation of refuse, and provide a benefit to surrounding properties and the community; and

WHEREAS, the Council finds that the Program provides a municipal purpose and benefit by assisting the City in achieving its Code Enforcement, public health, safety, neighborhood preservation, and property maintenance objectives; and

WHEREAS, the Council intends that participation in the Program constitute a limited and discretionary municipal assistance program administered according to objective eligibility criteria and subject to the availability of funds lawfully appropriated for the Program; and

WHEREAS, the Council intends that the criteria established by this Ordinance be used to determine eligibility for Program assistance and the municipal benefit received from expenditures made under the Program; and

WHEREAS, the Council has determined that establishing the Program is in the best interest of the health, safety, and welfare of the City's inhabitants and serves a legitimate municipal purpose.

NOW, THEREFORE, BE IT ORDAINED by the Millcreek City Council that Section 9.56.120 of the Millcreek Code of Ordinances is hereby added to read as follows:

9.56.120 NEIGHBORHELP PROPERTY CLEANUP ASSISTANCE PROGRAM

A. Purpose. The NeighborHelp Property Cleanup Assistance Program is established to assist qualifying property owners in addressing property conditions that are the subject of City Code Enforcement action. The Program is intended to promote neighborhood cleanliness, protect public health and safety, reduce conditions that may attract pests or vermin, assist in the elimination of blight and deteriorated property conditions, and facilitate compliance with the City's ordinances.

B. Definitions. For purposes of this section:

1. **"Eligible Property"** means an owner-occupied residential property located within the City that satisfies all eligibility requirements established by this section.
2. **"Owner-Occupied Residential Property"** means a residential property located within the City that is occupied by the property owner as the owner's principal residence.
3. **"Program"** means the NeighborHelp Property Cleanup Assistance Program established by this section.
4. **"Qualifying Limitation"** means a physical, mental, age-related, or other limitation or circumstance that materially restricts the property owner's ability to perform ordinary property cleanup and maintenance or to personally arrange for the removal and disposal of accumulated materials.

C. Program Assistance. Subject to the availability of funds, availability of a dumpster, container, or trailer, and compliance with this section, the City may, on a first-come, first-served basis, provide or arrange for the delivery, rental, and pickup of a dumpster, container, or trailer for the limited purpose of assisting with the cleanup of an Eligible Property.

D. Eligibility. To qualify for assistance under the Program, all of the following requirements must be satisfied:

1. The Eligible Property must be an Owner-Occupied Residential Property.
2. The property must be the subject of an active Notice of Violation issued by City Code Enforcement for conditions that can reasonably be addressed through the Program.
3. The property owner must demonstrate a Qualifying Limitation that materially restricts the owner's ability to perform ordinary property cleanup and maintenance. Evidence of a Qualifying Limitation may include, without limitation, lack of driving privileges resulting from a physical or mental limitation, possession of a temporary or permanent disability placard issued for the owner's vehicle, or the property owner being 80 years of age or older.
4. The cleanup must be assisted by at least three other persons who reside in the City and who are not members of the applicant's household.
5. The Eligible Property must not have received assistance under the Program during the preceding three calendar years.
6. The applicant must submit a City-approved application and provide documentation reasonably required by the City Manager or designee to establish eligibility.

7. The applicant and property owner must agree to comply with all Program requirements and all applicable federal, state, county, and City laws, ordinances, rules, regulations, and requirements governing the use and disposal of materials placed in the dumpster, container, or trailer.

E. Administration.

1. The City Manager or designee shall make the final determination regarding an applicant's eligibility for and participation in the Program.
2. Meeting the eligibility requirements of this section does not create a right or entitlement to Program assistance. Assistance is discretionary and is subject to the availability of appropriated funds, equipment, dumpsters, containers, trailers, and service-provider capacity.
3. The City Manager or designee may establish administrative procedures, application forms, documentation requirements, scheduling procedures, operational requirements, and other rules reasonably necessary to administer the Program, provided such procedures and rules are consistent with this section and applicable law.
4. The City Manager or designee may establish reasonable limits on the number, size, duration, frequency, or cost of dumpsters, containers, or trailers provided under the Program, subject to available appropriations.
5. The City Manager or designee may deny an application when the applicant or property does not satisfy the requirements of this section, when the proposed cleanup is not reasonably capable of being accomplished through the Program, when Program resources are unavailable, or when the requested assistance is inconsistent with the purposes of the Program or applicable law.

F. Use of Dumpster, Container, or Trailer.

1. A dumpster, container, or trailer provided through the Program shall be used solely for the cleanup of the Eligible Property and may not be used for commercial purposes or for the disposal of materials generated from another property.
2. The applicant and property owner are solely responsible for all materials placed in the dumpster, container, or trailer and shall comply with all applicable requirements concerning the handling and disposal of those materials.
3. Hazardous materials, prohibited materials, and materials that the applicable service provider will not accept may not be placed in a dumpster, container, or trailer provided through the Program.
4. The property owner is responsible for obtaining any permission, easement, right-of-way authorization, property-owner consent, or other approval necessary for placement of the dumpster, container, or trailer.
5. The City does not warrant or represent that a particular property has sufficient access, surface area, structural capacity, or other conditions necessary for placement or use of a dumpster, container, or trailer.
6. The City shall not be responsible for the sorting, handling, removal, disposal, or characterization of materials placed in a dumpster, container, or trailer by the applicant, property owner, or any other person.

G. Termination and Misuse.

The City may terminate or suspend Program assistance if an applicant or property owner:

1. provides false, incomplete, or misleading information;
2. violates this section or any applicable Program requirement;
3. uses the dumpster, container, or trailer for an unauthorized purpose;
4. places prohibited materials in the dumpster, container, or trailer;
5. uses the dumpster, container, or trailer for materials originating from another property; or
6. otherwise fails to comply with the requirements of the Program.

The property owner may be responsible for costs incurred by the City because of a violation of this section or misuse of Program assistance.

H. No Guarantee of Assistance.

The Program is a discretionary municipal assistance program. The City does not guarantee that any applicant will receive assistance, that assistance will be available at a particular time, or that Program assistance will fully resolve the conditions identified in a Notice of Violation.

I. No Waiver of Code Enforcement Requirements.

Participation in the Program does not waive, suspend, extend, modify, or otherwise affect any deadline, requirement, Notice of Violation, administrative order, citation, civil penalty, enforcement action, or other remedy available to the City under the Millcreek Code of Ordinances or applicable law, unless expressly authorized in writing by the City Manager or designee pursuant to applicable law.

