



MILLCREEK PROPERTY TAX INFORMATION

ATTENTION MILLCREEK PROPERTY OWNERS

- The adjacent ad lists a 3,153.32% increase in property taxes on a \$395,145 residence (average home value) located in Millcreek.
 - Millcreek property owners will no longer be paying for Unified Police Department (UPD) services through property tax to the Salt Lake Valley Law Enforcement Service Area (SLVLESA) but will now pay through property taxes collected by Millcreek.
 - All 2018 property taxes collected by Millcreek will be dedicated to pay for UPD services.
 - Millcreek will continue to be served by UPD.

- Please note the following 2018 tax rates:
 - Proposed tax rate for Millcreek residents is .0020120
 - Proposed tax rate for SLVLESA is .0021390
 - Millcreek residents will actually pay less than if they were paying SLVLESA.

NOTICE OF PROPOSED TAX INCREASE CITY OF MILLCREEK

The CITY OF MILLCREEK is proposing to increase its property tax revenue.

- The CITY OF MILLCREEK tax on a \$395,145 residence would increase from \$13.47 to \$437.18, which is \$423.71 per year.

- The CITY OF MILLCREEK tax on a \$395,145 business would increase from \$24.50 to \$794.87, which is \$770.37 per year.

- If the proposed budget is approved, CITY OF MILLCREEK would increase its property tax budgeted revenue by 3,153.32% above last year's property tax budgeted revenue excluding new growth.

All concerned citizens are invited to a public hearing on the tax increase.

PUBLIC HEARING

Date/Time: 8/13/2018 7:00 PM

Location: Millcreek City Hall Annex
3330 South 1300 East
Millcreek, UT 84106

To obtain more information regarding the tax increase, citizens may contact CITY OF MILLCREEK at 801-214-2700.

MILLCREEK, UTAH
ORDINANCE NO. 18-44

**AN ORDINANCE OF MILLCREEK ADOPTING A FINAL BUDGET;
MAKING APPROPRIATIONS FOR THE SUPPORT OF MILLCREEK FOR THE TIME
PERIOD BEGINNING JULY 1, 2018 AND ENDING JUNE 30, 2019,
AND DETERMINING THE RATE OF TAX AND LEVYING TAXES UPON ALL REAL
AND PERSONAL PROPERTY WITHIN MILLCREEK**

WHEREAS, on August 13, 2018, (“Council”) met in a regular meeting where the Council conducted a properly noticed Truth in Taxation hearing wherein all interested property owners and residents of the City were invited to provide input and information to the Council and to consider the setting of an ad valorem property tax that exceeds the certified tax rate; and

WHEREAS, on May 14, 2018, the Mayor of Millcreek submitted to the Council, a tentative budget including all supporting schedules and data (the “*Tentative Budget*”) for the period beginning July 1, 2018, and ending June 30, 2019, that contemplated an ad valorem property tax that exceeded the certified tax rate; and

WHEREAS, on May 14, 2018, the Tentative Budget was acknowledged as received and was officially placed in the City Recorder’s office for inspection by the public during normal office hours; and

WHEREAS, on May 29, 2018, the Tentative Budget for FY 2018-19 was tentatively adopted;

WHEREAS, on July 26, 2018, all citizens were invited to attend a Town Hall meeting to receive information regarding the FY 2018-19 budget tax increase and to have a forum to ask questions; and

WHEREAS, on July 31, 2018 and August 6, 2018, notices of a public hearing to consider the FY 2018-19 Final Budget that included an ad valorem property tax that exceeded the certified tax rate and tax rate were published in the *Salt Lake Tribune* and *Deseret News*; and on the Utah Public Notice Website created by Utah Code Ann. § 63F-1-701; and

WHEREAS, on August 13, 2018 a public hearing to receive public comment and consider adoption of a final budget that included an ad valorem property tax that exceeded the certified tax rate was held at approximately 7:00 p.m. in the City Hall Annex located at 3330 South 1300 East, Millcreek, Utah; and

WHEREAS, the Council having conducted the public Truth in Taxation hearing on August 13, 2018, hereby adopts this Ordinance, thereby budgeting an increased amount of ad valorem tax revenue to support the operations of the City; and

WHEREAS, all interested persons in attendance at the public hearing were given an opportunity to be heard, for or against, the estimate of revenues and expenditures or any item thereof in the final budget; and

WHEREAS, the City has published the necessary notice and held the public hearing required prior to adopting the budget; and

WHEREAS, it is the intent and desire of the City to comply with all applicable State and local laws regarding the adoption of the budget; and

WHEREAS, the Council finds that it has satisfied all legal requirements required to adopt a budget, and that it is in the best interests of the citizens of the City to adopt a final budget for the City.

NOW, THEREFORE, BE IT ORDAINED by the Council that the Council having conducted a public Truth in Taxation hearing on August 13, 2018, hereby adopts this Ordinance, thereby budgeting an increased amount of ad valorem tax revenue to support the operations of the City as follows:

Section 1. Budget Adoption.

A. The Final Budget attached hereto, as amended, and by this reference incorporated herein, is hereby appropriated for the corporate purposes and objects of the City for the time period beginning July 1, 2018, and ending June 30, 2019, and is hereby adopted as the “Budget of Millcreek, Utah for the time period beginning July 1, 2018, and ending June 30, 2019 (the “Budget”).

B. Pursuant to Utah Code Ann. § 10-6-118, a copy of the Budget for each fund within the Budget shall be certified by the mayor as the “Budget Officer” and it is hereby directed that it be filed with the State Auditor within 30 days after adoption.

C. Pursuant to Utah Code Ann. § 10-6-119, a certified copy of the Budget shall be filed in the office of the City Recorder and will be available for public inspection during City business hours.

Section 2. Tax Rate and Levy.

A. For the purpose of defraying the necessary and proper expenses of the City and for maintaining the government thereof, it is hereby determined that the Tax Rate of the general property tax to be levied against all real and personal property within the City made taxable by law for the fiscal year beginning July 1, 2018, and ending June 30, 2019, is hereby set as .002012 yielding tax revenue of \$10,357,045.

B. There is hereby levied upon all real and personal property within the City made taxable by law for the fiscal year of the City ending June 30, 2019, the tax rate set forth above, on

the taxable value of said property, to provide revenue for the “Millcreek General Fund” and for general City purposes.

C. As required by law, the rate hereinabove determined and levied, along with all statements and information required by law, shall be reported to the Salt Lake County Auditor, State of Utah, and the Utah State Tax Commission.

Section 3. Further Action.

A. In addition to the foregoing, the Mayor is hereby directed to implement any other necessary actions pertinent to the adoption of the Budget. Such actions may include, but are not necessarily limited to, notification, reporting, and publishing as required by and consistent with applicable law.

B. Amounts budgeted for contingency, fund balance, and capital projects will be deposited into the Public Treasurer’s Investment Fund (PTIF) for this specific purpose, with continuous regular amounts deposited throughout the fiscal year. Statements of these accounts will be distributed to the Council on a quarterly basis along with other expenditure reports.

Section 4. Severability. If a court of competent jurisdiction declares any provision of this resolution invalid, the remainder shall not be affected.

Section 5. Effective Date. This ordinance shall take effect upon passage and posting as required by law.

PASSED AND APPROVED by the Council this 13th day of August 2018.

MILLCREEK COUNCIL

ATTEST:

Jeff Silvestrini, Mayor

Elyse Greiner, City Recorder

Roll Call Vote:		
Silvestrini	Yes	No
Marchant	Yes	No
Jackson	Yes	No
Catten	Yes	No
Uipi	Yes	No



Utah's Newest City



MILLCREEK, UTAH

Fiscal Year 2018-2019 Budget



MILLCREEK
FY 2018-19 BUDGET
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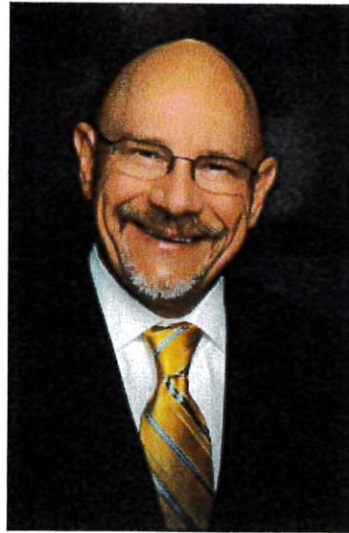
MILLCREEK
STATE OF UTAH
FISCAL YEAR 2018-2019
BUDGET

Prepared By:

Jeff Silvestrini, Mayor
John H. Geilmann, City Manager
Laurie E. Johnson, HR-Finance Director
Elyse Greiner, City Recorder
Kurt Hansen, City Services Director
Francis Lilly, Planning Services Director
Rita Lund, Communications & Programs Director
John Miller, City Engineer

Cover Photo by: Leslie Van Frank

MILLCREEK ELECTED OFFICIALS



Mayor
Jeff L. Silvestrini



Councilmember
Silvia Catten
Council District 1



Councilmember
Dwight Marchant
Council District 2



Councilmember
Cheri Jackson
Council District 3



Councilmember
Bev Uipi
Council District 4



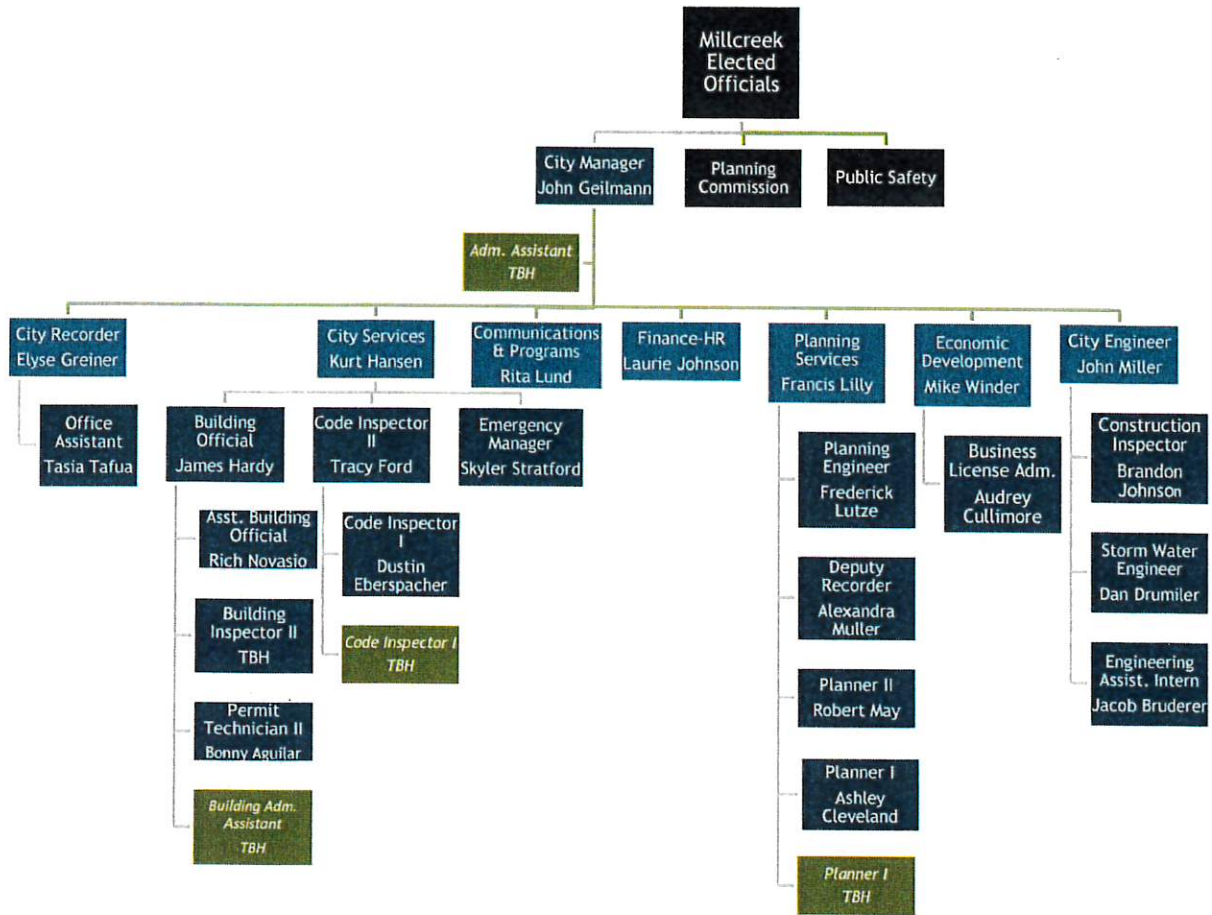
Millcreek Mission Statement

Millcreek provides superior and responsive municipal governance and services in a fiscally conservative and responsible manner that sustains and improves the quality of life for residents and stakeholders of the City.

Millcreek Vision Statement

Millcreek is a diverse community where residents and businesses are empowered to respectfully engage and interact with each other in governance and volunteerism to maintain a fiscally responsible, environmentally sustainable City that provides a “welcome home” feeling to everyone – past, present and future.

Millcreek Organizational Chart FY 2018-19





BUDGET MESSAGE

FISCAL YEAR 2018 – 2019

Dear Honorable Millcreek City Council, Residents and Businesses, and City Staff:

It is my honor and pleasure to present to you the Fiscal Year 2018 – 2019 Budget for Millcreek, a Utah Municipal Corporation. As you are aware, Millcreek was incorporated as a City beginning with Fiscal Year 2016 – 2017, with a Budget being adopted for the City that was effective for approximately one-half of that fiscal year. Then, the City Council adopted a full year budget for Fiscal 2017 – 2018. That 17/18 budget has been effective as the true “first year” budget for the City. The Millcreek Council and City Staff have been diligent in its over-sight of the 17/18 budget and have been conservative in the expenditures of tax payer dollars.

With the advent of a new fiscal year, the purpose of this Budget Message, pursuant to Utah Code Title 10, Chapter 9, is to explain the budget; outline proposed financial policies of the City; describe important features of the budgetary plan; provide reasons for changes from previous fiscal appropriations and revenues; and explain any major changes in fiscal policy.

The best explanation for the budget is that it is the implementation tool for all of Millcreek’s existing and proposed services that are to be provided to the residents, business, and all stakeholders of the City for this next fiscal year. The City Council has been involved in several work sessions and has given much input and review to determine the best use of City dollars for the municipal services that help to make the City a safe, clean, and welcoming community in which people live, work, shop and have daily contact.

Millcreek is a fiscally conservative City. To that end, the City Council has adopted fiscal policies that provide for the maximization of earned interest on its received revenues, the timely payment of invoices to avoid any penalties, and the over-sight of all revenues and expenditures by multiple individuals. The City’s Treasurer is a member of the City Council and the City utilizes a two-person signature system for expenditures more than \$5000. The City’s policies include the review by and sign off on payment of invoices by more than one person at all times. Currently, the City has adopted key fiscal policy and procedures that include a strong fiduciary role by the Mayor, Treasurer, City Council, and highly qualified and ethical City personnel.

It is also important to note the City meets State of Utah legal requirements to maintain at least five percent of the General Fund in reserve. At the beginning of fiscal year 2018, the City had a fund balance reserve of 8.45% and it is estimated the fund reserve will approach 15% by the end of this fiscal year. This is a phenomenal accomplishment for a newly formed City.

The most important feature and change from previous fiscal periods have come about by the addition to City Staff of our Finance and HR Director, (the “Director”). The Director has made changes to the formatting of the budget that make it easy to follow, understand, and administer. The budget now has

category numbers, departmental separation, and detail for planned expenditures by each department. This methodology makes the accounting for present and future expenditures the direct responsibility of City Department Heads. It also provides a percentage of the year's projected revenues as measured against the percentage of the year's "to date" expenditures. This budgetary formatting allows for the periodic review and adjustments to the budget based on actual revenues received and expenditures made. In short, the City has daily tracking of what is happening with the tax payer dollars for which we have been given responsibility to manage conservatively, but to provide the most benefit to the most people in Millcreek.

With this 2018 -2019 budget, there has been one major change in financial policy: The City has, since the previous budget periods, withdrawn from the Unified Police Department Taxing District (SLVLESA) and has now incorporated the real property tax assessment from SLVLESA to the real property tax received by the City. In so doing, Millcreek is now responsible to pay for police services as a member of the Unified Police Department. The taxing change has increased the City budget revenues by approximately, \$10.1 Million Dollars, and the City expenditures by approximately the same amount.

Since the City must now assess and receipt property tax monies for the payment of police services, the City will hold what is called a "Truth in Taxation" public hearing in August. The purpose of the hearing is to take public comment with respect to the collection of property tax dollars. The Council will then be allowed to adopt a certified tax rate to allow for the collection of property tax revenues by the City.

In summary, Millcreek is financially healthy, yet fiscally conservative. The policies currently passed by the City Council and implemented by the City Staff are designed to provide the best municipal services possible, while at the same time insuring the fiscal sustainability of Millcreek for many years to come.

With great appreciation to the Council and Staff, it is my pleasure to present this budget for consideration and adoption.

Sincerely,

John H. Geilmann, J.D.

Millcreek City Manager



MILLCREEK FISCAL YEAR 2018-19 BUDGET CALENDAR

ACTION REQUIRED	RESPONSIBLE PARTY	DATE SCHEDULED
*Notify SL County of intent to hold Truth in Taxation Public Hearing	HR-Finance Director	March 1, 2018
*Budget Preparation & Planning Meetings with Department Directors	HR-Finance Director/Department Directors	March 7-12, 2018
*FY 2018-19 Tentative Budget – Preparation Work Session	HR-Finance Director, City Manager, Mayor & Council	March 20, 2018
*Work Session Review of FY2018-19 Tentative Budget *Set Public Hearing for FY 2018-19 Tentative Budget	Mayor & Council	April 23, 2018
*Present FY 2018-19 Tentative Budget *Hold Public Hearing FY 2018-19 Tentative Budget	HR-Finance Director Mayor & Council	May 14, 2018
*Adopt FY 2018-19 Tentative Budget	Mayor & Council	May 29, 2018
*Truth in Taxation Public Hearing *Adopt FY 2018-19 Final Budget *Adopt FY 2018-19 Certified Tax Rate	Mayor & Council	August 13, 2018

MILLCREEK FY 2018-19 GENERAL FUND REVENUE BUDGET

	Actual Budget	Estimated Actual Budget	Budget	Percentage of
	FY 2016-17 (6 Months)	FY 2017-18 (Full Year)	FY 2018-19 (Full Year)	Change From Previous FY Estimated Actual
GENERAL FUND				
3100 TAXES				
3110 Property Tax				
3111 General	-	350,000		
12 Months of UPD Contract + costs of borrowing			10,357,045	2859.16%
<i>The large increase in Property Tax is due to the City collecting property tax to pay the Unified Police Dept. contract directly rather than SLVLESA collecting Millcreek property taxes for police service.</i>				
3130 Sales & Use Tax				
3131 General	2,384,051	9,000,000	9,312,000	3.47%
<i>The sales tax increase is based on historical data and a small percentage for growth.</i>				
3140 Franchise Tax				
3141 Cable Tax	3,457	630,068	635,000	0.78%
3142 TeleTax (Collected for VECC)	-	-	-	-
<i>Based on historical data.</i>				
3150 Cell Phone Tax	-	-	-	-
3160 Transient Room Tax	-	500	500	0.00%
Total Taxes	2,387,508	9,980,568	20,304,545	103.44%
3200 LICENSES & PERMITS				
3210 Business Licenses & Permits	\$ -	\$ 305,000	350,000	14.75%
<i>The City officially began business license operations as of Jan. 2018, the increase is a conservative estimate of a full year of collections.</i>				
3220 Building Permits	\$ -	\$ 68,000	450,000	561.76%
<i>As of March 2018 the City began taking over the building permit process. The amount shown is an estimate of a full year of collections.</i>				
Total Licenses & Permits	\$ -	\$ 373,000	\$ 800,000	114.48%
3300 INTERGOVERNMENTAL				
3310 Local Grants	1,822,823	390	-	-100.00%
3320 State Grants	-	-	-	-
3330 Liquor Grants	-	39,305	-	-
3340 Class C Road Funds	1,087,795	1,580,000	1,650,000	4.43%
Total Intergovernmental	\$ 2,910,618	\$ 1,619,695	\$ 1,650,000	1.87%
3400 CHARGES FOR SERVICES				
3410 Plan Reviews	-	-	-	-
3420 Planning Fees	-	20,000	80,000	300.00%
<i>This is an estimate of a full year of planning fee collections.</i>				
3430 Inspection Fees	-	-	-	-
3440 State Inspection Fees	-	-	-	-
3450 Engineering Fees	-	135,000	150,000	11.11%
<i>This line item includes excavation fees and permits for special events.</i>				
Total Charges For Services	\$ -	\$ 155,000	\$ 230,000	48.39%
3500 FINES & FORFEITURES				
3510 Court Fines	-	385,000	400,000	3.90%
Total Fines & Forfeitures	\$ -	\$ 385,000	\$ 400,000	3.90%
3600 MISCELLANEOUS				
3610 Interest Earnings	3,231	98,040	105,000	7.10%
3620 Park Rentals	-	-	-	-
3690 Misc. Income	169	-	-	-
Total Miscellaneous	\$ 3,400	\$ 98,040	\$ 105,000	7.10%
3800 OTHER SOURCES OF FUNDING				
3810 Reappropriations of Fund Balance	-	-	-	-
3820 Contributions	-	2,053,013	-	-100.00%
<i>The large amount of contributions in FY2018 was a one time payment owed the City from the SLVLESA fund balance.</i>				
3840 Bond Proceeds	-	4,927,000	-	-100.00%
<i>Bond Proceeds will be recognized as received in FY2019.</i>				
Total Other Sources	\$ -	\$ 6,980,013	\$ -	-100.00%
Total General Fund Revenues	\$ 5,301,526	\$ 19,591,316	\$ 23,489,545	19.90%

MILLCREEK FY 2018-19 GENERAL FUND EXPENSE BUDGET

Department Budget	Actual Budget	Estimated Actual Budget	Tentative Budget	Percentage of Change from Previous Year
	FY 2016-17 (6 Months)	FY 2017-18 (Full Year)	FY 2018-19 (Full Year)	Estimated Actual
Mayor & City Council				
4100 Personnel Expenses				
4110 Salaries & Wages	-	100,000	100,000	0.00%
4130 Employee Benefits	-	37,226	38,176	2.55%
Total Personnel	\$ -	\$ 137,226	\$ 138,176	0.69%
4200 Operating Expenses				
4210 Books, Subscriptions, Memb.	560	40,000	40,000	0.00%
4230 Travel	-	2,000	2,000	0.00%
Total Operating	\$ 560	\$ 42,000	\$ 42,000	0.00%
4300 Professional & Contracted Services				
4310 Professional Services	35,375	43,500	45,000	3.45%
Capstone Strategies Auditor				
4330 Training	2,000	4,500	4,500	0.00%
Total Professional & Contracted	\$ 37,375	\$ 48,000	\$ 49,500	3.13%
4600 Miscellaneous Expenses				
4610 Misc. Expenses	4,276	500	500	0.00%
Total Misc.	\$ 4,276	\$ 500	\$ 500	0.00%
Total Mayor & City Council	\$ 42,211	\$ 227,726	\$ 230,176	1.08%
<i>Notes: Budget increase due to higher audit costs due to the need for a full year audit.</i>				

MILLCREEK FY 2018-19 GENERAL FUND EXPENSE BUDGET

Department Budget	Actual Budget	Estimated Actual Budget	Tentative Budget	Percentage of Change from Previous Year
	FY 2016-17 (6 Months)	FY 2017-18 (Full Year)	FY 2018-19 (Full Year)	Estimated Actual
City Manager				
4100 Personnel Services				
4110 Salaries & Wages	-	135,000	181,863	34.71%
City Manager (Hired 7/1/17)			141,750	
<i>New Position Adm. Assistant (TBH)</i>			40,113	
4120 Part-Time Wages	-	-	-	
4130 Employee Benefits	-	44,690	69,458	55.42%
Total Personnel	\$ -	\$ 179,690	\$ 251,321	39.86%
4200 Operating Expenses				
4210 Books, Subscriptions, Memb.	-	1,000	1,500	50.00%
4230 Travel	-	1,500	2,500	66.67%
4240 Office Supplies	-	-	-	
Total Operating	\$ -	\$ 2,500	\$ 4,000	60.00%
4300 Professional & Contracted Services				
4310 Professional Services	-	6,950	7,500	7.91%
LYRB				
4330 Training	-	1,000	1,000	0.00%
Total Professional & Contracted	\$ -	\$ 7,950	\$ 8,500	6.92%
4600 Miscellaneous Expenses				
4610 Misc. Expenses	-	1,250	1,500	20.00%
Total Misc.	\$ -	\$ 1,250	\$ 1,500	20.00%
Total City Manager	\$ -	\$ 191,390	\$ 265,321	38.63%
Notes: Budget increase due to the addition of a new employee and higher benefit costs.				

MILLCREEK FY 2018-19 GENERAL FUND EXPENSE BUDGET

Department Budget	Actual Budget	Estimated Actual Budget	Tentative Budget	Percentage of Change from Previous Year
	FY 2016-17 (6 Months)	FY 2017-18 (Full Year)	FY 2018-19 (Full Year)	Estimated Actual
City Recorder				
4100 Personnel Services				
4110 Salaries & Wages	-	46,677	67,252	44.08%
City Recorder (Hired 10/16/17)				
4120 Part-Time Wages	-	-	-	
4130 Employee Benefits	-	15,270	22,308	46.09%
Total Personnel	\$ -	\$ 61,947	\$ 89,560	44.58%
4200 Operating Expenses				
4210 Books, Subscriptions, Memb.	-	250	500	100.00%
4230 Travel	-	500	500	0.00%
4250 Maintenance & Supplies	-	250	250	0.00%
4260 Postage & Shipping	-	-	-	0.00%
Total Operating	\$ -	\$ 1,000	\$ 1,250	25.00%
4300 Professional & Contracted Services				
4310 Professional Services	-	2,500	2,500	0.00%
4320 Printing	-	-	-	
4330 Training	-	1,000	1,000	0.00%
4350 Contracted Services	-	18,991	-	-100.00%
SL County Elections				
4360 Advertising & Public Notices	1,959	2,500	2,500	0.00%
Total Professional & Contracted	\$ 1,959	\$ 24,991	\$ 6,000	-75.99%
4600 Miscellaneous Expenses				
4610 Misc. Expenses	-	250	500	100.00%
Total Misc.	\$ -	\$ 250	\$ 500	100.00%
Total City Recorder	\$ 1,959	\$ 88,188	\$ 97,310	10.34%
Notes:	Budget increase due to the cost of staffing and operating the department for a full year and higher benefit costs.			

MILLCREEK FY 2018-19 GENERAL FUND EXPENSE BUDGET

Department Budget	Actual Budget	Estimated Actual Budget	Tentative Budget	Percentage of Change from Previous Year
	FY 2016-17 (6 Months)	FY 2017-18 (Full Year)	FY 2018-19 (Full Year)	Estimated Actual
City Services				
4100 Personnel Services				
4110 Salaries & Wages				
City Services Director (Hired 9/18/17)	-	196,225	548,418	179.48%
Building Official (Hired 3/8/18)			91,481	
Asst. Building Official (Hired 3/15/18)			82,445	
Permit Technician II (Hired 3/12/18)			79,841	
Building Inspector (TBH 4/18)			47,731	
<i>New Position Building Dept. Adm. Assistant (TBH)</i>			58,240	
Code Compliance Inspector I (Hired 12/27/17)			36,598	
<i>New Position Code Compliance Inspector I (TBH)</i>			50,232	
Code Compliance Inspector II (Hired 12/19/17)			47,250	
Code Compliance Inspector II (Hired 12/19/17)			54,600	
4115 Over-Time Wages	-	250	2,500	900.00%
4130 Employee Benefits	-	71,452	260,697	264.85%
Total Personnel	\$ -	\$ 267,927	\$ 811,615	202.92%
4200 Operating Expenses				
4210 Books, Subscriptions, Memb.	-	2,500	2,000	-20.00%
4230 Travel	-	1,500	2,500	66.67%
4250 Maintenance & Supplies	-	2,000	1,000	-50.00%
Total Operating	\$ -	\$ 6,000	\$ 5,500	-8.33%
4300 Professional & Contracted Services				
4310 Professional Services	-	1,000	20,000	1900.00%
Code Compliance Abatement				
4330 Training	-	1,800	2,500	38.89%
Total Professional & Contracted	\$ -	\$ 2,800	\$ 22,500	703.57%
4600 Miscellaneous Expenses				
4610 Misc. Expenses	-	2,000	2,500	25.00%
Total Misc.	\$ -	\$ 2,000	\$ 2,500	25.00%
Total City Services	\$ -	\$ 278,727	\$ 842,115	202.13%
Notes: Budget increase is due to the costs of staffing and operating the department for a full year as well as the addition of Code Compliance Abatement funds. Also includes two additional positions.				

MILLCREEK FY 2018-19 GENERAL FUND EXPENSE BUDGET

Department Budget	Actual Budget	Estimated Actual Budget	Tentative Budget	Percentage of Change from Previous Year
	FY 2016-17 (6 Months)	FY 2017-18 (Full Year)	FY 2018-19 (Full Year)	Estimated Actual
Communications & Programs				
4100 Personnel Services				
4110 Salaries & Wages	-	-	70,350	#DIV/0!
Communications & Programs Director (Hired 7/1/17)				
4130 Employee Benefits	-	33,231	30,823	-7.25%
Total Personnel	\$ -	\$ 33,231	\$ 101,173	204.45%
4200 Operating Expenses				
4210 Books, Subscriptions, Memb.	-	250	500	100.00%
4230 Travel	-	200	500	150.00%
4250 Maintenance & Supplies	-	750	500	-33.33%
4260 Postage & Shipping	-	1,000	1,000	0.00%
Total Operating	\$ -	\$ 2,200	\$ 2,500	13.64%
4300 Professional & Contracted Services				
4310 Professional Services	1,200	7,500	7,500	0.00%
4320 Printing	9,702	50,000	60,000	20.00%
4330 Training	-	1,200	2,000	66.67%
Total Professional & Contracted	\$ 10,902	\$ 58,700	\$ 69,500	18.40%
4600 Miscellaneous Expenses				
4610 Misc. Expenses	6,603	500	1,500	200.00%
Total Misc.	\$ 6,603	\$ 500	\$ 1,500	200.00%
5100 Community Programs				
5110 Community Councils	20,000	30,000	29,000	-3.33%
Canyon Rim			6,000	
East Millcreek			5,000	
Millcreek			15,000	
Mt. Olympus			3,000	
5120 Events		82,500	75,000	-9.09%
Utah Venture Out	40,000		65,000	
Other			10,000	
5140 Fix-It Program	-	-	-	
5150 Rain Barrel Program	-	500	5,000	900.00%
Total Community Programs	\$ 60,000	\$ 113,000	\$ 109,000	-3.54%
Total Communications & Programs	\$ 77,505	\$ 207,631	\$ 283,673	36.62%
<i>Notes: Budget increase due to higher benefit costs and additional funds for printing of City newsletter and potential implementation of rain barrel program.</i>				

MILLCREEK FY 2018-19 GENERAL FUND EXPENSE BUDGET

Department Budget	Actual Budget	Estimated Actual Budget	Tentative Budget	Percentage of Change from Previous Year
	FY 2016-17 (6 Months)	FY 2017-18 (Full Year)	FY 2018-19 (Full Year)	Estimated Actual
Economic Development				
4100 Personnel Services				
4110 Salaries & Wages	-	53,911	157,788	192.68%
Economic Dev. Director (Hired 2/26/18)			107,556	
Business License Adm. (Hired 12/26/17)			50,232	
4115 Over-Time Wages	-	650	1,000	53.85%
4120 Part-Time Wages	-	-	-	
4130 Employee Benefits	-	17,099	47,003	174.90%
Total Personnel	\$ -	\$ 71,659	\$ 205,791	187.18%
4200 Operating Expenses				
4210 Books, Subscriptions, Memb.	-	250	1,250	400.00%
4230 Travel	-	1,000	5,000	400.00%
4240 Office Supplies	-	-	-	-
4250 Maintenance & Supplies	-	-	-	-
4260 Postage & Shipping	-	-	-	-
Total Operating	\$ -	\$ 1,250	\$ 6,250	400.00%
4300 Professional & Contracted Services				
4310 Professional Services	-	-	-	-
4320 Printing	-	-	-	-
4330 Training	-	-	2,500	
4360 Advertising & Public Notices	-	-	-	-
Total Professional & Contracted	\$ -	\$ -	\$ 2,500	
4600 Miscellaneous Expenses				
4610 Misc. Expenses	-	8,000	12,000	50.00%
Total Misc.	\$ -	\$ 8,000	\$ 12,000	50.00%
Total Economic Development	\$ -	\$ 80,909	\$ 226,541	179.99%
Notes: Budget increase due to the increased costs of staffing and operating the department for a full year.				

MILLCREEK FY 2018-19 GENERAL FUND EXPENSE BUDGET

Department Budget	Actual Budget	Estimated Actual Budget	Tentative Budget	Percentage of Change from Previous Year
	FY 2016-17 (6 Months)	FY 2017-18 (Full Year)	FY 2018-19 (Full Year)	Estimated Actual
Emergency/Risk Management				
4100 Personnel Services				
4110 Salaries & Wages	-	-	45,864	#DIV/0!
Emergency Manager (Hired 12/11/17)				
4120 Part-Time Wages	-	14,000	5,000	-64.29%
4130 Employee Benefits	-	-	11,179	#DIV/0!
Total Personnel	\$ -	\$ 14,000	\$ 62,043	343.17%
4200 Operating Expenses				
4210 Books, Subscriptions, Memb.	-	150	1,000	566.67%
4230 Travel	-	150	-	-
4240 Office Supplies	-	-	-	-
4250 Maintenance & Supplies	-	-	2,500	-
4260 Postage & Shipping	-	-	-	-
Total Operating	\$ -	\$ 300	\$ 3,500	1066.67%
4300 Professional & Contracted Services				
4310 Professional Services	-	-	-	-
4320 Printing	-	500	1,000	100.00%
4330 Training	-	600	2,000	233.33%
4350 Contracted Services	-	-	-	-
Total Professional & Contracted	\$ -	\$ 1,100	\$ 3,000	172.73%
4600 Miscellaneous Expenses				
4610 Misc. Expenses	-	2,500	2,500	0.00%
Total Misc.	\$ -	\$ 2,500	\$ 2,500	0.00%
Total Emergency/Risk Management	\$ -	\$ 17,900	\$ 71,043	296.89%
Notes: Budget increase is due to the Emergency Manager becoming full-time and operating the department for a full year.				

MILLCREEK FY 2018-19 GENERAL FUND EXPENSE BUDGET

Department Budget	Actual Budget	Estimated Actual Budget	Tentative Budget	Percentage of Change from Previous Year
	FY 2016-17 (6 Months)	FY 2017-18 (Full Year)	FY 2018-19 (Full Year)	Estimated Actual
Engineering Services				
4100 Personnel Services				
4110 Salaries & Wages	-	77,256	261,185	238.08%
City Engineer (Hired 1/8/18)			110,250	
Storm Water Engineer (Hired 4/16/18)			90,045	
Construction Inspector (Hired 4/30/18)			60,890	
4120 Part-Time Wages	-	4,500	12,800	184.44%
4130 Employee Benefits	-	30,636	106,437	247.43%
Total Personnel	\$ -	\$ 112,392	\$ 380,422	238.48%
4200 Operating Expenses				
4210 Books, Subscriptions, Memb.	-	500	1,200	140.00%
4230 Travel	-	500	1,200	140.00%
4240 Office Supplies	-	-	-	-
4250 Maintenance & Supplies	-	500	500	0.00%
4260 Postage & Shipping	-	-	-	-
Total Operating	\$ -	\$ 1,500	\$ 2,900	93.33%
4300 Professional & Contracted Services				
4310 Professional Services	-	337,500	575,000	70.37%
Development Review Services				
4320 Printing	-	-	-	-
4330 Training	-	1,000	2,000	100.00%
4350 Contracted Services	1,014,933	507,430	-	-100.00%
SL County Engineering				
Total Professional & Contracted	\$ 1,014,933	\$ 845,930	\$ 577,000	-31.79%
4600 Miscellaneous Expenses				
4610 Misc. Expenses	-	2,500	2,500	0.00%
Total Misc.	\$ -	\$ 2,500	\$ 2,500	0.00%
Total Engineering Services	\$ 1,014,933	\$ 962,322	\$ 962,822	0.05%
Notes: No change. Engineering was originally covered by a contract with SL County, however the City now provides this service at no additional cost. (Planning Engineer costs are included in Planning Services budget.)				

MILLCREEK FY 2018-19 GENERAL FUND EXPENSE BUDGET

Department Budget	Actual Budget	Estimated Actual Budget	Tentative Budget	Percentage of Change from Previous Year
	FY 2016-17 (6 Months)	FY 2017-18 (Full Year)	FY 2018-19 (Full Year)	Estimated Actual
Facilities				
4200 Operating Expenses				
4210 Books, Subscriptions, Memb.	-	-	-	-
4250 Maintenance & Supplies	-	7,200	7,500	4.17%
4260 Postage & Shipping	-	-	-	
Total Operating	\$ -	\$ 7,200	\$ 7,500	4.17%
4300 Professional & Contracted Services				
4310 Professional Services	5,343	18,019	20,000	10.99%
4330 Training	-	-	-	-
4350 Contracted Services	-	-	-	-
Total Professional & Contracted	\$ 5,343	\$ 18,019	\$ 20,000	10.99%
4400 Utilities				
4410 Water & Sewer	-	1,500	2,500	66.67%
4420 Natural Gas	-	2,200	8,400	281.82%
4430 Electricity	-	6,953	12,000	72.59%
4450 Waste & Disposal	-	200	400	100.00%
Total Utilities	\$ -	\$ 10,853	\$ 23,300	114.69%
4600 Miscellaneous Expenses				
4610 Misc. Expenses	-	15,000	15,000	0.00%
Total Misc.	\$ -	\$ 15,000	\$ 15,000	0.00%
4800 Buildings				
4810 Building Improvements	-	820,000	125,000	-84.76%
4830 Improvements other than buildings	-	104,057	40,000	-61.56%
4840 Leases	-	29,816	188,538	532.34%
Total Buildings	\$ -	\$ 953,873	\$ 353,538	-62.94%
Total Facilities	\$ 5,343	\$ 1,004,945	\$ 419,338	-58.27%
<p><i>Notes: Budget decreases due to the cost of building office space in the previous year, however there are increases in utility costs and lease costs.</i></p>				

MILLCREEK FY 2018-19 GENERAL FUND EXPENSE BUDGET

Department Budget	Actual Budget	Estimated Actual Budget	Tentative Budget	Percentage of Change from Previous Year
	FY 2016-17 (6 Months)	FY 2017-18 (Full Year)	FY 2018-19 (Full Year)	Estimated Actual
Finance				
4100 Personnel Services				
4110 Salaries & Wages	-	35,937	84,000	133.74%
HR-Finance Director (Hired 10/18/17)				
4120 Part-Time Wages	-	6,167	2,500	-59.46%
4130 Employee Benefits	-	13,533	33,863	150.22%
Total Personnel	\$ -	\$ 55,638	\$ 120,363	116.33%
4200 Operating Expenses				
4210 Books, Subscriptions, Memb.	-	150	500	233.33%
4230 Travel	-	150	500	233.33%
4240 Office Supplies	-	900	1,000	11.11%
4250 Maintenance & Supplies	-	100	-	-100.00%
4260 Postage & Shipping	-	200	-	-100.00%
Total Operating	\$ -	\$ 1,500	\$ 2,000	33.33%
4300 Professional & Contracted Services				
4310 Professional Services	2,456	19,594	20,500	4.62%
D&S Accounting				
4320 Printing	-	-	-	-
4330 Training	-	150	500	233.33%
4350 Contracted Services	-	-	-	-
Total Professional & Contracted	\$ 2,456	\$ 19,744	\$ 21,000	6.36%
4600 Miscellaneous Expenses				
4610 Misc. Expenses	-	2,000	2,000	0.00%
Total Misc.	\$ -	\$ 2,000	\$ 2,000	0.00%
Total Finance	\$ 2,456	\$ 78,881	\$ 145,363	84.28%

Notes: Budget increase is due to hiring a full-time employee for a full year.

