

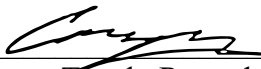
NOTICE AND AGENDA

Notice is hereby given that the Millville City Council will hold its regularly scheduled Council Meeting on Thursday, January 9, 2025, at the Millville City Office, 510 East 300 South in Millville, Utah, at 7:00 p.m.

1. Call to Order / Roll Call – Mayor Hair
2. Opening Remarks / Pledge of Allegiance – Councilmember June
3. Approval of agenda
4. Approval of minutes of the last City Council Meeting – December 12, 2024
5. Agenda Items—
 - A. Public comment period (2 min/person)
 - B. Report on P&Z meeting held December 5, 2024 – Development Coordinator Everton
 - C. Consideration of resolution accepting the Stauffer Subdivision located at approximately 750 North Main – Mayor Hair
 - D. Consideration of ordinance updating subdivision code – Development Coordinator Everton
 - E. Consideration of Fuhrman request for letter regarding parcel 19-020-0025 – Mayor Hair
 - F. Review of utility adjustments made in FY2025 Q2 – Treasurer Dyer
 - G. Review of Fiscal Year 2025 Budget through Q2 – Recorder Twedt
 - H. Park pavilion discussion – Public Works Director Kendrick
 - I. RAPZ Tax application discussion – Recorder Twedt
 - J. Cemetery water – Public Works Director Kendrick
 - K. Cooperative Wildfire System agreement – Recorder Twedt
 - L. Open and public meeting training – Recorder Twedt
 - M. City Reports: Roads, Parks, Water – Public Works Director Kendrick
 - N. Councilmember reports and other items for future agendas
6. Adjournment.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during public meetings should notify Corey Twedt at (435) 881-2669 at least three days prior to the meeting.

This agenda was posted on January 6, 2025, to the City posting locations, the City Website, and the Utah Public Meeting Notices Website.



Corey Twedt, Recorder

MILLVILLE CITY COUNCIL MEETING
City Hall – 510 East 300 South – Millville, Utah
December 12, 2024

PRESENT: David Hair, Daniel Grange, Clay Wilker, Pamela June, Ryan Zollinger, Jeremy Ward, Chad Kendrick, Corey Twedt, Megan Dyer, Kara Everton, Joe Fuhriman, Jake Barker

Call to Order/Roll Call

Mayor David Hair called the City Council Meeting to order for December 12, 2024 at 7:00 p.m. The roll call indicated Mayor David Hair and Councilmembers Pamela June, Jeremy Ward, Ryan Zollinger, Clay Wilker, and Daniel Grange were in attendance.

Opening remarks/Pledge of Allegiance

Mayor Hair welcomed everyone to the Council Meeting and led all present in the pledge of allegiance. He then offered a word of prayer.

Approval of agenda

The agenda for the City Council Meeting of December 12, 2024 was reviewed.

Councilmember Zollinger motioned to approve the agenda for December 12, 2024.

Councilmember Grange seconded. Councilmembers Ward, June, Grange, Wilker, and Zollinger voted yes. (A copy of the agenda is included as Attachment “A”).

Approval of minutes of the previous meeting

The Council reviewed the minutes of the City Council Meeting on November 14, 2024.

Councilmember Grange motioned to approve the minutes for November 14, 2024.

Councilmember Wilker seconded. Councilmember June pointed out a grammatical error that was corrected. Councilmembers Ward, June, Grange, Wilker, and Zollinger voted yes.

Public comment period

Mayor Hair opened the floor for public comments. Joe Fuhriman’s request for a letter from Millville City indicating no interest from the City in parcel 19-020-0025 was discussed. Recorder Twedt said that the City still had property west of this parcel and that this parcel may provide the only access from the highway. He said he felt it would not be in the best interest of the City to write the requested letter. The consensus of the Council was that they were unclear on where they stood on the issue. Mayor Hair asked that they think about it and that it be on the agenda for the next City Council meeting for the Council to make a decision.

Review of Fiscal Year 2024 Financial Audit Report

Jake Barker attended the City Council meeting representing Jones Simkins. He walked the City Council through the audited financials for Fiscal Year 2024.

Jake discussed the noncompliance with the City Council quarterly budget reviews that sometimes occur before the bookkeeping for the quarter has been accrued. Recorder Twedt said that this was listed as an issue last year as well and that it would likely remain that way in the future. The City does not do monthly accruals and it is probably not worth the time or money to do so. He said that what he targets is just getting the financials in front of the Council at the first meeting following the end of each quarter with everything we have at that point. The consensus of the Council was that this was okay.

The Council thanked Jake and Jones Simkins for doing the audit and for the presentation of the financials.

Consideration for approval of FY2024 Financial Audit Report

Councilmember Ward motioned to approve the FY2024 Financial Audit Report.

Councilmember Wilker seconded. Councilmembers Ward, June, Grange, and Wilker voted yes. Councilmember Zollinger abstained as he had not had time to completely review the financial documents at the time of this vote. (A copy of the Annual Financial Audit Certification is included with the minutes as Attachment “B”. The full audit is available for review by request at the City Office.)

Report on P&Z Meeting held December 5, 2024

Development Coordinator Everton reviewed with the Council the Planning Commission’s draft minutes for the meeting held on December 5, 2024. The Council briefly discussed the subdivision code updates that were reviewed in that meeting.

Set dates for City recreation activities for 2025

Mayor Hair discussed the dates for City-sponsored activities for 2025. The Youth Council is planning to do the Easter egg hunt on April 19, 2025. The Christmas Celebration will be on December 13, 2025. The Youth Council is trying to figure out ways to increase attendance for next year.

Recorder Twedt asked the Council to select a day for the City Celebration. He said that the Lavender Festival is scheduled to be held on July 11th and 12th in 2025, so there shouldn’t be a conflict if the City does the parade and celebration in June. The Council reviewed the open Saturdays and decided to schedule the City Celebration for June 14, 2025.

Setting the 2025 City Council Meeting Schedule

Mayor Hair discussed the meeting schedule for 2025. The consensus of the City Council was to continue to meet on the 2nd Thursday of each month at 7 p.m. as they have in the past. The Planning Commission will continue to meet at 8 p.m. on the 1st and 3rd Thursday of each month as needed.

Councilmember Grange motioned to approve the 2025 meeting schedule.

Councilmember Zollinger seconded. Councilmembers Ward, June, Grange, Wilker, and Zollinger voted yes. (A copy of the 2025 Meeting Schedule is included with the minutes as Attachment “C”).)

City Reports

Director of Public Works Chad Kendrick reported that a lot of progress continues to be made on the sewer project. He said that the Public Works Department continues to find and fix leaking water line services as they go. He said that the installation of the lights for the tennis and pickleball courts is being worked on now. Director Kendrick reported that he and Recorder Twedt had looked at some options for the new pavilion at the South Park and are working on getting quotes for that project. He also reported that the City is using only spring water now.

Councilmember Reports and Items for Future Agendas

(A copy of the Councilmember Assignments List is included with the minutes as Attachment “D”).)

Councilmember Wilker said that he has been seeing comments about people speeding up and down 450 North. It was discussed that many citations have been given in November with even more in December. This is an issue that the Sheriff’s Department is aware of and working on.

Recorder Twedt said that Millville had been granted the COG funding requested in our application for the re-alignment project of the 550 East 300 South intersection. He said that he and Director Kendrick had prepared and would send out an RFP for this project. The RFP has a scheduled completion date of no later than June 1, 2025.

Recorder Twedt also discussed an issue with a home in Mond-Aire where the owner does not live there and is renting out two separate units. This is effectively a duplex but does not meet the duplex or the ADU requirements for Millville City. Recorder Twedt said that he would be sending them a Notice of Violation. There is another home in Millville as well that was purchased recently for which the owner would now like to convert to a duplex. Recorder Twedt said that this creates issues. Duplexes have different meters for the two different units as well as pay impact fees differently at the time building clearance is granted. He said that he just wanted to make the Council aware of what was going on.

Adjournment

Councilmember Grange motioned to adjourn the meeting. Councilmember Zollinger seconded. Councilmembers Ward, June, Grange, Wilker, and Zollinger voted yes. The meeting adjourned at 8:02 p.m.

DRAFT

**MILLVILLE CITY
RESOLUTION 2025-1**

**RESOLUTION TO ESTABLISH THE STAUFFER SUBDIVISION LOCATED AT
APPROXIMATELY 750 NORTH MAIN**

WHEREAS, a request to subdivide parcel 02-124-0009 into four parcels has been received; and

WHEREAS, the Planning Commission reviewed the request on November 7, 2024 and recommended the City Council approve this subdivision; and

WHEREAS, the City Council discussed and reviewed the request at the City Council Meeting held on January 9, 2025;

THEREFORE, BE IT RESOLVED that the City Council hereby accepts the Stauffer Subdivision of four lots as proposed in drawings and documents submitted. These documents have been found to be in compliance with applicable Millville City Ordinances.

Passed and approved by the Millville City Council this 9th day of January 2025.

SIGNED:

David Hair, Mayor

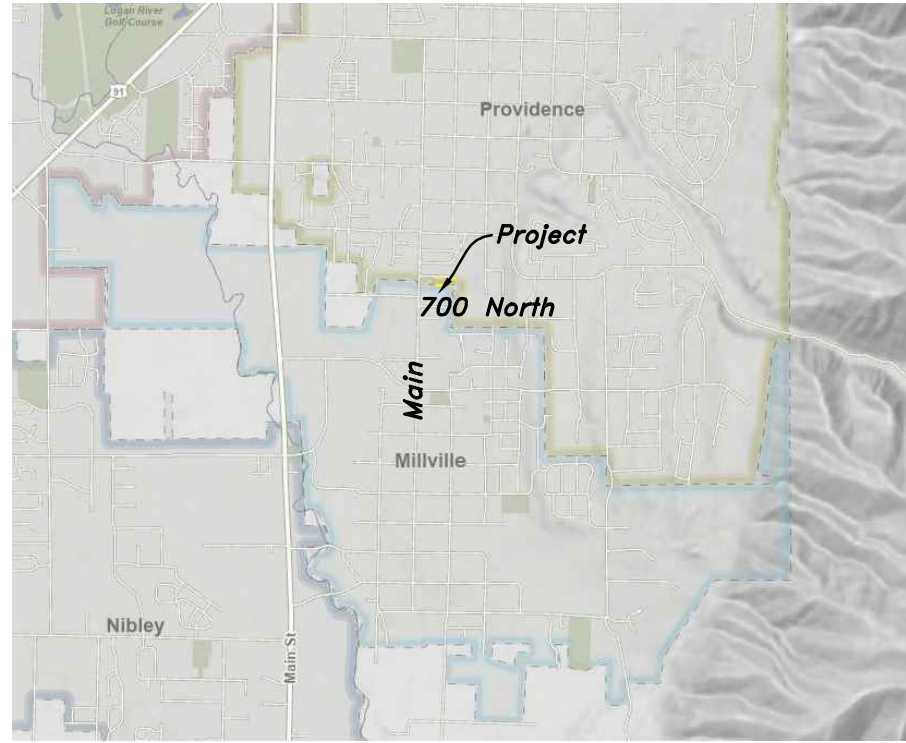
ATTEST:

Corey Twedt, City Recorder

COUNCILMEMBER	YES	NO	ABSENT	ABSTAIN
Jeremy Ward				
Pamela June				
Ryan Zollinger				
Clay G. Wilker				
Daniel Grange				

Stauffer Subdivision

Millville City, Cache County, Utah
A Part of the Northeast Quarter of Section 15,
Township 11 North, Range 1 East, Salt Lake Base & Meridian
January 2024



CERTIFICATE OF DEDICATION

Know all men by these presents that the undersigned, Gary C. Stauffer and Carol Sue B. Stauffer, being the registered agent, owner, proprietor, or parties of interest in the land shown in this plat, do hereby certify:

That the foregoing plat designated as **Stauffer Subdivision**, is located in the Northeast Quarter of Section 15, Township 11 North, Range 1 East, Salt Lake Base and Meridian, Millville City, Cache County, Utah and is more particularly described as follows:

A Part of the Northeast Quarter of Section 15, Township 11 North, Range 1 East of the Salt Lake Base and Meridian

Beginning at the Northwest Corner of 700 North Main Minor Subdivision (Entry Number 1021027) at a Point Located by Record as being 643.50 Feet North from the Southwest Corner of said Northeast Quarter and **RUNNING THENCE** North 01°56'49" East 281.84 Feet (North 264.00 Feet by Record) Along the East Right-of-Way Line of Main Street to the Intersection with the Corporate Boundary Line of Millville and Providence; Thence South 88°49'34" East 742.30 Feet (East 726.00 Feet by Record) Along said Corporate Boundary Line to the Intersection with the West Embankment of the Millville-Providence Canal; Thence Southerly Along said West Embankment the Following Seven (7) Courses: (1) Southerly Along the Arc of a 92.00 Foot Radius Curve to the Left an Arc Length of 17.94 Feet, Long Chord Bears South 27°10'17" East 17.91 Feet; (2) Southerly Along the Arc of a 43.00 Foot Radius Curve to the Right an Arc Length of 60.56 Feet, Long Chord Bears South 07°35'28" West 55.68 Feet; (3) South 47°56'27" West 60.34 Feet; (4) Southerly Along the Arc of a 112.00 Foot Radius Curve to the Left an Arc Length of 58.42 Feet, Long Chord Bears South 32°59'56" West 57.76 Feet; (5) South 18°03'25" West 2.53 Feet; (6) Southerly Along the Arc of a 112.00 Foot Radius Curve to the Left an Arc Length of 76.37 Feet, Long Chord Bears South 01°28'39" East 74.90 Feet; (7) South 21°00'44" East 62.03 Feet to the Intersection with the Easterly Projection of the North Line of said 700 North Main Minor Subdivision; Thence North 87°39'03" West 700.26 Feet (North 89°05'00" West 693.00 Feet by Record) Along said Projection and North Subdivision Line to the Point of Beginning. Containing 4.667 Acres, and four lots, and that this subdivision, as it is described and as it appears on this plat, is made with the free consent and in accordance with the desires of the undersigned owner(s) and proprietor(s), and that this is a correct plat of the area as it is divided into lots, blocks, streets and easements, and that the undersigned owner(s) of the land shown and described on this plat does (do) hereby dedicate to the City of Millville and its licensees for perpetual public use all streets, alleys, easements for the purposes designated and other lands within the boundary lines of the plat as indicated and not otherwise dedicated for public use.

Executed this _____ day of _____, 20__.

Gary C. Stauffer and Carol Sue B. Stauffer

(Trustees for the Gary C. and Carol Sue B. Stauffer Family Trust, Dated May 13, 1993)

Gary C. Stauffer Carol Sue B. Stauffer

TRUST ACKNOWLEDGMENT

State of _____
County of _____
On this _____ day of _____, 20__, Gary C. Stauffer and Carol Sue B. Stauffer, Trustees for the Gary C. Stauffer and Carol Sue B. Stauffer Trust, dated May 13, 1993, personally appeared before me, the undersigned Notary Public in and for said County and State, the signer of the attached Owners Dedication, whom duly acknowledged to me they signed it freely and voluntarily and for the purpose therein mentioned.

Notary Public Signature

Notary Public Commissioned in Utah

(Print Name)

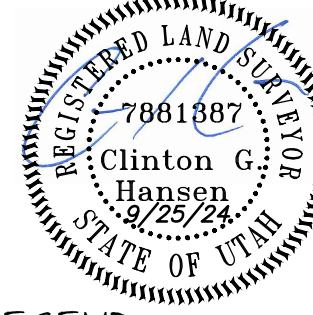
Commission Number - Expires

SURVEYOR'S CERTIFICATE

I, do hereby certify that I am a registered land surveyor licensed under the laws of the State of Utah, that this plat is a true, correct, and complete plat of **Stauffer Subdivision** as laid out, platted, dedicated, and shown hereon, that such plat was made from an accurate survey of said property by me and under my supervision and correctly shows the location and dimensions of the lots, easements, and streets of said subdivision as the same are staked upon the ground in compliance with the City of Millville regulations governing the subdivision of land to an accuracy of one part in ten thousand (10,000).

Date: 09/25/24
Clinton G. Hansen

No. 7881387



LEGEND

- Primary Boundary Line
- Lot Line
- Other property Line
- Setback Line
- Public Utility Easement
- Municipal Utility Easement
- Fence Line
- Section Corner
- Found Survey Point
- Set 5/8" by 24" Rebar With Cap

COUNTY RECORDER'S NO. _____

State of Utah, County Cache, Recorded and Filed at the Request of

Date _____ Time _____ Fee _____

Abstracted _____

Index _____

Filed in: File of Plats _____

County Recorder _____

DOMINION ENERGY

Questar Gas Company, DBA Dominion Energy Utah, hereby approves this plat solely for the purpose of confirming that the plat contains public utility easements. Dominion Energy Utah may require additional easements in order to serve this development. This approval does not constitute abrogation or waiver of any other existing rights, obligations, or liabilities including prescriptive rights and other rights, obligations or liabilities provided by law or equity. This approval does not constitute acceptance, approval or acknowledgement of any terms contained in the plat, including those set forth in the owner's dedication or in the notes, and does not constitute a guarantee of particular terms or conditions of natural gas service. For further information please contact Dominion Energy Utah's right-of-way department at 800-366-8532

Approved by Dominion Energy, this _____ day of _____ A.D., 20__.

By: _____ Title: _____

ROCKY MOUNTAIN POWER

1. Pursuant to Utah Code Ann. § 54-3-27 this plat conveys to the owner(s) or operators of utility facilities a public utility easement along with the rights and duties described therein.

2. Pursuant to Utah Code Ann. § 17-27a-603(4)(c)(ii) Rocky Mountain Power accepts delivery of the P.U.E. as described in this plat and approves this plat solely for the purpose of confirming that the plat contains public utility easements and approximates the location of the Public Utility Easement, but does not warrant their precise location. Rocky Mountain Power may require other easements in order to serve this development. This approval does not affect any right the Rocky Mountain Power has Under:

- (1) A recorded Easement or Right-of-Way
- (2) The law applicable to prescriptive rights
- (3) Title 54, Chapter 8a, damage to underground utility facilities or
- (4) any other provision of the law.