J. No City Responsibility for Private Property.

Nothing in this section creates a duty on the part of the City to inspect, clean, maintain, repair, remediate, or otherwise improve private property. The property owner remains solely responsible for the condition, maintenance, cleanup, and lawful use of the property.

SECTION 2. EFFECTIVE DATE.

This Ordinance shall take effect in accordance with applicable law.

PASSED AND APPROVED by the Millcreek City Council this 28th day of September, 2026.

MILLCREEK COUNCIL

By: _____
Cheri Jackson, Mayor

ATTEST:

Elyse Sullivan, City Recorder

Roll Call Vote:

Jackson	Yes	No
Catten	Yes	No
DeSirant	Yes	No
Handy	Yes	No
Uipi	Yes	No

CERTIFICATE OF POSTING

I, the duly appointed recorder for Millcreek, hereby certify that:
ORDINANCE 26-66: AN ORDINANCE OF THE MILLCREEK CITY COUNCIL ADDING
SECTION 9.56.120 TO THE MILLCREEK CODE OF ORDINANCES ESTABLISHING THE
NEIGHBORHELP PROPERTY CLEANUP ASSISTANCE PROGRAM was adopted the 28th
day of September 2026 and that a copy of the foregoing Ordinance 26-66 was posted in
accordance with Utah Code 10-3-711 this ____ day of September 2026.

Elyse Sullivan, City Recorder

MILLCREEK, UTAH
RESOLUTION NO. 26-24

**A RESOLUTION OF THE MILLCREEK COUNCIL APPROVING AN INTERLOCAL
COOPERATIVE AGREEMENT WITH SALT LAKE COUNTY FOR STREETLIGHT
INSTALLATIONS ON MAIN STREET BETWEEN 3900 SOUTH AND 4200 SOUTH**

WHEREAS, the Millcreek Council (“*Council*”) met in a regular meeting on September 28, 2026, to consider approving an Interlocal Cooperative Agreement with Salt Lake County for streetlight installations on Main Street between 3900 South and 4200 South; and

WHEREAS, the Utah Local Cooperative Act (Utah Code Ann. § 11-13-101, et seq.) (the “Act”) provides that two or more entities are authorized to enter into agreements with each other for joint or cooperative action; and

WHEREAS, Salt Lake County (“County”) and Millcreek are public agencies, as contemplated in the Act, and the services contemplated are joint and cooperative actions, as contemplated in the Act; and

WHEREAS, an Interlocal Agreement for streetlight installations on Main Street between 3900 South and 4200 South has been presented to the Council for review and approval, and a copy is attached hereto (“Agreement”); and

WHEREAS, the Agreement sets forth the purpose thereof, the extent of participation of the parties, and the rights, duties, and responsibilities of the parties.

NOW, THEREFORE, BE IT RESOLVED by the Council that this Agreement is approved, and that the Mayor and Recorder are hereby authorized and directed to execute and deliver the Agreement.

This Resolution, assigned No. 26-24, shall take effect immediately upon passage.

PASSED AND APPROVED by the Council this 28th day of September 2026.

MILLCREEK

ATTEST:

Cheri Jackson, Mayor

Elyse Sullivan, City Recorder

Roll Call Vote:

Jackson	Yes	No
Catten	Yes	No
DeSirant	Yes	No
Handy	Yes	No
Uipi	Yes	No

County Contract No. _____
District Attorney No. _____

INTERLOCAL COOPERATION AGREEMENT
BETWEEN
MILLCREEK CITY AND
SALT LAKE COUNTY
FOR
TRAFFIC SIGNAL INSTALLATION
Streetlight Installations from 3900 S to 4200 S Main St., Millcreek

THIS AGREEMENT (“Agreement”) is made pursuant to the Utah Interlocal Cooperation Act, by and between SALT LAKE COUNTY (“County”), a body corporate and politic of the state of Utah, and MILLCREEK CITY (“City”), a municipal corporation created under the laws of the State of Utah. The County and the City may be jointly referred to as the “Parties.”

WITNESSETH:

WHEREAS, the Parties are local governmental units and are therefore authorized under the Utah Interlocal Cooperation Act, Section 11-13-101, et seq., U.C.A. 1953, as amended, to enter into agreements with each other which enable them to make the most efficient use of their powers; and

WHEREAS, the City desires to contract with the County to install streetlights from 3900 S Main St. to 4200 S Main St., Millcreek, as described in Exhibit A, located within the City’s boundaries; and

WHEREAS, the County is willing to enter into such an agreement to install the streetlights as requested by the City.

AGREEMENT:

NOW, THEREFORE, in consideration of the mutual covenants and promises set forth herein, the Parties agree as follows:

1. PURPOSE. The County, through its Public Works Department, Operations Division, shall be responsible for all matters pertaining to the requested streetlight installations and will provide the necessary labor, equipment, and materials for said upgrades, as set out in the Scope of Work, attached hereto as EXHIBIT A and incorporated by reference. County shall perform work to existing County standards for traffic signals on County's public roads.

2. DURATION. The term of this Agreement shall begin upon execution and shall expire on December 31, 2026.

3. OWNERSHIP. Upon completion, the City shall own the streetlights.

4. FINANCING AND PAYMENT. The City shall pay for the services and materials necessary to complete the work set forth in EXHIBIT A. The estimated total cost to complete the work is \$37,000.00. Upon completion of the services each month, the County shall send to the City an invoice for the services, which the City agrees to pay within thirty (30) days.

5. LIABILITY. The City and the County are governmental entities under the Utah Governmental Immunity Act, Utah Code Ann. § 63G-7-101. Consistent with the terms of the Act, and as provided herein, the parties mutually agree that each party is responsible and liable for its own wrongful or negligent acts committed by it or by its agents, officers, or employees. Neither party waives any defenses otherwise available under the Act nor does any party waive any limits of liability currently provided by the Act.

6. INDEMNIFICATION. The City agrees to indemnify and hold the County, its agents, officers, and employees from and against any and all actions, claims, lawsuits, proceedings, liability, damages, losses and expenses (including attorney's fees and costs) that directly result from the performance of this Agreement, but only to the extent the same are

caused by any negligent or wrongful act or omission of the City, its officers, agents, and employees.

