



**Minutes of the
Millcreek City Council & Planning Commission
July 20, 2022
5 :00 p.m.
Special Meeting**

The City Council and Planning Commission of Millcreek, Utah, met in a special public meeting on July 20, 2022, at City Hall, located at 3330 S. 1300 E., Millcreek, UT 84106. The meeting was conducted electronically and live streamed via the City's website.

PRESENT:

Council Members

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

Commissioners

Shawn LaMar, Chair
Victoria Reid, Vice Chair (electronic)
Aryel Cianflone (electronic, arrived late)
Scott Claerhout (electronic, arrived late)
David Hulsberg
Christian Larsen
Nils Per Lofgren
Skye Sieber (excused)
Ian Wright

City Staff

Elyse Sullivan, City Recorder
John Brems, City Attorney
Francis Lilly, Assistant City Manager
Kurt Hansen, Facilities Director
Katie Larsen, Planner
Jake Green, Planning Engineer (electronic)
Fred Lutze, Planning Engineer (electronic)
Jennifer Smith, Planning Engineer (electronic)
Sean Murray, Planning Admin. Assistant
Brad Sanderson, Planning Manager (electronic)

Attendees: Deanna Foxley, Dean Collinwood, Stephen Stoker, Joe Moss, John Janson

WORK MEETING – 5:00 p.m.

TIME COMMENCED – 5:03 p.m.

Chair LaMar called the meeting to order.

1. Zoning and Subdivision Code Update Project Overview; Francis Lilly, Assistant City Manager, and Jennifer Gardner, Logan Simpson Project Manager

Francis Lilly introduced Joe Moss and John Janson, representing Logan Simpson, to the City Council and Planning Commission. The purpose of the meeting was to update them on the process of the planning and zoning code update. The priority was to begin community engagement.

Joe Moss said the project goals of the code update were to modernize standards and focus on a user-friendly format. They were looking to update uses, space limits, subdivision and design standards, make great development easy, encourage health and sustainability, provide enforceable tools, ensure development could meet objectives of the General Plan, incorporate graphics, charts, and tables whenever possible, use clearly defined and uniform language, eliminate redundancies and bring together fragmented standards, and establish clear criteria for processes. The process would be to listen to the community's goals and values by conducting one-on-one interviews, using a steering committee, and conducting online surveys. They would review the existing code to identify inconsistencies, state law compliance, conflicts with core policy documents, areas for improved process, and gaps between goals and the current code. The drafts would be broken down into various modules and would be reviewed by staff, the steering committee, the Planning Commission, the City Council, and the public. Moss reviewed the projected timeline with the phase one kick off in April-July 2022, the phase two draft ordinances in August-December 2022, and phase three final ordinances and adoption in January-July 2023. The public engagement tools included: the city's website, social media, newsletters, online questionnaires, public outreach events, informational materials around the city, the steering committee, and one-on-one stakeholder interviews.

Mayor Silvestrini asked that a member of the youth council be on the steering committee. Chair LaMar asked which ordinances would be looked at. Moss said it would be based on feedback. John Janson said they would review all the ordinances.

Elyse Sullivan read an email received from James Allen, 2197 Keller Lane, that said, "*Can the presenters define 'stakeholder?'*" *Can an ordinary citizens become a stakeholder?'*" Lilly said a stakeholder was anyone with a vested interest in the success of the community, and he would send Allen an invitation.

Moss had the Council and Commission respond to an online survey that asked for their top code priorities. Some of the responses were: open space, parking, sustainability, consistency, clarity, readability, quality, and relevant. The next question was what public health challenges could be addressed. Some of the responses were: safety, clean air, walkability, climate friendly, and traffic management.

John Janson said he did approximately eighteen interviews with stakeholders. He presented the preliminary findings on zoning, development standards, and process. The zoning concepts included more flexibility to create mixed uses, encourage missing middle housing typologies, increase flexibility in building envelopes, proliferation of storage unit uses, encourage small scale mixed uses, vary zone standards for different town centers, the flag lot policy, and setbacks. The development standards included addressing compatibility between new multifamily massing and existing land uses – enhance design variability, urban design and architectural standards especially on major corridors, incentives to remove nonconforming signage and billboards, increased landscaping requirements that would allow for more water-wise practices, and driveway widths/aesthetics. The process findings included clear expectations of process including reasonable timelines, education on administrative versus legislative decisions, more informative applications, streamline review steps especially for simple application types, public involvement in the planned unit development (PUD) process, and uses declared legal through special exceptions. He noted that special exceptions were not in state code anymore.