MILLCREEK FY 2018-19 GENERAL FUND EXPENSE BUDGET

Department Budget	Actual Budget	Estimated Actual Budget	Tentative Budget	Percentage of Change from Previous Year
	FY 2016-17 (6 Months)	FY 2017-18 (Full Year)	FY 2018-19 (Full Year)	Estimated Actual
Fleet				
4700 Vehicles & Equipment				
4710 Vehicles	-	200,933	60,000	-70.14%
4720 Fuel	-	2,200	7,500	240.91%
4730 Maintenance	-	500	3,500	600.00%
4740 Equipment	-	12,000	3,000	-75.00%
Total Vehicles & Equipment	\$ -	\$ 215,633	\$ 74,000	-65.68%
Total Fleet	\$ -	\$ 215,633	\$ 74,000	-65.68%
<p>Notes: Budget decrease is due to the City not purchasing as many vehicles as the previous year.</p>				

MILLCREEK FY 2018-19 GENERAL FUND EXPENSE BUDGET

Department Budget	Actual Budget	Estimated Actual Budget	Tentative Budget	Percentage of Change from Previous Year
	FY 2016-17 (6 Months)	FY 2017-18 (Full Year)	FY 2018-19 (Full Year)	Estimated Actual
Front Desk Adm				
4100 Personnel Services				
4110 Salaries & Wages	7,185	32,025	34,944	9.12%
Office Assistant (Hired 7/31/17)				
4115 Over-Time Wages	-	250	1,000	300.00%
4120 Part-Time Wages	-	-	-	-
4130 Employee Benefits	506	8,104	16,468	103.20%
Total Personnel	\$ 7,691	\$ 40,379	\$ 52,412	29.80%
4200 Operating Expenses				
4210 Books, Subscriptions, Memb.	-	250	500	100.00%
4230 Travel	-	100	500	400.00%
4240 Office Supplies	-	22,397	25,000	11.62%
4250 Maintenance & Supplies	-	5,000	4,000	-20.00%
4260 Postage & Shipping	49	3,200	5,000	56.25%
Total Operating	\$ 49	\$ 30,947	\$ 35,000	13.10%
4300 Professional & Contracted Services				
4310 Professional Services	-	500	2,000	300.00%
4320 Printing	-	250	1,000	300.00%
4330 Training	-	300	500	66.67%
4350 Contracted Services	-	-	-	0.00%
Total Professional & Contracted	\$ -	\$ 1,050	\$ 3,500	233.33%
4600 Miscellaneous Expenses				
4610 Misc. Expenses	-	3,200	4,500	40.63%
4630 Meals	-	2,500	6,500	160.00%
Total Misc.	\$ -	\$ 5,700	\$ 11,000	92.98%
Total Front Desk Adm	\$ 7,740	\$ 78,076	\$ 101,912	30.53%

Notes: Budget increase is due to the operations of the office for a full year.

MILLCREEK FY 2018-19 GENERAL FUND EXPENSE BUDGET

Department Budget	Actual Budget	Estimated Actual Budget	Tentative Budget	Percentage of Change from Previous Year
	FY 2016-17 (6 Months)	FY 2017-18 (Full Year)	FY 2018-19 (Full Year)	Estimated Actual
IT Management				
4200 Operating Expenses				
4250 Maintenance & Supplies	-	29,951	30,000	0.16%
4255 Software (Includes Licensing)	-	70,000	97,500	39.29%
60,000 Financial Management Software				
6,000 AutoCad				
10,000 DocuWare License				
13,000 CivcPlus				
1,500 Bluebeam				
2,000 Municipal Code Online				
5,000 iWorks License Maintenance				
Total Operating	\$ -	\$ 99,951	\$ 127,500	27.56%
4300 Professional & Contracted Services				
4310 Professional Services	173	51,695	65,000	25.74%
Network Providers, Inc.				
4330 Training	-	-	-	-
4350 Contracted Services	-	-	-	-
Total Professional & Contracted	\$ 173	\$ 51,695	\$ 65,000	25.74%
4440 Telephone	\$ 1,211	\$ 15,366	\$ 25,000	62.70%
4610 Miscellaneous Expenses	\$ -	\$ 2,000	\$ 2,000	0.00%
4740 Equipment (Computers, etc.)	\$ -	\$ 51,227	\$ 55,000	7.37%
Total IT Management	\$ 1,383	\$ 220,239	\$ 274,500	24.64%
Notes: Budget increase due to more telephone usage and the cost of purchasing financial management software.				

MILLCREEK FY 2018-19 GENERAL FUND EXPENSE BUDGET

Department Budget	Actual Budget	Estimated Actual Budget	Tentative Budget	Percentage of Change from Previous Year
	FY 2016-17 (6 Months)	FY 2017-18 (Full Year)	FY 2018-19 (Full Year)	Estimated Actual
Justice Court				
4300 Professional & Contracted Services				
4310 Professional Services	-	-	-	-
4350 Contracted Services	-	650,000	650,000	0.00%
Total Professional & Contracted	\$ -	\$ 650,000	\$ 650,000	0.00%
Total Justice Court	\$ -	\$ 650,000	\$ 650,000	0.00%

Notes: No change.

MILLCREEK FY 2018-19 GENERAL FUND EXPENSE BUDGET

Department Budget	Actual Budget	Estimated Actual Budget	Tentative Budget	Percentage of Change from Previous Year
	FY 2016-17 (6 Months)	FY 2017-18 (Full Year)	FY 2018-19 (Full Year)	Estimated Actual
Legal Services				
4300 Professional & Contracted Services				
4310 Professional Services	89,115	127,193	138,000	8.50%
John Brems				
4320 Printing	-	-	-	-
4330 Training	-	-	-	-
4350 Contracted Services	-	368,371	368,371	0.00%
SL County Indigent Defense				
SL County Prosecutorial Services				
Total Professional & Contracted	\$ 89,115	\$ 495,564	\$ 506,371	2.18%
4610 Misc. Expenses				
Total Misc.	\$ -	\$ 250	\$ 250	0.00%
Total Legal Services	\$ 89,115	\$ 495,814	\$ 506,621	2.18%
Notes: Budget increase due to higher contracted legal services.				

MILLCREEK FY 2018-19 GENERAL FUND EXPENSE BUDGET

Department Budget	Actual Budget	Estimated Actual Budget	Tentative Budget	Percentage of Change from Previous Year
	FY 2016-17 (6 Months)	FY 2017-18 (Full Year)	FY 2018-19 (Full Year)	Estimated Actual
Non-Departmental				
4510 Insurance	\$ 2,600	\$ 66,000	\$ 75,000	13.64%
4600 Miscellaneous Expenses				
4610 Misc. Expenses	-	500	1,500	200.00%
4611 Direct Deposit Fees	-	646	1,774	174.61%
4620 Bank Charges	42	4,201	5,000	19.02%
4625 UPD Debt Related Fees & Interest	-	53,740	300,000	458.24%
Total Misc.	\$ 42	\$ 59,087	\$ 308,274	421.73%
6100 Other Financing Uses				
6110 Contribution to Fund Balance	1,812,257	-	63,600	#DIV/0!
6120 Due Other Govt. Entity	-	90,000	-	-100.00%
6130 Transfer to CIP Fund	-	-	500,000	
Total Other Financing Uses	\$ 1,812,257	\$ 90,000	\$ 563,600	526.22%
Total Non-Departmental	\$ 1,814,899	\$ 215,087	\$ 946,874	340.23%
<i>Notes: Budget changes include an increase in insurance; large decrease in contribution to fund balance and an increase in the transfer to the CIP fund.</i>				

MILLCREEK FY 2018-19 GENERAL FUND EXPENSE BUDGET

Department Budget	Actual Budget	Estimated Actual Budget	Tentative Budget	Percentage of Change from Previous Year
	FY 2016-17 (6 Months)	FY 2017-18 (Full Year)	FY 2018-19 (Full Year)	Estimated Actual
Planning Services				
4100 Personnel Services				
4110 Salaries & Wages	402	242,461	419,667	73.09%
Planning Services Dir. (Hired 10/9/17)			90,956	
Engineer (Hired 1/8/18)			104,790	
Deputy Recorder (Hired 9/18/17)			66,236	
Planner I (Hired 10/30/17)			52,416	
Planner II (Hired 10/31/17)			54,600	
<i>New Position</i> <i>Planner I (TBH)</i>		-	50,669	
4115 Over-Time Wages	-	1,200	5,000	
4120 Part-Time Wages	-	-	-	-
4130 Employee Benefits	-	91,016	164,282	80.50%
Total Personnel	\$ 402	\$ 334,677	\$ 588,949	75.98%
4200 Operating Expenses				
4210 Books, Subscriptions, Memb.	-	2,500	3,500	40.00%
4230 Travel	-	2,500	2,500	0.00%
4240 Office Supplies	-	1,200	2,000	66.67%
4250 Maintenance & Supplies	-	1,000	1,000	0.00%
4260 Postage & Shipping	-	-	1,000	
Total Operating	\$ -	\$ 7,200	\$ 10,000	38.89%
4300 Professional & Contracted Services				
4310 Professional Services	9,213	28,375	140,000	393.39%
John Janson				
Traffic Studies				
Impact Fee Study				
4320 Printing	-	-	500	
4330 Training	-	2,200	6,500	195.45%
4350 Contracted Services	321,660			
SL County Addressing		20,000	20,000	0.00%
SL County Planning & Dev.		580,000	-	-100.00%
Total Professional & Contracted	\$ 330,873	\$ 630,575	\$ 167,000	-73.52%
4600 Miscellaneous Expenses				
4610 Misc. Expenses	-	2,500	5,000	100.00%
Total Misc.	\$ -	\$ 2,500	\$ 5,000	100.00%
5100 Community Programs				
5130 Promise Program	-	2,426	100,000	4022.44%
Total Community Programs	\$ -	\$ 2,426	\$ 100,000	4022.44%
Total Planning Services	\$ 331,275	\$ 977,377	\$ 870,949	-10.89%
Notes: Budget is lower than the previous year due to the City taking over Planning Service functions from SL County. Staffing costs increase due to providing services and staff for a full year plus adding one additional position. The budget also includes costs for an Impact Fee Study.				

MILLCREEK FY 2018-19 GENERAL FUND EXPENSE BUDGET

Department Budget	Actual Budget	Estimated Actual Budget	Tentative Budget	Percentage of Change from Previous Year
	FY 2016-17 (6 Months)	FY 2017-18 (Full Year)	FY 2018-19 (Full Year)	Estimated Actual
Public Safety				
4300 Professional & Contracted Services				
4350 Contracted Services				
SLC Animal Control		552,444	552,944	0.09%
Sheriff Cell Tower		-	-	-
12 Months of Contract		4,886,792	10,057,045	105.80%
Unified Police		-	-	
VECC		-	-	
Total Professional & Contracted	\$ -	\$ 5,439,236	\$ 10,609,989	95.06%
Total Public Safety	\$ -	\$ 5,439,236	\$ 10,609,989	95.06%

Notes: Budget increase is due to the direct payment of the UPD contract for a full year, rather than only six months.

MILLCREEK FY 2018-19 GENERAL FUND EXPENSE BUDGET

Department Budget	Actual Budget	Estimated Actual Budget	Tentative Budget	Percentage of Change from Previous Year
	FY 2016-17 (6 Months)	FY 2017-18 (Full Year)	FY 2018-19 (Full Year)	Estimated Actual
Public Works				
4300 Professional & Contracted Services				
4310 Professional Services	-	-	-	
4350 Contracted Services				
SL County Parks		400,000	400,000	0.00%
SL County Public Works	1,901,982	3,800,000	4,000,000	5.26%
SL County Street Lights		35,000	37,500	7.14%
Total Professional & Contracted	\$ 1,901,982	\$ 4,235,000	\$ 4,437,500	4.78%
4610 Miscellaneous Expenses	\$ -	\$ 150	\$ -	\$ -
Total Public Works	\$ 1,901,982	\$ 4,235,150	\$ 4,437,500	4.78%
<i>Notes: Budget increase is due to the amount paid to Salt Lake County for street maintenance projects and small increase in street lighting costs.</i>				

MILLCREEK FY 2018-19 GENERAL FUND EXPENSE BUDGET

Department Budget	Actual Budget	Estimated Actual Budget	Tentative Budget	Percentage of Change from Previous Year
	FY 2016-17 (6 Months)	FY 2017-18 (Full Year)	FY 2018-19 (Full Year)	Estimated Actual
Class B & C Road Fund				
Class B & C Road				
4900 Class B & C Road Expenditures				
4910 Class C - Pavement		108,000	507,500	369.91%
4920 Class C - Sidewalk		990,900	435,000	-56.10%
4930 Class C - Traffic Calming		45,000	72,500	61.11%
4930 Class C - Storm Drain		436,100	435,000	-0.25%
4940 Class C - Active Transportation		-	-	-
Total Class B & C Road		\$ 1,580,000	\$ 1,450,000	-8.23%
Notes:				
<i>Budget decrease is due to \$200,000 of Class B & C Road funds being used to pay SL County for street maintenance projects.</i>				

MILLCREEK FY 2018-19 GENERAL FUND EXPENSE BUDGET

Department Budget	Actual Budget	Estimated Actual Budget	Tentative Budget	Percentage of Change from Previous Year
	FY 2016-17 (6 Months)	FY 2017-18 (Full Year)	FY 2018-19 (Full Year)	Estimated Actual
Total General Fund Expenses	\$ 5,301,526	\$ 17,347,120	\$ 23,489,545	35.41%

MILLCREEK FY 2018-19 CAPITAL IMPROVEMENT FUND REVENUE BUDGET

	Actual Budget	Estimated Actual Budget	Tentative Budget
	FY 2016-17 (6 Months)	FY 2017-18 (Full Year)	FY 2018-19 (Full Year)
CAPITAL IMPROVEMENT PROJECT FUND			
7100 CIP REVENUE			
7110 Interest Earnings	-	.	500
7120 Transfer from General Fund	-	-	500,000
Total CIP Revenue	\$ -	\$ -	\$ 500,500

MILLCREEK FY 2018-19 CAPITAL IMPROVEMENT FUND EXPENSE BUDGET

	Actual Budget	Estimated Actual Budget	Tentative Budget
	FY 2016-17 (6 Months)	FY 2017-18 (Full Year)	FY 2018-19 (Full Year)
CAPITAL IMPROVEMENT PROJECT FUND			
Capital Projects Expenses	-	-	500,500
8100 Capital Improvement Projects			
Lighting	-	-	50,000
Sidewalk Projects	-	-	290,000
Traffic Calming	-	-	10,000
Economic Development	-	-	25,000
General CIP	-	-	125,500
Total CIP	\$ -	\$ -	\$ 500,500

MILLCREEK, UTAH
ORDINANCE NO. 18-46

**AN ORDINANCE AMENDING CHAPTERS 19.44, 19.60, AND 19.77 OF THE
MILLCREEK CODE OF ORDINANCES WITH RESPECT TO BUILDING HEIGHT
AND HEIGHT TRANSITION REQUIREMENTS IN MULTIFAMILY RESIDENTIAL
AND COMMERCIAL ZONES, AND STANDARDS FOR REDUCTIONS IN REQUIRED
SETBACKS**

WHEREAS, the Millcreek Council (“Council”) met in regular session on August 13, 2018, to consider among other things, approving an ordinance amending Chapters 19.44, 19.60, and 19.77 of the Millcreek Code of Ordinances with respect to building height and height transition requirements in multifamily residential and commercial zones, and standards for reductions in required setbacks; and

WHEREAS, Utah Code Ann. § 10-9a-503 provides in part that the Council may amend any regulations of a zoning district

WHEREAS, Millcreek (“City”) has adopted a comprehensive zoning ordinance (“Zoning Ordinance”); and

WHEREAS, City staff, City consultants, and other persons have recommended that the Council revise the Zoning Ordinance with respect to building height and height transition requirements in multifamily residential and commercial zones, and standards for reductions in required setbacks; and

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

WHEREAS, on May 31, 2018, the required notice was published; and

WHEREAS, on June 12, 2018, the proposed amendment was submitted to the planning commission for its recommendation; and

WHEREAS, on June 12, 2018, the planning commission held the required public hearing with respect to amending various sections of Title 19 of the Millcreek Code of Ordinances; and

WHEREAS, at the June 12, 2018, planning commission meeting the Millcreek Planning Commission recommended amending various sections of Title 19 of the Millcreek Code of Ordinances; and

WHEREAS, the Millcreek Code of Ordinances, provides among other things, the Council shall consider the amendment 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 July 3, 2018, the Council caused the required notice to be given; and

WHEREAS, on July 9, 2018, the Council considered amending various sections of Title 19 of the Millcreek Code of Ordinances; and

NOW THEREFORE, BE IT ORDAINED by the Council that that Title 19 Zoning be amended as attached (designated by interlineating the words to be deleted and underlining the words to be added).

This Ordinance, assigned Ordinance No. 18-46, 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 13th day of August, 2018.

MILLCREEK COUNCIL

By: _____
Jeff Silvestrini, Mayor

ATTEST:

Elyse Greiner, CMC, City Recorder

Roll Call Vote:		
Silvestrini	Yes	No
Marchant	Yes	No
Jackson	Yes	No
Catten	Yes	No
Uipi	Yes	No

CERTIFICATE OF POSTING

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

ORDINANCE 18-46: AN ORDINANCE AMENDING CHAPTERS 19.44, 19.60, AND 19.77 OF THE MILLCREEK CODE OF ORDINANCES WITH RESPECT TO BUILDING HEIGHT AND HEIGHT TRANSITION REQUIREMENTS IN MULTIFAMILY RESIDENTIAL AND COMMERCIAL ZONES, AND STANDARDS FOR REDUCTIONS IN REQUIRED SETBACKS

was passed and adopted the ____ day of _____ 2018 and certifies that copies of the foregoing Ordinance 18-46 were posted in the following locations within the municipality this ____ day of _____, 2018.

1. Millcreek City Office, 3330 S. 1300 E., Millcreek, UT 84106
2. Millcreek Community Center, 2266 E. Evergreen Ave., Millcreek, UT 84109
3. Calvin S. Smith Library, 810 E. 3300 S., Millcreek, UT 84106

Elyse Greiner, City Recorder

Chapter 19.44 R-M RESIDENTIAL ZONE

- 19.44.010 PURPOSE AND INTENT
- 19.44.020 PERMITTED AND CONDITIONAL USES
- 19.44.030 BULK AND YARD REGULATIONS: PRINCIPAL BUILDINGS
- 19.44.040 BULK AND YARD REGULATIONS: ACCESSORY BUILDINGS
- 19.44.050 DEVELOPMENT REQUIREMENTS
- 19.44.060 SUBDIVISION OF ATTACHED DWELLING UNITS
- 19.44.070 GENERAL STANDARDS OF APPLICABILITY

19.44.010 PURPOSE AND INTENT

The R-M zone is intended for medium to high density residential development/complexes including small lot single family, duplexes, townhomes, twin homes, tri-plexes, four-plexes, higher unit complexes, and mixed use, located generally along major streets. It also promotes a limited list of non-residential uses. This zone is intended to provide residents a comfortable, healthy, safe, and pleasant living environment in a high-quality setting.

Amended by Ord. 18-01 on 1/8/2018

19.44.020 PERMITTED AND CONDITIONAL USES

Table 19.44-1: Land uses for the RM zone are listed in this table.

“P” indicates that a use is considered permitted within that zoning district.

“C” indicates that a use is considered a conditional use in that zoning district and conditional use approval shall be obtained in order to establish the use, as required in section MKC 19.16.040.

No letter (i.e., a blank space), or the absence of the use from the table, indicates that use is not a permitted use nor a conditional use within that zoning district.

Table 19.44-1

Banks, Credit Unions	C	Excluding short term loan businesses, check cashing, payday, title loan and substantially similar
Bed and breakfast	C	See section MKC 19.04.077
Day care/preschool center	C	See section MKC 19.04.160
Dwelling, single-family	P	
Dwelling, two-family	C	
Dwellings, three-family	C	
Dwellings, four-family	C	
Dwellings, multiple-family	C	May include mixed use

Instruction studios for art, dance, etc.	C	Stand alone or as part of a mixed use development
Home business	P	See section MKC 19.85
Home day care/preschool; 1-6 children	P	See section MKC 19.04.293
Home Day Care/preschool; 7-12 children	C	See section MKC 19.04.293
Hospital, Urgent-care, emergency care, surgical center	C	May include helipads as an accessory use
Mortuary	C	Excluding crematoriums
Office, including professional and medical	P	Stand alone or as part of a mixed use development
Personal Care, Massage (1), Hair care, etc.	C	Stand alone or as part of a mixed use development
Planned unit development	C	Subject to Chapter MKC 19.78
Private educational institutions	C	
Public and quasi-public uses	C	
Residential health care facility	P	
Residence for elderly	P	
Residential facility for persons with a disability	P	
Senior care center/Nursing home	P	
Short-term rental	P	See section MKC 19.04.547
Temporary construction buildings	P	See section MKC 19.04.451
Veterinary clinic	C	

TABLE 19.44-1 FOOTNOTES

1. Including the following requirements for massage businesses:
 - a. Hours of operation shall be between 7:00 a.m. and 10:00 p.m.
 - b. Each practitioner who is not an employee of the business licensee shall have a Millcreek business license.
 - c. Neither clients nor practitioners shall appear on the premises in a state of nudity or semi-nudity, as defined in the Sexually Oriented Business Chapter of Title 5 of this Code; and
 - d. The premises shall not be used for any conduct that violates Section 58-47b-501 of the Utah Massage Therapy Practice Act (2013) or sexual conduct that violates Title 76 of the Utah Criminal Code.

Amended by Ord. 18-01 on 1/8/2018

Amended by Ord. 18-28 on 5/14/2018

19.44.030 BULK AND YARD REGULATIONS: PRINCIPAL BUILDINGS

Table 19.44-2: Medium and High Density Residential Zones Building and Bulk Yards establishes bulk and yard regulations for principal buildings.

Table 19.44-2

<i>Minimum lot area per unit</i>	
Single-family detached dwellings	5,000 sf
Two-family dwellings	3500 sf per unit
Two-family fee simple dwelling (per dwelling)	3000 sf per unit
Three-family dwellings	3000 sf per unit
Four-family dwellings	3000 sf per unit
Multi-family; five or more attached dwellings	2000 sf per unit
Other permitted principal uses	20,000 sf
<i>Residential uses</i>	
Minimum lot width	50 ft
Maximum building height	40 ft (1) (5)
Front yard	25 ft (2)
Side yard	10' minimum
Side yard, interior	10' minimum

Side yard, corner	20 ft
Rear yard, without garage	30 ft (4)
Rear yard, with garage (3)	20 ft (4)
Maximum lot coverage	60%
<i>Non-residential uses</i>	
Minimum lot width	50 ft
Maximum building height	40 ft (1) (5)
Front yard	25 ft (2)
Side yard, interior	10 ft (4)
Side yard, corner	20 ft
Rear yard	30 ft (4)

TABLE 19.44-2: FOOTNOTES

1. Unless considered through a development agreement as part of a rezoning process, greater height may be granted up to a maximum of 75 feet by the Planning Commission through an evaluation of terrain differences, views, and the heights of buildings that are immediately adjacent to the proposed building in comparison to the proposed building. Higher building requests shall only be considered if they are mixed use or exclusively office uses, exceed the building design standards of this ordinance, include a 10' usable set back between the second and third floors, provide an additional 10' front yard set back as a public space adjacent to the ROW, and not exceed the lot coverage requirement. Based on the above evidence provided by the applicant, the Planning Commission will determine if the proposed height is acceptable and that such height will not create reasonably anticipated detrimental effects on adjacent properties. If not accomplished through a development agreement, this flexibility is only allowed in the Meadowbrook area (west of State Street, north of Big Cottonwood Creek, east of the TRAX line, and south of 3900 South) including both sides of State Street, and the Highland Drive and 13th East intersections with 3300 S, including a 500' radius from those two intersections.
2. The minimum depth of the front yard for main buildings, and for private garages which have a minimum side yard of ten feet, shall be (1) twenty-five feet, or (2) the average of the existing adjacent buildings on the same block where fifty percent or more of the frontage is developed; but in no case shall the depth be less than fifteen feet or required to be more than twenty-five feet. **For the purposes of this chapter, where setbacks are measured from a right-of-way containing a fully improved sidewalk, setbacks from a right of way shall be measured from the edge of the sidewalk that is closest to the front façade of the building.**
3. Front yards may also be reduced based on enhanced landscaping as per section MKC 19.77.050,

and if located in a town center as defined in the General Plan, a 10' front yard is allowed. **Where a front yard setback is reduced below 20 feet per MKC 19.77.050, a ten foot setback is required between the first story and upper stories of the building.**

4. The rear yard shall be not less than 20 feet for single-family dwellings or duplexes with an attached garage or a garage that meets all of the yard requirements for principal buildings.
5. Parking may encroach into the side and rear yards for non-residential uses/buildings, provided a ten (10) foot landscaped area remains. The ten foot remaining rear yard and the ten foot side yards, shall be permanently landscaped and include medium size trees (minimum 2" caliper) on 30' centers, unless otherwise approved by the Planning Commission as part of a comprehensive landscape plan. Six (6) foot opaque fencing is required for yards that abut single family residential use and/or zones.
6. See section MKC 19.44 050 #11 for increased set back requirements based on height.

Amended by Ord. 18-01 on 1/8/2018

19.44.040 BULK AND YARD REGULATIONS: ACCESSORY BUILDINGS

The bulk and yard regulations for accessory buildings are as set forth in Table 19.44-3: Medium and High Density Residential Zones: Yard and Bulk Regulations; Accessory Buildings.

Table 19.44-3

Minimum front yard (1)	25 ft
Minimum side yard; interior	10 ft
Minimum side yard; corner (2)	20 ft
Minimum rear yard (3)	30 ft
Set back from principal building	10 ft
Building heights (4)	12-20 ft
Maximum coverage of rear yards	25%

TABLE 19.44-3: FOOTNOTES

1. No accessory buildings are allowed in the front yard.
2. On corner lots, the side yard which faces on a street for both main and accessory buildings shall be not less than twenty feet or the average of existing buildings where fifty percent or more of the frontage is developed, but in no case less than fifteen feet.
3. The minimum yard for an accessory building located in the rear yard shall be 3 foot from interior side and rear lot lines, except that such accessory building may not be closer than 10 feet to a dwelling located on an adjacent lot. Where a rear yard abuts a side yard of an adjacent lot, the minimum rear yard shall be 10 feet.
4. Any accessory building more than fourteen feet in height shall be set back one additional foot from the property line for each foot of height over fourteen feet, up to the maximum height of twenty feet.

19.44.050 DEVELOPMENT REQUIREMENTS

The following are required for all developments:

- A. **Ownership.** The property shall be in single or corporate entity ownership at the time of application, or the subject of an application filed jointly by all owners of the property.
- B. **Open Space.** Common open space shall be provided for residential uses in the amount of at least 40% of the gross site area in locations not defined as town centers. In town centers, as defined in the General Plan, lots smaller than 1 acre, the Highland Drive and 13th East areas along 3300 S and within a 500' radius of those intersections, and the Meadowbrook area, the minimum open space percentage is 20%. For purposes of this chapter, gross site area is defined as the total area of the development excluding anything in the public right of way.

The required common open space shall be usable land areas that are not occupied by buildings, dwellings, structures, parking areas, streets, public park strips, curb-gutter-sidewalk, driveways, or alleys and shall be accessible by all residents of the development. Buildings erected for the principle purpose of providing an amenity may be included as open space. Said open space may be an area of land or water set aside, or reserved for use by residents of the development, including an expanse of lawn, trees, plants, fully accessible landscaped roof areas, or other natural areas. Common open space also includes common walkways (but not curb-gutter-sidewalk in the public ROW), formal picnic areas, and recreational areas. Common open space may be distributed throughout the development and need not be in a single large area, except multi-family complexes with over 20 units shall include open areas as per Subsection E(14)(g) for passive recreation purposes. It shall also have spaces that are useful for active recreation. Refer to Subsection E(10) for required amenities.

- C. **Interior Streets.** The design of public and private streets within a development shall follow Millcreek City standards for roadway development as defined by the City transportation engineer. Private streets shall be subject to the same inspections and construction standards as required for public streets. The City shall be granted a utility easement for the entire interior street system in a development project.
- D. **Garbage and Recycling.** The development shall be designed to accommodate and efficiently manage the collection, storage, and removal of garbage in harmony with the neighborhood so as to minimize detrimental effects from the collection, storage, and removal on any residence within the development or abutting neighborhoods. No refuse dumpster or dumpster enclosure structure shall be located closer than 10 feet to any perimeter property line. Enclosure structures must have a minimum of three solid wall sides and a gate that reflects or emulates the materials, design, and quality of the overall development. Dumpsters shall be located and designed into landscaped areas and not simply placed in open parking hard surfaced areas. All developments shall provide recycling services.
- E. **Traffic Generation and Parking.** All parking standards detailed below are considered minimums. See MKC 19.80 Off-Street Parking for general requirements, subject to the additional considerations below:
 - 1. **Residential standards**

Studio	0.75 parking space per unit
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One bedroom unit	1.5 parking spaces per unit
Two bedroom units	2.0 parking spaces per unit
Three bedroom units	2.5 parking spaces per unit
4 or more bedroom units	3.0 parking spaces per unit
Guest parking spaces	0.33 parking spaces per unit (min. of 5 required for projects over 10 units)

- a. The parking requirements identified in this section supersede other parking requirements in this Title. Resident and guest parking spaces shall be conveniently distributed throughout the development.
 - b. All parking areas, covered or open, except garages, shall have a landscaped buffer in accordance with MKC 19.77, Water Efficient Landscape Design and Development Standards.
 - c. Developments offering the amenities listed in Subsection E(2) are entitled to the applicable parking reductions. These reductions are not mandatory, but if they are chosen, are cumulative up to a maximum of a .25 reduction in the total number of parking spaces, after which a traffic study is required for further reductions. The Planning Commission, or the Planning Director or designee, may further modify the required parking, at their sole discretion, with support of a parking study. Any calculations for parking demand that result in a fraction shall be rounded up.
 - d. Parking is prohibited within approved fire access and turn-around facilities. Parking lots greater than 2 spaces in front of a garage, shall not be located in the required front yard.
 - e. Garages:
 1. Garage parking, if used, double car garages shall have a minimum unobstructed size of 22 feet wide by 20 feet in length. Single car garages shall have a minimum unobstructed size of 10 feet by 20 feet. Garages are required for some developments. See Subsections E(12)(e) and 13(f).
 2. Covered parking, if used, shall be placed in locations adjacent or convenient to the buildings that they are intended to serve.
 3. Tandem spaces in conjunction with garages may be allowed with a minimum size requirement of 20 feet long by 9 feet wide per parking space, up to a maximum of two contiguous spaces per unit.
 4. Underground parking is encouraged.
2. **Eligible Residential Unit Parking Reductions**

Bicycle Share (on-site self-serve bike station) including bicycle lockers and a work space	0.05
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Proximity of development within 1/4 mile of a rail or Bus Rapid Transit (BRT) station	0.20
Proximity of development within 1/2 mile of a rail or Bus Rapid Transit (BRT) station (this reduction cannot be added to the 1/4 mile reduction)	0.10
Senior Housing	0.20

3. **Non-residential parking standards.** All applicable standards found in MKC 19.80 shall be considered minimums, but may be modified with a parking study.
4. **Traffic and Parking Studies.** An applicant may propose reductions beyond the eligible rate reductions established above by commissioning a site-specific traffic and parking study. A site-specific traffic and parking study may substitute for but not necessarily supersede these requirements, as determined by the Planning Commission, or the Planning Director or designee. If a dispute arises in terms of the parking requirement, the City shall commission a parking study by a parking specialist to act as the defining study for a determination. Such studies shall, as a minimum, take into account the setting, the quality, proximity, and frequency of available transit, biking, bedrooms per unit, area walkability, trends in occupancy, and overflow parking. This study shall be paid for by the applicant but managed by the City.
5. **Building Materials.** Exterior materials of a durable or resilient nature such as brick, stone, stucco, prefinished panel, composite materials, or other materials of similar quality, hardness, and low maintenance characteristics shall be used. No single material is allowed to exceed 50 percent on street-facing facades. Other materials may be considered for soffits, or as an accent or architectural feature. Twenty-five year guarantee, architectural shingles and/or other longer lasting roof materials are required.
6. **Landscaping, including Landscaping adjacent to a Public Right-of-Way.** Where a development is adjacent to a public right-of-way, a permanent open space shall be required along any front, side, or rear yard adjacent to said right-of-way. This area shall be kept free of buildings and structures (except fences, as per MKC 19.77.050, and approved by the Planning Commission), and permanently maintained with street trees and other landscaping, screened or protected by natural features, as per MKC 19.77. If such areas are the result of double frontage lot designs with inadequate access to the street, such areas shall be landscaped as per MKC 19.77 with a minimum of a five foot, irrigated landscaped area next to the public ROW. Proper maintenance of this area is required. Fences shall not be located within this five foot landscaped area. Aesthetic entrance features are encouraged. Additional landscape treatments or buffers may also be required with width and landscaping specifications as per MKC 19.77.
7. **Front, Side Yard and Rear Yard Fencing.** Fencing of a residential development shall be provided except in the case of compatible adjacent uses and in front yards and to achieve clear view standards on side lot lines. Acceptable fencing materials include architecturally designed brick, stone, or block, or pre-cast concrete. Fencing with materials using composite products, wrought iron, metal intended to look like wrought iron, wood, or vinyl may be allowed with a minimum two foot wide, six foot tall brick or stone pillars spaced every ten feet on center. Access between adjacent compatible uses may be required and may eliminate the need for the required fence in that location.
8. **Interior Street and Parking Lot Lighting.** Street and pedestrian lighting for streets on the interior of the development is required. All lighting fixtures shall be directed

downward with mechanisms to prevent dark sky illumination. The applicant shall submit a plan which indicates the type and location of lights in relation to the development and designed for pedestrian safety. Minimum Average Foot-Candles for interior streets and parking lots shall be 0.3, the fixture height shall not exceed 25 feet, and no poles shall be located within 20' of any property line.

9. **Signage.** Only monument signs with a maximum size of 50 square feet, and 5 feet in height are allowed. Signs shall be set back a minimum of 5' from the public ROW and not restrict the clear view of an intersection or from a driveway. No temporary signs are allowed other than for sale or rent signs with a maximum of 6 square feet in area per side. Only two permanent signs are allowed per 300 feet of frontage. Sign lighting shall be external with the lighting oriented downward only. The size, location, design and nature of signs, shall be consistent with the characteristics of the building to which it is oriented. The requirements for signs found in MKC 19.82 for the RM zone are superseded by the above provisions. Notwithstanding the foregoing, clear, easily read from the street, address signs, for the project are required and may be mounted on buildings.
10. **Site Plan.** All developments shall be guided by a total design plan. The Planning Commission may require such arrangements of structures, open spaces, landscaping, buffering, and access within the site development plan so that adjacent properties will not be adversely affected. The following standards shall be used by the Planning Commission principally to assure the design objectives of this section are met.

~~For any development adjacent to an R-1, R-2, R-4, A-1, or A-2 zone ("residential zone"), the maximum height for structures on the perimeter of the development adjoining said zones shall be 28 feet. Multi-family residential developments proposed for construction using just one single building, may include rooftop gardens or patios provided the rooftop garden or patio has a minimum set back of 75 feet from the property line. For purposes of this chapter, a structure on the perimeter is defined as any structure within 50 feet of the property line of the development.~~

~~The height of principal buildings along the perimeter of a development adjoining a single family detached residential zone may be increased to the maximum height allowed by increments with each additional foot of height requiring an additional 1.5 feet in set back from the rear or side yard lot lines.~~

~~For any development adjacent to an R-1, R-2, R-4, A-1, or A-2 zone ("residential zone"), the maximum height for structures within 100 feet of a residential zone shall not exceed 30 feet.~~

~~Multi-family residential developments may include rooftop gardens or patios provided the rooftop garden or patio is set back a minimum of 100 feet from the property line.~~

- a. **Site Calculations.** Specific calculations which address the percentage of open space, impervious versus pervious surfaces, and site improvements shall be submitted by the applicant with all project applications.
- b. **Traffic Circulation.** Points of primary vehicular access to all developments shall be designed to provide smooth traffic flow with controlled turning movements and minimum hazards to vehicular, pedestrian, and bicycle traffic. Adequate emergency vehicle access shall be provided. Internal circulation systems shall include pedestrian paths, and may include bicycle paths, preferably separated from vehicular traffic.

- c. **Privacy.** Each residential development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, walls, barriers, landscaping, and sound reducing construction techniques with a maximum transmission of 55 decibels in the walls and ceilings shall be used as appropriate to enhance the privacy of its occupants, the screening of objectionable views or uses, and the reduction of noise.
 - d. **Sidewalks.** As required elements of a development, interior sidewalks shall be installed to serve the development and connect to the public street.
 - e. **Utilities.** All utilities shall be located underground. Utility equipment shall be screened from view and preferably, not fronting on a public street.
11. **Required Amenities.** Each residential development is required to include recreational amenities as part of the development based on the number of bedrooms. Below is a list of possible recreation facilities. The figures shown represent the minimum size a facility must be to receive credit as a recreation facility.

Basketball Court* - 1,600 sq. ft., Volleyball Court - 3,500 sq. ft., Sports Court* - 1,600 sq. ft.

Tennis Court - 7,000 sq. ft./court, Swimming Pool - 800 sq. ft., does not include surrounding decks, etc.

Package of leisure activity areas - putting green, horseshoes, shuffle board, etc.

Picnic Area - 500 sq. ft., equipped with a pavilion/gazebo and tables, benches, grills and trash receptacles for people to gather, cook, eat, and relax.

Community Center - 1,200 sq. ft., includes at least one recreation facility such as table tennis, billiards, weight room, handball courts, or social area with television, etc.

Lawn area for non-organized sports - 12,000 sq. ft. and at least 60 feet wide. Landscaping must be done in a manner that preserves the openness of the area for such activities.

Path - 1,000 ft minimum length and 6 foot minimum width. A cleared way for pedestrians (other than sidewalks) that may or may not be paved, and is used for bicycling, walking, skating, jogging, etc.

Playground - An active recreational area with a variety of facilities, including equipment for younger children. When adjacent to any parking area, road, or other hazardous place the playground must be fenced with a transparent material.

Other - Any facility not listed that is determined by the Planning Commission to be appropriate.