Rocky Mountain Power

NOTES & RESTRICTIONS:

1- All public & municipal utility easements (P.U.E.) are 10.0 feet wide around the frontage of All Lots.

2- No Structures may be built within any public utility easement, except as approved by the City Engineer

3- All expenses involving the necessary improvements for sanitary sewer systems, gas service, electrical service, curbs and gutters, fire hydrants, pavement, sidewalks, street lighting and signing, and other improvements shall be financed by subdivider.

4- The Subdivision does not contain identified wetlands, flood plain, or other notable sensitive areas with the exception of 30% steep slopes along the East side of the subdivision.

5- The subdivision's parcel number is 02-124-0009

6- The subdivision contains 4.667 Acres and four lots.

7- Building setback lines are for reference only. Setbacks shall meet the requirements of Millville City Code at the time building permit(s) are issued.

8- The City of Millville will not grant any approval for occupancy in the subdivision until the Millville Sewer System project is complete and fully functional.

NARRATIVE

The purpose of this survey was to divide the parcel as shown and described hereon. The survey was ordered by Tyson Glover of Mountain Roots Engineering. The control used to establish the property corners was the existing survey monumentation within and around the subject parcels. The survey is located in the Northeast Quarter of Section 15, Township 11 North, Range 1 East, Salt Lake Base and Meridian. The basis of bearing is the South line of said Section 15, which bears North 89°30'36" West, Utah Coordinate System 1983 North Zone.



BEAR RIVER HEALTH DEPARTMENT APPROVAL

Bear River Health has reviewed this plat and has determined that septic permits can be applied for on the subdivided Parcels.

Bear River Health Department

Date

CERTIFICATE OF REVIEW

Data on this plat reviewed this _____ day of _____, 20__, by the City Engineer of Millville, Utah

City Engineer

PLANNING AND ZONING APPROVAL

This plat approved by the City of Millville Planning and Zoning Commission this _____ day of _____, 20__

Attest:

Chairman

Secretary

CITY COUNCIL ACCEPTANCE AND APPROVAL

Approved by the City Council of the City of Millville, Utah, this _____ day of _____, 20__

Attest:

Mayor

City Recorder

UTILITY CLEARANCE

The Following Utility Company's Have Agreed to Provide Their Services Within the Right-of-Ways Shown Hereon.

Century Link

Xfinity

Date



AGENDA REPORT: SUBDIVISION CODE UPDATES

January 9, 2025

Background

The Utah State Legislature has changed the regulations for how jurisdictions can process and approve subdivision applications with SB 174 (2023) and HB 476 (2024). These new laws establish various land use and development requirements for municipalities including subdivision application review procedures. SB 174 includes sweeping changes and new updated definitions that were previously not imposed on municipalities. HB 476 includes practical changes and more updated definitions for subdivision improvement plans and review cycles.

With funding provided by the State and approval from the City Council, the Planning Commission has been working with a consultant to update the Millville City subdivision code to be compliant with the updates to State law.

On December 5, 2024, the Planning Commission held a public hearing to get input on the final draft of the proposed changes to the subdivision code. Following that hearing and some additional discussion, the Planning Commission has recommended the City Council approve the new code.

Included Documents

- Ordinance 2025-1 including the proposed new *Title 16 – Subdivisions* code.

**MILLVILLE CITY
ORDINANCE 2025-1**

SUBDIVISION CODE UPDATES

WHEREAS, the Utah State Legislature has passed Senate Bill 174 and House Bill 476 that update requirements for the subdivision review process of all municipalities; and

WHEREAS, the Millville City Council desires to amend Millville City Code *Title 16 - Subdivisions* to comply with the requirements of the updated State code; and

WHEREAS, the Millville Planning Commission has met with a consultant in updating the City Code, and a public hearing was held on December 5, 2024, at which the proposed code updates were reviewed; and

WHEREAS, after the public hearing, the Planning Commission recommended City Council approval of the code updates; and

WHEREAS, the Millville City Council discussed the proposed updates at a public meeting held on January 9, 2025;

NOW, THEREFORE, The Millville City Council hereby adopts, passes, and publishes new code for *Title 16 - Subdivisions* shown in the included attachment as a replacement for the currently existing Title 16 code. If any provisions of the City's code previously adopted are inconsistent herewith, they are hereby repealed.

This ordinance shall become effective immediately upon publication or posting as set forth by State Law.

ADOPTED AND PASSED, by the MILLVILLE CITY COUNCIL this 9th day of January 2025.

MILLVILLE CITY

David Hair, Mayor

ATTEST:

Corey Twedt, City Recorder

COUNCILMEMBER	YES	NO	ABSENT	ABSTAIN
Jeremy Ward				
Daniel Grange				
Clay G. Wilker				
Pamela June				
Ryan Zollinger				

POSTED: _____

MILLVILLE CITY CODE
TITLE 16 - SUBDIVISIONS
CHAPTER 16.04 - INTRODUCTORY PROVISIONS

[16.04.010: AUTHORITY](#)

[16.04.020: SHORT TITLE](#)

[16.04.030: INTENT AND PURPOSE](#)

[16.04.040: CONFLICT WITH OTHER REGULATIONS](#)

[16.04.050: SUBDIVISION APPROVAL REQUIRED](#)

[16.04.060: CONFORMITY WITH THE GENERAL PLAN](#)

[16.04.070: CONFORMITY WITH THE ZONING ORDINANCE](#)

[16.04.080: PARKS AND PUBLIC SPACES](#)

[16.04.090: WATER RIGHTS REQUIRED](#)

[16.04.100: CHARACTER OF THE LAND](#)

[16.04.110: ESTABLISHED MONUMENTS](#)

[16.04.120: PREVENTIVE MEASURES](#)

[16.04.130: APPENDICES AND MANUAL OF DESIGN AND CONSTRUCTION STANDARDS](#)

16.04.010: AUTHORITY

The ordinance codified in this title is adopted pursuant to and in accordance with the authority vested in the City Council of Millville, by the statutes of the state of Utah, section §10-9a-6 et seq. All previously existing subdivision regulations for the City are repealed. (Ord. 2025-1, 2025: Ord. 2008-4, 2008: Ord. 94-3 § 1)

16.04.020: SHORT TITLE

This Title shall be known, cited, and referred to as the SUBDIVISION TITLE OF THE CITY OF MILLVILLE, UTAH. (Ord. 2025-1, 2025: Ord. 2008-4, 2008: Ord. 94-3 § 1)

16.04.030: INTENT AND PURPOSE

This Title is enacted for the purpose of:

- A. Ensuring orderly development in conformance with a duly adopted comprehensive master plan, which includes a roadway corridor study;
- B. Protecting the public health, safety, and general welfare of present and future residents of the City;
- C. Establishing standards and procedures for the protection of the common interests of the general public, and the landowner and/or subdivider;
- D. Protecting the character and value of lands and buildings throughout the City and minimizing conflicts among the uses of land and buildings;
- E. Providing for safe and adequate transportation systems, utilities and other public facilities;
- F. Establishing adequate and accurate records of land subdivision;
- G. Encouraging the use of innovative land planning and urban design techniques. (Ord. 2025-1, 2025: Ord. 2008-4, 2008: Ord. 94-3 § 1)

16.04.040: CONFLICT WITH OTHER REGULATIONS

In the case of a conflict between this Title and/or any part thereof, any other ordinance of the City, or any state statute or code, the more restrictive in all cases shall apply. (Ord. 2025-1, 2025: Ord. 2008-4, 2008: Ord. 94-3 § 1)

16.04.050: SUBDIVISION APPROVAL REQUIRED

- A. These regulations shall apply to all of the lands within the boundaries of the City.
- B. A subdivision of land is not valid unless its governing document is approved by the Land Use Authority and properly recorded in the County Recorder's Office.
- C. No land shall be subdivided which is located wholly or in part in the City, except in compliance with this Title and Utah Code as adopted and amended.
- D. No person shall transfer ownership of a parcel of a subdivision if that subdivision has not been approved by the City in accordance with this Title. No deeds shall be recorded or property transferred until a plat has been approved and recorded in the manner prescribed herein. The description of such lot by metes and bounds shall not exempt the transaction from the provisions of this Title.
- E. The City shall not issue permits for any structure on a lot in a subdivision for which a plat has not been approved and recorded and improvements accepted, except that the City may issue a permit on a tract of land which is not a subdivision.
- F. No building permit shall be issued for construction until full compliance with all the requirements of this Title have been met. No person shall commence the physical layout or construction on the ground of a subdivision without first obtaining the approval of the City in accordance with this Title.
- G. No public improvements are to be installed and service shall not be provided until approval of the final plat is granted.
- H. No modifications shall be made to any plat of a subdivision after approval by the City except through the subdivision amendment process described in this Title.
- I. The City reserves the right to withhold any or all public service, including the maintenance of roads and streets from all subdivisions, parcels, or tracts where public improvements associated with the subdivision have not been accepted by the City.
- J. The City shall not accept, lay out, open, improve, grade, pave, curb, light, lay, or authorize water mains or sewers or connections to be laid in any street which has not been approved by the City as a public street, except for the approval of a private lane.
- K. No building shall be erected nor shall a building permit be issued for a building, unless the street abutting on the lot upon which such building is proposed to be placed shall

have been approved by the Land Use Authority as a public street, except for the approval of a private lane.

- L. None of the provisions of these regulations shall be construed to require platting in any case in which subdivision plats have been made and legally recorded pursuant to any regulations previously in force; and all plats heretofore filed for record and not subsequently vacated are hereby declared valid, notwithstanding the fact that the procedures or the manner and form of acknowledgement may have been different than those prescribed by these regulations.

16.04.060: CONFORMITY WITH THE GENERAL PLAN

All subdivisions shall conform to and be in harmony with the General Plan of the City. (Ord. 2025-1, 2025: Ord. 2008-4, 2008: Ord. 2003-4 § 1, 2003)

16.04.070: CONFORMITY WITH THE ZONING ORDINANCE

All subdivisions shall conform to the zoning ordinance of the City. (Ord. 2025-1, 2025: Ord. 2008-4, 2008: Ord. 2000-17 § 2: Ord. 94-3 § 1)

16.04.080: PARKS AND PUBLIC SPACES

No subdivision shall be approved that does not provide for adequate parks, schools, and public spaces in conformity with the General Plan, Master Plan, and other Official Maps of the City.

Where a proposed park, school, or other public space as General Plan, Master Plan, and other Official Maps of the City is embraced in part or in whole by the boundaries of a proposed subdivision and such public land shall be reserved, the City shall have the right of first refusal to purchase said parcels at the current market price as a condition of subdivision approval. (Ord. 2025-1, 2025: Ord. 2008-4, 2008: Ord. 94-3 § 1)

16.04.090: WATER RIGHTS REQUIRED

- A. The City shall have the right of first refusal to purchase any water shares or rights used with the property proposed for development beyond those needed to meet the

requirements for adequate water for the development as set forth herein. The purchase price for said shares or rights shall be the current market price as determined by independent appraisal or the price per share specified in Millville City resolution, whichever is greater. The expressed intention of the City is to acquire sufficient water rights to meet the future water demands of the City.

- B. The City has determined that it has insufficient water supplies to meet future water demands if development occurs. To meet the demands of additional water use from new development, the City will require as a condition of subdivision and development approval either a fee set by resolution or water shares set by resolution. The water share(s) must be from a source acceptable to the City at its sole discretion.
1. If desired water shares are available, then the water shares must be transferred first.
 2. For a minor subdivision, the subdivider shall transfer one half ($\frac{1}{2}$) share of water or the equivalent payment of fees per new additional parcel created. For example, if a single parcel is split into three (3) parcels, two (2) additional parcels will have been created and the subdivider will transfer to the City one (1) share of water ($\frac{1}{2}$ share for each of the new parcels).
 3. For a major subdivision, the subdivider shall transfer one (1) water share per acre of total land subdivided with a minimum of one half ($\frac{1}{2}$) water share for land less than one half ($\frac{1}{2}$) acre subdivided. For example, if the developer is subdividing 7.3 acres into four (4) or more parcels, the subdivider will transfer to the City 7.5 water shares. The landowner and/or developer shall transfer the water shares or payment of fees before the approval of the final plat. The landowner and/or developer can combine water shares and fees to be transferred to the City. The City resolution sets out water share equivalent to fee amount. (Ord. 2025-1, 2025: Ord. 2018-13, 2018: Ord. 2008-4, 2008: Ord. 2002-4 § 1, 2002: Ord. 2002-2 § 2, 2002: Ord. 94-3 § 1)

16.04.100: CHARACTER OF THE LAND

- A. The land to be subdivided shall be of such character that it can be used safely for the building proposed without danger to health or peril from fire, flood, landslides, or other geological hazards.
- B. All subdivision proposals shall be consistent with the need to minimize flood damage.

- C. All subdivision proposals shall preserve native features, vegetation, wetlands, and wildlife habitat as enforced by the appropriate state and federal agencies.
- D. All subdivision proposals shall locate public utilities and facilities such as sewer, gas, electrical, and water systems to service all lots and parcels. (Ord. 2025-1, 2025: Ord. 2008-4, 2008: Ord. 2000-17 § 2: Ord. 94-3 § 1)

16.04.110: ESTABLISHED MONUMENTS

All international, federal, state, county and other official monuments, benchmarks, triangulation points, and stations shall be preserved in their precise locations; and it shall be the responsibility of the subdivider to ensure that these markers are maintained in good condition during the following construction and development. All section and one-quarter ($\frac{1}{4}$) section corners shall be duly described and tied within the boundaries of the subdivision and within one thousand feet (1,000') outside of subdivision boundary or in accordance with Utah state law and acceptable surveying practices. (Ord. 2025-1, 2025: Ord. 2008-4, 2008: Ord. 2002-2 § 2, 2002)

16.04.120: PREVENTIVE MEASURES

The subdivider and/or builder shall be solely responsible for any damage to adjacent properties caused by wind or water erosion during and upon completion of the construction. Any protective control measures which the subdivider proposes to implement to avoid damage from wind or water erosion must be included with the preliminary subdivision application and must be approved by the Land Use Authority prior to any construction activities. (Ord. 2025-1, 2025: Ord. 2008-4, 2008: Ord. 2002-2 § 2, 2002)

16.04.130: APPENDICES AND MANUAL OF DESIGN AND CONSTRUCTION STANDARDS

The appendices in this code and the "Manual Of Design And Construction Standards" (MDCS) are not part of this Code. They are for clarification, information, and the internal administrative control of Millville City. Therefore they may be changed at any time at the discretion of and by resolution of the Millville City Council. (Ord. 2025-1, 2025: Ord. 2008-4, 2008: Ord. 2003-3, 2003)

MILLVILLE CITY CODE
TITLE 16 - SUBDIVISIONS
CHAPTER 16.08 - DEFINITIONS

[16.08.010: TERMS DEFINED](#)

16.08.010: TERMS DEFINED

For the purpose of these regulations, the following terms, phrases, words, and their definitions shall have the meaning given in this Chapter. When inconsistent with the context, words used in the present tense shall include the future and words in the plural shall include the singular. The masculine gender includes the feminine and neuter genders. Words not defined in this Chapter shall have the meaning defined under State law.

ALLEY: A public right of way which affords secondary means of access to abutting property.

ATTORNEY: The person licensed by the state to practice law who has been engaged by the Council.

BLOCK: An area of land within a subdivision that is entirely bounded by streets or a combination of streets, exterior boundary lines of the subdivision and/or bodies of water.

BUILDING: Means and includes all structures of every kind regardless of similarity to buildings.

BUILDING SETBACK: The minimum horizontal distance from the street right of way as prescribed in the zoning ordinance.

BUSINESS DAY: Business days refer to the standard weekdays from Monday through Thursday, excluding all state and federal holidays

CITY: The City of Millville.

CITY ENGINEER: A person licensed as a professional engineer by the state of Utah who is engaged by the Council.

CLERK: The City Clerk of Millville, Utah.

COLLECTOR STREET: A street which serves or is designed to serve as a trafficway for a neighborhood or as a feeder to a major street.

COMMISSION: The duly appointed Planning Commission ("Planning and Zoning Commission" or "P&Z") of the City of Millville.

COMPREHENSIVE MASTER PLAN: A comprehensive development plan, prepared by the commission which indicates the general locations recommended for various functional classes of land uses, places and structures and for general physical development of the City and includes any unit or part of such plan separately prepared and any amendment to such plan or parts therein.

CONCEPTUAL PLAN: A conceptual drawing of the proposed development prepared in accordance with the requirements of this title.

COUNCIL: The City Council of the City of Millville.

CUL-DE-SAC: A street or a portion of a street with only one vehicular traffic outlet and a turnaround at the other end.

CULINARY WATER AUTHORITY: The culinary water authority for Millville City will be the City Council.

DEAD END STREET: A street or a portion of a street with only one vehicular traffic outlet and on which traffic cannot continue through.

DEVELOPMENT COORDINATOR: The person duly appointed to administer this title.

DRIVEWAY: A private roadway the use of which is limited to persons residing, employed or otherwise using or visiting the lot on which the roadway is located.

EASEMENT: An interest in land owned by another that entitles its holder to a specific limited use.

FEMA: The Federal Emergency Management Agency.

GENERAL PLAN: See the definition of Comprehensive Master Plan.

HALF STREET: A street designed to provide access to only one side of the right of way.

IMPROVEMENTS (PUBLIC): Work objectives, devices, structures, facilities or utilities required to be constructed or installed in a subdivision. Such improvements may include, but are not limited to:

- A. Water facilities;
- B. Sewer facilities;
- C. Sidewalks;
- D. Curbs and gutters;
- E. Drainage facilities;
- F. Streets;
- G. Trees;
- H. Street signs;
- I. Streetlights;
- J. Traffic control devices;
- K. Safety devices;
- L. Fire hydrants;
- M. Such other facilities or construction required by the subdivision ordinance.

LAND USE AUTHORITY: An individual, board, or commission appointed or employed by a municipality to make land use decisions. "Land Use Authority" includes any appropriately authorized designees.

