

MILLCREEK, UTAH
ORDINANCE NO. 22-40

**AN ORDINANCE AMENDING SECTION 2.22.170 OF THE MILLCREEK CODE OF
ORDINANCES WITH RESPECT TO DISPOSAL OF PERSONAL PROPERTY AND
OTHER RELATED MATTERS**

WHEREAS, the City Council (“Council”) met in regular meeting on September 12, 2022, to consider, among other things, amending Section 2.22.170 of the Millcreek Code of Ordinances with respect to disposal of personal property and other related matters; 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 amend Section 2.22.170 of the Millcreek Code of Ordinances with respect to disposal of personal property and other related matters.

NOW, THEREFORE, BE IT ORDAINED by the Council that Section 2.22.170 of the Millcreek Code of Ordinances with respect to disposal of personal property be amended as follows (designated by interlineating the words to be deleted and underlining the words to be added).

2.22.170 Disposal Of Surplus Personal Property

No city owned property, except property that is consumed in normal operations, shall be disposed of or released to ownership by anyone other than the city, except as provided in this section.

1. The Mayor or Designee shall prepare and present a listing to the council of all city owned property that is not of nominal value together with a suggested minimum bid, which is no longer needed by the city and which can be declared surplus. The council may declare the property surplus and shall establish a minimum bid for the sale of such property or declare that the property is of nominal value. If the council has declared the items to be surplus and established a minimum bid, then the Mayor or designee shall proceed to sell such surplus property for an amount equal to or more than the minimum bid based on the highest and best economic return to the city.
2. If the Mayor or Designee has declared property to be surplus and declared that the property is of nominal value, then such property may be disposed of as determined by the Mayor or designee.
3. For purposes of the section the highest and best economic return to the city, as referred to herein, shall be determined by one or more of the following methods: (1) competitive bid; (2) evaluation by a qualified and disinterested appraiser(s); (3) other professional publication and valuation service; ~~or~~ (4) an informal market survey by the designee in the case of items of personal property possessing readily discernible market value; or (5) public policy factors as identified by the council.

4. The method to determine the highest and best economic return to the city or if other public policies factors were considered shall be approved or identified by the council at the time the minimum bid is established.

This Ordinance assigned Ordinance No. 22-40, 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.

PASSED AND APPROVED this 12th day of September 2022.

MILLCREEK

By: _____
Jeff Silvestrini, Mayor

ATTEST:

Elyse Sullivan, City Recorder

Roll Call Vote:

Silvestrini	Yes	No
Catten	Yes	No
DeSirant	Yes	No
Jackson	Yes	No
Upi	Yes	No

CERTIFICATE OF POSTING

I, the duly appointed recorder for Millcreek, hereby certify that:
ORDINANCE 22-40: AN ORDINANCE AMENDING SECTION 2.22.170 OF THE
MILLCREEK CODE OF ORDINANCES WITH RESPECT TO DISPOSAL OF PERSONAL
PROPERTY AND OTHER RELATED MATTERS was passed and adopted this 12th day of
September, 2022 and certifies that copies of the foregoing Ordinance 22-40 were posted in the
following locations within the municipality this ____ day of September, 2022.

1. Millcreek City Hall, 3330 S. 1300 E., Millcreek, UT 84106
2. Millcreek Community Center, 2266 E. Evergreen Ave., Millcreek, UT 84109
3. Holladay Lions Recreation Center, 1661 E. Murray Holladay Rd., Millcreek, UT 84117

Elyse Sullivan, City Recorder

Termination Agreement and Mutual Release

This Termination Agreement and Mutual Release (the "Termination Agreement") is entered into as of this 30th day of August, 2022 (the "Effective Date") between Tyler Technologies, Inc. ("Tyler"), with offices at 1 Tyler Drive, Yarmouth, Maine 04096 and the Millcreek, Utah, with offices at 3300 South 1300 East, Millcreek, UT 84107 (individually, the "City" and collectively with Tyler, the "Parties").

WHEREAS, Tyler and the City are parties to a Software as a Services Agreement dated November 15, 2018, as amended on September 30, 2019 and January 22, 2021 (hereinafter referred to as the "Contract"); and

WHEREAS, the parties mutually and amicably agree to terminate the Contract to the extent it relates to the items set forth in the September 30, 2019 Amendment and the January 22, 2021 Amendment, including but not limited to the EnerGov Business Management Suite and EnerGov Community Development Suite (hereinafter, the "EnerGov Terms");

NOW THEREFORE, in consideration of mutual covenants and agreements set forth herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

- 1. Termination.** The Contract is hereby terminated by agreement of the Parties to the extent of the EnerGov Terms only, and each party's rights and obligations as to those EnerGov Terms are terminated. Tyler agrees to waive the City's outstanding fees, and the City has no further payment obligation to Tyler. The only terms and conditions relating to the EnerGov Terms that shall survive are those term and conditions which, by their nature, should so survive. For the avoidance of doubt, this Termination Agreement does not impact the City's license and related rights and obligations to any Tyler software other than the EnerGov Terms.
- 2. Mutual Release.** Except as otherwise set forth in this Termination Agreement, and without any further action of the Parties, the Parties hereby unconditionally release and forever discharge one another and their subsidiaries or affiliated entities, subdivisions, affiliated subdivisions, officials, directors, officers, employees, agents, attorneys, insurers, and representatives, and any and all predecessors, successors or assigns thereof, from any and all potential claims, demands, obligations, judgments, orders, agreements, losses, damages, attorney's fees, expenses, liabilities or causes of action of any kind, whether known or unknown, arising out of or relating to the EnerGov Terms, the activities performed or to be performed pursuant to or in connection with the EnerGov Terms, and the contracting process relating to the EnerGov Terms. Neither party shall bring any claim in any court or with any administrative agency relating to the EnerGov Terms, the activities performed or to be performed pursuant to or in connection with the EnerGov Terms, or the contracting process relating to the EnerGov Terms.
- 3. Non-Disparagement and Confidentiality.** The Parties agree not to disparage the other with respect to the EnerGov Terms, the performance of each party thereunder, and other matters that are the subject of this Termination Agreement and the mutual releases contained herein. Notwithstanding the provisions of this Section 3, the Parties may disclose that the EnerGov Terms were mutually and amicably terminated. The terms of this Termination Agreement will be treated as confidential to the fullest extent permitted under Utah's open records/public access laws.

Notwithstanding the foregoing, the City may confirm that the EnerGov Terms were mutually and amicably terminated.