The required number of recreation facilities is based on the number of bedrooms in a tri-plex, four-plex or multi-family development, as follows:

Total Number of Bedrooms	Total Number of Facilities
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10-75	1
76-150	2
151-225	3
226-300	4
301-400	5
401-500	6
501-600	7
601-700	8
701-800	9
801-900	10
901-1000	11
1001-1150	12
1151-1300	13
1301-1450	14
1451-1625	15
1626-1800	16
1801-1975	17
1976-2150	18
2151-2325	19
2326-2500	20

12. Developments with more than 2,500 bedrooms must provide on additional reaction facility.
13. **Miscellaneous.** Installation of xeriscaping is encouraged as an alternative to excessive lawn areas or other landscaping treatments that excessively consume water. Xeriscape shall include permanently irrigated trees and shrubs. Low impact water retention development techniques are encouraged to manage storm water onsite including but not limited to slotted curbs in landscaped areas such as parking lot islands or areas adjacent to parking lots, planter boxes, rain gardens, and bio-swales in the open spaces. Exposed front yard below grade storm water retention areas are prohibited.
Parking areas, service areas, buffers, entrances, exits, yards, courts, landscaping, graphics, and lighting for both residential and non-residential development shall be designed as integrated portions of the total development and shall project the residential character.
14. **Building and site design for single family dwellings, duplex or twin home developments**
 - a. No more than 2 adjacent units shall exhibit the same or substantially the same front façade. All buildings shall provide variation in the façade, especially in the use of materials and relief, to avoid monotonous design. Relief is defined as foundation jogs, bay or box windows, cantilevered living areas, recessed garages, and or usable front porches that extend across 40% or more of the front façade. More than three colors are discouraged for front facades. Any façade that faces a street shall include windows.
 - b. All residential units shall have at least a 20' deep rear yard.
 - c. Buildings adjacent to public streets shall address the street with functional front doors and windows. The landing for the front door shall include sufficient square footage to accommodate two chairs without impeding the door opening.
 - d. Front yards including a front yard on a corner, shall be landscaped, including irrigation, within one year of occupancy. Front yard landscaping shall include at least one tree and a combination of lawn, shrubs or groundcover and mulch. Mulch may be mineral or non-living material but not cover more than 50% of the front yard. Street trees are required in the park strip or adjacent to the sidewalk/property line (one per every 40 lineal feet), if the park strip is at least 5 foot wide, or if the park strip is smaller, within 5' of the sidewalk/property line.
 - e. Garages are required. Garage doors shall utilize complimentary colors and include windows. The space in front of the garage shall include sufficient area to park two cars without infringing on the ROW. Driveways shall have a minimum length of 20'. Garages shall not be the only means of access to the unit on any façade that includes a garage. Garages shall not extend more than 2' beyond the front façade. Garages shall include 220 power for electric vehicle charging.
 - f. No driveway or combined driveway with the adjacent unit shall exceed 24' in width unless such driveways are separated by a minimum 5' wide irrigated planter that includes at least one shrub and one medium size tree. No driveway or driveways may occupy more than 40% of the front yard. Driveways located on a street with a ROW greater than or equal to 66' shall include a means to avoid backing out onto the public street, such as a circular drive.
 - g. Water from roofs and hard surfaces shall be contained on site, with the exception of driveways where the runoff may flow to the street.
 - h. Duplex subdivisions are prohibited, unless all units are located on a public street.
 - i. An energy efficient street oriented yard light, maximum height of 8 feet is required per unit where public street lighting is inadequate, with a minimum

lighting capacity of 2 foot candles and/or 500 lumens. Yard lights shall direct the light downward and include cut offs to prevent dark sky illumination. Yard lights shall be located within 5' of the ROW.

15. Building and site design for tri-plex and four-plex developments

- a. All buildings shall provide variation in the façade, especially in the use of materials to avoid monotonous design. Relief is defined as foundation jogs, bay or box windows, cantilevered living areas, recessed garages, and or usable front porches with a minimum of 60 square feet. More than three colors are discouraged for front facades.
- b. All residential units shall have a private outdoor space in the form of a balcony and/or patio with a minimum of 100 square feet.
- c. Buildings adjacent to public streets shall address the street with functional front doors and windows. The landing for the front door shall include sufficient square footage to accommodate two chairs without impeding the door opening.
- d. Building complexes with more than four main buildings shall vary the exterior building architecture/design and materials to create identity within the project. This pattern of sub-neighborhoods created shall continue in groups of two.
- e. All residential units shall have at least a 20' deep rear yard.
- f. Garages or carports are required. Garage doors shall utilize complimentary colors and include windows. Garages shall not be the only means of access to the unit on any façade that includes a garage, except for corner units facing the public street. All garages shall include 220 power for electric vehicles.
- g. No driveway or combined driveway with the adjacent unit shall exceed 24' in width unless such driveways are separated by a minimum 5' wide irrigated planter that includes at least one shrub and one medium size tree. Driveways located on a street with a ROW greater than or equal to 66' shall include a means to avoid backing out onto the public street, such as a circular drive.
- h. Tri-plex and four-plex subdivisions are prohibited, unless all units are located on a public street.
- i. An energy efficient street oriented yard light, maximum height of 8 feet is required, where public street lighting is inadequate, per street facing facade with a minimum lighting capacity of .2 foot candles and/or 500 lumens. Yard lights shall direct the light downward and include cut offs to prevent dark sky illumination. Yard lights shall be located within 5' of the ROW.
- j. Front yards including a front yard on a corner, shall be landscaped, including irrigation, within one year of occupancy. Front yard landscaping shall include at least one tree and a combination of lawn, shrubs or groundcover and mulch. Mulch may be mineral or non-living material but not cover more than 50% of the front yard and must be placed on top of a weed barrier. Street trees are required in the park strip or adjacent to the sidewalk/property line (one per every 30 lineal feet), if the park strip is at least 5 foot wide, or if the park strip is smaller, within 5' of the sidewalk/property line.

16. Building and site design for multi-family developments with building types different from (14) and (15) above

- a. All buildings shall provide variation in the façade, especially in the use of materials and relief, to avoid monotonous design. Relief is defined as foundation jogs, bay or box windows, cantilevered living areas, recessed garages, and or usable front porches with a minimum of 60 square feet. More than three colors are discouraged for front facades.
- b. All residential units shall have a private outdoor space in the form of a balcony and/or patio with a minimum of 60 square feet with a minimum 5 foot depth.

- c. Buildings adjacent to public streets shall address the street with functional front doors and windows. The landing for the front door shall include sufficient square footage to accommodate two chairs without impeding the door opening.
 - d. Building complexes with more than four main buildings shall vary the exterior building architecture/design and materials to create identity within the project. This pattern of sub-neighborhoods created shall continue in groups of two.
 - e. No single building shall exceed 200' in length.
 - f. All residential buildings shall be set back from the side and rear property line at least 20'.
 - g. Open space amenities and gathering spaces shall reflect the market that the development is attempting to attract. Projects with over twenty units shall include a landscaped passive open space sufficient for outdoor activity with a minimum area of 5000 square feet. Useable open space shall not include parking lots, buildings except clubhouses, set back areas less than 20', and narrow landscaped strips.
 - h. Bicycle parking shall be provided at a ratio of one (1) space for every twenty (20) dwelling units. All bicycle racks, lockers, or other facilities shall be securely anchored to the ground or to a structure.
 - i. If garages are offered, garage doors shall utilize complimentary colors and include windows. Garages shall not be the only means of access to the unit on any façade that includes a garage, All garages shall include 220 power for electric vehicles. If garages are not offered, carports are required.
 - j. An energy efficient street oriented yard light, maximum height of 8 feet is required, where public street lighting is inadequate, per street facing facade with a minimum lighting capacity of .2 foot candles and/or 500 lumens. Yard lights shall direct the light downward and include cut offs to prevent dark sky illumination. Yard lights shall be located within 5' of the ROW.
 - k. Front yards including a front yard on a corner, shall be landscaped, including irrigation, within one year of occupancy. Front yard landscaping shall include at least one tree and a combination of lawn, shrubs or groundcover and mulch. Mulch may be mineral or non-living material but not cover more than 50% of the front yard. Street trees are required in the park strip or adjacent to the sidewalk/property line (one per every 40 lineal feet), if the park strip is at least 5 foot wide, or if the park strip is smaller, within 5' of the sidewalk/property line.
17. **Non-residential and/or mixed use buildings** –shall follow the design requirements found in MKC 19.32.040(C) in the Commercial Zoning Chapter.
 18. **Management** – 24 hour on-site management is required for projects with more than 20 units.
 19. **Ownership** – as an incentive to encourage ownership within a development, a reduction in the acreage requirements for PUDs with at least 8 units, along major/arterial streets is allowed.
 20. **Entry Gates** are discouraged but if desired shall be composed of visually transparent materials such as wrought iron and other open fence-like materials. Gates shall be set back from the public right of way at least 36 feet to allow stacking off of the roadway.
 21. **HVAC systems, utility meters, and overhead powerlines/utilities** – shall be screened from view from a pedestrian perspective from the adjacent street. Overhead wires are prohibited.
 22. **Washer and dryers** - All multi-family residential developments shall include either washer and dryer hook-ups for each dwelling unit or an on-site laundry.
 23. **Renewable energy incentive** – projects with solar power arrays, windmills/turbines, or functional geothermal systems, suitable to generate 50% or more of the development's

electrical demand shall be permitted an additional 5' in height and not required to be screened from view. Solar carport rooftops are encouraged. Wind power generators shall have a set back from any property line equal to their height and not exceed a sound level of 60 dB.

24. **Energy efficiency** – if the project is designed with energy efficiencies 20% greater than those required by the building code, it may encroach on the front yard requirement by 5 feet.
25. **Unit storage** – each unit shall be required to contain interior storage equal to 100 cubic feet.
26. **Electric vehicle charging stations** – projects with greater than 50 units and using carports and/or garages to meet their parking demand, shall include one charging station for every 10 units.

Amended by Ord. 18-01 on 1/8/2018

19.44.060 SUBDIVISION OF ATTACHED DWELLING UNITS

A lot containing attached side-by-side dwelling units (having been previously approved as permitted or conditional uses) may be subdivided, creating new lot lines along the shared common walls and extending these lines to the front and rear lot lines. Such divisions shall be subject to the following requirements:

- A. A subdivision plat shall be prepared consistent with the requirements of the Millcreek Subdivision Ordinance.
- B. The subdivision plat shall specifically note that the purpose of the subdivision is to accommodate the division of attached dwelling units.
- C. The minimum area of the lot containing each unit shall be three thousand square feet and the minimum width shall be 20 feet in the R-M zones, provided that the aggregate area of the lots in the subdivision is equal to or greater than the minimum area required for the number of units set forth in Table 19.44-2 above.
- D. The minimum front, side, and rear yards not immediately adjacent (attached) to another dwelling in the same development shall be as set forth in Table 19.44-2 above.

Amended by Ord. 18-01 on 1/8/2018

19.44.070 GENERAL STANDARDS OF APPLICABILITY

- A. The use and development of property within the RM zone is also subject to other applicable chapters in the zoning ordinance, such as, the Parking Chapter MKC 19.80, Water Efficient Landscaping MKC 19.77, Signs MKC 19.82, etc.
- B. Standards in other chapters may apply. In the event there is language elsewhere in Chapter 19 that conflicts with language in this chapter, the standards or guidance of in this chapter prevail.
- C. In any rezoning process, a development agreement shall be required at the sole discretion of the City. "Development Agreement" means an agreement negotiated and entered into by the City with a property owner and/or developer, pursuant to a proposed development within the City. The Agreement must: (1) specify and describe the proposed development through text including any requests for modifications of the ordinance requirements, site plans and elevations (2) detail the amenities and other benefits being provided to the City and its residents (3) utilize a development agreement form approved by the City.

The Development Agreement shall run with the land and be binding on all successors and assigns of the property owner or developer; however, each Development Agreement shall include a clause that allows the City to re-zone the property and withdraw from the Development

Agreement if the Development Agreement is not recorded within two (2) years of execution of the Agreement.

Amended by Ord. 18-01 on 1/8/2018

Chapter 19.60 COMMERCIAL ZONES

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- [19.60.020 Permitted And Conditional Uses](#)
- [19.60.030 Prohibited Uses, Limitations](#)
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- [19.60.050 Bulk And Yard Regulations](#)
- [19.60.060 Special Regulations For Commercial Zones](#)
- [19.60.070 General Standards Of Applicability](#)

19.60.010 Purpose Statements

- A. Purpose of C-1 Commercial Zone. The purpose of the C-1 Commercial Zone is to provide areas for lower intensity neighborhood commercial development that accommodates the everyday needs of nearby residents. Such zones do not usually generate traffic from regional markets.
- B. Purpose of C-2 Commercial Zone. The purpose of the C-2 Commercial Zone is to provide areas for larger-scale community commercial development. Such zones cater to regional markets and generate traffic from a much larger regional area.
- C. Purpose of C-3 Commercial Zone. The purpose of the C-3 Commercial Zone is to provide areas for other commercial uses with the potential for greater impacts, and to act as a transition to other zoning districts such as manufacturing or areas with major traffic congestion such as State Street.

Repealed & Reenacted by Ord. 17-35 on 7/10/2017

19.60.020 Permitted And Conditional Uses

1. Due to the greater potential for detrimental effects, permitted uses in the C-1, C-2 and C-3 zones over one acre in size shall follow the conditional use procedure in MKC 19.84.
2. Table 19.60-1: Commercial Zoning Districts Permitted and Conditional Uses lists permitted and conditional uses for the commercial zoning districts. "P" indicates that a use is permitted within that zoning district. "C" indicates that a use is a conditional use in that zoning district and a conditional use permit shall be obtained as required in MKC 19.84. No letter (i.e., a blank space), or the absence of the use from the table, indicates that use is not a permitted use nor a conditional use within that zoning district. Uses may be subject to additional restrictions and limitations found in MKC 19.60.030 PROHIBITED USES, LIMITATIONS.

TABLE 19.60-1

USES	C-1	C-2	C-3	SPECIFIC USE STANDARDS
Indoor or outdoor archery range		C	C	
Residential facility for the elderly or persons with a	P	P	P	

disability, assisted care facility nursing facility				
Hotel, Motel, Bed & Breakfast	C	C	C	No Hotel or Motels in the C-1 zone
Public, quasi-quasi -public use, and Civic uses	P	P	P	Not including private schools
Transit Station		P	P	
Hospital and all other medical, dental facilities		P	P	
School, public, charter, private	P	P	P	
Neighborhood Retail	P	P	P	No commercial building over 20,000 square feet is allowed in the C-1 zone. In addition, no business in the C-1 zone shall occupy a space greater than 5000 square feet.
General Retail and Entertainment		C	C	See table 19.60-2 for additional limitations
Retail Food Trucks, Farmers Market including vegetable stands	C	C	C	As an accessory use on private property and not within a front or side yard setback. On-street locations may be allowed on a non-UDOT street in a C-2 and C-3 zone.
Drive up uses with outside order windows or structures, such as restaurants, banks, etc.		C	C	No order window or structure is allowed within 150' of a residential use. Speakers to be oriented away from adjacent uses.
Neighborhood Service	P	P	P	See definition
General Service	P	P	P	See definition
Vehicle Service and repair		C	P	
Office	P	P	P	

Mixed Use (commercial, or office and/or residential use within the same building or located adjacent within a unified site plan)		C	C	Commercial uses are required for at least 50% of the ground floor facing a public street. This commercial space shall have a minimum depth of 30' 40 feet-24 hour on-site management required for projects with 50 or more residential units.
Commercial parking lot and/or garage		C	C	Parking garages shall include non-residential uses for at least 75% of the ground floor facing a public street.
Fireworks		C	C	Temporary stands to be located on private property and subject to the Uniform Fire Code

Repealed & Reenacted by Ord. 17-35 on 7/10/2017

19.60.030 Prohibited Uses, Limitations

Notwithstanding the permitted and conditional uses in TABLE 19.60-1 and other ordinances found in this Title, the following specific prohibitions and/or limitations apply:

Table 19.60-2

USES	SPECIFIC USE LIMITATIONS
Detention facility/jail as a principal use	Not allowed
Indoor and/or outdoor gun ranges	Not allowed
Outside storage within view of the street or in any front or side yard facing a street.	Storage that is not considered "display". Includes storage containers. Such storage requires a minimum 6' opaque fence.
Displays (products held for sale) over five feet in horizontal distance from the main building.	Not allowed
Equipment, car or truck rental	Not allowed in the C-1 zone
Commercial wireless communication facilities	Only stealth type towers and accessory structures are allowed in the C zones
Outdoor kennel	Not allowed in a C-1 zone or within 300' of a residential use

Sexually oriented businesses	Subject to MKC 19.91.11 and not allowed in the C zones
Pawnshop, smoke shops and related products, and retail tobacco as the principal use*	Not allowed in a C-1 zone or within 300' of an arterial/major intersection in the C-2, C-3 zones and not within 2640' of an established substantially similar business.
Tattoo businesses*	Not allowed in a C-1 zone or within 300' of an arterial/major intersection in the C-2, C-3 zones and not within 500' of an established substantially similar business.
Massage or Reiki as the principal use including associated services*	Not allowed in a C-1 zone or within 300' of an arterial/major intersection in the C-2, C-3 zones and not within 500' of an established substantially similar business. this limitation does not apply to any home-based business located in a residential zone.
Sale of lease of new or used vehicles of all types, moving trucks, watercraft, mobile homes, travel trailers, campers, motorcycles and other recreational vehicles	Not allowed in C-1, C-2 zones. 20,000 square foot minimum lot size including an on-site office is required.
Secondhand stores including general merchandise, precious metal dealer/processor and/or precious gem dealer, military surplus	Limited to a maximum of 2500 square feet in a C-1 zone and 10,000 square feet in a C-2 zone.
Self-storage facility of all types, including mini-storage units, neighborhood storage and temperature controlled storage facilities*	Not allowed in a C-1 zone and not within 300' of an arterial intersection in C-2, C-3 zones or within 1,320' of an established substantially similar business, no additional facilities allowed on 3300 South, and no additional facilities allowed east of 2300 East on 4500 south and 3900 South
Taxicab and/or Limousine business	Not allowed in a C-1 zone
Tavern, as defined by State Code	Not allowed in a C-1 zone
Sororities and fraternities	Not allowed
Manufactured Home park or manufactured home subdivision	Not allowed

Short term ("payday", "car" title, check cashing and similar) load service*	Not allowed in the C-1 zone and not within 300' of an arterial intersection or within 2640' of an established substantially similar business. See MKC 5.13.030 Business Licensing for additional restrictions.
Flea markets, swap meets	Not allowed in the C-1 zone
Outdoor commercial recreation, outdoor commercial amusement, or outdoor commercial entertainment	Not allowed in the C-1, C-2 zones and not allowed within 150' of a residential use or zone. This limitation excludes outdoor music as per MKC 19.60.060 A.1.
Recreational vehicle campgrounds	Not allowed in the C-1, C-2 zones
Impound, Vehicle Recycling, and/or junk yards	Not allowed in the C zones
Short-term rentals	Not allowed unless part of a mixed use development

*Arterial intersections are defined as those major intersections where Murray-Holladay Rd., 4500 S, 3900 S, and 3300 S intersect with 300 W, West Temple, Main Street, State Street, 500 East, 700 East, 900 East, 1100 East, 1300 East, Highland Drive, 2000 East, 2300 East, 2700 East, and Wasatch Boulevard. Distance is measured as a radius from the applicant's nearest property line to the arterial intersection ROW line and/or to the property line of the nearest substantially similar business. Any overlap of the radius onto the applicant's property excludes the entire property.

*Repealed & Reenacted by Ord. 17-35 on 7/10/2017
Amended by Ord. 18-28 on 5/14/2018*

19.60.040 Accessory Uses

Accessory uses and structures shall be subordinate/incidental to the main use and structure. Other than food trucks such uses shall not be allowed in the front or side yards facing a street.

Repealed & Reenacted by Ord. 17-35 on 7/10/2017

19.60.050 Bulk And Yard Regulations

Bulk and Yard Regulations establishes bulk and yard regulations for the commercial zoning districts.

Table 19.60-3 BULK & YARD REGULATIONS

	C-1	C-2	C-3
MINIMUM LOT AREA	None required	None Required #1	None Required #1
MINIMUM LOT WIDTH	None Required	None Required #2	None Required #2

MAXIMUM BUILDING HEIGHT	30 Feet	40* Feet	40* Feet
MAXIMUM LOT COVERAGE	80 Percent	80 Percent <u>Mixed Use: 60 Percent with a minimum 40 percent open space</u>	80 Percent <u>Mixed Use: 60 Percent with a minimum 40 percent open space</u>
MINIMUM BUILDING HEIGHT	1 story	1 story, <u>See Footnote 5.</u>	1 story
MINIMUM FRONT YARD	20 Feet	Mixed Use: 25 Feet, <u>See Footnote 3</u> Other Uses; 20 Feet. <u>See Footnote 4</u>	Mixed Use: 25 Feet, <u>See Footnote 3</u> Other Uses; 20 feet. <u>See Footnote 4</u>
MINIMUM REAR YARD	If located adjacent to residential zoning, 25 feet, otherwise non required	Mixed use: 25' If located adjacent to residential zoning, 25 feet, otherwise non required	Mixed Use: 25' If located adjacent to residential zoning, 25 feet, otherwise non required
MINIMUM INTERIOR SIDE YARD	If located adjacent to residential zoning, 10 feet, otherwise non required	If located adjacent to residential zoning, 10 feet, otherwise non required	If located adjacent to residential zoning, 10 feet, otherwise non required
MINIMUM CORNER SIDE YARD	20 Feet	20 Feet	20 Feet
ACCESSORY STRUCTURES: REAR AND INTERIOR SIDE YARD	1 Foot	1 Foot	1 Foot
ACCESSORY STRUCTURES:	10 Feet	10 Feet	10 Feet

REAR AND INTERIOR SIDE YARD WHEN ABUTTING RESIDENTIAL USE			
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*Greater height may be granted up to a maximum of 75 feet by the Planning Commission through an evaluation of terrain differences, views, and the heights of buildings that are immediately adjacent to the proposed building in comparison to the proposed building. Higher building requests shall only be considered if they are mixed use or exclusively office uses, exceed the building design standards of this ordinance, include a 10' usable setback between the second and third floors, provide an additional 10' front yard setback as a public space adjacent to the ROW, and not exceed the lot coverage requirement. Based on the above evidence provided by the applicant, the Planning Commission will determine if the proposed height is acceptable and that such height will not create reasonably anticipated detrimental effects on adjacent properties. This flexibility is only allowed in the Meadowbrook area including State Street, and the Highland Drive and 13th East areas along 3300 S and within a 500' radius of those intersections.

TABLE 19.60-3: NOTES:

1. For mixed use buildings containing residential dwellings, no minimum lot area is required per unit, but a development site must consist of at least 21,000 square feet to be eligible for a mixed use building containing residential dwellings.
2. Mixed use buildings containing residential dwellings must include residential amenities per the requirements established in MKC 19.44.050.
3. For mixed use buildings containing residential dwellings, no minimum lot width is required.
4. For the purposes of this chapter, where setbacks are measured from a right-of-way containing a fully improved sidewalk, setbacks from a right of way shall be measured from the edge of the sidewalk that is closest to the front façade of the building. Where fifty percent or more of the lot frontage is developed, the front yard shall not be less than the average of the existing buildings, but in no case less than fifteen feet.
5. ~~For buildings adjacent to residential uses, the side and rear yards abutting single family residential uses shall be increased by one foot for every two feet that the structure exceeds 30 feet in height.~~
5. For any development adjacent to an R-1, R-2, R-4, A-1, or A-2 zone (“residential zone”), the maximum height for structures within 100 feet of a residential zone shall not exceed 30 feet.
6. Multi-family residential developments may include rooftop gardens or patios provided the rooftop garden or patio is set back a minimum of 100 feet from the property line.
7. For "automobile service station" uses, gasoline pumps shall be set back not less than twenty-four feet from any street property line, and not less than thirty feet from any residential zone boundary line. If the pump island is set at an angle on the property, it shall be so located that automobiles stopped for service will not extend over the property line. In addition, canopies constructed to provide a weather shield over gasoline pump islands shall be set back not less than 4' feet from any required setback.

8. Notwithstanding contrary definitions found in MKC Title 19 Zoning, building height is measured from the natural grade to the highest point of the roof.

Repealed & Reenacted by Ord. 17-35 on 7/10/2017

19.60.060 Special Regulations For Commercial Zones

1. General Conditions in the C-1 Zone. Stores, shops or businesses in C-1 zones shall be retail or neighborhood service establishments only, and shall be permitted only under all of the following conditions:
 - a. Business shall be conducted wholly within an enclosed building, except for the parking and servicing of automobiles, and service to people in automobiles, except that any type of restaurant may have outdoor dining. Outdoor music associated with the restaurant, shall comply with the Salt Lake County Noise ordinance.
 - b. All products, whether primary or incidental, shall be sold at retail on the premises.
2. Business Uses and Conditions in the Commercial Zones shall be free from objectionable and unreasonable odor, dust, smoke, noise, vibration, or similar problems.
3. Design Standards for C-1, C-2, C-3 zones
 - a. Entrances to the first floor of commercial and mixed use buildings shall front on the street. Windows shall make up at least 50% of first floor street-facing facades. Top floors shall have architectural differentiation from the other floors in the building.
 - b. No more than one row of parking is allowed between the building(s) and the street within 300' of any major intersection. No parking is allowed between the street and the building in any town center area.
 - c. Corner lots are deemed to have two front yards.
 - d. The front yard setback is the build-to-line within 300' of any arterial/major intersection (see MKC 19.60.030 Prohibited uses, limitations for definition). At least 50 percent of the front elevation of the building(s) must be built within 10 feet of the build-to-line or as approved by the Planning Commission. A build-to-line is defined as the line at which construction of a building facade is to occur on a lot, running parallel to the front property line, and ensuring a uniform (or more or less even) building facade line on the street.
 - e. Landscaping along the street shall comply with this chapter and MKC 19.77.
 - f. Signage for commercial or office uses is defined in MKC 19.82.
 - g. Garbage and Recycling. The development shall be designed to accommodate and efficiently manage the collection, storage, and removal of garbage in harmony with the neighborhood so as to minimize detrimental effects of the collection, storage, and removal on any residence within the development or abutting neighborhoods. If dumpster enclosures are provided for the development, no refuse dumpster or dumpster enclosure structure shall be located closer than 10 feet to any perimeter property line. Enclosure structures must have a minimum of four sides that reflect or emulate the materials, design, and quality of the overall development. All developments shall provide recycling services.
 - h. Parking (MKC 19.80) for Mixed Use developments may be reduced based on a traffic study by a qualified transportation engineer.
 - i. Building Materials. Exterior materials of a durable or resilient nature such as brick, stone, stucco, prefinished panel, composite materials, or other materials of similar quality, hardness, and low maintenance characteristics shall be used. No single material is allowed to exceed 50 percent on street-facing facades. Windows are not allowed to be

less than 50% of the gross street-facing facade square footage. Other materials may be considered for soffits, or as an accent or architectural feature. Twenty-five year guarantee, architectural shingles and/or other longer lasting roof materials are required.

- j. Landscaping on Public Right-of-Way. Where a development is adjacent to a public right-of-way, a permanent open space shall be required along any front, side, or rear yard adjacent to said right-of-way. This area shall be kept free of buildings and structures (except fences, as per MKC 19.77.050, and approved by the Planning Commission), and permanently maintained with street trees and other landscaping, screened or protected by natural features, as per MKC 19.77. If such areas are the result of double frontage lot designs with inadequate access to the street, such areas shall be landscaped as per MKC 19.77 with a minimum of a five foot landscaped area next to the public ROW. Fences shall not be located within this five foot landscaped area. Aesthetic entrance features are encouraged. Additional landscape treatments or buffers may also be required with width and landscaping specifications as per MKC 19.77. Double frontage lots with parking lots adjacent to the street may substitute a screen wall a minimum of 3' in height for this fencing requirement.
- k. Perimeter Fencing. Fencing is required for non-residential uses located adjacent to residential uses. Acceptable fencing materials include architecturally designed brick, stone, or block, or pre-cast concrete. Fencing with materials using composite products, wrought iron, wood, or vinyl may be allowed with a minimum two foot wide, six foot tall brick or stone pillars spaced every ten feet on center. Unless otherwise allowed by the Planning Commission, exterior fencing along a public right of way shall be limited to brick, stone, or block, or pre-cast concrete and be setback a minimum of 5 feet from the property line to allow for a landscaping buffer designed in accordance with MKC 19.77 to soften long expanses of walls. Interior fencing shall comply with MKC 19.78.030(11) (f).
- l. Interior Street Lights. Street and pedestrian lighting for streets on the interior of the development is required. All lighting fixtures shall be directed downward with mechanisms to prevent dark sky illumination. The applicant **shall submit a plan must submit a photometric plan for review** which indicates the type and location of lights in relation to the development and designed for pedestrian safety. Minimum Average Foot-Candles for interior streets shall be shall be 0.3 and the fixture height shall not exceed 25 feet. No on-site light poles may be located closer than 10 feet from the public right of way.
- m. Access between uses. Vehicular and pedestrian access between uses that does not force vehicles out to the adjacent street is required.
- n. **Reduced Setback Provisions. Front yards may also be reduced based on enhanced landscaping as per section MKC 19.77.050. Where a front yard setback is reduced below 20 feet per MKC 19.77.050, a ten foot setback is required between the first story and upper stories of the building.**

Repealed & Reenacted by Ord. 17-35 on 7/10/2017

19.60.070 General Standards Of Applicability

1. The use and development of property within the Commercial Zones are also subject to other applicable chapters in the zoning ordinance, such as, the Parking MKC 19.80, Water Efficient Landscaping, MKC 19.77, Signs, MKC 19.82, etc.
2. Standards in other chapters may apply. In the event there is language elsewhere in MKC Title 19 that conflicts with language in this chapter, the more restrictive standard prevails.

3. In any rezoning process, a development agreement shall be required at the sole discretion of the City. "Development Agreement" means an agreement negotiated and entered into by the City with a property owner and/or developer, pursuant to a proposed development within the City. The Agreement must (1) specify and describe the proposed development through text, site plans and elevations (2) detail the amenities and other benefits being provided to the City and its residents (3) utilize a development agreement form approved by the City. The Development Agreement shall run with the land and be binding on all successors and assigns of the property owner or developer; however, each Development Agreement shall include a clause that allows the City to re-zone the property and withdraw from the Development Agreement if the Development Agreement is not recorded within two (2) years of execution of the Agreement.

Repealed & Reenacted by Ord. 17-35 on 7/10/2017

Chapter 19.77 WATER EFFICIENT LANDSCAPE DESIGN AND DEVELOPMENT STANDARDS

- [19.77.010 Purpose And Intent](#)
- [19.77.020 Scope And Applicability](#)
- [19.77.030 Promotion Of Maximum Water Efficiency](#)
- [19.77.040 Landscape Design Standards And Guidelines](#)
- [19.77.050 Landscape Yards Or Setbacks And Buffer Areas](#)
- [19.77.060 Parking Lot Landscaping](#)
- [19.77.070 Screening Of Service And Mechanical Equipment](#)
- [19.77.080 Functional And Aesthetic Enhancements](#)
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- [19.77.100 Landscape Plan Submittal Requirements](#)
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- [19.77.150 Certificate Of Substantial Completion](#)
- [19.77.160 Long-Term Viability Of Established Landscapes](#)
- [19.77.170 Completion Of And Submittal Of Water Performance Audit](#)
- [19.77.180 Definitions](#)

19.77.010 Purpose And Intent

- A. The purpose of this chapter is to establish standards for the protection and enhancement of the City's environmental, economic, recreational, and aesthetic resources. The landscape design and development standards set forth in this chapter are intended to promote the following:
1. More efficient use of water resources for landscape irrigation purposes;
 2. Preservation and enhancement of the City's environmental and aesthetic character;
 3. Enhancement of land use compatibility and promotion of design continuity between adjacent land uses;
 4. Reduction of energy consumption through the prudent placement of plant materials;
 5. Improved management of stormwater runoff;
 6. Reduction in the absorption and re-generation of heat from paved vehicular parking areas and other impervious surfaces;
 7. Separation of vehicular and pedestrian functions within on-site vehicular circulation and parking areas;
 8. Spatial and visual separation of parked vehicles from public view and adjacent vehicular travel ways;
 9. Reduction of vehicular headlight glare and intrusive artificial light onto area residences;
 10. Reduction of development-related environmental impacts through improved management of erosion, noise, dust, air pollution and glare;
 11. Re-introduction of native and low water use plant species into the developed environment;
 12. Reduction of landscape maintenance responsibilities and costs.

19.77.020 Scope And Applicability

Homeowner-provided landscape improvements within the front, side and rear yards of single- and two-family dwellings are exempt from the requirements of this chapter.

- A. Newly Established Land Uses. Except as noted above, these landscape standards shall be applied to all new developments in the City. Residential development projects such as but not limited to planned unit developments, condominiums, multifamily residential developments and residential subdivision projects in which improvements such as but not limited to the dwelling units, common area, recreational amenities and infrastructure improvements are provided by the developer shall be landscaped in accordance with the requirements of this chapter.
- B. Existing Developments. Land use developments in existence at the effective date of this chapter shall, to the maximum extent feasible, be brought into compliance with the chapter's provisions if:
 - 1. The gross floor area of improvements existing on the property at the effective date of this chapter are changed, modified, or expanded by more than twenty percent. Compliance under the noted circumstances applies whether the changes, modifications, or expansions occur in a single event or in incremental stages.
- C. Off-Street Parking.
 - 1. New Developments. Off-street parking facilities for all new developments shall be landscaped in accordance with the requirements of this chapter. These include:
 - a. Surface or at-grade parking areas;
 - b. The exterior perimeter of parking structures at all levels, as well as the open-air top parking level of such structures.
 - 2. Existing Parking Areas. Off-street parking areas in existence on the effective date of this chapter shall be brought into compliance with the provisions of the chapter as noted below:
 - a. Expansion by Fifty Percent or Less. When an existing off-street parking area is expanded by fifty percent or less the newly established expansion area shall be brought into compliance with both the interior and exterior/perimeter landscape requirements of this chapter.
 - b. Expansion by More Than Fifty Percent. When an existing off-street parking area is expanded by more than fifty percent, the entire expansion area shall be brought into compliance with both the interior and exterior/perimeter landscape standards of this section. The pre-existing parking area, while not required to be retroactively brought into compliance with this section's interior parking area landscape requirements, shall be made to conform to exterior/perimeter area landscape standards.
 - c. Repeated Expansions. Repeated expansions of a parking lot area over a period of time commencing with the effective date of this chapter shall be combined in determining whether the fifty percent threshold has been reached.
- D. Exemptions. The provisions of this chapter do not apply to the following:
 - 1. The interior undercover portions of parking structures;
 - 2. The interior undercover portions of carports containing no more than ten parking spaces;
 - 3. The interior display areas of vehicle and equipment sales lots;
 - 4. The interior areas of vehicle and equipment storage lots;
 - 5. Properties listed on the national or state historic registers.

In addition, areas dedicated and used for the following specific purposes are exempt from

the landscape water allowance limitations of this chapter:

- a. Sports fields;
- b. Turf areas within public parks;
- c. Golf courses;
- d. Cemeteries.

Although exempt from landscape water allowance limitations, all other provisions of this chapter shall apply. In particular, landscaping shall be provided in the interior and perimeter areas of off-street parking facilities, adjacent to buildings, and along walkways.

19.77.030 Promotion Of Maximum Water Efficiency

- A. Establishment and Maintenance of a Site-Specific Landscape Water Allowance. So as to assure more efficient water consumption in the establishment and long-term maintenance of site landscape improvements, an annual landscape water allowance shall be established and maintained for each property improved as set forth in this chapter.

The landscape water allowance shall be calculated using the following equation:

Landscape Water Allowance = $ET_0 \times 1.0 \times 0.62 \times A$ where landscape water allowance is in gallons per year.

ET_0 = Reference evapotranspiration in inches per year.

1.0 = ET_0 adjustment factor, one hundred percent of turf grass ET_0 (water year adjustment factor).

0.62 = Conversion factor (to gallons per square feet).

A = Total irrigated landscape area in square feet.

The ET_0 or reference evapotranspiration for the City is 31.18 inches per year. Converting this figure so that a landscape water allowance can be expressed in gallons per year requires the use of the conversion factor to obtain an equivalent amount in gallons per square feet (19.33). An ET_0 adjustment factor of one is used in order to accommodate the use of turf under circumstances that promote maximum water efficiency.

Acceptable water efficiency shall be deemed to have been achieved when the approved landscape plan indicates a landscape water allowance of no more than fifteen gallons per square foot average for the entire landscaped area of the site. Multiplying this figure by the total irrigated landscape area in square feet yields the annual water budget for landscape use for the property.

- B. Introduction and Use of Native and Other Drought-Tolerant Plants. In order to promote maximum water conservation, not less than eighty percent of the trees and shrubs used on a site shall be water conserving species capable of withstanding dry conditions once established. Native plants shall be used to the maximum extent feasible. Drought-tolerant grass varieties shall be used in areas planted in turf or lawn. Lists of plants that satisfy these requirements and that are available locally may be obtained from the director.
- C. Plant Establishment and Arrangement on the Basis of Water Consumption. Among the many ways in which plants may be distinguished from one another is categorization on the basis of water use. Establishment and arrangement of plants on a site according to the water needs of those plants is commonly referred to as hydrozone management. Hydrozone management is

required by this chapter and shall be implemented through the use of the following:

1. Plants with similar water needs shall be grouped together as much as possible.
2. Areas landscaped with high water use plants shall be, whenever possible, separated from those with low and very low water use by moderate water use landscape zones.
3. For projects located at the interface between urban areas and natural (nonirrigated) open space, drought-tolerant plants that will blend with the native vegetation shall be selected. Plants that tend to accumulate excessive amount of dead wood or debris are to be avoided. Plants with low fuel volume or high moisture content are preferred. Every effort is to be taken to minimize fire hazards. Lists of plants that satisfy these requirements and that are available locally may be obtained from the director.
4. Areas with slopes greater than thirty percent shall be landscaped with deep-rooting, water-conserving plants for erosion control and soil stabilization.
5. Park strips and other landscaped areas less than ten feet wide shall be landscaped with water-conserving plants.

D. Irrigation System Requirements.

1. Designer Qualifications. All sprinkler irrigation systems shall be designed by a qualified professional who is licensed under Utah Code Title 58 or by a person who is exempt from professional licensure requirements for the scope of work performed.
2. Design Standards. Irrigation design standards applicable to this chapter shall be as outlined in the latest version of the minimum standards for efficient landscape irrigation system design and installation prepared by the Utah Irrigation Association, subject to the following modifications and additions:
 - a. Pressure Regulation. A pressure regulating valve shall be installed and maintained if the static service pressure exceeds eighty pounds per square inch (psi).
 - b. Automatic Controller. All irrigation systems shall include an electric automatic controller with multiple programs, multiple repeat cycle capabilities so as to reduce runoff on slopes and soils with slow infiltration rates, and a flexible calendar program. All controllers shall be capable of utilizing an automatic rain shut-off device, and the ability to adjust run times based on a percentage of maximum ET₀.
 - c. Slope Adjustments. On slopes exceeding thirty percent, the irrigation system shall consist of low precipitation rate rotors or spray heads, drip emitters, or bubblers with a maximum precipitation rate of 0.85 inches per hour and adjusted irrigation cycle times to eliminate runoff.
 - d. Irrigation Zones and Use. Each zone shall irrigate a landscape with similar site, slope and soil conditions and plant materials with similar watering needs. Turf and nonturf areas shall be irrigated on separate zones. Drip emitters and sprinklers shall be placed on separate zones.
 - e. Tree Irrigation. Drip emitters or bubblers shall be provided for each tree not planted in a turf area. Irrigation in the vicinity shall be factored in to prevent under or over-watering and to ensure deep root growth. Bubblers shall not exceed one and one-half gallons per minute per device. Bubblers for trees shall be placed on a separate valve as warranted by tree species and area conditions.
 - f. Turf Zones. Sprinklers shall have matched precipitation rates with each zone.
 - g. Elevation Adjustments. Check valves shall be required where elevation differences will cause low-head drainage. Pressure regulating valves and pressure compensating heads and drip emitters with a pressure regulating device shall be

required where a significant variation in water pressure will occur within the irrigation system due to elevation differences.