7. REQUIRED INSURANCE POLICIES. Both Parties to this Agreement shall maintain insurance or self-insurance coverage sufficient to meet their obligations hereunder and consistent with applicable law.

8. TERMINATION. This agreement may be terminated (with or without cause) by either party upon at least ninety (90) days prior written notice to the other party. Payment shall be made for all work performed prior to termination.

9. NOTICES. Any notice required or permitted to be given hereunder shall be deemed sufficient if given by a communication in writing, and shall be deemed to have been received (a) upon personal delivery or actual receipt thereof, or (b) within three days after such notice is deposited in the United States mail, postage pre-paid, and certified and addressed as follows:

If to Salt Lake County: Director	Salt Lake County Public Works Operation Division 604 West 6960 South Midvale, Utah 84047
-------------------------------------	--

If to the City:	Millcreek City Public Works Department Attn: John Miller 1330 East Chambers Millcreek, UT 84106
-----------------	--

9. AGENCY. No agent, employee, or servant of the City or County is or shall be deemed to be an employee, agent, or servant of the other Party. None of the benefits provided by each party to its employees, including, but not limited to, workers' compensation insurance, health insurance, and unemployment insurance, are available to the employees, agents, or servants of the other party. City and County shall each be solely and entirely responsible for its

own acts and for the acts of its own agents, employees, and servants during the performance of this Agreement. The County acts as an independent contractor and is not an employee or agent of the City.

10. FORCE MAJEURE. Neither party shall be liable for any excess costs if the failure to perform arises from causes beyond the control and without the fault or negligence of that party, including but not limited to acts of God, fires, floods, strikes, or unusually severe weather. If such condition continues for a period in excess of 60 days, City or County shall have the right to terminate this Agreement without liability or penalty effective upon written notice to the other party.

11. NO OBLIGATIONS TO THIRD PARTIES. The parties agree that the County's obligations under this Agreement are solely to the City. This Agreement shall not confer any rights to third parties.

12. GOVERNING LAW. The laws of the State of Utah govern all matters arising out of this Agreement.

13. COUNTERPARTS. This Agreement may be executed in counterparts, and all so executed will constitute one agreement binding on all the Parties, it being understood that all Parties need not sign the same counterpart. Further, executed copies of this Agreement delivered by facsimile or email will be deemed an original signed copy of this Agreement.

14. COUNTY ETHICAL STANDARDS. The City represents that it has not: (a) provided an illegal gift or payoff to any County officer or employee, or former County officer or employee, or to any relative or business entity of a County officer or employee, or relative or business entity of a former County officer or employee; (b) retained any person to solicit or secure this Agreement upon an agreement or understanding for a commission, percentage,

brokerage or contingent fee, other than bona fide employees of bona fide commercial agencies established for the purpose of securing business; (c) breached any of the ethical standards set forth in State statutes or Salt Lake County's Ethics Code, Chapter 2.07, Salt Lake County Code of Ordinances, 2001; or (d) knowingly influenced, and hereby promises that it will not knowingly influence, any County officer or employee or former County officer or employee to breach any of the ethical standards set forth in State statutes or Salt Lake County ordinances.

15. NO OFFICER OR EMPLOYEE INTEREST. It is understood and agreed that no officer or employee of the County has or shall have any pecuniary interest, direct or indirect, in this Agreement or the proceeds thereof. No officer or employee of City or any member of their families shall serve on a County Board or Committee or hold any such position which either by rule, practice, or action nominates, recommends, or supervises City's operations, or authorizes funding or payment to City.

16. INTERLOCAL COOPERATION ACT. In satisfaction of the requirements of the Interlocal Act, and in connection with this Agreement, the Parties agree as follows:

- (a) This Agreement shall be approved by each Party pursuant to Section 11-13-202.5 of the Interlocal Act;
- (b) This Agreement shall be reviewed as to proper form and compliance with applicable law by a duly authorized attorney on behalf of each Party, pursuant to Section 11-13-202.5 of the Interlocal Act;
- (c) A duly executed original counterpart of this Agreement shall be filed with the keeper of records of each Party, pursuant to Section 11-13-209 of the Interlocal Act;

(d) Except as otherwise specifically provided herein, each Party shall be responsible for its own costs of any action taken pursuant to this Agreement, and for any financing of such costs; and

(e) No separate legal entity is created by the terms of this Agreement. To the extent that this Agreement requires administration other than as set forth herein, it shall be administered by a joint board of the public works directors of the City and the County, or their designees. No real or personal property shall be acquired jointly by the Parties as a result of this Agreement. To the extent that a Party acquires, holds or disposes of any real or personal property for use in the joint or cooperative undertaking contemplated by this Agreement, such Party shall do so in the same manner that it deals with other property of such Party.

17. ENTIRE AGREEMENT AND AMENDMENT. This agreement constitutes the entire agreement between the Parties, and no other promises or understandings, express or implied, shall be binding upon the Parties. No amendment to this agreement shall be effective unless made in writing and signed by the parties.

[Signatures on Following Page]

IN WITNESS WHEREOF, the Parties have subscribed their names hereon and caused this agreement to be duly executed on the _____ day of _____, 2026.

SALT LAKE COUNTY

MILLCREEK CITY

By: _____
Mayor or Designee

By: _____

Name: _____

Title: _____

Departmental Approval:

ATTEST:

By: _____
Scott Baird,
Public Works Director

Date: _____

Millcreek City Recorder

Division Approval:

By: _____
Steven Kuhlmeier,
Division Director

Date: _____

Reviewed as to Form:

Reviewed as to Form:

By: _____
Deputy District Attorney

By: _____
Millcreek City Attorney

Date: _____

EXHIBIT “A”

SCOPE OF WORK

Streetlights installed on Main Street 4200 S -3900 S

- To be completed by December 31, 2026
- Total cost: **\$37,000.00** for the streetlight installation project.

Description of work to be performed:

- 1.Install 35’ wood streetlight poles. (4)
- 2.Install 10’ aluminum streetlight arms (16)
- 3.Install 20’ of #6RHH wire for each streetlight arm. (16)
- 4.Install 110 Watt LED cobra fixtures. (16)
- 5.Install 12 fixtures on existing RMP wood poles. (RMP approved)

City shall provide County with specific location and position information for each streetlight to be installed prior to commencement of work by County.

