

**MILLCREEK, UTAH**  
**ORDINANCE NO. 22-44**

**AN ORDINANCE AMENDING THE MODERATE INCOME HOUSING ELEMENT OF  
THE GENERAL PLAN TO INCLUDE MODERATE INCOME HOUSING  
STRATEGIES AND AN IMPLEMENTATION PLAN PURSUANT TO UTAH CODE  
ANN. § 10-9A-403**

**WHEREAS**, the Millcreek Council (“Council”) met in regular session on September 26, 2022 to consider among other things, an ordinance amending the Moderate Income Housing Element of the General Plan to incorporate moderate income housing strategies and an implementation plan pursuant to Utah Code Ann. § 10-9a-403; and

**WHEREAS**, the Council adopted the Millcreek Together General Plan in February, 2019; and

**WHEREAS**, Utah Code Ann. § 10-9a-403 requires that municipalities include a moderate income housing element in a general plan that provides a realistic opportunity to meet the need for additional moderate income housing within the next five years; selects four or more moderate income housing strategies described in Utah Code Ann. § 10-9a-403 (2)(b) for implementation; and includes an implementation plan for each strategy; and

**WHEREAS**, Utah Code Ann. § 10-9a-403 provides that a municipality qualifies for priority consideration for funding for transportation projects approved by the State Transportation Commission or for financial grants under the Covid-19 Local Assistance Matching Grant Program if the municipality reports that its moderate income housing element includes six or more moderate income housing strategies with implementation plans, if the specified municipality has a fixed guideway public transit station; and

**WHEREAS**, a portion of Millcreek is within a one half-mile radius of two fixed guideway public transit stations; and

**WHEREAS**, Millcreek intends to qualify for priority consideration for funding for transportation projects approved by the State Transportation Commission or for financial grants under the Covid-19 Local Assistance Matching Grant Program; and

**WHEREAS**, Utah Code Ann. § 10-9a-404 provides in part that the Council may make amendments to an adopted general plan; and

**WHEREAS**, Utah Code Ann. § 10-9a-404 also provides that the Council may not make any amendment to its general plan 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-204 in preparing and adopting an amendment to a general plan; and

**WHEREAS**, Utah Code Ann. § 10-9a-404 provides planning commission shall provide notice as required by Subsection 10-9a-204(1)(a) and hold a public hearing on the proposed general plan amendment; and

**WHEREAS**, on August 24, 2022, the required public hearing notice was published; and

**WHEREAS**, on September 21, 2022, the proposed amendment was submitted to the planning commission for its recommendation; and

**WHEREAS**, on September 21, 2022, the planning commission held the required public hearing with respect to this general plan amendment; and

**WHEREAS**, at the September 21, 2022, planning commission meeting the Millcreek Planning Commission recommended approval of the proposed general plan amendment; and

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

**WHEREAS**, on September 20, 2022, the Council caused the required notice to be given; and

**WHEREAS**, on September 26, 2022, the Council considered the general plan amendment during a public meeting; and

**WHEREAS**, Council finds that it is in the best interest of the residents of Millcreek to amend the Moderate Income Housing Element of the General Plan to incorporate moderate income housing strategies and an implementation plan pursuant to Utah Code Ann. § 10-9a-403, and as recommended by the Planning Commission.

**NOW THEREFORE, BE IT ORDAINED** by the Council that the Moderate Income Housing Element of the Millcreek General Plan is hereby amended to incorporate moderate income housing strategies and an implementation plan pursuant to Utah Code Ann. § 10-9a-403, as recommended by the Planning Commission, and as shown in Exhibit A to this ordinance.

This Ordinance, assigned Ordinance No. 22-44, 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 26<sup>th</sup> day of September, 2022.

**MILLCREEK COUNCIL**

By: \_\_\_\_\_  
Jeff Silvestrini, Mayor

**ATTEST:**

\_\_\_\_\_  
Elyse Sullivan, City Recorder

Roll Call Vote:

|             |     |    |
|-------------|-----|----|
| Silvestrini | Yes | No |
| Catten      | Yes | No |
| DeSirant    | Yes | No |
| Jackson     | Yes | No |
| Uipi        | Yes | No |

**CERTIFICATE OF POSTING**

I, the duly appointed recorder for Millcreek, hereby certify that:  
ORDINANCE 22-44: AN ORDINANCE AMENDING THE MODERATE INCOME  
HOUSING ELEMENT OF THE GENERAL PLAN TO INCLUDE MODERATE INCOME  
HOUSING STRATEGIES AND AN IMPLEMENTATION PLAN PURSUANT TO UTAH  
CODE ANN. § 10-9A-403 was passed and adopted the 26<sup>th</sup> day of September 2022 and certifies  
that copies of the foregoing Ordinance 22-44 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

## EXHIBIT “A”

## TABLE OF CONTENTS

### EXECUTIVE SUMMARY 1

### CHAPTER 1: INTRODUCTION 7

Why Plan? 8  
Purpose of the Plan 10  
Overall Vision & Vision Themes 12  
Process & Engagement 13

### CHAPTER 2: LAND USE FRAMEWORK 15

Future Land Use Plan Introduction 15  
Future Land Use Plan Categories 16  
Future Land Use Map 22

### CHAPTER 3.1: UNIQUE NEIGHBORHOODS 23

Importance 23  
Trends 24  
Vision & Principals 28  
Framework Map 28  
Goals & Strategies 31

### CHAPTER 3.2: THRIVING ECONOMY 35

Importance 35  
Trends 36  
Vision & Principals 39  
Framework Map 40  
Goals & Strategies 42

### CHAPTER 3.3 VIBRANT GATHERING PLACES 47

Importance 47  
Trends 48  
Vision & Principals 50  
Framework Map 51  
Goals & Strategies 55

### CHAPTER 3.4: GREAT CONNECTIONS 63

Importance 63  
Trends 64  
Vision & Principals 67  
Framework Map 68  
Walkability Map 69  
Bikeability Map 71  
Functional Classifications 74  
Goals & Strategies 76

### CHAPTER 3.5: HEALTH & ENVIRONMENT 81

Importance 81  
Trends 82  
Vision & Principals 83  
Framework Map 84  
Goals & Strategies 85

### CHAPTER 3.6: OUTDOOR LIFESTYLE 89

Importance 89  
Trends 90  
Vision & Principals 94  
Framework Map 95  
Goals & Strategies 96