Mayor Silvestrini asked about problems with design and architectural standards contributing to the missing middle and affordable housing. He expressed concern about standards and recommended being conservative. Janson said the market acknowledged single family dwellings and with multifamily, the city could incentive standards instead of mandating them. Moss said the compatibility of scale and materials could be considered. Mayor Silvestrini felt encouraging through incentives would be defensible. Council Member Catten noted that sustainability needed to be incorporated in the incentives. Lilly said the R-M code allowed certain developments to avoid a setback if they did an all brick or all stone façades. He said the tradeoff had to be meaningful. Janson said some developers would do what was least expensive for them. Mayor Silvestrini requested realistic tools for the city to use. Janson pointed out that development agreements were a tool.

Janson reviewed a process chart for different land use applications which listed what public bodies they went to, what type of meeting they required, and which body made a recommendation or decision on it. He wanted to know if some types of applications should be reviewed administratively. He clarified the difference between a public meeting and a public hearing. Public comments are required during hearings, but not at meetings. Mayor Silvestrini said as a matter of practice, the Council accepts comments during meetings. Janson said the public feels like their comments can get the Planning Commission to say “no” to a conditional use permit when the Commission cannot. Mayor Silvestrini said the public could be informed at the beginning of the meeting what the limitations were. He felt public comment provided a better public process. Council Member Catten said the public was often angry at the community council level and more understanding came through the other meetings. Lilly said staff provides a detailed staff report with staff and code analysis on all applications. He asked if the code were prescriptive enough to mitigate detrimental effects, if the process could be done at the staff level. There could still be public engagement in an administrative approval. Mayor Silvestrini noted there may be state legislative changes on some land use applications. Janson brought up subdivisions. Mayor Silvestrini noted that the community councils did not review subdivision applications and the City Council did not review PUDs. Lilly said staff would appreciate a streamlined process for a minor subdivision. He recommended still holding a public meeting for a flag lot approval because comments provided good input. Chair LaMar agreed on streamlining minor subdivisions. Janson said subdivisions were administrative decisions. He noted he would update the chart based on the feedback.

Janson then asked the Council and Commission questions for discussion. The first was, what tool should be included in the code to support decision making. He noted drawings would be added. Mayor Silvestrini supported graphics and tables, and augmenting definitions. Chair LaMar asked about the word “encourage.” Janson said it did not mean anything. Chair LaMar asked for the expectations to be clear. Janson asked what urban design criteria should be incorporated into design standards. Chair LaMar said he would provide Janson with images of what he liked or did not like. Mayor Silvestrini expressed that caution should be exercised with design standards. Lilly said elegant design would blunt the impact of densification. Commissioner Hulsberg did not appreciate the words “unique” or “variety” in code. Janson said criteria would need to be established. Council Member Catten raised concern about meaningless amenities and encouraged open space or amenities according to the clientele who would be living in developments. Janson asked how to encourage more missing middle housing developments. Lilly said the code was causing the current pattern of barrack style housing and wondered why. Mayor Silvestrini asked

what incentives the city could offer to encourage owner-occupied construction instead of rentals. He was not opposed to giving more density on a smaller lot if owner-occupancy was deed restricted. He also wanted to encourage more bedroomed units. Janson said he had seen percentage requirements for different types of units and density bonuses for affordable units. Mayor Silvestrini noted that was a budgetary issue, but he was interested in offering incentives for affordability in a multi-family project.

Moss said the next steps were to have steering committee meetings and a tour of the city, work on a code assessment report, do public engagement, and drafting Module 1. Chair LaMar asked about directing public engagement feedback. Moss said there would be targeted questions by topic and general discussions on different modules.

Mayor Silvestrini moved to adjourn the meeting at 6:24 p.m. Council Member Jackson seconded. Chari LaMar called for the vote. All Council Members and Commissioners present voted yes. The motion passed unanimously.

APPROVED: _____ **Date**
Shawn LaMar, Chair

Attest: _____
Elyse Sullivan, City Recorder