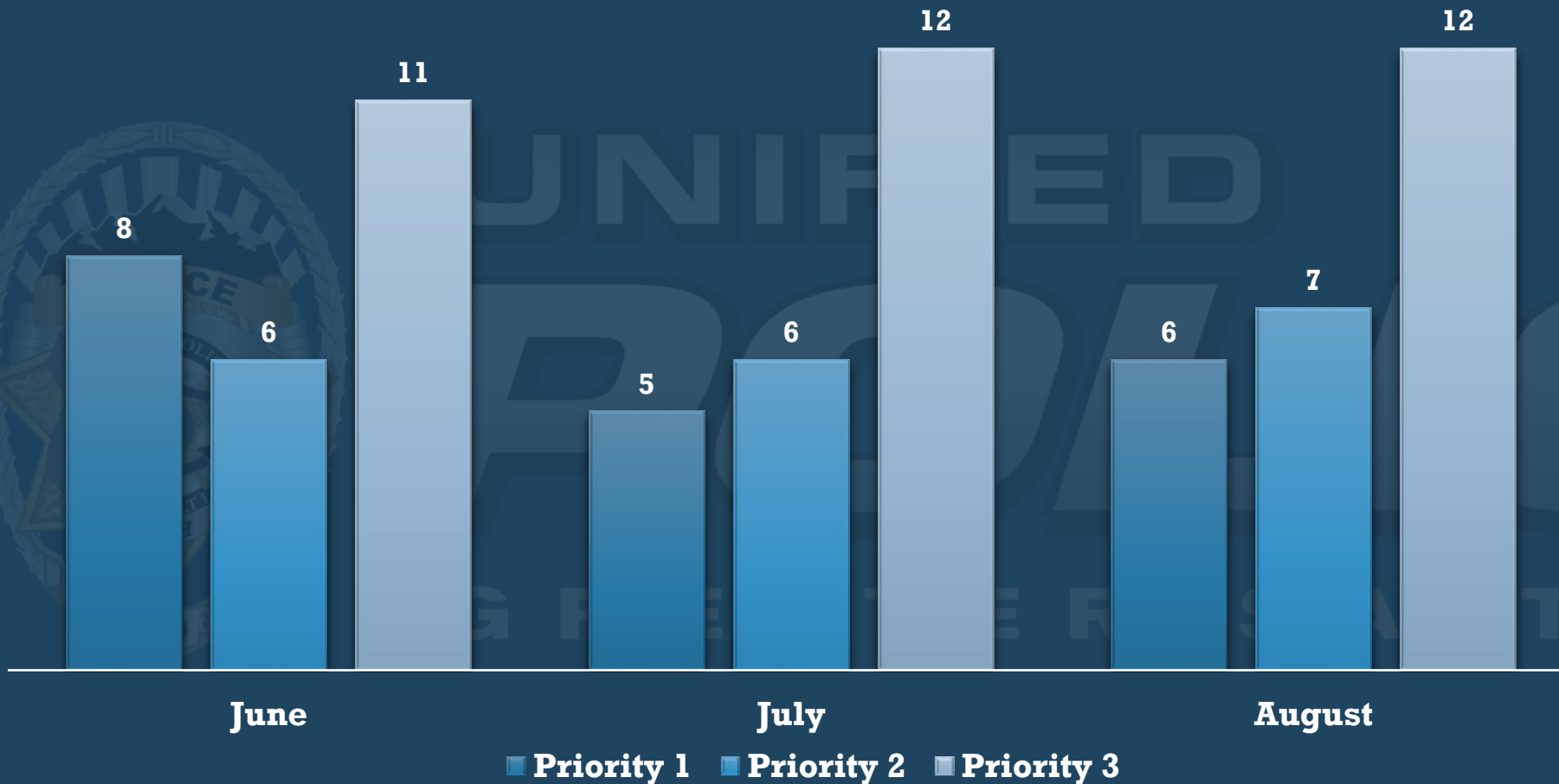


UNIFIED
POLICE
GREATER SALT LAKE

MILLCREEK CITY – AUGUST 2026



POLICE RESPONSE TIMES MILLCREEK-UPD



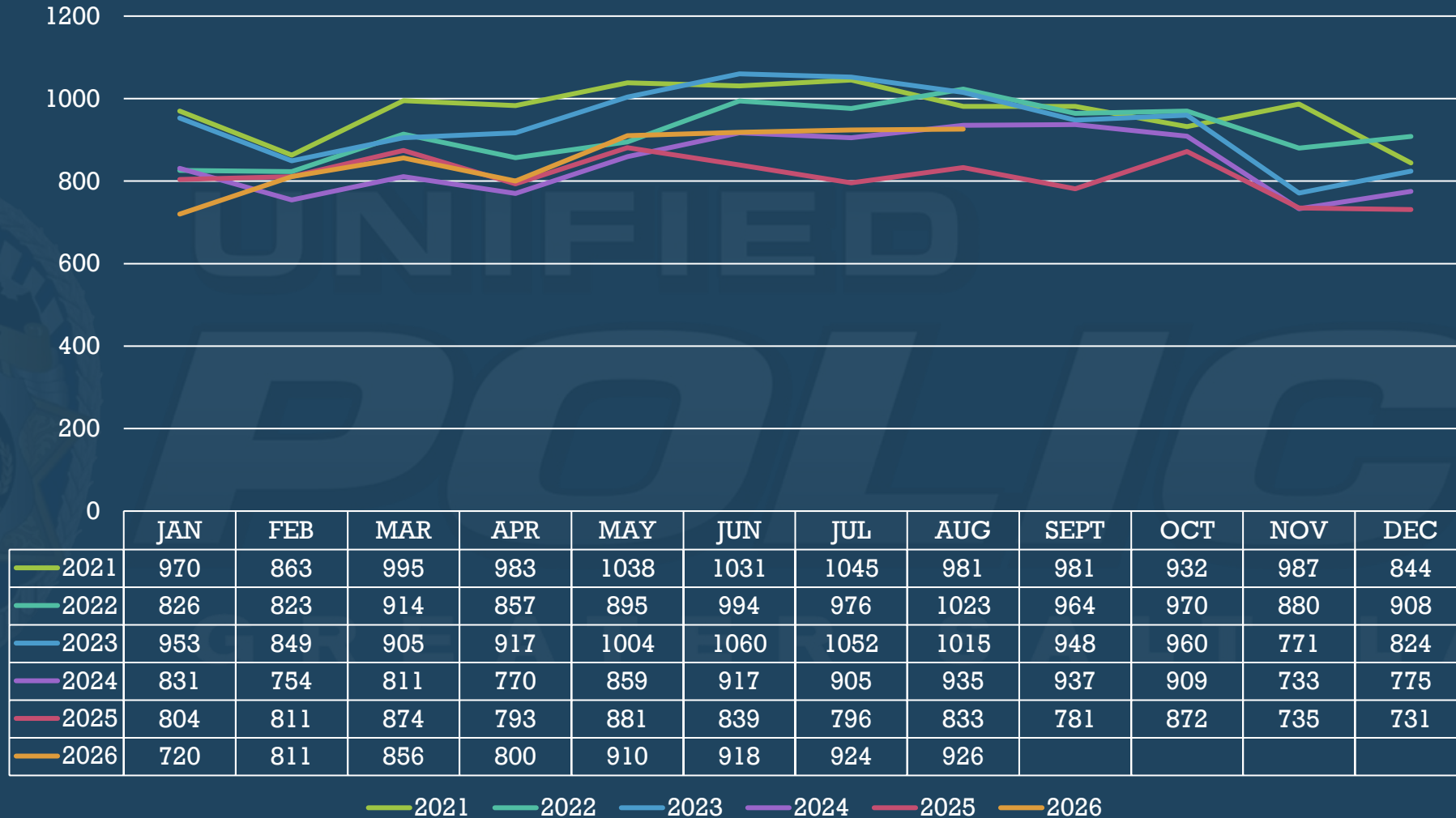
****Time in minutes****

- **Priority 1: (Emergency)**
Immediate threats to life, safety, or serious property damage.
- **Priority 2: (Urgent)**
Situations requiring a quick response but not posing an immediate danger to life.
- **Priority 3: (Routine)**
Non-urgent calls that do not involve immediate risks.



MILLCREEK CITY

Millcreek Precinct Case Trend

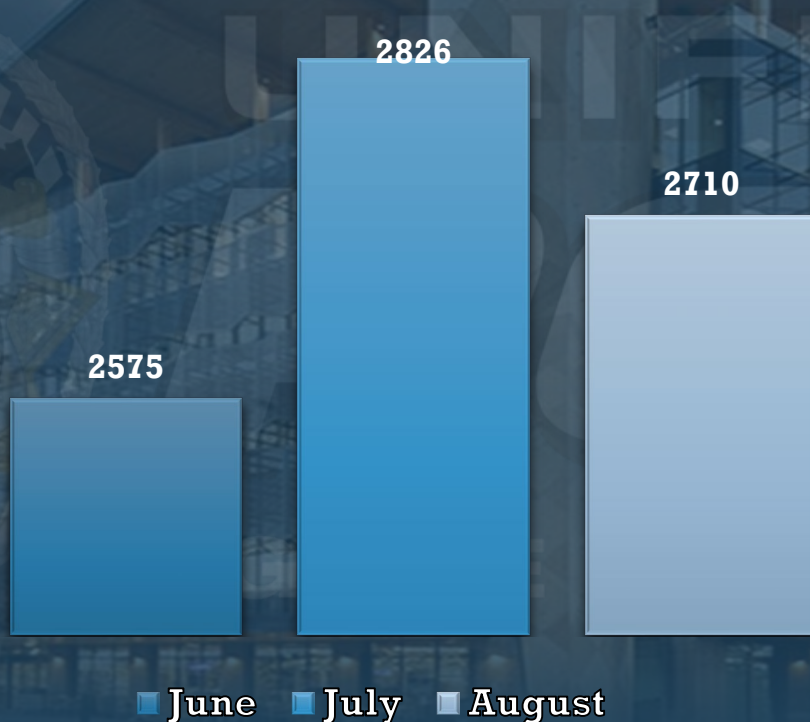




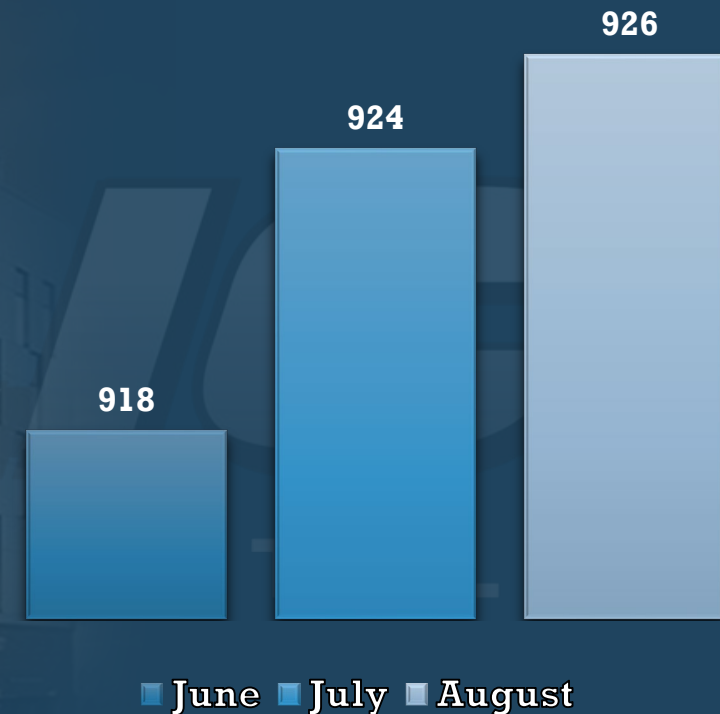
Millcreek City



Calls For Service



New Police Reports



- **TRANSIENT CALLS: 53**

- **MENTAL HEALTH CALLS: 50**

The Unified Police Department is wrapping up the final block of its department-wide mental health training. This block focuses on neurocognitive disorders, traumatic brain injuries, aging issues, substance use disorders, veterans, and individuals experiencing homelessness.

A key focus is training officers on best practices for safely and effectively working with individuals experiencing homelessness.

Millcreek's new Crisis Response Detective is helping lead this effort, with a primary focus on engaging with unhoused individuals in the city and taking a proactive approach to connecting them with appropriate resources and support.





MILLCREEK CITY - UPD TRAFFIC STATS

AUGUST 2026

- **352 Citations Issued**
- **6 DUI Arrests**
- **64 Accidents Reports**
- **18 Hit and Runs**



On August 4, 2026, the Unified Police Department and City of Millcreek hosted Night Out Against Crime, bringing residents, law enforcement, and community partners together for an evening focused on safety and community connection. The event featured family-friendly activities, community resources, and opportunities for residents to interact with officers in a relaxed and positive environment.