LAND USE APPLICATION: an application required by the City and submitted by a land use applicant to obtain land use approval; this does not mean an application to enact, amend, or repeal a land use regulation.

LOT: A parcel, place, tract or portion of land designated by metes and bounds, registered land survey, recorder's plat, or other means and separated from other parcels or portions by such description for the purpose of sale, lease, or separation thereof.

LOT, CORNER: "Corner lot" means a lot located at the intersection of two (2) streets, having two (2) adjacent sides abutting streets; the interior angle of the intersection does not exceed one hundred thirty five degrees (135°).

LOT CORNER MONUMENTS: Eighteen (18) to twenty four inch (24") by five-eighths inch ($\frac{5}{8}$ " rebar (#5 rebar) with surveyor's official cap.

LOT DEPTH: The mean horizontal distance between the front lot line and the rear lot line.

LOT LINE: The property line bounding a lot except that where any portion of a lot extends into the right of way or a proposed public right of way, the line of such right of way shall be the lot line.

LOT, THROUGH: "Through lot" means any lot other than a corner lot which abuts more than one street.

LOT WIDTH: The horizontal distance between the side lot lines of the lot measured parallel to the front line of the lot at the front setback line.

MAJOR STREET OR ARTERIAL STREET: A street which serves or is designed to serve heavy flows of traffic between communities and/or other heavy traffic generating areas.

MANUAL OF DESIGN AND CONSTRUCTION STANDARDS: The "Manual Of Design And Construction Standards" are adopted by Millville City by resolution. It consists of design standards, specifications, and standard plans published by the Utah chapter of the American Public Works Association (APWA) along with amendments to these published documents. Part I consists of design standards, part II of amendments to the APWA "Manual Of Standard Specifications", and part III of amendments to the APWA "Manual Of Standard Plans". Parts I, II, and III are contained in one document titled "Millville City Manual Of Design And Construction Standards", and the APWA "Manual Of Standard Specifications And Manual Of Standard Plans" are included by reference. All of these documents are referred to hereafter as "Millville City Manual Of Design And Construction Standards".

MAY: Is permissive.

MINOR STREET: A street intended to serve primarily as an access to abutting properties.

OFFICIAL MAP: The map established by the Council in accordance with state statutes showing streets, highways, and parks and drainage, both existing and proposed. The official map may be a part or parts of the comprehensive master plan.

OWNER: Any individual, firm, association, syndicate, copartnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

PARKWAY: That portion of a street right of way between the curb or curb line and the property line.

PEDESTRIAN WAY: The right of way across or within a block for pedestrian use.

PERSON: An individual, to include both male and female, and shall also extend and be applied to bodies political and corporate and to partnership and corporate, and to partnership and other unincorporated association.

PLAT: An instrument subdividing property into lots as depicted on a map or other graphic representation of land that a licensed professional land surveyor makes and prepares in accordance with §10-9a-603 or §57-8-13 of Utah State Code (as amended).

PLOT: A measured piece or parcel of land within a larger plat.

PRIVATE STREET: A street which is not dedicated for public use.

PROTECTIVE COVENANT: A contract entered into between private parties and constitutes a restriction on the use of all private property within a subdivision for the benefit of the property owners, and to provide protection against undesirable aspects of development which would impair values.

PUBLIC LAND: Land owned and/or operated by a governmental unit, including school districts.

PUBLICATION: An official notice as prescribed by state statutes.

SANITARY USE AUTHORITY: The sanitary use authority for Millville City will be the City Council.

SERVICE STREET: An access street which is generally parallel and adjacent to a major street and provides secondary access to abutting property.

SHALL: Is mandatory.

SITE EVALUATION AND IMPACT ASSESSMENT: A report which describes, by means of a written narrative and maps, a geographical area and evaluates the development impact in terms of existing:

A. Slope;

- B. Soils;
- C. Watercourses;
- D. Water table;
- E. Flood hazard areas;
- F. Geologic hazards;
- G. Vegetative types;
- H. Wildlife;
- I. Wildlife habitat;
- J. Available urban services, i.e., electricity, gas, roads, schools, culinary water, sewage facilities, police and fire protection.

SLOPE CLASS: The City of Millville has made five (5) slope classifications:

Class 1 references slopes less than or equal to twenty percent (20%).

Class 2 references slopes greater than twenty percent (20%) and less than or equal to twenty three percent (23%).

Class 3 references slopes greater than twenty three percent (23%) and less than or equal to twenty seven percent (27%).

Class 4 references slopes greater than twenty seven percent (27%) and less than or equal to thirty percent (30%).

Class 5 references slopes greater than thirty percent (30%).

STREET: A public right of way which affords the primary means of access to abutting property.

STREET PAVEMENT: The asphalt wearing or exposed surface of the roadway used by vehicular traffic.

STREET, PUBLIC: "Public street" means any street which has been dedicated to the City or is otherwise publicly owned by the City, and is improved and constructed to the appropriate standards as required by the subdivision ordinance.

STREET, RIGHT OF WAY: "Right of way street" means any street which has been dedicated to the City, or is otherwise publicly owned by the City, and is unimproved as opposed to a public street which is improved and constructed to subdivision ordinance standards.

STREET WIDTH: The width of the right of way, measured at right angles to the centerlines of the streets.

SUBDIVIDER: Any person, firm, corporation, partnership or association who shall lay out any "subdivision" or part thereof as defined herein.

SUBDIVISION: Any land that is divided, subdivided, or proposed to be divided into two or more lots or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

A. Subdivision includes:

1. The division or development of land, whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and
2. Except as provided below, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

B. Subdivision does not include:

1. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;
2. A recorded agreement between owners of adjoining properties adjusting their mutual boundary if:
 - a. No new lot is created; and
 - b. The adjustment does not result in a violation of applicable zoning ordinances;

3. A recorded document, executed by the owner of record, revising the legal description of more than one contiguous parcel of property into one legal description encompassing all such parcels of property;
4. The subdivision of land for and the sale of cemetery lots;
5. The sale of land to the state of Utah, the federal government, or any political subdivision thereof;
6. A road, street, or highway dedication plat; or
7. A deed or easement for a road, street, or highway purpose.

SUBDIVISION, MAJOR: Any subdivision that is not a minor subdivision.

SUBDIVISION, MINOR: Any subdivision resulting in three (3) or fewer buildable parcels where each lot is fronted by a dedicated and improved public street and where the subdivision does not require the construction of any new streets or other major public improvements.

SURVEYOR: A person duly registered as a land surveyor by the state of Utah.

UPDES: The Utah Pollution Discharge Elimination System.

USED FOR: To include the phrases: "arranged for", "designed for", "intended for", "maintained for", and "occupied for".

WATER CONVEYANCE FACILITY: A ditch, canal, flume, pipeline, or other watercourse used to convey water used for irrigation or storm water drainage and any related easement for the ditch, canal, flume, pipeline, or other watercourse. "Water conveyance facility" does not mean a ditch, canal, flume, pipeline, or other watercourse used to convey water used for culinary or industrial water, or any federal water project facility.

ZONING DISTRICT: An area as prescribed by the adopted zoning ordinance of Millville City. (Ord. 2025-1, 2025: Ord. 2008-4, 2008: Ord. 2002-7 § 1, 2002: Ord. 2002-2 § 3, 2002: Ord. 2000-17 § 3: Ord. 94-3 § 1)

MILLVILLE CITY CODE
TITLE 16 - SUBDIVISIONS
CHAPTER 16.12 - ADMINISTRATION AND ENFORCEMENT

[16.12.010: SUBDIVISION ORDINANCE FEES](#)

[16.12.020: FEES FOR APPEAL](#)

[16.12.030: ADMINISTRATION](#)

[16.12.040: NOTICE OF NONCOMPLIANCE](#)

[16.12.050: VACATIONS](#)

[16.12.060: PENALTIES](#)

[16.12.070: ADMINISTRATIVE LIABILITY](#)

16.12.010: LAND USE AUTHORITY

- A. The Land Use Authority for **preliminary** subdivision applications is the Planning and Zoning Commission. For the purpose of preliminary subdivision applications, the Commission shall be responsible for the following, but may delegate any responsibility to City staff:
1. Rendering land use decisions related to preliminary applications.
 2. Reviewing preliminary applications in an impartial manner and according to the standards and deadlines described in this Title.
 3. Holding a public hearing for preliminary applications when the Commission determines one is needed.
 4. Providing feedback to applicants on their preliminary applications.

5. Scheduling and holding a pre-application meeting with potential applicants when requested by a prospective applicant. This task is delegated to City staff by default.
 6. Keeping application forms (both preliminary and final) and related informational material up to date and publicly accessible and distributing such forms and materials to potential applicants. This task is delegated to City staff by default.
 7. Providing notice to entities and parties on subdivision applications as required by this Code. This task is delegated to City staff by default.
 8. Ensuring that documents are properly recorded with the County after final approval as required by this Code. This task is delegated to City staff by default.
- B. The Land Use Authority for final subdivision applications under this Code is the Development Coordinator. For purposes of final subdivision applications, the Development Coordinator shall be responsible for the following:
1. Rendering land use decisions related to final applications.
 2. Reviewing final applications in an impartial manner and according to the standards and deadlines described in this Title.
 3. Signing final application approvals as required by this Title.
- C. As subdivision application decisions are administrative, not legislative, the Planning and Zoning Commission and Development Coordinator are, respectively, authorized to approve preliminary and final subdivision applications without City Council approval.
- D. In accordance with Utah Code §10-9a-604.1(1)(b) and §10-9a-604.1(9)(b), the City Council and its members shall not approve, deny, or require revisions to any preliminary or final subdivision application except in the case of development agreements or otherwise as permitted under state law. This provision does not limit the City Council's power to enact ordinances or administer other land use procedures.
- E. For convenience, the Land Use Authorities described in this Chapter are summarized in Table 16.12.010. (Ord. 2025-1, 2025: Ord. 2008-4, 2008: Ord. 94-3 § 1)

Table 16.12.010 – Land Use and Appeal Authorities			
<u>Action/Application</u>	<u>Advisory Body</u>	<u>Land Use Authority</u>	<u>Appeal Authority</u>
Preliminary Application for a New Subdivision	City Staff	Planning & Zoning Commission	City Council
Final Application for a New Subdivision	N/A	Development Coordinator	City Council
Petition to Amend Existing Subdivision	Development Coordinator	Planning and Zoning Commission	City Council
Application for Lot Line Adjustment	N/A	Planning Commission	City Council
Accepting Completed Improvements and Releasing Guarantee	Public Works Director	City Council	City Engineer

16.12.020: APPEALS

- A. The Appeal Authority for the Land Use Authorities' actions relating to subdivision applications, except where otherwise noted, is the City Council.
- B. The Appeal Authority shall hear appeals on final decisions made by the Land Use Authorities and shall hear complaints about the conduct of the Land Use Authorities in administering the provisions of this Chapter.
- C. A party appealing or complaining of a Land Use Authority's decision under this Chapter must exhaust its remedies under this section (by appealing or complaining to the Appeal Authority) before bringing an action against the City in a court of law.
- D. A party who has submitted a subdivision application or petition may appeal or complain to the Appeal Authority under this Chapter. In such an appeal or complaint, the party may appeal or complain only regarding the Land Use Authority's treatment of that party's own application; a third party may not appeal or complain of Land Use Authority decisions or conduct.
- E. A party desiring to appeal or complain of a Land Use Authority decision shall submit to the Appeal Authority the following in writing:
 1. A brief explanation of the relief the party is seeking, the reason the party submitted its application or petition, the Land Use Authority's decision and treatment of the application or petition, and why the applicant believes the Land

Use Authority misapplied the provisions of this chapter or abused the discretion given it by this chapter.

2. The most recent version of the application or petition the party submitted.
 3. Any supplemental documentation or information that the Appeal Authority requests.
 4. All appeals and complaints must be emailed or mailed to the City Recorder using the Recorder's official City address and/or email account listed on the City website.
- F. After receiving a complete appeal or complaint in accordance with this Section, the Appeal Authority shall deliver a decision to the applicant, in writing, no later than 30 calendar days after the Appeal Authority receives the appeal or complaint. (Ord. 2025-1, 2025: Ord. 2008-4, 2008: Ord. 2007-8, 2007: Ord. 94-3 § 1)

16.12.030: SUBDIVISION ORDINANCE FEES

- A. All fees required for applications pertaining to this Title shall be set by resolution of the City Council.
- B. Land In Lieu Of Fees: Dedication of public land, open space or park area may be used in lieu of fees, as determined by the City Council. (Ord. 2025-1, 2025: Ord. 2008-4, 2008: Ord. 94-3 § 1)

16.12.040: ENFORCEMENT

- A. These regulations shall be enforced by the Development Coordinator or other entity as designated by the City Council.
- B. The City shall not extend utilities and services and shall not approve any proposed subdivision of land which, by itself or as a part of a larger tract, is contiguous to the boundaries of the City unless the preliminary subdivision application is accompanied by a properly acknowledged petition for annexation to the City and a separate application for proper zoning. (Ord. 2025-1, 2025: Ord. 2024-3, 2024: Ord. 2008-4, 2008: Ord. 2003-4 § 3, 2003: Ord. 94-3 § 1)

16.12.050: NOTICE OF NONCOMPLIANCE

- A. Upon inspection and discovery that any provision of the City's Subdivision Code has been or is being violated, the City may provide written Notice of Violation to the owner of the property that is the subject of the violation and to any other party who may be responsible for the violation.
- B. The written Notice of Violation shall:
 - 1. Indicate the nature of the violation;
 - 2. Identify the action necessary to correct the violation;
 - 3. Give the property owner fourteen (14) days from the date of the receipt of the Notice to correct the violation;
 - 4. State the action the City intends to make if the violation is not corrected within the fourteen (14) day period; and
 - 5. State that the property owner may request a hearing with the Planning Commission if the property owner disagrees with the determinations set forth in the Notice of Violation.
- C. The Notice of Violation shall be served upon the property owner and/or the violator by personal delivery, by certified mail, return receipt required, to the address listed on the County Assessor's records for the property.
- D. Within fourteen (14) days of the day on which the Notice of Violation is served on the property owner, the property owner may request a hearing with the Planning Commission to present facts and arguments as to why the property owner is entitled to relief from the Notice of Violation. The property owner shall file the request for a hearing in writing with the City Clerk. The written request for a hearing shall set forth the property owner's position as to why the property owner is entitled to relief. The City Clerk shall notify the Planning Commission of the request for a hearing and the request shall be placed on the agenda for the next regularly scheduled meeting of the Planning Commission, but in no event later than thirty (30) days from the date the City Clerk receives the request for a hearing. The Planning Commission shall review the Notice of Violation, the written request for a hearing, and any other information that the property owner or any other interested party may present, and make a determination as to whether the violation set forth in the Notice of Violation has taken place or exists. The

City shall have the burden of proving by a preponderance of the evidence the violation took place or exists.

- E. If the property owner has not requested a hearing with the Planning Commission within the fourteen (14) day period, or if after a hearing on the matter the Planning Commission determines that the violation set forth in the Notice of Violation has taken place, the Planning Commission or any other person designated by the City may record a Notice of Noncompliance on title to the property that is the subject of the Notice of Violation. The Notice of Noncompliance shall generally explain the nature of the violation, indicate that no permits or licenses, including but not limited to, a building permit, may be issued for any structure located on the subject property, and meet all other requirements for the recording of documents in the Cache County Recorder's Office.
- F. If the City subsequently determines that the violation of the City's Subdivision Code for which a Notice of Noncompliance has been recorded has been cured or that the property which is the subject of the Notice of Noncompliance is otherwise no longer in violation, the Planning Commission, City Council, or other person designated by the City shall record a release of the Notice of Noncompliance on title to the subject property.
- G. Notwithstanding anything to the contrary in any ordinance or code of the City, until such time as the violation for which a Notice of Noncompliance issued under this Section has been cured or otherwise resolved, the City may withhold or deny the issuance of any permits, licenses, or connections of any kind including but not limited to, a building permit, water connection, or other similar permit or connection, for the property in violation or any structure thereon. (Ord. 2025-1, 2025: Ord. 2024-3, 2024: Ord. 2008-4, 2008: Ord. 2003-4 § 3, 2003: Ord. 94-3 § 1)

16.12.060: VACATIONS

- A. Pursuant to the provisions of sections 10-9-808 through 10-9-810 of the Utah Code, any plat may be vacated by the owners before any substantial improvements have been made in the subdivision, by submitting a copy of the plat to the Commission along with a written request for a vacation. The written request shall be by all of the owners. The Commission shall make a recommendation on the vacation to the City Council, and the Council shall approve or disapprove the vacation. The recording of an instrument vacating the plat shall operate to destroy the force and effect of the recording of the original plat and to divest all public rights in the streets, alleys, commons and public grounds laid out or described in such a plat.

- B. Streets and alleys platted and laid out under the provisions of these regulations or laid out under any prior law of the state of Utah may be altered or vacated in the manner provided by law for the alteration or discontinuance of highways.
- C. Any part of a plat may be vacated under the provisions and subject to the conditions of subsection A of this section, provided such vacating does not abridge or destroy any of the rights and privileges of other proprietors in such plat and provided, further, that nothing contained in this section shall authorize the closing or obstruction of any public highways laid out according to law. The request for vacation shall be made by all of the owners.
- D. When any part of a plat shall be vacated as aforesaid, streets, alleys, and other public grounds shall be assigned to all lots or parcels adjacent to the public area being vacated in equal proportions.
- E. The county recorder shall write in plain, legible letters across that part of the plat so vacated the word "vacated" and also make a reference on the same to the volume and page in which the instrument of vacation is recorded.
- F. Land covered by a vacated plat may be replatted as described by these regulations. Any later replatting of an area already platted and not vacated shall be construed to be a request for the vacation of the original plat or portion thereof. Any such plat, once approved and recorded, shall act to vacate the original plat which it replaces. (Ord. 2025, 2025: Ord. 2008-4, 2008: Ord. 2000-13 § 2)

16.12.070: PENALTIES

- A. Violation Of Provisions: Any person who violates any provision of these regulations and any person who, as an agent for a subdivider, developer or owner of subdivided lands, offers for sale any subdivided lands or subdivisions without first complying with the provisions of these regulations shall be guilty of a Class C misdemeanor and shall be subject to fine, imprisonment or both. The City may bring a suit to enjoin any violation of the provisions of this Title by action for injunction and may recover the penalty by civil action. If such a penalty has not been paid when the subdivision plan is admitted for final approval, the Land Use Authority shall not approve any subdivision application until the penalty is paid.
- B. The City Council may, in its discretion, void transfers of parcels in a subdivision if that subdivision was not approved by the City in accordance with this Title.