4. **Data Disposal.** Tyler shall delete any data and information transmitted to Tyler by the City in relation to the EnerGov Terms. The City shall delete any EnerGov Terms software that remains on any of its systems.
5. **Representations.** Execution of this Termination Agreement is not an admission of liability by either Party. The terms of this Termination Agreement are contractual and not mere recitals, and each party has relied on its own belief, judgment, and knowledge as to the nature and extent of its own claims and rights and not on any representation or statement with regard thereto made by or on behalf of any of the other parties.
6. **Authority.** Each party represents that it has all power and authority necessary to enter into and perform this Termination Agreement, and that it has consulted and been represented by counsel of its choice in entering into this Termination Agreement.
7. **Entire Agreement; Governing Law; Venue; and Attorney's Fees.** This Termination Agreement contains the entire agreement of the Parties with respect to the subject matter hereof, and no other agreement, understanding, or representation of or by the Parties relating to the subject matter hereof made at any time prior to or contemporaneously with the signing of this Termination Agreement shall be effective for any purpose except as set forth herein. This Termination Agreement shall be governed by the laws of Utah, without regards to its rules on conflicts of law. In any dispute arising out of this Agreement venue shall lie exclusively in the Third District Court of Salt Lake County, UT, unless the federal district court serving Salt Lake County, Utah could have jurisdiction, in which case venue shall lie there. In any dispute arising out of this Agreement the prevailing party shall be entitled to recover its attorney's fees and costs.
8. **Counterparts.** This Termination Agreement may be executed in one or more counterparts, each of which will be deemed an original and all of which together constitute one and the same instrument.

IN WITNESS WHEREOF, the Parties have executed this Termination Agreement and Mutual Release as of the Effective Date.

TYLER TECHNOLOGIES, INC.

By: _____

Print Name: Abby Diaz

Title: Chief Legal Officer

MILLCREEK, UTAH

By: _____

Print Name: _____

Title: _____



**Minutes of the
Millcreek City Council
August 22, 2022
7:00 p.m.
Regular Meeting**

The City Council of Millcreek, Utah, met in a regular public meeting on August 22, 2022, at City Hall, located at 3330 S. 1300 E., Millcreek, UT 84106. The meeting was live streamed via the City's website with an option for online public comment.

PRESENT:

Council Members

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

City Staff

John Brems, City Attorney (electronic)
Elyse Sullivan, City Recorder
Mike Winder, City Manager
Francis Lilly, Assistant City Manager
Kurt Hansen, Facilities Director
Laurie Johnson, HR-Finance Director
Rita Lund, Communications Director (electronic)
John Miller, Public Works Director

Attendees: Judy Mayfield, Shirley Nelson, Mike Rush, Tori Velasquez, Officer Gary Evans, Lt. Petty-Brown, Kumar Shah, Mitchell Vice

REGULAR MEETING – 7:00 p.m.

TIME COMMENCED: 7:03 p.m.

1. Welcome, Introduction and Preliminary Matters

1.1 Pledge of Allegiance

Mayor Pro Tempore Uipi called the meeting to order, excused Mayor Silvestrini, and led the pledge of allegiance.

1.2 Public Comment

Kumar Shah, 4484 S. Parkview Drive, wanted assurance that Google Fiber would put the street back the way they found it after installing fiber.

1.3 Unified Police Department Millcreek Precinct Officer of the Month for July 2022

Lt. Petty-Brown announced Officer Gary Evans as the Officer of the Month for July 2022. Officer Evans exhibited a prime example of being a peace officer while training an officer when dealing with a suspect suffering from a mental health issue. The Citizens Advisory Board presented Officer Evans with a gift. Mayor Pro Tempore Uipi thanked Officer Evans for his work.

1.4 Proclamation of Constitution Week in Millcreek

Shirley Nelson said one of the main duties of the Daughters of the American Revolution is to promote patriotism and the Constitution. Every year they celebrate the Constitution by visiting with the mayors and governors of the area and get the word out in schools. They learn about the Constitution in their meetings and try to draw attention to celebrating the American Constitution during Constitution Week.

Mayor Pro Tempore Uipi proclaimed the following on behalf of Mayor Silvestrini:
CONSTITUTION WEEK IN MILLCREEK

WHEREAS, September 17, 2022, marks the two hundred and thirty-fifth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, The Constitution, together with the Bill of Rights, have provided the organic structure for our Democratic Republic and our Individual Liberties, enabling our nation to rise from a collection of ragtag former colonies to a United Nation in which our people have created opportunity and built the greatest economy in the world, based upon freedom, creative genius, and hard work; and

WHEREAS, our federal system has welcomed generations of immigrants from every part of the globe to participate in the freedom, opportunity and rule of law our Constitution affords, creating out of many groups, one indivisible nation; and

WHEREAS, Public Law 915 guarantees the issuing of a Proclamation each year designating September 17 through 23 as Constitution Week.

NOW, THEREFORE, I, Jeff Silvestrini by virtue of the authority vested in me as Mayor of Millcreek, Utah do hereby proclaim the week of September 17 through 23 as:

CONSTITUTION WEEK

AND ask our residents to affirm the ideals of the Constitution of the United States of America and the Bill of Rights by vigilantly protecting the freedoms guaranteed through this magnificent document, remembering that lost rights may never be regained.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of Millcreek to be affixed this 22nd day of August, 2022.

1.5 Introduction of Salt Lake County Public Works Operations Director Crystal Hulbert

Crystal Hulbert was excused from the meeting and would be introduced at another meeting.

2. Financial Matters

2.1 Discussion and Consideration of Resolution 22-26, Acknowledging Receipt and Acceptance of the Millcreek Fiscal Year 2021-22 Fraud Risk Assessment and Direction to File it with the State Auditor

Laurie Johnson noted the city was required to do a fraud risk assessment every year. The bulk of the points given in this assessment were for the separation of duties. One of the reasons the city is able to do that is because a council member acts as the City Treasurer.

She acknowledged that the overview of credit cards was also done appropriately. Council Member Jackson appreciated staff's thoughtfulness on processes. Johnson noted the city was low risk.

Council Member Jackson moved to adopt Resolution 22-26, Acknowledging Receipt and Acceptance of the Millcreek Fiscal Year 2021-22 Fraud Risk Assessment and Direction to File it with the State Auditor. Council Member DeSirant seconded. The Recorder called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, and Council Member Uipi voted yes. The motion passed unanimously.

