

NOTICE AND AGENDA

Notice is hereby given that the Planning Commission of Millville City will hold their regularly scheduled on Thursday, **October 6, 2022** at the Millville City Offices, 510 East 300 South in Millville, Utah, which meeting shall begin promptly at **8:00 p.m.**

1. Call to Order / Roll Call
2. Opening Remarks / Pledge of Allegiance
3. Approval of agenda
4. Approval of minutes from September 15, 2022
5. Agenda Items
 - A. Zoning Clearance- New Residence- Matthew & Rebecca Hedelius- 41 N 550 E, Millville UT
 - B. Zoning Clearance- New Residence- Unique Custom Homes for Tyler Gessel- 384 N 100 E, Millville UT
 - C. Park Extension Annexation
 - D. Pre-Conceptual Covert Property
 - E. Millville City Code Review- Chapter 17.46 Accessory Dwelling Units
 - F. Millville City Code Review- Chapter 17.50 Short-Term Rental Housing
 - G. Other
6. City Council Minutes from September 22, 2022
7. Agenda items for next meeting
 - A. Public Hearing: Stauffer Zone Change Petition
8. Calendaring for future Planning Commission Meeting October 20, 2022
9. Adjournment

In compliance with the American with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during public meetings should notify Kara Everton at (480) 528-1467 at least three days prior to the meeting.

This agenda was posted on/before October 3, 2022 to the City posting locations, the City Website and the Utah Public Meeting Notices Website.



Kara Everton, Secretary
Millville City Planning Commission

MILLVILLE PLANNING COMMISSION MEETING

City Hall - 510 East 300 South - Millville, Utah

September 15, 2022

PRESENT: Garrett Greenhalgh, Lynette Dickey, Larry Lewis, Darcy Ripplinger, Matthew Anderson, Kara Everton, Tara Hobbs, David Hair, Pam June, Randall & Kristen Gasaway, Patrick & Brookelyn Pehrson, Rex & Annette Pehrson, Kristen Gonzalez, Cathy Anderson, Debby Bronson, Bryon Darby, Tim Ropebush, Jackson Debenham, Devin Preston

Call to Order/Roll Call:

Commissioner Greenhalgh opened the meeting for September 15, 2022, at 8:00p.m. Commissioners Garrett Greenhalgh, Lynette Dickey, Larry Lewis, Darcy Ripplinger (Alt.) and Matthew Anderson (Alt) were present with Commissioner Thompson & Farmer excused. Development Coordinator Kara Everton was present and took the 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 for September 15, 2022.** Commissioner Lewis seconded.

Commissioners Garrett Greenhalgh, Lynette Dickey, Larry Lewis, Darcy Ripplinger (Alt.) and Matthew Anderson (Alt) voted in favor with Commissioner Thompson & Farmer excused.

Approval of the Minutes of the Previous Meeting

The Planning Commission reviewed the Planning Commission Meeting for August 18, 2022, **Commissioner Anderson moved to approve the minutes.** Commissioner Dickey seconded. Commissioners Garrett Greenhalgh, Lynette Dickey, Larry Lewis, Darcy Ripplinger (Alt.) and Matthew Anderson (Alt) voted in favor with Commissioner Thompson & Farmer excused.

5.A. Zoning Clearance- Randall Gasaway- Covered Carport- 316 S 100 E. Millville

This is to cover the stairs outside but will also be used to park cars. The setbacks look good. This is considered an addition so the cost of the Zoning Clearance will be \$1000 with a \$50 filing fee. The \$1000 will be refunded once the project is completed.

Commissioner Ripplinger moved to approve the Zoning Clearance Randall Gasaway- Covered Carport- 316 S 100 E. Millville. Commissioner Lewis seconded. Commissioners Garrett Greenhalgh, Lynette Dickey, Larry Lewis, Darcy Ripplinger (Alt.) and Matthew Anderson (Alt) voted in favor with Commissioner Thompson & Farmer excused.