C. Removal, Destruction Or Defacement Of Monuments Or Corners:

1. No person shall wrongfully, willfully or negligently remove, destroy or deface any survey monument, corner, or witness corner.
2. Any person who violates this subsection is guilty of a class C misdemeanor and is additionally responsible for:
 - a. The costs of any necessary legal action; and
 - b. The costs of reestablishing the survey monument, corner, or witness corner. (Ord. 2025-1, 2025: Ord. 2008-4, 2008: Ord. 94-3 § 1)

16.12.080: ADMINISTRATIVE LIABILITY

The City shall hold harmless the Public Works Department, other City agencies, staff, and officials, and their official agents and representatives, when acting in good faith and without malice, from all personal liability for any damage that may accrue to any person or property as a result of any act required by these regulations, or for the omission of any act on the part of the department, agency or official or their authorized agents in the discharge of their duties hereunder. Any suit brought against the City or the City administration because of any such act or omission in the carrying out of the provisions of these regulations shall be defended by the City's legal department through final determination of such proceedings. (Ord. 2025-1, 2025)

MILLVILLE CITY CODE
TITLE 16 - SUBDIVISIONS
CHAPTER 16.16 - SUBDIVISION APPLICATION REQUIREMENTS

[16.16.010: CONCEPT PLAN / SKETCH PLAN \(OPTIONAL\)](#)

[16.16.015: PHASED DEVELOPMENT](#)

[16.16.020: PRELIMINARY APPLICATION](#)

[16.16.030: FINAL APPLICATION](#)

[16.16.040: MINOR SUBDIVISION \(1-3 Lots and No New Streets or Other Major Improvements\)](#)

[16.16.050: AGRICULTURAL SUBDIVISIONS](#)

16.16.010: CONCEPT PLAN / SKETCH PLAN (OPTIONAL)

- A. If a prospective applicant elects to present a concept plan at a pre-application meeting, the prospective applicant shall present at least eight (8) paper copies and a PDF digital copy of the concept plan, also called a sketch plan, on paper not smaller than 11x17 inches and text of a size and font that is legible and easy to read, to the Commission for an informal review and discussion of the site plan and the general scope and conditions of the proposed subdivision. The concept plan shall include the following:
1. The property boundaries of the proposed subdivision as shown on the most current GIS map;
 2. Names and addresses of adjacent property owners within 600 feet of the proposed subdivision;
 3. Approximate number of lots proposed and the street layout for the entire property controlled by the developer or the developer's affiliates to provide an understanding of the full concept for the complete development, even when multiple phases are planned;

4. Approximate total acreage of the development as well as lot size range;
5. Description of the type of water (culinary and/or irrigation) system proposed along with the water rights pursuant to subsection 16.04.090 of this Title;
6. Description of the type of sewer system proposed including the ability to connect to the City's system, any proposed or necessary lift stations, and expected sewer pipe sizes;
7. Present zoning;
8. Written description of the stormwater drainage system proposed in compliance with the most current edition of the Cache County Stormwater Design Criteria and Utah Division of Water Quality stormwater permits for both construction and municipal separate storm sewer systems (MS4);
9. A written statement describing the intent of the development;
10. Lots within the hillside development overlay zone.
11. The City-provided concept plan checklist to verify that all required and necessary information is provided to streamline the process. (Ord. 2025-1, 2025: Ord. 2022-2, 2022: Ord. 2019-6, 2019: Ord. 2008-4, 2008: Ord. 2003-4 §§ 1, 2, 2003: Ord. 2002-2 § 2, 2002: Ord. 2000-17 §§ 2, 3: Ord. 94-3 § 1)

16.16.015: PHASED DEVELOPMENT

- A. Due to limited staffing and resources, subdivisions consisting of more than 20 parcels shall be developed in phases. Applicants must submit a preliminary application encompassing the entire subdivision, including all parcels. Subsequent to preliminary approval, applicants shall submit separate final applications for each phase of the subdivision. Each phase shall include no more than 20 parcels per application. Millville may, in its discretion, require applicants to finish all required improvements for a final application before approving any subsequent final applications.
- B. Final platting and construction of improvements may be accomplished in stages (phases) covering reasonable portions of the area of an approved preliminary subdivision plan. When this is done, each final plat shall contain a vicinity map showing the location of the portion being submitted in relation to the area for which the preliminary subdivision plan was submitted. All final subdivision plans so submitted shall

be of the same scale, shall have identical titles, legends and other information, and shall have match lines so that mosaics of the entire subdivision can be developed. Each stage of the subdivision shall be as nearly self-sustaining and complete as possible and shall by itself, or in conjunction with previous stages, meet the design standards set forth in these regulations so that if development of the entire subdivision is interrupted or discontinued after one or more stages is completed, a viable development will result. (Ord. 2025-1, 2025: Ord. 2022-2, 2022: Ord. 2019-6, 2019: Ord. 2008-4, 2008: Ord. 2003-4 §§ 1, 2, 2003: Ord. 2002-2 § 2, 2002: Ord. 2000-17 §§ 2, 3: Ord. 94-3 § 1)

16.16.020: PRELIMINARY APPLICATION

A. To be considered complete, a **preliminary** subdivision application must include at least the following elements:

1. A cover letter and application, including:
 - a. The subdivision name, subdivider name, subdivider agent name and contact information, and year of submittal;
 - b. Names of Developer or Subdivider: The written names, addresses, and phone numbers of the developer or subdivider, and the individual or firm responsible for the preparation of the preliminary plat and plans on the cover page;
 - c. Name of Agent: The developer shall designate, in writing, the name of the agent who shall be available at all times during construction and who shall not be replaced without a written notice to the City Engineer. The agent will be the developer's representative at the site and shall have the authority to act on the developer's behalf;
 - d. Zoning and Land Use: Existing zoning and land use of proposed subdivision and immediately adjacent areas;
 - e. Summary and Identification of Number of Lots: A summary of the total number of acres, number of lots, number of lots within the hillside overlay by each overlay class, acreage of commercial or industrial areas, acreage of open space, amount of land in City and County right of way and other descriptive material useful in reviewing the proposed subdivision. Additionally, the applicant must include the estimated square footage of

asphalt that will be required to be sealed by the developer within two years;

- f. Development and Maintenance Responsibility: A statement describing the development and maintenance responsibility for any private streets, ways or open space, and retention/detention ponds;
- g. Recommendations: The recommendations of a qualified professional engineer regarding soil suitability, erosion control, sedimentation and flooding problems;
- h. Schedule of Phasing: A description of the phasing and scheduling of phases for the development if it is to be constructed in separate phases;
- i. Owners of Subdivided Lots: One copy of a list of the names and addresses of all owners of subdivided lots and unplatted land contiguous to or within six hundred feet (600') of the boundary of the proposed subdivision;

- 2. An approved land use application that describes how the property will be used after it is subdivided.
 - a. If the intended use is permitted by right under City code, the land use application must include citations to the specific code(s) that the applicant believes authorizes the intended use.
 - b. If the intended use requires a conditional use permit or is otherwise conditioned on City approval, the land use application must include an approved, City-issued permit authorizing the intended use. Should an applicant seek a use permit concurrently with a related subdivision application, the subdivision application shall be considered incomplete until the use permit is issued.
 - c. If the intended use is prohibited under City ordinances and requires a variance or rezone, the land use application must include an approved, City-issued variance or rezone authorizing the intended use. Should an applicant seek a variance or rezone concurrently with a related subdivision application, the subdivision application shall be considered incomplete until the variance is issued or rezone occurs.
 - d. If the applicant intends or is required to submit a petition for annexation for any part of the subdivision, this petition must be approved by the City Council before the subdivision application may be considered complete.

3. A preliminary plat. The preliminary plat must be drawn to scale, in detail, and in accordance with generally accepted surveying standards and the acceptable filing standards of the County Recorder's Office. The preliminary plat must contain the following information:
- a. The name of the subdivision. The name shall not duplicate or too closely resemble the name of any subdivision previously filed in the County;
 - b. Date of preparation, scale and north arrow. The top of each sheet shall represent north wherever possible;
 - c. A vicinity map drawn at a scale of one inch equals one thousand feet (1" = 1,000') or one inch equals two thousand feet (1" = 2,000'), showing the location of the proposed subdivision in the City and its relationship to surrounding developments and boundaries;
 - d. The boundaries, course, and dimensions of all of the parcels.
 - e. A legal description of the subdivision boundary prepared by a Utah licensed surveyor with a certification that the surveyor(s) who prepared the plat is licensed and verified the results of the survey;
 - f. Layout, numbers, frontage, and approximate dimensions of proposed lots and blocks. Do not number blocks. Number lots consecutively;
 - g. Location, dimension and size in acres of all sites proposed to be used for commercial, industrial, multi-family residential, public or quasi-public use with the use noted;
 - h. The boundary lines of the subdivision shown in a heavy, solid black line and referenced to section or quarter section lines, and survey monuments established within Millville City;
 - i. The lot or unit reference; block or building reference; street or site address; street name or coordinate address; acreage or square footage for all parcels, units, or lots; and length and width of the blocks and lots intended for sale.
 - j. Every existing right-of-way and recorded easement located within the plat for underground, water, and utility facilities.

- k. Any known and unrecorded water conveyance facility located, entirely or partially, within the plat.
 - l. Whether any parcel is intended to be used as a street or for any other public use;
 - m. Whether any parcel is reserved or proposed for dedication for a public purpose;
 - n. Up to date locations and dimensions of all easements of record. This can be obtained by calling the county recorder's office.
 - o. A symbolic description of all monuments, both found and set, which mark the boundary of the subdivision, and a description of all control monuments used in the survey;
 - p. Location and extent of any significant natural features such as slopes, rivers, streams, creeks, arroyos, gullies, diversion ditches, spillways or reservoirs;
 - q. Location, dimensions, numbers (and names if applicable) of existing roads, streets, sidewalks, alleys, railroad rights of way and structures within one hundred feet (100') immediately adjacent to the proposed subdivision showing how they relate to the proposed subdivision layout;
 - r. The substance of all other covenants, grants of easements or restrictions to be imposed upon the use of the land, buildings, and structures;
 - s. Parcels completely or partially surrounded by the area being subdivided shall be clearly marked "EXCEPTED", and the common boundary with the subdivision shown in a heavy solid line with bearings and distances;
 - t. Signature blocks for the owners of the land to be subdivided, the Planning Commission Chair, the Development Coordinator, and the Mayor.
4. An improvement plan, including engineering plans, created in accordance with applicable portions of this Title and the Millville City Manual of Design and Construction Standards, for all public improvements proposed by the applicant or required by City ordinances. The improvement plan must contain:
- a. Plan view of all property under the control of the subdivider and the subdivider's affiliates, even though only a portion is being subdivided,

including the prospective lots, street, sewer, storm water, and culinary water systems for the platted and unplatted parts;

- b. Location and width of proposed streets, alleys, pedestrian-ways and easements with the associated details necessary to construct including the plan and profile of existing and proposed grades for each street; the cross sections of each street showing the width of sidewalks, curb and gutter or grassy swales, and the location of utility mains, and labeled slopes of all street tangents in compliance with the Millville City Manual of Design and Construction Standards;
- c. Existing contours at a maximum interval of two feet (2') for slopes greater than two percent (2%). For slopes of two percent (2%) or less, contour intervals shall be one foot (1'), unless waived by the City engineer;
- d. Number and location of lots within the following slope classes labeled on the plat:
 - i. Slope Class 1 lots: Lot area of a minimum of fourteen thousand (14,000) square feet (see definitions in this title), labeled HO-1.
 - ii. Slope Class 2 lots: Lot area of a minimum of twenty thousand (20,000) square feet labeled HO-2.
 - iii. Slope Class 3: Lot area of a minimum of twenty six thousand (26,000) square feet labeled HO-3.
 - iv. Slope Class 4: Lot area of a minimum of thirty two thousand (32,000) square feet labeled HO-4.
 - v. Slope Class 5: Lots that are not eligible for development or construction as defined in this code. Herein defined as Hazard Slope Areas (HS)
 - (a) Slope classification will be reviewed after the improvements have been completed to verify that all parcels still fit within the slope class that was designated on this plat.
 - (b) Applicants will be responsible for any costs necessary for reviewing and verifying the slopes.

- (c) If there are any discrepancies between the slope listed on the plat and the slope as measured during the review process, the application will be rejected and the applicant must restart the application process, including a new application fee.
- e. Variations: Variations from the development standards within the hillside overlay zone will be considered only when a geotechnical (soils) report is prepared and stamp certified by a state of Utah registered professional engineer. The engineer will verify in detail how the proposed building could be safely located on the sloped lot. If retaining systems such as reinforced concrete walls or proprietary retaining wall products such as "reinforced earth" were used as part of the building, they would have to be prepared by a state of Utah registered professional engineer and reviewed by the City engineer. The cost of preparing the soils report and retaining plans would be the responsibility of the developer. A review fee of seven hundred and fifty dollars (\$750.00) is required in addition to the hillside development fee to cover the costs of the City having to review and verify the additional reports, plans, and specifications;
- f. Construction Drawings: Construction drawings prepared in accordance with the "Millville City Manual of Design and Construction Standards" and this Title.
- g. Drainage Report: A drainage report prepared in accordance with the "Millville City Manual of Design and Construction Standards".
- h. Soils Report: A soils report prepared in accordance with the "Millville City Manual of Design and Construction Standards".
- i. Development Layout Plan: A development layout plan if development is to be constructed in phases.
- j. Other Studies: Other associated studies if required by Planning and Zoning Commission. (Geological or other hazard studies.)
- k. Minimum Building Setbacks: For residential subdivisions, all minimum building setbacks shall be shown. No 50-year flow line shall encroach upon any minimum setback line.
- l. Floodplains as delineated on the FEMA maps. These are available in the office of the City engineer, downloadable from the Automated Geographic

Reference Center (AGRC) and the Federal Emergency Management Agency;

- m. Location of Geological Fault Zones;
- n. Location, size, and grades of existing sewer and stormwater and location and size of water mains, wells (active or abandoned), reservoirs, gas lines, pipelines, power lines, telecommunication lines, or other underground, above ground and at grade utilities or installations within the proposed subdivision and within one hundred feet (100') immediately adjacent thereto;
- o. Existing irrigation ditches, canals, open waterways, and proposed alignments or realignments within the tract and to a distance of at least one hundred feet (100') beyond the tract boundaries; along with a letter from the affected irrigation companies indicating the plans are acceptable must be submitted to the City.
- p. A traffic study is required for any major subdivision unless determined not necessary by the Planning and Zoning Commission.
- q. Stormwater Improvements: Plan and profile of the stormwater improvements along each street including all inlets, manholes, pipe alignments, sizes, grades, and materials, outlets, etc. Location, grading, size and capacity of proposed stormwater detention and retention ponds, stormwater low impact development systems (LIDs) as required by the Utah Division of Water Quality, with the associated details necessary to construct in compliance with Millville City Manual of Design and Construction Standards;
- r. Sewer Improvements: Location, size and capacity of proposed sanitary sewer system with the associated details necessary to construct including plan and profile drawings along the centerline of the sewer system, manhole locations, pipe sizes and grades, pipe material, etc. inc compliance with Millville City Manual of Design and Construction Standards;
- s. Culinary Water Improvements: Location, size and capacity of proposed culinary water system with the associated details necessary to construct including plan and profile drawings along the centerline of the water system, valves, fire hydrants, services, meters, grades, pipe sizes, pipe material, etc. in compliance with Millville City Manual of Design and Construction Standards;

- t. Irrigation Improvements: Location, size and capacity of proposed irrigation or secondary water system with the associated details necessary to construct including plan and profile drawings along the centerline of the system and showing all necessary appurtenances to construct the system in compliance with Millville City Manual of Design and Construction Standards;
- u. Stormwater Pollution Prevention Plan: A Stormwater Pollution Prevention Plan in accordance with the Construction General Permit issued by the Utah Division of Water Quality and the Millville City Manual of Design and Construction Standards as approved by the City engineer;
- v. Copies of draft stream alteration permits, wetland reports, and any other reports and documentation necessary to obtain building permits;
- w. A phased development plan, if applicable;
- x. The improvement plan shall be prepared and stamped as to its accuracy by a registered professional engineer licensed to do such work in the State of Utah and identified as "FOR CONSTRUCTION";
- y. All infrastructure in the public right-of-way will be installed in accordance with the "Millville City Manual of Design and Construction Standards."

5. Certifications, including:

- a. An affidavit from the applicant certifying that the submitted information is true and accurate.
- b. The signature of each owner of record of land described on the preliminary plat, signifying their consent to the preliminary subdivision application and their intent to dedicate portions of the preliminary plat to the public as described in the application.
- c. The mortgagees, if any, shall provide the City with a letter confirming that they are aware of the subdivision and concur with the subdivision filing.
- d. Certification that the surveyor who prepared the plat:
 - i. Holds a license in accordance with Utah Code 58-22; and
 - ii. Either:

- (a) Has completed a survey of the property described on the plat in accordance with state requirements and has verified all measurements; or
 - (b) Has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; and
 - iii. Has placed monuments as represented on the plat.
 - e. Utility Companies Statements: A statement, obtained by the developer, from each utility company involved, including the culinary water authority and the sanitary water authority, stating that they have reviewed the plan and are setting forth their comments concerning the extent of services and the design of utility easement.
 - f. Letter From U.S. Army Corp Of Engineers: Letter from U.S. Army Corp of Engineers and Utah Division of Water Rights indicating their approval if wetlands, stream alterations or other criteria necessitate their involvement.
 - g. Proof of adequate water rights to service the proposed subdivision and dedicate to the City as required under this Title.
6. Copies, including:
- a. An electronic copy of all application materials in PDF format.
 - b. Eight (8) printed copies of all application documents.
7. Fees: Payment of any preliminary-application-processing fees required by the City. In addition to the fees on the City's Fee Schedule, the applicant may be liable for the reasonable cost of any legal, engineering, or consulting review of the application that exceed the posted fees. All fees must be paid prior to consideration. (Ord. 2025-1, 2025: Ord. 2022-2, 2022: Ord. 2019-6, 2019: Ord. 2008-4, 2008: Ord. 2004-9, 2004: Ord. 2003-4 § 1, 2003: Ord. 2002-7 § 1, 2002: Ord. 2002-4 §§ 1, 2, 2002: Ord. 2002-2 §§ 2, 3, 2002: Ord. 2000-17 § 2: Ord. 94-3 § 1).

