

MILLVILLE PLANNING COMMISSION MEETING

City Hall - 510 East 300 South - Millville, Utah

April 21, 2022

PRESENT: Garrett Greenhalgh, Lynette Dickey, Larry Lewis, Matt Anderson, Darcy Ripplinger, Kara Everton, Tara Hobbs, Cameron & Melissa Record, Mark Bishop, Frank Shaw, Steve Walker, Mike Gibbons, Mayor David Hair

Call to Order/Roll Call:

Commissioner Greenhalgh opened the meeting for April 21, 2022, at 8:00 p.m. Commissioners Garrett Greenhalgh, Larry Lewis, Lynette Dickey, and Matt Anderson (Alt.) were present. Commissioner Thompson and Ripplinger were absent. Development Coordinator Kara Everton was present and took minutes.

Opening Remarks/Pledge of Allegiance

Commissioner Greenhalgh led all present in the Pledge of Allegiance.

Approval of Agenda

The agenda for the Planning Commission Meeting was reviewed. **Commissioner Dickey moved to approve the agenda April 21, 2022.** Commissioner Farmer seconded. Commissioners Garrett Greenhalgh, Larry Lewis, Lynette Dickey, and Matt Anderson (Alt.) were present. Commissioner Thompson was absent with Commissioner Ripplinger to arrive later.

Approval of the Minutes of the Previous Meeting

The Planning Commission reviewed the Planning Commission Meeting for April 7, 2022. **Commissioner Anderson moved to approve the minutes.** Commissioner Dickey seconded. Commissioners Garrett Greenhalgh, Larry Lewis, Lynette Dickey, and Matt Anderson (Alt.) were present. Commissioner Thompson was absent with Commissioner Ripplinger to arrive later.

5.A. Parcel Line Adjustment- Mark Bishop

Commissioner Greenhalgh asked Mark to come in, but wanted the committee to review to ensure the remaining lot is a buildable lot. The current lot is .52 acres, and it would be reduced to .35 acres. This is a corner lot that curves along almost the entire property, without a definitive start and stop. After reviewing the county GIS website and supporting documents we determined the road frontage is 172'. The house will be the farthest north possible so that the owner can put a hammerhead turn around to ensure the exit of the property is safe. The subject of property size was brought up. This is currently a hillside overlay lot with slope class 1-4 present, and needs to be a 20,000 SF lot, but the commission is confident that once the engineers can survey the property, adjustments can possibly be made to move it to a non-hillside lot. The committee is referring the owner to our city engineer to move forward. Once the engineers review, the owner will come in for further approval.

5.B. Pre-Application Conceptual: Frank Smith & Lisa Shaw- 105 W 100 N, Millville UT

Commissioner Ripplinger arrived at this time.

This property is the NWC of 1st North and 1st West. The property will be split into two lots approximately .41 acres each. Commissioners ensured the owner knew about the canal easement of 15' on both sides. There are a few sheds that would be removed particularly the shed that is up against the property line. Millville code allows an accessory building to be on the dripline, however County ruling wants the wall to be a firewall to allow the location, otherwise it needs to be 5 feet away from the property line. Steve Walker wanted to know if the new location can get a water share. Current share is through Blacksmith Fork Irrigation. Water shares are tied to the name and not the property. The question arose regarding the

cost of paying for water shares with the city. The code specifies that a whole water share fee is \$3000 so a half of a share would be \$1500. The drain field will be on the lot with the home on it.

5.C. Discussion on current code in relation to an accessory building to be used as an apartment

Commissioner Lewis shared the definition of a Single-Family Dwelling in our code. Commissioner Farmer shared the definition of Dwelling specifying that an apartment is *IN* owner occupied single-family dwelling. The determination was that Millville code will only approve one dwelling per lot.

Regarding Cameron & Melissa Records' request to convert their shop to an apartment, the commission has stated that there is no work around to having more than one dwelling on the property. The owners stated that they will need to move to make accommodations for their family.

The commission suggested that further review of city code is needed to change the code in relation to multiple dwellings on one lot.

