

## 1. City Council Meeting (PDF)

### Millcreek City Council & Millcreek Community Foundation Meeting Agenda

Public Notice is hereby given that the City Council of Millcreek will assemble in a public work meeting and a regular meeting on Monday, 26 January 2026 at City Hall, 1330 E. Chambers Avenue, Millcreek, Utah 84106, commencing at 6:00 p.m. for the work meeting and 7:00 p.m. for the regular meeting. The Millcreek Community Foundation will assemble in a regular public meeting which will commence when the City Council meeting has recessed or concluded.

#### 6:00 p.m. – WORK MEETING:

1. Salt Lake County Animal Services Presentation; Carrie Sibert, Office Manager
2. Unified Fire Authority Quarterly Report; Chief Jon Wilde
3. Open and Public Meetings Act Annual Training; John Brems, City Attorney
4. Staff Reports
5. Discussion of Agenda Items, Correspondence, and/or Future Agenda Items

#### 7:00 p.m. - REGULAR MEETING:

1. Welcome, Introduction and Preliminary Matters
  - 1.1 Pledge of Allegiance
  - 1.2 Unified Police Department Millcreek Precinct Officer of the Month for December 2025
  - 1.3 Public Comment

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

#### 2. Planning Matters

- 2.1 Discussion and Consideration of Ordinance 26-07, Amending Title 18 of the Millcreek Municipal Code for the Purpose of Removing Public Noticing Requirements for Community Councils

#### 3. Business Matters

- 3.1 Discussion and Consideration of Resolution 26-01, Accepting the Jordan River Recreation Zone Grant in the Amount of \$55,000 to Assist in the Installation of the Adventure Path Amenity Along the Jordan River Trail, Located at the Jordan River Trailhead Near 3900 S, Millcreek, Utah

3.2 Discussion and Consideration of Resolution 26-02, Approving an Appointment to the Planning Commission

3.3 Discussion and Consideration of Resolution 26-03, Approving Appointments to the Historic Preservation Commission

3.4 Discussion and Consideration of Ordinance 26-06, Declaring Approximately 0.44 Acres of Real Property and the Building Located at or Near 3260 South Highland Drive, Millcreek, Utah, as Surplus; Establishing a Minimum Bid; and Establishing a Method to Determine the Highest and Best Economic Returns to the City

#### 4. Reports

4.1 Mayor's Report

4.2 City Council Member Reports

4.3 Treasurer's Report

4.4 Staff Reports

4.5 Unified Police Department Report

#### 5. Consent Agenda

5.1 Approval of January 12, 2026 Work Meeting and Regular Meeting Minutes

5.2 Approval of January 14, 2026 Special Work Meeting Minutes

#### 6. New Items for Subsequent Consideration

#### 7. Calendar of Upcoming Meetings

- City Council Mtg. 2/9/26 7:00 p.m.

#### 8. Closed Session (If Needed)

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

#### 9. Adjournment

Millcreek Community Foundation Convening

1. Public Hearing to Consider a Monetary Contribution of Up to \$5,000 to Utah Transit Authority
2. Discussion and Consideration of Resolution 26-01, Approving a Monetary

Contribution of Up to \$5,000 to Purchase Discounted Human Services UTA Passes for Millcreek Residents in Need

3. Approval of July 14, 2025 Meeting Minutes
4. Adjournment

In accordance with the Americans with Disabilities Act, Millcreek will make reasonable accommodation for participation in the meeting. Individuals may request assistance by contacting the ADA Coordinator, 801-214-2751 or [ADAINFO@MILLCREEKUT.GOV](mailto:ADAINFO@MILLCREEKUT.GOV), at least 48 hours in advance of the meeting.

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The meetings will be live streamed via the City's website at: [HTTPS://WWW.MILLCREEKUT.GOV/373/MEETING-LIVE-STREAM](https://www.millcreekut.gov/373/meeting-live-stream). The Council may convene in an electronic meeting. Council members may participate from remote locations and may be connected to the electronic meeting by GoToMeeting, Zoom, or telephonic communications. The anchor location will be City Hall.

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

City Hall    City Website    Utah Public Notice Website

Those Listed on the Agenda    [HTTPS://WWW.MILLCREEKUT.GOV/](https://www.millcreekut.gov/)&NBSP;

[HTTPS://WWW.UTAH.GOV/PMN](https://www.utah.gov/pmn)&NBSP;

DATE: January 22, 2026

RECORDER: Elyse Sullivan

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

Documents:

[CC AND MCF 1-26-26 AGENDA UPDATED.PDF](#)  
[WORK MTG ITEM 1 \\_ ANIMAL SERVICES ANNUAL REPORT MILLCREEK 2025.PDF](#)

WORK MTG ITEM 2 \_ MILLCREEK Q4 PRESENTATION JAN 2026.PDF  
ITEM 2.1 \_ ZT-25-005 STAFF REPORT CITY COUNCIL.PDF  
ITEM 2.1 \_ ORDINANCE 26-07 TITLE 18 COMMUNITY COUNCIL REPEAL.PDF  
ITEM 3.1 \_ RESOLUTION 26-01 ACCEPTING JRRZ GRANT.PDF  
ITEM 3.2 \_ RESOLUTION 26-02 APPOINTING PLANNING COMMISSIONER.PDF  
ITEM 3.3 \_ RESOLUTION 26-03 APPOINTING HPC MEMBERS.PDF  
ITEM 3.4 \_ ORDINANCE 26-06 DECLARING 3260 HIGHLAND DRIVE  
SURPLUS.PDF  
ITEM 4.5 \_ UPD DECEMBER 2025 REPORT.PDF  
ITEM 5.1 \_ CC 1-12-26 DRAFT MINUTES.PDF  
ITEM 5.2 \_ CC 1-14-26 DRAFT MINUTES.PDF

## 2. MCF Meeting Packet (PDF)

Documents:

MCF RESOLUTION 26-01 UTA CONTRIBUTION.PDF  
MCF 7-14-25 DRAFT MINUTES.PDF



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RECORDER: Elyse Sullivan

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# Millcreek

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2025 Annual Report

# 2025 INTERESTING FACTS & HIGHLIGHTS

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**OUR ANIMAL CONTROL OFFICERS  
RESPONDED TO OVER 19,000 CALLS  
FOR SERVICE.**

**OUR DEDICATED TEAM OF 7,662  
VOLUNTEERS PROVIDE OVER 7,500  
HOURS HELPING OUR PETS.**

**OVER 2,800 PETS WERE ADOPTED OR  
SENT TO RESCUE ORGANIZATIONS.**

**OVER 4,000 PETS WERE STERILIZED BY  
OUR IN HOUSE VETERINARY CLINIC.**

# 2025 SUMMARY OF OVERALL ASILOMAR STATS 1-1-25 TO 12-31-25

- Full Asilomar stats are available upon request.
- Features Adjusted Totals - Excludes Owner Requested Euthanasias that were untreatable.

Category	Dogs	Cats	Other	Total Animals
Beginning Shelter Count	112	79	4	195
Intake Totals	2672	3450	156	6278
Adoptions	1268	1338	54	2660
Transfers/Rescue	83	262	65	410
Owner Redemptions/Return to Field	1228	1576	15	2819
Euthanasia	59	176	16	266
Outcome Totals	2638	3352	150	6140

**LIVE RELEASE: 95%**

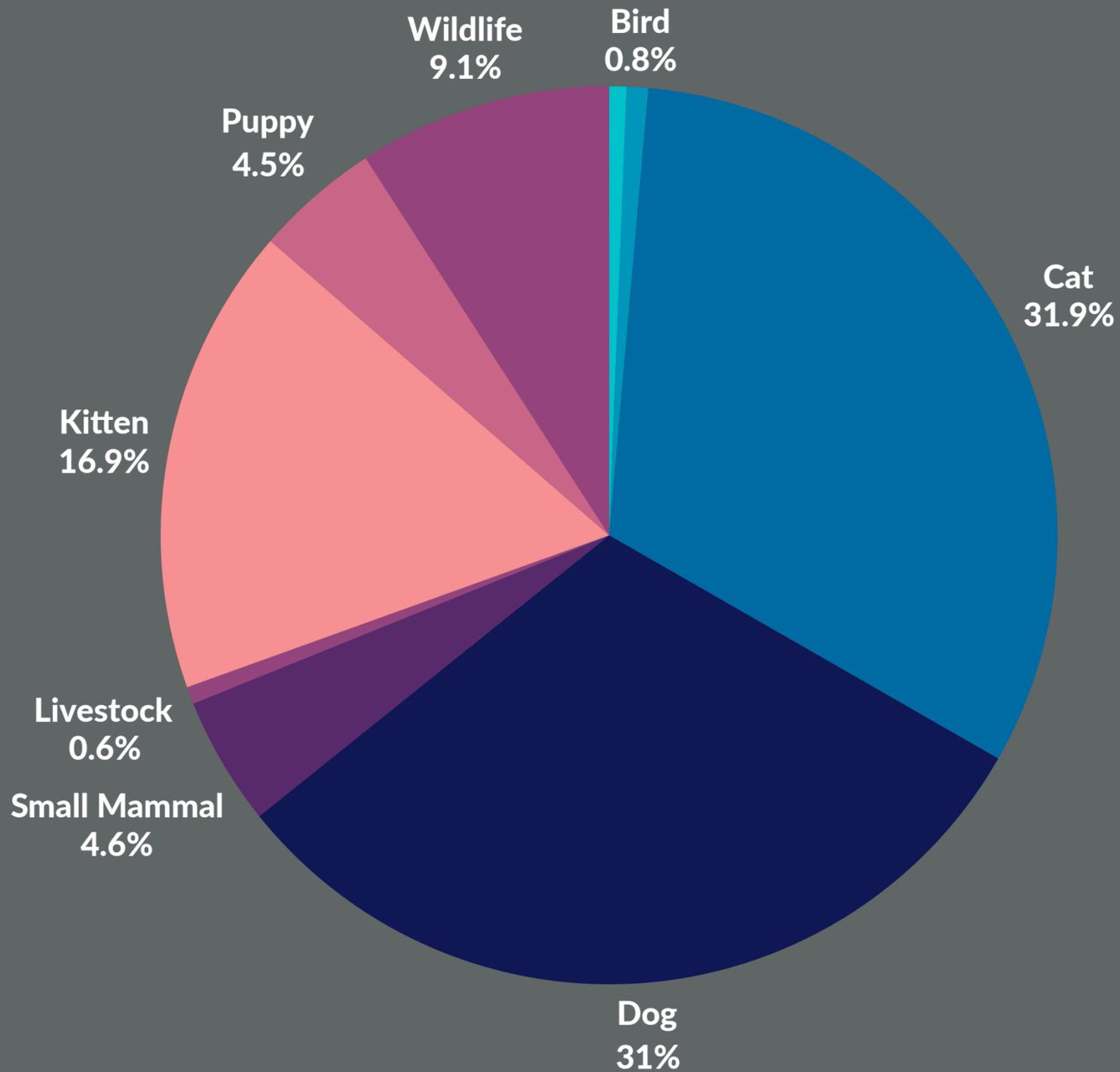


**1311  
ANIMALS  
FOSTERED!**

**410  
ANIMALS  
RESCUED!**



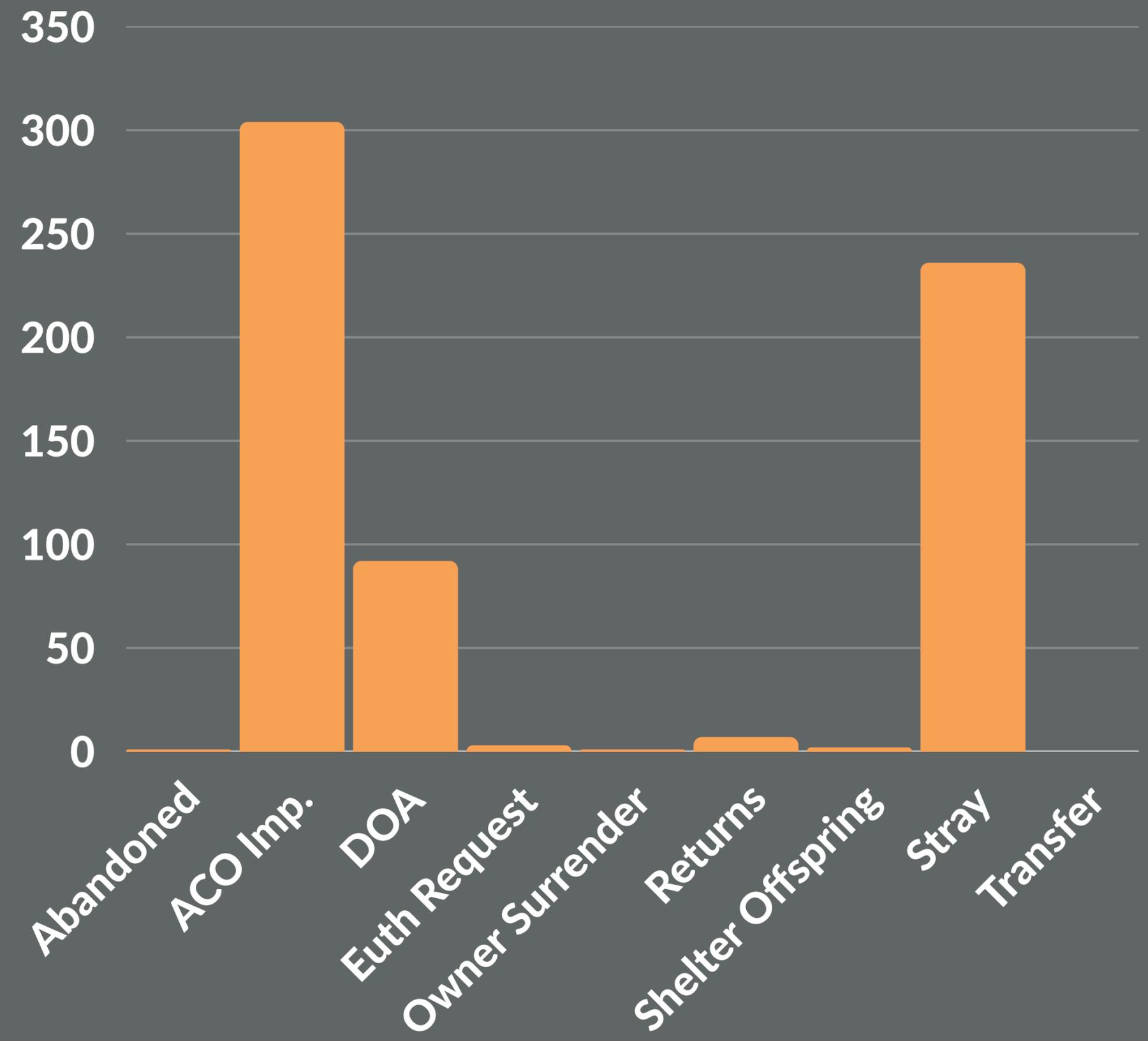
# MILLCREEK INTAKE BY SPECIES



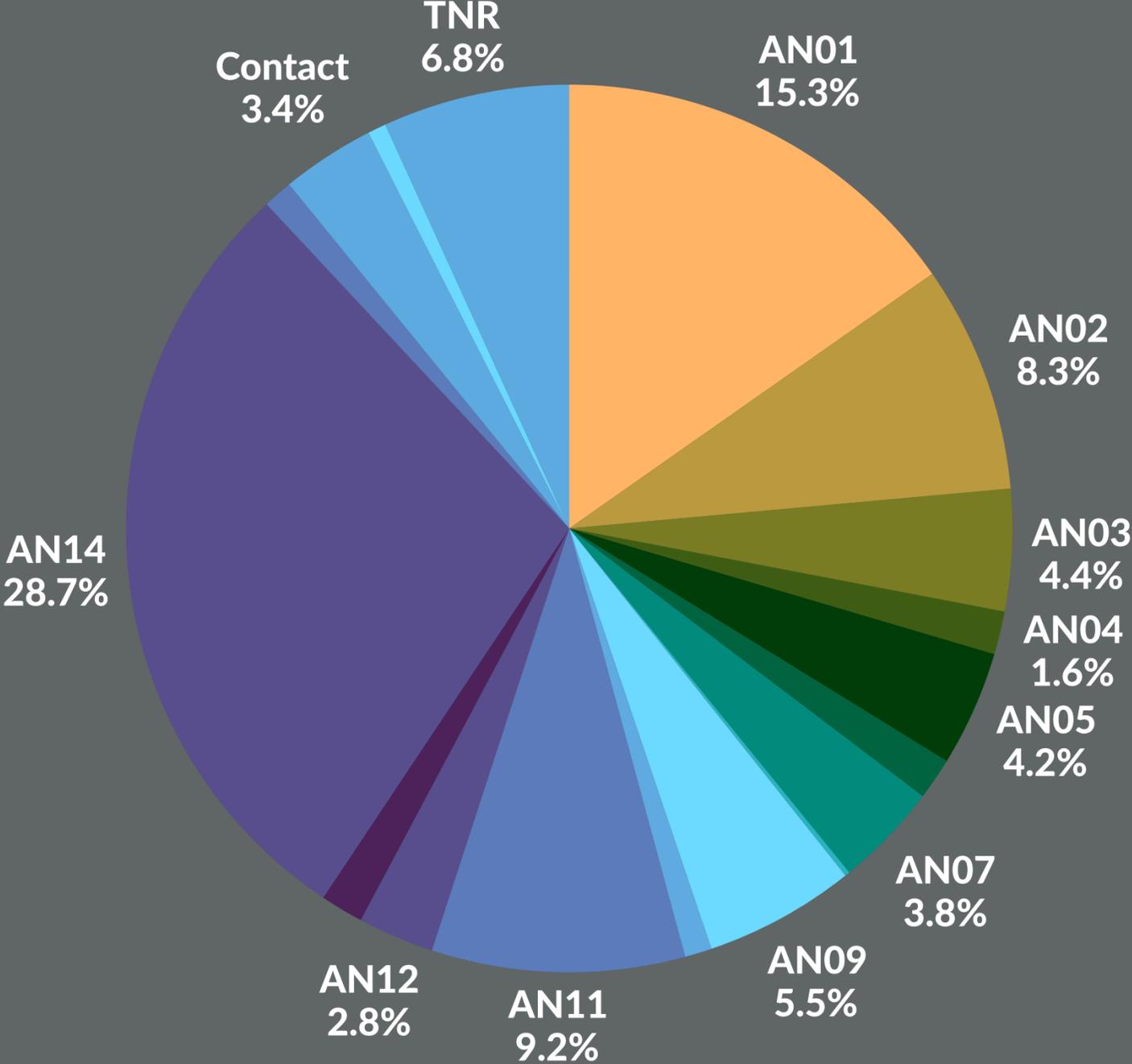
Species	2025
Amphibian/Reptile	4
Bird	5
Cat	206
Crab/Fish	0
Dog	200
Small Mammal	30
Livestock	4
Insect/Arachnid	0
Kitten	109
Puppy	29
Wildlife	59
<b>Totals</b>	<b>646</b>

# MILLCREEK INTAKE BY TYPE

Circumstance	2025
Abandoned	1
ACO Impound	304
DOA	92
Euth Request	3
Owner Surrender	1
Returns	7
Shelter Offspring	2
Stray (over the counter)	236
Transfer	0
Totals	646



# MILLCREEK FIELD STATISTICS



Call Type	4th Quarter	2025
AN01 - Animal Impound	75	341
AN02 - Animal At Large	64	185
AN03 - Animal Cruelty	21	99
AN04 - Animal In Vehicle	0	35
AN05 - Injured/Sick/In-Distress/Rescue	10	94
AN06 - Wild/Exotic	6	34
AN07 - Animal Attack	24	85
AN08 - Livestock Problem	2	4
AN09 - Animal Bite	32	123
AN10 - Home Quarantine Release	4	22
AN11 - Animal Nuisance	47	206
AN12 - Agency Assist	16	62
AN13 - Special Assignment	5	35
AN14 - Citizen Inquiry	132	640
AN15 - Permit Inspection	6	24
Contact	1	76
Patrol	3	15
TNR	44	152
Totals	492	2232

# MILLCREEK LICENSES SOLD 1-1-25 TO 12-31-25

LICENSE TYPE	TOTALS
ANNUAL	920
SENIOR ANNUAL	542
DANGEROUS DOG	2
RESIDENTIAL PERMITS	18
TOTAL	1482



# MURRAY URBAN WILDLIFE PROGRAM

- THE STATISTICS FOR THIS PROGRAM IS TRACKED AND GENERATED BY THE USDA APHIS.



**TECHNICAL ASSISTANCE**

**DIRECT CONTROL/TRAPPING**

**PERSONAL  
CONSULT**

**WRITTEN/PHONE  
CONSULT**

**RACCOONS**

**STRIPED  
SKUNKS**



**AWAITING STATS FROM USDA**

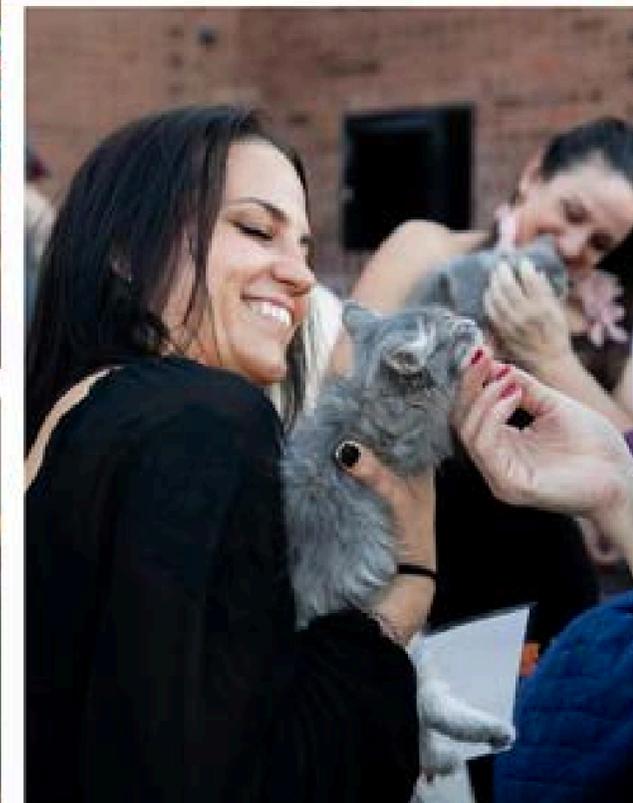
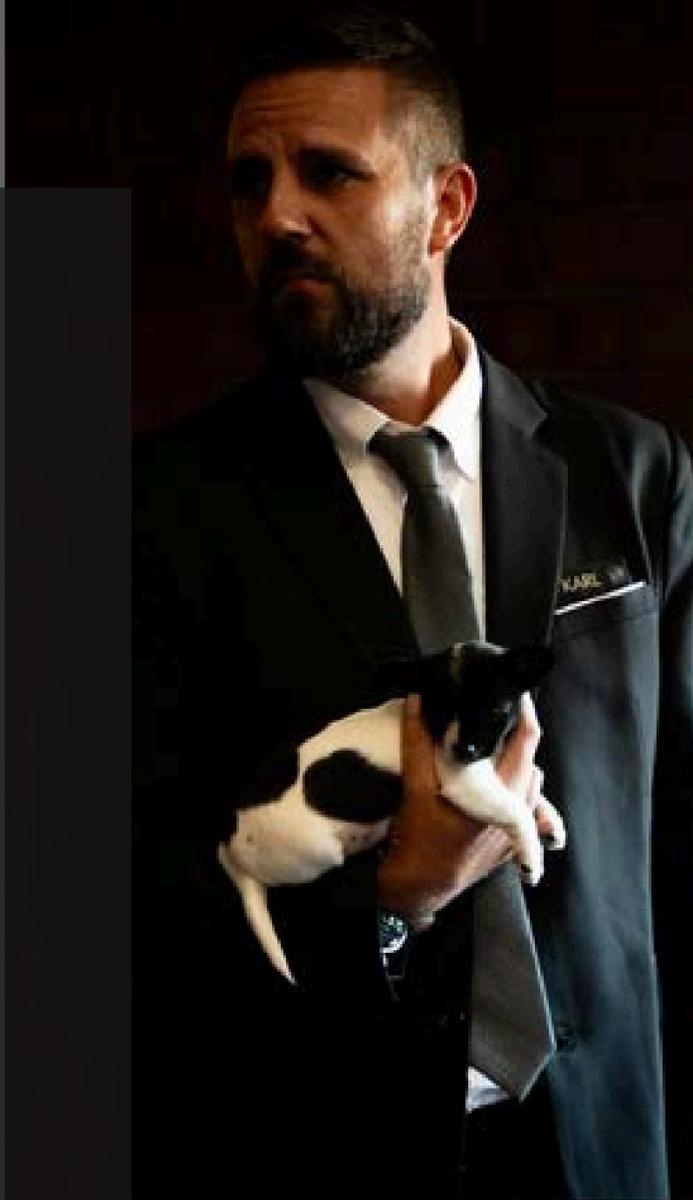
# SPAYGHETTI GALA

WE HOSTED OUR LARGEST ANNUAL FUNDRAISING GALA AT THE SALT LAKE CITY SHERATON.

FEATURING A CASINO NIGHT THEME WE RAISED OVER \$120 THOUSAND FOR OUR SPAY AND NEUTER PROGRAMMING!

Event highlights included:

- Live and silent auction items.
- Raffle prizes.
- Live entertainment
- Pet Psychic
- Puppies & kittens available for adoption



# PETAPALOOZA

WE HOSTED OUR LARGEST ANNUAL ADOPTION EVENT AT WHEELER HISTORIC FARM THIS 2 DAY EVENT FEATURED ADOPTABLE ANIMALS FROM MULTIPLE RESCUES AND LOCAL ANIMAL SHELTERS.

Event highlights included:

- Over 50 vendors
- Live entertainment
- Food trucks
- Free microchips

In total 127 pets found their new homes!



*Pet Assistance on Wheels*



**PAWS**

**THE PAWS MOBILE SERVICE  
CLINIC TRAVELS AROUND SALT  
LAKE COUNTY PROVIDING FREE  
PET STERILIZATIONS,  
VACCINATIONS, AND  
MICROCHIPS!**

**EMAIL  
PAWS@SALTLAKECOUNTY.GOV  
FOR MORE INFO AND TO MAKE  
AN APPOINTMENT**





UNIFIED FIRE AUTHORITY  
QUARTERLY REPORT  
**CITY OF MILLCREEK**

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**QUARTER 4**

OCT. 1, 2025 - DEC. 31, 2025

**MILLCREEK LIAISON**  
Battalion Chief Jon Wilde  
801-243-2890  
[jwilde@unifiedfireut.gov](mailto:jwilde@unifiedfireut.gov)





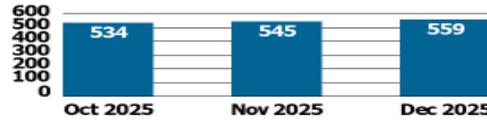
Call Volume

1,638  
TOTAL INCIDENTS

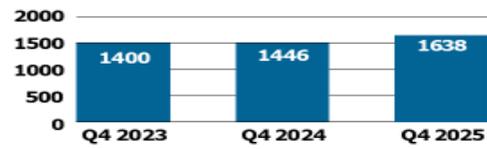
603  
EMERGENT

37%  
%EMERGENT

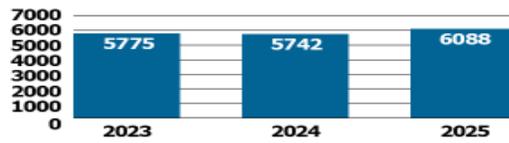
Q4 Monthly Incident Counts



Q4 Quarterly Incident Counts



TOTAL YEARLY INCIDENT COUNTS



Call Type



TOP FIRE CALLS

Structure Fire	15
Outside Rubbish Fire	7
Vehicle Fire	4
Fire, Other	2



TOP EMS CALLS

Short Fall	154
Sick Person	133
Breathing Problem	90
Head Injury	78
Motor Vehicle Crash	50

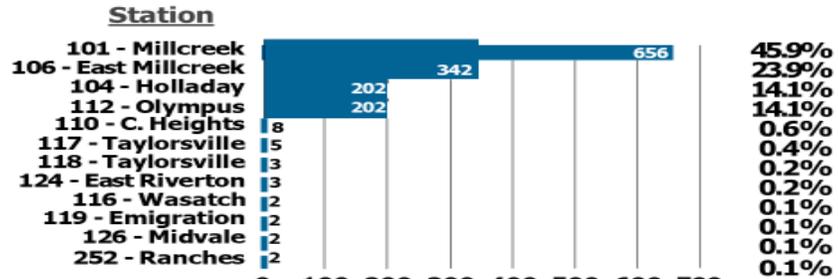


TOP OTHER CALLS

Mutual Aid From Outside Agency	99
Unintentional Detector	47
False Alarm/False Call	42
Public Service Assistance	40
Detector Malfunction	26

Incoming Units

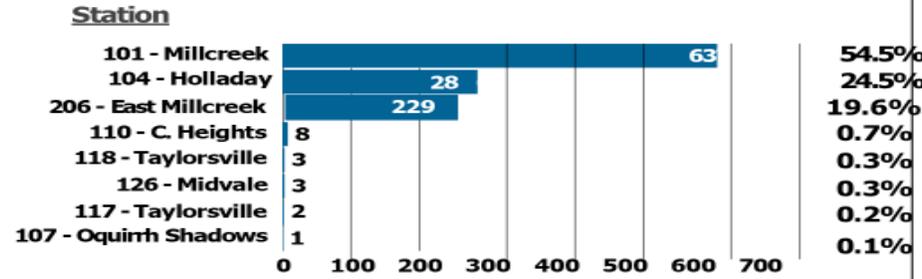
Top Engine/Truck Responses



1,429

TOTAL UNIT RESPONSES

Top Ambulance Responses



1,169

TOTAL UNIT RESPONSES

Emergent Total Time

04:31

50th PERCENTILE

06:51

90th PERCENTILE

\*Dispatch to Arrival (does not include call processing time)



# Current Updates

- New UFA Board Members
- UFA Recruit Camp 61 starting in February
- 8 New Paramedics



# Current Updates

- UFA Promotional Ceremony  
February 2
- Fire School 101  
March 27

## Promotion Ceremony



**Cameron Ascarte**  
Captain



**Matt Ascarte**  
Captain



**Scott Bentley**  
Captain



**Chance Fivas**  
Captain



**Ryan Jensen**  
Captain



**Adam Park**  
Captain



**Mike Thompson**  
Captain



**Erik Van Duren**  
Emergency Management  
Operations Officer

**MONDAY | FEBRUARY 2, 2026 | 6:00PM**

JATC - SOUTH CAMPUS | 12723 PARK AVE | RIVERTON, UT 84065

UNIFIED FIRE AUTHORITY



## Safety Tip

# Dial 211

## Community Resource Directory

- Free
- 24/7
- Easy



**Get Help. Give Help.**  
United Ways of Utah



# 211 UTAH



[Get Help](#)

[About](#)

[Partners](#)

[Contact Us](#)

[Dial 211](#)

English

[En / Es](#)

## Connect to the Help You Need

Search the most comprehensive source of local resources and services in Utah

Northern Utah

Southern Utah

Salt Lake to Cache Counties

Utah to Washington Counties

## Connect With Us



Call Us



Chat With Us



Text Us



Email Us



Get Our App

# Station 106 1911 East 3300 South

- Medic Ladder 106 (ML106)
- Medic Ambulance 206 (MA206)
- Type 6 Engine 106 (E6106)
- Water Tactical Tender 106 (WTT106)



# Station 106



## Medic Ladder 106

- Captain
- Engineer
- Paramedic
- Firefighter-Tiller Operator



# Station 106



## Medic Ambulance 206

- Part Time Paramedic
- Part Time EMT

# Station 106



Water Tactical  
Tender



Type 6 Wildland Engine

QUESTIONS

Millcreek City Hall  
1330 E Chambers Ave  
Millcreek, Utah 84106  
millcreekut.gov



Planning & Zoning  
(801) 214-2700  
planner@millcreekut.gov

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ZT-25-005

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## Staff Report

**Meeting Date:** 26 January 2026

**Applicant:** Millcreek

**Re:** Repeal of Community Council Provisions in Title 18

**Prepared By:** Francis Xavier Lilly, AICP

**Scope of Decision:** **Discretionary.** This is a legislative matter, to be decided by the Millcreek City Council upon receiving a recommendation from the Community Councils and the Millcreek Planning Commission. Your recommendation can be broad in scope, but should consider prior adopted policies, especially the Millcreek General Plan.

## REQUEST AND SYNOPSIS

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The Utah Property Rights Ombudsman was established by state statute to provide information to government entities, private citizens, civic groups, and other interested parties about land use law and property rights, among other things. In August 2024, Millcreek received an informal opinion from the Utah Property Rights Ombudsman on whether Millcreek's four community councils are subject to the requirements of the Utah Open and Public Meetings Act (OPMA). The Ombudsman opined that the community councils are subject to OPMA, in the letter attached to this memorandum.

Staff explored options that would ensure community council compliance with OPMA but could not find a means that would satisfy the requirements of state statute, while protecting the independent legacy of the community councils and addressing other concerns of the city, including insurance liability, overtime demands of staff, and compliance with state elections laws. Accordingly, the City Council determined that best means to protect the city's interests and the independence of the community councils is to sever the formal relationship between the community councils and the city, as that is Ombudsman's formal concern. The City Council repealed Chapter 2.56 of the Millcreek Code of Ordinances at a public meeting held on Monday, January 13, 2026. [Here is a link to a video of the proceedings.](#) Comments were made as part of the public comment period at the beginning of the meeting, and the bulk of the City Council's discussion begins at 58:08.

Additional amendments need to be made to Title 18, which concerns how developments are noticed to the community councils. This memorandum addresses the amendments.

The draft amendments remove references to special notifications and recommending authority for the community councils, and establishes a 21-day noticing period prior to a Planning Commission meeting. This is substantially the same noticing requirement we have now, since Community Councils meet anywhere from two to three weeks prior to a Planning Commission meeting. This new noticing provision will still give community councils time to provide feedback to the Planning Commission or City Council, just like any other resident or community organization.

As a courtesy, planning staff will still notify community council chairs of upcoming agenda items. Additionally, as a pilot project, staff will hold open houses two weeks prior to every planning commission meeting at City Hall. These open houses will give residents and business owners an opportunity to visit with planning staff, and with applicants. The time and date of these open houses will be published on notices that are posted on properties and mailed to affected property owners as required by Millcreek Code. Anyone is invited to these meetings, including community councils. Staff will provide opportunities at these open houses for anyone to write a comment to be included in the public record. Additionally, community councils could make a recommendation after attending these open houses and hearing what their neighbors have to say about an application. The first open house will be held on **Tuesday, February 3, 2026 at 5:00 pm at City Hall**. Every public notice that will be sent out before the February Planning Commission meeting will include a notice for this open house.

Moving forward, any recommendations received in writing at least a week in advance of a Planning Commission will be included in the packet of materials sent to the Planning Commission. Additionally, staff is considering creating project-specific websites for applications, [similar to what Salt Lake City does](#).

The attached code amendments show text to be deleted by a ~~strike-through~~, and text to be added by underlining.

Community Councils were invited to send their recommendations regarding these changes to staff by Tuesday, January 13, 2026. As of the publication of this staff report, only one recommendation was received, by the East Mill Creek Community Council. It is attached to this staff report.

## **RECOMMENDATION**

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At a public meeting held on Wednesday, January 21, 2026, the Millcreek Planning Commission unanimously recommended approval the proposed changes to Title 18, in consideration of the City Council’s decision to repeal Chapter 2.56 of the Millcreek Code of Ordinances, and recommended that staff continue to seek out innovative methods of obtaining quality public comment on applications, particularly prior to a Planning Commission public meeting.

## **ATTACHMENTS**

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- Proposed Code Changes – Redlines
- Letter from the Property Rights Ombudsman
- Letter from the Millcreek Mayor to the Community Councils
- Recommendation from the East Mill Creek Community Council

### **18.13.010 Application Categories And Land Use Authority Designations**

- A. The Land Use Authority is a person, board, commission, or body designated by Millcreek to act upon a land use application.
- B. Millcreek hereby designates land use authorities by application type, as set forth in Table 18.13-1, Land Use Authority Designations.
- C. Depending on the nature of the Land Use Authority designated to act on a land use application, land use applications fall into two categories: Legislative Decisions and Administrative Decisions.
  - 1. Legislative decisions are discretionary and include those application types listed in Table 18.13-1 that the City Council makes upon receiving a recommendation from the Planning Commission **and Community Council(s)**, where applicable.
  - 2. Administrative Decisions consist of all other development approvals and include those application types listed in Table 18.13-1 that are made by the Planning Commission, Planning Director, or Land Use Hearing Officer. Administrative decisions are subject to the appropriate standards of review and shall be made based on findings of fact.

**18.13.020 Designation Of Recommending Bodies And The Role Of Staff In Application Reviews**

- A. Millcreek also establishes the roles of recommending bodies, including the Planning Commission and Community Councils, to make recommendations on certain land use application types, as set forth in Table 18.13-2, Roles of Recommending Bodies by Application Type. No recommendation is required for application types not listed in Table 18.13-2.
- B. Millcreek Staff shall review all applications for completeness and substantial compliance with relevant requirements and may provide recommendations on Land Use Applications before the applicable Land Use Authority.

<b>Table 18.13-2 Roles of Recommending Bodies by Application Type</b>		
<b>Application Type</b>	<b>Community Council</b>	<b>Planning Commission</b>
<b>Legislative Decisions</b>		
General Plan and Future Land Use Map Adoption and Amendment	Recommendation	Recommendation
Land Use Code Text Amendment	Recommendation	Recommendation
Zoning Map Amendment	Recommendation	Recommendation
Development Agreement	Recommendation	Recommendation
Public Street or Municipal Utility Easement Vacation	None	Recommendation
<b>Administrative Decisions – Other Land Use Decisions</b>		
Conditional Use Permit	Recommendation	N/A
Classification Request Determination Review	Recommendation	Recommendation

### 8.13.050 Formal Public Engagement ~~And Community Council Engagement~~ Requirements

A. Certain application types require Formal Public Engagement, including a Public Meeting or a Public Hearing. The type of public engagement applicable to each application type is set forth in MKZ 18.15, Specific Procedures by Application Category and Type. ~~For the purposes of this Title, Community Council meetings are not considered a Formal Public Engagement.~~

1. Public Meetings. Public Meetings are required to be open to the public as set forth in Utah Code Section 52-4-101 et seq., Open and Public Meetings Act. All land use decisions made by the City Council and Planning Commission shall be rendered during open and public meetings. The Planning Director may also conduct public meetings related to land use applications or other land use issues. No public meeting shall commence until all procedures as set forth in MKZ 18.13.060, Public Notice Requirements, are met. The following criteria apply to public meetings:

1. At a public meeting to consider an application, the Land Use Authority shall review the data supplied by the applicant, review the findings and recommendations of the Planning Director, and may take public comment from all interested persons in attendance.
2. The applicant or their designated agent whose application is before the Planning Director, Planning Commission or City Council shall be present at the public meeting.
3. The applicant shall present evidence in support of the application sufficient to enable the reviewing body to consider the matter and make findings on the subject. The applicant has the burden of presenting all necessary and relevant information and evidence in support of the application.

2. Public Hearings. At a public hearing, members of the public are provided a reasonable opportunity to comment on the subject of the hearing. No public hearing shall commence, nor shall public comment be received, until all notice procedures as set forth in MKZ 18.13.060, Public Notice Requirements, are met. The following criteria is applicable to public hearings:

1. At a hearing to consider an application, the reviewing body shall review the data supplied by the applicant, review the findings and

recommendations of the Planning Director, and take testimony from all interested persons in attendance.

2. The applicant or their designated agent whose application is before the Planning Commission or City Council shall be present at the hearing.
3. The applicant shall present evidence sufficient to enable the reviewing body to consider the matter and make findings on the subject. The applicant has the burden of presenting all necessary and relevant information and evidence.

B. Continuances. For Administrative Decisions, the Land Use Authority may allow up to two continuances of a public meeting or public hearing, totaling not more than six months, to hear the matter, so the applicant may make modifications or provide additional information and evidence supporting the application.

1. If an application is continued to a date certain so that the Land Use Authority can receive additional information, then notice of a continuation to a date certain shall be posted on the subject property, but no further publication or mailed notice for a continued public meeting is required.
2. If an application is not continued to a certain date, it requires re-notification following the procedure set forth in MKZ 18.13.060, Public Notice Requirements.

~~C.—Community Council Engagement. Certain application types are required to be subject to review by a relevant community council, which may choose to make a recommendation on that application.~~

~~1.—Community Councils are encouraged to provide written recommendations to the Planning and Zoning Department. If the relevant Community Council does not provide a recommendation on an application, the application shall proceed through the approval process without a Community Council recommendation.~~

~~2.—Where a land use application involves property located within 600 feet of the boundaries of another community council district, the Planning Director shall submit the application for review by the community councils of each community district.~~

~~3.—If a complete application is submitted prior to a Planning Commission meeting held in a month where the applicable Community Council meeting~~

is not scheduled to be held, a Neighborhood Meeting may be utilized in lieu of the Community Council meeting, with a summary report of the meeting provided to the Community Council electronically. This neighborhood meeting must be completed at least seven (7) days prior to the Planning Commission meeting.

### **18.13.060 Public Notice Requirements**

- A. Public Notices are required to inform the public about an application's relevant proceedings. The public notice requirements are intended to provide information regarding the application and relevant public meetings or hearings for the application.
- B. The Land Use Authority, as set forth in Table 18.13-1, shall schedule and hold any required public hearing or public meeting according to the provisions of this Land Use Code and State Statute. Where applicable, the notice shall include the date and time of the meeting of the appropriate recommending body. This section describes the general notice procedure for public meetings and hearings in Millcreek. Noticing requirements follow this section unless otherwise noted in MKZ 18.15, Specific Procedures by Application Category and Type.
- C. Table 18.13-3, Noticing Summary, summarizes the various noticing requirements for each application type. The specific noticing requirements of each application type are more fully described in MKZ 18.15, Specific Procedures by Application Category and Type.
- D. Mailed Notices Procedure. Applications requiring mailed notices as set forth in Table 18.13-3, Noticing Summary shall follow the requirements of Utah Code Section 10-9a-101 et seq., Municipal Land Use, Development, and Management Act, and these procedures unless otherwise noted in in MKZ 18.15, Specific Procedures by Application Category and Type.
- E. Millcreek will mail notices for any application requiring a public meeting or public hearing. The applicant is responsible for the mailing expenses as set forth in the Consolidated Fee Schedule.
  - 1. Mailed notices shall follow the requirements of Utah Code Section 10-9a-205, Notice of public hearings and public meetings on adoption or modification of land use regulation.

2. Mailed notices shall be sent to each owner of record of real property whose property is located partially or entirely within the mailed noticing distance as set forth in Table 18.13-3, unless otherwise set forth in this Title.

a.—For applications where a Community recommendation is requested, mailed notices must be sent at least seven (7) days before the Community Council meeting;

b.—For applications where a Community Council is not requested to make a recommendation, mailed notices must be sent at least ten (10) days prior to the first public hearing or seven (7) days prior to a public meeting;

3. If multiple mailed notices are needed, they may be combined into a single mailed notice with all applicable information.

F. Notice Sign Procedure. Applications requiring a noticing sign on the subject property as set forth in Table 18.13-3 Noticing Summary, shall follow these procedures unless otherwise set forth in MKZ 18.15, Specific Procedures by Application Category and Type.

1. Millcreek shall post notification signage on the subject property with a sign of sufficient size, durability, print quality, and location that is reasonably calculated to give notice to passers-by.
2. The notice shall be posted a minimum of five (5) days prior to the first Formal Public Engagement on the item and shall remain posted on sight until after the final Land Use Authority decision on the matter. If a notice is removed prior to a final decision, the applicant shall promptly notify the Planning Director within one business day, and the City shall replace the notice within one business day thereafter.
3. The notice sign shall state the purpose of the public notice and where interested parties can find out more information on the application and Formal Public Engagement schedule.

G. Online Noticing Procedure. Applications requiring online noticing as set forth in Table 18.13-3 Noticing Summary shall follow these procedures unless otherwise set forth in MKZ 18.15, Specific Procedures by Application Category and Type.

1. Millcreek is responsible for posting notice for any application requiring online noticing on Millcreek's official website no later than 24 hours prior to the first Formal Public Engagement on the item.

2. Millcreek is responsible for posting notice to the Utah Public Notice Website created by Utah Code Section 63A-16-601 no later than ten (10) days prior to the first public meeting or hearing on the item.

H. Hard Copy Notice. A hard copy of any public notice issued by Millcreek shall be posted at Millcreek City Hall at least twenty-four (24) hours prior to a public hearing or a public meeting.

1. Timeframes for Mailed Notice and Notice Sign shall be based on calendar days prior to the first **community Council Meeting or the first** Formal Public Engagement **, whichever comes first**
2. Timeframes for Posting on the Millcreek Website and Utah Public Notice shall be based on calendar days prior to the first Formal Public Engagement.
3. Timeframes for Hard Copy of Notice are based on hours prior to the first formal Public Engagement.

<b>Table 18.13-3 Noticing Summary</b>					
<b>Application Type</b>	<b>Mailed Notice</b>	<b>Mailed Notice Distance (from boundaries of subject property)</b>	<b>Notice Sign (on subject property)</b>	<b>Posting On Millcreek Website and Utah Public Notice Website</b>	<b>Hard Copy of Notice</b>
<b>Legislative Decisions</b>					
General Plan / Future Land Use Map Adoption or Amendment (1)(2)	<b>721</b>	600 feet from subject property for Future Land Use Map Amendments	<b>521</b>	10	24 hours
Land Use Code Text Amendment (1)(2)	<b>721</b>	N/A		10	24 hours

Zoning Map Amendment (1)(2)	721	600 feet from subject property	521	10	24 hours
Zoning Map Amendments - Adoption and Amendments of Village Center Special Districts (1)(2)	721	600 feet from the boundary of the Village Center as designated on the Future Land Use Map of the Millcreek General Plan	521	10	24 hours
Public Street or Municipal Utility Easement Vacation (2)	1021	Each property that is accessed by the public street or municipal utility easement	521	10	24 hours

**Administrative Decisions - Subdivisions**

Minor Subdivision	721	300 feet from subject property	521	7	24 hours
Major Subdivision- Preliminary	721	300 feet from subject property	521	7	24 hours
Subdivision Amendment (2)	721	Affected Property Owners Within a Subdivision	521	7	24 hours
Vacating a Subdivision Plat	721	300 Feet from subject property	521	7	24 hours

**Administrative Decisions – Other Land Use Decisions**

Conditional Use Permit	721	300 Feet from subject property	521	7	24 hours
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**Administrative Decisions – Nonconformities and Variances**

Expansion of a Noncompliant Structure or a Structure Containing a nonconforming use	10	300 Feet from subject property	5	7	24 hours
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I. Table 18.13-3 Notes

1. The Planning Director shall determine if an application is ministerial in nature. If the Planning Director determines that the application is not ministerial in nature, notice shall be provided to the area directly affected by the land use ordinance change.
2. These application types require affected entities to be notified.

### 18.14.030 Neighborhood Meeting

- A. Purpose. A neighborhood meeting is intended for an applicant to inform residents and property owners of potential projects, help solicit neighborhood input on land use application, to provide any additional local information, and give the applicant an opportunity to address any relevant neighborhood concerns prior to submission.
- B. Applicability. A neighborhood meeting for relevant application types is required, as set forth in [MKZ 18.15, Specific Procedures by Application Category and Type](#).
- C. Procedure. It is the applicant's responsibility to conduct the neighborhood meeting. The applicant shall organize the meeting and provide adequate proof of notice to include the following:
1. The applicant shall send a written notice stating the place, date, and time of the neighborhood meeting to all property owners, as identified in the Salt Lake County recorder's records, whose property is within the required notice radius for the land use applications as set forth in [MKZ 18.13.060, Public Notice Requirements](#).
  2. The applicant shall mail notice to all property owners, as identified in the Salt Lake County recorder's records, whose property is within the required notice radius for the land use applications as set forth in [MKZ 18.13.060, Public Notice Requirements](#) via First Class Mail at least one week prior to the neighborhood meeting.
  - ~~3. The applicant shall e-mail notice to members of the relevant community council(s), using email addresses provided by the Planning Director, at least one week before the neighborhood meeting.~~
  3. The neighborhood meeting shall be conducted at a location within Millcreek, which is commonly open to the public.
  4. Phone calls or informal door-to-door contacts shall not constitute a neighborhood meeting.
  5. The record of a neighborhood meeting shall be submitted with the application and shall include:
    - a. A list of all individuals who were notified;
    - b. A roster of attendees; and

c. A statement summarizing the topics discussed at the meeting.

#### 18.14.070 Application Compliance Review For All Other Applications

- A. Purpose. The application review is intended to ensure that a given application is in conformance with the requirements of all applicable standards of the Millcreek Code and other relevant ordinances and statutes. Application review also provides an opportunity to check for the accuracy of documents provided by the applicant.
- B. Applicability. All applications deemed complete are subject to full review by the Planning Director and other relevant reviewing authorities. This Section applies to all applications other than those for Regular Residential Subdivisions.
- C. Procedure.
  - 1. The Planning Director will review the application and determine if it meets the standards of the Millcreek Code. If adjustments are needed to obtain approval, these will be communicated to the applicant in writing. The applicant will then have the opportunity to amend the application and resubmit it for subsequent review.
  - 2. As part of the initial review, the Planning Director shall refer the development application to the appropriate review agencies and specify the timeframe for comments to be due back to the Planning Director.
  - 3. Upon an application's resubmittal for a subsequent review, it shall be reviewed by the agencies who requested revisions.
  - 4. After the Planning Director determines that the application meets all applicable standards, the Planning Director shall schedule the first public meeting or public hearing, if required, and prepare a staff report. The staff report shall be made available for inspection and copying by the applicant and the public prior to any scheduled public hearing(s) on the application. The staff report shall indicate whether, in the opinion of the Planning Director, the development application complies with all applicable standards of this Code.
  - 5. If the Planning Director is the Land Use Authority, an application may be approved upon the finding that all necessary revisions have been made and the application is compliant with the regulations of this Code.
  - 6. No application may be scheduled for **a review and recommendation by a community council, if applicable, or** a public meeting or public hearing without a review for compliance with the Code and applicable regulations.

