Millcreek City Council & Community Reinvestment Agency Meeting Agenda

Public Notice is hereby given that the City Council of Millcreek will assemble in a public work meeting and regular meeting on Monday, **13 September 2021** at City Hall, 3330 S. 1300 E., Millcreek, Utah 84106, commencing at **5:00 p.m.** for the work meeting and **7:00 p.m**. for the regular meeting. The Community Reinvestment Agency of Millcreek will also assemble in a regular public meeting and will commence when the City Council has recessed or concluded the Council meeting.

5:00 p.m. – WORK MEETING:

1. Canyon Rim Park Pickleball Court Update and Discussion; John Miller, City Engineer
2. Planning Matter First Reading:
   a. *ZT-21-004*, Accessory Dwelling Unit (ADU) Ordinance Draft, Francis Lilly, Planning & Zoning Director
3. Staff Reports
4. Discussion of Agenda Items, Correspondence, and/or Future Agenda Items

7:00 p.m. - REGULAR MEETING:

1. Welcome, Introduction and Preliminary Matters

1.1 Pledge of Allegiance

1.2 Public Comment

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

2. Planning Matters

2.1 Discussion and Consideration of **Ordinance 21-35**, Rezoning Certain Property Located at Approximately 4074 South West Temple Street from R-M (Residential Multi-family) to MD (Mixed Development)

2.2 Discussion and Consideration of **Ordinance 21-36**, Approving a Master Development Agreement for a 64 Unit Affordable Senior Housing Project with Respect to Approximately 1.15 acres of Real Property Located at Approximately 4074 South West Temple Street

2.3 Discussion and Consideration of **Ordinance 21-37**, Amending Title 19 and Title 14 of the Millcreek Code of Ordinances with Respect to Technical Corrections Regarding Definitions, Noticing, and Planning Commission Membership

City Council Meeting Recess & Community Reinvestment Agency Convening

1. **Public Hearing** on the Woodland Avenue Community Reinvestment Project Area Budget
2. Discussion and Consideration of **Resolution 21-14**, Adopting the Woodland Avenue Community Reinvestment Project Area Budget
3. **Public Hearing** on the Woodland Avenue Community Reinvestment Project Area Plan
4. Discussion and Consideration of **Resolution 21-15**, Adopting the Woodland Avenue Community Reinvestment Project Area Plan
5. Approval of June 28, 2021 Regular Meeting Minutes
6. Adjourn

Community Reinvestment Agency Recess and City Council Reconvening

3. Business Matters

3.1 Discussion and Consideration of **Resolution 21-35**, Approving an Interlocal Sustainability Action Plan
3.2 Discussion and Consideration of **Resolution 21-36**, Appoint a Board of Appeals for the Abatement of Dangerous Buildings
3.3 Discussion and Consideration of **Ordinance 21-38**, Adopting the Community Reinvestment Project Area Plan for the Woodland Avenue Community Reinvestment Project Area

4. Reports

4.1 Mayor's Report
4.2 City Council Member Reports
4.3 Staff Reports

5. New Items for Subsequent Consideration

6. Calendar of Upcoming Events

- Planning Commission Mtg., 9/15/21, 5:00 p.m. at City Hall
- City Council Mtg., 9/27/21, 5:00 p.m. at City Hall

7. Closed Session (If Needed)

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

8. Adjournment

In accordance with the Americans with Disabilities Act, Millcreek will make reasonable accommodation for participation in the meeting. Individuals may request assistance by contacting the ADA Coordinator, 801-214-2751 or khansen@millcreek.us, at least 48 hours in advance of the meeting.

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

The meeting will be live streamed via the City's website at: https://millcreek.us/373/Meeting-Live-Stream. The Council and Agency may convene in an electronic meeting. Council Members and Board Members may participate from remote locations and may be connected to the electronic meeting by GoToMeeting, Zoom, or telephonic communications. The anchor location will be City Hall.

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

City Offices	City Website	Utah Public Notice Website
Those Listed on the Agenda	http://millcreek.us	http://pmn.utah.gov

DATE: September 8, 2021 CITY RECORDER: Elyse Sullivan

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

Summary

Project Engineering Consultants Ltd. (PEC) was retained by Millcreek City to conduct a noise analysis for the proposed Pickleball courts at Canyon Rim Park. The objective was to determine the likely amount of noise that would be generated by the courts and the potential for noise impact for the adjacent church and school. Because the courts have not yet been constructed, this analysis was done comparing noise levels at pickleball courts at Rotary Park in Provo, Utah, where a similar study has been conducted. The analysis will use that comparison to predict likely noise levels from the courts, examine the Millcreek City noise regulations, and propose mitigation measures, if appropriate.

Findings

The results of this assessment suggest that if pickleball was being played on the 9-10 proposed courts simultaneously, the resulting noise level at the church and school would likely be higher than the Millcreek Noise regulation.

1.0 Introduction

Project Engineering Consultants Ltd. (PEC) was retained by Millcreek City to conduct a noise analysis for the proposed Pickleball courts at Canyon Rim Park. The objective was to determine the likely amount of noise that would be generated by the courts and the potential for noise impact for the adjacent church and school. Because the courts have not yet been constructed, this analysis was done comparing noise levels at pickleball courts at Rotary Park in Provo, Utah, where a similar study has been conducted. The analysis will use that comparison to predict likely noise levels from the courts, examine the Millcreek City noise regulations, and propose mitigation measures, if appropriate.

1.1 Scope of Services

The scope of services for this project was to compare the Canyon Rim Park site to the Rotary Park Pickleball courts noise analysis and estimate noise levels from the pickleball courts at Canyon Rim. Also, the project will review the Millcreek City noise regulations and, if appropriate, propose mitigation measures for consideration.

2.0 Area Description

Millcreek City is currently in the process of designing the construction of 6-8 standard pickle ball courts over the existing tennis courts in the park, with an additional championship sized court or 2 more standard sized courts to the east of the current tennis court area.

3.0 Evaluation Criteria

Millcreek City has established noise limits for residential, business, and commercial areas. The specific noise limits are found in Chapter 9.14 Noise Regulations. The standard states that noise generated from residential areas and being received by residential areas should not exceed 55 dB(A).

4.0 Findings from Rotary Park

Noise measurements were made at Rotary Park using calibrated noise measuring instruments at five locations corresponding with adjacent residential property lines. These residential properties vary in distance from the courts from about 190 to 250 feet. From the measurements, average sound levels during play ranged from 61.2 dBA to 63.1 dBA.

The Rotary Park study took this information and estimated noise levels resulting from play simultaneously occurring on all eight of the courts. Including background noise sources (such as traffic), they concluded that the noise generated from play on all eight courts simultaneously would be about 66 dBA at the residential property lines.

5.0 Predictions for Canyon Rim Park

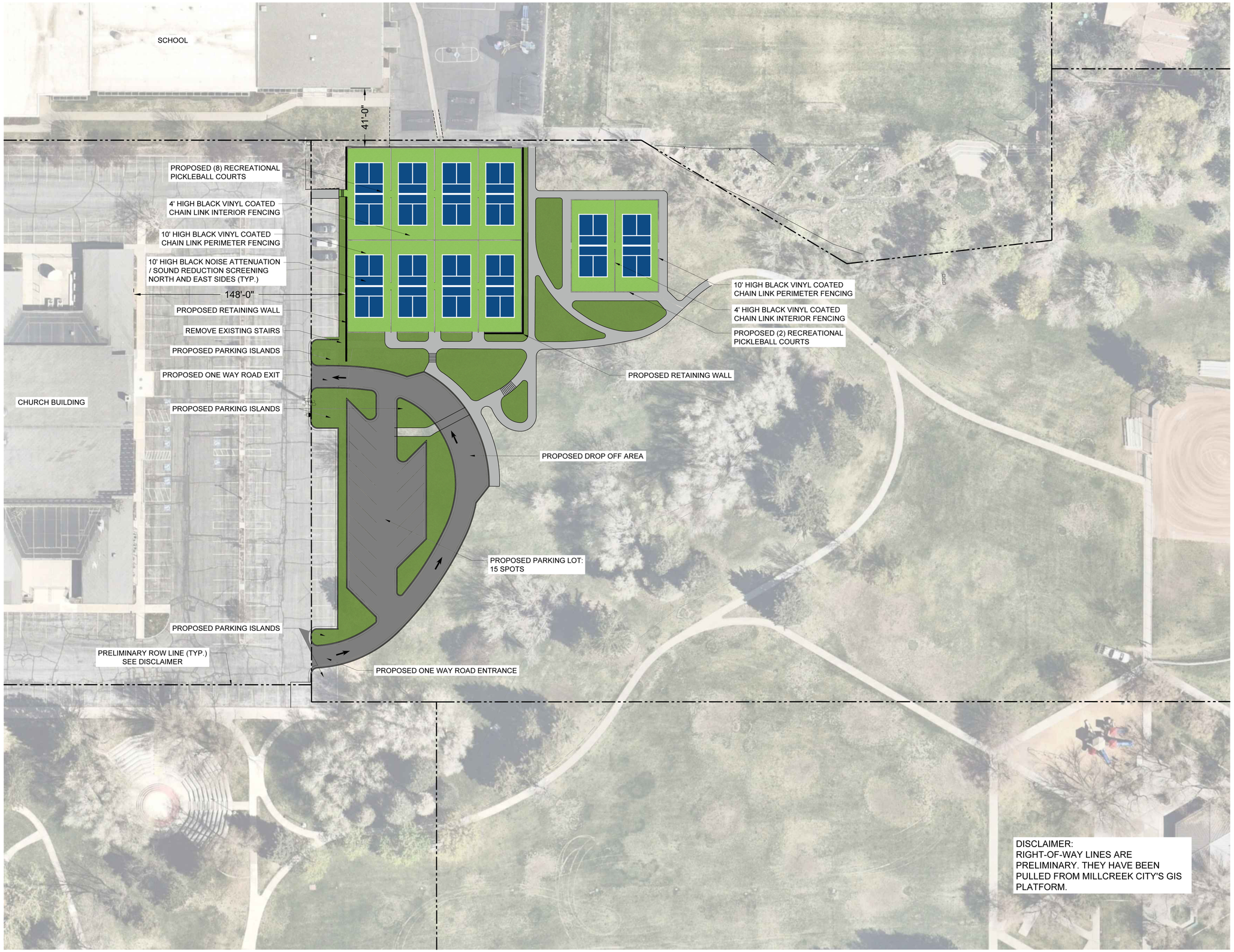
Canyon Rim is adjacent to a church building and an elementary school. The closest court to the elementary school is about 41 feet and the closest court to the church is 148 feet (please reference the attached exhibit). These distances represent the distance from the nearest court to the nearest building edge of both the church and the school. The predicted noise levels are for the exteriors of both buildings. Interior noise would be expected to be reduced substantially. Both locations are closer than the residential properties from the Rotary Park study. Since noise dissipates and lessens over distance, we can expect that the noise levels predicted from Rotary Park (66 dBA) will be greater at both the school and the church, approximately 70 dBA at the school and 68 dBA at the church. Both are higher than the 55 dBA Millcreek Noise Regulations.

6.0 Conclusions and Recommendations

Based on the results of this assessment, if pickleball were being played on all 9-10 of the proposed courts simultaneously, and if other conditions from the Rotary Park study were identical, the resulting noise level at the school and the church would likely be higher than the Millcreek noise regulations.

Traditional methods of controlling noise in these types of situations involve placement of a barrier between the courts and the properties, which results in the deflection of the sound waves away from the residences. Noise reducing fences are one method to reduce pickleball court noise. These types of fences are made from a flexible material and can be secured to chain link fence surrounding the court or as part of a stand-alone application. These types of fences can reduce the transmission of noise up to 28 dB through the material. Height of the noise reducing fence is dependent upon the relative height of the court and the noise receiver. This mitigation strategy could be employed to reduce the predicted noise levels below the 55 dBA Millcreek Noise regulation.

Finally, it should be noted that, because noise is subjective, some near the courts may still find the pickleball noise objectionable, even if noise levels are below the Millcreek noise regulation.



OWNER/CLIENT

3330 SOUTH 1300 EAST
MILLCREEK, UT 84106

P: (801) 214-2700

ENGINEER/LANDSCAPE ARCHITECT

PEC

986 WEST 9000 SOUTH
WEST JORDAN, UT 84088

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PROJECT INFORMATION

CANYON RIM PARK

3100 SOUTH GRACE STREET
MILLCREEK, UT 84109

SEAL/STAMP OF APPROVAL

PI:

PM:

DRAWN BY: SP

CHECKED BY:

PLOT DATE: 8/26/2021

SUBMISSION DATE 8/25/2021 **PROJECT #** UT 21-050

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SHEET NAME

PICKLEBALL CONCEPT 1

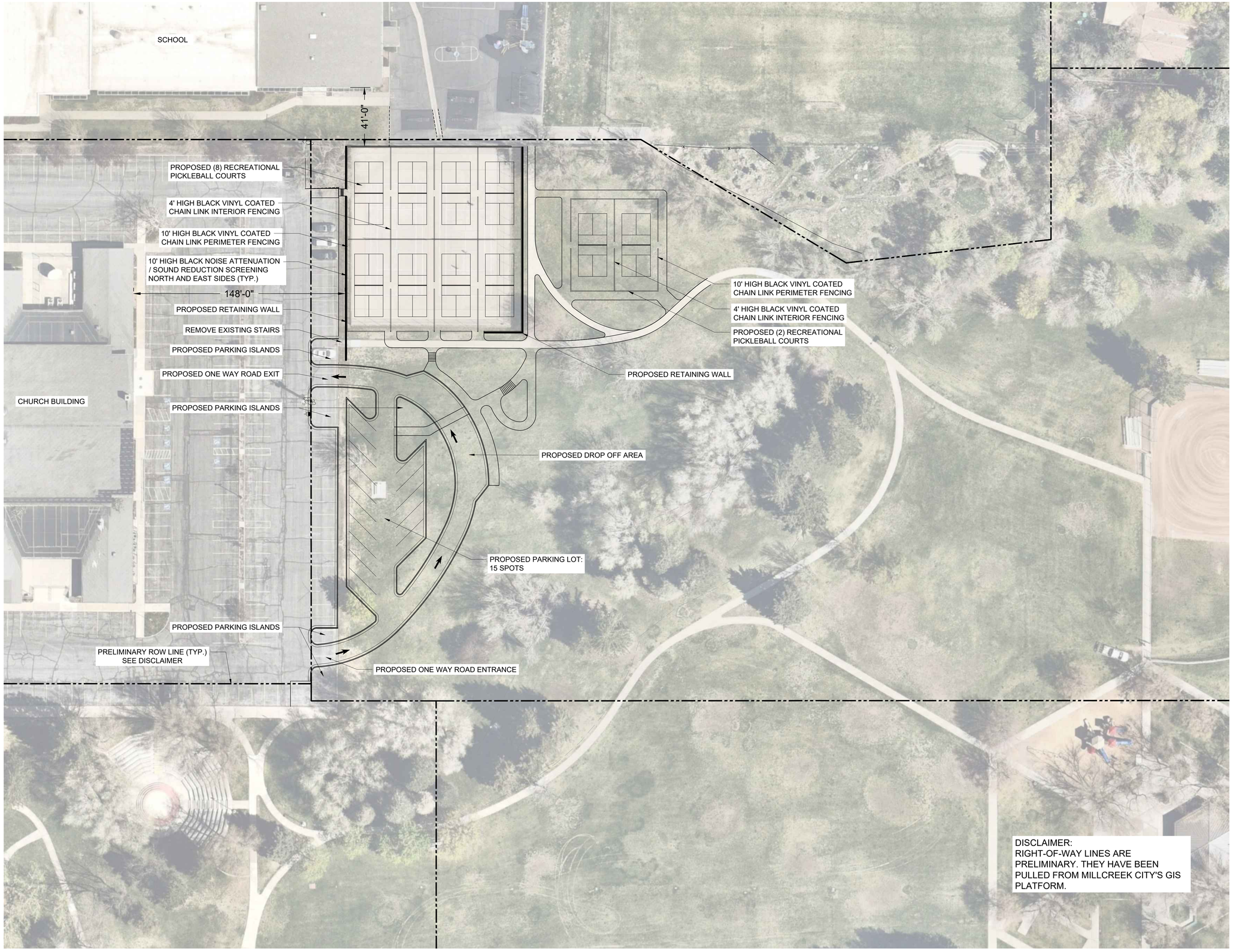
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PROJECT ENGINEERING CONSULTANTS

MILLCREEK - CANYON RIM PARK - CONCEPT NO. 1 - 10 COURTS
ENGINEER'S COST ESTIMATE FOR AUGUST 2021

ITEM NO.	ITEM DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
	PICKLEBALL - SITE				
1	CONSTRUCTION SURVEY	1	LUMP	$ 6,000.00	$ 6,000.00
2	TRAFFIC CONTROL	1	LUMP	$ -	$ -
				SUB TOTAL	$ 6,000.00
	PICKLEBALL - SITE EXCAVATION				
3	EXCAVATION (49,168 FT² @ 12" DEPTH)	1,821	CUBIC YARD	$ 10.00	$ 18,210.00
				SUB TOTAL	$ 18,210.00
	PICKLEBALL - UTILITIES				
4	ELECTRICAL SERVICES (TRANSFORMERS/WIRING/CONDUIT/METER/PANELS)	1	LUMP	$ 5,600.00	$ 5,600.00
5	PICKLEBALL SITE LIGHTING (PURCHASED BY CITY INSTALLED BY CONTRACTOR)	6	EACH	$ 4,200.00	$ 25,200.00
				SUB TOTAL	$ 30,800.00
	PICKLEBALL - PARK HARDSCAPE				
6	NEW SIDEWALK & STAIRS - CONCRETE (WIDTH VARIES @ 4" THICKNESS)	4,462	SQUARE FOOT	$ 12.00	$ 53,544.00
7	NEW SIDEWALK - UNTREATED BASE COURSE (4,462 FT² @ 6" DEPTH)	117	TON	$ 30.00	$ 3,510.00
				SUB TOTAL	$ 57,054.00
	PICKLEBALL - PARKING LOTS				
8	CURB AND GUTTER APWA TYPE E	1,316	LINEAR FOOT	$ 22.00	$ 28,952.00
9	ADA RAMPS	2	EACH	$ 800.00	$ 1,600.00
10	ASPHALT PAVING (3" DEPTH OVER 10,580 FT²)	192	TON	$ 80.00	$ 15,360.00
11	UNTREATED BASE COURSE (8" DEPTH OVER 10,580 FT²)	370	TON	$ 25.00	$ 9,250.00
12	GRANULAR BORROW (12" DEPTH OVER 10,580 FT²)	392	CUBIC YARD	$ 25.00	$ 9,800.00
13	GEOGRID (10,580 FT²)	1,176	SQUARE YARD	$ 4.60	$ 5,409.60
14	PARKING LOT / ROADWAY SIGNAGE	4	EACH	$ 550.00	$ 2,200.00
				SUB TOTAL	$ 72,571.60
	PICKLEBALL - WALLS, FENCING AND GATES				
15	18"-24" CAST IN PLACE RETAINING WALL (EAST)	160	LINEAR FOOT	$ 60.00	$ 9,600.00
16	36" CAST IN PLACE RETAINING WALL (WEST)	150	LINEAR FOOT	$ 90.00	$ 13,500.00
				SUB TOTAL	$ 23,100.00
	PICKLEBALL - MISCELLANEOUS				
17	PICKLEBALL RECREATIONAL (GROUP OF 8 COURTS @ 15,866 FT² W/ SURFACING & EQUIPMENT)	1	EACH	$ 175,600.00	$ 175,600.00
18	PICKLEBALL ELITE - 4' HIGH (BLACK VINYL COATED FENCING)	360	LINEAR FOOT	$ 30.00	$ 10,800.00
19	PICKLEBALL ELITE - 10' HIGH (BLACK VINYL COATED FENCING/GATES)	624	LINEAR FOOT	$ 60.00	$ 37,440.00
20	PICKLEBALL ELITE - 10' HIGH (SOUND REDUCTION SCREENING)	252	LINEAR FOOT	$ 30.00	$ 7,560.00
21	PICKLE-BALL RECREATIONAL (GROUP OF 2-COURTS @ 4,000FT² W/ SURFACING & EQUIPMENT)	1	EACH	$ 44,000.00	$ 44,000.00
22	PICKLEBALL RECREATIONAL - 4' HIGH (BLACK VINYL COATED FENCING)	60	LINEAR FOOT	$ 30.00	$ 1,800.00
23	PICKLEBALL RECREATIONAL - 10' HIGH (BLACK VINYL COATED FENCING/GATE)	254	LINEAR FOOT	$ 60.00	$ 15,240.00
24	PLANTINGS (TURF AND PLANTS) 15,898 FT²	12,826	SQUARE FOOT	$ 2.00	$ 25,652.00
25	IRRIGATION (TURF AND PLANTS) 15,898 FT²	12,826	SQUARE FOOT	$ 2.00	$ 25,652.00
				SUB TOTAL	$ 343,744.00
				COMBINED SUB TOTAL	$ 551,479.60
				15% CONTINGENCY	$ 82,721.94
				PICKLEBALL AREA TOTAL	**$634,201.54**

ENGINEER'S DISCLAIMER ON THE COST ESTIMATE:
This ENGINEER'S Cost Estimate is made on the basis of the ENGINEER'S experience and qualifications and represents the ENGINEER'S best judgement as an experienced and qualified professional generally familiar with the industry. However, since the ENGINEER has no control over the cost, labor, materials, equipment, or services furnished by others, or over the contractor's methods of determining prices, or over competitive bidding or market conditions, the ENGINEER cannot and does not guarantee that proposals, bids, or actual construction cost will not vary for the Cost Estimate as prepared by the ENGINEER. If the OWNER wishes greater assurances as to probable construction costs, the OWNER shall employ an independent cost estimator or contractor.



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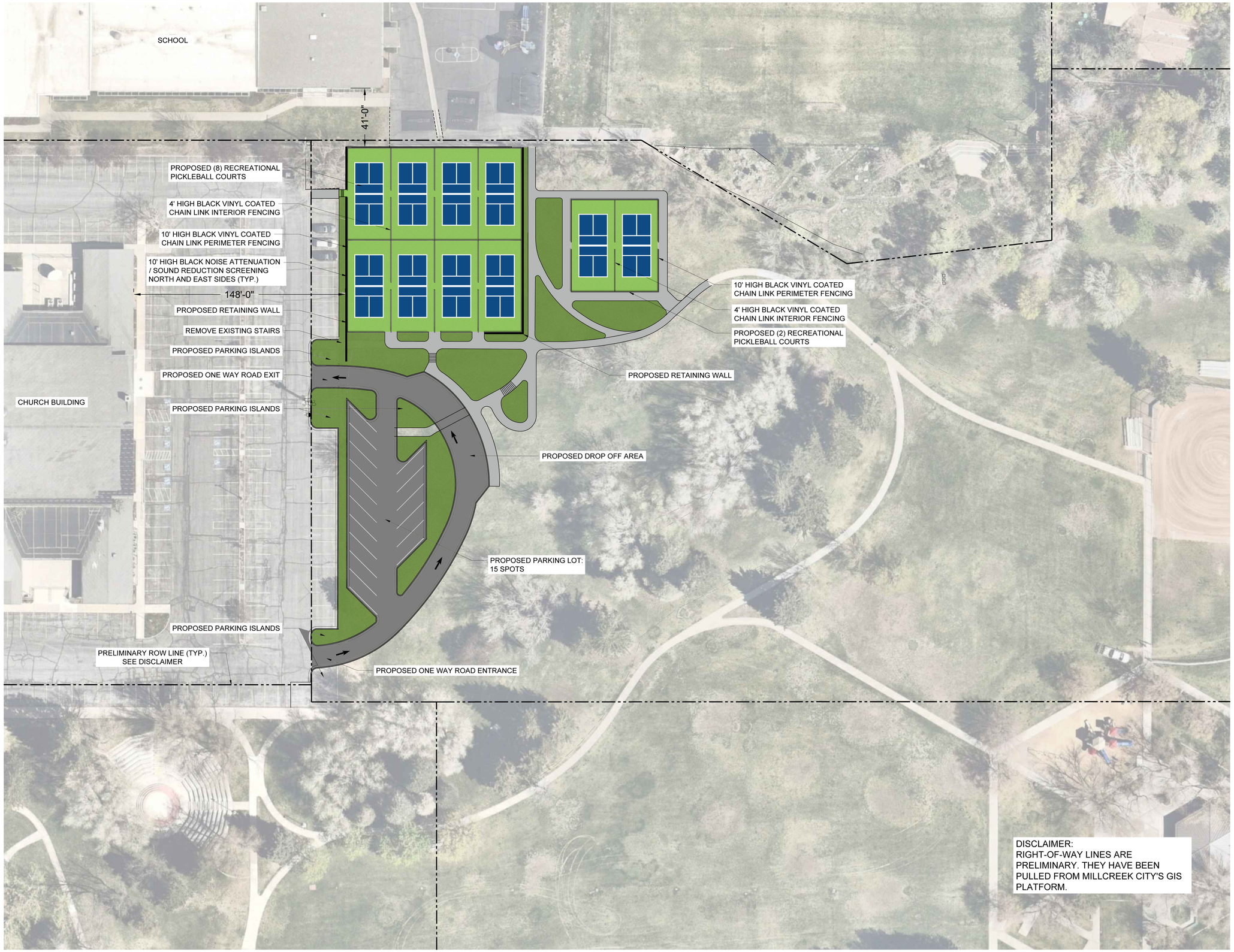
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PICKLEBALL CONCEPT 1

SHEET NUMBER



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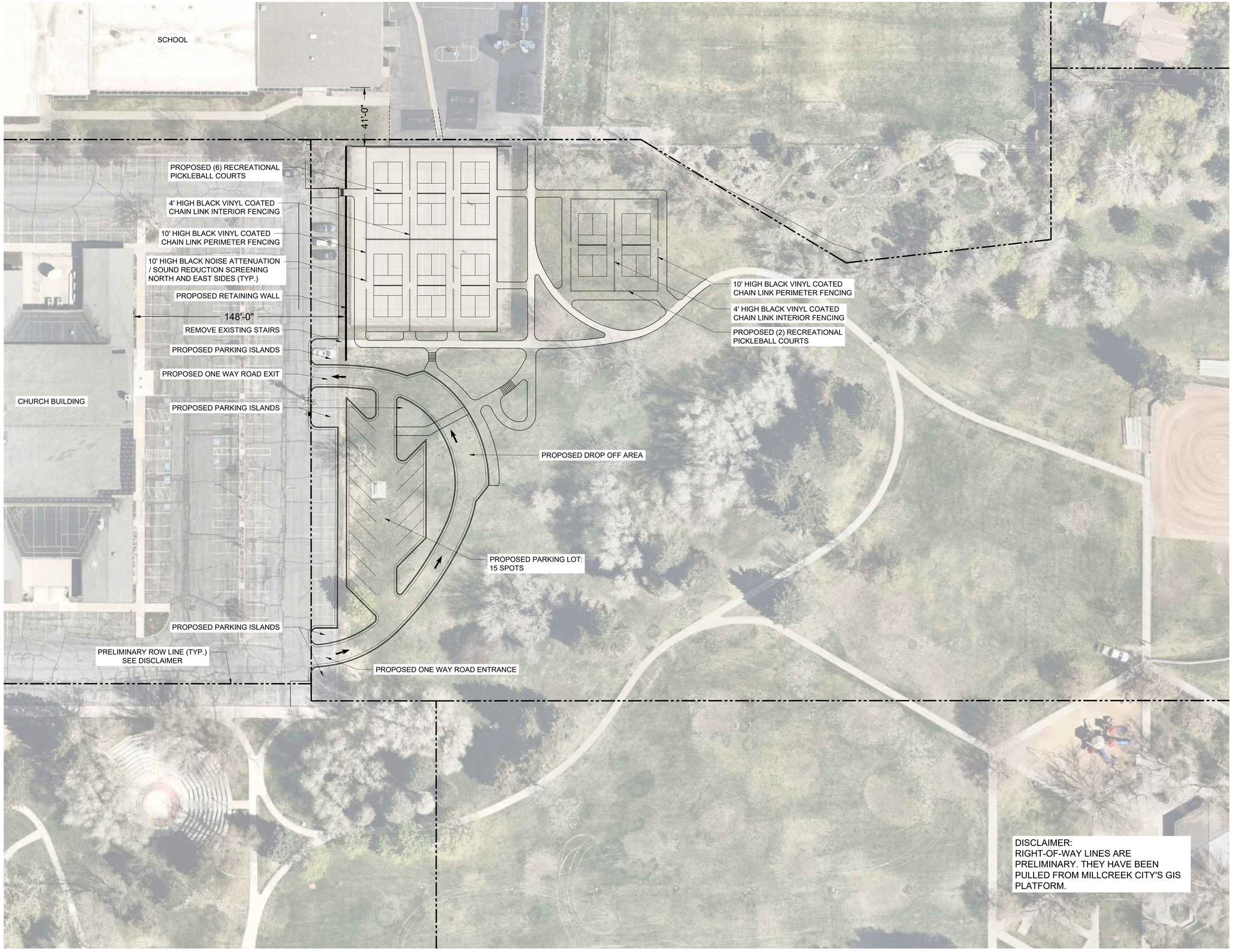
MILLCREEK - CANYON RIM PARK - CONCEPT NO. 2 - 8 COURTS
ENGINEER'S COST ESTIMATE FOR AUGUST 2021

ITEM NO.	ITEM DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
	PICKLEBALL - SITE				
1	CONSTRUCTION SURVEY	1	LUMP	$ 6,000.00	$ 6,000.00
2	TRAFFIC CONTROL	1	LUMP	$ -	$ -
				SUB TOTAL	$ 6,000.00
	PICKLEBALL - SITE EXCAVATION				
3	EXCAVATION (48,880 FT² @ 12" DEPTH)	1,810	CUBIC YARD	$ 10.00	$ 18,100.00
				SUB TOTAL	$ 18,100.00
	PICKLEBALL - UTILITIES				
4	ELECTRICAL SERVICES (TRANSFORMERS/WIRING/CONDUIT/METER/PANELS)	1	LUMP	$ 5,600.00	$ 5,600.00
5	PICKLEBALL SITE LIGHTING (PURCHASED BY CITY INSTALLED BY CONTRACTOR)	6	EACH	$ 4,200.00	$ 25,200.00
				SUB TOTAL	$ 30,800.00
	PICKLEBALL - PARK HARDSCAPE				
6	NEW SIDEWALK & STAIRS - CONCRETE (WIDTH VARIES @ 4" THICKNESS)	5,530	SQUARE FOOT	$ 12.00	$ 66,360.00
7	NEW SIDEWALK - UNTREATED BASE COURSE (5,530 FT² @ 6" DEPTH)	145	TON	$ 30.00	$ 4,350.00
				SUB TOTAL	$ 70,710.00
	PICKLEBALL - PARKING LOTS				
8	CURB AND GUTTER APWA TYPE A	1,316	LINEAR FOOT	$ 22.00	$ 28,952.00
9	ADA RAMPS	2	EACH	$ 800.00	$ 1,600.00
10	ASPHALT PAVING (3" DEPTH OVER 10,580 FT²)	192	TON	$ 80.00	$ 15,360.00
11	UNTREATED BASE COURSE (8" DEPTH OVER 10,580 FT²)	370	TON	$ 25.00	$ 9,250.00
12	GRANULAR BORROW (12" DEPTH OVER 10,580 FT²)	392	CUBIC YARD	$ 25.00	$ 9,800.00
13	GEOGRID (10,580 FT²)	1,176	SQUARE YARD	$ 4.60	$ 5,409.60
14	PARKING LOT / ROADWAY SIGNAGE	4	EACH	$ 550.00	$ 2,200.00
				SUB TOTAL	$ 72,571.60
	PICKLEBALL - WALLS, FENCING AND GATES				
15	36" CAST IN PLACE RETAINING WALL (WEST)	150	LINEAR FOOT	$ 90.00	$ 13,500.00
				SUB TOTAL	$ 13,500.00
	PICKLEBALL - MISCELLANEOUS				
16	PICKLEBALL RECREATIONAL (GROUP OF 6 COURTS @ 11,916 FT² W/ SURFACING & EQUIPMENT)	1	EACH	$ 131,076.00	$ 131,076.00
17	PICKLEBALL ELITE - 4' HIGH (BLACK VINYL COATED FENCING)	240	LINEAR FOOT	$ 30.00	$ 7,200.00
18	PICKLEBALL ELITE - 10' HIGH (BLACK VINYL COATED FENCING/GATES)	534	LINEAR FOOT	$ 60.00	$ 32,040.00
19	PICKLEBALL ELITE - 10' HIGH (SOUND REDUCTION SCREENING)	222	LINEAR FOOT	$ 30.00	$ 6,660.00
20	PICKLE-BALL RECREATIONAL (GROUP OF 2-COURTS @ 4,000FT² W/ SURFACING & EQUIPMENT)	1	EACH	$ 44,000.00	$ 44,000.00
21	PICKLEBALL RECREATIONAL - 4' HIGH (BLACK VINYL COATED FENCING)	60	LINEAR FOOT	$ 30.00	$ 1,800.00
22	PICKLEBALL RECREATIONAL - 10' HIGH (BLACK VINYL COATED FENCING/GATE)	254	LINEAR FOOT	$ 60.00	$ 15,240.00
23	PLANTINGS (TURF AND PLANTS) 15,898 FT²	15,898	SQUARE FOOT	$ 2.00	$ 31,796.00
24	IRRIGATION (TURF AND PLANTS) 15,898 FT²	15,898	SQUARE FOOT	$ 2.00	$ 31,796.00
				SUB TOTAL	$ 301,608.00

COMBINED SUB TOTAL	$ 513,289.60
15% CONTINGENCY	$ 76,993.44
PICKLEBALL AREA TOTAL	**$590,283.04**

ENGINEER'S DISCLAIMER ON THE COST ESTIMATE:

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PICKLEBALL CONCEPT 2

SHEET NUMBER





3330 South 1300 East
Millcreek, UT 84106
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Millcreek.us

File Number ZT-21-004

Draft Accessory Dwelling Unit (ADU) Ordinance Staff Report

Prepared By: Millcreek Planning and Zoning Department

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Upcoming Public Meetings (see Millcreek website for dates and times):
Some meetings are only held in person, see the website for details on meeting information.