- h. Requirements for Drip Irrigation. Drip irrigation lines shall have filters and automatic end flush valves and be protected by organic or rock mulch.
- i. Automatic Controller Zones. Zones with spray or stream sprinklers shall not be scheduled to operate between the hours of ten a.m. to seven p.m. so as to reduce water loss from wind and evaporation. Drip irrigation systems are subject to no such operational constraints.
- j. Operational Efficiency. The minimum efficiency required for irrigation systems established in accordance with the requirements of this chapter is as follows:
 - 1. The distribution efficiency for all fixed spray systems shall be sixty percent.
 - 2. The distribution efficiency for all rotor systems shall be seventy percent.
- k. Scheduling of System Operations. A schedule shall be developed which allows for plant material to be established. This shall have a maximum two-year time period. Once established, a revised schedule shall be developed for maintenance of the plant material. The schedule presently in effect shall be posted at the controller. The schedule shall reflect an application rate which achieves optimum system efficiency, a minimum one-hour time interval between all applications, and provisions against irrigation during restricted hours.

19.77.040 Landscape Design Standards And Guidelines

- A. Standards Applicable to All Developments. Required site landscape improvements shall be provided in accordance with the standards and design guidelines set forth in this chapter. The standards set forth herein are numerically measurable so as to readily facilitate the preparation, review and approval of landscape plan submittals and the subsequent verification of compliance with the requirements of the chapter. Design guidelines, though not precisely measurable, are intended to clarify the principles associated with specified standards, provide guidance for the review and approval of submitted landscape plans, and provide flexibility for design professionals who wish to propose alternative compliance approaches.
- B. Retention of Significant Natural Features. Features that are unique to a property, such as but not limited to that property's natural topography, existing vegetation, or riparian features shall be taken into consideration in the planning and design of landscape improvements for that property. Priority is to be given to the preservation or protection of existing natural areas, particularly where mature or specimen trees or wooded riparian areas are a part of a proposed development site. The proposed locations of streets, buildings and lots shall, as much as possible, minimize disturbance to significant existing trees.
- C. Tree Preservation, Removal and Replacement.
 - 1. All healthy trees having a caliper of four inches in size or larger shall be preserved to the maximum extent feasible. Preserved trees shall be credited to the satisfaction of replacement trees on a three to one caliper-to-caliper basis.
 - 2. Preserved trees shall be credited toward the satisfaction of the tree planting requirements of this chapter.
 - 3. Where existing trees are to be protected, the following standards shall apply:
 - a. A fenced tree protection zone shall be established around each tree or cluster of trees to be retained. The perimeter of this zone, which shall coincide with the drip line of the tree or trees to be protected, shall be clearly marked with high-visibility materials at a minimum height of four feet.

- b. The storage or movement of equipment, material, debris or fill is prohibited within the fenced tree protection zone so as to minimize soil compaction.
 - c. The cleaning of equipment or material or the storage and disposal of waste material such as paints, oils, solvents, asphalt, concrete, motor oil or any other material harmful to the life of a tree is prohibited within the drip line of any protected tree or group of trees.
 - d. No cut or fill is permitted within the drip line of any protected existing tree or group of trees unless a qualified arborist, forester or landscape architect has evaluated and approved the disturbance.
 - e. All protected existing trees shall be pruned as specified by a qualified arborist or forester.
 - f. No damaging attachment, wires, signs or permits may be fastened to any protected tree.
 - g. Large property areas containing protected trees and separated from construction or land clearing areas, road rights-of-way and utility easements may be "ribboned off," rather than erecting protective fencing around each tree as required above. This may be accomplished by placing metal t-post stakes a maximum of fifty feet apart and tying ribbon or rope from stake-to-stake along the outside perimeters of such areas being cleared.
4. The removal of trees is allowed under the following circumstances:
- a. Where trees have naturally fallen or are determined by a licensed arborist to be dead or dying.
 - b. Where trees have been diagnosed by a qualified arborist as unhealthy beyond reasonable rehabilitation.
 - c. Where trees are determined to be potentially harmful to the public health, safety or welfare.
 - d. Where it has been determined by the county on behalf of the city that tree removal is necessary to restore clear visibility at driveways and intersections.
 - e. Where the preservation of trees would prevent reasonable site grading to accommodate a functional arrangement of buildings and related improvements on the property. Written documentation of the above is required prior to the removal of any tree.
5. Trees having a caliper of four inches in size or greater which are removed shall be replaced on the development site by trees of no less than two-inch caliper in size. The required replacement ratio shall be one tree for every two caliper inches (cumulative) of trees removed. Replacement trees shall not be credited toward the satisfaction of the tree planting requirements of this chapter but shall be in addition to that otherwise specified.
- D. Exposure to Sun and Wind. Plant selection and placement shall recognize the importance of energy conservation. Deciduous trees which are sun tolerant shall be planted on the south and west sides of buildings so as to provide shade from summer sun while allowing winter sun to radiate into buildings. Shade-tolerant plants and evergreen trees shall be planted on the north to northwest sides of buildings in order to reduce the chilling effects of winter winds.
- E. New Plantings. The measurements and specifications for all live plants used to fulfill the requirements of this chapter shall be as set forth in the American Standard for Nursery Stock (ANSI Z60.1-204) as published and periodically amended by the American Nursery and Landscape Association. The following are minimums in relation to those standards. Nothing in this chapter shall be interpreted to prohibit the provision of landscape improvements in excess of these minimums.
- 1. Plant Quality. Required plant materials shall be nursery or field grown, unless otherwise approved, and shall be healthy, well-branched vigorous stock with a growth habit normal to the species and variety, free from defects decay, disfiguring roots, sun-scald, injuries,

abrasions of the bark, plant diseases, insect pest eggs, borers and all forms of infestations or objectionable disfigurements of diseases, insects and injuries.

2. Plant Coverage and Growth Rate. The quantity and size of materials planted shall be sufficient to attain a percentage of coverage of seventy-five percent of organically planted areas within three years of initial planting.
3. Species Diversity. A variety of plant species shall be utilized in all site landscaping. No one species may make up more than twenty-five percent of the total nonturf plant materials within the landscaped area. In order to prevent uniform insect or disease susceptibility and to stem the untimely degeneration or premature deterioration of trees planted or retained on a development site or in the adjacent area, species diversity is required. The following minimum requirements shall apply.

TOTAL NUMBER OF TREES ON SITE	MAXIMUM PERCENT OF ANY ONE SPECIES
10—19	50%
20—39	33%
40—59	25%
60 or more	15%

4. Special consideration shall be given to canyon areas to protect against decimation due to insect or disease infestations.
5. Lawn and Turf Areas. Areas proposed for planting in turf or lawn shall be a minimum of ten feet in width. Drought-tolerant grass varieties shall be established and maintained.
6. Mulch. All landscape areas not planted with shrubs, perennials, turf or other groundcover shall be covered with a minimum three-inch layer of mulch (except around the crown of plants) to retain water, inhibit weed growth, and moderate soil temperature. Newly planted trees in areas predominantly improved with turf shall be provided a plant-free mulched area with a minimum radius of four feet around the trunks in order to protect the trunks from turf-maintenance operations and expedite tree root establishment. Nonporous materials (e.g., plastic) shall not be placed under the mulch. Bare soil is not permitted.
7. Tree Placement. Trees shall be located to provide summer shade and limit winter shade on walks, parking lots, and streets.
8. Root Accommodation. Prior to the installation of trees, a determination shall be made as to whether root barriers are necessary to prevent roots from uplifting or cracking sidewalks or other hard surface improvements in the vicinity of the tree. Root barrier collars and root path trenches shall be installed as needed to provide such protection and to ensure healthy tree root growth.
9. Tree Size Requirements at Planting. All new and replacement trees shall meet the following minimum size requirements at planting:

a. Deciduous	two-inch caliper
b. Ornamental and flowering	one and one-half inch caliper
c. Evergreen	six feet tall

10. Where the above plant materials are secured on the basis of container size, equivalency shall be in accordance with the American Standard for Nursery Stock (ANSI Z60.1-204) as published and periodically amended by the American Nursery and Landscape Association.
 11. Shrub Size at Planting. All shrubs shall be a minimum of twelve inches in height or spread (typically five gallon in size at planting, except when used solely for screening purposes, in which case twenty-four inch in height or spread is required).
 12. Area Requirements for Landscape Improvements. No less than twenty percent of the gross area of a property subject to the requirements of this chapter shall be improved and maintained as landscape area. Land area encumbered by buildings, structures, paving and other impervious surfaces not related to on-site landscape improvements shall not be considered in the calculation of landscape area.
- F. Design Guidelines. The intent of design guidelines is to acknowledge the expertise and integrity of licensed design professionals and to afford them a commensurate level of flexibility in achieving the purposes and intent of this chapter. Guidelines are included in this chapter so as to clarify or expand upon the principles associated with specified standards. They are further provided for guidance in the preparation and submittal of complying landscape plans. Design guidelines may be used either in conjunction with or in lieu of other required on-site landscape improvements. When employed in lieu of strict compliance with chapter provisions, substantiation of compliance with the purposes and intent of this chapter is required.
1. Separation and Screening with Plant Material. The intent of this guideline is to soften long expanses of building walls, fences and other hard-surface barriers and to effectively screen such surfaces from undisturbed on- or off-site view. Its further intent is to separate and screen new buildings and ancillary site improvements and activities from off-premise view.
 2. Integration with Plantings. The intent of this guideline is twofold; (1) to provide better integration of newly constructed or remodeled site building improvements and outdoor spaces with other site improvements in the vicinity, or (2) to significantly enhance area characteristics through the coordinated introduction of new architectural themes, outdoor areas, and landscape improvements into areas in need of rehabilitation. In either event the incorporation of a diversity of plant materials, colors, textures, heights and aesthetic considerations of a similar nature may be employed.
 3. Establishing Privacy. Privacy is particularly important where larger buildings are proposed next to the side or rear yards of smaller buildings. In such instances a higher-than-normal incidence of vertical landscape elements may be employed to address privacy concerns.
 4. Land Form Shaping. Retention of existing land form is encouraged where site topography beneficially serves aesthetic and aquifer recharge purposes. Where reconfiguration of existing topographic conditions on a site is required to achieve these purposes, such grade changes should be either reminiscent of or complementary to natural land forms in the vicinity. The resulting land form modifications should, in either event, incorporate a high

degree of both horizontal and vertical land form articulation, creating both berms and swales for aesthetic variety and groundwater collection purposes.

5. Visual Integration of Fences or Walls. Security fences and solid visual barriers commonly detract from the aesthetics of the area in which they're established. Similarly, though not so severely, garden walls, privacy fences, screen panels, arbors, and structures of a like nature may adversely affect area aesthetics. In such instances creative landscape enhancements may be employed to change the sense of proximity to such structures and to improve area aesthetics.

In applying these or similar strategies to achieve the purposes and intent of this chapter, the objectives with regards to aesthetic enhancement of on-site improvements are to:

- a. Add visual interest adjacent to large expanses of building walls;
- b. Enhance the architectural features of new building construction;
- c. Provide better site integration of structural improvements;
- d. Soften hard edges;
- e. Enhance the compatibility of land uses of different character, intensity, and density;
- f. Reduce the potentially adverse impacts of site-generated noise;
- g. Screen views into or between windows and defined outdoor spaces;

In applying these or similar strategies with regards to the integration of on-site improvements with surrounding areas, the objectives are to:

1. Mitigate potential conflicts between divergent land uses, development densities or intensities, and building design or scale;
2. Maintain privacy for existing area residences;
3. Provide appropriate transitions between developed, managed landscape areas and those comprised of more natural vegetation;
4. Introduce high quality site improvements into areas in need of redevelopment.

19.77.050 Landscape Yards Or Setbacks And Buffer Areas

A. Landscaping Required.

1. Improvement Requirements in Relation to Yard Depth. In all zones where a front yard is required the entire frontage and depth of that yard area and any side yard area abutting a street shall be landscaped. Visibility at intersecting streets shall be maintained as set forth in MKC 19.76.160. Parking areas shall not encroach on these minimum required setbacks except as herein authorized. The perimeter boundaries of all off-street parking areas that abut streets accessible to the public shall be landscaped and screened from public view. Specified yard area depth measurements are from the public right-of-way or private street easement boundary. **Where setbacks are measured from a right-of-way containing a fully improved sidewalk, setbacks from a right of way shall be measured from the edge of the sidewalk that is closest to the front façade of the building.**
 - a. **The land use authority may approve reductions to setbacks as provided in this section. Outside of town centers, urban transit centers, and village centers, as designated by the General Plan, and outside of the light manufacturing and mixed use zones, in no event shall the front yard setback be less than the average of the front yard setbacks of neighboring structures, located on the same side of the street, that are located within a 300 foot distance of the nearest property line of**

the subject property Where a setback reduction is provided by this section, the Land Use Authority may consider the following factors in approving or denying the setback reduction:

1. The granting of the setback reduction will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity in which the property is located;
 2. The setback reduction is consistent with the policies and provision of the General Plan and this Code.
 3. Where applicable, the setback reduction results in a building site that accommodates a wider buffer between the use and adjacent R-1 or R-2 zones than what is required by this Title.
 4. The setback reduction does not create a situation where the development will result in an increase in the number of residential dwelling units than would occur if the development was built without the reduction.
 5. The setback reduction does not create a situation where the proposed development will cause objectionable noise, odors, trespass lighting, or similar adverse impacts on adjacent properties.
 6. The setback reduction does not create a situation where the proposed development substantially reduces the amount of privacy that would be enjoyed by nearby residents any more than would be available if the development was built without the reduction.
 7. The setback reduction does not create a situation where the proposed development will create an obstruction of view in excess of two feet in height located within a triangular area bounded by lines drawn from a point on the centerline of any driveway, set back fifteen feet from the front property line to points on the property line at the street in front of the property line ten feet either side of both edges of the driveway.
 8. The setback reduction does not create a situation where it is reasonably anticipated that the proposed development will result in vehicle stacking on a public right-of-way where that right-of-way intersects with the driveway of the proposed development.
- b. Front and street side areas where a yard or setback depth of no less than twenty feet is maintained.
1. An area of land graded and re-contoured at a maximum slope ratio of 3:1 (three feet horizontal to one foot vertical) so as to provide a meandering earthen berm traversing the entire width of the area and having a maximum height of three feet and an average height of thirty-two inches, as measured from the grade of the closest abutting sidewalk or top of curb.
 2. Landscaping within yards located between a street and a parking area shall include street trees as specified in this chapter. In addition, not less than fifty percent of these landscaped yards shall include a mix of evergreen and deciduous shrubs, herbaceous perennials, and nonturf groundcover. The balance of this area may be planted in turf and utilized for the placement of large boulders or similar visual accents so long as the combination of berms, plantings and visual accents effectively screen from public view any parked vehicles in contiguous off-street parking areas on the property.

- c. Provisions for Yard Reductions to No Less Than Fifteen Feet. Front and street side yards or setback areas with no abutting off-street parking may be reduced to a depth of not less than fifteen feet with provision of the following:
 - 1. An open decorative fence (picket, split rail, etc.) on the interior side of the landscaped area. Alternatively, a continuous hedge no less than three feet in height at planting, as measured from the grade of the abutting sidewalk or street, may be provided.
 - 2. An area of land graded and re-contoured at a maximum slope ratio of 3:1 (three feet horizontal to one foot vertical) so as to provide a meandering earthen berm traversing the entire width of the area and having a maximum height of thirty-two inches and an average height of two feet, as measured from the grade of the closest abutting sidewalk or top of curb.
 - 3. No less than seventy-five percent coverage of the landscaped area with street trees (includes canopy at maturity) as specified in this chapter together with a mix of sub-canopy evergreen and deciduous shrubs, herbaceous perennials, and nonturf groundcover. The balance of this area may be planted in turf and utilized for the placement of large boulders or similar visual accents.
- d. Provisions for encroachment of off-street parking areas into required front and street side yards or setback areas.
 - 1. Encroachments to Within Twelve Feet. Off-street parking areas may encroach into required front and street side yard or setback areas such that a minimum depth of not less than twelve feet is maintained subject to provision of the following:
 - A. An area of land graded and re-contoured at a maximum slope ratio of 3:1 (three feet horizontal to one foot vertical) so as to provide an earthen berm traversing the entire width of the area with a height of no less than thirty inches above the grade of the abutting sidewalk or street and supported on its interior side by a masonry retaining wall no less than four feet in height above the grade of the abutting off-street parking area surface. The use of this alternative is restricted to properties where it is feasible to provide a parking area with a finished grade at least two feet below the grade of the adjacent street.
 - B. No less than seventy-five percent coverage of the landscaped area with street trees (includes canopy at maturity) as specified in this chapter, together with a mix of sub-canopy evergreen and deciduous shrubs, herbaceous perennials, and nonturf groundcover. The balance of this area may be planted in turf and utilized for the placement of large boulders or similar visual accents.
 - 2. Encroachments to Within Eight Feet. Off-street parking areas may encroach into required front and street side yard or setback areas such that a minimum depth of not less than eight feet is maintained subject to provision of the following:

- A. A horizontally and vertically articulated decorative wall along the interior edge of the yard or setback area. Said wall shall have a minimum height of thirty-six inches, a maximum height of forty-eight inches and an average overall height of forty-two inches as measured from the adjacent paved parking area, if provided, or from the adjacent sidewalk or street surface level, if not. In plan view the decorative screen wall shall vary by eight to sixteen-inch offsets at linear intervals along the wall of every eight to ten feet.
- B. No less than ninety percent coverage of the landscaped area with street trees (includes canopy at maturity) as specified in this chapter, together with a mix of sub-canopy evergreen and deciduous shrubs, herbaceous perennials, and nonturf groundcover. The balance of this area must be surfaced with mulch in accordance with the standards of this chapter and may be utilized for the placement of large boulders or similar visual accents.

NOTE: Site improvements in conjunction with permitted and conditionally permitted uses in the M-1 and M-2 manufacturing zones are exempt from the above landscape area requirements.

- 2. Plant Quantities. Regardless of depth, all landscape areas adjacent to a street (including required park strips) shall be planted and maintained with the following:
 - a. One and one-fourth trees per one thousand sq. ft. of the ground or main floor level of nonresidential buildings in commercial zones.
 - b. Two trees per one thousand sq. ft. of the ground or main floor level of buildings in manufacturing zones.
 - c. One tree per twenty-five lineal feet of street frontage (not applicable to manufacturing and warehouse uses).
 - d. One shrub per four lineal feet of building foundation (may be grouped).
 - e. Any combination of other live plant materials and decorative features consistent with the requirements of this chapter.
- B. Interior Side and Rear Yards. The side and rear yard areas required by this title shall be landscaped and maintained as set forth in this chapter. Overhanging or cantilevered structures may not encroach upon such areas.
- C. Buffer Areas Between Nonresidential and Residential Land Uses. A landscaped buffer area not less than twenty feet wide shall be required between nonresidential and residential uses. A minimum of one tree for every twenty-five linear feet of landscape buffer is required. Either a linear or cluster arrangement of trees is allowed so long as the spacing of provided trees adequately screens the nonresidential use from the adjacent residential area. If a linear arrangement of trees is provided, tree spacing shall not exceed twenty-five feet on center.

19.77.060 Parking Lot Landscaping

- A. Interior Parking Planters. Landscaped planters, which may incorporate depressions for the collection of stormwater run-off, shall be provided in any parking lot containing twenty or more

parking spaces. These planters shall be constructed to the following standards.

1. Landscape Planter Types.
 - a. Islands. Islands are planter areas parallel to and situated at the end of a row of individual parking stalls.
 - b. Peninsulas. Peninsulas are planter areas parallel to and situated at specified intervals within a row of parking stalls.
 - c. Medians. Medians are planter areas perpendicular to and separating opposing rows of head-in parking stalls.
2. Landscape Planter Construction.
 - a. Landscape planters shall be constructed of continuous concrete curb in accordance with applicable standards and of no less than six inches in height unless a depression area for collection of stormwater runoff is provided.
 - b. A minimum four-foot radius curbing shall be provided along drive aisles.
3. Location, Spacing and Minimum Number of Landscape Planters Required. Landscape planters shall be provided in accordance with the following:
 - a. One island at each end of a row of parking stalls, together with either:
 1. One peninsula for every six contiguous parking spaces or portion thereof per row where uninterrupted vehicular traffic flow is allowed between abutting parking spaces; or
 2. One continuous median per row of head-in parking stalls.
 - b. Flexibility is allowed in the configuration of landscape planters for rows with angled parking.
4. Landscape Planter Length. The length of each landscape planter, measured from face of curb to face of curb, shall be as follows:
 - a. As an island at the end of a row of individual parking stalls, fifteen feet; for opposing rows of head-in parking stalls, thirty feet.
 - b. As a peninsula parallel to a row of parking spaces, fifteen feet.
 - c. As a median abutting a single row of parking stalls or as a divider median separating opposing rows of head-in parking stalls, equal to the length of each row.
5. Landscape Planter Width. The width of each landscape planter, measured from face of curb to face of curb, shall be no less than:
 - a. Eight feet for each island at the end of a row of parking stalls.
 - b. Nine feet for each peninsula within a row of parking stalls.
 - c. Eight feet, with consideration for vehicle overhang, where divider medians occur adjacent to head-in, and ten feet, with the same considerations, for divider medians separating opposing rows of head-in parking stalls. Where divider medians are improved with pedestrian walkways, the specified width is exclusive of the width of those walkways.
6. Vehicular Ingress/Egress Accommodation. That portion (eighteen inches minimum) of each landscape planter peninsula or island adjacent to a vehicular parking space shall be finished with a pervious surface suitable for temporary pedestrian use when exiting a vehicle. Alternatively, each such parking space may be provided at an additional eighteen-inch width and striped for pedestrian use. Stepping stones and graveled

pathways shall be dispersed across and along median islands to minimize soil compaction and protect plant root zones.

7. Distribution of Landscaped Planters. Interior planting areas shall be located to most effectively accommodate stormwater runoff, provide positive drainage away from buildings, and provide maximum shade for large expanses of paving.
- B. Plant Quantity, Size, and Diversity in Parking Lot Landscaped Planters.
 1. Minimum Number of Plants Required.
 - a. Within landscape planter islands and peninsulas.
 1. One shade tree and four shrubs for each fifteen-foot planter,
 2. Two shade trees and eight shrubs per thirty-foot planter,
 3. Three additional shrubs where lighting standards are located in the planter.
 - b. Within landscape planter medians.
 1. Two shade trees and eight shrubs for every thirty linear feet, together with three additional shrubs for each lighting standard.
 2. Minimum Size Requirements at Planting.
 - a. Trees. Trees required for installation within interior parking areas shall be no less than two- inch caliper in size at planting.
 - b. Shrubs. No less than what is customarily accommodated within a five gallon size container, in accordance with industry standards.
 - c. Groundcovers. No less than what is customarily accommodated within a one gallon size container in accordance with industry standards.
 3. Tree and Shrub Distribution.
 - a. Within landscape planter islands and peninsulas.
 1. In order to minimize damage by vehicles, trees shall not be planted closer than three feet to top back of curb or exterior edge of depressed parking lot landscaped planters.
 2. Shrubs shall be situated such that they remain within the confines of the planter at maturity.
 - b. Within landscape planter medians.
 1. Trees shall be planted such that they are dispersed from end to end of the planter at twenty-five to thirty-foot intervals (flexibility in actual placement is permitted).
 2. Shrubs shall be planted such that they assume as natural appearance as possible (flexibility in actual placement is permitted) yet remain within the confines of the planter at maturity.
 4. Diversity of Plants. A mix of coniferous and deciduous trees and shrubs shall be provided in parking lot landscapes. Not less than forty percent of all trees and shrubs shall be coniferous except as warranted by site conditions.
- C. Mulch Required. Organic mulch shall be spread to a minimum depth of three inches and rock to at least two and one-half inches in depth in all parking lot landscaped planters. Appropriate measures shall be taken to retain the mulch within the planter and to renew it as necessary. Bare dirt is prohibited.

- D. Irrigation. Landscape planters within parking areas shall be irrigated with drip emitter or bubbler type irrigation systems only.
- E. Wheel Stops. Where vehicular parking stalls abut interior parking area landscaping that is not situated within and protected by a landscape planter, wheel stops shall be installed at a minimum of two feet from the edge of that landscape area.

19.77.070 Screening Of Service And Mechanical Equipment

- A. Screening Required. Service areas and on-grade mechanical equipment shall be screened from public view by plants, solid opaque fencing, berms, or a combination thereof. These elements shall also be sited to minimize their visibility and impact or enclosed so as to appear to be an integral part of the architectural design of the building. Site elements that are subject to this provision include but are not limited to the following:
 - 1. Air conditioning units;
 - 2. Electrical transformers;
 - 3. Loading areas and docks;
 - 4. Mechanical equipment;
 - 5. Outdoor storage areas;
 - 6. Public utility transformers;
 - 7. Service yards;
 - 8. Telephone transformers;
 - 9. Trash collection areas;
 - 10. Trash dumpsters.

19.77.080 Functional And Aesthetic Enhancements

- A. Pedestrian and Vehicular Pathways. The design of pedestrian and vehicular travel ways for multiple- family, residential, retail commercial, office, public and quasi-public, and mixed use developments shall incorporate plantings and related landscape improvements for separation of pedestrian and vehicular traffic movements, improved pedestrian convenience and safety, and better-defined vehicular circulation and parking.
- B. Building Entrances, Drop-off and Pick-up, and Outdoor Dining Areas. Plantings and related landscape improvements shall be incorporated into the design of building entrances, drop-off and pick-up, and outdoor dining areas in order to: separate these areas from on-site vehicular circulation and parking facilities and from off-site traffic; enhance pedestrian comfort, convenience and safety; and facilitate outdoor dining with maximum insulation from vehicular traffic impacts.
- C. Drive-Through Service Facilities and Automatic Car Washes. Plantings and related landscape improvements shall be provided in conjunction with drive-through service facilities and automatic car washes in order to: introduce a more aesthetically pleasing approach to these types of vehicular activities on newly developed or redeveloped sites; better integrate these types of land uses into the established character of surrounding area improvements; and screen queued vehicles from the view of passing motorists on adjacent roadways.

19.77.090 Landscaping Of Detention/Retention Basins And Ponds

A planting area and related landscape improvements shall be incorporated into the design of all lands to be used as detention/retention basins and ponds. Such landscaping may include shade and ornamental trees, evergreens, shrubbery, hedges, turf, groundcover and other plant materials and related landscape improvements.

19.77.100 Landscape Plan Submittal Requirements

A. General Provisions.

1. All applications for site development plan approval for land uses subject to this chapter shall be accompanied by a landscape plan package and water allowance worksheet prepared in accordance with the requirements of this chapter.
2. Submitted landscape plan packages shall be prepared and certified for compliance with all requirements of this chapter by a landscape architect licensed to practice in the state of Utah under Title 58 of Utah Code. A landscape designer certified by the Utah Nursery and Landscape Association may submit a landscape plan package if the certified designer is employed by the contractor installing plantings of the specific project submitted.
3. All submitted irrigation plans shall be prepared by a qualified professional who is licensed under Utah Code Title 58 or by a person who is exempt from professional licensure requirements for the scope of work performed.

B. Landscape Plan Package Contents. The information to be provided with the landscape plan package shall be presented in the following format:

1. Conceptual Planting Plan. The intent of the conceptual planting plan is to illustrate the overall design concept for landscaping and depict how it relates to the proposed development of the site. The conceptual planting plan shall describe the general landscape design intent and the water conservation concept statement of the proposed landscape improvements. At a minimum, the conceptual planting plan shall include the information as set forth in the following tables codified in this chapter.
2. Preliminary Plan. The intent of the preliminary plan is to illustrate the master landscape plan for the development. The landscape preliminary plan shall state how the proposal is consistent with the purposes and intent of these regulations as set forth at the beginning of this chapter. At a minimum, the preliminary landscape plan shall include the information set forth in the following tables codified in this chapter.
3. Final Plan. The intent of the final plan is to ensure each phase of the final landscape plan is consistent with the master landscape plan for the development and to illustrate the specific landscaping details for each phase. The final landscape plan shall describe the design intention and shall state how the proposal is consistent with this section, and/or with the preliminary landscape plan, if one was required. The final landscape plan shall be on a separate page from the final site development plan. The scale shall not be greater than one inch equals to fifty feet. At a minimum, the final landscape shall include the information set forth in the following tables.
4. Project Data.

PROJECT DATA SHEET

INFORMATION REQUIRED	SKETCH	PRELIMINARY	FINAL
The project title and City site development plan application number (the file number assigned to the development proposal that the landscape plan is associated with)	X	X	X
Preparation date and issue/revision/date table	X	X	X

The name, address, telephone number, fax, and e-mail of the applicant or authorized agent	X	X	X
The name, address, telephone number, fax, and e-mail of the landscape architect, landscape designer, or other qualified professional who prepared the landscape plan, together with their professional registration stamp (as required)	X	X	X
The landscape contractor to be used on the project, if known at the time of application	X	X	X
Site vicinity and location map, including the street address and tax identification number of the property	X	X	X
Sheet index	X	X	X
General landscape design intent statement including the general character and location of proposed landscaping and open area and how it meets the intent of these regulations	X	X	X
Annual water budget worksheet	X	X	X
Soils analysis and proposed soils amendments		X	X
Signature block for landscape package approval			X

5. Grading and Drainage Plan.

GRADING AND DRAINAGE PLAN SHEET

INFORMATION REQUIRED	SKETCH	PRELIMINARY	FINAL
Scale, north arrow, site boundary including adjacent property lines and street names	X	X	X
Existing and proposed adjacent uses	X	X	X

Existing and proposed private driveways, off-street parking areas, patios, walkways, service areas and other paved surfaces	X	X	X
Existing and proposed buildings and structures (general locations)	X	X	X
Existing and proposed utilities and easements		X	X
Limits of proposed site disturbance		X	X
Existing and proposed building and structure finish floor elevations			X
Spot elevations and contour lines at not more than one foot intervals to determine high points and low points, positive drainage of paved surfaces, wall heights and other vertical control		X	X
Existing landscaping, including location, type and size	X	X	X
Any existing landscaping proposed to be removed	X	X	X

6. Landscape Planting Plan.

LANDSCAPE PLANTING PLAN SHEET

INFORMATION REQUIRED	SKETCH	PRELIMINARY	FINAL
Base plan consisting in information included on the grading and drainage plan	X	X	X
Limits of proposed site disturbance	X	X	X
General landscape improvements with planting symbols clearly drawn to indicate location and general plant category (deciduous tree, evergreen tree, deciduous shrub, evergreen shrub, groundcover, etc.)	X	X	X

Legend of plant category symbols keyed to general plant material schedule indicating quantities of each plant category and listing of plant species (include Latin name) included in each category		X	X
Typical detail drawings at one inch equals to twenty feet to illustrate perimeter treatment, buffering, typical front yard, and any special treatment areas on the site		X	X
All hydrozone boundaries and total area within each hydrozone with each hydrozone clearly labeled high, moderate, low or very low		X	X
Detailed landscape improvements with planing symbols clearly drawn to indicate each plant (deciduous tree, evergreen tree, deciduous shrub, evergreen shrub, groundcover, etc.)		X	X
Detailed plant material schedule with abbreviation identification key, quantity of each plant, botanical name, common name, hydrozone rating (high, moderate, low or very low), plant/container size, spacing and notes		X	X
Define areas to be considered open areas and if they will be public or private. Indicate how open areas will be maintained including; erosion control, revegetation, and weed management both during and after construction		X	X
Plant installation, mulching, tree staking, and any other applicable planting and installation details		X	X
Soil preparation details including instructions to scarify planing pit bottom and sides and surface ground planes to promote root penetration in compacted soils		X	X
Protection of existing plant and other site features to remain. Clearly identify the locations, species, size and condition of all significant	X	X	X

trees, each labeled as to its intended retention, relocation or removal			
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7. Soils Report. A soils report is required in all cases. Special procedures or requirements shall be incorporated in the preparation and recommendations of the soils report where the past use of a site has resulted in soil contamination or where difficult soil or landscaping conditions are known to exist. The soils report shall describe:
 - a. The depth, composition, fertility, bulk density, and landscaping suitability of the top soil and subsoil at the site;
 - b. Soil class;
 - c. An approximate soil infiltration rate for site soils, either measured or derived from soil texture/infiltration rate tables. A range of infiltration rates shall be noted where appropriate;
 - d. A measure of pH, electroconductivity (ERC), salt absorption ratio (SAR) and organic matter;
 - e. Recommendations for retention and re-use of viable top soil on the site together with such soil amendments as are necessary to ensure the health and sustainability of the landscaping to be planted.

The final recommendations of the soils report shall be incorporated into the landscape planting plan and implemented with site planting operations.

8. Irrigation Plan. A detailed irrigation plan shall be drawn at the same scale as the landscape planting plan and shall reflect the requirements set forth in MKC 19.77.030(E)(2).
9. Irrigation Schedule. The irrigation schedule required in MKC 19.74.030(E)(2)(k) shall be provided in tabular form and shall specify:
 - a. Plant type (e.g., turf, trees, low water use plants);
 - b. Irrigation type (e.g., sprinklers, drip, bubblers);
 - c. Flow rate in gallons per minute;
 - d. Precipitation rate in inches per hour (sprinklers only);
 - e. Run times in minutes per day;
 - f. Number of water days per week;
 - g. Cycle time to avoid runoff.

19.77.110 Landscape Plan Package Acceptance

- A. Standard Compliance Procedures. Submitted landscape plan documentation packages, water allowance worksheets, irrigation plans and irrigation schedules prepared in strict compliance with the requirements of this chapter shall be accepted upon certification of compliance with those requirements by the qualified professionals who prepared and submitted those plans. Final approval shall be as granted by the director upon completion of an internal or external review to assure ordinance compliance.
- B. Alternative Compliance Procedures. As authorized by this chapter, an alternative landscape and tree protection plan may be substituted in whole or in part for a landscape plan prepared in strict compliance with the chapters requirements.
 1. Alternative Plan Preparation and Submittal. Alternative landscape plans shall be prepared and submitted in accordance with submittal requirements for a landscape plan package. The submittal shall clearly identify and discuss the modifications and alternatives

proposed and the ways in which the plan will better accomplish the purposes and intent of this chapter than would a plan which strictly complies with the chapter's specified standards.

2. Alternative Plan Review Criteria. Certification of alternative plans for compliance with the purposes and intent of this chapter requires that the qualified professional who prepared the plans substantiate in writing how the alternative proposal meets or exceeds the degree of compliance that would be achieved through the strict application of specified standards. In making such assertions the qualified professional who prepared the plans shall clearly demonstrate how the alternative plans will:
 - a. Provide exceptional preservation and incorporation of existing site vegetation;
 - b. Provide significant protection of natural areas and features;
 - c. Provide for maximum retention of existing tree canopy cover;
 - d. Create exceptional enhancement of neighborhood continuity and connectivity;
 - e. Provide for extensive accommodation of nonvehicular access and use;
 - f. Represent greater innovation in site design and plant use.
 3. Alternative Plan Approval. Final approval shall be as granted by the director upon completion of an internal or external review to assure satisfaction of the above criteria.
- C. Plan Approval and Distribution. Copies of the professionally certified landscape plan package shall be provided for distribution to the following:
1. One copy to the property owner or site manager;
 2. Two copies to the chief building official for attachment to approved building plans and use in completion of site inspections;
 3. One copy to the director for retention in the site development application file.
- D. Plan Revisions. Any revisions to the landscape plan package shall be reviewed and approved in writing by the director prior to commencement of construction. Re-certification of compliance with the requirements of this chapter shall be provided by the qualified professionals who prepared and submitted the plan revisions. Site development plans that are substantially revised may require commensurate revisions to associated landscape plans.
- E. Phasing. Landscape plans for projects proposed for development in multiple phases shall clearly specify the landscape improvements required in conjunction with each phase.

19.77.120 Installation Of Landscape Improvements

A. Irrigation System Installation.

1. Installer Qualifications. Irrigation Association (IA) certification shall be required for all contractor-installed landscape irrigation systems except where construction observation services are provided by a licensed landscape architect or other qualified professional under Title 58 of Utah Code.
2. License, Insurance and Bonding Requirements. All installers, designers, and auditors shall meet state and local license, insurance, and bonding requirements and be able to show proof of such.

B. Plant Delivery and Installation.

1. Plants shall be protected during delivery to prevent leaf desiccation.
2. Upon delivery, unplanted trees, shrubs and other live plants shall be kept in shade, well protected with soil, mulch or other acceptable material and appropriately watered. Plants that have died or show signs of serious deterioration prior to planting shall be replaced.

3. All trees and shrubs shall be planted in such a manner as to ensure their survival. This shall include the planting of intact balls, planting at proper depth, properly backfilling, mulching and watering, and construction of a planting saucer. Newly planted trees shall be provided a plant-free mulched area with a minimum radius of four feet around the trunks in order to expedite tree root establishment.
 4. Any rope or wire binding the ball shall be cut prior to the conclusion of backfilling operations to prevent girdling of the tree trunk.
 5. If a nonbiodegradable material is used around the ball, it shall be completely removed prior to backfilling.
 6. In order to protect plantings from traffic, de-icing salts, and snow plowing operations, landscaped areas with tree or shrub plantings within six feet of a paved vehicle parking area or access way shall be raised above such areas by use of curbing or edging or, where depressed for stormwater collection and aquifer recharge, clearly posted for protection during periods of inclement weather.
- C. Excavation. Site excavation shall be accomplished in accordance with industry standards and applicable ordinance requirements.

19.77.130 Construction Inspection And Compliance Requirements

- A. Construction Observation and Certification of Compliance. Construction observation and monitoring of all required landscape improvements shall be provided by a licensed landscape architect so as to ensure compliance with the approved landscape plans for the site.
- B. Right to Inspect. The director reserves the right to perform site inspections at any time and to require corrective measures regarding the installation of site landscaping and irrigation system improvements found not to comply with the requirements of this chapter.
- C. The director shall field-verify landscaping improvements prior to final project approval.

19.77.140 Post-Construction Verification Of Compliance

- A. Single-Phase Projects. Following construction and prior to issuing an approval for occupancy a landscape architect or other qualified professional shall complete a site inspection of all installed site landscaping improvements and provide written certification of compliance with approved plans. The director shall field-verify landscaping improvements prior to final project approval. Certification of compliance with approved irrigation plans shall be provided by the licensed professional under whose construction observation the irrigation system was installed.
- B. Multi-Phase Projects. Projects approved for development in multiple phases shall be inspected and certified to be in compliance with the approved plans for each respective phase prior to the occupancy or use of the development associated with that phase. Permits shall not be issued for subsequent phases without prior director approval until this requirement has been satisfied.

19.77.150 Certificate Of Substantial Completion

Upon completion of all required landscaping improvements the property owner shall complete a certificate of substantial completion for submittal to the director. A disclosure document shall be filed with the county recorder's office clearly indicating that the property is subject to the requirements of this chapter and that any re-landscaping by the present or future property owners shall be in accordance with the certified landscape plan for the property. Proof of recordation shall be provided prior to final land use approval.

19.77.160 Long-Term Viability Of Established Landscapes

- A. Plant Maintenance. The owner, tenant and any agent shall be jointly and severally responsible for the maintenance of all landscaping in good condition and free from refuse and debris so as to present a healthy, neat and orderly appearance. Where applicable an adequately funded Homeowner's or Property Owner's Association shall assume and be held liable for such responsibilities. In the latter instance, provisions for long-term maintenance of required landscaping in the event of dissolution of the Homeowner's or Property Owner's Association shall be provided prior to landscape plan acceptance.
- B. Plant Survival. All plant materials shall be regularly maintained in a healthy condition and shall be guaranteed for survival for two years from planting. During this period, each plant shall show at least seventy-five percent healthy growth and shall have the natural characteristic of the plant of its species. Any plant found dead or unsatisfactory by the director during the guarantee period shall be replaced until it has lived through the required two-year survival period.