2.2 Public Hearing on Consideration of a Monetary Appropriation of up to \$7,000 to the Millcreek Arts Council Art Fest at the Baldwin Radio Factory Celebrating the 100th Year Anniversary

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

Rita Lund said the Arts Council did a lot of work putting the event together for August 27th. The city wanted to contribute to the event. A study was conducted to support the contribution.

Mitchell Vice, Millcreek Arts Council, said there would be over 40 artists, food trucks, and music stages for the festival. The Arts Council had raised over \$10,000 to run their programs for the year.

Francis Lilly noted the Historic Preservation Commission would be present at the event. The Commission was in discussions with the owner of the Baldwin Radio Factory on creating a monument for the building and adding it to Millcreek's historic list.

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

2.3 Discussion and Consideration of Ordinance 22-39, Approving a Monetary Contribution of up to \$7,000 to the Millcreek Arts Council Art Fest at the Baldwin Radio Factory Celebrating the 100th Year Anniversary

Council Member Jackson moved to adopt Ordinance 22-39, Approving a Monetary Contribution of up to \$7,000 to the Millcreek Arts Council Art Fest at the Baldwin Radio Factory Celebrating the 100th Year Anniversary. Council Member Catten seconded. Council Member Uipi asked if the funds for this were available. Laurie Johnson said the contribution could work in the existing budget.

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

3. Business Matters

3.1 Discussion and Consideration of Resolution 22-27, Approving an Interlocal Cooperative Agreement with Salt Lake County for the Playground Expansion at Canyon Rim Park

John Miller said the Council previously reviewed proposals for the Canyon Rim Park playground expansion and provided direction to add new swings. The cost of the expansion was \$91,000. It would be a cost savings to add them now and make the playground whole. Council Member Uipi asked if this was part of the track funding. Miller said that funding provided \$325,000+ and this was above that amount to add the swings. Council Member Jackson felt the expenditure was necessary since there were currently swings and noted the proposal would preserve the existing tree.

Council Member Jackson moved to adopt Resolution 22-27, Approving an Interlocal Cooperative Agreement with Salt Lake County for the Playground Expansion at Canyon Rim Park. Council Member DeSirant seconded. The Recorder called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, and Council Member Uipi voted yes. The motion passed unanimously.

4. Reports

4.1 Mayor's Report

There was no report.

4.2 City Council Member Reports

Council Member Jackson said resident Kyle Meadows asked her about the flagpoles on the corner by the roundabout at 2300 E. The flagpoles were no longer in use since it was hard to maintain the flags there. Meadows was one of the instigators in getting the flagpoles there, and the poles were donated on loan as long as they were in use. The flagpole owner would like to remove the poles. Miller noted that the new water line should be to the north of the poles and removing them would not impact the project. Council Member Jackson said asphalt millings had been placed there for additional parking. The Council agreed it was best if the poles were removed and expressed thankfulness for the loan.

Council Member Catten thanked the city for flowers and support she had personally received recently. Council Member DeSirant said Scott Avenue Park was underutilized. In his discussions with staff, a master plan for the city's parks would be done. Miller said the city had been following the county. The county wanted to focus on the larger parks, so the smaller ones had been neglected. Winder acknowledged extra police patrols had taken place to assist with homelessness issues there.

4.3 City Treasurer's Report

Council Member Jackson reported:

- As of August 19, 2022, the balance of the Series 2021 Bond Construction Fund is: \$33,038,869.36 (City Hall).

- As of August 22, 2022, Millcreek's PTIF account balance is: \$31,229,803.86.
- As of August 19, 2022, 1% FY23 property taxes have been received in the amount of \$110,872.72. Last year at this same time, Millcreek had received \$121,218.86.
- As of August 22, 2022, 88.77% of FY22 sales tax (updated projection) have been received in the amount of \$13,315,278.48. Last year at this same time, Millcreek had received \$11,829,877.85 (this is the same amount as last month's Treasurer's Report, since June sales tax information has not yet been received).

4.4 Staff Reports

John Miller said the project at 2000 E. was on hold. A property owner was not supportive of the project, so the city may need to start condemnation procedures on that property to accomplish it. Council Member Uipi asked what the consequences would be. Miller said the funding was still available. To add an irrigation pipe, it has to be done during October 15-March 15 while there is no water in the ditch. Due to the property acquisition delay and turnaround on a pipe order, there would not be enough time to bid out the project, so the project would be pushed back a year. Council Member Uipi asked about the safety concern. Miller said on 2000 E., Salt Lake City buried the irrigation ditch with a pipe and put sidewalk and other improvements in. Millcreek would mirror that. Millcreek's portion of the project would be phased. Phase II would be north of 3300 S. Phase I would be from Siggard Drive to 3300 S. due to the several incidents of flooding that had taken place. Phase II would be at a future date if the city received grant funding.

Mike Winder said Millcreek Common had sod planted recently. The skating loop had a record sales night the prior week. John Brems said the decision was issued to allow the small mine in Parleys Canyon to proceed subject to conditions. He sent the council a short brief about it. Council Member Jackson asked how the County's new ordinance played into it. Brems said it may be a date issue with when the mining application was filed and when the ordinance was adopted.

4.5 Unified Fire Authority Report

There was no report.

4.6 Unified Police Department Report

Lt. Petty Brown reported the crime statistics for July 2022. There were 2,896 calls for service, 920 total cases, 372 citations, and 51 booking arrests. There were 36 assaults, 23 burglaries, 18 drug offenses, 81 family offenses, 104 larcenies, 3 robberies, 3 sex offenses, and 29 stolen vehicles. Millcreek Community Oriented Policing detectives investigated six cases of graffiti which was cleaned up. There were no suspects in these cases. On Saturday, August 6th, Millcreek Precinct Motor Officers completed a speed enforcement operation on 700 East from 22:00 hours until 02:00 hours on Sunday. Officers stopped 20 vehicles with the top speed of 38 MPH over the speed limit. Officers also stopped two motorcycles out of a group of eight that were speeding and racing on 700 East. On Friday, August 12th, Millcreek Precinct Motor Officers completed a second speed enforcement operation on 700 East from 20:00 hours until 01:00 hours on Sunday. Officers stopped 20 vehicles and issued 14 citations for speed violations. One motorcycle was stopped for reckless driving. Between July 22-24, 20 calls for service were dispatched to officers in Millcreek for illegal fireworks and two arrests were made though no fires were reported. She expressed gratitude to Highland Cove Senior Living.