Millcreek City Council First Reading (August 23rd)
Millcreek City Council Second Reading (September 13th)

Millcreek staff is currently working on a draft ordinance that would allow accessory dwelling units on eligible lots in Millcreek. This report is the final collection of data, research, analysis, and staff recommendations for the accessory dwelling unit ordinance.

Direction and Next Steps

Staff will be presenting the updated staff report to the Millcreek City Council August, 2021. The City Council will hear the draft ordinance presented by staff and review the accompanied staff report at the first meeting and then discuss and vote at on the draft ordinance at the ***next regularly scheduled city council meeting*** unless directed otherwise.

Scope

The draft ordinance, recommended by the Planning Commission, seeks to accomplish the following:

- Establish an ordinance that will help the city regulate newly established and existing accessory dwelling units in Millcreek.
- Create reasonable and fair parameters in which residents can have an accessory dwelling unit on their property.
- Mitigate the impacts that accessory dwelling units may have on neighboring properties and the community.
- Respond to the State of Utah's directive for cities to offer affordable housing and new legislation adopted in 2021 that mandated a process for cities to permit accessory dwelling units.

Planning Commission and Community Councils

The community councils received the staff report with the final draft ordinance in June and three of them hosted meetings in July to discuss accessory dwelling units. The Canyon Rim Citizens' Association did not host a meeting or send a formal recommendation but recommended the draft ordinance be adopted as presented. Among all three community councils there was still strong opposition towards some points of the ordinance, specifically parking, short-term rentals, setbacks, converting existing buildings, enforcement. All three Community Councils voted for increased setbacks for detached accessory dwellings, among other conditions based on the council, see appendix H for recommendation letters.

The Millcreek Planning Commission shared the same concerns as the Community Councils. While there was a lot of discussion regarding the above concerns from the Community Councils the Planning Commission ultimately motioned for the adoption of the accessory dwelling unit ordinance with the following conditions:

- The side and rear setback for new construction for detached accessory dwelling units be not less than 8 feet.
- The setbacks for existing buildings being converted to an ADU should be not less than 48 inches in order to qualify for conversion.
- Emphasize that on-street parking be prohibited.

Community Council Recommendations Summary

Millcreek	East Mill Creek	Mt Olympus	Canyon Rim
Recommends approval with conditions.	Recommends approval with conditions.	Recommends approval with conditions.	Recommends approval "as presented"
Conditions:	Conditions:	Conditions:	
Detached ADUs should ***not*** follow requirements of accessory buildings in 19.14. Especially 30 inch setback.	Do ***not*** support the 30 inch setback for all detached ADUs. Adjustment to 8-foot setback for detached ADUs for new construction. 30 inches for existing.	Do ***not*** support the 30-inch setback for new detached.	
Greater lot area requirement for detached ADUs. ***Not*** 8,000 SF. Recommend: 12,000 SF	Off-street parking still provided for detached if garages are converted.	Request that on-street parking at night is specifically prohibited.	
MCC is evenly split on allowing detached ADUs.	No ADUs should be allowed on a property line.	Adjustment to the rear yard setback for detached to20 or 30 feet.	
Request a statistically valid survey be done to assess support for the draft ordinance.		Concern regarding short –term rentals. Request more review of enforcement methods for ADUs.	

Executive Summary and Planning Commission Recommendation

The draft ordinance in this report is the final recommendation from the Millcreek Planning Commission and staff regarding the adoption of an accessory dwelling unit ordinance, created after extensive collaboration with the public, community councils, planning commission, city council, private sector, and after extensive research, and observation of other cities in the Salt Lake County.

Through the public participation process, staff determined that there is a need for an accessory dwelling unit ordinance in Millcreek and that the ordinance should provide multiple avenues to create an ADU on one's lot. The draft ordinance provides a process and development standards for existing structures and new construction of ADUs in Millcreek, while mitigating possible impacts.

Prior to Millcreek's incorporation in 2017, the majority of land area had been built upon, limiting development opportunities to mostly infill lots. More than 70% of the land in Millcreek is used as residential with many neighborhoods first established between 1945-1962 (see Appendix F). In determining how best to properly implement ADUs, it became clear to staff through the public process that the use of existing structures may be a stronger possibility or more necessary and affordable in most cases, when building new is not an option. The primary intent of the draft ordinance is to alter the fabric of neighborhoods as little as possible while providing more housing options to existing and future Millcreek residents. The proposed draft ordinance provides a route for those wishing to use existing structures as an ADU. For some ADU approvals a robust public process is in place. Due to the wide variety of existing conditions on lots in Millcreek, it is possible that a structure may not be eligible for an ADU and therefore may be denied through the public approval process. This is necessary to allow only safe and well-designed ADUs in Millcreek that can mitigate all detrimental effects.

There is considerable community interest in potentially converting existing structures to an attached or detached ADU. In certain neighborhoods, many existing residences and accessory structures are close to or even on property lines. The Planning Commission, acting upon recommendations from three of the four community councils and out of a concern of increased detrimental effects of new residents living close to neighboring side and rear yards, recommends that only existing structures that are at least three feet from a property line be allowed to be converted into an *attached* ADU and that only existing detached accessory structures that are at least four feet from a property line be allowed to be converted into a *detached* ADU. This recommendation will likely require homeowners in certain neighborhoods to consider other options beyond conversion of existing structures, including constructing an

internal ADU allowable by state statute, or demolishing and replacing noncompliant structures with new, compliant structures.

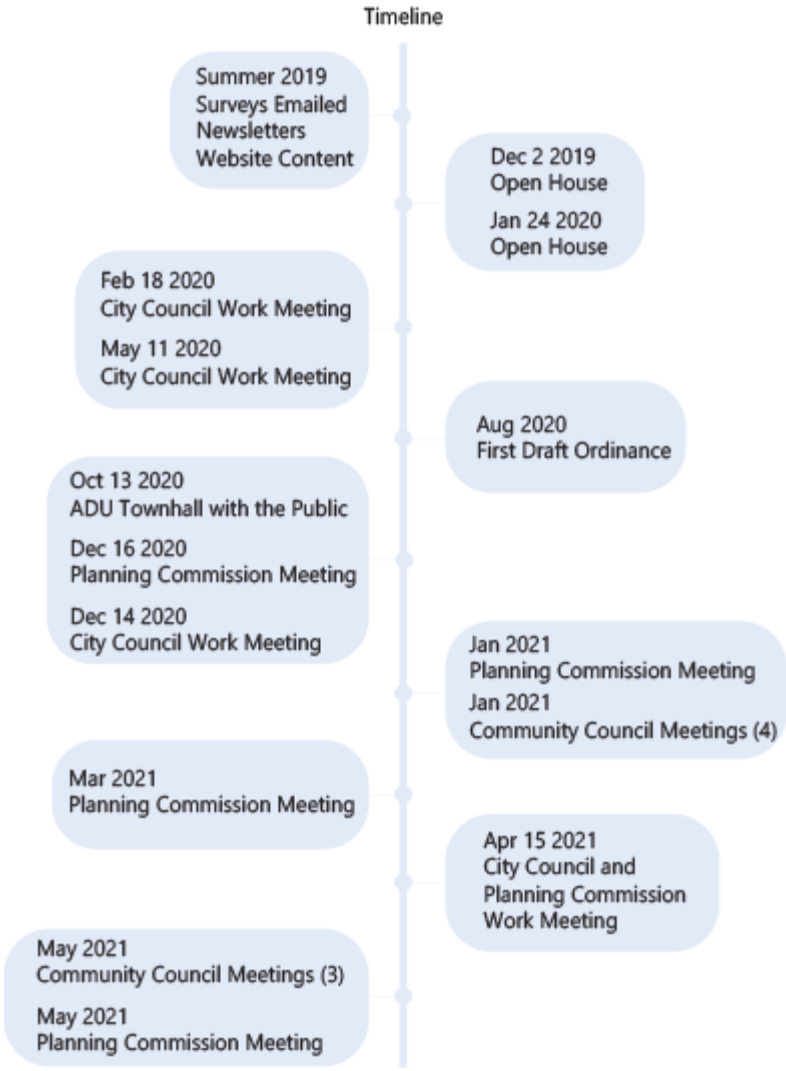
While the draft ordinance allows for multiple ways to create an accessory dwelling unit, strict standards are set in place that will disqualify many lots from being eligible for an ADU. For example, attached and detached ADUs will have to comply with the requirements of the Residential Compatibility Zone (RCOZ) standards wherever RCOZ is applicable. While RCOZ provides an "Option B" deviation and an "Option C" special exception for primary dwellings in certain circumstances, those options will not be available for an ADU. Staff has proposed an extensive set of standards and procedures, through the guidance of public participation meetings, that will reduce or disqualify lots or situations in Millcreek not ideal to have an accessory dwelling unit.

For properties in Millcreek that cannot meet the standards set forth in the draft ordinance, those property owners may utilize new legislation recently passed by the State of Utah in March 2021 that does allow internal accessory dwelling units in residential zones in Millcreek. While some residents may want to construct a detached accessory dwelling unit, the option for an internal ADU that does not require new construction or change the look of the property is the least impactful and most effective method for adding affordable housing and therefore is outlined in the draft ordinance as the easiest process to gain approval. Detached accessory dwelling units are intended to be more difficult to approve, due to potential detrimental impacts.

Links to Planning Commission and City Council Meeting Minutes Regarding Accessory Dwelling Units:

February 18, 2020 – ADU Staff Report to City Council
May 11, 2020 – ADU Staff Report to City Council
December 14, 2020 – ADU Staff Report to City Council
December 16, 2020 – Planning Commission Business Meeting
January 20, 2021 – Planning Commission Business Meeting
March 17, 2021 – Planning Commission Business Meeting
April 15, 2021 – Joint Planning Commission / City Council Work Session
May 19, 2021 – Planning Commission Public Hearing
July 21, 2021 (draft) – Planning Commission Continuing Business Discussion / Recommendation

History



Salt Lake City's adoption of an ADU ordinance in 2018, and Millcreek's adoption of Ordinance 18-53 in September 2018, which required anyone in Millcreek renting one unit or more to obtain a business license, resulted in Millcreek receiving a large magnitude of inquiries from residents about having an ADU on their property. The inquiries and requests from residents, combined with mandates from the Utah State Legislature for cities to increase their affordable housing stock, resulted in the Millcreek City Council's consideration of an accessory dwelling unit ordinance.

A survey, created by staff, was released in May 2019 that asked what questions or concerns residents had regarding ADUs. A total of 55 residents responded to the survey, that was posted for approximately two weeks on the city's website and sent out in Millcreek's weekly electronic newsletter. Of those residents' responses, staff collected the questions and concerns shown in Figure 1 with the frequency of how often was asked by multiple residents.

Figure 1. Most Common Asked Questions by Residents

Questions	Frequency
How will parking be handled?	17
Lot coverage and lot size qualifications?	6
What happens to existing ADUs?	6
ADU's and airbnb?	7
How many people can live in an ADU?	5

Why aren't we removing illegal ADU's?	5
How will these ADUs be regulated?	5
Does the owner have to live on the property?	4
Do RV and Mobile homes count as an ADU?	3
Traffic Impacts	3
Property Tax Increase?	3
Setbacks?	2
Why higher density?	2
Compared to Other Cities?	1
Increase in renters?	1
What regulations will be imposed?	2
Can you convert existing structures to have an ADU?	1
How big can these ADU's be?	1
How does this effect multi-family zoned properties?	1
Who can operate an ADU?	1
When will this be adopted?	1
Single-family home into a duplex?	1
Inspections?	1
Impact Fees?	1
Price for permit?	1
Can we vote on this?	1
Height?	1
Process to get an ADU approved?	1
Can you sell ADU's separately?	1

The second survey created by staff was available from July 12 to October 31, 2019, where a total of 134 responses from residents was received. The second survey posed the following two questions: 1. "Should ADUs be allowed in Millcreek?" and 2. "Please tell us why you feel this way." Figure 2 represents the answers to question one (1) of the survey. 127 of the survey responses were from those who own property in Millcreek, verified with their name and address. The addresses submitted by residents were found to be located throughout all four City Council Districts.

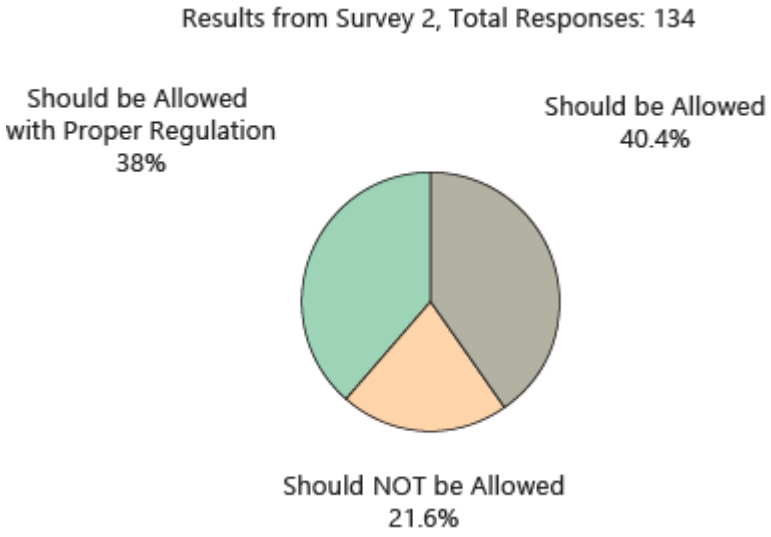


Figure 2

A third and fourth survey were created by staff to capture further information. Surveys three and four were strategically created for two open house meetings, held at Millcreek City Hall in December 2019 and again in January 2020. Over 100 residents attended and participated in the open houses and were asked to share their biggest concerns regarding ADUs in Millcreek. With information gathered from the surveys and open house meetings, staff identified the top six concerns shared among Millcreek residents:

- Parking
- Detached Dwellings Impacts
- Permitting Process
- Density
- Noise, Air, Privacy, and other externalities
- Regulations and Ordinances

Collectively, the four surveys gained over 300 responses from residents of Millcreek. According to the results of the surveys, specifically when residents were asked "Do you want to allow ADUs in Millcreek?" 65% responded yes, with most of those responses stating that they wanted ADUs to be regulated properly by the City with the adoption of an ordinance and not allowed by right.

Public Outreach Findings

- A majority of residents in Millcreek would like the city to explore or adopt an accessory dwelling unit ordinance.
- Residents who wanted an ADU of some kind came from all areas of the city. There was no significant geographic correlation between neighborhood and desire for an ADU.
- In many of our public outreach initiatives, the percentage of residents who wanted an accessory dwelling unit was greater than the residents who did not want an accessory dwelling unit.
- There are residents in Millcreek who are greatly concerned about the adoption of an accessory dwelling unit ordinance and are opposed to the idea.
- Residents who were against an accessory dwelling unit ordinance also had no geographic correlation.
- Independent of whether they wanted or did not want an ADU ordinance, residents most expressed concerns regarding the following topics: parking and traffic, density, permitting, regulation, negative externalities (privacy, noise, light pollution), and detached dwellings are far more concerning than attached or internal.

Additional Staff Research After Public Outreach

- Research possible ways the ordinance could mitigate the concerns for the residents in opposition.
- Research neighboring city ordinances and how their requirements affected their city processes and resident experiences with ADUs.
- Develop methods and means of regulating ADUs and enforcement strategies that will remain consistent over time.
- Review Millcreek's unique situation with ADUs and how to regulate them based on community characteristics and feedback.

Other Municipalities and the State of Utah

Figure 3. Survey of Ordinance Requirements from Cities in Salt Lake County

Required	Sandy	South Jordan	Salt Lake City	Murray	Bountiful	Taylorsville	Midvale	Draper
Owner Occupied	X	X	X	X	X	X	X	X
Only One Allowed	X	X	X	X	X	X	X	X
In Residential Zone	X	X	X	X	X	X	X	X
Attached or Detached	Attached only	Attached only	Both	Attached Detached on min. 12,000 sf lot	Both with detached by conditional use permit	Both with detached on 1/3-acre min. lot	Both	Both
Must Maintain Single-family Appearance	X	X	X	X	X	X		X
Requirement that ADU May Not Be Sold or Subdivided Separately			X		X	X		
No Separate Utility Meters Allowed for ADU	X	X	X	X	X	X	X	X
ADU Must Be Compliant with Building Code	X	X	X	X	X	X	X	X
Extra Parking Space Required Onsite	1	1	1	2	2	1	1	1

Required	Sandy	South Jordan	Salt Lake City	Murray	Bountiful	Taylorsville	Midvale	Draper
Entrance to ADU Must Be in Rear or Side Yard, not From Front Yard or Street, Side Yard on Corners	X	X	X	X	X	X	X	X
Size allowed in relation to main dwelling	30%	35%	50%	40%	40%	30%		50%
Maximum Size	800 SF	Attached 1,500 SF Detached 650 S	850 SF	1,000 SF			1,000 SF	
Height – Varies by City			Detached equal to height of main dwelling up to 24 feet for pitched roof or 20 feet for flat roof	20 ft. max.		One story	One story 20 ft. max.	Height limits of zoning district
Occupants	Family as defined or 2 individuals	Family as defined	Family as defined	2 related or unrelated adults plus children		Family as defined		
Max Bedrooms	2					2		

Required	Sandy	South Jordan	Salt Lake City	Murray	Bountiful	Taylorsville	Midvale	Draper
Special Considerations		Setbacks[1]	Setbacks[2]	Setbacks[3]	Requires ADU to cover no more than 10% of the buildable area of a lot	Setbacks[4]	Setbacks and Height[5]	
Existing ADUs		Legalizing Existing[6]		Converting existing accessory buildings[7]				

Staff contacted Salt Lake City, Murray, Midvale, Sandy and Draper and asked additional questions about their experience, potential changes they were making to the ordinance, and issues that came up.

[1] Meet setbacks of underlying zone for accessory buildings but not less than 10 ft. from side or rear yard property lines.
[2] 10 ft. from rear or side property lines and 10 ft. from any adjacent dwelling, 17 ft. or height of principal dwelling whichever is less unless principal dwelling is over 17 ft. then 24 ft. for pitched roof and 20 ft. for flat roof.
[3] Must be on a lot at least 12,000 sf in size, have same setbacks as the principal structure, not to exceed lot and rear yard coverage requirements, maximum one story of 20 feet or height of principal dwelling whichever is less, 1,000 sf max.
[4] Must be 6 ft. from principal dwelling and 10 ft. from rear or side property lines, not more than 75% of principal dwelling with no more than one-bedroom, single story with no basements.
[5] 6 ft. from principal dwelling and 10 ft. from rear or side property lines, height of 24 ft. is sloped roof or 20 ft. if flat roof, 900 sf or 13% of lot area whichever is larger.
[6] Existing ADUs, which were legally established and are nonconforming due to changes in the zoning ordinance, may apply for a conditional use permit to become conforming, provided they comply with the standards of this chapter. In approving a conditional use permit for an existing nonconforming unit, the planning commission may allow for ADUs that exceed the one thousand (1,000) sf limitation, provided the ADU meets all other standards of this chapter. Nothing in this chapter shall authorize an ADU that was illegally created or converted without the proper permit.
[7] Conversion of existing accessory buildings (such as detached garages) may only occur where the existing accessory building meets the building requirements for primary residence in the zone and meets the applicable building code.

Figure 4. Follow Up from Cities After Adopting an ADU Ordinance

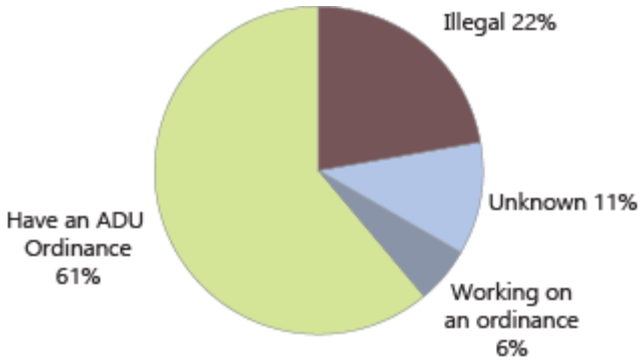
Ordinance Adopted	City	Year	Applications	Issues, Comments, Concerns	Source
2018	Salt Lake City				
		2018		Wanted stricter design standards	PC
			3 ADUs built	Location of parking	PC
			6 Building Permits	Access	PC
		2019		Impact to workload on staff.	PC
			24 Conditional Use	Owner occupancy was hard to regulate.	Staff
			10 by right	Converting and adding to existing.	Staff
			14 building permits	Window standards.	Staff
			6 Building permits issued	Yard and lot coverage.	Staff
			3 ADUs completed	Building code requirements.	Owner
			5 Applications withdrawn	Fire Code	Owner
				Financing for residents.	Owner
2010	Murray				
		2015	1	Wanted to remove conditional use permit.	Staff
		2018	13	Setbacks were similar to single-family and too difficult to comply on lots.	Staff
			4-5 range per year		
2001	Midvale				
			5 ever	Wanted to allow larger sizes.	Staff
			1 per year	Want allowing second story.	Staff
			5 internal	1 stall off-street paved was difficult for residents to meet.	Staff
			Internal and allows duplexes.		Staff
			Internal and no owner occupancy.		Staff
1980s	Sandy				

Ordinance Adopted	City	Year	Applications	Issues, Comments, Concerns	Source
				Amended recently for occupancy from family to family *and* non-related.	Staff
				Require a CUP but may change to permitted.	Staff
2012	Draper				
			n/a	No permit process	Staff
				Made changes to the recorded notice.	Staff
				Adjusted height limit to 25 Ft.	Staff
				Additional kitchen for entertainment allowed.	Staff

Figure 5. Status of ADUs in other Salt Lake County Cities

Status of ADUs in other in Cities in Salt Lake County (not including those regulated by the Municipal Services District)	
Alta	Unknown
Bluffdale	Legal
Brighton	Illegal
Cottonwood Heights	Working on an ordinance.
Herriman	Illegal
Holladay	Illegal
West Jordan	Legal
West Valley City	Illegal
South Salt Lake	Unknown
Riverton	Legal

Figure 6. Status of ADUs in Salt Lake County Municipalities (not including those regulated by the Municipal Services District)



Status of Accessory Dwelling Units in Utah

Due to overwhelming support for and the lack of diverse and affordable housing in Utah, the Utah State Legislature passed H.B. 82, and the Governor signed the legislation in March 2021. The bill is called "Single-Family Housing Modifications", but the goal of the bill is to permit internal accessory dwelling units in residential zones in all municipalities while providing municipalities guidance on where they can and cannot regulate these types of dwellings. The motivation behind this bill was to increase Utah's affordable housing stock in a cost-effective way that does not involve additional state money to create affordable housing. Building affordable housing instead of using existing housing stock would develop at a rate less than Utah's average population increase. The legislatures rationale is that it will take longer and cost more to build housing for fewer people.

With the adoption of this bill, it is clear that allowing ADUs is necessary to provide more housing options in Utah. Utilizing existing houses will be more cost efficient and can be implemented at a faster pace.

Municipal and State Findings

- Overall, the proposed draft ordinance is similar in regulation and requirements to surrounding cities in the County.
- Most cities require a greater setback from the side and rear properties lines than what staff is proposing in this ordinance.
- Only two other cities in the County have ordinances that allow converting of existing structures to an ADU, this is not practiced by most cities in the county.
- The State of Utah has directed cities to increase their housing stock and specifically affordable housing for anyone.
- The State of Utah has mandated cities allow internal ADUs in residential zones and consider other options to increase housing stock.
- The State of Utah has also given guidance to municipalities on how to regulate ADUs via the proposed regulation for internal ADUs in House Bill 82.

Examining Types of Accessory Dwelling Units

Scenarios where a property owner may try to create an accessory dwelling unit
The property owner would like to build a new one, attached or detached, on their property.
The property already has an ADU that they would like to be allowed to use.
The property owner has a structure, or portion of a structure, that would be ideal to convert to a dwelling for an ADU.



Types of ADUs Recognized in the Draft Ordinance
An internal ADU regulated by the state.
An existing, attached structure or portion of a structure that someone would like to convert.

An existing, attached ADU that has nonconforming status that someone would like to convert.
A new, attached ADU someone would like to build.
An existing, detached structure that someone would like to convert.
An existing, detached ADU, that has nonconforming status, that someone would like to convert.
A new, detached ADU that someone would like to build.

Proposed Methods for Regulation and Reasoning

The recommended draft ordinance discussed in this report uses the following procedures to regulate ADUs in Millcreek, see the draft ordinance for details regarding regulation.

Regulation	**Reasoning**
Define which lots are eligible for an ADU.	Only specific lots in Millcreek are good candidates for an accessory dwelling unit. Requiring minimum area requirements will disqualify lots in Millcreek that cannot meet setbacks and parking requirements.
Enforce development standards to mitigate detrimental impacts.	Setbacks, parking, height limits, location, design, occupancy, and lot coverage will remove lots in Millcreek that are not ideal candidates for an ADU. See analysis of recommended development standards below.
Compliance notices recorded to the property.	Notices will be recorded to the property if the ADU is or is not compliant with Millcreek Ordinances. This will mean that future property owners will be made aware of the status of the ADU on the property and how they can maintain or adjust that status.
Using enforcement methods allowed by the State per H.B. 82.	The State has added alternative methods for municipalities to regulate ADUs including recording liens against the property or using short-term rental online advertising of ADUs to stop the illegal use of short-term rentals.
Utilize the Land Use Hearing Officer process for converting noncompliant structures into an ADU.	Staff is recommending that lots with existing structures in Millcreek that cannot meet all standards, or are already noncompliant, will be subject to a public process in the form of a Land Use Hearing Officer permit. The LUHO permit process is already used for any expansion of a noncomplying structure or a structure occupied by a nonconforming use. The LUHO permit process does require a

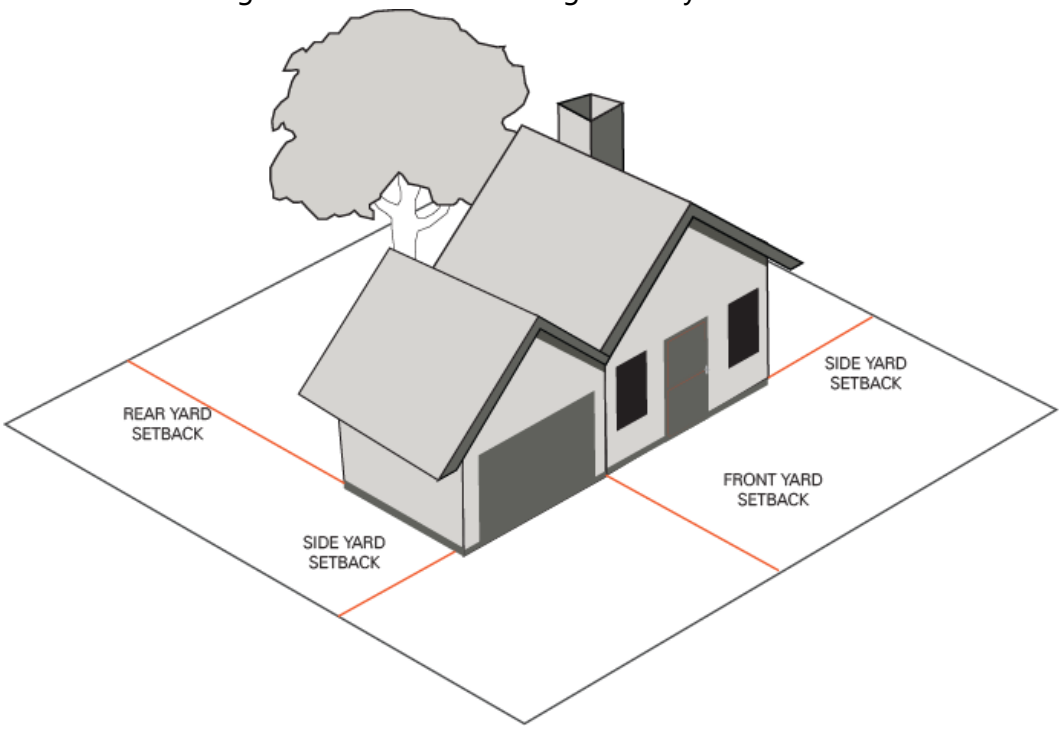
	public notice, and residents are given an opportunity to make public comment on a proposed ADU conversion, as they would any other noncomplying structure/nonconforming use.
Business license required for all rentals.	Any ADU that is used as a rental will require a business license which will have a building, code and planning inspection to review for compliance. Prior to granting the business license, the property owner will first have their ADU approved by the Planning Department based on the requirements adopted in the ordinance.
Building code standards still apply.	All ADUs will still be subject the minimum building code standards as required by state law. All new construction will be subject to all current building code standards. See appendix for specific building code requirements.
New construction of the ADU will require building permits.	The building permit may not be issued until after the Planning Department has approved the use of the ADU and reviewed for compliance with the adopted ordinance.
Right to terminate.	The draft ordinance recommended in this report would allow for the city to terminate or deny the use of an ADU at any point if found to be noncompliant. Unless a special exception was granted, only through the public process.

Proposed Development Standards and Reasoning

Internal and Attached

ADUs in the draft ordinance, that can be attached to the house, have development standards similar to that of any single-family residential home in Millcreek. The addition of an attached ADU or the converting of a portion of a single-family home to an ADU, is viewed the same as a residential addition to the home. Standards have been added so property owners cannot change the appearance of the home and therefore will not impact the neighborhood greater than any other single-family home on the street. A single-family home is limited to a family or up to four unrelated adults. The ADU is further restricted to only 2 adults and children.

Figure 7. Setbacks for a Single-Family Household



Permitted Uses

All new (new as in constructed after the adoption of this ordinance) ADUs proposed in Millcreek are recommended to be a permitted use. Permitted uses are allowed but only as long the property owner complies with applicable standards in the code. Permitted uses on a lot may be revoked by the city if found to be noncompliant. Notices of noncompliance that are not resolved by the property owner will be recorded to the property and will remain in place even in the case where change of ownership occurs.

New Detached ADUs

New detached ADUs, if able to meet all applicable development standards in the proposed ordinance, are recommended as a permitted use and may be built with the issuance of a building permit. The development standards proposed in staff's recommendation are a collection of standards that are crucial in creating ADUs **only** on lots that are best suited for them and that mitigate as many detrimental effects as possible. The development standards proposed by staff include area, lot coverage, setbacks, design, parking, occupancy, lighting, landscaping, fencing, windows, and topography to restrict development of detached accessory dwelling units to lots that are best suited for them.

Existing Detached ADUs

The State and the Millcreek City Council have recognized that utilizing existing structures to help create accessory dwelling units may, in some cases, reduce costs and time for a property owner which helps the city and state meet its affordable housing goal. The proposed ordinance treats an ADU conversion of an existing noncompliant detached building in the same way the City Code treats any expansion or change to an existing noncompliant building: it requires a publicly-noticed Land Use Hearing.

Setbacks for Detached ADUs

Staff was directed by the Millcreek City Council and Planning Commission to propose a process by which owners can use their existing garages for a detached accessory dwelling unit. Staff was also directed to construct development standards and a process by which owners may construct new detached ADUs on their lots. The existing setbacks for detached garages, or any residential accessory structure in Millcreek, is currently 30 inches if the height of the structure is 14 feet or less. Heights greater than 14 require 1 foot added to the setback for every foot over 14 feet in height.

