

MILLCREEK PLANNING COMMISSION OPEN AND PUBLIC MEETINGS TRAINING

- Utah law requires that the presiding officer of the public body (*i.e., Chair*) ensure that members of the public body are provided with annual training regarding the Open and Public Meetings Act (“Act”)

GENERAL RULE

- **The Act provides that all meetings are open to the public unless closed under a specific closed meeting provision**

- **Meeting is defined as convening of a public body, with a quorum (five) present...for the purpose of discussing or acting upon a matter over which the public body has jurisdiction**
 - **Meeting does not include a chance or a social meeting**
-

SPECIAL RULE FOR PLANNING COMMISSION ADOPTED BY ORDINANCE (NOT STATE STATUTE)

- No member of the Commission shall have any ex parte discussion regarding any administrative or re-zone land use application before the Commission.
- Ex parte communication means any communication, including but not limited to electronic or social media communication, with interested parties of an administrative or re-zone land use application coming before the Commission prior to the Commission reaching a final decision.

- UTAH CODE ANN. § 52-4-210 provides “Nothing in this chapter shall be construed to restrict a member of a public body from transmitting an electronic message to other members of the public body at a time when the public body is not convened in an open meeting.”

-

- **A public body must give at least 24 hours advance notice of each meeting unless the meeting is to consider a matter of emergency or urgent mature**
 - **Public body must give notice of its annual meeting schedule**
 - **Notice requires a meeting agenda, date, time, and place of the meeting**
-

- Notice should be specific enough to notify the public as to the topic to be considered
- The Council chair may in his/her discretion discuss a topic raised by the **public** that is not on the agenda provided that the Council may not take final action on the topic unless it is properly noticed

- **Written minutes and a recording must be kept of all open meetings**
 - **Written minutes are the official record of action taken at the meeting**
-

- **Closed meeting may be held for only specific purposes including the following:**
 - **Discussion of the character, professional competence, or physical or mental health of an individual**
 - **Discussion of pending or reasonable imminent litigation**
-

- **Discussion regarding the purchase, exchange, or lease of real property**
 - **Discussion regarding the sale of real property**
 - **When the Commission is acting in a judicial or quasi-judicial matter (not statutory)**
-

- **Minutes and recording of closed meeting are protected records under GRAMA**
- **Recording does not need to be made if the closed meeting is closed exclusively for the discussion of the character, profession competence, or physical or mental health of an individual. Note the presiding officer must sign a sworn statement affirming that the sole purpose of the closed meeting was to discuss such matter**

CASE STUDY # 1

THE MEETING AT SMITHS

Four planning commissioners have been properly taught to shop local and run into each other at the local Smith's store, and one of the commissioners starts discussing a request for a conditional use.

CASE STUDY #1

THE MEETING AT SMITHS

- **MAY:**
 - **Recommend that this is not an appropriate forum to discuss this matter and change the subject**
 - **Continue shopping (walk away)**
 - **MAY NOT:**
 - **Discuss the matter and indicate how you will vote**
-

CASE STUDY #2

THE OVERBEARING CONSTITUTE

- **While attending your local worship service you are approached by a constituent who want to discuss your position and vote on the proposed new day care in his neighborhood (conditional use on commission agenda)**

CASE STUDY #2

THE OVERBEARING CONSTITUTE

- Open Meeting Act
 - Discuss the matter as you deem appropriate
- PC Rules
 - **Recommend that this is not an appropriate forum to discuss this matter and change the subject**
 - **Continue worship (walk away)**

CASE STUDY #3

FACEBOOK DILEMMA

- While perusing Facebook you encounter a post about a daycare that has a pending conditional use application. The post contains some obvious misinformation that you consider outrageous and an intentional misrepresentation.

CASE STUDY #2

FACEBOOK DILEMMA

- Open Meeting Act
 - Engage as you deem appropriate
- PC Rules
 - **Close the post**

QUESTIONS CONCERNING THE OPEN AND PUBLIC MEETINGS ACT



ADU WORK MEETING

March 17, 2021

Presenter: Planning Staff

H.B. 82 Single-Family Housing Modifications

“Highlighted Provisions”

- Modifies and defines terms applicable to municipal and county land use development and management.
- Allows a municipality or county to punish an individual who lists or offers a certain licensed or permitted accessory dwelling unit as a short-term rental.
- Allows municipalities and counties to require specified physical changes to certain accessory dwelling units.
- In any single-family residential land use zone
 - Requires municipalities and counties to classify certain accessory dwelling units as a permitted use and
 - Prohibits a municipalities and counties from establishing restriction or requirements for certain accessory dwelling units with limited exceptions
- Allows a municipality or county to hold a lien against real property containing certain accessory dwelling units in certain circumstances
- Provides statewide amendments to the International Residential Code related to accessory dwelling units
- Requires the executive director of the Olene Walker Housing Loan Fund to establish a tow-year pilot program to provide loan guarantees for certain loans related to accessory dwelling units;
- Prevents a homeowners association from prohibiting the construction or rental of certain accessory dwelling units;
- Makes technical and conforming changes

“certain accessory dwelling units”

- “internal accessory dwelling unit” means an accessory dwelling unit created:
- Within a primary dwelling
- Within the footprint of the primary dwelling...

What can we do?

- Municipality May....
- Prohibit the installation of separate utility meters
- Prohibit the alteration of the appearance of the home
- Require a primary dwelling
- Require 1 additional off-street parking stall per ADU.
- Require that parking requirements for the single-family home are still met
- Require a license to rent the ADU
- Prohibit ADUs in mobile home parks

Changes to the International Residential Code

- General minimum requirements for safety are still require.
 - Fire Detectors
 - Egress Windows
 - Smoke Detectors
 - Fault circuit interrupter protected
 - Addressing
- The changes adopted in this bill were not opposed by the Utah Association of Building Officials because of the owner occupancy requirement.
- Generally, these changes do not impact the Planning and Zoning requirements but do make an impact on the feasibility of creating an ADU on a lot, most importantly the financial feasibility.

Next Steps... Proposed Meeting with City Council

- Conditional use permits for detached accessory dwellings.
- Heights
- Setbacks
- Fencing
- Parking in the front yard
- Parking stalls allowed.
- Existing ADUs.
- Pre-fabricated homes.

Updated Language

1. Exterior lighting for an ADU shall provide illumination directed downward. Light source shall not be visible from adjacent properties.
2. Windows for a detached accessory dwelling unit shall be translucent or not visible from an adjacent property or installed as a skylight.
3. Parking for a detached ADU shall be in a garage or 8 feet from any property line or screened from adjacent properties unless utilizing a driveway in the front yard.
4. Screening. Entrances, parking, and stairways shall not be visible from adjacent properties. This may be done with a fence along the side and rear property lines, landscaping that is dense enough to obscure activity or placing the entrances and stairs out of view of adjacent properties.
11. Balconies for detached ADUs on located on the second story are prohibited.
12. Exterior stairways and landings may not encroach into a setback.