Further discussion took place regarding Logan City's Accessory Dwelling Unit laws and codes. Setbacks were discussed in an accessory building vs dwelling building, and how those codes can still be met in the future if accessory buildings are converted to dwelling units. Logan City requires a declaration of owner occupancy to rent the apartment.

5.D. Development Near Canals

Code will need to be adopted to enforce canal easements and have some restrictions for lots along the canals.

5.F. Other

City Council Report- None

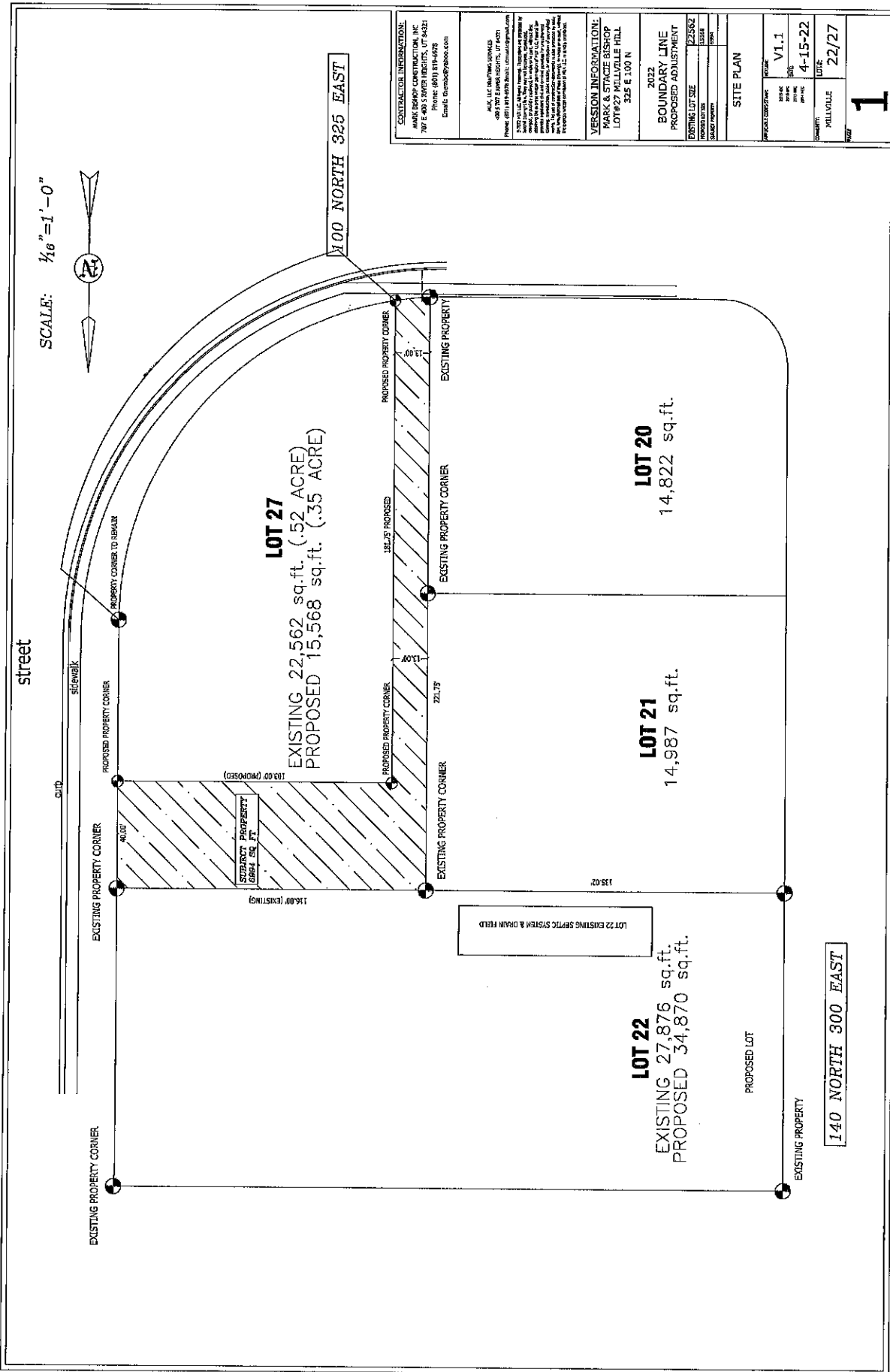
Agenda Items for Next Meeting

Future Planning Commission Meeting

The next regularly scheduled meeting will be held **Thursday, May 5, 2022**, at 8:00 pm.