16.16.030: FINAL APPLICATION

A. To be considered complete, a **final** subdivision application must include the following:

1. Land Use Authority approval of the applicant's preliminary application, given within the last 180 calendar days.
2. The approved land use application that was accepted during the preliminary application review process.
3. A final plat. The final plat should be the version of the preliminary plat approved by the City during the preliminary application review process, plus any other additions and immaterial changes (e.g., formatting) necessary to comply with the recording requirements of the County Recorder's Office, plus:
 - a. The signature of each owner of record of land described on the plat, signifying their dedication and approval of the plat (an "owner's dedication");
 - b. Phased Development: Final platting and construction of improvements may be accomplished in stages (phases) covering reasonable portions of the area of an approved preliminary subdivision plan. When this is done, each final plat shall contain a vicinity map showing the location of the portion being submitted in relation to the area for which the preliminary subdivision plan was submitted. All final subdivision plans so submitted shall be of the same scale, shall have identical titles, legends and other information, and shall have match lines so that mosaics of the entire subdivision can be developed. Each stage of the subdivision shall be as nearly self-sustaining and complete as possible and shall by itself, or in conjunction with previous stages, meet the design standards set forth in these regulations so that if development of the entire subdivision is interrupted or discontinued after one or more stages is completed, a viable development will result.
 - c. A signed certificate by all parties having any titled interest in or lien upon the land, consenting to the recording of the plat and dedicating public ways, grounds, and easements. The certificate shall read:

CERTIFICATE OF DEDICATION

Know all men by these presents that the undersigned (official name of the subdivider), being the owner, proprietor, or parties of interest in the land shown in this plat, do hereby certify:

That the foregoing plat designated as (name of subdivision or addition), is located in (Section, Township, Range, City, County, State), and is more particularly described as follows:

(Insert full legal description)

and contains an area of (insert acreage) acres, more or less, and that this subdivision, as it is described and as it appears on this plat, is made with the free consent and in accordance with the desires of the undersigned owner(s) and proprietor(s), and that this is a correct plat of the area as it is divided into lots, blocks, streets and easements, and that the undersigned owner(s) of the land shown and described on this plat does (do) hereby dedicate to the City of Millville and its licensees for perpetual public use all streets, alleys, easements for the purposes designated and other lands within the boundary lines of the plat as indicted and not otherwise dedicated for public use.

Executed this day of , A.D., 20 , by:

(Designation of interest: owner, mortgagee, etc.)

d. Certificate of a registered land surveyor as follows:

I, do hereby certify that I am a registered land surveyor licensed under the laws of the State of Utah in accordance with Utah Code 58-22, that this plat is a true, correct, and complete plat of (Subdivision Name) as laid out, platted, dedicated, and shown hereon, that such plat was made from an accurate survey of said property by me and under my supervision and correctly shows the location and dimensions of the lots, easements, and streets of said subdivision as the same are staked upon the ground in compliance with the City of Millville regulations governing the subdivision of land to an accuracy of one part in ten thousand (10,000).

DATE

(Registered Land Surveyor)

No.

- e. A utility approval block bearing signatures indicating approval of the plat by the local communications companies, and fuel company, or their successors;
- f. An approval block for Rocky Mountain Power acceptance stating:
 - i. Pursuant to Utah Code Ann. § 54-3-27 this plat conveys to the owner(s) or operators of utility facilities a public utility easement along with all the rights and duties described therein.
 - ii. Pursuant to Utah Code Ann. § 17-27a-603 (4)(c)(ii) Rocky Mountain Power accepts delivery of the PUE as described in this plat and approves this plat solely for the purpose of confirming that the plat contains public utility easements and approximates the location of the public utility easements, but does not warrant their precise location. Rocky Mountain Power may require other easements in order to serve this development. This approval does not affect any right that Rocky Mountain Power has under:
 - (a) a recorded easement or right-of-way
 - (d) the law applicable to prescriptive rights
 - (c) Title 54, Chapter 8a, Damage to Underground Utility Facilities or
 - (d) any other provision of law.

Representative

Title:

Date:

- g. An approval block for Enbridge Gas stating:

Enbridge Gas approves this plat solely for the purpose of confirming that the plat contains public utility easements. Enbridge Gas may require other easements in order to serve this development. This approval does not constitute abrogation or waiver of any other existing rights, obligations or liabilities provided by law or equity. This approval does not constitute acceptance, approval or acknowledgement of any terms contained in the

plat, including those set in the owner's dedication and the notes and does not constitute a guarantee of particular terms of natural gas service. For further information, please contact Enbridge Gas.

- h. Certificate for recording by the County Recorder as follows:

Entry # _____
STATE OF UTAH, COUNTY OF CACHE, RECORDED AND FILED AT
THE REQUEST OF _____
DATE _____ TIME _____ BOOK _____ PAGE _____ FEE _____

CACHE COUNTY RECORDER

- i. If the subdivision is located in whole or in part within three hundred feet (300') of the boundary of an agriculture protection area, the face of the final plat shall contain the following notice:

Agriculture Protection Area

This property is located in the vicinity of an established agriculture protection area in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future be conducted on property included in the agriculture protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities.

- j. If the subdivision is located within one hundred feet (100') of the centerline of an irrigation canal, the following acceptance block should be completed by the irrigation company:

The (Name of Company) has reviewed this plat and approves the information shown hereon including easements and irrigation infrastructure.

Representative:

Title:

Date:

- k. Floodplain: If a subdivision lies within any 100-year floodplain, the following statement shall appear on the face of the final plat and all contracts and agreements relating to the subdivision:

THIS SUBDIVISION IS (OR THE FOLLOWING LOTS ARE) LOCATED IN THE ONE HUNDRED YEAR FLOOD PLAIN AS DEFINED BY THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

- l. Geological Fault Zones: If a subdivision or lot lies within five hundred feet (500') or over a known geological fault, the following statement shall appear on the face of the final plat and all contracts and agreements relating to the subdivision:

THIS SUBDIVISION IS (OR THE FOLLOWING LOTS ARE) LOCATED WITHIN FIVE HUNDRED FEET OF A KNOWN GEOLOGICAL FAULT.

- 4. Completion Assurance: A completion assurance for all public improvements required by the approved improvement plan, or a statement that such improvements will be completed before development occurs on the proposed subdivision and before the applicant records the plat. The City Engineer will determine a reasonable value of the required public improvements to guarantee the complete and timely development of any facilities or improvements, which are the subdivider's responsibility. The completion assurance shall be in the form of a performance bond or escrow. The amount of the guarantee shall not exceed 110% of the cost of completing all improvements.
- 5. Transfer documents for water rights required by this Title as a condition of subdivision approval.
- 6. Certifications, including:
 - a. A Title Report or Title Insurance Policy for the land to be subdivided verifying property ownership.
 - b. A Tax Clearance Certificate from the state indicating that all taxes, interest, and penalties owing on the land have been paid.
 - c. An affidavit from the applicant certifying that the submitted information is true and accurate.

- d. The signature of each owner of record of land described on the plat, signifying their consent to the final subdivision application and their dedication and approval of the final plat.
- 7. Binding dedication documents, including:
 - a. As applicable, formal, irrevocable offers for dedication to the public of streets, City uses, utilities, parks, easements, or other spaces.
 - b. If the plat is to be part of a community association, signed and binding documents conveying to the association all common areas.
 - c. Copies of protective covenants, trust agreements and homeowners' association articles and bylaws, including those required by the City, to govern resubdivision, and other potential changes which might significantly alter the subdivision as approved by the City with regard to the criteria and standards of these regulations.
- 8. Copies, including:
 - a. A PDF document of the final plat and all other application materials.
 - b. A printed copy of all application materials for City review.
 - c. A final Mylar copy of the plat for signing and recording.
- 9. Payment of any final-application-processing fees required by the City. In addition to the fees on the City's Fee Schedule, the applicant may be liable for the reasonable cost of any legal, engineering, or consulting review of the application not covered by the published fees. (Ord. 2025-1, 2025).

16.16.040: MINOR SUBDIVISION (1-3 Lots and No New Streets or Other Major Improvements)

- A. To be eligible for the Minor Subdivision process, the land may be subdivided into no more than 3 lots and must not require any new streets or other major improvements.
- B. The Minor Subdivision process is identical to the process for Preliminary and Final Applications established in section 16.16.020 and 16.16.030. All steps and requirements set forth in these chapters are to be followed EXCEPT FOR:

1. Because a Minor Subdivision does not need major improvements, applicants need not submit a full improvement plan. Applicants can skip the requirements in 16.16.020 A.4 and instead need only submit:
 - a. An improvement plan, including engineering plans with slope classes identified, created in accordance with applicable portions of this Title and the Millville City Manual of Design and Construction Standards, for the construction of public sidewalks along existing roads, as required by City ordinances. (Ord. 2025-1, 2025).

16.16.050: AGRICULTURAL SUBDIVISIONS

- A. The Agricultural exemption is to be used for land that will continue to be used for agriculture. If the land is likely to be developed for residential or commercial use in the future, please divide the land using the Minor Subdivision exemption above.
- B. Applications to subdivide agricultural land are exempt from preliminary and final plat requirements, the improvement plan requirement, and the completion assurance requirement (but not the other application requirements) of this Chapter if the parcels to be subdivided:
 1. Qualify as land in agricultural use under Utah Code §59-2-502;
 2. Meet the minimum size requirement of applicable City land use ordinances; and
 3. Are not used and will not be used for any nonagricultural purpose.
- C. For subdivision applications for which this exception applies, an applicant may submit to the City—in place of a plat—a record of survey map that illustrates the boundaries of the parcels.
- D. If the City approves a subdivision application based on a record of survey map, the applicant shall record the map, signed by the City, with the County Recorder's Office.
- E. If a parcel resulting from a subdivision under this exception ever ceases to be used for agriculture, the subdivision shall become invalid. The City may, in its discretion, require a subdivision amendment before issuing a building permit. (Ord. 2025-1, 2025).

MILLVILLE CITY CODE
TITLE 16 - SUBDIVISIONS
CHAPTER 16.20 - APPLICATION REVIEW PROCEDURE

[16.20.010: OVERVIEW](#)

[16.20.020: PRE-APPLICATION MEETING AND CONCEPT PLAN REVIEW \(OPTIONAL\)](#)

[16.20.030: NOTICE TO AFFECTED ENTITIES](#)

[16.20.040: REVIEW PROCESS](#)

[16.20.050: APPROVAL AND RECORDING](#)

[16.20.060: AMENDING A SUBDIVISION](#)

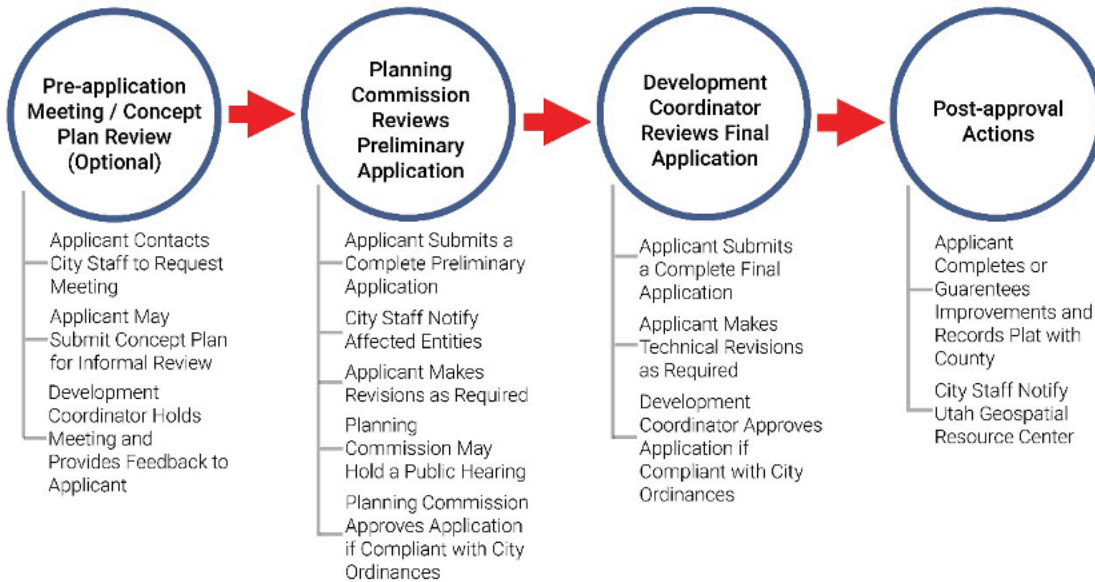
[16.20.070: LOT LINE ADJUSTMENTS](#)

16.20.010: OVERVIEW

1. The City shall not approve, nor shall a party record, any plat or other creating instrument for a new subdivision unless the party has properly applied under this Chapter and received both a preliminary approval and a final approval from the respective Land Use Authorities.
2. The review and approval process described in this Chapter applies to all subdivisions, whether Major or Minor. (Ord. 2025-1, 2025: Ord. 2022-2, 2022: Ord. 2019-6, 2019: Ord. 2017-5, 2017: Ord. 2008-4, 2008: Ord. 2004-9, 2004: Ord. 2003-4 §§ 1, 2, 2003: Ord. 2002-4 § 1, 2002: Ord. 2002-2 § 2, 2002: Ord. 2000-17 § 2: Ord. 94-3 § 1)



SUBDIVISION APPLICATION PROCESS: OVERVIEW



16.20.020: PRE-APPLICATION MEETING AND CONCEPT PLAN REVIEW (OPTIONAL)

- A. A prospective applicant may request a pre-application meeting with the Planning Commission for the purpose of reviewing any element of the party's proposed subdivision application (preliminary or final). The proposed application need not be complete for purposes of this meeting.
1. If a prospective applicant requests a pre-application meeting, the Development Coordinator shall schedule the meeting within 15 business days after the request. The meeting shall be scheduled to occur at the next regularly scheduled Planning Commission meeting for which appropriate notice is attainable.
 2. The Planning Commission shall conduct the meeting, provide feedback on materials as requested by the party, and shall provide or have available on the City website the following at the time of the meeting:
 - a. Copies of applicable land use regulations,

- b. A complete list of standards required for the project, and
 - c. Relevant application checklists.
- B. The purpose of this pre-application procedure is to identify any problems with the proposed development before significant expenses are incurred in the preparation of a preliminary plat, improvement plans, and required supporting material. Prospective applicants are therefore strongly encouraged to submit a concept plan to the Development Coordinator for review at this meeting.
 - 1. Any concept plan submitted shall contain at least the elements listed in Section 16.16.010.
 - 2. The prospective applicant should also be prepared to discuss the following with the Development Coordinator at the pre-application meeting:
 - a. Procedures and requirements for filing the preliminary and final plats;
 - b. Availability of public water, sewer, storm drainage, and other requirements when public systems are not readily available;
 - c. Zoning requirements on the property;
 - d. Requirements of the duly adopted roadway corridor study, sidewalk and curb and gutter plan, master plans, land uses, schools, parks and other public open space;
 - e. The location and extent of any floodplains as shown by FEMA maps in the office of the City engineer;
 - f. Soil types and problems on the property as shown on available soil survey maps prepared by the soil conservation service and available through the NRCS website;
 - g. The location of well protection and drinking water source protection zones;
 - h. The location of all property in the development that may fall under the hillside development overlay;
 - i. Proximity to any established agriculture protection area;
 - j. Stormwater runoff requirements;

- k. Any other improvement requirement
- l. The prospective applicant's tentative proposals for the development of the entire adjacent property controlled by the developer or the developer's affiliates. (Ord. 2025-1, 2025: Ord. 2022-2, 2022: Ord. 2017-6, 2017: Ord. 2008-4, 2008: Ord. 2004-9, 2004: Ord. 2003-4 §§ 2, 4, 2003: Ord. 2002-2 § 2, 2002: Ord. 2000-17 § 2: Ord. 94-3 § 1)

16.20.030: NOTICE TO AFFECTED ENTITIES

- A. Immediately after receipt of a complete preliminary subdivision application, the Development Coordinator shall:
 - 1. Place consideration of the application on the agenda for the next Planning Commission meeting, provided that the deadlines in Section 16.20.040 are observed; and
 - 2. Refer a copy of the subdivision application to the following individuals and entities for the purpose of supplying the Land Use Authorities with comments on the proposed application:
 - a. The utility companies proposed to service the subdivision;
 - b. The City Engineer;
 - c. The School District;
 - d. The Police Department;
 - e. Any special district overlaying the subdivision;
 - f. The Fire Department;
 - g. The Cache County zoning administrator and/or countywide planner if County right of ways or land outside of the current City annexed areas are impacted;