5.B. Pehrson Subdivision Conceptual

The BRHD letter that was accompanied with the subdivision plat states that a septic is feasible within the new property, but a percolation test on lot number 2. A residential zoning clearance will not be able to be obtained until BRHD signs off on the test. New acreage on Lot 2 would be .409 acres with Lot 1 being .509 acres.

5.C. Zoning Clearance- New Residence- High Peaks Construction- 452 E 25 N. Millville

Matthew Anderson mentioned that he has a related interest in this build.

This is a hillside overlay property. Lance Houser has reviewed and given his approval via email if a landscaping plan, which was available. The dirt will be hauled off to make the slopes work for the property. The setbacks are within guidelines. The side setbacks are right at the 15' mark. Commissioner Greenhalgh suggested getting it surveyed at the beginning to ensure those setbacks are met.

Refund of Landscaping will go to homeowner not the contractor.

Commissioner Lewis moved to approve the Zoning Clearance New Residence- High Peaks Construction- 452 E 25 N. Millville. Commissioner Dickey seconded. Commissioners Garrett Greenhalgh, Lynette Dickey, Larry Lewis, Darcy Ripplinger (Alt.) and Matthew Anderson (Alt) voted in favor with Commissioner Thompson & Farmer excused.

5.D. Other

- Bryon Darby came in to ask for advice regarding his parent's (Graham C Hunter 03-037-0014) property that is accessed off canal road. Bryon has talked to the county, and they didn't know if this was county land or city land. Canal Road is technically an easement, not really a road. Ideally, they would want to build 1 or 2 houses and keep it in the family. The commission confirmed this is in the county. Per Millville City regulations it wouldn't be able to be built due to the access from a private drive. Mayor Hair stated that the county has said in the past that if there is more development that way then the road will need to be improved. Ultimately their access will be the issue. The commission advised to speak to the county and get answers about the access.
- Homeowners just bought 25 W. 300 S. They have never owned a home before and had some questions. They would like to make their basement into an apartment. There is no plumbing stubbed out, so the commission advised that they draw a plan, get a zoning clearance, and then go to the county for a permit. The commission informed them to make sure that if there is a swell in the driveway to make sure they maintain that swell to ensure water runoff is maintained.
- Looking at a property behind the pickleball court the Covert's 5-acre property. He had questions regarding how he can subdivide that property. The commission informed him that in Millville City code that anything south of 300 S needs to meet the minimum acreage to 2 acres and 132' of frontage. *Further review after the meeting noted that the ordinance in question was only*

for the properties that are labeled R-3. This property is currently labeled R-1 and would meet the requirements for the design in question.

6. City Council Report – review minutes from the August 25, 2022 & September 8, 2022, meeting

- Commissioner Anderson had a statement about the council's discussion about fees for duplexes. He wanted to make a note that the park impact fee, noting that the cost is less for a multi-family dwelling compared to a single-family dwelling, that he was not meaning for it to be swayed in his favor.
- Commissioner Ripplinger stated that she had sent an email to the Mayor regarding the light shut-off time moving up earlier. Mayor Hair sent the email to the Council and to Chad Kendrick and this will be discussed in future council meetings. Recently the lights were on, and music was playing past 11 o'clock. The commission did note that park hours are dawn to dusk.

7. Agenda Items for Next Meeting

8. Calendaring of future Planning Commission Meeting

The next regularly scheduled meeting will be held Thursday, October 6, 2022, at 8:00 pm.

9. Adjournment

Chairman Greenhalgh moved to adjourn the meeting at 9:14 p.m.

APPLICATION INFORMATION

- [illegible]

The diagram is a site plan showing the layout of a property. A large rectangle in the center is labeled "PROPOSED STRUCTURE". Above it is a smaller rectangle labeled "EXISTING STRUCTURE". A north arrow points towards the top left, labeled "N". Dimensions are indicated by arrows: 75' between the top of the proposed structure and the top of the existing structure; 50' between the bottom of the existing structure and the top of the proposed structure; 10' between the right side of the existing structure and the right boundary; 15' between the left side of the proposed structure and the left boundary; 15' between the right side of the proposed structure and the right boundary; 30' between the bottom of the proposed structure and the bottom boundary; and a "DRIVEWAY" is shown on the left side of the proposed structure. The bottom boundary is labeled "STREET NAME".