Additional Research

- At the request of a Community Council staff reached out to other cities in the County who have adopted an ADU ordinance to hear the obstacle post adoption and if they have made changes or plan on making changes soon.
- In Salt Lake County there are approximately 20 municipalities/townships.
- 9 of them have some form of legal ADU.
- 4 are illegal.
- 7 are unknown (2 are in process including Millcreek).
- Of the 9 staff reached out to 5 to see obstacles after adoption and potential changes.

Results

- Salt Lake City (2018)
 - They wanted stricter design standards
 - Location of parking needed to be adjusted.
 - Impact to workload on staff, (specifically conditional use permits).
 - Yard and lot coverage need to be adjusted.
 - Building Code requirements.
 - Fire Standards.
 - Financing.
- Murray (2010)
 - Requirements of similar setbacks to single-family is too strict.
 - Want to remove conditional use permit and created a permitted use.
- Midvale (2001)
 - Want to allow larger size.
 - Want to allow second story.

Results

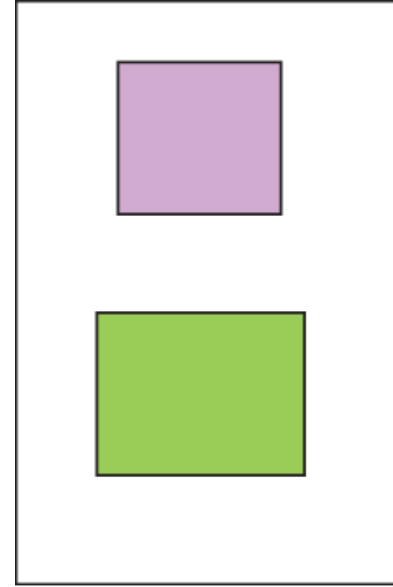
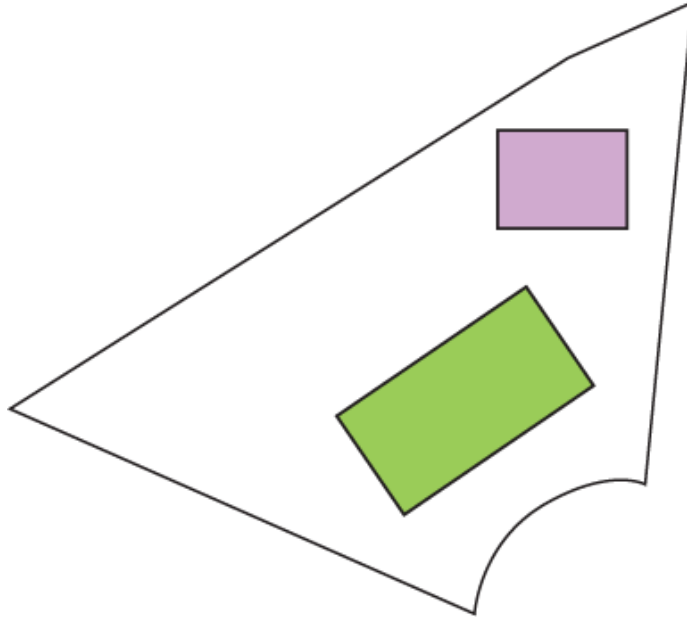
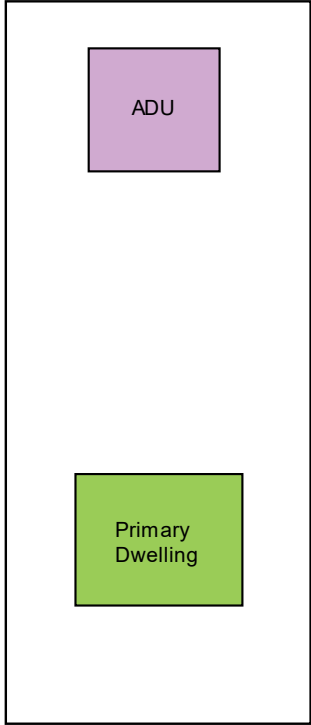
- Sandy (1980s)
 - Amended the code to allow non-related.
 - Want to change the conditional use permit requirement.
- Draper (2012)
 - No permit process.
 - Made changes to the recorded notice.
 - Adjusted height limit to 25 ft.
 - Additional kitchen allowed.

Pre-Fabricated Homes









- Phase One Underway! Complete Winter 2021.
- Guaranteed Maximum Price of \$9,152,451 – including furniture and Zamboni.
- Extended design fee of \$577,709. 6% of construction cost. Covers revised master plan and a basement for the ice support building.