Millcreek has neighborhoods that were built anywhere between 1942 and the present day. During nearly 80 years of development, structures in Millcreek have been subject to different requirements. Depending on the neighborhood, a property owner may have a detached garage sitting directly on the property line or as much as 12 feet back from the property line. Given the various patterns of neighborhood development in Millcreek, creating a standard setback to accommodate for converting existing detached garages or using existing ADUs is impossible. It is the intent of staff to craft an ordinance that can be applied fairly to all lots in Millcreek and be reviewed under the same reliable standards whether the detached ADU is existing or new. Therefore, if existing detached structures are allowed to be converted to ADUs in Millcreek and those existing structures may be 30 inches off the property line, staff is recommending a setback of 30 inches from the side and rear property lines if the structure is under 14 feet for *all detached* ADUs. If the structure is greater than 14 feet in height the setback must be increased 1 foot for every foot over 14 feet. These recommended setbacks are currently

practiced for all residential accessory structures since amending the Millcreek Code in 2018. Staff proposed to the Community Councils and Planning Commission that, if existing accessory structures are allowed to be converted, then the same standard should apply. This means that regardless of the proposed use or whether the structure is new or old the same setback standard will apply to everyone.

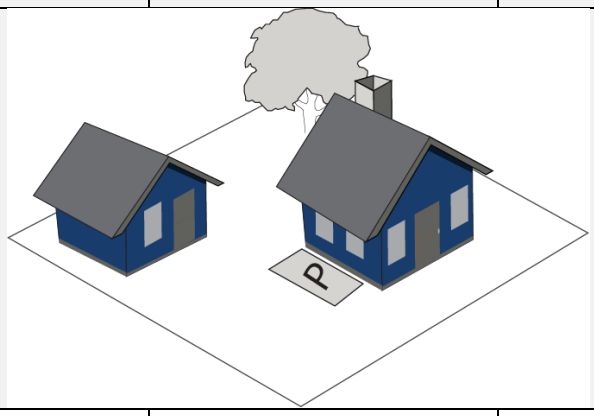
Before receiving feedback from the Community Councils and Planning Commission, staff recommended that, **if the City desires to facilitate the conversion of existing accessory structures into dwellings,** that it rely on the currently-accepted setbacks for accessory structures for ADU conversions. Existing residential accessory structures accommodate a variety of human activities in our neighborhoods, including but not limited to carpentry shops, artists studios, personal automotive repair, pool houses, personal gyms, garden sheds and greenhouses, and private music studios. Rather than arbitrarily craft a separate standard for human activities that include eating, sleeping, and personal hygiene, the goal should be to mitigate the adverse impacts of an ADU so that, functionally, an accessory dwelling is similar in impact to any other category of activities that already occur in an accessory structure, and that we broadly accept as a part of our neighborhood character.

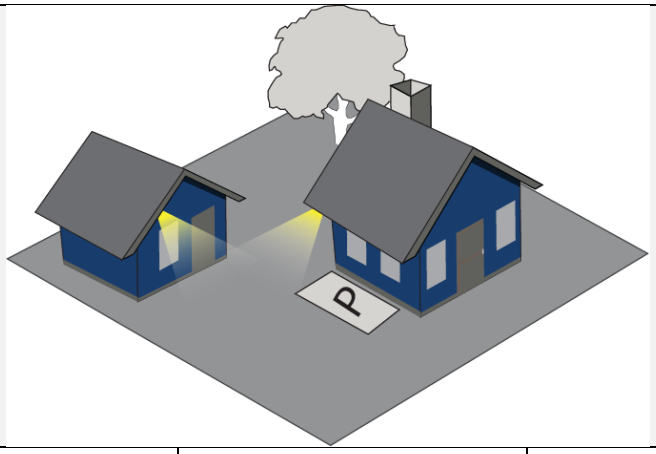
Upon the recommendations of three community councils and after receiving public comment on the matter, the Planning Commission recommends that, for an existing accessory structure to be converted into an ADU, that structure must be at least four feet from a side or rear property line, on the basis that residential *habitation* and its appurtenant activities are fundamentally different in character than the incidental use of accessory structures, such as carpentry shops, studios, automotive repair, gyms, and greenhouses. The critical difference is that a residence is occupied for longer times during the day, than an accessory use in an accessory structure.

In the following pages is a table highlighting design standards we recommend to mitigate the potential detrimental effect of a detached ADU. These should obviate the need for an additional setback requirement that we otherwise would not apply to an accessory structure.

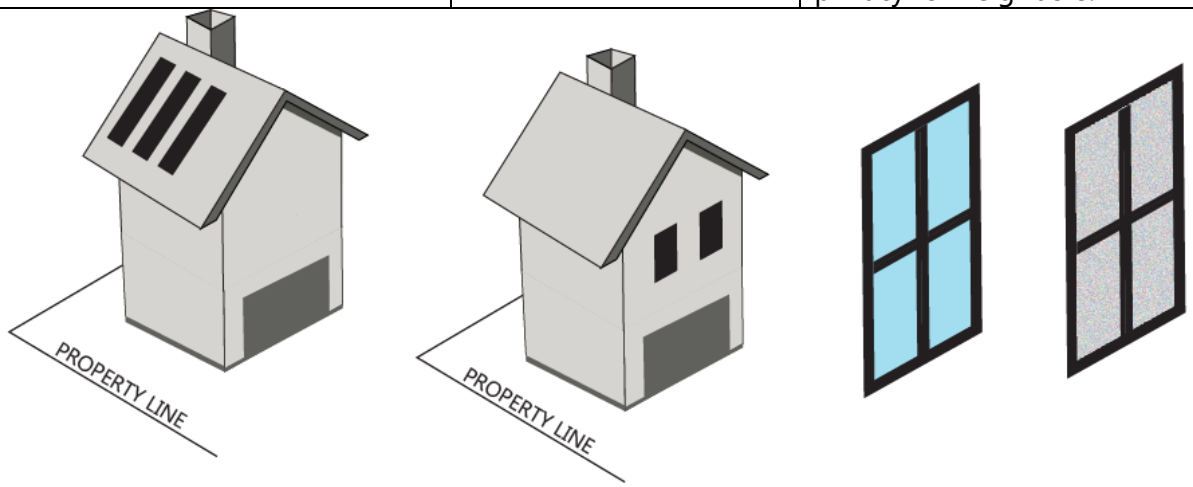
Mitigating Potential Detrimental Effects

The recommended draft ordinance in this report mitigates potential detrimental effects, thereby leading to beneficial impact.

Detrimental Effect	Draft Code Reference	Mitigation
Alteration of neighborhood characteristics due to incompatible designs in terms of scale, intensity, height, mass.	19.89.060	**Requiring compatible design with the primary dwelling.** ALL ACCESSORY DWELLING UNITS ARE STILL SUBJECT TO STANDARDS ALREADY ESTABLISHED IN CHAPTER 19.14 AND 19.71 SEE APPENDIX FOR DETAILS.
		
Effects of decreased street service and/or traffic patterns due to parking problems in interior neighborhoods.	19.89.063	**Restricting detached ADUs to long term rentals only.** Reduces traffic and noise. Encourages affordable housing for residents and not temporary housing for visitors.
Effects by the use due to its nature, including noise that exceeds sound levels normally found in residential areas and light in contributing to a nuisance.	19.89.060	**Restricting exterior lighting to not trespass on adjacent properties.** Reduces visual impact to neighbors.

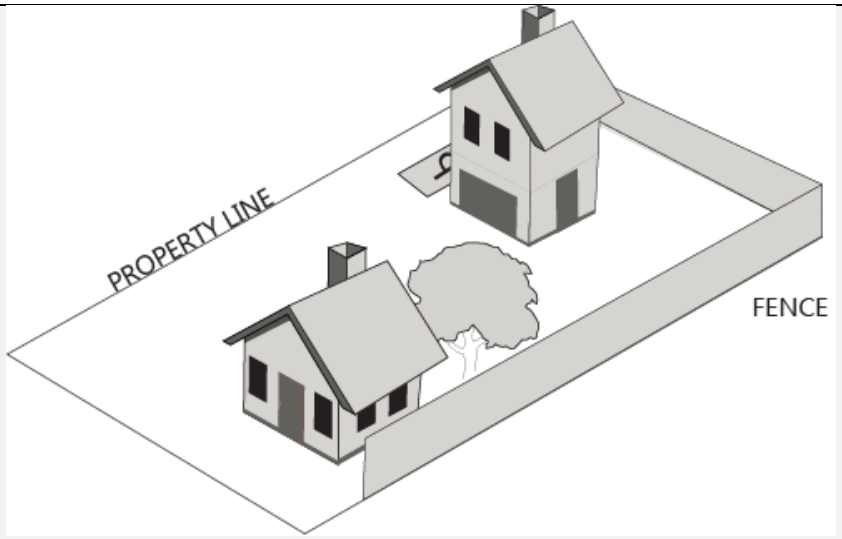


Loss of privacy and enjoyment of open space in backyards.	19.89.063	**Restricting types of windows allowed and where they are allowed for detached ADUs.** Maintains privacy for neighbors.

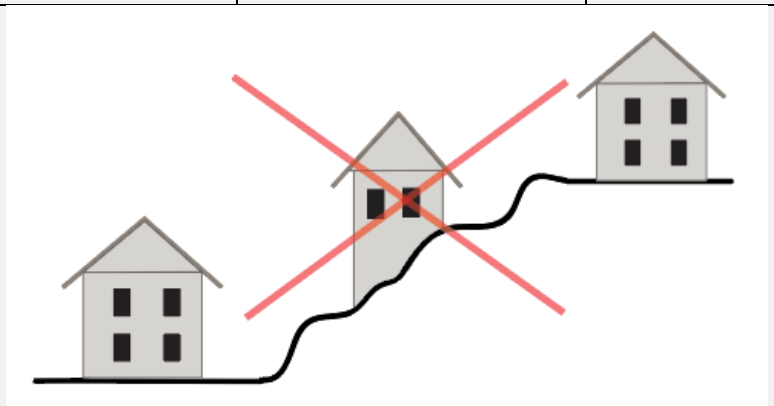


"Windows on a façade within 15 feet of an adjacent property shall be translucent or not visible from an adjacent property or installed as a skylight."

Effects by the use due to its nature, including noise that exceeds sound levels normally found in residential areas and light in contributing to a nuisance.	19.89.063	**Restricting entrances, parking, and stairways to not be visible from an adjacent property.** Maintains privacy and reduces noise and activity.



Loss of privacy and enjoyment of open space in backyards.	19.89.063	**Prohibiting balconies for detached.** Maintains privacy for neighbors.
Effects that increase the risk of damage to adjacent properties arising from geologic hazards, site grading/topography, floor control. Loss of privacy and enjoyment of open space in backyards.	19.89.063	**Prohibiting detached ADUs from being built on slopes 30% or greater.** Preserves Millcreek's open space. Maintains privacy for neighbors. Prevents terrain impacts to sensitive areas of Millcreek. Preservation of long established view sheds.



Effects on adequacy of utility systems or preserving existing systems. Effects arising from incompatible designs in terms of scale,	19.89.060	**Restricting lot coverage to the same as all single-family lots.** Does not increase the amount or size of buildings allowed in a neighborhood.

intensity, height, character, landscaping, fencing. Effects on storm drainage and flood control.		Reduces visual impacts to the neighbors. Preserves open space.
Effects on adequacy of utility systems or preserving existing systems. Effects arising from incompatible designs in terms of scale, intensity, height, character, landscaping, fencing. Effects on storm drainage and flood control.	19.89.062	**Restricting eligible lots to greater than 6,000 square feet for attached ADUs.** Prevents over-building on a lot not suitable for increase in density. Prevents ADUs that may not be able to accommodate parking requirements due to lack of space.
Effects on adequacy of utility systems or preserving existing systems. Effects arising from incompatible designs in terms of scale, intensity, height, character, landscaping, fencing. Effects on storm drainage and flood control.	19.89.063	**Restricting eligible lots to greater than 8,000 square feet for detached ADUs.** Prevents over-building on a lot not suitable for increase in density. Prevents ADUs that may not be able to accommodate parking requirements due to lack of space.
Alteration of neighborhood characteristics due to incompatible designs in terms of scale, intensity, height, mass.	19.89.063	**Restricting the location of detached ADUs to the rear yard.** Reduces visual impact to neighbors.
Alteration of neighborhood characteristics due to incompatible designs in terms of scale, intensity, height, mass.	19.14.070	**Restricting the maximum height of a detached ADU to not be greater than 10% of the main house or 24 feet whichever is less.** Reduces visual impact to neighbors.
Effects of decreased street service and/or traffic patterns due to parking problems in interior neighborhoods.	19.89.060	**Requiring 1 parking stall per bedroom of the ADU and primary dwelling still meets parking standards.** Reduces the likelihood of parking issues in the neighborhood.
Effects by the use due to its nature, including noise that	19.89.060	**Restricting the occupancy to 2 adults plus children.**

exceeds sound levels normally found in residential areas and light in contributing to a nuisance. Effects of decreased street service and/or traffic patterns due to parking problems in interior neighborhoods.		Reduces the likelihood of increased traffic, parking issue, noise or other negative externalities.

Appendix A – Glossary

ADU	Accessory Dwelling Unit, see draft ordinance for definition.
Detached	Not attached to the primary dwelling located in the back yard. May also include a garage as part of the building.
Internal	Defined by the State as within the footprint of the existing primary dwelling.
Attached	Built as an addition to the primary dwelling.
"New" ADU	Constructed after the adoption of the ADU ordinance.
"Existing" structure or ADU	Was built on or before the adoption of the ADU ordinance.
Development Standards	The specific list of requirements needed to have an ADU. The proposed development standards are based on the type of ADU.
Zone	A zone is a boundary that encompasses a single or group of properties that defines how the property is allowed to be used or built on. Most single-family houses in Millcreek are in an R-1 or A-1 zone. These zones allow single-family homes as a permitted use.
Permitted Use	A permitted use is a use allowed by right for any property owner. The zone determines what uses are permitted. A permitted used may be started, continued, or removed by the property owner at any time, if the zone defines it as permitted and the property owner meets the requirements defined in the zone.
Land Use Hearing	A land use hearing is a public process by which an applicant submits a request that is then processed by City. The request is noticed to adjacent property owners. A public meeting is held where a land use hearing officer hears the proposal from the property owner. Adjacent property owners are allowed to attend the public meeting and hear the proposal and may, in some cases, be allowed to speak to the hearing officer. The hearing officer will hear perspectives from different parties and then will review Millcreek Code and make a determination of approval, denial or approval with conditions. The review is based on conditions outlined in the ordinance. The determinations from the hearing officer may be appealed by anyone as allowed in Millcreek Code.
Special Exception	Millcreek Code outlines all expected requirements of developing and building in the city. In some cases, there are sections of Millcreek Code that allow for a property owner to request a special exception to the land use authority. Because it is defined as an "exception" the proposal can be denied if it doesn't meet the intent of the code or does not meet conditions outlined in the ordinance.

Accessory Dwelling Unit Draft Ordinance – Planning Commission Recommendation

Note: Changes in existing sections of code are indicated in red text with a yellow highlight. The proposed ADU chapter is entirely new language.

Changes to Chapter 19.04 Definitions

19.04.013 Adult "Adult" means a person age 18 years or older.

19.04.215 Dwelling Unit "Dwelling unit" means one or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family with separate toilets and facilities for cooking and sleeping. Buildings with more than one kitchen or set of cooking facilities are considered to contain more than one dwelling unit unless the additional cooking facilities are clearly accessory to a dwelling unit as determined by the development services director or designee. Factors for determining whether cooking facilities are accessory to a dwelling unit may include but are not limited to:

1. A building design which allows all occupants ready access to all portions of the building including cooking facilities;
2. No portion of the building containing cooking facilities can be separated from the remaining rooms to form a separate dwelling unit;
3. There is only one electric and/or gas meter for the building.

19.04.216 Dwelling Unit, Accessory (ADU) "Accessory dwelling unit" means a residential dwelling unit occupied as a separate dwelling unit on the same lot as a single-family dwelling unit, either within the same building as the single-family dwelling unit, attached to the single-family dwelling, or in a detached building. An accessory building, as defined, is not a mobile home or other portable structure which does not qualify as an ADU.

19.04.217 Dwelling Unit, Accessory Attached "Attached accessory dwelling unit" means an accessory dwelling unit that shares a wall and roof with or as an additional story above or below the principal dwelling unit.

19.04.218 Dwelling Unit, Accessory Detached "Detached accessory dwelling unit" means an accessory dwelling unit that shares no common walls or roof with the primary dwelling.

19.04.219 Dwelling Unit, Accessory Internal "Internal accessory dwelling unit" means an accessory dwelling unit created within the primary dwelling or within the footprint of the primary dwelling.

19.04.357 Mother-in-law Apartment "Mother-in-law apartment" means an ADU contained entirely within the footprint of the principal dwelling unit or shares a wall and roof with the principal dwelling unit and where both dwellings are accessible from one entrance.

19.04.399 "Owner Occupancy" "Owner-occupancy" means that any one of the following individuals resides on the subject property for the entire time during which an Accessory Dwelling Unit or Principal Dwelling is rented or otherwise occupied by:

1. An individual who is listed on a recorded deed as an owner of the property;
2. Any person who is related by blood, marriage or adoption to an individual who is listed on a recorded deed as an owner of the property; or
3. An individual who is a trustor of a family trust who possesses legal ownership of the property.

19.04.422 "Primary Dwelling" "Primary dwelling" means a single-family dwelling that:

1. Is detached; and
2. Is occupied as the primary residence of the owner of record.

19.04.478 "Slope" "Slope" means the level of inclination from the horizontal, determined by dividing, in fifty (50) foot intervals, the average horizontal run of the slope into the average vertical.

Chapter 19.89 ACCESSORY DWELLING UNITS

Sections:

19.89.010 Purpose

19.89.020 Interpretation
19.98.030 Applicability
19.89.040 Permitted and Conditional Uses & Limitations
19.89.050 Request for Compliance Determination
19.89.060 Development Standards Generally
19.89.061 Development Standards for Internal Accessory Dwelling Units
19.89.062 Development Standards for Attached Accessory Dwelling Units
19.89.063 Development Standards for Detached Accessory Dwelling Units
19.89.070 Termination
19.89.080 Addressing
19.00.090 Enforcement
19.89.100 Existing Buildings

19.89.010 Purpose

A. Accessory Dwelling Units (ADUs) in single-family residential zones are an important tool in the overall housing goals and needs of Millcreek and allow for alternative and flexible housing options in owner-occupied single-family residences. The purposes of the ADU standards of this code are to:

1. Create new housing units while respecting the appearance, neighborhood character, and scale of single-family residential development.

2. Provide more housing choices in residential zones.

3. Allow more efficient use of existing housing and large underutilized yards.

4. Provide housing options for family caregivers, adult children, aging parents, and families seeking smaller households.

5. Offer a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship, and services.

6. Broaden the range of affordable housing options throughout the city.

19.89.020 Interpretation

It is the intent of the City that the adoption of this ordinance shall not be understood as increasing the density of the underlying zone designation. An ADU shall always be accessory to the principal dwelling.

19.89.030 Applicability

A. Lots are eligible for an accessory dwelling unit if:

1. The property is owner occupied, subject to MKZ 19.04.398.

2. The use of the lot at the time of application and any point thereafter is single-family residential.

3. The lot is in an R-1 or A-1 zone.

19.89.040 Permitted & Conditional Uses & Limitations

Permitted uses in the R-1 & A-1 zones are listed in TABLE 19.89-1 below:

TABLE 19.89-1

Zone	Use	Permitted or Conditional Use	Use Limitations or Specific Standards
R-1	Attached ADU	Permitted	See 19.89.060 for Design Standards
A-1	Attached ADU	Permitted	See 19.89.060 for Design Standards
R-1	Detached ADU	Permitted	See 19.89.060 for Design Standards
A-1	Detached ADU	Permitted	See 19.89.060 for Design Standards

TABLE 19.89-1 Notes:

a. Internal ADUs are a permitted use as set forth in Utah Code Ann. Section 10-9a-530 with additional requirements set forth in MKZ 19.89.061.

19.89.050 Request for Compliance Determination

A. A property owner may request a review to determine the compliance of an accessory dwelling unit. This request shall be conducted through the following application process:

1. Application shall be submitted to the Millcreek Planning and Zoning Department and must include, at a minimum, the following:

a. Documentation that demonstrates the property is owner occupied.

b. A to-scale site plan, floor plans of all buildings on the lot. Such plans may be conceptual but shall provide reasonable accuracy and specifications to allow for full understanding.

c. Fee. The initial application fee for any ADU shall be paid. The payment of a partial application fee, or the submittal of plans for a pre-submittal review shall not constitute a complete application. Fees are determined by the City's adopted fee schedule.

d. Only applications deemed complete by the City Staff shall be processed. Complete applications include appropriate application forms and signatures and documents as required in MKZ 19.89.050 (1)(a) and (1)(b).

2. The application review shall, at a minimum, consist of the following:

a. The director or the director's designee shall administer an application review

procedure in which the proposed use and the proposed site development plan are evaluated for compliance with all applicable ordinances and codes.

b. Referral of the application to all affected entities.

c. Staff reviewing the application may involve other City Departments for additional considerations or conditions to adequately meet all applicable standards.

3. The director, director's designee or staff shall present in writing a determination of the outcome of the review.

4. A notice of compliance shall be recorded on the property at the Salt Lake County Recorder's Office.

a. Notices that demonstrate compliance with Millcreek's land use regulations and state statute shall included, at a minimum, the following;

(1) a description of the primary dwelling;

(2) a statement that the primary dwelling or lot contains an ADU;

(3) a statement that the ADU may only be used in accordance with Millcreek's land use regulations.

B. A compliance determination may be appealed under MKZ 19.05A.060.

19.89.060 Development Standards Generally

A. An accessory dwelling unit shall not be sold separately or subdivided from the principal dwelling unit or lot.

B. Only one ADU, internal, attached or detached, is allowed per lot.

C. The design and size of the ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. When a new ADU is proposed in an existing single-family dwelling, the entire ADU shall be compliant to all applicable standards.

D. The installation of separate utility meters is prohibited.

E. An ADU shall comply with the regulations of the underlying zone for accessory buildings, except the area requirements for accessory buildings of MKZ 19.14.070 (D)(2). Where the provisions in this chapter are inconsistent with provisions found in any other chapters of City ordinances, the most restrictive provisions shall apply.

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

G. Attached and Detached ADUs are prohibited on flag lots. An internal ADU may be located on a flag lot.

H. Parking for any ADU is prohibited on a public or private street.

I. ADUs may not be built within a recorded easement.

J. For additional requirements for internal ADUs see MKZ 19.89.061.

K. For additional requirements for attached ADUs see MKZ 19.89.062.

L. For additional requirements for detached ADUs see MKZ 19.98.063.

19.89.061 Development Standards for Internal Accessory Dwelling Units

A. Internal ADUs are regulated under Utah Code Ann. 10-9a-530 and additionally shall;

1. Be prohibited on lots less than 6,000 square feet;
2. Have one off-street parking stall for the Internal ADU;
3. Not change the appearance of the primary dwelling as a single-family dwelling;
4. Be prohibited from having separate utility meters from the primary dwelling; and
5. Be prohibited in a mobile home or manufactured home.

19.89.062 Development Standards for Attached Accessory Dwelling Units

TABLE 19.89-2

		Specific Use Limitations or Specific Standards
Minimum Lot Area	6,000 SF	
Maximum Area of ADU	None	The square footage of an

		attached garage shall not be included in the gross square footage unless the accessory dwelling unit is in a basement that includes habitable space below the garage.
Lot Coverage Total	Determined by the underlying zone designation.	See MKZ 19.71.040 Table 1
Entrance for ADU	Shall not be visible from the public right of way.	
Off-Street Parking	1 stall per Bedroom of an Attached ADU and minimum parking requirement has been met for principal dwelling.	Additional parking stalls or driveways created to accommodate an ADU are subject to standards of Title 14.
Occupancy Limit in ADU	2 adults and any number of children.	

19.89.063 Development Standards for Detached Accessory Dwelling Units

TABLE 19.89-3

		Specific Use Limitations or Specific Standards
Minimum Lot Area	8,000 Square Feet	
Location	Rear Yard	See MKZ 19.04.570 for definition.
Maximum Area of ADU	The total area of an ADU shall not exceed fifty percent (50%) of the square footage of the habitable area of the building footprint of primary residence and in no case exceed eight hundred fifty (850) square feet.	
Lot Coverage Total	Determined by the underlying zone designation.	See 19.71.040 Table 1
Lot Coverage for Rear Yard	25%	
Setbacks from Side and Rear Yards	8 Feet	Heights greater than 14 feet require increased setbacks, see 19.14.070.

Setback from Main Building	6 Feet Minimum	See additional standards under 19.14.070 location and setback requirements.
Maximum Height	24 Feet and must follow all requirements in MKZ 19.14.070 (B).	Must also follow setback and height requirements of MKZ 19.14.070 (B) and (C) See additional standards under MKZ 19.14.070 (B).
Off-Street Parking	1 per Bedroom of ADU and minimum parking standard has been met for principal dwelling.	Additional parking stalls or driveways created to accommodate an ADU are subject to standards of Title 14.
Occupancy Limit in ADU	2 adults and any number of children.	

1. A detached ADU shall be a permanent structure. Trailers, mobile homes, and other portable structures especially structures with wheels shall not be permitted as a detached ADU.

2. A detached ADU is not eligible for The Residential Compatibility Overlay Zone Option B Deviations from General Standards Based on Neighborhood Compatibility found in MKZ 19.71.040 or the Option C Special Exception found in MKZ 19.71.050.

3. A detached ADU shall not be used as a short-term rental.

4. Exterior lighting shall provide illumination directed downward. Light source shall not be visible from adjacent properties.

5. Windows on a façade within 15 feet of an adjacent property shall be translucent or not visible from an adjacent property or installed as a skylight.

6. Parking shall be in a garage or 8 feet from an adjacent property or not visible from an adjacent property unless utilizing a driveway in the front yard.

7. Entrances, parking, and stairways within 15 feet of an adjacent property shall not be visible from the adjacent property. 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.

8. Detached ADUs shall not be built on slopes of 30% or greater.

9. Balconies on the second story of an ADU are prohibited.

10. Exterior stairways and landing shall not encroach into a setback.

11. A lot in an R-1-21 or R-1-43 zone that has a guesthouse is not eligible for a detached ADU unless the guesthouse is converted to an ADU.

19.89.070 Termination

If a property owner is found to be in violation of this title the City may revoke the use of an ADU on the property.

19.89.080 Addressing

The property owner may request to have an ADU be given a separate address from the primary dwelling. A property owner requesting an additional address and shall submit for a site plan review to the Millcreek Planning and Zoning Department and pay any associated fees.

19.89.090 Enforcement

The City may follow the procedures set forth in Utah Code 10-9a-530 (5) for enforcing requirements for internal accessory dwelling units.

19.89.100 Existing Buildings

A. Existing buildings in Millcreek that are intended to be used as an ADU and cannot meet with the standards set forth in this chapter must file an application to have a structure declared a noncomplying structure under MKZ 19.88.150 and then follow the application process set forth below to have the use allowed through special exception.

B. The property owner shall have the burden of establishing that the building was legally created. The director or director's designee shall review application in the following procedure:

    1. Owner or applicant seeking determination shall file an application with the City and pay all applicable fees, including any additional fees incurred resulting from staff providing research.

    2. Application shall include evidence that clearly establishes the ADU lawfully existed at the time it was created.

    3. Acceptable evidence may include:

a. Historical zoning maps clearly identifying the use and structure existed.

b. Historical zoning code supporting historical zoning maps.

c. Previously issued building permits.

d. Previously issued conditional use permits.

e. Documentation supporting a variance was granted or issued for the use or structure.

f. Aerial imagery that clearly establishes use or structure existed.

g. Court Orders or Judgements.

h. Affidavits from previous property owners attesting to the use/structure.

i. Evidence of utility connections.

j. A building inspection that certifies that the building or structure was compliant with the codes in effect of the time it was built.

4. The city shall accept application and evidence provided and make its findings and determination within fourteen business days. The City shall notify the applicant in writing stating the determination.

5. A lot that has an existing guest house does not qualify for an additional detached ADU. By definition, a guest house may not be rented out or leased. If a property owner wants to convert a guest house to a detached ADU the property owner must follow all applicable processes and design requirements for detached ADUs.

C. Attached Accessory Dwelling Unit Conversions

1. A portion of a building attached, or within, the primary dwelling that is noncomplying and was legally established as determined under MKZ 19.89.100 (B), may be converted or expanded for the purpose of converting or enlarged for the purpose of converting, into an ADU upon permit authorized by the Land Use Hearing Office provided that the Land Use Hearing Officer shall find that:

a. The primary dwelling, or portion thereof, is no less than 3 feet from the

side and rear property lines;

b. The attached ADU does not have a light source projecting onto the neighboring property;

c. The attached ADU does not have any balconies, porches, or windows facing adjacent property owners, unless facing a RM or C zoned property;

d. The attached ADU does not protrude higher than the measured height of the existing nonconforming structure being expanded as measured from original ground surface.

e. The attached ADU can accommodate all required parking on the lot, and does not violate the required off-street parking standards, including parking requirements of this title.

D. Detached Accessory Dwelling Unit Conversions

1. A detached building, that is noncomplying and was legally established as determined under 19.89.100 (B), may be converted, or expanded for the purpose of converting, or enlarged for the purpose of converting, to an accessory dwelling unit upon permit authorized by the Land Use Hearing Office provided that the Land Use Hearing Officer shall find:

    a. The detached building is at least 4 feet from the side and rear property lines;

    b. The detached building does not have a light source projecting onto an adjacent property;

    c. The detached building does not have any balconies, porches, or windows facing an adjacent property, unless facing a RM or C zoned property;

    d. For properties located next to an RM or C Zone, the detached building does not exceed 24 feet in height;

    e. For all other properties, he detached building does not protrude higher than the measured height of the existing noncomplying structure being expanded as measured from original ground surface.

    f. does not create any new visual impacts that cannot be otherwise

mitigated by a fence or wall.

g. The detached ADU can accommodate all required parking on the lot, and does not violate or diminish the required off-street parking standards, including parking requirements of this title;

h. No complaint has been made to the development services division concerning the violation for a period exceeding ten consecutive years during which the violation existed.

i. Does not violate applicable standards and regulations outlined in Chapter 19.71 Residential Compatibility Overlay Zone for accessory structures and principal structures; provided that such increase or expansion of structure does not further increase where the graduated height envelope intersects the existing structure.

j. Structure or proposed expansion of the structure is not within any recorded easement.

k. Does not result in runoff or drainage from the accessory building onto an adjacent property.

E. Conditions and Limitations for Land Use Hearing Officer Permits for ADU Conversions.

The Land Use Hearing Officer may impose conditions and limitations upon issuance of a permit for an addition to, enlargement of, moving of, or reconstruction of a structure as necessary to prevent or mitigate adverse effects on other properties in the neighborhood of the subject property, consistent with the standards of this Title.

Changes to Chapter 19.80

USE	MINIMUM OFF-STREET PARKING REQUIREMENT	MAX. % COMPACT USES ALLOWED	NOTES
RESIDENTIAL			
Handicapped or Group Home Housing	A minimum of 2 parking spaces plus 1 parking space for every 4 handicapped persons	None	The Planning Commission or staff may vary off-street parking needs in relation to

			the number of staff/employees required and the special needs of the residents.
Mobile Home Dwelling within a Mobile Home Park	2 spaces per unit	None	Parking one behind the other is permitted provided sufficient visitor parking is located within the park.
Single Family Dwelling Two Family Dwelling Three Family Dwelling Four Family Dwelling	2 spaces per unit with at least one covered space per unit. Existing dwellings that lack one covered space as of March 12, 2018 are exempt from a covered parking requirement.	None	Parking one behind the other arrangements for all required parking is prohibited, except for visitor parking for multiple family dwellings and in the case of individually owned units. Minimum off-street parking shall not be located within the minimum required front yard setback.
Internal Accessory Dwelling Units	1 stall per unit.	None	On-street parking for any property with an accessory dwelling unit is prohibited.
Attached Accessory Dwelling Units	1 stall per bedroom of the accessory dwelling unit.	None	On-street parking for any property with an accessory dwelling unit is prohibited.
Detached Accessory Dwelling Units	1 stall per bedroom of the accessory dwelling unit.	None	On-street parking for any property with an accessory dwelling unit is prohibited.