7. When the City utilizes a third party review for technical documents or studies, a fee shall be assessed for the additional review as paid by applicant. Such costs shall be based on an estimate provided by the third-party reviewer of the City's choosing and paid for in advance by a deposit by the applicant or developer. Unused funds shall be returned to the applicant, without interest. Such studies or peer reviews may be required for any application identified to be in sensitive lands.

**18.14.080 Public Notice**

- A. Purpose. Certain application types require public notice to inform the public about the applicant’s relevant proceedings of an applicant and allow the public to participate ~~in community council meetings, if applicable, and~~ in a Formal Public Engagement as required.
- B. Applicability. Public notice is required for the application types listed in table 18.13-3, Noticing Summary, or as set forth elsewhere in this Title. The Planning Director shall prepare public notices after a complete and accurate application has been reviewed by the Planning Director for compliance with applicable requirements.
- C. Procedure. Providing public notice shall follow the procedures as set forth in MKZ 18.13.060, Public Notice Requirements, or as set forth elsewhere in this Title.

**18.14.090 Formal Public Engagement ~~And Community Council Engagement~~**

- A. Purpose. Formal Public Engagement ~~and Community Council Engagement are~~ is required for certain application types so that the public can participate in the proceedings of applicable community councils and public bodies that make recommendations or decisions on land use applications.
- B. Applicability. Formal Public Engagement ~~and Community Council Engagement are~~ is required for the application types listed in Table 18.13-3 Noticing Summary, or as set forth elsewhere in this Title.
- C. Procedure. Providing public notice shall follow the procedures as set forth in MKZ 18.13.060, Public Notice Requirements, or as set forth elsewhere in this Title.

## **18.15.010 Legislative Decisions**

### A. General Plan and Future Land Use Map Adoption or Amendment

1. Purpose. The City Council may adopt or amend the General Plan and Future Land Use Map, including amending the number, shape, boundaries, or area of any designation on the Future Land Use Map. The purpose of this Section is to provide standards to amend the text and/or maps of the General Plan. The amendment process is established to provide flexibility in response to changing circumstances, to reflect changes in public policy, and to advance the general welfare of Millcreek. A summary of meeting and noticing requirements for applications for General Plan and Future Land Use Map Adoptions or Amendments is set forth in Table 18.15-1.
2. Applicability. The City or any person may file an application requesting an amendment to the General Plan or Future Land Use Map. Applications for General Plan and Future Land Use Map Adoption or Amendments shall include the reasons or basis upon which the applicant believes the general plan should be amended. Amendments to the General Plan and Future Land Use Map shall comply with the procedures set forth in Utah Code Section 10-9a-101 et seq., Municipal Land Use, Development, and Management Act. No application may be filed by any property to amend any part of the general plan for a period of one year after adoption of such part of the general plan by the council.
3. Procedure. The following application steps, as set forth in MKZ 18.14, Land Use Application Steps, are required.
  - a. Pre-Application Consultation
  - b. Neighborhood Meeting
  - c. Application Submittal. As the Planning Director determines, an associated Development agreement may be required. A Development Agreement must be considered concurrently with the application and shall follow the procedure as set forth in this chapter. If a Future Land Use Map Amendment is approved subject to a Development Agreement, the approval of the Future Land Use Map Amendment shall be made effective upon recording of an executed Development Agreement.
  - d. Application Completeness Review

- e. Application Compliance Review. Upon completion of the review, the Planning Director shall make a recommendation.
- f. Public Notice. Mailed notices are required as part of any future land use map amendment.
- g. Formal Public Engagement

~~(1) The application shall be presented to the relevant Community Council(s) for a recommendation; and~~

(1) The Planning Commission shall hold a public hearing and make a recommendation to the Land Use Authority; and

(2) The City Council shall hold a public meeting and shall be the Land Use Authority for General Plan and Future Land Use Map Adoption or Amendment applications.

b. Decision.

2. Submittal Requirements. Any person seeking an amendment to the General Plan or Future Land Use Map shall submit a complete application, a completed General Plan or Future Land Use Map Adoption or Amendment Checklist, and a fee as set forth in MKZ 18.13.040, Submittal Requirements in General, and any other relevant supporting documentation, maps, studies and any other information that would inform Staff and the Planning Commission in making a recommendation, and that would allow the City Council to make a decision.

<b>Table 18.15-1 General Plan and Future Land Use Map Adoption or Amendment Meeting and Noticing Requirements</b>		
<b><i>Application Procedure Steps</i></b>	<b><i>Requirement</i></b>	<b><i>Code Reference</i></b>
Pre-Application Consultation	Required	<u>MKZ 18.14.010</u>
Neighborhood Meeting	Required	<u>MKZ 18.14.030</u>

Community Council Recommendation	Required	<u>MKZ</u> <u>18.14.090</u>
Planning Commission Public Hearing and Recommendation	Required	<u>MKZ</u> <u>18.13.050</u> <u>MKZ</u> <u>18.14.090</u>
City Council Public Meeting	Required	<u>MKZ</u> <u>18.13.050</u> <u>MKZ</u> <u>18.14.090</u>
Mailed Notice to Affected Entities	Required	<u>MKZ</u> <u>18.13.060</u>
Mailed Noticing Requirement for Property Owners – Distance	600 feet	<u>MKZ</u> <u>18.13.060</u>
Mailed Noticing Requirement – Time	721 days prior to the first Community Council Meeting formal public engagement	<u>MKZ</u> <u>18.13.060</u>

3. Disapproval of General Plan and Future Land Use Map Adoption or Amendment. Disapproval of an application to amend the general plan shall preclude the filing of another application to amend the general plan text in the same or similar manner or to amend the general plan map for any property, or any portion thereof, to the same land use designation within two years of the date of the final disapproval of the application unless the City Council finds that there has been a substantial change in the circumstances or other significant reasons since the disapproval of the application to merit consideration of a second application within the two-year time period, upon receiving a recommendation on the matter from the Planning Commission.

B. Land Use Code Text Amendment

1. Purpose. The City Council may amend the text of any land use ordinance. The purpose of this Section is to provide standards to amend the text of the Land Use Code. The Land Use Code Text Amendment procedure is established to provide flexibility in response to changing circumstances, to reflect changes in public policy, and to advance the general welfare of Millcreek. A summary of meeting and noticing requirements for applications for Land Use Code Text Amendments is set forth in Table 18.15-2.
2. Applicability. The City or any person may file an application requesting an amendment to the text of this Land Use Code. Applications for Land Use Code Text Amendments shall include the reasons or basis upon which the applicant believes the Land Use Code should be amended. Amendments to the Land Use Code shall comply with the procedures set forth in Utah Code Section 10-9a-101 et seq., Municipal Land Use, Development, and Management Act.
3. Procedure. The following application steps, as set forth in MKZ 18.14, Land Use Application Steps, are required.
  - a. Pre-Application Consultation
  - b. Application Submittal. As the Planning Director determines, an associated Development Agreement may be required. A Development Agreement must be considered concurrently with a Land Use Text Amendment application and shall follow the procedure set forth in this chapter. If a Land Use Code Text Amendment is approved subject to a Development Agreement, the approval of the Land Use Code Text Amendment shall be made effective upon recording of an executed Development Agreement.
  - c. Application Completeness Review
  - d. Application Compliance Review. Upon completion of the review, the Planning Director shall make a recommendation.
  - e. Public Notice
  - f. Formal Public Engagement

~~(1) The application shall be presented to all Community Councils for a recommendation; and~~

(1) The Planning Commission shall hold a public hearing and make a recommendation; and

(2) The City Council shall hold a public meeting and shall be the Land Use Authority for Land Use Code Text Amendment applications.

b. Decision.

2. Submittal Requirements. Any person seeking an amendment to the Land Use Code shall submit a complete application, a completed Land Use Code Amendment Checklist, and a fee as set forth in MKZ 18.13.040, Submittal Requirements in General, and any other relevant supporting documentation, maps, studies, any other information that would inform Staff and the Planning Commission in making a recommendation, and that would allow the City Council to make a decision.

<b>Table 18.15-2 Land Use Code Text Amendment Meeting and Noticing Requirements</b>		
<b><i>Application Procedure Steps</i></b>	<b><i>Requirement</i></b>	<b><i>Code Reference</i></b>
Pre-Application Consultation	Required	<u>MKZ 18.14.010</u>
<b>Community Council Recommendation</b>	<b>Required</b>	<b><u>MKZ 18.13.050</u></b>
Planning Commission Public Hearing and Recommendation	Required	<u>MKZ 18.13.050</u> <u>MKZ 18.14.090</u>
City Council Public Meeting	Required	<u>MKZ 18.13.050</u> <u>MKZ 18.14.090</u>
Mailed Notice to Affected Entities	Required	<u>MKZ 18.13.060</u>

Mailed Noticing Requirement – Time	7 21 days prior to the first <b>Community Council Meeting formal public engagement</b>	<u>MKZ 18.13.060</u>
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## B. Zoning Map Amendment

1. Purpose. The City Council may amend the number, shape, boundaries, or area of any zone. The purpose of this Section is to provide standards to amend the boundaries of any zone district, or the zone classification of any property in a zone district. The Zoning Map Amendment procedure is established to provide flexibility in response to changing circumstances, to reflect changes in public policy, and to advance the general welfare of Millcreek. A summary of meeting and noticing requirements for applications for Land Use Code Text Amendments is set forth in Table 18.15-3.
2. Applicability. The City or any person may file an application requesting an amendment to the Official Zoning Map. Zoning Map Amendment applications shall include the reasons or basis upon which the applicant believes the Zoning Map should be amended.
3. Procedure. The following application steps, as set forth in MKZ 18.14, Land Use Application Steps, are required.
  - a. Pre-Application Consultation
  - b. Concept Review
  - c. Neighborhood Meeting
  - d. Application Submittal. As the Planning Director determines, an associated Development agreement may be required. A Development Agreement must be considered concurrently with a Zoning Map Amendment application and shall follow the procedure as set forth in this chapter. If a Zoning Map Amendment is approved subject to a Development Agreement, the approval of the Zoning Map Amendment shall be made effective upon recording of an executed Development Agreement.
  - e. Application Completeness Review

- f. Application Compliance Review. Upon completion of the review, the Planning Director shall make a recommendation.
- g. Public Notice
- h. Formal Public Engagement

~~(1) The application shall be presented to the relevant Community Council(s) for a recommendation; and~~

~~(1) The Planning Commission shall hold a public hearing and make a recommendation; and~~

~~(2) The City Council shall hold a public meeting and shall be the Land Use Authority for Zoning Map Amendment applications.~~

- i. Decision.

2. Submittal Requirements. Any person seeking a Zoning Map Amendment shall submit a complete application, a completed Zoning Map Amendment Checklist, and a fee as set forth in MKZ 18.13.040, Submittal Requirements in General, and any other relevant supporting documentation, maps, studies, and any other information that would inform Staff and the Planning Commission in making a recommendation, and allow the City Council to make a decision.

3. Conditions to Zoning Map Amendment.

- i. In order to provide more specific land use designations and land development suitability; to insure that proposed development is compatible with surrounding neighborhoods; and to provide notice to property owners of limitations and requirements for development of property, conditions may be attached to any zoning map amendment which limit or restrict the following:

~~(1) Uses;~~

~~(2) Dwelling Unit Density;~~

~~(3) Building Square Footage;~~

~~(4) Height of Buildings or Structures~~

- j. A zoning map amendment attaching any of the conditions set forth in subsection A shall be designated ZC after the zoning classification on the zoning map.
- k. In the event any zoning condition is declared invalid by a court of competent jurisdiction, then the entire zoning map amendment shall be void. Any deletion in or change to zoning condition shall be considered an amendment to the zoning ordinance and shall be subject to the requirements of this chapter.

<b>Table 18.15-3 Zoning Map Amendment Meeting and Noticing Requirements</b>		
<b><i>Application Procedure Steps</i></b>	<b><i>Requirement</i></b>	<b><i>Code Reference</i></b>
Pre-Application Consultation	Required	<u>MKZ 18.14.010</u>
Concept Review	Required	<u>MKZ 18.14.020</u>
Neighborhood Meeting	Required	<u>MKZ 18.14.030</u>
<b>Community Council Recommendation</b>	<b>Required</b>	<b><u>MKZ 18.13.050</u></b>
Planning Commission Public Hearing and Recommendation	Required	<u>MKZ 18.13.050</u> <u>MKZ 18.14.090</u>
City Council Public Meeting	Required	<u>MKZ 18.13.050</u> <u>MKZ 18.14.090</u>
Mailed Notice to Affected Entities	Required	<u>MKZ 18.13.060</u>

Mailed Noticing Requirement for Property Owners – Distance	600 feet	<u>MKZ 18.13.060</u>
Mailed Noticing Requirement – Time	7 21 days prior to the first Community Council Meeting formal public engagement	<u>MKZ 18.13.060</u>

## B. Development Agreement

1. Purpose. The purpose of this Section is to provide standards for the consideration and adoption of Development Agreements as part of applications for Legislative Decisions. Development agreements are intended to stipulate specific unique details of a development proposal that exceed the standards of the Code, in order to establish a clear understanding of timing, responsibility, and other relevant details regarding a proposal and its supporting infrastructure.
2. Applicability. A Development Agreement is a voluntary agreement between Millcreek and the Applicant. A Development Agreement must be submitted concurrently with a land use application for a Legislative Decision, along with a completed Development Agreement Checklist.
3. Procedure. Approval of a Development Agreement shall follow the procedure for the relevant application type.
4. Minimum Standards. The Development Agreement shall include, at a minimum, the following:
  - i. Site plans and building elevations.
  - j. A detailed narrative of materials, design, uses, public and private amenities, landscaping, parking, lighting, signs, utilities, and any other detail that is relevant to the Development Agreement.
  - k. A list of all agreed-upon public improvements, an estimate of the cost of such improvements, the proposed form of construction security for the improvements, and any other provisions or conditions deemed necessary by Millcreek to ensure that all public improvements will be

completed in a timely, cost-effective manner that meets Millcreek's standards.

- l. A clause that states that the developer would not object to a decision by the City to initiate a Zoning Map Amendment for the property and withdraw from the Development Agreement if a building permit is not applied for within two (2) years of execution of the Development Agreement, or if the Development Agreement is not recorded within sixty (60) days of execution of the Agreement.
5. Submittal Requirements. Any person seeking a Development Agreement as part of a land use application for a Legislative Decision shall submit an additional fee as set forth in MKZ 18.13.040, Submittal Requirements in General, shall follow the application procedure and submittal requirements for the relevant application type, and shall submit and any other relevant supporting documentation, maps, studies and any other information that would inform Staff and the Planning Commission in making a recommendation, and allow the City Council to make a decision.

#### **18.15.020 Administrative Decisions**

##### A. Minor Subdivision

1. The purpose of this Section is to provide standards for Minor Subdivisions. Minor Subdivisions are intended to provide a streamlined review for small-scale projects with limited impact. A Minor Subdivision is required prior to issuance of a grading permit, if applicable, or building permit or other minor development activities. A summary of meeting and noticing requirements for applications Minor Subdivisions is set forth in Table 18.15-4.
2. Applicability. The minor subdivision procedure applies to a property creating or modifying three (3) lots or fewer. Plats involving four (4) or more lots are not eligible for the Minor Subdivision procedure.
3. Procedure. Unless noted otherwise, the following application steps are required, as set forth in MKZ 18.14, Land Use Application Steps.
  - a. Pre-application Consultation. This is optional at the applicant's request for Regular Residential Subdivisions and required for all other subdivisions. If the applicant requests a pre-application consultation,

Millcreek shall schedule it within fifteen (15) days to review the concept plan and give initial feedback.

- b. Concept Review. This is optional at the applicant's request for Regular Residential Subdivisions and required for all other subdivisions.
  - c. Application Submittal.
  - d. Application Completeness Review. Application completeness reviews for Regular Residential Subdivisions are subject to the standards as set forth in MKZ 18.14.050.
  - e. Subdivision Plan Review. A subdivision plan review for Regular Residential Subdivisions includes the engineering drawings that are subject to the standards as set forth in this Title and constitute the subdivision improvement plans as identified in Utah Code Section 10-9a-604.2.
  - f. Application Compliance Review.
  - g. Public Notice.
  - h. Formal Public Engagement. The Planning Director shall hold a public meeting and shall be the Land Use Authority for Minor Subdivision applications.
  - i. Decision and Findings.
4. Approval Criteria. The Planning Director shall approve the request if:
- a. The minor subdivision creates no more than three (3) lots in total.
  - b. The minor subdivision does not create remnant or otherwise unusable lots or parcels.
  - c. The minor subdivision is consistent with and complies with the requirements of the specific zoning district in which it is located.
  - d. The lots created with the proposed minor subdivision have a buildable area that would not require a future variance to construct the use the lot is intended for.
  - e. As applicable, the minor subdivision is consistent with the terms and conditions of any previously approved plat.

- f. The minor subdivision will not limit Millcreek's ability to provide facilities or services effectively.
  - g. No new lot nor any lot affected by the subdivision will have a noncomplying structure or a structure occupied by a nonconforming use, unless the lot created for the purpose of dividing a legally-established two-household dwelling pursuant to the standards as set forth in MKZ 18.26.
- 5. Submittal Requirements. Any person seeking a Minor Subdivision shall submit a complete application, a completed Subdivision Requirements Checklist, and a fee as set forth in MKZ 18.13.040, Submittal Requirements in General, a Title report that correctly discloses all recorded matters of title regarding the property and which is prepared and dated not more than ninety (90) days before the proposed recordation of the subdivision, and any other relevant supporting documentation, maps, studies and any other information that would inform Staff and allow the Land Use Authority to make a decision.
- 6. Development Improvement Completion Assurance. Before an applicant conducts any development activity on a minor subdivision or records a plat, the applicant shall complete any required landscaping or infrastructure improvements or post an improvement competition assurance for any required public landscaping or infrastructure improvements as set forth in MKC 14.12.070.
- 7. Requirements Prior to Recording a Subdivision Plat. The subdivision plat may not be recorded until all of the following items have been completed:
  - a. The final plat has been approved and signed by the City Engineer, Planning Director, and City Attorney, or designee certifying that all requirements have been met.
  - b. The Mayor's signature and City Recorder's attestation have been applied to the Mylar plat drawing.
  - c. The improvement guarantee determined by the City Engineer and approved by the City Attorney, or designee, has been properly posted with the City.
  - d. All necessary deeds, easements, and agreements have been executed and submitted to the City.

8. Expiration. Failure to submit the approved minor subdivision for recording within twelve (12) months after the date of the approval letter shall void the approval and the subdivider shall be required to submit a new minor subdivision application for review. Prior to the expiration of the six (6) month period, the Planning Director may grant up to one extension as set forth in MKZ 18.12.030, Expirations and Extensions of Land Use Approvals.

<b>Table 18.15-4 Minor Subdivision Meeting and Noticing Requirements</b>		
<b><i>Application Procedure Steps</i></b>	<b><i>Requirement</i></b>	<b><i>Code Reference</i></b>
Pre-Application Consultation	Optional for Regular Residential Subdivisions. Required for all other Subdivisions.	<u>MKZ 18.14.010</u>
Concept Review	Optional for Regular Residential Subdivisions. Required for all other Subdivisions.	<u>MKZ 18.14.020</u>
Planning Director Public Meeting	Required	<u>MKZ 18.13.050</u> <u>MKZ 18.14.090</u>
Mailed Noticing Requirement for Property Owners – Distance	300 feet	<u>MKZ 18.13.060</u>
Mailed Noticing Requirement – Time	7 days prior to Planning Director Public Meeting	<u>MKZ 18.13.060</u>

#### B. Major Subdivision

1. The purpose of this Section is to provide standards for Major Subdivisions. Major subdivisions are intended to ensure lots and development conform with zoning regulations, and all applicable Millcreek standards. A summary of meeting and noticing requirements for applications for Major Subdivisions is set forth in Table 18.15-5.
2. Applicability. The major subdivision procedure is required for a proposed division of land when one (1) or more of the following conditions exist:

- a. The resultant subdivision will produce four (4) or more lots; or
  - b. The subdivision is not otherwise eligible for approval as a Minor Subdivision.
3. Procedure Overview. Major Subdivisions require two (2) steps.
  - a. Preliminary Subdivision, which requires approval by the Planning Commission; and
  - b. Final Subdivision, which requires approval by the Planning Director.
4. Preliminary Subdivision Procedure. The following application steps, as set forth in MKZ 18.14, Land Use Application Steps, are required, unless noted otherwise.
  - a. Pre-application Consultation. This is optional for Regular Residential Subdivisions and required for all other subdivisions.
  - b. Concept Review. This is optional at the applicant's request for Regular Residential Subdivisions and required for all other subdivisions.
  - c. Application Submittal
  - d. Application Completeness Review. Application completeness reviews for Regular Residential Subdivisions are subject to the standards as set forth in MKZ 18.14.050.
  - e. Subdivision Plan Review. A subdivision plan review for Regular Residential Subdivisions includes the engineering drawings that are subject to the standards as set forth in this Title and constitute the subdivision improvement plans as identified in Utah Code Section 10-9a-604.2.
  - f. Application Compliance Review. Upon completion of the review, the Planning Director shall make a recommendation.
  - g. Public Notice.
  - h. Formal Public Engagement. The Planning Commission shall hold a public meeting and shall be the Land Use Authority for preliminary approval of Major Subdivision applications.
  - i. Decision and Findings.
5. Approval Criteria. The Planning Commission shall approve the request if:

- a. The Preliminary Subdivision is consistent with and complies with the requirements of the specific zoning district in which the Preliminary Subdivision is located and the applicable requirements of this Code and other applicable Millcreek and State requirements.
  - b. As applicable, the Preliminary Subdivision is consistent with the terms and conditions of any previously approved development plan or Development Agreements.
  - c. Provides a layout of lots, streets, blocks, driveways, utilities, drainage, and other public facilities as required by all applicable standards of this Code and applicable regulations and standards.
  - d. The project preserves, protects, integrates, or mitigates impacts to any identified sensitive lands or geologic hazards associated with the property.
  - e. The Subdivision will not impair the ability of Millcreek or any public utility provider to provide facilities or services effectively.
  - f. The engineering drawings and subdivision improvement plans comply with all applicable standards of this Title and other applicable Millcreek and State requirements.
  - g. The Planning Commission may not approve a Preliminary Subdivision with a noncomplying structure or a structure occupied by a nonconforming use.
6. Submittal Requirements. Any person seeking a Major Subdivision shall submit a complete application, a completed Subdivision Requirements Checklist, all required engineering drawings and subdivision improvement plans, and a fee as set forth in MKZ 18.13.040, Submittal Requirements in General, a Title report that correctly discloses all recorded matters of title regarding the property and which is prepared and dated not more than ninety (90) days before the proposed recordation of the subdivision, and any other relevant supporting documentation, maps, studies and any other information that would inform Staff and allow the Land Use Authority to make a decision.
  7. Post Approval Action. Following Preliminary Subdivision approval, the Planning Director shall issue a timely written record of the decision, including any additional requirements of approval, along with a copy of the approved

plat, plans, reports, and studies that were presented in the public meeting, as set forth in MKZ 18.14.100, Decision and Findings.

8. Subdivision Expiration. Approval of a Preliminary Subdivision shall be effective for twelve (12) months following the date of the Planning Commission approval. An approved Subdivision shall expire and be of no further force and effect if the subdivision or a phase of the subdivision has not been submitted within twelve (12) months after the date of the approval. In the case of phased Subdivision submission, the approval of the remaining portion of the Preliminary Subdivision shall automatically gain an extension of six (6) months, up to a maximum number of years specified by the Planning Commission at the time of approval of the initial phase. Prior to the expiration of the six (6) month period, the Planning Director may grant one extension of six (6) months as set forth in MKZ 18.12.030, Expirations and Extensions of Land Use Approvals.
9. Development Improvement Completion Assurance. Before an applicant conducts any development activity on a minor subdivision or records a plat, the applicant shall complete any required landscaping or infrastructure improvements or post an improvement competition assurance for any required public landscaping or infrastructure improvements as set forth in MKC 14.12.070.
10. Requirements Prior to Recording a Subdivision Plat. The subdivision plat may not be recorded until all of the following items have been completed:
  - a. The final plat has been approved and signed by the City Engineer, Planning Director, and City Attorney, or designee certifying that all requirements have been met.
  - b. The Mayor's signature and City Recorder's attestation have been applied to the Mylar plat drawing.
  - c. The improvement guarantee determined by the City Engineer and approved by the City Attorney, or designee, has been properly posted with the City.
  - d. All necessary deeds, easements, and agreements have been executed and submitted to the City.
11. Final Subdivision Approval. After the Planning Commission issues a preliminary approval of a Major Subdivision, the Planning Director shall

commence a final compliance review of the subdivision application and shall issue a Final Subdivision Approval. The Planning Director shall approve, conditionally approve, or deny the Final Subdivision and approve the plat based on the approval criteria in this section. The Planning Director shall confirm that:

- a. The Final Subdivision is in conformance with the previously approved Preliminary Subdivision and any conditions imposed by the Planning Commission; and
- b. The Final Subdivision will comply with the applicable requirements of this Code and other applicable Millcreek and State requirements.
- c. The final plat has been approved and signed by the City Engineer, Planning Director, and City Attorney, or designee certifying that all requirements have been met.
- d. The Mayor's signature and City Recorder's attestation have been applied to the Mylar plat drawing.
- e. The improvement guarantee determined by the City Engineer and approved by the City Attorney, or designee, has been properly posted with the City.
- f. All necessary deeds, easements, and agreements have been executed and submitted to the City.

12. Expiration. Failure to submit the approved major subdivision for recording within twelve (12) months after the date of the approval letter shall automatically expire the approval. The applicant of an expired subdivision will be required to submit a new subdivision application for review. Prior to the expiration of the twelve (12) month period, the Planning Director may grant up to one extension as set forth in MKZ 18.12.030, Expirations and Extensions of Land Use Approvals.

<b>Table 18.15-5 Major Subdivision Meeting and Noticing Requirements</b>		
<b><i>Application Steps</i></b>	<b><i>Requirement</i></b>	<b><i>Code Reference</i></b>

<b><i>Preliminary Subdivision</i></b>		
Pre-Application Consultation	Optional for Regular Residential Subdivisions. Required for all other Subdivisions.	<u>MKZ 18.14.010</u>
Concept Review	Optional for Regular Residential Subdivisions. Required for all other Subdivisions.	<u>MKZ 18.14.020</u>
Neighborhood Meeting	Optional for Regular Residential Subdivisions. Required for all other Subdivisions.	<u>MKZ 18.14.030</u>
Planning Commission Public Meeting	Required	<u>MKZ 18.13.050</u> <u>MKZ 18.14.090</u>
Mailed Noticing Requirement for Property Owners – Distance	300 feet	<u>MKZ 18.13.060</u>
Mailed Noticing Requirement – Time	7 days prior to Planning Director Public Meeting	<u>MKZ 18.13.060</u>
<b><i>Final Subdivision</i></b>		
Pre-Application Consultation	Optional	<u>MKZ 18.14.010</u>
Concept Review	Optional	<u>MKZ 18.14.020</u>

C. Condominium Subdivisions, Condominium Conversions, and Condominium Vacations.

1. Purpose. The purpose of this Section is to provide standards for Condominium Subdivisions, Condominium Conversions, and Condominium Vacations as part of an application for a Major Subdivision, a Subdivision Amendment, or a Vacation of a Subdivision Plat. Condominium Subdivisions, Condominium Conversions, and Condominium Vacations shall be reviewed

pursuant to the requirements as set forth in Utah Code Section 57-8-1 et seq., Condominium Ownership Act, et seq. and shall follow the procedures as set forth in this Chapter, with additional requirements as set forth in Utah Code Section 57-8-101 et seq., as amended. Condominium Conversions are intended to allow for existing legally-established multiple-household dwelling developments, including legally-established three-household and four-household dwellings, to be converted into condominiums to promote affordable homeownership in Millcreek.

2. **Applicability.** Any application affecting a plat or property that is defined as a Condominium Plat or Condominium as set forth in Utah Code Section 57-8-1 et seq., Condominium Ownership Act, is subject to the standards of this section.
3. **Procedure.** A Condominium Subdivision or Condominium Vacation shall follow the procedures for a Major Subdivision. Condominium Conversions shall follow the procedures for a Minor Subdivision, and the procedures set forth in this Section.
4. **Condominium Conversion Submittal Requirements.** Any person seeking a Condominium Conversion shall submit a complete Minor Subdivision application, completed Minor Subdivision Requirements and Condominium Conversions Checklists, and a fee as set forth in MKZ 18.13.040, Submittal Requirements in General, a Title report that correctly discloses all recorded matters of title regarding the property and which is prepared and dated not more than ninety (90) days before the proposed recordation of the subdivision, and any other relevant supporting documentation, maps, studies and any other information that would inform Staff and allow the Land Use Authority to make a decision. Additionally, a Property Report must be submitted for any Minor Subdivision application for a Condominium Conversion, and the Property Report shall include the following requirements:
  - a. A site plan indicating the layout of existing and proposed landscaping, parking, lighting, fencing, private and common areas, and amenities, by a licensed surveyor/engineer.
  - b. The age of the building or buildings.
  - c. The general condition, useful life, and capacity of the building's structural elements, including the roof, foundations, mechanical

system, electrical system, plumbing system, boiler, and other structural components.

- d. All known conditions constituting deficiencies requiring repair to meet existing building codes.
  - e. All known conditions which may require repair or replacement within the next succeeding five (5) year period.
  - f. A statement from a third-party building inspector licensed to practice in the State of Utah stating that the structure or structures have been inspected for compliance with the International Building Code minimum standards. If the building inspector finds deficiencies, the applicant shall present plans to bring the structure or structures into conformity with said standards prior to the issuance of certificates of occupancy.
  - g. Where it is determined that physical conditions in an existing building do not allow the strict application of the international building code standard, the Land Use Appeal Authority shall review all requests to vary from these standards and may grant variances or approve alternates where it is determined the intent of the requirement will be met. In any event, there shall be disclosure to buyers of any conditions that do not meet code or standards set by Millcreek.
5. Condominium Conversion Application Compliance Review Requirements. As part of an Application Compliance Review for an application for a Preliminary Major Subdivision, the Application Compliance Review shall include the following actions:
- a. Building Inspection Staff Review. Upon receipt of the application for approval of a condominium project, the building inspection department shall review the proposed building plans for new construction and/or in the case of a conversion project, the property report and plan of improvement, renovations, and repairs to determine conformance with applicable building codes. In the case of a conversion, the department shall require inspections of the property and may require supplementation, revision, and resubmission of the property report where necessary. In the preliminary review report to the Planning Commission, the Chief Building Official or designee shall note corrections, repairs and replacements that must be made to

bring the structures into code compliance, together with a list of renovation improvements proposed by the owner/developer that are not required by code. The Chief Building Official or designee shall also list any requirements of the International Building Code that needs consideration by the Board of Appeal due to unique circumstances associated with the structure. The Chief Building Official or designee may then recommend denial until existing violations of code are corrected or may recommend preliminary approval of the project and building report subject to correction of the violations prior to final approval.

- b. Fire Marshal Review. The Fire Marshal shall inspect each structure proposed for conversion and submit a report to the Planning Director outlining its fire safety conditions. The marshal shall stipulate those conditions requiring improvement, prior to occupancy, in the report.
  - c. Code Compliance Review. The City Code Compliance inspector shall inspect each structure proposed for conversion and submit a report to the Planning Director outlining its conditions regarding municipal code compliance. Millcreek shall identify those conditions requiring improvement in the report prior to being issued final plat approval.
6. Public Notice – Additional Requirements for Condominium Conversions. In addition to the Public Notice requirements for Subdivisions as set forth in MKZ 18.13.060, Public Notice Requirements, the applicant for a Condominium Conversion shall provide written notice of intended conversion to the existing tenants as of the date of the application. Service of the written notice shall be in accordance with a service of a summons as set forth in the Utah Rules of Civil Procedure. The applicants shall provide proof of service stating the date, place, and manner of service, including a copy of the notice.
7. Approval Criteria for Condominium Conversions. The Planning Commission shall approve the request if it satisfies the Preliminary Approval Criteria for Minor Subdivisions as set forth in MKZ 18.15.020 (B). Any condominium conversion shall have a minimum of three (3) legal units or lots. One (1) or more single-household detached dwellings shall not be platted as a condominium development.

8. Requirements Prior to Recording a Subdivision Plat. The subdivision plat may not be recorded until all of the following items have been completed:
  - a. The final plat has been approved and signed by the City Engineer, Planning Director, and City Attorney, or designee certifying that all requirements have been met.
  - b. The Mayor's signature and City Recorder's attestation have been applied to the Mylar plat drawing.
  - c. The improvement guarantee determined by the City Engineer and approved by the City Attorney, or designee, has been properly posted with the City.
  - d. All necessary deeds, easements, and agreements have been executed and submitted to the City.

#### D. Subdivision Amendment for Minor Plat Adjustments

1. Purpose. The purpose of this Section is to provide standards for Subdivision Amendments that make minor changes to lots that are of a small, technical nature, but largely do not affect otherwise approved or existing plats. The Planning Director shall allow such modifications according to the criteria within this Section. A summary of meeting and noticing requirements for applications for Subdivision Amendments for Minor Plat Adjustments is set forth in Table 18.15-6.
2. Applicability. A subdivision amendment may only be considered on approved subdivisions. If an application for a subdivision amendment cannot satisfy the approval criteria in this section, it shall be processed as a Minor or Major Subdivision. Only an owner of land within a platted subdivision, as shown on property records at the office of the County Recorder, may petition the City in writing to amend, alter or vacate any portion of a subdivision.
3. Procedure. The following application steps, as set forth in MKZ 18.14, Land Use Application Steps, are required.
  - a. Pre-Application Consultation.
  - b. Application Submittal.
  - c. Application Completeness Review.
  - d. Application Compliance Review.

- e. Public Notice.
  - f. Formal Public Engagement. The Planning Director shall hold a public meeting and shall be the Land Use Authority for Subdivision Amendment applications.
  - g. Decision and Findings.
4. Approval Criteria. The Planning Director shall approve the request if:
- a. The amended plat is in substantial conformance with the original approved subdivision.
  - b. The amended subdivision does not increase the number of lots or parcels or create new lots or parcels.
  - c. The amended subdivision does not eliminate or move a recorded easement without the prior approval of the easement holder.
  - d. The amended subdivision will not create any nonconformities or increase the degree of nonconformity of any existing structure or use.
  - e. The amended plat complies with all other applicable requirements of this Code, Utah Code Section 10-9a-608, and regulations and standards.
  - f. All proposed vacations, alterations or amendments of subdivision plats must meet the review requirements outlined in this chapter and the requirements of the individual zone in which the subdivision is proposed.
5. Submittal Requirements. Any person seeking a Subdivision Amendment for Minor Plat Adjustments shall submit a complete application, a completed Subdivision Requirements Checklist, a Title Report that correctly discloses all recorded matters of title regarding the property and which is prepared and dated not more than ninety (90) days before the proposed recordation of the subdivision, and a fee as set forth in MKZ 18.13.040, Submittal Requirements in General, and any other relevant supporting documentation, maps, studies and any other information that would inform Staff and allow the Land Use Authority to make a decision.
6. Requirements Prior to Recording a Subdivision Plat. The subdivision plat may not be recorded until all of the following items have been completed:

- a. The final plat has been approved and signed by the City Engineer, Planning Director, and City Attorney, or designee certifying that all requirements have been met.
  - b. The Mayor's signature and City Recorder's attestation have been applied to the Mylar plat drawing.
  - c. The improvement guarantee determined by the City Engineer and approved by the City Attorney, or designee, has been properly posted with the City.
  - d. All necessary deeds, easements, and agreements have been executed and submitted to the City.
7. Expiration. Failure to submit the approved subdivision amendment for recording within six (6) months after the date of the approval letter shall void the approval and the subdivider shall be required to submit a new subdivision amendment application for review. Prior to the expiration of the six (6) month period, the Planning Director may grant up to one extension as set forth in MKZ 18.12.030, Expirations and Extensions of Land Use Approvals.

<b>Table 18.15-6 Subdivision Amendment for Minor Plat Adjustments Meeting and Noticing Requirements</b>		
<b><i>Application Procedure Steps</i></b>	<b><i>Requirement</i></b>	<b><i>Code Reference</i></b>
Pre-Application Consultation	Required	<u>MKZ 18.14.010</u>
Planning Director Public Meeting	Required	<u>MKZ 18.13.050</u> <u>MKZ 18.14.090</u>
Mailed Noticing Requirement for Property Owners – Distance	Affected Property Owners	<u>MKZ 18.13.060</u> <u>MKZ 18.97</u>

Mailed Noticing Requirement – Time	7 days prior to Planning Director Public Meeting	<u>MKZ</u> <u>18.13.060</u>
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E. Boundary Adjustment

1. Purpose. The purpose of this Section is to provide standards for agreements between adjoining property owners to relocate a common boundary that results in a conveyance of property between the adjoining lots, adjoining parcels, or adjoining lots and parcels.

a. Simple Boundary Adjustment. An applicant may propose a simple boundary adjustment by submitting a written request that includes conveyance documents and describes all lots or parcels affected by the proposed simple boundary adjustment.

(1) Applicability. A simple boundary adjustment may not affect a public right-of-way, municipal utility easement, or other public property; an existing easement, onsite wastewater system, or an internal lot restriction; or result in a lot or parcel out of conformity with land use regulations, including a lot or parcel that crosses a zone district boundary. If an application for a simple boundary adjustment does not meet these requirements, then a full boundary adjustment is required.

(2) Procedure. The following application steps, as set forth in MKZ 18.14, Land Use application Steps, are required.

a) Application Submittal.

b) Application Completeness Review.

c) Application Compliance Review.

d) Decision and Findings. In the case of simple boundary adjustments, the decision and findings of the Planning Director shall take the form of a Notice of Consent.

(3) Approval Criteria. The Planning Director shall approve the request if it meets the requirements of this section by issuing a Notice of Consent that states the City is not responsible for

any error related to the simple boundary adjustment and the county recorder may record the simple boundary adjustment.

- (4) Submittal Requirements. Any person seeking a simple boundary adjustment shall submit a written request that includes conveyance documents and describes all lots or parcels affected by the proposed simple boundary adjustment, a fee as set forth in MKZ 18.13.040, Submittal Requirements in General, and any other information that would inform staff and allow the Planning Director to make a decision.
  - (5) Expiration. Failure to submit the approved simple boundary adjustment for recording within six (6) months after the date of the approval letter shall void the approval and the applicant shall be required to submit a new simple boundary adjustment application. Prior to the expiration of the six (6) month period, the Planning Director may grant up to one exception as set forth in MKZ 18.12.030, Expirations and Extensions of Land Use Approvals.
- b. Full Boundary Adjustment. An applicant may propose a full boundary adjustment by submitting a written request by the adjoining property owners that includes conveyance documents, a survey that complies with Utah Code Section 57-1-45.5(3)(b).
- (1) Applicability. A full boundary adjustment is a boundary adjustment that is not a simple boundary adjustment.
  - (2) Procedure. The following application steps, as set forth in MKZ 18.14, Land Use Application Steps, are required.
    - a) Application Submittal. Application submittal shall include a survey that complies with Utah Code Section 57-1-45.5(3)(b).
    - b) Application Completeness Review.
    - c) Application Compliance Review.
    - d) Decision and Findings. In the case of full boundary adjustments, the decision and findings of the Planning Director shall take the form of a Notice of Consent.

(3) Approval Criteria. The Planning Director shall approve the request for a full boundary adjustment if the proposal includes all the necessary information and the survey that complies with Utah Code Section 57-1-45.5(3)(b) and that shows no evidence of a violation of a land use regulation or the creation of a lot or parcel that crosses a zone district boundary by issuing a Notice of Consent that states the City is not responsible for any error related to the full boundary adjustment and the county recorder may record the boundary adjustment.

(4) Submittal Requirements. Any person seeking a full boundary adjustment shall submit a written request that includes conveyance documents, a survey that complies with Utah Code Section 57-1-45.5(3)(b), a fee as set forth in MKZ 18.13.040, Submittal Requirements in General, and any other information that would inform Staff and allow the Planning Director to make a decision.

(5) Expiration. Failure to submit the approved full boundary adjustment for recording within six (6) months after the date of the Notice of Consent shall void the approval and the applicant shall be required to submit a new full boundary adjustment. Prior to the expiration of the six (6) month period, the Planning Director may grant up to one extension as set forth in MKZ 18.12.030, Expirations and Extensions of Land Use Approvals.

F. Vacating a Subdivision Plat. The vacation of a subdivision plat shall comply with the requirements as set forth in, and shall follow the process as outlined below:

1. Vacation of subdivisions with three or fewer lots shall follow the Minor Subdivision process.
2. Vacation of subdivisions with more than three lots shall follow the Major Subdivision process.
3. The City Council may vacate a subdivision or a portion of a subdivision by adopting and recording an ordinance as set forth in Utah Code Section 10-9a-609, Land use authority approval of vacation or amendment of plat -- Recording the amended plat.

G. Public Street or Municipal Utility Easement Vacation

1. Purpose. The purpose of this Section is to provide standards for the vacation of public streets or municipal utility easements. Dedicated public streets and municipal utility easements may be vacated, in whole or in part, if Millcreek determines that all or a portion of the public street or municipal utility easement is unnecessary or infeasible for future public access or use. A summary of meeting and noticing requirements for applications for Land Use Code Text Amendments is set forth in Table 18.15-7.
2. Applicability. A public street or municipal utility easement may be vacated by filing an application for a minor subdivision, a major subdivision, or a subdivision amendment, or the City Council may approve a petition to vacate a public street or municipal utility easement by ordinance.
3. Procedure – Public Street or Municipal Utility Easement Vacation By Plat. A vacation of a public street or municipal utility easement may be accomplished through the filing of an application for a Minor Subdivision, a Major Subdivision, or a Subdivision Amendment, and shall follow the process for each application type, and the following additional steps:
  - a. After the Land Use Authority grants Preliminary Subdivision approval and before a Final Subdivision approval is issued, the City Council shall hold a public hearing to consider the vacation of a public street or municipal utility easement.
  - b. Public Notice shall follow the process as set forth in MKZ 18.13.060, Public Notice Requirements.
  - c. A public hearing shall follow the process as set forth in MKZ 18.13.050, Formal Public Engagement and Community Council Engagement Requirements.
  - d. If the filing of a subdivision plat accompanies a vacation of a public street or municipal utility easement, the final decision on the plat shall be withheld until the City Council issues a decision regarding the vacation of a public street or municipal utility easement.
4. Procedure – Public Street or Municipal Utility Easement Vacation by Ordinance. In lieu of a Minor Subdivision, Major Subdivision, or Subdivision Amendment, a petition to vacate a public street or municipal utility easement may be filed following the procedure as set forth in Utah Code Section 10-9a-609.5, Petition to vacate a public street, and shall follow the procedure as set forth below:

- a. Pre-Application Consultation
  - b. Concept Review
  - c. Neighborhood Meeting
  - d. Application Submittal
  - e. Application Completeness Review
  - f. Application Compliance Review. Upon completion of the review, the Planning Director shall make a recommendation.
  - g. Public Notice
  - h. Formal Public Engagement
    - (1) The Planning Commission shall hold a public hearing and make a recommendation; and
    - (2) The City Council shall hold a public meeting and shall be the Land Use Authority for Public Street or Municipal Utility Easement Vacation applications.
  - i. Decision and Findings
5. Approval Criteria. Public streets or municipal utility easements may not be vacated unless the following criteria are met:
- a. The vacation does not deprive abutting properties of adequate legal access to existing or proposed public utilities or drainage installations;
  - b. The vacation is consistent with the General Plan and other adopted policies and plans, including any adopted transportation plan or streets/roadway plan;
  - c. The land to be vacated is no longer necessary for public use and convenience;
  - d. The right-of-way is no longer needed for public transportation purposes;
  - e. The vacation will not adversely impact the use of the right-of-way for public utility and/or drainage purposes;

- f. Access to lots or properties surrounding the plat will not be adversely affected, and the vacation will not leave any land-locked properties or deprive abutting properties of adequate legal access;
  - g. The vacation will not adversely impact the health, safety, and/or welfare of the general community, or reduce the quality of public facilities or services provided to any property, including but not limited to police/fire protection, access, and utility service;
  - h. The vacation satisfies the requirements of MKC 14.52;
  - i. Good cause exists for the vacation; and
  - j. The public interest or any person will not be materially injured by the proposed vacation.
6. **Submittal Requirements.** Any person seeking a Public Street or Municipal Utility Easement Vacation shall submit a complete application, a completed Public Street or Municipal Utility Easement Checklist, and a fee as set forth in MKZ 18.13.040, Submittal Requirements in General, a Title Report that correctly discloses all recorded matters of title regarding the property and which is prepared and dated not more than ninety (90) days before the proposed recordation of the subdivision, any other relevant supporting documentation, maps, studies and any other information that would inform Staff and the Planning Commission in making a recommendation, and allow the City Council to make a decision.
7. **Final Approval and Recording.** Approval of a plat or ordinance vacating a public street or municipal utility easement shall be deemed a certification of the vacation. With this certification, the Planning and Zoning Department shall forward a signed copy of the signed plat or ordinance to the Salt Lake County Recorder for recording. Failure of the applicant to submit any revised information or legal description that enables the ordinance to be processed as approved within three months following approval shall render the vacation void.

**Table 18.15-7 Public Street and Municipal Utility Easement Vacation Meeting and Noticing Requirements**

<i>Application Procedure Steps</i>	<i>Requirement</i>	<i>Code Reference</i>
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Pre-Application Consultation	Required	<a href="#">MKZ 18.14.010</a>
Concept Review	Required	<a href="#">MKZ 18.14.020</a>
Neighborhood Meeting	Required	<a href="#">MKZ 18.14.030</a>
Planning Commission Public Hearing and Recommendation	Required	<a href="#">MKZ 18.13.050</a> <a href="#">MKZ 18.14.090</a>
City Council Public Meeting	Required	<a href="#">MKZ 18.13.050</a> <a href="#">MKZ 18.14.090</a>
Mailed Notice to Affected Entities	Required	<a href="#">MKZ 18.14.060</a>
Mailed Noticing Requirement for Property Owners – Distance	Each property that is accessed by the public street of municipal utility easement.	<a href="#">MKZ 18.13.060</a>
Mailed Noticing Requirement – Time	10 days prior to Planning Commission Public Hearing	<a href="#">MKZ 18.13.060</a>

**18.15.030 Administrative Decisions - Other Land Use Decisions**

A. Conditional Use Permit

1. Purpose. The purpose of this Section is to provide standards for Conditional Use Permits, which are intended for a land use that, because of the unique characteristics or reasonably anticipated detrimental effects of the land use on Millcreek, surrounding neighbors, or adjacent land uses, require additional consideration subject to objective standards. The additional consideration allows the Planning Commission to impose reasonable conditions to mitigate reasonably anticipated detrimental effects. The intent of the conditional use is to identify reasonably anticipated detrimental effects and impose reasonable conditions on a use, including but not limited to noise, pollution, traffic, or other similar harms to the general health, safety, and welfare of Millcreek. A summary of meeting and noticing requirements for applications for Conditional Use Permits is set forth in Table 18.15-8.

2. Applicability. A Conditional Use Permit is required for those uses listed as a conditional use in the applicable zoning district regulations of this Code. A Conditional Use Permit that involves property development, redevelopment, construction, reconstruction, or alteration of a building or structure will also require a site plan approval as set forth in MKZ 18.15.030 (B).
3. Procedure. The following application steps, as set forth in MKZ 18.14, Land Use Application Steps, are required.
  - a. Pre-Application Consultation
  - b. Concept Review
  - c. Neighborhood Meeting
  - d. Application Submittal
  - e. Application Completeness Review
  - f. Application Compliance Review. As part of an application compliance review, the Planning Director may:
    - (1) Provide the application to other City departments for review and comment as may be required by this Code, as necessary for complete review of the application, or as necessary to identify and understand the potential detrimental effects of the proposed conditional use; and
    - (2) require other information or studies to address potential detrimental effects of the proposed conditional use that have been reasonably anticipated by the City during its review of the application.
  - g. Upon completion of the review, the Planning Director shall make a recommendation.
  - h. Public Notice
  - i. Formal Public Engagement. The Planning Commission shall hold a public meeting and shall be the Land Use Authority for Conditional Use Permit applications.
    - ~~(1) The application shall be presented to the relevant Community Council(s) for a recommendation; and~~

The Planning Commission shall hold a public meeting and shall be the Land Use Authority for Conditional Use Permit applications.

- a. Decision and Findings
2. Approval Criteria. The Planning Commission shall consider the following criteria in reviewing all conditional use applications:
    - a. The proposed conditional use shall comply with Millcreek ordinances, Federal, and State Statutes, as applicable to the use and to the site where the conditional use will be located; and
    - b. The Land Use Authority shall approve a Conditional Use Permit if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use. Detrimental effects of the proposed use include:
      - (1) Detrimental effects of decreased street service levels and/or traffic patterns including the need for street modifications such as dedicated turn lanes, traffic control devices, safety, street widening, curb, gutter and sidewalks, location of ingress/egress, parking lot surfacing and design of off-street parking and circulation, loading docks, as well as compliance with off-street parking standards, including other reasonable mitigation as determined by a qualified traffic engineer.
      - (2) Detrimental effects on the adequacy of utility systems, water and sewer, solid waste, snow removal, service delivery, and capacities, including the need for such items as relocating, upgrading, providing additional capacity, irrigation systems, or preserving existing systems, including other reasonable mitigation as determined by Millcreek's engineering staff, contracted engineers, and utility service providers.
      - (3) Detrimental effects on connectivity and safety for pedestrians and bicyclists.
      - (4) Detrimental effects of the use due to its nature, including noise that exceeds sound levels normally found in residential areas, odors beyond what is normally considered acceptable, within a neighborhood including effects of environmental impacts, dust, fumes, smoke, odor, noise, vibrations; chemicals, toxins,

pathogens, gases, heat, light, electromagnetic disturbances, and radiation. Detrimental effects of the use may include hours of operation and the potential to create an attractive nuisance.