Diagram illustrating the layout of the proposed structure and driveway. The structure is 20 ft wide and 18 ft high. The driveway is 30 ft wide and 20 ft high. The structure is 79 ft from the left boundary. A north arrow points up.

DATE _____

This property is being approved for building permit issuance as indicated above. Any change in the type or placement of the structure is not allowed. This clearance is not a waiver of compliance with either the zoning ordinance or the building codes. Millville City Form 101 - 15 Nov. 2003 (previous edition is obsolete)

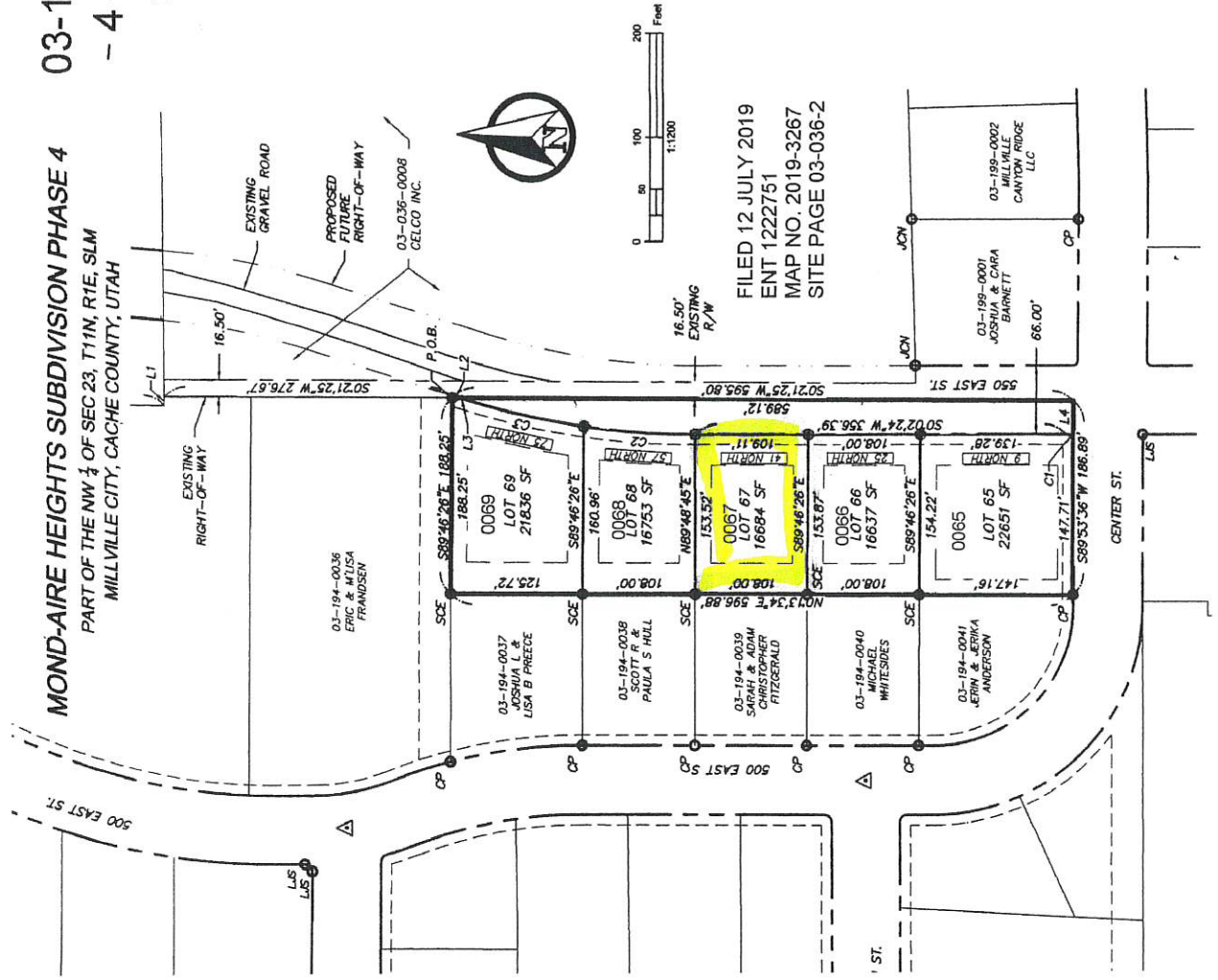
03-194

- 4 -

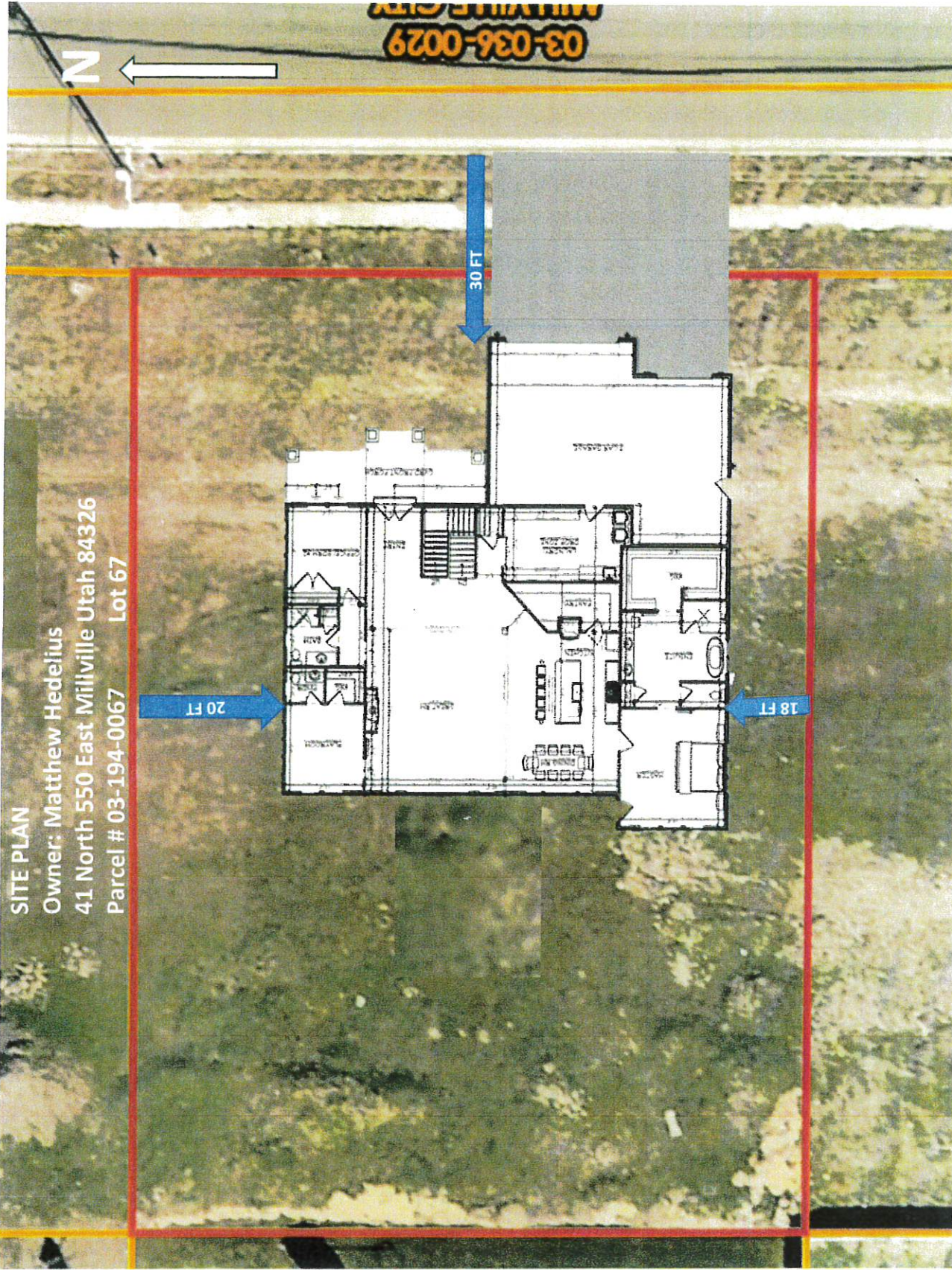
MOND-AIRE HEIGHTS SUBDIVISION PHASE 4

PART OF THE NW 1/4 OF SEC 23, T11N, R1E, SLM
MILLVILLE CITY, CACHE COUNTY, UTAH

Electronic Only
TAX UNIT 07



FILED 12 JULY 2019
ENT 1222751
MAP NO. 2019-3267
SITE PAGE 03-036-2



SITE PLAN

Owner: Matthew Hedelius
41 North 550 East Millville Utah 84326
Parcel # 03-194-0067 Lot 67

03-036-0029
MILLVILLE CITY



MILLVILLE CITY
ZONING CLEARANCE FOR BUILDING PERMIT
THIS FORM EXPIRES 60 DAYS FROM DATE OF APPROVAL

APPLICATION INFORMATION