Changes to Chapter 19.14

19.14.020 Permitted Uses

Permitted uses in the R-1 zones are as follows:

ZONE	PERMITTED USES
All R-1 Zones	Accessory uses and buildings
	Agriculture
	Home business, subject to MKZ 19.85;
	Home daycare/preschool, subject to MKZ 19.04.293
	Household pets
	Residential facility for persons with a disability
	Short-term rentals provided a valid Millcreek business license has been issued and in good standing with respect to the property;
	Accessory Dwelling Unit, subject to MKZ 19.89;
R-1-6, R-1-7, R-1-8, R-1-10, R-1-15	Single-family dwelling
R-1-21, R-1-43	Guesthouse, the square footage must be less than one thousand two hundred square feet.
	Maximum of four horses for private use only, not for rental
	Single-family dwelling

19.14.030 Conditional Uses

Conditional uses in the R-1 zones are as follows:

ZONE	CONDITIONAL USES
All R-1 zones	Cemetery
	Day care/preschool center, subject to MKZ 19.76.260
	Golf course

	Home day care/preschool, subject to MKZ 19.04.293
	Planned unit development
	Private educational institutions having an academic curriculum similar to that ordinarily given in public schools
	Private nonprofit recreational grounds and facilities
	Public and quasi-public uses
	Residential facility for elderly persons
	Temporary buildings for uses incidental to construction work, which building must be removed upon the completion of the construction work. If such buildings are not removed within ninety days upon completion of construction work or thirty days after notice, the building will be removed by the City at the expense of the owner.
R-1-3, R-1-4	Single-family dwelling
R-1-5	Single-family project developments The planning commission may approve a detailed development plan for the entire single- family project in an R-1-3, R-1-4, R-1-5 zone, pursuant to MKZ 19.84. Thereafter, the development services division director may, as authorized by the planning commission, approve use permits for individual residential uses, provided that the plans comply with all requirements and conditions of the approved development plan.
R-1-6, R-1-7, R-1-8, R-1-10	Nursery and greenhouse, provided that there is no retail sales
R-1-15	Pigeons, subject to health department regulations
	Sportsman's kennel with a minimum lot area of one acre
R-1-21, R-1-43	Animals and fowl for family food production
	Bed and breakfast homestay
	Nursery and greenhouse; provided, that there is no retail sales

	Pigeons, subject to health department regulations
	Sportsman's kennel with a minimum lot area of one acre

Changes to Chapter 19.48

19.48.020 Permitted Uses

Permitted uses in the A-1 zone include:

- Accessory uses and buildings customarily incidental to permitted uses;
- Accessory Dwelling Unit, Subject to MKZ 19.89
- Agriculture;
- Animals and fowl for family food production;
- Apiary;
- Aviary;
- Farm devoted to the raising and marketing, on a commercial scale, of chickens, turkeys or
  other fowl or poultry, rabbits, chinchilla, beaver, nutria, fish or frogs;
- Home business, subject to MKZ 19.85;
- Home daycare/preschool, subject to MKZ 19.04.293;
- Household pets;
- Raising and grazing of horses, cattle, sheep or goats, provided that such raising or grazing is not a part of, nor conducted in conjunction with, any livestock feedyard, livestock sales yard, animal byproduct business, or commercial riding academy;
- Residential facility for elderly persons;
- Residential facility for persons with a disability;
- Short-term rentals provided a valid Millcreek business license has been issued and in good standing with respect to the property;
- Single-family dwelling;
- Worm farming (minimum lot area one acre)

19.14.070 Accessory Buildings

1. Location Requirements:
    1. Accessory buildings shall only be allowed in a rear yard, or within the side or rear setbacks of the main building of the lot, provided the accessory building meets the separation requirement in section MKZ 19.14.070 (A)(2).
    2. Accessory buildings must be located at least six feet from the main building on the lot.
2. Height:

1. For residential lots in a R-1 zone with rear yards that share a boundary with a commercial or multifamily zone or an institutional building or structure, accessory buildings may exceed the height of the main structure, up to a maximum height of 24 feet, provided it is in the rear yard.
2. Accessory buildings on all other residential lots shall not exceed 10 percent greater than the height of the main building, but are allowed to be at least 14 feet in height.
3. In no case shall an accessory building exceed 24 feet in height.
4. Accessory buildings in zones that are subject to the Residential Compatibility Overlay Zone standards must be constructed entirely within the building envelope described in MKZ 19.71.030 (C).

3. Setback Requirements.
    1. Heights Up to Fourteen Feet: Accessory buildings must be located at least thirty inches from the side and rear property lines.
    2. Heights Greater than Fourteen feet. For each ~~foot~~ inch in height over fourteen feet, accessory buildings shall be set back from the side and rear property lines an additional ~~foot~~ inch, up to twelve feet six inches from the side and rear property line.
    3. On lots where the rear yard abuts a public right-of-way, the minimum setback requirement for an accessory building is 20 feet from the side and rear property lines, unless a noise barrier authorized and constructed by the Utah Department of Transportation or the City separates the right-of-way from the accessory building.
    4. On lots where the rear yard abuts a side yard of another residential dwelling, the minimum setback for an accessory building is 10 feet from the abutting side yard.
    5. Accessory buildings shall not encroach on any required easement.
4. Area Requirements.
    1. For residential lots in a R-1 zone with rear yards that share a boundary with a commercial or multifamily zone, or an institutional building or structure, the total footprint of all accessory buildings on a lot shall not exceed the maximum coverage requirements established in Section E below, or 1,200 square feet.
    2. The total footprint of all accessory buildings on lots except as described in section 1 above shall not exceed 60 percent of the footprint of the main building, or 600 square feet, whichever is greater. The total footprint of all accessory buildings shall not exceed the maximum coverage requirements. The maximum allowed area for an accessory dwelling unit is regulated under chapter 19.89.
5. Coverage Requirements. Coverage Requirements. The maximum lot coverage for accessory buildings is described in Table 19.14-1 below.
6. Design Standards. Accessory buildings shall incorporate at least one of exterior materials used in the main building for 20 percent of all facades of the structure, or shall be clad in wood, vinyl, or cementitious fiberboard siding. Accessory buildings must have a pitched roof unless the main building has a flat roof, in which case an accessory building may have a flat roof or a pitched roof.

7. Drainage. Runoff drainage from accessory buildings and structures may not be directed onto adjacent property.
8. Illumination. Illumination of accessory buildings and structures shall be directed down and away from adjoining residences.
9. Accessory Buildings shall only be used for vehicles or non-commercial uses generated within the property, unless those items are used as part of a licensed home business, pursuant to the standards in MKZ 19.85.
10. Shipping containers, semi trailers, box cars, or relocatable storage containers, shall not be permanently installed or maintained on a residential lot, unless they are modified to meet all the design requirements in MKZ 19.14.070 (G).

Table 19.14-1

Lot Size in Square Feet	Maximum Accessory Building Coverage
6,000 or less	40 percent
6,000 to 6,999	35 percent
7,000 to 7,999	30 percent
8,000 or more	25 percent

Accessory buildings in lots subject to the Residential Compatibility Overlay Zone shall not exceed the maximum coverage requirements established in MKZ 19.71.030 (B)

Appendix C – Supplemental Ordinance Sections Already in Millcreek Code

THE SECTIONS OF CODE BELOW ARE ALREADY IN MILLCREEK CODE AND WILL NOT BE CHANGING WITH THE ADOPTION OF THE DRAFT ADU ORDINANCE.

19.14.070 Accessory Buildings

1. Location Requirements:
    1. Accessory buildings shall only be allowed in a rear yard, or within the side or rear setbacks of the main building of the lot, provided the accessory building meets the separation requirement in section MKZ 19.14.070 (A)(2).
    2. Accessory buildings must be located at least six feet from the main building on the lot.
2. Height:
    1. For residential lots in a R-1 zone with rear yards that share a boundary with a commercial or multifamily zone or an institutional building or structure, accessory buildings may exceed the height of the main structure, up to a maximum height of 24 feet, provided it is in the rear yard.
    2. Accessory buildings on all other residential lots shall not exceed 10 percent greater than the height of the main building, but are allowed to be at least 14 feet in height.
    3. In no case shall an accessory building exceed 24 feet in height.
    4. Accessory buildings in zones that are subject to the Residential Compatibility Overlay Zone standards must be constructed entirely within the building envelope described in MKZ 19.71.030 (C).
3. Setback Requirements.
    1. Heights Up to Fourteen Feet: Accessory buildings must be located at least thirty inches from the side and rear property lines.
    2. Heights Greater than Fourteen feet. For each foot in height over fourteen feet, accessory buildings shall be set back from the side and rear property lines an additional foot, up to twelve feet six inches from the side and rear property line.
    3. On lots where the rear yard abuts a public right-of-way, the minimum setback requirement for an accessory building is 20 feet from the side and rear property lines, unless a noise barrier authorized and constructed by the Utah Department of Transportation or the City separates the right-of-way from the accessory building.
    4. On lots where the rear yard abuts a side yard of another residential dwelling, the minimum setback for an accessory building is 10 feet from the abutting side yard.
    5. Accessory buildings shall not encroach on any required easement.
4. Area Requirements.
    1. For residential lots in a R-1 zone with rear yards that share a boundary with a commercial or multifamily zone, or an institutional building or structure, the total footprint of all accessory buildings on a lot shall not exceed the maximum coverage requirements established in Section E below, or 1,200 square feet.
    2. The total footprint of all accessory buildings on lots except as described in section 1 above shall not exceed 60 percent of the footprint of the main building, or 600 square feet, whichever is greater. The total footprint of all accessory buildings shall not exceed the maximum coverage requirements.
5. Coverage Requirements. Coverage Requirements. The maximum lot coverage for accessory buildings is described in Table 19.14-1 below.
6. Design Standards. Accessory buildings shall incorporate at least one of exterior materials used in the main building for 20 percent of all facades of the structure, or shall be clad in wood, vinyl,

or cementitious fiberboard siding. Accessory buildings must have a pitched roof unless the main building has a flat roof, in which case an accessory building may have a flat roof or a pitched roof.

7. Drainage. Runoff drainage from accessory buildings and structures may not be directed onto adjacent property.
8. Illumination. Illumination of accessory buildings and structures shall be directed down and away from adjoining residences.
9. Accessory Buildings shall only be used for vehicles or non-commercial uses generated within the property, unless those items are used as part of a licensed home business, pursuant to the standards in MKZ 19.85. Accessory buildings shall not be used as a dwelling.
10. Shipping containers, semi trailers, box cars, or relocatable storage containers, shall not be permanently installed or maintained on a residential lot, unless they are modified to meet all the design requirements in MKZ 19.14.070 (G).

Table 19.14-1

Lot Size in Square Feet	Maximum Accessory Building Coverage
6,000 or less	40 percent
6,000 to 6,999	35 percent
7,000 to 7,999	30 percent
8,000 or more	25 percent

Accessory buildings in lots subject to the Residential Compatibility Overlay Zone shall not exceed the maximum coverage requirements established in MKZ 19.71.030 (B).

HISTORY
Amended by Ord. 18-35 on 6/11/2018
Amended by Ord. 19-19 on 5/28/2019

19.71.030 Option A General Standards; Planning And Development Services Review

1. Application. Any person seeking to build a new residential structure or to significantly reconstruct, renovate or rebuild an existing structure in any zone listed in Table I shall obtain land-use approval from the division. An applicant may seek a determination of the applicable limits under Option A from the division prior to the submission of any building plans.
2. Standards. Unless applying for approval under Option B or Option C, all applications shall comply with the following minimum standards:

    1. Maximum Building Height. Each point on the highest ridge of the structure shall be no more than that specified in Table I, column (b) for the zone in which the property is situated. Maximum building height shall be measured in feet from that point on the original grade vertically below the referenced ridge height (not including chimneys and vent stacks).
    2. Maximum Lot Coverage. The lot coverage of all structures on the lot shall be not more than the percentages given in Table I, column (d).

3. Front Yard. The minimum front yard setback shall be as specified in the applicable City code.
4. Side Yard. The combined side yard setbacks for any main structure shall be at least twenty-five percent of the lot width with no side setback less than eight feet. For purposes of this provision, "lot width" is the diameter of the largest circle that can be inscribed entirely within the lot, not including streams, fioodplains, wetlands, areas of thirty percent slope or greater or other natural hazard areas. No extensions, bay windows or similar building elements may encroach into the required setbacks under Option A, except for (a) attached air conditioning units, electrical boxes, utility meters and the like and (b) roof overhangs or eaves that extend no more than two feet into the area of the minimum side setback.
5. Rear Yard. The minimum rear setback of the primary residence and any accessory building
   shall be as specified in the applicable City code.
6. Building Envelope. The height of all structures is further limited by the building envelope created
   by starting at a point eight feet above ground at each point on the property line of the lot and extending on a line at a forty-five degree angle from the vertical toward the interior of the lot, the projection of such line on the horizontal plane of the lot to be perpendicular to the property line. The entire building must fit under this envelope except for dormers and gables that satisfy the following limitations:

    1. A dormer may exceed the graduated height envelope, provided:

        1. The width of the dormer is no more than fourteen feet;
        2. With multiple dormers, the distance to the front, or side edges of the roof is at least
           one-half the distance between dormers; and
        3. The dormer is no higher than the ridge of the roof.
    2. A gable may exceed the graduated height envelope, provided:

        1. The height of the gable is no more than 1.75 times higher than the point where the
           graduated height envelope intersects the gable; and
        2. The height of the gable is less than the maximum building height.
7. Mass and Scale. To avoid a large, continuous building mass of uniform height; no portion of any building shall continue more than forty feet horizontally without a minimum of an eighteen-inch break in the roofline or an architectural element such as an overhang, projection, inset, material and textural change to create shadow patterns along the elevation of the building. The elements required by this section are in addition to all other requirements under this Part.
8. Accessory Building. Accessory buildings shall meet all of the requirements established in MKZ 19.14.070 and the building envelope and lot coverage requirements of this chapter

Appendix D - Building Code Requirements for Converting Buildings

Internal/Attached ADU's

- Egress windows are required in all bedrooms in accordance with current building codes.
- Smoke and carbon monoxide detectors are required in ADU's in accordance with current building codes.
- ADU's are separated from the primary dwelling by a minimum 1/2" gypsum board or equivalent on each side of the wall or underside of the floor.
- Single HVAC systems that serve the ADU and primary dwelling are allowed.
- The primary electrical disconnect is not required to be accessible to the occupants of the ADU.
- Must meet all requirements for a habitable space and dwelling. This includes head height, minimum room dimensions, minimum room areas, light, ventilation, sanitation, kitchen, etc.
- These regulations do not apply to new builds, only existing structures. New builds must comply with all requirements for two family dwellings.

Garage Conversions

- Must be brought into full compliance with the energy code. This includes insulation, heating, lighting, etc. requirements. (R20 in walls, R49 in attic, R10 in slabs, Manual J/D/S, efficient lighting.
- Must be brought into full compliance with the structural requirements of the building code. (Wind, seismic, snow, live and dead loads; footing, foundation, wall, joist/rafter sizes, shear walls)
- Must meet all flood hazard requirements if located in a flood hazard area.
- All utilities must be connected to the primary dwelling.
- Must meet all requirements for a habitable space and dwelling. This includes head height, minimum room dimensions, minimum room areas, light, ventilation, sanitation, kitchen, etc.
- Must have a minimum of ½" gypsum board for the fire separation between the ADU and the garage.
- Ingress and Egress cannot pass through the garage.
- Egress windows are required in all bedrooms in accordance with current building codes.
- Smoke and carbon monoxide detectors are required.
- Doorways in a garage cannot open directly into a bedroom.

Appendix E – General Fees, Permits, and Timelines

The following fees and permits will not apply to ***every*** accessory dwelling unit but may be required where applicable based on code. In many cases, a property will need to apply, and pay fees for, multiple applications with different departments in the City for an accessory dwelling unit especially in the cases where a special exception or new construction is involved.

See Millcreek Consolidate Fee Schedule online for all fees associated with applications.

Planning Permits

Application	Description	Fees Associated	Time (generally)
Request for Compliance	Those with an ADU that already complies with code can request a review and letter that will be recorded to the property stating they are meeting Millcreek standards.	$175.00 paid to the city. Plus any fees to acquire documents, site plans, utility, survey, etc.	1 month.
Request for a Noncomplying Determination	Property owners with an ADU that cannot comply with all the standards of the adopted ordinance can request a review to have the structure determined a noncomplying structure.	$175.00 paid to the city. Plus any fees to acquire documents, site plans, utility, survey, etc.	1 month.
Request for a special land use hearing for a noncomplying ADU. OR Request for a special land use hearing to convert a	Request for a special hearing in front of a land use hearing officer to seek an exception to have the ADU approved to be used. This would involve noticing and public input. This	$300.00 paid to the city. Plus application to request a noncomplying determination ($175.00). Plus any fees to acquire documents,	2 months

noncomplying building to an ADU.	must be in addition to application for a noncomplying determination, see above.	site plans, utility, survey, etc.	

Land Use Hearings 19.92 MKC
Applicant submits documents and a letter requesting the special exception based on their circumstances.
Residents within 300 feet are mailed notices a minimum of 14 days in advance of the public hearing date.
Residents may attend the public meeting and submit a written letter of objection to the Land Use Hearing Officer.
A staff report is issued to the Land Use Hearing Officer with a review and perspective offered by City.
The land use hearing office reviews the documents submitted by the applicant, staff report written from the City and any public intervention that is submitted.
A public hearing is held with the applicant, City, Hearing Officer, and public in attendance.
The hearing officer issues a determination of approval, denial, or approval with conditions based on review of considerations in code (19.89.100).

Building Permits

Application	**Description**	**Fees Associated**	**Time (generally)**
Building New Attached ADU	Adding an addition to the existing single-family dwelling.	See Millcreek Consolidated Fee Schedule. Building permit fees are based on valuation of the proposed project.	1 month.
Building New Detached ADU	Adding an addition to the existing single-family dwelling.	See Millcreek Consolidated Fee Schedule. Building permit fees are based on valuation of the proposed project.	1 month.

All building permits will be associated with one of the applicable planning permits in the table above.

Building permits will require reviews of plans by planning, building, engineering and fire and inspections throughout construction.

Business License

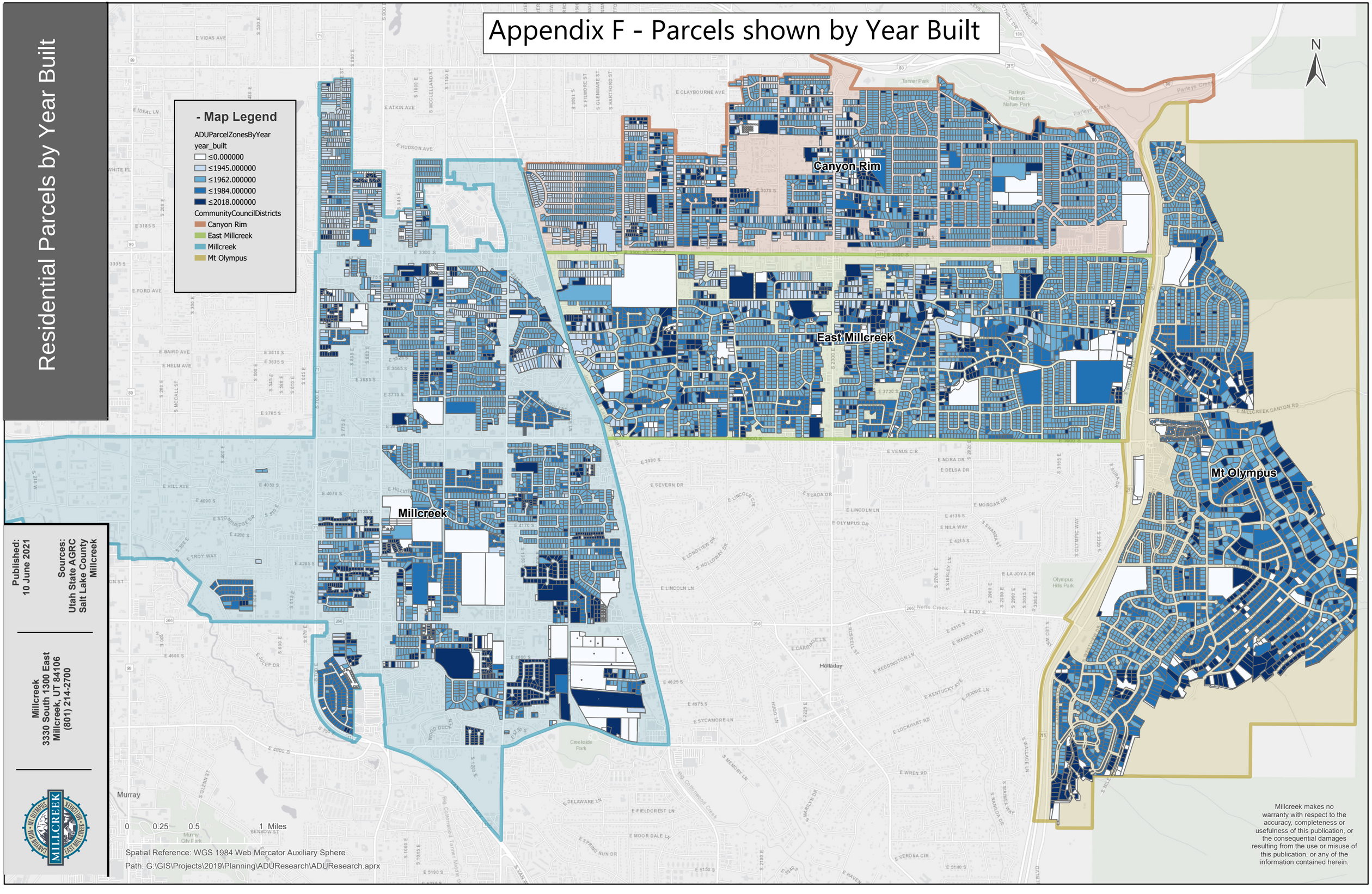
Application	Description	Fees Associated	Time (generally)
Business License for renting an ADU in Millcreek.	Renting out an ADU in Millcreek will require a business license.	$60.00	1 month.

All business licenses will be associated with one of the applicable planning permits in the table above.

All business licenses require a review from planning, code enforcement, and building.

Appendix F - Parcels shown by Year Built

Residential Parcels by Year Built



Published:
10 June 2021

Sources:
Utah State AGRC
Salt Lake County
Millcreek

Millcreek
3330 South 1300 East
Millcreek, UT 84106
(801) 214-2700

Spatial Reference: WGS 1984 Web Mercator Auxiliary Sphere

Path: G:\GIS\Projects\2019\Planning\ADUResearch\ADUResearch.aprx

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EAST MILL CREEK
Community Council

July 19, 2021

To: Millcreek Planning Commission

Subject: ZT-21-004 Revised (dated July 2021)
Review of the Accessory Dwelling Unit Draft Ordinance

Applicant: Millcreek City

The subject ordinance was presented at the July 2021 meeting of the Council by Planner Erin O'Kelley. The Council's questions and concerns as well as those members of the public attending were addressed.

Our concerns on one of the changes is the distance from the property line on a new detached ADU. The council feels it should still be at 8 feet on new construction as recommended in May 2021 (see below).

The EMCCC forwards a positive recommend on the ADU changes presented at the July meeting except for the change of distance from property line on new ADU construction. The Council still is of the opinion that new, detached ADUs be 8 feet from property line, not 30 inches as in revised ordinance."

From our May meeting/recommendation
1. What should be a standard setback for a detached ADU?
   a. The Council feels that for existing detached ADUs (garage conversion), the distance should be a minimum of 2 feet 6 inches
   b, If detached unit on the property line, the application should be denied for conversion to ADU
   c. On any new application for ADU, the distance should be 8 feet from property line

Also want to confirm there is off street parking (garages) - for new detached ADUs and converted garages that still adheres to existing code requirements for lot coverage.

/s/
Nancy Carlson-Gotts
Chair, EMCCC

Cc: Erin O'Kelley
Francis Lilly
EMCC Council

EAST MILL CREEK
Community Council

May 11, 2021

To: Millcreek Planning Commission

Subject: ZT-21-004 Review of the Accessory Dwelling Unit Draft Ordinance

Applicant: Millcreek City

The subject ordinance was presented at the May 2021 meeting of the Council by Planner Erin O'Kelley. The Council's questions and concerns as well as those members of the public attending were addressed:

To address the questions posted to the Council in Ms, O'Kelley's staff report:

1. What should be a standard setback for a detached ADU?
   a. *The Council feels that for existing detached ADUs (garage conversion), the distance should be a minimum of 2 feet 6 inches*
   b, *If detached unit on the property line, the application should be denied for conversion to ADU*
   c. *On any new application for ADU, the distance should be 8 feet from property line*

2. Should people be allowed to convert their garages to an ADU? Provided they still meet parking and other requirements. Should they be allowed to convert a garage to an ADU if it is noncomplying, or does not meet current standards?
   a. *The Council feels that for existing detached ADUs (garage conversion), the distance should be a minimum of 2 feet 6 inches*
   b, *If detached unit on the property line, the application should be denied for conversion to ADU*
   c. *On any new application for ADU, the distance should be 8 feet from property line*

3. Should detached ADUs be allowed to have a setback 2'6" or less from the property, if allowed to convert their garage?

NO

4. If garages can be converted to an ADU, how should they be permitted? Conditional use permit, permitted use, special exception?

Special Exception

5. Should people with existing detached ADUs be allowed to legalize them even if they don't meet the height, setback, parking, etc. requirements?

Generally NO, but could ask for special exception, depending on the conditions of the existing building

6. Should all detached ADUs be a conditional use permit regardless of how they are created?

The Council feels application for new detached ADU could be permitted meeting all height and setback code requirements

Any other detached ADU applications (existing) should be special exception.

/s/
Nancy Carlson-Gotts
Chair, EMCCC

Cc: Erin O'Kelley
Francis Lilly
EMCC Council

July 17, 2021

Dear Erin,

As requested, below is a summary of feedback on the proposed Millcreek City ADU ordinance from the Millcreek Community Council (MCC). In addition to the discussion in our monthly council meeting, we dedicated a separate work meeting specifically to the ADU ordinance.

Our response

The ADU ordinance, as proposed, is broad and sweeping. Although the MCC agrees in large part with the proposed code, there are a few points of concern that will be called out below.

Recommendations in blue; disagreements in red; open questions in green

Community opinion: Although much has been done to gauge the feeling of the community regarding ADU's, the opinions collected do not represent a statistical sample of the community and have the very real possibility of being biased, based on the way the responses have been collected. Since this proposal is so broad and sweeping and can change our neighborhoods and the very essence of our R/A1 zoning for them, the MCC proposes that serious consideration be given to obtaining a properly constructed statistical sampling of the city before enacting this change.

Permitted Use: The MCC agrees that approval of ADU's be a "permitted" use rather than a conditional use as proposed.

Owner Occupancy: The MCC agrees that ADU's should be owner occupied.

ADU Subdivision: The MCC agrees that ADU's cannot be "subdivided" from the original lot.

ADU Building Standards: The MCC agrees that ADU's should conform to building standards and codes

ADU utility meters: The MCC agrees that ADU's should utilize the same utility meters as the existing dwelling.

ADU should comply Accessory Building Zoning: The MCC does **not** agree that ADU's be allowed to follow the zoning of accessory buildings. See discussion below.

ADU's incorporate existing building materials: The MCC agrees that ADU's should incorporate the building materials from the principal residence.

ADU's are not flag lots: The MCC agrees that ADU's are not flag lots as defined in the code.

ADU's may not be built in an easement: The MCC agrees that ADU's may not be built in existing easements.

Only one ADU per lot: The MCC agrees that only one ADU should be allowed per lot.

Internal ADU's must be on a lot > 6,000 sq ft: The MCC agrees that internal ADU's be allowed only if lots are > than 6,000 sq ft.

Additional ADU parking required: The MCC agrees that additional parking be required for ADU's; one stall per internal ADU and one per bedroom for attached and detached ADU's

No Change in existing home appearance for new Internal ADU's: The MCC agrees that an existing home's façade not be changes for internal ADU's.

No ADU's in mobile homes: The MCC agrees that ADU's not be allowed in mobile homes.

Attached ADU's must be on a lot of > 6,000 sq ft: The MCC agrees that attached ADU's be on lots of at least 6,000 sq ft.

ADU's limited to 2 adults and children: The MCC agrees that ADU's be limited to two adults and any number of children. (The MCC has a question as to whether or not children need to be less than 18 or may be adult children. Example: Is a couple and their adult handicapped child okay?)

Detached ADU's must be on a lot > 8,000 sq ft: The MCC does **not** agree with detached ADU's being on properties > 8,000 sq ft

> **Commentary:** Most municipalities in the provided planning staff documents do not allow detached ADU's, those that do, require lots to be 12,000 sq ft or more. The MCC recommends that detached ADU's be permitted only if the lot is > 12,000 sq ft.

Detached ADU's must be <50% of floor area of principal residence: The MCC agrees that any detached ADU be limited to less than half the floor space of the original residence.

Detached ADU's limited to 850 sq ft: The MCC agrees that detached ADU's be limited to < 850 sq ft.

Detached ADU's must be setback at least 30 inches, cover < 25% of the rear of the lot, must be at least 6 ft from existing home, must be a permanent building, downward facing light, opaque window within 15ft of neighbor, parking not visible, no 2nd story balcony, stairway not in setbacks, not built on slope > 30 degrees, home with guesthouses may not have ADU's: The MCC agrees with the detached ADU standards noted here.

However, the MCC is evenly split on allowing detached ADU's. Concerns are as follows:

- Proposed size of lot for detached ADU's is too small (see proposal for 12,000 sq ft limit above).
- Concerns about the ability of the city to ensure height measurements are consistently applied and defined clearly to ensure compliance for new ADU's.
- Concerns about allowing the conversion of existing accessory buildings as close as 6 inches to the property line.
- Application of accessory building code setbacks/height, etc. to the building of new detached ADU's

The MCC, therefore, proposes that either **detached accessory dwelling units be disallowed**, **or** **that the proposed code be modified as follows:**

1. Detached ADU's must be on lots of at least 12,000 sq ft.
2. Any existing ADU's must conform to the setback/size/height standards for newly built ADU's (don't allow them on the property line – 6 inches)
3. Consideration be given to applying the code for setbacks of the principal residence to newly built detached ADU's. This treatment prefers consistency of the rules for the principal residence for a new living unit over the consistency with accessory building code. (even though the accessory might be converted to an ADU in the future)

City may revoke ADU rights for violations of code: The MCC agrees that the city should have the right to revoke ADU rights.

ADU's may not be used for short-term rentals: The MCC agrees that all ADU's types should not be rented short-term.

ADU may have separate addresses: The MCC agrees that ADU's may have separate addresses.

Noncomplying ADU's can file an application to city for approval if it meets certain standards: The MCC agrees that noncomplying ADU's can file an application for approval if standards are met. **(Some concern exists as to how rigorously the city will manage "noncomplying" units and what noncompliance may be allowed.)**

Attached ADU's can be created in existing or new structures: The MCC agrees that attached ADU's can be created in existing or new structures (so long as these meet the standards noted)

Land Hearing Officer (LHO) shall determine mitigations for adverse effects: The MCC agrees that the LHO shall determine mitigations for adverse effects.

MT. OLYMPUS
Community Council

July 21, 2021

Millcreek Planning Commission
Millcreek City Council and Mayor
Mike Winder, Asst. City Manager
Francis Lilly, Planning Director
Erin O'Kelley, Planner

Dear Members of the Millcreek Planning Commission, City Council, Mayor and staff,

On July 6, 2021 the Mt. Olympus Community Council (MOCC) considered ZT-21-004, a recommendation to amend the Millcreek Zoning Ordinance for Internal, Attached, and Detached Accessory Dwelling Units in Residential Zones. Please let me commend the staff for their tireless efforts and patience in crafting the ordinance and the accompanying staff report, plus their patience in answering countless questions we have raised to them throughout the last year as this process has moved forward. The MOCC understands that it must take into account other residents of the greater community requesting this type of development and occupancy on their properties, coupled with recent changes in state law requiring only internal ADU's to be a permitted use. However, there are still concerns that this ordinance might change the character of neighborhoods if passed. Millcreek has drafted an ordinance that extensively outpaces the limited scope of state law for internal accessory dwelling units. I have received many unsolicited comments from residents in our community that expressed opposition to any type of ADU being permitted. Most of their comments cited fears of "it's a SINGLE FAMILY community" and "they'll be turned into short term rentals" or "they'll block the streets, especially in the winter". The MOCC thanks Millcreek staff for drafting an ordinance that attempts to minimize these neighborhood impacts, but there remain concerns on regulating and enforcing the proposed uses contained in the proposed ADU ordinance. Millcreek should address these anticipated impacts prior to the adoption of any ordinance permitting accessory dwelling units.

We recommend Millcreek leadership reviews its enforcement protocols for ensuring how they will manage properties that try to rent out ADU's as short-term rentals, which have already been strewn throughout our community. We believe the city has substantially underestimated the risk of someone developing an ADU with the intent of renting it out to short-term tenants and never securing any type of short-term rental license from the city. How will the city ensure these units are not rented on a short-

term basis? What enforcement mechanisms are specifically going to be followed to ensure this is not possible? Please develop a comprehensive plan to address this concern before the ordinance is passed.

We recommend the ordinance also states that on-street parking at night is specifically prohibited. The ordinance as drafted suggests that off-street parking is required, but the ordinance should specifically prohibit on-street parking. Most of this pervasive fear is based on safety issues of on-street parking, especially for snowplowing in the winter. The MOCC understands that other portions of the current Millcreek ordinance already address this concern, but we recommend this prohibition is expressly reaffirmed within this ADU ordinance so expectations can be efficiently managed prior to an ADU being created.