- (5) Detrimental effects that increase the risk of contamination of or damage to adjacent properties and injury or sickness to people arising from, but not limited to, waste disposal, fire safety, geologic hazards, soil or slope conditions, liquefaction potential, site grading/topography, storm drainage/flood control, the removal of dangerous or blighted structures, high ground water, environmental health hazards, or wetlands, as determined by the City Engineer, and/or other qualified specialists.
- (6) Detrimental effects of modifications to exterior lighting that conflict with abutting properties.
- (7) Detrimental effects arising from site design and/or building design in terms of use, scale, intensity, height, mass, setbacks, character, construction, solar access, landscaping, fencing, screening, lighting (on-site and adjacent street lighting), signs, and architectural design and exterior detailing/finishes and colors within the area.
- (8) Detrimental effects on emergency fire service and emergency vehicle access.
- (9) Detrimental effects on usable/functional/accessible open space and sensitive lands.
- (10) Detrimental effects from inadequate maintenance of the property and structures in perpetuity, including performance measures, compliance reviews, and monitoring.
- (11) Detrimental effects of excessive storm water generation.

3. Conditions of Approval. Unless otherwise specified in this Code or Utah Code Section 10-9a-507, Conditional Uses, the Planning Commission shall approve all conditional use applications with objective standards as set forth in the Land Use Code. In such cases, any conditions attached to approvals

shall be directly related to the anticipated detrimental effects of the proposed use or development. No conditions of approval shall be less restrictive than the requirements of this Code, except where the Code allows flexibility. All conditional uses are presumed to be compatible with the zone and the General Plan's intent.

4. Denial. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the Land Use Authority may deny the conditional use.
5. Submittal Requirements. Any person seeking a Conditional Use Permit shall submit a complete application, a completed Conditional Use Permit Checklist, and a fee as set forth in MKZ 18.13.040, Submittal Requirements in General, and any other relevant supporting documentation, maps, studies and any other information that would inform Staff and allow the Land Use Authority to make a decision.
6. Revocation. Upon a determination by Millcreek that there is a failure to comply with a condition of a conditional use permit, the Planning Director shall forward that determination to the Planning Commission for review at a public meeting. The Planning Commission shall consider staff's recommendation and make a recommendation to the Land Use Hearing Officer (LUHO) regarding whether a failure to comply with a condition of the conditional use permit exists. At a hearing of the LUHO, the LUHO shall determine if there is a failure to comply with a condition of the approved Conditional Use Site Plan. Should the LUHO determine that there is failure to comply with the condition(s) of the Conditional Use, the LUHO shall revoke the Conditional Use Permit.
7. Expiration. A Conditional Use Permit granted pursuant to this section shall expire within one (1) year from the date of final approval if action is not taken within that time. An applicant may apply for up to one extension by following the process as set forth in MKZ 18.12.030, Expirations and Extensions of Land Use Approvals. For the purposes of this section, "action" means obtaining a building permit pursuant to the issuance of a conditional use permit or, if a building permit is not required, obtaining a business license pursuant to the issuance of a conditional use permit.

8. Discontinuance and Termination of Right. If a Conditional Use Permit is abandoned or discontinued for a period of twelve (12) continuous months, the Planning Director may provide notice via certified mail to the applicant and upon such notice, the Conditional Use Permit shall expire. Prior to the expiration of the Conditional Use Permit due to discontinuation, the Planning Director may approve one, six (6) month extension of the Conditional Use Permit if no changes to the site design are required. Upon expiration, the property affected shall be subject to all provisions and regulations of this Code applicable to the zoning district in which such property is classified.
9. Transferability. Conditional Use Permits shall run with the land.

<b>Table 18.15-8 Conditional Use Permit Meeting and Noticing Requirements</b>		
<b><i>Application Procedure Steps</i></b>	<b><i>Requirement</i></b>	<b><i>Code Reference</i></b>
Pre-Application Consultation	Required	<u>MKZ 18.14.010</u>
Concept Review	Required	<u>MKZ 18.14.020</u>
Neighborhood Meeting	Required	<u>MKZ 18.14.030</u>
<b>Community Council Recommendation</b>	<b>Required</b>	<b><u>MKZ 18.13.050</u></b>
Planning Commission Public Meeting	Required	<u>MKZ 18.13.050</u> <u>MKZ 18.14.090</u>
Mailed Noticing Requirement for Property Owners – Distance	300 feet	<u>MKZ 18.13.060</u>
Mailed Noticing Requirement – Time	<b>7 21</b> days prior to the first <b>Community Council Meeting formal public engagement</b>	<u>MKZ 18.13.060</u>

## B. Site Plan Approval

1. Purpose. The purpose of this Section is to establish standards for Site Plan Approvals for Permitted Use approvals that are intended to ensure that development or redevelopment in Millcreek is developed in accordance with this Code. Building permits may not be obtained nor shall any site work be performed prior to site plan approval.
2. Applicability. A Site Plan Approval is required under the following circumstances:
  - a. Property development, redevelopment, construction, reconstruction, or alteration of a building or structure, except for attached or detached single or two-household dwellings that are located in a recorded subdivision and that are not in a sensitive lands area.
  - b. Review of a permitted use approval, a conditional use permit that involves property development, redevelopment, construction, reconstruction, or alteration of a building or structure, or a request for reasonable accommodation for a group home or residential facility for Persons With a Disability, subject to the standards as set forth in MKZ 18.74, Residential Facilities for Persons With a Disability.
  - c. Changes or alterations to an existing site plan or structure that does not otherwise qualify for a Minor Site Plan Amendment.
3. Procedure. The following application steps, as set forth in MKZ 18.14, Land Use Application Steps, are required.
  - a. Concept Review.
  - b. Application Submittal.
  - c. Application Completeness Review.
  - d. Application Compliance Review.
  - e. Decision and Findings. The Planning Director shall be the Land Use Authority for Site Plan Approval applications for permitted uses. The Planning Commission shall be the Land Use Authority for Site Plan Approval for conditional uses.
4. Approval Criteria. Once all application submittal requirements have been met, the Planning Director shall approve the site plan if it complies with all

applicable provisions of this Code and other applicable Millcreek policies, including but not limited to:

- a. Dedication of a public right-of-way for the public street on which the property fronts.
  - b. Dedication of public utility or drainage easements necessary for the development.
  - c. Construction of public right-of-way improvements abutting the property or the deferral of said improvements as set forth in MKC 14.12.100.
5. Submittal Requirements. Any person seeking a Site Plan Approval for Permitted Uses shall submit a complete application, a completed Site Plan Approval for Permitted Uses Checklist, a fee as set forth in MKZ 18.13.040, Submittal Requirements in General, any other relevant supporting documentation, maps, studies, and any other information that would inform Staff and allow the Land Use Authority to make a decision.
  6. Expiration. A site plan approved pursuant to this section shall expire within one (1) year from the date of final approval if action is not taken within that time. An applicant may apply for no more than one extension by following the process as set forth in MKZ 18.12.030, Expirations and Extensions of Land Use Approvals. For purposes of this subsection, "action" means obtaining a building permit.
  7. Discontinuance and Termination of Right. If a site plan that is approved pursuant to this section is abandoned or discontinued for a period of six (6) continuous months the site plan shall be considered expired. Prior to the expiration of the site plan due to discontinuation, the Planning Director may approve one, six (6) month extension of the site plan if no changes to the site design are required. Upon expiration, the property affected shall be subject to all provisions and regulations of this Code, applicable to the zoning district in which such property is classified.
  8. Transferability. Site plans shall run with the land.

#### C. Change of Use Permit.

1. Purpose. The purpose of this Section is to establish standards for Change of Use Permits, which are intended for developed property that has changed from one use to another. This permit is intended to ensure that the existing

site is adequate for the new use, and that the proposed use complies with all applicable standards. When an existing property changes from a permitted use classification established in this Title to a use classification that is established in this Title as a conditional use, the applicant shall obtain a Conditional Use Permit following the procedures as set forth in MKZ 18.15.030 (A).

2. **Applicability.** A Change of Use Permit is required when any existing property changes from one use classification established in this Title to another use classification established in this Title.
3. **Procedure.** The following application steps, as set forth in MKZ 18.14, Land Use Application Steps, are required.
  - a. Application Submittal
  - b. Application Completeness Review
  - c. Application Compliance Review
  - d. **Decision and Findings.** The Planning Director shall be the Land Use Authority for Change of Use applications.
4. **Approval Criteria.** The Planning Director shall approve the site plan if it complies with all applicable provisions of this Code and other applicable Millcreek policies, including the following:
  - a. The new use is permitted in the governing zoning district; and
  - b. The new use complies with all applicable development standards, including but not limited to landscaping standards, parking and mobility standards, minimum driveway and roadway widths, and any dedication or public improvement requirements.
5. **Submittal Requirements.** Any person seeking a Change of Use Permit shall submit a complete application, a completed Change of Use Permit Checklist, a fee as set forth in MKZ 18.13.040, Submittal Requirements in General, any other relevant supporting documentation, maps, studies, and any other information that would inform Staff and allow the Land Use Authority to make a decision.

#### D. Minor Site Plan Amendment

1. Purpose. The purpose of this Section is to establish standards and a streamlined review process for Minor Site Plan Amendments, which allow for minor changes to approved site plans for conditional and permitted uses.
2. Applicability. An applicant who has obtained a site plan that has been previously approved may apply for a Minor Site Plan Amendment approval for minor changes to the site plan, subject to the approval criteria as set forth in this section.
3. Procedure. The following application steps, as set forth in MKZ 18.14, Land Use Application Steps, are required.
  - a. Application Submittal.
  - b. Application Completeness Review.
  - c. Application Compliance Review.
  - d. Decision and Findings. The Planning Director shall be the Land Use Authority for Minor Site Plan Amendment applications.
4. Approval Criteria. The Planning Director shall approve the site plan if it complies with all applicable provisions of this Code and other applicable Millcreek policies, including the following:
  - a. The proposed change does not significantly alter the site plan's approved access, circulation, or layout.
  - b. The proposed changes do not increase the number of residential units.
  - c. The proposed change does not expand the floor area of a building, structure, or oval site by more than ten percent (10%).
  - d. The proposed change complies with all applicable requirements of the Code and other relevant Millcreek and State regulations.
  - e. The proposed change does not affect any required mitigations or violate any conditions of approval for a Conditional Use Permit.
  - f. The amended site plan complies with all applicable development standards, including but not limited to landscaping standards, parking and mobility standards, minimum driveway and roadway widths, and any dedication or public improvement requirements.

5. Submittal Requirements. Any person seeking a Minor Site Plan Amendment shall submit a complete application, a completed Minor Site Plan Amendment Checklist, a fee as set forth in MKZ 18.13.040, Submittal Requirements in General, any other relevant supporting documentation, maps, studies, and any other information that would inform Staff and allow the Land Use Authority to make a decision.
  6. Expiration. A site plan that is approved pursuant to this section shall expire within one (1) year from the date of final approval if action is not taken within that time. An applicant may apply for up to one extension by following the process as set forth in MKZ 18.12.030, Expirations and Extensions of Land Use Approvals. For purposes of this subsection, "action" means obtaining a building permit.
  7. Discontinuance and Termination of Right. If a site plan that is approved pursuant to this section is abandoned or discontinued for a period of six (6) continuous months the site plan shall be considered expired. Prior to the expiration of the site plan due to discontinuation, the Planning Director may approve one six (6) month extension of the site plan if no changes to the site design are required. Upon expiration, the property affected shall be subject to all provisions and regulations of this Code, applicable to the zoning district in which such property is classified.
  8. Transferability. Site plans shall run with the land.
- E. Compliance Determination for an Accessory Dwelling Unit.
1. Purpose. The purpose of this Section is to establish standards and a streamlined review process for a Compliance Determination for an Accessory Dwelling Unit, which allows a property owner to determine if an accessory dwelling unit complies with applicable standards.
  2. Applicability. A property owner of a single-household dwelling with an existing Accessory Dwelling Unit on the property may apply for a Compliance Determination for an Accessory Dwelling Unit.
  3. Procedure. The following application steps, as set forth in MKZ 18.14, Land Use Application Steps, are required.
    - a. Application Submittal.
    - b. Application Completeness Review.

- c. Application Compliance Review.
  - d. Decision and Findings. The Planning Director shall be the Land Use Authority for Compliance Determination for Accessory Dwelling Unit applications.
4. Approval Criteria. The Planning Director shall issue a Compliance Determination if the Accessory Dwelling Unit complies with all applicable provisions of this Code, particularly MKZ 18.71, Accessory Dwelling Unit Standards, and other applicable Millcreek policies, including the following:
- a. The Accessory Dwelling Unit is on a residential property that contains a single-household dwelling.
  - b. The Accessory Dwelling Unit is on a residential property that is owner-occupied.
5. Submittal Requirements. Any person seeking a Compliance Determination for an Accessory Dwelling Unit shall submit a complete application, a completed Compliance Determination for an Accessory Dwelling Unit Checklist, a fee as set forth in MKZ 18.13.040, Submittal Requirements in General, proof of owner occupancy, any other relevant supporting documentation, maps, studies, and any other information that would inform Staff and allow the Land Use Authority to make a decision, and proof of owner occupancy in the form of a document from at least two of the following categories that show the applicant's name and the address of the property for which a Compliance Determination for an Accessory Dwelling Unit is being applied.
- a. Utility bill, dated within the last sixty (60) days;
  - b. Correspondence from any government agency that shows the home address, dated within the last sixty (60) days;
  - c. A voter registration card dated within the last calendar year;
  - d. A social security statement, dated within the last sixty (60) days;
  - e. A bank statement dated within the last sixty (60) days;
  - f. Automobile registration documentation dated within the last calendar year;
  - g. Income tax forms dated from the most recent tax filing period;

- h. Insurance documentation or insurance bill dated within the last calendar year that shows home address;
- i. Current active business license or permit issued by Millcreek or a state or federal agency that shows home address;
- j. College or school correspondence that shows home address, dated within the last sixty (60) days;
- k. W-2 from the most recent tax filing period;
- l. Official payroll documentation that includes home address issued by an employer within the last sixty (60) days, such as a pay stub with home address, a form submitted for tax withholding purposes, or a payroll receipt;

6. Discontinuance and Termination of Right. If a Compliance Determination for an Accessory Dwelling Unit is issued pursuant to this section is abandoned or discontinued for a period of six (6) continuous months, or if the single-household dwelling ceases to be owner-occupied, the compliance review shall be considered expired. Prior to the expiration of the Compliance Determination for an Accessory Dwelling Unit due to discontinuation, the Planning Director may approve one, six (6) month extension of the Determination if no changes to the application are required. Upon expiration, the property affected shall be subject to all provisions and regulations of this Code applicable to the zoning district in which such property is classified.

7. Transferability. Compliance Determinations for an Accessory Dwelling Unit run with the land, provided that the single-household dwelling is owner-occupied.

F. Reasonable Accommodation Determination for Residential Facilities for Persons With a Disability

- 1. Purpose. The purpose of this Section is to establish standards for applications for a Reasonable Accommodation Determination for Residential Facilities for Persons With a Disability in a manner that balances local zoning considerations with state and federal mandates requiring a reasonable accommodation for disabled persons living together in a group housing arrangement in a residential neighborhood.
- 2. Applicability. Any person or entity seeking a reasonable accommodation to exceed the residential occupancy limits established in any zone for a

residential facility for Persons With a Disability shall apply for a Reasonable Accommodation Determination for Residential Facilities for Persons With a Disability. Applicants have the burden of providing sufficient evidence that the requested accommodation is necessary to allow disabled individuals reasonable, non-discriminatory, federally mandated housing opportunities in the relevant zone.

3. Procedure. An application for a Reasonable Accommodation Determination for Residential Facilities for Persons With a Disability shall follow the procedure for a Site Plan Approval for Permitted Uses as set forth in this chapter.
4. Approval Criteria. The Planning Director shall consider the following in making a Reasonable Accommodation Determination for a Residential Facility For Persons With a Disability:
  - a. The facility meets or will meet all program, physical facility, and licensure requirements of the Utah Department of Health and Human Services.
  - b. Except as otherwise provided in this chapter, buildings and uses shall meet all applicable City development standards, licensing, and zoning requirements.
  - c. The facility shall not house persons who are involuntarily residing there or who are residing there as part of or in lieu of confinement, rehabilitation, or treatment in a correctional facility.
  - d. The applicant provides sufficient evidence that the requested accommodation is necessary to provide disabled individuals with reasonable, non-discriminatory, federally mandated housing opportunities in the relevant zone. Evidence may include information about the facility's history, management, financial feasibility, and therapeutic benefits, and applicable law.
  - e. The zoning ordinance applicable to the property.
  - f. The anticipated parking, traffic, and noise impact on the neighborhood if the reasonable accommodation is granted.
  - g. Whether or not the accommodation will be an undue burden or expense to the City.

- h. The extent to which the accommodation will or will not benefit the applicant.
  - i. The extent to which the accommodation will or will not benefit the community.
  - j. Whether or not the accommodation fundamentally alters the Citywide zoning ordinance and whether or not the accommodation would likely create a fundamental change in the character of a residential neighborhood.
  - k. Whether or not the applicant has demonstrated that the accommodation will affirmatively enhance the applicant's life or ameliorate the effects of the applicant's disability, or the lives or disabilities of those on whose behalf the applicant is applying.
  - l. Whether or not, without the accommodation, similar housing is available in the City for the applicant or group of applicants.
  - m. The anticipated impact of the requested accommodation on the immediate neighborhood.
  - n. The requirements of applicable federal and state laws and regulations.
5. Submittal Requirements. Any person seeking a Reasonable Accommodation Determination For A Residential Facility For Persons With a Disability shall submit a complete application, a completed Site Plan Approval for Permitted Uses Checklist, a completed Reasonable Accommodation Determination Checklist, a fee as set forth in MKZ 18.13.040, Submittal Requirements in General, and the following additional information:
- a. The specific regulation, policy, or procedure from which an accommodation is sought and/or for which deviation or waiver is requested.
  - b. A document that provides a detailed explanation of why the requested accommodation is warranted under federal and/or state law, including how the person(s) is disabled under the Americans with Disabilities Act or the Fair Housing Act.
  - c. An analysis based on evidence, legal authorities, and other information showing that the accommodation is reasonable and

necessary to afford the disabled person(s) an equal opportunity to use and enjoy the residential dwelling.

- d. The number of residents and employees who will have vehicles on the property and a site plan showing where the vehicles will be parked.
  - e. Whether the owner/operator of the Residential Facility For Persons With a Disability or applicant has other facilities for the disabled and, if so, a description and copy of any complaints from neighbors, incident reports from a local police department, or investigations, citations, notices of violations(s) or complaints received from any federal, state, or local agencies, etc. relating to licensure , parking, traffic, a direct threat to the health or safety of other persons, or substantial physical damage to the property of others.
  - f. An accurate description of the type of program(s), treatment(s), therapies, and/or services that will be provided to the residents of the Residential Facility For Persons With a Disability, and the clinical rationale for such program(s), treatment(s), therapies, and/or services.
  - g. The category of state licensure that the Residential Facility for Persons With a Disability will have.
  - h. An accurate summary and/or description of the admissions criteria and operational protocols for the Residential Facility for Persons With a Disability.
6. Expiration. A Reasonable Accommodation Determination for a Residential Facility for Persons With a Disability that is issued pursuant to this section shall expire within one (1) year from the date of final approval if action is not taken within that time. An applicant may apply for no more than one extension by following the process as set forth in MKZ 18.12.030, Expirations and Extensions of Land Use Approvals. For purposes of this subsection, "action" means obtaining the required state licensure and a Millcreek business license.
7. Transferability. Reasonable Accommodation Determinations for Residential Facility are nontransferable. A new Reasonable Accommodation Determination is required if any ownership changes, changes occur in the maximum occupancy, changes occur in the licensing or disability classification under state or federal law, or the facility remodels or expands.

8. Termination. A use permitted by this shall be subject to revocation by the appropriate land use or licensing authority if:
  - a. The facility is devoted to a use other than a residential facility for Persons With a Disability;
  - b. The facility exceeds the maximum number of residents specified and approved in the Reasonable Accommodation Determination, or changes the disability classification under state or federal law, or remodels or expands without first applying for and receiving an additional Reasonable Accommodation Determination;
  - c. The facility is not licensed by the Utah Department of Health and Human Services, or if a license is revoked; or
  - d. An appropriate authority has determined that residents of the facility have engaged in a pattern of criminal acts of nuisance, theft, or violence in the adjoining neighborhood.

G. Eligible Facility Request (EFR) for a Wireless Telecommunications Facility.

1. Purpose. The purpose of this section is to establish standards for eligible facility requests (EFR) for wireless telecommunications facilities to ensure that such requests are in conformance with federal law with Millcreek's requirements for wireless telecommunications facilities.
2. Applicability. An EFR is required for any modification of an existing wireless telecommunications facility that does not substantially change the physical dimensions of a tower or base station.
3. Procedure. The following application steps, as set forth in MKZ 18.14, Land Use Application Steps, are required.
  - a. Application Submittal.
  - b. Application Completeness Review. The City shall comply with all applicable shot clocks when reviewing an EFR application.
  - c. Application Compliance Review.
  - d. Decision and Findings. The Planning Director shall be the Land Use Authority for EFRs.

4. Approval Criteria. The Planning Director shall approve the EFR if it complies with all applicable provisions of this Code and federal law, including the following:
  - a. The proposed EFR complies with standards as set forth in MKZ 18.75.100.
  - b. The proposed EFR does not result in a substantial change to the physical dimensions of an eligible support structure.
5. Submittal Requirements. Any person seeking an EFR shall submit a complete application, a completed Eligibility Facilities Request Checklist, a fee as set forth in MKZ 18.13.040, Submittal Requirements in General, any other relevant supporting documentation, maps, studies, and any other information that would inform Staff and allow the Land Use Authority to make a decision.

#### H. Sign Permit

1. Purpose. The purpose of this Section is to establish standards for Sign Permits, to ensure that that signage in Millcreek is in conformance with Millcreek's adopted signage requirements found within this Code.
2. Applicability. No person shall erect, alter, relocate, or modify any sign without first obtaining a sign permit, if required, and a building permit, if required, for such work unless no permit is required as set forth in MKZ 18.65, Signs.
3. Procedure. The following application steps, as set forth in MKZ 18.14, Land Use Application Steps, are required.
  - a. Application Submittal.
  - b. Application Completeness Review.
  - c. Application Compliance Review.
  - d. Decision and Findings. The Planning Director shall be the Land Use Authority for Sign Permit applications.
4. Approval Criteria. The Planning Director shall approve the request if the proposed signage complies with the requirements as set forth in MKZ 18.65, Signs, and all other applicable Millcreek, State, and Federal statutes.

5. Submittal Requirements. Any person seeking a Sign Permit shall submit a complete application, a completed Sign Permit Checklist, a fee as set forth in MKZ 18.13.040, Submittal Requirements in General, any other relevant supporting documentation, maps, studies, and any other information that would inform Staff and allow the Land Use Authority to make a decision.
6. Expiration. A sign permit that is approved pursuant to this section shall expire within one (1) year from the date of final approval if action is not taken within that time. An applicant may apply for up to one extension by following the process as set forth in MKZ 18.12.030, Expirations and Extensions of Land Use Approvals. For purposes of this subsection, "action" means obtaining a building permit, if a building permit is required.
7. Transferability. Sign permits shall run with the land.

#### I. Temporary Use Permit

1. Purpose. The purpose of this section is to establish standards for Temporary Use Permits, which are intended to ensure that temporary uses within Millcreek are in conformance with all applicable Millcreek requirements found within this Code.
2. Applicability. A Temporary Use Permit is required when a temporary use as set forth in MKZ 18.58, Temporary Uses and Structures, is intended to be placed on a property in Millcreek.
3. Procedure. The following application steps, as set forth in MKZ 18.14, Land Use Application Steps, are required.
  - a. Application Submittal.
  - b. Application Completeness Review.
  - c. Application Compliance Review.
  - d. Decision and Findings. The Planning Director shall be the Land Use Authority for Temporary Use applications.
4. Approval Criteria. The Planning Director shall approve the request if the proposed temporary use complies with the requirements of the zoning district in which the use is located, the requirements as set forth in MKZ 18.58, Temporary Uses and Structures, and all other applicable Millcreek, State, and Federal statutes.

5. Submittal Requirements. Any person seeking a Temporary Use Permit shall submit a complete application, a completed Temporary Use Permit Checklist, a fee as set forth in MKZ 18.13.040, Submittal Requirements in General, any other relevant supporting documentation, maps, studies, and any other information that would inform Staff and allow the Land Use Authority to make a decision.
6. Expiration. A Temporary Use Permit that is approved pursuant to this section shall expire within one (1) year from the date of final approval if action is not taken within that time. An applicant may apply for up to one extension by following the process as set forth in MKZ 18.12.030, Expirations and Extensions of Land Use Approvals.

#### J. Classification Request

1. Purpose. The purpose of this Section is to establish standards for Classification Requests to determine whether a proposed land use aligns with an existing land use specified in this Code in a manner compliant with state statute.
2. Applicability. An applicant may formally request a Classification Request. Classification Requests are limited to those land uses for which a Millcreek business license is required.
3. Procedure. The following application steps, as set forth in MKZ 18.14, Land Use Application Steps, are required.
  - a. Pre-application Consultation.
  - b. Application Submittal.
  - c. Application Completeness Review.
  - d. Application Compliance Review.
  - e. Decision and Findings.
    - (1) The Planning Director shall be the Land Use Authority for Classification Requests.
    - (2) The City Council shall be the Land Use Authority for Reviews of Classification Requests.
4. Approval Criteria. The Planning Director shall find that a proposed land use aligns with an existing land use specified in this Code, if the proposed land

use complies with all applicable provisions of this Code and other applicable Millcreek policies, including the following:

- a. The applicant provided sufficient evidence demonstrating that the proposed land use complies with the zone district's development standards, including but not limited to parking and vehicular access requirements, inventory storage, lighting, noise, and landscaping.
  - b. The proposed land use is substantially similar to the uses allowed in that district and is more comparable to such uses than those uses allowed in a less restrictive district.
  - c. If the proposed use is most similar to a conditional use authorized in the zone district in which it is proposed to be located, any Classification Request Determination for such use shall require that it may be approved only as a conditional use.
  - d. The proposed use is consistent with the purpose statement of the underlying zoning district.
  - e. The proposed land use requires a Millcreek business license.
5. Submittal Requirements. Any person seeking a Classification Request shall submit a complete application, a completed Classification Request Checklist, a fee as set forth in MKZ 18.13.040, Submittal Requirements in General, any other relevant supporting documentation, maps, studies, and any other information that would inform Staff and allow the Land Use Authority to make a decision. As part of an application for a Classification Request, the Planning Director may require the submittal studies or plans following the procedure as set forth in MKZ 18.69, Required Studies and Plans.
6. City Council Review of a Classification Request Determination. If the Planning Director determines that the proposed land use is new and unlisted, the applicant may submit an application to the City Council to review the Planning Director's determination, by following the procedure and paying a fee as set forth in MKZ 18.15.010 (B). An application for City Council Review of a Classification Request must be submitted within ten (10) business days of issuing a written Classification Request Determination from the Planning Director.

- a. The City Council shall schedule a public meeting to review the classification request within 60 days of filing a complete application for a City Council Review of a Classification Request Determination.
  - b. The City Council shall apply the approval criteria for Classification Requests as set forth in MKZ 18.15.030 (J)(4).
  - c. If the City Council approves the Classification Request, it shall designate an appropriate zone or zones for the proposed use and determine whether it is a conditional use or a permitted use.
  - d. The Planning Director shall notify the applicant in writing of the City Council's determination, and the reasons for their determination.
7. Appeal. An Appeal of the City Council's determination shall follow the process as set forth in MKZ 18.04, Appeals.

#### **18.45.030 Neighborhood Contact And Outreach**

- A. Purpose. Institutions are encouraged to be active and invested in the nearby community. This section is intended to promote ongoing communication between campus institutions and other uses and to provide courtesy notices of large construction projects that may impact abutting properties.
- B. Any development, modification, addition, alteration to any use on a property located in the IF zone or intended to be rezoned to the IF zone that exceeds 10,000 square feet in gross square footage or exceeds 30 feet in height **require a mailed notice. shall adhere to the following noticing requirements: Notice shall be mailed at least fourteen days prior to submitting for a permit or application to Millcreek, including building permit, to property owners within 300 feet of the campus perimeter.**
  - 1.—**Notice shall be mailed at least fourteen days prior to submitting for a permit or application to Millcreek, including building permit, to property owners within 300 feet of the campus perimeter.**
  - 2.—**Notice shall be given electronically at least fourteen days prior to submitting a land use application to Millcreek, including building permit, to the Chair for the Community Council in which the subject campus is located.**
- C. The notice shall at a minimum consist of general timeline of construction, scope of work, anything in the construction that may interrupt regular flow of traffic or that

takes place in a public right-of-way and contact information of the project manager or a designee that can answer questions or address concerns.

- D. Exemption. If the scope of the project has already met the requirements of MKZ 18.14.090 as part of a land use review process, it is exempt from the neighborhood contact requirements.

#### **18.48.050 Pre-Application Process**

- A. Pre-Application Consultation. Prior to submitting a complete application, an applicant shall hold a pre-application consultation with representatives of the City.
- B. Neighborhood Meeting. At least one week prior to submitting a complete application, an applicant shall conduct a neighborhood meeting in accordance with MKZ 18.14.030.

~~C. Community Council Meeting. Prior to submitting a complete application and after conducting a neighborhood meeting, an applicant shall schedule with the applicable Community Council a meeting to discuss the proposed application and plans.~~

- ~~C. Joint Work Session of the Planning Commission and City Council. Prior to submitting a complete application and after conducting a neighborhood **and community council** meeting, an applicant shall schedule with the City a joint work session of the Planning Commission and City Council. The purpose of the joint work session will be to discuss the proposed project and potential Development Agreement in conceptual detail. **A Joint Work Session of the Planning Commission and City Council must be held prior to the first noticed Community Council meeting held on the application.**~~

#### **18.49.040 Pre-Application Process**

- A. Pre-Application Consultation. Prior to submitting a complete application, an applicant shall hold a pre-application consultation with representatives of the City.
- B. Neighborhood Meeting. At least one week prior to submitting a complete application, an applicant shall conduct a neighborhood meeting in accordance with MKZ 18.14.030.

~~C. Community Council Meeting. Prior to submitting a complete application and after conducting a neighborhood meeting, an applicant shall schedule with the applicable Community Council a meeting to discuss the proposed application and plans.~~

**E.** Joint Work Session of the Planning Commission and City Council. Prior to submitting a complete application and after conducting a neighborhood **and community council** meeting, an applicant shall schedule with the City a joint work session of the Planning Commission and City Council. The purpose of the joint work session will be to discuss the proposed project and potential Development Agreement in conceptual detail. **A Joint Work Session of the Planning Commission and City Council must be held prior to the first noticed Community Council meeting held on the application.**

### **18.65.170 Off-Premises Signs; Billboards**

- A. Purpose. In keeping with the goals of the Millcreek General Plan to promote signs that are responsive to neighborhood character, and to improve the aesthetics of major streetscapes, the purpose of the billboard ordinance is to provide reasonable regulation of billboards in order to reduce the heights and area of future billboards, mitigate negative impacts, promote safety, protect property values, and reduce impediments for economic development and redevelopment. It is Millcreek's policy to reduce the number and combined square footage of billboards where feasible.
- B. Cap on Area of Billboards. The combined square footage of all billboards allowed in the City shall be limited to the combined square footage of billboards that existed as defined herein as of December 27, 2013, within the boundaries of the City as it was incorporated and on December 28, 2016. This cap shall automatically decrease as billboards are annexed into a municipal jurisdiction or removed and not relocated.
- C. Billboards are only allowed in the C and M zones as a permitted use, subject to the additional restrictions established in this chapter.
- D. Location. Billboards shall not be allowed in those locations listed in Subsection F, below, notwithstanding the underlying zone.
- E. Size. Billboards shall not exceed 300 square feet, except as provided below:
1. Signs that are intended to be viewed from an Interstate freeway travel lane shall not exceed 672 square feet.
  2. Signs oriented for viewing along State Street and located within 20 feet of the State Street right-of-way shall not exceed 672 square feet.
- F. Prohibited Locations. Billboards, notwithstanding the underlying zone, shall not be permitted anywhere within 100 feet of the Main Street right-of-way, east of Interstate

215, or within 500 feet of the following intersections, as measured as a radius from the nearest property line to the intersection right-of-way line:

1. 2000 East and 3300 South
2. 1100 East and 3900 South
3. 1300 East and 3900 South
4. 2300 East and 3900 South
5. 2300 East and Claybourne Avenue
6. Murray-Holladay Road and Highland Drive

G. Height. The maximum height of a billboard shall be 32 feet above the grade level of the road, except as provided below:

1. Signs that are oriented for viewing on an Interstate freeway travel lane may have a maximum height of 50 feet, but in no event shall be greater than 25 feet above freeway grade level.
2. In the event that a billboard cannot be viewed from any residential zone, it may exceed 32 feet in height, up to a maximum height of 40 feet. In order to achieve the additional height, the billboard owner must certify as part of a building permit that the billboard meets the following requirements:
  - a. The billboard is not visible from a ground-level vantage point on any property in a residential zone within 150 feet of the Residential Zone Boundary, and
  - b. The billboard must be situated on the same side of the street and within 50 feet of an existing building or buildings and have no greater height than the immediately adjacent building(s).

H. Separation. The minimum distance between all billboards on the same side of the street shall be 500 lineal feet as measured along the same side of the street including intersections. All billboards must be at least 250 radial feet from any other billboard located on the opposite side of the street from where a new sign is to be located.

I. Setbacks.

1. Setbacks from Rights-of-Way. The minimum setback shall be 5 feet to the leading edge of a billboard, including all structural and service support

elements. The billboard's front-yard setback shall be measured from the future right-of-way line as indicated on the Transportation Master Plan. The closest edge of a billboard shall not project into any required setback area.

2. Setbacks from property line. The minimum setback from any property line shall be five feet to the leading edge of the billboard, including all structural and service support elements.
  3. Setbacks from on-premise pole signs. The minimum setback between a billboard and any on-premise pole sign shall be 100 feet.
  4. Setbacks from A, R-1, R-2, R-4, and RM Zones. The minimum setback between a billboard and any Residential Zone Boundary shall be one hundred fifty feet. The minimum setback of a billboard may be reduced to 100 feet if the billboard owner certifies as part of a building permit that no portion of the proposed billboard is visible from any ground level vantage point on a property in an A, R-1, R-2, R-4, or RM zone that is within 150 feet of the proposed sign, as measured from the zone boundary line.
- J. Lighting. The use of uplighting is prohibited. All lights shall direct their light downward and shall be shielded so that the lighting is confined to the sign face and the lighting source is not directly visible from any ground-level vantage point.
- K. Design. Billboards shall utilize either the "mono-pole" or the "bi-pole" design and shall be continually maintained structurally and on the sign face. The back of any single-faced billboard and the structure behind the sign shall be painted a dark color. The billboard owner shall make a good faith effort to design the billboard so as to reduce and minimize the visual bulk and mass of the pole and other structural elements of the billboard. Internally illuminated billboards, electronic display, digital display, LED display, video display billboards and electronic message centers are only allowed immediately adjacent to the Interstate 15 and shall be limited to no more than one change to the copy face in a twenty-four- hour period. Two-decked billboards are prohibited in all zones.
- L. Maintenance. All billboards, including the entirety of the sign area and all structural supports, shall be continuously maintained by the billboard company. Any area under the sign and all structural supports shall be continuously maintained and kept free of all animal droppings or other environmental and safety hazards by the billboard owner or the lessor of the land.
- M. Relocation of Billboards to Accommodate Redevelopment. In order to accommodate the redevelopment of sites within a community reinvestment area, or

any site in the City that is at least one acre in size, the City may allow the following deviations from the standards in this chapter:

1. The minimum separation distance between billboards may be reduced to 400 lineal feet as measured along the same side of the street including intersections and may be reduced to 150 radial feet from any other billboard.
2. The maximum height of a billboard may be increased to 40 feet in height, subject to the standards established above.

#### N. Credits for Removal.

1. Prior to the removal of any billboard, the owner shall obtain a permit for the demolition of the billboard. Permits may be provided following application to the City. After any billboard is removed, the City shall create a "billboard bank account" for the sign owner.
2. The account shall solely reflect credits for the billboard advertising space square footage as well as the date of removal, and the street address from which the billboard was removed. Any billboard credits not used within thirty-six months of their creation shall expire and be of no further value or use.
3. A billboard owner may sell or otherwise transfer billboards and/or billboard bank account credits.
4. The transfer of any billboard bank account credits does not extend their thirty-six-month life as provided in this section. Removal of a billboard that has two in-use advertising faces shall receive billboard bank account credits for the square footage of each sign face.
5. Credits may not be used to enlarge any non-conforming billboard or conforming billboard, other than those billboards located immediately adjacent to the Interstate 15 freeway, along State Street, or within 20 feet of the State Street right-of-way.

#### O. Relocation.

1. The owner of an existing billboard may remove an existing billboard from any site to an approved location only after a permit for relocation is obtained upon substantiation of compliance with this chapter.
2. Prior to approval of a permit for relocation, the billboard owner (applicant) shall submit to the City a complete copy of the completed and signed lease agreement or other document to be signed by the property owner, indicating

at a minimum the duration of the lease. Additionally, prior to approval of a permit for relocation, the City shall by letter inform ~~the affected community council chair and~~ Planning Commission chair that application for a billboard permit has been received.

~~3. If a sign is to be relocated within 600 feet of a community district boundary, the City shall inform the affected community council chairs of each community district.~~

3. Billboards moved to approved locations shall conform to all billboard requirements of the new location.
4. Billboards moved from one location to another must be installed in the new approved location within the period allotted by the International Building Code (IBC).
5. A new billboard permit shall only be issued if the applicant has billboard bank account credits of a sufficient number of advertising face square feet for the billboard to be constructed.
6. When the permit for construction of a new billboard is issued, the City shall deduct from the sign owner's billboard bank account the advertising face square footage used for the new billboard.
7. If the new billboard uses less than the entire available square footage credits, any remaining square footage credits shall remain in the sign owner's billboard bank account.

P. Notice Required for Billboards Relocated Subject to State Statute.

1. If the City receives written notice, electronic or otherwise, from a billboard owner to invoke intent, rights or benefits of any kind under Section 2(a) of UCA 10-9a-513 or under any other or future State Statute that applies in any manner to billboards or outdoor advertising, the City shall provide written notice of such request or intent to all property owners of record located within 500 feet of the property to which the sign is to be relocated or erected.
2. Property owner notices shall be sent via first class mail within one week of receipt of notice from the billboard owner, and a copy of the notice shall be sent to the billboard owner.

- Q. Business Licenses Required for Billboards. Each billboard operator shall obtain a business license and paying the required fee as established in the Millcreek fee schedule.
- R. Severability and Conflict. This section and its various parts are hereby declared to be severable if a court of competent jurisdiction declares any subsection, clause, provision, or portion of this section invalid or unconstitutional. No court decision will affect the validity of either this section as a whole or any parts not declared invalid or unconstitutional by that decision. If any part of this section is found to be in conflict with any other provision of the City, the most restrictive or highest standard will apply, prevail, and govern.



SPENCER J. COX  
Governor

DEIDRE M. HENDERSON  
Lieutenant Governor

# UTAH DEPARTMENT OF COMMERCE

## Office of the Property Rights Ombudsman

MARGARET W. BUSSE  
Executive Director

JORDAN S. CULLIMORE  
Division Director, Office of the Property Rights Ombudsman

August 14, 2024

Mr. John Brems  
Millcreek City  
1330 E Chambers Ave.  
Millcreek, UT 84106  
[via email](#)

RE: Millcreek Community Councils and the Utah Open and Public Meetings Act

Mr. Brems,

You asked me to provide an informal opinion on the question of whether Millcreek community councils, created in Millcreek Municipal Code (MMC) Chapter 2.56, are subject to the requirements of the Utah Open and Public Meetings Act (OPMA), Utah Code Chapter 52-4.

It is my opinion that the councils are subject to OPMA because a community council is a “public body,” as defined in OPMA. OPMA’s definition of a public body includes, in relevant part, any advisory body of a municipality that is created by local ordinance, consists of two or more individuals, and is supported in whole or in part by tax revenue, that is vested with authority to “make decisions regarding the public’s business.” See Utah Code § 52-4-103(7)(a).

A community council meets the definition. The councils are created by local ordinance, as indicated above. Additionally, they consist of more than one person,<sup>1</sup> and they are supported by the city. See MMC 2.56.110 & 111. Finally, the councils, by ordinance, are tasked with making decisions regarding the public’s business in several ways, including the following:

1. Community councils develop priorities regarding municipal services and facilities in the district. These priorities are annually communicated to the City Council for use in policy development and the budget process. MMC § 2.56.090.

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<sup>1</sup> “The citizens of each community council district shall have the opportunity to create a community council consisting of *members* elected pursuant to...” MMC § 2.56.050(A) (emphasis added).

2. The councils are encouraged, by ordinance, to make written recommendations to the community development department concerning applications the city receives. See MMC § 2.56.100.

Each of these functions involves an advisory role in the public decision-making process. Accordingly, it is my opinion that community councils are property categorized as “public bodies” under the Utah Open and Public Meetings Act and are subject to OPMA rules governing public bodies and the meetings those bodies conduct.

Sincerely,



Jordan Cullimore  
Lead Attorney  
Office of the Property Rights Ombudsman

## Millcreek City Council

Cheri Jackson, Mayor  
Silvia Catten, District 1  
Thom DeSirant, District 2  
Nicole Handy, District 3  
Bev Uipi, District 4



## Millcreek City Hall

1330 East Chambers Avenue  
Millcreek, Utah 84106  
801-214-2700  
millcreekut.gov

December 16, 2025

Dear Community Council Chairs,

As you know, the State Ombudsman has issued an opinion on the quasi-governmental nature of our current community council setup, finding it not compliant with state open-meeting laws. City staff has spent several months researching what changes need to be made and how we should proceed to become compliant with the law. As such, beginning January 1, 2026, the following outlines the new relationship between the City and the community councils:

- The Community Council section of the City code (Chapter 2.56) will be repealed no later than February 9, 2026 to sever the formal relationship between the City and the Community Councils. Additional noticing provisions related to community councils that are found in the City's zoning ordinance will be repealed in February.
- The Community Councils remain valued organizations in our community and will be allowed to use City property for their meetings at no charge. Community Councils using City rooms are required to abide by all of the regular room rental requirements, including respecting opening and closing times.
- The Community Councils may still request annual financial support for their activities, including a Utah Code section 10-8-2 Study and Council consideration and approval (similar to what they have in the past).
- The City plans to share information about where and when Community Council meetings will be held as part of our new "Community Calendar" sections of our newsletters and website. While the City will no longer host the website for the respective Community Councils, we can still link to your independent website or social media platforms from our City website.
- The Mayor and City Councilmembers are still available, upon request from Community Councils, to provide updates and reports and to meet individually or collectively with Community Council members to hear their ideas or concerns.

- As a courtesy, the City Planning Director will still notify Community Councils of potential developments occurring in their respective areas and will provide the same written report and packet to them that the Planning Commission will receive. If there are specific projects that the Community Council would like further information on, they can work through the Planning Director to have questions answered, and be introduced to applicants who may be invited to Community Council meetings for further discussion. In situations where the Planning Director determines it appropriate, and at the request of the Community Council, the Planning Director will schedule time with the community councils to discuss applications and other initiatives.
- The City continues to welcome and value feedback from Community Councils, whether it concerns planning and zoning issues, specific requests for public works improvements in their area, or other City issues. This feedback can be shared with the City through letters submitted to the Planning Commission or City Council as part of the public record, Community Council members speaking at public comment in Planning Commission or City Council meetings, or through the City's online "Report a Concern" portal. And as always, you are welcome to call or email me or any of the City Councilmembers.

Thank you for the good work and the many thankless hours you and your council members contribute to our City. Community councils are a valued tradition in Millcreek, and although we must make this change to comply with the law, we remain committed to public engagement and open dialogue with our residents—an area in which community councils play a vital role. We appreciate the service you provide to our neighborhood and hope that this structural change will not diminish your efforts or commitment. We look forward to our continued association, albeit in a less formalized, more legal way.

All the best,



Cheri Jackson, Mayor



January 13, 2026

To: Millcreek Planning Commission  
Millcreek Planning and Zoning

Subject: ZT-25-005 Application by Millcreek to Repeal Community Council Provisions in Title 18 of the Millcreek Code

With the repeal by the City Council of Chapter 2.56 of the Millcreek Code, the impending result of this application is a foregone conclusion. Accordingly, the point of any recommendation would be entirely moot. Therefore, the East Mill Creek Community Council (EMCCC) provides none.

We plan to continue to provide planning recommendations going forward in such manner as are warranted and as long as are informally solicited by the City.

Sincerely,

/s/

Jamie Allyn  
Vice Chair | Land Use EMCCC

CC: Francis Lilly  
EMCCC

**MILLCREEK, UTAH**  
**ORDINANCE NO. 26-07**

**AN ORDINANCE OF MILLCREEK AMENDING TITLE 18 OF THE MILLCREEK  
MUNICIPAL CODE FOR THE PURPOSE OF REMOVING PUBLIC NOTICING  
REQUIREMENTS FOR COMMUNITY COUNCILS**

**WHEREAS**, the Millcreek Council (“*Council*”) met in a regular session on January 26, 2026, to consider, among other things, amending Title 18 of the Millcreek Municipal Code for the purpose of removing public noticing requirements for community councils; and

**WHEREAS**, on January 12, 2026, the Council enacted Ordinance No. 26-03, which repealed Chapter 2.56 of the Millcreek Code regarding Community Districts and Community Councils; and

**WHEREAS**, Utah Code Ann. § 10-20-503 provides that the Council may amend any provisions of a land use regulation; and

**WHEREAS**, Millcreek (“*City*”) has adopted the Uniform Land Use Ordinance of Millcreek, Utah (“*Land Use Ordinance*”), and

**WHEREAS**, City staff has recommended that the Council amend the Land Use Ordinance for the purpose of making technical corrections; and

**WHEREAS**, Utah Code Ann. § 10-20-502 provides the planning commission shall provide notice as required by Subsection 10-20-205(1)(a) and, if applicable, Subsection 10-20-205(4) and hold a public hearing on the proposed land use ordinances; and

**WHEREAS**, on December 29, 2025, the required notice was published; and

**WHEREAS**, on January 21, 2026, the proposed amendment was submitted to the planning commission for recommendation; and

**WHEREAS**, on January 21, 2026, the planning commission held the required public hearing with respect to amending Title 18 of the Millcreek Municipal Code; and

**WHEREAS**, at the January 21, 2026 planning commission meeting, the planning commission recommended amending Title 18 of the Millcreek Municipal Code for the purpose of removing public noticing requirements for community councils; and

**WHEREAS**, the Millcreek Code of Ordinances provides among other things that before finally adopting any such 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 January 26, 2026, the Council considered amending Title 18 of the

Millcreek Code of Ordinances for the purpose of removing public noticing requirements for community councils.

**NOW, THEREFORE, BE IT ORDAINED** by the Council that Title 18 of the Millcreek Municipal Code be amended as attached (designated by interlineating the words to be deleted and underlining the words to be added)

### **18.13.010 Application Categories And Land Use Authority Designations**

- A. The Land Use Authority is a person, board, commission, or body designated by Millcreek to act upon a land use application.
- B. Millcreek hereby designates land use authorities by application type, as set forth in Table 18.13-1, Land Use Authority Designations.
- C. Depending on the nature of the Land Use Authority designated to act on a land use application, land use applications fall into two categories: Legislative Decisions and Administrative Decisions.
  - 1. Legislative decisions are discretionary and include those application types listed in Table 18.13-1 that the City Council makes upon receiving a recommendation from the Planning Commission ~~and Community Council(s)~~, where applicable.
  - 2. Administrative Decisions consist of all other development approvals and include those application types listed in Table 18.13-1 that are made by the Planning Commission, Planning Director, or Land Use Hearing Officer. Administrative decisions are subject to the appropriate standards of review and shall be made based on findings of fact.

### 18.13.020 Designation Of Recommending Bodies And The Role Of Staff In Application Reviews

- A. Millcreek also establishes the roles of recommending bodies, ~~including the Planning Commission and Community Councils~~, to make recommendations on certain land use application types, as set forth in Table 18.13-2, Roles of Recommending Bodies by Application Type. No recommendation is required for application types not listed in Table 18.13-2.
- B. Millcreek Staff shall review all applications for completeness and substantial compliance with relevant requirements and may provide recommendations on Land Use Applications before the applicable Land Use Authority.

<b>Table 18.13-2 Roles of Recommending Bodies by Application Type</b>		
<b>Application Type</b>	<b>Community Council</b>	<b>Planning Commission</b>
<b>Legislative Decisions</b>		
General Plan and Future Land Use Map Adoption and Amendment	Recommendation	Recommendation
Land Use Code Text Amendment	Recommendation	Recommendation
Zoning Map Amendment	Recommendation	Recommendation
Development Agreement	Recommendation	Recommendation
Public Street or Municipal Utility Easement Vacation	None	Recommendation
<b>Administrative Decisions - Other Land Use Decisions</b>		
Conditional Use Permit	Recommendation	N/A
Classification Request Determination Review	Recommendation	Recommendation

### 8.13.050 Formal Public Engagement ~~And Community Council Engagement~~ Requirements

A. Certain application types require Formal Public Engagement, including a Public Meeting or a Public Hearing. The type of public engagement applicable to each application type is set forth in MKZ 18.15, Specific Procedures by Application Category and Type. ~~For the purposes of this Title, Community Council meetings are not considered a Formal Public Engagement.~~

1. Public Meetings. Public Meetings are required to be open to the public as set forth in Utah Code Section 52-4-101 et seq., Open and Public Meetings Act. All land use decisions made by the City Council and Planning Commission shall be rendered during open and public meetings. The Planning Director may also conduct public meetings related to land use applications or other land use issues. No public meeting shall commence until all procedures as set forth in MKZ 18.13.060, Public Notice Requirements, are met. The following criteria apply to public meetings:
  1. At a public meeting to consider an application, the Land Use Authority shall review the data supplied by the applicant, review the findings and recommendations of the Planning Director, and may take public comment from all interested persons in attendance.
  2. The applicant or their designated agent whose application is before the Planning Director, Planning Commission or City Council shall be present at the public meeting.
  3. The applicant shall present evidence in support of the application sufficient to enable the reviewing body to consider the matter and make findings on the subject. The applicant has the burden of presenting all necessary and relevant information and evidence in support of the application.
2. Public Hearings. At a public hearing, members of the public are provided a reasonable opportunity to comment on the subject of the hearing. No public hearing shall commence, nor shall public comment be received, until all notice procedures as set forth in MKZ 18.13.060, Public Notice Requirements, are met. The following criteria is applicable to public hearings:
  1. At a hearing to consider an application, the reviewing body shall review the data supplied by the applicant, review the findings and

recommendations of the Planning Director, and take testimony from all interested persons in attendance.