### CHAPTER 3.7: ENRICHED CULTURE 99

Importance 99  
Trends 100  
Vision & Principals 102  
Framework Map 103  
Goals & Strategies 105

### CHAPTER 4: MOVING FORWARD 109

Strategy Implementation  
~~Implementation Introduction~~ 109  
Unique Neighborhoods 110  
Thriving Economy 112  
Vibrant Gathering Places 111  
Great Connections 112  
Outdoor Lifestyle 113  
Enriched Culture 113  
Health & Environment 114  
Progress Monitoring 115  
Amending the Plan 115

Supporting appendices are available online

# ORIGINAL VERSION

## INTRODUCTION

## TABLE OF CONTENTS

### EXECUTIVE SUMMARY 1

### CHAPTER 1: INTRODUCTION 7

Why Plan? 8  
Purpose of the Plan 10  
Overall Vision & Vision Themes 12  
Process & Engagement 13

### CHAPTER 2: LAND USE FRAMEWORK 15

Future Land Use Plan Introduction 15  
Future Land Use Plan Categories 16  
Future Land Use Map 22

### CHAPTER 3.1: UNIQUE NEIGHBORHOODS 23

Importance 23  
Trends 24  
Vision & Principals 28  
Framework Map 28  
Goals & Strategies 31

### CHAPTER 3.2: THRIVING ECONOMY 35

Importance 35  
Trends 36  
Vision & Principals 39  
Framework Map 40  
Goals & Strategies 42

### CHAPTER 3.3 VIBRANT GATHERING PLACES 47

Importance 47  
Trends 48  
Vision & Principals 50  
Framework Map 51  
Goals & Strategies 55

### CHAPTER 3.4: GREAT CONNECTIONS 63

Importance 63  
Trends 64  
Vision & Principals 67  
Framework Map 68  
Walkability Map 69  
Bikeability Map 71  
Functional Classifications 74  
Goals & Strategies 76

### CHAPTER 3.5: HEALTH & ENVIRONMENT 81

Importance 81  
Trends 82  
Vision & Principals 83  
Framework Map 84  
Goals & Strategies 85

### CHAPTER 3.6: OUTDOOR LIFESTYLE 89

Importance 89  
Trends 90  
Vision & Principals 94  
Framework Map 95  
Goals & Strategies 96

### CHAPTER 3.7: ENRICHED CULTURE 99

Importance 99  
Trends 100  
Vision & Principals 102  
Framework Map 103  
Goals & Strategies 105

### CHAPTER 4: MOVING FORWARD 109

Implementation Introduction 109  
Unique Neighborhoods 110  
Thriving Economy 112  
Vibrant Gathering Places 111  
Great Connections 112  
Outdoor Lifestyle 113  
Enriched Culture 113  
Health & Environment 114  
Progress Monitoring 115  
Amending the Plan 115

Supporting appendices are available online

## CHAPTER 4: MOVING FORWARD

### STRATEGY

#### 4.1 IMPLEMENTATION INTRODUCTION

---

**M**illcreek 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 anticipated for completion by 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.



## CHAPTER 4: **MOVING FORWARD**

### 4.1 **IMPLEMENTATION INTRODUCTION**

---

**M**illcreek 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.





## 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.

| <b><u>Strategy</u></b>                          | <b><u>Implementation</u></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b><i>Create Neighborhood Studies</i></b>       | <ul style="list-style-type: none"><li>• <i>Identify the locations, areas and general characteristics of Millcreek's neighborhoods</i></li><li>• <i>Identify the defining characteristics of each neighborhood, such as streetscapes, tree types, sidewalk configurations, street lights, structure sizes and heights, building materials, etc</i></li><li>• <i>Review the current uses and current zoning in neighborhoods to compare current uses to existing zoning.</i></li><li>• <i>Encourage the creation of neighborhood activity centers within walking or biking distance of residential areas.</i></li><li>• <i>Value and protect historic and built resources through appropriate rehabilitation and preservation.</i></li></ul> |
| <b><i>Ensure Neighborhood Compatibility</i></b> | <ul style="list-style-type: none"><li>• <i>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.</i></li><li>• <i>Evaluate the RM and C zones to provide for better transitions between commercial uses and adjoining residential neighborhoods.</i></li></ul>                                                                                                                                                                                                                                                               |

**Rezone for Densities Necessary to Facilitate the Production of Moderate Income Housing.**

- Millcreek has adopted a Mixed-Development Zone that has no maximum residential density requirement which has helped Millcreek meet its MIH goals.
- 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 senior housing.

S-1

**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.**

- Continue to collaborate with private sector partners on creating moderate income housing developments.
- 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.
- 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.

S-7





### 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)

#### *Create Neighborhood Studies*

- Identify the locations, areas and general characteristics of Millcreek's neighborhoods
- Identify the defining characteristics of each neighborhood, such as streetscapes, tree types, sidewalk configurations, street lights, structure sizes and heights, building materials, etc
- Review the current uses and current zoning in neighborhoods to compare current uses to existing zoning.
- Encourage the creation of neighborhood activity centers within walking or biking distance of residential areas.
- Value and protect historic and built resources through appropriate rehabilitation and preservation.

#### *Ensure Neighborhood Compatibility*

- 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.
- Evaluate the RM and C zones to provide for better transitions between commercial uses and adjoining residential neighborhoods.







## 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.

| <u>Strategy</u>                                                                                                                           | <u>Implementation</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Emphasize Millcreek Centers</b> - Tasks that were specifically identified for near-term strategy implementation include the following: | <ul style="list-style-type: none"><li>• <b>City Center</b> – 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.</li><li>• <b>2300 E and 3300 S.</b> – 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.</li><li>• <b>Main Street</b> – Create a form-based code overlay for the Meadowbrook area; prepare an economic development strategy to attract appropriate development.</li><li>• <b>Olympus Hills</b> – 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.</li><li>• <b>Highland Drive and Murray Holladay Road</b> – Conduct an area study in cooperation with the City of Holladay to evaluate redevelopment potential.</li></ul> |
| <b><u>Create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones.</u></b> | <ul style="list-style-type: none"><li>• <b><u>During 2023 zoning code update, revise minimum yard requirements for detached ADU's.</u></b></li><li>• <b><u>Continue monitoring ADU applications and explore, where feasible, reducing the minimum density and off-street parking requirements by 2027.</u></b></li></ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