With one exception noted below, we do not support the draft ordinance allowing a detached ADU within 30 inches of the property line. We believe the incremental impact of a dwelling unit occupied much more frequently than, by comparison, an art studio, only 30 inches from the property line is unacceptable. If the city wants to ensure it's preserving the single-family basic tenet of our community, it won't adopt an ordinance that allows a newly constructed ADU only two and a half feet from the property line. I can only imagine the outcries from neighbors when someone flies a new pre-fab ADU over their roof and drops it on a pad only 30 inches from their boundary. This type of intense development close to the key property boundary buffers violates the single-family nature of the neighborhood and should not be permitted. There was a reason why the Residential Compatibility Overlay Zone requires minimum side yard setbacks. Don't violate that spirit behind these required boundary buffers by permitting ADU's close enough to touch your neighbor over the fence. However, we recommend only one exception to this rule. The MOCC is comfortable allowing a 30 inch setback only in the circumstance of someone already possessing a previously constructed structure that currently does not conform to the standard setbacks. We believe this compromise addresses some of Millcreek's previous lot development patterns with detached structures but minimizes the incremental impact of creating new structures assertively placed near neighbors' property lines.

The MOCC also recommends that the ordinance reaffirms that conversions of a garage into an ADU still must comply with the minimum required back yard setbacks required under Millcreek Code 19.14.050, which requires either a 20 foot or 30 foot back yard if the primary structure does not possess a garage, versus a 15 foot setback if the primary structure possesses a garage.

In conclusion, there is varied levels of support within the Mt. Olympus Community Council for Millcreek adopting an ordinance that extensively expands permitted creation of accessory dwelling units well beyond the state of Utah's new requirements. The neighborhood has expressed consistent fears of unregulated short-term rentals, increased and unnecessary intensity of land use in strict opposition to the core "single family" character of the neighborhood, and risks of unmanageable on-street parking, especially in the winter months. Please let me note that I have never had one single member of our community contact me asking for assistance in creating an accessory dwelling unit in our neighborhood. Please balance what I have heard are "throngs of people asking for ADU's at city hall" with my perspective as a leader of this part of our great city. We only recommend approval of the draft

accessory dwelling unit ordinance if all of the above conditions are met, as each of these are direct incremental impacts that must be mitigated to preserve the highly desired quality of our community.

Sincerely,



David Baird
Chair, Mt. Olympus Community Council

MILLCREEK, UTAH
ORDINANCE NO. 21-35

AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT APPROXIMATELY 4074 SOUTH WEST TEMPLE STREET FROM R-M (RESIDENTIAL MULTI-FAMILY TO MD (MIXED DEVELOPMENT)

WHEREAS, the Millcreek Council ("Council") met in regular session on September 13, 2021, to consider among other things, an ordinance rezoning certain property located at approximately 4074 South West Temple Street from R-M (Residential Multi-family) to MD (Mixed Development); and

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

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

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

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

WHEREAS, on June 28, 2021, the required notice was published; and

WHEREAS, on July 21, 2021, the proposed amendment was submitted to the planning commission for its recommendation; and

WHEREAS, on July 21, 2021, the planning commission held the required public hearing with respect to this rezone; and

WHEREAS, at the July 21, 2021 planning commission meeting the Millcreek Planning Commission recommended approval of the proposed rezone; and

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

WHEREAS, on September 8, 2021 the Council caused the required notice to be given; and

WHEREAS, on September 13, 2021, the Council considered the rezone during a public meeting; and

WHEREAS, Section 19.06.020 of the Millcreek Code of Ordinances provides that each of the sections of the City which are amended or zoned be shown on the maps on file with Millcreek City; and

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

NOW THEREFORE, BE IT ORDAINED by the Council that the property described in File # ZM-21-001 filed by Todd J. Reeder at Community Development Corporation of Utah located at 4074 South West Temple Street is hereby rezoned/reclassified from R-M (Residential Multi-Family) to MD (Mixed Development) such property being more particularly described as follows:

Legal Description

Parcel No. 15-36-476-032-0000

Legal Description

BEG W 709.5 FT M OR L & N 402.6 FT M OR L FR SE COR SEC 36, T1S, R1W, SLM; N 197.34 FT; W 398.64 FT; S 13¿10' E 203.94 FT; E 351.78 FT TO BEG. LESS AND EXCEPT BEG S 41¿32'30" E 50.09 FT & N 00¿51'10" E 1768.92 FT & N 89¿08'50" W 792.11 FT & S 00¿02'23" W 1297.88 FT & N 89¿57'37" W 33 FT FR SD SECOR SEC 28; S 00¿02'23" W 42 FT; N 89¿57'30" W 293.2 FT TO E'LY LINE OF UTA TRAX; N 13¿38'04" W 43.23 FT ALG SD E'LY LINE; S 89¿57'30" E 303.41 FT TO BEG. LESS THAT PORTION IN SLC SUB SAN DIST NO 1. 0.69 AC M OR L. BEING IN LOT 12, BLK 10, 10 AC PL A. 7031-1584 7209-1048 9348-6016,6018 9348-60219360-8596 9658-5705

Parcel No. 15-36-476-033-0000

Legal Description

BEG W 709.5 FT M OR L & N 402.6 FT M OR L FR SE COR SEC 36, T1S, R1W, SLM; N 197.34 FT; W 233 FT M OR L TO BDRY LINE OF SLC SUB SAN DIST NO 1; S 197.34 FT; E 233 FT M OR L TO BEG. LESS AND EXCEPT BEG S 41¿32'30" E 50.09 FT & N 00¿51'10" E 1768.92 FT & N 89¿08'50" W 792.11 FT & S 00¿02'23" W 1297.88FT & N 89¿57'37" W 33 FT FR SD SE COR SEC 28; S 00¿02'23" W 42 FT; N 89¿57'30" W 293.2 FT TO E'LY LINE OF UTA TRAX; N 13¿38'04" W 43.23 FT ALG SD E'LY LINE; S 89¿57'30" E 303.41 FT TO BEG. 0.73 AC M OR L. BEING IN LOT 12, BLK 10, 10 AC PLA. 7031-1584 7209-1048 9348-6016,6018,6021 9360-8596 9658-5705

BE IT FURTHER ORDAINED, that pursuant to Section 19.06.020 of the Millcreek Code of Ordinances that the official zoning map showing the change enacted hereby be filed as provided in Section 19.06.020.

This Ordinance, assigned Ordinance No. 21-35, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's recorder.

PASSED AND APPROVED this 13th day of September 2021.

MILLCREEK COUNCIL

By:_____
Jeff Silvestrini, Mayor

ATTEST:

_____
Elyse Sullivan, 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 21-35: AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT APPROXIMATELY 4074 SOUTH WEST TEMPLE STREET FROM R-M (RESIDENTIAL MULTI-FAMILY TO MD (MIXED DEVELOPMENT)
was passed and adopted the 13th day of September 2021 and certifies that copies of the foregoing Ordinance 21-35 were posted in the following locations within the municipality this ____ day of September, 2021.

1. Millcreek City Hall, 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 Sullivan, City Recorder

MILLCREEK PLANNING AND ZONING
3330 SOUTH 1300 EAST
MILLCREEK, UTAH 84106

File No. ZM-21-001

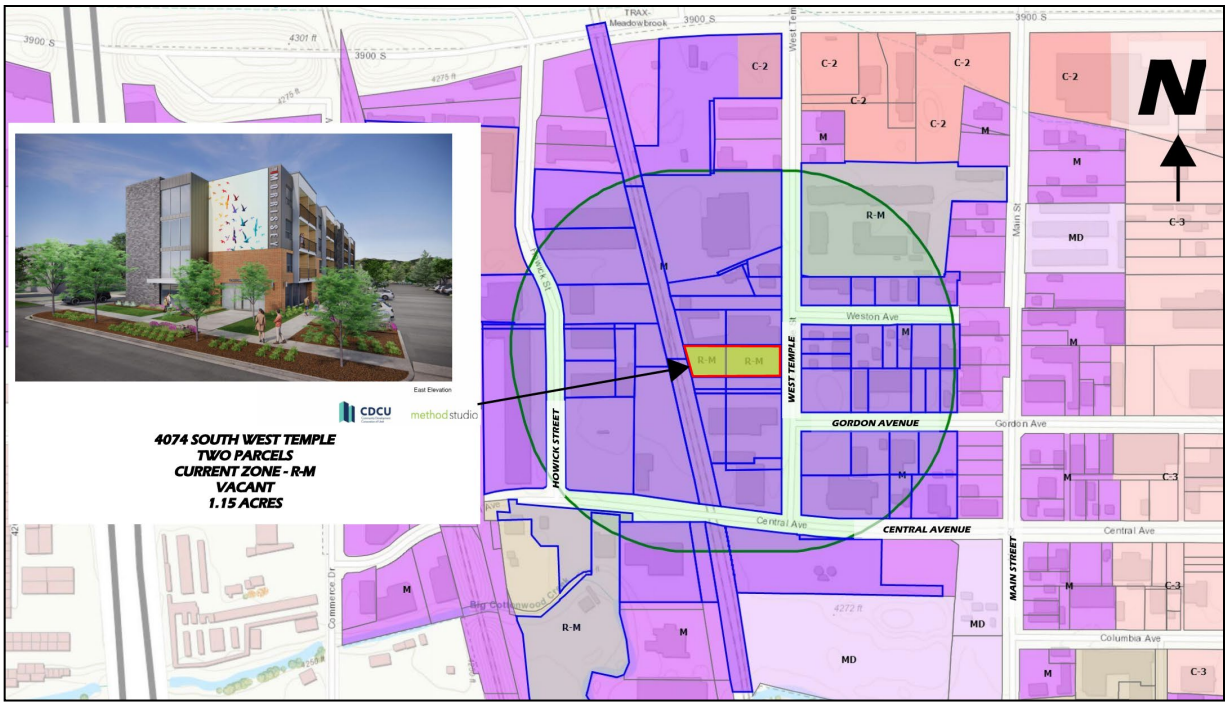
City Council Staff Report

2nd Reading

Meeting Date:	**13 September 2021**
Applicant:	**Todd Reeder**
Request:	**ZM-21-001 – Rezone from R-M to MD to accommodate a 64-unit affordable senior housing project located at 4074 South West Temple**
Parcel:	**15-36-476-032-0000, 15-36-476-033-0000**
Size:	**1.15 acres / 50,068 square feet**
Prepared By:	**Robert May, Long Range Planning Manager**

SYNOPSIS AND SCOPE OF DECISION

The applicant, Todd Reeder from the Community Development Corporation of Utah (CDCU) is seeking to rezone the property located at 4074 South West Temple in the Meadowbrook Center of Millcreek to construct an affordable senior housing project called the Morrissey. The current zone is R-M (*Multi-family Residential Zone*) and CDCU is requesting an MD (*Mixed-Development Zone*) to allow for a 4-story, 64-unit project. CDCU intends



to apply for low-income tax credits and provide an affordable housing project for low-income seniors between 25% and 55% area median income (AMI). Per Section **19.90.030 of the MKC**, The City Council, after review of the recommendation of the planning commission, may approve, deny, or remand for further review and consideration any application for zone change referred to the council by the planning commission.

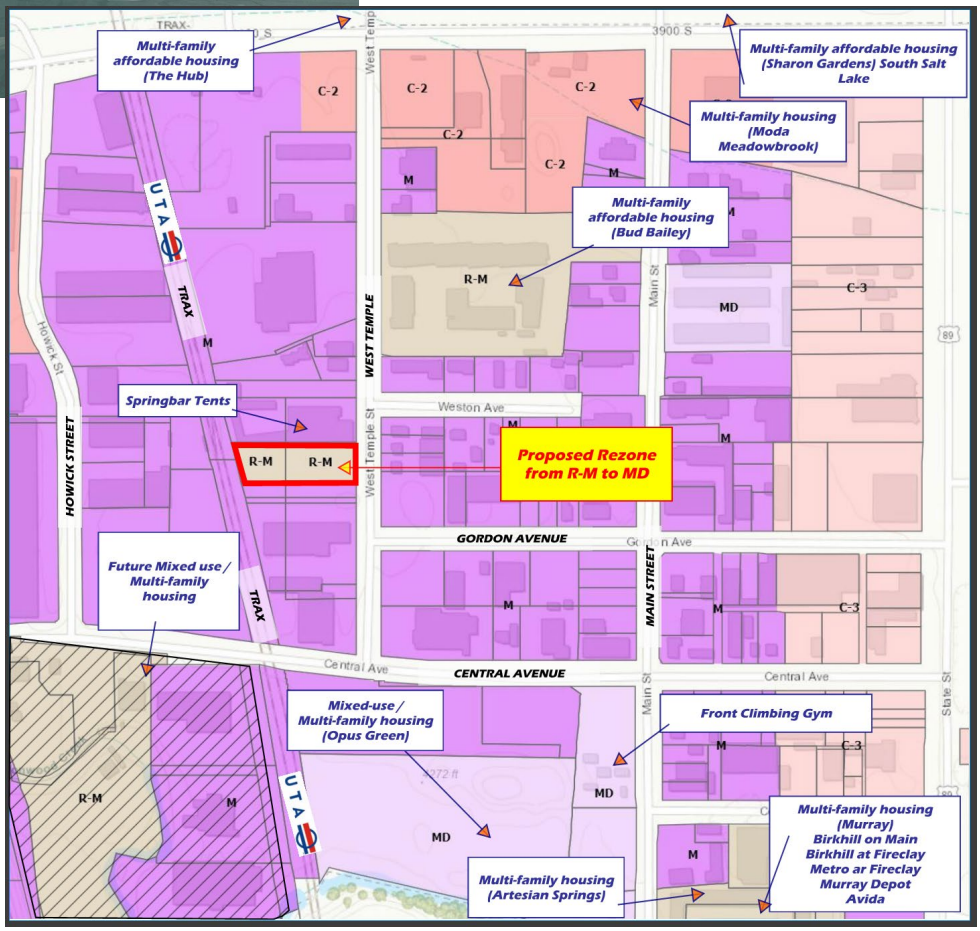
SITE & VICINITY DESCRIPTION

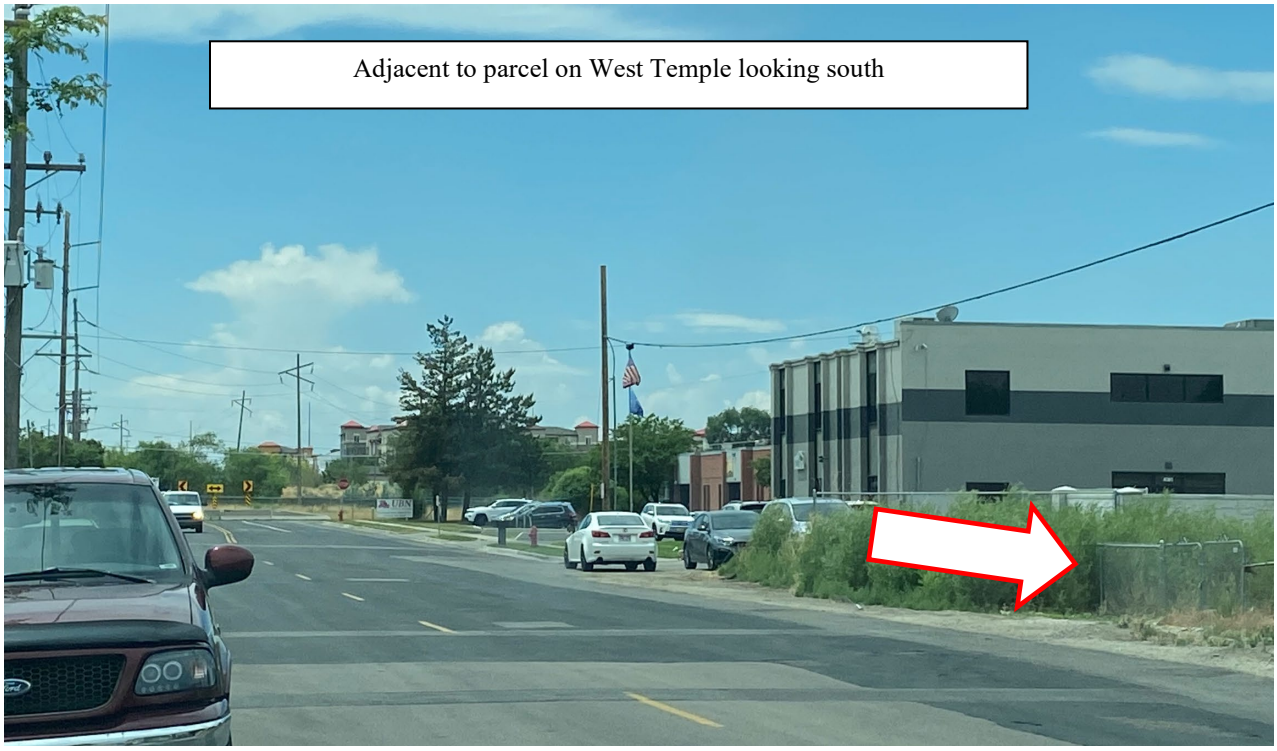
Although historically the largest land use has been industrial and manufacturing, sprinkled with auto repair businesses, recent code changes adopted by City Council in 2018 to help allow for moderate to high density housing in the Meadowbook area has triggered a development trend of various types of housing and mixed-use projects.



Due to the lack of diverse and affordable housing in Utah, similar land use trends to the north and south of the Meadowbook area in South Salt Lake and Murray have taken way, creating a host of affordable housing options within a transit oriented district.

Under the current zone (R-M), the ability to reach a desired density is capped at a maximum of 2,000 per unit. In order to reach Millcreek's demographic projections for moderate income housing and provide a substantial housing developmet, a rezone request (MD) is needed.





Adjacent to parcel on West Temple looking south



Looking directly at parcel from West Temple facing west

Currently the subject property is vacant and has been used as a dumping ground with overgrown vegetation. Historically the property has always been used as outside storage and unimproved parking and has remained undeveloped. The property has no improvements in terms of curb, gutter or sidewalk and serves as a gap for pedestrians using the sidewalk on adjacent properties.

The purpose of the Mixed-use Development (MD) Zone is to provide for the combining of a variety of uses (limited commercial, office, residential and light industrial (within enclosed buildings) within a walkable setting and to encourage such use mixes near transit stations in the Meadowbrook area. It is also intended to ensure assemblage of properties in a unified plan with a coordinated and harmonious development which will promote



Current Zoning District: RM - Residential Multi-Family
Proposed Zoning District: MD - Mixed Development

Lot Information:
- Lot Size: 50,068 SF / 1.149 Acres
- Building Footprint: 12,170 SF / 24% of Lot Area
- Landscaping: 9,990 SF / 20% of Lot Area

Units:
- Level 1: 13 1-Bedroom Units
- Level 2: 17 1-Bedroom Units
- Level 3: 17 1-Bedroom Units
- Level 4: 17 1-Bedroom Units
- Total: 64 Units

Parking Provided:
- 51 Stalls (4 Accessible one of which is Van Accessible)

outstanding design. In most circumstances, rezone proposals to the MD Zone are sought after by developers proposing large scale mixed-use projects with 200+ units and are seeking a more relaxing density requirement to off-set the cost of providing ground floor commercial component. CDCU is proposing a project that would otherwise be permitted in the R-M Zone minus a little more than half the units. So although CDCU is seeking the MD Zone for increased density with no commercial use, the outcome more than favors Millcreek in terms of gaining desperately needed affordable housing with more units than what could be proposed in the R-M Zone.

Repurposing the subject property will aid in providing needed public improvements and add to the overall curb appeal on West Temple. The proposed affordable housing project will include a full landscape plan with park strip and right-of-way improvements. Additionally, all private improvements required by the MD Zone will be required and will include, among other design standards and requirements, a new perimeter fence, parking lot street lighting, safe vehicular access and parking lot and garbage and recycling facilities.

The proposal will consist of 64 one-bedroom units with 51 parking stalls. The multi-family structure will be a 4-story, roughly 45 feet in height building. The Millcreek parking code, Chapter 19.80 neglects to list senior housing in its land use category. Therefore, the applicant has requested that the Planning Services Department make a determination regarding the off-street parking requirement for an affordable senior housing development consisting of 64 one-bedroom units. Millcreek's parking requirements, found in Chapter 19.80 of the Millcreek Code, contains a provision that allows the Planning Director to establish an off-street parking requirement for uses that are not specified in the Code. Specifically, §19.80.040 (B) of the Code states:

Parking Spaces for Uses Not Specified

The number of parking spaces for uses not specified herein shall be determined by the Planning Director being guided, where appropriate, by the requirements set forth herein for uses which are similar to the use not specified. A parking study may be required. Appeals of the decision of the Planning Director are made to the Land Use Hearing Officer.

A parking study commissioned by Millcreek was performed by Fehr and Peers that analyzed other senior and affordable housing parking requirement rates ranging from neighboring jurisdictions and suggested state of the art practices from the Institute of Transportation Engineers and the Urban Land Institute. The study took into account key characteristics at each development that included at minimum, number of units and bedroom counts, age restrictions, income restrictions, available transit services within a half (0.5) mile and existing pedestrian infrastructure. Staff has reviewed the senior housing parking study and find that based on data collected detailing parking rates and occupancy counts of other similar senior housing projects, the recommendation made by Fehr and Peers is justified and reflects a parking ratio range that will meet the parking needs of residents and guests within the senior housing project.

Based on the findings of the literature review and the collected data, Fehr & Peers recommends that Millcreek implement a parking requirement for senior housing developments, such as the proposed 4074 West Temple development, based on the following standard:

- ***0.75 parking stalls per single-bedroom dwelling unit***
- ***1 parking stall per two-bedroom dwelling unit***
- ***1.25 parking stalls per dwelling unit with three or more bedrooms.***

*See attached parking study performed by Fehr and Peers

STAFF ANALYSIS AND FINDINGS

Rezone request of an affordable housing project for seniors / General Plan considerations

Staff finds that the rezone request and proposal by CDCU will provide an excellent repurpose of the existing property and that it aligns with the characteristics and uses deliberately intended for the Meadowbrook district. Additionally, staff finds that the rezone request and proposal will enhance the curb appeal and beautify the property through its building design, landscape plans and required public and private improvements.

Lastly, but most important, staff finds the proposal for a 64-unit affordable housing project intended for low-income seniors between 25% and 55% area median income will help Millcreek further meet its obligation to provide diverse and affordable housing options. Per the Millcreek General Plan, the greatest demand is for households making less than 50% AMI. Under Utah Code, municipalities must assure the production of moderate-income housing and submit an annual update for its Moderate Income Housing Plan. A rezone to accommodate the proposed affordable housing project will help Millcreek meet its implementation strategies and goals for providing affordable housing for households within the 25%-50% AMI.

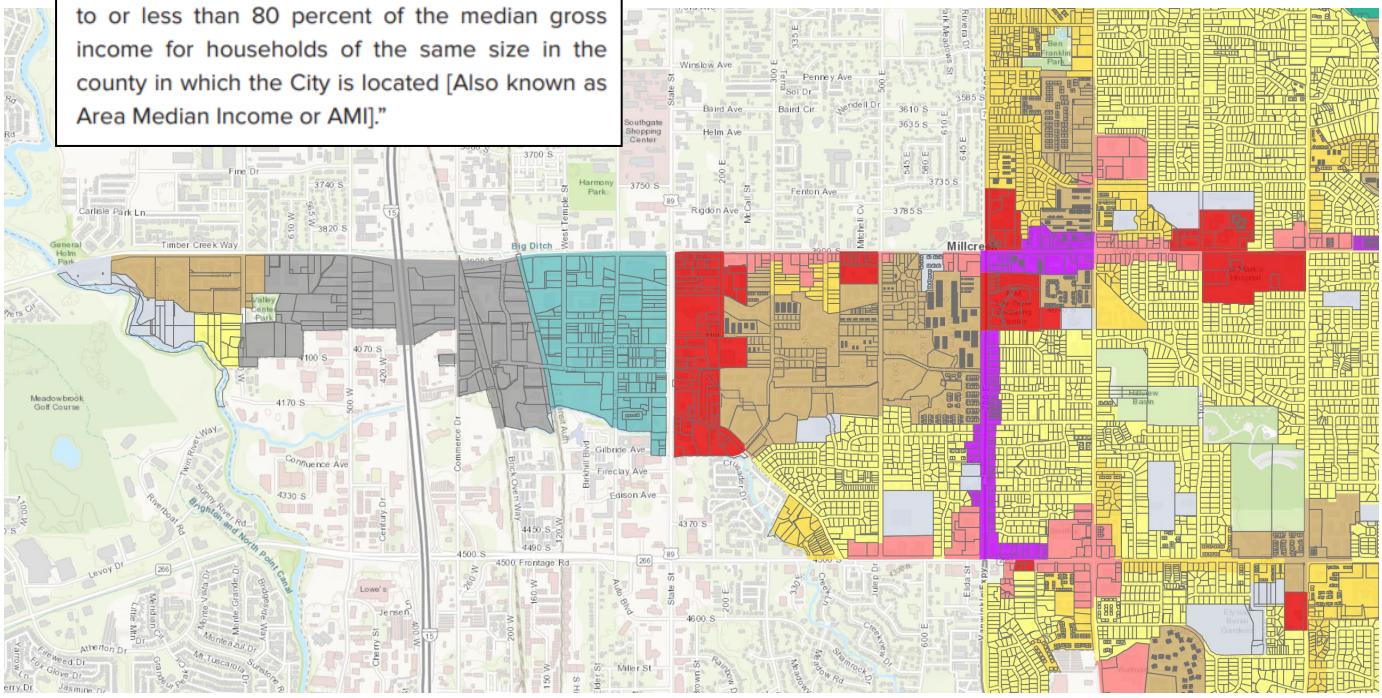
Table 35: Number of Units Currently Needed by Targeted Income Group

	Households	Existing Units	Difference Between Demand for Units and Existing Units	Cumulative Difference
< 30% AMI	2,438	510	1,928	1,928
30-50% AMI	2,438	2,114	324	2,252
50-80% AMI	3,745	5,120	(1,375)	877
> 80% AMI	10,494	12,786	(2,292)	(1,415)
Total	19,116	20,531	(1,415)	

Housing Affordability

The Utah State Code (Section 10-9a-403) requires municipalities to include a plan for moderate-income housing as part of a general plan. It outlines the responsibility of a City to facilitate a "reasonable opportunity" for those households with moderate-incomes to live within the City. Moderate-income housing is defined by the U.S. Department of Housing and Urban Development (HUD) as "housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80 percent of the median gross income for households of the same size in the county in which the City is located [Also known as Area Median Income or AMI]."

Staff finds that the proposed affordable housing project is harmonious with the standards and principles found in the Millcreek Together General Plan and that the slated land use frame supports the rezone. The proposal will become a valuable asset to the community and with a development agreement that outlines at minimum, conditions for use, parking, density, building height, materials and landscaping, the project will have a tremendous outcome with a cohesive design.



MEADOWBROOK CENTER	***Primary:*** Diverse mix of uses, including multifamily condominiums or apartments, office, retail, and restaurants. ***Secondary:*** Cultural and public facilities, health services, plazas, squares, pocket parks, community gardens, and other gathering spaces. Flex uses are also appropriate in this area. (See Glossary page 116 for Flex definition).	Building heights range from 2 - 6; however, there is potential for increased heights depending on proximity to transit stops and major streets.	• Intended to develop as a concentrated and dense mix of uses. • Scaled to create a functional, walkable, pedestrian-friendly urban environment with public gathering spaces. • Vertical and horizontal mix of uses that integrates high density residential units with retail, commercial, office and restaurant uses. • Sited adjacent to major regional roadways and potential future transit facilities. • Promote cohesive urban design with consistent development standards.

Request for parking reduction

TABLE 2: STUDY DEVELOPMENT CHARACTERISTICS

Site	Unit Types	Total Units	Total Bedrooms	Age Restriction	Income Restriction	Vacancy Rate	Transit Access
Sharon Gardens	1 Bedroom	58	58	Yes, 62+	Yes, rent=30% income	5%	TRAX, 15-min Bus
Bud Bailey	1-3 Bedrooms	136	285	No	Most ≤55% AMI, a few market rate	4%	TRAX, 15-min Bus
The Hub	1-3 Bedrooms	157	234	No	Mix of subsidized and market	2%	TRAX, 15-min Bus
Kelly Benson	Studio, 1-2 Bedrooms	59	70	Yes, 55+	Yes, rent=30% income	8%	30-min Bus
Preston Place	1 Bedroom	65	65	Yes, 65+	Yes, 50% AMI	0%	30-min Bus

Site	Bikeability	Walkability	Overflow Parking	Parking Supply	Stalls per Unit	Stalls per Bedroom
✓ Sharon Gardens	Poor	Fair	On-Street	57	1.0	1.0
Bud Bailey	Poor	Fair	On-Street	216	1.6	0.75
The Hub	Fair	Fair	On-Street, TRAX Lot	137	0.875	0.6
✓ Kelly Benson	Poor	Far	None	43	0.75	0.6
✓ Preston Place	Fair	Good	On-Street	32	0.5	0.5

Source: Fehr & Peers, 2021

Staff finds that based on the study development characteristics within the parking study, the following highlighted senior housing sites above (***Sharon Gardens, Kelly Benson, and Preston Place***) identify a close comparable to the proposed senior housing development, thus indicating and supporting a parking ratio of .75 per one-bedroom unit. Staff finds that a .75 parking ratio will satisfy the required parking and guesting parking needed to accommodate a 64 one-bedroom unit senior housing project. Staff notes that the senior housing project "The Morrissey" shall be subject to the following conditions:

1. A minimum of 48 required stalls.
2. Total sum of required stalls shall not include the accessible parking spaces required to satisfy the Americans with Disabilities Act and shall be provided in addition to the number of stalls required.
3. Required parking must be provided to residents free of charge. No fees or premiums shall be collected for resident and guest parking.

PROJECT INFORMATION

Proposed Uses. An affordable senior housing multi-family development

Density. 64 units. No max density in the MD Zone

Site Layout. A 4-story structure with an approximate 12,170 sf footprint which is approximately 24% of the total lot square footage. Structure is designed to have fire access completely around perimeter and is situated such to allow for adequate parking and usable open space.

Fencing: A solid fencing sound barrier is proposed along the west boundary line. A perimeter fence will be required and must be shown on the plans for the CUP.

Lighting: Three interior light poles are situated within development

Landscaping: Landscaping consists of approximately 20% of the total lot square footage. There will be an outdoor community space at the rear of the building comprising of approximately 3,000 sf. Although conceptual at this rezone phase, the developer plans to add an amenity within the proposed outdoor community space for the CUP.

Access. Property will consist of two access points coming off of West Temple. One of which is strictly fire access.

Dedication. Not required

Parking. Millcreek has commissioned a parking study and is recommending a .75 parking ratio plus any required ADA stalls to be included in addition to the .75 parking ratio. See other staff recommendations within the determination letter and development agreement conditions.

Open Space. The developer is providing roughly 5,000 sf of ***usable*** open space that consists of approximately a 3,000 sf outdoor community space and a 2,000 sf community / fitness room. Each unit includes a patio or balcony consisting of approximately 60 sf.

Building Design. A mostly flat roof, 4-story building with a diverse range of articulation and materials.

Height: Ground floor to top of parapet is at 44' feet.

Setbacks: Front: 10' Rear: 20' Side: 20'

Materials: A mixture of charcoal grey and red/brown brick, metal panels with aluminum siding. A beautiful mural wall showcasing a rainbow of birds flying aimlessly that faces West Temple.

Massing: Although mostly broken up, the width of the building is roughly 57' feet wide and 216' feet long.

Unit Characteristics. All 64 affordable senior housing units will be oriented as one-bedroom and consist of approximately 525 sf and include a 60 sf balcony or patio.

Amenities. An outdoor community lawn and play area with an indoor community/ fitness room. Collectively they total roughly 5,000 sf in area.

Utilities and Waste Removal. Trash and recycling dumpsters are provided at the rear of the building and will require a private waste management company to empty.

Exceptions. Developer is seeking a parking determination due to the use (affordable multi-family senior housing) not being specified within Millcreek's off-street parking code. See attached Feir and Peer's parking study and determination letter.

Project Information Summary Table

Requirement	R-M Zone Requirement	MD Zone Proposed
Height	45 feet	72+ feet
Density	2,000 sf per dwelling	No maximum residential density
Front Yard Setback	25 feet	10 feet
Side Yard Setback	10 feet	20 feet
Rear Yard Setback	20 feet	20 feet
Lot Width	50 feet	100 feet
Parking	Chapter 19.80 Off-street Parking Code	Chapter 19.80 Off-street Parking Code
Open Space	40%	20%
Amenities	1 amenity	1 amenity minimum
Fencing	Perimeter fencing	Perimeter fencing

COMMUNITY COUNCIL RESPONSE

At their regularly schedule meeting on July 6, 2021, the Millcreek Community Council (MCCC) voted **unanimously (5-0) to recommend approval** with the understanding that there was some concern regarding the proposed parking. Of the five council members that were in attendance, it was discussed that the parking reduction of 0.75 stalls per unit recommended by staff did not provide adequate parking. Despite the parking study performed by Feir and Peers outlining the data collection and similar affordable senior housing projects in the area, they consensus among the five MCCC council members was that a *few* more stalls could be added. Each member agreed that more affordable housing for seniors in Millcreek was needed.

