

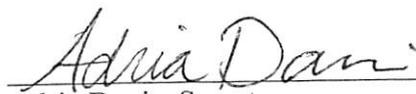
NOTICE AND AGENDA

Notice is hereby given that the Planning Commission of Millville City will hold a meeting on Thursday, **Mar 3, 2016** in the Millville City Office, at 510 East 300 South, Millville, Utah, which meeting shall begin promptly at **8:00 p.m.**

1. Roll call
2. Opening remarks/Pledge of Allegiance.
3. Review and approval of agenda
4. Review and approval of minutes from Feb 18, 2016.
5. Action Items:
 - A. Consideration of zoning clearance for a building permit by Visionary Homes, for a residence to be located at 151 North 430 East, Lot #13 Mond-Aire Heights Subdivision in Millville, Utah.
 - B. Consideration of zoning clearance for a building permit by Tammy Johnson, for a residence to be located at 485 East 216 North, Lot #7 Mond-Aire Heights Subdivision in Millville, Utah.
 - C. Review of **Tibbitts Subdivision** Preliminary Drawing and set a Public Hearing date.
 - D. Review of **The Views at CopperLeaf Subdivision** Preliminary Drawing and set a Public Hearing date.
6. Discussion Items:
 - A. Conceptual Review – **Howell Subdivision**
 - B. Subdivision ordinance change re: non-conforming lots
 - C. Ordinance change re: facilities for the elderly
 - D. City Council Report – review minutes from Feb 25, 2016 meetings.
 - E. Agenda items for next meeting.
 - F. Other.
7. Calendaring of future Planning Commission Meeting.
8. Assignment of Representative to next City Council Meeting.
9. Adjournment.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during public meetings should notify Adria Davis at (435) 213-0787 at least three working days prior to the meeting.

Notice was posted on Feb 29, 2016 a date not less than 24 hours prior to the date and time of the meeting and remained so posted until after said meeting. A copy of the agenda was sent electronically to the Utah Public Meeting Notice Website (<http://www.utah.gov/pmn/index.html>) on Feb 29, 2016.



Adria Davis, Secretary
Millville City Planning Commission

3-3-16
cont.
part C

Chapter 17.52

RESIDENTIAL FACILITIES FOR ELDERLY OR HANDICAPPED  

17.52.010: RESIDENTIAL FACILITIES FOR ELDERLY PERSONS; PERMITTED USE:

17.52.020: CODE COMPLIANCE:

17.52.030: PARKING:

17.52.040: SEPARATION STANDARDS:

17.52.050: CLIENT RESTRICTED:

17.52.060: COMPLIANCE:

17.52.070: DISCRIMINATION PROHIBITED:

17.52.080: MAINTENANCE:

17.52.090: AGENCY REVIEW:

17.52.100: RESIDENTIAL FACILITIES FOR DISABLED PERSONS; PERMITTED USE:

17.52.110: CONDITIONAL USE REVIEW:

17.52.120: STANDARDS:

17.52.010: RESIDENTIAL FACILITIES FOR ELDERLY PERSONS; PERMITTED USE:  

A residential facility for elderly persons shall be a permitted use in any area where residential uses are allowed following approval by the planning commission. Approval shall not be denied where the proposed residential facility for elderly persons is found to be in compliance with all the applicable provisions of this section.

Residential facilities for elderly persons shall be allowed in any city zoning district, except that district which is zoned to permit exclusively single-family dwelling and duplex use, subject to the granting of a conditional use permit. A conditional use permit shall not be denied where the facility is found, by the planning commission, to meet all conditions set forth in this section. (Ord. 2000-9 § 2)

17.52.020: CODE COMPLIANCE:  

The facility shall meet all municipal building, safety, zoning and health ordinances applicable to similar dwellings. The facility shall be capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character. (Ord. 2000-9 § 2)

17.52.030: PARKING:  

Off street parking shall be provided as required in chapter 17.36 of this title. (Ord. 2000-9 § 2)

17.52.040: SEPARATION STANDARDS:  

Residential facilities for elderly persons shall not be established within three-quarters (0.75) of a mile of another residential facility for elderly persons, as defined in this title. (Ord. 2000-9 § 2)

17.52.050: CLIENT RESTRICTED:  

Persons being treated for alcoholism or drug abuse shall not be placed in a residential facility for elderly persons; placement in a residential facility for disabled persons shall be on a strictly voluntary basis and shall not be a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility. (Ord. 2000-9 § 2)