S-2

|                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| <p><b><u>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.</u></b></p>                                                                                                          | <ul style="list-style-type: none"> <li>• <u>Within a reasonable timeframe or by 2027 after the adoption of the station area plans so that sufficient data can be collected, consider ways to significantly reduce land use regulations and parking requirements for areas served by both Murray North and Meadowbrook station area plans.</u></li> <li>• <u>Reduce the off-street parking requirements during the 2023 Zoning Code update as an incentive for moderate income housing developments by:</u> <ul style="list-style-type: none"> <li>· <u>Adopting an off-street parking ratio specifically geared towards moderate income housing developments for seniors (55 years old or older) and;</u></li> <li>· <u>Adopt a specific off-street parking ratio for group home developments designed for people who are impaired and disabled and unable to operate a motor vehicle.</u></li> <li>· <u>Creating an incentive based parking policy or matrix that attracts moderate to low income housing developments based on calculating distances from fixed transit stations and development.</u></li> </ul> </li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                         | <p><b>S-4</b></p> |
| <p><b><u>Implement zoning incentives for moderate income units in new developments and</u></b> <b>Offer a Variety of Housing Opportunities</b> - 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. Action items to meet General Plan goals include:</p> | <ul style="list-style-type: none"> <li>• <u>Review, study and implement specific zoning incentives for areas within the adopted station area plans by 2027.</u></li> <li>• <u>Explore specific incentives to entice developers to offer owner-occupied developments or a percentage thereof.</u></li> <li>• <u>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 possibly include:</u> <ul style="list-style-type: none"> <li>· <u>Continue utilizing Community Reinvestments Areas (CRAs) to assist in creating affordable housing in Meadowbrook and in other CRAs as funding becomes available.</u></li> <li>· <u>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.</u></li> <li>· <u>Identify areas where a 10% affordable housing component for residential projects with more than 50 units is required.</u></li> <li>· <u>Evaluate the potential for small-lot (5,000 sq. ft. or less) residential uses in appropriate areas.</u></li> <li>· <u>Encourage ADU's, rowhouses, twinhomes, cottages, and other building forms by implementing a reduced lot coverage percentage and off-street parking requirement.</u></li> </ul> </li> </ul> | <p><b>S-6</b></p> |



#### 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.

**Emphasize Millcreek Centers** - Tasks that were specifically identified for near-term strategy implementation include the following:

- 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.
- 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.
- Main Street – Create a form-based code overlay for the Meadowbrook area; prepare an economic development strategy to attract appropriate development.
- 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.
- Highland Drive and Murray Holladay Road – Conduct an area study in cooperation with the City of Holladay to evaluate redevelopment potential.

**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. Action items to meet General Plan goals include:

- Utilize Community Reinvestments Areas (CRAs) in to assist in creating affordable housing in Meadowbrook and in other CRAs as funding becomes available.
- Promote higher residential densities in Millcreek centers, where a mix of land uses offer convenient access to jobs, shopping, entertainment and transportation.
- Require a 10% affordable housing component for residential projects with more than 50 units.
- 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.
- Evaluate the potential for small-lot (5,000 sq. ft.) residential uses in appropriate areas.













## 4.1.4 GREAT CONNECTIONS

NOTE: 4.1.3 THRIVING ECONOMY TEXT IS THE SAME AND WILL HAVE ITS OWN PAGE. (114)

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:~~

| <u>Strategy</u>                               | <u>Implementation</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-----------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Prioritize Key Transportation Elements</b> | <ul style="list-style-type: none"><li>• <i>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.</i></li><li>• <i>Build “complete streets” by safely and reasonably incorporating multiple travel modes in the design of new and redeveloped transportation corridors.</i></li><li>• <i>Complete a safe bicycling system that connects all parts of Millcreek and accommodates all types of bicyclists. Develop specific bicycle plans for:</i><ul style="list-style-type: none"><li>• 3900 South</li><li>• Evergreen Avenue/3435 South</li><li>• Millcreek Canyon Road<ul style="list-style-type: none"><li>• 500 East</li><li>• 900 East</li><li>• 2000 East</li><li>• 2300 East</li></ul></li><li>• Wasatch Boulevard</li></ul></li><li>• <i>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.</i></li><li>• <i>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.</i></li><li>• <i>Explore improved transit facilities including bus shelters, park and rides, streetcar extension, and Bus Rapid Transit.</i></li></ul> |

|                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |            |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| <p><u><b>Develop and adopt a station area plan (SAP) in accordance with Section 10-9a-403.1</b></u></p>                                                                                                                | <p><u>Coordinate with Murray City and South Salt Lake on developing and adopting station area plans for the Murray North and Meadowbrook UTA Trax stations by 2025.</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>S-5</p> |
| <p><u><b>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.</b></u></p> | <ul style="list-style-type: none"> <li>· <u>Coordinate with Murray City in creating station area plans for the Murray North Trax Station and adopt by 2025</u></li> <li>· <u>Revise land use designations within the Future Land Use Map and amend areas near major transit corridors and centers that are more appropriate for higher densities and moderate income housing developments by 2027. Primary methods to include should be at minimum to:</u> <ul style="list-style-type: none"> <li>· <u>Tactfully zone or rezone existing commercial and mixed use areas as to preserve commercially viable sites and centers.</u></li> <li>· <u>Carefully exclude areas that have the highest potential as thriving commercial hubs or corners.</u></li> <li>· <u>Not eliminate key commercial services that provide both critical sales tax as well as property tax.</u></li> <li>· <u>Continue working closely with UTA on the future placement of bus stops and possible Bus-Rapid Transit (BRT) routes.</u></li> </ul> </li> </ul> | <p>S-3</p> |
| <p><u><b>Reduce, waive, or eliminate impact fees related to moderate income housing.</b></u></p>                                                                                                                       | <ul style="list-style-type: none"> <li>· <u>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.</u></li> <li>· <u>Adopt zoning regulations and amend CRA policies by 2027 that allows using CRA housing funds to rebate the cost of the impact fees back to developers who develop affordable and moderate income housing.</u></li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p>S-8</p> |
| <p><u><b>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.</b></u></p>                   | <ul style="list-style-type: none"> <li>· <u>Review the land use designations within the Future Land Use Map and amend areas near major transit corridors and centers that may be better slated for higher densities and moderate income housing developments.</u></li> <li>· <u>Adopt reduced regulations and requirements in our Commercial and MD Zone during the 2023 zoning code update that may include:</u> <ul style="list-style-type: none"> <li>· <u>Consideration of implementing a density bonus incentive that give a developer the ability to construct more units in exchange for providing additional moderate income housing units.</u></li> <li>· <u>Create a streamlined development review process for affordable housing projects.</u></li> </ul> </li> </ul>                                                                                                                                                                                                                                                      | <p>S-9</p> |





### 4.1.3 THRIVING ECONOMY

The General Plan describes the importance of economic sustainability for Millcreek in order to support the businesses and services residents want. Outdoor-oriented businesses, in particular, are identified as complementary to many existing businesses and Millcreek's setting. A stable property and sales tax base is important to provide excellent City facilities and services.