NEIGHBORHOOD RESPONSE

Although the proposed affordable housing project did not create a large public response, there were two nearby residents that voiced their concern regarding the proposal. Each explained their concerns about the projects provided parking and raised the issue of the possibility it may be under parked. Their concern was that if under parked, residents and guests would park elsewhere and create unnecessary congestion. It was also communicated to staff and the MCCC that in addition to the lack of available parking along West Temple, there were issues with local crime that ranged from vandalism to theft.

PLANNING COMMISSION RECOMMENDATION

At their regularly scheduled meeting on July 21, 2021, the Millcreek Planning Commission voted unanimously to make a positive recommendation to the City Council subject to the staff report and the conditions therein. The Planning Commission further added in their motion for recommendation that the development agreement include that the mural will be the same size, scale, and quality as depicted in the plans, change of use language that would affect the parking requirement, bike locker capacity and use, landscaping will use endemic/waterwise plants and trees

All Commissioners present voted yes.

DEVELOPMENT AGREEMENT CONSIDERATIONS

Staff is recommending that this rezone be subject to a development agreement. If approved for a rezone subject to a development agreement, this project will return to the Planning Commission for a conditional use permit approval. Per §19.84.060 of the Millcreek Code, All Conditional Use Permits run with the land and may require the applicant to record documents to that effect. The Planning Commission and staff, in their review capacity, may impose site plan modifications and conditions to mitigate the reasonably anticipated detrimental effects of a conditional use. These reasonably anticipated detrimental effects can be addressed in a development agreement as well.

Staff is recommending that a development agreement address the following conditions:

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

1. **Use of property is limited to an affordable multi-family senior housing project for low-income seniors that are of 62 years of age or older and fall within a 25% - 55% area median income range. Development and use of property must qualify for affordable senior housing under the requirements set by the U.S Department of Housing and Urban Development.**

2. **Development shall consist of 64 one-bedroom units.**

3. **A minimum of 48 parking stalls is required. Total sum of required stalls shall not include the accessible parking spaces required to satisfy the Americans with Disabilities Act and shall be provided in addition to the number of stalls required.**

4. **Required parking must be provided to residents free of charge. No fees or premiums shall be collected for resident and guest parking.**

5. **Development shall include an ADA vehicle drop off and vehicle pick-up area that includes an unobstructed path of travel to and from the building.**

6. **Five parking stalls out of the 48 stalls provided must be identified as guest parking with signage.**

7. **The approved parking ratio is for one-bedroom units in an affordable senior housing development. If the use changes within the term of the development agreement, the new use must satisfy the then current parking ordinance and parking required for that use.**

8. **Maximum height of the building is limited to 45 feet measured from original ground surface.**

9. **Building footprint shall not exceed 12,750 square feet.**

10. **Exterior building materials of a durable or resilient nature such as brick, stone, prefinished panel, composite materials, or other materials of similar quality, hardiness, and low maintenance characteristics shall be used. No single material is allowed to exceed 50 percent of 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.**

11. **Arrangement of the materials and the windows will be substantially the same as indicated on the attached renderings, Exhibit C. All other character defining features such as size, craftmanship and**

design, including the form and massing of the building shall remain the same as indicated on the attached renderings in Exhibit C.

12. **The mural on the east building façade shall be at least 500 square feet in area and be the same scale and quality as depicted in the plans shown in Exhibit C.**

13. **Developer shall provide 5,000 sf of usable open space that consists of approximately a 3,000-sf outdoor community space and a 2,000-sf community/fitness room with glass frontage. The developer shall include at minimum, three 48 sf raised garden beds as part of the amenities for this development.**

14. **Each unit shall include a patio or balcony consisting of a minimum fifty square feet and a minimum depth of at least five feet.**

15. **The developer will install three interior light poles within the parking lot as established on the attached site plan, Exhibit C**

16. **Landscaping will be provided as provided in the attached landscape plan as established on the attached landscape plan, Exhibit C. Trees and plantings shall include only endemic or waterwise plant species that are appropriate to the region.**

17. **Developer shall include a minimum of 24 trees, having a minimum caliper of two inches in size consisting of seven conifers and seventeen deciduous trees.**

18. **Developer shall perform a lot consolidation that is approved by the city and recorded at Salt Lake County Recorder's Office.**

STAFF ANALYSIS AND FINDINGS

A common component of the proposed affordable senior housing project that has been often misunderstood by the community and the MCCC is that the units are available to *any persons of the senior category* and that seniors within this category maintain one or more vehicles. The critical distinction missed is that each unit within the affordable senior housing project is restricted and must be utilized by seniors in the 25% - 50% area median income range.

It will be expected that a percentage of low income seniors will have access to a vehicle and need parking accommodations. Much of the basis for a parking reduction for a low income senior living development is due to a financial hardship created from the inability to maintain employment. Low income seniors between in the 25%-50% AMI range already struggle to pay rent and cannot afford a vehicle, let alone pay for gas and insurance premiums that come with owning a car. Many low income seniors are not capable of owning and driving a vehicle due to health issues and impairment.

1. The rezone proposal ZM-21-002 in comparison to many other rezones, did not face any public opposition for its intended use as affordable housing but simply its impacts in terms of parking. However, when considering the specific study development characteristics within the Feir and Peers parking stud and the comparable senior housing sites (***Sharon Gardens, Kelly Benson, and Preston Place***) that are similar to the proposed senior housing development, a parking ratio of .75 per one-bedroom unit will satisfy the required parking and guesting parking needed to accommodate a 64 one-bedroom affordable senior housing project. **Staff finds** that a .75 parking ratio with the conditions

located in the determination letter and development agreement will help further mitigate the public's parking concerns.

2. South Salt Lake and Murray, along with Millcreek have identified this area, due to its transit oriented opportunities, to be an excellent location for residents seeking affordability and low-income housing. **Staff finds** that the rezone request and proposal by CDCU will provide an excellent repurpose of the existing property and that the development aligns with the characteristics and uses deliberately intended for the Meadowbrook district.
3. As the area progresses, more opportunities will be available and in return attract more people which helps reduce criminal activity altogether. Millcreek is currently working with developers seeking to develop in the Meadowbrook area on a wide variety of mixed-use plans that will include, in addition to a variety housing options, a city park and trail along Big Cottonwood Creek and a neighborhood market that can be accessed easily. **Staff finds** that the proposed affordable housing project closely follows the standards and principles found in the Millcreek Together General Plan, and that the slated land use frame within the Future Land Use Map supports the rezone. Additionally, **staff finds** that the proposed rezone will accommodate the affordable housing project and help Millcreek meet its implementation strategies and goals for providing affordable housing for households within the 25%-50% AMI.
4. The subject property is vacant and has been used as a dumping ground with overgrown vegetation. The property has no improvements in terms of curb, gutter or sidewalk and serves as a gap for pedestrians using the sidewalk on adjacent properties. **Staff finds** that the rezone request and proposal will enhance the curb appeal and beautify the property through its building design, landscape plans. The required public improvements will connect the sidewalk creating a safe pedestrian route and make way for curb, gutter, and park strip. **Staff finds** that the proposal would be a valuable addition to the community and that many of the concerns can be mitigated with a carefully crafted development agreement that outlines conditions for use, parking, density, building height, materials, and landscaping.

PLANNING STAFF RECOMMENDATION AND MODEL MOTION

Staff Recommendation:

Based on the findings located in the staff report, staff recommends to the City Council to grant rezone application ZM-21-002 accompanied with a development agreement containing the conditions recommended by staff.

Model Motion:

Motion to grant approval of application ZM-21-002 to rezone property located at 4074 South West Temple from R-M Zone to the MD Zone for a 64-unit affordable senior housing project subject to the development agreement containing the conditions recommended by staff.

SUPPORTING DOCUMENTS

1. Applicant Letter
2. Site and Landscape Plan
3. Renderings / Floor Plans / Elevations
4. Parking Study / Determination Letter
5. Planning Commission Draft Meeting Minutes
6. Proposed Draft Development Agreement
7. Rezone Ordinance
8. Development Agreement Ordinance

MILLCREEK, UTAH
ORDINANCE NO. 21-36

AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT FOR 64 UNIT AFFORDABLE SENIOR HOUSING PROJECT WITH RESPECT TO APPROXIMATELY 1.15 ACRES OF REAL PROPERTY LOCATED AT APPROXIMATELY 4074 SOUTH WEST TEMPLE STREET

WHEREAS, the Millcreek Council ("*Council*") met in regular meeting on September 13, 2021, to consider, among other things, an ordinance of the Millcreek Council approving a master development agreement for a 64 unit affordable senior housing project with respect to approximately 1.15 acres of real property located at approximately 4074 South West Temple Street; and

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

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

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

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

PASSED AND APPROVED by the Council this 13th day of September 2021.

M**ILLCREEK**

_____
Jeff Silvestrini, Mayor

ATTEST:

_____
Elyse Sullivan, 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 21-36: AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT FOR 64 UNIT AFFORDABLE SENIOR HOUSING PROJECT WITH RESPECT TO APPROXIMATELY 1.15 ACRES OF REAL PROPERTY LOCATED AT APPROXIMATELY 4074 SOUTH WEST TEMPLE STREET
was passed and adopted the 13th day of September 2021 and certifies that copies of the foregoing Ordinance 21-36 were posted in the following locations within the municipality this ____ day of September, 2021.

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 Sullivan, City Recorder

When recorded, return to:

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

DEVELOPMENT AGREEMENT

This Development Agreement (this "Agreement") is entered into this ____day of September 2021, by and between the Community Development Corporation of Utah ("Developer"), for the land to be included in or affected by the project located at approximately 4074 South West Temple Street in Millcreek Utah, a municipal corporation of the State of Utah ("City"). The Developer and the City are sometimes referred to as the "Parties."

RECITALS

WHEREAS, Developer owns approximately 1.15 acres of real property located at 4074 South West Temple Street in Millcreek, Utah ("Property") and intends to develop the Property. A legal description of the Property is attached hereto as exhibit "A." The Parties desire that the Property be developed in a unified and consistent fashion and establish minimum standards for a new 64-unit affordable senior housing project development consisting of apartments and offices (the "Project") on the Property; and

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

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

WHEREAS, the City, acting pursuant to its authority under the Utah Municipal Land Use, Development, and Management Act, Utah Code Ann. §10-9a-101, *et seq*., and its ordinances, resolutions, and regulations, and in furtherance of its land-use policies, has made certain determinations with respect to the proposed Project, and, in the exercise of its legislative discretion, has elected to approve this Agreement;

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

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

2. **Reserved Legislative Powers**. Nothing in this Agreement shall limit the future exercise of police power by the City in enacting zoning, subdivision, development, transportation, environmental, open space, and related land-use plans, policies, ordinances and regulations after the date of this Agreement, provided that the adoption and exercise of such power shall not restrict Developer's vested rights to develop the Project as provided herein. This Agreement is not intended to and does not bind the Millcreek Council in the independent exercise of its legislative discretion with respect to such zoning regulations.

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

4. **Specific Design Conditions**. The Project shall be developed and constructed as set forth in the specific design conditions/criteria set forth in exhibit "B. The Project shall also comply with all requirements set forth in the minutes of the Millcreek Planning Commission and Millcreek meetings on this matter.

5. **Agreement to Run With the Land**. This Agreement shall be recorded in the Office of the Salt Lake County Recorder, shall be deemed to run with the Property, and shall encumber the same; and shall be binding on and inure to the benefit of all successors and assigns of Developer in the ownership or development of any portion of the Property. This Agreement supersedes any and all development agreements that have been executed concerning the Property.

6. **Assignment.** Neither this Agreement nor any of the provisions, terms or conditions hereof can be assigned to any other party, individual or entity without the consent of the other party. This Agreement shall be binding upon any successors and assigns. This restriction on assignment is not intended to prohibit or impede the sale by Developer.

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

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

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

TO DEVELOPER:
Todd J. Reeder
Community Development Corporation of Utah
501 East 1700 South
Salt lake City, UT 84105

TO CITY:
Millcreek
Jeff Silvestrini, Mayor
3330 South 1300 East
Millcreek, Utah 84106

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

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

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

12. **Limitation on Recovery for Default – No Damages.** No party shall be entitled to any claim for any monetary damages as a result of any breach of this Agreement and each Party waives any claims thereto. The sole remedy available to Developer or and assignee shall be that of specific performance. Notwithstanding such limitation the City may withhold all further

reviews, approvals, licenses, building permits and/or other permits for development of the Project in the case of a default by Develop or any assignee.

13. **Term of Agreement.** The term of this Agreement shall be until September 13, 2031 and shall automatically expire on such date.

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

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

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

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

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

Millcreek

_____
Jeff Silvestrini, Mayor

ATTEST:

_____
Elyse Sullivan, City Recorder

DEVELOPER

By: _____

Title: _____

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

The foregoing instrument was acknowledged before me this _____ day of _____, 2021, by Jeff Silvestrini and Elyse Sullivan as the Mayor and the City Recorder, respectively, of Millcreek, a Utah municipality.

_____
Notary Public

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

The foregoing instrument was acknowledged before me this ___ day of _____ 2021 by _____.

_____
Notary Public

Exhibit A

Parcel No. 15-36-476-032-0000

Legal Description

BEG W 709.5 FT M OR L & N 402.6 FT M OR L FR SE COR SEC 36, T1S, R1W, SLM; N 197.34 FT; W 398.64 FT; S 13¿10' E 203.94 FT; E 351.78 FT TO BEG. LESS AND EXCEPT BEG S 41¿32'30" E 50.09 FT & N 00¿51'10" E 1768.92 FT & N 89¿08'50" W 792.11 FT & S 00¿02'23" W 1297.88 FT & N 89¿57'37" W 33 FT FR SD SECOR SEC 28; S 00¿02'23" W 42 FT; N 89¿57'30" W 293.2 FT TO E'LY LINE OF UTA TRAX; N 13¿38'04" W 43.23 FT ALG SD E'LY LINE; S 89¿57'30" E 303.41 FT TO BEG. LESS THAT PORTION IN SLC SUB SAN DIST NO 1. 0.69 AC M OR L. BEING IN LOT 12, BLK 10, 10 AC PL A. 7031-1584 7209-1048 9348-6016,6018 9348-60219360-8596 9658-5705

Parcel No. 15-36-476-033-0000

Legal Description

BEG W 709.5 FT M OR L & N 402.6 FT M OR L FR SE COR SEC 36, T1S, R1W, SLM; N 197.34 FT; W 233 FT M OR L TO BDRY LINE OF SLC SUB SAN DIST NO 1; S 197.34 FT; E 233 FT M OR L TO BEG. LESS AND EXCEPT BEG S 41¿32'30" E 50.09 FT & N 00¿51'10" E 1768.92 FT & N 89¿08'50" W 792.11 FT & S 00¿02'23" W 1297.88FT & N 89¿57'37" W 33 FT FR SD SE COR SEC 28; S 00¿02'23" W 42 FT; N 89¿57'30" W 293.2 FT TO E'LY LINE OF UTA TRAX; N 13¿38'04" W 43.23 FT ALG SD E'LY LINE; S 89¿57'30" E 303.41 FT TO BEG. 0.73 AC M OR L. BEING IN LOT 12, BLK 10, 10 AC PLA. 7031-1584 7209-1048 9348-6016,6018,6021 9360-8596 9658-5705

Exhibit B

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

1. Use of property is limited to an affordable multi-family senior housing project for low-income seniors that are of 62 years of age or older and fall within a 25% - 55% area median income range. Development and use of property must qualify for affordable senior housing under the requirements set by the U.S Department of Housing and Urban Development.
2. Development shall consist of 64 one-bedroom units.
3. A minimum of 48 parking stalls is required. Total sum of required stalls shall not include the accessible parking spaces required to satisfy the Americans with Disabilities Act and shall be provided in addition to the number of stalls required.
4. Required parking must be provided to residents free of charge. No fees or premiums shall be collected for resident and guest parking.
5. Development shall include an ADA vehicle drop off and vehicle pick-up area that includes an unobstructed path of travel to and from the building.
6. Five parking stalls out of the 48 stalls provided must be identified as guest parking with signage.
7. The approved parking ratio is for one-bedroom units in an affordable senior housing development. If the use changes within the term of the development agreement, the new use must satisfy the then current parking ordinance and parking required for that use.
8. Maximum height of the building is limited to 45 feet measured from original ground surface.
9. Building footprint shall not exceed 12,750 square feet.
10. Exterior building materials of a durable or resilient nature such as brick, stone, prefinished panel, composite materials, or other materials of similar quality, hardiness, and low maintenance characteristics shall be used. No single material is allowed to exceed 50 percent of 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.
11. Arrangement of the materials and the windows will be substantially the same as indicated on the attached renderings, Exhibit C. All other character defining features such as size, craftmanship and design, including the form and massing of the building shall remain the same as indicated on the attached renderings in Exhibit C.
12. The mural on the east building façade shall be at least 500 square feet in area and be the same scale and quality as depicted in the plans shown in Exhibit C.
13. Developer shall provide 5,000 sf of usable open space that consists of approximately a 3,000-sf outdoor community space and a 2,000-sf community/fitness room with glass frontage. The developer shall include at minimum, three 48 sf raised garden beds as part of the amenities for this development.
14. Each unit shall include a patio or balcony consisting of a minimum fifty square feet and a minimum depth of at least five feet.
15. The developer will install three interior light poles within the parking lot as established on the attached site plan, Exhibit C
16. Landscaping will be provided as provided in the attached landscape plan as established on the attached landscape plan, Exhibit C. Trees and plantings shall include only endemic or waterwise plant species that are appropriate to the region.
17. Developer shall include a minimum of 24 trees, having a minimum caliper of two inches in size consisting of seven conifers and seventeen deciduous trees.
18. Developer shall perform a lot consolidation that is approved by the city and recorded at Salt Lake County Recorder’s Office.

Exhibit C







East Elevation



North Elevation



South Elevation



West Elevation

UTA RAIL LINES
PROPERTY LINE
159.87'
20' fire lane
SETBACK
20'-0"
site lighting (typical)
new fire hydrant
solid 6'-0" fencing (sound barrier)
bike stalls (8)
SIDEWALK
raised planters
pick-up area for trash/recyc.
40% of trees in parking area to be conifers
5'-0"
62'-1"
Fire Hydrant Line
wheel stops
6 foundation plantings
9'-0" TYP.
51 STALLS (3 ADA STALLS)
ADA
ADA
ADA VAN
ADA drop off zone
150' from ROW Fire Truck Turning Radius or Lane Required
11'-5"
6'-0"
216'-9"
MORRISEY
entry lobby
mural above
59'-10"
20' fire lane
existing 6'-0" cmu fencing (sound barrier)
foundation plantings
PROPERTY LINE 303.41'
SETBACK
20'-0"
LOT: 50,068 SF / 1.149 Acres
ADJACENT 1 STORY BUILDING
341.21'
PROPERTY LINE
SETBACK
20'-0"
VISITOR
5'-0"
18'-0"
26'-0"
18'-0"
Sewer Line
Water Line
Fire Hydrant Line
SETBACK
10'-0"
PROPERTY LINE
ENTRY DRIVE
13'-7"
4'-0"
SIDEWALK
5'-9"
patio
entry

MILLCREEK, UTAH
ORDINANCE NO. 21-37

AN ORDINANCE AMENDING TITLE 19 AND TITLE 14 OF THE MILLCREEK CODE OF ORDINANCES WITH RESPECT TO TECHNICAL CORRECTIONS REGARDING DEFINITIONS, NOTICING, AND PLANNING COMMISSION MEMBERSHIP

WHEREAS, the Millcreek Council ("Council") met in regular session on September 13, 2021, to consider among other things, approving an ordinance amending Title 19 and Title 14 of the Millcreek Code of Ordinances with respect to technical corrections regarding definitions, noticing, and Planning Commission membership; and

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

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 technical corrections regarding definitions, noticing, and Planning Commission membership; 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 June 28, 2021, the required notice was published; and

WHEREAS, on July 21, 2021, the proposed amendments were submitted to the Planning Commission for its recommendation; and

WHEREAS, on July 21, 2021, the Planning Commission held the required public hearing with respect to amending various sections of Title 19 and Title 14 of the Millcreek Code of Ordinances; and

WHEREAS, at the July 21, 2021, Planning Commission meeting the Millcreek Planning Commission recommended amending various sections of Title 19 and Title 14 of the Millcreek Code of Ordinances; and

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

WHEREAS, on September 8, 2021, the Council caused the required notice to be given; and

WHEREAS, on September 8, 2021, the Council considered amending various sections of Title 19 and Title 14 of the Millcreek Code of Ordinances.

NOW THEREFORE, **BE IT ORDAINED** by the Council that Title 19 and Title 14 of the Millcreek Code of Ordinances be amended as attached (designated by interlineating the words to be deleted and underlining the words to be added).

This Ordinance assigned Ordinance No. 21-37, shall take effect as soon as it shall be published or posted as required by law, deposited, and recorded in the office of the City Recorder, and accepted as required herein.

PASSED AND APPROVED this 13th day of September, 2021.

MILLCREEK

By: _____
Jeff Silvestrini, Mayor

ATTEST:

_____
Elyse Sullivan, 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 21-37: AN ORDINANCE AMENDING TITLE 19 AND TITLE 14 OF THE MILLCREEK CODE OF ORDINANCES WITH RESPECT TO TECHNICAL CORRECTIONS REGARDING DEFINITIONS, NOTICING, AND PLANNING COMMISSION MEMBERSHIP
was passed and adopted the 13th day of September 2021 and certifies that copies of the foregoing Ordinance 21-XX were posted in the following locations within the municipality this ____ day of September, 2021.

1. Millcreek City Hall, 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 Sullivan, City Recorder

19.05.060 Commission Procedures

A. The Commission shall annually elect a chair, a vice chair, and such other officers it deems advisable from among its members. The chair and such other officers elected by the Commission shall serve for a term of one year and may serve successive terms.

B. ~~Four~~ Five members of the Commission shall constitute a quorum.

C. The Commission shall adopt rules of order and procedure for use by the planning commission in a public meeting and for any other purposes considered necessary for the functioning of the Commission. Such policies and procedures shall be approved by the Council before taking effect.

D. The Commission shall establish their meeting schedule. Such meeting schedule shall be approved by the Council before taking effect. All meetings, including any necessary public hearings, shall be held after the regular working hours of City. All meetings and public hearings of the Commission shall be public meetings and comply with the provisions of UTAH CODE ANN. § 52-4-1, et seq., and be held in a public place designated.

19.04.438 Public Hearings ~~and Meetings~~

A public hearing means a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

19.04.439 Public Meeting ~~Notices~~

A public meeting means a meeting required to be open to the public under the Utah Open and Public Meetings Act, as set forth in Utah State Code Title 52, Chapter 4, Open Meetings Act.

~~19.04.438~~ 19.02.150 Public Hearings And Meetings

A. Public Hearings. A public hearing means a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing, pursuant to UCA 10-9a-103(45). Public hearings shall be conducted for the following land use decisions:

1. When adopting or amending a general plan;
2. When enacting or amending zoning ordinances or the zoning map, a public hearing before the planning commission is required, but is not required before the city council;
3. Vacation or amendment of platted street, right-of-way or easement;
4. Annexation policy plans and applications;
5. Vacating or changing a subdivision plat, but only as required by state law;
6. Any other land use decision for which a public hearing is required by law.

B. Public Meetings. Public meeting means a meeting that is required to be open to the public under Utah State Code Title 52, Chapter 4, Open Meetings Act (UCA 10-9a-103(46). All land use decisions

made by the city council and planning commission shall be rendered during open and public meetings. The community development director may also conduct public meetings related to land use applications or other land use issues.

C. Public Comment. Public comment may also be allowed in any public meeting at the discretion of the public body. Except as provided above, a public body need not allow public comment where a public hearing is not required by this section or state law.

D. Solicitation of Input. Regardless of whether a meeting is held, prior to making a land use decision the public body may solicit input from affected citizens and property owners and provide a reasonable opportunity for those individuals to express themselves. This may be accomplished through public outreach activities conducted prior to the land use decision in a manner that is consistent with the requirements of due process and fair review and provides an opportunity for the applicant and others participating in the review of the application to respond to the information presented. Relevant information gathered in the process of review is to be included in the meeting record.

E. The community development director may require a neighborhood meeting to help solicit better neighborhood input on land use application described in (1 and 2) below, prior to a complete land use application being submitted to the city.

1. Developments in a residential zone:

    a. General Plan Amendments resulting in a change to the future land use map.
    b. Rezones and Adoptions of Development Agreements.
    ~~c. Multi-family developments.~~
    ~~d. Planned unit developments.~~

2. ~~Nonresidential d~~Developments abutting a residential development or residential zone boundary:

    a. General Plan Amendments resulting in a change to the future land use map.
    b. Rezones and Adoptions of Development Agreements.
    c. Conditional use applications for uses requiring new construction, or for a use that is anticipated to create traffic or parking demand at least 20 percent greater than the existing use.
    d. Planned unit developments.
    e. If a complete application is submitted prior to a Planning Commission meeting held on a month where a community council meeting is not scheduled to be held, a neighborhood meeting may be conducted in lieu of a community council meeting.

3. Applicant's Burden to Conduct a Neighborhood Meeting. If required by the community development director, the applicant shall organize a neighborhood meeting, and provide adequate proof of notice, to include the following:

a. The applicant shall send a written notice stating the place, date, and time of the neighborhood meeting to all residential property owners, as identified in the Salt Lake County recorder's records, whose property is within the required notice radius for the land use applications described in MKZ ~~19.04.439~~ 19.02.160 below.

b. The applicant shall notify these owners at least one week prior to the neighborhood meeting.

c. The neighborhood meeting shall be conducted at a location within Millcreek.

d. Phone calls or informal door to door contacts shall not be considered to constitute a neighborhood meeting.

e. The record of a neighborhood meeting shall include:

(1) A list of all individuals who were notified;

(2) A roster of attendees; and

(3) A copy of the minutes.

~~19.04.439~~ 19.02.160 Public Notices

A. Required Notice. The land use authority shall schedule and hold any required public hearing or public meeting according to the provisions of this code and state statute. Public notices for land use decisions not described in this section shall be given in accordance with state statute. The city shall provide notice of the date, place, and time of public hearings or public meetings with the planning commission, and city council, if applicable, within the timeframes established by this section, or as provided by state statute or city ordinance.

1. Mailed Notices. The applicant shall bear the cost of mailing notices. Notice shall be provided by first class mail by the city to property owners and affected entities as established below:

a. Conditional Use Permits. Notice shall be mailed at least seven days prior to the community council public meeting to any property owners within a three-hundred-foot radius of the property lines of the property on which the conditional use is proposed.

~~b. Right-of-Way Vacations. Notice shall be given in accordance with state statute UCA 10-9a-609.5(2). Notices shall be mailed at least ten days prior to the public hearing to the following parties:~~

~~(1) Any property owner whose property is accessed by the portion of the right-of-way that is proposed to be vacated.~~

~~(2) Any property owners within three hundred feet of the portion of the public right-of-way that is proposed to be vacated.~~

~~(3) All property owners whose property is in between the portion of the right- of-way to be vacated and the nearest street intersection.~~

~~b~~c. Subdivision Approvals and Amendments to Subdivision Plats.

(1) Notice shall be given in accordance with state statute UCA 10-9a.608(1)(c). Additional notices shall be mailed at least ten days prior to the public hearing to any property owners within a three-hundred-foot radius of the boundary of the proposed subdivision plat amendment.

(2) For an amendment to a recorded subdivision that involves the alteration or removal of an easement, private right-of-way, condition, limitation, or special requirement, 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.

d.. Zoning Map Amendments. Notice shall be mailed at least seven days prior to the community council public meeting to any property owners within a six-hundred-foot radius of the boundary of the proposed zoning or future land use map amendment.

e. General Plan/Future Land Use Map Amendments. Notice shall be mailed at least seven days prior to the community council public meeting to any property owners within a six-hundred-foot radius of the boundary of the future land use map amendment.

2. Publication of Notices. Notices shall be published by the following methods, unless otherwise provided for by state statute.

a. Mailed notices shall be prepared and mailed by city staff and paid for by the applicant.

b. Public notices shall be published on the city's website and on the state's public notice website at least ten days prior to a public hearing, and at least seven days prior to a public meeting.

~~c. Notices for public hearings shall be published in a newspaper of general circulation in the area at least ten days prior to the public hearing.~~

~~d~~.c. A hard copy of any public notice issued by the land use authority shall be posted at city hall at least twenty-four (24) hours prior to a public hearing or a public meeting.

3. Posting on Site. Notification signage shall be posted on the property or land for which a conditional use permit, right-of-way vacation, subdivision plat approval, amendment to a subdivision plat, or zoning or future land use map amendment is considered, at least five days prior to the first public meeting on the matter. Notice shall be posted by the ~~community development department~~ City ~~-~~and shall be clearly visible from the right-of-way.

Chapter 14.48 STREET VACATIONS

14.48.010 Purpose

14.48.020 Street Defined

14.48.030 Conditions For Vacation

14.48.040 Fees And Advertising Costs

14.48.050 Legal Interest Of City

14.48.060 Noticing

~~**14.48.060**~~ **14.48.070 Evaluation Of Need For Street**

~~**14.48.070**~~ **14.48.080 Compensation**

14.48.010 Purpose

The purpose of this chapter is to provide a consistent standard regarding compensation to the city for the vacation and/or transfer of its interest in public streets. Vacation of the city's interest in streets should be viewed as a transfer of a substantial property right for which the public should be compensated. To prevent windfall enrichment to abutting property owners at public expense, such transfer should not be made without compensation being paid to the city.

14.48.020 Street Defined

"Street(s)" means all major and minor streets, alleys, walkways and trails.

14.48.030 Conditions For Vacation

Petitions for vacation of public streets shall be considered on the basis of the following:

A. Alleys, Walkways and Trails. Alleys, walkways and trails are not generally within the current planning and maintenance policies of the city. Vacation of an alley, walkway or trail relieves the city from present or future obligations to maintain such alley, walkway or trail. This benefit to the city is declared to be adequate compensation for the city's interest. Where appropriate, the city may require conditions precedent to the vacation of any alley, walkway or trail such as installation of landscaping, fencing or other improvements which must be completed or bonded for prior to the transfer of city property interests.

B. Major and Minor Streets. Major and minor streets shall not be vacated or permanently closed unless adequate compensation has been paid for the transfer of the city's interest in the land. The vacation or closure is not final or complete until the document transferring title is signed by the chair and, in the case of a plat amendment or deed, recorded with the Salt Lake County recorder's office.

14.48.040 Fees And Advertising Costs

No petition for vacation of a city street shall be considered unless accompanied by a fee as set forth in the consolidated fee schedule to cover costs of review by city personnel. The petitioner shall pay all advertising costs for public notices required for vacation hearings.

HISTORY
Amended by Ord. 19-19 on 5/28/2019

14.48.050 Legal Interest Of City

No action shall be taken on any petition to vacate a street until the City Attorney determines the legal interest of the city in the street.

HISTORY
Amended by Ord. 19-19 on 5/28/2019
Amended by Ord. 19-44 on 10/28/2019

14.48.060 Noticing

~~Right-of-Way Vacations.~~ Notice shall be given in accordance with state statute UCA 10-9a-609.5(2). Notices shall be mailed at least ten days prior to the public hearing to the following parties:

(1) Any property owner whose property is accessed by the portion of the right- of-way that is proposed to be vacated.

(2) Any property owners within three hundred feet of the portion of the public right-of-way that is proposed to be vacated.

(3) All property owners whose property is in between the portion of the right- of-way to be vacated and the nearest street intersection.

HISTORY
Amended by Ord. 21-XX on 6/13/2021

~~14.48.060~~ 14.48.070 Evaluation Of Need For Street

Each petition shall be evaluated in terms of the current use of the street and the need in the foreseeable future for its use as a public street or for any other public purpose. If such need exists or may exist in the foreseeable future, the petition shall be denied.

~~14.48.070~~ 14.48.080 Compensation

Any action providing vacation, sale or other transfer of the city's interest in any street where compensation is required shall be conditioned upon prior payment of such compensation and shall not be completed by an enactment of an ordinance, plat amendment, deed, or executive order until all required compensation is paid to the city together with advertising costs for all public notices. Generally, such compensation shall be the fair market value of the land. In appropriate cases compensation may be provided for in part or in whole, through an exchange of land or relocation of streets within an existing subdivision. Where the city's interest in a street is transferred to another public entity for a public use which benefits the city, the city may determine that the benefit to the city from such use is adequate compensation for the land. Where appropriate, city may require conditions precedent such as the installation of landscaping, fencing or other improvements which must be completed or bonded for prior to the transfer of property rights.

19.04.020 Agriculture

"Agriculture" means the tilling of the soil, the raising of crops, horticulture and gardening, noncommercial greenhouses associated with residential uses, but not including the keeping or raising of domestic animals or fowl, except household pets, and not including any agricultural industry or business such as fruit-packing plants, fur farms, animal hospitals or similar uses.