- h. The current solid waste contractor for garbage collection review if the subdivision is commercial or industrial;
 - i. The Hyrum City Wastewater Treatment Plant;
 - j. Other entities as determined necessary.
- B. Within fifteen (15) calendar days after receiving a complete subdivision application under this Chapter, the Development Coordinator shall provide written notice of the proposed subdivision to the facility owner of any known water conveyance facility located, entirely or partially, within 100 feet of the subdivision plat.
 - 1. To determine whether any water conveyance facility is located within 100 feet of a proposed subdivision, the City Manager or designee shall review information:
 - a. From the facility owner under Utah Code §10-9a-211, using mapping-grade global positioning satellite units or digitized data from the most recent aerial photo available to the facility owner;
 - b. From the state engineer's inventory of canals; or
 - c. From a licensed surveyor who has consulted with a representative of an existing water conveyance facility that services an area near the land the application concerns.
 - 2. To give water conveyance facilities time to provide feedback on subdivision applications, the Land Use Authority shall not approve a preliminary (or related final) subdivision application under this Chapter sooner than 20 calendar days after the applicant submits a complete application. This waiting period does not apply to revised applications the applicant may submit during the application review process.
 - a. A water conveyance facility owner's failure to provide comments to the Land Use Authority about a subdivision application does not affect or impair the Land Use Authority's authority to approve the subdivision application. (Ord. 2025-1, 2025: Ord. 2008-4, 2008: Ord. 2002-2 § 1, 2002: Ord. 94-3 § 1)

16.20.040: REVIEW PROCESS

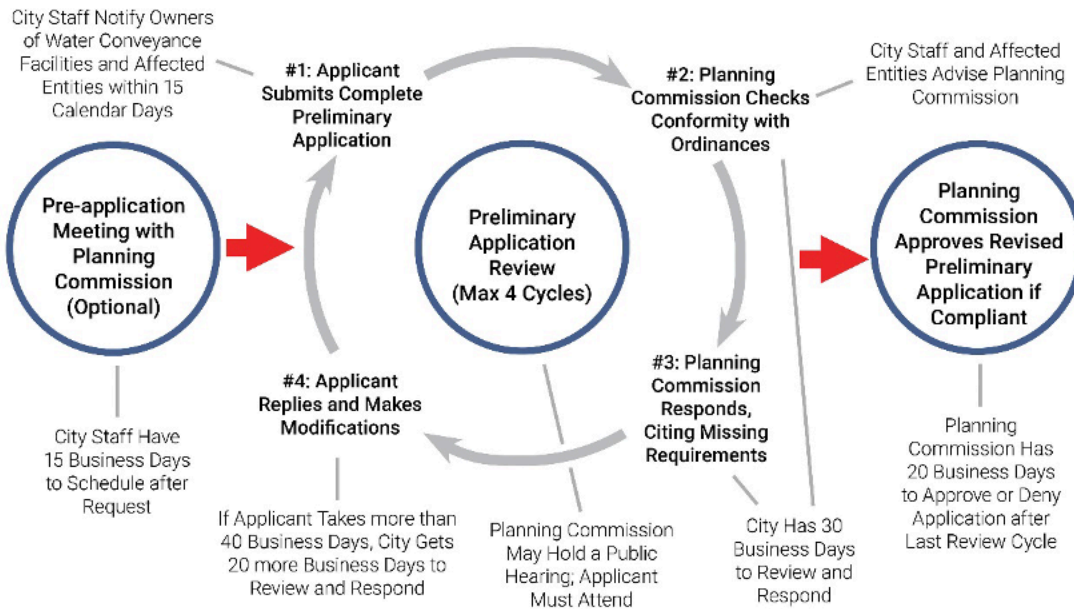
- A. For both preliminary and final applications, the application review process begins when an applicant submits a complete application.
 - 1. The Land Use Authority shall not review an incomplete subdivision application, except to determine whether the application is complete.
 - 2. If the Land Use Authority determines that an application is incomplete, it shall notify the applicant of the incompleteness, highlighting any insufficiencies and explaining that the application will not be reviewed until it is complete.
- B. For both preliminary and final applications, after the applicant submits a complete application, the Land Use Authority shall review and provide feedback to the applicant in a series of “review cycles.”
 - 1. A review cycle consists of the following phases:
 - a. Phase #1: The applicant submits a complete application (or, if after the first cycle, submits a revised version of the complete application).
 - b. Phase #2: The Land Use Authority reviews the application in detail and assesses whether the application conforms to local ordinances. Affected entities and City staff provide comments on the application, and the Land Use Authority considers these comments.
 - c. Phase #3: The Land Use Authority responds to the applicant, citing any missing requirements or areas of noncompliance and providing a detailed list of necessary revisions to the applicant. For any required modification or addition to the application or request for more information, the Land Use Authority shall be specific and include citations to ordinances, standards, or specifications that require the modification or addition and shall provide the applicant with an index of all requested modifications or additions.
 - d. Phase #4: The applicant revises the application, addressing each comment or requirement the Land Use Authority made. The applicant must submit both revised plans and a written explanation in response to the City’s review comments, identifying and explaining the applicant’s revisions and reasons for declining to make revisions, if any. If the applicant fails to respond to a comment made by the Land Use Authority

in its review, the review cycle is not complete and will remain open until the applicant addresses all comments.

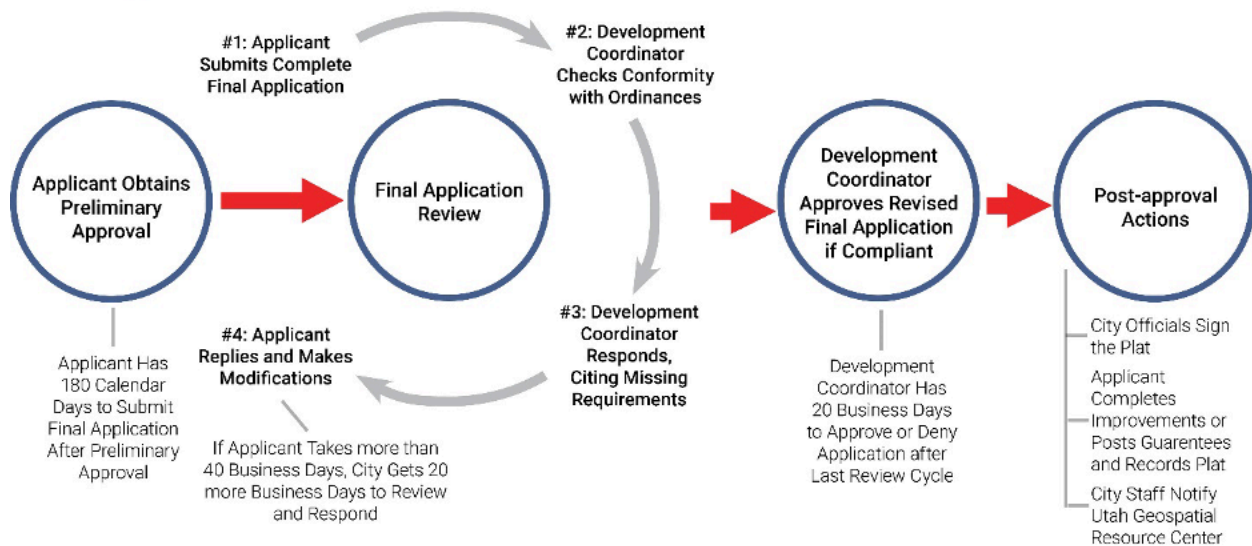
Table 16.20.040 – Review Cycles, Hearings, and Timelines by Subdivision Use Type					
<i>Use Type</i>	<i>Approval Stage</i>	<i>Max Review Cycles</i>	<i>Max Public Hearings</i>	<i>City Turnaround Deadline**</i>	<i>Applicant Turnaround Deadline***</i>
1-2 Family Residential*	Preliminary	4	1	30 Business Days	180 Calendar Days
	Final	1	0	30 Business Days	180 Calendar Days
All Other Uses	Preliminary	6	2	30 Business Days	180 Calendar Days
	Final	1	0	30 Business Days	180 Calendar Days
*Includes single-family homes, duplexes, and townhomes. **Describes the total time (per review cycle) the City may take to complete both Phase #2 and Phase #3. ***Describes the total time (per review cycle) the applicant may take to submit a revised application before the application expires.					



SUBDIVISION APPLICATION PROCESS: PRELIMINARY



SUBDIVISION APPLICATION PROCESS: FINAL



C. The Land Use Authorities shall adhere to the maximum number of review cycles and the review deadlines described in Table 16.20.040, except as described below. If no further revisions are needed, a Land Use Authority may end the review process early and approve or deny the preliminary or final application.

1. This provision notwithstanding, for any subdivision application that affects property within an identified geological hazard area, the City is exempt from limits on the number of permitted review cycles and the City's deadlines for reviewing and responding (Phases #2 and #3).
2. If the applicant makes a material change to a preliminary or final application not requested by the City at any point in the review process, the Land Use Authority may restart the review process, but only with respect to the portion of the application that the material change substantively affects.
3. For both preliminary and final applications, if an applicant takes longer than 40 business days to submit a revised application and respond to the City's requests for modifications and additions (Phases #1 and #4), the City shall have an additional 20 business days to review and respond to the revised application (Phases #2 and #3 of the next review cycle or issuing an approval decision).
4. For both preliminary and final applications, if an applicant takes longer than 180 calendar days to submit a revised application and respond to the City's requests for modifications and additions (Phases #1 and #4), the application shall, at the option of the Land Use Authority, expire. If an application expires, the applicant must restart the subdivision application process.
5. If the applicant has not submitted a final application within 180 calendar days after the Land Use Authority notifies the applicant that it has approved the related preliminary application, the related preliminary approval shall expire. In this case, the applicant shall not submit a final application until the Land Use Authority has issued a new preliminary application approval.
6. The applicant or an authorized agent of the same must attend any public meeting or hearing held by the Planning Commission at which the application is considered. If the applicant does not attend a meeting, the City's deadlines for reviewing and responding (Phases #2 and #3) shall extend by the number of days between the public meeting or hearing the applicant or agent did not attend and the next meeting of the Planning Commission.

D. When a preliminary or final application's review period ends, the Land Use Authority shall approve or deny the respective preliminary or final application within 20 business

days. If the Land Use Authority has not approved or denied the application within 20 business days after the allotted review cycles are complete, the applicant may request a decision. After such a request, the municipality shall, within 10 business days:

1. For a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Utah Code §10-9a-508(5)(d) to review and approve or deny the revised set of plans; or
 2. For a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to the designated Appeal Authority.
- E. After the Land Use Authority provides comments in the last allotted review cycle for a final application, the City shall not require further modifications or corrections to the application unless those modifications or corrections are necessary to protect public health and safety or to enforce state or federal law or unless the review cycle reset due to the applicant making a material change that the Land Use Authority did not request.
1. With the exception of modifications or corrections that are needed to protect public health and safety, that are needed to enforce state or federal law, or that arise from the review cycle being reset, the municipality waives noncompliant subdivision-related requirements that the Land Use Authority does not identify during the review process.
 2. The applicant shall make reasonable changes, unless prohibited otherwise by a contract or deed, to the subdivision application to accommodate the water conveyance facility to the extent required by Utah Code §73-1-15.5.
- F. The Planning Commission may hold one or more public hearings (up to the number described in Table 16.20.040) during the review period for a preliminary or final subdivision application.
1. The purpose of these public hearings is to ask questions of the applicant and receive commentary on the technical aspects of the application from affected entities, interested parties, and the public.
 2. A notice of the time, date, place and purpose of the hearing shall be published in compliance with Utah State noticing requirements. In its deliberations on the matter, the Commission shall consider oral or written statements from the applicant, the public, City staff, and its own members.
- G. Other chapters of this Title notwithstanding, the Land Use Authorities shall approve or deny preliminary and final applications under this Chapter after reviewing the complete

applications as described in this Section. (Ord. 2025-1, 2025: Ord. 2022-2, 2022: Ord. 2019-6, 2019: 2008-4, 2008: Ord. 2007-8, 2007: Ord. 2003-4 §§ 1, 2, 2003: Ord. 2002-2 § 2, 2002: Ord. 2000-17 § 2: Ord. 94-3 § 1)

16.20.050: APPROVAL AND RECORDING

- A. The Land Use Authority shall approve any complete preliminary and final applications made under this Chapter that comply with applicable City ordinances.
- B. The Land Use Authority shall issue all approvals in writing and shall certify the approved final plat, either by signing the plat directly or by attaching a signed certification to the plat.
- C. The applicant shall deliver (a) the approved and signed subdivision plat and (b) the recording fee described on the City's fee schedule to the Development Coordinator for recording with the County Recorder's Office within 180 calendar days after the City approves the subdivision application, provided that the applicant has completed any improvements or posted any completion assurance required by City ordinances or described in the approved improvement plan. No party shall record the approved final plat until the required public improvements are completed or assured in compliance with City ordinances and the approved improvement plan and until all outstanding fees have been paid.
 - 1. If the approved and signed plat is already in the City's possession, the applicant shall request recording, pay the recording fee, and provide proof that the improvements have been completed or guaranteed within the timeframe required in 16.20.050(C).
 - 2. An approved final plat not properly recorded within the timeline specified in this provision is void, unless the Planning Commission approves an extension.
 - 3. An approved final plat, the required improvements for which are not completed or guaranteed before recording, is void, unless and until the improvements are completed or guaranteed and the Planning Commission approves the post-recording completion or guarantee. (Ord. 2025-1, 2025: Ord. 2022-2, 2022: Ord. 2008-4, 2008: Ord. 2002-2 § 2, 2002: Ord. 2000-17 § 2: Ord. 94-3 § 1)

16.20.060: AMENDING A SUBDIVISION

A. Correcting Errors:

If, after the approval and recording of a final plat, errors are found in the language or numbers on the recorded plat, the subdivider shall file a properly signed, corrected or revised original Mylar or linen with the Development Coordinator. The plat shall be noted "CORRECTED PLAT" under the name of the subdivision. Notations shall be made on the face of the plat listing all corrections made and the book and page numbers where the original plat was recorded. The Development Coordinator shall review the plat and approve the correction if the correction is materially in line with the approved final plat and does not violate any City ordinance. The recording of the corrected plat shall void the incorrect original plat, and the County Recorder shall note "VOID" across the face of the incorrect plat.

B. Vacating a Plat:

The City Council may vacate a subdivision or a portion of a subdivision by enacting an ordinance to that effect that describes the subdivision or the portion being vacated and recording that ordinance in the County Recorder's Office. This vacation shall be done in compliance with this code and Utah State Code §10-9a-608 and §10-9a-609, as amended.

C. Material Amendment:

1. A fee owner of land in a platted subdivision may request a material subdivision amendment by filing a written petition with the City Council. This petition must meet all the requirements for a preliminary subdivision application specified in Chapter 16.16, with the following changes:

a. The preliminary plat (or the record of survey map, if applicable) should:

- i. Depict only the portion of the subdivision that is proposed to be amended;
- ii. Include a plat name distinguishing the amended plat from the original plat;
- iii. Describe the differences between the amended plat and the original plat;
- iv. Include references to the original plat; and

- v. Meet all the other plat requirements specified in Section 15.25.1.8 and Utah State Code §10-9a-603.
 - b. The petition must additionally include the name and address of each property owner affected by the petition and the signature of each of those property owners who consents to the petition.
 - c. The petitioner must include with the petition envelopes addresses to each property in the subdivision.
2. Upon receipt of an amendment petition, the City staff shall provide notice of the petition to:
- a. Each affected entity listed in Section 16.20.030. The City shall not approve an amendment petition until at least 10 calendar days after noticing these utility providers.
 - b. Each property owner in the subdivision. The City shall notify these property owners by mail.
3. The City Council shall hold a public hearing before approving an amendment petition and within 45 calendar days after the day on which the petition is submitted if:
- a. A property owner objects in writing to the amendment within 10 days of the City notifying the property owner by mail, or
 - b. Not every property owner in the subdivision has signed the revised plat.
4. The City Council need not hold a public hearing if notice has been given to adjoining property owners in accordance with any applicable local ordinance and the petition seeks to:
- a. Join two or more of the petitioner's contiguous lots;
 - b. Subdivide one or more of the petitioner's lots;
 - c. Adjust the lot lines of adjoining lots or between a lot and an adjoining parcel if the fee owners of each of the adjoining properties join in the petition, regardless of whether the properties are located in the same subdivision;

- d. On a lot owned by the petitioner, adjust an internal lot restriction imposed by the local political subdivision; or
 - e. Alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not owned by the petitioner or designated as a common area.
5. If the City Council approves the amendment petition, the City Council shall sign the amended plat, and the petitioner shall record the plat, subject to the completion or guarantee of any improvements. (Ord. 2025-1, 2025).

16.20.070: LOT LINE ADJUSTMENTS

- A. An agreement to adjust lot lines between adjoining properties, whether in a subdivision or on unsubdivided parcels of land, may be executed by the owners of record of said properties, and a document effectuating the lot line adjustment may be recorded after receiving approval from the Planning Commission. The Planning Commission may delegate review and approval of a lot line adjustment under this Section to the Development Coordinator. The Planning Commission shall approve if the following conditions are met:
- 1. The adjustment does not result in a subdivision.
 - 2. No new lot results from the lot line adjustment.
 - 3. No previously existing lot is eliminated as a result of the adjustment.
 - 4. If the properties to be adjusted are in a subdivision, the lot sizes, frontages and configurations are consistent with City Code.
 - 5. No lot is made undevelopable without a variance or other special consideration.
 - 6. All property owners directly affected by the lot line adjustment give their consent.
 - 7. The lot line adjustment does not result in a remnant piece of land that did not exist previously.
 - 8. The lot line adjustment does not result in the violation of any applicable zoning ordinance.

9. The lot line adjustment does not substantially alter legal lots that may otherwise need further review by the City Council in the form of a subdivision plat amendment. (Ord. 2025-1, 2025).

MILLVILLE CITY CODE
TITLE 16 - SUBDIVISIONS
CHAPTER 16.24 - IMPROVEMENTS

[16.24.010: IMPROVEMENT BONDING AND WARRANTY](#)

[16.24.020: DESIGN BY PROFESSIONAL ENGINEER](#)

[16.24.030: ON SITE REPRESENTATIVE](#)

[16.24.040: INSTALLATION OF IMPROVEMENTS](#)

[16.24.050: PARKS AND OPEN SPACE](#)

[16.24.060: AS-BUILT PLANS](#)

16.24.010: IMPROVEMENT BONDING AND WARRANTY

- A. Before an approved final subdivision plat may be recorded, and before a building permit may be issued, all improvements required by this Chapter or other City ordinances shall be either:
 - 1. Completed, inspected, and accepted by the City, or
 - 2. Guaranteed.
- B. The decision whether to guarantee a public improvement or to complete it before recording the plat rests solely with the applicant.
- C. All improvements are subject to City inspection before such improvements may be accepted by the City or considered complete. The City Public Works Department shall be responsible for conducting such inspections. Improvements shall be accepted only if they conform to applicable City ordinances and do not pose a risk to public health or safety. All public improvements are subject to the warranty described in this Section.