17.52.060: COMPLIANCE:  

The use granted and permitted by this section is nontransferable and terminates if the structure is devoted to a use other than as a residential facility for elderly persons, or if the structure fails to comply with the ordinances adopted under this subsection. (Ord. 2000-9 § 2)

17.52.070: DISCRIMINATION PROHIBITED:  

Discrimination against elderly persons and against residential facilities for elderly persons is prohibited. All

decisions regarding an application for a residential facility for elderly persons must be based on legitimate land use criteria and may not be based on the age of the facility's residents. (Ord. 2000-9 § 2)

17.52.080: MAINTENANCE:  

In any area zoned to permit exclusively residential uses, the planning commission may impose a condition that the landscaping around the facility must be maintained or installed such that it enhances the residential character of the neighborhood, as a condition of the conditional use approval. (Ord. 2000-9 § 2)

17.52.090: AGENCY REVIEW:  

The facility shall be reviewed by the following agencies, prior to the issuance of the conditional use permit or final approval by the planning commission:

A. City planning commission;

B. City building inspector;

C. City fire department, or designee;

D. City public works department;

E. Any improvement district where applicable, as determined by the city council. (Ord. 2000-9 § 2)

17.52.100: RESIDENTIAL FACILITIES FOR DISABLED PERSONS; PERMITTED USE:  

A residential facility for disabled persons, as defined in this title, shall be a permitted use in any area where residential facilities are allowed following approval by the planning commission. Residential facilities for disabled persons in areas where residential dwellings are allowed is a temporary privilege which can be revoked if the requirements of this section are not met. (Ord. 2000-9 § 2)

17.52.110: CONDITIONAL USE REVIEW:  

Residential facilities for disabled persons allowed in any municipal zoning district which is zoned to permit exclusively single-family dwelling use, subject to the granting of a conditional use permit. A conditional use permit shall not be denied where the facility is found, by the planning commission, to meet all conditions set forth in this section. (Ord. 2000-9 § 2)

17.52.120: STANDARDS:  

A residential facility for disabled persons in a zone permitting exclusively single-family dwelling use and any other area of the city where residential dwellings are allowed, shall be subject to the following conditions before being granted a conditional use permit:

- A. No residential facility for disabled persons may be established or maintained such that it hinders the residential character of the neighborhood, as determined by the planning commission. In no case shall such a facility be located within three-quarters (0.75) mile of another existing residential facility for disabled persons.

- B. The proposed use shall only be allowed if the home can meet all these conditions without structural alteration that would change the structure's residential character.

C. Discrimination against disabled persons and against residential facilities for disabled persons is prohibited. All decisions regarding an application for a residential facility for disabled persons must be based on legitimate land use criteria, and may not be based on the disabled conditions of the facility's residents.

D. The landscaping around the facility must be maintained or installed such that it enhances the residential character of the neighborhood.

E. If the facility houses six (6) to eight (8) persons, it shall meet the uniform building code requirements of the latest edition adopted by the city for an institutional "I" occupancy. In all other respects, it should meet the uniform building code, as adopted by the city.

F. If the facility houses six (6) to eight (8) persons, it shall meet the uniform fire code requirements of the latest edition adopted by the city for an institutional "I" occupancy. In all other respects, it shall meet the uniform fire code.

G. The facility shall receive approval from the following agencies, prior to the issuance of the conditional use permit or final approval by the planning commission:

1. City planning commission;
2. City building inspector;

3. City fire department, or designee;
4. City public works department;
5. Cache County health department;
6. Any improvement district where applicable, as determined by the city council.

H. The facility must meet the requirements of the life safety code as adopted by the city. If any one occupant is nonambulatory, and there are four (4) or more occupants, then it shall meet the requirements under the life safety code for a residential-custodial care facility. If all the occupants are ambulatory, then the facility shall meet the requirements of the life safety code for lodging houses.

I. No person who is being treated for alcoholism or drug abuse or who is violent shall be placed in a residential facility for disabled persons.

J. Placement in a residential facility for disabled persons shall be on a strictly voluntary basis and shall not be a part of, or in lieu of, confinement, rehabilitation or treatment in a correctional institution.

K. The use granted and permitted by this section is nontransferable and terminates if the structure is devoted to a use other than as a residential facility for disabled persons, or if the structure fails to comply with all applicable health, safety and building codes.