The event highlighted the importance of building lasting relationships between law enforcement and the community and working together to keep Millcreek safe and connected.

Congratulations to our new UPD Lieutenant, former Millcreek Sergeant Michael Mays!

Throughout his 24-year career, Mike Mays has worked for the city of Millcreek as a Sergeant for 10 of them. Mike has been a dedicated leader, mentor, and someone who has made a lasting impact on the people fortunate enough to work alongside him. We are grateful for the guidance, support, and leadership he has provided, and know his experience and commitment will serve UPD Investigations incredibly well and in his new role as Lieutenant. Thank you, Mike, for everything you've done for our team, the community of Millcreek, and for always being someone we could count on—congratulations on a well-deserved promotion!





Unified Police Investigations

August 2026

Millcreek Precinct



Assault
44

Burglary
5

Drug Offenses
28

**Domestic
Violence**
61

Fraud
24

Homicide
0

Larceny
89

Robbery
1

Sex Offense
9

Stolen Vehicles
12

**During the month of July,
Millcreek Precinct
detectives were assigned
69 cases, and 21 of those
cases were submitted for
charges to Holladay
Justice Court or 3rd District**



**Minutes of the
Millcreek City Council
September 14, 2026
5:30 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 September 14, 2026, 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

Cheri Jackson, Mayor
Silvia Catten, District 1
Thom DeSirant, District 2 (electronic)
Nicole Handy, District 3
Bev Uipi, District 4

City Staff

Mike Winder, City Manager
Elyse Sullivan, City Recorder
John Brems, City Attorney
Kurt Hansen, Facilities Director
Francis Lilly, Assistant City Manager
Brad Sanderson, Current Planning Manager
Rita Lund, Communications Director
Kristy Parajuli, Youth Council Advisor

Attendees: Rick Hansen, Brad Reynolds, Lindsey Nielsen (electronic), Brett Johnson, Amy Edwards, Vern & Susan Ferrin, Sonny Martinez, Laura Renshaw, Andrei Tarassov, Mary Ann Raiyatinejad, Chief Petty-Brown

WORK MEETING – 5:30 p.m.

TIME COMMENCED: 5:32 p.m.

Mayor Jackson called the work meeting to order.

Council Member Uipi moved to move number two, planning matter ZM-26-014, to the first item of business. Council Member Catten seconded. Mayor Jackson called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Handy voted yes, Council Member Uipi voted yes, and Mayor Jackson voted yes. The motion passed unanimously.

2. Planning Matter First Reading:

a. ZM-26-014, Rezone Request from R-1-8 and R-2-8 to R-1-5 and R-2-6.5 at 3496 & 3500 S 1300 E by Brad Reynolds Construction; Brad Sanderson, Planner

Brad Sanderson provided an overview of a proposed rezone for property located along 1300 East and Lorraine Drive, noting that the application received a favorable recommendation from the Planning Commission and would return to the Council for formal consideration. He

explained that the property is unusually narrow and elongated and currently contains split zoning, creating challenges for access and infill development. The proposed zoning would allow a combination of R-1-5 single-family lots and R-2-6 two-family development. The concept plan includes approximately four to five smaller single-family homes accessed from Lorraine Drive and two to three duplexes oriented toward 1300 East, for a total of approximately nine to ten units. The duplexes would utilize rear-loaded garages accessed by a private road, reducing the number of individual driveways onto 1300 East. Because the development would include a private road, an HOA would be required to maintain the shared infrastructure.

Sanderson also discussed a proposed pedestrian connection through the development that would provide walking and bicycle access between the project and the neighborhood to the west, allowing residents to avoid traveling along 1300 East. He reviewed the differences between the existing and proposed residential zones, explaining that the primary distinctions involve minimum lot size, density, setbacks, and building-envelope standards, with relatively limited differences in overall building height and form. Written comments received from nearby residents were generally supportive of the proposal. The Planning Commission recommended approval by a 7-1 vote. Sanderson explained that the dissenting commissioner supported the project generally but wanted the pedestrian connection formally guaranteed through a development agreement. Other commissioners were comfortable relying on the applicant's stated intention to construct the connection and did not consider a development agreement necessary solely for that purpose. Sanderson indicated that the primary issues for the council's consideration would therefore be whether to approve the proposed zone changes and whether a development agreement should be required to ensure the pedestrian connection or address any other project-specific conditions.

Mayor Jackson asked the applicant to keep the residents' comments in mind when landscaping. Council members asked whether feedback had been received from residents or property owners along the private driveway where the proposed pedestrian connection would terminate. Sanderson stated that no comments had been received and clarified that the homes along the driveway are occupied by tenants, while the property owners, who would have received notice of the application, reside elsewhere. In response to questions regarding maintenance, Sanderson explained that the adjacent private driveway would remain the responsibility of its respective property owners, while the proposed development's HOA would maintain the pedestrian connection located within the development. He noted that the city could not require the neighboring property owners to permit public pedestrian access along their private driveway. If those owners chose to restrict access in the future, such as by installing a fence, the proposed pedestrian connection could effectively terminate at the property boundary. Sanderson acknowledged that the new connection could increase pedestrian use of the existing private driveway but did not anticipate the increase would be substantial. John Brems added that it was important to make sure there was access on the private road.

Council Member Uipi asked about the zoning aligning with the General Plan. Sanderson discussed the proposal's consistency with the Future Land Use Map and surrounding zoning. He explained that the property is designated Neighborhood 1, and the rear portion of the proposed development would remain single-family residential, consistent with that designation. The portion along 1300 East is already zoned for two-family residential

development, and the proposed rezone would primarily reorient the existing R2 zoning and change it from R-2-8 to R-2-6. Sanderson acknowledged that the existing zoning does not fully align with the Future Land Use Map but noted that similar R2 zoning and development patterns already exist both north and south of the property along 1300 East. He stated that the proposal would therefore not be inconsistent with the surrounding development pattern. Sanderson also noted that the city anticipates future general plan and small-area planning efforts that may further evaluate land use and zoning in the area, but those efforts have not yet begun and would occur after consideration of the current application. The council did not feel a development agreement was necessary but wanted the trail access figured out.