**Create an Economic Development Strategic Plan** - The General Plan calls for the creation of an Economic Development Strategic Plan, based on the economic studies conducted by Zions Public Finance, attached as Appendix B. The Plan would focus on commercial and mixed-use development in the Millcreek Centers (identified in the Vibrant Gathering Places section), and would promote Millcreek as a livable community and excellent place to do business by showcasing the community's competitive advantages and economic and community assets. Within the Economic Development Strategic Plan, create a tradeoff comparison summarizing the incentives the City provides to what they receive in return from developers.

**Update and Maintain City Infrastructure** - Reliable, accessible public infrastructure is critical to attracting and retaining the employers and businesses Millcreek wants. High-priority infrastructure initiatives include:

- Coordinate with broadband providers through an e-mail alert system to coordinate utility trenching in the City.
- Establish practical public works maintenance programs with an annual budget allocation.

### 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 a Transportation Master Plan that will address all modes of transportation within and through Millcreek. General Plan transportation priorities include:

- 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.

- 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
  - 500 East
  - 900 East
  - 2000 East
  - 2300 East
  - Wasatch Boulevard
- 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.
- 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.
- Explore improved transit facilities including bus shelters, park and rides, streetcar extension, and Bus Rapid Transit.





## 4.1.5 OUTDOOR LIFESTYLE

Millcreek's setting between the Wasatch Mountains and Jordan River offers access to the outdoor and recreational amenities Millcreek residents cherish. Convenient access to parks and recreational facilities in all areas of Millcreek is an important objective of the General Plan. High priority initiatives include:

- Review existing park facilities for potential upgrades.
- Review vacant or underutilized properties for potential to create parks, especially in areas of the City that are underserved.
- Design and construct stormwater improvements to incorporate recreational opportunities and protect/maintain utility infrastructure.
- Complete a Parks and Trails impact fee study.
- Work to preserve open space and connect trail systems to Grandeur Peak and the Mount Olympus area.
- Look for opportunities with Millcreek Activity Center property in the Granite School District to ensure that the land remains in recreational use.
- Build soccer fields in the west portion of the City to meet growing demand.
- Purchase the land and build parks, most notably "pocket" parks, to provide families with children and others a gathering place with playground amenities.

## 4.1.6 ENHANCED CULTURE

The General Plan recognizes Millcreek's diversity of neighborhoods, businesses, and residents as an important attribute that makes Millcreek a desirable place to work and live. Connecting people by creating attractive gathering places in Millcreek's centers is one Plan objective. Other initiatives include:

- Celebrate Millcreek's diversity and community pride through event planning.
- Coordinate as an active partner in the Millcreek Promise initiative and encourage the expansion of successful education strategies to other schools in Millcreek.
- Continue to promote an open and accessible City Hall through email, social media, community councils and well-advertised public meetings.
- Support the Millcreek Arts Discovery program to outline gaps, needs, and resources required to promote the arts in Millcreek.
- Prioritize locations for new public art where it will be enjoyed by people throughout the City.
- Add community gardens as a priority in the zoning ordinance.



## 4.1.7 HEALTH AND ENVIRONMENT

The General Plan emphasizes public health, the long-term sustainability of developments, public works projects, and effects on Millcreek's natural environment. High priority sustainability initiatives include:

- Add low impact development and conservation design practices as incentives in City ordinances.
- Adopt design standards or guidelines that incorporate green design considerations, such as solar, in the Millcreek development review process.
- Develop a portfolio of recommended green design development standards, such as low water use landscaping, roof-top gardens, water-permeable paving, drainage swales, parking lot planters, and other features to encourage developers to incorporate green design in future projects.
- Test the demand for Greenbikes at the City Center.
- Add vehicle charging stations to the City's codes as an incentive for business and residential projects.

- Update the development code to protect significant panoramic views from various parks and public places by limiting building height and by development configuration. Future ordinance implementation should include a map specifying the area where development is restricted and should require an analysis of the project impacts on the views of those from various vantage points, emphasizing residences but also looking at impacts on public and commercial uses. The first step is to conduct a view plane analysis to identify significant viewing platforms or corresponding view planes. The second step is to update the development code to identify building height limitations. Building height limitations will depend on the distance from a reference point, usually with increased height allowed as the building is located farther from the reference point.



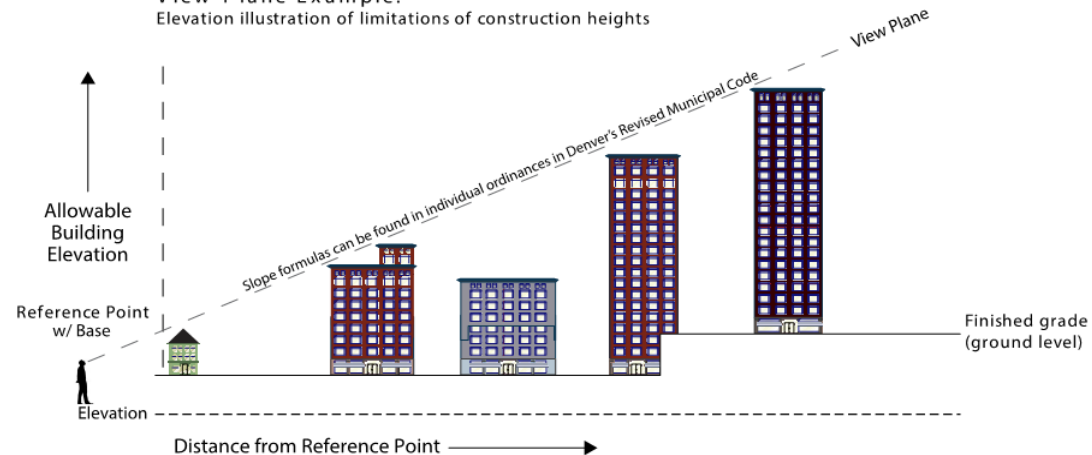
ABOVE: EXAMPLE OF VIEWING PLATFORMS AND VIEW PLANES.