L. In any municipal zoning district which is zoned to permit exclusively single-family dwelling uses, the planning commission may set other reasonable conditions for any individual applicant which it feels will further the intent of part 5, title 10, chapter 9, Utah Code Annotated, 1953, as amended, and this section.

M. This chapter adopts the provisions outlined in Utah Code Annotated section 10-9-601 et seq., as amended.

(Ord. 2000-9 § 2)

MILLVILLE CITY COUNCIL MEETING
City Hall – 510 East 300 South – Millville, Utah
February 25, 2016

PRESENT: Michael Johnson, Cindy Cummings, Julianne Duffin, Mark Williams, Ryan Zollinger, Rose Mary Jones, Tara Hobbs, Harry Meadows, Gary Larsen, David Dickey, Richard Leishman, Brian Jenkins, Jonny Budge, Wade Anderson, LaRay Willden, Katie Andrews

Call to Order/Roll Call

Mayor Michael Johnson opened the Council Meeting calling it to order at 7 p.m. The roll call indicated Mayor Michael Johnson and Councilmembers Cindy Cummings, Julianne Duffin, Mark Williams, and Ryan Zollinger were in attendance with Councilmember Michael Callahan absent. Also Treasurer Tara Hobbs and Recorder Rose Mary Jones were present.

Opening Remarks/Pledge of Allegiance

Councilmember Williams welcomed all to the Council Meeting expressing appreciation to those in attendance. He indicated he hoped the meeting would be short and sweet, but time would tell. He then invited all to stand and recite the pledge of allegiance.

Approval of agenda and time allocations

The agenda for the City Council Meeting of February 25, 2016 was reviewed. **Councilmember Cummings moved to approve the agenda for February 25, 2016.** Councilmember Williams seconded. Councilmembers Cummings, Duffin, Williams, and Zollinger voted yes with Councilmember Callahan absent. (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 for February 11, 2016. **Councilmember Cummings moved to approve the minutes for February 11, 2016.** Councilmember Williams seconded. Councilmembers Cummings, Duffin, Williams, and Zollinger voted yes with Councilmember Callahan absent. (A copy of the minutes is included as Attachment "B".)

Report on P & Z Meeting held February 18, 2016 – Development Coordinator Harry Meadows

Development Coordinator Harry Meadows reported on the Planning Commission Meeting held February 18, 2016. There was discussion about the Mond-Aire Subdivision

Phase 2; to date, there is not a road built nor any electricity to this Phase. The Planning Commission will not be issuing building permits until this is completed. (A copy of the minutes is included as Attachment "C".)

Proposal from the Millville-Nibley Cemetery Board

David Dickey, along with Richard Leishman, Wade Anderson, and LaRay Willden representing the Millville-Nibley Cemetery District, discussed possibilities of expanding the cemetery property with the Council. Mr. Dickey indicated they have property on the eastern border of the cemetery that is not suitable to be used for burials, as it is too steep and rocky. They understood that 200 East is in the Master Road Plan and asked the Council to consider moving that road further to the east on this upper cemetery property. Councilmember Duffin explained the 200 East Road would continue and could eventually connect to Providence City's Main Street.

Superintendent Gary Larsen reminded the Council of the plan to connect the water main from the Center Street line to the 100 North water line, as had been proposed during the 2006 water reservoir project; this would be in the in the 200 East right of way. He also explained to build a road in the upper area would be more expensive.

Mr. Dickey explained there was part of the upper property that could be used for building lots. It was suggested that perhaps the City would be willing to swap the upper property with city-owned property on 200 East. Mr. Dickey indicated the Cemetery District also has built up a cash reserve, which is in excess of the state regulations and they need to spend some money. They also would have the capability of borrowing funds if needed.

The Council reviewed the cost to construct the 200 East Road. There had been a construction bid of \$51,000 to have this completed; this cost is excluding part of the road that will be paid for by a private developer.

LaRay Willden emphasized that the cemetery could be built out within five to seven years. The only property that is adjoining the cemetery is owned by Millville City and Mondell Knowles. They would like to take action and have this resolved as soon as possible.

Mr. Dickey indicated the Cemetery Board has raised the cost for a grave site for individuals living outside of the district. The current rates are \$100 for those living within the district boundary and \$400 for those living outside of the boundary.

The Council will continue their discussion on this matter at a future meeting.