5. Consent Agenda

Attest: Elyse Sullivan, City Recorder



3330S. 1300 E.
Millcreek, UT 84107
801-214-2700
millcreek.us

File No. GP-22-001

City Council Staff Report

(1st Reading)

Meeting Date: 12 September 2022
Applicant: Millcreek

Request: Amendment to Millcreek Together General Plan – Moderate Income Housing

Prepared By: Robert May, Long Range Planning Manager

SYNOPSIS AND SCOPE OF DECISION

Planning Staff is proposing amendments to the [Millcreek Together General Plan](#) to comply with state requirements for moderate income housing. The Utah State Legislature passed House Bill 462 (HB 462) in March of 2022, requiring that municipalities take additional steps to ensure that each municipality is planning for and reducing barriers to moderate income housing. Moderate income is defined as those persons/families with household incomes less than eighty percent (80%) the area median income (AMI). HB 462 requires that municipalities include certain strategies in the Moderate Income Housing (MIH) elements of their general plans and provides a list of twenty-four “menu” items to select them from. HB 462 also requires that cities develop actionable implementation plans for each of those strategies that include a timeline for each strategy within the next five years. **Deadline to amend / adopt our General Plan with a moderate income housing element that utilizes the newly-revised list of strategies is October 1, 2022.**

Purpose & Objective

- 1 To meet the needs of people of various income levels living, working, or desiring to live or work in the community
- 2 To allow people with various incomes to benefit from and fully participate in all aspects of neighborhood and community life
- 3 Determine how the jurisdiction will provide realistic opportunity to meet the need for additional moderate income housing within the next five years
- 4 Receive consideration for funding of projects based on compliance with the moderate income housing requirement

PROJECT INFORMATION

Millcreek is required to satisfy these updated requirements from HB 462 within our General Plan and updated moderate income housing report. HB 462 also requires municipalities with a fixed guideway public transit station to "*develop and adopt a station area plan (SAP) in accordance with Section 10-9a-403.1*", which is one of the strategies from the list of twenty-four provided by the State. Due to the proximity of the Murray North and Meadowbrook UTA Trax stations and the Millcreek boundaries, this strategy must be incorporated into the recommended strategies by Staff. Millcreek is already teaming up with the Murray Community and Economic Development Department on creating station area plans surrounding the Murray North Trax station and are co-participating for a grant provided by the Wasatch Front Regional Council for assistance. Staff will also be collaborating with South Salt Lake on station area plans for the boundaries of Millcreek within the Meadowbrook station.

Millcreek is striving to adopt six strategy options in order to achieve optimal priority consideration for state transportation grants. **If achievable, Staff recommends that we adopt nine strategy options in all.** Good news is the 2019 Millcreek Together General Plan only requires a small amount of tweaking to meet HB462 requirements. By tweaking, it would mean amending the text in the applicable areas of the general plan to include the language from the bill and include implementation steps and timeline. The other good news is that Millcreek is currently updating and codifying its zoning code which is slated to be adopted in 2023. This means that many of the strategy implementation steps can be included in the update.

Staff has completed a thorough review of all the moderate income housing elements within the 2019 Millcreek General Plan and found that the many of the existing goals and strategies identifying moderate income housing have been satisfied through previous planning efforts.

As you already know, the Millcreek Together General Plan is divided into seven major vision themes, each a subchapter of Chapter 3. These vision themes guide the development of policies and implementation. Staff has identified subchapters; "*Unique Neighborhoods, Vibrant Gathering Places, and Great Connections*" as being the primary location for the moderate income housing elements of the General Plan. Chapter 4 of the General Plan "*Moving Forward*" prioritizes the goals and strategies for each of the sub-chapters and identifies implementation steps.

Staff finds that the "*Moving Forward*" chapter of the General Plan is the most applicable area to make the proposed moderate income housing amendments.

VISION THEMES

UNIQUE NEIGHBORHOODS: Millcreek is a City of attractive, proud, stable, unique, and emerging neighborhoods that offer a variety of home types, vibrant gathering areas, and access to quality community amenities.

VIBRANT GATHERING PLACES: Millcreek's centers are the heart of community activity, characterized by walkability, unique spaces, commercial areas, and character compatible with Millcreek neighborhoods.

THRIVING ECONOMY: Millcreek's economic diversity thrives by being inviting, supporting local businesses, attracting an innovative and adaptive workforce, investing in amenities that promote a better quality of life, and encouraging a range of business sizes and types.

GREAT CONNECTIONS: Millcreek strives to offer a range of pedestrian, bicycling, transit, and vehicle transportation choices through a cohesive network of safe and reliable streets and trails that connect all residents to their destinations.

HEALTH AND ENVIRONMENT: Millcreek supports environmental and human health by establishing and protecting open spaces; protecting healthy fish and wildlife habitats; providing active transportation options; improving local water and air quality; improving access to nutritious foods; and other sustainable practices.

OUTDOOR LIFESTYLE: Millcreek is the gateway to recreation with opportunities from the Wasatch Mountains to the Jordan River, including majestic views of the mountains, expansive parks, and accessible trails, creeks, and open spaces.

ENHANCED CULTURE: Millcreek embraces the cultural and demographic diversity of its residents and businesses, and supports and promotes a variety of arts, cultures, and education opportunities as essential parts of an engaged community and life-long learning.

Proposed Strategies and Implementation Elements

Planning Staff has identified the following nine (9) strategy items from the list in HB 462 that are most supported and can be most reasonably studied and/or implemented.

Strategy 1	
<i>Rezone for densities necessary to facilitate the production of moderate income housing.</i>	
Implementation Action	
1	Millcreek has adopted a Mixed-Development Zone that has no maximum residential density requirement which has helped Millcreek reach its MIH goals.
2	Review and amend requirements of the Mixed-Development and Commercial Zones during the 2023 zoning code update to entice moderate income housing developments. Amendments may include: ⇒ <i>Reducing the minimum Off-Street Parking requirements.</i> ⇒ <i>Waiving commercial use requirements for qualifying MIH projects in the MD and C Zones.</i> ⇒ <i>Create further reductions in zoning requirements for moderate income developments geared towards seniors.</i>

Progress for this strategy has already been made when Millcreek rezoned for densities that accommodate moderate income housing. We currently allow for high density housing in our commercial zones and major corridors, including the Meadowbrook District.

Strategy 2	
<i>Create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones.</i>	
Implementation Action	
1	During the 2023 zoning code update, revise minimum yard requirements for detached ADU's.
2	Continue monitoring ADU applications and explore, where feasible, reducing the minimum density and off-street parking requirements by 2027.