1. The applicant/developer shall, in accordance with the City's Fee Schedule, pay to the City an inspection fee before the City shall accept any improvements.
- D. For subdivisions for which no performance guarantee has been posted, if the improvements are not completed within the period specified in the approved subdivision improvement plan, the approval shall be deemed to have expired. In those cases where a performance guarantee has been posted and required improvements have not been installed within the terms of such performance guarantee, the City may thereupon declare the guarantee to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the guarantee is declared to be in default. In the event that the un-released portion of the guarantee is not sufficient to pay all the cost for installing the required improvements, the City may maintain an action against the person giving the guarantee for the necessary amount to complete the improvements.
- E. If an applicant elects to guarantee any required improvement, the applicant shall provide completion assurance for 110% of the cost of the improvement, guaranteeing that the improvements will be completed within two years after the date of the guarantee; the sum of the completion assurance shall not exceed:
1. 100% of the estimated cost of the public landscaping improvements or infrastructure improvements, as evidenced by an engineer's estimate or licensed contractor's bid; and
 2. 10% of the amount of the bond to cover administrative costs incurred by the City to complete the improvements, if necessary.
- F. For the purpose of posting an improvement guarantee, the cost of the improvement shall be determined by an engineer's estimate.
- G. The City shall accept any of the following forms of guarantee for an improvement:
1. Bond. The applicant may furnish a bond with corporate surety, which bond shall be approved by the City Attorney and filed with the City Clerk.
 2. Escrow. The applicant may make a deposit in escrow with an escrow holder approved by the City Council, under an escrow agreement approved by the City Attorney and filed with the City Clerk. (Ord. 2025-1, 2025: Ord. 2008-4, 2008: Ord. 94-3 § 1)

16.24.020: DESIGN BY PROFESSIONAL ENGINEER

All public improvements must be designed under the direction of a professional engineer, licensed to do such work in the state of Utah. All design documents must be certified and sealed with the professional engineer's stamp. (Ord. 2025-1, 2025: Ord. 2008-4, 2008: Ord. 2002-2 § 2, 2002)

16.24.030: ON SITE REPRESENTATIVE

The developer shall designate, in writing, the name of the agent who shall be available at all times during construction and who shall not be replaced without a written notice to the City engineer. The agent will be the developer's representative at the site and shall have the authority to act on the developer's behalf. (Ord. 2025-1, 2025: Ord. 2008-4, 2008: Ord. 94-3 § 1)

16.24.040: INSTALLATION OF IMPROVEMENTS

The subdivider shall install, at his or her expense, the following improvements within twelve (12) months and in accordance with plans, specifications, and data as specified in the "Manual Of Design And Construction Standards" and as approved by the City Engineer. The construction and installation of all improvements shall be under the supervision and inspection of the City engineer or his agents and the owner shall be required to pay the cost of engineering and inspection services prior to the issuance of final acceptance of subdivision improvements by the City.

- A. Sewage Disposal: The subdivider shall provide an approved sewage disposal system for all lots within the subdivision by the following means as determined by the City engineer:

Individual Sewage Facilities: The subdivider shall be responsible to either install individual sewage facilities for each and all lots in the subdivision at his or her expense or require that such facilities be installed as a part of the construction of buildings or structures.

- B. Storm Drainage System: There shall be constructed, at the owner's and subdivider's expense, a storm drainage system adequate to serve the area, including anticipated extension of use to serve additional areas. The storm drainage system shall be designed and constructed in accordance with the "Millville City Manual Of Design And Construction Standards" and at the grades approved by the City. Design of specific system components may be required to be designed by the City engineer and paid for by the developer if so desired by the City. The drainage systems could, upon inspection,

approval and acceptance by the City, become the property of the City. In the storm drainage system design phase, consideration shall be given to alternatives and principles of stormwater management in accordance with the Utah pollutant discharge elimination system (UPDES) permit or as determined by the City engineer.

Under some circumstances the City may require, as a condition for approval of the plat, installation of a storm drain that is larger than necessary to meet the needs of the platted area or the area being subdivided as shown by the preliminary plat or site plan, but necessary to complete the City storm drainage system as it relates to both the area being platted and other areas.

- C. Water Distribution System: There shall be constructed, at the owner's and subdivider's expense, a water distribution system (including fire protection) to adequately serve all lots or parcels of land within the platted area with due regard to the present and reasonably foreseeable needs of the entire area shown in the preliminary plat or site plan, and shall connect the same to existing water mains. The water distribution system shall be designed and constructed in accordance with the "Millville City Manual Of Design And Construction Standards" and may include pumping stations and storage facilities. Design of specific system components may be required to be designed by the City engineer and paid for by the developer if so desired by the City.
- D. Streets, Street Grading: The owner of land being platted shall, at his or her expense, provide the grading of the entire street rights of way and alleys and provide appropriate paving including curb and gutter on all streets. The street improvements shall be designed and constructed in accordance with the "Millville City Manual Of Design And Construction Standards" and shall adequately reflect the classification of the street, its location and anticipated volume of traffic. Design of specific improvements may be required to be designed by the City engineer and paid for by the developer if so desired by the City.

All streets or roads shall be of such width and shall be so constructed as to meet the standards of the public body responsible for the maintenance thereof as provided in section 16.28.020 of this title.

- E. Streetlights, Street Name Signs And Traffic Control Signs: The owner shall, at his or her expense, install all streetlights, street name signs and traffic control signs. All lights and signs shall be installed so as to meet the standards provided in chapter 16.28 of this title. Streetlights, street signs and traffic control signs shall be installed prior to any occupancy permit being issued for any building, in any subdivision.
- F. Fire Hydrants: The owner and subdivider shall, at his or her expense, install all fire hydrants.

- G. Utilities; Gas, Electricity And Telephone, Etc.: It is the responsibility of the owner or subdivider to install all other necessary utilities. The utilities shall be installed under the supervision of the City engineer and the agency responsible for the particular utility. All utilities shall be installed underground, except that major overhead power lines may be located along major streets or other specifically designed streets or transmission corridors.
- H. Other Facilities Or Improvements: The owner or subdivider shall, at his or her expense, install any other facility or improvement as may be specified on the preliminary plat, site plan, or in a contract and agreed to by the subdivider.
- I. Monuments: Refer to the "Millville City Manual Of Design And Construction Standards" latest revision for monument requirements.
- J. Supplemental On Site/Off Site Street Construction:
1. The developer or subdivider shall be responsible for and bear the expense of all street, curb, gutter and sidewalk construction within the development.
 2. The extent of development of streets which are contiguous to, traverse, or provide access to areas which are to be subdivided or developed shall be determined by the commission, subject to review and approval by the Land Use Authority. The transportation and land use maps of the master plan for the City shall be consulted in each particular case to determine whether a particular street which traverses or is contiguous to a subdivision or development, or provides access to a subdivision or development, should be developed to major or minor street standards. Such streets may be on site or off site of the property being improved or platted. The commission may deviate from the master plan in those particular cases in which the required standard of development for such streets is not in accord with estimated traffic demands, considering further requirements for ingress and egress and safety.
 3. In the event that the Commission approves construction of half streets, the developer must, at a minimum, construct half a street with pavement, shoulder, curb, gutter and sidewalk built to proper specifications for that particular street designation. Additionally, the subgrade preparation, subbase, base course and asphalt will be in accordance with the particular street designation, all at the developer's expense. The developer must also leave the surface of the deeded adjoining land in a condition which would be compatible with future construction of the remaining lanes, subject to the inspection and approval of the City Engineer.

4. The following provisions apply to all streets when the Commission has determined that deviation from the master plan is not permitted:
 - a. Streets contiguous to an area being platted or improved, and that provide access to such areas being platted or improved, shall be required to be constructed or improved to the standard specified in the MDCS of this title for the appropriate street classification as designated on the transportation and land use map as part of the plat or improvement. Such streets may be on site or off site of the property being improved or platted.
 - b. Streets which are required to be constructed or improved under this section shall be constructed or improved at the expense of the developer and at no expense to the City. In addition, full width of street construction shall be required for streets constructed or improved under this section. The City shall require that adjacent property owners, whose property has not yet been platted or improved and who will benefit from the street construction or improvements, will reimburse the developer, who constructed or improved the streets under this section, an equitable portion of the costs of the construction or improvement. The Land Use Authority shall determine what, if any, adjacent property has benefited and shall also determine the equitable amount which an adjacent property owner shall pay to the developer who constructed or improved streets pursuant to this section. The sum of amounts paid by adjacent property owner(s) shall not exceed fifty percent (50%) of the original cost of the streets constructed or improved under this section. An owner of adjacent property which has been determined to have benefited shall not be required to pay his or her equitable share of the costs of such construction or improvement until such time as the benefited property is improved and/or developed. Adjacent property presently improved shall be exempt from payment for streets constructed or improved under this section.
- K. Extension Of Public Works Facilities: The extension of any public works facilities, including, but not limited to, streets, roads, bridges, storm drains, water mains, sewer lines, secondary water systems and the like, shall be installed by the developer or subdivider of any subdivision when such extensions made necessary by reason of the impact of the subdivision or development. The necessity of all such extensions, and the scope thereof, shall first be determined by the City engineer. The developer or subdivider shall not be entitled to compensation or reimbursements for such improvements or extensions to the extent that such improvements or extensions were necessitated by the prospective impact of the development or subdivision. However, the developer or subdivider may be reimbursed for extensions and/or improvements which the developer

may be required to make which exceeds the anticipated impact of the proposed subdivision or development.

- L. Seal Coat on Asphalt Surfaces: Provisions for sealing all asphalt surfaces within the subdivision shall be determined during the subdivision development plan approval process. Developers may seal asphalt using one of the following methods:
 - 1. Ancillary Agreement. The developer may enter into an ancillary agreement with the City in which the developer provides to the City a predetermined guarantee for improvements in exchange for the City agreeing that the developer will seal all asphalt within the subdivision no later than two (2) years after asphalt is installed in the subdivision. Under an ancillary agreement, the developer will provide the City with a refundable payment for the cost of the asphalt sealing. The payment will be refunded to the developer after City-approved completion of the sealing. If not completed within the two (2) years time requirement, the City will use the money to complete the sealing and no refund will be given to the developer; or
 - 2. Seal Coat Fee. The developer may pay a seal coat fee to the City, and the City will seal all asphalt in the subdivision. The seal coat fee shall be equal to the square footage of road surfaces in the subdivision multiplied by the cost per square foot for the type of seal coat to be used. The fee per square foot shall be set by resolution of the City Council and modified as needed from time to time.

Pursuant to either seal option stated above, the City's Public Works Director shall determine the type of seal coat to be used based on "best practice" for the type of street to be sealed. If a developer selects the seal coat fee option, the use of the fees collected for the actual application of the approved seal coat shall be at the discretion of the City as determined by the City's municipal budget. The seal coat fee shall be used by the City to accomplish the initial seal coating for the subdivision no later than two (2) years after the completion of the subdivision. (Ord. 2025-1, 2025: Ord. 2021-1, 2021: 2008-4, 2008: Ord. 2004-9, 2004: Ord. 2002-2 § 2, 2002: Ord. 2000-17 § 2: Ord. 94-3 § 1)

16.24.050: PARKS AND OPEN SPACE

- A. Common Open Space: In Major subdivisions, the City may approve, upon application by the subdivider, the clustering of houses and aggregation of open spaces to better use the land within the subdivision. In such cases the following conditions will apply:

- B. Provision For Common Open Space: The subdivider shall submit for City approval plans defining the locations, extent, intended uses, intended improvements, schedule for installing and plan for financing improvements of any open spaces and common areas. The subdivider shall propose and the City shall determine whether ownership and maintenance responsibility of such open spaces shall be conveyed to the City or to some other entity. (Ord. 2025-1, 2025: Ord. 2008-4, 2008: Ord. 94-3 § 1)

16.24.060: AS-BUILT PLANS

- A. Prior to the approval and acceptance of any completed improvements, as built plans must be submitted to the City engineer. The plans shall be submitted on twenty four inch by thirty six inch (24" x 36") Mylar and shall be accompanied by two (2) sets of prints and one copy in electronic format. The plan submittal shall contain:

1. A cover sheet;
2. The subdivision plat;
3. The overall grading plan;
4. The overall street plan;
5. The overall water system;
6. The overall drainage plan;
7. Additional detail sheets as necessary at an appropriate scale, with title block and sheet numbers in the lower right hand corner of each page and showing the detailed location of all utilities to include service lines to lots. A permanent benchmark shall be described on each sheet.
8. Submission is to comply with the "Manual Of Design And Construction Standards" format.

- B. The following certification by the project engineer shall appear on the face of the plans:

I certify that these plans were prepared under my direct supervision and control, that they accurately represent the referred to improvements as they have been constructed in the field, and that the improvements, to the best of my knowledge, conform to the

*requirements of the Department of Environmental Quality, the State Highway Department, the City Engineer and other applicable agencies.
Engineer*

Utah P.E. Number

(Ord. 2025-1, 2025: Ord. 2008-4, 2008: Ord. 94-3 § 1)

MILLVILLE CITY CODE
TITLE 16 - SUBDIVISIONS
CHAPTER 16.28 - DESIGN CRITERIA

[16.28.010: PUBLIC IMPROVEMENT STANDARDS](#)

[16.28.020: STREET STANDARDS](#)

[16.28.030: OTHER SUBDIVISION STANDARDS](#)

16.28.010: PUBLIC IMPROVEMENT STANDARDS

All public improvements shall be designed and built to the specifications as may be adopted by the city, by resolution, and contained in the "Millville City Manual Of Design And Construction Standards". They will include, but will not be limited to:

- A. Streets;
- B. Public water supply systems;
- C. Sewer system;
- D. Stormwater drainage systems;
- E. Sidewalks. (Ord. 2008-4, 2008: Ord. 2002-2 § 3, 2002: Ord. 94-3 § 1)

16.28.020: STREET STANDARDS

All public improvements shall be designed and built to the specifications as adopted by the city, by resolution and contained in the "Millville City Manual Of Design And Construction Standards".

16.28.030: OTHER SUBDIVISION STANDARDS

All subdivisions shall be designed and built in compliance with the following:

- A. Millville City Manual of Design and Construction Standards
- B. Utah Division of Water Quality Rules and Regulations (R317)
- C. Utah Division of Drinking Water Rules and Regulations (R309)
- D. Stormwater Construction General Permit (Ord. 2022-2, 2022: Ord. 2008-4, 2008: Ord. 2002-2 § 2, 2002: Ord. 94-3 § 1)

MILLVILLE CITY CODE
TITLE 16 - SUBDIVISIONS
CHAPTER 16.40 - ACCEPTANCE OF IMPROVEMENTS

[16.40.010: ACCEPTANCE OF IMPROVEMENTS](#)

[16.40.020: RELEASE OF FUNDS](#)

[16.40.030: WARRANTY OF IMPROVEMENTS](#)

16.40.010: ACCEPTANCE OF IMPROVEMENTS

- A. Prior to acceptance of public improvements by the City the maintenance supervisor and City engineer will inspect the subdivision and develop a list of items to be completed, repaired and/or maintained. If the items listed are deemed significant as determined by the maintenance supervisor and City engineer the developer shall be obligated to the City to replace, repair and/or maintain any defective, damaged or deteriorating public improvements associated with the development prior to forwarding a letter of acceptance to the City Council. If the listed items are deemed to be not significant then a letter of acceptance will be forwarded to the Development Coordinator with the attached list to be completed within one year.
- B. The Development Coordinator may accept the improvements upon recommendation by the maintenance supervisor and City engineer. (Ord. 2025-1, 2025: Ord. 2008-4, 2008)

16.40.020: RELEASE OF FUNDS

- A. As improvements are completed, inspected and approved by the maintenance supervisor and the City engineer, funds which have been placed in a performance bond, an irrevocable letter of credit or funds in escrow for those improvements will be

authorized to be released for payment of those improvements. The City shall not release nor reduce these funds on any required improvement until the developer provides a statement for monies requested, signed by the City engineer or maintenance supervisor noting the improvements have been satisfactorily completed. In no event shall these funds be reduced below ten percent (10%) of the principal amount.

- B. The City shall retain ten percent (10%) of the collateral for a period of one year. The purpose of retaining the ten percent (10%) warranty amount is to guarantee that the improvements have been installed correctly and that they function properly. If any improvements have not been installed correctly or fail to function properly, and the developer fails to correct the deficiencies within thirty (30) days of notification thereof, then, upon written notice by the City, escrow shall pay over to the City the amount necessary to complete, repair or replace said improvements. In the event the costs of completing, repairing or replacing the unsatisfactory improvements exceeds the amount remaining in the performance bond, an irrevocable letter of credit or funds in escrow, the developer shall, within ten (10) days of notice thereof, pay the excess amount to the City and shall also cause to restore the performance bond, an irrevocable letter of credit or funds in escrow to the prescribed ten percent (10%) warrantee amount. The City shall not issue any building permits for the subdivision until the above referenced excess costs have been paid to the City and the warranty amount (10 percent of the total cost of improvements) has been restored. (Ord. 2025-1, 2025: Ord. 2008-4, 2008: Ord. 2000-17 § 2: Ord. 94-3 § 1)

16.40.030: WARRANTY OF IMPROVEMENTS

- A. The warranty period for public improvements shall commence on the date that all City required improvements associated with the development have been completed to the satisfaction of the City and a final inspection thereof has been made approving the same. The warranty period shall commence on the date of the adopted resolution and shall continue for a minimum period of one year thereafter for all improvements. If any deficiencies in materials or workmanship are found by the City during the warranty period, the developer shall promptly resolve such defects or deficiencies and request the maintenance supervisor and City engineer to reinspect the improvements.
- B. At the end of the one year warranty period, as applicable, the developer shall request the maintenance supervisor and City engineer to make a final warranty period inspection of all improvements. If the maintenance supervisor and City engineer verify that the improvements are acceptable, the City shall release by resolution the balance of the security posted by the developer under the agreement. If after the inspection it has been

determined that items need to be repaired, these items will be required to be warranted for an additional amount of time, of which said time will be decided upon by the City and a determined portion of the escrow will be retained for the additional amount of warranty time.