2. The applicant or their designated agent whose application is before the Planning Commission or City Council shall be present at the hearing.
3. The applicant shall present evidence sufficient to enable the reviewing body to consider the matter and make findings on the subject. The applicant has the burden of presenting all necessary and relevant information and evidence.

B. Continuances. For Administrative Decisions, the Land Use Authority may allow up to two continuances of a public meeting or public hearing, totaling not more than six months, to hear the matter, so the applicant may make modifications or provide additional information and evidence supporting the application.

1. If an application is continued to a date certain so that the Land Use Authority can receive additional information, then notice of a continuation to a date certain shall be posted on the subject property, but no further publication or mailed notice for a continued public meeting is required.
2. If an application is not continued to a certain date, it requires re-notification following the procedure set forth in MKZ 18.13.060, Public Notice Requirements.

~~C. Community Council Engagement. Certain application types are required to be subject to review by a relevant community council, which may choose to make a recommendation on that application.~~

- ~~1. Community Councils are encouraged to provide written recommendations to the Planning and Zoning Department. If the relevant Community Council does not provide a recommendation on an application, the application shall proceed through the approval process without a Community Council recommendation.~~
- ~~2. Where a land use application involves property located within 600 feet of the boundaries of another community council district, the Planning Director shall submit the application for review by the community councils of each community district.~~
- ~~3. If a complete application is submitted prior to a Planning Commission meeting held in a month where the applicable Community Council meeting is not scheduled to be held, a Neighborhood Meeting may be utilized in lieu of the Community Council meeting, with a summary report of the~~

~~meeting provided to the Community Council electronically. This neighborhood meeting must be completed at least seven (7) days prior to the Planning Commission meeting.~~

### **18.13.060 Public Notice Requirements**

- A. Public Notices are required to inform the public about an application's relevant proceedings. The public notice requirements are intended to provide information regarding the application and relevant public meetings or hearings for the application.
- B. The Land Use Authority, as set forth in Table 18.13-1, shall schedule and hold any required public hearing or public meeting according to the provisions of this Land Use Code and State Statute. Where applicable, the notice shall include the date and time of the meeting of the appropriate recommending body. This section describes the general notice procedure for public meetings and hearings in Millcreek. Noticing requirements follow this section unless otherwise noted in MKZ 18.15, Specific Procedures by Application Category and Type.
- C. Table 18.13-3, Noticing Summary, summarizes the various noticing requirements for each application type. The specific noticing requirements of each application type are more fully described in MKZ 18.15, Specific Procedures by Application Category and Type.
- D. Mailed Notices Procedure. Applications requiring mailed notices as set forth in Table 18.13-3, Noticing Summary shall follow the requirements of Utah Code Section 10-9a-101 et seq., Municipal Land Use, Development, and Management Act, and these procedures unless otherwise noted in in MKZ 18.15, Specific Procedures by Application Category and Type.
- E. Millcreek will mail notices for any application requiring a public meeting or public hearing. The applicant is responsible for the mailing expenses as set forth in the Consolidated Fee Schedule.
  - 1. Mailed notices shall follow the requirements of Utah Code Section 10-9a-205, Notice of public hearings and public meetings on adoption or modification of land use regulation.
  - 2. Mailed notices shall be sent to each owner of record of real property whose property is located partially or entirely within the mailed noticing distance as set forth in Table 18.13-3, unless otherwise set forth in this Title.

a. For applications where a Community recommendation is requested, mailed notices must be sent at least seven (7) days before the Community Council meeting.

b. For applications where a Community Council is not requested to make a recommendation, mailed notices must be sent at least ten (10) days prior to the first public hearing or seven (7) days prior to a public meeting.

3. If multiple mailed notices are needed, they may be combined into a single mailed notice with all applicable information.

F. Notice Sign Procedure. Applications requiring a noticing sign on the subject property as set forth in Table 18.13-3 Noticing Summary, shall follow these procedures unless otherwise set forth in MKZ 18.15, Specific Procedures by Application Category and Type.

1. Millcreek shall post notification signage on the subject property with a sign of sufficient size, durability, print quality, and location that is reasonably calculated to give notice to passers-by.

2. The notice shall be posted a minimum of five (5) days prior to the first Formal Public Engagement on the item and shall remain posted on sight until after the final Land Use Authority decision on the matter. If a notice is removed prior to a final decision, the applicant shall promptly notify the Planning Director within one business day, and the City shall replace the notice within one business day thereafter.

3. The notice sign shall state the purpose of the public notice and where interested parties can find out more information on the application and Formal Public Engagement schedule.

G. Online Noticing Procedure. Applications requiring online noticing as set forth in Table 18.13-3 Noticing Summary shall follow these procedures unless otherwise set forth in MKZ 18.15, Specific Procedures by Application Category and Type.

1. Millcreek is responsible for posting notice for any application requiring online noticing on Millcreek's official website no later than 24 hours prior to the first Formal Public Engagement on the item.

2. Millcreek is responsible for posting notice to the Utah Public Notice Website created by Utah Code Section 63A-16-601 no later than ten (10) days prior to the first public meeting or hearing on the item.

H. Hard Copy Notice. A hard copy of any public notice issued by Millcreek shall be posted at Millcreek City Hall at least twenty-four (24) hours prior to a public hearing or a public meeting.

1. Timeframes for Mailed Notice and Notice Sign shall be based on calendar days prior to the first **community Council Meeting or the first Formal Public Engagement, whichever comes first**.
2. Timeframes for Posting on the Millcreek Website and Utah Public Notice shall be based on calendar days prior to the first Formal Public Engagement.
3. Timeframes for Hard Copy of Notice are based on hours prior to the first formal Public Engagement.

<b>Table 18.13-3 Noticing Summary</b>					
<b>Application Type</b>	<b>Mailed Notice</b>	<b>Mailed Notice Distance (from boundaries of subject property)</b>	<b>Notice Sign (on subject property)</b>	<b>Posting On Millcreek Website and Utah Public Notice Website</b>	<b>Hard Copy of Notice</b>
<b>Legislative Decisions</b>					
General Plan / Future Land Use Map Adoption or Amendment (1)(2)	721	600 feet from subject property for Future Land Use Map Amendments	521	10	24 hours
Land Use Code Text Amendment (1)(2)	721	N/A		10	24 hours
Zoning Map Amendment (1)(2)	721	600 feet from subject property	521	10	24 hours
Zoning Map Amendments -Adoption and	721	600 feet from the boundary of the	521	10	24 hours

Amendments of Village Center Special Districts (1)(2)		Village Center as designated on the Future Land Use Map of the Millcreek General Plan			
Public Street or Municipal Utility Easement Vacation (2)	4021	Each property that is accessed by the public street or municipal utility easement	521	10	24 hours
<b>Administrative Decisions - Subdivisions</b>					
Minor Subdivision	721	300 feet from subject property	521	7	24 hours
Major Subdivision-Preliminary	721	300 feet from subject property	521	7	24 hours
Subdivision Amendment (2)	721	Affected Property Owners Within a Subdivision	521	7	24 hours
Vacating a Subdivision Plat	721	300 Feet from subject property	521	7	24 hours
<b>Administrative Decisions - Other Land Use Decisions</b>					
Conditional Use Permit	721	300 Feet from subject property	521	7	24 hours
<b>Administrative Decisions - Nonconformities and Variances</b>					
Expansion of a Noncompliant Structure or a Structure Containing a nonconforming use	10	300 Feet from subject property	5	7	24 hours

I. Table 18.13-3 Notes

1. The Planning Director shall determine if an application is ministerial in nature. If the Planning Director determines that the application is not ministerial in nature, notice shall be provided to the area directly affected by the land use ordinance change.
2. These application types require affected entities to be notified.

### 18.14.030 Neighborhood Meeting

- A. Purpose. A neighborhood meeting is intended for an applicant to inform residents and property owners of potential projects, help solicit neighborhood input on land use application, to provide any additional local information, and give the applicant an opportunity to address any relevant neighborhood concerns prior to submission.
- B. Applicability. A neighborhood meeting for relevant application types is required, as set forth in [MKZ 18.15, Specific Procedures by Application Category and Type](#).
- C. Procedure. It is the applicant's responsibility to conduct the neighborhood meeting. The applicant shall organize the meeting and provide adequate proof of notice to include the following:
  - 1. The applicant shall send a written notice stating the place, date, and time of the neighborhood meeting to all property owners, as identified in the Salt Lake County recorder's records, whose property is within the required notice radius for the land use applications as set forth in [MKZ 18.13.060, Public Notice Requirements](#).
  - 2. The applicant shall mail notice to all property owners, as identified in the Salt Lake County recorder's records, whose property is within the required notice radius for the land use applications as set forth in [MKZ 18.13.060, Public Notice Requirements](#) via First Class Mail at least one week prior to the neighborhood meeting.
  - ~~3. The applicant shall e-mail notice to members of the relevant community council(s), using email addresses provided by the Planning Director, at least one week before the neighborhood meeting.~~
  - 3. The neighborhood meeting shall be conducted at a location within Millcreek, which is commonly open to the public.
  - 4. Phone calls or informal door-to-door contacts shall not constitute a neighborhood meeting.
  - 5. The record of a neighborhood meeting shall be submitted with the application and shall include:
    - a. A list of all individuals who were notified;
    - b. A roster of attendees; and
    - c. A statement summarizing the topics discussed at the meeting.



#### 18.14.070 Application Compliance Review For All Other Applications

- A. Purpose. The application review is intended to ensure that a given application is in conformance with the requirements of all applicable standards of the Millcreek Code and other relevant ordinances and statutes. Application review also provides an opportunity to check for the accuracy of documents provided by the applicant.
- B. Applicability. All applications deemed complete are subject to full review by the Planning Director and other relevant reviewing authorities. This Section applies to all applications other than those for Regular Residential Subdivisions.
- C. Procedure.
  - 1. The Planning Director will review the application and determine if it meets the standards of the Millcreek Code. If adjustments are needed to obtain approval, these will be communicated to the applicant in writing. The applicant will then have the opportunity to amend the application and resubmit it for subsequent review.
  - 2. As part of the initial review, the Planning Director shall refer the development application to the appropriate review agencies and specify the timeframe for comments to be due back to the Planning Director.
  - 3. Upon an application's resubmittal for a subsequent review, it shall be reviewed by the agencies who requested revisions.
  - 4. After the Planning Director determines that the application meets all applicable standards, the Planning Director shall schedule the first public meeting or public hearing, if required, and prepare a staff report. The staff report shall be made available for inspection and copying by the applicant and the public prior to any scheduled public hearing(s) on the application. The staff report shall indicate whether, in the opinion of the Planning Director, the development application complies with all applicable standards of this Code.
  - 5. If the Planning Director is the Land Use Authority, an application may be approved upon the finding that all necessary revisions have been made and the application is compliant with the regulations of this Code.
  - 6. No application may be scheduled for **a review and recommendation by a community council, if applicable, or** a public meeting or public hearing without a review for compliance with the Code and applicable regulations.
  - 7. When the City utilizes a third party review for technical documents or studies, a fee shall be assessed for the additional review as paid by

applicant. Such costs shall be based on an estimate provided by the third-party reviewer of the City's choosing and paid for in advance by a deposit by the applicant or developer. Unused funds shall be returned to the applicant, without interest. Such studies or peer reviews may be required for any application identified to be in sensitive lands.

#### **18.14.080 Public Notice**

- A. Purpose. Certain application types require public notice to inform the public about the applicant's relevant proceedings of an applicant and allow the public to participate ~~in community council meetings, if applicable, and~~ in a Formal Public Engagement as required.
- B. Applicability. Public notice is required for the application types listed in table 18.13-3, Noticing Summary, or as set forth elsewhere in this Title. The Planning Director shall prepare public notices after a complete and accurate application has been reviewed by the Planning Director for compliance with applicable requirements.
- C. Procedure. Providing public notice shall follow the procedures as set forth in MKZ 18.13.060, Public Notice Requirements, or as set forth elsewhere in this Title.

#### **18.14.090 Formal Public Engagement ~~And Community Council Engagement~~**

- A. Purpose. Formal Public Engagement ~~and Community Council Engagement are~~ is required for certain application types so that the public can participate in the proceedings of applicable community councils and public bodies that make recommendations or decisions on land use applications.
- B. Applicability. Formal Public Engagement ~~and Community Council Engagement~~ are is required for the application types listed in Table 18.13-3 Noticing Summary, or as set forth elsewhere in this Title.
- C. Procedure. Providing public notice shall follow the procedures as set forth in MKZ 18.13.060, Public Notice Requirements, or as set forth elsewhere in this Title.

## 18.15.010 Legislative Decisions

### A. General Plan and Future Land Use Map Adoption or Amendment

1. Purpose. The City Council may adopt or amend the General Plan and Future Land Use Map, including amending the number, shape, boundaries, or area of any designation on the Future Land Use Map. The purpose of this Section is to provide standards to amend the text and/or maps of the General Plan. The amendment process is established to provide flexibility in response to changing circumstances, to reflect changes in public policy, and to advance the general welfare of Millcreek. A summary of meeting and noticing requirements for applications for General Plan and Future Land Use Map Adoptions or Amendments is set forth in Table 18.15-1.
2. Applicability. The City or any person may file an application requesting an amendment to the General Plan or Future Land Use Map. Applications for General Plan and Future Land Use Map Adoption or Amendments shall include the reasons or basis upon which the applicant believes the general plan should be amended. Amendments to the General Plan and Future Land Use Map shall comply with the procedures set forth in Utah Code Section 10-9a-101 et seq., Municipal Land Use, Development, and Management Act. No application may be filed by any property to amend any part of the general plan for a period of one year after adoption of such part of the general plan by the council.
3. Procedure. The following application steps, as set forth in MKZ 18.14, Land Use Application Steps, are required.
  - a. Pre-Application Consultation
  - b. Neighborhood Meeting
  - c. Application Submittal. As the Planning Director determines, an associated Development agreement may be required. A Development Agreement must be considered concurrently with the application and shall follow the procedure as set forth in this chapter. If a Future Land Use Map Amendment is approved subject to a Development Agreement, the approval of the Future Land Use Map Amendment shall be made effective upon recording of an executed Development Agreement.
  - d. Application Completeness Review

- e. Application Compliance Review. Upon completion of the review, the Planning Director shall make a recommendation.
- f. Public Notice. Mailed notices are required as part of any future land use map amendment.
- g. Formal Public Engagement

~~(1) The application shall be presented to the relevant Community Council(s) for a recommendation; and~~

(1) The Planning Commission shall hold a public hearing and make a recommendation to the Land Use Authority; and

(2) The City Council shall hold a public meeting and shall be the Land Use Authority for General Plan and Future Land Use Map Adoption or Amendment applications.

b. Decision.

- 2. Submittal Requirements. Any person seeking an amendment to the General Plan or Future Land Use Map shall submit a complete application, a completed General Plan or Future Land Use Map Adoption or Amendment Checklist, and a fee as set forth in MKZ 18.13.040, Submittal Requirements in General, and any other relevant supporting documentation, maps, studies and any other information that would inform Staff and the Planning Commission in making a recommendation, and that would allow the City Council to make a decision.

<b>Table 18.15-1 General Plan and Future Land Use Map Adoption or Amendment Meeting and Noticing Requirements</b>		
<b>Application Procedure Steps</b>	<b>Requirement</b>	<b>Code Reference</b>
Pre-Application Consultation	Required	<u>MKZ 18.14.010</u>
Neighborhood Meeting	Required	<u>MKZ 18.14.030</u>
<b>Community Council Recommendation</b>	<b>Required</b>	<b><u>MKZ 18.14.090</u></b>

Planning Commission Public Hearing and Recommendation	Required	<u>MKZ</u> <u>18.13.050</u> <u>MKZ</u> <u>18.14.090</u>
City Council Public Meeting	Required	<u>MKZ</u> <u>18.13.050</u> <u>MKZ</u> <u>18.14.090</u>
Mailed Notice to Affected Entities	Required	<u>MKZ</u> <u>18.13.060</u>
Mailed Noticing Requirement for Property Owners - Distance	600 feet	<u>MKZ</u> <u>18.13.060</u>
Mailed Noticing Requirement - Time	<b>7 21</b> days prior to the first <b>Community Council Meeting formal public engagement</b>	<u>MKZ</u> <u>18.13.060</u>

3. Disapproval of General Plan and Future Land Use Map Adoption or Amendment. Disapproval of an application to amend the general plan shall preclude the filing of another application to amend the general plan text in the same or similar manner or to amend the general plan map for any property, or any portion thereof, to the same land use designation within two years of the date of the final disapproval of the application unless the City Council finds that there has been a substantial change in the circumstances or other significant reasons since the disapproval of the application to merit consideration of a second application within the two-year time period, upon receiving a recommendation on the matter from the Planning Commission.

B. Land Use Code Text Amendment

1. Purpose. The City Council may amend the text of any land use ordinance. The purpose of this Section is to provide standards to amend the text of the Land Use Code. The Land Use Code Text Amendment procedure is established to provide flexibility in response to changing circumstances, to reflect changes in public policy, and to advance the general welfare of

Millcreek. A summary of meeting and noticing requirements for applications for Land Use Code Text Amendments is set forth in Table 18.15-2.

2. Applicability. The City or any person may file an application requesting an amendment to the text of this Land Use Code. Applications for Land Use Code Text Amendments shall include the reasons or basis upon which the applicant believes the Land Use Code should be amended. Amendments to the Land Use Code shall comply with the procedures set forth in Utah Code Section 10-9a-101 et seq., Municipal Land Use, Development, and Management Act.
3. Procedure. The following application steps, as set forth in MKZ 18.14, Land Use Application Steps, are required.
  - a. Pre-Application Consultation
  - b. Application Submittal. As the Planning Director determines, an associated Development Agreement may be required. A Development Agreement must be considered concurrently with a Land Use Text Amendment application and shall follow the procedure set forth in this chapter. If a Land Use Code Text Amendment is approved subject to a Development Agreement, the approval of the Land Use Code Text Amendment shall be made effective upon recording of an executed Development Agreement.
  - c. Application Completeness Review
  - d. Application Compliance Review. Upon completion of the review, the Planning Director shall make a recommendation.
  - e. Public Notice
  - f. Formal Public Engagement
    - (1) ~~The application shall be presented to all Community Councils for a recommendation; and~~
    - (1) The Planning Commission shall hold a public hearing and make a recommendation; and
    - (2) The City Council shall hold a public meeting and shall be the Land Use Authority for Land Use Code Text Amendment applications.
- b. Decision.

2. Submittal Requirements. Any person seeking an amendment to the Land Use Code shall submit a complete application, a completed Land Use Code Amendment Checklist, and a fee as set forth in MKZ 18.13.040, Submittal Requirements in General, and any other relevant supporting documentation, maps, studies, any other information that would inform Staff and the Planning Commission in making a recommendation, and that would allow the City Council to make a decision.

<b>Table 18.15-2 Land Use Code Text Amendment Meeting and Noticing Requirements</b>		
<b>Application Procedure Steps</b>	<b>Requirement</b>	<b>Code Reference</b>
Pre-Application Consultation	Required	<u>MKZ 18.14.010</u>
<b>Community Council Recommendation</b>	<b>Required</b>	<b><u>MKZ 18.13.050</u></b>
Planning Commission Public Hearing and Recommendation	Required	<u>MKZ 18.13.050</u> <u>MKZ 18.14.090</u>
City Council Public Meeting	Required	<u>MKZ 18.13.050</u> <u>MKZ 18.14.090</u>
Mailed Notice to Affected Entities	Required	<u>MKZ 18.13.060</u>
Mailed Noticing Requirement - Time	<b>7 21</b> days prior to the first <b>Community Council Meeting formal public engagement</b>	<u>MKZ 18.13.060</u>

#### B. Zoning Map Amendment

1. Purpose. The City Council may amend the number, shape, boundaries, or area of any zone. The purpose of this Section is to provide standards to

amend the boundaries of any zone district, or the zone classification of any property in a zone district. The Zoning Map Amendment procedure is established to provide flexibility in response to changing circumstances, to reflect changes in public policy, and to advance the general welfare of Millcreek. A summary of meeting and noticing requirements for applications for Land Use Code Text Amendments is set forth in Table 18.15-3.

2. **Applicability.** The City or any person may file an application requesting an amendment to the Official Zoning Map. Zoning Map Amendment applications shall include the reasons or basis upon which the applicant believes the Zoning Map should be amended.
3. **Procedure.** The following application steps, as set forth in MKZ 18.14, Land Use Application Steps, are required.
  - a. Pre-Application Consultation
  - b. Concept Review
  - c. Neighborhood Meeting
  - d. **Application Submittal.** As the Planning Director determines, an associated Development agreement may be required. A Development Agreement must be considered concurrently with a Zoning Map Amendment application and shall follow the procedure as set forth in this chapter. If a Zoning Map Amendment is approved subject to a Development Agreement, the approval of the Zoning Map Amendment shall be made effective upon recording of an executed Development Agreement.
  - e. Application Completeness Review
  - f. **Application Compliance Review.** Upon completion of the review, the Planning Director shall make a recommendation.
  - g. Public Notice
  - h. Formal Public Engagement
    - ~~(1) The application shall be presented to the relevant Community Council(s) for a recommendation; and~~
    - ~~(1) The Planning Commission shall hold a public hearing and make a recommendation; and~~

(2) The City Council shall hold a public meeting and shall be the Land Use Authority for Zoning Map Amendment applications.

- i. Decision.
2. Submittal Requirements. Any person seeking a Zoning Map Amendment shall submit a complete application, a completed Zoning Map Amendment Checklist, and a fee as set forth in MKZ 18.13.040, Submittal Requirements in General, and any other relevant supporting documentation, maps, studies, and any other information that would inform Staff and the Planning Commission in making a recommendation, and allow the City Council to make a decision.
  3. Conditions to Zoning Map Amendment.
    - i. In order to provide more specific land use designations and land development suitability; to insure that proposed development is compatible with surrounding neighborhoods; and to provide notice to property owners of limitations and requirements for development of property, conditions may be attached to any zoning map amendment which limit or restrict the following:
      - (1) Uses;
      - (2) Dwelling Unit Density;
      - (3) Building Square Footage;
      - (4) Height of Buildings or Structures
    - j. A zoning map amendment attaching any of the conditions set forth in subsection A shall be designated ZC after the zoning classification on the zoning map.
    - k. In the event any zoning condition is declared invalid by a court of competent jurisdiction, then the entire zoning map amendment shall be void. Any deletion in or change to zoning condition shall be considered an amendment to the zoning ordinance and shall be subject to the requirements of this chapter.

<b>Table 18.15-3 Zoning Map Amendment Meeting and Noticing Requirements</b>
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<b>Application Procedure Steps</b>	<b>Requirement</b>	<b>Code Reference</b>
Pre-Application Consultation	Required	<u>MKZ 18.14.010</u>
Concept Review	Required	<u>MKZ 18.14.020</u>
Neighborhood Meeting	Required	<u>MKZ 18.14.030</u>
<del>Community Council Recommendation</del>	<del>Required</del>	<del><u>MKZ 18.13.050</u></del>
Planning Commission Public Hearing and Recommendation	Required	<u>MKZ 18.13.050</u> <u>MKZ 18.14.090</u>
City Council Public Meeting	Required	<u>MKZ 18.13.050</u> <u>MKZ 18.14.090</u>
Mailed Notice to Affected Entities	Required	<u>MKZ 18.13.060</u>
Mailed Noticing Requirement for Property Owners - Distance	600 feet	<u>MKZ 18.13.060</u>
Mailed Noticing Requirement - Time	<del>7</del> 21 days prior to the first <del>Community Council Meeting</del> formal public engagement	<u>MKZ 18.13.060</u>

## B. Development Agreement

1. Purpose. The purpose of this Section is to provide standards for the consideration and adoption of Development Agreements as part of applications for Legislative Decisions. Development agreements are intended to stipulate specific unique details of a development proposal that exceed the standards of the Code, in order to establish a clear

understanding of timing, responsibility, and other relevant details regarding a proposal and its supporting infrastructure.

2. **Applicability.** A Development Agreement is a voluntary agreement between Millcreek and the Applicant. A Development Agreement must be submitted concurrently with a land use application for a Legislative Decision, along with a completed Development Agreement Checklist.
3. **Procedure.** Approval of a Development Agreement shall follow the procedure for the relevant application type.
4. **Minimum Standards.** The Development Agreement shall include, at a minimum, the following:
  - i. Site plans and building elevations.
  - j. A detailed narrative of materials, design, uses, public and private amenities, landscaping, parking, lighting, signs, utilities, and any other detail that is relevant to the Development Agreement.
  - k. A list of all agreed-upon public improvements, an estimate of the cost of such improvements, the proposed form of construction security for the improvements, and any other provisions or conditions deemed necessary by Millcreek to ensure that all public improvements will be completed in a timely, cost-effective manner that meets Millcreek's standards.
  - l. A clause that states that the developer would not object to a decision by the City to initiate a Zoning Map Amendment for the property and withdraw from the Development Agreement if a building permit is not applied for within two (2) years of execution of the Development Agreement, or if the Development Agreement is not recorded within sixty (60) days of execution of the Agreement.
5. **Submittal Requirements.** Any person seeking a Development Agreement as part of a land use application for a Legislative Decision shall submit an additional fee as set forth in MKZ 18.13.040, Submittal Requirements in General, shall follow the application procedure and submittal requirements for the relevant application type, and shall submit and any other relevant supporting documentation, maps, studies and any other information that would inform Staff and the Planning Commission in making a recommendation, and allow the City Council to make a decision.

#### **18.15.020 Administrative Decisions**

## A. Minor Subdivision

1. The purpose of this Section is to provide standards for Minor Subdivisions. Minor Subdivisions are intended to provide a streamlined review for small-scale projects with limited impact. A Minor Subdivision is required prior to issuance of a grading permit, if applicable, or building permit or other minor development activities. A summary of meeting and noticing requirements for applications Minor Subdivisions is set forth in Table 18.15-4.
2. Applicability. The minor subdivision procedure applies to a property creating or modifying three (3) lots or fewer. Plats involving four (4) or more lots are not eligible for the Minor Subdivision procedure.
3. Procedure. Unless noted otherwise, the following application steps are required, as set forth in MKZ 18.14, Land Use Application Steps.
  - a. Pre-application Consultation. This is optional at the applicant's request for Regular Residential Subdivisions and required for all other subdivisions. If the applicant requests a pre-application consultation, Millcreek shall schedule it within fifteen (15) days to review the concept plan and give initial feedback.
  - b. Concept Review. This is optional at the applicant's request for Regular Residential Subdivisions and required for all other subdivisions.
  - c. Application Submittal.
  - d. Application Completeness Review. Application completeness reviews for Regular Residential Subdivisions are subject to the standards as set forth in MKZ 18.14.050.
  - e. Subdivision Plan Review. A subdivision plan review for Regular Residential Subdivisions includes the engineering drawings that are subject to the standards as set forth in this Title and constitute the subdivision improvement plans as identified in Utah Code Section 10-9a-604.2.
  - f. Application Compliance Review.
  - g. Public Notice.
  - h. Formal Public Engagement. The Planning Director shall hold a public meeting and shall be the Land Use Authority for Minor Subdivision applications.

- i. Decision and Findings.
4. Approval Criteria. The Planning Director shall approve the request if:
  - a. The minor subdivision creates no more than three (3) lots in total.
  - b. The minor subdivision does not create remnant or otherwise unusable lots or parcels.
  - c. The minor subdivision is consistent with and complies with the requirements of the specific zoning district in which it is located.
  - d. The lots created with the proposed minor subdivision have a buildable area that would not require a future variance to construct the use the lot is intended for.
  - e. As applicable, the minor subdivision is consistent with the terms and conditions of any previously approved plat.
  - f. The minor subdivision will not limit Millcreek's ability to provide facilities or services effectively.
  - g. No new lot nor any lot affected by the subdivision will have a noncomplying structure or a structure occupied by a nonconforming use, unless the lot created for the purpose of dividing a legally-established two-household dwelling pursuant to the standards as set forth in MKZ 18.26.
5. Submittal Requirements. Any person seeking a Minor Subdivision shall submit a complete application, a completed Subdivision Requirements Checklist, and a fee as set forth in MKZ 18.13.040, Submittal Requirements in General, a Title report that correctly discloses all recorded matters of title regarding the property and which is prepared and dated not more than ninety (90) days before the proposed recordation of the subdivision, and any other relevant supporting documentation, maps, studies and any other information that would inform Staff and allow the Land Use Authority to make a decision.
6. Development Improvement Completion Assurance. Before an applicant conducts any development activity on a minor subdivision or records a plat, the applicant shall complete any required landscaping or infrastructure improvements or post an improvement competition assurance for any required public landscaping or infrastructure improvements as set forth in MKC 14.12.070.

7. Requirements Prior to Recording a Subdivision Plat. The subdivision plat may not be recorded until all of the following items have been completed:
  - a. The final plat has been approved and signed by the City Engineer, Planning Director, and City Attorney, or designee certifying that all requirements have been met.
  - b. The Mayor's signature and City Recorder's attestation have been applied to the Mylar plat drawing.
  - c. The improvement guarantee determined by the City Engineer and approved by the City Attorney, or designee, has been properly posted with the City.
  - d. All necessary deeds, easements, and agreements have been executed and submitted to the City.
  
8. Expiration. Failure to submit the approved minor subdivision for recording within twelve (12) months after the date of the approval letter shall void the approval and the subdivider shall be required to submit a new minor subdivision application for review. Prior to the expiration of the six (6) month period, the Planning Director may grant up to one extension as set forth in MKZ 18.12.030, Expirations and Extensions of Land Use Approvals.

<b>Table 18.15-4 Minor Subdivision Meeting and Noticing Requirements</b>		
<b>Application Procedure Steps</b>	<b>Requirement</b>	<b>Code Reference</b>
Pre-Application Consultation	Optional for Regular Residential Subdivisions. Required for all other Subdivisions.	<u>MKZ 18.14.010</u>
Concept Review	Optional for Regular Residential Subdivisions. Required for all other Subdivisions.	<u>MKZ 18.14.020</u>
Planning Director Public Meeting	Required	<u>MKZ 18.13.050</u> <u>MKZ 18.14.090</u>

Mailed Noticing Requirement for Property Owners - Distance	300 feet	<u>MKZ 18.13.060</u>
Mailed Noticing Requirement - Time	7 days prior to Planning Director Public Meeting	<u>MKZ 18.13.060</u>

## B. Major Subdivision

1. The purpose of this Section is to provide standards for Major Subdivisions. Major subdivisions are intended to ensure lots and development conform with zoning regulations, and all applicable Millcreek standards. A summary of meeting and noticing requirements for applications for Major Subdivisions is set forth in Table 18.15-5.
2. Applicability. The major subdivision procedure is required for a proposed division of land when one (1) or more of the following conditions exist:
  - a. The resultant subdivision will produce four (4) or more lots; or
  - b. The subdivision is not otherwise eligible for approval as a Minor Subdivision.
3. Procedure Overview. Major Subdivisions require two (2) steps.
  - a. Preliminary Subdivision, which requires approval by the Planning Commission; and
  - b. Final Subdivision, which requires approval by the Planning Director.
4. Preliminary Subdivision Procedure. The following application steps, as set forth in MKZ 18.14, Land Use Application Steps, are required, unless noted otherwise.
  - a. Pre-application Consultation. This is optional for Regular Residential Subdivisions and required for all other subdivisions.
  - b. Concept Review. This is optional at the applicant's request for Regular Residential Subdivisions and required for all other subdivisions.
  - c. Application Submittal
  - d. Application Completeness Review. Application completeness reviews for Regular Residential Subdivisions are subject to the standards as set forth in MKZ 18.14.050.

- e. Subdivision Plan Review. A subdivision plan review for Regular Residential Subdivisions includes the engineering drawings that are subject to the standards as set forth in this Title and constitute the subdivision improvement plans as identified in Utah Code Section 10-9a-604.2.
  - f. Application Compliance Review. Upon completion of the review, the Planning Director shall make a recommendation.
  - g. Public Notice.
  - h. Formal Public Engagement. The Planning Commission shall hold a public meeting and shall be the Land Use Authority for preliminary approval of Major Subdivision applications.
  - i. Decision and Findings.
5. Approval Criteria. The Planning Commission shall approve the request if:
- a. The Preliminary Subdivision is consistent with and complies with the requirements of the specific zoning district in which the Preliminary Subdivision is located and the applicable requirements of this Code and other applicable Millcreek and State requirements.
  - b. As applicable, the Preliminary Subdivision is consistent with the terms and conditions of any previously approved development plan or Development Agreements.
  - c. Provides a layout of lots, streets, blocks, driveways, utilities, drainage, and other public facilities as required by all applicable standards of this Code and applicable regulations and standards.
  - d. The project preserves, protects, integrates, or mitigates impacts to any identified sensitive lands or geologic hazards associated with the property.
  - e. The Subdivision will not impair the ability of Millcreek or any public utility provider to provide facilities or services effectively.
  - f. The engineering drawings and subdivision improvement plans comply with all applicable standards of this Title and other applicable Millcreek and State requirements.
  - g. The Planning Commission may not approve a Preliminary Subdivision with a noncomplying structure or a structure occupied by a nonconforming use.

6. Submittal Requirements. Any person seeking a Major Subdivision shall submit a complete application, a completed Subdivision Requirements Checklist, all required engineering drawings and subdivision improvement plans, and a fee as set forth in MKZ 18.13.040, Submittal Requirements in General, a Title report that correctly discloses all recorded matters of title regarding the property and which is prepared and dated not more than ninety (90) days before the proposed recordation of the subdivision, and any other relevant supporting documentation, maps, studies and any other information that would inform Staff and allow the Land Use Authority to make a decision.
7. Post Approval Action. Following Preliminary Subdivision approval, the Planning Director shall issue a timely written record of the decision, including any additional requirements of approval, along with a copy of the approved plat, plans, reports, and studies that were presented in the public meeting, as set forth in MKZ 18.14.100, Decision and Findings.
8. Subdivision Expiration. Approval of a Preliminary Subdivision shall be effective for twelve (12) months following the date of the Planning Commission approval. An approved Subdivision shall expire and be of no further force and effect if the subdivision or a phase of the subdivision has not been submitted within twelve (12) months after the date of the approval. In the case of phased Subdivision submission, the approval of the remaining portion of the Preliminary Subdivision shall automatically gain an extension of six (6) months, up to a maximum number of years specified by the Planning Commission at the time of approval of the initial phase. Prior to the expiration of the six (6) month period, the Planning Director may grant one extension of six (6) months as set forth in MKZ 18.12.030, Expirations and Extensions of Land Use Approvals.
9. Development Improvement Completion Assurance. Before an applicant conducts any development activity on a minor subdivision or records a plat, the applicant shall complete any required landscaping or infrastructure improvements or post an improvement competition assurance for any required public landscaping or infrastructure improvements as set forth in MKC 14.12.070.
10. Requirements Prior to Recording a Subdivision Plat. The subdivision plat may not be recorded until all of the following items have been completed:
  - a. The final plat has been approved and signed by the City Engineer, Planning Director, and City Attorney, or designee certifying that all requirements have been met.

- b. The Mayor's signature and City Recorder's attestation have been applied to the Mylar plat drawing.
- c. The improvement guarantee determined by the City Engineer and approved by the City Attorney, or designee, has been properly posted with the City.
- d. All necessary deeds, easements, and agreements have been executed and submitted to the City.

11. Final Subdivision Approval. After the Planning Commission issues a preliminary approval of a Major Subdivision, the Planning Director shall commence a final compliance review of the subdivision application and shall issue a Final Subdivision Approval. The Planning Director shall approve, conditionally approve, or deny the Final Subdivision and approve the plat based on the approval criteria in this section. The Planning Director shall confirm that:

- a. The Final Subdivision is in conformance with the previously approved Preliminary Subdivision and any conditions imposed by the Planning Commission; and
- b. The Final Subdivision will comply with the applicable requirements of this Code and other applicable Millcreek and State requirements.
- c. The final plat has been approved and signed by the City Engineer, Planning Director, and City Attorney, or designee certifying that all requirements have been met.
- d. The Mayor's signature and City Recorder's attestation have been applied to the Mylar plat drawing.
- e. The improvement guarantee determined by the City Engineer and approved by the City Attorney, or designee, has been properly posted with the City.
- f. All necessary deeds, easements, and agreements have been executed and submitted to the City.

12. Expiration. Failure to submit the approved major subdivision for recording within twelve (12) months after the date of the approval letter shall automatically expire the approval. The applicant of an expired subdivision will be required to submit a new subdivision application for review. Prior to the expiration of the twelve (12) month period, the Planning Director may grant up to one extension as set forth in MKZ 18.12.030, Expirations and

Extensions of Land Use Approvals.

<b>Table 18.15-5 Major Subdivision Meeting and Noticing Requirements</b>		
<b>Application Steps</b>	<b>Requirement</b>	<b>Code Reference</b>
<b>Preliminary Subdivision</b>		
Pre-Application Consultation	Optional for Regular Residential Subdivisions. Required for all other Subdivisions.	<u>MKZ</u> <u>18.14.010</u>
Concept Review	Optional for Regular Residential Subdivisions. Required for all other Subdivisions.	<u>MKZ</u> <u>18.14.020</u>
Neighborhood Meeting	Optional for Regular Residential Subdivisions. Required for all other Subdivisions.	<u>MKZ</u> <u>18.14.030</u>
Planning Commission Public Meeting	Required	<u>MKZ</u> <u>18.13.050</u> <u>MKZ</u> <u>18.14.090</u>
Mailed Noticing Requirement for Property Owners - Distance	300 feet	<u>MKZ</u> <u>18.13.060</u>
Mailed Noticing Requirement - Time	7 days prior to Planning Director Public Meeting	<u>MKZ</u> <u>18.13.060</u>
<b>Final Subdivision</b>		
Pre-Application Consultation	Optional	<u>MKZ</u> <u>18.14.010</u>

Concept Review	Optional	<u>MKZ</u> <u>18.14.020</u>
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C. Condominium Subdivisions, Condominium Conversions, and Condominium Vacations.

1. Purpose. The purpose of this Section is to provide standards for Condominium Subdivisions, Condominium Conversions, and Condominium Vacations as part of an application for a Major Subdivision, a Subdivision Amendment, or a Vacation of a Subdivision Plat. Condominium Subdivisions, Condominium Conversions, and Condominium Vacations shall be reviewed pursuant to the requirements as set forth in Utah Code Section 57-8-1 et seq., Condominium Ownership Act, et seq. and shall follow the procedures as set forth in this Chapter, with additional requirements as set forth in Utah Code Section 57-8-101 et seq., as amended. Condominium Conversions are intended to allow for existing legally-established multiple-household dwelling developments, including legally-established three-household and four-household dwellings, to be converted into condominiums to promote affordable homeownership in Millcreek.
2. Applicability. Any application affecting a plat or property that is defined as a Condominium Plat or Condominium as set forth in Utah Code Section 57-8-1 et seq., Condominium Ownership Act, is subject to the standards of this section.
3. Procedure. A Condominium Subdivision or Condominium Vacation shall follow the procedures for a Major Subdivision. Condominium Conversions shall follow the procedures for a Minor Subdivision, and the procedures set forth in this Section.
4. Condominium Conversion Submittal Requirements. Any person seeking a Condominium Conversion shall submit a complete Minor Subdivision application, completed Minor Subdivision Requirements and Condominium Conversions Checklists, and a fee as set forth in MKZ 18.13.040, Submittal Requirements in General, a Title report that correctly discloses all recorded matters of title regarding the property and which is prepared and dated not more than ninety (90) days before the proposed recordation of the subdivision, and any other relevant supporting documentation, maps, studies and any other information that would inform Staff and allow the Land Use Authority to make a decision. Additionally, a Property Report must be submitted for any Minor Subdivision application

for a Condominium Conversion, and the Property Report shall include the following requirements:

- a. A site plan indicating the layout of existing and proposed landscaping, parking, lighting, fencing, private and common areas, and amenities, by a licensed surveyor/engineer.
  - b. The age of the building or buildings.
  - c. The general condition, useful life, and capacity of the building's structural elements, including the roof, foundations, mechanical system, electrical system, plumbing system, boiler, and other structural components.
  - d. All known conditions constituting deficiencies requiring repair to meet existing building codes.
  - e. All known conditions which may require repair or replacement within the next succeeding five (5) year period.
  - f. A statement from a third-party building inspector licensed to practice in the State of Utah stating that the structure or structures have been inspected for compliance with the International Building Code minimum standards. If the building inspector finds deficiencies, the applicant shall present plans to bring the structure or structures into conformity with said standards prior to the issuance of certificates of occupancy.
  - g. Where it is determined that physical conditions in an existing building do not allow the strict application of the international building code standard, the Land Use Appeal Authority shall review all requests to vary from these standards and may grant variances or approve alternates where it is determined the intent of the requirement will be met. In any event, there shall be disclosure to buyers of any conditions that do not meet code or standards set by Millcreek.
5. Condominium Conversion Application Compliance Review Requirements. As part of an Application Compliance Review for an application for a Preliminary Major Subdivision, the Application Compliance Review shall include the following actions:
- a. Building Inspection Staff Review. Upon receipt of the application for approval of a condominium project, the building inspection department shall review the proposed building plans for new

construction and/or in the case of a conversion project, the property report and plan of improvement, renovations, and repairs to determine conformance with applicable building codes. In the case of a conversion, the department shall require inspections of the property and may require supplementation, revision, and resubmission of the property report where necessary. In the preliminary review report to the Planning Commission, the Chief Building Official or designee shall note corrections, repairs and replacements that must be made to bring the structures into code compliance, together with a list of renovation improvements proposed by the owner/developer that are not required by code. The Chief Building Official or designee shall also list any requirements of the International Building Code that needs consideration by the Board of Appeal due to unique circumstances associated with the structure. The Chief Building Official or designee may then recommend denial until existing violations of code are corrected or may recommend preliminary approval of the project and building report subject to correction of the violations prior to final approval.

- b. Fire Marshal Review. The Fire Marshal shall inspect each structure proposed for conversion and submit a report to the Planning Director outlining its fire safety conditions. The marshal shall stipulate those conditions requiring improvement, prior to occupancy, in the report.
  - c. Code Compliance Review. The City Code Compliance inspector shall inspect each structure proposed for conversion and submit a report to the Planning Director outlining its conditions regarding municipal code compliance. Millcreek shall identify those conditions requiring improvement in the report prior to being issued final plat approval.
6. Public Notice - Additional Requirements for Condominium Conversions. In addition to the Public Notice requirements for Subdivisions as set forth in MKZ 18.13.060, Public Notice Requirements, the applicant for a Condominium Conversion shall provide written notice of intended conversion to the existing tenants as of the date of the application. Service of the written notice shall be in accordance with a service of a summons as set forth in the Utah Rules of Civil Procedure. The applicants shall provide proof of service stating the date, place, and manner of service, including a copy of the notice.

7. Approval Criteria for Condominium Conversions. The Planning Commission shall approve the request if it satisfies the Preliminary Approval Criteria for Minor Subdivisions as set forth in MKZ 18.15.020 (B). Any condominium conversion shall have a minimum of three (3) legal units or lots. One (1) or more single-household detached dwellings shall not be platted as a condominium development.
8. Requirements Prior to Recording a Subdivision Plat. The subdivision plat may not be recorded until all of the following items have been completed:
  - a. The final plat has been approved and signed by the City Engineer, Planning Director, and City Attorney, or designee certifying that all requirements have been met.
  - b. The Mayor's signature and City Recorder's attestation have been applied to the Mylar plat drawing.
  - c. The improvement guarantee determined by the City Engineer and approved by the City Attorney, or designee, has been properly posted with the City.
  - d. All necessary deeds, easements, and agreements have been executed and submitted to the City.

#### D. Subdivision Amendment for Minor Plat Adjustments

1. Purpose. The purpose of this Section is to provide standards for Subdivision Amendments that make minor changes to lots that are of a small, technical nature, but largely do not affect otherwise approved or existing plats. The Planning Director shall allow such modifications according to the criteria within this Section. A summary of meeting and noticing requirements for applications for Subdivision Amendments for Minor Plat Adjustments is set forth in Table 18.15-6.
2. Applicability. A subdivision amendment may only be considered on approved subdivisions. If an application for a subdivision amendment cannot satisfy the approval criteria in this section, it shall be processed as a Minor or Major Subdivision. Only an owner of land within a platted subdivision, as shown on property records at the office of the County Recorder, may petition the City in writing to amend, alter or vacate any portion of a subdivision.
3. Procedure. The following application steps, as set forth in MKZ 18.14, Land Use Application Steps, are required.
  - a. Pre-Application Consultation.

- b. Application Submittal.
  - c. Application Completeness Review.
  - d. Application Compliance Review.
  - e. Public Notice.
  - f. Formal Public Engagement. The Planning Director shall hold a public meeting and shall be the Land Use Authority for Subdivision Amendment applications.
  - g. Decision and Findings.
4. Approval Criteria. The Planning Director shall approve the request if:
- a. The amended plat is in substantial conformance with the original approved subdivision.
  - b. The amended subdivision does not increase the number of lots or parcels or create new lots or parcels.
  - c. The amended subdivision does not eliminate or move a recorded easement without the prior approval of the easement holder.
  - d. The amended subdivision will not create any nonconformities or increase the degree of nonconformity of any existing structure or use.
  - e. The amended plat complies with all other applicable requirements of this Code, Utah Code Section 10-9a-608, and regulations and standards.
  - f. All proposed vacations, alterations or amendments of subdivision plats must meet the review requirements outlined in this chapter and the requirements of the individual zone in which the subdivision is proposed.
5. Submittal Requirements. Any person seeking a Subdivision Amendment for Minor Plat Adjustments shall submit a complete application, a completed Subdivision Requirements Checklist, a Title Report that correctly discloses all recorded matters of title regarding the property and which is prepared and dated not more than ninety (90) days before the proposed recordation of the subdivision, and a fee as set forth in MKZ 18.13.040, Submittal Requirements in General, and any other relevant supporting documentation, maps, studies and any other information that would inform Staff and allow the Land Use Authority to make a decision.

6. Requirements Prior to Recording a Subdivision Plat. The subdivision plat may not be recorded until all of the following items have been completed:
  - a. The final plat has been approved and signed by the City Engineer, Planning Director, and City Attorney, or designee certifying that all requirements have been met.
  - b. The Mayor's signature and City Recorder's attestation have been applied to the Mylar plat drawing.
  - c. The improvement guarantee determined by the City Engineer and approved by the City Attorney, or designee, has been properly posted with the City.
  - d. All necessary deeds, easements, and agreements have been executed and submitted to the City.
  
7. Expiration. Failure to submit the approved subdivision amendment for recording within six (6) months after the date of the approval letter shall void the approval and the subdivider shall be required to submit a new subdivision amendment application for review. Prior to the expiration of the six (6) month period, the Planning Director may grant up to one extension as set forth in MKZ 18.12.030, Expirations and Extensions of Land Use Approvals.

<b>Table 18.15-6 Subdivision Amendment for Minor Plat Adjustments Meeting and Noticing Requirements</b>		
<b>Application Procedure Steps</b>	<b>Requirement</b>	<b>Code Reference</b>
Pre-Application Consultation	Required	<u>MKZ</u> <u>18.14.010</u>
Planning Director Public Meeting	Required	<u>MKZ</u> <u>18.13.050</u> <u>MKZ</u> <u>18.14.090</u>
Mailed Noticing Requirement for Property Owners - Distance	Affected Property Owners	<u>MKZ</u> <u>18.13.060</u>

		<u>MKZ</u> <u>18.97</u>
Mailed Noticing Requirement - Time	7 days prior to Planning Director Public Meeting	<u>MKZ</u> <u>18.13.060</u>

E. Boundary Adjustment

1. Purpose. The purpose of this Section is to provide standards for agreements between adjoining property owners to relocate a common boundary that results in a conveyance of property between the adjoining lots, adjoining parcels, or adjoining lots and parcels.
  - a. Simple Boundary Adjustment. An applicant may propose a simple boundary adjustment by submitting a written request that includes conveyance documents and describes all lots or parcels affected by the proposed simple boundary adjustment.
    - (1) Applicability. A simple boundary adjustment may not affect a public right-of-way, municipal utility easement, or other public property; an existing easement, onsite wastewater system, or an internal lot restriction; or result in a lot or parcel out of conformity with land use regulations, including a lot or parcel that crosses a zone district boundary. If an application for a simple boundary adjustment does not meet these requirements, then a full boundary adjustment is required.
    - (2) Procedure. The following application steps, as set forth in MKZ 18.14, Land Use application Steps, are required.
      - a) Application Submittal.
      - b) Application Completeness Review.
      - c) Application Compliance Review.
      - d) Decision and Findings. In the case of simple boundary adjustments, the decision and findings of the Planning Director shall take the form of a Notice of Consent.
    - (3) Approval Criteria. The Planning Director shall approve the request if it meets the requirements of this section by issuing

a Notice of Consent that states the City is not responsible for any error related to the simple boundary adjustment and the county recorder may record the simple boundary adjustment.

- (4) Submittal Requirements. Any person seeking a simple boundary adjustment shall submit a written request that includes conveyance documents and describes all lots or parcels affected by the proposed simple boundary adjustment, a fee as set forth in MKZ 18.13.040, Submittal Requirements in General, and any other information that would inform staff and allow the Planning Director to make a decision.
  - (5) Expiration. Failure to submit the approved simple boundary adjustment for recording within six (6) months after the date of the approval letter shall void the approval and the applicant shall be required to submit a new simple boundary adjustment application. Prior to the expiration of the six (6) month period, the Planning Director may grant up to one exception as set forth in MKZ 18.12.030, Expirations and Extensions of Land Use Approvals.
- b. Full Boundary Adjustment. An applicant may propose a full boundary adjustment by submitting a written request by the adjoining property owners that includes conveyance documents, a survey that complies with Utah Code Section 57-1-45.5(3)(b).
- (1) Applicability. A full boundary adjustment is a boundary adjustment that is not a simple boundary adjustment.
  - (2) Procedure. The following application steps, as set forth in MKZ 18.14, Land Use Application Steps, are required.
    - a) Application Submittal. Application submittal shall include a survey that complies with Utah Code Section 57-1-45.5(3)(b).
    - b) Application Completeness Review.
    - c) Application Compliance Review.
    - d) Decision and Findings. In the case of full boundary adjustments, the decision and findings of the Planning Director shall take the form of a Notice of Consent.