Consideration of Approving a Resolution Establishing the Park Capital Improvement Plan

Mayor Johnson reviewed with the Council a Resolution which had been prepared to Establish the Park Capital Improvement Plan. Councilmember Duffin reported the

Capital Improvement Plan had been developed by herself along with Superintendent Larsen with the cost estimates being supplied by Engineer Zan Murray. The Council had reviewed this plan at the last meeting. It was reported this plan was to help substantiate the Park Impact Fees being discussed.

Councilmember Williams moved to approve the Resolution to Adopt the Millville City Capital Improvement Plan for Parks. Councilmember Duffin seconded. Councilmembers Cummings, Duffin, Williams, and Zollinger voted yes with Councilmember Callahan absent. (A copy of the Resolution is included as Attachment "D".)

Review of a System for Emergency Notifications to Residents

As Councilmember Callahan was not in attendance at the meeting, this item was continued to the next meeting.

Consideration for Approval of RAPZ Grant Application

Development Coordinator Meadows had prepared the RAPZ Application for 2016 which is to be signed and turned in next week. The Council complimented him on the great job. This request is to fund the restroom facility by the Splash Pad at the City Park.

Councilmember Cummings moved to accept the RAPZ application as prepared by Harry and have the Mayor sign it. Councilmember Williams seconded. Councilmembers Cummings, Duffin, Williams, and Zollinger voted yes with Councilmember Callahan absent. (A copy of the application is included as Attachment "E".)

Consideration for an Emergency Management Pamphlet Project

Development Coordinator Meadows reviewed information to be included with the Emergency Preparedness Pamphlet that was discussed at the last meeting. The new information being added is for Emergency Procedures for Hazardous Spills. (This is included with the minutes as Attachment "F".) As this will require one additional sheet of paper having four sides, he explained this information will be included on one page, the back of the pamphlet will be left blank, and the other two pages will be left for phone numbers and notes. It was noted the cost for 750 copies of the pamphlet will be approximately \$850.

Brian Jenkins reviewed the procedure for having this delivered by the Eagle Scout with the Council. This scout will need to make a proposal at some point to the City Council.

Councilmember Duffin moved to approve the Emergency Management Pamphlet project as discussed and not to exceed \$900. Councilmember Zollinger seconded. Councilmembers Cummings, Duffin, Williams, and Zollinger voted yes with Councilmember Callahan absent.

Culinary Water System Audit for 2015

Superintendent Larsen reviewed with the Council the Millville City Water Audit for 2015. He explained the total water production for 2015 was down 3% from the previous year. The electrical cost for operating the pumps was \$18,144. The total capacity for the July production was at 56% with July 3 being the peak day where 76% of the water capacity was used. He also reviewed charts showing the Total Metered Sales by million gallons and the Park and Glenridge Wells Pumping Production. (A copy of the Water Audit is included as Attachment "G".)

The information from this Audit will be used to file the required report with the State for our water system.

There was also some discussion on whether the water system is covering the costs for operating the system. It has been sometime since the water rate had been raised. Mayor Johnson suggested this may be something the Council would like to consider.

Bills to be paid

The bills were presented. They are as follows:

Mike Johnson	50.00	General
Tara Hobbs	43.20	Water
Questar	489.35	NorthPark/Building
CenturyLink	181.30	General
Rocky Mountain Power	1,167.38	Street lights
Staker Parson	2,017.09	Road
Thomson Electric	161.94	Road
ACN Communications	16.56	Building
Comcast	125.83	Building
Maverik	681.82	Road
Postmaster	1,715.00	Water
Rural Water Association of Utah	780.00	Water
Olson & Hoggan	105.00	Legal
Transportation Repair	842.90	Road
Bear River Health Department	40.00	Water
Riverside Carwash	11.36	Stormwater

BILLS (Continued)--

J-U-B	45,233.50	General/Water
Heidi Checketts	34.60	Youth Council
Cache County Corporation	2,311.50	CPDO, Trails
Utah Association of Public Treasurers	75.00	General
Salary Register	9,321.61	

Councilmember Duffin moved to pay the bills. Councilmember Cummings seconded. Councilmembers Cummings, Duffin, Williams, and Zollinger voted yes with Councilmember Callahan absent.

City Reports

Roads/Sidewalks:

Superintendent Larsen reported on a storm water mock audit that was to take place. The individual doing the audit had written a grant to observe and inventory the city's facilities along with the park facilities of several cities throughout the state. She had met with our staff and seemed quite satisfied with how the City is operating. She will not be reporting anything to Water Quality. Superintendent Larsen indicated this audit went very good.