1. Unique Custom Homes (Tyler Goss)
APPLICANT'S NAME

2. 164 N. 300 E
MAILING ADDRESS

Providence Ut. 84332
CITY STATE ZIP CODE

3. _____ 4. 435-770-4224
HOME TELEPHONE BUSINESS TELEPHONE

5. Tyler
OWNER'S NAME (if different from applicant)

6. Home
TYPE OF STRUCTURE

7. 1815 8. R-1
SQUARE FOOTAGE ZONE

9. Park Meadows Lot 8
SUBDIVISION NAME AND LOT NUMBER (if applicable)

10. 02 - 130 - 0058
TAX IDENTIFICATION NUMBER

11. 384 N. 100 E
ADDRESS OF CONSTRUCTION

12. .33 Ac 13. _____
LOT SIZE LOT ELEVATION

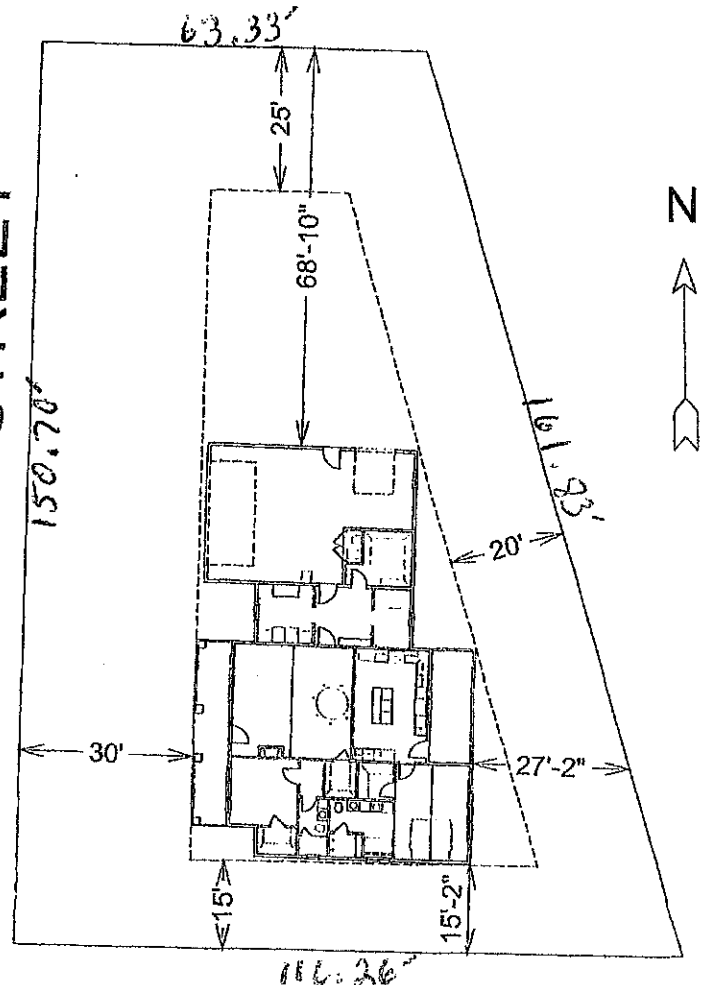
14. SEWER ☐ SEPTIC TANK ☒ N/A ☐
(choose one)