- (3) Approval Criteria. The Planning Director shall approve the request for a full boundary adjustment if the proposal includes all the necessary information and the survey that complies with Utah Code Section 57-1-45.5(3)(b) and that shows no evidence of a violation of a land use regulation or the creation of a lot or parcel that crosses a zone district boundary by issuing a Notice of Consent that states the City is not responsible for any error related to the full boundary adjustment and the county recorder may record the boundary adjustment.
- (4) Submittal Requirements. Any person seeking a full boundary adjustment shall submit a written request that includes conveyance documents, a survey that complies with Utah Code Section 57-1-45.5(3)(b), a fee as set forth in MKZ 18.13.040, Submittal Requirements in General, and any other information that would inform Staff and allow the Planning Director to make a decision.
- (5) Expiration. Failure to submit the approved full boundary adjustment for recording within six (6) months after the date of the Notice of Consent shall void the approval and the applicant shall be required to submit a new full boundary adjustment. Prior to the expiration of the six (6) month period, the Planning Director may grant up to one extension as set forth in MKZ 18.12.030, Expirations and Extensions of Land Use Approvals.

F. Vacating a Subdivision Plat. The vacation of a subdivision plat shall comply with the requirements as set forth in, and shall follow the process as outlined below:

1. Vacation of subdivisions with three or fewer lots shall follow the Minor Subdivision process.
2. Vacation of subdivisions with more than three lots shall follow the Major Subdivision process.
3. The City Council may vacate a subdivision or a portion of a subdivision by adopting and recording an ordinance as set forth in Utah Code Section 10-9a-609, Land use authority approval of vacation or amendment of plat -- Recording the amended plat.

G. Public Street or Municipal Utility Easement Vacation

1. Purpose. The purpose of this Section is to provide standards for the vacation of public streets or municipal utility easements. Dedicated public streets and municipal utility easements may be vacated, in whole or in part, if Millcreek determines that all or a portion of the public street or municipal utility easement is unnecessary or infeasible for future public access or use. A summary of meeting and noticing requirements for applications for Land Use Code Text Amendments is set forth in Table 18.15-7.
2. Applicability. A public street or municipal utility easement may be vacated by filing an application for a minor subdivision, a major subdivision, or a subdivision amendment, or the City Council may approve a petition to vacate a public street or municipal utility easement by ordinance.
3. Procedure - Public Street or Municipal Utility Easement Vacation By Plat. A vacation of a public street or municipal utility easement may be accomplished through the filing of an application for a Minor Subdivision, a Major Subdivision, or a Subdivision Amendment, and shall follow the process for each application type, and the following additional steps:
  - a. After the Land Use Authority grants Preliminary Subdivision approval and before a Final Subdivision approval is issued, the City Council shall hold a public hearing to consider the vacation of a public street or municipal utility easement.
  - b. Public Notice shall follow the process as set forth in MKZ 18.13.060, Public Notice Requirements.
  - c. A public hearing shall follow the process as set forth in MKZ 18.13.050, Formal Public Engagement and Community Council Engagement Requirements.
  - d. If the filing of a subdivision plat accompanies a vacation of a public street or municipal utility easement, the final decision on the plat shall be withheld until the City Council issues a decision regarding the vacation of a public street or municipal utility easement.
4. Procedure - Public Street or Municipal Utility Easement Vacation by Ordinance. In lieu of a Minor Subdivision, Major Subdivision, or Subdivision Amendment, a petition to vacate a public street or municipal utility easement may be filed following the procedure as set forth in Utah Code Section 10-9a-609.5, Petition to vacate a public street, and shall follow the procedure as set forth below:
  - a. Pre-Application Consultation

- b. Concept Review
  - c. Neighborhood Meeting
  - d. Application Submittal
  - e. Application Completeness Review
  - f. Application Compliance Review. Upon completion of the review, the Planning Director shall make a recommendation.
  - g. Public Notice
  - h. Formal Public Engagement
    - (1) The Planning Commission shall hold a public hearing and make a recommendation; and
    - (2) The City Council shall hold a public meeting and shall be the Land Use Authority for Public Street or Municipal Utility Easement Vacation applications.
  - i. Decision and Findings
5. Approval Criteria. Public streets or municipal utility easements may not be vacated unless the following criteria are met:
- a. The vacation does not deprive abutting properties of adequate legal access to existing or proposed public utilities or drainage installations;
  - b. The vacation is consistent with the General Plan and other adopted policies and plans, including any adopted transportation plan or streets/roadway plan;
  - c. The land to be vacated is no longer necessary for public use and convenience;
  - d. The right-of-way is no longer needed for public transportation purposes;
  - e. The vacation will not adversely impact the use of the right-of-way for public utility and/or drainage purposes;
  - f. Access to lots or properties surrounding the plat will not be adversely affected, and the vacation will not leave any land-locked properties or deprive abutting properties of adequate legal access;

- g. The vacation will not adversely impact the health, safety, and/or welfare of the general community, or reduce the quality of public facilities or services provided to any property, including but not limited to police/fire protection, access, and utility service;
  - h. The vacation satisfies the requirements of MKC 14.52;
  - i. Good cause exists for the vacation; and
  - j. The public interest or any person will not be materially injured by the proposed vacation.
6. Submittal Requirements. Any person seeking a Public Street or Municipal Utility Easement Vacation shall submit a complete application, a completed Public Street or Municipal Utility Easement Checklist, and a fee as set forth in MKZ 18.13.040, Submittal Requirements in General, a Title Report that correctly discloses all recorded matters of title regarding the property and which is prepared and dated not more than ninety (90) days before the proposed recordation of the subdivision, any other relevant supporting documentation, maps, studies and any other information that would inform Staff and the Planning Commission in making a recommendation, and allow the City Council to make a decision.
7. Final Approval and Recording. Approval of a plat or ordinance vacating a public street or municipal utility easement shall be deemed a certification of the vacation. With this certification, the Planning and Zoning Department shall forward a signed copy of the signed plat or ordinance to the Salt Lake County Recorder for recording. Failure of the applicant to submit any revised information or legal description that enables the ordinance to be processed as approved within three months following approval shall render the vacation void.

<b>Table 18.15-7 Public Street and Municipal Utility Easement Vacation Meeting and Noticing Requirements</b>		
<b>Application Procedure Steps</b>	<b>Requirement</b>	<b>Code Reference</b>
Pre-Application Consultation	Required	<u>MKZ 18.14.010</u>
Concept Review	Required	<u>MKZ 18.14.020</u>
Neighborhood Meeting	Required	<u>MKZ 18.14.030</u>

Planning Commission Public Hearing and Recommendation	Required	<u>MKZ 18.13.050 MKZ 18.14.090</u>
City Council Public Meeting	Required	<u>MKZ 18.13.050 MKZ 18.14.090</u>
Mailed Notice to Affected Entities	Required	<u>MKZ 18.14.060</u>
Mailed Noticing Requirement for Property Owners - Distance	Each property that is accessed by the public street of municipal utility easement.	<u>MKZ 18.13.060</u>
Mailed Noticing Requirement - Time	10 days prior to Planning Commission Public Hearing	<u>MKZ 18.13.060</u>

**18.15.030 Administrative Decisions - Other Land Use Decisions**

A. Conditional Use Permit

1. Purpose. The purpose of this Section is to provide standards for Conditional Use Permits, which are intended for a land use that, because of the unique characteristics or reasonably anticipated detrimental effects of the land use on Millcreek, surrounding neighbors, or adjacent land uses, require additional consideration subject to objective standards. The additional consideration allows the Planning Commission to impose reasonable conditions to mitigate reasonably anticipated detrimental effects. The intent of the conditional use is to identify reasonably anticipated detrimental effects and impose reasonable conditions on a use, including but not limited to noise, pollution, traffic, or other similar harms to the general health, safety, and welfare of Millcreek. A summary of meeting and noticing requirements for applications for Conditional Use Permits is set forth in Table 18.15-8.
2. Applicability. A Conditional Use Permit is required for those uses listed as a conditional use in the applicable zoning district regulations of this Code. A Conditional Use Permit that involves property development, redevelopment, construction, reconstruction, or alteration of a building or structure will also require a site plan approval as set forth in MKZ 18.15.030 (B).

3. Procedure. The following application steps, as set forth in MKZ 18.14. Land Use Application Steps, are required.
    - a. Pre-Application Consultation
    - b. Concept Review
    - c. Neighborhood Meeting
    - d. Application Submittal
    - e. Application Completeness Review
    - f. Application Compliance Review. As part of an application compliance review, the Planning Director may:
      - (1) Provide the application to other City departments for review and comment as may be required by this Code, as necessary for complete review of the application, or as necessary to identify and understand the potential detrimental effects of the proposed conditional use; and
      - (2) require other information or studies to address potential detrimental effects of the proposed conditional use that have been reasonably anticipated by the City during its review of the application.
    - g. Upon completion of the review, the Planning Director shall make a recommendation.
    - h. Public Notice
    - i. Formal Public Engagement. The Planning Commission shall hold a public meeting and shall be the Land Use Authority for Conditional Use Permit applications.
      - (1) The application shall be presented to the relevant Community Council(s) for a recommendation; and
      - The Planning Commission shall hold a public meeting and shall be the Land Use Authority for Conditional Use Permit applications.
  - a. Decision and Findings
2. Approval Criteria. The Planning Commission shall consider the following criteria in reviewing all conditional use applications:

- a. The proposed conditional use shall comply with Millcreek ordinances, Federal, and State Statutes, as applicable to the use and to the site where the conditional use will be located; and
- b. The Land Use Authority shall approve a Conditional Use Permit if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use. Detrimental effects of the proposed use include:
  - (1) Detrimental effects of decreased street service levels and/or traffic patterns including the need for street modifications such as dedicated turn lanes, traffic control devices, safety, street widening, curb, gutter and sidewalks, location of ingress/egress, parking lot surfacing and design of off-street parking and circulation, loading docks, as well as compliance with off-street parking standards, including other reasonable mitigation as determined by a qualified traffic engineer.
  - (2) Detrimental effects on the adequacy of utility systems, water and sewer, solid waste, snow removal, service delivery, and capacities, including the need for such items as relocating, upgrading, providing additional capacity, irrigation systems, or preserving existing systems, including other reasonable mitigation as determined by Millcreek's engineering staff, contracted engineers, and utility service providers.
  - (3) Detrimental effects on connectivity and safety for pedestrians and bicyclists.
  - (4) Detrimental effects of the use due to its nature, including noise that exceeds sound levels normally found in residential areas, odors beyond what is normally considered acceptable, within a neighborhood including effects of environmental impacts, dust, fumes, smoke, odor, noise, vibrations; chemicals, toxins, pathogens, gases, heat, light, electromagnetic disturbances, and radiation. Detrimental effects of the use may include hours of operation and the potential to create an attractive nuisance.
  - (5) Detrimental effects that increase the risk of contamination of or damage to adjacent properties and injury or sickness to people arising from, but not limited to, waste disposal, fire safety, geologic hazards, soil or slope conditions, liquefaction potential, site grading/topography, storm

drainage/flood control, the removal of dangerous or blighted structures, high ground water, environmental health hazards, or wetlands, as determined by the City Engineer, and/or other qualified specialists.

- (6) Detrimental effects of modifications to exterior lighting that conflict with abutting properties.
  - (7) Detrimental effects arising from site design and/or building design in terms of use, scale, intensity, height, mass, setbacks, character, construction, solar access, landscaping, fencing, screening, lighting (on-site and adjacent street lighting), signs, and architectural design and exterior detailing/finishes and colors within the area.
  - (8) Detrimental effects on emergency fire service and emergency vehicle access.
  - (9) Detrimental effects on usable/functional/accessible open space and sensitive lands.
  - (10) Detrimental effects from inadequate maintenance of the property and structures in perpetuity, including performance measures, compliance reviews, and monitoring.
  - (11) Detrimental effects of excessive storm water generation.
3. Conditions of Approval. Unless otherwise specified in this Code or Utah Code Section 10-9a-507, Conditional Uses, the Planning Commission shall approve all conditional use applications with objective standards as set forth in the Land Use Code. In such cases, any conditions attached to approvals shall be directly related to the anticipated detrimental effects of the proposed use or development. No conditions of approval shall be less restrictive than the requirements of this Code, except where the Code allows flexibility. All conditional uses are presumed to be compatible with the zone and the General Plan's intent.
  4. Denial. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the Land Use Authority may deny the conditional use.
  5. Submittal Requirements. Any person seeking a Conditional Use Permit shall submit a complete application, a completed Conditional Use Permit

Checklist, and a fee as set forth in MKZ 18.13.040, Submittal Requirements in General, and any other relevant supporting documentation, maps, studies and any other information that would inform Staff and allow the Land Use Authority to make a decision.

6. Revocation. Upon a determination by Millcreek that there is a failure to comply with a condition of a conditional use permit, the Planning Director shall forward that determination to the Planning Commission for review at a public meeting. The Planning Commission shall consider staff's recommendation and make a recommendation to the Land Use Hearing Officer (LUHO) regarding whether a failure to comply with a condition of the conditional use permit exists. At a hearing of the LUHO, the LUHO shall determine if there is a failure to comply with a condition of the approved Conditional Use Site Plan. Should the LUHO determine that there is failure to comply with the condition(s) of the Conditional Use, the LUHO shall revoke the Conditional Use Permit.
7. Expiration. A Conditional Use Permit granted pursuant to this section shall expire within one (1) year from the date of final approval if action is not taken within that time. An applicant may apply for up to one extension by following the process as set forth in MKZ 18.12.030, Expirations and Extensions of Land Use Approvals. For the purposes of this section, "action" means obtaining a building permit pursuant to the issuance of a conditional use permit or, if a building permit is not required, obtaining a business license pursuant to the issuance of a conditional use permit.
8. Discontinuance and Termination of Right. If a Conditional Use Permit is abandoned or discontinued for a period of twelve (12) continuous months, the Planning Director may provide notice via certified mail to the applicant and upon such notice, the Conditional Use Permit shall expire. Prior to the expiration of the Conditional Use Permit due to discontinuation, the Planning Director may approve one, six (6) month extension of the Conditional Use Permit if no changes to the site design are required. Upon expiration, the property affected shall be subject to all provisions and regulations of this Code applicable to the zoning district in which such property is classified.
9. Transferability. Conditional Use Permits shall run with the land.

<b>Table 18.15-8 Conditional Use Permit Meeting and Noticing Requirements</b>
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Application Procedure Steps	Requirement	Code Reference
Pre-Application Consultation	Required	<u>MKZ 18.14.010</u>
Concept Review	Required	<u>MKZ 18.14.020</u>
Neighborhood Meeting	Required	<u>MKZ 18.14.030</u>
<b>Community Council Recommendation</b>	<b>Required</b>	<b><u>MKZ 18.13.050</u></b>
Planning Commission Public Meeting	Required	<u>MKZ 18.13.050</u> <u>MKZ 18.14.090</u>
Mailed Noticing Requirement for Property Owners - Distance	300 feet	<u>MKZ 18.13.060</u>
Mailed Noticing Requirement - Time	<b>7 21</b> days prior to the first <b>Community Council Meeting formal public engagement</b>	<u>MKZ 18.13.060</u>

## B. Site Plan Approval

1. Purpose. The purpose of this Section is to establish standards for Site Plan Approvals for Permitted Use approvals that are intended to ensure that development or redevelopment in Millcreek is developed in accordance with this Code. Building permits may not be obtained nor shall any site work be performed prior to site plan approval.
2. Applicability. A Site Plan Approval is required under the following circumstances:
  - a. Property development, redevelopment, construction, reconstruction, or alteration of a building or structure, except for attached or detached single or two-household dwellings that are located in a recorded subdivision and that are not in a sensitive lands area.
  - b. Review of a permitted use approval, a conditional use permit that involves property development, redevelopment, construction,

reconstruction, or alteration of a building or structure, or a request for reasonable accommodation for a group home or residential facility for Persons With a Disability, subject to the standards as set forth in MKZ 18.74, Residential Facilities for Persons With a Disability.

- c. Changes or alterations to an existing site plan or structure that does not otherwise qualify for a Minor Site Plan Amendment.
3. Procedure. The following application steps, as set forth in MKZ 18.14, Land Use Application Steps, are required.
  - a. Concept Review.
  - b. Application Submittal.
  - c. Application Completeness Review.
  - d. Application Compliance Review.
  - e. Decision and Findings. The Planning Director shall be the Land Use Authority for Site Plan Approval applications for permitted uses. The Planning Commission shall be the Land Use Authority for Site Plan Approval for conditional uses.
4. Approval Criteria. Once all application submittal requirements have been met, the Planning Director shall approve the site plan if it complies with all applicable provisions of this Code and other applicable Millcreek policies, including but not limited to:
  - a. Dedication of a public right-of-way for the public street on which the property fronts.
  - b. Dedication of public utility or drainage easements necessary for the development.
  - c. Construction of public right-of-way improvements abutting the property or the deferral of said improvements as set forth in MKC 14.12.100.
5. Submittal Requirements. Any person seeking a Site Plan Approval for Permitted Uses shall submit a complete application, a completed Site Plan Approval for Permitted Uses Checklist, a fee as set forth in MKZ 18.13.040, Submittal Requirements in General, any other relevant supporting documentation, maps, studies, and any other information that would inform Staff and allow the Land Use Authority to make a decision.

6. Expiration. A site plan approved pursuant to this section shall expire within one (1) year from the date of final approval if action is not taken within that time. An applicant may apply for no more than one extension by following the process as set forth in MKZ 18.12.030, Expirations and Extensions of Land Use Approvals. For purposes of this subsection, "action" means obtaining a building permit.
7. Discontinuance and Termination of Right. If a site plan that is approved pursuant to this section is abandoned or discontinued for a period of six (6) continuous months the site plan shall be considered expired. Prior to the expiration of the site plan due to discontinuation, the Planning Director may approve one, six (6) month extension of the site plan if no changes to the site design are required. Upon expiration, the property affected shall be subject to all provisions and regulations of this Code, applicable to the zoning district in which such property is classified.
8. Transferability. Site plans shall run with the land.

#### C. Change of Use Permit.

1. Purpose. The purpose of this Section is to establish standards for Change of Use Permits, which are intended for developed property that has changed from one use to another. This permit is intended to ensure that the existing site is adequate for the new use, and that the proposed use complies with all applicable standards. When an existing property changes from a permitted use classification established in this Title to a use classification that is established in this Title as a conditional use, the applicant shall obtain a Conditional Use Permit following the procedures as set forth in MKZ 18.15.030 (A).
2. Applicability. A Change of Use Permit is required when any existing property changes from one use classification established in this Title to another use classification established in this Title.
3. Procedure. The following application steps, as set forth in MKZ 18.14, Land Use Application Steps, are required.
  - a. Application Submittal
  - b. Application Completeness Review
  - c. Application Compliance Review
  - d. Decision and Findings. The Planning Director shall be the Land Use Authority for Change of Use applications.

4. Approval Criteria. The Planning Director shall approve the site plan if it complies with all applicable provisions of this Code and other applicable Millcreek policies, including the following:
  - a. The new use is permitted in the governing zoning district; and
  - b. The new use complies with all applicable development standards, including but not limited to landscaping standards, parking and mobility standards, minimum driveway and roadway widths, and any dedication or public improvement requirements.
5. Submittal Requirements. Any person seeking a Change of Use Permit shall submit a complete application, a completed Change of Use Permit Checklist, a fee as set forth in MKZ 18.13.040, Submittal Requirements in General, any other relevant supporting documentation, maps, studies, and any other information that would inform Staff and allow the Land Use Authority to make a decision.

#### D. Minor Site Plan Amendment

1. Purpose. The purpose of this Section is to establish standards and a streamlined review process for Minor Site Plan Amendments, which allow for minor changes to approved site plans for conditional and permitted uses.
2. Applicability. An applicant who has obtained a site plan that has been previously approved may apply for a Minor Site Plan Amendment approval for minor changes to the site plan, subject to the approval criteria as set forth in this section.
3. Procedure. The following application steps, as set forth in MKZ 18.14, Land Use Application Steps, are required.
  - a. Application Submittal.
  - b. Application Completeness Review.
  - c. Application Compliance Review.
  - d. Decision and Findings. The Planning Director shall be the Land Use Authority for Minor Site Plan Amendment applications.
4. Approval Criteria. The Planning Director shall approve the site plan if it complies with all applicable provisions of this Code and other applicable Millcreek policies, including the following:

- a. The proposed change does not significantly alter the site plan's approved access, circulation, or layout.
  - b. The proposed changes do not increase the number of residential units.
  - c. The proposed change does not expand the floor area of a building, structure, or oval site by more than ten percent (10%).
  - d. The proposed change complies with all applicable requirements of the Code and other relevant Millcreek and State regulations.
  - e. The proposed change does not affect any required mitigations or violate any conditions of approval for a Conditional Use Permit.
  - f. The amended site plan complies with all applicable development standards, including but not limited to landscaping standards, parking and mobility standards, minimum driveway and roadway widths, and any dedication or public improvement requirements.
5. Submittal Requirements. Any person seeking a Minor Site Plan Amendment shall submit a complete application, a completed Minor Site Plan Amendment Checklist, a fee as set forth in MKZ 18.13.040, Submittal Requirements in General, any other relevant supporting documentation, maps, studies, and any other information that would inform Staff and allow the Land Use Authority to make a decision.
  6. Expiration. A site plan that is approved pursuant to this section shall expire within one (1) year from the date of final approval if action is not taken within that time. An applicant may apply for up to one extension by following the process as set forth in MKZ 18.12.030, Expirations and Extensions of Land Use Approvals. For purposes of this subsection, "action" means obtaining a building permit.
  7. Discontinuance and Termination of Right. If a site plan that is approved pursuant to this section is abandoned or discontinued for a period of six (6) continuous months the site plan shall be considered expired. Prior to the expiration of the site plan due to discontinuation, the Planning Director may approve one six (6) month extension of the site plan if no changes to the site design are required. Upon expiration, the property affected shall be subject to all provisions and regulations of this Code, applicable to the zoning district in which such property is classified.
  8. Transferability. Site plans shall run with the land.
- E. Compliance Determination for an Accessory Dwelling Unit.

1. Purpose. The purpose of this Section is to establish standards and a streamlined review process for a Compliance Determination for an Accessory Dwelling Unit, which allows a property owner to determine if an accessory dwelling unit complies with applicable standards.
2. Applicability. A property owner of a single-household dwelling with an existing Accessory Dwelling Unit on the property may apply for a Compliance Determination for an Accessory Dwelling Unit.
3. Procedure. The following application steps, as set forth in MKZ 18.14, Land Use Application Steps, are required.
  - a. Application Submittal.
  - b. Application Completeness Review.
  - c. Application Compliance Review.
  - d. Decision and Findings. The Planning Director shall be the Land Use Authority for Compliance Determination for Accessory Dwelling Unit applications.
4. Approval Criteria. The Planning Director shall issue a Compliance Determination if the Accessory Dwelling Unit complies with all applicable provisions of this Code, particularly MKZ 18.71, Accessory Dwelling Unit Standards, and other applicable Millcreek policies, including the following:
  - a. The Accessory Dwelling Unit is on a residential property that contains a single-household dwelling.
  - b. The Accessory Dwelling Unit is on a residential property that is owner-occupied.
5. Submittal Requirements. Any person seeking a Compliance Determination for an Accessory Dwelling Unit shall submit a complete application, a completed Compliance Determination for an Accessory Dwelling Unit Checklist, a fee as set forth in MKZ 18.13.040, Submittal Requirements in General, proof of owner occupancy, any other relevant supporting documentation, maps, studies, and any other information that would inform Staff and allow the Land Use Authority to make a decision, and proof of owner occupancy in the form of a document from at least two of the following categories that show the applicant's name and the address of the property for which a Compliance Determination for an Accessory Dwelling Unit is being applied.
  - a. Utility bill, dated within the last sixty (60) days;

- b. Correspondence from any government agency that shows the home address, dated within the last sixty (60) days;
  - c. A voter registration card dated within the last calendar year;
  - d. A social security statement, dated within the last sixty (60) days;
  - e. A bank statement dated within the last sixty (60) days;
  - f. Automobile registration documentation dated within the last calendar year;
  - g. Income tax forms dated from the most recent tax filing period;
  - h. Insurance documentation or insurance bill dated within the last calendar year that shows home address;
  - i. Current active business license or permit issued by Millcreek or a state or federal agency that shows home address;
  - j. College or school correspondence that shows home address, dated within the last sixty (60) days;
  - k. W-2 from the most recent tax filing period;
  - l. Official payroll documentation that includes home address issued by an employer within the last sixty (60) days, such as a pay stub with home address, a form submitted for tax withholding purposes, or a payroll receipt;
6. Discontinuance and Termination of Right. If a Compliance Determination for an Accessory Dwelling Unit is issued pursuant to this section is abandoned or discontinued for a period of six (6) continuous months, or if the single-household dwelling ceases to be owner-occupied, the compliance review shall be considered expired. Prior to the expiration of the Compliance Determination for an Accessory Dwelling Unit due to discontinuation, the Planning Director may approve one, six (6) month extension of the Determination if no changes to the application are required. Upon expiration, the property affected shall be subject to all provisions and regulations of this Code applicable to the zoning district in which such property is classified.
7. Transferability. Compliance Determinations for an Accessory Dwelling Unit run with the land, provided that the single-household dwelling is owner-occupied.

F. Reasonable Accommodation Determination for Residential Facilities for Persons With a Disability

1. Purpose. The purpose of this Section is to establish standards for applications for a Reasonable Accommodation Determination for Residential Facilities for Persons With a Disability in a manner that balances local zoning considerations with state and federal mandates requiring a reasonable accommodation for disabled persons living together in a group housing arrangement in a residential neighborhood.
2. Applicability. Any person or entity seeking a reasonable accommodation to exceed the residential occupancy limits established in any zone for a residential facility for Persons With a Disability shall apply for a Reasonable Accommodation Determination for Residential Facilities for Persons With a Disability. Applicants have the burden of providing sufficient evidence that the requested accommodation is necessary to allow disabled individuals reasonable, non-discriminatory, federally mandated housing opportunities in the relevant zone.
3. Procedure. An application for a Reasonable Accommodation Determination for Residential Facilities for Persons With a Disability shall follow the procedure for a Site Plan Approval for Permitted Uses as set forth in this chapter.
4. Approval Criteria. The Planning Director shall consider the following in making a Reasonable Accommodation Determination for a Residential Facility For Persons With a Disability:
  - a. The facility meets or will meet all program, physical facility, and licensure requirements of the Utah Department of Health and Human Services.
  - b. Except as otherwise provided in this chapter, buildings and uses shall meet all applicable City development standards, licensing, and zoning requirements.
  - c. The facility shall not house persons who are involuntarily residing there or who are residing there as part of or in lieu of confinement, rehabilitation, or treatment in a correctional facility.
  - d. The applicant provides sufficient evidence that the requested accommodation is necessary to provide disabled individuals with reasonable, non-discriminatory, federally mandated housing opportunities in the relevant zone. Evidence may include

information about the facility's history, management, financial feasibility, and therapeutic benefits, and applicable law.

- e. The zoning ordinance applicable to the property.
  - f. The anticipated parking, traffic, and noise impact on the neighborhood if the reasonable accommodation is granted.
  - g. Whether or not the accommodation will be an undue burden or expense to the City.
  - h. The extent to which the accommodation will or will not benefit the applicant.
  - i. The extent to which the accommodation will or will not benefit the community.
  - j. Whether or not the accommodation fundamentally alters the Citywide zoning ordinance and whether or not the accommodation would likely create a fundamental change in the character of a residential neighborhood.
  - k. Whether or not the applicant has demonstrated that the accommodation will affirmatively enhance the applicant's life or ameliorate the effects of the applicant's disability, or the lives or disabilities of those on whose behalf the applicant is applying.
  - l. Whether or not, without the accommodation, similar housing is available in the City for the applicant or group of applicants.
  - m. The anticipated impact of the requested accommodation on the immediate neighborhood.
  - n. The requirements of applicable federal and state laws and regulations.
5. Submittal Requirements. Any person seeking a Reasonable Accommodation Determination For A Residential Facility For Persons With a Disability shall submit a complete application, a completed Site Plan Approval for Permitted Uses Checklist, a completed Reasonable Accommodation Determination Checklist, a fee as set forth in MKZ 18.13.040, Submittal Requirements in General, and the following additional information:
- a. The specific regulation, policy, or procedure from which an accommodation is sought and/or for which deviation or waiver is requested.

- b. A document that provides a detailed explanation of why the requested accommodation is warranted under federal and/or state law, including how the person(s) is disabled under the Americans with Disabilities Act or the Fair Housing Act.
  - c. An analysis based on evidence, legal authorities, and other information showing that the accommodation is reasonable and necessary to afford the disabled person(s) an equal opportunity to use and enjoy the residential dwelling.
  - d. The number of residents and employees who will have vehicles on the property and a site plan showing where the vehicles will be parked.
  - e. Whether the owner/operator of the Residential Facility For Persons With a Disability or applicant has other facilities for the disabled and, if so, a description and copy of any complaints from neighbors, incident reports from a local police department, or investigations, citations, notices of violations(s) or complaints received from any federal, state, or local agencies, etc. relating to licensure , parking, traffic, a direct threat to the health or safety of other persons, or substantial physical damage to the property of others.
  - f. An accurate description of the type of program(s), treatment(s), therapies, and/or services that will be provided to the residents of the Residential Facility For Persons With a Disability, and the clinical rationale for such program(s), treatment(s), therapies, and/or services.
  - g. The category of state licensure that the Residential Facility for Persons With a Disability will have.
  - h. An accurate summary and/or description of the admissions criteria and operational protocols for the Residential Facility for Persons With a Disability.
6. Expiration. A Reasonable Accommodation Determination for a Residential Facility for Persons With a Disability that is issued pursuant to this section shall expire within one (1) year from the date of final approval if action is not taken within that time. An applicant may apply for no more than one extension by following the process as set forth in MKZ 18.12.030, Expirations and Extensions of Land Use Approvals. For purposes of this subsection, "action" means obtaining the required state licensure and a Millcreek business license.

7. Transferability. Reasonable Accommodation Determinations for Residential Facility are nontransferable. A new Reasonable Accommodation Determination is required if any ownership changes, changes occur in the maximum occupancy, changes occur in the licensing or disability classification under state or federal law, or the facility remodels or expands.
8. Termination. A use permitted by this shall be subject to revocation by the appropriate land use or licensing authority if:
  - a. The facility is devoted to a use other than a residential facility for Persons With a Disability;
  - b. The facility exceeds the maximum number of residents specified and approved in the Reasonable Accommodation Determination, or changes the disability classification under state or federal law, or remodels or expands without first applying for and receiving an additional Reasonable Accommodation Determination;
  - c. The facility is not licensed by the Utah Department of Health and Human Services, or if a license is revoked; or
  - d. An appropriate authority has determined that residents of the facility have engaged in a pattern of criminal acts of nuisance, theft, or violence in the adjoining neighborhood.

G. Eligible Facility Request (EFR) for a Wireless Telecommunications Facility.

1. Purpose. The purpose of this section is to establish standards for eligible facility requests (EFR) for wireless telecommunications facilities to ensure that such requests are in conformance with federal law with Millcreek's requirements for wireless telecommunications facilities.
2. Applicability. An EFR is required for any modification of an existing wireless telecommunications facility that does not substantially change the physical dimensions of a tower or base station.
3. Procedure. The following application steps, as set forth in MKZ 18.14, Land Use Application Steps, are required.
  - a. Application Submittal.
  - b. Application Completeness Review. The City shall comply with all applicable shot clocks when reviewing an EFR application.
  - c. Application Compliance Review.

- d. Decision and Findings. The Planning Director shall be the Land Use Authority for EFRs.
4. Approval Criteria. The Planning Director shall approve the EFR if it complies with all applicable provisions of this Code and federal law, including the following:
  - a. The proposed EFR complies with standards as set forth in MKZ 18.75.100.
  - b. The proposed EFR does not result in a substantial change to the physical dimensions of an eligible support structure.
5. Submittal Requirements. Any person seeking an EFR shall submit a complete application, a completed Eligibility Facilities Request Checklist, a fee as set forth in MKZ 18.13.040, Submittal Requirements in General, any other relevant supporting documentation, maps, studies, and any other information that would inform Staff and allow the Land Use Authority to make a decision.

#### H. Sign Permit

1. Purpose. The purpose of this Section is to establish standards for Sign Permits, to ensure that that signage in Millcreek is in conformance with Millcreek's adopted signage requirements found within this Code.
2. Applicability. No person shall erect, alter, relocate, or modify any sign without first obtaining a sign permit, if required, and a building permit, if required, for such work unless no permit is required as set forth in MKZ 18.65, Signs.
3. Procedure. The following application steps, as set forth in MKZ 18.14, Land Use Application Steps, are required.
  - a. Application Submittal.
  - b. Application Completeness Review.
  - c. Application Compliance Review.
  - d. Decision and Findings. The Planning Director shall be the Land Use Authority for Sign Permit applications.
4. Approval Criteria. The Planning Director shall approve the request if the proposed signage complies with the requirements as set forth in MKZ 18.65, Signs, and all other applicable Millcreek, State, and Federal statutes.

5. Submittal Requirements. Any person seeking a Sign Permit shall submit a complete application, a completed Sign Permit Checklist, a fee as set forth in MKZ 18.13.040, Submittal Requirements in General, any other relevant supporting documentation, maps, studies, and any other information that would inform Staff and allow the Land Use Authority to make a decision.
  6. Expiration. A sign permit that is approved pursuant to this section shall expire within one (1) year from the date of final approval if action is not taken within that time. An applicant may apply for up to one extension by following the process as set forth in MKZ 18.12.030, Expirations and Extensions of Land Use Approvals. For purposes of this subsection, "action" means obtaining a building permit, if a building permit is required.
  7. Transferability. Sign permits shall run with the land.
- I. Temporary Use Permit
1. Purpose. The purpose of this section is to establish standards for Temporary Use Permits, which are intended to ensure that temporary uses within Millcreek are in conformance with all applicable Millcreek requirements found within this Code.
  2. Applicability. A Temporary Use Permit is required when a temporary use as set forth in MKZ 18.58, Temporary Uses and Structures, is intended to be placed on a property in Millcreek.
  3. Procedure. The following application steps, as set forth in MKZ 18.14, Land Use Application Steps, are required.
    - a. Application Submittal.
    - b. Application Completeness Review.
    - c. Application Compliance Review.
    - d. Decision and Findings. The Planning Director shall be the Land Use Authority for Temporary Use applications.
  4. Approval Criteria. The Planning Director shall approve the request if the proposed temporary use complies with the requirements of the zoning district in which the use is located, the requirements as set forth in MKZ 18.58, Temporary Uses and Structures, and all other applicable Millcreek, State, and Federal statutes.
  5. Submittal Requirements. Any person seeking a Temporary Use Permit shall submit a complete application, a completed Temporary Use Permit Checklist, a fee as set forth in MKZ 18.13.040, Submittal Requirements in

General, any other relevant supporting documentation, maps, studies, and any other information that would inform Staff and allow the Land Use Authority to make a decision.

6. Expiration. A Temporary Use Permit that is approved pursuant to this section shall expire within one (1) year from the date of final approval if action is not taken within that time. An applicant may apply for up to one extension by following the process as set forth in MKZ 18.12.030, Expirations and Extensions of Land Use Approvals.

#### J. Classification Request

1. Purpose. The purpose of this Section is to establish standards for Classification Requests to determine whether a proposed land use aligns with an existing land use specified in this Code in a manner compliant with state statute.
2. Applicability. An applicant may formally request a Classification Request. Classification Requests are limited to those land uses for which a Millcreek business license is required.
3. Procedure. The following application steps, as set forth in MKZ 18.14, Land Use Application Steps, are required.
  - a. Pre-application Consultation.
  - b. Application Submittal.
  - c. Application Completeness Review.
  - d. Application Compliance Review.
  - e. Decision and Findings.
    - (1) The Planning Director shall be the Land Use Authority for Classification Requests.
    - (2) The City Council shall be the Land Use Authority for Reviews of Classification Requests.
4. Approval Criteria. The Planning Director shall find that a proposed land use aligns with an existing land use specified in this Code, if the proposed land use complies with all applicable provisions of this Code and other applicable Millcreek policies, including the following:
  - a. The applicant provided sufficient evidence demonstrating that the proposed land use complies with the zone district's development

standards, including but not limited to parking and vehicular access requirements, inventory storage, lighting, noise, and landscaping.

- b. The proposed land use is substantially similar to the uses allowed in that district and is more comparable to such uses than those uses allowed in a less restrictive district.
  - c. If the proposed use is most similar to a conditional use authorized in the zone district in which it is proposed to be located, any Classification Request Determination for such use shall require that it may be approved only as a conditional use.
  - d. The proposed use is consistent with the purpose statement of the underlying zoning district.
  - e. The proposed land use requires a Millcreek business license.
5. Submittal Requirements. Any person seeking a Classification Request shall submit a complete application, a completed Classification Request Checklist, a fee as set forth in MKZ 18.13.040, Submittal Requirements in General, any other relevant supporting documentation, maps, studies, and any other information that would inform Staff and allow the Land Use Authority to make a decision. As part of an application for a Classification Request, the Planning Director may require the submittal studies or plans following the procedure as set forth in MKZ 18.69, Required Studies and Plans.
6. City Council Review of a Classification Request Determination. If the Planning Director determines that the proposed land use is new and unlisted, the applicant may submit an application to the City Council to review the Planning Director's determination, by following the procedure and paying a fee as set forth in MKZ 18.15.010 (B). An application for City Council Review of a Classification Request must be submitted within ten (10) business days of issuing a written Classification Request Determination from the Planning Director.
- a. The City Council shall schedule a public meeting to review the classification request within 60 days of filing a complete application for a City Council Review of a Classification Request Determination.
  - b. The City Council shall apply the approval criteria for Classification Requests as set forth in MKZ 18.15.030 (J)(4).

- c. If the City Council approves the Classification Request, it shall designate an appropriate zone or zones for the proposed use and determine whether it is a conditional use or a permitted use.
  - d. The Planning Director shall notify the applicant in writing of the City Council's determination, and the reasons for their determination.
7. Appeal. An Appeal of the City Council's determination shall follow the process as set forth in MKZ 18.04, Appeals.

**18.45.030 Neighborhood Contact And Outreach**

- A. Purpose. Institutions are encouraged to be active and invested in the nearby community. This section is intended to promote ongoing communication between campus institutions and other uses and to provide courtesy notices of large construction projects that may impact abutting properties.
- B. Any development, modification, addition, alteration to any use on a property located in the IF zone or intended to be rezoned to the IF zone that exceeds 10,000 square feet in gross square footage or exceeds 30 feet in height **require a mailed notice. shall adhere to the following noticing requirements: Notice shall be mailed at least fourteen days prior to submitting for a permit or application to Millcreek, including building permit, to property owners within 300 feet of the campus perimeter.**
  - 1. Notice shall be mailed at least fourteen days prior to submitting for a permit or application to Millcreek, including building permit, to property owners within 300 feet of the campus perimeter.**
  - 2. Notice shall be given electronically at least fourteen days prior to submitting a land use application to Millcreek, including building permit, to the Chair for the Community Council in which the subject campus is located.**
- C. The notice shall at a minimum consist of general timeline of construction, scope of work, anything in the construction that may interrupt regular flow of traffic or that takes place in a public right-of-way and contact information of the project manager or a designee that can answer questions or address concerns.
- D. Exemption. If the scope of the project has already met the requirements of MKZ 18.14.090 as part of a land use review process, it is exempt from the neighborhood contact requirements.

**18.48.050 Pre-Application Process**

A. Pre-Application Consultation. Prior to submitting a complete application, an applicant shall hold a pre-application consultation with representatives of the City.

B. Neighborhood Meeting. At least one week prior to submitting a complete application, an applicant shall conduct a neighborhood meeting in accordance with MKZ 18.14.030.

~~C. Community Council Meeting. Prior to submitting a complete application and after conducting a neighborhood meeting, an applicant shall schedule with the applicable Community Council a meeting to discuss the proposed application and plans.~~

~~C.~~ Joint Work Session of the Planning Commission and City Council. Prior to submitting a complete application and after conducting a neighborhood ~~and community council~~ meeting, an applicant shall schedule with the City a joint work session of the Planning Commission and City Council. The purpose of the joint work session will be to discuss the proposed project and potential Development Agreement in conceptual detail. ~~A Joint Work Session of the Planning Commission and City Council must be held prior to the first noticed Community Council meeting held on the application.~~

#### **18.49.040 Pre-Application Process**

A. Pre-Application Consultation. Prior to submitting a complete application, an applicant shall hold a pre-application consultation with representatives of the City.

B. Neighborhood Meeting. At least one week prior to submitting a complete application, an applicant shall conduct a neighborhood meeting in accordance with MKZ 18.14.030.

~~C. Community Council Meeting. Prior to submitting a complete application and after conducting a neighborhood meeting, an applicant shall schedule with the applicable Community Council a meeting to discuss the proposed application and plans.~~

~~C.~~ Joint Work Session of the Planning Commission and City Council. Prior to submitting a complete application and after conducting a neighborhood ~~and community council~~ meeting, an applicant shall schedule with the City a joint work session of the Planning Commission and City Council. The purpose of the joint work session will be to discuss the proposed project and potential Development Agreement in conceptual detail. ~~A Joint Work Session of the Planning Commission and City Council must be held prior to the first noticed Community Council meeting held on the application.~~

### **18.65.170 Off-Premises Signs; Billboards**

- A. Purpose. In keeping with the goals of the Millcreek General Plan to promote signs that are responsive to neighborhood character, and to improve the aesthetics of major streetscapes, the purpose of the billboard ordinance is to provide reasonable regulation of billboards in order to reduce the heights and area of future billboards, mitigate negative impacts, promote safety, protect property values, and reduce impediments for economic development and redevelopment. It is Millcreek's policy to reduce the number and combined square footage of billboards where feasible.
- B. Cap on Area of Billboards. The combined square footage of all billboards allowed in the City shall be limited to the combined square footage of billboards that existed as defined herein as of December 27, 2013, within the boundaries of the City as it was incorporated and on December 28, 2016. This cap shall automatically decrease as billboards are annexed into a municipal jurisdiction or removed and not relocated.
- C. Billboards are only allowed in the C and M zones as a permitted use, subject to the additional restrictions established in this chapter.
- D. Location. Billboards shall not be allowed in those locations listed in Subsection F, below, notwithstanding the underlying zone.
- E. Size. Billboards shall not exceed 300 square feet, except as provided below:
  - 1. Signs that are intended to be viewed from an Interstate freeway travel lane shall not exceed 672 square feet.
  - 2. Signs oriented for viewing along State Street and located within 20 feet of the State Street right-of-way shall not exceed 672 square feet.
- F. Prohibited Locations. Billboards, notwithstanding the underlying zone, shall not be permitted anywhere within 100 feet of the Main Street right-of-way, east of Interstate 215, or within 500 feet of the following intersections, as measured as a radius from the nearest property line to the intersection right-of-way line:
  - 1. 2000 East and 3300 South
  - 2. 1100 East and 3900 South
  - 3. 1300 East and 3900 South
  - 4. 2300 East and 3900 South
  - 5. 2300 East and Claybourne Avenue

6. Murray-Holladay Road and Highland Drive

G. Height. The maximum height of a billboard shall be 32 feet above the grade level of the road, except as provided below:

1. Signs that are oriented for viewing on an Interstate freeway travel lane may have a maximum height of 50 feet, but in no event shall be greater than 25 feet above freeway grade level.
2. In the event that a billboard cannot be viewed from any residential zone, it may exceed 32 feet in height, up to a maximum height of 40 feet. In order to achieve the additional height, the billboard owner must certify as part of a building permit that the billboard meets the following requirements:
  - a. The billboard is not visible from a ground-level vantage point on any property in a residential zone within 150 feet of the Residential Zone Boundary, and
  - b. The billboard must be situated on the same side of the street and within 50 feet of an existing building or buildings and have no greater height than the immediately adjacent building(s).

H. Separation. The minimum distance between all billboards on the same side of the street shall be 500 lineal feet as measured along the same side of the street including intersections. All billboards must be at least 250 radial feet from any other billboard located on the opposite side of the street from where a new sign is to be located.

I. Setbacks.

1. Setbacks from Rights-of-Way. The minimum setback shall be 5 feet to the leading edge of a billboard, including all structural and service support elements. The billboard's front-yard setback shall be measured from the future right-of-way line as indicated on the Transportation Master Plan. The closest edge of a billboard shall not project into any required setback area.
2. Setbacks from property line. The minimum setback from any property line shall be five feet to the leading edge of the billboard, including all structural and service support elements.
3. Setbacks from on-premise pole signs. The minimum setback between a billboard and any on-premise pole sign shall be 100 feet.
4. Setbacks from A, R-1, R-2, R-4, and RM Zones. The minimum setback between a billboard and any Residential Zone Boundary shall be one

hundred fifty feet. The minimum setback of a billboard may be reduced to 100 feet if the billboard owner certifies as part of a building permit that no portion of the proposed billboard is visible from any ground level vantage point on a property in an A, R-1, R-2, R-4, or RM zone that is within 150 feet of the proposed sign, as measured from the zone boundary line.

- J. Lighting. The use of uplighting is prohibited. All lights shall direct their light downward and shall be shielded so that the lighting is confined to the sign face and the lighting source is not directly visible from any ground-level vantage point.
- K. Design. Billboards shall utilize either the "mono-pole" or the "bi-pole" design and shall be continually maintained structurally and on the sign face. The back of any single-faced billboard and the structure behind the sign shall be painted a dark color. The billboard owner shall make a good faith effort to design the billboard so as to reduce and minimize the visual bulk and mass of the pole and other structural elements of the billboard. Internally illuminated billboards, electronic display, digital display, LED display, video display billboards and electronic message centers are only allowed immediately adjacent to the Interstate 15 and shall be limited to no more than one change to the copy face in a twenty-four-hour period. Two-decked billboards are prohibited in all zones.
- L. Maintenance. All billboards, including the entirety of the sign area and all structural supports, shall be continuously maintained by the billboard company. Any area under the sign and all structural supports shall be continuously maintained and kept free of all animal droppings or other environmental and safety hazards by the billboard owner or the lessor of the land.
- M. Relocation of Billboards to Accommodate Redevelopment. In order to accommodate the redevelopment of sites within a community reinvestment area, or any site in the City that is at least one acre in size, the City may allow the following deviations from the standards in this chapter:
  - 1. The minimum separation distance between billboards may be reduced to 400 lineal feet as measured along the same side of the street including intersections and may be reduced to 150 radial feet from any other billboard.
  - 2. The maximum height of a billboard may be increased to 40 feet in height, subject to the standards established above.
- N. Credits for Removal.
  - 1. Prior to the removal of any billboard, the owner shall obtain a permit for the demolition of the billboard. Permits may be provided following application

to the City. After any billboard is removed, the City shall create a "billboard bank account" for the sign owner.

2. The account shall solely reflect credits for the billboard advertising space square footage as well as the date of removal, and the street address from which the billboard was removed. Any billboard credits not used within thirty-six months of their creation shall expire and be of no further value or use.
3. A billboard owner may sell or otherwise transfer billboards and/or billboard bank account credits.
4. The transfer of any billboard bank account credits does not extend their thirty-six-month life as provided in this section. Removal of a billboard that has two in-use advertising faces shall receive billboard bank account credits for the square footage of each sign face.
5. Credits may not be used to enlarge any non-conforming billboard or conforming billboard, other than those billboards located immediately adjacent to the Interstate 15 freeway, along State Street, or within 20 feet of the State Street right-of-way.

O. Relocation.

1. The owner of an existing billboard may remove an existing billboard from any site to an approved location only after a permit for relocation is obtained upon substantiation of compliance with this chapter.
2. Prior to approval of a permit for relocation, the billboard owner (applicant) shall submit to the City a complete copy of the completed and signed lease agreement or other document to be signed by the property owner, indicating at a minimum the duration of the lease. Additionally, prior to approval of a permit for relocation, the City shall by letter inform ~~the affected community council chair and~~ Planning Commission chair that application for a billboard permit has been received.
- ~~3. If a sign is to be relocated within 600 feet of a community district boundary, the City shall inform the affected community council chairs of each community district.~~
3. Billboards moved to approved locations shall conform to all billboard requirements of the new location.
4. Billboards moved from one location to another must be installed in the new approved location within the period allotted by the International Building Code (IBC).

5. A new billboard permit shall only be issued if the applicant has billboard bank account credits of a sufficient number of advertising face square feet for the billboard to be constructed.
6. When the permit for construction of a new billboard is issued, the City shall deduct from the sign owner's billboard bank account the advertising face square footage used for the new billboard.
7. If the new billboard uses less than the entire available square footage credits, any remaining square footage credits shall remain in the sign owner's billboard bank account.

P. Notice Required for Billboards Relocated Subject to State Statute.

1. If the City receives written notice, electronic or otherwise, from a billboard owner to invoke intent, rights or benefits of any kind under Section 2(a) of UCA 10-9a-513 or under any other or future State Statute that applies in any manner to billboards or outdoor advertising, the City shall provide written notice of such request or intent to all property owners of record located within 500 feet of the property to which the sign is to be relocated or erected.
2. Property owner notices shall be sent via first class mail within one week of receipt of notice from the billboard owner, and a copy of the notice shall be sent to the billboard owner.

Q. Business Licenses Required for Billboards. Each billboard operator shall obtain a business license and paying the required fee as established in the Millcreek fee schedule.

R. Severability and Conflict. This section and its various parts are hereby declared to be severable if a court of competent jurisdiction declares any subsection, clause, provision, or portion of this section invalid or unconstitutional. No court decision will affect the validity of either this section as a whole or any parts not declared invalid or unconstitutional by that decision. If any part of this section is found to be in conflict with any other provision of the City, the most restrictive or highest standard will apply, prevail, and govern.

This Ordinance, assigned Ordinance No. 26-07, shall take effect as soon as it shall be published or posted as required by law, deposited, and recorded in the office of the City Recorder, and accepted as required herein.