BELOW: EXAMPLE BUILDING HEIGHT SCALING AND LIMITATIONS.

SOURCE: CITY OF DENVER

View Plane Example:

Elevation illustration of limitations of construction heights



## 4.2 PROGRESS MONITORING

Plan monitoring and evaluation will involve a long term commitment to tracking progress as well as setbacks in accomplishing plan goals. Ongoing monitoring will also assist in determining appropriate and effective courses of action in response to experience with use of the Plan. Three primary monitoring techniques are proposed for Millcreek Together:

- Measure and report on a limited number of key indicators that focus on overall progress toward achieving the overall objectives of the Plan. These indicators are included in each topical chapter under “Measurements of Success.” By tracking selected indicators consistently over a number of years, benchmarks can be identified, trends evaluated, targets set, strategies reviewed, and policies adjusted as necessary to ensure that Plan objectives are accomplished as intended.
- Create a “progress matrix” that identifies key responsibilities and timeframes for accomplishment of Plan objectives. The progress matrix also serves as a checklist for monitoring progress toward accomplishing intangible or non-measurable objectives for which indicators could not be established.
- Prepare an annual report on the progress of Plan implementation that addresses major Plan goals and makes recommendations for action on the implementation strategies or the General Plan.

## 4.3 AMENDING THE PLAN

To be successful, planning must be an ongoing activity. As part of that process, this Plan needs to be regularly monitored with respect to its use and effectiveness. Limited and technical amendments will certainly need to be made in order to keep this document up-to-date, fully viable, and maintained as a respected and regularly used source of guidance for the physical development of the City. More significant amendments may be deemed necessary depending on experience. If goals are not met and/or trends toward achieving goals are not positive, the Planning Department, Planning Commission, and City Council should re-evaluate existing strategies and consider modifications that are necessary to reverse the trend, or modify the General Plan.

The City Council and Planning Commission can review and adopt General Plan amendments between major updates to ensure that current community issues continue to be addressed and that the Plan continues to provide clear and realistic direction for future growth. In any case, a comprehensive review and update is strongly recommended at least once every ten years, or as directed by City Council.

## 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.

**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.



**Regulations:** Rules that derive their authority from legislation (laws) and provide the specific ways in which those laws are interpreted and applied. Examples include the zoning code and rules and regulations adopted by city departments. **Resiliency** The ability of a community to adapt to both internal and external social, economic and environmental challenges without adverse effect to its residents, essential functions and identity.

**Stormwater:** Stormwater runoff is generated when water from rain and snowmelt flows over land or impervious surfaces (like paved streets, parking lots, and building rooftops) and is not absorbed into the ground. As the runoff flows over the land or impervious surfaces, it accumulates debris, chemicals, sediment or other pollutants. **Sustainability** The long-term social, economic and environmental health of a community.

**Tree canopy:** The layer of tree leaves, branches and stems that provide tree coverage of the ground when viewed from above. In urban areas, the tree canopy provides an important stormwater management function by intercepting rainfall that would otherwise run off of paved surfaces and be transported into local waters through the storm drainage system. Tree canopy also reduces the temperature of an urban area caused by the paving and other modification of land, reduces heating/cooling costs, lowers air temperatures, reduces air pollution, increases property values, provides wildlife habitat, and provides aesthetic and community benefits such as improved quality of life.

**Urban design:** The process of designing and shaping the physical features of cities including streets, buildings, parks and public spaces.

**Vision:** The vision is the backbone of the general plan and includes the seven vision themes. It knits together a set of long-term, integrated goals that provide a guide for the future.

**Water quality:** Water quality is the degree to which water is clean and whether it is suitable for drinking.



**MILLCREEK, UTAH**  
**ORDINANCE NO. 22-45**

**AN ORDINANCE NOTIFYING THE PUBLIC OF A PENDING ORDINANCE THAT  
WOULD AMEND THE FLAG LOT POLICY**

**WHEREAS**, the Millcreek Council (the “Council”) met in regular session on September 26, 2022, to consider, among other things, approving an ordinance notifying the public of a pending ordinance that would amend the Flag Lot Policy; and

**WHEREAS**, pursuant to Millcreek Code of Ordinances 19.02.055, the City adopted a Flag Lot Policy (“Policy”) that governs development known as flag lots; and

**WHEREAS**, City staff has recommended revisions to the Policy; and

**WHEREAS**, the Council is authorized by Utah Code Ann.§10-9a-509(1)(a)(ii)(B) to initiate proceedings to amend its ordinances in a manner provided by local ordinance and before the application is submitted, the municipality has formally initiated proceedings to amend its ordinances in a manner that would prohibit approval of the application as submitted; and

**WHEREAS**, Utah Code Ann.§10-9a-509(1)(e) provides that the City shall process an application without regard to proceedings initiated to amend the municipality's ordinances as provided in Utah Code Ann.§10-9a-509(1)(a)(ii)(B) if 180 days have passed since the proceedings were initiated and the proceedings have not resulted in an enactment that prohibits approval of the application as submitted; and

**WHEREAS**, the Council has determined that based on staff recommendation that an ordinance amending the Policy is needed; and

**WHEREAS**, the period needed to review and implement an ordinance amending the Policy is within a period of one hundred eighty (180) days; and

**WHEREAS**, after careful consideration, the Council has determined to initiate proceedings to amend the Zoning Ordinance to amend the Policy; and

**WHEREAS**, the Council finds that this Ordinance constitutes formally initiated proceedings that satisfies the requirements Utah Code Ann. §10-9a-509 (1)(a)(ii)(B) and further finds that this Ordinance is in the best interest of the health, safety, and welfare of the City’s residents.

**NOW, THEREFORE, BE IT ORDAINED** by the Council that to protect the public health, safety, and welfare and to implement the planning and zoning objectives of the City, the Council hereby invokes the pending ordinance doctrine and/or Utah Code Ann. §10-9a-509 (1)(a)(ii)(B) and expressly formalizes its intentions to consider enactment of such ordinances and amendments to the Zoning Ordinances with respect to the Policy.

**BE IT FURTHER ORDAINED** that beginning September 27, 2022, that applications for development of flag lots are not entitled to approval.

This ordinance shall become effective upon passage.