15. CITY WATER ☒ PRIVATE WELL ☐ N/A ☐
(choose one)

16. ELECTRICITY ☒ GAS ☒ OTHER UTILITY ☐
(specify in remarks)

17. _____
REMARKS

100 EAST STREET



APPROVED - PLANNING AND ZONING

DATE

FEES PAID - TREASURER

DATE

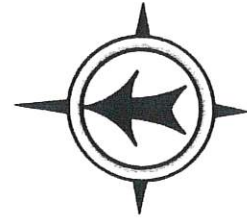
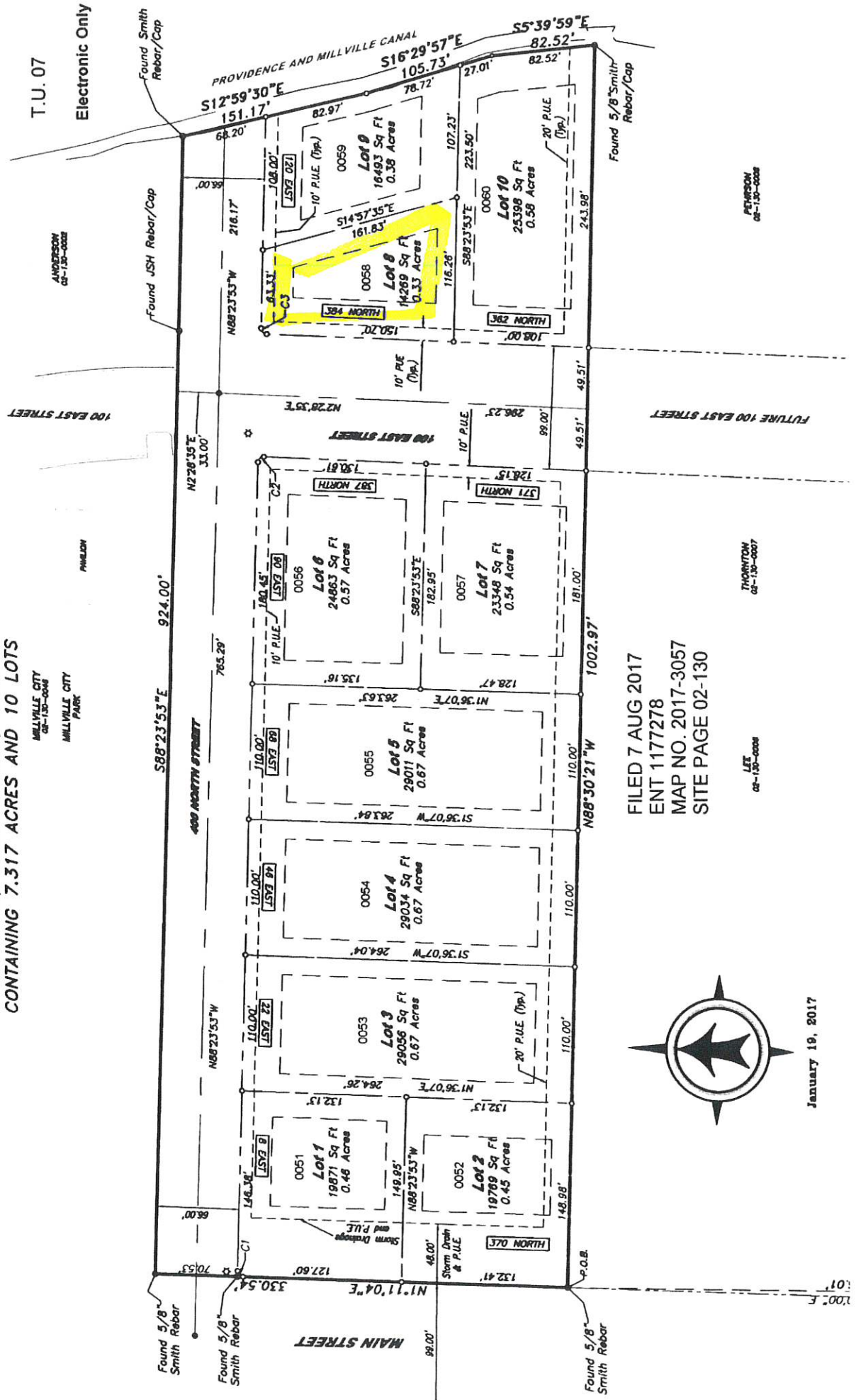
This property is being approved for building permit issuance as indicated above. Any change in the type or placement of the structure is not allowed. This clearance is not a waiver of compliance with either the zoning ordinance or the building codes. Millville City Form 101 - 15 Nov. 2003 (previous edition is obsolete)