**PASSED AND APPROVED** this 26<sup>th</sup> day of January, 2026.

**MILLCREEK**

By: \_\_\_\_\_  
Cheri Jackson, Mayor

**ATTEST:**

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

Roll Call Vote:		
Jackson	Yes	No
Catten	Yes	No
DeSirant	Yes	No
Handy	Yes	No
Uipi	Yes	No

**CERTIFICATE OF POSTING**

I, the duly appointed recorder for Millcreek, hereby certify that:  
**ORDINANCE 26-07 AN ORDINANCE OF MILLCREEK AMENDING TITLE 18 OF THE MILLCREEK MUNICIPAL CODE FOR THE PURPOSE OF REMOVING PUBLIC NOTICING REQUIREMENTS FOR COMMUNITY COUNCILS** was adopted the 26<sup>th</sup> day of January, 2026 and that a copy of the foregoing Ordinance 26-07 was posted in accordance with Utah Code 10-3-711 this \_\_\_\_ day of January, 2026.

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

**MILLCREEK, UTAH**  
**RESOLUTION NO. 26-01**

**A RESOLUTION ACCEPTING THE UTAH JORDAN RIVER RECREATION ZONE GRANT IN THE AMOUNT OF \$55,000 TO ASSIST IN THE INSTALLATION OF THE ADVENTURE PATH AMENITY ALONG THE JORDAN RIVER TRAIL, LOCATED AT THE JORDAN RIVER TRAILHEAD NEAR 3900 S, MILLCREEK, UTAH**

**WHEREAS**, the Millcreek Council (“Council”) met in regular session on January 26, 2026, to consider, among other things, a resolution accepting the Jordan River Recreation Zone Grant in the amount of \$55,000 to assist in the installation of the Jordan River Adventure Path, a connection of trail amenities that create an accessible, immersive public space along the Jordan River Trail, located at the Jordan River Trailhead near 3900 S, Millcreek, Utah; and

**WHEREAS**, Millcreek applied for the Jordan River Recreation Zone Grant from Utah Department of Natural Resources Division of Forestry, Fire, and State Lands in the amount of \$55,000 to assist in the construction of the Adventure Path along the Jordan River Trail; and

**WHEREAS**, the Jordan River Recreation Zone Grant requires a match of \$1,100; and

**WHEREAS**, Millcreek is responsible for any additional costs of the project if they arise; and

**WHEREAS**, the match amount is included in the budget for the Jordan River Trail; and

**WHEREAS**, a grant agreement (“Agreement”) between Millcreek and the Utah Department of Natural Resources Division of Forestry, Fire, and State Lands regarding the Jordan River Recreation Zone Grant has been presented to the Council for review and approval; and

**WHEREAS**, the Council finds that it is in the best interest of the City to accept the Jordan River Recreation Zone Grant, and approve the Agreement.

**NOW, THEREFORE, BE IT RESOLVED** that the Council hereby accepts the Jordan River Recreation Zone Grant, and approves the Agreement, and the Mayor and Recorder are hereby authorized and directed to execute the Agreement and make such minor changes and recommendations as they deem necessary and deliver the Agreement on behalf of Millcreek.

**THIS RESOLUTION** assigned No. 26-01 shall take effect immediately upon passage and acceptance as provided herein.

**PASSED AND APPROVED** this 26<sup>th</sup> day of January, 2026.

**MILLCREEK**

\_\_\_\_\_  
Cheri Jackson, Mayor

**ATTEST:**

---

Elyse Sullivan, City Recorder

Roll Call Vote:

Jackson	Yes	No
Catten	Yes	No
DeSirant	Yes	No
Handy	Yes	No
Uipi	Yes	No

		State Contract # _____ <small>Assigned by the Division of Finance or          Purchasing</small>
<b>STATE OF UTAH CONTRACT COVER SHEET</b>		
This contract is entered into as a result of: <input type="checkbox"/> The procurement process on Bid /RFP # _____ <input type="checkbox"/> The procurement process on Requisition # _____ FY _____ <input type="checkbox"/> Pre-approved sole source (approval attached) _____ <input type="checkbox"/> Agency grant, land purchase, DAS-Purchasing delegation <input checked="" type="checkbox"/> Contract with other state agency or political subdivision <input type="checkbox"/> Under \$5,000 (total amount for contract period) <input type="checkbox"/> Agency exemption from DAS-purchasing approval LPD169 <input type="checkbox"/> Revenue agreement		

1. Agency Name UTAH DEPARTMENT OF NATURAL RESOURCES/FORESTRY  
 FIRE, & STATE LANDS  
 Agency Code 560
2. General Purpose of Contract: Improvements along Jordan River Trail – 'Adventure  
 Path'
3. Contractor Name: Millcreek City
4. Contract Period: Effective date \_\_\_\_\_ Date of Last Signature \_\_\_\_\_ Termination date 12/31/26  
(mm/dd/yy) (mm/dd/yy)
5. Authorized Amount: \$55,000
6. Vendor # VC217491
7. Commodity Code(s) : 99999

COMMENTS:

CONTRACT SUMMARY PAGE - FOR DEPARTMENT USE ONLY - NOT PART OF CONTRACT

**UTAH DEPARTMENT OF NATURAL RESOURCES, FORESTRY FIRE AND STATE LANDS  
CONTRACT SUMMARY PAGE - FOR DEPARTMENT USE ONLY - NOT PART OF CONTRACT**

		LEGAL STATUS OF CONTRACTOR:	
		LG <input checked="" type="checkbox"/>	Federal, State or Local Government
		CU <input type="checkbox"/>	College or University
		NP <input type="checkbox"/>	Non-Profit Corporation
		CC <input type="checkbox"/>	For-Profit Corporation
		OT <input type="checkbox"/>	Other
DEPARTMENT OF NATURAL RESOURCES INFORMATION: Division: <u>FORESTRY, FIRE, &amp; STATE LANDS</u> Office: _____		NAME OF CONTRACT: _____ Name of Contractor: _____ Address: _____ _____ DUNS # (if applicable) _____	

**APPROVAL AND REVIEW SIGNATURES  
UTAH DEPARTMENT OF NATURAL RESOURCES, DIVISION OF FORESTRY FIRE AND STATE LANDS**

APPROVAL AND REVIEW OF CONTRACT:

\_\_\_\_\_  
Program Manager Date

\_\_\_\_\_  
Area Manager Date

APPROVAL OF FUNDS AVAILABILITY:

\_\_\_\_\_  
Financial Manager Date

CONTRACT PROVISIONS: (Select 1 or 2; select 3 if applicable)

- 1. Vendor Contract - Contractor provides goods or services.
  - Standard Terms and Conditions used as Attachment A in Contract.
  - Other approved provisions used as Attachment A in Contract.
  
- 2. Subrecipient Contract - Contractor carries out grant program.
  - Standard Terms and Conditions used as Attachment A in Contract *and* DNR Subaward Terms and Conditions used as additional attachment.
  - Other approved provisions used as additional attachment.
  
- 3. Digital Signature – This contract is appropriate to utilize scanned or faxed signatures considering the type of contract and dollar amount. The clause authorizing this use has been included in the scope of work or applicable attachment.

**Source of Funds:**

Contract Allocation Sheet										Total
							FFY26			
State/Federal Source	Federal %	CFDA #	Fund	Agency	Unit	Appr Unit	Obj	Prog/Func	Amount	Phase
			1000	560	1780	RDH	6137	FL2019JRRZ	\$55,000	FSLJR
				560						
				560						
				560						
<b>Totals</b>									\$55,000	

CONTRACT SUMMARY PAGE - FOR DEPARTMENT USE ONLY - NOT PART OF CONTRACT

**COOPERATIVE AGREEMENT  
BETWEEN  
STATE OF UTAH, DIVISION OF FORESTRY, FIRE AND STATE LANDS  
AND  
MILLCREEK CITY**

**I INTRODUCTION**

The State of Utah, Division of Forestry, Fire and State Lands, (“FFSL”), and Millcreek City, (“GRANTEE”), enter into this cooperative agreement, (“Agreement”), to provide funding for interactive trail amenities along the Jordan River, as described Attachment B (the “Scope of Work”), (collectively the “Project”), adjacent to the Jordan River.

**II PURPOSE**

During the 2019 Legislative Session, the Utah State Legislature allocated on-going funding to FFSL to improve safety, recreation, conservation, capital improvement, boat launch, invasive species removal, habitat, and vegetation within the Jordan River Recreation Zone (which is generally defined as the area 250 yards on each side of the Jordan River between State Route 201 and 5400 South). GRANTEE submitted a proposal during the FY26 Jordan River Grant Program submission window and was awarded \$55,000 by the Jordan River Grant Review Committee which consisted of representatives from the Jordan River Commission and FFSL. The objective of the Project is to support the installation of trail amenities that create an accessible, immersive public space along the Jordan River. GRANTEE has consistently and enthusiastically demonstrated their commitment to improving the Jordan River. Funding will be available to GRANTEE from the date of final signature of this Agreement until December 31st, 2026. More details regarding the Project are contained in the Scope of Work, attached hereto as Attachment B and incorporated herein by reference.

Attachments:

A: State Of Utah Standard Terms and Conditions for Services

B: Scope of Work

**III RESPONSIBILITIES AND PROCEDURES**

- a. FFSL shall:
  - i. provide up to \$55,000 in Project funding as prescribed in III(a)(iii).
  - ii. monitor and inspect the progress of the Project once prior to completion and once upon completion to ensure funding was expended as stated in this Agreement.
  - iii. reimburse GRANTEE when the Project work is completed, paid for, and verified. Reimbursements may not take place until complete and accurate invoices are provided to FFSL.

- iv. not be held responsible for damage or liability caused by Project activities on or off of sovereign lands.
- b. GRANTEE shall:
- i. complete the Project as outlined in the Scope of Work by December 31, 2026.
  - ii. upon completion of the Project but before reimbursement occurs, file a final report with FFSL that details the extent to which GRANTEE fulfilled the grant's purpose and met the Performance Metrics for the Project as outlined in the Scope of Work.
  - iii. provide FFSL with a written Project update no later than July 31st, 2026, unless this Agreement is extended and/or the Parties agree on an alternative date for submission of the written Project update.
  - iv. advise FFSL of any proposed changes to the Scope of Work and the effects of the change. Changes to the Scope of Work must be agreed upon by FFSL before GRANTEE implements any of the proposed changes.
  - v. allow State auditors, and State agency staff, access to all records pertaining to this agreement for audit, inspection, and monitoring of services.
  - vi. maintain all records necessary to properly account for the expenses made for the costs authorized by this Agreement. These records must be maintained for at least four years after the agreement terminates, or until after all audits initiated within the four years have been completed, whichever is later.
  - vii. submit detailed invoices showing work completed on specific initiatives no later than Dec 31, 2026 showing dollar amount and FTE worked, rates, travel expenses, materials, etc. and be able to supply documentation of time spent or expenditures made using the funds of this Agreement, if requested.
  - viii. reimburse FFSL for all funds distributed to GRANTEE as of the date of the audit if an audit described in subsection III(b)(iv) above shows the grant funds were inappropriately used.
- c. FFSL and GRANTEE shall comply with the State of Utah Standard Terms and Conditions for Services, attached hereto as Attachment A, incorporated into this Agreement by reference.

## I TERM and TERMINATION OF AGREEMENT

This Agreement shall become effective on the date of the final signature by the Parties and shall remain in effect until December 31, 2026, at which time this Agreement will expire. This Agreement may be revised as necessary by mutual consent of the Parties and by the issuance of a written amendment, signed and dated by Parties. Either Party, providing it gives 30 days written advance notice, may terminate this Agreement. To the extent the terms listed above conflict with those in Attachment A, any ambiguity shall be resolved in favor of the terms contained in Attachment A.

**GRANTEE  
(Authorized Representative)**

\_\_\_\_\_  
Signature                      Date

**Utah Division of Forestry, Fire and State Lands  
(Finance Manager)**

\_\_\_\_\_  
Signature                      Date

**Utah Division of Forestry, Fire and State Lands  
(Director)**

\_\_\_\_\_  
Signature                      Date

**APPROVED AS TO FORM:**

**Utah Attorney General's Office**

\_\_\_\_\_  
Signature                      Date

**Division of Finance**

\_\_\_\_\_  
Signature                      Date

Attachment A:  
Standard Terms and Conditions

## ATTACHMENT A: STATE OF UTAH AGENCY STANDARD TERMS AND CONDITIONS FOR GOODS AND/OR SERVICES

These terms and conditions may only be used when both parties are government entities or political subdivisions as defined in the Utah Government Immunity Act.

1. **DEFINITIONS:** The following terms shall have the meanings set forth below:
  - a) "**Confidential Information**" means information that is deemed as confidential under applicable state and federal laws, and personal data as defined in Utah Code 63A-19-101. The State Entity reserves the right to identify, during and after this Contract, additional reasonable types of categories of information that must be kept confidential under federal and state laws.
  - b) "**Contract**" means the Contract Signature Page(s), including all referenced attachments and documents incorporated by reference. The term "Contract" shall include any purchase orders that result from this Contract.
  - c) "**Contract Signature Page(s)**" means the State of Utah cover page(s) that the State Entity and Contractor signed.
  - d) "**Contractor**" means the individual or entity delivering the Procurement Item identified in this Contract. The term "Contractor" shall include Contractor's agents, officers, employees, and partners.
  - e) "**Custom Deliverable**" means the Work Product that Contractor is required to deliver to the State Entity under this Contract.
  - f) "**Goods**" means all types of tangible personal property, including but not limited to materials, supplies, Custom Deliverable, and equipment that Contractor is required to deliver to the State Entity under this Contract.
  - g) "**Procurement Item**" means Goods, a supply, Services, Custom Deliverable, construction, or technology that Contractor is required to deliver to the State Entity under this Contract.
  - h) "**Response**" means the Contractor's bid, proposals, quote, or any other document used by the Contractor to respond to the State Entity's Solicitation.
  - i) "**Services**" means the furnishing of labor, time, or effort by Contractor pursuant to this Contract. Services include those professional services identified in Section 63G-6a-103 of the Utah Procurement Code
  - j) "**Solicitation**" means an invitation for bids, request for proposals, notice of a sole source procurement, request for statement of qualifications, request for information, or any document used to obtain bids, proposals, pricing, qualifications, or information for the purpose of entering into this Contract.
  - k) "**State Entity**" means the department, division, office, bureau, agency, or other organization identified on the Contract Signature Page(s).
  - l) "**State of Utah**" means the State of Utah, in its entirety, including its institutions, agencies, departments, divisions, authorities, instrumentalities, boards, commissions, elected or appointed officers, employees, agents, and authorized volunteers.
  - m) "**Subcontractors**" means a person under contract with a contractor or another subcontractor to provide services or labor for design or construction, including a trade contractor or specialty contractor.
2. **GOVERNING LAW AND VENUE:** This Contract shall be governed by the laws, rules, and regulations of the State of Utah. Any action or proceeding arising from this Contract shall be brought in a court of competent jurisdiction in the State of Utah. Venue shall be in Salt Lake City, in the Third Judicial District Court for Salt Lake County.
3. **LAWS AND REGULATIONS:** At all times during this Contract, Contractor and all Procurement Items delivered and/or performed under this Contract will comply with all applicable federal and state constitutions, laws, rules, codes, orders, and regulations, including applicable licensure and certification requirements. If this Contract is funded by federal funds, either in whole or in part, then any federal regulation related to the federal funding, including CFR Appendix II to Part 200, will supersede this Attachment A.
4. **RECORDS ADMINISTRATION:** Contractor shall maintain or supervise the maintenance of all records necessary to properly account for Contractor's performance and the payments made by the State Entity to Contractor under this Contract. These records shall be retained by Contractor for at least six (6) years after final payment, or until all audits initiated within the six (6) years have been completed, whichever is later. Contractor agrees to allow, at no additional cost, the State of Utah, federal auditors, State Entity staff, or their designees, access to all such records during normal business hours and to allow interviews of any employees or others who might reasonably have information related to such records. Further, Contractor agrees to include a similar right of the State to audit records and interview staff in any subcontract related to performance of this Contract.
5. **PERMITS:** If necessary Contractor shall procure and pay for all permits, licenses, and approvals necessary for the execution of this Contract.
6. **CERTIFY REGISTRATION AND USE OF EMPLOYMENT "STATUS VERIFICATION SYSTEM":** INTENTIONALLY DELETED
7. **CONFLICT OF INTEREST:** INTENTIONALLY DELETED
8. **INDEPENDENT CONTRACTOR:** Contractor and Subcontractors, in the performance of this Contract, shall act in an independent capacity and not as officers or employees or agents of the State Entity or the State of Utah.
9. **CONTRACTOR RESPONSIBILITY:** Contractor is solely responsible for fulfilling the contract, with responsibility for all Procurement Items delivered and/or performed as stated in this Contract. Contractor shall be the sole point of contact regarding all contractual matters. Contractor must incorporate Contractor's responsibilities under this Contract into every subcontract with its Subcontractors that will provide the Procurement Item(s) to the State Entity under this Contract. Moreover, Contractor is responsible for its Subcontractors compliance under this Contract.
10. **INDEMNITY:** Both parties to this agreement are Utah governmental entities as defined in the Utah Governmental Immunity Act (Utah Code Ann. 63G-7-101 et. seq.). Nothing in this Contract shall be construed as a waiver by either or both parties of any rights, limits, protections or defenses provided by the Act. Nor shall this Contract be construed, with respect to third parties,

as a waiver of any governmental immunity to which a party to this Contract is otherwise entitled. Subject to and consistent with the Act, each party will be responsible for its own actions or negligence and will defend against any claims or lawsuit brought against it. There are no indemnity obligations between these parties.

11. **EMPLOYMENT PRACTICES:** Contractor agrees to abide by the following federal and state employment laws, including: (i) Title VI and VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e), which prohibits discrimination against any employee or applicant for employment or any applicant or recipient of services on the basis of race, religion, color, or national origin; (ii) Executive Order No. 11246, as amended, which prohibits discrimination on the basis of sex; (iii) 45 CFR 90, which prohibits discrimination on the basis of age; (iv) Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act of 1990, which prohibits discrimination on the basis of disabilities; and (v) Utah's Executive Order 2019-1, dated February 5, 2019, which prohibits unlawful harassment in the workplace. Contractor further agrees to abide by any other laws, regulations, or orders that prohibit the discrimination of any kind by any of Contractor's employees.
12. **AMENDMENTS:** This Contract may only be amended by the mutual written agreement of the parties, provided that the amendment is within the Scope of Work of this Contract and is within the scope/purpose of the original solicitation for which this Contract was derived. The amendment will be attached and made part of this Contract. Automatic renewals will not apply to this Contract, even if listed elsewhere in this Contract.
13. **DEBARMENT:** Contractor certifies that it is not presently nor has ever been debarred, suspended, proposed for debarment, or declared ineligible by any governmental department or agency, whether international, national, state, or local. Contractor must notify the State Entity within thirty (30) days if debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in any contract by any governmental entity during this Contract.
14. **TERMINATION:** This Contract may be terminated, with cause by either party, in advance of the specified expiration date, upon written notice given by the other party. The party in violation will be given ten (10) days after written notification to correct and cease the violations, after which this Contract may be terminated for cause immediately and subject to the remedies below. This Contract may also be terminated without cause (for convenience), in advance of the specified expiration date, by the either party, upon thirty (30) days written termination notice being given to the the other party. The State Entity and the Contractor may terminate this Contract, in whole or in part, at any time, by mutual agreement in writing.

On termination of this Contract, all accounts and payments will be processed according to the financial arrangements set forth herein for approved and conforming Procurement Items ordered prior to date of termination. In no event shall the State Entity be liable to the Contractor for compensation for any Good neither requested nor accepted by the State Entity. In no event shall the State Entity's exercise of its right to terminate this Contract for convenience relieve the Contractor of any liability to the State Entity for any damages or claims arising under this Contract.
15. **NONAPPROPRIATION OF FUNDS, REDUCTION OF FUNDS, OR CHANGES IN LAW:** Upon thirty (30) days written notice delivered to the Contractor, this Contract may be terminated in whole or in part at the sole discretion of the State Entity, if the State Entity reasonably determines that: (i) a change in Federal or State legislation or applicable laws materially affects the ability of either party to perform under the terms of this Contract; or (ii) that a change in available funds affects the State Entity's ability to pay under this Contract. A change of available funds as used in this paragraph includes, but is not limited to a change in Federal or State funding, whether as a result of a legislative act or by order of the President or the Governor.

If a written notice is delivered under this section, the State Entity will reimburse Contractor for the Procurement Item(s) properly ordered and/or services properly performed until the effective date of said notice. The State Entity will not be liable for any performance, commitments, penalties, or liquidated damages that accrue after the effective date of said written notice.
16. **SALES TAX EXEMPTION:** The Procurement Item(s) under this Contract will be paid for from the State Entity's funds and used in the exercise of the State Entity's essential functions as a State of Utah entity. Upon request, the State Entity will provide Contractor with its sales tax exemption number. It is Contractor's responsibility to request the State Entity's sales tax exemption number. It also is Contractor's sole responsibility to ascertain whether any tax deduction or benefits apply to any aspect of this Contract.
17. **WARRANTY OF PROCUREMENT ITEM(S):** Contractor warrants, represents and conveys full ownership and clear title, free of all liens and encumbrances, to the Procurement Item(s) delivered to the State Entity under this Contract. Contractor warrants for a period of one (1) year that: (i) the Procurement Item(s) perform according to all specific claims that Contractor made in its Response; (ii) the Procurement Item(s) are suitable for the ordinary purposes for which such Procurement Item(s) are used; (iii) the Procurement Item(s) are suitable for any special purposes identified in the Contractor's Response; (iv) the Procurement Item(s) are designed and manufactured in a commercially reasonable manner; (v) the Procurement Item(s) are manufactured and in all other respects create no harm to persons or property; and (vi) the Procurement Item(s) are free of defects. Unless otherwise specified, all Procurement Item(s) provided shall be new and unused of the latest model or design.

Remedies available to the State Entity under this section are limited to the following: Contractor will repair or replace Procurement Item(s) at no charge to the State Entity within a reasonable time of any written notification informing Contractor of the Procurement Item(s) not performing as required under this Contract. If the repaired and/or replaced Procurement Item(s) prove to be inadequate, or fail its essential purpose, Contractor will refund the full amount of any payments that have been made.
18. **CONTRACTOR'S INSURANCE RESPONSIBILITY: INTENTIONALLY DELETED**
19. **RESERVED.**
20. **PUBLIC INFORMATION:** Contractor agrees that this Contract, related purchase orders, related pricing documents, and invoices will be public documents and may be available for public and private distribution in accordance with the State of Utah's Government Records Access and Management Act (GRAMA). Contractor gives the State Entity and the State of Utah express permission to make copies of this Contract, related sales orders, related pricing documents, and invoices in accordance with GRAMA. Except for sections identified in writing by Contractor and expressly approved by the State of Utah Division of Purchasing and General Services, Contractor also agrees that the Contractor's Response will be a public

document, and copies may be given to the public as permitted under GRAMA. The State Entity and the State of Utah are not obligated to inform Contractor of any GRAMA requests for disclosure of this Contract, related purchase orders, related pricing documents, or invoices.

21. **DELIVERY:** All deliveries under this Contract will be F.O.B. Destination Freight Prepaid and Allowed, unless specifically negotiated otherwise and explicitly written in this contract, with all transportation and handling charges paid for by Contractor. Responsibility and liability for loss or damage will remain with Contractor until final inspection and acceptance when responsibility will pass to the State Entity, except as to latent defects or fraud. Contractor shall strictly adhere to the delivery and completion schedules specified in this Contract.
22. **ACCEPTANCE AND REJECTION:** The State Entity shall have thirty (30) days after delivery of the Procurement Item(s) to perform an inspection of the Procurement Item(s) to determine whether the Procurement Item(s) conform to the standards specified in the Solicitation and this Contract prior to acceptance of the Procurement Item(s) by the State Entity.  
If Contractor delivers nonconforming Procurement Item(s), the State Entity may, at its option and at Contractor's expense: (i) return the Procurement Item(s) for a full refund; or (ii) require Contractor to promptly correct or replace the nonconforming Procurement Item(s). Contractor shall not redeliver corrected or rejected Procurement Item(s) without: first, disclosing the former rejection or requirement for correction; and second, obtaining written consent of the State Entity to redeliver the corrected Procurement Item(s). Repair, replacement, and other correction and redelivery shall be subject to the terms of this Contract.
23. **INVOICING:** Contractor will submit invoices within thirty (30) days of the delivery date of the Procurement Item(s) to the State Entity. The contract number shall be listed on all invoices, freight tickets, and correspondence relating to this Contract. The prices paid by the State Entity will be those prices listed in this Contract, unless Contractor offers a prompt payment discount within its Response or on its invoice. The State Entity has the right to adjust or return any invoice reflecting incorrect pricing.
24. **PAYMENT:** Payments are to be made within thirty (30) days after a correct invoice is received. All payments to Contractor will be remitted by mail, electronic funds transfer, or the State of Utah's Purchasing Card (major credit card). If payment has not been made after sixty (60) days from the date a correct invoice is received by the State Entity, then interest may be added by Contractor as prescribed in the Utah Prompt Payment Act. The acceptance by Contractor of final payment, without a written protest filed with the State Entity within ten (10) business days of receipt of final payment, shall release the State Entity and the State of Utah from all claims and all liability to the Contractor. The State Entity's payment for the Procurement Item(s) and/or services shall not be deemed an acceptance of the Procurement Item(s) and is without prejudice to any and all claims that the State Entity or the State of Utah may have against Contractor. The State of Utah and the State Entity will not allow the Contractor to charge end users electronic payment fees of any kind.
25. **INDEMNIFICATION RELATING TO INTELLECTUAL PROPERTY:** INTENTIONALLY DELETED
26. **OWNERSHIP IN INTELLECTUAL PROPERTY:** The State Entity and Contractor each recognizes that each has no right, title, or interest, proprietary or otherwise, in the intellectual property owned or licensed by the other, unless otherwise agreed upon by the parties in writing. All Procurement Item(s), documents, records, programs, data, articles, memoranda, and other materials not developed or licensed by Contractor prior to the execution of this Contract, but specifically manufactured under this Contract shall be considered work made for hire, and Contractor shall transfer any ownership claim to the State Entity. Contractor shall have the right to publish, upon prior written approval of the State Entity which may not unreasonably be withheld, the results of the project.
27. **OWNERSHIP IN CUSTOM DELIVERABLES:** INTENTIONALLY DELETED
28. **ASSIGNMENT:** Contractor may not assign, sell, transfer, subcontract or sublet rights, or delegate any right or obligation under this Contract, in whole or in part, without the prior written approval of the State Entity.
29. **REMEDIES:** Any of the following events will constitute cause for the State Entity to declare Contractor in default of this Contract: (i) Contractor's non-performance of its contractual requirements and obligations under this Contract; or (ii) Contractor's material breach of any term or condition of this Contract. The State Entity may issue a written notice of default providing a ten (10) day period in which Contractor will have an opportunity to cure. Time allowed for cure will not diminish or eliminate Contractor's liability for damages. If the default remains after Contractor has been provided the opportunity to cure, the State Entity may do one or more of the following: (i) exercise any remedy provided by law or equity; (ii) terminate this Contract; (iii) impose liquidated damages, if liquidated damages are listed in this Contract; (iv) debar/suspend Contractor from receiving future contracts from the State Entity or the State of Utah; or (v) demand a full refund of any payment that the State Entity has made to Contractor under this Contract for Procurement Item(s) that do not conform to this Contract.
30. **FORCE MAJEURE:** Neither party to this Contract will be held responsible for delay or default caused by fire, riot, act of God, and/or war which is beyond that party's reasonable control. The State Entity may terminate this Contract after determining such delay will prevent successful performance of this Contract.
31. **CONFIDENTIALITY:** If Contractor has access to or processes Confidential Information, Contractor shall: (i) advise its agents, officers, employees, partners, and Subcontractors of the obligations set forth in this Contract; (ii) keep all Confidential Information strictly confidential; and (iii) comply with any requirements contained in the contract regarding permitted uses and disclosures of personal data, measures designed to safeguard personal data, and the destruction of personal data. Contractor will promptly notify the State Entity of any potential or actual misuse or misappropriation of Confidential Information, including any data breaches, in accordance with UCA 63A-19 Government Data Privacy Act. In Accordance with UCA 63A-19, Contractor must comply with all the same requirements regarding personal data as the State.

Written Confidential Information shall be clearly marked as "confidential." If certain Confidential Information has not been reduced to written form at the time of disclosure by the State Entity, then such orally disclosed information shall be protected by the Contractor as Confidential Information, provided that the State Entity shall: (i) provide a statement to the Contractor that the oral information shall be protected under this Agreement; and (ii) within thirty (30) days of such disclosure, reduce to

writing a summary of the orally disclosed Confidential Information.

Contractor shall be responsible for any breach of this duty of confidentiality, including any required remedies and/or notifications under applicable law. Contractor shall indemnify, hold harmless, and defend the State Entity and the State of Utah, including anyone for whom the State Entity or the State of Utah is liable, from claims related to a breach of this duty of confidentiality, including any notification requirements, by Contractor or anyone for whom the Contractor is liable.

Upon termination or expiration of this Contract, Contractor will return all copies of Confidential Information to the State Entity or certify, in writing, that the Confidential Information has been destroyed. This duty of confidentiality shall be ongoing and survive the termination or expiration of this Contract.

32. **PUBLICITY:** Contractor shall submit to the State Entity for written approval all advertising and publicity matters relating to this Contract. It is within the State Entity's sole discretion whether to provide approval, which approval must be in writing.
33. **WORK ON STATE OF UTAH OR ELIGIBLE USER PREMISES:** Contractor shall ensure that personnel working on State of Utah premises shall: (i) abide by all of the rules, regulations, and policies of the premises; (ii) remain in authorized areas; (iii) follow all instructions; and (iv) be subject to a background check, prior to entering the premises. The State of Utah or Eligible User may remove any individual for a violation hereunder.
34. **CONTRACT INFORMATION:** INTENTIONALLY DELETED
35. **WAIVER:** A waiver of any right, power, or privilege shall not be construed as a waiver of any subsequent right, power, or privilege.
36. **SUSPENSION OF WORK:** Should circumstances arise which would cause the State Entity to suspend Contractor's responsibilities under this Contract, but not terminate this Contract, this will be done by formal written notice pursuant to the terms of this Contract. Contractor's responsibilities may be reinstated upon advance formal written notice from the State Entity.
37. **CHANGES IN SCOPE:** Any changes in the scope of the Procurement Item(s) to be performed under this Contract shall be in the form of a written amendment to this Contract, mutually agreed to and signed by both parties, specifying any such changes, fee adjustments, any adjustment in time of performance, or any other significant factors arising from the changes in the scope of the Procurement Item(s).
38. **PROCUREMENT ETHICS:** Contractor understands that a person who is interested in any way in the sale of any, Procurement Item(s), supplies, , construction, or insurance to the State of Utah is violating the law if the person gives or offers to give any compensation, gratuity, contribution, loan, reward, or any promise thereof to any person acting as a procurement officer on behalf of the State of Utah, or to any person in any official capacity who participates in the procurement of such Procurement Item(s), supplies, . construction, or insurance, whether it is given for their own use or for the use or benefit of any other person or organization.
39. **ATTORNEY'S FEES:** INTENTIONALLY DELETED
40. **TRAVEL COSTS:** If travel expenses are permitted by the Solicitation, then all travel costs associated with the delivery of Procurement Item(s) under this Contract will be paid according to the rules and per diem rates found in the Utah Administrative Code R25-7. Invoices containing travel costs outside of these rates will be returned to Contractor for correction.
41. **DISPUTE RESOLUTION:** INTENTIONALLY DELETED
42. **ORDER OF PRECEDENCE:** In the event of any conflict in the terms and conditions in this Contract, the order of precedence shall be: (i) this Attachment A; (ii) Contract Signature Page(s); (iii) the State of Utah's additional terms and conditions, if any; (iv) any other attachment listed on the Contract Signature Page(s); and (v) Contractor's terms and conditions that are attached to this Contract, if any. Any provision attempting to limit the liability of Contractor or limit the rights of the State Entity or the State of Utah must be in writing and attached to this Contract or it is rendered null and void.
43. **SURVIVAL OF TERMS:** Termination or expiration of this Contract shall not extinguish or prejudice the State Entity's right to enforce this Contract with respect to any default of this Contract or defect in the Procurement Item(s) that has not been cured, or of any of the following clauses, including: Governing Law and Venue, Laws and Regulations, Records Administration, Remedies, Dispute Resolution, Indemnity, Newly Manufactured, Indemnification Relating to Intellectual Property, Warranty of Procurement Item(s), Insurance.
44. **SEVERABILITY:** The invalidity or unenforceability of any provision, term, or condition of this Contract shall not affect the validity or enforceability of any other provision, term, or condition of this Contract, which shall remain in full force and effect.
45. **ERRORS AND OMISSIONS:** Contractor shall not take advantage of any errors and/or omissions in this Contract. The Contractor must promptly notify the State of any errors and/or omissions that are discovered.
46. **ENTIRE AGREEMENT:** This Contract constitutes the entire agreement between the parties and supersedes any and all other prior and contemporaneous agreements and understandings between the parties, whether oral or written.
47. **ANTI-BOYCOTT ACTIONS:** In accordance with Utah Code 63G-27 et seq., Contractor certifies that it is not currently engaged in any "economic boycott" nor a "boycott of the State of Israel" as those terms are defined in Section 63G-27-102. Contractor further certifies that it has read and understands 63G-27 et. seq., that it will not engage in any such boycott action during the term of this Contract, and that if it does, it shall promptly notify the State in writing.
48. **TIME IS OF THE ESSENCE:** The Procurement Item(s) shall be completed by any applicable deadline stated in this Contract. For all Procurement Item(s), time is of the essence. Contractor shall be liable for all reasonable damages to the State Entity, the State of Utah, and anyone for whom the State of Utah may be liable as a result of Contractor's failure to timely perform the Procurement Item(s) required under this Contract.
49. **PERFORMANCE EVALUATION:** The State Entity may conduct a performance evaluation of Contractor's Procurement Item(s), including Contractor's Subcontractors. Results of any evaluation may be made available to Contractor upon request.

50. **STANDARD OF CARE:** The Procurement Item(s) of Contractor and its Subcontractors shall be performed in accordance with the standard of care exercised by licensed members of their respective professions having regular experience providing similar Procurement Item(s) which similarities include the type, magnitude, and complexity of the Procurement Item(s) that are the subject of this Contract. Contractor shall be liable to the State Entity and the State of Utah for claims, liabilities, additional burdens, penalties, damages, or third-party claims (e.g., another Contractor's claim against the State of Utah), to the extent caused by wrongful acts, errors, or omissions that do not meet this standard of care.
51. **REVIEWS:** The State Entity reserves the right to perform plan checks, plan reviews, other reviews, and/or comment upon the Procurement Item(s) of Contractor. Such reviews do not waive the requirement of Contractor to meet all of the terms and conditions of this Contract.
52. **Restricted Foreign Entities and Forced Labor:** In accordance with Utah law, Contractors contracting with the State certify that they are not providing a "forced labor product" as defined in Utah Code 63G-6a-121. If the Contractor is providing technology or technology services, networks, or systems, the Contractor certifies that the aforementioned does not come from a "restricted foreign entity," as also defined in UCA 63G-6a-121.

(Revision Date: 9/11/2025)

# Attachment B: Scope of Work

## Millcreek Jordan River Trail Adventure Path

### Project Summary

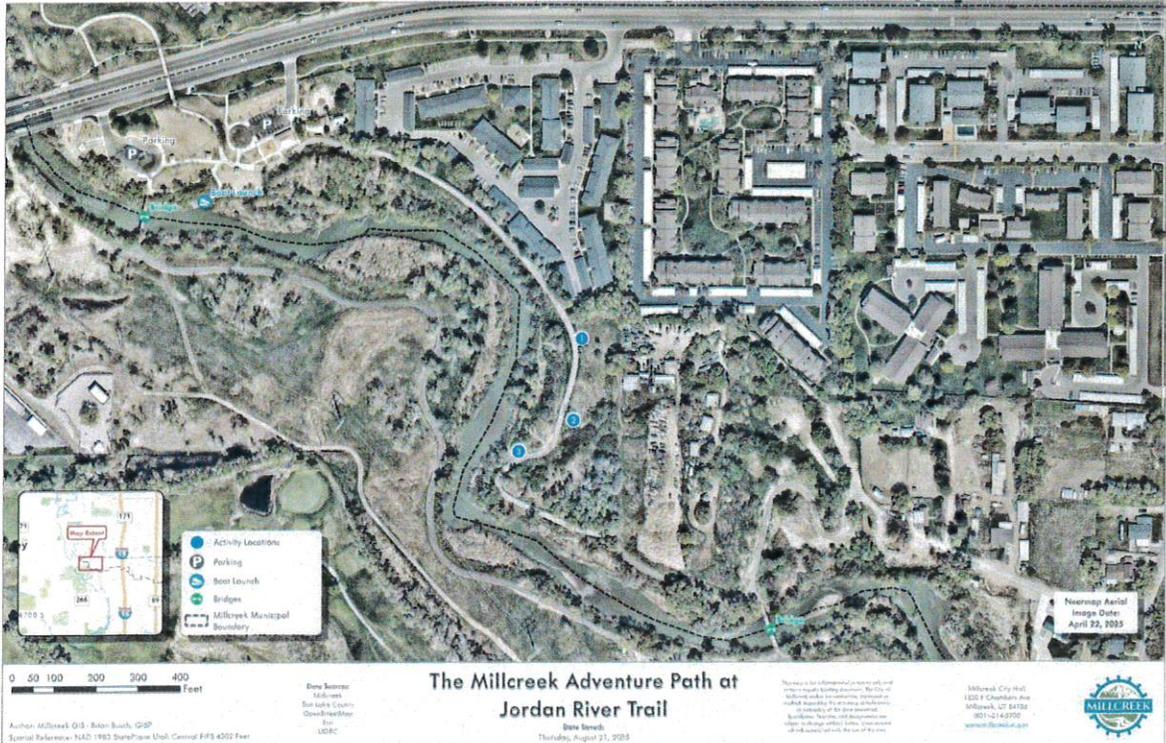
Millcreek is moving forward with the Jordan River Trail (JRT) Adventure Path, a series of nature-inspired play structures and obstacle features designed to activate the city's stretch of the trail near 3900 S. The project is expected to cost around \$60,000 and Millcreek will be responsible for all costs above the \$55,000 awarded through the Jordan River Recreation Zone Grant. Building on the recently completed Jordan River trailhead, this next phase will add interactive elements that are to be determined such as climbing obstacles, sensory paths, or a slide built into the slope. These features will provide opportunities for play, exploration, and physical challenge while maintaining a low-impact, natural character.

The Adventure Path is intended as a vibrant gathering space where residents and visitors can pause, connect, and engage with nature. The project reflects regional goals for accessible, immersive public spaces along the Jordan River that balance recreation with ecological sensitivity, offering a model of thoughtful, place-based design.

After project completion the project will continue to be monitored and maintained by Salt Lake County Parks and Recreation. The County has a preexisting contract for routine maintenance and cleaning of vaulted restrooms within their purview along the Jordan River Trail. This project would be added to the existing maintenance workload.

### Budget

<b>Entity: Millcreek</b>			
<b>Project Name: Jordan River Trail - Millcreek Adventure Path</b>			
<b>Cost Estimate</b>			
<b>Description</b>	<b>Anticipated (\$)</b>		
Traffic Control	\$	460.00	
Demo, Clearing, and Grubbing	\$	6,325.00	
Playground Equipment	\$	38,065.00	
Equipment Installation	\$	8,050.00	
Landscaping	\$	5,750.00	
<b>Total Project Cost</b>	<b>\$</b>	<b>58,650.00</b>	
<b>Funding Sources</b>			
	<b>Match (%)</b>	<b>Match (\$)</b>	
Jordan River Recreation Zone Grant	94%	\$	55,000.00
Millcreek	6%	\$	3,650.00
<b>Total Project Cost</b>	<b>\$</b>	<b>58,650.00</b>	
<b>Total Rev</b>	<b>\$</b>	<b>58,650.00</b>	
<b>Project Surplus/Deficit</b>	<b>\$</b>	<b>-</b>	



Timeline

**Entity: Millcreek**

**Project Name: Jordan River Trail - Millcreek Adventure Path**



**Project Schedule**

Task	2026											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Grant Award	█											
Issue RFP for Landscape Architect Ideas		█										
Landscape Architect Idea Selection			█									
Construction/Contractor Bid				█	█	█						
Award Construction Contract					█	█						
Construction							█	█	█	█	█	█
Grand Opening												█
Grant Closeout												█

Remittance Address

Millcreek 1330 E. Chamber Ave Millcreek, UT 84106

801.214.2762

[ap@millcreekut.gov](mailto:ap@millcreekut.gov)

Performance Measures

- Once completed, the project promotes health and safety for those recreating along the Jordan River
- The project upholds the natural beauty and integrity of the Jordan River area through sustainable design, construction, and stewardship to ensure our local nature is maintained for future generations
- Once completed, the project enhances the vision of Blueprint Jordan River by enhancing regional access by making the trail more user-friendly
- Completion of at least one new nature-based play zone along the JRT, designed with unique and intentional features that encourage use by a broad range of visitors.

Contact Information

Kristofer Land, Grants Manager @ Millcreek - (801) 214-2761 - [kland@millcreekut.gov](mailto:kland@millcreekut.gov)

Angelo Calacino, Park Dev Project Manager @ SLCo - (801) 560-5708 - [acalacino@saltlakecounty.gov](mailto:acalacino@saltlakecounty.gov)

**MILLCREEK, UTAH**  
**RESOLUTION NO. 26-02**

**A RESOLUTION OF THE MILLCREEK COUNCIL APPROVING AN APPOINTMENT  
TO THE PLANNING COMMISSION**

**WHEREAS**, the Millcreek Council (“*Council*”) met in regular meeting on January 26, 2026, to consider, among other things, approving an appointment to the Planning Commission; and

**WHEREAS**, due to the resignation of a member of the Planning Commission, Section 18.03.010 of the Millcreek Code of Ordinances provides that any vacancy occurring on the Planning Commission shall be promptly filled by the Mayor, with the advice and consent of the Council for the unexpired term of such member; and

**WHEREAS**, the Mayor hereby nominates Jenny Burgess as a member of the Planning Commission; and

**WHEREAS**, the Council has given advice regarding the appointment of such members and hereby consents to such appointment; and

**WHEREAS**, after careful consideration, the Council has determined that it is in the best interest of the health, safety, and welfare of the residents of Millcreek to consent to such appointment.

**NOW, THEREFORE, BE IT RESOLVED** that the Council consents to the appointment of Jenny Burgess as a member of the Planning Commission, serving a term that will end on June 30, 2027.

This Resolution, assigned No. 26-02, shall take effect immediately upon passage.

**PASSED AND APPROVED** by the Council this 26th day of January, 2026.

**MILLCREEK**

**ATTEST:**

\_\_\_\_\_  
Cheri Jackson, Mayor

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

Roll Call Vote:

Jackson	Yes	No
Catten	Yes	No
DeSirant	Yes	No
Handy	Yes	No
Uipi	Yes	No

**MILLCREEK, UTAH**  
**RESOLUTION NO. 26-03**

**A RESOLUTION OF THE MILLCREEK COUNCIL APPROVING APPOINTMENTS  
TO THE HISTORIC PRESERVATION COMMISSION**

**WHEREAS**, the Millcreek Council (“*Council*”) met in regular meeting on January 26, 2026, to consider, among other things, approving appointments to the Historic Preservation Commission; and

**WHEREAS**, on April 26, 2021, the Council enacted Ordinance 21-16 amending the Historic Buildings and Sites Ordinance and enacting a Historic Preservation Commission; and

**WHEREAS**, it is the intent of the Council that the Historic Preservation Commission represents the interests of the community as a whole; that the membership of the historic preservation commission provides balanced representation in terms of geographic, professional, neighborhood, and community interests; and

**WHEREAS**, Section 18.73.040 of the Millcreek Code establishes a Historic Preservation Commission composed of seven members who shall be bona fide residents of Millcreek; and

**WHEREAS**, Section 18.73.040 of the Millcreek Code of Ordinances provides that Members of the Historic Preservation Commission shall be appointed by the Mayor, with the advice and consent of the City Council; and

**WHEREAS**, the Mayor hereby nominates Melissa Coy, Tiffany Hunter Greene, and Ryan Lufkin to serve an additional term on the Historic Preservation Commission; and

**WHEREAS**, the Council has given advice regarding the appointments of such members and hereby consents to such appointments; and

**WHEREAS**, after careful consideration, the Council has determined that it is in the best interest of the health, safety, and welfare of the residents of Millcreek to consent to such appointments.

**NOW, THEREFORE, BE IT RESOLVED** that the Council consents to the appointments of Melissa Coy, Tiffany Hunter Greene, and Ryan Lufkin as members of the Historic Preservation Commission, serving terms that will end on January 31, 2030.

This Resolution, assigned No. 26-03, shall take effect immediately upon passage.

**PASSED AND APPROVED** by the Council this 26<sup>th</sup> day of January, 2026.

**MILLCREEK**

**ATTEST:**

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Cheri Jackson, Mayor

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Elyse Sullivan, City Recorder

Roll Call Vote:

Jackson	Yes	No
Catten	Yes	No
DeSirant	Yes	No
Handy	Yes	No
Uipi	Yes	No

**MILLCREEK, UTAH**  
**ORDINANCE NO. 26-06**

**AN ORDINANCE DECLARING APPROXIMATELY 0.44 ACRES OF REAL PROPERTY AND THE BUILDING LOCATED AT OR NEAR 3260 SOUTH HIGHLAND DRIVE, MILLCREEK, UTAH, AS SURPLUS; ESTABLISHING A MINIMUM BID; AND ESTABLISHING A METHOD TO DETERMINE THE HIGHEST AND BEST ECONOMIC RETURNS TO THE CITY**

**WHEREAS**, the Millcreek Council (“Council”) met in regular meeting on January 26, 2026, to consider, among other things, declaring approximately 0.44 acres of real property and the building located at or near 3260 South Highland Drive, Millcreek, Utah, as surplus; establishing a minimum bid; and establishing a method to determine the highest and best economic returns to the city; and

**WHEREAS**, the staff has recommended to the Council, and the Council has determined that approximately 0.44 acres of real property (“Property”) and the building located at or near 3260 South Highland Drive, Millcreek, Utah, is surplus and not needed for City purposes; and

**WHEREAS**, on November 3, 2025, and as amended on January 5, 2026, the City entered into an agreement with OAI Enterprises, LLC that would purchase adjacent property and trade the adjacent property for the Property plus other consideration for the Common East development; and

**WHEREAS**, the staff has presented the Common East development and property trade on several occasions to the Council; and

**WHEREAS**, the Council has reviewed the Common East development and property trade on several occasions and informally approved the same; and

**WHEREAS**, after careful consideration, the Council has determined that it is in the best interest of the public to formally approve the Common East development, to declare the Property as surplus, to establish a minimum bid, and to establish a method to determine the highest and best economic returns to the City.

**NOW, THEREFORE, BE IT ORDAINED** by the Council that it is in the best interest of the public to approve the Common East development as previously presented to the Council and declare the Property as surplus and the Property is hereby declared surplus, that the minimum bid for the Property shall be a trade for adjacent property and that the highest and best economic return to the City shall be to trade the Property for adjacent property but not require the notice and comment requirements of Section 2.22.180 A of the Millcreek Code of Ordinances.

**BE IT FURTHER ORDAINED** that the trade is ratified and any further requirement of Section 2.22 of the Millcreek Code of Ordinances is waived.

**PASSED AND APPROVED** this 26<sup>th</sup> day of January 2026.

**MILLCREEK**

By: \_\_\_\_\_  
**Cheri Jackson, Mayor**

**ATTEST:**

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

Roll Call Vote:

Jackson	Yes	No
Catten	Yes	No
DeSirant	Yes	No
Handy	Yes	No
Uipi	Yes	No

**CERTIFICATE OF POSTING**

I, the duly appointed recorder for Millcreek, hereby certify that:  
**ORDINANCE 26-06: AN ORDINANCE DECLARING APPROXIMATELY 0.44 ACRES OF REAL PROPERTY AND THE BUILDING LOCATED AT OR NEAR 3260 SOUTH HIGHLAND DRIVE, MILLCREEK, UTAH, AS SURPLUS; ESTABLISHING A MINIMUM BID; AND ESTABLISHING A METHOD TO DETERMINE THE HIGHEST AND BEST ECONOMIC RETURNS TO THE CITY** was adopted the 26<sup>th</sup> day of January 2026 and that a copy of the foregoing Ordinance 26-06 was posted in accordance with Utah Code 10-3-711 this \_\_\_\_ day of January, 2026.