19.77.170 Completion Of And Submittal Of Water Performance Audit

Following construction and prior to issuing an approval for occupancy, a water audit shall be conducted by an IA certified landscape irrigation auditor. Irrigation system improvements required to achieve compliance with the requirements of this chapter shall be provided by the property owner as necessary. The water performance audit will verify that the irrigation system complies with the minimum standards of this chapter. The minimum efficiency required for the irrigation system is sixty percent for the distribution efficiency for all fixed spray systems and seventy percent distribution efficiency for all rotor systems. Copies of the auditor's certification of compliance shall be provided to the director for retention in the project file as well as to the irrigation system designer, installer, and owner/developer of the property. Compliance with this provision is required before the county on behalf of the City will issue a letter of final acceptance.

19.77.180 Definitions

For the purposes of this chapter, the following terms shall have the meanings herein prescribed:

"Annual water budget" means the target maximum amount of irrigation water applied to a landscaped area measured in gallons per square foot per year.

"Automatic controller" means a timer, capable of operating valve stations to set the days and length of time of a water application.

"Backflow" means any unwanted flow of used or nonpotable water or substance from any domestic, industrial or institutional piping system into the pure, potable water distribution system. The direction of flow under these conditions is in the reverse direction from that intended by the system and normally assumed by the owner of the system.

"Backflow prevention device" means a safety device that prevents the flow of water from the water distribution system back to the water source. Compliance with applicable health and water quality regulations is required.

"Bubbler" means an irrigation head that delivers water to the root zone by "flooding" the planted area, usually measured in gallons per minute. Bubblers exhibit a trickle, umbrella or short stream pattern.

"Drip emitter" means a drip irrigation fitting that delivers water slowly at the root zone of the plant, measured in gallons per hour.

"Drought-tolerant plant" means a plant that can survive without irrigation throughout the year once established, although supplemental water may be desirable during drought periods for improved appearance and disease resistance.

"Establishment period" means the first three hundred sixty-five days of growing season after installing the plant in the landscape.

"Evaporation [E]" means water movement from a wet soil or plant surface that does not pass through the plant. Evaporation is the physical process by which a liquid is transformed to the gaseous state, which in irrigation generally is restricted to the change of water from liquid to vapor. Occurs from plant leaf surface, ground surface, water surface and sprinkler spray.

"Evapotranspiration [ET]" means the quantity of water evaporated from adjacent soil surfaces and transpired by plants during a specific time, expressed in inches per day, month or year.

"FPS" means feet per second.

"Flow rate" means the rate at which water flows through pipes and valves (gallons per minute or cubic feet per second).

"Grading plan" means a plan that shows all finish grades, spot elevations as necessary and existing and new contours with the developed landscaped area.

"Groundcover" means material planted in such a way as to form a continuous cover over the ground that can be maintained at a height not more than twelve inches.

"Hardscape" means elements of the landscape such as sidewalks, pathways, benches, patios, decks, seating areas, drives, and areas for vehicular parking typically constructed from nonliving materials like concrete, boulders, brick, blacktop and lumber.

"Hydrozone" means the grouping of plants with similar water requirements so that they can be irrigated with a common zone.

"Infiltration rate" means the rate of water entry into the soil expressed as a depth of water per unit of time (inches per hour).

"Irrigated landscaped area" means all portions of a development site to be improved with planting and irrigation. Natural open space areas shall not be included in the irrigated landscaped area.

"Irrigation contractor" means a person who has been certified by the Irrigation Association (IA) to install irrigation systems.

"Irrigation designer" means a person who has been certified by the Irrigation Association (IA) to prepare irrigation system designs, and/or a landscape architect.

"Irrigation plan" means a plan that shows the components of the irrigation system with water meter size, backflow prevention, precipitation rates, flow rate and operating pressure for each irrigation circuit, together with identification of all irrigation equipment.

"Landscape architect" means a person who is licensed to practice landscape architecture by the state of Utah.

"Landscape designer" means a person who has been certified by the Utah Nursery and Landscape Association (UNLA) and who prepares landscape plans as authorized by Utah Code.

"Landscape irrigation auditor" means a person who has been certified by the Irrigation Association to conduct a landscape irrigation audit.

"Landscape plan documentation package" means an assemblage of graphics and written materials including criteria, specifications, and detailed plans to arrange and modify the effects of natural features such as plantings, ground and water forms, circulation, walks and other features to comply with the provisions of this chapter. The landscape plan documentation package shall include a project data sheet, a

planting plan, an irrigation plan, a grading plan, a soils report, a landscape water allowance, and an irrigation schedule.

"Landscape water allowance" means, for design purposes, the upper limit of annual applied water for the established landscaped area. It is based upon the local reference evapotranspiration rate, the ET₀ adjustment factor and the size of the landscaped area.

"Landscape zone" means a portion of the landscaped area having plants with similar water needs, areas with similar microclimate (i.e., slope, exposure, wind, etc.) and soil conditions, and areas that will be similarly irrigated. A landscape zone can be served by one irrigation valve, or a set of valves with the same schedule.

"Landscaped area" means an entire parcel of real property minus that area encompassed by building footprints, driveways, and the nonirrigated portions of parking lots. Water features and areas improved with walkways, benches, seating areas and similar improvements are included in the calculation of the landscaped area.

"Landscaping" means any combination of living plants, such as trees, shrubs, vines, ground covers, flowers, or grass; natural features such as rock, stone, or bark chips; and structural features, including but not limited to, walks, drives, benches, seating areas, fountains, reflecting pools, outdoor art work, screen walls and fences.

"Maximum extent feasible" means no prudent, practical, and feasible alternative exists, and all possible planning to minimize potential harm has been undertaken. Economic considerations may be taken into account but shall not be the overriding factor in determining maximum extent feasible.

"Mulch" means any organic material such as leaves, bark, wood chips, straw, or inorganic material such as crushed stone or gravel, or other materials left loose and applied to the soil surface for the beneficial purpose of weed suppression and the conservation of soil moisture.

"Pervious surface" means a layer through which water and air may freely migrate.

"Planting plan" means a plan that clearly and accurately identifies the location and species of new and existing trees, shrubs, groundcovers, and other plants on a site.

"Precipitation rate" means the depth of water applied to a given area, usually measured in inches per hour.

"Rain shut-off device" means a device wired to the automatic controller that shuts off the irrigation system when it rains.

"Reference evapotranspiration rate or ET₀" means the rate of evapotranspiration from an extensive surface cooling season green grass cover of uniform height of twelve cm., actively growing, completely shading the ground, and not short of water.

"Runoff" means irrigation water that is not absorbed by the soil or landscape area to which it is applied and which flows onto other areas.

"Soils report" means a report by a soils laboratory indicating soil type(s), composition, bulk density, infiltration rates, pH, electroconductivity (ERC), salt absorption ratio (SAR) and organic matter for the top soil and subsoil of a given site. The soils report also includes recommendations for soil amendments.

"Spray sprinkler" means an irrigation head that sprays water through a nozzle.

"Station" means an area served by one valve.

"Stream sprinkler" means an irrigation head that projects water through a gear rotor in single or multiple streams.

"Street tree" means a shade or ornamental tree planted along public or private streets and drives to provide shade to reduce heating of pavements, provide spatial definition and visual enhancement.

"Supervision (of an employee)" means that a qualified licensed professional is responsible for and personally reviews, corrects when necessary, and approves work performed by any employee under the direction of the licensed professional.

"Turf" means a surface layer of earth containing mowed grass with its roots.

"Valve" means a device used to control the flow of water in an irrigation system.

"Water audit" means an on-site survey and measurement of irrigation equipment and management efficiency, and the generation of recommendations to improve efficiency.

"Water-conserving plant" means a plant that can generally survive with available rainfall once established although supplemental irrigation may be needed or desirable during spring and summer months.

"Zone" means a landscape zone.



Millcreek City

Parks, Recreation, Trails and Open Space Impact Fee Facilities Plan

DRAFT



May 2, 2018

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Summary

Background

Millcreek City (“City”) is desirous of meeting the demands of new growth in the City and at least maintaining, and possibly improving, its current service levels for parks and trails. The City has determined that there is one service area citywide and that there is no excess capacity in any existing park facilities. Only residential development is considered to create demand for parks, trails and recreation facilities and therefore only residential growth has been considered in the consideration of impact fees.

Projections for population growth in the City are as follows:

TABLE 1: PROJECTED POPULATION GROWTH, 2018-2028

Year	Population
2018	64,800
2019	66,440
2020	68,122
2021	68,374
2022	68,627
2023	68,881
2024	69,135
2025	69,390
2026	69,646
2027	69,903
2028	70,161

Source: Gardner Policy Institute; ZPFI

Identify the Existing and Proposed Levels of Service and Excess Capacity

Utah Code 11-36a-302(1)(a)(i)(ii)(iii)

The IFFP considers only *system* facilities in the calculation of impact fees. For the City, this has been determined to mean neighborhood, community and regional parks. Local parks are considered *project* improvements and have not been included in the calculation of impact fees.

Existing service levels are based on the (2018) levels of service in the City for parks. The City does not currently have any trails. The level of service (LOS) for trails is 0.44 park acres per 1,000 population, calculated by dividing the 28.47 existing park acres by the 2018 population of 64,800 persons.

The City intends to at least maintain, and likely increase service levels for both parks and trails. No facilities currently have excess capacity. Parks and trails development in the City is one overall recreation system designed to meet the needs and desires of its residents for physical and leisure activities.

Identify Demands Placed Upon Existing Public Facilities by New Development Activity at the Proposed Level of Service

Utah Code 11-36a-302(1)(a)(iv)

The table below shows the declining service levels that will occur in Millcreek, due to population growth, if no new facilities are added.

TABLE 2: IMPACTS TO SERVICE LEVELS DUE TO NEW DEVELOPMENT IF NO IMPROVEMENTS ARE MADE

	Acres per 1,000 Population in 2018	Acres per 1,000 Population in 2028
Park Land and Improvements	0.439	0.406

Identify How the Growth Demands Will Be Met

Utah Code 11-36a-302(1)(a)(v)

In order to maintain the existing level of service, the projected new development over the next ten years will require the acquisition of 2.355 acres¹ of park land and improvements. The cost of construction or acquisition of new facilities in order to maintain existing service levels is \$991,977.76.²

TABLE 3: NEW FACILITIES NEEDED TO MEET THE DEMANDS OF NEW GROWTH, 2018-2028

Description	Amount
Land and Improvements	\$991,977.76

Consideration of Revenue Sources to Finance Impacts on System Improvements

Utah Code 11-36a-302(2)

This Impact Fee Facilities Plan includes a thorough discussion of all potential revenues sources for parks, recreation, and trails improvements. These revenue sources include grants, bonds, interfund loans, transfers from the General Fund, impact fees and anticipated or accepted dedications of system improvements.

Utah Code Legal Requirements

Utah law requires that communities prepare an Impact Fee Facilities Plan (IFFP) before preparing an Impact Fee Analysis (IFA) and enacting an impact fee. Utah law also requires that communities give notice of their intent to prepare and adopt an IFFP. This IFFP follows all legal requirements as outlined below.

Notice of Intent to Prepare Impact Fee Facilities Plan

A local political subdivision must provide written notice of its intent to prepare an IFFP before preparing the Plan (Utah Code §11-36a-501). This notice must be posted on the Utah Public Notice website. The City has complied with this noticing requirement for the IFFP by posting notice on [redacted]. A copy of the notice is included in Appendix A.

Preparation of Impact Fee Facilities Plan

¹ Calculated by multiplying the projected population growth of 5,361 persons from 2018 to 2028 by the existing LOS of 0.439 park acres per 1,000 persons.

² Assumes that \$588,841.32 will be needed for land costs (2.355 acres at a cost of \$250,000 per acre) and \$403,136.44 for park improvements (based on a per capita cost of \$75.20 per person).

Utah Code requires that each local political subdivision, before imposing an impact fee, prepare an impact fee facilities plan. (Utah Code 11-36a-301).

Section 11-36a-302(a) of the Utah Code outlines the requirements of an impact fee facilities plan which is required to identify the following:

- (i) identify the existing level of service
- (ii) establish a proposed level of service
- (iii) identify any excess capacity to accommodate future growth at the proposed level of service
- (iv) identify demands placed upon existing facilities by new development activity at the proposed level of service; and
- (v) identify the means by which the political subdivision or private entity will meet those growth demands.

Further, the proposed level of service may:

- (i) exceed the existing level of service if, independent of the use of impact fees, the political subdivision or private entity provides, implements, and maintains the means to increase the existing level of service for existing demand within six years of the date on which new growth is charged for the proposed level of service; or
- (ii) establish a new public facility if, independent of the use of impact fees, the political subdivision or private entity provides, implements, and maintains the means to increase the existing level of service for existing demand within six years of the date on which new growth is charged for the proposed level of service.

In preparing an impact fee facilities plan, each local political subdivision shall generally consider all revenue sources to finance the impacts on system improvements, including:

- (a) grants
- (b) bonds
- (c) interfund loans
- (d) transfers from the General Fund
- (e) impact fees; and
- (f) anticipated or accepted dedications of system improvements.

Certification of Impact Fee Facilities Plan

Utah Code states that an impact fee facilities plan shall include a written certification from the person or entity that prepares the impact fee facilities plan. This certification is included at the conclusion of this analysis.

Existing Service Levels, Proposed Service Levels and Excess Capacity

Utah Code 11-36a-302(1)(a)(i)(ii)(iii)

Growth in Demand

Impacts on recreation-related facilities will come from residential development only. Residential growth is projected as follows:

TABLE 4: PROJECTED POPULATION GROWTH, 2018-2028

Year	Population	Population Growth
2018	64,800	
2019	66,440	1,640
2020	68,122	1,682
2021	68,374	252
2022	68,627	253
2023	68,881	254
2024	69,135	254
2025	69,390	255
2026	69,646	256
2027	69,903	257
2028	70,161	258
TOTAL		5,361

Source: Gardner Policy Institute

Population projections are for 5,361 new residents between 2018 and 2028.

Existing Service Levels

Park Land Area

Existing system parks are shown in the table below. System parks that were acquired through donations or grants have not been included in the level of service for impact fees.

TABLE 5: SYSTEM PARKS

PARKS	Acres
Scott Avenue Park	6.21
Valley Center Park	4.1
Fortuna Park	2.04
Canyon Rim Park	16.12
TOTAL	28.47

The existing level of service for parks then, for the purpose of calculating impact fees, is 0.439 acres per 1,000 residents, calculated by dividing the 28.47 eligible park acres by the 2018 population of 64,800 residents (which has been divided by 1,000).

Park Land and Improvements

The table below summarizes the improvements, along with the costs, to determine an existing standard for park land and improvements. Cost estimates have been provided in consultation with the City.

TABLE 6: SYSTEM PARK IMPROVEMENTS

Amenity	Measurement Unit	Units	Cost per Unit	Total
Concrete Walkways & Jogging Paths	lf	11,504	\$40.00	\$460,160
Picnic Tables	unit	39	\$800.00	\$31,200
Benches	unit	31	\$1,800.00	\$55,800
Pavilions	unit	3	\$162,000.00	\$405,000
Playground Equipment	unit	5	\$42,000.00	\$210,000
Asphalt sf	sf	-	\$2.88	\$0
Restrooms	unit	4	\$180,000.00	\$720,000
Water Features	unit	1	\$20,000.00	\$20,000
Baseball/Softball (Backstop Only)	unit	1	\$3,000.00	\$3,000
Softball	unit	1	\$250,000.00	\$250,000
Basketball (Full Court)	unit	2	\$65,000.00	\$130,000
Basketball (Half Court)	unit	2	\$32,900.00	\$65,800
Volleyball (Sand)	unit	1	\$10,500.00	\$10,500
Volleyball Court (Grass)	unit	1	\$0.00	\$0
Horseshoes	unit	6	\$11,000.00	\$66,000
Drinking Fountains	unit	3	\$12,000.00	\$36,000
Amphitheater	unit	1	\$325,000.00	\$325,000
Mowed Areas	Acres	22	\$87,120.00	\$1,938,420
Parking	Stalls	139	\$1,050.00	\$145,950
TOTAL Improvements (not including land)				\$4,872,830

With 28.47 existing park acres, the average cost is \$171,157 per acre, not including land costs. With a 2018 population of 64,800 persons, this results in a per capita cost, for improvements only, of \$75.20.

Land is assumed to cost \$250,000 per acre, based on a review of the market value of 30 parcels of vacant land, all one acre or larger in size. These parcels are included in Appendix C and were provided by the Salt Lake County Assessor's Office.

Proposed Service Levels

The City has determined that there is no excess capacity in the existing park facilities and desires to maintain existing service levels in the future, as new development occurs. In comparison to other cities, the current number of park acres per 1,000 residents is rather low. Therefore, at least maintaining existing service levels is fair and reasonable.

Identify Excess Capacity

The City not identified any excess capacity in any of its facilities.

Identify Demands Placed on Existing Public Facilities by New Development Activity at Proposed Level of Service and How Those Demands Will Be Met

Utah Code 11-36a-302(1)(a)(iv)(v)

Demand Placed on Facilities by New Development Activity

Park Land and Park Improvements

Existing park service levels will decline, due to new development activity, from the existing service level of 0.439 acres per 1,000 persons to 0.406 acres per 1,000 residents, over the next 10 years, if no improvements are made.

TABLE 7: PARK LAND AND IMPROVEMENT SERVICE LEVEL IMPACTS FROM NEW DEVELOPMENT ACTIVITY, 2018-2028

Year	Population	Population Growth	Land Acres per 1000 Persons if No New Facilities
2018	64,800		0.439
2019	66,440	1,640	0.429
2020	68,122	1,682	0.418
2021	68,374	252	0.416
2022	68,627	253	0.415
2023	68,881	254	0.413
2024	69,135	254	0.412
2025	69,390	255	0.410
2026	69,646	256	0.409
2027	69,903	257	0.407
2028	70,161	258	0.406

Identify the Means by Which the Political Subdivision Will Meet the Growth Demands

The City will need to make additional investment in park land and improvements if it is to maintain its existing service levels in the future. The increased land and improvement costs necessary to maintain existing service levels are shown in the following two tables. Further, the City may desire to increase its existing service levels but will not use impact fees to raise existing standards.

TABLE 8: PARK LAND INVESTMENT REQUIRED FROM NEW DEVELOPMENT ACTIVITY, 2018-2028

Year	Population	Growth in Population	Additional Acres Required	Additional Investment Needed
2018	64,800			
2019	66,440	1,640	0.721	\$180,134
2020	68,122	1,682	0.739	\$184,747
2021	68,374	252	0.111	\$27,679
2022	68,627	253	0.111	\$27,789
2023	68,881	254	0.112	\$27,899
2024	69,135	254	0.112	\$27,899
2025	69,390	255	0.112	\$28,009
2026	69,646	256	0.112	\$28,119
2027	69,903	257	0.113	\$28,228

Year	Population	Growth in Population	Additional Acres Required	Additional Investment Needed
2028	70,161	258	0.113	\$28,338
TOTAL		5,361	2.355	\$588,841

TABLE 9: PARK IMPROVEMENTS REQUIRED FROM NEW DEVELOPMENT ACTIVITY, 2018-2028

Year	Population	Growth in Population	Improvements per Capita if No New Facilities	Additional Investment Needed
2018	64,800		\$75.20	
2019	66,440	1,640	\$73.34	\$123,325
2020	68,122	1,682	\$71.53	\$126,483
2021	68,374	252	\$71.27	\$18,950
2022	68,627	253	\$71.00	\$19,025
2023	68,881	254	\$70.74	\$19,100
2024	69,135	254	\$70.48	\$19,100
2025	69,390	255	\$70.22	\$19,175
2026	69,646	256	\$69.97	\$19,251
2027	69,903	257	\$69.71	\$19,326
2028	70,161	258	\$69.45	\$19,401
TOTAL		5,361		\$403,136

Consideration of All Revenue Sources

Utah Code 11-36a-302(2)

Grants

The City anticipates that future trail land will be acquired through easements and grants. The City is unaware of any potential grant sources for future parks development. However, should it be the recipient of any such grants, it will then look at the potential to reduce impact fees.

The City has no indication of any gifts that will be received by the City in the future. Further, the City has excluded any gifted properties, or properties acquired through grant funds, from establishing its level of service used in the calculation of impact fees.

Bonds

The City has no outstanding bonds for its existing park facilities that have been included in this Impact Fee Facilities Plan. While the City could issue bonds in the future in order to fund parks, recreation or trail facilities, no bonds are currently being contemplated and therefore no costs associated with bond issuance have been included in the calculation of impact fees.

Interfund Loans

The City has the option to purchase facilities through interfund loans but no interfund loans are currently in place.

Transfer from General Fund

To the extent that the City is able to generate net revenues in its General Fund, it may choose to transfer all or a portion of the net revenues to the City's capital fund. It is most likely that, if net revenues should be generated, they will be used to enhance existing service levels and not to offset the demands generated by new development which is anticipated to be offset with impact fees.

Impact Fees

Because of the growth anticipated to occur in the City, impact fees are a viable means of allowing new development to pay for the impacts that it places on the existing system. This IFFP is developed in accordance with legal guidelines so that an Impact Fee Analysis for Parks, Recreation, and Trails may be prepared and the City may charge impact fees for Parks, Recreation, and Trails.

Anticipated or Accepted Dedications of System Improvements

Any item that a developer funds must be included in the IFFP if a credit against impact fees is to be issued and must be agreed upon with the City before construction of the improvements.

Certification

Zions Public Finance, Inc. certifies that the attached impact fee facilities plan:

1. Includes only the costs of public facilities that are:
 - a. allowed under the Impact Fees Act; and
 - b. actually incurred; or
 - c. projected to be incurred or encumbered within six years after the day on which each impact fee is paid;
2. Does not include:
 - a. costs of operation and maintenance of public facilities;
 - b. costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents;
 - c. an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement;
3. Complies in each and every relevant respect with the Impact Fees Act.



Appendix A - Notice of Intent to Prepare a Comprehensive Amendment to the Parks, Trails and Recreation Impact Fee Facilities Plan

Appendix B – Park Facility Summaries

TABLE 10: IMPROVEMENTS BY PARK, PART 1

	Concrete Walkways & Jogging Paths (lf)	Picnic Tables	Benches	Pavilions	Playground Equipment
Scott Avenue Park	356	1			1
Valley Center Park	3,892	10	12	0.5	1
Fortuna Park	457	1	2		1
Canyon Rim Park	6,799	27	17	2	2
TOTAL	11,504	39	31	3	5

TABLE 11: IMPROVEMENTS BY PARK, PART 2

	Restrooms	Water Features	Baseball/ Softball (Backstop Only)	Softball	Basketball (Full Court)
Scott Avenue Park	1	1			
Valley Center Park	1		1		2
Fortuna Park					0
Canyon Rim Park	2			1	
TOTAL	4	1	1	1	2

TABLE 12: IMPROVEMENTS BY PARK, PART 3

	Basketball (Half Court)	Volleyball (Sand)	Volleyball Court (Grass)	Horseshoes	Drinking Fountains
Scott Avenue Park			1	2	
Valley Center Park	1	1			1
Fortuna Park	1				
Canyon Rim Park				4	2
TOTAL	2	1	1	6	3

TABLE 13: IMPROVEMENTS BY PARK, PART 4

	Amphitheater	Mowed Acres (does not include ballfield)	Acres	Parking Stalls
Scott Avenue Park		5.5	6.21	21
Valley Center Park		2.75	4.1	31
Fortuna Park		2	2.04	0



	Amphitheater	Mowed Acres (does not include ballfield)	Acres	Parking Stalls
Canyon Rim Park	1	12	16.12	87
TOTAL	1	22	28.47	139

Appendix C – Comparative Land Costs

Parcel_ID	Parcel Acres	Full Market Value of Land	Average Price per Acre
16324290020000	1.00000000000	240700.00000000000	\$240,700
21012030030000	1.00000000000	300600.00000000000	\$300,600
16354810080000	1.01000000000	311500.00000000000	\$308,416
22013520300000	1.06000000000	281300.00000000000	\$265,377
22041800330000	1.12000000000	324100.00000000000	\$289,375
15363510410000	1.25000000000	458800.00000000000	\$367,040
15363510570000	1.28000000000	864200.00000000000	\$675,156
15363760110000	1.29000000000	374900.00000000000	\$290,620
15364530550000	1.35000000000	337700.00000000000	\$250,148
21012280150000	1.36000000000	281900.00000000000	\$207,279
16313780180000	1.50000000000	564000.00000000000	\$376,000
16361790640000	1.54000000000	561800.00000000000	\$364,805
16361790660000	1.60000000000	168200.00000000000	\$105,125
16361800130000	1.74000000000	715500.00000000000	\$411,207
22013760050000	1.81000000000	185000.00000000000	\$102,210
22014510250000	1.90000000000	225900.00000000000	\$118,895
22014510270000	1.99000000000	556900.00000000000	\$279,849
22041790150000	2.04000000000	1244100.00000000000	\$609,853
22053040250000	2.11000000000	452800.00000000000	\$214,597
16321270360000	2.25000000000	641800.00000000000	\$285,244
22052770060000	2.41000000000	946500.00000000000	\$392,739
16264270140000	2.43000000000	753000.00000000000	\$309,877
16283510540000	2.44000000000	1041600.00000000000	\$426,885
16283510590000	3.00000000000	233300.00000000000	\$77,767
15363510650000	4.16000000000	846600.00000000000	\$203,510
15363760050000	4.42000000000	526100.00000000000	\$119,027
15363760340000	4.93000000000	808500.00000000000	\$163,996
16351030100000	5.00000000000	382800.00000000000	\$76,560
16352760160000	5.01000000000	462800.00000000000	\$92,375
22013760070000	7.05000000000	1469400.00000000000	\$208,426
Average			\$271,122

Source: Salt Lake County Assessor's Office; ZPFI



Millcreek City
DRAFT Parks, Recreation, Trails and Open Space
Impact Fee Analysis



May 2, 2018



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Summary of Impact Fee Analysis (IFA)

Millcreek City (“City”) desires to charge impact fees in order to keep up with the demands of new growth on its parks, trails and recreation facilities. The Parks, Recreation and Trails Impact Fee Facilities Plan,¹ along with input from the City, forms the basis for this Impact Fee Analysis. The City has determined that there is one service area citywide and that there no excess capacity in any of its parks and trails facilities. Only residential development is considered to create demand for parks, trails and recreation facilities and therefore only residential growth has been considered in the determination of impact fees.

Projections for population growth in the City are as follows:

TABLE 1: PROJECTED POPULATION GROWTH, 2018-2028

Year	Population
2018	64,800
2019	66,440
2020	68,122
2021	68,374
2022	68,627
2023	68,881
2024	69,135
2025	69,390
2026	69,646
2027	69,903
2028	70,161

Source: Gardner Policy Institute; ZPFI

This IFA is organized based on the legal requirements of Utah Code 11-36a-304.

Impact on Consumption of Existing Capacity - Utah Code 11-36a-304(1)(a)

The IFFP considers only *system* facilities in the calculation of impact fees. For the City, this has been determined to mean community and regional parks. Local parks are considered *project* improvements and have not been included in the calculation of impact fees.

Existing service levels are based on the (2018) levels of service in the City for parks. The City does not currently have any trails. The level of service (LOS) for trails is 0.44 park acres per 1,000 population, calculated by dividing the 28.47 existing park acres by the 2018 population of 64,800 persons.

The City intends to at least maintain, and likely increase service levels for both parks and trails. No facilities currently have excess capacity. Parks and trails development in the City is one overall recreation system designed to meet the needs and desires of its residents for physical and leisure activities.

Impact on System Improvements by Anticipated Development Activity - Utah Code 11-36a-304(1)(b)

The table below shows the declining service levels that will occur in Millcreek, due to population growth, if no new facilities are added.

¹ Parks, Recreation and Trails Impact Fee Facilities Plan, May 2018

TABLE 2: IMPACTS TO SERVICE LEVELS DUE TO NEW DEVELOPMENT IF NO IMPROVEMENTS ARE MADE

	Acres per 1,000 Population in 2018	Acres per 1,000 Population in 2028
Park Land and Improvements	0.439	0.406

Relationship of Anticipated Impacts to Anticipated Development Activity - Utah Code 11-36a-304(1)(c)

The demand placed on existing public park facilities by new development activity is attributable to population growth. The City has a 2018 population of 64,800 persons and, as a result of anticipated development activity, will grow to a projected 70,161 persons by 2028 – an increase of 5,361 persons. As growth occurs as a result of increased development activity, more parks and trails are needed to maintain existing service levels and to reach proposed service levels.

In order to maintain the existing level of service, the projected new development over the next ten years will require the acquisition of 2.355 acres² of park land and improvements. construction or acquisition of new facilities in the amount of \$991,977.76, as stated in 2018 dollars.³

TABLE 3: NEW FACILITIES NEEDED TO MEET THE DEMANDS OF NEW GROWTH, 2018-2028

Description	Amount
Land and Improvements	\$991,977.76

Proportionate Share Analysis - Utah Code 11-36a-304(1)(d)(i)(ii)

Costs Reasonably Related to New Development Activity

The cost of new system improvements required to maintain the service levels related to new development activity are based on the costs of system-wide park and trail facilities, and the consultant fees for the preparation of the Impact Fee Facilities Plan and the Impact Fee Analysis.

The total gross fee is \$185.97 per capita. However, the actual fee charged will be based on the average household size of a residential unit.

TABLE 4: CALCULATION OF GROSS IMPACT FEE

Summary Cost per Capita	
Land	\$109.84
Improvements	\$75.20
Consultant	\$0.93
TOTAL	\$185.97

² Calculated by multiplying the projected population growth of 5,361 persons by 2028 by the existing LOS of 0.439 park acres per 1,000 persons.

³ Assumes that \$588,841.32 will be needed for land costs (2.355 acres at a cost of \$250,000 per acre) and \$403,136.44 for park improvements (based on a per capita cost of \$75.20 per person).

The City may choose to either charge one fee for every type of residential unit, or it can charge different fees for single-family and multi-family units. The average household size for residential units in the City is as follows:

TABLE 5: AVERAGE HOUSEHOLD SIZE

Residential Unit Type	Household Size
Single-Family Units	2.66
Multi-Family Units	2.37

Source: American Factfinder Community Survey

The maximum impact fees for single-family and multi-family residential are shown in the table below:

TABLE 6: MAXIMUM IMPACT FEES

MAXIMUM GROSS FEE	Amount
Single-Family Residential	\$494.68
Multi-Family Residential	\$440.75

Manner of Financing - Utah Code 11-36a-304(2)(c)(d)(e)(f)(g)(h)

An impact fee is a one-time fee that is implemented by a local government on new development to help fund and pay for all or a portion of the costs of public facilities that are needed to serve new development. Additionally, impact fees allow new growth to share in the cost of existing facilities that have excess capacity.

Impact Fee Credits

The Impact Fees Act requires credits to be paid back to development for future fees that may be paid to fund system improvements found in the Parks, Recreation and Trails IFFP May 2018 so that new development is not charged twice.

Extraordinary Costs and Time Price Differential

It is not anticipated that there will be any extraordinary costs in servicing newly-developed park properties.

Utah Code 11-36a

Preparation of Impact Fee Analysis. Utah Code requires that “each local political subdivision... intending to impose an impact fee shall prepare a written analysis (Impact Fee Analysis or IFA) of each impact fee” (Utah Code 11-36a-303). This IFA follows all legal requirements as outlined below. The City has retained Zions Public Finance, Inc. (ZPFI) to prepare this Impact Fee Analysis in accordance with legal requirements.

Section 11-36a-304 of the Utah Code outlines the requirements of an impact fee analysis which is required to identify the following:

- anticipated impact on or consumption of any existing capacity of a public facility by the anticipated development activity;

- anticipated impact on system improvements required by the anticipated development activity to maintain the established level of service for each public facility;

- how anticipated impacts are reasonably related to the anticipated development activity

- the proportionate share of:

 - costs for existing capacity that will be recouped; and

 - costs of impacts on system improvement that are reasonably related to the new development activity; and

 - how the impact fee was calculated

Further, in analyzing whether or not the proportionate share of the costs of public facilities are reasonably related to the new development activity, the local political subdivision or private entity, as the case may be, shall identify, if applicable:

- the cost of each existing public facility that has excess capacity to serve the anticipated development resulting from the new development activity;

- the cost of system improvements for each public facility;

- other than impact fees, the manner of financing for each public facility such as user charges, special assessments, bonded indebtedness, general taxes, or federal grants;

- the relative extent to which development activity will contribute to financing the excess capacity of and system improvements for each existing public facility, by means such as user charges, special assessments, or payment from the proceeds of general taxes;

- the relative extent to which development activity will contribute to the cost of existing public facilities and system improvements in the future;

the extent to which the development activity is entitled to a credit against impact fees because the development activity will dedicate system improvements or public facilities that will offset the demand for system improvements, inside or outside the proposed development;

extraordinary costs, if any in servicing the newly developed properties; and

the time-price differential inherent in fair comparisons of amounts paid at different times.

Calculating Impact Fees. Utah Code 11-36a-305 states that for purposes of calculating an impact fee, a local political subdivision or private entity may include the following:

construction contract price;

cost of acquiring land, improvements, materials, and fixtures;

cost for planning, surveying, and engineering fees for services provided for and directly related to the construction of the system improvements; and

for a political subdivision, debt service charges if the political subdivision might use impact fees as a revenue stream to pay the principal and interest on bonds, notes or other obligations issued to finance the costs of the system improvements.

Additionally, the Code states that each political subdivision or private entity shall base impact fee amounts on realistic estimates and the assumptions underlying those estimates shall be disclosed in the impact fee analysis.

Certification of Impact Fee Analysis. Utah Code 11-36a-306 states that an impact fee analysis shall include a written certification from the person or entity that prepares the impact fee analysis. This certification is included at the conclusion of this analysis.

Impact Fee Enactment. Utah Code 11-36a-202 states that a local political subdivision or private entity wishing to impose impact fees shall pass an impact fee enactment in accordance with Section 11-36a-402. Additionally, an impact fee imposed by an impact fee enactment may not exceed the highest fee justified by the impact fee analysts. An impact fee enactment may not take effect until 90 days after the day on which the impact fee enactment is approved.

Notice of Intent to Prepare Impact Fee Analysis. A local political subdivision must provide written notice of its intent to prepare an IFA before preparing the Analysis (Utah Code 11-36a-503(1)). This notice must be posted on the Utah Public Notice website. The City has complied with this noticing requirement for the IFA by posting notice.

Impact Fee Analysis

Utah Code allows cities to include only system-wide parks for the purpose of calculating impact fees. Project-wide parks cannot be used to establish levels of service eligible to be maintained through impact fees. Based on input from the City and the consultants, a system-wide park is defined as a park that serves more than one local development area. System-wide parks in the City include neighborhood, community and regional parks.

This IFA is organized based on the legal requirements of Utah Code 11-36a-304.

1 Impact on Consumption of Existing Capacity

Utah Code 11-36a-304(1)(a): an impact fee analysis shall identify the anticipated impact on or consumption of any existing capacity of a public facility by the anticipated development activity

Demand Placed on Facilities by New Development Activity

Park Land and Park Improvements

Existing park service levels will decline, due to new development activity, from the existing service level of 0.439 acres per 1,000 persons to 0.406 acres per 1,000 residents, over the next 10 years, if no improvements are made.

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Year	Population	Population Growth	Land Acres per 1000 Persons if No New Facilities
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2026	69,646	256	0.409
2027	69,903	257	0.407
2028	70,161	258	0.406

2 Impact on System Improvements by Anticipated Development Activity

Utah Code 11-36a-304(1)(b): an impact fee analysis shall identify the anticipated impact on system improvements required by the anticipated development activity to maintain the established level of service for each public facility;

The City will need to make additional investment in park land and improvements if it is to maintain its existing service levels in the future. The increased land and improvement costs necessary to maintain

existing service levels are shown in the following two tables. Further, the City may desire to increase its existing service levels but will not use impact fees to raise existing standards.

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2027	69,903	257	\$69.71	\$19,326
2028	70,161	258	\$69.45	\$19,401
TOTAL		5,361		\$403,136

3 Relationship of Anticipated Impacts to Anticipated Development Activity

Utah Code 11-36a-304(1)(c): an impact fee analysis shall subject to Subsection (2), demonstrate how the anticipated impacts described in Subsections (1)(a) and (b) are reasonably related to the anticipated development activity;

The demand placed on existing public park facilities by new development activity is attributable to population growth. The City has a 2018 population of 64,800 persons and as a result of anticipated development activity will grow to a projected 70,161 persons by 2028 – an increase of 5,361 persons. As growth

occurs as a result of increased development activity, more parks and trails are needed to maintain existing service levels and to reach proposed service levels.

4

Proportionate Share Analysis

Utah Code 11-36a-304(1)(d)(i)(ii): an impact fee analysis shall estimate the proportionate share of costs for existing capacity that will be recouped; and the costs of impacts on system improvements that are reasonably related to the new development activity;

Costs Reasonably Related to New Development Activity

The cost of new system improvements required to maintain the existing level of parks, recreation and trail services related to new development activity is based on the cost of system-wide park facilities, as well as consultant fees for the preparation of the Impact Fee Facilities Plan and the Impact Fee Analysis.

The City will need to acquire an additional 2.36 acres of land over the next 10 years in order to maintain its existing service level of 0.439 acres per 1,000 persons. At a cost of \$250,000 per acre,⁴ the cost to the City will be \$588,841.

In addition, the 2.36 acres will need improvements. The existing level of service for improvements is a cost of \$171,156.66 per acre, or a total cost of \$403,136.44. Total land and improvement costs necessary over the next ten years are calculated at \$991,977.76.

TABLE 10: PER CAPITA COST TO MAINTAIN LOS FOR PARK LAND AND IMPROVEMENTS

Park Land and Improvements	
Improvements Needed, 2018-2028	\$991,977.76
Population Growth, 2018-2028	5,361
Cost per Capita	\$185.04

The Impact Fee Facilities Plan and Impact Fee Analysis consultant cost is \$0.93 per capita.

TABLE 11: PER CAPITA CONSULTANT COSTS

Description	Amount
Consultant Cost	\$5,000
Projected Population Growth (2018 - 2028)	5,361
Cost per Capita – Consultant Costs	\$0.93

⁴ The land cost per acre is taken from the Parks, Recreation and Trails Impact Fee Facilities Plan May 2018 that provides the land cost per acre of 30 vacant parcels in Millcreek.

The total gross Parks, Recreation, Trails and Open Space Impact Fee is \$185.97 per capita.

TABLE 12: MAXIMUM ALLOWABLE IMPACT FEE

Description	Amount
Park Land and Improvements	\$185.04
Consultant Costs	\$0.93
TOTAL GROSS IMPACT FEE PER CAPITA	\$185.97

However, impact fees will be charged based on household size, rather than on a per capita basis. Average household sizes in Millcreek are shown in the table below.

TABLE 13: HOUSEHOLD SIZE

Household Type	Household Size
Single-Family	2.66
Multi-Family	2.37

Source: American Factfinder;

<https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=CF>

The maximum impact fees are calculated by multiplying the average household size by the maximum per capita amount of \$185.97.

TABLE 14: MAXIMUM IMPACT FEE

Development Type	Amount
Single-Family Residential	\$494.68
Multi-Family Residential	\$440.75

Impact Fee Credits

5

Utah Code 11-36a-304(1)(e): an impact fee analysis shall, based on the requirements of this chapter, identify how the impact fee was calculated;

There are no bonds outstanding on parks or trails facilities and therefore no credits need to be made against the gross impact fee.

6

Manner of Financing

Utah Code 11-36a-304(2)(c)(d)(e)(f)(g)(h): an impact fee analysis shall identify, if applicable: other than impact fees, the manner of financing for each public facility such as user charges, special assessments, bonded indebtedness, federal taxes, or federal grants;

An impact fee is a one-time fee that is implemented by a local government on new development to help fund and pay for all or a portion of the costs of public facilities that are needed to serve new development. These fees are usually implemented to help reduce the economic burden on local jurisdictions that are

trying to deal with population and commercial growth within the area. As a matter of policy and legislative discretion, a City may choose to have new development pay the full cost of its share of new public facilities if the facilities would not be needed except to service new development. However, local governments may use other sources of revenue to pay for the new facilities required to service new development and use impact fees to recover the cost difference between the total cost and the other sources of revenue. Additionally, impact fees allow new growth to share in the cost of existing facilities that have excess capacity.