City Parks:

Superintendent Larsen had nothing to report on the parks at this time.

Culinary Water System:

Superintendent Larsen reported a letter had been sent to the Drinking Water Board notifying them of the monies we would like to use from our Capital Facility Replacement Fund. This board will be meeting next week during the RWAU Conference. There may be some reply to the letter following their meeting.

The ASR project report has been through the second draft reading. The Utah Geological Survey had completed their part of the manuscript, and it had been reviewed by the Division of Water Quality. This report was sent to the City to review for any corrections and note any needed changes. This has been completed and returned to Utah Geological Survey. After all of the comments are compiled, there will be a time scheduled for the presentation of this report; this will be some time later in the year.

Jonny Budge, representing J-U-B Engineering, reviewed with the Council the 450 North to 550 North Road Dedication Plat with lot line adjustments. (A copy of this plat is included as Attachment "H".) This was mainly for the Council's information. There had been one property owner that had contested the property purchase and the City has started

the procedure for condemnation. There was discussion on whether there could be a settlement made without going through the condemnation process. Mayor Johnson will approach the property owner to try to identify the dollar amount being requested for the property. The State Property Ombudsman may be of some help in acquiring the property without going to court.

It was noted that there will be title insurance on all properties and agreements for the project. The City will be paying for all of the costs for the settlement.

There was also discussion about the Derby Car Subdivision property and the requirements that were placed on that subdivision during their approval process. The curb, gutter and sidewalk was to be installed at the expense of Mr. Grange, with him personally doing the labor for the installation. A drainage pipeline for storm water and irrigation was also to be installed. However, as this project is now abutting this subdivision and the required drain pipe must be installed at the time of the project, it was expedient to have this included as part of the 450-550 North Road Project with Mr. Grange paying for the costs of the materials. Mr. Grange was amiable to do this. The cost of this part of the project will be approximately \$17,000, with Mr. Grange paying his proportionate amount.

Business License Application Process

Councilmember Zollinger discussed the possibility of having the business licensing process for businesses in the commercial zone changed. He questioned if it was needed to have them come before the Council to review their license.

There was discussion about commercial businesses existing in residential zones and how to address their licensing. There was also a discussion about the City ordinances and enforcement of licensing. Home businesses that grow into commercial businesses was also briefly reviewed.

It was the consensus of the Council that there needs to be clarifications made to the ordinances and they all may need to be revamped.

Councilmember Zollinger will find out more information on this issue and bring it back to the Council at a future meeting.

Councilmember Reports

A copy of the Councilmember Reports list is included with the minutes as Attachment "I".

Councilmember Duffin reported she had met with Cindy Gooch, General Plan Coordinator, to have clerical and other changes that had been suggested at the last review by the Council made on the General Plan. There were various changes on formatting in

the document, survey responses, the identified 500 South Road changed to be 600 South, consolidation of some of the maps, and the appendixes updated. Councilmember Duffin requested the Council to go through and make one more final review of the Plan. This will be discussed at the next Council Meeting.

Councilmember Duffin will acquire a digital copy of this plan and send it to all of the Council.

Other items for Future Agendas

Councilmember Duffin questioned when the discussion regarding the cemetery property should continue. There was also discussion on whether an appraisal of the property near the cemetery should be made at this time.

Development Coordinator Meadows reported about the Mond-Aire Subdivision and the need to connect Center Street with this subdivision before five of the lots could be built upon. This may make part of that property more accessible for the cemetery to purchase.

It was the consensus that this property should be discussed in an executive session and one was tentatively scheduled for the next meeting,

Councilmember Duffin is hoping to have the Impact Fee Ordinance drafted for the Council's review at the next meeting.

Treasurer Tara Hobbs reported dogs are to be licensed by March 1. After that date, the list of unlicensed dogs will be turned over to animal control.

Recorder Jones informed the Council of a hot-line provided by Utah Local Government Trust for legal issues regarding our liability coverage.

Development Coordinator Meadows indicated the Planning Commission is to review two building permits, as well as the Conceptual Plan for the Howell Subdivision and the Preliminary Plan for the Copperleaf Subdivision at their next meeting.

Adjournment

Councilmember Duffin moved to adjourn the meeting. Councilmember Cummings seconded. Councilmembers Cummings, Duffin, Williams, and Zollinger voted yes with Councilmember Callahan absent. The meeting adjourned at 8:43 p.m.