Millcreek recently adopted a fairly conservative ADU ordinance in 2021 and have been monitoring applications for areas of improvement within the code. Although reducing regulations to the current ADU ordinance may be a little premature, staff is confident that in the near future changes can be made to the code to help reduce regulations.

Strategy 3

Zone or rezone for higher density or moderate income residential development in commercial or mixed-use zones near major transit investment corridors, commercial centers, or employment centers.

Implementation Action

- 1 Coordinate with Murray City in creating station area plans for the Murray North Trax Station and adopt by 2025.
- 2 Continue working closely with UTA on the development of the City Center for placement of bus stops, 3300 South road alignment issues, and future Bus-Rapid Transit (BRT) route.
- 3 Coordinate on a quarterly basis with UTA and Murray City on traffic congestion and development activity in the Meadowbrook Area.

Millcreek has seen a rise in high density developments near the Meadowbrook transit-oriented development district since the creation of the Mixed-Development Zone in 2018. Millcreek is currently exploring more ways to further entice affordable housing by way of supporting rezones to accommodate affordable housing and amending current ordinances. Millcreek is currently participating with Murray City on the creation of Station Area Plans (SAP) near the Meadowbrook Area.

Strategy 4

Amend land use regulations to eliminate or reduce parking requirements for residential development where a resident is less likely to rely on the resident's own vehicle, such as residential development near major transit investment corridors or senior living facilities.

Implementation Action

- 1 Reduce the off-street parking requirements during the 2023 Zoning Code update as an incentive for moderate income housing developments by:
 - ⇒ Adopting an off-street parking ratio specifically geared towards moderate income housing developments for seniors (55 years old or older) and;
 - ⇒ Residents who are disabled and unable to operate a motor vehicle.
 - ⇒ Creating an incentive based parking policy or matrix that attracts moderate to low income housing developments based on distance from fixed transit station.

The current Off-Street Parking code unfortunately does not recognize affordable housing as a use. Through commissioned parking studies provided by a professional traffic engineer and accompanied with a development agreement, Millcreek has approved several affordable housing developments with a reduced parking stall ratio.

Strategy 5

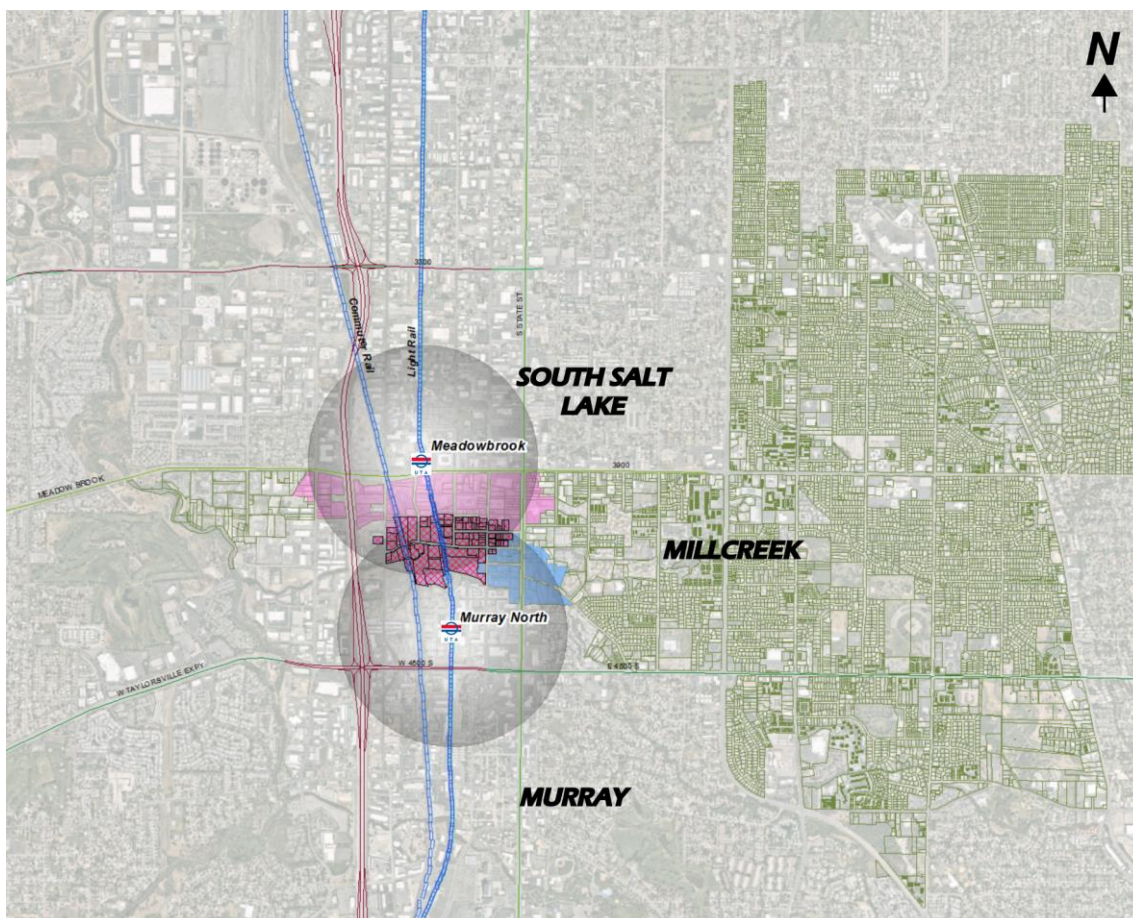
Develop and adopt a station area plan (SAP) in accordance with Section 10-9a-403.1

Implementation Action

**WORKING WITH MURRAY CITY ON DEVELOPING STATION AREA PLANS FOR THE MURRAY NORTH TRAX STATION.
WORKING WITH SOUTH SALT LAKE ON DEVELOPING STATION AREA PLANS FOR THE MEADOWBROOK TRAX
STATION SCHEDULED TO ADOPT BY 2025**

As previously mentioned, Millcreek is teaming up with Murray City and South Salt Lake on the development of Station Area Plans. Per HB462, municipalities with a fixed-guideway public transit station within their boundaries must develop and adopt a station area plan. For clarity, the State defines a fixed-guideway public transit station area to be **within a one-half mile radius of the center of the fixed-guideway public transit station platform**. The Murray North and Meadowbrook UTA Trax stations fall within these boundaries, and subsequently create a small overlap of Millcreek area that is within a half mile of both stations.

The requirement for Station Area Plans came as a result of the State recognizing that a large investment was made when developing light and commuter rail in Utah. There have been a number of studies that show when people are located near transit it will be utilized more. The region needs to work to provide additional housing, jobs, and services near these stations to utilize the full potential of these investments.