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

# Millcreek City – December 2025



UNIFIED  
**POLICE**  
GREATER SALT LAKE

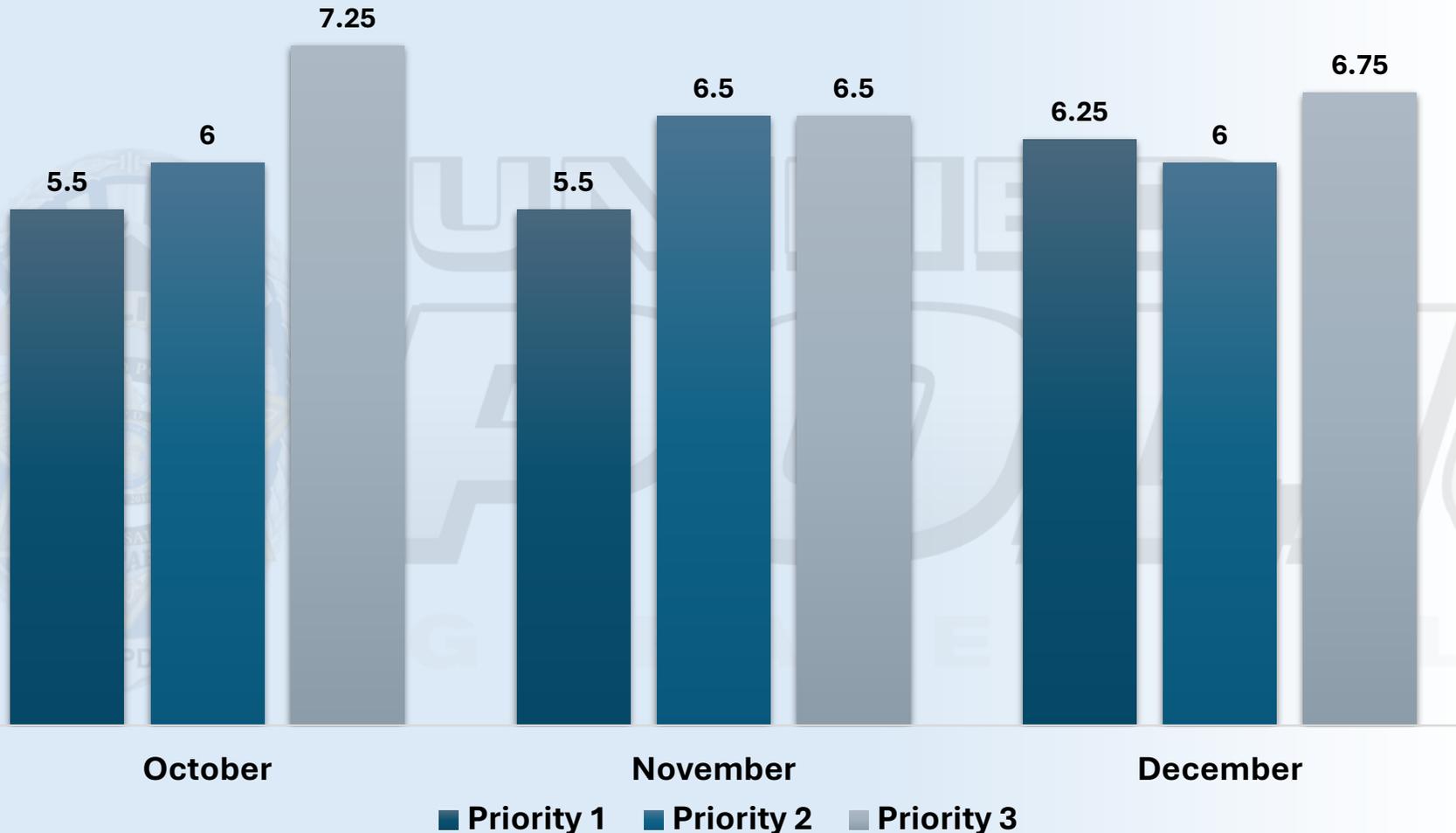


# Millcreek City- UPD Current Staffing

- True Vacancies  
0
- Allocated to Millcreek 3  
• (FTO/Academy/Future  
Start Date)
- Vacant Patrol Positions  
3
- Vacant Specialty Positions 0  
• (Traffic/Investigations)
- **\*\*Updated 1/20/2026\*\***



# Police Response Times Millcreek-UPD



\*\*Time in minutes\*\*

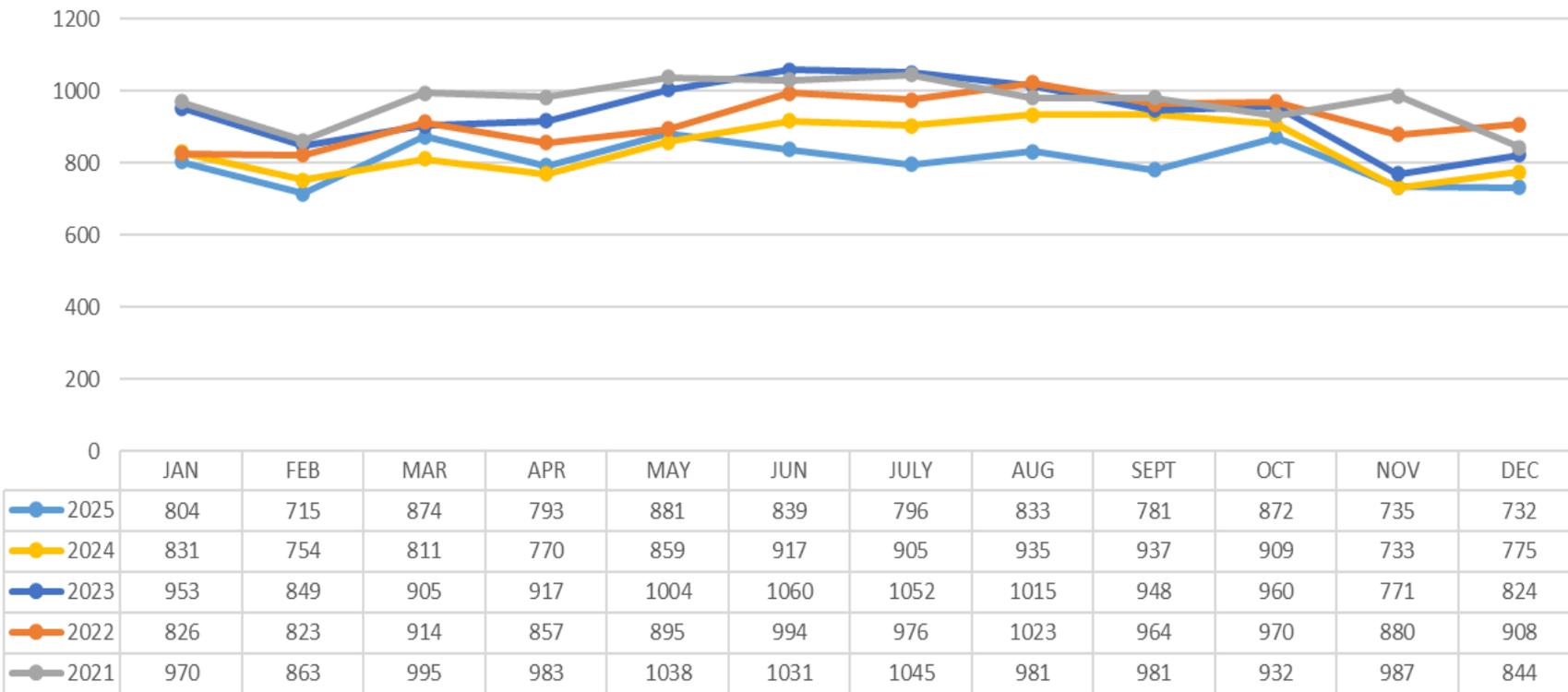
- **Priority 1 (Emergency)**  
Immediate threats to life, safety, or serious property damage.
- **Priority 2: (Urgent)**  
Situations requiring a quick response but not posing an immediate danger to life.
- **Priority 3: (Routine)**  
Non-urgent calls that do not involve immediate risks.



# Millcreek City



### Millcreek Precinct Case Trend 2021-2025



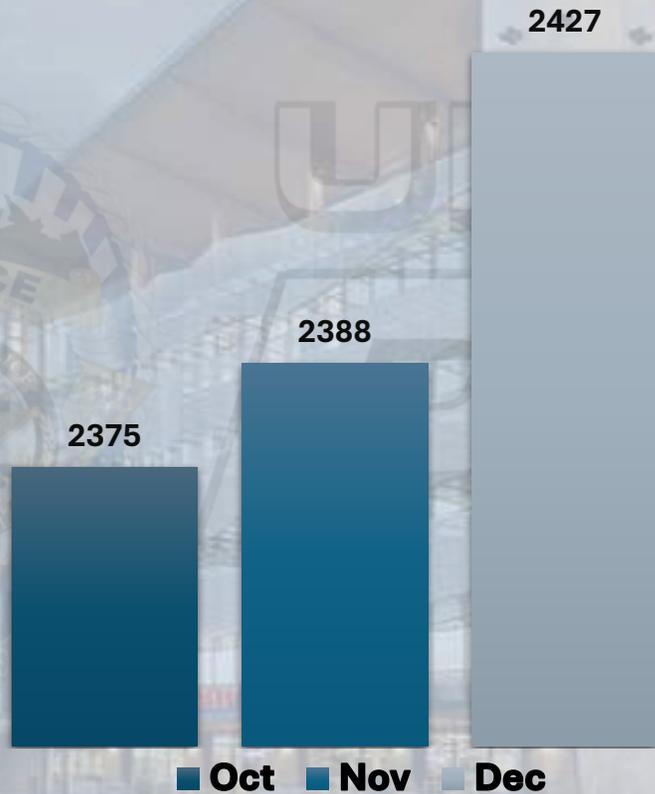
2025 2024 2023 2022 2021



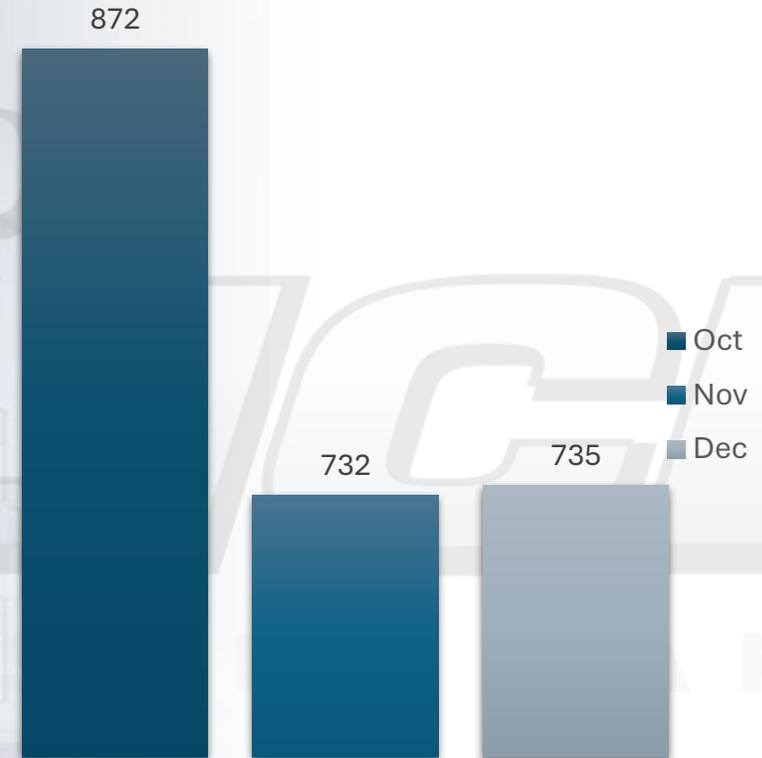
# Millcreek City



## Calls for Service



## New Police Reports



# Millcreek Unified Police December 2025

**TRANSIENT CALLS**

**56**

**MENTAL HEALTH CALLS**

**63**

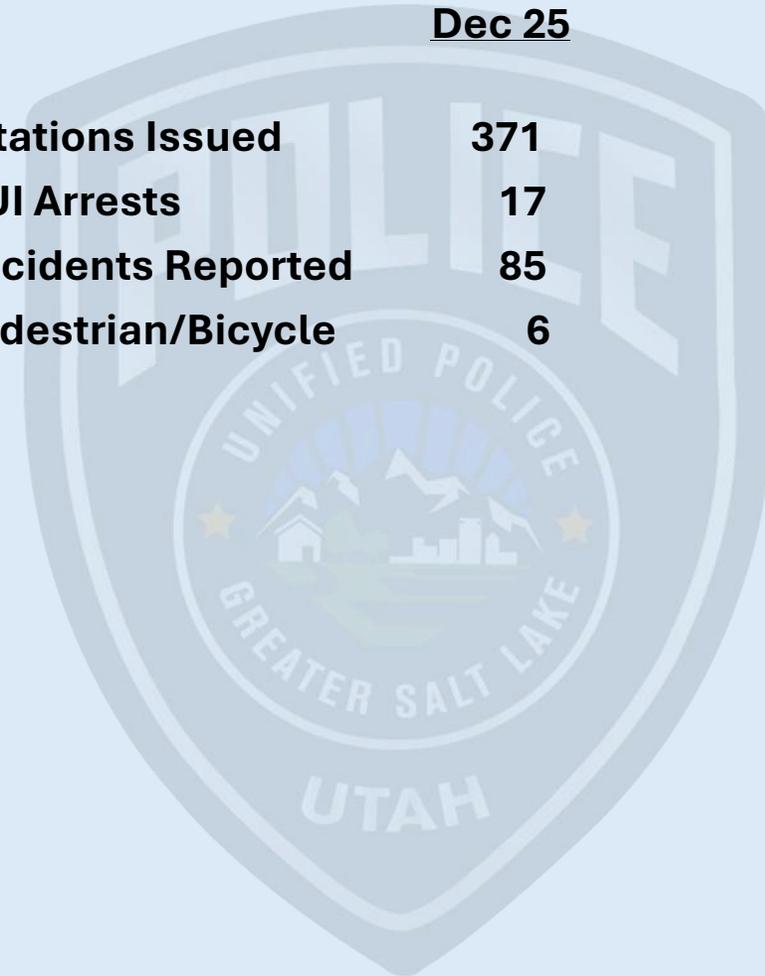


# Millcreek City-UPD Traffic Stats

## December '25

Dec 25

- Citations Issued 371
- DUI Arrests 17
- Accidents Reported 85
- Pedestrian/Bicycle 6





# Unified Police Investigations December 2025 Millcreek Precinct

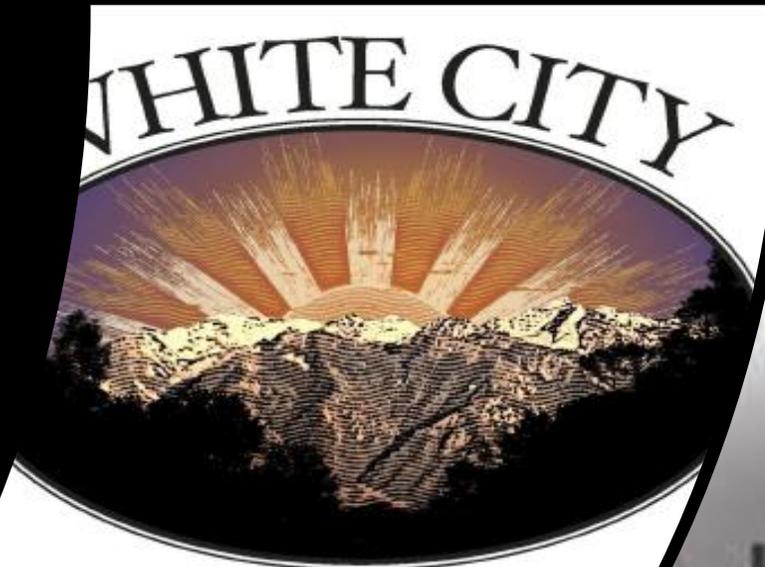
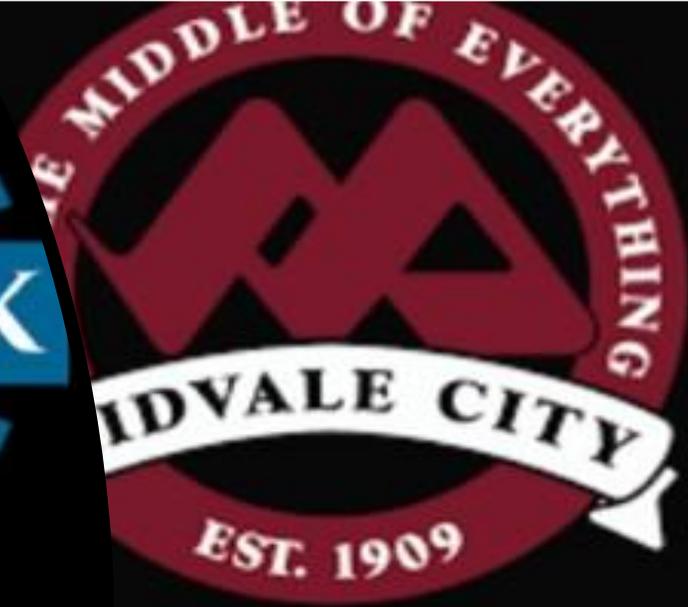
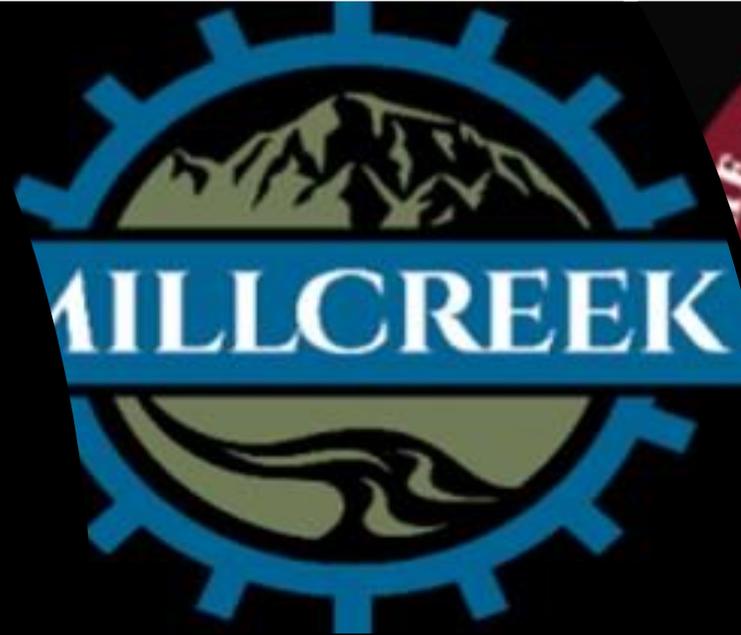
Assault 36	Burglary 8	Drug Offenses 20	Domestic Violence 70
Fraud 22	Homicide 0	Larceny 60	Robbery 0
	Sex Offense 9	Stolen Vehicles 4	

During the month of December, Millcreek Precinct detectives were assigned 51 cases, and 18 of those cases were submitted for charges to Holladay Justice Court or 3<sup>rd</sup> District

# Directed Enforcement Unit 2025 Statistics



- Arrests: 251
- Search Warrants: 210
- Guns: 55
- Currency: \$52,954
- Rec Vehicles: 38
- Methamphetamine: 124 lbs.
- Fentanyl: 34,350 pills
- Heroin: 1.5 lbs.
- Mushrooms: .62 lbs.
- MDMA: 128 grams
- Bath Salt: 48 grams
- Marijuana: 4 lbs.
- Vigilant Hours: 225





**Minutes of the  
Millcreek City Council  
January 12, 2026  
5:30 p.m.  
Work Meeting  
7:00 p.m.  
Regular Meeting**

The City Council of Millcreek, Utah, met in a public work meeting and regular meeting on January 12, 2026, at City Hall, located at 1330 E. Chambers Avenue, Millcreek, UT 84106. The meeting was recorded for the City's website and had an option for online public comment.

**PRESENT:**

**Council Members**

Cheri Jackson, Mayor  
Silvia Catten, District 1  
Thom DeSirant, District 2  
Nicole Handy, District 3  
Bev Uipi, District 4

**City Staff**

Mike Winder, City Manager  
Elyse Sullivan, City Recorder  
Francis Lilly, Assistant City Manager  
Kurt Hansen, Facilities Director  
John Miller, Public Works Director  
Rita Lund, Communications Director  
Sean Murray, Planner  
Alex Wendt, Business License Admin.  
Brad Sanderson, Current Planning Manager  
Jim Hardy, Building Services Director  
Lisa Dudley, HR-Finance Director

**Attendees:** Kathy Wickersham, Madeleine Tate, Nancy VonAllmen, Thomas McMurtry, Stacey Adams, Rick Hansen, Marv Poulson, Chief Jon Wilde, Mike Rush, Madison Hoover, John Tuutau, Leslie M., Andrei Tarom, Zack Webster, Nan Bassett, Ben Homel, County Council Member Suzanne Harrison, Rob Peterson, Nate Gibby, Gary Hanneman, Peter Liacopoulos, Lynda & Jeff Gibson, Kristian Bechman, Allen Sowards, Chip Spencer, CJ Johnson, Kara Cope, Filia Uipi, Xane Uipi

**WORK MEETING – 5:30 p.m.**

**TIME COMMENCED: 5:32 p.m.**

Mayor Jackson called the work meeting to order.

**1. Transportation Utility Fee Update; John Miller, Public Works Director**

John Miller said Avenue Consultants was hired from a group of four different proposals for their communication.

Thomas McMurtry, Avenue Consultants, presented a video explaining the transportation utility fee (TUF) for Millcreek. He outlined the purpose, findings, and next steps of Millcreek's TUF

study. McMurtry explains that the goal is to review road conditions, assess current and future maintenance needs, and evaluate the feasibility of implementing a legally compliant TUF based on roadway usage and trip generation. The study, initiated last summer at the city's direction, involved assessing pavement conditions, calculating trip generation across all land uses, and developing potential fee structures. While the analysis has not yet been broadly shared, the city is beginning public outreach through a video and presentations, with a final report anticipated in March or April.

A significant portion of the presentation focused on the condition of Millcreek's 171 miles of roads. Pavement condition is measured using the Pavement Condition Index (PCI), and the city's current average PCI of 64 is described as fair but below desired standards. Only 32% of city streets have received maintenance over the past nine years, far short of the ideal cycle of addressing all streets every seven to ten years. Limited funding, rising material and labor costs, and reliance on state B and C road funds and general fund dollars have contributed to deferred maintenance, resulting in deteriorating road conditions and higher long-term costs.

McMurtry explained that while Millcreek currently receives approximately \$3 million annually in B and C road funds, this source is increasingly insufficient, particularly as the city's share of statewide funding declines due to slower road expansion compared to fast-growing cities. As a result, the city must rely heavily on general fund dollars to supplement road maintenance, diverting resources from other priorities. Without a TUF, this trend is expected to continue, leading to further pavement deterioration and increasing costs over time. A TUF would provide a dedicated, stable funding source for road maintenance, allowing the city to preserve general fund resources while targeting a 10-year maintenance plan aimed at improving the average PCI to between 70 and 75. The fee would be based on trip generation, which is presented as a fair and legally supported approach that captures contributions from all roadway users, including tax-exempt properties such as schools, churches, and government facilities that do not currently contribute to the general fund but generate significant traffic.

Several potential fee structures are presented, ranging from a flat fee for all addresses to a more detailed, multi-category model similar to Provo's long-standing and court-defended TUF. Under the multi-category approach, a typical single-family home would pay approximately \$7.40 to \$8.40 per month, depending on the target PCI level. He showed comparable fees from other Utah cities, with many communities charging between \$7 and \$10 per household per month. The presentation concludes by noting that multiple Utah cities are currently exploring similar fees.

Council Member Uipi noted no other cities in Salt Lake County had a TUF. Council Member Catten expressed concern for people on fixed incomes. McMurtry said Provo has an application that residents can file to have the fee waived, about 100 people have applied. Mike Winder explained that staff is recommending serious consideration of a TUF for the following reasons. First, the traditional gas tax is becoming an increasingly unreliable funding source as fuel efficiency improves and electric and hybrid vehicles become more common, and the state has no clear long-term solution to replace this revenue. As a result, responsibility for addressing road funding shortfalls is likely to shift to local governments, making it necessary for cities to proactively identify sustainable, locally controlled funding mechanisms that fairly distribute costs among all road users, including residents, businesses, and nonprofits. Second, Millcreek faces a unique challenge due to decades of underinvestment in road infrastructure. Once pavement conditions decline below a certain threshold, maintenance costs rise rapidly, requiring

significantly more spending just to prevent further deterioration. Establishing a dedicated funding tool would help the city stay ahead of these costs, stabilize road conditions, and ultimately save residents money over the long term by avoiding more expensive repairs.

Winder emphasized that a TUF aligns with sound tax policy principles by broadening the funding base and lowering the burden on any single group. By spreading costs across all users rather than relying heavily on property taxes, the city can maintain lower and more stable property tax rates and avoid the large, sudden tax increases seen in neighboring communities that lack sustainable road funding options.

Mayor Jackson asked if implementation was delayed, if the amount collected would be higher than the numbers presented. McMurtry confirmed. McMurtry noted Provo has increased their fee since 2013. Council Member Catten asked if the rates should be higher now to anticipate an increase in the future. Miller said the next step would be public information dissemination to discuss that amount and other options. Council Member Uipi asked what the lifespan of a “fair” condition road is. Miller said it depended on the level of traffic on the road; it could be 3-20 years. The current strategy is to address collectors. With current funding under that strategy, the local roads will never be addressed.

Council Member DeSirant asked how much money a TUF would bring to the city. McMurtry said \$4.1-4.7 million a year based on the numbers presented. Council Member Catten asked about billing costs. Miller said Rocky Mountain Power would double the existing fee used for the stormwater utility fee billing.

Stacey Adams, Avenue Consultants, outlined a comprehensive public engagement and risk identification strategy to support informed decision-making. The approach begins with a risk identification workshop designed to explore potential impacts of adopting or not adopting the transportation utility fee, including risks to residents, businesses, nonprofits, and the city as a whole. Participants would represent a broad cross-section of the community, including industry, schools, churches, fixed-income residents, and others associated with currently tax-exempt properties, with strong encouragement for at least one councilmember to participate consistently throughout the process to ensure continuity and trust.

In addition, the team plans to conduct stakeholder focus groups to review and refine public-facing materials, ensuring the information addresses community questions, identifies gaps, and clearly communicates key issues. A multi-channel outreach strategy will support this effort, including a publicly available video, social media, the city newsletter, signage, flyers, and posters placed in familiar and trusted community locations. The engagement process will also include two public meetings, with the first anticipated in mid to late February and a second likely structured as a formal public hearing in March or later if timelines shift.

To support transparency and accessibility, a dedicated project website will be developed in coordination with city staff, and special attention will be given to language and accessibility needs. The team emphasized the importance of reaching residents who may have limited access to digital platforms, particularly elderly community members, to ensure all stakeholders have meaningful access to information and opportunities to provide input.

Council Member Uipi asked about the timeline for March adoption. McMurtry emphasized an effort to implement the TUF before the state legislative session ended in case there was a bill that would affect it. Winder noted it would be helpful in putting together the next fiscal year budget, too. Council Member Catten would like the TUF discussed a lot before implementation. Miller emphasized the community engagement that would take place. Council Member DeSirant volunteered to participate in special meetings. Miller cautioned that the figures presented were illustrative examples rather than predetermined outcomes, noting that numerical estimates can easily be misconstrued as final decisions. He emphasized that the numbers shown reflect approaches used by other communities and represent only a couple of possible options among many. The key message, he explained, is not the specific dollar amounts but the underlying choice facing the city: either continue on the current path of declining infrastructure conditions and incur significantly higher costs in the future, or take proactive action now by implementing a solution at some level to reverse the downward trend and begin improving overall conditions.

## **2. Discussion with Woodhaven Event Center Regarding a Proposed Zoning Text Amendment to Add an Outdoor Reception Center as a Land Use in the Commercial Zone**

Brad Sanderson described a uniquely shaped parcel that contains an existing structure originally built as a residence and later converted to a business use. The property is subject to multiple zoning designations, including commercial, low-density residential, single-family residential, and RM zoning, which creates complexity for its current and proposed use. Under the city code, the applicant's proposed use is classified as a reception or event-centered use, which is permitted in commercial zones but not allowed in single-family or RM zones. As a result, the property would need consistent commercial zoning to accommodate the request.

Sanderson further explained that outdoor event-centered uses are prohibited within 300 feet of a residential zone boundary, a standard intended to mitigate potential impacts such as noise, lighting, and evening activity on nearby neighborhoods. While this regulation applies uniformly across the city and does not reflect the management quality of any individual operator, it is designed to address common concerns associated with outdoor event venues. He concluded by inviting the applicant to provide additional details about their business, the nature of the request, and how the property would be used.

Madeleine Tate, Woodhaven Event Center, explained that Woodhaven currently operates as a secondary business during the weekday and is seeking to add a small-scale event center component. She noted that the property's location at the intersection of multiple zoning districts presents unique challenges but also highlighted physical characteristics that help mitigate potential impacts, including significant changes in elevation between the event space and nearby homes, as well as existing foliage and natural sound barriers. Tate emphasized the intent to host limited, low-impact events and to proactively address neighborhood concerns through sound mitigation measures, an early shutdown of music and bar service by 10:00 p.m., and direct engagement with nearby residents. She concluded by expressing a desire to work collaboratively with the city to navigate the complex zoning situation while aligning with the city's planning objectives.

Mayor Jackson asked about parking. Tate said they have a verbal agreement with the neighboring bank to use their parking lot on weekends, as long as nobody parks there

overnight. Council Member Catten asked about the elevation change. Tate said it was a 150-200 foot change.

Mayor Jackson clarified that a code change would apply city-wide and not just to this site. Sanderson said that the proposed event center use is currently permitted only within the commercial zone, and that the applicant is therefore requesting a text amendment that would apply broadly to all properties zoned commercial. He emphasized that such a change is a legislative decision within the council's discretion, which is the primary purpose of the discussion, and noted that it would be inappropriate to require the applicant to pursue a formal application if the council had significant concerns with the concept. Sanderson advised that any consideration of this amendment should be undertaken holistically, evaluating not only all properties within the commercial zone but also adjacent properties and those that could be rezoned in the future under the city's land use map. He stressed that zoning regulations are intended to provide predictability and reliability for both current and surrounding property owners, who rely on these standards when making significant investments. While acknowledging that the current applicant may have good intentions, he cautioned that zoning changes must be evaluated in light of how they could apply to other businesses with differing practices.

Mayor Jackson noted other areas in the city with commercial zones neighboring residential, such as along 3300 South. Sanderson suggested limiting discretion in application based on how the change gets written. He noted it would be hard to enforce since these businesses operate after city business hours. The council wondered if there were parameters that could be put in place to restrict where outdoor reception centers could be allowed since there are many commercial properties directly neighboring residential properties throughout the city. The council directed staff to explore the idea further.

### **3. Staff Reports**

There were no reports.

### **4. Discussion of Agenda Items, Correspondence, and/or Future Agenda Items**

There was none.

**Council Member Uipi moved to adjourn the work meeting at 6:33 p.m. Council Member Catten seconded. Mayor Jackson called for the vote. Council Member DeSirant voted yes, Council Member Handy voted yes, Council Member Uipi voted yes, and Mayor Jackson voted yes. The motion passed unanimously.**

**REGULAR MEETING – 7:00 p.m.**

**TIME COMMENCED: 7:01 p.m.**

## **1. Welcome, Introduction and Preliminary Matters**

### **1.1 Pledge of Allegiance**

Mayor Jackson called the meeting to order. The Unified Police Department Honor Guard presented the colors. The National Anthem was sung by Michelle Willis in lieu of the pledge of allegiance.

## **1.2 Oaths of Office; Council Member Thom DeSirant and Council Member Bev Uipi**

The City Recorder administered the oath to Council Member DeSirant. Council Member Uipi's father Filia Uipi, a notary public, administered the oath to her, and her son, Xane Uipi, accompanied. The council members then thanked friends, families, and constituents for their support.

## **1.3 Proclamation of the Millcreek Council Recognizing Millcreek's First Decade as a City**

Mayor Jackson proclaimed the following:

### *A PROCLAMATION OF THE MILLCREEK COUNCIL RECOGNIZING MILLCREEK'S FIRST DECADE AS A CITY*

*WHEREAS, Millcreek was inhabited for centuries by Ute, Goshute, and Northern Shoshone indigenous peoples, became home to Mormon pioneers beginning in 1848 who constructed lumber and grist mills to harness the energy of Mill Creek, and grew to include diverse peoples from all around the world, including the largest early settlement of African-American pioneers in Utah; and*

*WHEREAS, this area was governed as unincorporated Salt Lake County from 1850-2016, and supported by the Millcreek Community Council, East Mill Creek Community Council, Canyon Rim Citizens Association, and Mt. Olympus Community Council; and*

*WHEREAS, on November 3, 2015, 66% of area residents voted to incorporate as a city; and*

*WHEREAS, on December 28, 2016, at 9:30 AM, first Mayor Jeff Silvestrini had the Articles of Incorporation certified by Utah Lt. Governor Spencer Cox's office to officially create Millcreek, a Utah Municipal Corporation; and*

*WHEREAS, the newly incorporated city has grown and prospered in its first decade, master-planned and built a city center; improved roads; launched a Promise Program; and added parks, trails, and open space, including Millcreek Common; and*

*WHEREAS, the City Council desires to celebrate the achievements of the City's first decade.*

*NOW, THEREFORE, BE IT PROCLAIMED that the Council, on behalf of the people of Millcreek, officially recognizes the City's first ten years and proclaims the year 2026 to be a celebratory year marking the Millcreek Decennial. May this milestone year be a special time to strengthen the City we love, improve what we can, and imagine what comes next.*

*ADOPTED on this the 12th day of January, 2026.*

## **1.4 Public Comment**

Dr. Michael Rush, President of Canyon Rim Citizens Association (CRCA), emphasized the association's historic and ongoing role in shaping Millcreek's civic identity. He recounted the association's origins prior to the city's incorporation, highlighting its successful grassroots effort in the 1970s to preserve what is now Tanners Park, an initiative that demonstrated the community's capacity for organized advocacy, leadership, and long-term stewardship. Dr. Rush asserted that the work of CRCA and similar community councils laid essential groundwork for Millcreek's incorporation and

continues to provide meaningful civic value. He argued that CRCA has long served as a constructive partner to the city by facilitating structured community engagement, reviewing zoning changes, and ensuring planning decisions reflect both neighborhood and citywide perspectives. Dr. Rush contended that the proposal to remove CRCA's recognized status is not a minor administrative action, but rather the removal of a proven mechanism for civic participation that risks undermining public trust, transparency, and confidence in inclusive governance. He respectfully disagreed with the legal justification for the proposed action, stating that it fails to account for the association's historical significance and continued relevance. Concluding, he urged the council to preserve the recognized status of CRCA and other community councils as a way to honor Millcreek's civic traditions and reaffirm its commitment to meaningful public involvement.

Nancy VonAllmen shared a personal account of the origins and lasting impact of the CRCA, describing how a neglected gully near her home in 1976 inspired a community-led vision for preservation and public use. That vision led to the formation of CRCA as a nonprofit community council and ultimately to the creation of Parleys Historic Nature Park and Tanner Park, demonstrating the power of organized volunteer efforts to transform neglected land into valued community assets. She emphasized that CRCA was among the earliest community councils in the valley and has consistently delivered tangible benefits through sustained civic engagement. She argued that community councils like CRCA have played a vital role in addressing local needs and strengthening Millcreek, citing initiatives such as supporting the creation of Canyon Rim Academy, developing emergency preparedness plans, bridging religious divides, establishing parks and recreational amenities, providing services for underserved residents, and contributing to safe community events. VonAllmen stressed that CRCA has worked collaboratively with city planners and leaders, providing informed resident input and supporting the city's incorporation. She expressed strong concern over proposals to remove community councils from the city code, characterizing such action as a serious mistake that disregards decades of volunteer service and undermines grassroots democracy. She urged the council to retain community councils in the city code, asserting that they remain essential to residents and to the continued success of Millcreek.

Robert Peterson, a former chair of the CRCA, reflected on the past decade of Millcreek's development as a remarkable example of successful community-driven planning. He noted that what began as a general plan for Millcreek Township evolved into a unique and locally tailored city plan through extensive collaboration between community members, city leadership, and planning staff. Peterson emphasized that Millcreek's incorporation—and even the existence of the city and its civic facilities—was the result of years of sustained effort by community councils and residents, including seven years of work to place incorporation on the ballot. He cautioned that disregarding or diminishing the role of community councils would overlook their foundational contributions and represent a significant misstep. Peterson urged city leaders to recognize the essential role these councils have played in shaping Millcreek and to avoid moving in a direction that would undermine the community engagement that made the city possible.

CJ Johnson, CRCA, addressed the council in support of retaining the community council ordinance, Chapter 2.56 of the Millcreek Code. While acknowledging that an informal opinion from the State Property Rights Ombudsman suggests community councils could

be considered “public bodies” under the Utah Open and Public Meetings Act, Johnson argued that this interpretation is legally flawed. She emphasized that a key component of the statutory definition—a public body must be vested with authority to make decisions regarding the public interest—does not apply to community councils, as they have no decision-making power or ability to set policy. Rather, they function solely as conduits for resident input, sharing ideas, concerns, and perspectives with city officials who hold actual governmental authority. Johnson urged the council to reject the proposal to repeal the ordinance, cautioning against discarding a long-standing mechanism for civic engagement that facilitates communication between residents and government.

Kara Cope, CRCA, said there is a toxic political environment nationwide and the cancellation of the community councils is not only dismissive, but it is another way to silence the citizens.

Allen Sowards, Millcreek Community Council Chair, addressed the mayor and council using the metaphor of Ebenezer Scrooge to illustrate the importance of learning from past experiences. He explained that community councils were established over 40 years ago in response to rapid, often unregulated development that left residents feeling excluded and overlooked. These councils were intended to give communities a voice in planning and development decisions, ensuring transparency, participation, and accountability. Sowards warned that dismantling or weakening the community council structure risks returning the city to a past where development occurred without meaningful community input. He highlighted ongoing pressures from both external sources, such as state legislation, and internal policy changes affecting zoning, code enforcement, and development, noting that many of these changes disproportionately impact the west side of Millcreek, a community already identified as one of the least healthy in the state. Sowards argued that eliminating or reducing the role of community councils would compound these inequities, destabilize neighborhoods, and ignore the critical role in fostering community engagement. He urged the council to preserve the community councils’ role, emphasizing that they are part of the solution for equitable, informed governance, not a problem to be removed.

Marvin Poulson, Millcreek resident, asked how removing a layer of informal input that the community council provides would make the city better. More people participate in the community council meetings than do in the city council meetings.

Nate Gibby requested an email he submitted to the council be included in the record, see below. He echoed sentiments supporting the continuance of the community councils. He urged the city council to consider furthering the conversation about how to make the community councils more effective and how to comply with the law at the same time rather than doing away with the councils.

*“I plan on attending tonight’s city council meeting to listen and contribute to the conversation regarding the modification of the city’s code to effectually eliminate the current status of community councils. Recognizing some of the issues the city has taken with the current paradigm with the community councils (including treatment of city planners, overtime for city staffers, too much time spent on planning issues, open records requirements, etc.), removing community councils entirely from the city’s code is not the answer. Doing so effectively eliminates the most basic form of municipal involvement and renders the community council nothing more than a local affinity group. The community council gives another dozen people in our district the ability*

*to get involved and have a small sense of influence in municipal affairs. I believe that the council has tremendous potential to be a force for good in our community. Rather than being no more than a once-a-month gripe sessions, I think that these councils can be fundamental in empowering our citizens to be a force for good. I'll save my thoughts on all of the good they can do for another conversation. Instead of removing them from the code, can we make more an attempt to reconcile the city's legal, financial and operational concerns with the important role community councils play in municipal government and the potential they have to serve the community? I'll be the first to recognize that the community councils should not be the junior planning commission and that there is much to be improved in how they operate. However, working through the process should be precursor to changing code. If said councils are subject to open records laws, let's bring them in compliance. If city staffers feel mistreated or the extra time becomes taxing, let's set expectations for how the councils provide feedback and find a way to maintain communication channels that may not require a staffer's in-person attendance at an evening meeting. The point is that we need to give more due process and attempt to fix issues prior to simply eliminating what the city views as problematic. I recognize that the meeting held on December 17 was an attempt to do exactly what I'm describing. However, holding it on a weekday during business hours right before the holidays made it difficult for many of us to attend. While a step in the right direction, it is not enough to merit changing code to eliminate their status. These councils have existed for decades and played a fundamental role in becoming a city. It would not be prudent to overlook their historical and present contributions by effectively neutering them. I'm happy to continue to push CRCA to improve. To that end I've had conversations with Mike Rush privately and then publicly at the last council meeting. I welcome your involvement in that process. In the meantime, I implore you not to remove community councils from city code, but first to continue to engage with the councils to improve their operation in ways that benefit both residents and the municipality. Thanks for your consideration."*

Chip Spencer, Millcreek Community Council, expressed concern that the city's proposal to eliminate community councils represents a separation of city leadership from the people it serves. He referenced the U.S. Constitution, noting that government exists to serve "We the People," and argued that community councils are a vital conduit for citizen input, shaping discussions and decisions that ultimately reach the planning commission and city council. Spencer emphasized that while residents can still attend formal meetings, these venues do not provide the same depth of engagement, dialogue, and influence that community councils offer. He expressed disappointment that the city appears to be disregarding this established mechanism for public participation, citing instances where legislators suggested councils might be unnecessary, and urged the council to maintain community councils to preserve meaningful connection between residents and city leadership.

Pete Liacopoulos expressed support and appreciation for the city council, acknowledging their efforts and praising their responsiveness to community concerns. Drawing from personal experience, he described organizing a large neighborhood meeting with Mayor Silvestrini and Councilman DeSirant, highlighting the value of residents actively engaging with neighbors to address local issues and bring ideas to city leadership. He encouraged others to connect with their communities, noting that collaboration is key to solving problems. Additionally, he raised local concerns, such as deteriorating roads on 1500 East and future planning for the 2034 Olympics, suggesting community-driven initiatives like commemorative flags. Overall, he emphasized the importance of

neighborly engagement, praised the council's work, and encouraged continued involvement and dialogue between residents and city officials.

**Council Member DeSirant moved to amend the agenda to move item 3.3 up next. Council Member Uipi seconded. Mayor Jackson called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Handy voted yes, Council Member Uipi voted yes, and Mayor Jackson voted yes. The motion passed unanimously.**

### **3. Business Matters**

#### **3.3 Discussion and Consideration of Ordinance 26-05, Amending Chapter 5.19 of the Millcreek Code of Ordinances with Respect to Short-Term Rentals**

Alex Wendt explained recent updates to Millcreek's short-term rental (STR) regulations under Chapter 5.19, developed collaboratively with the city attorney, planning staff, and code compliance. While many changes were stylistic—such as replacing “short-term rental” with “STR”—several substantive updates address enforcement and compliance issues. The primary revision focuses on verifying that a rental property is the applicant's primary residence. Previously, a list of ten acceptable documents sometimes allowed individuals to misrepresent ownership; the revised process now requires a government-issued ID plus two additional proofs, such as car registration, voter registration, W-2 or 1099 forms (redacted), or property ownership documentation. This change ensures compliance without burdening legitimate applicants. Additional updates clarify that applications or licenses unpaid or inactive for more than 30 days are considered abandoned and will be closed, and that each person may hold only one STR license. These revisions are intended to streamline administration, prevent abuse, and maintain compliance with city code.

Council Member DeSirant noted the city is not allowed to look at short-term rental websites for listings for enforcement. Rentals are required to have a business license.

**Council Member DeSirant moved to approve Ordinance 26-05, Amending Chapter 5.19 of the Millcreek Code of Ordinances with Respect to Short-Term Rentals. Council Member Catten seconded. The Recorder called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Handy voted yes, Council Member Uipi voted yes, and Mayor Jackson voted yes. The motion passed unanimously.**

### **2. Planning Matters**

#### **2.1 Public Hearing to Consider Vacating and Removing the “Planned Unit Development (P.U.D.)” and “Open Space” Designations and Lots 1, 2, and 10 from “The Woods at Rosecrest P.U.D. Subdivision”**

Brad Sanderson provided an overview of a proposed ordinance concerning a subdivision originally approved in 2014 as a Planned Unit Development (PUD). He explained that PUDs were historically used to grant exceptions or alternative development standards, such as reduced setbacks, private roads, or small open spaces, though in this case the open space was minimal and not highly usable. Since the city has largely phased out PUDs in favor of updated development codes, the current proposal seeks to rezone most of the subdivision to R-1-6, aligning lot sizes with standard requirements. Additionally, lots 1, 2, and 10 are being removed from the subdivision because they lack access to the private street and open space and do not integrate with the existing PUD infrastructure.

While administrative amendments could now suffice under recent changes to Utah state code, the county requested an ordinance be passed to formally vacate these lots and remove the PUD designation. Sanderson clarified that no new development is proposed; the ordinance purely addresses administrative adjustments to the subdivision's plat and zoning.

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

Nan Bassett, Walnut Park Cove, thanked Sanderson for speaking on behalf of the HOA.

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

### **2.2 Discussion and Consideration of Ordinance 26-01, Vacating and Removing the “Planned Unit Development (P.U.D.)” and “Open Space” Designations; and Further Vacating and Removing Lots 1, 2, and 10 from “The Woods at Rosecrest P.U.D. Subdivision”**

**Council Member Catten moved to approve Ordinance 26-01, Vacating and Removing the “Planned Unit Development (P.U.D.)” and “Open Space” Designations; and Further Vacating and Removing Lots 1, 2, and 10 from “The Woods at Rosecrest P.U.D. Subdivision.” Council Member Handy seconded. The Recorder called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Handy voted yes, Council Member Uipi voted yes, and Mayor Jackson voted yes. The motion passed unanimously.**

### **2.3 Discussion and Consideration of Ordinance 26-02, Adding a Water Preservation Element to the General Plan Pursuant to Utah Code Ann. § 10-20-401 and § 10-20-404**

Sean Murray provided an overview of the second reading of a water conservation plan, which has been reviewed by the city council, planning commission, and community councils. The plan assesses current water consumption in Millcreek and outlines strategies to meet future conservation targets established by local water providers such as Salt Lake Public Utilities and the Jordan Valley Water Conservancy District. Updates since the previous review primarily clarify the goals and strategies section, set clearer benchmarks, and improve readability, while also including minor grammatical edits and reorganizations. The plan emphasizes public education and outreach, with staff already coordinating with local groups like “Slow the Flow” to promote water conservation programs and rebate initiatives. Murray noted that these updates aim to make the plan actionable and understandable for residents and city officials.

**Council Member DeSirant moved to approve Ordinance 26-02, Adding a Water Preservation Element to the General Plan Pursuant to Utah Code Ann. § 10-20-401 and §**

**10-20-404. Council Member Uipi seconded. The Recorder called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Handy voted yes, Council Member Uipi voted yes, and Mayor Jackson voted yes. The motion passed unanimously.**

### **3. Business Matters Continued**

#### **3.1 Discussion and Consideration of Ordinance 26-03, Repealing Chapter 2.56 of the Millcreek Code of Ordinances Regarding Community Districts and Community Councils**

Mayor Jackson said the city started talking about this code over a year ago after the City Attorney, John Brems, had some concerns regarding the community councils and adherence to the Open and Public Meetings Act. Francis Lilly said Brems consulted the Utah Property Rights Ombudsman regarding community councils, which raised concerns about their formal role in making recommendations to the planning commission. While acknowledging the long-standing history and value of community councils in Millcreek, Lilly noted that codifying their recommendation authority through ordinance effectively creates a formal decision-making role, similar to that of the planning commission. To address this, staff researched other jurisdictions, such as Salt Lake City, which has decoupled its community councils from formal land use recommendations while maintaining informal advisory roles. Likewise, the Municipal Services District no longer formally recognizes community councils in planning processes. Lilly emphasized that this shift does not prevent community councils from continuing to provide informal recommendations or engage with the city, preserving their ability to contribute to community input and engagement.

Mayor Jackson explained that following the informal opinion from the Utah Property Rights Ombudsman, the city explored potential hybrid solutions to allow community councils to remain codified while complying with state law. After extensive discussion and clarification in October, it was determined that no workable solution exists that accommodates both formal recognition and legal compliance. The mayor emphasized that the city is not seeking to eliminate community councils, acknowledging their significant contributions and achievements, which have been driven by resident initiative across the city. However, formal recognition of council recommendations conflicts with the Open and Public Meetings Act, making exemptions legally infeasible. The mayor reassured that the city would continue supporting community councils by providing funding for events, covering insurance, and offering meeting space at no cost, encouraging councils to continue their community engagement while adapting to these legal requirements.

Council Member Uipi explained that while some community councils in her district, Mt. Olympus and East Mill Creek, were not represented at the meeting, she has engaged with their leaders and emphasized the historical value and long-standing contributions of all community councils. She clarified that these councils are private citizen-created organizations with their own bylaws and articles of incorporation, and the proposed repeal of code Chapter 2.56 does not require them to dissolve or stop meeting. Rather, the repeal reflects compliance with state law and changes how the city formally recognizes councils, without eliminating their ability to participate in public processes or provide recommendations at planning commission meetings. Council Member Uipi also noted the

importance of councils in supporting community priorities, events, and traditions—such as collaborations with the Lions Club or the Arts Council—and highlighted ongoing considerations regarding indemnification for such activities. Overall, she stressed that the repeal preserves the councils' autonomy, recognizes their generational value, and ensures they can continue operating according to their own governance while aligning the city with legal requirements.

Lilly explained that when private organizations partner with the city on projects, there are generally two approaches to ensure liability coverage. First, if the organization is a nonprofit with its own insurance—like the Rotary Club—proof of that coverage is sufficient. Second, for projects involving volunteers, such as community clean-up days, the city can require participants to sign volunteer waivers, thereby providing temporary indemnification through the city. Additionally, funding requests from organizations can include administrative expenses, such as insurance, as part of a formal 10-8-2 study (Utah State Code 10-8-2) request. Essentially, indemnification can either be managed through contractual agreements or structured volunteer programs, ensuring both safety and compliance while enabling community engagement.

Mayor Jackson noted the East Mill Creek Community Council gets insurance through the Association of Community Councils Together. She suggested the other councils look into it. The councils could also request a 10-8-2 study with the city to help pay for administrative funds. Council Member Uipi noted that the Mount Olympus Community Council currently does not have a chair, which makes it challenging to track membership and recruitment within that area. While acknowledging that each community council may face different challenges, she emphasized that existing councils should continue to operate according to their bylaws and articles of incorporation and remain engaged with the city. She also suggested that the city could explore ways to make planning applications a more robust and inclusive public process, ensuring that community input is heard even as formal recognition of the councils' changes.

Lilly acknowledged that the concerns raised by community council representatives regarding public participation and communication are reasonable. He proposed that the city could continue providing councils with an opportunity to offer input by holding open houses at least two to three weeks prior to planning commission meetings. These sessions would allow council representatives, residents, and other community groups to meet with planners and applicants, discuss proposals, and formulate recommendations to submit via email or present at the planning commission. Lilly noted that this approach, modeled after Salt Lake City's system, preserves the value of early community input while remaining inclusive to all interested organizations, ensuring meaningful dialogue without giving special status exclusively to community councils.

Council Member Catten expressed a deep personal connection to community councils, noting that both she and former Mayor Silvestrini began their public service through these councils and recognize their exceptional value. However, she suggested that creating some distance between the councils and the city could help them operate more independently and return to the level of initiative they once had. Drawing on her own experience managing communications, events, and recommendations on a council, she noted that much of that work is now supported by city departments, which could allow

councils to focus on leadership and engagement rather than administrative tasks. Council Member Catten emphasized that the proposed changes do not dissolve the councils—they will continue to receive support and funding—and she encouraged them to leverage their independence and unique community identities. She referenced Salt Lake City’s Sugar House Community Council as an example of a highly autonomous and effective model and expressed hope that Millcreek’s councils could similarly thrive, collaborate, and enhance their impact while maintaining their local character. She concluded by stressing her commitment to ensuring avenues for community input and support through this transition, encouraging councils to seek assistance and engage actively with the city.