EST

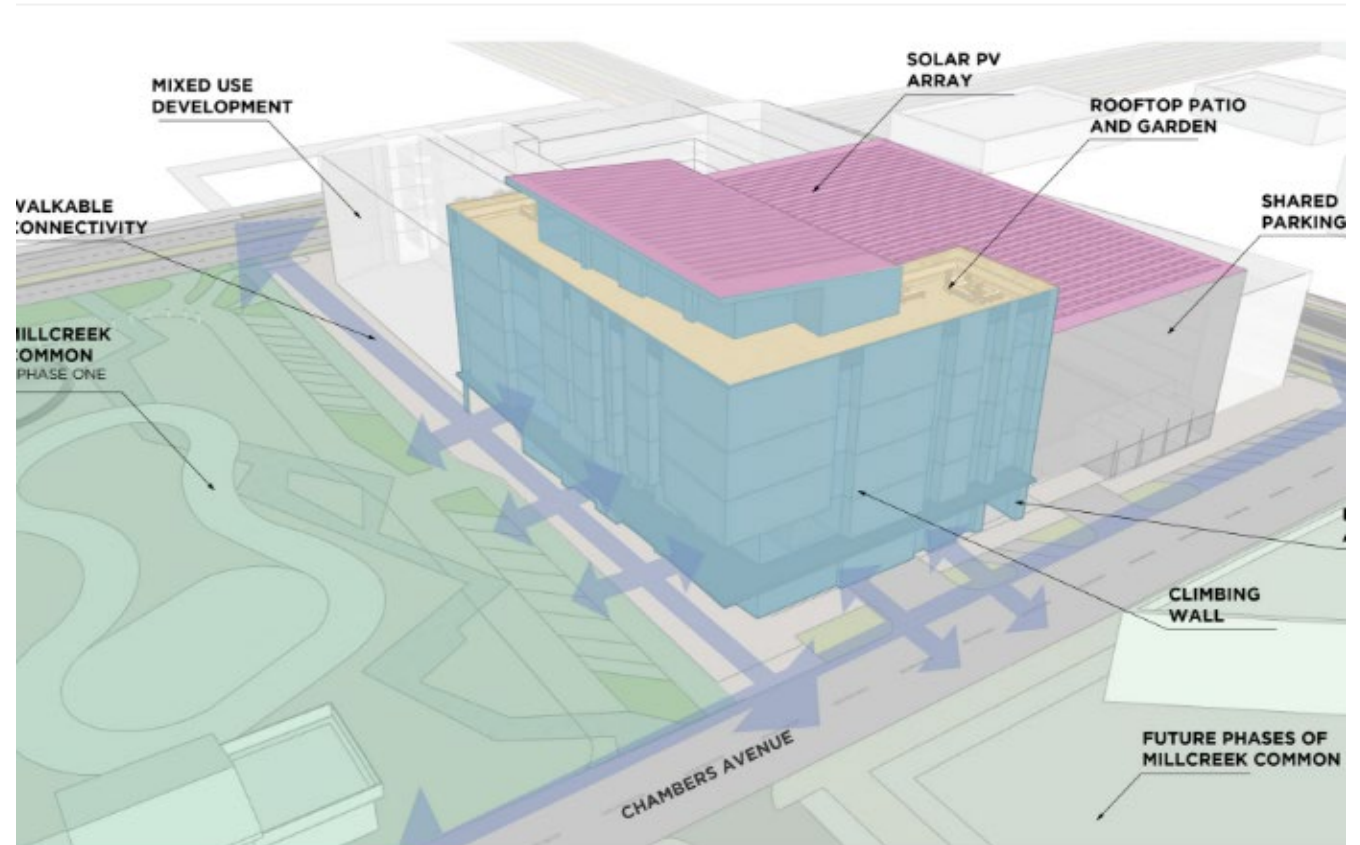
2021

MILLCREEK
Common



City Hall Design - Next Steps

- Architectural Program almost complete.
- Refine Scope, Budget, and Funding Options.
- MHTN scored the highest out of a competitive RFP process involving 7 qualified firms.
- Should we continue with them in the next phase?