- C. Ten percent (10%) of the total cost of the improvements shall be retained by the City during this warranty period. All funds in escrow, surplus to the warranty amount, may then be released by the City after inspection and upon request of the City engineer and maintenance supervisor. (Ord. 2025-1, 2025: Ord. 2008-4, 2008: Ord. 2000-17 § 2: Ord. 94-3 § 1)

**MILLVILLE CITY CODE
TITLE 16 - SUBDIVISIONS
CHAPTER 16.48 - APPENDICES**

[16.48.010: APPENDICES; FORMS](#)

16.48.010: APPENDICES; FORMS

The appendices may be obtained by contacting the city planning department for all necessary forms. (Ord. 2008-4, 2008: Res. 2005-12, 2005: Ord. 2004-9, 2004: Ord. 2003-3, 2003: Ord. 2002-2 § 2, 2002: 2001 Code)



AGENDA REPORT: BUDGET REVIEW

January 9, 2025

Background

Every quarter, the City Council reviews the fiscal year-to-date budget for an update on revenue and expenses so far in the year.

The budget review at this meeting will include the FY25 budget through the second quarter (July 2024 – December 2024).

Included Documents

- FY25 Budget with progress and percentage of the total through Q2

MILLVILLE CITY BUDGET - REVENUE		ORIGINAL	REVIEW		
Account Description		FY25 Budget	FY25 Q1	FY25 Q2	% of Total
GENERAL	Property Tax	\$163,300	\$2,175	\$103,887	64%
	Sales Tax	\$400,000	\$106,966	\$184,077	46%
	Motor Tax	\$900	\$0	\$0	0%
	In Lieu Fees - UTV Recreation Fees	\$10,000	\$3,073	\$4,860	49%
	Comcast Franchise	\$9,400	\$2,271	\$4,496	48%
	Energy Sales and Use Tax	\$190,000	\$46,225	\$88,595	47%
	Animal Licenses	\$4,400	\$135	\$870	20%
	Ambulance / EMS	\$45,600	\$9,827	\$23,152	51%
	Fines / Court	\$400	\$621	\$818	205%
	Business Licenses	\$2,700	\$38	\$1,182	44%
	Sanitation	\$214,000	\$45,830	\$89,090	42%
	9-1-1 Service	\$27,000	\$6,045	\$11,975	44%
	Class "C" Roads	\$140,000	\$25,930	\$55,952	40%
	Appro. Fund Bal. Class "C" Rd	\$0	\$0	\$0	100%
	Appropriated Fund Balance	\$0	\$0	\$0	100%
	Park Impact Fee	\$21,300	\$10,660	\$10,660	50%
	Park Impact Appropriated FB	\$2,700	\$0	\$0	100%
	Road Impact Fee	\$7,000	\$3,520	\$3,520	50%
	Road Impact Appropriated FB	\$0	\$0	\$0	100%
	Restaurant/RAPZ Tax Awarded	\$227,200	\$0	\$0	0%
	Youth Council	\$800	\$0	\$0	0%
	Park Rentals	\$10,000	\$3,664	\$6,192	62%
	Building Permits	\$6,500	\$2,128	\$2,304	35%
	Development Review Fees	\$2,500	\$1,454	\$2,380	95%
	Reimbursed Fees; Eng. & Dev.	\$5,000	\$2,243	\$3,319	66%
	Interest	\$40,000	\$21,479	\$36,299	91%
	COG Grant (reimbursement)	\$183,100	\$0	\$0	0%
	Donations	\$300	\$0	\$0	0%
	Misc. Revenue	\$200	\$1,174	\$1,668	834%
	Mass Transit Sales Tax/CVTD	\$41,000	\$0	\$0	0%
	TOTAL GENERAL	\$1,755,300	\$295,458	\$635,296	

STORM WATER	Charges for Stormwater	\$34,100	\$7,950	\$17,092	50%
	Stormwater Construction Fees	\$2,900	\$550	\$550	19%
	Interest	\$2,000	\$1,566	\$2,642	132%
	Transfer from General Fund	\$0	\$0	\$0	100%
	Appropriated Fund Balance	\$0	\$0	\$0	100%
	TOTAL STORMWATER	\$39,000	\$10,066	\$20,284	

CPT PROJ.	Interest	\$35,000	\$23,639	\$38,335	110%
	Appropriated Fund Balance	\$0	\$0	\$0	100%
	Transfer from General Fund	\$153,800	\$0	\$0	0%
	TOTAL CAPITAL PROJECT	\$188,800	\$23,639	\$38,335	

MILLVILLE CITY BUDGET - REVENUE		ORIGINAL	REVIEW		
Account Description		FY25 Budget	FY25 Q1	FY25 Q2	% of Total
WATER & SEWER	Charges for Water Service ...	\$478,000	\$149,384	\$295,078	62%
	Miscellaneous Income	\$14,500	\$16,700	\$16,700	115%
	Interest Income (Water)	\$35,000	\$38,887	\$27,936	80%
	Interest Income (Sewer)	\$0	\$8,465	\$60,371	100%
	Water Impact Fee	\$12,200	\$6,200	\$6,200	51%
	Water Connection Fees	\$1,000	\$200	\$200	20%
	Charges for Sewer Service	\$420,000	\$142,153	\$287,484	68%
	Sewer Impact Fee	\$35,000	\$17,520	\$17,520	50%
	Grant Proceeds (Water)	\$0	\$0	\$0	100%
	Grant Proceeds (Sewer)	\$10,641,000	\$1,015,935	\$5,779,614	54%
	Debt Proceeds (Water)	\$0	\$0	\$0	100%
	Debt Proceeds (Sewer)	\$0	\$0	\$0	100%
	Transfer from General Fund	\$0	\$0	\$0	100%
	Transfer from Capital Project Fund	\$0	\$0	\$0	100%
	Appropriated Fund Balance	\$729,100	\$0	\$0	0%
	TOTAL WATER AND SEWER	\$12,365,800	\$1,395,444	\$6,491,102	
TOTAL		\$14,348,900	\$1,724,607	\$7,185,017	

MILLVILLE CITY BUDGET - EXPENSES		ORIGINAL	REVIEW		
Account Description		FY25 Budget	FY25 Q1	FY25 Q2	% of Total
GENERAL	General Government	\$44,500	\$4,359	\$6,945	16%
	Auditor (General) ...	\$16,000	\$0	\$10,161	64%
	Financial Consulting & IT (General) ...	\$14,000	\$132	\$8,673	62%
	Insurance (General)	\$21,000	\$14,623	\$15,237	73%
	Elected Officials (General)	\$21,500	\$7,198	\$14,278	66%
	General Non-Category Payroll	\$113,200	\$27,378	\$47,905	42%
	P&Z ...	\$9,900	\$0	\$2,447	25%
	Legal (General) ...	\$14,000	\$2,878	\$5,333	38%
	Engineering (General) ...	\$30,000	\$2,071	\$3,147	10%
	Building (General) ...	\$14,300	\$1,963	\$5,244	37%
	Law Enforcement	\$33,100	\$16,543	\$16,543	50%
	Animal Control ...	\$4,100	\$2,050	\$2,050	50%
	Fire	\$32,000	\$0	\$0	0%
	First Responders and EMS	\$46,000	\$23,542	\$23,542	51%
	Elections ...	\$500	\$0	\$0	0%
	Roads - General ...	\$137,500	\$49,710	\$75,512	55%
	Roads Class "C" Regular ...	\$46,000	\$385	\$796	2%
	Roads Class "C" Capital Outlay	\$0	\$0	\$0	100%
	Class "C" Designated Future Use	\$94,000	\$0	\$0	0%
	COG Road Project (Reimbursable)	\$183,100	\$2,794	\$2,974	2%
	Road Impact Fee Capital Outlay	\$7,000	\$266	\$266	4%
	Road Impact Fee Designated Future	\$0	\$0	\$0	100%
	Parks (General) ...	\$161,000	\$16,612	\$70,212	44%
	Parks/Recreation - Other ...	\$11,500	\$1,071	\$2,459	21%
	Park Capital Improv. RAPZ (Reimbursable)	\$228,900	\$0	\$4,620	2%
	Park Impact Fees ...	\$24,000	\$0	\$0	0%
	Park Impact Fees - Designated Future	\$0	\$0	\$0	100%
	Sanitation	\$210,000	\$30,404	\$78,441	37%
	9-1-1 Service	\$27,000	\$6,741	\$13,509	50%
	Disaster Relief	\$4,000	\$0	\$457	11%
	Public Safety/Emergency Preparedness ...	\$6,000	\$0	\$285	5%
	Youth Council ...	\$6,400	\$805	\$1,705	27%
	Designated for Future Use	\$0	\$0	\$0	100%
	Mass Transit Tax Distribution/CVTD	\$41,000	\$0	\$0	0%
	Transfer to Capital Project Fund	\$153,800	\$0	\$0	0%
	Transfer to Water-Sewer Fund	\$0	\$0	\$0	100%
	TOTAL GENERAL	\$1,755,300	\$211,525		

MILLVILLE CITY BUDGET - EXPENSES		ORIGINAL	REVIEW		
Account Description		FY25 Budget	FY25 Q1	FY25 Q2	% of Total

STORM WATER	Salaries/Benefits	\$22,100	\$0	\$12,529	57%
	Special Dept. Supplies (SW) ...	\$9,000	\$0	\$1,139	13%
	Capital Outlay	\$7,900	\$0	\$0	0%
	Appropriated for Future Use	\$0	\$0	\$0	100%
	TOTAL STORMWATER	\$39,000	\$0	\$13,668	

CPT PROJECT	Capital Outlay - Gen Government	\$115,000	\$11,242	\$11,242	10%
	Capital Projects	\$0	\$0	\$0	100%
	Transfer to Water-Sewer Fund	\$0	\$0	\$0	100%
	Designated Future Use	\$73,800	\$0	\$0	0%
	TOTAL CAPITAL PROJECT	\$188,800	\$11,242	\$11,242	

WATER & SEWER	General (Water) ...	\$65,000	\$15,518	\$29,340	45%
	Salary/Benefit (Water) ...	\$166,400	\$21,443	\$32,773	20%
	Legal (Water) ...	\$10,000	\$0	\$0	0%
	Engineering (Water)	\$11,000	\$0	\$0	0%
	Auditor (Water) ...	\$12,000	\$0	\$0	0%
	Financial Consulting & IT (Water) ...	\$8,500	\$0	\$8,500	100%
	Insurance (Water)	\$9,000	\$7,104	\$7,104	79%
	Special Department Supplies - Water ...	\$55,000	\$10,540	\$26,808	49%
	Special Department Supplies - Sewer	\$1,800	\$0	\$0	0%
	City Sewer/Nibley	\$12,000	\$477	\$4,130	34%
	Sewer Capital Projects	\$11,495,000	\$1,038,035	\$4,070,081	35%
	Water Bond (2006) - Water Storage Tank	\$92,000	\$0	\$0	0%
	Bond (2000) - Parker Well	\$44,800	\$11,190	\$22,380	50%
	USDA Sewer Rev Bond	\$338,300	\$84,564	\$140,940	42%
	Cap. Facility Rplcmnt Fund Reserve	\$45,000	\$0	\$0	0%
	Designated for Future Use - Sewer	\$0	\$0	\$0	100%
	TOTAL WATER AND SEWER	\$12,365,800	\$1,188,871	\$4,342,056	

TOTAL	\$14,348,900	\$1,411,638	\$4,366,966
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AGENDA REPORT: RAPZ FUNDING

January 9, 2025

Background

In November 2002, Cache County voters approved a 1/10th of 1% sales tax, known as the RAPZ Tax. These funds can be used to support capital projects and operating expenses for publicly owned or operated recreation, parks, and zoos. They can also be used to fund operating expenses of private nonprofit cultural arts and botanical operations.

Since 1992, The Cache County Council has approved a 1% sales tax on prepared food items, known as the Restaurant Tax. These funds can be used for either capital projects or maintenance expenses by publicly owned or operated facilities for the purpose of tourism promotion, recreation, cultural arts, convention centers, and airports. Private nonprofit organizations are eligible to receive Restaurant Tax funds only for tourism promotion.

If Millville is interested in applying for RAPZ/Restaurant tax dollars, the application will have to be submitted by the end of February or first of March. These funds have been very beneficial to Millville City in the past. Here is a history of the RAPZ funds received over the past nine years:

- 2024 – Received \$40,000; South Park West Pickleball Court Lights
- 2024 – Received \$150,000; South Park Pavilion
- 2023 – Received \$29,800; South Park Extension Phase 2
- 2023 – Received \$23,144; North Park Tennis Court Lights
- 2022 – Received \$60k; South Park Extension
- 2021 – Received \$111k; South Park Pickleball Courts Phase 2
- 2020 – Received \$50k; South Park Walkway
- 2019 – Received \$50k; South Park Pickleball Courts Phase 1
- 2018 – Received \$0; South Park Sprinkler System
- 2017 – Received \$20k; South Park Sprinkler System
- 2016 – Received \$20k; Splash Pad Restroom

OPEN AND PUBLIC MEETINGS ACT TRAINING

January 2025

The Open and Public Meetings Act requires that members of a public body be “provided with annual training on the requirements of [the Open and Public Meetings Act]” (Section 52-4-104).

The Open and Public Meetings Act is based on the premise that the state, its agencies, and its political subdivisions exist to conduct the people's business and that a public body should deliberate and take action openly (Section 52-4-102).

Definitions (Section 52-4-103)

Meeting means a convening of a public body with a quorum present (in person or electronically) to discuss, receive public comment about, or act upon a matter over which the public body or the specified body has jurisdiction or advisory power. Includes workshops or executive sessions of a public body.

Meeting does not include a chance or social gathering.

Public Body means an administrative, advisory, executive, or legislative body of the state or its political subdivisions that:

- is created by the Utah constitution, state statute, rule, ordinance, or resolution;
- expends, disburses, or is supported in whole or in part by tax revenue; and
- is vested with the authority to make decisions regarding the public's business.

Quorum means a simple majority of membership of a public body (3 Councilmembers).

Public Notice (Section 52-4-202)

A public body is required to provide public notice at least 24 hours before each meeting. The public notice is required to:

- include the date, time, and place of the meeting;
- include an agenda that lists specific topics to be considered;
- be posted in specified places, including the Utah Public Notice Website; and
- be provided to a newspaper or local media correspondent.

A public body may discuss a topic raised by the public that is not listed on the agenda, but may not take final action on the topic.

Minutes and Recordings (Section 52-4-203)

- A public body is required to keep written minutes and a recording of all meetings. However, a recording is not required for a site visit if no vote or action is taken by the public body.
- Pending minutes must be made available to the public within 30 days after the meeting and indicate that the public body has not yet approved the minutes.
- Within three business days after approving written minutes, the approved minutes and any public materials distributed at the meeting are required to be:
 - posted on the Utah Public Notice Website; and
 - made available at the public body's primary office (or website).

Closed Meetings (Sections 52-4-204 and 52-4- 205)

A public body may only hold a closed meeting for certain reasons, including the discussion of:

- a person's character, competence, or health;
- strategy for collective bargaining;
- strategy for pending or imminent litigation;
- an acquisition or sale of real property, including water rights or shares;
- the deployment of security personnel, devices, or systems;
- the investigation of criminal conduct;

A public body may only close a meeting by a two-thirds vote with a quorum present at the open meeting. A public body that closes a meeting is required to announce the reasons for closing the meeting and enter the reasons into the minutes of the open meeting.

A public body may not close a meeting to discuss filling a midterm vacancy or temporary absence for an elected position, or to discuss a person whose name was submitted for consideration to fill a midterm vacancy or temporary absence for an elected position.

An ordinance, resolution, rule, regulation, contract, or appointment may not be approved during the closed portion of a meeting.

Emergency Meetings (Section 52-4-202) A public body may hold an emergency meeting and is not required to give 24-hour notice if unforeseen circumstances arise that require urgent consideration. However, a public body may not hold an emergency meeting unless it makes an attempt to notify all members of the public body and a majority of its members approve the meeting.

Public Meeting vs Public Hearing

A public meeting is a meeting in which the public is invited to come and watch the Council deliberate on and decide matters. There is no right for any individual member of the public to actively participate in the public meeting (although there is nothing wrong about allowing this).

In a public hearing, the public has the right to participate by giving information or testimony about the topic of the hearing. Although most things done by a City Council can be done in a public meeting, certain ordinances and activities require a public hearing and there are other times when you may want a hearing to get input from the public. During a public hearing, it is best to establish rules for how long each member of the public will be allowed to speak and enforce that time limit to ensure there isn't a sense of favoritism. Another good way to keep a public hearing on track is to keep members of the Council and City staff from responding directly to the member of the public who is speaking. After the public hearing portion of the meeting is complete, the Council can return and debate the topic in as much detail as needed after having heard the input from the public.

Disruption of Meetings (Section 52-4-301)

Individuals can be removed from a public meeting if they willfully disrupt the meeting to the extent that orderly conduct is seriously compromised.

Penalties (Sections 52-4-302 and 52-4-305)

Open Meetings

Any final action taken in a meeting that is in violation of the Open and Public Meetings Act is voidable by a court.

Closed Meetings

It is a class B misdemeanor to knowingly or intentionally violate closed meeting provisions of the Open and Public Meetings Act.

Councilmember Assignments 2024

Councilmember Daniel Grange

- Car Show for City Celebration
- Parks

Councilmember Ryan Zollinger

- Sewer
- School District

Councilmember Clay Wilker

- Ordinance Enforcement
- Fire/EMS/Emergency Preparedness
- Law Enforcement/Animal Control

Councilmember Pamela June

- P&Z
- Youth Council
- Wildfire

Councilmember Jeremy Ward

- City Celebration/Parade
- Trails