Council Member Uipi asked if the community councils had engaged with staff on ways to address the Ombudsman’s opinion. Lilly felt he had not received adequate feedback. Council Member Uipi asked if other cities recognized community councils. Lilly explained that Salt Lake City is currently reevaluating its relationship with community councils due to ongoing concerns about liability risks, despite the councils’ informal status. She noted that the Municipal Services District (MSD) still has ordinances recognizing community councils but does not actively engage with them, highlighting that ordinances often lag behind practice. Lilly acknowledged that over the past year he made multiple efforts to solicit input from the councils and other organizations to address liability and procedural concerns but received limited feedback. He emphasized that the core issue is why four independent community councils are given formal recognition in the city code, while other community organizations—such as the Rotary Club, Lions Club, or Utah Physicians for a Healthy Environment—do not receive the same status. Lilly stressed that his goal was to find a solution that mirrored Salt Lake City’s approach while addressing the fundamental legal concerns raised by the Utah Property Rights Ombudsman.

Mayor Jackson acknowledged the extensive research and effort Lilly has invested in reviewing state code and consulting with other cities to address the community council issue. She emphasized that the city highly values the input received from community councils and that their contributions are an important source of community feedback. However, she clarified that formal recognition in city code is not required for councils or residents to hold meetings, gather input, and provide opinions—citing an example of a resident hosting 75 people to discuss road conditions with city officials. Mayor Jackson recognized that the changes represent a significant shift and may feel disrespectful to some but stressed that the decision was carefully considered to balance legal requirements with continued community engagement.

Mike Winder explained that, after consulting with the city attorney, there are significant liability concerns tied to the community councils’ formal recognition, particularly regarding compliance with the Open and Public Meetings Act, election integrity, and ensuring equitable representation across councils of different sizes. He emphasized that decoupling the councils from the city satisfies these legal and liability concerns while allowing them to continue as independent organizations without the burdens of formal election processes or costly meeting requirements. Winder highlighted that community councils can still contribute meaningfully, collaborate with city departments and events, and receive support from the city, such as being included on community calendars.

Annual reviews and funding allocations through the city's 10-8-2 studies will continue, maintaining opportunities for councils to thrive while addressing legal compliance.

Mayor Jackson acknowledged that election procedures have been a significant concern, noting that many community council members were appointed outside of formal election cycles to fill needed roles. While this helped increase participation, it did not follow the legal bylaws required for a formally recognized city body. She emphasized that the recent changes provide councils with greater flexibility to grow, expand membership, and pursue activities beyond formal planning input, such as events and community engagement. Mayor Jackson expressed hope that community councils will continue to gather public input, serve as a vibrant part of the community, and maintain strong connections with the city, while adapting to a reimagined role moving forward.

Council Member DeSirant acknowledged the complexity of the situation and the sense among community council members that they may not feel fully respected. He emphasized that the decoupling does not mean the end of community councils, many of which predate the city's incorporation and operate under their own bylaws. He highlighted concerns about the significant staff time required to support multiple councils, sometimes meeting simultaneously, and noted that the trial of a once-a-month consolidated meeting is a practical step forward. He emphasized that the city would continue to support community councils and other nonprofit partners, recognizing the need to review and refine these relationships over time, similar to ongoing efforts in Salt Lake City. Council Member Handy recognized the value of the community councils.

Council Member Catten emphasized the importance of flexibility and ongoing evaluation regarding the community councils. She expressed a desire for reassurance that if the current approach does not work, for example, if all four community councils were to disband or other unforeseen issues arise, the city could revisit the process and explore ways to improve it. She clarified that this does not mean reinstating code 2.56, but rather maintaining a commitment to an informal relationship that continues to value and incorporate the councils' voices and opinions as the city moves forward.

Public audience members who spoke in favor of not repealing code Chapter 2.56 during public comment began to persistently disrupt the meeting. In response, Council Member Catten expressed deep frustration with challenges faced by some community councils, noting that certain members have consistently attempted to push personal agendas or hijack meetings, creating difficulties for staff in managing proceedings. While emphasizing that this behavior does not reflect all councils or all meetings, she acknowledged that these issues make it hard to operate effectively. She conveyed a strong desire for community councils to continue existing and contributing, but stressed that creating some "space" between the city and councils may be necessary to allow them to function more productively, maintain better engagement, and ensure greater alignment with city processes, while still valuing the important work they do.

Council Member Uipi added that certain meetings have seen comments become extremely confrontational toward staff and developers, sometimes preventing applicants from speaking, which creates significant liability concerns for the city. While acknowledging these challenges, she emphasized that the value of grassroots community

organizations remains clear. She also noted that the issue has been under review for over a year, with the mayor's letter based on the ombudsman's guidance shared with community councils more than a month ago and expressed disappointment that some feedback was only now being raised.

**Council Member DeSirant moved to approve Ordinance 26-03, Repealing Chapter 2.56 of the Millcreek Code of Ordinances Regarding Community Districts and Community Councils. Council Member Uipi seconded. The Recorder called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Handy voted yes, Council Member Uipi voted yes, and Mayor Jackson voted yes. The motion passed unanimously.**

### **3.2 Discussion and Consideration of Ordinance 26-04, Prohibiting the Removal of Snow and Ice from Municipal Pickleball Courts**

Mayor Jackson said the ordinance was proposed in response to damage sustained by the city's new pickleball courts last year, when enthusiastic community members shoveled snow off the courts before the season. Although the intent was well-meaning, the activity damaged the court surface, requiring over \$8,000 in repairs and forcing a closure during the summer months. To prevent this from happening again, the city is proposing an ordinance that prohibits snow removal from the courts, with a \$1,000 fine for violations. Signs will be posted at the courts explaining the rule, the associated fine, and the reason—highlighting how snow removal can damage the surfaces—to serve as a deterrent and protect the city's investment in the courts for long-term use.

**Council Member Handy moved to approve Ordinance 26-04, Prohibiting the Removal of Snow and Ice from Municipal Pickleball Courts. Council Member Uipi seconded. The Recorder called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Handy voted yes, Council Member Uipi voted yes, and Mayor Jackson voted yes. The motion passed unanimously.**

## **4. Reports**

### **4.1 Mayor's Report**

Mayor Jackson reported on recent city events and other entities' events held at city hall. She mentioned the state Division of Air Quality would be having a public hearing on January 28<sup>th</sup> at Millcreek City Hall regarding potential gravel pits in Parleys Canyon.

### **4.2 City Council Member Reports**

Council Member Uipi reported on attending an event where Millcreek was recognized as one of 100 companies championing women. She also attended a Central Wasatch Commission meeting where Millcreek Canyon parking was discussed. Residents want to see more shuttles in the canyon. Council Member DeSirant attended a League of Cities and Towns Legislative Policy Committee meeting.

### **4.3 Staff Reports**

There were no reports.

## **5. Consent Agenda**

5.1 Approval of December 8, 2025 Work Meeting and Regular Meeting Minutes

Council Member Uipi moved to approve item 5.1. Council Member DeSirant seconded. Mayor Jackson called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Handy voted yes, Council Member Uipi voted yes, and Mayor Jackson voted yes. The motion passed unanimously.

**6. New Items for Subsequent Consideration**

There was none.

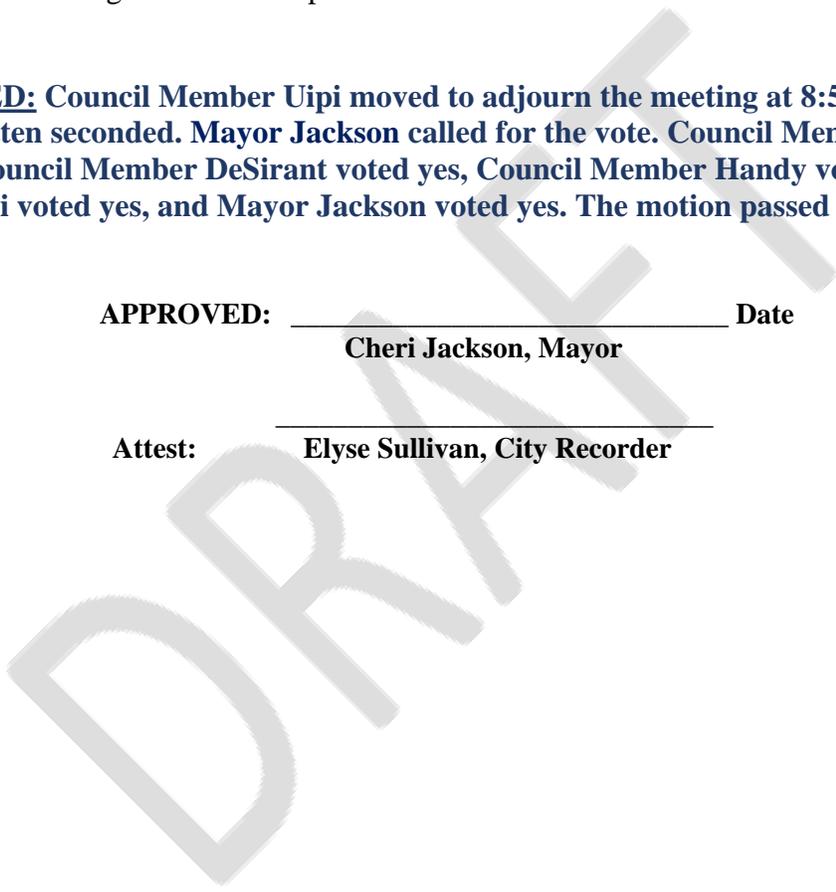
**7. Calendar of Upcoming Meetings**

- Planning Commission Mtg., 1/21/26, 5:00 p.m.
- City Council Mtg. 1/26/26 7:00 p.m.

**ADJOURNED:** Council Member Uipi moved to adjourn the meeting at 8:55 p.m. Council Member Catten seconded. Mayor Jackson called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Handy voted yes, Council Member Uipi voted yes, and Mayor Jackson voted yes. The motion passed unanimously.

**APPROVED:** \_\_\_\_\_ Date  
Cheri Jackson, Mayor

**Attest:** \_\_\_\_\_  
Elyse Sullivan, City Recorder





**Minutes of the  
Millcreek City Council  
January 14, 2026  
8:00 a.m.  
Work Meeting**

The City Council of Millcreek, Utah, met in a special public work meeting on January 14, 2026, at City Hall, located at 1330 E. Chambers Avenue, Millcreek, UT 84106.

**PRESENT:**

**Council Members**

Cheri Jackson, Mayor  
Silvia Catten, District 1  
Thom DeSirant, District 2  
Nicole Handy, District 3  
Bev Uipi, District 4

**City Staff**

Mike Winder, City Manager  
Elyse Sullivan, City Recorder  
Francis Lilly, Assistant City Manager  
John Brems, City Attorney  
John Miller, Public Works Director  
Lisa Dudley, HR-Finance Director  
Aimee McConkie, City Events Director  
Rita Lund, Communications Director  
Jim Hardy, Building Services Director  
Kurt Hansen, City Services Director

**Attendees:** Ryan Simmons, Nicholai Lazarev

**WORK MEETING – 8:00 a.m.**

**TIME COMMENCED: 8:12 a.m.**

Mayor Jackson called the work meeting to order. Mike Winder introduced the agenda and led an ice-breaker activity.

**1. Department Presentations, Reflections on Past 10 Years and Goals for Next 10 Years  
Legal/Recorder**

John Brems explained that his role over the past decade has involved providing broad legal startup and operational services for the city, including work on municipal code, personnel, land use, construction, contracts, telecommunications, and privacy matters. He noted that some current and upcoming issues fall outside his expertise, particularly matters that are likely to involve litigation, such as a dispute over city hall building placement measurements. Because he does not handle litigation, he emphasized the need to involve outside litigators early to reduce risk and avoid escalation. He described ongoing efforts to resolve the issue without litigation, including contractual provisions placing responsibility for accurate measurements on the contractor, and coordination with external counsel. Brems also referenced additional complex projects, including hearings and the development of a hotel,

condominium, and parking structure involving multiple owners, easements, covenants, and CC&Rs, for which he seeks additional legal review. Finally, he noted anticipated future legal needs, including potential expansion of the Justice Court and the hiring of an in-house prosecutor following the retirement of the current prosecutor, with overall outside legal service costs expected to remain comparable to prior years.

Elyse Sullivan provided an eight-year overview of her work. She oversaw five elections, including two conducted using ranked-choice voting. During this time, the city adopted a comprehensive records management plan that established a records committee with departmental custodians, created a detailed records index spreadsheet, and organized the city's digital network as a centralized records repository. Significant technological advancements were implemented, including an online legislative index for ordinances, resolutions, proclamations, and the city code; an online public records request system; acceptance of online public comments for meetings; live-streaming support; and the use of AI-assisted meeting minutes. The city also developed a dedicated physical records storage area in City Hall and introduced standardized tools such as contract cover sheets to improve record tracking. She highlighted the substantial volume of contract processing—363 contracts in 2024 compared to 856 in 2025—and emphasized the importance of systematic contract tracking. Looking ahead, she expressed a goal of creating a more streamlined, integrated contract approval and archival system, ideally coordinated with finance systems, to further reduce reliance on paper records.

#### **HR-Finance**

Lisa Dudley provided an overview of the department's current responsibilities, which include accounting, human resources, grants administration, and business licensing, each encompassing multiple functional areas. Key leadership roles were highlighted. Among the department's major accomplishments was the completion of a Comprehensive Annual Financial Report (CAFR), a significant three-year initiative critical to maintaining credibility with bond rating agencies, investors, and other financial stakeholders. The report, which includes a required statistical section with up to ten years of data, will be submitted to the Government Finance Officers Association for its Excellence in Financial Reporting Award. Additional financial achievements included issuing bonds for the East Block project while maintaining strong bond ratings, implementing Visa Spend Clarity, enhancing accounts receivable and cash receipting processes, establishing a donation portal for emergency relief and community programs, and strengthening fraud prevention through improved positive pay controls. Financial reporting was further improved by moving sales tax reporting to a monthly cycle, accelerating month-end close timelines, and providing more timely budget-to-actual information to departments. The department also assumed additional fiduciary responsibilities, including financial reporting for an interlocal agency and administering federal equitable sharing funds related to asset forfeiture.

Human Resources accomplishments included the creation of new employee classifications, expansion of prorated benefits for part-time staff, adoption of updated employee handbooks for both benefited and non-benefited employees, and significant investments in employee training, leadership development, and team-building initiatives. In grants management over the last year, the department secured approximately \$5.7 million in funding and developed an internally built grant tracking database, eliminating the need for additional software and improving reporting efficiency. Business licensing processes were streamlined through system

enhancements enabling bulk renewal notifications. Dudley concluded by outlining future needs, including a request for a purchasing agent position expected to generate cost savings, as well as additional software, system modules, and training to support continued growth, operational efficiency, and compliance.

### **Building Services**

Jim Hardy presented an overview of the Building Services Division, reflecting on its creation in 2018 and its growth from a single employee to a department of 11 staff members, with plans to expand further. He described starting the division from the ground up, developing all permitting, inspection, and application review processes, addressing previously unattended dangerous buildings, and later integrating code compliance into the department. Over time, Building Services responded to evolving regulatory demands, including FEMA floodplain requirements and the designation of wildlife–urban interface areas, while significantly strengthening internal capacity through staffing additions such as a dedicated business license inspector and an administrative assistant. The department’s staff has earned 23 professional certifications, with additional certifications forthcoming, and has supported major community projects including medical, commercial, and civic developments. Over eight years, the division has processed approximately 14,000 permits, conducted 52,000 inspections, completed 26,000 plan reviews, managed 9,000 cases with 25,000 related activities, and performed 13,000 business license reviews and inspections. Looking ahead, Hardy emphasized continued adaptability, public responsiveness, and a strong focus on education and certification, with goals that include pursuing departmental recognition, improving effectiveness grading scores, and launching a civil parking enforcement program. Budget requests for the coming year include a full-time position and associated resources to establish the parking enforcement program, replacement of aging and unreliable inspection vehicles, continued investment in training and certification, and sustained organizational support to meet the city’s changing needs.

### **Planning**

Francis Lilly outlined the evolution of the Planning Department over the past decade, highlighting its rapid growth and increasing complexity following the end of the development moratorium in 2017. During that period, the city assumed planning and zoning authority from Salt Lake County, hired additional staff, and simultaneously began developing a new general plan amid an unprecedented surge in development interest. This momentum led to city center visioning, adoption of a town center vision, execution of complex development agreements, and expansion of the Planning Commission to one of the largest in the state. From 2019 onward, the department adopted the City Center Master Plan and overlay zone, advanced affordable housing policy, and undertook a multi-year effort to unwind decades of county ordinances through comprehensive code updates. Despite significant challenges—including natural disasters, the COVID-19 pandemic, inflation, and multiple state-mandated plans—the department maintained operations, supported major civic projects such as City Hall, advanced historic preservation efforts, implemented accessory dwelling unit regulations, and coordinated closely with Public Works, Economic Development, and other departments on transformative community initiatives.

Lilly emphasized that recent accomplishments include notable improvements in customer service, the hiring of a permit coordinator, and successful integration of the iWorQ system, which streamlined development review processes and improved efficiency for staff,

applicants, and partner departments. With the adoption of updated zoning codes and continued work on state-required planning initiatives, the department is now transitioning from rapid growth to a more mature, implementation-focused phase. Looking ahead, Lilly described a forward-looking vision that includes initiating the next general plan update, planning for additional mixed-use centers, completing a truly walkable city network, embracing emerging technologies such as artificial intelligence, and preparing for unforeseen challenges. Near-term priorities include funding for a general plan update, consideration of a parks and recreation master plan, and collaborative implementation efforts such as entry monuments, enhanced transit stops, arts programming, wayfinding signage, and other placemaking initiatives that reflect the department's emphasis on translating long-term planning into tangible community outcomes.

### **Communications**

Rita Lund showed a video presentation from her department. Lund outlined the Communications and Emergency Management Department's mission of connecting Millcreek residents with timely, trusted information and emphasized its collaborative role in supporting every city department. Over the past decade, the department has grown from a single position into a dedicated team responsible for citywide communications, customer service at the Information Center, and emergency preparedness. The Information Center serves as the public-facing front door of City Hall, handling a high daily volume of phone calls, in-person visitors, and mailings, while providing consistent and professional service to the community. Communication efforts include a monthly printed newsletter delivered to approximately 30,000 households, a weekly electronic newsletter, and active social media engagement, all designed to keep residents informed about city services, meetings, and events. Looking ahead, the department plans to strengthen coordination through regular interdepartmental meetings, expand and refine digital and social media content, and pursue modest operational improvements such as enhanced real-time monitoring tools and an automated phone menu to improve call routing and after-hours service.

Lund also highlighted significant progress in emergency management, noting advancements in planning, training, and regional collaboration. Key accomplishments include updates to the Emergency Operations Plan, Continuity of Operations Plan, and a FEMA-approved Hazard Mitigation Plan, all of which ensure regulatory compliance and strengthen the city's preparedness and eligibility for federal funding. The city invested heavily in professional development, with its emergency manager completing extensive training and pursuing advanced academic study in disaster preparedness. Millcreek also assumed a regional leadership role by co-hosting a large-scale preparedness conference and forming the East Side Emergency Manager Coalition to improve coordination and mutual aid. Future needs include compliance with new federal ADA digital accessibility regulations, which will require a significant and ongoing investment, as well as smaller technology and infrastructure upgrades to support communications and customer service. Overall, Lund emphasized the department's commitment to resilience, transparency, and continuous improvement in service to the community.

### **Public Works**

John Miller described Public Works' mission as being visible, accessible, and focused on safety, emphasizing the department's role as both a problem-solver and a trusted point of contact for the community. Over the past decade, Public Works has made significant strides in

modernizing operations, particularly through the development of a robust GIS program that began in 2019 and has since become a foundational tool used across all city departments for data visualization, planning, and storytelling. The department has leveraged GIS, aerial imagery, and drone technology to improve transparency, project communication, and decision-making, while expanding automation and efficiency. Public Works has also delivered an extensive capital improvement program, completing more than 29 major projects totaling approximately \$75 million in grant funding, alongside numerous locally funded initiatives, including transportation, safety, and recreational improvements such as multi-use paths, sidewalks, and community amenities.

Miller highlighted major progress in stormwater management following the adoption of the stormwater fee in 2020, which enabled more than 46 large-scale projects to address chronic flooding issues, with a long-term goal of resolving all stormwater complaints and expanding the storm drain system over the next decade. Pavement preservation has been another major focus, with sustained annual investment allowing treatment of approximately 10 million square feet of roadway over ten years, though additional funding will be needed to raise overall road conditions to desired standards. Looking ahead, Public Works' priorities include improving safety and connectivity for all transportation modes, securing permanent funding sources—such as utility fees—to close infrastructure funding gaps, strengthening succession planning and internal talent development, and increasing local control over service delivery. Miller concluded by underscoring the department's commitment to delivering visible results that residents expect, particularly in maintaining roads, addressing flooding, and investing responsibly in the city's long-term infrastructure.

### **Promise Program**

Kayla Mayers provided a video presentation for her department since she was unable to attend the meeting. The video outlined the evolution of the Millcreek Promise initiative over the past eight years and its vision for the future, noting that the program was inspired by a model observed in South Salt Lake and formally shaped by commitments made by Mayor Silvestrini and the City Council. Those commitments focus on ensuring that all Millcreek youth are supported in achieving academic success and postsecondary readiness, that residents have access to health resources, and that all community members have opportunities to achieve a high quality of life. Initially launched as a small program embedded within other departments, Millcreek Promise began formal expansion in 2021 and has since grown into a dedicated department with four full-time staff and one part-time staff member, organized around the core focus areas of education, health, safety, and economic well-being.

Over the years, the department has piloted and refined programs proven to meet community needs, including career exploration partnerships for high school students, volunteer-supported childcare for parents attending English classes, food access initiatives distributing fresh produce, and digital literacy training to help residents fully participate in modern civic and economic life. These efforts are complemented by youth leadership programming, health promotion and prevention work, economic skills education, and close collaboration with schools, nonprofits, and community partners. Looking ahead, Millcreek Promise aims to deepen and expand this work by addressing systemic challenges such as affordable housing, childcare access, and community gathering spaces, while continuing to pursue grant and philanthropic funding to support its mission. While the department plans to manage social media, outreach, and volunteer coordination within existing resources in the near term, it

emphasized the importance of continued city investment in proven after-school programming. In particular, the Mayers recommended ongoing annual support of \$200,000 for after-school services provided by the Asian Association of Utah, citing strong evidence that such programs improve academic outcomes, increase graduation rates, and reduce juvenile crime by providing safe, structured environments during critical after-school hours.

### **Economic Development**

Mike Winder showed a clip of a video produced by Millcreek staff in 2019 as a way to look at where the city has been. He highlighted the significant economic development progress Millcreek has achieved over the past decade, emphasizing that local sales tax growth has consistently outpaced inflation, reflecting the strength and vitality of the city's business community. He described the dramatic transformation of the city center from its earlier condition into today's Millcreek Common, noting that the original vision—such as community events, markets, and seasonal programming—has been realized and, in many cases, exceeded. Major milestones include the continued buildout of Millcreek Common Phase Two, construction of new amenities such as the Adventure Hub, mini golf, and green spaces, and the upcoming hotel project, which will further anchor the city center. Recent renderings illustrate a cohesive, walkable town center with retail, affordable housing, structured parking, and enhanced public spaces, signaling that the city center vision is rapidly becoming reality.

Winder also highlighted major investments across the city, including support for a \$100 million expansion at St. Mark's Hospital that will generate an estimated \$35 million in new taxable value over ten years, significant redevelopment activity in West Millcreek, and the arrival of high-profile projects such as the Porsche dealership. Economic development efforts have supported a growing business community of more than 4,300 licensed businesses, frequent ribbon cuttings, and an increasingly active business council that hosts events and fosters collaboration. Looking ahead, Winder outlined an ambitious 10-year outlook that includes additional city center phases, new parking structures, mixed-use and village centers, continued hospital expansion, potential recruitment of a dedicated economic development director, and future redevelopment opportunities along major corridors. He concluded by noting long-term milestones such as the 2034 Olympics, the winding down of the city's first redevelopment area, and leadership transitions, underscoring a forward-looking vision in which Millcreek continues to build momentum and deliver transformative economic growth.

### **Community Life**

Aimee McConkie provided an overview of the Community Life Department's work, highlighting its focus on recreation, public markets, business partnerships, and citywide events. She emphasized that all programming aligns with the city's general plan, which prioritizes vibrant neighborhoods, gathering places, a thriving economy, health and outdoor lifestyles, and cultural enrichment. Over the past few years, the department has seen growth in ticketed events, social media reach, and private bookings, with the public market emerging as a key revenue source. Community engagement has been a core focus, including partnerships with local businesses, volunteer-driven programs, and initiatives that bring residents to the city center.

Looking ahead, the department is pursuing several new initiatives for 2026, including a kids' market to encourage youth entrepreneurship, expanded street parties and personal event

bookings, and increased sponsorship revenue for signature events. Efforts are also underway to enhance food offerings, including moving the farmer's market to Fridays and establishing additional farm stands, and improving visitor experiences with new amenities such as video walls and interactive spaces. Future planning includes connecting with new neighbors, engaging more volunteers, expanding programming along the Jordan River, and leveraging upcoming opportunities like the Olympic Games. Overall, the department aims to strengthen Millcreek Common as a vibrant, engaging, and economically supportive community hub.

### **Facilities**

Kurt Hansen reflected on the evolution of Millcreek's city operations over the past decade, emphasizing the city's growth from scratch into a fully functioning municipal organization. When he was first hired, the city had no building department or formal plans, and much of the early work involved establishing basic infrastructure, office space, and systems, often under resource-constrained and improvisational conditions. Over the years, Hansen's team has developed core city functions, including planning, code enforcement, business licensing, building inspection, and City Hall facilities, alongside community projects like Sunnyvale Park renovations, Millcreek Common, the ice ribbon, and ongoing phases of city center development.

Looking forward, Hansen outlined a comprehensive vision for the next ten years, including completing the parking garage, Chambers Avenue, splash pads, shade and farmers market structures, east side development with hotel, condos, and retail, and potential public works and fleet expansion. He also highlighted plans to optimize office space, enhance city maintenance and janitorial services, replace aging vehicles, and improve administrative and facilities management capacity. Overall, his remarks underscore both the achievements of the past decade and a detailed, proactive strategy for Millcreek's continued growth, infrastructure development, and operational efficiency.

## **2. Discussion of City's 10-Year Goals**

Council Member Catten felt there should be a maintenance schedule for facilities, assets and parks. She also raised concern that there is no cell coverage around William Penn Elementary and wondered about acquiring cell towers. Winder said he would talk to T-Mobile about it since he was working with a contact for cell towers on top of the city hall parking structure. Mayor Jackson said the council was sensitive to departmental budget requests. Council Member Uipi wondered about having a plan for staffing needs and priorities. She asked about relationships with schools to set up internships to alleviate some part time position requests. She asked how to stay more informed of emergency processes. She suggested a Google sheet or something similar to drop newsletter article topics for the Communications Department. She would like John Miller to provide justification for a TUF to be shared with the public. She wondered if the Promise Program could leverage community partnerships, such as the Utah Jazz. She also requested a master plan of services or public works for the next ten years.

Winder discussed the future of Millcreek's public works operations and the potential development of a dedicated public works yard. Initially, the city relied on the county for these services, but consultants now recommend establishing an independent public works facility, which would require setting aside funds annually for construction and operations. Winder highlighted the opportunity to situate the yard at the former Millcreek Elementary site, a five-

acre property ideally sized for the facility and bordered by residential, commercial, and utility infrastructure.

Additionally, he noted collaboration with the Granite School District regarding the Roosevelt Elementary site, which could be redeveloped into a “Teacher Village” offering 120–150 affordable housing units for educators—an innovative model not yet seen in Utah. This aligns with broader redevelopment goals along the 900 E corridor, including small-area planning, mixed-use development, and other infill opportunities near key intersections such as 900 East and 3300 S. Winder emphasized that securing a public works yard is critical to enabling these projects and that creative partnerships, long-term leases, and potential CRA funding could make both the facility and surrounding redevelopment feasible while preserving city resources for construction and community improvements.

Council Member Uipi wanted to look ahead to succession planning as a lot of the department directors would be retiring in the next ten years.

**3. Tour Boyer’s Millhaus Development (1350 Miller Ave, Millcreek, UT 84106)**

Ryan Simmons and Nicholai Lazarev with the Boyer Company lead the council and department directors on a tour of the new luxury apartment development, Millhaus.

**4. Reworking City’s Vision and Mission Statements at Kathmandu (3142 Highland Dr, Millcreek, UT 84106)**

Mike Winder led a group discussion on creating a new concept-based vision statement to guide the city’s work. A consensus was not reached but the council said they would make efforts to make a decision on one in the near future.

**Council Member DeSirant moved to adjourn the work meeting at 2:13 p.m. Council Member Uipi seconded. Mayor Jackson called for the vote. Council Member DeSirant voted yes, Council Member Handy voted yes, Council Member Uipi voted yes, and Mayor Jackson voted yes. The motion passed unanimously.**

**APPROVED:** \_\_\_\_\_ **Date**  
**Cheri Jackson, Mayor**

**Attest:** \_\_\_\_\_  
**Elyse Sullivan, City Recorder**

**MILLCREEK COMMUNITY FOUNDATION  
RESOLUTION NO. 26-01**

**A RESOLUTION OF THE MILLCREEK COMMUNITY FOUNDATION APPROVING  
A MONETARY CONTRIBUTION OF UP TO \$5,000 TO PURCHASE DISCOUNTED  
HUMAN SERVICES UTA PASSES FOR MILLCREEK RESIDENTS IN NEED**

**WHEREAS**, the Millcreek Community Foundation (“Foundation”) met in a special session on January 26, 2026, to consider, among other things, approving a monetary contribution of up to \$5,000 to purchase discounted human services UTA passes for Millcreek residents in need (the “Appropriation”); and

**WHEREAS**, Utah Code Ann. § 10-8-2 requires, among other things, a study to support a monetary donation from funds granted to Millcreek Promise; and

**WHEREAS**, on or about January 8, 2026, a study ("Study") was completed by Bonneville Research, setting forth an analysis and demonstrating the purpose for the appropriation up to up to \$5,000 to purchase discounted human services UTA passes for Millcreek residents in need. A copy of the Study is attached to this Resolution; and

**WHEREAS**, on January 9, 2026, the Study was made available in Millcreek for review by interested parties; and

**WHEREAS**, it is anticipated the Millcreek City Council will hold the requisite public hearing on February 9, 2026, to receive public comments concerning the Appropriation; and

**WHEREAS**, all interested persons in attendance at the public hearing were given the opportunity to be heard, and written comments were solicited; and

**WHEREAS**, the Millcreek City Council found that based on the Study and comments at the public hearing, the Appropriation will be used to enhance the safety, health, prosperity, moral well-being, peace, order, comfort, and convenience of the inhabitants of Millcreek; and

**WHEREAS**, Utah Code Ann. § 10-8-2 appears to apply only to municipalities, and the Foundation is not a municipality; and

**WHEREAS**, the Foundation finds that appropriation is necessary and appropriate to accomplish Millcreek's reasonable goals and objectives. Such goals and objectives include, but are not limited to, economic development, job creation, and job preservation; and

**WHEREAS**, notwithstanding this difference the Foundation finds that the net value received for the monetary contribution is equivalent and includes certain intangible benefits to Millcreek, including, but not limited to, prosperity, moral well-being, comfort, and convenience to the inhabitants of Millcreek and economic development, job creation, and job preservation in Millcreek; and

**WHEREAS**, the Foundation finds that all the requirements of Utah Code Ann. § 10-8-2 to make the Appropriation have been satisfied by reference.

**NOW, THEREFORE, BE IT RESOLVED** that the Foundation hereby approves a monetary contribution of up to \$5,000, subject to Millcreek satisfying the requirements of Utah

Code Ann. § 10-8-2, to purchase discounted human services UTA passes for Millcreek residents in need.

This Resolution assigned Resolution No. 26-01 shall take effect immediately upon passage and acceptance as provided herein.

**PASSED AND APPROVED** this 26<sup>th</sup> day of January 2026.

**MILLCREEK**

By: \_\_\_\_\_  
**Cheri Jackson, President**

**ATTEST:**

\_\_\_\_\_  
**Elyse Sullivan, Secretary**

Roll Call Vote:

Jackson	Yes	No
Catten	Yes	No
DeSirant	Yes	No
Handy	Yes	No
Uipi	Yes	No



# Bonneville Research

January 08, 2026

## **Introduction:**

This analysis intends to provide Millcreek, a Utah Municipality, and the Millcreek City Council with the information required by the Utah Code Section 10-8-2. Appropriations -- Acquisition and disposal of property -- Corporate purpose -- Procedure.

## **Reason for the Study:**

Utah Code § 10-8-2 and case law require a more rigorous review and approval process before the City can provide grants to nonprofit organizations. The process requires that the City complete a Study before awarding the grants.

## **Key Elements of the Study:**

The Study shall consider the following factors:

1

1. Completion of a study that addresses the following:
  - a. The benefit the City will receive—tangible or intangible—in return for appropriated funds.
  - b. An analysis of how the appropriation will be used to enhance the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of Millcreek residents.
  - c. Whether the appropriation is necessary and appropriate to accomplish goals and objectives of the City, such as:
    - i. Removing blight or underdeveloped properties;
    - ii. Increasing the City's tax base;
    - iii. Creating jobs;
    - iv. Retaining jobs, and
    - v. Any other identified public purpose that the appropriation might serve.
  - d. Completing a financial analysis showing projected financial returns to the City, if any, and the period over which the City will recoup the appropriation amount.
2. A finding by the Council that the development will promote safety, health, prosperity, moral well-being, peace, order, comfort, or the convenience of the Millcreek residents shall be adopted by Resolution citing the Study as evidence to support that finding.

3. The processes outlined in Utah Code Ann. § 10-8-2h will complete the final appropriation:
  - a. If the appropriation is made as an amendment to the current year's fiscal budget, it shall be approved according to the process outlined in Utah Code Ann. § 10-8-2(3)(d).
  - b. If the appropriation is made as part of a future fiscal year budget, then the appropriation shall be approved during the regular annual budget process.

**Millcreek Agreement** – Millcreek proposes to make the following monetary appropriation for the Fiscal Year 2025/2065:

“Human Service Fare Program” Proposal:

- Millcreek City and UTA received a grant from United Way to purchase additional UTA passes for residents in need.
- Millcreek City plans to work with its partners, the Asian Association of Utah, Granite School District, Housing Connect, and English Skills Learning Center, to distribute these passes.

Millcreek City anticipates using this grant to purchase 225 passes through the Millcreek Community Foundation, expected to not exceed \$5,000.00, to be expended during the current 2025-2026 fiscal year.

- Millcreek City and UTA desire to promote and facilitate the use of public transit by low-income individuals in need, and
- Millcreek City desires to purchase, and UTA desires to sell discounted transit passes for use by the low-income population that it serves, and
- UTA and Millcreek City desire to continue a program whereby Millcreek City is authorized to purchase discounted transit passes and discounts for use by low-income individuals within the transit district. Millcreek City shall be permitted to buy from UTA Standard Passes at a discounted rate equal to seventy-five percent (75%) of the standard face value fare charged by the Authority.
- Millcreek City expects to be authorized to purchase UTA Premium Passes at a discounted rate equal to fifty percent (50%) of the standard face value the Authority charges. UTA reserves the right to determine which fare products are eligible for the discount under this Agreement.
- Millcreek City shall be authorized to qualify Low-Income Individuals for the “Millcreek City Human Service Fare Program” as defined by the U.S. Department of Health and Human Services, with the Poverty Guidelines attached as Exhibit A.

- Issuance of Passes. Millcreek City will be responsible for issuing Passes and will complete the following upon issuance: (a) confirm the eligibility of the recipient, (b) print the recipient's name on the card in permanent ink, and (c) record the recipient's name and the card number issued to them.

**ANALYSIS:**

- A. Millcreek City has found that while working with local partners serving low-income individuals, transportation has been repeatedly discussed as a barrier.
- B. Millcreek City is seeking to continue a successful demonstration project where discount transit passes may be available to qualified low-income individuals in Millcreek.

**CONCLUSION AND REQUIRED FINDING:**

The municipality of Millcreek's purpose for the above-listed appropriation to Millcreek Promise is to seek to achieve the following Community Objectives:

The municipality of Millcreek's purpose for the appropriation is to establish a contract with the Utah Transit Authority (UTA) to increase access to qualified low-income people in Millcreek, Utah, by accomplishing the following public purposes:

1. EDUCATION: All Millcreek youth have the support to maximize academic success on their path to high school graduation and post-secondary education.
2. HEALTH AND SAFETY: All Millcreek residents can access health and safety services and resources.
3. ECONOMIC WELL-BEING: All Millcreek residents have opportunities to provide a high quality of life for themselves and their families.

**FINDING:**

The appropriation is necessary and appropriate to accomplish Millcreek, a Utah Municipal Corporation's reasonable goals and objectives in economic development, job creation, affordable housing, blight elimination, job preservation, preservation of historic structures and property, and any other public purpose.

## **GENERAL LIMITING CONDITIONS:**

Every reasonable effort has been made to ensure that this Study's data reflects accurate and timely information and is believed to be reliable.

- *The Study is based on estimates, assumptions, and other information developed by Bonneville Research from its independent research effort, general knowledge of the region, primary data sources including Millcreek, the Utah State Tax Commission, and the Utah State Auditor's Office, and consultations with the Client's representatives.*
- *No responsibility is assumed for inaccuracies in reporting by the Client, its agents, or any other data sources used in preparing or presenting this Study. This report is based on information collected during February and October 2024, and Bonneville Research has not updated its research since October 2024.*
- *Bonneville Research makes no warranty that any of the values or results contained in this Study will be achieved. This report is not to be used with any public or private offering of securities or other similar purposes. This Study is qualified and should be considered based on these limitations, conditions, and considerations.*

## **Robert Springmeyer**

Robert Springmeyer, the Principal of Bonneville Research, performed this 10-8-2 Appropriations Study.

Mr. Springmeyer has supplied independent financial and redevelopment analysis for numerous urban renewal agencies within the State and completed "Fair Value Analyses" for the Cities of Holladay and South Salt Lake. Mr. Springmeyer is the Chairman of Bonneville Research. He has directed the Economic Analysis/Tax Studies completed for the Downtown Alliance, the Utah State Tax Review Commission, Salt Lake County, Brigham City, Salt Lake, Sandy, Bountiful, and South Jordan Cities, including the Urban Renewal Agencies of Salt Lake, Taylorsville, Holladay, South Salt Lake, Draper, West Jordan, Ogden, South Jordan, Sandy, and Murray. He is educated in Political Science, Economics, and Business Management, and has consulted with local governments for over 40 years. He has been listed in Who's Who in Finance and Who's Who in the West.

phone number listed above at least 10 business days prior to the meeting.

**Maria G. Button,**

Director, Executive Secretariat.

[FR Doc. 2025-01218 Filed 1-16-25; 8:45 am]

BILLING CODE 4165-15-P

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Office of the Secretary**

**Annual Update of the HHS Poverty Guidelines**

**AGENCY:** Department of Health and Human Services.

**ACTION:** Notice.

**SUMMARY:** This notice provides an update of the Department of Health and Human Services (HHS) poverty guidelines to account for last calendar year's increase in prices as measured by the Consumer Price Index.

**DATES:** January 15, 2025 unless an office administering a program using the guidelines specifies a different effective date for that particular program.

**ADDRESSES:** Office of the Assistant Secretary for Planning and Evaluation, Room 404E, Humphrey Building, Department of Health and Human Services, Washington, DC 20201.

**FOR FURTHER INFORMATION CONTACT:** For information about how the guidelines are used or how income is defined in a particular program, contact the Federal, State, or local office that is responsible for that program. For information about poverty figures for immigration forms, the Hill-Burton Uncompensated Services Program, and the number of people in poverty, use the specific telephone numbers and addresses given below.

For general questions about the poverty guidelines themselves, contact Kendall Swenson, Office of the Assistant Secretary for Planning and Evaluation, Room 404E.3, Humphrey Building, Department of Health and Human Services, Washington, DC 20201—telephone: (202) 795-7309—or visit <http://aspe.hhs.gov/poverty/>.

For general questions about the poverty guidelines themselves, visit <https://aspe.hhs.gov/poverty/>.

For information about the percentage multiple of the poverty guidelines to be used on immigration forms such as USCIS Form I-864, Affidavit of Support, contact U.S. Citizenship and Immigration Services at 1-800-375-5283. You also may visit <https://www.uscis.gov/i-864>.

For information about the Hill-Burton Uncompensated Services Program (free

or reduced-fee health care services at certain hospitals and other facilities for persons meeting eligibility criteria involving the poverty guidelines), visit <https://www.hrsa.gov/get-health-care/affordable/hill-burton/index.html>.

For information about the number of people in poverty, visit the Poverty section of the Census Bureau's website at <https://www.census.gov/topics/income-poverty/poverty.html> or contact the Census Bureau's Customer Service Center at 1-800-923-8282 (toll-free) or visit <https://ask.census.gov> for further information.

**SUPPLEMENTARY INFORMATION:**

**Background**

Section 673(2) of the Community Services Block Grant (42 U.S.C. 9902(2)) requires the Secretary of the Department of Health and Human Services to update the poverty guidelines at least annually, adjusting them on the basis of the Consumer Price Index for All Urban Consumers (CPI-U). The poverty guidelines are used by Medicaid and a number of other Federal programs as a criterion for some or all eligibility determinations. The *poverty guidelines* issued here are a simplified version of the *poverty thresholds* that the Census Bureau uses to prepare its estimates of the number of individuals and families in poverty.

As required by law, this update is accomplished by increasing the latest published Census Bureau poverty thresholds by the applicable percentage change in the Consumer Price Index for All Urban Consumers (CPI-U). The guidelines in this 2025 notice reflect the 2.9 percent price increase between calendar years 2023 and 2024. After updating for inflation, the guidelines are rounded and standardized to establish the same interval between each family size. In rare circumstances, rounding and standardizing in the formula result in small decreases in the poverty guidelines for some household sizes even when the inflation factor is not negative. In cases where the year-to-year change in inflation is not negative and rounding and standardizing in the formula result in reductions to the guidelines from the previous year for some household sizes, the guidelines for the affected household sizes are fixed at the prior year's guidelines. As in prior years, these 2025 guidelines are roughly equal to the poverty thresholds for calendar year 2024, which the Census Bureau expects to publish in final form in September 2025.

The poverty guidelines continue to be derived from the Census Bureau's current official poverty thresholds; they

are not derived from the Census Bureau's Supplemental Poverty Measure (SPM).

The following guideline figures represent annual income.

**2025 POVERTY GUIDELINES FOR THE 48 CONTIGUOUS STATES AND THE DISTRICT OF COLUMBIA**

Persons in family/household	Poverty guideline
1 .....	\$15,650
2 .....	21,150
3 .....	26,650
4 .....	32,150
5 .....	37,650
6 .....	43,150
7 .....	48,650
8 .....	54,150

For families/households with more than 8 persons, add \$5,500 for each additional person.

**2025 POVERTY GUIDELINES FOR ALASKA**

Persons in family/household	Poverty guideline
1 .....	\$19,550
2 .....	26,430
3 .....	33,310
4 .....	40,190
5 .....	47,070
6 .....	53,950
7 .....	60,830
8 .....	67,710

For families/households with more than 8 persons, add \$6,880 for each additional person.

**2025 POVERTY GUIDELINES FOR HAWAII**

Persons in family/household	Poverty guideline
1 .....	\$17,990
2 .....	24,320
3 .....	30,650
4 .....	36,980
5 .....	43,310
6 .....	49,640
7 .....	55,970
8 .....	62,300

For families/households with more than 8 persons, add \$6,330 for each additional person.

Separate poverty guideline figures for Alaska and Hawaii reflect Office of Economic Opportunity administrative practice beginning in the 1966-1970 period. (Note that the Census Bureau poverty thresholds—the version of the poverty measure used for statistical purposes—have never had separate figures for Alaska and Hawaii.) The

poverty guidelines are not defined for Puerto Rico or other outlying jurisdictions. In cases in which a Federal program using the poverty guidelines serves any of those jurisdictions, the Federal office that administers the program is generally responsible for deciding whether to use the contiguous-states-and-DC guidelines for those jurisdictions or to follow some other procedure.

Due to confusing legislative language dating back to 1972, the poverty guidelines sometimes have been mistakenly referred to as the “OMB” (Office of Management and Budget) poverty guidelines or poverty line. In fact, OMB has never issued the guidelines; the guidelines are issued each year by the Department of Health and Human Services. The poverty guidelines may be formally referenced as “the poverty guidelines updated periodically in the **Federal Register** by the U.S. Department of Health and Human Services under the authority of 42 U.S.C. 9902(2).”

Some Federal programs use a percentage multiple of the guidelines (for example, 125 percent or 185 percent of the guidelines), as noted in relevant authorizing legislation or program regulations. Non-Federal organizations that use the poverty guidelines under their own authority in non-Federally-funded activities also may choose to use a percentage multiple of the guidelines.

The poverty guidelines do not make a distinction between farm and non-farm families, or between aged and non-aged units. (Only the Census Bureau poverty thresholds have separate figures for aged and non-aged one-person and two-person units.)

This notice does not provide definitions of such terms as “income” or “family” as there is considerable variation of these terms among programs that use the poverty guidelines. The legislation or regulations governing each program define these terms and determine how the program applies the poverty guidelines. In cases where legislation or regulations do not establish these definitions, the entity that administers or funds the program is responsible to define such terms as “income” and “family.” Therefore, questions such as net or gross income, counted or excluded income, or household size should be directed to the entity that administers or funds the program.

**Xavier Becerra,**

*Secretary, Department of Health and Human Services.*

[FR Doc. 2025-01377 Filed 1-16-25; 8:45 am]

**BILLING CODE 4150-05-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**National Institutes of Health**

**Center for Scientific Review; Notice of Closed Meetings**

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Cardiovascular and Respiratory Sciences Integrated Review Group Integrative Myocardial Physiology/Pathophysiology B Study Section.

*Date:* February 12–13, 2025.

*Time:* 10:00 a.m. to 7:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Address:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

*Meeting Format:* Virtual Meeting.

*Contact Person:* Kirk E. Dineley, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 806E, Bethesda, MD 20892, (301) 867–5309, [dineleyke@csr.nih.gov](mailto:dineleyke@csr.nih.gov).

*Name of Committee:* Bioengineering Sciences & Technologies Integrated Review Group Drug and Biologic Therapeutic Delivery Study Section.

*Date:* February 18–19, 2025.

*Time:* 9:00 a.m. to 9:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Address:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

*Meeting Format:* Virtual Meeting.

*Contact Person:* Janice Duy, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–594–3139, [janice.duy@nih.gov](mailto:janice.duy@nih.gov).

*Name of Committee:* Oncology 1-Basic Translational Integrated Review Group Cancer Genetics Study Section.

*Date:* February 18–19, 2025.

*Time:* 9:30 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Address:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

*Meeting Format:* Virtual Meeting.  
*Contact Person:* Juraj Bies, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4158, MSC 7806, Bethesda, MD 20892, 301 435 1256, [biesj@mail.nih.gov](mailto:biesj@mail.nih.gov).

*Name of Committee:* Biobehavioral and Behavioral Processes Integrated Review Group; Biobehavioral Regulation, Learning and Ethology Study Section.

*Date:* February 18–19, 2025.

*Time:* 9:30 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Address:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

*Meeting Format:* Virtual Meeting.

*Contact Person:* Sara Louise Hargrave, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institute of Health, 6701 Rockledge Drive, Room 3170, Bethesda, MD 20892, (301) 443–7193, [hargravesl@mail.nih.gov](mailto:hargravesl@mail.nih.gov).

*Name of Committee:* Social and Community Influences on Health Integrated Review Group; Social Psychology, Personality and Interpersonal Processes Study Section.

*Date:* February 18–19, 2025.

*Time:* 10:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Address:* National Institutes of Health Rockledge II 6701 Rockledge Drive Bethesda, MD 20892.

*Meeting Format:* Virtual Meeting.

*Contact Person:* Joshua J. Maticotta, Psy.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 827–7498, [josh.maticotta@nih.gov](mailto:josh.maticotta@nih.gov).

*Name of Committee:* Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group; Cell Signaling and Molecular Endocrinology Study Section.

*Date:* February 18–19, 2025.

*Time:* 10:00 a.m. to 6:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Address:* National Institutes of Health Rockledge II 6701 Rockledge Drive Bethesda, MD 20892.

*Meeting Format:* Virtual Meeting

*Contact Person:* Latha Malaiyandi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 812Q, Bethesda, MD 20892, (301) 435–1999, [malaiyandilm@csr.nih.gov](mailto:malaiyandilm@csr.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine;



**Minutes of the  
Millcreek Community Foundation  
July 14, 2025  
7:00 p.m.  
Regular Meeting**

The Millcreek Community Foundation, a nonprofit corporation, met in a regular public meeting on July 14, 2025, at Millcreek City Hall, located at 1330 E. Chambers Avenue, Millcreek, UT 84106.

**PRESENT:**

**Directors**

Jeff Silvestrini, Chair  
Silvia Catten  
Thom DeSirant  
Cheri Jackson (electronic)  
Bev Uipi (excused)

**City Staff**

John Brems, City Attorney  
Elyse Sullivan, Secretary  
Mike Winder, City Manager  
Kurt Hansen, Facilities Director  
Francis Lilly, Assistant City Manager

**Attendees:**

**REGULAR MEETING – 7:00 p.m.  
TIME COMMENCED – 8:02 p.m.**

Chair Silvestrini called the meeting to order.

**1. Approval of June 9, 2025 Special Meeting Minutes**

**Board Member DeSirant moved to approve the June 9, 2025 Special Meeting Minutes. Board Member Catten seconded the motion. Chair Silvestrini asked for the vote. Board Member DeSirant voted yes, Board Member Catten voted yes, Board Member Jackson voted yes, and Chair Silvestrini voted yes. The motion passed unanimously.**

**ADJOURNED: Board Member DeSirant moved to adjourn the meeting at 8:02 p.m. Board Member Catten seconded. Chair Silvestrini asked for the vote. Board Member Catten voted yes, Board Member DeSirant voted yes, Board Member Jackson voted yes, and Chair Silvestrini voted yes. The motion passed unanimously.**

**APPROVED:** \_\_\_\_\_ **Date**  
**Jeff Silvestrini, Chair**

**Attest:** \_\_\_\_\_  
**Elyse Sullivan, Secretary**