Adjournment

Chairman Greenhalgh moved to adjourn the meeting at 9:44 p.m.





and Zoning Viewer

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03-029-0087
KATIE &
TREVER ZELLER

03-029-0093
EMILY CHRISTINA
TR FLOYD

03-029-0025
FRANK J SMITH

W100N

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Preapplication (Conceptual) requirements for subdividing property at 105 West 100 North in Millville, Utah owned by Frank Smith & Lisa Shaw.

- The property comprises the NW corner of 100 West and 100 North in Millville as shown on the attached plat.

- The property is 0.82 acres in size and has one house (that is currently being refurbished), one outbuilding and a barn.

- Per attached plat map, the proposed subdivide would define the existing house and outbuilding on one 0.41 acre plot and an empty lot (except the barn, which may be demolished) on the other.

- Both plots would exceed the 108 foot minimum frontage and would be parallel with 100 North.

- 100 North has a sewer line managed by the city of Logan that services adjacent Ridgeline High School, but for lack of a contract between Logan and Millville City, as we understand, is unavailable to residents. The existing house is consequently on a septic system although a dry sewer line to the property boundary has been installed.

- An electric service upgrade for the existing house was brought in underground from a street pole on 100 North to the south of the property. Were a house to be constructed on the vacant lot resulting from the subdivide there would be, per instruction from Rocky Mountain Power, access to electric power via a transformer located along the abutting property line of the seminary, but on the property of the seminary.

- Natural gas and culinary water lines are currently in place along 100 North with the existing house connected to each.

- The property is zoned Residential. Neighbors to the south pasture cows on their property but there is otherwise no commercial agriculture on adjacent boundaries.

- The attached FEMA flood hazard map shows flood plane boundaries along Blacksmith Fork that come to about 0.15 miles from the west end of the property at closest approach.

- A Millville City canal flows from south to north between the east boundary of the property and 100 West.

- There is no underground storm water drainage infrastructure along 100 North. Curb and gutter is in place from the high school / seminary property extending east to about 100 feet onto the Smith/Shaw frontage and terminating.

- There are no wells on the property.

-Though the property would not be considered a hillside development, 100 North is on about a 4% slope from the intersection of 100 West for about 130 feet to the west; then flattening to about 3% for 75 feet; then flattening again to 2.5 % to the property line with the seminary. The property itself is incised into the uphill (east) boundary slightly giving fairly continuous 2.5% slope throughout, dipping a few degrees north of west. 100 West dips by about 1% or less heading north from the intersection with 100 North.

- The property has an irrigation share and infrastructure in place for use of the adjacent canal. It would be at least possible to irrigate the proposed subdivide lot from the canal separately, though no infrastructure is currently in place.

-Buddy and Lisa intend to sell the portion of the property that the existing house is on upon completion of upgrades. It is undecided whether they would sell the proposed lot as vacant land or build a residential home there. It is probable that at some point a home would be built there either way.

18

165.0'

S 89° 1' 27" E

195.5'

00087

0.67 AC

S 89° 50' 30" E 173.12'

S 89° 50' 30" E 173.12'

00025

Frank J. Smith

0.02 AC

N 89° 50' 30" W

2

0.5 AC 165.0'

134.5'

00087

GARY M. BAYLES

DEORA K

BAYLES T

0.33 AC, 1/2

134.5'

00093

Jessie LCO

Floyd BAY

50' x .32 AC

85'

54' 07" 47' 36"

84.94'

33'

328.92'

K-132-1-11-1961

ST STREET

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103

LOT

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FUN

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101



AGENDA REPORT: DEVELOPMENT NEAR IRRIGATION CANALS April 14, 2022

Background

The irrigation companies that have canals in Millville City have noted issues with homes built in the City that are too close to canals or have had other negative effects on the canal companies.