At the current time, no other sources of funding other than impact fees have been identified, but to the extent that any are identified and received in the future, then impact fees will be reduced accordingly.

Additional system-wide park land and recreation facility improvements beyond those funded through impact fees that are desired to maintain a higher proposed level of service will be paid for by the community through other revenue sources such as user charges, special assessments, GO bonds, general taxes, etc.

Impact Fee Credits

The Impact Fees Act requires credits to be paid back to development for future fees that may be paid to fund system improvements found in the IFFP so that new development is not charged twice. Credits may also be paid back to developers who have constructed or directly funded items that are included in the IFFP or donated to the City in lieu of impact fees, including the dedication of land for system improvements. This situation does not apply to developer exactions or improvements required to offset density or as a condition for development. Any item for which a developer receives credit should be included in the IFFP and must be agreed upon with the City before construction begins.

In the situation that a developer chooses to construct facilities found in the IFFP in lieu of impact fees, the arrangement must be made through the developer and the City.

Extraordinary Costs and Time Price Differential

It is not anticipated that there will be any extraordinary costs in servicing newly developed park properties. To account for the time-price differential inherent in fair comparisons of amounts paid at different times, actual costs have been used to compute buy-in costs to public facilities with excess capacity and current costs have been used to compute impacts on system improvements required by anticipated development activity to maintain the established level of service for each public facility.

Certification

Zions Public Finance, Inc. certifies that the attached impact fee analysis:

1. includes only the costs of public facilities that are:
 - a. allowed under the Impact Fees Act; and
 - b. actually incurred; or
 - c. projected to be incurred or encumbered within six years after the day on which each impact fee is paid;

2. does not include:
 - a. costs of operation and maintenance of public facilities;

- b. costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents;
 - c. an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement;
3. offsets costs with grants or other alternate sources of payment; and
 4. complies in each and every relevant respect with the Impact Fees Act.

MILLCREEK, UTAH
RESOLUTION NO. 18-38

**A RESOLUTION OF THE MILLCREEK COUNCIL APPROVING AN
INTERLOCAL COOPERATIVE AGREEMENT WITH
SALT LAKE COUNTY FOR JUSTICE COURT SERVICES**

WHEREAS, the Millcreek Council (“*Council*”) met in regular session on August 13, 2018, to consider, among other things, approving an Interlocal Cooperative Agreement with Salt Lake County for Justice Court services; 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, the Council has determined that it is in the best interest of the inhabitants of Millcreek to enter into an Interlocal Cooperative Agreement with the County for Justice Court services; and

WHEREAS, an interlocal cooperative agreement has been presented to the Council for review and approval, a copy of which 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 that the Agreement is approved, and that the Mayor and Recorder are hereby authorized and directed to execute and deliver the same.

This Resolution, assigned No. 18-38, shall take effect immediately on passage.

PASSED AND APPROVED by the Millcreek Council this 13th day of August, 2018.

MILLCREEK COUNCIL

By: _____
Jeff Silvestrini, Mayor

ATTEST:

Elyse Greiner, CMC, City Recorder

Roll Call Vote:

Silvestrini	Yes	No
Marchant	Yes	No
Jackson	Yes	No
Catten	Yes	No
Uipi	Yes	No

CONTRACT SUMMARY PAGE (INTERNAL USE)

Contract Number: CA000000000504
Sold To: Millcreek
Description: CJS-Interlocal-County to provide court services to areas within Millcreek City limits. City to pay \$75,903.42 (payable monthly at \$12,650.57). Term 7/1/18 to 12/31/18; if AOC has not resolved ticket reporting, agr. will continue for 6 months. May renew.
Revenue Amount: \$0.00
Agency Name: Criminal Justice
Start Date: 2018-07-01 End Date: 2018-12-31

JUSTICE COURT SERVICES
Interlocal Cooperation Agreement
between
SALT LAKE COUNTY and
MILLCREEK

THIS INTERLOCAL AGREEMENT FOR JUSTICE COURT SERVICES (this “*Agreement*”) is made effective this 19th day of July, 2018, by and between SALT LAKE COUNTY, a body corporate and politic of the State of Utah (“*County*”) and **MILLCREEK**, a Utah municipal corporation. County and Millcreek sometimes are collectively referred to herein as the “*Parties*.”

RECITALS:

- A. County operates a “justice court” pursuant to UTAH CODE ANN. § 78A-7-101, *et seq.*
- B. Millcreek and the County have determined that they will enter into an interlocal agreement to permit County to provide justice court services to areas within the city limits of Millcreek.
- C. County is willing to provide its court services to the areas within the city limits of Millcreek as specified in this Agreement.
- D. Pursuant to the authority granted in, *inter alia*, UTAH CODE ANN. § 11-13-101, *et seq.* and UTAH CODE ANN. § 78A-7-105 (collectively, the “*Statutes*”), the Parties desire to enter into an “interlocal agreement” so that County may provide its justice court services to Millcreek.
- E. The Parties acknowledge that their mutual intent under this agreement is that County shall provide its justice court services for those areas specified in this Agreement.
- F. The Parties have determined that it is mutually advantageous to enter into this Agreement.

AGREEMENT:

NOW, THEREFORE, in consideration of the premises and in compliance with and pursuant to the terms hereof and the provisions of the Statutes, the Parties hereby agree as follows:

Section 1. Scope of Services to be Provided. County agrees to furnish all court services reasonably necessary to enforce and adjudicate within Millcreek city limits all applicable federal

and state laws and Millcreek ordinances as outlined in Attachment A. (See Attachment A). The court services provided by County (the “*Court Services*”) shall include, without limitation, the following:

- (a) All related court transport and bailiff services;
- (b) A formal judicial court operation with trained judge(s), , and staff, approved and certified under the Utah Judicial Council standards and policies;
- (c) Daily court operations, including traffic school;
- (d) Secure holding facilities for defendants transported from the jail or prison;
- (e) Complete fiscal management of the Justice Court;
- (f) Complete records management;
- (g) CORIS case management system in compliance with state requirements;
- (h) A qualified, knowledgeable, respectful and cooperative staff;
- (i) Correspondence relating to County Cases on letterhead;
- (j) Timely and complete filings and submittals to offices of the Federal or Utah State government required for proper operation of the Court under Federal or State law;
- (k) Jury pools for jury trials;
- (l) Witness fees, when witnesses are called into the court;
- (m) Interpreters, when called into the court; and
- (n) Outgoing mailing.

Section 2. Performance Standards. County shall provide the Court Services in a professional, ethical manner in full compliance with the federal and state constitutions, all laws, and any and all applicable standards of performance. Any substitute judge shall be accredited and shall have a similar level of experience as a justice court judge as the current chief judge of the Court.

Section 3. Fines and Revenues. The parties agree that the distribution of fines or other revenues from the area governed by this Agreement will flow to County in accordance with Utah Code Ann. §§ 78A-7-120, and then County will account for these fees in accordance with Sections 6 and 7 of this Agreement. This provision does not apply to funds distributed to County from the Alcoholic Beverage Enforcement and Treatment Restricted Account pursuant to Utah Code Section 32B-2-403, which County shall retain.

Section 4. Equipment and Facilities. In performing the Court Services, County shall furnish and supply at its cost all necessary courtrooms and related physical facilities, labor, supervision, equipment, supplies, communication facilities, constables, bailiffs and other items necessary and incident to a modern, well-equipped court facility.

Section 5. Term. The term of this Agreement shall commence upon July 1, 2018 and shall expire on December 31, 2018. Prior to the end of the original term the Parties will review the Administrator of the Courts ("AOC") ticket reporting findings. If the AOC has not resolved the ticket reporting findings, the Agreement will continue for an additional six months. Thereafter, this Agreement may be renewed for up to four (4) six (6) month terms by a writing signed by both parties. Either party may terminate this Agreement at any time, with or without cause, by giving one hundred eighty days prior written notice to the other party. Such termination shall not be considered a breach of contract.

Section 6. Contract Price. The Contract Price shall be fixed cost of \$75,903.42, payable monthly at \$12,650.57. If the AOC has not resolved the ticket reporting the Agreement will continue to be payable at the monthly cost of \$12,650.57 for the additional six months. If City desires to renew this Agreement for any succeeding period on the same terms and conditions as set forth in this Agreement, except the Contract Price, City shall notify County not later than ninety days before contract termination, or as soon thereafter as practical immediately preceding the expiration of this Agreement, of its desire to renew this Agreement. Within thirty days of receipt of such notice, County shall notify City in writing of its intent to accept such renewal together with a revised fixed cost amount. The revised fixed cost amount shall reflect the adjusted Contract Price for such period. The governing bodies of County and City shall then finalize negotiations concerning, and may grant final approval of such renewal.

Section 7. Remittance. County shall bill to City monthly. City shall remit payment to Salt Lake County Mayor's Finance, 2001 South State Street, N4-100, Salt Lake County Utah 84190, no later than thirty (30) days after receipt of County's invoice. If the date a payment is due and payable is (a) a legal holiday, (b) a Saturday, (c) a Sunday, or (d) another day on which weather or other condition have made County offices inaccessible, then the payment shall be due and payable on the next day which is not one of the aforementioned days. If any payment is not remitted to the County when due, the County shall be entitled to recover interest thereon at the rate of eighteen percent (18%) per annum, beginning on the date the remittance is due and payable.

Section 8. Employment Status.

A. **Official Status.** County shall have complete control and discretion over the judges and Court personnel, who shall at all times be and remain employees of County.

B. **Salary, Wages and Benefits.** Millcreek shall not have any obligation or liability for the payment of any salaries, wages or other compensation to the judges and Court personnel, including, without limitation, any unfunded or underfunded salaries, wages or benefits, to Court personnel.

C. *No Millcreek Employment Benefits.* The judges and Court personnel shall be County employees, and shall have no right to any Millcreek pension, civil service, or any other Millcreek benefits for the Court Services provided hereunder.

Section 9. Notice. 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 two days after such notice is deposited in the United States Mail, postage prepaid, and certified and addressed to the Parties as set forth below.

Millcreek: MILLCREEK
ATTN: MILLCREEK MAYOR
3932 S. 500 E.
MILLCREEK, UT 84107

With a copy to: John Brems
2798 MATTERHORN
TAYLORSVILLE, UT 84129

Salt Lake County: Salt Lake County
Attn: Justice Court
2001 S State Street #S4-200
SLC, UT 84114

Salt Lake County: Salt Lake County
Attn: District Attorney's Office
2001 S State Street #S3-600
SLC, UT 84114

Section 10. Miscellaneous Provisions.

A. *Applicable Law.* The provisions of this Agreement shall be governed by and construed in accordance with the laws of the state of Utah.

B. *Waiver.* No failure by any party to insist upon the strict performance of any covenant, duty, agreement or condition of this Agreement or to exercise any right or remedy consequent upon a breach thereof shall constitute a waiver of any such breach or of such or any other covenant, agreement, term or condition. Any party may, by notice delivered in the manner provided in this Agreement, waive any of its rights or any conditions to its obligations hereunder, or any duty, obligation or covenant of any other party. No waiver shall affect or alter the remainder

of this Agreement but each and every other covenant, agreement, term and condition hereof shall continue in full force and effect with respect to any other then existing or subsequently occurring breach.

C. *Rights and Remedies.* The rights and remedies of the Parties hereto shall not be mutually exclusive, and the exercise of one or more of the provisions of this Agreement shall not preclude the exercise of any other provision(s) hereof.

D. *Severability.* In the event that any condition, covenant or other provision hereof is held to be invalid or void, the same shall be deemed severable from the remainder of this Agreement and shall in no way affect any other covenant or condition herein contained. If such condition, covenant or other provision shall be deemed invalid due to its scope or breadth, such provision shall be deemed valid to the extent of the scope or breadth permitted by law.

E. *Counterparts.* This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument.

F. *Interlocal Cooperative Act Approval by Attorneys.* This Agreement is entered into pursuant to the provisions of the Interlocal Cooperation Act and the parties agree to execute, process, approve, and archive this agreement in accordance with the provisions of that Act.

IN WITNESS WHEREOF, County, by resolution of its council, a certified copy of which is attached hereto, caused this Agreement to be signed by its mayor or designee and attested by its clerk, and Millcreek by resolution duly adopted by its council, a certified copy of which is attached hereto, caused this Agreement to be signed by its mayor.

MILLCREEK

SALT LAKE COUNTY

By: _____
Mayor or designee

By: Ben McAdams
Ben McAdams, Mayor or designee

Date signed: _____

Date signed: 7/18/18

ATTEST:

JUSTICE COURT

City Recorder

By: Shauna Graves-Robertson

Date signed _____

Date signed July 16, 2018

Approved as to Form

By: Lannie K Chapman

Lannie K Chapman

Date: 7.16.18

MILLCREEK, UTAH
RESOLUTION NO. 18-39

**A RESOLUTION OF THE MILLCREEK COUNCIL APPROVING
AMENDMENT # 1 INTERLOCAL COOPERATION AGREEMENT
BETWEEN SALT LAKE COUNTY AND MILLCREEK
FOR JUSTICE COURT PROSECUTION SERVICES**

WHEREAS, the Millcreek Council (“*Council*”) met in regular session on August 13, 2018, to consider, among other things, approving Amendment #1 Interlocal Cooperation Agreement between Salt Lake County and Millcreek for Justice Court Prosecution Services; 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, the Council has determined that it is in the best interest of the inhabitants of Millcreek to enter into Amendment #1 Interlocal Cooperation Agreement between Salt Lake County and Millcreek for Justice Court Prosecution Services; and

WHEREAS, an interlocal cooperative agreement has been presented to the Council for review and approval, a copy of which 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 that the Agreement is approved, and that the Mayor and Recorder are hereby authorized and directed to execute and deliver the same.

This Resolution, assigned No. 18-39, shall take effect immediately on passage.

PASSED AND APPROVED by the Millcreek Council this 13th day of August, 2018.

MILLCREEK COUNCIL

By: _____
Jeff Silvestrini, Mayor

ATTEST:

Elyse Greiner, CMC, City Recorder

Roll Call Vote:

Silvestrini	Yes	No
Marchant	Yes	No
Jackson	Yes	No
Catten	Yes	No
Uipi	Yes	No

AMENDMENT #1
INTERLOCAL COOPERATION AGREEMENT
between SALT LAKE COUNTY AND MILLCREEK
for JUSTICE COURT PROSECUTION SERVICES

THIS AGREEMENT for Prosecution Services by and between Salt Lake County on behalf of the Salt Lake County District Attorney's Office ("County"), a body corporate and politic of the State of Utah, and Millcreek, a municipal corporation of the State of Utah, amends a prior interlocal agreement of the parties described more fully below.

WITNESSETH

WHEREAS, the parties entered into an interlocal agreement, identified as contract number DA147041, effective September 21, 2017, whereby the parties agreed that County would provide services to prosecute violations of state and local laws occurring within Millcreek's jurisdiction in exchange for \$255,813.00; and

WHEREAS, the County billed Millcreek for approximately \$210,000.00 in actual costs in fiscal year 2017

WHEREAS, Section 2 of the interlocal agreement provides that the term of the contract expires on June 30, 2018, and may be renewed for additional one-year terms; and

WHEREAS, Section 3 of the interlocal agreement permits the County to revise the cost of the services it provides for Millcreek in event the interlocal agreement is renewed; and

WHEREAS, the parties wish to renew the agreement for an additional one-year period; and

WHEREAS, the County anticipates costs to be at or below fiscal year 2017 levels;

THEREFORE, in consideration of the mutual desires of the parties expressed herein, it is agreed as follows:

AGREEMENT

1. All terms and conditions of the original interlocal agreement not hereby amended shall remain in full legal force and effect.
2. This Agreement shall become effective July 1, 2018, and expire on June 30, 2019.
3. Millcreek shall pay County its actual costs, which shall not exceed \$244,107.00, in the manner detailed in Paragraph 19 of the interlocal agreement.
4. The parties acknowledge that this Agreement is subject to the provisions and procedures contained in the Utah Interlocal Cooperation Act and they agree to process, approve, manage, and archive this Agreement in accordance with the provisions of that Act.

(The remainder of this page left blank. Signature page follows.)

IN WITNESS WHEREOF, the City of Millcreek, by resolution duly adopted by its City Council, a certified copy of which is attached hereto, caused this Agreement to be signed by its Mayor and attested by its City Recorder; and Salt Lake County, caused this Agreement to be adopted by resolution and signed by its Mayor.

CITY OF MILLCREEK

By: _____
Mayor

Date Signed:

APPROVED AS TO FORM:

CITY OF MILLCREEK CITY ATTORNEY

By: _____
City Attorney

SALT LAKE COUNTY

By: _____
Mayor or Designee

Date Signed:

APPROVED AS TO FORM:

SALT LAKE COUNTY DISTRICT ATTORNEY

By: _____
Deputy County Attorney

MILLCREEK, UTAH
RESOLUTION NO. 18-40

**A RESOLUTION APPROVING ENTRY INTO THE
CENTRAL WASATCH COMMISSION INTERLOCAL AGREEMENT**

WHEREAS, the Central Wasatch Commission (the “CWC”) is an interlocal entity that was formed effective 29 June 2017 pursuant to the “Central Wasatch Commission Interlocal Agreement” (the “ILA”) among Salt Lake County, Salt Lake City, Sandy City and the city of Cottonwood Heights (each, a “Member,” and collectively, the “Members”); and

WHEREAS, the CWC will, *inter alia*, recommend a suite of actions to be implemented, in coordination with and subject to local jurisdictional authority, to ensure that future generations can enjoy the activities provided by the Central Wasatch Mountains, while preserving watershed and natural environments; and

WHEREAS, the ILA authorizes the admission of additional members (“Additional Members”) to the CWC following (a) approval by a majority of the CWC’s governing body (the “Board”); (b) unanimous approval by the CWC’s current Members; (c) approval of the ILA by the governing body of the proposed Additional Member; and (d) execution and delivery of a counterpart of the ILA by the proposed Additional Member; and

WHEREAS, Millcreek (the “City”) has applied to become an Additional Member of the CWC (the “Application”); and

WHEREAS, the Application has been approved by majority vote of the Board and by the governing bodies of all of the CWC’s current Members; and

WHEREAS, the City’s governing body (the “Council”) met in regular session on August 13, 2018 to consider, among other things, (a) approving the City’s admission as an Additional Member of the CWC; (b) approving the City’s entry into the ILA; (c) authorizing the City’s mayor and recorder to execute and deliver to the CWC a counterpart of the ILA in the form attached as an exhibit to this resolution; and (d) appointing an elected official of the City to serve as a member of, and to represent the City’s interests on, the Board; and

WHEREAS, after careful consideration, the Council has determined that it is in the best interests of the health, safety and welfare of the City’s residents to so act;

NOW, THEREFORE, BE IT RESOLVED by the City Council that the City’s (a) admission as an Additional Member of the CWC is hereby approved; (b) entry into the ILA is hereby approved; and (c) mayor and recorder are authorized and directed to execute and deliver to the CWC a counterpart of the ILA in the form attached as an exhibit to this resolution; and be it

FURTHER RESOLVED by the City council that Jeff Silvestrini, a currently serving elected official of the City, is hereby appointed to serve as a member of, and to represent the City’s interests on, the Board.

This Resolution, assigned no. 18-40, shall take effect immediately upon passage.

PASSED AND APPROVED this 13th day of August, 2018.

MILLCREEK

Jeff Silvestrini, Mayor

ATTEST:

Elyse Greiner, CMC, City Recorder

Roll Call Vote:

Silvestrini	Yes	No
Marchant	Yes	No
Jackson	Yes	No
Catten	Yes	No
Uipi	Yes	No

This counterpart is signed effective September 17, 2018 to evidence the entry of the undersigned governmental entity into the Central Wasatch Commission Interlocal Agreement dated May 30, 2017. Upon full execution and delivery of this counterpart, such entity will become an additional Member of the Central Wasatch Commission interlocal entity with all rights and duties pertaining to such membership.

MILCREEK

Jeff Silvestrini, Mayor

ATTEST:

Elyse Greiner, CMC, City Recorder

Approved as to Form:

John Brems, City Attorney

APPROVED AND ACCEPTED effective September 17, 2018.

CENTRAL WASATCH COMMISSION, a Utah interlocal entity

By: _____

Chris McCandless, Chair

ATTEST:

By: _____

Ben McAdams, Secretary

Approved as to Form:

Wm. Shane Topham, Commission Attorney

MILLCREEK, UTAH
ORDINANCE NO. 18-45

AN ORDINANCE OF MILLCREEK ENACTING NEW CHAPTER 1.18
ADMINISTRATIVE CODE ENFORCEMENT

WHEREAS, the Millcreek Council (the “*Council*”) met in regular session on August 8, 2018, to consider, among other things, an ordinance enacting new chapter 1.18 administrative code enforcement; and

WHEREAS, Utah Code Ann. § 10-3-703.7 provides a method that cities may use to adjudicate violations of civil municipal ordinances; and

WHEREAS, the Council determines that it is helpful and necessary to adopt an administrative code enforcement ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Council that new chapter 1.18 Administrative Code Enforcement, be enacted, as set forth in exhibit “A,” attached and incorporated herein by this reference.

This Ordinance, assigned Ordinance No. 18-45, 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 by the Council this 13th day of August, 2018.

MILLCREEK

Jeff Silvestrini, Mayor

ATTEST:

Elyse Greiner, CMC, City Recorder

Roll Call Vote:

Silvestrini	Yes	No
Marchant	Yes	No
Jackson	Yes	No
Catten	Yes	No
Uipi	Yes	No

CERTIFICATE OF POSTING

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

ORDINANCE 18-45: AN ORDINANCE OF MILLCREEK ENACTING NEW CHAPTER 1.18
ADMINISTRATIVE CODE ENFORCEMENT

was passed and adopted the ____ day of _____ 2018 and certifies that copies of the
foregoing Ordinance 18-45 were posted in the following locations within the municipality this ____ day
of _____, 2018.

1. Millcreek City Office, 3330 S. 1300 E., Millcreek, UT 84106
2. Millcreek Community Center, 2266 E. Evergreen Ave., Millcreek, UT 84109
3. Calvin S. Smith Library, 810 E. 3300 S., Millcreek, UT 84106

Elyse Greiner, City Recorder

Exhibit “A”

Chapter 1.18

Administrative Code Enforcement

GENERAL PROVISIONS

1.18.010: PURPOSE:

The purpose of this chapter is to provide a means for timely abatement of code enforcement violations to protect the health and safety of the public, to foster neighborhood stability, to preserve the appearance, character and beauty of neighborhoods, to encourage community pride, to preserve the value of property, and to protect the general welfare of the city and its citizens, businesses and visitors. This chapter provides for progressive enforcement measures to abate violations; the most aggressive forms of enforcement are generally reserved for the most recalcitrant violators.

1.18.015: SCOPE:

The provisions of this chapter may be applied to any violation of the MKC.

1.18.020: EXISTING LAW CONTINUED:

The provisions of this chapter do not invalidate any other chapter or ordinance but shall be read in conjunction with those titles and ordinances as an additional remedy available for enforcement of those ordinances.

1.18.025: NONEXCLUSIVE REMEDIES:

Notwithstanding anything contained to the contrary, the city may proceed pursuant to Utah Code sections 10-11-1 et seq. without complying with any of the provisions of this chapter. In addition, the city may take any or all the remedies identified in this code (administrative, civil or criminal) to abate a violation and/or to punish any person or entity who creates, causes or allows a violation to exist. The abatement of a nuisance does not prejudice the right of the city or any person to recover damages or penalties for its past existence.

1.18.030: VALIDITY OF CHAPTER; SEVERABILITY:

If any section, subsection, sentence, clause, phrase, portion, or provision of this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. This section shall apply to all amendments heretofore or hereafter made to this chapter.

1.18.035: NO MANDATORY DUTY; CIVIL LIABILITY:

In establishing performance standards or establishing an obligation to act by a city officer or employee, these standards shall not be construed as creating a mandatory duty for purposes of tort liability if the officer or employee fails to perform directed duty or duties.

1.18.040: GENERAL RULES OF INTERPRETATION OF ORDINANCES:

For purposes of this chapter, certain words and terms are defined as set forth in this chapter. Words used in the present tense include the future; the singular number includes the plural and the plural the singular. Shall is mandatory and may is permissive; any gender includes the other gender.

1.18.045: RESPONSIBILITY FOR NUISANCES:

The responsible person(s) is responsible for abating nuisances pursuant to this chapter. Any person, whether as owner, agent, or occupant, who creates, aids in creating, or contributes to a nuisance, or who supports, continues, or retains a nuisance, is responsible for the nuisance and is a responsible person pursuant to this chapter. Every successive owner or tenant of a property or premises who fails to abate a continuing nuisance upon or in the use of such property or premises caused by a former owner or tenant is a responsible person and is therefore responsible in the same manner as the one who first created the nuisance.

1.18.050: SERVICE OF PROCESS:

- A. Whenever service is required to be given under this chapter for enforcement purposes, the document shall be served by one of the following methods:
 - a. Personal service;
 - b. Regular mail, postage prepaid, to the last known address of a responsible person;
 - c. Posting the notice conspicuously on or in the front of the property that is the subject of the action
 - d. Publication in a newspaper of general circulation if service has not been accomplished after reasonable efforts to comply with subsections a through c;
 - e. Any method of service provided for in the Utah rules of civil procedure.
- B. The failure of a responsible person to actually receive notice shall not affect the validity of any proceedings.

1.18.055: CONSTRUCTIVE NOTICE OF RECORDED DOCUMENTS:

Whenever a document is recorded with the county recorder as authorized or required by this

chapter or applicable state codes, recordation shall provide constructive notice of the information contained in the recorded documents.

1.18.060: GENERAL ENFORCEMENT AUTHORITY:

Whenever an enforcement official finds that a violation of this code has occurred or continues to exist from the chapters identified in section 1.18.015 of this chapter, the appropriate administrative enforcement procedure may be used as outlined in this chapter. The director has the authority necessary to gain compliance with the provisions of this code. These powers include the power to issue notices of violation and administrative citations, inspect public and private property, abate public and private property, and use whatever judicial and administrative remedies are available under this code.

1.18.065: ADOPTION OF POLICY AND PROCEDURES:

The hearing officer is authorized to develop policies and procedures relating to the hearing procedures, scope of hearings, subpoena powers, and other matters relating to the administrative code enforcement program. The policy and procedures shall be approved by the city council.

1.18.070: AUTHORITY TO INSPECT:

All inspections, entries, examinations, and surveys shall be done in a reasonable manner based upon cause. If the responsible person refuses to allow the enforcement official to enter the property and the violation is not visible from an adjacent property, the enforcement official shall obtain a search warrant.

1.18.075: FALSE INFORMATION OR REFUSAL PROHIBITED:

It shall be unlawful for any person to willfully make a false statement or refuse to give his or her name or address with intent to deceive or interfere with an enforcement official who is enforcing the provisions of this chapter.

1.18.080: FAILURE TO OBEY A SUBPOENA:

It is unlawful for any person to refuse or fail to obey a subpoena issued for an administrative code enforcement hearing.

1.18.085: RECOVERY OF COSTS:

The city shall be authorized to recover all associated costs, fines, penalties, etc., following whatever legal means necessary.

1.18.090: ABATEMENT DEFINED:

“Abatement” means to repair, replace, remove, destroy, correct or otherwise remedy a condition which constitutes a violation of this code by such means, in such a manner and to such an extent as the city designated representative determines is necessary in the interest of the general health, safety and welfare of the community.

1.18.095: ADMINISTRATIVE CODE ENFORCEMENT ORDER DEFINED:

“Administrative code enforcement order” means an order issued by a hearing officer. The order may include an order to abate the violation, pay civil penalties and administrative costs, or take any other action as authorized or required by this chapter and applicable state codes.

1.18.100: CODE ENFORCEMENT PERFORMANCE BOND DEFINED:

“Code enforcement performance bond” means a bond posted by a responsible person to ensure compliance with this code or an administrative code enforcement order.

1.18.105: DIRECTOR DEFINED:

“Director” means the city’s director of city services, designee, or any designated enforcement official.

1.18.110: ENFORCEMENT OFFICIAL DEFINED:

“Enforcement official” means any person authorized to enforce violations of this code or applicable state codes.

1.18.115: GOOD CAUSE DEFINED:

“Good cause” means an incapacitating illness; death; lack of proper notice; unavailability due to unavoidable, unpreventable, or extenuating emergency or circumstance; if a required act causes an imminent and irreparable injury; and acts of nature adverse to performing required acts.

1.18.120: HEARING OFFICER DEFINED:

“Hearing officer” means an administrative law judge who presides over an administrative hearing.

1.18.125: IMMINENT LIFE SAFETY HAZARD DEFINED:

“Imminent life safety hazard” means any condition that creates a present, extreme, and immediate danger to life, property, health, or public safety.

1.18.130: LEGAL INTEREST DEFINED:

“Legal interest” means any interest that is represented by a document, such as a deed of trust, quitclaim deed, mortgage, judgment lien, tax or assessment lien, mechanic’s lien, or other similar instrument that is recorded with the county recorder.

1.18.135: NOTICE OF COMPLIANCE DEFINED:

“Notice of compliance” means a document issued by the city, representing that a property complies with the requirements outlined in the notice of violation.

1.18.140: NOTICE OF VIOLATION DEFINED:

“Notice of violation” means a written notice prepared by an enforcement official that informs a responsible person of violations and orders them to take certain steps to correct the violations.

1.18.145: PROPERTY OWNER DEFINED:

“Property owner” means the owner of record of real property based on the county assessor’s records.

1.18.150: RESPONSIBLE PERSON DEFINED:

“Responsible person” means a person(s) determined by the city who is responsible for causing or maintaining a violation of this code or applicable state codes. The property owner, agent, tenant, lessee, occupant, business, person with a legal interest in the real property, or person in possession of the real property may be considered a responsible person. In all cases, the property owner shall be considered a responsible person.

1.18.155: WRITTEN DEFINED:

“Written” means any handwritten, typewritten, photocopied, or computer printed communication.

1.18.160: ADMINISTRATIVE CODE ENFORCEMENT AUTHORITY:

Any condition caused, maintained, or permitted to exist in violation of any provisions of this code as defined in section 1.18.015 of this chapter that constitutes a violation may be abated by the city pursuant to the procedures set forth in this chapter.

1.18.165: ADMINISTRATIVE CODE ENFORCEMENT COURTESY NOTICE:

Whenever the director determines that a violation of this code as defined in section 1.18.015 of this chapter has occurred or continues to exist, the director may choose to proceed pursuant to the provisions of this section. If the provisions of this section are used, a courtesy notice shall be sent to a responsible person via regular mail at the last known post office address as disclosed by the records of the county assessor or by personal service. If the responsible person identified in the courtesy notice fails to bring the violation into compliance within ten (10) days of the date of the courtesy notice or as stated in the ordinance that is being violated, then the city shall issue a notice of violation. The courtesy notice shall include the following information:

- A. Name of property owner;
- B. Street address of violation;
- C. Date violation observed;
- D. All code sections violated and description of condition of the property that violates the applicable codes;
- E. A statement explaining the type of remedial action required to permanently correct outstanding violations, which may include corrections, repairs, demolition, removal, or other appropriate action;
- F. Notice that a failure to bring the violation into compliance within the established deadline could result in further legal action.

The director shall have the authority to extend the deadline set forth in the courtesy notice for good cause.

1.18.170: ADMINISTRATIVE CODE ENFORCEMENT NOTICE OF VIOLATION:

If a responsible person who is served a courtesy notice fails to bring the violation into compliance within the established deadline or if the director chooses not to pursue a courtesy

notice, then a notice of violation shall be issued to a responsible person. The notice of violation shall include the following information:

- A. Name of property owner;
- B. Street address of violation;
- C. Date violation observed;
- D. All code sections violated and description of condition of the property that violates the applicable codes;
- E. A statement explaining the type of remedial action required to permanently correct outstanding violations, which may include corrections, repairs, demolition, removal, or other appropriate action;
- F. Specific date to correct the violations listed in the notice of violation, which date shall be at least ten (10) days from the date of service of the notice of violation or as stated in the ordinance that is being violated;
- G. Explanation of the consequences should the responsible person fail to comply with the terms and deadlines as prescribed in the notice of violation, which may include, but is not limited to, criminal prosecution; civil penalties; revocation of permits; recordation of the notice of violation; withholding of future municipal permits; abatement of the violation; costs; administrative fees; and any other legal remedies;
- H. That civil penalties will begin to accrue immediately on expiration of the date to correct violations;
- I. The amount of the civil penalty on each violation and that the penalty will accrue daily until the property is brought into compliance;
- J. That only one notice of violation is required for any twelve (12) month period, and that civil penalties begin immediately upon any subsequent violations of the notice. The responsible person may request a hearing on the renewed violations by following the same procedure as provided for the original notice;
- K. Procedures to request a hearing as provided in section 1.08.020 of this chapter and consequences for failure to request one;
- L. That a reinspection fee of fifty dollars (\$50) may be assessed if more than one inspection is required to determine if a violation has been abated;

- M. The notice of violation shall be served on a responsible person using one of the methods of service listed in section 1.18.050 of this chapter;
- N. More than one notice of violation may be issued against the same responsible person, if it encompasses different dates, or different violations.

1.18.180: ADMINISTRATIVE CODE ENFORCEMENT FAILURE TO BRING PROPERTY INTO COMPLIANCE:

If a responsible person who is served with a notice of violations as described in section 1.18.050 of this chapter fails to bring a violation into compliance within ten (10) days of service of the notice of violation, civil penalties shall be owed to the city for each and every subsequent day of violation. The director shall have the authority to extend the deadline set forth in the notice of violation or stay imposition of penalties for good cause.

1.18.185: ADMINISTRATIVE CODE ENFORCEMENT INSPECTIONS:

The city shall inspect each property one time after the deadline on any notice or order. If additional inspections are required, a reinspection fee of fifty dollars (\$50) may be added to the civil penalties.

1.18.190: CIVIL CITATIONS AUTHORITY:

- A. The procedures established in this chapter may be in addition to criminal, civil, or any other legal remedy established by law that may be pursued to address violations of this code or applicable state codes.
- B. Any person violating any provision of this code or applicable state codes may be issued an administrative citation by an enforcement official as provided in this chapter.
- C. A civil penalty may be assessed by means of an administrative citation issued by the enforcement official and shall be payable directly to the city.
- D. Penalties assessed by means of an administrative citation shall be collected in accordance with the procedures set forth in this chapter.

1.18.195: CIVIL CITATIONS PROCEDURES:

Upon discovering any violation of this code or applicable state codes an enforcement official may issue an administrative citation to a responsible person. The administrative citation shall be served on a responsible person using one of the methods of service listed in section 1.18.050 of this chapter.

1.18.200: CIVIL CITATIONS CONTENTS OF ADMINISTRATIVE CITATION:

- A. Name of property owner;
- B. Street address of violation;
- C. Date violation observed;
- D. All code sections violated and description of condition of the property that violates the applicable codes;
- E. A statement explaining the type of remedial action required to permanently correct outstanding violations, which may include corrections, repairs, demolition, removal, or other appropriate action;
- F. Specific date to correct the violations listed in the notice of violation, which date shall be at least ten (10) days from the date of service of the notice of violation or as stated in the ordinance that is being violated;
- G. Explanation of the consequences should the responsible person fail to comply with the terms and deadlines as prescribed in the civil citation, which may include, but is not limited to, criminal prosecution; civil penalties; revocation of permits; recordation of the notice of violation; withholding of future municipal permits; abatement of the violation; costs; administrative fees; and any other legal remedies;
- H. That civil penalties will begin to accrue immediately on expiration of the date to correct violations;
- I. The amount of the civil penalty on each violation and that the penalty will accrue daily until the property is brought into compliance;
- J. That only one notice of violation is required for any twelve (12) month period, and that civil penalties begin immediately upon any subsequent violations of the notice. The responsible person may request a hearing on the renewed violations by following the same procedure as provided for the original notice;
- K. Procedures to request a hearing as provided herein and consequences for failure to request one;
- L. That a reinspection fee will be assessed if more than one inspection is required to determine if a violation has been abated;
- M. The failure of any person with an interest in the property to receive notice shall not affect the validity of any proceedings taken under this chapter.

1.18.205: ADMINISTRATIVE CITATION PENALTIES ASSESSED:

- A. Administrative citation penalties shall be assessed immediately following the deadline for each violation listed on the administrative citation. The penalties are as follows:
 - 1. If the violation is corrected within ten (10) days after the deadline, there is no fine.
 - 2. If the violation is corrected eleven (11) to twenty (30) days after the deadline, the fine is fifty dollars (\$100) per day.
 - 3. After thirty (30) days, the daily fine shall double to a maximum fine of two thousand five hundred dollars (\$2,500).
- B. Each violation listed on an administrative citation is considered a separate offense and penalties are assessed per violation.
- C. Payment of the penalty shall not excuse the failure to correct the violations, nor shall it bar further enforcement action by the city.

1.18.210: ADMINISTRATIVE CIVIL PENALTIES AUTHORITY:

- A. Any person violating any provision of this code or applicable state codes may be subject to the assessment of civil penalties for each violation as provided in this chapter.
- B. Each and every day a violation of any provision of this code or applicable state codes exists is a separate violation subject to the assessment of civil penalties and shall continue to accrue until the violation has been brought into compliance.
- C. Civil penalties may not be pursued for a civil violation herein that occurs in conjunction with another criminal violation as part of a single criminal episode that will be prosecuted in criminal proceedings.

1.18.215: ASSESSMENT OF CIVIL PENALTIES:

If a responsible person fails to bring a violation into compliance that is identified in the notice of violation within ten (10) days of service of the notice of violation, civil penalties shall be assessed and due to the city as set forth in the chart in section 1.18.230 of this chapter.

1.18.220: MODIFICATION OF CIVIL PENALTIES:

Upon bringing the violation into compliance the hearing officer may modify the civil penalties on a finding of good cause.

1.18.225: FAILURE TO PAY PENALTIES:

The failure of any person to pay civil penalties assessed within the specified time may result in the city pursuing any legal remedy to collect the civil penalties as provided in the law.

1.18.230: CIVIL PENALTIES CHART:

CIVIL PENALTIES

	Days Out of Compliance		<u>Per Day</u>	
1.0	From 11 to 30 days		100.00	
2.0	After 30 days		200.00	
Total accrued fines for any violation shall not exceed \$2,500 per violation.				

1.18.235: RECORDATION OF NOTICES OF VIOLATION AUTHORITY:

Whenever the director determines that a property or violation has not been brought into compliance as required the director has the authority to record notice of the administrative code enforcement order against the property with the recorder’s office of Salt Lake County.

1.18.240: PROCEDURES FOR RECORDATION:

- A. If an administrative hearing is held, and an order is issued in the city’s favor, the city may record notice of the administrative code enforcement order with the recorder’s office of Salt Lake County.
- B. The recordation does not encumber the property, but merely places future interested parties on notice of any continuing violation found upon the property.

1.18.245: SERVICE OF NOTICE OF RECORDATION:

A notice that the administrative code enforcement order has been recorded against the property shall be served on the responsible person and the property owner pursuant to any of the methods of service set forth in section 1.18.050 of this chapter.

1.18.250: NOTICE OF COMPLIANCE PROCEDURES:

- A. When the violations have been corrected, the responsible person may request an inspection of the property from the director.
- B. Upon receipt of a request for inspection, the director shall inspect the property as soon as practicable to determine whether the violations listed in the administrative code enforcement

order have been corrected and whether all necessary permits have been issued and final inspections have been performed.