**PASSED AND APPROVED** this 26 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 |
| Uipi        | Yes | No |

**CERTIFICATE OF POSTING**

I, the duly appointed recorder for Millcreek, hereby certify that:  
ORDINANCE 22-45: AN ORDINANCE NOTIFYING THE PUBLIC OF A PENDING  
ORDINANCE THAT WOULD AMEND THE FLAG LOT POLICY was passed and adopted the  
26<sup>th</sup> day of September 2022 and certifies that copies of the foregoing Ordinance 22-45 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

**MILLCREEK, UTAH**  
**ORDINANCE NO. 22-41**

**AN ORDINANCE ESTABLISHING A MUNICIPAL ENERGY SALES AND USE TAX,  
SETTING THE RATE FOR SUCH TAX, AND ESTABLISHING THE EFFECTIVE DATE FOR  
SUCH TAX**

**WHEREAS**, the Millcreek Council (“*Council*”) met in a regular session on September 26, 2022, to consider, among other things, establishing a municipal energy sales and use tax, setting the rate for such tax, and establishing the effective date for such tax; and

**WHEREAS**, pursuant to Utah Code Ann. § 10-1-301, *et seq.*, Millcreek may levy a municipal energy sales and use tax; and

**WHEREAS**, the Council has determined to enact a municipal energy sales and use tax.

**NOW, THEREFORE, BE IT ORDAINED** by the Council that the following be enacted as Chapter 3.06 of the Millcreek Code of Ordinances:

**3.06.010 Purpose**

It is the intent of Millcreek to adopt the municipal energy sales and use tax, pursuant to, and in conformance with, Utah Code Ann. §10-1-301 et seq, “The Municipal Energy Sales and Use Tax Act.”

**3.06.020: Definitions**

All words and phrases in this chapter shall have the same meaning given them in the municipal energy sales and use tax act, Utah Code Ann. § 10-1-301 et seq., with the following additions:

**CONSUMER:** A person who acquires taxable energy for any use that is subject to the municipal energy sales and use tax.

**MUNICIPALITY:** Millcreek, Utah.

**SALE:** Any transfer of title, exchange or barter, conditional or otherwise, in any manner, of taxable energy for a consideration. It includes:

1. Installment and credit sales;
2. Any closed transaction constituting a sale;
3. Any transaction under which right to acquire, use or consume taxable energy is granted under a lease or contract and the transfer would be taxable if an outright sale were made.

**STORAGE:** Any keeping or retention of taxable energy in this municipality for any purpose, except sales in the regular course of business.

**USE:**

1. The exercise of any right or power over taxable energy incident to the ownership or the leasing of the taxable energy.
2. "Use" does not include the sale, display, demonstration, or trial of the taxable energy in the regular course of business and held for resale.

### **3.06.030: Municipal Energy Sales And Use Tax Levied**

There is hereby levied, subject to the provisions of this chapter, a tax on every sale or use of taxable energy made within the city equaling six percent of the delivered value of the taxable energy to the consumer effective on and after January 1, 2023. This tax shall be known as the municipal energy sales and use tax.

1. The municipal energy sales and use tax shall be calculated on the delivered value of the taxable energy to the consumer.
2. The municipal energy sales and use tax shall be in addition to any sales or use tax imposed by the municipality under Utah Code title 59, chapter 12, the sales and use tax act.

### **3.06.040: Exemptions**

1. The following are exempt from the municipal energy sales and use tax, pursuant to Utah Code Ann. §10-1-305(2)(b):
  1. The sales and use of aviation fuel, motor fuel and special fuels subject to taxation under Utah Code title 59, chapter 13, motor and special fuel tax act;
  2. The sales and use of taxable energy that the municipality is prohibited from taxing under federal law or the constitution of the United States or the Utah constitution;
  3. The sales and use of taxable energy purchased or stored in the state for resale;
  4. The sales or use of taxable energy to a person if the primary use of the taxable energy is for use in compounding or producing taxable energy or a fuel subject to taxation under Utah Code title 59, chapter 13 of the motor and special fuel tax act;
  5. Taxable energy brought into the state by a nonresident for the nonresident's own personal use or enjoyment while within the state, except taxable energy purchased for use in the state by a nonresident living or working in the state at the time of purchase;
  6. The sale or use of taxable energy for any purpose other than as a fuel or energy;
  7. The sale of taxable energy for use outside the boundaries of the municipality ;and
  8. (i) subject to Subsection (ii) below, a sale or use of electricity within the city is exempt from the tax authorized by this chapter if the sale or use is made under a tariff adopted by the Public Service Commission of Utah only for purchase of electricity produced from a new source of alternative energy, as defined in Utah Code Ann. § 59-12-102, as designated in the tariff by the Public Service Commission of Utah.  
  
(ii) The exemption under subsection (ii) applies to the portion of the tariff rate a customer pays under the tariff described in subsection (ii) that exceeds the tariff rate under the tariff described in subsection (ii) that the customer would have paid absent the tariff.

2. The sale, storage, use or other consumption of taxable energy is exempt from the municipal energy sales and use tax levied by this chapter, provided:
  1. The delivered value of the taxable energy has been subject to a municipal energy sales or use tax levied by another municipality within this state under an ordinance enacted in accordance with Utah Code title 10, chapter 1, part 3, municipal energy sales and use tax act; and
  2. The municipality shall be paid the difference between the tax paid to the other municipality and the tax that would otherwise be due under this chapter if the tax due under this chapter exceeds the tax paid to the other municipality.

### **3.06.050: No Effect Upon Existing Franchises; Credit For Franchise Fees**

This chapter shall not alter any existing franchise agreements unless otherwise terminated or altered by agreement or applicable law.

### **3.06.060: Tax Collection Contract With State**

1. On or before the effective date hereof, the municipality shall contract with the state tax commission to perform all functions related to the administration and collection of the municipal energy sales and use tax. The mayor and city recorder are hereby authorized to enter into such agreement or amended agreement as needed with the state tax commission that may be necessary to the continued administration and operation of the municipal energy sales and use tax ordinance.
2. An energy supplier shall pay the municipal energy sales and use tax revenues collected from its consumers directly to the municipality monthly, if:
  1. The municipality is the energy supplier; or
  2. The energy supplier estimates that the municipal energy sales and use tax collected annually from its Utah consumers equals one million dollars (\$1,000,000.00) or more; and
  3. The energy supplier collects the municipal energy sales and use tax.
3. An energy supplier paying the municipal energy sales and use tax directly to the municipality may retain the percent of the tax authorized under Utah Code Ann. § 59-12-108(2) for energy supplier's cost of collecting and remitting the tax.