19.04.095 Building, Height Of

A. "Height of building" means the vertical distance above the lowest original ground surface, or "existing grade", at any point on the perimeter of the building to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the highest point of pitched or hipped roofs, or gambrel roofs.
B. Buildings may be stepped to accommodate the slope of the terrain provided that each step shall be at least twelve feet in horizontal dimension. The height of each stepped building segment shall be measured as required in subsection A.
C. Original ground surface, or "existing grade", shall be the elevation of the ground surface in its natural state before any ~~manmade~~ human-caused alterations including but not limited to grading, excavation or filling, excluding improvements required by zoning or subdivision ordinances. When the elevation of the original ground surface is not readily apparent because of previous ~~manmade~~ human-caused alterations, the elevation of the original grade shall be determined by the development services division using the best information available.

19.04.230 Family

"Family" means:

1. Any number of people living together in a dwelling unit related by blood, marriage or adoption, and including up to three additional ~~unrelated~~ people; or
2. One to four ~~unrelated~~ people living together in a dwelling.

Each ~~unrelated~~ person owning or operating a motor vehicle shall have a lawfully located off-street parking space.

19.04.265 Garage, Private

"Private garage" means an accessory building designed or used for the storage of not more than four automobiles owned and used by the occupants of the building to which it is accessory; provided, that on a lot occupied by a multiple dwelling, the private garage may be designed and used for the storage of one and one-half times as many automobiles as there are dwelling units in the multiple dwelling. A garage shall be considered part of a dwelling if the garage and the dwelling have a ~~roof or~~ shared wall in common. A private garage may not be used for storage of more than one truck for each family dwelling upon the premises, and no such truck shall exceed two and one-half tons capacity.

19.04.335 Lot

"Lot" means a parcel of land occupied by a building or group of buildings, together with such yards, open spaces, lot width and lot areas as are required by this title, having frontage upon a street or upon a right-of-way approved by a land use hearing officer, or upon a right-of-way not less than ~~twenty~~ twenty-five feet wide. Except for group dwellings and guest houses, not more than one dwelling structure shall occupy one lot.

19.04.093 Building, Footprint of

"Footprint of building" means the perimeter square footage of a building at the outer edge of the outside walls at the first story of the building,

3330 South 1300 East
Millcreek, UT 84106
801-214-2700
millcreek.us

File # ZT-21-006

City Council Staff Report

2nd Reading

Meeting Date: **13 September 2021**
Applicant: **City**

Request:	**Technical Corrections Regarding Definitions, Noticing, and Planning Commission Membership**

Prepared By: **Robert May, Long Range Planning Manager**

SYNOPSIS AND SCOPE OF DECISION

Staff is requesting that City Council adopt several technical amendments to the zoning ordinance, to clarify requirements and to update the code to bring it into compliance with recent changes in state statute.

PROPOSED ORDINANCE AMENDMENTS

Planning Commission Procedures

First, on August 27, 2018, the City Council increased the number of members of the Planning Commission from seven to nine members (Ord. 2018-50). With that increase to nine members, the required quorum for passage of any item before them would require a five member vote. The ordinance requiring just a four member quorum was never changed, however. This amendment to Section 19.50.060.B. of the Zoning Ordinance would make that change from four members to five members to constitute a quorum.

19.05.060 Commission Procedures

A. The Commission shall annually elect a chair, a vice chair, and such other officers it deems advisable from among its members. The chair and such other officers elected by the Commission shall serve for a term of one year and may serve successive terms.

B. ~~Four~~ Five members of the Commission shall constitute a quorum.

C. The Commission shall adopt rules of order and procedure for use by the planning commission in a public meeting and for any other purposes considered necessary for the functioning of the Commission. Such policies and procedures shall be approved by the Council before taking effect.

D. The Commission shall establish their meeting schedule. Such meeting schedule shall be approved by the Council before taking effect. All meetings, including any necessary public hearings, shall be held after the regular working hours of City. All meetings and public hearings of the Commission shall be public meetings and comply with the provisions of UTAH CODE ANN. § 52-4-1, et seq., and be held in a public place designated.

Public Hearings, Meetings, and Noticing

Second, because the major newspapers in Salt Lake County have now gone to a weekly publication rather than daily, the 2021 Utah Legislature in passing SB 201 found it expedient to eliminate the noticing requirement in newspapers. Section 19.04.439 of the Zoning Ordinance currently defines "Public Notices" and the noticing requirements. However, staff feels that having the noticing requirements of "Public Notices" in the definitions section of the zoning ordinance is not the proper place for it. It makes it hard to find for an average person and should realistically be in the administration section of the ordinance. Staff is proposing to have two new definitions for "Public Hearing" and "Public Meeting" in sections 19.04.438 and 19.04.439 and move "Public Hearings and Meetings" (19.04.438) and "Public Notices" (19.04.439) to Chapter 19.02 General Provisions and Administration in two new sections 19.02.150 Public Hearings and Meetings and 19.02.160 Public Notices. In the new section 19.02.160 the requirement for publication in a newspaper would be eliminated. In addition, staff is recommending moving the noticing requirements for street vacations to Chapter 14.48 of the Millcreek Ordinance, in the Highways, Sidewalks, and Public Places Title.

19.04.438 Public Hearings ~~and Meetings~~

A public hearing means a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

19.04.439 Public Meeting ~~Notices~~

A public meeting means a meeting required to be open to the public under the Utah Open and Public Meetings Act, as set forth in Utah State Code Title 52, Chapter 4, Open Meetings Act.

~~19.04.438~~ 19.02.150 Public Hearings And Meetings

A. Public Hearings. A public hearing means a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing, pursuant to UCA 10-9a-103(45). Public hearings shall be conducted for the following land use decisions:

1. When adopting or amending a general plan;
2. When enacting or amending zoning ordinances or the zoning map, a public hearing before the planning commission is required, but is not required before the city council;
3. Vacation or amendment of platted street, right-of-way or easement;
4. Annexation policy plans and applications;
5. Vacating or changing a subdivision plat, but only as required by state law;
6. Any other land use decision for which a public hearing is required by law.

B. Public Meetings. Public meeting means a meeting that is required to be open to the public under Utah State Code Title 52, Chapter 4, Open Meetings Act (UCA 10-9a-103(46). All land use decisions made by the city council and planning commission shall be rendered during open and public meetings. The community development director may also conduct public meetings related to land use applications or other land use issues.

C. Public Comment. Public comment may also be allowed in any public meeting at the discretion of the public body. Except as provided above, a public body need not allow public comment where a public hearing is not required by this section or state law.

D. Solicitation of Input. Regardless of whether a meeting is held, prior to making a land use decision the public body may solicit input from affected citizens and property owners and provide a reasonable opportunity for those individuals to express themselves. This may be accomplished through public outreach activities conducted prior to the land use decision in a manner that is consistent with the requirements of due process and fair review and provides an opportunity for the applicant and others participating in the review of the application to respond to the information presented. Relevant information gathered in the process of review is to be included in the meeting record.

E. The community development director may require a neighborhood meeting to help solicit better neighborhood input on land use application described in (1 and 2) below, prior to a complete land use application being submitted to the city.

1. Developments in a residential zone:

    a. General Plan Amendments resulting in a change to the future land use map.
    b. Rezones and Adoptions of Development Agreements.
    ~~c. Multi-family developments.~~
    ~~d. Planned unit developments.~~

2. ~~Nonresidential d~~Developments abutting a residential development or residential zone boundary:

    a. General Plan Amendments resulting in a change to the future land use map.

b. Rezones and Adoptions of Development Agreements.
c. Conditional use applications for uses requiring new construction, or for a use that is anticipated to create traffic or parking demand at least 20 percent greater than the existing use.
d. Planned unit developments.
e. If a complete application is submitted prior to a Planning Commission meeting held on a month where a community council meeting is not scheduled to be held, a neighborhood meeting may be conducted in lieu of a community council meeting.

3. Applicant's Burden to Conduct a Neighborhood Meeting. If required by the community development director, the applicant shall organize a neighborhood meeting, and provide adequate proof of notice, to include the following:

a. The applicant shall send a written notice stating the place, date, and time of the neighborhood meeting to all residential property owners, as identified in the Salt Lake County recorder's records, whose property is within the required notice radius for the land use applications described in MKZ ~~19.04.439~~ 19.02.160 below.

b. The applicant shall notify these owners at least one week prior to the neighborhood meeting.

c. The neighborhood meeting shall be conducted at a location within Millcreek.

d. Phone calls or informal door to door contacts shall not be considered to constitute a neighborhood meeting.

e. The record of a neighborhood meeting shall include:

(1) A list of all individuals who were notified;

(2) A roster of attendees; and

(3) A copy of the minutes.

~~19.04.439~~ 19.02.160 Public Notices

A. Required Notice. The land use authority shall schedule and hold any required public hearing or public meeting according to the provisions of this code and state statute. Public notices for land use decisions not described in this section shall be given in accordance with state statute. The city shall provide notice of the date, place, and time of public hearings or public meetings with the planning commission, and city council, if applicable, within the timeframes established by this section, or as provided by state statute or city ordinance.

1. Mailed Notices. The applicant shall bear the cost of mailing notices. Notice shall be provided by first class mail by the city to property owners and affected entities as established below:

a. Conditional Use Permits. Notice shall be mailed at least seven days prior to the community council public meeting to any property owners within a three-hundred-foot radius of the property lines of the property on which the conditional use is proposed.

~~b. Right-of-Way Vacations. Notice shall be given in accordance with state statute UCA 10-9a-609.5(2). Notices shall be mailed at least ten days prior to the public hearing to the following parties:~~

~~(1) Any property owner whose property is accessed by the portion of the right- of-way that is proposed to be vacated.~~

~~(2) Any property owners within three hundred feet of the portion of the public right-of-way that is proposed to be vacated.~~

~~(3) All property owners whose property is in between the portion of the right- of-way to be vacated and the nearest street intersection.~~

~~b~~c. Subdivision Approvals and Amendments to Subdivision Plats.

(1) Notice shall be given in accordance with state statute UCA 10-9a.608(1)(c). Additional notices shall be mailed at least ten days prior to the public hearing to any property owners within a three-hundred-foot radius of the boundary of the proposed subdivision plat amendment.

(2) For an amendment to a recorded subdivision that involves the alteration or removal of an easement, private right-of-way, condition, limitation, or special requirement, 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.

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e. General Plan/Future Land Use Map Amendments. Notice shall be mailed at least seven days prior to the community council public meeting to any property owners within a six-hundred-foot radius of the boundary of the future land use map amendment.

2. Publication of Notices. Notices shall be published by the following methods, unless otherwise provided for by state statute.

a. Mailed notices shall be prepared and mailed by city staff and paid for by the applicant.

b. Public notices shall be published on the city's website and on the state's public notice website at least ten days prior to a public hearing, and at least seven days prior to a public meeting.

~~c. Notices for public hearings shall be published in a newspaper of general circulation in the area at least ten days prior to the public hearing.~~

~~d.~~c. A hard copy of any public notice issued by the land use authority shall be posted at city hall at least twenty-four (24) hours prior to a public hearing or a public meeting.

3. Posting on Site. Notification signage shall be posted on the property or land for which a conditional use permit, right-of-way vacation, subdivision plat approval, amendment to a subdivision plat, or zoning or future land use map amendment is considered, at least five days prior to the first public meeting on the matter. Notice shall be posted by the ~~community development department~~ City ~~-~~and shall be clearly visible from the right-of-way.

Chapter 14.48 STREET VACATIONS

14.48.010 Purpose

14.48.020 Street Defined

14.48.030 Conditions For Vacation

14.48.040 Fees And Advertising Costs

14.48.050 Legal Interest Of City

14.48.060 Noticing

~~14.48.060~~ 14.48.070 Evaluation Of Need For Street

~~14.48.070~~ 14.48.080 Compensation

14.48.010 Purpose

The purpose of this chapter is to provide a consistent standard regarding compensation to the city for the vacation and/or transfer of its interest in public streets. Vacation of the city's interest in streets should be viewed as a transfer of a substantial property right for which the public should be compensated. To prevent windfall enrichment to abutting property owners at public expense, such transfer should not be made without compensation being paid to the city.

14.48.020 Street Defined

"Street(s)" means all major and minor streets, alleys, walkways and trails.

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Petitions for vacation of public streets shall be considered on the basis of the following:

A. Alleys, Walkways and Trails. Alleys, walkways and trails are not generally within the current planning and maintenance policies of the city. Vacation of an alley, walkway or trail relieves the city from present or future obligations to maintain such alley, walkway or trail. This benefit to the city is declared to be adequate compensation for the city's interest. Where appropriate, the city may require conditions

precedent to the vacation of any alley, walkway or trail such as installation of landscaping, fencing or other improvements which must be completed or bonded for prior to the transfer of city property interests.

B. Major and Minor Streets. Major and minor streets shall not be vacated or permanently closed unless adequate compensation has been paid for the transfer of the city's interest in the land. The vacation or closure is not final or complete until the document transferring title is signed by the chair and, in the case of a plat amendment or deed, recorded with the Salt Lake County recorder's office.

14.48.040 Fees And Advertising Costs

No petition for vacation of a city street shall be considered unless accompanied by a fee as set forth in the consolidated fee schedule to cover costs of review by city personnel. The petitioner shall pay all advertising costs for public notices required for vacation hearings.

HISTORY

Amended by Ord. 19-19 on 5/28/2019

14.48.050 Legal Interest Of City

No action shall be taken on any petition to vacate a street until the City Attorney determines the legal interest of the city in the street.

HISTORY

Amended by Ord. 19-19 on 5/28/2019

Amended by Ord. 19-44 on 10/28/2019

14.48.060 Noticing

~~Right-of-Way Vacations.~~ Notice shall be given in accordance with state statute UCA 10-9a-609.5(2). Notices shall be mailed at least ten days prior to the public hearing to the following parties:

(1) Any property owner whose property is accessed by the portion of the right- of-way that is proposed to be vacated.

(2) Any property owners within three hundred feet of the portion of the public right-of-way that is proposed to be vacated.

(3) All property owners whose property is in between the portion of the right- of-way to be vacated and the nearest street intersection.

HISTORY

Amended by Ord. 21-XX on 6/13/2021

~~14.48.060~~ 14.48.070 Evaluation Of Need For Street

Each petition shall be evaluated in terms of the current use of the street and the need in the foreseeable future for its use as a public street or for any other public purpose. If such need exists or may exist in the foreseeable future, the petition shall be denied.

~~14.48.070~~ 14.48.080 Compensation

Any action providing vacation, sale or other transfer of the city's interest in any street where compensation is required shall be conditioned upon prior payment of such compensation and shall not be completed by an enactment of an ordinance, plat amendment, deed, or executive order until all required compensation is paid to the city together with advertising costs for all public notices. Generally, such compensation shall be the fair market value of the land. In appropriate cases compensation may be provided for in part or in whole, through an exchange of land or relocation of streets within an existing subdivision. Where the city's interest in a street is transferred to another public entity for a public use which benefits the city, the city may determine that the benefit to the city from such use is adequate compensation for the land. Where appropriate, city may require conditions precedent such as the installation of landscaping, fencing or other improvements which must be completed or bonded for prior to the transfer of property rights.

Definition Change: Agriculture

This proposed definition change enables the owner of a single-family residential lot to maintain a noncommercial greenhouse associated with a residential use. Currently, wholesale nurseries and greenhouses are allowed as conditional uses in some residential zone. Staff seeks to clarify that, notwithstanding the requirement for wholesale nurseries, residents may maintain a greenhouse for their own enjoyment on their residential property.

19.04.020 Agriculture

"Agriculture" means the tilling of the soil, the raising of crops, horticulture and gardening, noncommercial greenhouses associated with residential uses, but not including the keeping or raising of domestic animals or fowl, except household pets, and not including any agricultural industry or business such as fruit-packing plants, fur farms, animal hospitals or similar uses.

Definition Change: Building Height

We use the term "original ground surface" to mean the surface of the lot before any human-caused alterations. Another term that developers often use is "existing grade." We simply wish to tie these terms together so that applicants know what staff means by "original ground surface".

19.04.095 Building, Height Of

A. "Height of building" means the vertical distance above the lowest original ground surface, or "existing grade", at any point on the perimeter of the building to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the highest point of pitched or hipped roofs, or gambrel roofs.
B. Buildings may be stepped to accommodate the slope of the terrain provided that each step shall be at least twelve feet in horizontal dimension. The height of each stepped building segment shall be measured as required in subsection A.
C. Original ground surface, or "existing grade", shall be the elevation of the ground surface in its natural state before any ~~manmade~~ human-caused alterations including but not limited to grading, excavation or filling, excluding improvements required by zoning or subdivision ordinances. When the elevation of the original ground surface is not readily apparent because of previous ~~manmade~~ human-caused alterations, the elevation of the original grade shall be determined by the development services division using the best information available.

Definition Change: Family

---

as part of HB 82 passed by the Legislature, the designation of "single-family limit" found in UCA 10-9a.505.5 was amended to eliminate "unrelated individuals" as part of that limit. This means that the definition of "family" in the Millcreek code needs to be amended as follows:

19.04.230 Family

"Family" means:

1. Any number of people living together in a dwelling unit related by blood, marriage or adoption, and including up to three additional ~~unrelated~~ people; or

2. One to four ~~unrelated~~ people living together in a dwelling.

Each ~~unrelated~~ person owning or operating a motor vehicle shall have a lawfully located off-street parking space.

Definition Change: Private Garage

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*As we are considering an accessory dwelling unit ordinance, staff is recommending a change to the definition of "private garage" to require that such a garage actually share a wall in common with the structure, if the garage is to be considered a part of the dwelling, rather than a detached accessory building. Currently, a private garage can be considered a part of the dwelling if it shares a roof **or** a shared wall in common. In order to maintain the legislative intent of an "internal ADU" as defined by state statute, we are recommending this change.*

19.04.265 Garage, Private

"Private garage" means an accessory building designed or used for the storage of not more than four automobiles owned and used by the occupants of the building to which it is accessory;

provided, that on a lot occupied by a multiple dwelling, the private garage may be designed and used for the storage of one and one-half times as many automobiles as there are dwelling units in the multiple dwelling. A garage shall be considered part of a dwelling if the garage and the dwelling have a ~~roof or~~ shared wall in common. A private garage may not be used for storage of more than one truck for each family dwelling upon the premises, and no such truck shall exceed two and one-half tons capacity.

Definition Change: Lot

Earlier this year, the City Council adopted a change in the city's roadway standards to require a minimum 25 feet for a private roadway. This text change implements a recommendation set forth in the adopted Transportation Master Plan. This change of definition of "lot" brings that definition into conformance with the City standard set forth in Section 14.12.130 of the Millcreek Code.

19.04.335 Lot

"Lot" means a parcel of land occupied by a building or group of buildings, together with such yards, open spaces, lot width and lot areas as are required by this title, having frontage upon a street or upon a right-of-way approved by a land use hearing officer, or upon a right-of-way not less than ~~twenty~~ twenty-five feet wide. Except for group dwellings and guest houses, not more than one dwelling structure shall occupy one lot.

Definition Addition: Building Footprint

Staff is requesting that the City formally adopt a definition of "building footprint," a term of art that is used often in the code. The maximum size of accessory structures is determined in part by the building footprint of the main building on a parcel. Note – this definition was not reviewed by the community councils.

19.04.093 Building, Footprint of

"Footprint of building" means the perimeter square footage of a building at the outer edge of the outside walls at the first story of the building,

COMMUNITY COUNCIL INPUT

In July, the Community Councils were given the opportunity to review the proposed ordinance amendments. The **Mount Olympus Community Council, East Mill Creek Community Council** and the **Millcreek Community Council** recommended the changes be adopted with a unanimous vote of the voting members. The **Canyon Rim Citizens Association** did not prepare a recommendation.

PLANNING COMMISSION RECOMMENDATION

See attached minutes from Planning Commission meeting.

PLANNING STAFF RECOMMENDATION

Staff recommends adoption of the proposed ordinance changes.

MILLCREEK, UTAH
RESOLUTION NO. 21-35

A RESOLUTION OF THE MILLCREEK COUNCIL APPROVING AN INTERLOCAL SUSTAINABILITY ACTION PLAN

WHEREAS, in 2019 the cities of Millcreek, Cottonwood Heights, and Holladay mutually signed an interlocal agreement to collaborate on sustainability projects as a tri-city region: and

WHEREAS, as part of this collaboration, the three cities agreed to write a sustainability plan to guide future sustainability efforts: and

WHEREAS, consequently, sustainability staff prepared the attached "Interlocal Sustainability Action Plan" (the "*Plan*") which outlines sustainability goals and suggested policies with the categories of development, energy use, landscaping, transportation, and waste management: and

WHEREAS, the Plan was developed from input by elected officials, staff, and community partners from each of the three participation cities and the attached final version of the Plan was prepared in response to that feedback: and

WHEREAS, sustainability staff advises that the Plan includes best practices for sustainable development, energy use, landscaping, transportation, and waste management across the tri-city region and therefore has requested the city council (the "Council") of Millcreek (the "City") to approve the Plan: and

WHEREAS, on 13 September 2021, the Council met in regular session to consider, among other things, approving the Plan: and

WHEREAS, the Council has reviewed the Plan and, after careful consideration, has determined that it is in the best interests of the health, safety, and welfare of the City's residents to approve the Plan as proposed:

NOW, THEREFORE, be it resolved by the city council of Millcreek that the Plan is hereby approved by the City.

This Resolution shall take effect immediately.

PASSED AND APPROVED by the Council this 13th day of September 2021.

MILLCREEK

_____
Jeff Silvestrini Mayor

ATTEST:

_____
Elyse Sullivan, City Recorder

Roll Call Vote:

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

Staff Report Memo

To: Mayor and Council	From: Samantha DeSeelhorst, Associate Planner & Sustainability Analyst
Date: September 13, 2021	
Re: Interlocal Sustainability Action Plan	

Meeting Requested:	Business Meeting ☒ Work Session ☐ Other ☐ _____
Public Hearing Needed?	Yes ☐ No ☐ Undetermined ☒
CM Approval or Denial	Denied ☐ Approved ☐ Continued ☐ **CM Signature:** _____

PROJECT

Interlocal Sustainability Action Plan

UPDATE

To coordinate sustainability efforts between Cottonwood Heights, Holladay, and Millcreek, sustainability staff has prepared an Interlocal Sustainability Action Plan which outlines sustainability goals and suggested policies within the categories of development, energy use, landscaping, transportation, and waste management. This plan was developed from input by elected officials, staff, and community partners from each of the three participating cities. Over the course of Spring and Summer 2021, the draft was reviewed by each City Council, and a final version has been prepared in response to this Council feedback. Changes represented in this final draft include:

<u>City Context Section</u>

- Additional projects added to each city's list of accomplishments

<u>Development Section</u>

- Added a suggested policy of "Consider requiring amenities such as solar infrastructure and electric vehicle chargers during the development process"

<u>Energy Use Section</u>

- Language altered to specify "Continue to engage with Utah's Community Renewable Energy Program" in lieu of "Continue to participate in Utah's Community Renewable Energy Program"

<u>Landscaping Section</u>

- Language altered to specify "Coordinate with partner agencies to document existing public trees" in lieu of "Conduct a tree inventory to document existing trees"

<u>Waste Management Section</u>

- Added a suggested policy of "Consider designating areas as Recycling Market Development Zones"
- Added a reference to existing water conservation and drought plans published by water providers

<u>Plan Partners Section</u>

- Added Utah Rivers Council and Tree Utah to partner list
- Updated several staff titles for accuracy

REQUEST

A final version of this plan is attached. Please review it in anticipation of final action on September 13, 2021.



INTERLOCAL SUSTAINABILITY ACTION PLAN

Cottonwood Heights - Holladay - Millcreek



CONTENT

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The order of the core sections (Development, Energy Use, Landscaping, Transportation, and Waste Management) is alphabetical in nature and does not represent any ranking of topic priority.

INTRODUCTION

Background

The cities of Cottonwood Heights, Holladay, and Millcreek are three neighboring municipalities located along Utah's Wasatch Front. These cities cover a combined area of over 30 square miles with a combined population of approximately 125,000 at the time of this document's writing in 2021. Despite each municipality's unique traits, they also share strong similarities, with one commonality being their proximity to world class outdoor recreation and open space areas.

This ready natural access is not only enjoyed as a lifestyle amenity for many community members, but also serves to benefit the cities in terms of revenue from tourism, local commerce, and real estate sales. In considering the advantageous geographical position of these communities, a sustainable mindset is critical in preserving the community values and outdoor heritage so precious to each municipality.

In 2019, Cottonwood Heights, Holladay, and Millcreek signed an interlocal agreement to collaborate on sustainability projects as a tri-city region. As part of this collaboration, these cities agreed to write a sustainability plan to guide future sustainability efforts. The Interlocal Sustainability Action Plan recommends best practices for sustainable development, energy use, landscaping, transportation, and waste management across the tri-city region.

Cities and Climate Action

According to the US Census Bureau's 2011-2015 American Community Survey, 80% of Americans live in cities. Based on an estimate by the United Nations, cities contribute up to 75% of carbon dioxide emissions worldwide, presenting serious ramifications for global health in the form of climate change. Experts project that specific to the Southwest region, climate change will result in increased erosion, flooding, heat, drought, insect outbreaks, and wildfires, declining water supplies and agricultural yields, and health impacts in cities (U.S. Global Change Research Program). Given this increasingly urban population, its notable contributions to climate change, and the negative effects on urban areas themselves, cities have a unique opportunity to address planetary health. Sustainability efforts made at a local level have the power to not only improve the lives of community members, but to supplement other efforts worldwide for a global effect.

Recommended Use of Plan

This action plan is intended to serve as a guiding document for elected and appointed officials, city staff, and community members of Cottonwood Heights, Holladay, and Millcreek. As decisions are made within each city, both administratively and legislatively, this document should be used as a guide for viewing the impact of these decisions through a lens of sustainability. It is anticipated that sustainability staff will utilize this document to make regular recommendations on specific sustainability priorities for each community.

Community Engagement

Although some sustainability work can be achieved through the sole efforts of city staff and officials, other initiatives benefit from multi-stakeholder participation. In terms of municipalities, this entails community engagement with residents, business owners, service providers, and other community partners. Research has shown that projects which incorporate community engagement are more effective than those without. According to Penn State's College of Agricultural Sciences, community engagement "increase[s] the likelihood that projects or solutions will be widely accepted. Citizens who participate in these processes show significant commitment to help make the projects happen." When appropriate to the project, community engagement opportunities should be provided.





CITY CONTEXT

Through the committed efforts of elected and appointed officials, city staff, and community members, each city has already completed multiple sustainability initiatives prior to the adoption of this action plan. This section is intended to recognize the sustainability work which has already been accomplished in order to assist each city in prioritizing future goals. It is anticipated that these efforts will be expanded upon through the sustainability goals outlined in this plan. As of Summer 2021, the following efforts have been completed or are underway:

Cottonwood Heights

- Anti-Idling Ordinance
- Arbor Day Tree Planting Event
- City Hall Solar Grant Application
- Community Renewable Energy Program Governance Agreement
- Consideration of Sustainable Fleet Options & Utilization of Tier III Fuel for City Vehicles
- Electric Vehicle Chargers at City Hall
- Glass Recycling Depository Site
- Outdoor Lighting Ordinance
- Renewable Energy Resolution
- Seven Greenways Visioning Plan
- Tree and Park Strip Ordinance
- Tri-City Emissions Baselining Project

Holladay

- Anti-Idling Ordinance
- Community Renewable Energy Program Governance Agreement
- Consideration of Sustainable Fleet Options
- Designation as a “Tree City”
- Electric Vehicle Chargers in Downtown Holladay
- Renewable Energy Resolution
- Seven Greenways Visioning Plan
- Tree Committee
- Tree Giveaway Event
- Tree Protection Ordinance
- Tri-City Emissions Baselining Project

Millcreek

- Anti-Idling Ordinance
- Community Renewable Energy Program Governance Agreement - Anchor Community
- Consideration of Sustainable Fleet Options
- Designation as a “Monarch City”
- Electric Vehicle Chargers at City Hall
- Glass Recycling Depository Site
- Jordan River Connectivity and Water Quality Efforts
- Millcreek Business Council Sustainability Committee and Millcreek Recycling Committee
- Rain Harvest Barrel Incentive Program
- Recycling Market Development Zone Application
- Renewable Energy Resolution
- Seven Greenways Visioning Plan
- Sustainable Design for Millcreek City Hall
- Tree Planting Partnership with Tree Utah
- Tri-City Emissions Baselining Project



DEVELOPMENT

Development is critical in helping communities adapt to growing populations, provide ample amenities for community members, and achieve city goals. To ensure high-quality development, communities often regulate the types of uses, architectural styles, and acceptable infrastructure that developers may implement. In addition to considering these criteria, communities can benefit from requiring sustainability measures during the development process. These measures not only reduce the impact of current development, but can also assist in building a thriving future community.

Strategy: Encourage Sustainable Buildings

Policy: Encourage the use of quality construction techniques and durable materials, including recycled and sustainably-sourced materials when feasible.

Policy: Encourage salvage of existing materials during demolition, as well as sustainable construction waste management techniques.

Policy: Encourage the use of local building materials to reduce the transportation impact of imports.

Policy: Incentivize use of fixtures and systems which conserve water, exceed energy performance, or otherwise reduce environmental impacts.

Policy: Improve indoor air quality by requiring low-VOC paints, primers and adhesives, formaldehyde-free wood, smoke free building policies, and other standards which reduce indoor air pollution.

Policy: Educate community members on the utilization of building orientation for passive solar and shading benefits.

Strategy: Develop Sustainable Sites

Policy: Require site connections to adjacent neighborhoods and amenities to encourage walkability.

Policy: Require bicycle infrastructure for multi-family and commercial sites.

Policy: Reduce parking requirements for projects which incorporate permeable paved parking.

Policy: Consider requiring amenities such as solar infrastructure and EV chargers during the development process, or rough-in connections for these amenities to be added in the future.

Policy: Encourage redevelopment of greyfield, brownfield, or adaptive reuse sites.

Policy: Standardize low-impact stormwater management techniques.

Policy: Discourage development of steep slope and hillside areas.

Strategy: Mitigate Light Pollution

Policy: Develop local ordinances which discourage light pollution and light trespass through fixture and bulb specifications.

Policy: Enforce outdoor lighting standards during building permit review processes and code enforcement protocols.

Policy: Utilize dark-sky fixtures and low impact lamps when installing lighting for city facilities and street lamps.

Strategy: Demonstrate Sustainability Benefits

Policy: Collaborate with local chambers of commerce or business associations to recognize those businesses which exemplify sustainability through their buildings, operations, or services.

Policy: Provide information for builders, design professionals, and business owners on the fiscal, environmental, and health benefits associated with sustainable development.



ENERGY USE

In powering homes, civic services, businesses, and amenities, reliable energy is an undeniably critical resource. In addition to considering the reliability of systems, communities can benefit from considering the sustainability of their energy, at both the public and private scale. By implementing energy conservation measures, as well as renewable sourcing, communities can provide a higher quality of life for present and future generations.

Strategy: Support Energy Programs

Policy: Continue to engage with Utah's Community Renewable Energy Program.

Policy: Consider participation in other energy programs and coalitions as is practicable.

Policy: Educate community members on energy programs and provide opportunities for engagement and feedback.

Policy: Educate community members on existing energy initiatives and consider city-initiated incentives to fill gaps as needed.

Policy: Support low-income participation in energy programs.

Strategy: Conserve Energy at City Facilities

Policy: Complete auditing to determine the energy impact of city buildings, including electrical, mechanical, and plumbing systems.

Policy: Coordinate with experts to understand options for updating inefficient systems.

Policy: Conserve energy through implementing strategies such as efficient appliances, gap sealing, weatherization techniques, efficient lighting, strategic heating and cooling, solar infrastructure, and electric vehicle chargers.

Policy: Consider energy efficiency when setting and prioritizng budget items.

Strategy: Encourage Community-Wide Conservation

Policy: Provide permit submittal checklists for energy-saving projects such as solar infrastructure and electric vehicle chargers.

Policy: Consider expeditied plan-review or other appropriate incentives for energy-saving projects such as solar infrastructure and electric vehicle chargers.

Policy: Dedicate outreach efforts to community members about energy efficiency and retrofit opportunities.

Policy: Consider increased permit fees to allow for stricter enforcement of energy code compliance.

Policy: Provide recognition to permit holders for solar infrastructure and electric vehicle charger projects.

Policy: Encourage benchmarking for homes and businesses, as well as publication of these rankings.

Strategy: Coordinate Energy and Emergency Response

Policy: Determine strategies for reducing peak demands in order to prioritize energy availability for emergency response functions.

Policy: Consider opportunities to diversify energy supply in preparation for disaster events.

Policy: In energy procurement decisions, consider the effects of climate change on resource availability, as well as the effects of resources on climate change.



LANDSCAPING

Beautiful landscaping helps establish communities as beloved hometowns and sought-after destinations. It can also contribute to higher community morale, boosted tourism, increased property values, and a greater sense of place. In addition to encouraging well-maintained landscapes, communities should support sustainable landscaping practices. Whether preserving existing landscaping amenities, providing tools for reduced water use, or curating habitats for local flora and fauna, communities have many options to implement landscapes that are beautiful, effective, and sustainable.