Proposed Site Diagram



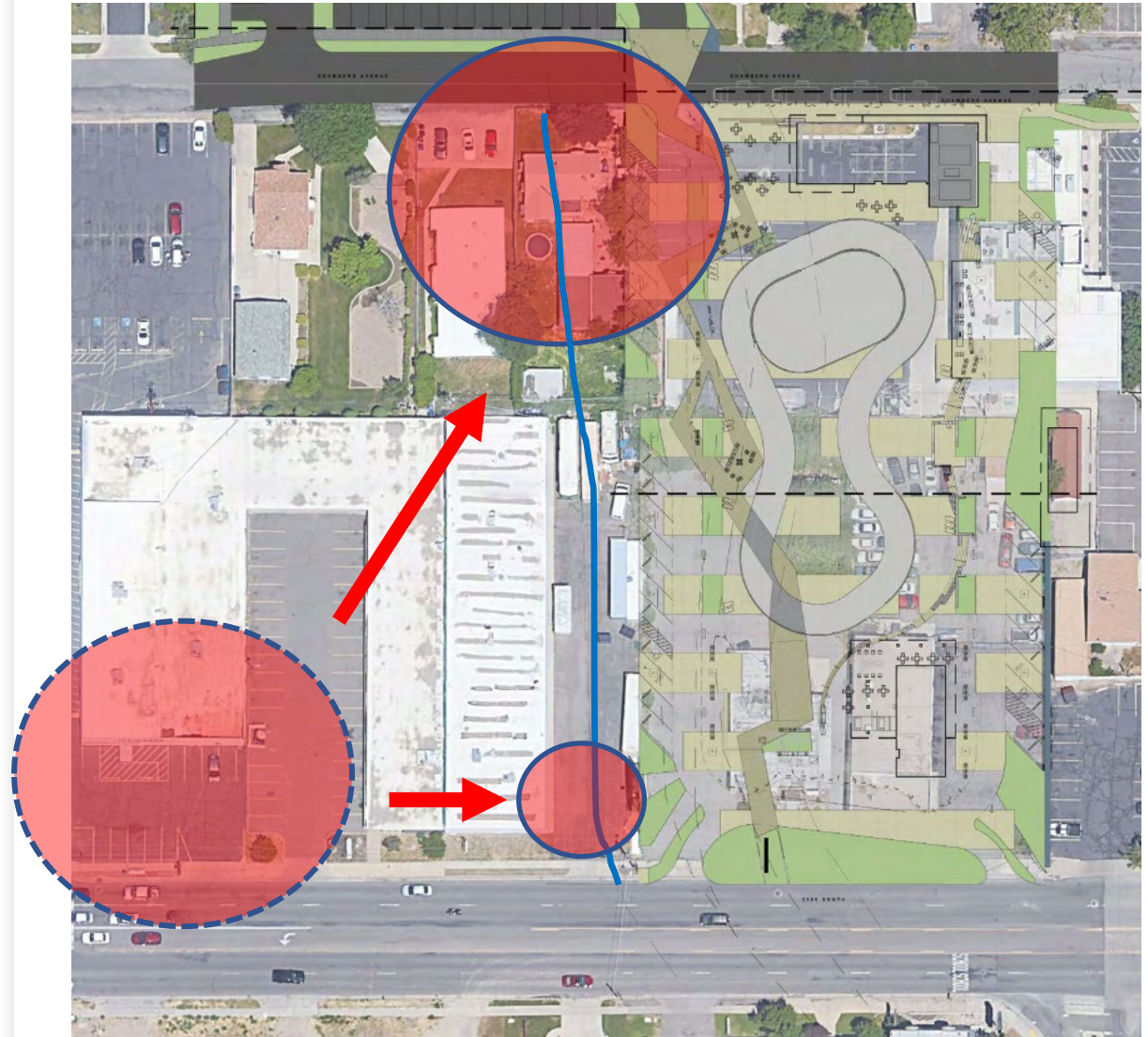
Development
Agreement
2

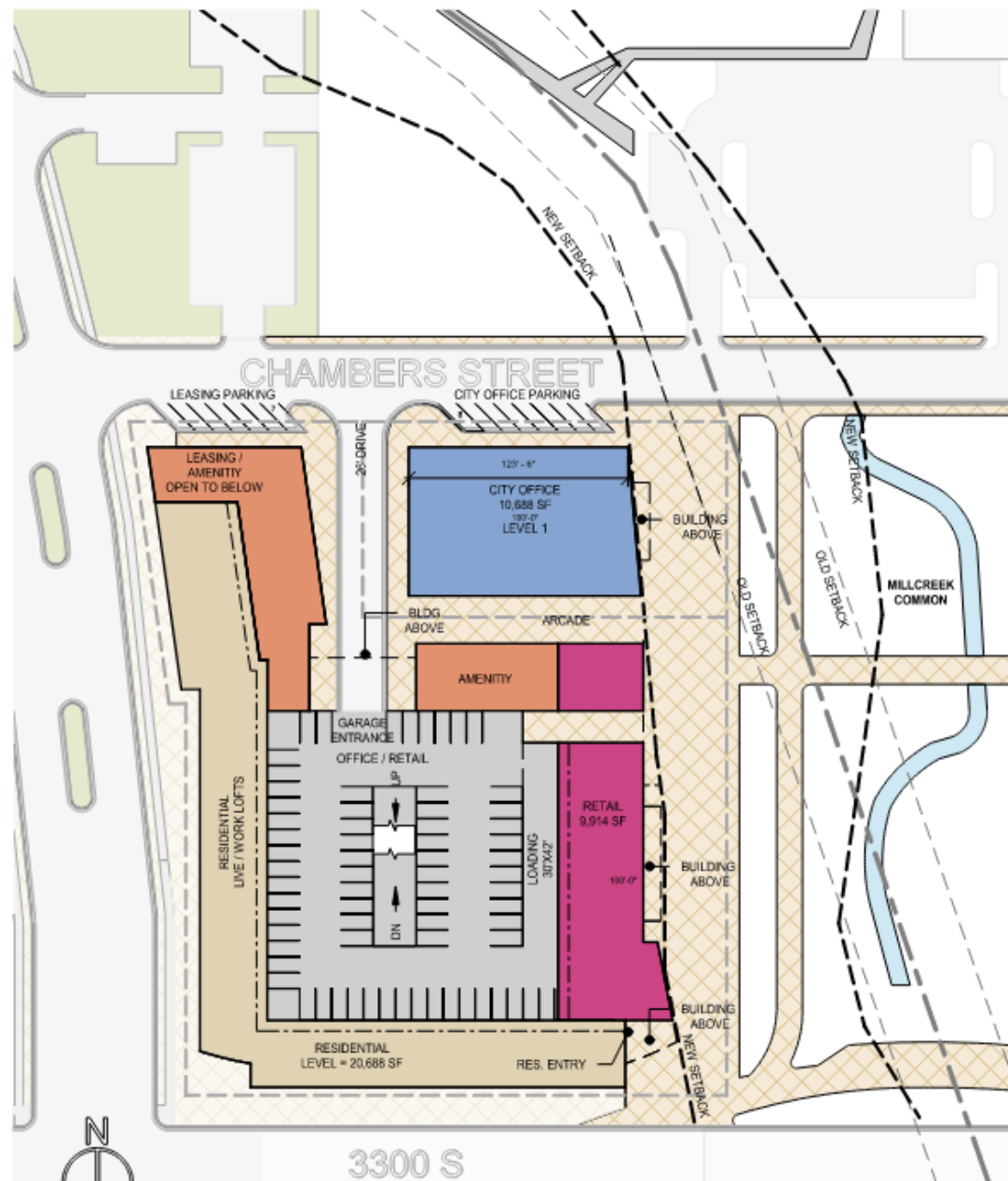
Development
Agreement
1

Development
Agreement
3

Development Agreement 1

- Move Commercial Requirement to Opposite Corners
- City Hall and public market on NW corner, Restaurant on SW corner.
- Limited to no setback – City acquiring fault line boundary.
- Shared Parking – city to contribute to parking structure use. Custom parking ratio.
- No stepback. Specific materials.
- Design Review Committee.



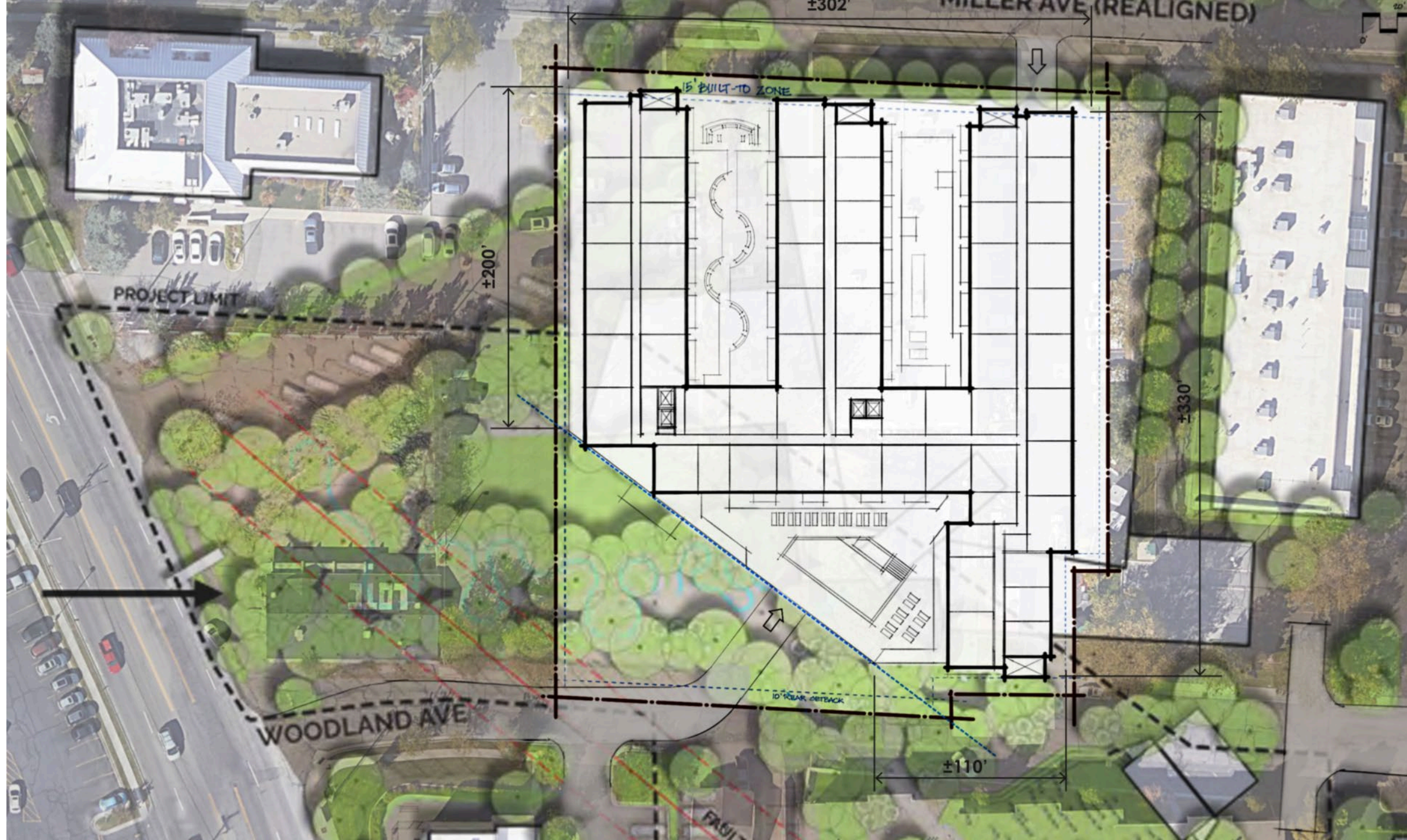


LEVEL 1.5 FLOOR PLAN (MILLCREEK COMMON)

Development Agreement 2

- Modify commercial requirement along park boundary. Live/Work? We don't want vehicular access here.
- Developer to build or contribute to amphitheater in lieu of commercial requirement.
- 10' additional height proposed on account of odd shaped parcel.
- Possible shared parking and custom parking ratio.
- Possible stepback allowances.
- Pedestrian Path East Side of Site
- Design Review Committee.
- Potential arts component.