### **3.06.070: State Statutes Incorporated**

1. Except as herein provided, and except insofar as they are inconsistent with the provisions of Utah Code title 10, chapter 1, part 3, municipal energy sales and use tax act, as well as this chapter, all of the provisions of Utah Code title 59, chapter 12, part 1, tax collection, as amended, and in force and effect on the effective date hereof, insofar as they relate to sales and use taxes, excepting Utah Code Ann. § 59-12-101 thereof, and excepting for the amount of the sales and use taxes levied therein, are hereby adopted and made a part of this chapter as if fully set forth herein.

2. Wherever, and to the extent that in Utah Code title 59, chapter 12, part 1, tax collection, the state of Utah is named or referred to as the taxing agency, the name of the municipality shall be substituted, insofar as is necessary for the purposes of that part, as well as Utah Code title 10, chapter 1, part 3, in municipal energy sales and use tax act. Nothing in this subsection shall be deemed to require substitution of the name of the municipality for the word "state" when that word is used as part of the title of the state tax commission, or of the constitution of Utah, nor shall the name of the municipality be substituted for that of the state in any section when the result of such a substitution would require action to be taken by or against the municipality or any agency thereof, rather than by or against the state tax commission in performing the functions incident to the administration or operation of this article.
3. Any amendments made to Utah Code title 59, chapter 12, part 1, tax collection, that relate to levying or collecting a municipal energy sales and use tax, is hereby adopted by reference.

**3.06.080: No Additional License Or Reporting Required**

No additional license to collect or report the municipal energy sales and use tax ordinance is required, provided the energy supplier collecting the tax has a license issued under Utah Code Ann. § 59-12-106.

This Ordinance assigned Ordinance No. 22-41, 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 26<sup>th</sup> 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 |
| Uipi        | Yes | No |

## CERTIFICATE OF POSTING

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

ORDINANCE 22-41: AN ORDINANCE ESTABLISHING A MUNICIPAL ENERGY SALES AND USE TAX, SETTING THE RATE FOR SUCH TAX, AND ESTABLISHING THE EFFECTIVE DATE FOR SUCH TAX was passed and adopted this 26<sup>th</sup> day of September, 2022 and certifies that copies of the foregoing Ordinance 22-41 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

**MILLCREEK, UTAH**  
**ORDINANCE NO. 22-42**

**AN ORDINANCE AMENDING TITLE 10 OF THE MILLCREEK CODE OF  
ORDINANCES REGARDING CAMPING ON PUBLIC GROUNDS, STREETS, PARKS,  
AND PLAYGROUNDS**

**WHEREAS**, on September 26, 2022, the Millcreek Council (the “*Council*”) met in regular session to consider, among other things, an ordinance amending Title 10 of the Millcreek Code of Ordinances regarding camping on public grounds, streets, parks, and playgrounds; and

**WHEREAS**, the Council finds that is determinate to the health, safety, and welfare of the residents of Millcreek to allow camping on public property in areas that have not been designated as areas for camping; and

**WHEREAS**, the detrimental effects include but are not limited to: reduces the opportunity for the public to use the public property for its intended purpose, increases the risk of damage to public property, inappropriate use of public property creates additional risk of crime and thereby diminishes the safety of City residents, unauthorized and inappropriate use of public property increases the potential for claims against the City, there is reported open drug use and associated problems, collection of garbage and improper disposal of garbage, and inadequate disposal of human waste; and

**WHEREAS**, there are numerous approved, safe, and hospitable campgrounds for short and long-term use throughout the Wasatch Front; 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 the City to amend Title 10 of the Millcreek Code of Ordinances regarding camping on public grounds, streets, parks, and playgrounds.

**NOW, THEREFORE, BE IT ORDAINED** by the Council that Chapter 10.80 be amended as follows (interlineating the words to be deleted and underlining the words to be added):

**10.80.010: CAMPING ON PUBLIC GROUNDS, STREETS, PARKS, AND PLAYGROUNDS:**

A. It is unlawful for any person to camp or lodge as defined in subsection C of this section, ~~cook, make a fire or pitch a tent, fly, lean to, tarpaulin, temporary or permanently place any type of camping equipment~~ on any "public grounds", as defined in subsection B of this section, upon any portion of a "street", as defined in section 19.04 of this code, or in any park or playground, unless allowed by section 10.80.020 of this code. It is unlawful for any person using or benefiting from the use of any of the foregoing items of camping equipment to fail to remove the same for more than ~~five (5)~~ thirty (30) minutes after being requested to do so by any police officer.

B. For the purpose of this section, the term "public grounds" means any real property owned in whole or in part by the United States of America and its agencies, or the state of Utah or any of its political subdivisions, including Millcreek, upon which no camping has been authorized by the owner.

C. Camp or lodge means sleeping or otherwise being in a temporary shelter outdoors, sleeping outdoors, cooking over an open flame or fire outdoors, or laying down bedding or setting up a tent, shelter, or similar structure for purpose of sleeping or temporary living.

D. It is an affirmative defense to any prosecution hereunder that a person is sitting or lying down because of a medical emergency, as a result of a disability, utilizing a wheelchair, walker, or similar device to move about public grounds, participating in or attending a parade, festival, performance, rally, demonstration, meeting, or similar event lawfully conducted in the public grounds, sitting on a chair or bench that has been supplied by the abutting property owner or sitting or placed material on a sidewalk while waiting for public or private transportation or waiting for access to enter any building.

#### 10.80.020: CAMPING:

~~No person shall camp or lodge as defined in 10.80.010 (C) lodge, make a fire or pitch a tent, fly, lean to, tarpaulin or any other type of camping equipment in any park except:~~

1. In cases of local emergency as declared by the mayor of the city.
2. By permit issued to youth groups the majority of whose members' ages are at least eight (8) years of age, but no more than seventeen (17) years of age, under the following conditions:
  - a. The youth are accompanied by adult leaders in the ratio of two (2) adults for every ten (10) youth at all times while the youth are camping.
  - b. The youth group provides adequate police and fire security to ensure the safety of the campers and garbage removal and cleanup. The sponsor shall submit a plan along with an application for a special event permit to the city, the fire authority and police authority, or their designees, who will forward a recommendation to the City Manager as to whether or not the request for camping should be granted. Application for the special events permit shall be made directly to the City Manager of his designee who shall forward all accompanying information to the appropriate departments.
  - c. The youth group files a bond in the amount of ten thousand dollars (\$10,000.00) to compensate the city for any damage to the park caused by the youth group during its camping activities.

d. The youth group files a certificate of insurance in the aggregate amount of one million dollars (\$1,000,000.00), which names the city as an additional insured.

e. No camping is allowed in any one park for more than forty-eight (48) continuous hours in any thirty (30) day period.

f. The youth group shall comply with all applicable ordinances and park regulations.

g. No more than sixty (60) people shall be allowed to camp at one time.