Park Meadows Subdivision

02-130

A PART OF THE SOUTHEAST QUARTER OF SECTION 15, T11N, R1E, S.L.B.&M.
MILLVILLE, CACHE COUNTY, UTAH
CONTAINING 7.317 ACRES AND 10 LOTS

-2-



January 19, 2017

FILED 7 AUG 2017
ENT 1177278
MAP NO. 2017-3057
SITE PAGE 02-130

LEE
02-130-0008

THORNTON
02-130-0007

PETERSON
02-130-0008

MILLVILLE CITY
02-130-0004
MILLVILLE CITY
PARK

PAULSON

ANDERSON
02-130-0002

T.U. 07

Electronic Only

Found Smith
Rebar/Cap

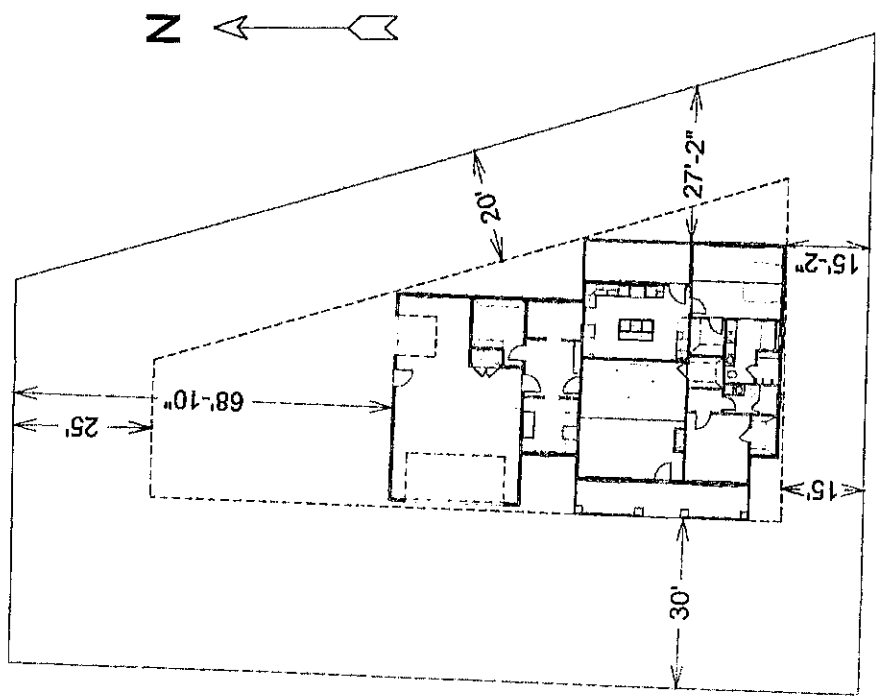
Found JSH
Rebar/Cap

Found 5/8"
Smith Rebar

Found 5/8"
Smith Rebar

Found 5/8"
Smith Rebar

Found 5/8"
Smith Rebar/Cap



100 EAST STREET

PLOT PLAN
SCALE 1"=10'