1. Central Wasatch National Conservation and Recreation Area Act Discussion; Lindsey Nielsen, Central Wasatch Commission Executive Director

Lindsey Nielsen presented an update on the proposed Central Wasatch National Conservation and Recreation Area (NCRA) Act, which the CWC is working to update for potential reintroduction in Congress in 2027. She explained that the legislation originated from the Mountain Accord process and represents a locally developed, consensus-based approach to balancing conservation, recreation, economic interests, and long-term management of the Central Wasatch. The proposal would establish an approximately 80,000-acre National Conservation and Recreation Area on federal lands and create a new, area-specific management plan to replace management protocols developed under the broader Uinta-Wasatch-Cache National Forest plan, which was last updated in 2003. The legislation would also establish the Grandeur Peak–Mount Aire Wilderness Area in Millcreek Canyon, create a White Pine Watershed Protection Area, and expand portions of existing wilderness areas. Nielsen emphasized that the legislation would protect existing facilities and allow their continued maintenance, retain motorized access on designated roads and trails, and remain neutral regarding transportation alternatives.

In response to a question regarding the proposed Parleys Canyon gravel pit expansion, Nielsen explained that a wilderness designation would provide significantly stronger protections for the affected federal lands, including restrictions on new roads, mechanized transportation, and mechanized tools. However, she clarified that the designation would not directly prohibit the proposed mine itself, although it could restrict or complicate related activities requiring access or development on newly protected federal lands. Nielsen also discussed the legislation's federal appropriation provisions, explaining that congressional appropriations could support implementation of the NCRA, including development of the new management plan, trail maintenance, visitor facilities, restrooms, and other improvements. She clarified that these federal appropriations would be separate from Millcreek's membership contributions to the CWC, which support the Commission's ongoing organizational operations rather than implementation of the federal designation.

Nielsen confirmed that the CWC is leading the effort to advance the legislation and expressed appreciation for Millcreek's longstanding participation as a member jurisdiction. She stated that the current effort also seeks to revisit land exchanges that could address fragmented ownership patterns, accommodate ski resort operational needs, and pair economic considerations with meaningful environmental protections. When asked about challenges to gaining support, Nielsen acknowledged that the legislation has taken considerable time and that maintaining consensus among stakeholders has been difficult. She noted that the proposal was first introduced in Congress in 2016 and described the effort as a complex, bipartisan, community-based initiative requiring continued negotiation and commitment. She expressed optimism regarding a potential

opportunity for renewed congressional consideration in 2027 and emphasized the importance of having an updated proposal ready for introduction. Finally, in response to a question regarding the proposed gondola, Nielsen reiterated that the legislation is transportation-neutral and would neither authorize nor prohibit UDOT from pursuing any particular transportation or transit alternative.

3. Staff Reports

Mike Winder reported a record number of attendees at Camp Tracy and a successful Fall Business Market. He noted “audit season” was taking place with auditors coming to city hall the following week. He announced Assistant City Manager and Planning Director, Francis Xavier Lilly, was this year's recipient of Utah's Ted Knowlton Planning Award, which is a very prestigious career-level recognition, and that was awarded last week at the Utah Chapter of the American Planning Association.

4. Discussion of Agenda Items, Correspondence, and/or Future Agenda Items

There was none.

Mayor Jackson reported that the Audit Committee recently met to discuss employee compensation and evaluate how Millcreek's salaries compare with those offered by other municipalities. Mayor Jackson and Council Member Catten, who serves as Treasurer, participated in the discussion. The Committee determined that, as Millcreek approaches its tenth anniversary and has not previously conducted a comprehensive compensation review, it would be appropriate to commission a citywide salary survey. The city will issue an RFP for a consultant to evaluate compensation for all employee positions against comparable positions in other municipalities. Mayor Jackson emphasized the importance of providing competitive compensation to attract and retain high-quality employees and appropriately recognize the city's existing workforce. Once the survey is completed, the council will review the findings and engage in a broader discussion regarding its compensation philosophy and approach to employee salaries going forward.

The mayor then reported on the recent all-staff meeting, which was led by the Communications Department, and highlighted a new feature on the city's website called “The Rumor Mill(creek).” She explained that the webpage was created to address information circulating within the community by verifying facts, correcting misinformation, and providing residents with accurate information directly from the city. Mayor Jackson encouraged council members and staff to notify the communications team of rumors, social media discussions, emails, or other community concerns that may warrant clarification on the webpage. She noted that the site already addresses several community topics and expressed hope that it will serve as a reliable resource for residents seeking accurate city information and help reduce the spread of misinformation. She also reported on attending a recent Utah League of Cities and Towns meeting where discussion focused on the kind of issues that larger cities in Utah are facing and looking ahead to prepare for the next legislative session.

Council Member Uipi reported on her attendance at the Criminal Justice Advisory Council (CJAC) Committee meeting with Salt Lake County and representatives from other municipalities. She noted that a primary topic of discussion was the future provision of court services, particularly among smaller municipalities evaluating whether to continue operating their own courts. She explained that discontinuation of municipal court services could place

additional pressure on the District Attorney's Office, which is already managing a significant caseload, as well as increase workloads for district courts and judges. Council Member Uipi stated that the issue will be important to monitor as municipalities consider their options. She added that Millcreek is currently in a favorable position with its existing court services partnership with Holladay.

Council Member Uipi moved to adjourn the work meeting at 6:23 p.m. Council Member Catten seconded. Mayor Jackson called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Handy voted yes, Council Member Uipi voted yes, and Mayor Jackson voted yes. The motion passed unanimously.

REGULAR MEETING – 7:00 p.m.

TIME COMMENCED: 7:02 p.m.

1. Welcome, Introduction and Preliminary Matters

1.1 Pledge of Allegiance

Mayor Jackson called the meeting to order, acknowledged Council Member DeSirant's online participation, and led the pledge of allegiance.

1.2 Millcreek Youth Council Oaths of Office

Mayor Jackson said she had the privilege of giving the oath of office to the youth council members for this year. The council consists of juniors and seniors from the International Charter School, Cottonwood High School, Olympus, and Skyline. She expressed appreciation for their willingness to serve on the youth council, and for all that they do to contribute to the city.

Kristy Parajuli provided an introduction to the Millcreek Youth Council, which consists of 23 students representing Cottonwood, Skyline, and Olympus High Schools, as well as Utah International Charter School. She recognized the Youth Council leadership team for its work throughout the summer in preparing for the upcoming year. Parajuli explained that the Youth Council's mission is to serve the Millcreek community, build connections among youth throughout the city, and engage in policy issues important to students and their peers. Members participate in city affairs, community activities, and service opportunities designed to develop leadership skills and prepare them for life after high school. Parajuli then invited Mayor Jackson to administer the Youth Council's oath of office, symbolizing the members' commitment to serving the community during the coming year.