Strategy 6

Implement zoning incentives for moderate income units in new developments and Offer a Variety of Housing Opportunities

Implementation Action

1 Continue working with affordable housing developers and explore additional ways to attract affordable and moderate income housing construction. Work together to incorporate reasonable zoning incentives into the Millcreek Zoning Code during the 2023 zoning code update to include:

- ⇒ Continue utilizing Community Reinvestments Areas (CRAs) to assist in creating affordable housing in Meadowbrook and in other CRAs as funding becomes available.
- ⇒ Collaborate with Planning Commission and City Council to promote higher residential densities in Millcreek centers, where a mix of land uses offer convenient access to jobs, shopping, entertainment and transportation.
- ⇒ Identify areas where a 10% affordable housing component for residential projects with more than 50 units is required.
- ⇒ Evaluate the potential for small-lot (5,000 sq. ft. or less) residential uses in appropriate areas.
- ⇒ Encourage ADU's, rowhouses, twinhomes, cottages, and other building forms by implementing a reduced lot coverage percentage and off-street parking requirement.

Millcreek is currently exploring a variety of potentially feasible options and incentives to help facilitate moderate income housing development and is working with moderate income housing developers on specific criteria that would be the most advantageous. Developers have communicated to staff that the greatest challenge of multi-family construction is the cost of structured parking. Planning staff has discussed re-visiting the Future Land Use Map and land use framework designations for areas appropriate for a higher range of density

Strategy 7

Apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of moderate income housing, an entity that applies for programs offered by the Utah Housing Corporation within that agency's funding capacity, an entity that applies for affordable housing programs administered by the Department of Workforce Services, an entity that applies for affordable housing programs administered by an association of governments established by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, an entity that applies for services provided by a public housing authority to preserve and create moderate income housing, or any other entity that applies for programs or services that promote the construction or preservation of moderate income housing.

Implementation Action

- 1 Continue to collaborate with private sector partners on creating moderate income housing developments.
- 2 Work with moderate income housing developers on possible incentives to offset the cost of providing affordable housing units. Include all or a portion of those incentives into the Millcreek Zoning Code update by 2023.
- 3 Utilize CRA Housing Set-Aside funds or other funding sources to create additional moderate income housing units and/or partner with a private sector developer to create an additional 100 housing units targeted for households at 50% AMI or less by 2027.

Millcreek has always supported affordable housing development and have helped moderate income housing developers resolve financing and development issues by working closely with them during the application process. Millcreek continues to collaborate with private sector developers on moderate income housing locations within Millcreek and seeks out future opportunities where a partnership would be beneficial outcome for the city.

Strategy 8

Reduce, waive, or eliminate impact fees related to moderate income housing.

Implementation Action

- 1 Explore feasible areas within Millcreek where a reduced or eliminated impact fee could be implemented for moderate income housing infill development and incorporate into the zoning code during the 2023 zoning code update.
- 2 Re-visit the Future Land Use Map and Land Use Framework Chapter of the General Plan and include moderate income housing development as a "use" and "key characteristic" for all categories well served by transit and near activity centers by 2027.
- 3 Adopt zoning regulations and policy by 2027 that allows using CRA funds to rebate the cost of the impact fees back to developers who develop affordable and moderate income housing.

Millcreek currently only has one impact fee (Parks) due to the majority of the primary infrastructure being privately owned or under the jurisdiction of other entities.

Strategy 9	
<i>Amend land use regulations to allow for higher density or new moderate income residential development in commercial or mixed-use zones near major transit investment corridors.</i>	
Implementation Action	
1	Adopt reduced regulations and requirements in our Commercial and MD Zone during the 2023 zoning code update that include: ⇒ Consider implementing a density bonus incentive that give a developer the ability to construct more units in exchange for providing a public benefit. ⇒ Create a streamlined development review process for affordable housing projects.

Though Millcreek already allows for higher densities near major investment corridors; it also recognizes that some of the regulations could be further refined to help entice affordable housing development and off-set construction costs.

COMMUNITY COUNCIL INPUT

Discussed at 1st Reading (September 12th)

PLANNING COMMISSION RECOMMENDATION

Discussed at 1st Reading (September 12th)

SUPPORTING DOCUMENTS

- 1) Draft General Plan Redlines (Amended pages only)
- 2) Station Area Plan Map (SAP)
- 3) [Millcreek Together General Plan link](#)
- 4) [HB 462 Utah Housing Affordability Amendments Bill Text link](#)

MILLCREEK

T O G E T H E R



GENERAL PLAN

Adopted February 2019



HB 462

Millcreek Together General Plan 2019

Moderate Income Housing (MIH) Amendment

Amended Sections:

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Supporting appendices are available online

CHAPTER 4: MOVING FORWARD

STRATEGY

4.1 ~~IMPLEMENTATION INTRODUCTION~~

Millcreek Together identifies strategies to achieve the City's goals, and is intended to provide a framework and impetus for a variety of implementation initiatives. Each vision statement provides guidance to the City, but they encompass a larger number of strategies than can be accomplished in the next several years. ~~Millcreek is a new city, and needs an agenda that is focused and can be expanded upon as the community grows and ages.~~

~~In order to establish an agenda for near-term action, the top-priority General Plan goals and accompanying strategies for each of the seven vision themes are summarized in this chapter.~~

Although the Millcreek Together General Plan is effective in providing clear and realistic direction for future growth, Millcreek must revise and adopt its zoning ordinances in order to help achieve the implementation of its goals and strategies, Millcreek is updating its zoning ordinances with an adoption date slated for the year 2023.

In order to establish an agenda for near-term action, the top priority General Plan goals and accompanying strategies for each of the seven vision themes are summarized in this chapter.



4.1.1 UNIQUE NEIGHBORHOODS

The protection and support of Millcreek's neighborhoods was identified as a top priority by many General Plan participants. The General Plan recommends preparation of area-specific neighborhood studies to manage development **and redevelopment** in and near Millcreek's residential neighborhoods. **(Also see page 111)** and to create zoning regulations that support a variety of housing options for all ages and income levels.