Development Agreement 3

- MC33 wants to expand their project and build a pedestrian bridge across 3300 South.
- Requires a development agreement for a contribution in lieu of open space.
- Would involve an amended Conditional Use Permit with an approval **subject to** Council approval of the development agreement.

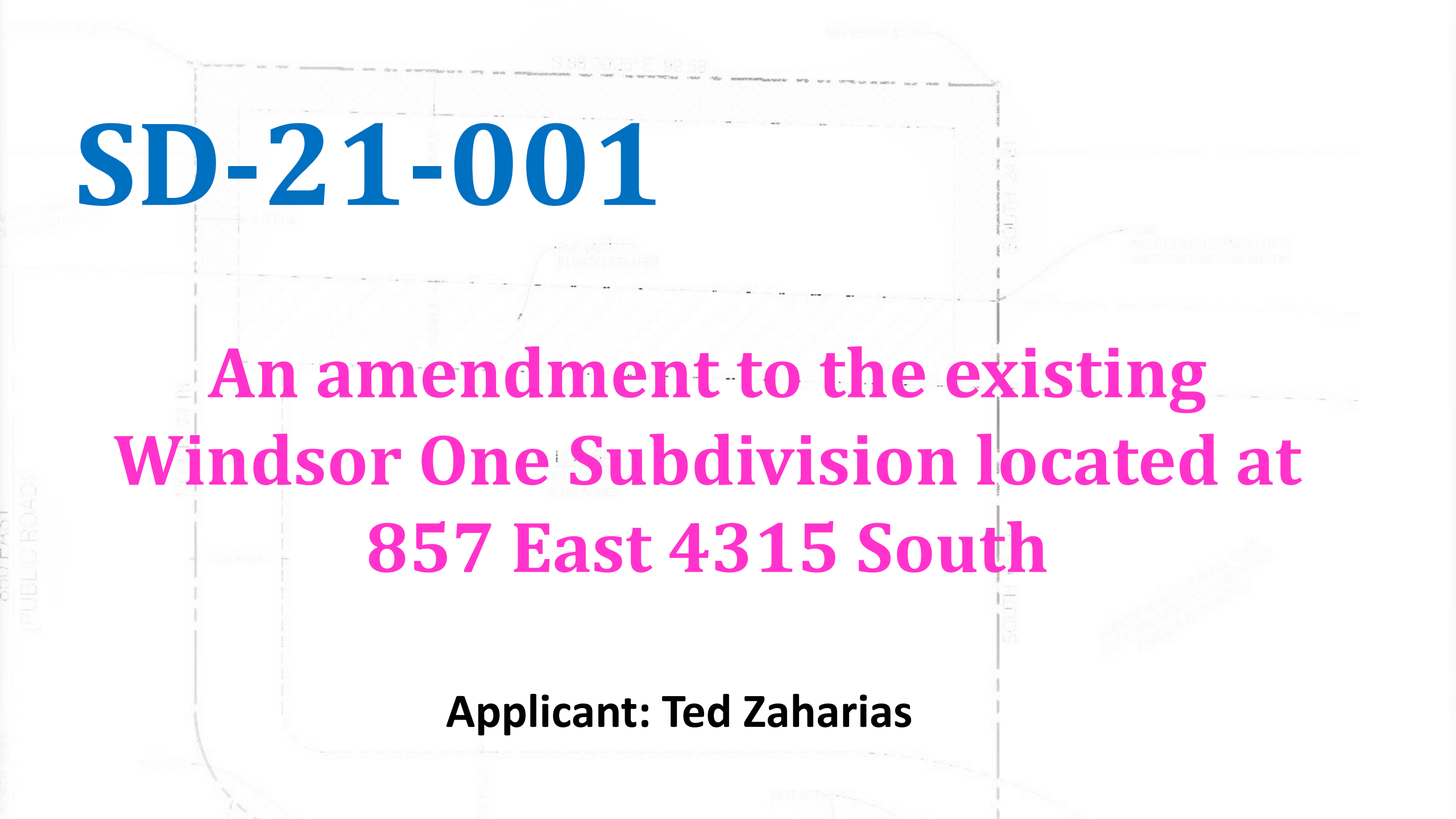




APPROVAL PROCESS OPTIONS

Each required CCOZ amendment stands on its own, requiring a text amendment approval by four community councils.

What if we created a process in CCOZ that allowed us to do a streamlined development agreement modification process?



SD-21-001

**An amendment to the existing
Windsor One Subdivision located at
857 East 4315 South**

Applicant: Ted Zaharias

[illegible]

18.18.050 Other Amendments to Subdivisions

An amendment to a recorded subdivision that involves the alteration or removal of an easement, private right-of-way, condition, limitation, or special requirement shall follow the approval procedure outlined in MKC 18.08.010 with the following variations:

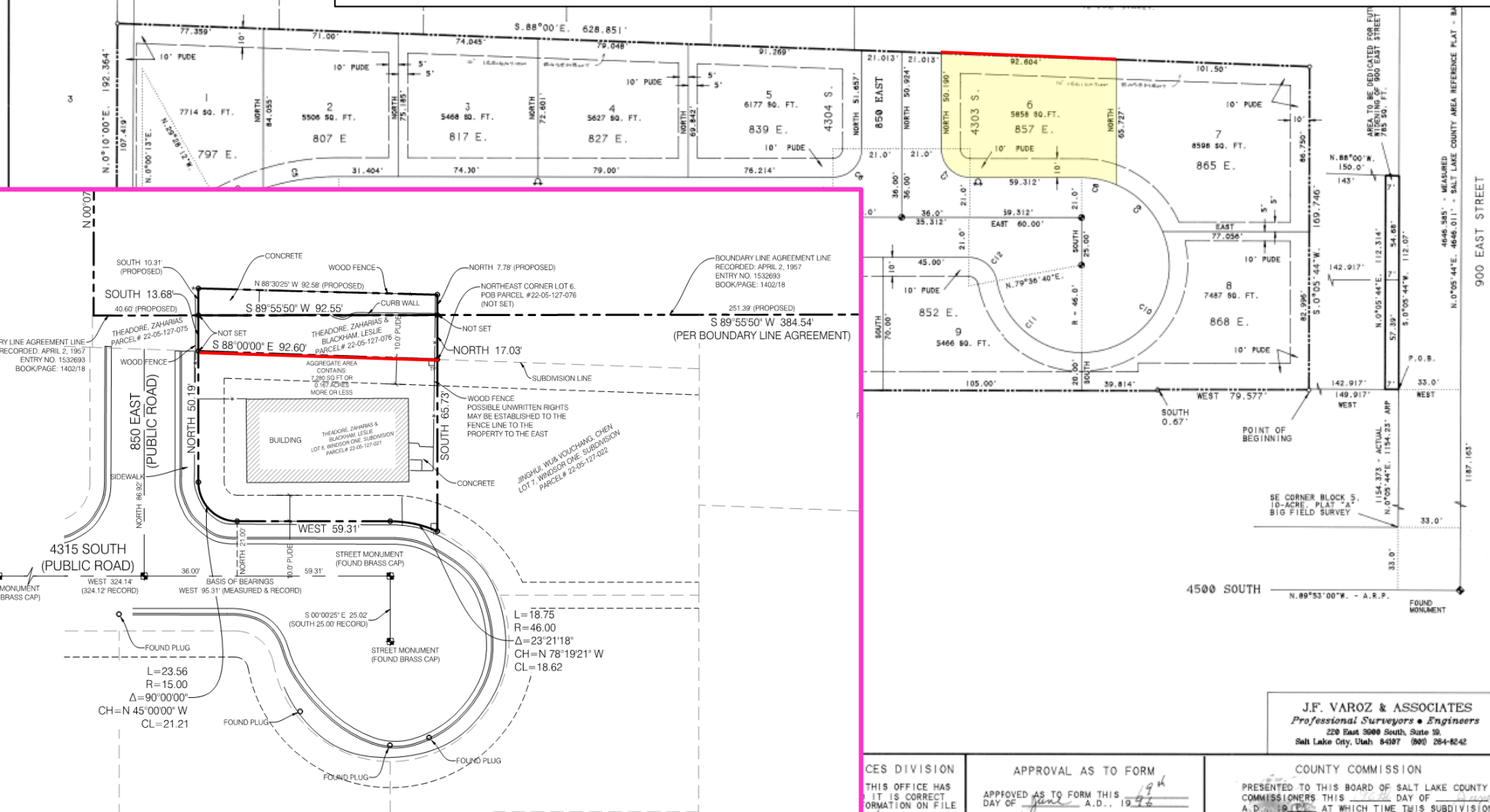
- Only those persons or entities who have a direct interest in, or who will be directly affected by the proposed change (including the applicant) must be notified of any pending action; and
- No preliminary plat need be approved. The recommendations of the affected entities and the approval of the planning commission may be based on a final plat.

The map shows a subdivision with nine numbered lots. Lot sizes range from approximately 500 sq. ft. to over 800 sq. ft. Public roads shown include 850 EAST (PUBLIC ROAD) and 4315 SOUTH (PUBLIC ROAD). A building footprint is located between Lots 1 and 2. Survey details include bearings such as N. 8° 0' 0\"/>

CES DIVISION	APPROVAL AS TO FORM	COUNTY COMMISSION	RECORDED #
THIS OFFICE HAS VERIFIED THAT THE INFORMATION ON FILE IS CORRECT. DATE OF APPROVAL: June 19, 1996 [Signature]	PRESENTED TO THIS BOARD OF SALT LAKE COUNTY COMMISSIONERS THIS [] DAY OF [] A.D., 1996 AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED. [Signatures]	STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE REQUEST OF ABNEY BARAGHOSHI DATE 6-26-96 TIME 3:30 PM BOOK 96-GF PAGE 232	# 6372919

An amendment to a recorded subdivision that involves the alteration or removal of an easement, private right-of-way, condition, limitation, or special requirement shall follow the approval procedure outlined in MKC 18.08.010 with the following variations:

- Only those persons or entities who have a direct interest in, or who will be directly affected by the proposed change (including the applicant) must be notified of any pending action; and
- *No preliminary plat need be approved. The recommendations of the affected entities and the approval of the planning commission may be based on a final plat.*



DESCRIPTION FOR ROAD DEDICATION (900 EAST)

BEGINNING at a point 1154.23 ft. N. 0°05'44"E. and 33.0 ft. west from the southeast corner of Block 5, Ten Acre Plat. CA, Big Bear Survey, and 160.0 ft. west from the point 163.0 ft. N. 0°05'44"E. and 33.0 ft. west from the survey monument at the intersection of 900 East and 4500 South Streets; thence West 7.0 ft.; thence N. 0°05'44"E. 112.314 ft.; thence S. 88°00"E. 7.0 ft.; thence S. 0°05'44"W. 112.07 ft. to the point of BEGINNING.

Contains 0.018 acre, or (785 sq. ft.)



Joseph F. Varoz
JOSEPH F. VAROZ LS # 3839

DATE - MARCH 28, 199

REVISED: 5-21-96 

OWNER'S DEDICATION

Know all men by these presents that ~~the~~ ^{the} ~~3~~ undersigned owner (S) of the above described tract of land, having caused same to be subdivided into lots and streets to be hereafter known as the

WINDSOR ONE SUBDIVISION

do hereby dedicate for perpetual use of the public all parcels of
land shown on this plat as intended for Public use.

In witness whereof WE have hereunto set OUR HANDS this

day of 14 A.D. 1976

My Dearest

ABEY BARAGHOSHI DAVID C. Wright

Janette S. Lindsay

ANNETTE S. LINDSAY

ACKNOWLEDGMENT

STATE OF UTAH }
County of Salt Lake } S.S.
On the 15 day of MAY A.D. 1976, personally appeared before me, the undersigned Notary Public, in and for said County of Salt Lake, said State of Utah, the signer (S) of the above Owner's dedication in number, who duly acknowledged to me that he is the owner of the above described land, and for the uses and purpose therein mentioned.