The mayor administered an oath of office to the Youth Council.

1.3 Constitution Week Proclamation

Mayor Jackson proclaimed the following:

WHEREAS, September 17, 2026, marks the 239th anniversary of the signing and adoption of the Constitution of the United States of America by the Constitutional Convention in Philadelphia; and

WHEREAS, the Constitution established the foundation of our nation's government and remains a cornerstone of the freedoms, rights, and liberties enjoyed by the American people; and

WHEREAS, it is fitting and proper to recognize this remarkable document and commemorate the anniversary of its creation; and

WHEREAS, Constitution Week provides an opportunity for all Americans to reflect upon the principles of our founding, the importance of civic participation, and our shared responsibility to preserve the liberties guaranteed by the Constitution.

NOW, THEREFORE, I, Cheri Jackson, Mayor of Millcreek, Utah, by virtue of the authority vested in me, do hereby proclaim September 17 through September 23, 2026, as CONSTITUTION WEEK

in Millcreek, Utah, and call upon our residents to reaffirm the ideals embraced by the Framers in 1787 by learning about our Constitution, participating in our civic life, and vigilantly protecting the freedoms and liberties it guarantees to every American.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of Millcreek to be affixed this 14th day of September, 2026.

1.4 Public Comment

Laura Renshaw, Millcreek Library Manager, provided an update on programs and activities at the Millcreek Library. She reported that approximately 3,220 people participated in this year's Summer Reading Program, comparable to the previous year, while the number of participants who completed the program increased by approximately 100, representing a 3% increase. Teen completion was particularly strong, increasing by 16% over the previous year. Renshaw emphasized the value of summer reading in helping students maintain academic skills and transition successfully into the new school year. Renshaw also highlighted homework assistance available through the library. Beginning this month, a member of the Teen Advisory Board will provide free, in-person math tutoring every other Friday at the Millcreek Branch. In addition, the Salt Lake County Library System offers Brainfuse, an online tutoring and homework assistance resource available through the library website with a library card. The service provides access to subject experts for students of all grade levels and most subjects, including writing assistance, ACT and SAT preparation, FAFSA support, ongoing tutoring, and assistance with individual assignments. In recognition of National Library Card Sign-Up Month, Renshaw reported that 23,288 patrons currently identify Millcreek as their home library and that 356 new patrons were added during the previous 30 days. She also reviewed recent community outreach efforts, including participation in Upland Elementary's book fair, presentations to third-grade students at Eastwood and Rosecrest Elementary Schools, participation in Welcoming Week at Bud Bailey Apartments, tours for seventh-grade students from Evergreen Junior High, and an upcoming preschool tour. Renshaw expressed the library's commitment to increasing awareness of available resources and services and offered continued support for the City Council's community goals.

Andrei Tarassov, Millcreek resident and business owner, expressed concerns regarding what he perceived as differing requirements applied to small businesses compared with city projects. He provided three examples from his experience. First, prior to purchasing his building, he contacted the Planning Department regarding opening a veterinary clinic and was advised that the existing parking lot would need to be resurfaced, while he

observed that the city had continued operating with its own parking lot in its existing condition. Second, Tarassov stated that when he contacted Waste Management for standard garbage bins, he was informed that city ordinance required his business to use a larger commercial container. Because his business does not generate enough waste to justify that size of container, he obtained private waste service, which he stated costs approximately four times more and has presented service challenges. He contrasted this requirement with the standard garbage bins he observed at city facilities. Finally, Tarassov described delays associated with obtaining ventilation calculations for a surgical room in his building, stating that he was unable to proceed with pouring concrete in the basement until those calculations were completed. He contrasted this experience with what he viewed as greater flexibility afforded to city projects, including adjustments made during development of Millcreek Common and surrounding areas. Tarassov requested consideration of whether city requirements and processes are being applied consistently to small businesses and municipal projects.

Elyse Sullivan acknowledged the council had received an email from Craig Wasserstrom regarding Opus Green shade trees.

2. Business Matters

2.1 Discussion and Consideration of Ordinance 26-63, Amending Section 11.20.030 of the Millcreek Code of Ordinances Entitled “Regulation of Parking” to Authorize the City Engineer to Regulate Parking, Traffic Control Devices, and Parking Restrictions Within the City

Mike Winder reviewed a proposed code amendment expanding and clarifying the City Engineer’s authority to regulate on-street parking. Under the current code, the City Engineer, a role presently held by Public Works Director John Miller, may designate areas for restricted or prohibited parking and establish time limits primarily for safety purposes. The proposed amendment would broaden the criteria the City Engineer may consider to include traffic flow, economic development, community well-being, and other appropriate considerations when establishing parking restrictions or time limitations. It was noted that the amendment would bring Millcreek’s regulations more closely in line with those of similarly sized municipalities.

Council Member Uipi moved to approve item 2.1, Ordinance 26-63. Council Member Handy seconded. The Recorder called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Handy voted yes, Council Member Uipi voted yes, and Mayor Jackson voted yes. The motion passed unanimously.

3. Reports

3.1 Mayor’s Report

See work meeting.

3.2 City Council Member Reports

See work meeting.

3.3 Staff Reports

There were none.

4. Consent Agenda

4.1 Approval of August 24, 2026 Work Meeting and Regular Meeting Minutes

Council Member Uipi moved to approve item 4.1. Council Member Catten seconded. Mayor Jackson called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Handy voted yes, Council Member Uipi voted yes, and Mayor Jackson voted yes. The motion passed unanimously.

5. New Items for Subsequent Consideration

Council Member Uipi asked about a water conservation presentation from Salt Lake City Public Utilities. Rita Lund said she was still waiting to hear back from them.

6. Calendar of Upcoming Meetings

- Planning Commission Mtg., 9/16/26, 5:00 p.m.
- City Council Mtg. 9/28/26 7:00 p.m.

ADJOURNED: Council Member Uipi moved to adjourn the meeting at 7:21 p.m. Council Member Catten seconded. Mayor Jackson called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Handy voted yes, Council Member Uipi voted yes, and Mayor Jackson voted yes. The motion passed unanimously.

APPROVED: _____ **Date**
Cheri Jackson, Mayor

Attest: _____
Elyse Sullivan, City Recorder