Strategy	Implementation Action
Create Neighborhood Studies	1 Identify the locations, areas and general characteristics of Millcreek's neighborhoods 2 Identify the defining characteristics of each neighborhood, such as streetscapes, tree types, sidewalk configurations, street lights, structure sizes and heights, building materials, etc 3 Review the current uses and current zoning in neighborhoods to compare current uses to existing zoning. 4 Encourage the creation of neighborhood activity centers within walking or biking distance of residential areas. 5 Value and protect historic and built resources through appropriate rehabilitation and preservation.
Ensure Neighborhood Compatibility	1 Ensure that new adjacent and infill development is compatible with existing neighborhoods by regulating structure sizes and heights; building forms and materials; yard setbacks; streetscape character; height and bulk transitions; buffering; and other factors. 2 Evaluate the RM and C zones to provide for better transitions between commercial uses and adjoining residential neighborhoods.
Rezone for Densities Necessary to Facilitate the Production of Moderate Income Housing.	1 Millcreek has adopted a Mixed-Development Zone that has no maximum residential density requirement which has helped Millcreek meet its MIH goals. 2 Review and amend requirements of the Mixed-Development and Commercial Zones during the 2023 zoning code update to entice moderate income housing developments. Amendments may include: - Reducing the minimum Off-Street Parking requirements. - Waiving commercial use requirements for qualifying MIH projects in the MD and C Zones. - Create further reductions in zoning requirements for moderate income developments geared towards seniors.
Apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of moderate income housing, an entity that applies for programs offered by the Utah Housing Corporation within that agency's funding capacity, an entity that applies for affordable housing programs administered by the Department of Workforce Services, an entity that applies for affordable housing programs administered by an association of governments established by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, an entity that applies for services provided by a public housing authority to preserve and create moderate income housing, or any other entity that applies for programs or services that promote the construction or preservation of moderate income housing.	1 Continue to collaborate with private sector partners on creating moderate income housing developments. 2 Work with moderate income housing developers on possible incentives to offset the cost of providing affordable housing units. Include a portion of those incentives into the Millcreek Zoning Code update by 2023. 3 Utilize CRA Housing Set-Aside funds or other funding sources to create additional moderate income housing units and/or partner with a private sector developer to create an additional 100 housing units targeted for households at 50% AMI or less by 2027.



4.1.2 VIBRANT GATHERING PLACES

At incorporation, Millcreek inherited the existing patterns of land uses from Salt Lake County which had evolved over many years. As a City, however, Millcreek has its own land use goals, and the existing land use patterns do not currently meet the City's needs. The Future Land Use map identifies centers throughout Millcreek where a mix of land uses would be appropriate, several of which are located near good transportation hubs. The centers will be places where commercial, residential, entertainment and civic uses come together to create memorable places, each with recognizable signature features and themes.

Strategy	Implementation Action
Emphasize Millcreek Centers - Tasks that were specifically identified for near-term strategy implementation include the following:	1 City Center – Complete the City Center study; modify the Town Center Overlay Zone using form-based code concepts; prepare an economic development strategy to attract a mix of commercial, residential and municipal uses; highlight iconic uses such as Beau Brummel Bakery and the Villa Theater; and consider using a “Millcreek Mill” theme. 2 2300 E and 3300 S. – Review the completed area study; solicit public, landowner and business owner input; propose a new 23rd and 33rd Center Overlay Zone; and prepare an economic development strategy to attract development appropriate to the area. 3 Main Street – Create a form-based code overlay for the Meadowbrook area; prepare an economic development strategy to attract appropriate development. 4 Olympus Hills – Conduct an area study to evaluate opportunities to expand and redevelop the area; preserve views; and coordinate with UDOT on the potential for relocation or redesign of Wasatch Boulevard with concepts that join the east and west sides of the street. 5 Highland Drive and Murray Holladay Road – Conduct an area study in cooperation with the City of Holladay to evaluate redevelopment potential.
Create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones.	1 During the 2023 zoning code update, revise minimum yard requirements for detached ADU's. 2 Continue monitoring ADU applications and explore, where feasible, reducing the minimum density and off-street parking requirements by 2027.
Amend land use regulations to eliminate or reduce parking requirements for residential development where a resident is less likely to rely on the resident's own vehicle, such as residential development near major transit investment corridors or senior living facilities.	1 Reduce the off-street parking requirements during the 2023 Zoning Code update as an incentive for moderate income housing developments by: - Adopting an off-street parking ratio specifically geared towards moderate income housing developments for seniors (55 years old or older) and; - Residents who are disabled and unable to operate a motor vehicle. - Creating an incentive based parking policy or matrix that attracts moderate to low income housing developments based on distance from a fixed transit station.
Implement zoning incentives for moderate income units in new developments and Offer a Variety of Housing Opportunities - The General Plan calls for a variety of housing opportunities in the City, in order for residents to find homes that meet the needs of families, singles, retirees and all the residents of Millcreek.	1 Review possible zoning incentives during the 2023 zoning code update to include: - Continue utilizing Community Reinvestment Areas (CRAs) in to assist in creating affordable housing in Meadowbrook and in other CRAs as funding becomes available. - Collaborate with Planning Commission and City Council to promote higher residential densities in Millcreek centers, where a mix of land uses offer convenient access to jobs, shopping, entertainment and transportation. - Identify areas where a 10% affordable housing component for residential projects with more than 50 units is required. - Evaluate the potential for small-lot (5,000 sq. ft. or less) residential uses in appropriate areas. - If not Citywide, considering testing ideas for accessory dwelling units and live-work opportunities in appropriate areas such as along 2300 East and other busy residential corridors. - Encourage ADU's, rowhouses, twinhomes, cottages, and other building forms by implementing a reduced lot coverage percentage and off-street parking requirement.



4.1.4 GREAT CONNECTIONS

The General Plan calls for Great Connections, and identifies strategies for bicycle and pedestrian systems; complete streets; and streetscapes, trees and lighting. Millcreek ~~is currently preparing~~ has adopted a Transportation Master Plan that will address all modes of transportation within and through Millcreek. ~~General Plan transportation priorities include:~~