Strategy: Support Trees and Foliage

Policy: Coordinate with partner agencies to document existing public trees, including their condition and any needed maintenance.

Policy: Consider adoption of tree preservation ordinances which include removal and replacement standards.

Policy: Determine landscaping requirements and approved species for public and private property.

Policy: Require landscaping plans during project review to ensure tree removal, as well as the addition of new trees is compliant.

Policy: Consider adoption of foliage impact fees to offset development impacts.

Policy: Support programs which highlight the importance of trees and provide resources for implementation.

Policy: Consider standardizing extra trees as a criterion for being awarded higher project density.

Strategy: Protect Local Habitats

Policy: Develop an open space master plan to coordinate community-wide protection efforts.

Policy: Adopt standards to reduce development impact on riparian corrdior areas.

Policy: Consider the effect on animal and plant habitats when developing management and user policies, and when adding infrastructure to open space areas.

Policy: Promote the use of native, non-invasive plant materials, and prioritize their use for city-initiated projects.

Policy: Promote the use of pollinator-friendly species and landscaping practices, and prioritize their use for city-initiated projects.

Policy: Educate community members on the importance of soil health as well as associated best practices.

Strategy: Encourage Low-Impact Landscapes

Policy: Educate community members on the benefits of low water landscaping, as well as strategies for implementation.

Policy: Coordinate with agencies to educate the community on existing low-water incentive programs, and consider city-initiated incentives to fill gaps as needed.

Policy: Consider standards for efficient irrigation by addressing flow, frequency, and coverage.

Policy: Consider standards for low-impact storm water management, such as bioswales, rain gardens, rooftop plantings, tree grates, etc.

Policy: Recognize local examples of low-impact landscapes in newsletters, publications, business spotlights, and community beautification awards.

Policy: Serve as an example of low-impact landscaping through the use of xeriscaping and stormwater management solutions at city-owned properties.

Policy: Determine a standard for maximum allowable impervious surface coverage.



TRANSPORTATION

Covering nearly 30 square miles in the heart of the Wasatch Front, the tri-city region is home to many destinations, including charming neighborhoods, thriving business communities, and world-class recreation opportunities. As community members bustle from place to place, their modes of transportation can have a major impact, either positive or negative, on sustainability. Prioritizing and providing a diverse array of transportation options can reduce local air pollution, improve public health, and even provide cost-savings.

Strategy: Reduce Vehicular Idling

Policy: Educate community members on local anti-idling ordinances, enforce ordinance standards, and consider ordinance updates as necessary.

Policy: Distribute tips for ways to reduce idling via community newsletters and websites.

Policy: Conduct an idling audit to determine community hot spots for idling activity.

Policy: Install anti-idling signage and distribute other marketing materials to discourage idling.

Policy: Regularly consider traffic signal optimization efforts to maximize efficiency.

Strategy: Green Fleets

Policy: Study the environmental impact of current city fleets.

Policy: Study the environmental impact of city employee commutes.

Policy: As is financially practicable, consider purchasing electric vehicles, hybrid vehicles, or other low-impact alternatives to traditional fuel models.

Policy: Encourage trip-chaining and carpooling when conducting off-site city business.

Policy: Consider telecommuting or adjusted work-week policies to reduce employee commute impacts.

Strategy: Support Public Transportation

Policy: Coordinate with local agencies and neighboring municipalities to provide adequate public transportation community-wide, and to advocate for continual transit opportunities.

Policy: Provide community members with public transportation resources, including trip planning tools, route maps, route schedules, etc.

Policy: Support incentives and programs which encoruage the use of public transportation, including infrastructure upgrades to improve public transportation stops.

Strategy: Promote Active Transportation

Policy: Continually maintain existing pedestrian and cycling paths.

Policy: Provide new walking and biking paths, prioritizing those which meet currently underserved areas.

Policy: Install bike racks, wayfinding stations, benches, lighting, and other infrastructure and amenities to support safe and attractive active transportation.

Policy: Educate community members on the environmental, health, and fiscal benefits of active transportation.

Policy: Provide ample pedestrian crossings and other elements of walkable design in city projects, and require these elements in private projects.

Policy: Identify connectivity gaps and prioritize transportation connections in these areas.



WASTE MANAGEMENT

Despite the "out of sight, out of mind" sensation that often occurs when items are thrown out, trash never completely goes away. Waste continues to impact communities even after it is discarded. Landfills and incinerators demand large areas of land, and often result in harmful emissions in the form of particulate matter, carbon dioxide, and methane. Trash can also degrade ecosystems in the form of litter, which contaminates waterways, endangers animals, and creates a visual nuisance. In terms of sustainability, mindfully managing a community's waste can make a big difference.

Strategy: Reduce Waste

Policy: Limit paper use for city communications when possible, including forms, reports, supplies, etc., and encourage local businesses to do the same.

Policy: Consider office printer updates to default all printing to double-sided or two sheets per page.

Policy: Educate community members on the realities of local food waste, and its environmental impact.

Policy: Support collaboration between food banks and businesses to redistribute excess food to those in need.

Policy: In providing meals for city meetings and events, purchase only what is necessary to limit potential waste from excess.

Policy: Consider ways to reduce water waste at city facilities, including appliance and system upgrades.

Policy: Educate community members on local drought conditions and ways to reduce water consumption, including utilization of conservation and drought plans from water providers.

Policy: Support initiatives which reduce the amount of litter and refuse within the community.

Strategy: Reuse Products

Policy: Support programs which assist community members in donating and obtaining used items rather than exclusively purchasing them new.

Policy: Educate communtiy members on methods to determine whether it is more sustainable to repair an old product versus purchasing it new.

Policy: In circumstances where repair is more sustainable, encourage use of local businesses to repair broken products and appliances.

Policy: Support and seek out initiatives which swap single-use products with reusable ones at both the public and private scale.

Strategy: Recycle Materials

Policy: Provide community members with clear and consistent information regarding which items can and cannot be recycled in curbside bins.

Policy: Educate the community on the continued importance of recycling, and its role in the broader sustainability picture.

Policy: Provide community members with information on where to drop off items that cannot be processed via curbside service.

Policy: Offer recycling guidelines, such as how to properly clean items before adding them to curbisde bins, any lables and caps that need to be removed prior to discarding, etc.

Policy: At city events, provide glass, mixed-recycling, and landfill containers to process a wider array of products.

Policy: Consider designating areas as Recycling Market Development Zones to allow eligible businesses to take advantage of recycling incentives.

KEY TERMS

Bioswale
A channel or trench that catches rainwater runoff, often using vegetation and organic matter to filter out pollutants

Brownfield
Abandoned or underused sites which may contain environmental contamination

Community Renewable Energy Program
Resulting from HB 411 (2019), this program creates a legal pathway for eligible Utah communities to partner with Rocky Mountain Power in providing the option of net-100% renewable electricity for their residents and businesses.

Dark-Sky Fixtures
Light fixtures which minimize light pollution through properly shielding light

Formaldehyde
A colorless, strong-smelling gas used in many construction materials, exposure to formaldehyde has been linked to health probems, including cancer.

Greyfield
Economically outdated or underutilized properties which no longer attract investment or contribute vitality to a community

Impact Fees
Fees which a community requires of developers in order to offset the financial impact of the new development on public infrastructure

Impermeable
A substance which does not allow water to pass through

Light Pollution
The inappropriate or excessive use of artificial light, often resulting in consequences for humans, wildlife, and climate

Low-VOC Paints
“VOC” stands for “volatile organic compound,” which are unstable chemicals with harmful emissions. Many paints contain VOCs, which when used indoors, can contribute toward dangerous health conditions. Low-VOC paints have reduced levels of these compounds.

Passive Solar
Passive solar design reduces heating and cooling requirements by taking advantage of the building's site, climate, materials, and orientation. Design considerations often include insulation, air sealing, window location, and building materials.

Peak Demand
Relating to an electrical grid, the highest electrical power demand that has occurred over a specified time period

Permeable
A substance which allows water to pass through

Rain Garden
A garden typically comprised of native plants within a dip of a slope, designed to temporarily hold water runoff and eventually allow the water to soak back into the ground

Riparian
Relating to or situated on the banks of a river, or relating to wetlands adjacent to rivers and streams

Rough-In
The stage of construction in which mechanical, electrical, and plumbing lines are laid out

Strategic Heating and Cooling
Basing heating and cooling based on time of day, time of year, building occupancy, and other factors which affect the temperature needed

Tri-City Region Interlocal Agreement
A 2019 Interlocal Agreement which established sustainability collaboration between Cottonwood Heights, Holladay, and Millcreek

Trip Chaining
Combining multiple vehicular trips or errands into a single trip as means of reducing vehicle emissions

Weatherization
Efforts used to make a structure more efficient and better protected against weather

Weatherization
Efforts used to make a structure more efficient and better protected against weather

.Xeriscaping
A landscaping method often used in arid and semiarid climates that utilizes water conservation techniques such as drought-tolerant plants, mulch, and efficient irrigation.



PLAN PARTNERS

Elected Officials

Mike Peterson, Mayor, Cottonwood Heights
Doug Petersen Councilmember, Cottonwood Heights
Scott Bracken, Councilmember, Cottonwood Heights
Tali Bruce, Councilmember, Cottonwood Heights
Christine Mikell, Councilmember, Cottonwood Heights
Rob Dahle, Mayor, Holladay
Sabrina Petersen, Councilmember, Holladay
Matt Durham, Councilmember, Holladay
Paul Fotheringham, Councilmember, Holladay
Drew Quinn, Councilmember, Holladay
Dan Gibbons, Councilmember, Holladay
Jeff Silvestrini, Mayor, Millcreek
Silvia Catten, Councilmember, Millcreek
Dwight Marchant, Councilmember, Millcreek
Cheri Jackson, Councilmember, Millcreek
Bev Uipi, Councilmember, Millcreek

City Staff

Tim Tingey, City Manager, Cottonwood Heights
Michael Johnson, Community & Economic Development Director, Cottonwood Heights
Samantha DeSeelhorst, Associate Planner & Sustainability Analyst, Cottonwood Heights
Andrew Hulka, Senior Planner, Cottonwood Heights
Gina Chamness, City Manager, Holladay
Holly Smith, Assistant to the City Manager, Holladay
Paul Allred, Community Development Director, Holladay
LaNiece Davenport, Community Development Director, Holladay
Jonathan Teerlink, Planner I and GIS Specialist, Holladay
Mike Winder, Assistant City Manager and Economic Development Director, Millcreek
Kurt Hansen, Director of Facilities, Millcreek
Rita Lund, Communications Director, Millcreek

Community Partners

Dominion Energy
Rocky Mountain Power
Salt Lake Community College Energy Institute
Tree Utah
Utah Clean Air Partnership (UCAIR)
Utah Clean Cities
Utah Clean Energy
Utah Rivers Council
Wasatch Front Waste and Recycling District

MILLCREEK , UTAH
RESOLUTION NO. 21-36

A RESOLUTION OF THE MILLCREEK COUNCIL APPOINTING A BOARD OF APPEALS FOR THE ABATEMENT OF DANGEROUS BUILDINGS

WHEREAS, the Millcreek Council ("*Council*") met in regular meeting on September 13, 2021, to consider, among other things approving a resolution appointing a board of appeals for the abatement of dangerous buildings; and

WHEREAS, Millcreek Code of Ordinances §15.16.010, among other things, adopted by refence the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, published by the International Conference of Building Officials ("Dangerous Building Code"); and

WHEREAS, Section 205 of the Dangerous Building Code provides in part that the governing body appoint a board of appeals to hear and deicide appeals of orders, decisions or determinations of the building official relative to the application of the Dangerous Building Code**;** and

WHEREAS, the Council is the governing body as contemplated in Section 205 of the Dangerous Building Code and has authority to appoint a board of appeals; and

WHEREAS, after careful consideration, the Council has determined that it is in the best interest of the health, safety, and welfare of the residents of Millcreek to appoint Greg Christensen as the sole member of the Board of Appeals for Dangerous Building Code.

NOW, THEREFORE, **BE IT RESOLVED** by the Council that Greg Christensen be appointed as the sole member of the Board of Appeals for Dangerous Building Code.

This Resolution assigned No. 21-36, shall take effect immediately upon passage.

PASSED AND APPROVED by the Council this 13th day of September, 2021.

MILLCREEK

_____

ATTEST: **Jeff Silvestrini**, Mayor

_____

Elyse Sullivan, City Recorder

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

MILLCREEK, UTAH
ORDINANCE NO. 21-38

AN ORDINANCE ADOPTING THE COMMUNITY REINVESTMENT PROJECT AREA PLAN FOR THE WOODLAND AVENUE COMMUNITY REINVESTMENT PROJECT AREA

WHEREAS, the City Council ("Council") met in regular session on September 13, 2021, to consider, among other things, adopting the Community Reinvestment Project Area Plan for the Woodland Avenue Community Reinvestment Project Area (the "Project Area"); and

WHEREAS, the Millcreek Community Reinvestment Agency (the "Agency") has held the required public hearing and adopted a resolution approving the Plan on the same date; and

WHEREAS, Utah Code Ann. § 17C-5-109 (the "Act") provides that, before a community reinvestment project area plan approved by an agency under Act may take effect, it must be adopted by ordinance of the legislative body of the community that created the agency; and

WHEREAS, the Council finds that it was the legislative body that created the Agency; and

WHEREAS, the Council finds that it is in the best interest of Millcreek ("City") to adopt the Plan for the Project Area.

NOW THEREFORE BE IT ORDAINED BY THE MILLCREEK COUNCIL as follows:

Section 1. Adoption of Project Area Plan. The Agency has adopted the Plan. The Plan is hereby designated as the official Community Reinvestment Project Area Plan of the Woodland Avenue Community Reinvestment Project Area. The Council, after review of the Agency's findings, hereby adopts by Ordinance the Project Area Plan pursuant to Utah Code Ann. § 17C-5-109.

Section 2. Project Boundaries. The legal description of the boundaries of the Project Area covered by the Plan is as follows, to-wit:

That area described as the Malouf Annexation to Salt Lake City as depicted on that Annexation Plat recorded in Book 1980, at Page 46 in the Office of the Salt Lake County Recorder, and the Calder Annexation to Salt Lake City as depicted on that Annexation Plat recorded in Book 1987, at Page 80, being located in the Southeast Quarter of Section 29, Township 1 South, Range 1 East, Salt Lake Base and Meridian, and Block 27, 10 Acre Plat 'A". The new boundary between Millcreek a Municipal Corporation and Salt Lake City is described as follows:

Beginning at a point in the existing Salt Lake City/Millcreek a Municipal Corporation boundary at the Northwest corner of said Malouf Annexation and the West right of way of Richmond

Street being 448.51 feet South, 30.10 feet West, and N. 87°15'00" W. 571.09 feet from the East Corner of said Section 29; thence along said West right of way and the East line of that Cassity Plaza Annexation to Salt Lake City as depicted on that Annexation Plat recorded in Book 1980, at Page 148, and the East line of that Brickyard Annexation as depicted on that Annexation Plat recorded in Book 1980, at Page 203 the following two (2) courses; 1) Southerly 92.53 feet along the arc of a non tangent 1186.28 foot radius curve to the left through a central angle of 4°28'09" (long chord bears S. 22°56'26" E. 92.51 feet) more, or less: 2) S. 25°10'30" E. 99.64 feet, more, or less, to a point on the existing Salt Lake City/Millcreek a Municipal Corporation boundary at a Southwest corner in said Malouf Annexation and the point of terminus. The above described boundary line adjustment effects 5.97 acres, more, or less

Section 3. Project Area Plan Incorporated by Reference. The Project Area Plan, together with any supporting documents, is incorporated herein by reference and made a part of this Ordinance. Copies of the Project Area Plan shall be filed and maintained in the office of the City Recorder and the Agency for public inspection.

Section 4. Effective Date. This Ordinance shall take effect upon its first publication or posting.

PASSED and **APPROVED** by the Council this 13th day of September 2021.

MILLCREEK

_____
Jeff Silvestrini, Mayor

ATTEST:

_____
Elyse Sullivan, 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 21-38: AN ORDINANCE ADOPTING THE COMMUNITY REINVESTMENT PROJECT AREA PLAN FOR THE WOODLAND AVENUE COMMUNITY REINVESTMENT PROJECT AREA
was passed and adopted the 13th day of September, 2021 and certifies that copies of the foregoing Ordinance 21-38 were posted in the following locations within the municipality this ____ day of September, 2021.

1. Millcreek City Hall, 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 Sullivan, City Recorder

DRAFT PROJECT AREA PLAN

WOODLAND AVENUE
COMMUNITY REINVESTMENT AREA (CRA)

MILLCREEK COMMUNITY REINVESTMENT AGENCY, UTAH






MAY 2021

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DRAFT

Definitions

As used in this Community Reinvestment Project Area Plan, the term:

"**Act**" shall mean and include the Limited Purpose Local Government Entities – Community Reinvestment Agency Act in Title 17C, Chapters 1 through 5, Utah Code Annotated 1953, as amended, or such other amendments as shall from time to time be enacted or any successor or replacement law or act.

"Agency" shall mean the Millcreek Community Reinvestment Agency, which is a separate body corporate and politic created by the City pursuant to the Act.

"**Base taxable value**" shall mean the agreed value specified in a resolution or interlocal agreement under Subsection 17C-1-102(8) from which tax increment will be collected.

"Base year" shall mean the agreed upon year for which the base taxable value is established and shall be incorporated into the interlocal agreements with participating taxing entities.

"Impediment" shall mean the condition of an area that meets the requirements described in Subsection 17C-5-405.

"City" or "Community" shall mean Millcreek.

"Legislative body" shall mean the City Council of Millcreek, which is the legislative body of the City.

"Plan Hearing" shall mean the public hearing on the draft Project Area Plan required under Subsection 17C-1-102 (42) and 17C-5-104(3)(e).

"Project Area" shall mean the geographic area described in the Project Area Plan or draft Project Area Plan where the community reinvestment set forth in this Project Area Plan or draft Project Area Plan takes place or is proposed to take place (**Exhibit A** & **Exhibit B**).

"Net Present Value (NPV)" shall mean the discounted value of a cash flow. The NPV illustrates the total value of a stream of revenue over several years in today's dollars.

"Project Area Budget" shall mean (as further described under 17-C-5-303 of the Act) the multi-year projection of annual or cumulative revenues, other expenses and other fiscal matters pertaining to the Project Area that includes:

- the base taxable value of property in the Project Area;
- the projected tax increment expected to be generated within the Project Area;
- the amount of tax increment expected to be shared with other taxing entities;
- the amount of tax increment expected to be used to implement the Project Area plan;
- if the area from which tax increment is to be collected is less than the entire Project Area:
    - the tax identification number of the parcels from which tax increment will be collected; or

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- a legal description of the portion of the Project Area from which tax increment will be collected; and

- for property that the Agency owns and expects to sell, the expected total cost of the property to the Agency and the expected selling price.

"Project Area Plan" or **"Plan"** shall mean the written plan (outlined by 17C-5-105 of the Act) that, after its effective date, guides and controls the community reinvestment activities within the Project Area. Project Area Plan refers to this document and all the attachments to this document, which attachments are incorporated by this reference. It is anticipated that the collection of tax increment to fund the WOODLAND AVE PLAN will be subject to an interlocal agreement process with the taxing entities within the Project Area.

"Taxes" includes all levies on an ad valorem basis upon land, local and centrally assessed real property, personal property, or any other property, tangible or intangible**.**

"Taxing Entity" shall mean any public entity that levies a tax on any property within the Project Area.

"Tax Increment" is as defined by the Act, but in general shall mean the difference between the amount of property tax revenues generated each tax year by all taxing entities from the Project Area using the current assessed value of the property and the amount of property tax revenues that would be generated from the same area using the base taxable value of the property.

"Tax Increment Period" shall mean the period in which the taxing entities from the Project Area consent that a portion of their tax increment from the Project Area be used to fund the objectives outlined in the Project Area Plan.

"Tax Year" shall mean the 12-month period between sequential tax roll equalizations (November 1st - October 31st) of the following year, e.g., the November 1, 2021 - October 31, 2021 tax year.

To the extent of the foregoing terms are defined by the Act or other applicable statutory law, the definitions set forth in this document are supplemental to those statutory definitions and are intended as clarifications only.

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Introduction

The Millcreek Community Reinvestment Agency (the "Agency"), following thorough consideration of the needs and desires of Millcreek (the "City") and its residents, as well as the City's capacity for new development, has carefully crafted this draft Project Area Plan (the "Plan") for the Woodland Avenue Community Reinvestment Project Area (the "Project Area"). This Plan is the result of a comprehensive evaluation of the types of appropriate land-uses and economic development for the land encompassed by the Project Area which includes parcels between Woodland Avenue and Miller Avenue, between Richmond Avenue to the west and Highland Drive to the east, recently annexed from Salt Lake City into Millcreek (July 1, 2020) and therefore excluded from the surrounding Millcreek Center Community Reinvestment Area.

The Plan is intended to define the method and means of the Project Area from its current state to a higher and better use.

The City has determined it is in the best interest of its citizens to assist in the redevelopment of the Project Area. It is the purpose of this Plan to clearly set forth the aims and objectives of development, scope, financing mechanism, and value to the residents of the City and other taxing entities within the Project Area.

The Project Area is being created to assist with the creation of a downtown within the City. The Millcreek City Center is envisioned as a remarkable and unique walkable mixed-use lifestyle center that serves as an amenity and central gathering place for the City and its residents.

The Project Area is being undertaken as a community reinvestment project area pursuant to certain provisions of Chapters 1 and 5 of the Utah Limited Purpose Local Governmental Entities -- Community Reinvestment Agency Act (the "Act", Utah Code Annotated ("UCA") Title 17C). The requirements of the Act, including notice and hearing obligations, have always been observed throughout the establishment of the Project Area. The realization of the Plan through tax increment funding is subject to interlocal agreements between the taxing entities individually and the Agency.

Development within the Project Area will help eliminate or reduce impediment by providing needed public improvements, encouraging rehabilitation and repair of deteriorated structures, facilitating land assembly and redevelopment which will result in employment opportunities and an expanded tax base; and by promoting redevelopment in accordance with applicable land use controls. This plan will guide and control the community reinvestment undertakings of the Project Area.

Resolution Authorizing the Preparation of a Draft Community Reinvestment Project Area Plan

Pursuant to the provisions of §17C-5-103 of the Act, the governing body of the Agency adopted a survey resolution authorizing the preparation of a draft Community Reinvestment Project Area Plan on **July 27, 2020**.

Utah Code §17C-5-104

Recitals of Prerequisites for Adopting a Community Reinvestment Project Area Plan

To adopt a community reinvestment project area plan, the Agency shall;

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- Pursuant to the provisions of §17C-5-104(1)(a) and (b) of the Act, the City has a planning commission and general plan as required by law;

- Pursuant to the provisions of §17C-5-104 of the Act, the Agency has conducted or will conduct one or more public hearings for informing the public about the Project Area, and allowing public input into the Agency's deliberations and considerations regarding the Project Area; and

    - Pursuant to the provisions of §17C-5-104 of the Act, the Agency has allowed opportunity for input on the draft Project Area Plan and has made a draft Project Area Plan available to the public at the Agency's offices during normal business hours, provided notice of the plan hearing, sent copies of the draft Project Area Plan to all required entities prior to the hearing, and provided opportunities for affected entities to provide feedback.

UTAH CODE §17C-5-105(1)

Description of the Boundaries of the Proposed Project Area

A legal description of the Project Area along with a detailed map of the Project Area is attached respectively as **Exhibit A** and **Exhibit B** and incorporated herein. The Project Area includes parcels includes parcels between Woodland Avenue and Miller Avenue, between Richmond Avenue to the west and Highland Drive to the east, recently annexed from Salt Lake City into Millcreek (July 1, 2020) and therefore excluded from the surrounding Millcreek Center Community Reinvestment Area.

As delineated in the office of the Salt Lake County Recorder, the Project Area encompasses all the parcels detailed in **Exhibit C.**

UTAH CODE §17C-5-105(2)

General Statement of Land Uses, Layout of Principal Streets, Population Densities, Building Densities and How They Will be Affected by the Project Area

General Land Uses

The property within the Project Area is currently zoned for commercial and residential uses. This Project Area Plan is consistent with the General Plan of the City. Any zoning change, amendment or conditional use permit necessary to the successful development contemplated by this Project Area Plan shall be undertaken in accordance with the requirements of the City's Code and all other applicable laws including all goals and objectives in the City's General Plan.

Layout of Principal Streets

There are several public streets within the Project Area. These streets are outlined in the attached map in **Exhibit A**.

Population Densities

There are 0 residences within the Project Area. It is anticipated that the Project Area development will increase the population size within the Project Area.

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Building Densities

There are currently eight buildings within the Project Area. It is anticipated that the redevelopment of the Project Area will result in additional buildings and increased density within the City Center.

Impact of Community Reinvestment on Land Use, Layout of Principal Streets, and Population Densities

Community reinvestment activities within the Project Area will mostly consist of redevelopment of underutilized areas.

Land Use – It is anticipated that future development within the Project Area will include: residential, commercial, office and public gathering space

Layout of Principal Streets – It is anticipated that the community reinvestment of the Project Area will not alter the layout of the principal streets in the area. Future Development may include altering secondary streets and constructing new streets.

Population Densities –The Project Area will include residential development; therefore, the population density will increase within the Project Area.

UTAH CODE §17C-5-105(3)

Standards Guiding the Community Reinvestment

To provide maximum flexibility in the development and economic promotion of the Project Area, and to encourage and obtain the highest quality in development and design, specific development controls for the uses identified above are not set forth herein. Each development proposal in the Project Area will be subject to appropriate elements of the City's proposed General Plan; the Zoning Ordinance of the City, including adopted Design Guidelines pertaining to the area; institutional controls, deed restrictions if the property is acquired and resold by the Agency, other applicable building codes and ordinances of the City; and, as required by ordinance and agreement, review and recommendations of the Planning Commission and approval by the Agency.

Each development proposal by an owner, tenant, participant or a developer shall be accompanied by site plans, development data and other appropriate material that clearly describes the extent of proposed development, including land coverage, setbacks, height and massing of buildings, off-street parking and loading, use of public transportation, and any other data determined to be necessary or requested by the Agency or the City.

UTAH CODE §17C-5-105(4)

How the Purposes of this Title Will Be Attained By Project Area Development

It is the intent of the Agency, with the assistance and participation of private developers and property owners, to facilitate the development within the Project Area.

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Conformance of the Proposed Development to the Community's General Plan

UTAH CODE §17C-5-105(5)

The proposed Community Reinvestment Project Area Plan and the development contemplated are consistent with the City's proposed General Plan and land use regulations.

Describe any Specific Project or Projects that are the object of the Proposed Community Reinvestment

UTAH CODE §17C-5-105(7)

The Project Area is being created to assist with the creation of a downtown within the City. The Millcreek City Center is envisioned as a remarkable and unique walkable mixed-use lifestyle center that serves as an amenity and central gathering place for the City and its residents. The Project Area will include residential, office, commercial & public gathering spaces. The city center area is envisioned as a place where mixed use buildings will rise between four and seven stories, with the potential for a flagship mixed use building rising 15 stories.

How the Agency Plans to Select a Participant

UTAH CODE §17C-5-105(8)

The City and Agency will select or approve such development as solicited or presented to the Agency and City that meets the development objectives set forth in this plan. The City and Agency retain the right to approve or reject any such development plan(s) that in their judgment do not meet the development intent for the Project Area. The City and Agency may choose to solicit development through an RFP or RFQ process, through targeted solicitation to specific industries, from inquiries to the City, EDC Utah, and/or from other such references.

The City and Agency will ensure that all development conforms to this plan and is approved by the City. All potential developers may need to provide a detailed development plan including enough financial information to provide the City and Agency with confidence in the sustainability of the development and the developer. Such a review may include a series of studies and reviews including reviews of the Developers financial statements, third-party verification of benefit of the development to the City, appraisal reports, etc.

Any participation between the Agency and developers and property owners shall be by an approved agreement.

Reason for Selection of the Project Area

UTAH CODE §17C-5-105(9)

As Utah's newest city, Millcreek currently lacks a central downtown area. City residents, leaders & other key stakeholders have identified the Project Area as the future site of the City's downtown center. Much of the Project Area is currently underutilized and has suffered from a lack of investment over the last few decades. With tax increment, the City and Agency believe the Project Area will serve as an amenity and central gathering space for the whole City and will serve as an engine of population and tax base for the City.

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Description of Physical, Social and Economic Conditions Existing in the Project Area

UTAH CODE §17C-5-105(10)

Physical Conditions

The Project Area consists of approximately 5.35 acres of relatively flat, privately and publicly owned land as shown on the Project Area map.

Social Conditions

There are currently 0 residential units within the Project Area. There are currently no parks or other social gathering spaces within the Project Area

Economic Conditions

The Agency wants to encourage upgrades and improvements within the Project Area that will directly benefit the existing economic base of the City.

Description of any Financial Assistance that the Agency Anticipates Offering a Participant

UTAH CODE §17C-5-105(11)

Tax increment arising from the development within the Project Area shall be used for public infrastructure improvements, Agency requested improvements and upgrades, on-site improvements, desirable Project Area improvements, land assemblage, and other items as approved by the Agency. Subject to provisions of the Act, the Agency may agree to pay for eligible costs and other items from taxes during the tax increment period which the Agency deems to be appropriate under the circumstances.

In general, tax incentives may be offered to achieve the community development goals and objectives of this plan, specifically to:

- Foster and accelerate economic development;
- Stimulate job development;
- Promote the use of transit and the walkability of the area;
- Make needed infrastructure improvements to roads, street lighting, water, storm water, sewer, and parks and open space;
- Assist with property acquisition and/or land assembly; and
- Provide attractive development for high-quality tenants.

The Project Area Budget will include specific participation percentages and timeframes for each taxing entity.

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UTAH CODE §17C-5-105(12)

Anticipated Public Benefit to be Derived from the Community Development

The Beneficial Influences upon the Tax Base of the Community

The beneficial influences upon the tax base of the City and the other taxing entities will include increased property tax revenues, job growth, and affordable housing opportunities in the community. The increased revenues will come from the property values associated with new construction in the area.

Job growth in the Project Area will result in increased wages, increasing local purchases and benefiting existing businesses in the area. Job growth will also result in increased income taxes paid. Additionally, business growth will generate corporate income taxes.

There will also be a beneficial impact on the community through increased construction activity within the Project Area. Positive impacts will be felt through construction wages paid, as well as construction supplies purchased locally.

"But For" Analysis

"But-for" the creation of the CRA and public participation, the costs associated with creating a city center, including: land assemblage, parking structures, site improvements, etc. will be too high and the land within the Project Area will remain in its current state.

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EXHIBIT A: Legal Description of Millcreek Center CRA

That area described as the Malouf Annexation to Salt Lake City as depicted on that Annexation Plat recorded in Book 1980, at Page 46 in the Office of the Salt Lake County Recorder, and the Calder Annexation to Salt Lake City as depicted on that Annexation Plat recorded in Book 1987, at Page 80, being located in the Southeast Quarter of Section 29, Township 1 South, Range 1 East, Salt Lake Base and Meridian, and Block 27, 10 Acre Plat 'A". The new boundary between Millcreek a Municipal Corporation and Salt Lake City is described as follows:

Beginning at a point in the existing Salt Lake City/Millcreek a Municipal Corporation boundary at the Northwest corner of said Malouf Annexation and the West right of way of Richmond Street being 448.51 feet South, 30.10 feet West, and N. 87°15'00" W. 571.09 feet from the East Corner of said Section 29; thence along said West right of way and the East line of that Cassity Plaza Annexation to Salt Lake City as depicted on that Annexation Plat recorded in Book 1980, at Page 148, and the East line of that Brickyard Annexation as depicted on that Annexation Plat recorded in Book 1980, at Page 203 the following two (2) courses; 1) Southerly 92.53 feet along the arc of a non tangent 1186.28 foot radius curve to the left through a central angle of 4°28'09" (long chord bears S. 22°56'26" E. 92.51 feet) more, or less: 2) S. 25°10'30" E. 99.64 feet, more, or less, to a point on the existing Salt Lake City/Millcreek a Municipal Corporation boundary at a Southwest corner in said Malouf Annexation and the point of terminus. The above described boundary line adjustment effects 5.97 acres, more, or less

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EXHIBIT B: Project Area Map

MAP OF PROPOSED PROJECT AREA BOUNDARIES



EXHIBIT C: Parcel List

Taxable Property Schedule (2020)		
Parcel_ID	Owner	Acres
16294290110000	BRICKYARD BUDDIES LC	1.14
16294290120000	TCI CABLEVISION OF UTAH INC	1
16283020010000	TCI CABLEVISION OF UTAH INC	0.5
16294290050000	MILLCREEK	0.2
16294290060000	MILLCREEK	0.17
16283020020000	TCI CABLEVISION OF UTAH INC	0.11
16283020030000	HIGHLAND SQUARE SHOPPING CENTER ASSOCIAT	2.23
TOTAL		**5.35**

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