The canal companies have recommended Millville incorporate regulations similar to those enforced by Providence City as it relates to building near an irrigation canal. Providence follows Utah State Code 10-9a-603(3)(d) and then has some of their own additional requirements in Providence City Code 11-3-2:B.2.e.

These code additions would be part of the Millville subdivision code and therefore go first to the Planning Commission for approval before coming to the City Council for final adoption.

Included documents

- Utah State Code 10-9a-603(3)(d)
- Providence City Code 11-3-2:B.2.e

Effective 7/1/2021

10-9a-603 Plat required when land is subdivided -- Approval of plat -- Owner acknowledgment, surveyor certification, and underground utility facility owner verification of plat -- Recording plat.

(1) As used in this section:

(a)

(i) "Facility owner" means the same as that term is defined in Section 73-1-15.5.

(ii) "Facility owner" includes a canal owner or associated canal operator contact described in:

(A) Section 10-9a-211;

(B) Subsection 73-5-7(3); or

(C) Subsection (6)(c).

(b) "Local health department" means the same as that term is defined in Section 26A-1-102.

(c) "State engineer's inventory of canals" means the state engineer's inventory of water conveyance systems established in Section 73-5-7.

(d) "Underground facility" means the same as that term is defined in Section 54-8a-2.

(e) "Water conveyance facility" means the same as that term is defined in Section 73-1-15.5.

(2) Unless exempt under Section 10-9a-605 or excluded from the definition of subdivision under Section 10-9a-103, whenever any land is laid out and platted, the owner of the land shall provide to the municipality in which the land is located an accurate plat that describes or specifies:

(a) a subdivision name that is distinct from any subdivision name on a plat recorded in the county recorder's office;

(b) the boundaries, course, and dimensions of all of the parcels of ground divided, by their boundaries, course, and extent, whether the owner proposes that any parcel of ground is intended to be used as a street or for any other public use, and whether any such area is reserved or proposed for dedication for a public purpose;

(c) 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;

(d) every existing right-of-way and recorded easement located within the plat for:

(i) an underground facility;

(ii) a water conveyance facility; or

(iii) any other utility facility; and

(e) any water conveyance facility located, entirely or partially, within the plat that:

(i) is not recorded; and

(ii) of which the owner of the land has actual or constructive knowledge, including from information made available to the owner of the land:

(A) in the state engineer's inventory of canals; or

(B) from a surveyor under Subsection (6)(c).

(3)

(a) Subject to Subsections (4), (6), and (7), if the plat conforms to the municipality's ordinances and this part and has been approved by the culinary water authority, the sanitary sewer authority, and the local health department, if the local health department and the municipality consider the local health department's approval necessary, the municipality shall approve the plat.

(b) Municipalities are encouraged to receive a recommendation from the fire authority and the public safety answering point before approving a plat.

(c) A municipality may not require that a plat be approved or signed by a person or entity who:

- (i) is not an employee or agent of the municipality; or
- (ii) does not:
 - (A) have a legal or equitable interest in the property within the proposed subdivision;
 - (B) provide a utility or other service directly to a lot within the subdivision;
 - (C) own an easement or right-of-way adjacent to the proposed subdivision who signs for the purpose of confirming the accuracy of the location of the easement or right-of-way in relation to the plat; or
 - (D) provide culinary public water service whose source protection zone designated as provided in Section 19-4-113 is included, in whole or in part, within the proposed subdivision.

(d) A municipality shall:

- (i) within 20 days after the day on which an owner of land submits to the municipality a complete subdivision plat land use application, mail written notice of the proposed subdivision to the facility owner of any water conveyance facility located, entirely or partially, within 100 feet of the subdivision plat, as determined using information made available to the municipality:
 - (A) from the facility owner under Section 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) in the state engineer's inventory of canals; or
 - (C) from a surveyor under Subsection (6)(c); and
- (ii) not approve the subdivision plat for at least 20 days after the day on which the municipality mails to each facility owner the notice described in Subsection (3)(d)(i), in order to receive any comments from each facility owner regarding:
 - (A) access to the water conveyance facility;
 - (B) maintenance of the water conveyance facility;
 - (C) protection of the water conveyance facility;
 - (D) safety of the water conveyance facility; or
 - (E) any other issue related to water conveyance facility operations.