- C. The director shall cause a notice of compliance to be sent to the responsible person and property owner by any of the methods listed in section 1.18.050 of this chapter if the director determined that:
 - 1. All violations listed in the administrative code enforcement order have been corrected;
 - 2. All necessary permits have been issued and finalized;
 - 3. All civil penalties assessed against the property have been paid or satisfied; and
 - 4. The party requesting the notice of compliance has paid all administrative fees and costs.
- D. If a notice of compliance is issued and fines have been accruing, then the date that the inspection was requested shall serve as the day that fines stop accruing.
- E. If the director denies a request to issue a notice of compliance, then the director shall serve the responsible person with a written explanation of the reasons for denial to be served on the responsible person. The written explanation shall be served by any of the methods of service listed in section 1.18.050 of this chapter.

1.18.255: PROHIBITION AGAINST ISSUANCE OF MUNICIPAL PERMITS:

The city may withhold business licenses, animal permits, or permits for any alteration, repair, or construction pertaining to any existing or new structures or signs on the property, or any permits pertaining to the use and development of real property or the structure until all violations are abated and a notice of compliance has been issued by the director. The city may not withhold permits that are necessary to obtain a notice of compliance or that are necessary to correct serious health and safety violations.

1.18.260: CANCELLATION OF RECORDED NOTICE OF VIOLATION:

The city shall cause the notice of compliance to be recorded with the county recorder's office if a notice of violation was recorded and the violation has been corrected and all fines, penalties, etc., have been paid to the city. Recordation of the notice of compliance shall have the effect of canceling the recorded notice of violation.

1.18.265: EMERGENCY ABATEMENT AUTHORITY:

- A. Whenever the director determines that an imminent life safety hazard exists that requires immediate correction or elimination, the director may exercise the following powers without prior notice to the responsible person:
 - 1. Order the immediate vacation of any tenants, and prohibit occupancy until all repairs are completed;
 - 2. Post the premises as unsafe, substandard, or dangerous;
 - 3. Board, fence, or secure the building or site;

4. Raze and grade that portion of the building or site to prevent further collapse, and remove any hazard to the general public;
 5. Make any minimal emergency repairs as necessary to eliminate any imminent life safety hazard; or
 6. Take any other action appropriate to eliminate the emergency.
- B. The director has the authority with a court order to accomplish the above listed acts to abate the safety hazard.

1.18.270: EMERGENCY ABATEMENT PROCEDURES:

- A. The director shall pursue only the minimum level of correction or abatement as necessary to eliminate the immediacy of the hazard. Costs incurred by the city during the emergency abatement process shall be assessed and recovered against the responsible person by appropriate legal procedures.
- B. The director may also pursue any other administrative or judicial remedy to abate any remaining violations.

1.18.275: NOTICE OF EMERGENCY ABATEMENT:

After an emergency abatement, the city shall notify the owner and other responsible person(s) of the abatement action taken. This notice shall be served using one of the methods of service listed in section 1.18.050 of this chapter within ten (10) days of completion of the abatement.

1.18.280: ADMINISTRATIVE CODE ENFORCEMENT HEARING PROCEDURES PURPOSE:

The purpose of this chapter is to establish uniform procedures for administrative code enforcement hearings conducted pursuant to this code. It is the purpose of this chapter to afford due process of law to any person who is directly affected by an administrative action. Due process of law includes notice, an opportunity to participate in the administrative hearing, and an explanation of the reasons justifying the administrative action. These procedures are also intended to establish a forum to efficiently, expeditiously, and fairly resolve issues raised in any administrative code enforcement action.

1.18.285: REQUEST FOR ADMINISTRATIVE CODE ENFORCEMENT HEARING:

- A. A person served with one of the following documents or notices has the right to request an administrative code enforcement hearing, if the request is filed within ten (10) calendar days from the date of service of a:
1. Notice of violation;
 2. Administrative citation;
 3. Notice of emergency abatement.

- B. The request for hearing shall be made in writing and filed with the hearing officer. The request shall contain the case number, the address of the violation, and the signature of the person requesting the hearing.
- C. As soon as practicable after receiving the written notice of the request for hearing, the hearing officer shall schedule a date, time, and place for the hearing and notify the person requesting the hearing.
- D. Failure to request a hearing within ten (10) calendar days as provided in this section shall constitute a waiver of the right to a hearing and a waiver of the right to challenge the action.

1.18.287: DEFAULT HEARINGS, ORDERS, AND RELIEF FROM ORDERS:

- A. If a person served with one of the documents in section 1.18.285 of this chapter fails to request a hearing within ten (10) days of the date of service, the case shall be set for a default hearing. The hearing officer shall schedule a default hearing. The person served with one of the documents in section 1.18.285 of this chapter shall be notified of the date, time, and place of the hearing by one of the methods listed in section 1.18.050 of this chapter.
- B. A default hearing shall be held for all cases that have outstanding or unpaid civil penalties, fines, fees and/or costs due to the city before collection, if a hearing on that case has not already been held.
- C. On motion and upon such terms as are just the hearing officer may set aside an order obtained pursuant to this chapter for the following reasons:
 - 1. Mistake, inadvertence, surprise, or excusable neglect;
 - 2. Newly discovered evidence which by due diligence could not have been discovered in time for a new hearing;
 - 3. Fraud, misrepresentation, or other misconduct of an adverse party;
 - 4. The order is void;
 - 5. The order has been satisfied, released, or discharged, or a prior order upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that the order should have prospective application;
 - 6. Any other reason justifying relief from the operation of order.
- D. If the evidence shows that the violations exist or existed after the deadline on any notice, the hearing officer shall enter an order requiring abatement of the violations, and the payment of all fines and fees. Fines shall run until the city issues a notice of compliance stating when the violations were actually abated.

1.18.290: NOTIFICATION OF ADMINISTRATIVE CODE ENFORCEMENT HEARING:

- A. Notice of the day, time, and place of the hearing shall be served to a responsible person at least ten (10) days prior to the date of the hearing.
- B. The notice of hearing shall be served by any of the methods of service listed in section 1.18.050 of this chapter.

1.18.295: APPOINTMENT, QUALIFICATIONS, AND DISQUALIFICATION OF HEARING OFFICER:

- A. The mayor, with the advice and consent of the city council, shall appoint a hearing officer to preside at administrative enforcement hearings.
- B. The hearing officer may be removed by the mayor.

1.18.230: POWERS OF THE HEARING OFFICER:

- A. The hearing officer has the authority to hold hearings, determine if violations of city ordinances exist, order compliance with city ordinances, and enforce compliance as provided in this chapter on any matter subject to the provisions of this chapter.
- B. A hearing officer may, for good cause shown by one of the parties or if the hearing examiner independently determines that due process has not been adequately afforded to such party, continue a hearing.
- C. The hearing officer, at the request of any party to the hearing, may sign subpoenas for witnesses, documents, and other evidence where the attendance of the witness for the admission of evidence is deemed necessary to decide the issues at the hearing. All costs related to the subpoena, including witness and mileage fees, shall be borne by the party requesting the subpoena. The hearing officer shall develop policies and procedures relating to the issuance of subpoenas in administrative code enforcement hearings, including the form of the subpoena and related costs.
- D. The hearing officer has continuing jurisdiction over the subject matter of an administrative code enforcement hearing for the purposes of granting a continuance; ordering compliance by issuing an administrative code enforcement order using any remedies available under the law; ensuring compliance of that order, which includes the right to authorize the city to enter and abate a violation; modifying an administrative code enforcement order; or, where extraordinary circumstances exist, granting a new hearing.
- E. The hearing officer has the authority to require a responsible person to post a code enforcement bond to ensure compliance with an administrative code enforcement order.

- F. A hearing officer shall not make determinations as to the existence of a nonconforming structure or use. If a responsible person claims such a right as a defense, a determination of a nonconforming structure or use shall utilize the process currently used by the city to make such a determination.

1.18.235: PROCEDURES AT ADMINISTRATIVE CODE ENFORCEMENT HEARING:

- A. Hearings shall be conducted with appropriate formality and decorum so that due process rights are protected. Utah rules of evidence and rules of civil procedure are used as guidelines but need not be strictly followed or applied. Rules of evidence regarding authorization, foundation, hearsay or relevance need not be strictly applied.
- B. The city bears the burden of proceeding and proof at an administrative code enforcement hearing to establish the existence of a violation of this code or applicable state codes.
- C. The standard of proof to be used by the hearing officer in deciding the issues at an administrative hearing is whether the preponderance of the evidence shows that the violations exist.
- D. All administrative enforcement hearings shall be open to the public and shall be recorded.
- E. The responsible person has a right to be represented by an attorney.

1.18.240: FAILURE TO ATTEND ADMINISTRATIVE CODE ENFORCEMENT HEARING:

Any party whose property or actions are the subject of any administrative code enforcement hearing and who fails to appear at the hearing, is deemed to waive the right to a hearing and will result in a default judgment for the city, provided that proper notice of the hearing has been provided and the violation has been properly documented.

1.18.245: ADMINISTRATIVE CODE ENFORCEMENT ORDER:

- A. The parties may enter into a stipulated agreement, which must be signed by both parties. This agreement shall be entered as the administrative code enforcement order. Entry of this agreement shall constitute a waiver of the right to a hearing and the right to appeal.
- B. Once all evidence and testimony are completed, the hearing officer shall issue an administrative code enforcement order that affirms, modifies or rejects the notice or citation. The hearing officer may increase or decrease the total amount of civil penalties and costs that are due pursuant to the procedures in this chapter.
- C. The hearing officer may order the city to enter the property and abate all violations, which may include removing animals kept in violation of this code.

- D. The hearing officer may revoke any animal permit, an animal license, or the right to possess animals as provided in this code.
- E. As part of an administrative enforcement order, a hearing examiner may establish specific deadlines for the payment of fees and costs and condition the total or partial assessment of civil fees on the responsible person's ability to take necessary corrective actions by the specified deadlines.
- F. The hearing officer may schedule subsequent review hearings as may be necessary or as requested by a party to the hearing to ensure compliance with the administrative code enforcement order.
- G. The hearing officer may order the responsible person to post a bond to ensure compliance with the order.
- H. The administrative code enforcement order shall become final on the date of the signing of the order.
- I. The administrative code enforcement order shall be served on all parties by any one of the methods listed in section 1.18.050 of this chapter.

1.18.250: FAILURE TO APPEAR AT ADMINISTRATIVE CODE ENFORCEMENT HEARING:

A responsible person who fails to appear at an administrative enforcement hearing shall be deemed to have waived the right to such hearing, the adjudication of issues related to the hearing, and the right to appeal; provided, that proper notice of the hearing has been given as provided in section 1.18.050 of this chapter.

1.18.255: APPEAL OF ADMINISTRATIVE CODE ENFORCEMENT HEARING DECISION:

Any person adversely affected by an administrative enforcement order of any other provision of this chapter may petition the third district court of Salt Lake County for relief within 30 days after the order is final.

1.18.260 BONDS GENERALLY:

- A. As part of any notice, order, or action, the administrative code enforcement hearing officer has the authority to require responsible persons to post a cash bond, an escrow agreement, or an irrevocable letter of credit in a form acceptable to the city attorney to ensure compliance with this code or applicable state codes.
- B. If the responsible person posts a bond and fails to comply with the notice, order, or action, then the bond will be forfeited to the city. The bond will be used by the city to correct the

violation for which the bond was posted. Any unused funds after correction of the violation will be returned to the person posting the bond.

- C. The bond shall be equal to the projected total cost to correct a violation of this code.
- D. The bond shall be released, in full, once the corrective action necessary to abate a violation has been satisfied by the responsible party.



**Minutes of the
Millcreek City Council
July 9, 2018
5:00 p.m.
Work Meeting
7:00 p.m.
Regular Meeting**

The City Council of Millcreek, Utah, met in a public work meeting and regular meeting on July 9, 2018 in the City Hall Annex, located at 3330 S. 1300 E., Millcreek, UT 84106.

PRESENT:

Council Members

Jeff Silvestrini, Mayor
Silvia Catten, District 1
Dwight Marchant, District 2
Cheri Jackson, District 3
Bev Uipi, District 4 (excused)

City Staff

John Geilmann, City Manager
John Brems, City Attorney
Elyse Greiner, City Recorder
Kurt Hansen, City Services Director
Francis Lilly, Community Development Director
Rita Lund, Communications & Programs Director
Mike Winder, Economic Development Director
John Miller, Public Works Director
Frederick Lutze, Planning Engineer

Attendees: Michael Lasko, Rikki Sonnen, Jordan Pugmire, Becky Stromness, Jack & Loretta Frost, Jason Broome, Siobhan Locke, Suzanne Dunbar, Kevin K., Josh & Claudia Gibson, J. G. Kunzler, Cherich Krueger, Kyle Thompson, Leslie Reberg, Brian Ludwig, Verlan Nielsen, Susan Lawrence, Rusty Bollow, John Jansen, Chief DeBry, Chief Woolsey, Detective Ronnie Prescott, Detective Jacob Werner, and County Council Member Ann Granato.

WORK MEETING – 5:00 p.m.

TIME COMMENCED: 5:01 p.m.

Mayor Silvestrini excused Council Member Uipi from the meeting.

1. Parley's Interchange Environmental Impact Statement Update; Becky Stromness, UDOT

Mayor Silvestrini said UDOT would be presenting the same information tomorrow at Skyline High School between 4-7 p.m.

Becky Stromness said this project started around the first of the year. She encouraged those interested in the project to check out the website (<https://www.parleyseis.com/>). She said the focus is the area where I-80, I-215, and Foothill Dr. meet at the mouth of Parley's Canyon. Mayor Silvestrini said the City received a \$1 million grant to do a study of the 3900 S.

interchange and it is not involved with this project. Stromness said the 3900 S. project just got assigned to her so she will work on setting up some contracts in the coming weeks. Stromness said a public scoping meeting was held a couple months ago where UDOT presented a purpose and need for the EIS. She said none of the comments were in disagreement about the purpose and need, which is to change the level of service to a D or better during peak hours. She explained the levels of service as like a report card with A being the best in regards to flow of traffic. UDOT also wants to improve safety by upgrading design elements. They have been working to identify the screening criteria; meet level of service of D or better, substantially reduce travel time, substantially improve travel speeds, and improve safety by eliminating backup on interstate mainline, reducing backup on interchange ramps, and meet UDOT standards.

In the screening process, UDOT has been working on identifying alternatives. 3 of 15 initial alternative concepts developed met all the screening criteria. The three alternatives are able to maintain current trail connections. All the alternatives straighten I-80 to deal with blind corners by moving it to the south. **Alternative A** show 3 levels of height with ramps and connections. She said public comment received showed that residents along Foothill Dr. are concerned about the high speeds of cars coming from I-215, so there will be circular ramps to encourage slowing down. The connection between I-80 and I-215 will have two lanes in each direction. **Alternative B** closely resembles what is there today. There will be one loop ramp for those leaving Foothill Dr. to go to I-80. Mayor Silvestrini asked how much I-80 shifts to the south. She said it is easier to see the boundaries on the website. He asked if there are any right-of-way issues with Parleys Historic Park. She said there are not, it is the tightest by the golf course and water tanks but for the most part within UDOT's right-of-way. Mayor Silvestrini said he has heard concerns about interference with park space. **Alternative C** has 2 phases with a lighted intersection and removes both existing loop ramps from eastbound I-80 to and from Foothill Dr. **Alternative C with a Flyover** provides a flyover from westbound I-80 to southbound I-215. The public comment period starts tomorrow and runs for 30 days. The next steps are to refine the alternatives based on public and agency input, conduct level 2 screening, finalize alternative to be considered in detail, and prepare the draft EIS. The draft EIS should be available next summer. Stromness said there has not been any funding identified yet for this project.

John Jansen said he heard people talk about a ramp going east off of 2300 E. Stromness said it may work with Alternative C but the concern is that 2300 E. cannot handle the capacity of traffic getting off there. He also asked about the overpass over I-215 on 3300 S. changing because it is hazardous for bicycles. She said that was a good comment and will look into it.

2. Transportation and Storm Drain Master Plan Update; JUB Engineers

Frederick Lutze said this is an update on the storm drain master plan and transportation master plan. The most current plan was done in the mid 90's.

Michael Lasko, JUB, said the main purpose of the plan is to evaluate the existing and future transportation network and storm drain collection system. The goal is to develop a 5-year Capital Facilities Plan with compatible transportation and storm drain projects. The first step was to collect data; 2300 E., segment of 4500 S. and segment of Murray-Holladay Rd. are operating at a F service level. They project out to the year 2040 with the current traffic volumes. Lasko went through six examples of intersections throughout the City that have

failing movements. JUB is working with staff to develop 8 typical street sections and is working on a draft high comfort bicycle network. Mayor Silvestrini asked how far the City is out from complying with the bicycle transportation guidelines that the Wasatch Front Regional Council put out. John Miller said by having this network map in the plan, the City is compliant. JUB has put together a list of preliminary improvement projects. Lasko said the list would be amended by the final plan. Miller said some projects on the list presented have been funded. Council Member Marchant asked about a timeline for the 5-year plan. Lasko plans to have everything done by the end of August. The WRFC 2040 model assumes that the roadway improvements have been made. Mayor Silvestrini asked if there is a road map for the projects. Lasko said JUB will provide a list of projects for the first five years. John Miller said JUB is providing hard list data when giving recommendations.

Lasko said the City inherited documentation from the County on the storm drain master plan and it represented about 30% of what they anticipate the storm drain collection system is. They have finished the system inventory and is in the process of doing a computer-based rain simulated event to identify areas of failure. Lasko mentioned the City amended their contract to prepare some guidance information. There are 500 manhole locations that are now documented in GIS format. He anticipated that 85-90% is documented. Lutze said JUB is surveying everything up front. Lasko showed an inventory of number of structures and the linear feet and material of pipes. He said one of the goals in the deliverables is to develop a 5-year capital facilities list. The projects will be reviewed with city staff. JUB will simulate a storm and assess how the water flows. The outfalls would parallel Mill Creek. He showed the percentage of average impervious area of commercial properties as guidance data for a user maintenance fee. JUB looked at approximately 800 commercial properties to know how much they will be impacting the system. Mayor Silvestrini asked about governmental facilities in the list. Lasko said city hall, libraries, and fire stations are governmental. The last component of the plans is to work side by side with the general plan consultants in public outreach. John Miller said in the future it would be a good idea for the City to have an open house or public hearing. The plans will provide a list of projects the City needs to do to pass the EPA mandated regulation for clean water and from that it will be put into budget requests that will go in front of the public. Lasko said the schedule is to have a draft done in the next couple of weeks for staff to review then finalize the documentation. There will also be a separate technical memorandum on a storm water maintenance fee.

John Jansen asked about the relationship level of service on 2300 E. being an F and the intersection at 3900 S. being at a C level of service. Rikki Sonnen with JUB said the difference is this is a network capacity, so travel demand modeling. She said it would be the same as if there were a hamster tube and everyone went through the tube based on where the functioning classified roads are. When they do intersection movement counts, it is each individual movement and the travel demand model does not account for it. Jansen said that implies that it is not as bad even though the demand is greater. She said the overall intersection is at a service level of C, so the movements could be worse in any given direction.

Jansen said there is demand at intersections, but if the streets are widened, it makes it hard to create a town center. Mayor Silvestrini said improving road capacity elsewhere will take the load off in other areas so the capacity does not have to be built on these roads. Jansen

asked if there are areas where the City will need detention ponds. Lutze said part of the storm drain master plan is alternatives that need to be evaluated and that could be one but there are not a lot of parks and places to do that. Jansen said the general plan talks about trying to accomplish low impact development techniques and asked if that is being incorporated into these plans. John Miller said it will be. Miller said this is a static snapshot and we live in a dynamic world. He also said level F does not mean a road is bad, it just means you may be sitting a while to make your movement. Mayor Silvestrini said he was expecting to see more outfalls dumping into irrigation canals not into creeks. Lutze said the irrigation dumps into the canals, so it is not an outfall if it goes into the irrigation system, but a cross-connect. Lutze said the outfall is when it goes into the stream system. Mayor Silvestrini asked if the plan would show the City's dependence on canal companies for storm water. Lasko said they do have some data available in determining what factors to use when canals are flowing full. He said between April 15-October 15 they are flowing full so there is not that benefit of using them. Mayor Silvestrini said he plans to get away from using the ditches because of having to pay for maintenance and they are not reliable because they cause flooding problems. Miller said with data on the cross connects, the City can figure out how to get out of using the ditches.

Linda Bagley asked if the cross sections between the storm drains and the canals are identified. Miller said some are better identified than others. She asked about JUB going to the public because she could tell staff about the one by her house. She described problems she has been having at her house and asked what the City will do about it. Miller said the City cannot go on private property to maintain canal easements. Mayor Silvestrini told Ms. Bagley that she could speak to staff outside of the public meeting.

3. First Reading Calendar

a. Amendments to the Commercial, RM Zone, and Water Efficient Landscaping Standards

Francis Lilly said these are technical fixes that will have a significant impact on how projects are approved in the future. He reminded the Council that ordinances are always in a state of flux. He said there has been significant public debate about how the height transitions work. The height transitions in the commercial zone is different than the RM zone, with the RM zone being the more aggressive of the two. In applying the ordinance, the Planning Commission and staff have seen two things; the commercial height transition and the RM height transitions are different and it might be leading some developers to seek commercial zoning to fill the box better and they have encountered situations where they wondered if height transitions in the RM zone were enough. He said residents in the East Millcreek Community area said there may be another way to approach height transition by requiring the height to be 30' within 100' of the residential boundary and no transition. The Planning Commission's recommendation is to have a maximum height of 30' within 100' of a R-1 or R-2 boundary would be more compatible to the existing single family homes on the back side of commercial. The other issue is with front yard setbacks. There are some provisions that allow front yard setbacks to be reduced to 15' and there is no discretion. Developers have to enhance the landscaping to justify the reduced setback that typically includes a berm, short wall or fence, and an increase density of trees. Lilly said there are times and places where that is appropriate but there are times and places where it is not. The Planning Commission asked staff to bring them a proposal that got rid of the 15' setback.

The other things to consider is if the City is encouraging density and intensity in the city centers, to encourage medium intensity in the corridors to the centers.

Another recommendation from the Planning Commission is with mixed use building requirements. Lilly said there is incentive for developers to go to the C-2 zone and implement a relatively minimal amount of commercial to call it a mixed use building mainly to fill out the density. Staff wants to ensure that mixed use proposals are meaningful and not just attempts for greater density. Staff is proposing 3 things; an increase in the minimum depth of commercial space in a mixed use building from 30' to 40', reduce maximum lot coverage of a mixed use building from 80% to 60%, and a mixed use building containing residential dwellings must be on a development site of at least 21,000 square feet. Another ordinance change is clarification to rooftop gardens applying to one or multiple buildings have a 100' setback. Staff is recommending adding a requirement to submit a photometric plan for interior street lights. It can model light and it provides a sense on how the light might impact surrounding residents.

Another recommendation is language stipulating that where there exists a public sidewalk on a public right-of-way, that the front setback will be measured from the back of the sidewalk. Mayor Silvestrini has concerns about making 3300 S. a walkable street and not allowing a 15' setback. Lilly said developers can get the 15' by showing a landscape plan that meets the enhanced landscaping definition. Lilly said they could rework the ordinance to either get rid of the 15' setback or give the Planning Commission a rational basis to evaluate it. The Mayor would rather sacrifice the front yard to get more parking in the back on 3300 S. Lilly said the landscape ordinance provides for enhanced setbacks at 20' and 15' and the recommendation is to only eliminate the 15'. He said most commercial setbacks are 25'. Council Member Jackson said she would like to see what a 15' setback would look like. Lilly suggested to the Council to drive past the Salt Lake Valley Dodge dealership in South Salt Lake City or the Surety Life building on 2100 S. and State St.

Council Member Jackson asked about an in between number from 15-20. Lilly said it could say up to blank number of feet. Mayor Silvestrini said this ordinance would apply across the City in those zones. Lilly said he would like to take the issue back to the Planning Commission to help with the discussion. Council Member Jackson asked if the Planning Commission thought the tradeoff of enhanced landscaping was not worth it. Lilly said yes. Council Member Jackson asked if some enhanced landscaping would be worth it to them. Lilly said the argument was that no amount of landscaping can make that setback feel comfortable. Council Member Jackson asked if the setback would be in addition to the UDOT right-of-way. Lilly said yes, and the dedications fluctuate throughout the City.

Mayor Silvestrini said he would like public comment on this. Lilly said residents on Loran Heights Dr. and the community councils liked the approach. The Council gave direction for the Planning Commission to take another look at standards.

4. Discussion of agenda items, correspondence, and/or future agenda items

Mayor Silvestrini said the Council would like to host council district town hall meetings around the City. The Council does not want to have the meetings combined with community council meetings. The Council decided to have District 1 and 2 meetings on August 6th from

6-7:30 p.m. and 7:30-9:00 p.m. at City Hall Annex and Districts 3 and 4 on August 9th from 6-7:30 p.m. and 7:30-9:00 p.m. at the Millcreek Community Center.

The meeting adjourned for dinner at 6:45 p.m.

REGULAR MEETING – 7:00 p.m.

TIME COMMENCED: 7:06 p.m.

1. Welcome, Introduction and Preliminary Matters

1.1 Pledge of Allegiance

Mayor Silvestrini called the meeting to order and invited Council Member Ann Granato to lead the pledge of allegiance.

1.2 Public Comment

Mayor Silvestrini extended an invitation to the public to address the Council with general items and not agenda related items.

Kyle Thompson, Furry Friends LLC, said he wanted to talk about a variance use for a residential mix zone for Furry Friends to be licensed and operate as a pet grooming spa. This will be located at 535 E. 4500 S. Ste. D250. He gave a history on Furry Friends and said they have participated in events in Sandy. Thompson believes there are several grooming shops in Millcreek that are inaccessible to the public and this one would be. Mayor Silvestrini asked Thompson if he is seeking a business license. Thompson said yes. Mayor Silvestrini then asked if he had been advised by staff that he cannot get the license without some type of variance granted by the Council. Thompson said yes. Francis Lilly said he would be happy to meet with Thompson to look at code provisions outside of the meeting. Mayor Silvestrini said he would check with the Business License Administrator about the application tomorrow.

1.3 County Council District 4 Representative Ann Granato Introduction

Council Member Granato said she is very involved in the issues in this area but is mostly interested in what people in this district would like to see happen. She invited the public to contact her personally.

2. Planning Matters

2.1 Discussion and Consideration of Ordinance 18-41, Amending Title 19 of Millcreek Code to Establish a Town Center Overlay Zone

Francis Lilly said he made some technical corrections at the advice of the City Attorney since the Council last saw the ordinance. The RFP is out to select consultants to work with on the master plan.

Lilly went over the changes in the ordinance. He said they simplified language in uses, to say, “The uses allowed on any lot in the TCOZ zone shall be the same uses allowed in the underlying zone...” They replaced the term base zone to underlying zone, which is used in state code. They clarified operational understanding of what is meant by a 45’ depth and 12’ high ceiling spaces that are required or intended to be commercial. They added that rooftop gardens not be allowed within 100’ of a R-1 or R-2 zone boundary. He changed some notes and renumbered the note section. They changed the language to set

the setbacks as being defined from the backside of a developed sidewalk. It was made clear that the Planning Commission would review plans in the context of a conditional use permit. The intent of the overlay zone is to further limit the uses in the base zone to allow time to better articulate better standards in the master plan. The ordinance is to impose bare minimum standards until the master plan is done.

Mayor Silvestrini said this is a 2-step process; creating the zone and to determine what property to put into the zone. He said he spoke to an auto repair business who expressed concern about not being able to maintain their business if there was a city center in this area. He said the City has no plans to condemn any property but let the market drive the development and the City will help to shape it as it comes. The process for the town center is to use the grant money awarded to Millcreek for the town center to retain a consultant for a plan which will take a few months. The City is trying to preserve commercial corners, and not allowing more auto repair shops or restaurant drive-throughs. Lilly said developers have willingly held off so that they can be in a collaborative process with the City. The City needs to be accommodating and understanding of community concerns but work through the process in an expeditious manner to ensure the City gets what it wants. Council Member Marchant asked about the boundaries of the overlay zone. Lilly showed the Council the map on item 2.2., Ordinance 18-42.

Mayor Silvestrini asked if the public had any comments.

Council Member Granato asked if 3300 S. was a hard boundary. Mayor Silvestrini said the boundary would extend south of 3300 S. She mentioned that there is a Questar pipe in the area. Lilly said the Questar facility is not in the zone.

Council Member Marchant moved to approve item 2.1., consideration of Ordinance 18-41, Amending Title 19 of Millcreek Code to Establish a Town Center Overlay Zone. Council Member Catten seconded. Mayor Silvestrini called for the vote. The motion passed unanimously.

2.2 Discussion and Consideration of Ordinance 18-42, Establishing a Town Center Overlay Zone over Certain Property Located Approx. Between 3000 S. & 3300 S. and Highland Drive & 1300 E.

Mayor Silvestrini said this ordinance is putting the highlighted property into the overlay zone as indicated in red on the map. He said the property will still follow the current zoning subject to the overlay.

Council Member Marchant moved to adopt Ordinance 18-42, establishing a town center overlay zone over certain property as identified on the map in red near the intersection of 3000 S. and 3300 S. Council Member Jackson seconded. Mayor Silvestrini called for the vote. The motion passed unanimously.

2.3 Discussion and Consideration of Ordinance 18-43, Amending Chapter 19.02 of Millcreek Code with Respect to Planning and Building Permit Application Submittal Requirements, and Verification and Certification of Height Requirements

Mayor Silvestrini said this ordinance is intended to address a problem with plans getting submitted where it is hard to verify the height of the structures. The City recently defended a matter in front of the State Property Ombudsman on construction at about 4500 S. 1200 E. where the building was constructed at a height greater than what was shown on the plans but the plans themselves did not comply with Millcreek ordinance. They were approved by Salt Lake County planning. The Ombudsman rendered an advisory opinion which said that if a city inadvertently approves plans, they cannot come back afterwards to fix the mistake. In this case, the developer was required to take down the part of the building that exceeded height approved in the plans, but the plans still exceed what is required in the zone by about 2'. The solution is to have the burden on the applicant to show the building height on plans and that it is in compliance with Millcreek's ordinance.

Francis Lilly said after encountering problems, it is clear there needs to be a site plan that shows where the streets, easements, and setbacks are in order for his staff to make a competent determination. He said the ordinance is vague enough that it causes problems. Lilly showed examples of appropriate plans to the Council. The ordinance changes are what staff wants to see in a site plan including building elevations, and what happens after getting a building permit which includes the applicants to certify the building structure complies with all applicable height requirements. Council Member Marchant asked if Lilly has received feedback from developers about the changes. He said the community councils gave constructive feedback and they consist of developers and architects. Lilly said there was unanimous approval of the ordinance by the community councils and Planning Commission.

Mayor Silvestrini asked if the public had any comments.

Kumar Shah said it is good to put requirements on zoning documents and recommended that along with the printed drawing, applicants should add an appendix of things and calculations which are specific to a specific project.

Council Member Catten moved to approve Ordinance 18-43, Amending Chapter 19.02 of Millcreek Code with Respect to Planning and Building Permit Application Submittal Requirements, and Verification and Certification of Height Requirements. Council Member Marchant seconded.

Council Member Jackson asked if there was a need to put calculations on plans. Lilly said the building code covers a lot of the requirements, so these amendments are specific to city code. Mayor Silvestrini said the plans are required to show the height and certify the height which gives the City better enforcement mechanisms.

Mayor Silvestrini called for the vote. The motion passed unanimously.

3. Business Matters

3.1 Discussion and Consideration of Ordinance 18-40, Amending Code 1.01.060 and Adopting a New Formal Seal

Mayor Silvestrini said the City Recorder requested the Council adopt a seal to be stamped on plans and documents that is different than the City's logo. He said the City's logo is available to many people, so this helps give the City more branding control on official documents.

Mayor Silvestrini asked if there was any public comment. There was no comment.

Council Member Jackson moved to adopt Ordinance 18-40, Amending Code 1.01.060 and Adopting a New Formal Seal. Council Member Catten seconded. Mayor Silvestrini called for the vote. The motion passed unanimously.

Mayor Silvestrini prefaced the upcoming agenda items by stating that the City has these contracted services with the County and these resolutions are to approve an extension of those services.

3.2 Discussion and Consideration of Resolution 18-32, Approving the First Amended Agreement for Surveyor Services with Salt Lake County

Francis Lilly said the rates remain the same and they are fairly competitive with what you can get in the private sector. He recommended approval of the agreement.

Mayor Silvestrini asked if there was any public comment. There was no comment.

Council Member Catten moved to approve Resolution 18-32, Approving the First Amended Agreement for Surveyor Services with Salt Lake County. Council Member Jackson seconded. Mayor Silvestrini called for the vote. The motion passed unanimously.

3.3 Discussion and Consideration of Resolution 18-33, Approving Amendment No. 1 to Agreement for Park Services Between Salt Lake County and Millcreek

Kurt Hansen said in the current contract there is a provision to extend services for one year at the same price and this resolution is acting on that provision.

Mayor Silvestrini asked if there was any public comment. There was no comment.

Council Member Marchant moved to approve Resolution 18-33, Approving Amendment No. 1 to Agreement for Park Services Between Salt Lake County and Millcreek. Council Member Catten seconded. Mayor Silvestrini called for the vote. The motion passed unanimously.

3.4 Discussion and Consideration of Resolution 18-34, Approving Amendment No. 1 to an Interlocal Cooperative Agreement with Salt Lake County to Reimburse Salt Lake County for Justice Court Indigent Defense

Mayor Silvestrini said this contract provides people who are not able to afford attorneys on certain types of criminal charges with attorneys. John Brems said the Constitution requires that if you are at the risk of incarceration and you cannot afford an attorney, that the court will appoint one for you. The agreement is to pay the County for the service of their legal defenders. Mayor Silvestrini said the City's Finance Director has been communicating with the courts to get a handle on how many cases Millcreek generates to make sure the City is paying for the appropriate amount of cases. He hopes their recordkeeping will improve. He has not heard any complaints from residents about how the County is handling things. Council Member Marchant asked if the charge is spent on time for each case; an hourly rate. Brems thinks the cost is per case. Mayor Silvestrini

said he believes it is based on the number of cases not the amount of time spent on each case.

Mayor Silvestrini asked if there was any public comment.

Kumar Shah asked how much the contract was for. Geilmann said this past year for court services, prosecution services, and legal defense was just over \$1.1 million. Mayor Silvestrini said this specific contract is \$18,760.

Council Member Marchant moved to approve Resolution 18-34, Approving Amendment No. 1 to an Interlocal Cooperative Agreement with Salt Lake County to Reimburse Salt Lake County for Justice Court Indigent Defense. Council Member Catten seconded. Mayor Silvestrini called for the vote. The motion passed unanimously.

4. Reports

4.1 Mayor's Report

Mayor Silvestrini thanked Unified Police Department for coming to the July 4th parade; he appreciated the work they do. He said he has received good feedback about speed enforcement in Olympus Cove. He then asked the residents to please slow down. The Mayor thanked Unified Fire Authority Station 112 due to their response in his bicycle accident. He thanked the residents and the Lions Club for participating in the July 4th celebration event and thanked the residents for being responsible for fireworks over the 4th.

4.2 Reports of City Council Members

Council Member Catten: She thanked the Mayor for pushing legislation that helped with the fireworks situation.

Council Member Marchant: None

Council Member Jackson: None

4.3 Staff Reports

John Brems said there has been discussion to require all rental properties to have a business license. The code says if you have 3 or less rental units, you do not have to have a business license. Mayor Silvestrini said there are a number of rental properties that have poorly maintained yards. He said a solution to the maintenance problem could be to have a good landlord policy. He said if all rentals pay the business license fee of \$150 a year, the City could revoke the license if the landlord is not maintaining the property.

Council Member Jackson agreed with the idea and supports the intent. She asked how the City can implement and enforce it. Brems said staff would start by identifying tax notices that go somewhere other than the residence. Mayor Silvestrini said some will get missed but the enforcement will be mainly complaint-driven.

Council Member Catten said it is not always about how a property looks. A good landlord policy could help with crime in the denser areas of the City. She asked if the rule would apply to landlords that rent to low-income/subsidized housing. Brems affirmed.

Council Member Jackson now asked to enforce it. Brems said it would be illegal to operate a rental without a business license and the City will take action. Council Member Marchant asked what the action is. Mayor Silvestrini said a court injunction or fine. Geilmann said this is a way to track what is going on in the rental units. Mayor Silvestrini said the City is not supposed to make money on licenses, just pay for the cost of the program. The City adopted the county's fee schedule, so if the fees were to change a study would need to be done. The Council was in agreeance to move forward with an ordinance for rental business licenses.

Council Member Catten said she gets calls about nuisances and asked if there is anything else that could be added to code. Mayor Silvestrini said it depends on how many resources the Council want to put towards enforcing it.

Mayor Silvestrini asked about the status of the City hall expansion. Geilmann said the plans have been approved, just waiting on a permit.

4.4 Unified Police Department Report

Chief DeBry said in reference to tracking court cases, that once he gets a number from the State, he can put it into RMP at dispatch and any citations issued in Millcreek will reflect Millcreek. The COP unit will be on bicycles as part of their patrol in parking lots and high-density housing. Mayor Silvestrini asked about the financing for Evergreen Junior High's resource officer. Chief DeBry will do some research and get back to the Mayor.

Chief DeBry announced that the Officer of the Month is Jonathan Richardson for June 2018. He observed a car with front end damage that he believed was involved in a hit and run the prior day. He pulled the car over for a traffic violation, there was drug paraphernalia in the car, and the passengers had warrants out for their arrest. The passenger admitted to illegal drug distribution and the car was involved in the hit and run. Officer Richardson's investigations got two drug dealers off the streets. The Citizens Advisory Board presented Officer Richardson with a gift.

Detective Prescott with Community Oriented Policing Unit showed the crime statistics for June 2018. He said there was a good drug bust in a home near City Hall. He said the Community Crime Suppression Unit will have their statistics incorporated in the monthly Millcreek Precinct stats in the coming months.

Detective Werner said he participated in fire suppression over the 4th of July. He responded to about 11 dispatched calls about illegal fireworks in restricted areas and about 11 self-initiated contacts with residents. He said a lot of the problem was at Skyline High School. He said that he educated residents about the boundaries and did not issue any citations. Detective Werner said he made an arrest on a traffic violation that same night. The owner of the vehicle had several felony warrants, the car was uninsured and not registered. He reported that there have been issues with transient camps by Grandeur Peak trailhead. The homeless have been kicked out of the foothills and UPD will patrol the area. Detective Werner also mentioned that Skyline High School has a huge parking lot without vegetation and is in the restricted firework area and two blocks away Wasatch Jr. High has a smaller parking lot with nearby trees and it is not prohibited to discharge

fireworks there. Mayor Silvestrini said he would work on that and thanked Detective Werner’s approach on educating the residents on fireworks.

4.5 Unified Fire Authority Report

Chief Woolsey said he had a ride along on the 4th of July with a KSL reporter. He said a combination of fire prevention education with UPD and the recent legislation helped with firework calls on the 4th. He said there were more fire calls than last year, but they were less complex. Station 101 had the busiest month of June with 236 calls, Station 106 had 85 calls, and Station 112 had 77 calls. The number one call is still falls. Chief Woolsey also mentioned that they gave a lot of tours this last month and things are going well.

5. Consent Agenda

5.1 Approval of June 25, 2018 Work Meeting and Regular Meeting Minutes

Council Member Jackson moved to approve the minutes from the work and regular meeting on June 25. Council Member Catten seconded. Mayor Silvestrini called for the vote. The motion passed unanimously.