MY COMMISSION EXPIRES: FEBRUARY 6, 1980

Walter A. Hughes Notary Public
RESIDING IN SALT LAKE COUNTY

WINDSOR ONE SUBDIVISION

LOCATED IN LOTS 4 AND 15, BLOCK 5,
TEN ACRE PLAT "A", BIG FIELD SURVEY

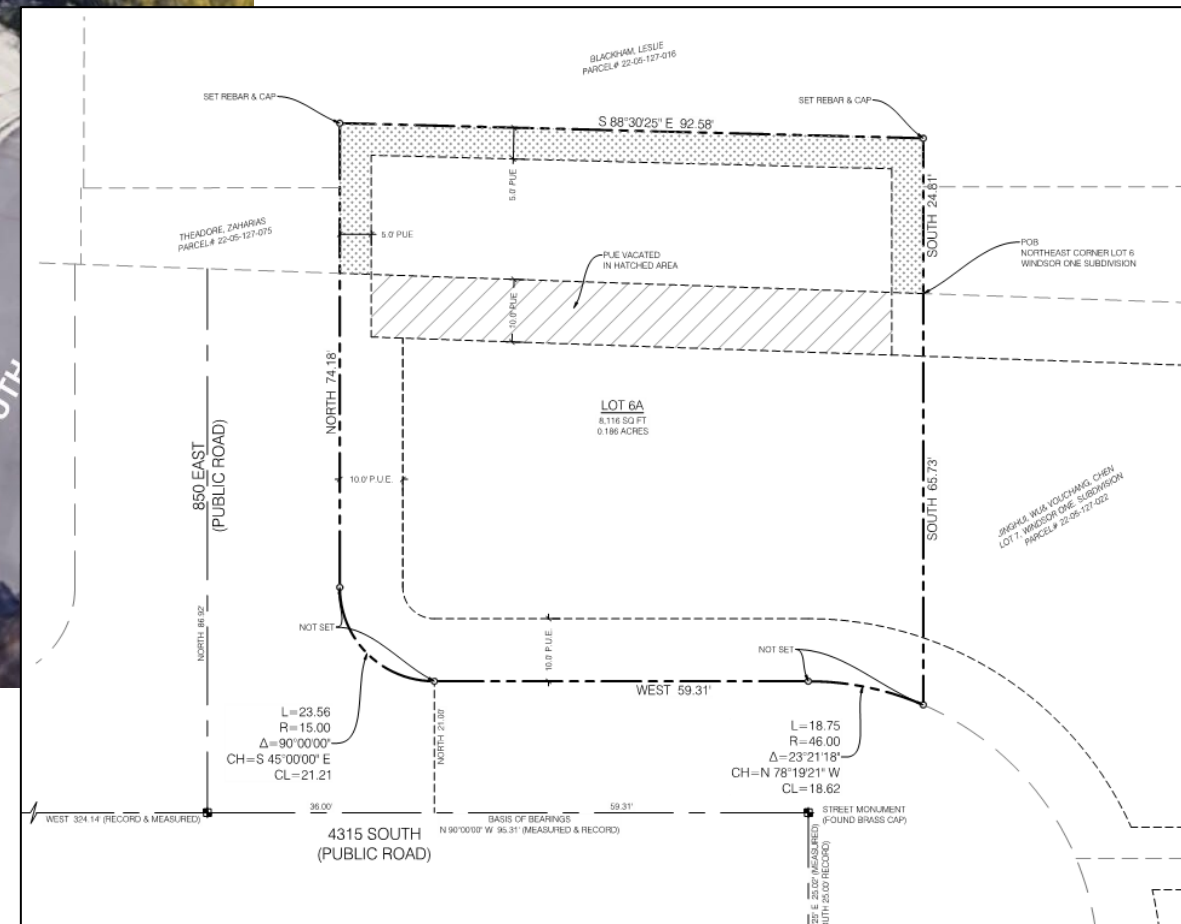
SALT LAKE BASE & MERIDIAN

RECORDED # 6392919

STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE

REQUEST OF ABNEY BARAGHOSH

DATE 4-26-90 TIME 3:30 PM BOOK 96-6P PAGE 232



WINDSOR ONE SUBDIVISION 2ND AMENDED AMENDING AND EXTENDING LOT 6

LOCATED IN THE NORTHWEST QUARTER OF SECTION 5,

TOWNSHIP 2 SOUTH, RANGE 1 EAST,

SALT LAKE BASE AND MERIDIAN

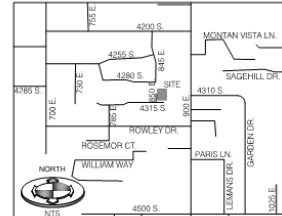
MILLCREEK, SALT LAKE COUNTY, UTAH



GRAPHIC SCALE



VICINITY MAP



LEGEND

- EXISTING STREET MONUMENT
- BOUNDARY CORNER (SET REBAR AND CAP MARKED BENCHMARK ENCL) (UNLESS OTHERWISE NOTED)
- CENTERLINE OF ROAD
- RIGHT OF WAY LINE
- BOUNDARY LINE
- ADJACENT PROPERTY
- EASEMENT LINE
- PUE PUBLIC UTILITY EASEMENT
- VACATED EASEMENT
- NEW P.U.E.

SURVEYOR'S CERTIFICATE

I, BRIAN A. LINAM DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 724801. IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS SUBDIVISION PLAT IN ACCORDANCE WITH SECTION 17-23-17, HAVE VERIFIED ALL MEASUREMENTS, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, AND A STREET, TOGETHER WITH EASEMENTS, HEREAFTER TO BE KNOWN AS:

WINDSOR ONE SUBDIVISION 2ND AMENDED AMENDING AND EXTENDING LOT 6 DESCRIPTION

BEGINNING AT THE NORTHEAST CORNER OF LOT 6, WINDSOR ONE SUBDIVISION; THENCE SOUTH 69.73 FEET TO THE SOUTHEAST CORNER OF SAID LOT 6; THENCE NORTHWESTERLY 18.75 FEET ALONG THE ARC OF A 46.00 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARS NORTH 78°19'21" WEST 18.62 FEET; THENCE WEST 59.31 FEET; THENCE NORTHWESTERLY 23.56 FEET ALONG THE ARC OF A 15.00 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARS NORTH 45°00'00" WEST 21.21 FEET; THENCE NORTH 69.87 FEET; THENCE SOUTH 88°30'25" EAST 92.58 FEET; THENCE SOUTH 17.03 FEET TO THE POINT OF BEGINNING.

CONTAINS: 8.116 SQ FT OR 0.186 ACRES, MORE OR LESS
1 LOT



OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNER(S) OF THE ABOVE DESCRIBED TRACT OF LAND, HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS TOGETHER WITH EASEMENTS TO BE HEREAFTER KNOWN AS:

WINDSOR ONE SUBDIVISION 2ND AMENDED AMENDING AND EXTENDING LOT 6

AND DO HEREBY DEDICATE FOR THE PERPETUAL USE OF THE PUBLIC ALL AREAS SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE. THE UNDERSIGNED ALSO DO HEREBY CONVEY TO ANY AND ALL PUBLIC UTILITY COMPANIES A PERPETUAL NON-EXCLUSIVE EASEMENT OVER THE PUBLIC UTILITY EASEMENTS SHOWN ON THIS PLAT, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF UTILITY LINES AND FACILITIES. THE UNDERSIGNED OWNERS ALSO HEREBY CONVEYS ANY OTHER EASEMENTS AS SHOWN OR NOTED ON THIS PLAT TO THE PARTIES INDICATED AND FOR THE PURPOSES SHOWN AND/OR NOTED HEREON IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS; THIS _____ DAY OF _____ A.D. 20____.