- (e) When applicable, the owner of the land seeking subdivision plat approval shall comply with Section 73-1-15.5.
- (f) A facility owner's failure to provide comments to a municipality in accordance with Subsection (3)(d)(ii) does not affect or impair the municipality's authority to approve the subdivision plat.
- (4) The municipality may withhold an otherwise valid plat approval until the owner of the land provides the legislative body with a tax clearance indicating that all taxes, interest, and penalties owing on the land have been paid.
- (5)
 - (a) Within 30 days after approving a final plat under this section, a municipality shall submit to the Utah Geospatial Resource Center, created in Section 63A-16-505, for inclusion in the unified statewide 911 emergency service database described in Subsection 63H-7a-304(4)(b):
 - (i) an electronic copy of the approved final plat; or
 - (ii) preliminary geospatial data that depict any new streets and situs addresses proposed for construction within the bounds of the approved plat.
 - (b) If requested by the Utah Geospatial Resource Center, a municipality that approves a final plat under this section shall:
 - (i) coordinate with the Utah Geospatial Resource Center to validate the information described in Subsection (5)(a); and

- (ii) assist the Utah Geospatial Resource Center in creating electronic files that contain the information described in Subsection (5)(a) for inclusion in the unified statewide 911 emergency service database.
- (6)
- (a) A county recorder may not record a plat unless:
 - (i) prior to recordation, the municipality has approved and signed the plat;
 - (ii) each owner of record of land described on the plat has signed the owner's dedication as shown on the plat; and
 - (iii) the signature of each owner described in Subsection (6)(a)(ii) is acknowledged as provided by law.
 - (b) The surveyor making the plat shall certify that the surveyor:
 - (i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act;
 - (ii) has completed a survey of the property described on the plat in accordance with Section 17-23-17 and has verified all measurements; and
 - (iii) has placed monuments as represented on the plat.
 - (c)
 - (i) To the extent possible, the surveyor shall consult with the owner or operator, or a representative designated by the owner or operator, of an existing water conveyance facility located within the proposed subdivision, or an existing or proposed underground facility or utility facility located within the proposed subdivision, to verify the accuracy of the surveyor's depiction of the:
 - (A) boundary, course, dimensions, and intended use of the public rights-of-way, a public or private easement, or grants of record;
 - (B) location of the existing water conveyance facility, or the existing or proposed underground facility or utility facility; and
 - (C) physical restrictions governing the location of the existing or proposed underground facility or utility facility.
 - (ii) The cooperation of an owner or operator of a water conveyance facility, underground facility, or utility facility under Subsection (6)(c)(i):
 - (A) indicates only that the plat approximates the location of the existing facilities but does not warrant or verify their precise location; and
 - (B) does not affect a right that the owner or operator has under Title 54, Chapter 8a, Damage to Underground Utility Facilities, a recorded easement or right-of-way, the law applicable to prescriptive rights, or any other provision of law.
- (7)
- (a) Except as provided in Subsection (6)(c), after the plat has been acknowledged, certified, and approved, the owner of the land seeking to record the plat shall, within the time period and manner designated by ordinance, record the plat in the county recorder's office in the county in which the lands platted and laid out are situated.
 - (b) A failure to record a plat within the time period designated by ordinance renders the plat voidable by the municipality.

Amended by Chapter 47, 2021 General Session
Amended by Chapter 162, 2021 General Session
Amended by Chapter 345, 2021 General Session

11-3-2 Preliminary Plat

A preliminary plat application will not be accepted by the City without the City's written approval of the concept plan. The following procedure shall be followed in submittal and review of the preliminary plat:

A. Preparation: The preliminary plat shall be prepared in accordance with all requirements of the City and shall include all proposed phases.