6. New Items for Subsequent Consideration

7. Calendar of Upcoming Events

- Canyon Rim Citizens Association Mtg. 7/10/18, TBD
- Mt. Olympus Community Council Mtg. 7/10/18, TBD
- Envision Committee Mtg. 7/11/18 6:00 p.m., City Hall Annex
- Planning Commission Mtg. 7/18/18 5:00 p.m., City Hall Annex
- City Council Mtg. 7/26/18 5:00 p.m., Wasatch Jr. High, 3750 S. 3100 E.
- Town Hall Mtg. 7/26/18 6:30 p.m., Wasatch Jr. High, 3750 S. 3100 E.

Mayor Silvestrini went over the calendar of events. The joint Canyon Rim Citizens Association and Mt. Olympus Community Council meeting will be held at Beaumont Bakery on Wasatch Blvd. on July 10th at 6 p.m.

ADJOURNED: Council Member Marchant moved to adjourn the meeting at 8:40 p.m. Council Member Jackson seconded. Mayor Silvestrini called for the vote. The motion passed unanimously.

APPROVED: _____ Date
Jeff Silvestrini, Mayor

Attest: _____
Elyse Greiner, City Recorder



**Minutes of the
Millcreek City Council
July 16, 2018
5:30 p.m.
Work Meeting**

The City Council of Millcreek, Utah, met in a special public work meeting on July 16, 2018 at City Hall, located at 3330 S. 1300 E., Millcreek, UT 84106.

PRESENT:

Council Members

Jeff Silvestrini, Mayor
Silvia Catten, District 1
Dwight Marchant, District 2
Cheri Jackson, District 3
Bev Uipi, District 4 (excused)

City Staff

Laurie Johnson, HR-Finance Director
Rita Lund, Communications & Programs Director
Elyse Greiner, City Recorder
Kurt Hansen, City Services Director
John Miller, Public Works Director
Francis Lilly, Community Development Director

Attendees: None.

WORK MEETING – 5:30 p.m.

TIME COMMENCED: 5:31 p.m.

Mayor Silvestrini called the work meeting to order.

1. Discuss and Plan Town Hall Meeting on July 26, 2018

Mayor Silvestrini said the meeting's purpose is to plan the town hall meeting next week. He would like the Council to show unity and divide the labor in presenting the material. He said he has worked with Laurie Johnson on a property tax PowerPoint. Council Member Marchant said the County's computer cannot go higher than 999% so that is what the statements will say, but the tax increase amount is 3,153.32%. It was said that the Council should explain to residents that the change with the tax is that residents will not be paying taxes to SLVLESA but will be paying it to Millcreek. Council Member Jackson asked if there should be a copy of a property tax statement picture on the slideshow. Mayor Silvestrini said his property tax notice could be used or they could find one that is of the average home value.

Millcreek will continue to be served by Unified Police Department (UPD) and the property tax will be solely dedicated to pay for police services and the borrowing fees to finance it. Council Member Jackson if the amount goes into the General Fund. Johnson said yes, it is not in a separate fund. Mayor Silvestrini mentioned that someone may bring up that had Millcreek, Riverton, and Herriman not left SLVLESA, that SLVLESA's rate may not be as high as it is now. He said the fact is that what Millcreek will be levying is less than what SLVLESA and Herriman will be levying. Johnson said Herriman will have a blended tax rate which includes a general operations tax line item and a Herriman Law Enforcement Service Area line item. Mayor

Silvestrini said a Herriman resident, on the same value of house, is paying more than a Millcreek resident. The Millcreek property tax is calculated by multiplying the 55% taxable value (\$217,330) of the average market value (\$395,145) by the tax rate (0.002012), which equals \$437.27.

Council Member Marchant said the people coming to the meeting do not know the information about Herriman. They care about the SLVLESA amount, that Millcreek provides more officers, they will be paying a lower rate than had Millcreek stayed in SLVLESA, Millcreek is going to stay with UPD, and officers are receiving a 3-4% salary increase. Council Member Jackson added that there is also more administrative control. Johnson said residents care about the cost, service level, and administration/control.

Mayor Silvestrini said the big points of the meeting are the property tax, an update on the general plan and town center, and introducing department heads, then opening the floor to the public for questions. Mayor Silvestrini said Council Member Marchant should say his 5 points at the beginning of the presentation, then he would give the PowerPoint presentation, then they could recap the points at the end. Kurt Hansen asked if the PowerPoint explains why the City left SLVLESA. Council Member Marchant said Millcreek would have been the only city in the district had they not left. Council Member Catten said if it is not addressed, it will get asked. Mayor Silvestrini said he would say the City left SLVLESA in January 2018 because Millcreek would have had a 1 out of 9 vote on control of over costs and level of service.

The Council decided the flow of the meeting would be the following:

- 1- Council Member Uipi will open the meeting and welcome the public, introduce the Council, and go over the agenda, which will include a short presentation then questions by the public.
- 2- Council Member Marchant will start the property tax presentation by sharing his points.
- 3- Mayor Silvestrini will go through the property tax PowerPoint.
- 4- Council Member Jackson will introduce the department heads.
- 5- Francis Lilly will give a general plan update and show the online map.
- 6- Mike Winder will give a town center update.
- 7- Rita Lund will talk about newsletters and events.
- 8- Kurt Hansen will talk about code enforcement and building permits.
- 9- John Miller will introduce the citizen request form on the website in his presentation.
- 10- Council Member Catten will moderate the question and answer period. Mayor Silvestrini said the open question period is for any topic related to Millcreek. If the public addresses a specific concern, Council Member Catten will have them talk to someone after the meeting. Miller said staff could explain the process for a general concern, but not address a specific concern then.
- 11- Mayor Silvestrini will wrap up the meeting and extend an invitation to the public to participate in other city events and meetings.
- 12- The meeting will end at 9 p.m.

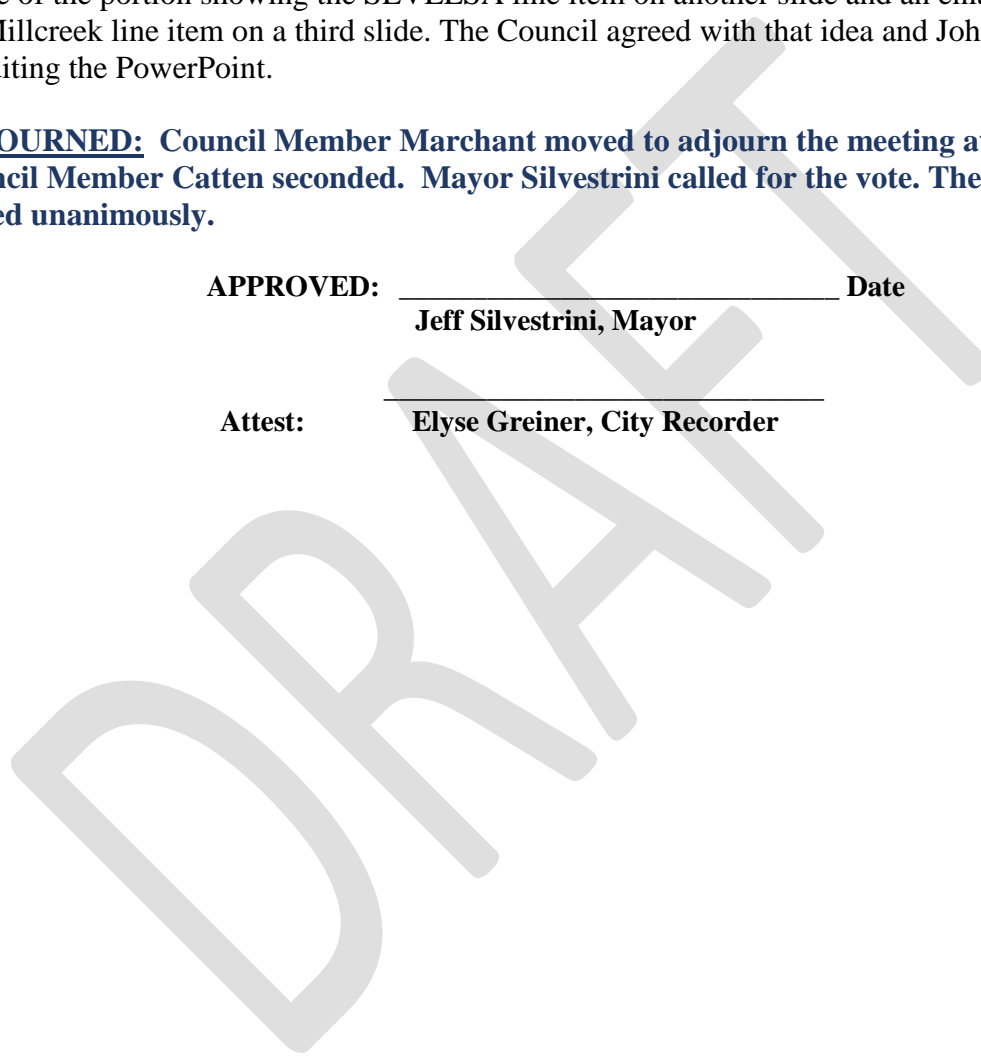
Council Member Marchant asked if someone should talk about how many employees are working for the City and about the city hall expansion. Johnson said to have the information available but not share it unless it gets brought up, then John Geilmann can speak to it.

Miller asked what the Council will say when people ask what the catch is for paying less and getting more services. Mayor Silvestrini said the City is not paying less. The tax increase is smaller because the Council is offsetting costs by added \$350,000 of tax revenue from the general fund. Millcreek is paying more for police because of the increase that UPD is charging. Council Member Jackson said Millcreek was subsidizing other service area members in SLVLESA because of high property values in Millcreek, so by leaving SLVLESA, Millcreek can use all its money instead of only part. Council Member Marchant said the City is paying more, but had the City stayed in SLVLESA, residents would have been paying even more. Mayor Silvestrini said they could have an actual property tax notice as a slide, then an enlarged image of the portion showing the SLVLESA line item on another slide and an enlarged image of the Millcreek line item on a third slide. The Council agreed with that idea and Johnson will work on editing the PowerPoint.

ADJOURNED: Council Member Marchant moved to adjourn the meeting at 6:29 p.m. Council Member Catten seconded. Mayor Silvestrini called for the vote. The motion passed unanimously.

APPROVED: _____ **Date**
Jeff Silvestrini, Mayor

Attest: _____
Elyse Greiner, City Recorder





**Minutes of the
Millcreek City Council
July 26, 2018
5:30 p.m.
Special Meeting**

The City Council of Millcreek, Utah, met in a special meeting on July 26, 2018 at Wasatch Jr. High School, located at 3750 S. 3100 E., Millcreek, UT 84109.

PRESENT:

Council Members

Jeff Silvestrini, Mayor
Silvia Catten, District 1
Dwight Marchant, District 2
Cheri Jackson, District 3
Bev Uipi, District 4 (excused)

City Staff

John Geilmann, City Manager
John Brems, City Attorney
Elyse Greiner, City Recorder
Kurt Hansen, City Services Director
John Miller, Public Works Director
Francis Lilly, Community Development Director
Laurie Johnson, HR-Finance Director
Rita Lund, Communications & Programs Director
Mike Winder, Economic Development Director

Attendees: Dr. Lloyd Miller, Marc Draper, Linda Allen, Pam Samuelson, Aaron Nelson, and Elisebeth Price.

**SPECIAL MEETING – 5:30 p.m.
TIME COMMENCED: 5:34 p.m.**

Mayor Silvestrini called the special meeting to order. He said the regular meeting from Monday (July 23rd) was moved to tonight so that it could be held in conjunction with the town hall meeting and because Monday was the day before a holiday.

1. Welcome, Introduction and Preliminary Matters

1.1 Pledge of Allegiance

Council Member Catten led the pledge of allegiance.

1.2 Public Comment

There was no public comment.

2. Business Matters

2.1 Discussion and Consideration of Resolution 18-35, Approving Interlocal Agreement for the First Amended Agreement for Addressing

Mayor Silvestrini said Millcreek contracts with Salt Lake County for addressing services. When new properties are built, they need an address. He said the County does that in a scientific way so that the addresses are precise, and so police and fire departments can

locate them. He said the price of the contract is the same as it was last year and the service is provided by the Surveyor's Office.

Council Member Jackson moved to adopt Resolution 18-35, Approving Interlocal Agreement for the First Amended Agreement for Addressing. Council Member Uipi seconded. Mayor Silvestrini called for the vote. The motion passed unanimously.

2.2 Discussion and Consideration of Resolution 18-36, Approving Amendment and Renewal No. 1 Agreement for Public Works Services

Mayor Silvestrini said this is the contract Millcreek has with the County for operations, such as snow plowing and street maintenance. They also serve the City by picking up mattresses and responding to similar concerns. John Miller said the services are the same as last year, but the cost did increase by just under \$200,000 to cover increases in salaries. Miller said the contract price is what was proposed in the tentative budget.

Council Member Uipi moved to approve Resolution 18-36. Council Member Catten seconded. Mayor Silvestrini called for the vote. The motion passed unanimously.

2.3 Discussion and Consideration of Resolution 18-37, Expressing Support for the Canyon Rim Citizens Associations Fundraising Efforts for an Emergency Cache to be Located at Rosecrest Elementary School

Council Member Jackson said this resolution is for the emergency cache at Rosecrest Elementary School. She said a Go Fund Me account was set for fundraising efforts. The resolution offers the Council's support for the effort.

Council Member Jackson moved to adopt Resolution 18-37, Expressing Support for the Canyon Rim Citizens Associations Fundraising Efforts for an Emergency Cache to be Located at Rosecrest Elementary School. Council Member Uipi seconded.

Mayor Silvestrini gave credit to the efforts of the Canyon Rim Citizens Association for fundraising. Council Member Uipi said she appreciated the efforts of Linda Milne.

Mayor Silvestrini called for the vote. The motion passed unanimously.

3. Reports

3.1 Mayor's Report

Mayor Silvestrini thanked UFA Station #112 who put out a house fire on Zarahemla Dr. last night. He said the crew responded quickly and prevented the fire from spreading. He said he did not know the cause of the fire, but it involved a utility room and a bathroom.

He said Riverton held an emergency meeting to consider withdrawing from the Unified Police Department (UPD). Their Council approved leaving UPD and gave UPD a one-year notice. The Governance Subcommittee of the UPD Board met and decided that members had to provide one-year notice when deciding to withdraw services so as not to create a disruption in services. The other UPD members have expressed confidence and support in UPD. Mayor Silvestrini said Millcreek is fully committed to staying with UPD even with other cities leaving. He said Laurie Johnson helped participate in the interview process for hiring a new Finance Director for UPD.

He said the City held a public engagement with the Mountair Subdivision and about 80 people came. He said two projects have entitlements to build in that area of the City. One of the developers offered a trade to buy the lilac park strip, rehabilitate it and turn it back over to the City and to build a public plaza on their property with a public path. In turn they have asked to increase their units by about 100. Their project traffic would increase the traffic on Highland Dr. by 4%. They have also discussed adding improvements to Highland Dr. The developer said if they could get an additional story on Highland Dr. and an additional two stories on 1300 E., they would provide these amenities to the City. Lilly said the notes from that meeting can be found on the City's website at <https://millcreek.us/planningzoning>. Mayor Silvestrini said they went on a walking tour of that area during that engagement and it was recognized that saving the Villa Theater is a priority.

3.2 Reports of City Council Members

There were no reports from the Council.

3.3 Staff Reports

John Geilmann said over the years Millcreek's roads have experienced damage and need some help; one of those roads is 3900 S. The City Engineer is currently looking at 3900 S. from the top to 2300 E. Staff is recommending to the Council to change the speed limit from the top of 3900 S. to 2700 E. from 40 to 30 mph and from 2700 E. to 2300 E. from 40 to 35 mph. The City would post signs stating the reason for the change is due to road damage. He said Holladay is considering the same concept.

Council Member Uipi said several students cross the street from Holladay to attend Millcreek schools and thanked Geilmann for talking to Holladay about the issue. She would also like to consider changing the speed limit on 3300 S. too. Council Member Marchant said what Geilmann proposed is a drastic drop in speed when coming off I-215 and recommended adding traffic calming solutions, like flashing lights. Council Member Jackson said the hill coming off Highland Dr. is significant on 3900 S. and offered that the speed reduction be taken down to Highland Dr. John Miller said to change the speed limit for reasons other than road damage, the City would need to do a study to determine the appropriate speed.

Mayor Silvestrini said Millcreek, South Salt Lake, and Holladay have been working for months to try to find funding to fix 3900 S. from 1100 W. to I-215. He said he supports lowering the speed limit on 3900 S., but he would like to see a big yellow sign that has Millcreek's and Holladay's logos on it that says that the cities are looking for money to fix this road so in the meantime drive slower to help preserve it. The City is trying hard to get the money to fix that stretch of road. He said it will cost \$8.7 million to fix, and the City has secured about \$5 million. Mayor Silvestrini asked the public to be patient while the City looks for more funding. He said the City could get the funding in November if they raised taxes that much, but the City is not doing that. Council Member Uipi brought up joint messaging with surrounding communities. Mayor Silvestrini said he has made comments on Next Door about the road and said it would be a good subject for the newsletter. The Council gave direction to staff to move forward with lowering the speed limit on 3900 S.

Geilmann said the permits have been issued for the City Hall expansion. There has been discussion about the actual cost between the City and Woodbury Corp. because the lease the City signed has a set cost for improvements and the bids received came in higher than that amount.

4. New Items for Subsequent Consideration

There were none discussed.

5. Calendar of Upcoming Events

- Canyon Rim Citizens Association Mtg., 8/1/18, 7:00 p.m. at 2375 E. 3300 S.
- East Mill Creek Community Council Mtg., 8/2/18, 6:30 p.m. at 2266 E. Evergreen Ave.
- Mt. Olympus Community Council Mtg., 8/7/18, 6:00 p.m. at 3450 E. Oakview Dr.
- Millcreek Community Council Mtg., 8/7/18, 6:30 p.m. at 1025 E. 4405 S.
- Envision Committee Mtg. 8/8/18, 6:00 p.m. at City Hall Annex
- City Council Mtg., 8/13/18, 5:00 p.m. at City Hall Annex

Mayor Silvestrini went over the upcoming calendar of events. He announced that the Council Districts will be having meetings. Council Member Jackson said Districts 3 & 4 will meet at the Community Center on Evergreen Ave. on August 9th. District 3 from 6:00-7:30 p.m. and District 4 from 7:30-9:00 p.m. She said this is the time for the residents to discuss concerns, ask questions, and talk to city staff. Council Member Catten said Districts 1 & 2 will meet on August 6th at the City Hall Annex. District 1 from 6:00-7:30 p.m. and District 2 from 7:30-9:00 p.m.

ADJOURNED: Council Member Uipi moved to adjourn the meeting at 6:05 p.m. Council Member Jackson seconded. Mayor Silvestrini called for the vote. The motion passed unanimously.

APPROVED: _____ **Date**
Jeff Silvestrini, Mayor

Attest: _____
Elyse Greiner, City Recorder



**Minutes of the Millcreek
City Council
Town Hall Meeting
July 26, 2018
5:00 p.m.**

The City Council of Millcreek, Utah, met in a Special Town Hall Meeting on July 26, 2018 at Wasatch Jr. High School, located at 3750 S. 3100 E., Millcreek, UT 84109.

PRESENT:

Council Members

Jeff Silvestrini, Chair
Silvia Catten, District 1
Dwight Marchant, District 2
Cheri Jackson, District 3
Bev Uipi, District 4

City Staff

John Geilmann, City Manager
John Brems, City Attorney
Elyse Greiner, City Recorder
Mike Winder, Economic Development Director
Kurt Hansen, City Services Director
Francis Lilly, Community Development Director
Rita Lund, Communications & Programs Director
Laurie Johnson, HR-Finance Director
John Miller, Public Works Director
Skyler Stratford, Emergency Manager

Attendees: (see attached)

REGULAR MEETING – 6:30 p.m.

TIME COMMENCED: 6:31 p.m.

Mayor Silvestrini introduced Council Member Uipi, District 4, to the audience. Council Member Uipi introduced the Council; Silvia Catten, District 1, Cheri Jackson, District 3, and Dwight Marchant, District 4. She welcomed Representative Patrice Arent. Council Member Uipi stated that the purpose of the meeting is to help educate and inform residents about the property tax transfer for Unified Police Department services, update residents on the general plan/conceptual town center planning, introduce residents to the Millcreek team and services they offer, and allow time for questions and answers from the audience. She thanked Wasatch Jr. High for accommodating the meeting.

Council Member Marchant said the bottom line of the presentation is the following 5 points:

- The tax notice shows that Millcreek used to not have a property tax and now it does. There is no increase, but a change of who is paying for police services. He said the taxes for police are a wash, flat across the board.
- In the past as a member of SLVLESA, Millcreek had a 1 in 9 vote yet half of the taxing district was in Millcreek.

- As evidence of the new authority (not in SLVLESA), Millcreek was able to hire 6 additional police officers at the same price and the officers are receiving a 3-4 percent salary increase. The tax rate is now lower than what SLVLESA is currently charging.
- The City is remaining in UPD with the same services.
- Police are receiving a cost of living increase.

He asked the audience to keep those points in mind as the Mayor gives his presentation.

Mayor Silvestrini said the presentation will be short, then he will turn the time over to the public for questions. He said if there is not time for all the questions tonight, the public was welcome to call or email him.

Mayor Silvestrini went through a PowerPoint presentation which included pictures of property tax notices. He illustrated that the SL VLY LAW ENFORCEMENT line has been zeroed out and Millcreek now has a higher number. The average home will be paying \$437.27. He said what has not changed is Millcreek is staying with Unified Police Department and the tax collected is solely dedicated to pay for police services. UPD serves 270,000 residents in our community even though Herriman and Riverton might be leaving their services. He said the property tax notice shows a 999% because that is how high the County computer would go. Millcreek is actually increasing taxes 3,153.32%. The huge percentage is because Millcreek only collected a small property tax last year and property taxes are now paying for police services. He said the difference in what he paid last year in property tax compared to this year for police services was an increase by \$3.70. He mentioned that other taxes that had increased too, such as the Granite School District bond to rebuild schools, and the fire department.

Mayor Silvestrini explained the Millcreek tax rate calculation. The 2018 average market home value is \$395,145 with the 2018 taxable value being \$217,330, which is 55 percent of the market value. The Millcreek tax rate is 0.002012, which is multiplied by the taxable value which equals the proposed tax to be paid to Millcreek as \$437.27. Mayor Silvestrini explained that Millcreek was paying \$1 million extra in SLVLESA and now that money will be paying for six new officers in Millcreek. He showed a table of comparison with property tax amounts between Millcreek (\$437.27), SLVLESA (\$464.87), and Herriman (\$516.81). Millcreek is saving money by having withdrawn from SLVLESA and is saving more than what Herriman will be charging to start a new police department. The contract price with UPD has increased from last year to provide an increase in salaries for officers for the department to remain competitive in the market.

Council Member Jackson said she has been impressed by the people that have been hired at the City. She introduced the following staff to the audience; John Geilmann, City Manager, who directs the day-to-day operations for the City; Kurt Hansen, Director of City Services; Mike Winder, Economic Development Director; John Miller, Public Works Director; Rita Lund, Director of Communications and Programs; Francis Lilly, Director of Community Development; John Brems, City Attorney; Laurie Johnson, HR-Finance Director; and Elyse Greiner, City Recorder. She also introduced Chief Steve DeBry with UPD and Captain Aaron Nelson with Unified Fire Authority.

Lilly said the City is working on creating the general plan. He presented the future land use map draft, which tells the City, in concept, what the community wants Millcreek to look like in 20-25 years. He said the Planning Department gets requests from applicants seeking a rezone and the

map that Millcreek inherited from the township does not give very good guidance as to whether the rezone is appropriate or not. This new map will give policy direction. The goal of the map is to preserve and protect neighborhoods, revitalize corridors, and create viable town centers. The City has identified 4 town center areas. He invited the public to review and comment on the general plan. The general comment period extends from now until August 24th but the public can comment at any time. He encouraged them to look at the plan in their neighborhood and he said we can work on a plan that works for everybody. Mayor Silvestrini said this map is a roadmap for the future. He said it is based on what we observe today and based upon the input the City receives from the public. He invited the public to contact the Council.

Winder said he focuses on the three R's; Retention of old businesses, Recruitment of new businesses, and Revitalization to improve areas of the City through redevelopment. He then discussed the proposed Millcreek Center, which should be a town center that is worthy of Utah's tenth largest city. He envisions retail on the ground floor and residential, offices, or hotels on the top floors which would be an amenity and gathering place for the whole city. He said Millcreek does not have a historic main street, so the City needs to create the gathering places. The town center would be an engine of population and tax base to help keep taxes low for Millcreek residents. The Millcreek Center has been referred to as "the wedge," which is between Richmond (1300 E.) and Highland Dr., around 3300 South. The fault line creates an opportunity for a focal point street. He said Millcreek has already adopted a town center overlay zone, been awarded a \$50,000 grant from Wasatch Front Regional Council (WFRC) for town center planning, working on becoming an opportunity zone which provides federal benefits, established a community reinvestment area, and established coordination with property owners, businesses, and developers. He said he would love to hear from the public as this moves forward.

Lund referred to her department as the catch-all department. She acts as an ombudsman and the residents are her customers. She spends time on the quarterly published newsletter and is continually looking for content suggestions. She encouraged the public to sign up for the electronic newsletter on the sign-up sheets for this meeting. She assists with the Arts Council, Community Councils, and Venture Out. She also said residents can apply for a special event permit on the City's website for events such as block parties that close the street down.

Hansen said he oversees code compliance, the building department, emergency management, facility maintenance, the animal services contract and parks contract with the County, and fleet management. He said code compliance has two officers and they are mainly interested in the maintenance of property. The building department gives out a lot of stop work orders, which means people are building without a building permit. He also mentioned that Skyler Stratford is the Emergency Manager.

Miller said his job is to take data and make a recommendation to the Council, so they can make an educated decision for the City. The role of public works is to maintain the City's largest asset, roads; get residents to and from their home safely; and to actively pursue alternative funding. He said there is a citizen engagement portal on the City's website at <https://millcreek.us/publicworks>. If residents see a pothole or something that needs to be taken care of, they can submit a comment. He said if there is a maintenance emergency, residents should call the 24-hour public works hotline at 385-468-6101.

Mayor Silvestrini said the City is here to serve the people of Millcreek. Millcreek cannot fix everything unless the residents want a higher tax increase. Millcreek has secured about \$5 million to fix a section of 3900 S., but it will cost \$8.7 million. He said if residents see something that needs to be fixed, they can fill out the form on the website, contact Rita Lund, or the Council.

Council Member Catten gave instruction for the question and answer period, which included providing a name, address, and keeping comments brief. She said residents can reach out to the Council or staff after the meeting if their questions do not get answered.

Jo-Anne Wong, 3004 Evergreen Ave., said the Council said during their campaigns for office that the property taxes would be sufficient as they were with the township. She asked if the City used any franchise fees. Mayor Silvestrini said there is one on cable television that was adopted from the County, but Millcreek has not adopted franchise fees on telecommunications or other utilities. He said the property tax is paying 100 percent for police, and it is not an increase but a transfer from what residents were paying for before. He said the Council did not know what was going to happen with UPD when they were campaigning; the Council must react to change. Council Member Marchant said he would be happy to sit down with her later to go over her property tax bill. Wong asked if hiring new officers generated more revenue. Mayor Silvestrini said he wished the City made money on speeding tickets, but Millcreek does not generate tickets for revenue. Wong commented that with the general plan, she likes Millcreek the way it is, and she can see potential for displacement of local businesses in the corridors. She wants the Council to encourage local businesses to help the Council help Millcreek. Mayor Silvestrini said Millcreek started a Millcreek Business Council so that the City can support local businesses and preserve what the City has. He said economic development will spruce up the rundown areas of the City, not drive out businesses. He said Millcreek residents have told the City during the general plan process that they want a downtown, so the City is trying to plan for smart growth. He wants to see density in town centers and corridors and not in the City's great neighborhoods. He said it is important for her to make comments on the general plan.

Kathleen Oswald, 2878 E. 3365 S., said she worked for the Salt Lake City police department for over 18 years. She said her property taxes last year were \$2,800 and this year they were over \$3,000. She compared her taxes this year to when she bought her house in the 1980's. Mayor Silvestrini said taxes and costs go up. He said the Council applied \$350,000 to the police contract cost that the City had in the General Fund from last year's property tax to help offset contract costs passed on to the residents. He said he cannot control what the Granite School District taxes. Oswald thanked Mayor Silvestrini for answering the phone a few weeks ago when she called. She then went on to describe a nuisance situation in her neighborhood. Chief DeBry said residents could call dispatch at 801-743-7000 if they had any non-emergency issues that needed police. Chief DeBry thanked the public for attending this meeting and being engaged in the community. He said UPD does constant manning in Millcreek so even though they are currently short on officers, they are not in services. He said the Council cares about Millcreek, residents, quality of life, and public safety. He said Mayor Silvestrini found the misallocated \$1.1 million in SLVLESA that went towards Millcreek's additional officers. Chief DeBry gave the history of SLVLESA. He said in Millcreek, all the Jr. High Schools now have a UPD officer, there is another motor unit, and there is a Community Crime Suppression Unit.

Marjean Johnston, 4488 S. 1500 E., asked if the City could do the “Fix the Bricks” program that Salt Lake City does. She wondered if there was a possibility to look into federal funding through the emergency management team. Council Member Jackson said Salt Lake City did present to the Council about the program but at the time, the management was not in place to support the program. The City is looking at it though. Johnston asked if there was anything that she could do to help the Council with it. Council Member Jackson referred her to Skyler Stratford, Emergency Manager.

Jan Maynard, 792 E. 4070 S., said homes in her neighborhood are involved in illegal activity. Mayor Silvestrini said if there is a law enforcement matter, that is something that needs to be reported to UPD. He said UPD builds cases on citizens’ reports. He said Millcreek code enforcement officers give warnings and provide for an opportunity to fix the problem, and some of these things take time.

Scott Miller, 721 E. Rowley Dr., asked about service opportunities in the City. Council Member Jackson said Rita Lund was the person to talk to.

An Olympus Cove resident who lives on Westview Dr. asked if there were plans to turn Olympus Cove into a commercial area. He said his neighbor is running a dog kennel and he is having problems with getting help on the issue. He said this home-based business extends outside of the home. Mayor Silvestrini said he would like to make an appointment with the individual to go over the issue. The resident also said that he used to live in Illinois and he paid over \$17,000 in property taxes, so residents here are lucky that is it so low.

Tommy Wahl, 1254 E. Pondoray Circle, said he lives on the fringe of Millcreek and Holladay. He said there is a petition going around to undo the contract with Ivory Homes at the old Cottonwood Mall site. He asked what Millcreek residents can do to have their voice heard on the project because it impacts them too. Mayor Silvestrini said Millcreek residents cannot sign the petition because it is to overturn the decision made by the Holladay City Council and there is not a legal way for Millcreek to be involved. Wahl said he is very opposed to high density. Mayor Silvestrini invited him to make comments on the general plan about high density.

Kumar Shah, Parkview Dr., thanked the Council for how hard they work. He asked if property taxes were assessed once a year. Council Member Jackson said yes. Mayor Silvestrini said residents have until September 17th to appeal to the Board of Equalization if the County Assessor has the wrong value for their house.

Ralph Morelli, 1527 E. Woodland Ave., said he has been a resident of Millcreek for 47 years. He asked what development is planned for the current area near City Hall parking lot, existing buildings, and businesses. His recommendation is that there should be a large park or green area with a tiered cascading waterfall emptying into a pond situated in front of the current City Hall. Council Member Uipi thanked him for his services at the Millcreek Senior Center. Mayor Silvestrini said there are currently three entitlement projects in the area that are slated for apartments buildings. He said that is the only thing on the drawing board right now. The surrounding property is zoned C-2 or residential high density. He said the City

leases the building where City Hall is located. Mayor Silvestrini expressed that he would like to see a gathering place near City Hall that residents can be proud of.

Roma Riddle, 2171 E. Vimont Ave., said she finds her personal satisfaction plummets because of the dearth of billboards in Millcreek, particularly along 3300 S., and 2300 E. She said the billboards obscure the views of the mountains. She thinks the billboards are distractions to drivers, and an outdated form of advertising. She would like them to disappear. Mayor Silvestrini and Council Member Uipi disclosed that they used billboards in their campaigns. Mayor Silvestrini said there are a lot of people in Millcreek that do not like billboards. He said State law protects them and cities cannot control them unless they buy them. In Millcreek, billboard companies cannot build more billboards unless they take some down. When they take them down, the square footage of the signs goes into a bank to use in another location if they can find one. Mayor Silvestrini said billboards generate a lot of revenue, so to buy them some of them could cost up to a million dollars apiece. He posed the question to Millcreek residents that Millcreek could buy them and take them down, but is that how they want to spend their tax money? Riddle said she appreciated the handout that was provided on the property tax but said the backside of the sheet was wasted because it was blank.

Linda Meade, 3828 S. 2740 E., said her neighborhood is unsafe because of drugs. She requested UPD patrol from 7 p.m. – midnight on Friday, Saturday afternoon through the evening, and Sunday. Chief DeBry said with certain cases, police cannot divulge information to the public. He will increase patrols in her neighborhood.

Scheron Armstrong, 1229 E. 3745 S., said she heard rumor of a Comfort Inn and Suites coming in on 1300 E. Mayor Silvestrini said the property owners who own multiple properties on 1300 E. close to Mariposa Ave. have been talking about building a Comfort Inn but they have not filed an application with the City to do so. He said it would require a zoning change. The City has not seen a plan but knows about the neighbors' opposition to the project. The City has brought developers and residents together on other projects to discuss the project in advance and negotiate compromises. Mike Winder said there is such a meeting set for Tuesday, August 14th at 6:30 p.m. at City Hall. Mayor Silvestrini said the City is not in control of what gets filed.

Lindy Bezdjian, 3320 Oakwood St., expressed concern about the traffic and parking in the town centers. Mayor Silvestrini said the City will require developers to construct adequate parking. Millcreek's parking standards are one of the strictest in the state, requiring more stalls per unit. The City will require a more rigorous analysis on traffic to make sure the streets are not overburdened. He said a lot can be done with Highland Dr. to improve traffic. He said when developments go in, the City may look at redesigning streets. He said in respect to town centers, the City can link people with transit to get them out of their cars. He also mentioned that Millcreek has had discussions with Salt Lake City to consider bringing the S Line Streetcar from Sugar House to the proposed town center.

Rep. Patrice Arent, 3665 E. 3800 S., thanked the Council and staff for putting together an amazing city. She said the City has been frugal with the City Hall in comparison to other city halls. She said she is willing to discuss state issues with residents, so feel free to contact her.

Barbara Hansen said she lives on the proposed Parleys UDOT ramp. She thanked the Council for the newsletter that informed residents about the proposed on-ramp.

Louise Snow, 3452 S. 3125 E., encouraged the Council to provide more park and green space. She also said the reservoir on the top of 3300 S. produces dust in wind storms and causes poor air quality.

Senator Jani Iwamoto said 95 percent of her legislation was driven by Millcreek. She has become a huge fan of the Mayor and Council with their participation on Capitol Hill.

Mayor Silvestrini said he would like Millcreek residents to visit with the Council at the upcoming District meetings. District 1 will be from 6:00-7:30 p.m. and District 2 will be from 7:30-9:00 p.m. at City Hall on August 6th. District 3 will be from 6:00-7:30 p.m. and District 4 will be from 7:30-9:00 p.m. at the Community Center on Evergreen Ave. on August 9th. He said UFA responded to a house fire last night within minutes and it could have set the whole hillside on fire and they suppressed it with one engine. He said they did a fantastic job. Mayor Silvestrini said he is pleased with city staff and the City Manager, and at Millcreek we, "Play to Win."

ADJOURNED: Council Member Jackson moved to adjourn the meeting at 8:43 p.m. Council Member Marchant seconded. Mayor Silvestrini called for the vote. The motion passed unanimously.

APPROVED: _____ **Date**
Jeff Silvestrini, Mayor

Attest: _____
Elyse Greiner, City Recorder

July 26, 2018

Town Hall Meeting Attendees:

County Council Member Ann Granato, Representative Patrice Arent, Senator Jani Iwamoto, Chief Steve DeBry, Captain Aaron Nelson, Scott Winegar, Daren Beattie, Jean Rengstorf, Linda Krueger, David Graves, Millie Rogers, Sheryl Mather, Kourtney Maidanlou, Ulrike Off, Renee Christensen, Ralph & Deb Midgley, Bernadette Taylor, Kirk & Linda Granat, Barbara Gingery, Mary Whittington, Carolyn Hoffman, Michelle Marsh, Kathy Graves, LaVelle Christensen, Melissa Christensen, Steve McMurdie, Terri Ruesch, Len Johnson, KC Goodrich, Mark Edwards, Jim & Marsha Gale, Steve Tierry, Cassie Walker, V. Pasu Pasupathi, Alice Pasupathi, G. Davidson, Bob McClellan, Darren Brotherson, Leslie Silvestrini, Linda Milne, Mark & Janice Burn, Gary & Marilyn Brown, Ralph & Donna Morelli, Boyd Brewer, Clark Smith, Martha Stinson, Deno Kambouris, Jan Maynard, Steve Berlin, Nancy Wright, Nancy Carlson-Gotts, Carolyn Sharp, J. Krishna & T. Baird, Sheryl Martin, Shane Domer, Phil Martineau, Deborah Byrnes, Craig Thaxton, Dave Bardsley, Doug Drolett, Barry & Denise Blackett, John & Brenda Gordon, Ken & Marjean Johnston, Bruce & Pat Russell, Craig Weir, Sheila Olson, Kristen Pearson, Marsha Morton, Carol Douglass, Jacob Richardson, Cindy & Art King, Jo-Ann Wong, Vicki Turner, David Marabello, Christine Cox, Sheryl Donohue, Donna Smith, Gordon Smith, Suzanne Dunbar, Marcia Breeding, Boyd Breeding, Matthew Iwamoto, Dick & Sherry Donohue, Susan Lawrence, Sue Widdison, Jack & Naxicy Hobbs, Chad & Mary, Ann Page, Lindy Bezdjian, Gary Blake, Catherine Sharpsteen, Kylie Hood, Reginald Twigg, Charlotte McDuell, Jeff H., Bonnie Carill, Jeff Gibson, Lynda Bagley, Ann Carlston, Lien Sher, Alicia Bremer-Wherton, Karen Martindale, Nancy Roberts, Nolan Merrill, Lisa Bagley, Grant & Patricia Madsen, Richard Williamson, Cory Fischer, Ed McDonald, Drew Ferron, Kathleen Bemis, Steve Martindale, Holly Young, Emily Call, Callie Geissler, Martha Kent, Humphrey DiFiore, Amy Call, David Mayfield Joan Jansen, Nicole Towers, Annemarie Campbell, Scott & Crystal Miller, Hilary Lambert, Thomas W., Cathleen McKenzie, Carol Mattinson, S. R. S., John G., David Taylor, Greg & Stacy Spanos, Suzette & Rick Aposhian, Kari Landro, Scheron Armstrong, Kathryn Tapia, Alexa Maland, Mike & Kay Quealy, Marcie Keck, Noel Hilden, Nat Bottomly, Fred Anjewierden, John Angewierden, Dave Hogan, Alec Darr, Barb Hansen, Jed Jensen, Christa Beauchat, George Ator, Beu Towers, Marjorie Wilson, Leslie Reberg, Lori Hardy, Russ Booth, Gaylan Mills, Margie Manousakis, Mark Mumford, Roger Upwall, Linda Meade, Nancy Nelson, Shauna Henderson, Peggy Stowe, Geri McMurdie, Kathleen Oswald, Cathy & Greg Sneyd, Howard Peckham, John Hansen, Kumar Shah, Tommy Wahl, Roma Riddle, and Louise Snow.