THEODORE E. ZAHARIAS
SIGNATURE
BY (PRINT NAME):
ITS:

ACKNOWLEDGMENT

State of Utah } S.S.
County of Salt Lake }
ON THE _____ DAY OF _____ A.D. 20____ BEFORE ME, _____ THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY APPEARED THEODORE E. ZAHARIAS, AND PROVED ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO IN THE FOREGOING OWNERS DEDICATION AND WAS SIGNED BY THEM AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME.

MY COMMISSION EXPIRES: _____ (DATE) _____ COMMISSION NUMBER: _____
PRINT NAME: _____ (SIGNED) A NOTARY PUBLIC COMMISSIONED IN UTAH

ACKNOWLEDGMENT

State of Utah } S.S.
County of Salt Lake }
ON THE _____ DAY OF _____ A.D. 20____ BEFORE ME, _____ THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY APPEARED LESLIE BLACKHAM, AND PROVED ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO IN THE FOREGOING OWNERS DEDICATION AND WAS SIGNED BY THEM AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME.

MY COMMISSION EXPIRES: _____ (DATE) _____ COMMISSION NUMBER: _____
PRINT NAME: _____ (SIGNED) A NOTARY PUBLIC COMMISSIONED IN UTAH

WINDSOR ONE SUBDIVISION 2ND AMENDED AMENDING AND EXTENDING LOT 6

LOCATED IN THE NORTHEAST QUARTER OF SECTION 34,
TOWNSHIP 1 SOUTH, RANGE 1 EAST,
SALT LAKE BASE AND MERIDIAN
MILLCREEK, SALT LAKE COUNTY, UTAH

SHEET 1 OF 1

PUBLIC UTILITY APPROVAL
CENTURY LINK: _____ DATE: _____
COMCAST: _____ DATE: _____
ROCKY MOUNTAIN POWER: _____ DATE: _____
DOMINION ENERGY: _____ DATE: _____
IRRIGATION COMPANY: _____ DATE: _____

UNIFIED FIRE
AUTHORITY APPROVAL

SIGNED _____ DATE _____

SALT LAKE COUNTY
ADDRESSING APPROVAL

SIGNED _____ DATE _____

MILLCREEK ENGINEERING

SIGNED _____ DATE _____

RECORD OF SURVEY
R.O.S. NO.: _____

SIGNED _____ DATE _____

DEVELOPER/OWNER
NAME: TED ZAHARIAS
PHONE NO.: 801-580-8040
EMAIL: TZAHARIAS@GMAIL.COM
PROJECT ADDRESS:
857 E. 4315 S.
MILLCREEK, UT

SALT LAKE COUNTY HEALTH DEPARTMENT
APPROVED AS TO FORM THIS _____ DAY OF _____ A.D. 20____

DIRECTOR, COUNTY HEALTH DEPARTMENT

CHECK FOR ZONING COMPLIANCE
ZONE: _____ LOT AREA: _____
LOT WIDTH: _____ FRONT YARD: _____
SIDE YARD: _____ REAR YARD: _____

SIGNED _____ DATE _____

MILLCREEK PLANNING COMMISSION
APPROVED THIS _____ DAY OF _____ A.D. 20____ BY THE MILLCREEK PLANNING COMMISSION.

PLANNING COMMISSION CHAIR

MILLCREEK PLANNING AND ZONING DEPT.
APPROVED THIS _____ DAY OF _____ A.D. 20____ BY MILLCREEK PLANNING AND DEVELOPMENT DEPARTMENT.

MILLCREEK PLANNING AND ZONING DIRECTOR

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS _____ DAY OF _____ A.D. 20____

MILLCREEK ATTORNEY

MILLCREEK MAYOR
PRESENTED TO THE MAYOR AND MILLCREEK COUNCIL
ON _____ AT _____
TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

MAYOR

ATTEST, CITY RECORDER

SALT LAKE COUNTY RECORDER
RECORDED # _____
STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE REQUEST OF _____
DATE _____ TIME _____ BOOK _____ PAGE _____
FEE \$ _____
DEPUTY, SALT LAKE COUNTY RECORDER

BENCHMARK CIVIL
BENCHMARK
ENGINEERING &
LAND SURVEYING
9138 SOUTH STATE STREET SUITE # 100
SANDY, UTAH 84070 (801) 542-7182
www.benchmarkcivil.com

ISSUES OF CONCERN/PROPOSED MITIGATION

There appears to be an irrigation easement owned and maintained by the Big Ditch Irrigation Company. However, the status and whether the ditch is operational is still in question. Staff has contacted the Big Ditch Irrigation Company to provide notice of the proposed plat amendment per Utah State Statute 10-9a-603. The Big Ditch Irrigation Company will be required to approve and sign the proposed plat amendment.

NEIGHBORHOOD RESPONSE

“Only those persons or entities who have a direct interest in, or who will be directly affected by the proposed change (including the applicant) must be notified of any pending action”

Staff sent notices to directly affected entities and the property owners on March 5, 2021.

COMMUNITY COUNCIL RESPONSE

As per Chapter 2.56.100 Community Councils; Planning and Zoning, subdivision plats and amendments are **not** required to be submitted for Community Council recommendation.

PLANNING STAFF RECOMMENDATION

Staff recommends to the Millcreek Planning Commission to **APPROVE** the proposed final plat, Windsor One Subdivision 2nd Amended, file number SD-21-001 with the following staff conditions:

1. The design of the site and buildings shall comply with all applicable development standards of the Millcreek Zoning Code and any site development standards required by the Millcreek Engineer and Building Official, and Unified Fire Authority.
2. Prior to receiving final plat approval and recording, the applicant shall certify that existing utility services have the capacity to accommodate additional demand induced by the development, or that the services will be upgraded to meet the additional demand and has approved and signed the proposed final plat.
3. **Prior to receiving final plat approval and recording, the applicant shall certify that the existing canal company (Big Ditch Irrigation Company) has approved and signed the proposed final plat.**
4. Record required deeds that facilitate/complete the lot consolidation approved by Millcreek per application (LC-20-010).

5. Accessory structures will require separate building permits and staff review for zoning/land use compliance.
6. Any modifications to these approved plans must be approved by the Planning Department, in writing, prior to the changes being implemented in the field.
7. The proposed subdivision amendment must complete a final technical review to ensure that the final plat complies with the design standards, codes, and ordinances and with minimum engineering/surveying requirements, including any required bonding.
8. Any future development within the proposed subdivision amendment will be required to meet all current and applicable zoning ordinances.
9. All applicable zoning, building, health, fire, and safety requirements must be met prior to receiving final approval from Millcreek.
10. All items of the staff report.

MODEL MOTION

Motion to **APPROVE** the proposed final plat, Windsor One Subdivision 2nd Amended, file number SD-21-001 with the staff conditions located in the staff report;

and with the update, that the proposed location of the public utility drainage easement consist of no less than ten feet in width.