B. Contents:

1. Drawing Requirements: The title block of the preliminary plat shall include the following:

- a. The proposed name of the development.
- b. The section, township and range of the development.
- c. The names, addresses, and contact information of the owners, developer(s), if other than the owners, and surveyors or and designers of the development.
- d. Scale of drawing and north arrow.

2. Existing Conditions: The preliminary plat shall also show:

- a. The legal description basis of bearing, and total acreage (total acreage includes all property within the parcel(s) and all phases whether current or future) of the proposed development, certified by a licensed land surveyor.
- b. Location, street number and name of existing streets within one hundred feet (100) of the development and of all previously platted streets or other public ways, railroad and utilities rights of way, parks and other public open spaces, permanent buildings and structures, and corporate lines within and adjacent to the tract.
- c. The location of all wells, proposed, active and abandoned, springs, and all reservoirs within the tract and to a distance of at least one hundred feet (100') beyond the development boundaries.
- d. Existing sewers, water mains, culverts or other underground facilities within the tract and to a distance of at least one hundred feet (100') beyond the tract boundaries, indicating pipe size, grades, manholes and accurate location.
- e. Existing ditches, canals, natural drainage channels, 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; and a letter, from the affected users indicating the plans are acceptable, must be submitted to the City.

- f. Accurate boundary lines certified by a licensed land surveyor and ownership of adjacent parcels of land. (Subd. Ord., 1-24-1990)
- g. By means of an overlay method or directly on the plat, vertical contour intervals of not more than two feet (2') or one foot (1') on predominantly level land.
- h. A vicinity map shall show how the development is situated in its surrounding neighborhoods extending a minimum of two (2) blocks or more outward from the boundaries of the development. The vicinity map shall include all major, collector, standard and feeder streets within the area, both existing streets and those proposed on the Master Plan. (Subd. Ord., 1-24-1990; amd. Ord., 1-9-1996)

3. Proposed Conditions: The preliminary plat shall also show;

- a. The layout of streets showing location, widths and other dimensions of proposed streets (designated by actual or proposed names and numbers), crosswalks, alleys and easements.

- b. The location for culinary water improvements, waste water improvements, storm drainage and street lights for all lots proposed within the development.
 - c. The layout, numbers, hazard setback, and typical dimensions of lots and square footage.
 - d. Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in the development.
 - e. Written statement by the design engineer verifying that all lots have an adequate buildable envelope with regards to hazardous slope, building, water, zoning setbacks, etc.
 - f. Easements for water, sewer, drainage, utility lines and other utilities.
 - g. Typical street cross-sections and preliminary street grades if required.
 - h. Copies of any agreements with adjacent property owners relevant to the proposed development.
 - i. Location, function, ownership and manner of maintenance of common open space not otherwise reserved or dedicated for public use.
 - j. A professionally prepared plat having been prepared on a minimum twenty inch by thirty inch (20" x 30") or maximum twenty-four inch by thirty-six inch (24" x 36") approved reproducible drafting medium.
 - k. A signature block along the right-hand margin of the preliminary plat, providing for the following certifications or approvals:
 - (1) Prior to City review, an affidavit or certificate of clear title to the effect that the applicant is the owner of, or that he is authorized by the owner in writing to make application for, the land proposed to be subdivided. The affidavit or certificate shall state clearly in which status, a copy of said written authorization from the owner shall be submitted with the preliminary plat. A title report shall also be submitted which indicates in whom the fee simple title to such property is vested and any liens or encumbrances thereon. A statement from the property owner disclosing any options or unrecorded contacts/agreements associated with the property.
4. Phasing. The development shall be phased to provide public infrastructure, facilities, and services in a timely and orderly manner and provide the City the ability to protect and promote public health, safety, and welfare.
- a. When developing a large tract of land, developers may choose to construct the subdivision in phases rather than develop the entire property at once. However, in no case should a phase contain less than 6 lots; and no less than two acres of land area.
 - b. Phases shall be planned to ensure the efficient and consecutive construction of adjacent future phases (those phases immediately next to the subject phase, sharing a common boundary line), and to ensure that phased development does not allow for leapfrog development.
 - c. Each proposed phase shall provide no less than a proportionate share of required open space, recreation facilities, and/or dedications for public use concurrent with development. In cases where construction of a proportionate fair share improvement is not feasible or would result in incomplete facilities which do not mitigate the impacts of the phase, construction of the entire improvement may be required.
 - d. All phases shall be required to be stand-alone. No proposed prior phase shall be dependent on the completion of subsequent phases to be consistent with any required approvals and/or conditions, including but not limited to: the looping of roads and utilities; the provision of fire flow; and the mitigation of transportation, recreation and/or public

services impacts. Landscaping and parking improvement shall be provided within each phase as required.