Strategy	Implementation
Prioritize Key Transportation Elements	1 Adopt consistent cross sections for the major streets that emphasize appearance and complete streets concepts. Focus on the areas adjacent to the curbs with park strip standards, new streetlights, street trees, wider sidewalks, and underground utilities. 2 Build “complete streets” by safely and reasonably incorporating multiple travel modes in the design of new and redeveloped transportation corridors. Complete a safe bicycling system that connects all parts of Millcreek and accommodates all types of bicyclists. Develop specific bicycle plans for: • 3900 South • Evergreen Avenue/3435 South • Millcreek Canyon Road 3 • 500 East • 900 East • 2000 East • 2300 East • Wasatch Boulevard 4 Extend and improve biking connections to the Parley’s trail and Wasatch Blvd, including bridge connections over I-215 and connections to the upland trails on Grandeur and Mt. Olympus. 5 Prioritize new, safe sidewalks in neighborhoods with missing or substandard sidewalk connections identified as High or Moderate priorities (as shown on the Pedestrian Network Framework Map). Establish a sidewalk improvement fund and policy. 6 Explore improved transit facilities including bus shelters, park and rides, streetcar extension, and Bus Rapid Transit.
Reduce, waive, or eliminate impact fees related to moderate income housing.	1 Explore feasible areas within Millcreek where a reduced or eliminated impact fee could be implemented for moderate income housing infill development and incorporate into the zoning code during the 2023 zoning code update. 2 Re-visit the Future Land Use Map and Land Use Framework Chapter of the General Plan and include moderate income housing development as a “use” and “key characteristic” for all categories well served by transit and near activity centers by 2027. 3 Adopt zoning regulations and policy by 2027 that allows using CRA funds to rebate the cost of the impact fees back to developers who develop affordable and moderate income housing.
Zone or rezone for higher density or moderate income residential development in commercial or mixed-use zones near major transit investment corridors, commercial centers, or employment centers.	1 Coordinate with Murray City in creating station area plans for the Murray North Trax Station and adopt by 2025. 2 Continue working closely with UTA on the development of the City Center for placement of bus stops, 3300 South road alignment issues, and future BRT route. 3 Coordinate on a quarterly basis with UTA and Murray City on traffic congestion and development activity in the Meadowbrook Area.
Amend land use regulations to allow for higher density or new moderate income residential development in commercial or mixed-use zones near major transit investment corridors.	1 Adopt reduced regulations and requirements in our Commercial and MD Zone during the 2023 zoning code update that include:  Consider implementing a density bonus incentive that gives a developer the ability to construct more units in exchange for providing a public benefit.  Create a streamlined development review process for affordable housing projects.



GLOSSARY OF TERMS

Air quality: The degree to which the ambient air is pollution-free, assessed by measuring a number of indicators of pollution. Good air quality means that air pollution poses little or no risk and allows clear views of distant objects such as the mountains or downtown skyline.

Affordable housing: In general, housing for which the occupant(s) pay(s) no more than 30 percent of his or her income for gross housing costs, including utilities. For this plan, affordable housing includes housing that is subsidized as well as naturally occurring affordable housing, which is not subsidized but still affordable compared to average market rents/prices.

Built environment: This term refers to the various “man made” elements of a city or neighborhood, or those not found in nature, such as buildings, roads, street lights, parks and infrastructure.

Climate change: Climate change refers to any significant change in the measures of climate lasting for an extended period of time. Climate change includes major changes, occurring over several decades or longer, in temperature, precipitation or wind patterns.

Community values: The core principles and concepts important to the Millcreek community. They must be acknowledged, honored and constantly defended to ensure change and development occur in accordance with these core principles.

Complete neighborhood: A neighborhood where all residents have safe and convenient access to the goods and services needed in daily life. This includes a variety of housing options, fresh food and other commercial services, open spaces and recreational facilities, affordable active transportation options, high quality transit, and civic amenities. An important element of a complete neighborhood is to meet the needs of people of all ages and abilities.

Creative district: An area with a concentration of artistic and cultural activities/ facilities, arts and entertainment businesses or artistic/ cultural and creative sector production.

Wasatch Front Regional Council (WFRC): WFRC is a planning organization where local governments collaborate to establish guidelines, set policy and allocate funding in the areas of: transportation and personal mobility; growth and development; and aging and disability resources.

Economic mobility: The ability of an individual, family or some other group to move along the economic spectrum in terms of wealth and income.

Equity: Equity is providing everyone with access to opportunity regardless of income level, race, ethnicity, gender, ability or age. Equality means treating everyone the same. Equity acknowledges that treating every person or place exactly the same may not result in fair opportunities to succeed.

Flex: These manufacturing districts serve the purpose of craft/maker space, high-tech design and manufacturing with a mix of employment and residential land uses.

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Moderate income housing : means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the city is located.

Green infrastructure: Public or private assets—including both natural and engineered facilities—that protect, support or mimic natural systems to provide stormwater management, water quality, reduced flooding risks, urban heat island effect mitigation, reduced energy demands, climate change resiliency and enhanced community livability. For the purposes of this plan, green infrastructure reflects a broad definition that includes trees, plants, parks, and greenways.

Inclusive: Inclusive of many cultures, perspectives, and experiences. Welcoming to all people. Covering or intended to cover all people, services, items, etc.

Infill development: The process of developing vacant or under-used parcels within existing urban areas that are already largely developed.

Infrastructure: Refers to the fundamental facilities and systems serving a country, city, or other area, including the services and facilities necessary for its economy to function. Examples of infrastructure include roads, sidewalks, water and sewer systems, power and telecommunications lines.

Land use: Land use is a broad term encompassing all the different ways that humans use or develop land for economic, residential, recreational, conservational, and governmental purposes. The concept of land use is closely intertwined with human community development.

Mobility: The ability to move from one place to another, or movement of people and goods from one place to another.

Multimodal streets: Streets that accommodate multiple modes of travel including rapid transit (bus and rail options), bicycles, pedestrians and vehicles.

Natural environment: All living and non-living things that occur naturally on a particular region.

Neighborhood planning: A type of small area planning that happens at the neighborhood level and achieves the following benefits:

- Engages the community in identifying a future vision for the area and then provides strategies and recommendations for achieving that vision.
- Provides detailed recommendations for land use and future investments to help ensure neighborhoods grow as envisioned by the plan.
- Provides a level of analysis, detail, and guidance on issues affecting local areas that citywide plans cannot.

Pedestrian facilities: Elements that serve people walking including sidewalks, pedestrian signals and crosswalks.

Placemaking: Placemaking refers to a collaborative process by which community members can shape their public realm in order to maximize shared value. With community-based participation at its center, an effective placemaking process capitalizes on a local community's assets, inspiration, and potential, and results in the creation of quality public spaces that contribute to people's health, happiness, and wellbeing. (Project for Public Spaces)

Public realm: Any publicly owned streets, pathways, right of ways, parks and publicly accessible open spaces.

Public right-of-way: The public right-of-way is an area of land owned or controlled by the city for the purposes of constructing, operating and maintaining public facilities such as streets, alleys, sidewalks and bike paths for the needs of transportation, utilities and other public infrastructure.

STATION AREA PLAN (SAP) LOCATION