#### 10.34.050 PENALTY FOR VIOLATION

The violation of MKC 10.80.010 or MKC 10.80.020 shall be a class "~~C~~" "B" misdemeanor.

**PASSED AND APPROVED** this 26<sup>th</sup> 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 |
| Uipi        | Yes | No |

## CERTIFICATE OF POSTING

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

ORDINANCE 22-42: AN ORDINANCE AMENDING TITLE 10 OF THE MILLCREEK CODE OF ORDINANCES REGARDING CAMPING ON PUBLIC GROUNDS, STREETS, PARKS, AND PLAYGROUNDS was passed and adopted this 26<sup>th</sup> day of September, 2022 and certifies that copies of the foregoing Ordinance 22-42 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

**MILLCREEK, UTAH**  
**ORDINANCE NO. 22-43**

**AN ORDINANCE DECLARING APPROXIMATELY 0.18 ACRES OF REAL  
PROPERTY LOCATED AT OR NEAR 3203 SOUTH HIGHLAND DRIVE IN SALT  
LAKE COUNTY, UTAH, AS SURPLUS AND DETERMINING THAT A TRADE FOR  
APPROXIMATELY .04 ACRES OF REAL PROPERTY LOCATED AT OR NEAR 3254  
SOUTH HIGHLAND DRIVE IN SALT LAKE COUNTY, UTAH, IS IN THE BEST  
INTEREST OF THE CITY AND CONSTITUTES THE HIGHEST AND BEST  
ECONOMIC RETURN TO THE CITY AND APPROVING A PIPELINE RELOCATION  
AGREEMENT**

**WHEREAS**, the Millcreek (“Council”) met in regular meeting on September 26, 2022, to consider, among other things, declaring approximately 0.18 acres of real property located at or near 3203 South Highland Drive in Salt Lake County, Utah, as surplus and determining that a trade for approximately .04 acres of real property located at or near 3254 South Highland Drive in Salt Lake County, Utah, is in the best interest of the city and constitutes the highest and best economic return to the City and approving a pipeline relocation agreement; and

**WHEREAS**, the staff has recommended to the Council, and the Council has determined that the property owned by the City located at or near 3203 South Highland Drive in Salt Lake County, Utah, (“Relinquished Property”) is not needed for City purposes; and

**WHEREAS**, property owned by Questar Gas Company, a Utah corporation dba Dominion Energy (“Dominion Energy”) located at or near 3254 South Highland Drive in Salt Lake County, Utah, (“Trade Property”) is needed for the redevelopment of a portion of the City; and

**WHEREAS**, Dominion Energy operates a natural gas regulator station on the Trade Property; and

**WHEREAS**, Dominion has agreed (“Relocation Agreement”) to relocate its natural gas regulator station to the Relinquished Property and abandon, decommission, and remove all fixtures from the Trade Property at no cost to the City provided the City trades the Relinquished Property for the Trade Property; and

**WHEREAS**, staff has advised the Council that the reasonable value of the Relinquished Property is more than \$250,000 and therefore is “a significant parcel of real property” as defined in Section 2.22.180 of the Millcreek Code of Ordinances; and

**WHEREAS**, staff has advised the Council that a trade of the of the Relinquished Property for the Trade Property is in the best interest of the City and the consideration is adequate because, among other reasons, a voluntary trade where Dominion Energy has agreed to pay for all relocation costs is economically beneficial to the City compared to a condemnation, consumes less resources and personal time compared to a condemnation, and a trade is consummated sooner than a condemnation; and

**WHEREAS**, the Council finds that the cost savings, less resources consumed by the transaction, less time to complete the transaction constitutes public policy factors, and that the exchange of Relinquished Property for the Trade Property is in the best interest of the City and as a result the Council concludes that the minimum bid for the sale of the Relinquished Property is a trade for the Trade Property; and

**WHEREAS**, the Council finds that the cost savings, less resources consumed by the transaction, less time to complete the transaction constitutes public policy factors, and that the exchange of Relinquished Property for the Trade Property constitutes the highest and best economic return to the City; 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 the City to approve the exchange of properties as set forth above and approve the Relocation Agreement.

**NOW, THEREFORE, BE IT ORDAINED** by the Council that the Relinquished Property is declared surplus, that the minimum bid for the Relinquished Property is a trade for the Trade Property; and

**BE IT FURTHER ORDAINED** the Council finds that cost savings, less resources consumed by the transaction, and less time to complete the transaction constitutes public policy factors that the exchange constitutes the highest and best economic return to the City; and

**BE IT FURTHER ORDAINED** that the Council finds that the reasonable value of the Relinquished Property is more than \$250,000 and therefore is a significant parcel of real property as that term is defined in Section 2.22.180 (F) of the Millcreek Code of Ordinances and notice is required as set forth in Section 2.22.180 (D) of the Millcreek Code of Ordinances; and

**BE IT FURTHER ORDAINED** that the Agreement be approved, and the City Manager or Mayor and Recorder are hereby authorized and execute and deliver the Agreement.

**PASSED AND APPROVED** this 26<sup>th</sup> 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 |
| Uipi        | Yes | No |

CERTIFICATE OF POSTING

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

ORDINANCE 22-43: AN ORDINANCE DECLARING APPROXIMATELY \_\_\_\_ ACRES OF REAL PROPERTY LOCATED AT OR NEAR 3203 SOUTH HIGHLAND DRIVE IN SALT LAKE COUNTY, UTAH, AS SURPLUS AND DETERMINING THAT A TRADE FOR APPROXIMATELY .04 ACRES OF REAL PROPERTY LOCATED AT OR NEAR 3254 SOUTH HIGHLAND DRIVE IN SALT LAKE COUNTY, UTAH, IS IN THE BEST INTEREST OF THE CITY AND CONSTITUTES THE HIGHEST AND BEST ECONOMIC RETURN TO THE CITY AND APPROVING A PIPELINE RELOCATION AGREEMENT was passed and adopted this 26<sup>th</sup> day of September, 2022 and certifies that copies of the foregoing Ordinance 22-43 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



**.22 AC / 9,583.2 SF**

**.18 AC / 7,866 SF**