e. Infrastructure improvements which are required to serve the entire project may be constructed within a nonadjacent phase.

f. Phasing Plans shall include the following information:

(1) Illustrative maps for each proposed phase which clearly mark in heavy lines the boundaries of the subject phase, label the phase alphabetically (to avoid confusion with lot numbers) and depict roads, lots, infrastructure, easements, dedications and open space which are included within the subject phase. The plan shall also illustrate those proposed improvements which mitigate impacts associated with the unbuilt portions of the project which are not located within the boundaries of the subject phase. Previously established phases, including roads, lots, infrastructure, easement, dedications, and open space, should be shown on the map shaded or gray-scaled. All phasing maps shall be drawn at the same scale.

(2) A narrative description or table which describes each phase and its associated improvements, in addition, the narrative or table shall demonstrate that each phase would comprise a "stand-alone" development which, should no subsequent phases be constructed, would meet or exceed the standards of this title and all other conditions of approval. The narrative should also describe the proposed timeline for completion of the entire project and any proposals to bond for required unbuilt or yet-to-be-constructed improvements.

g. Choosing to phase the subdivision does not relieve developer of the requirement to present the entire subdivision in its phases, for final approval by the Planning Commission as required by Section 3 of this Title and Chapter.

h. Remainder parcel. In no case should a remainder parcel contain less area than the area required for 6 lots.

C. **Submittal:** Four (4) copies (20"x30" minimum , 24" x 36" maximum size) and one (1) 11" x 17" copy of the preliminary plat shall be submitted to the City for review a minimum of seven (7) days prior to the initial City review. The City will complete the first review within thirty (30) days. Each subsequent review is subject to an additional thirty (30) day review period. If all required information is not included, city has the right to refuse the package.

D. **Staff Review:** Upon review, the city executive staff will provide written comments, conclusions and recommendations to the Land Use Authority. (Subd. Ord., 1-24-1990; amd. Ord., 1-9-1996)

E. **Approval:** No preliminary plat shall be approved by the Planning Commission, the City Council, or any other designated Land Use Authority unless it complies with or can be shown that a final plat will be likely to comply with all the provisions set forth in the Providence City Ordinances. No preliminary or final plat shall be approved if a commitment-of-service letter has not been issued for the plat pursuant to Section 8-1-21.

1. A preliminary plat is not considered approved until all conditions have been satisfied and the plat has been signed by the City Engineer, Land Use Authority, and the Developer.

F. **Complete application:** Providence City has thirty (30) days to review an application for completeness. At that time the City will provide a written notice of acceptance or denial to the developer and/or their agent. If the application is denied, the application fee may be refunded; professional fees for review may be billed. To be considered complete, an application must contain the following:

1. a completed Providence City Application Form;
2. payment of the application fee;
3. the proposed preliminary plat and all required copies;

4. a title report shall also be submitted which indicates in whom the fee simple title to such property is vested and any liens or encumbrances thereon;
5. a copy of the City's written approval of the concept plan.

G. Expiration:

1. Preliminary Plat Application. A preliminary plat application shall expire if it is determined by the City's Land Use Authority that the developer and/or its agent did not proceed with reasonable diligence to meet any items/conditions identified in City ordinances and/or in city executive staff review comments; or
2. Approved Preliminary Plat. An approved preliminary plat shall expire if a complete final plat application has not been submitted to the City by the developer and/or its agent within one (1) year after approval of the preliminary plat.
3. An expired plat is considered withdrawn and any vested right to proceed obtained by the developer shall terminate.