AGENDA REPORT: GRIFFEN PROPERTY ANNEXATION

OCTOBER 6, 2022

The Griffins have donated 1.74 acres of property directly south of the existing South Park. We were hoping that we could do a boundary adjustment to just move that from their parcel and make it part of the parcel in the park, but since it is in the County, we will need to annex it in as well.

For the annexation to take place, we need the Planning Commission to take a look at it and recommend annexing it into Millville.

This park extension is intended to have shade trees and a walking path and some picnic tables and benches. Only access will be a walking bridge across the canal from the southeast corner of our existing park.

Attached are the petition and the plat. The grey area that is part of the Griffin property at the bottom is the portion that the City now owns and are planning to annex into Millville.

PETITION FOR ANNEXATION

TO THE MAYOR AND CITY COUNCIL OF MILLVILLE CITY, CACHE COUNTY,
STATE OF UTAH:

We, the undersigned owners of certain real property lying contiguous to the present municipal limits of Millville City hereby submit this Petition for Annexation and respectfully represent the following:

1. That this petition is made pursuant to the requirements of Section 10-2-403, Utah code Annotated, 2015, as amended (UCA);
2. That the property subject to this petition is a contiguous, unincorporated area contiguous to the boundaries of Millville City and the annexation thereof will not leave or create an unincorporated island or peninsula;
3. That the signatures affixed hereto are those of the owners of private real property that:
 - a. is located within the area proposed for annexation;
 - b. covers a majority of the private land area within the area proposed for annexation; and
 - c. is equal in value to at least 1/3 of the value of all private real property within the area proposed for annexation;
 - d. is described as follows:

A parcel of Ground located in the Southwest Quarter of Section 23, Township 11 North, Range 1 East of the Salt Lake Base & Meridian. Described as follows:

Commencing at the Aluminum Cap Monument found at the Southwest Corner of Section 23, Township 11 North, Range 1 East of the Salt Lake Base and Meridian, from which the point Brass Cap Monument found at the Northwest Corner of said section bears North 0°02'39" East 5,340.07 feet and the Aluminum Cap Monument found at the South Quarter Corner of said section bears North 89°40'13" East 2,636.08 feet, and running Thence North 804.909 feet; Thence East 977.474 feet to a found Bolt at a fence corner; Thence South 00°49'00" West 18.673 feet to a point in the center of the Garr Spring Branch and is the point of beginning; and running Thence Northeasterly along said centerline the following eight courses, 1) North 77°29'22" East 9.887 feet; 2) Thence South 83°02'28" East 52.668 feet; 3) Thence North 59°05'24" East 20.884 feet; 4) Thence North 64°00'08" East 27.372 feet; 5) Thence North 59°45'57" East 27.339 feet; 6) Thence North 69°46'22" East 45.430 feet; 7) Thence North 71°30'58" East 40.692 feet; 8) Thence North 47°28'59" East 2.974 feet to fence; Thence following said fence the following two courses, 1) North 85°25'09" East 99.219 feet; 2) Thence North 87°52'03" East 30.695 feet to a point on the West line of Lot 1 of the Pehrson Place Subdivision-52.297 feet Northerly of the Southwest corner of said Lot 1; Thence South 00°01'06" West (South 00°14'58" West by record of said subdivision) 283.782 feet; Thence North 72°11'17" West 517.214 feet; Thence North 08°49'30" East 28.054 feet to the center of the Garr Spring Branch; Thence Easterly along said centerline the following five courses, 1) South 73°27'20" East 23.975 feet; 2) Thence North 81°33'51" East 35.793 feet; 3) Thence North

77°21'26" East 38.799 feet; 4) Thence North 65°34'52" East 36.434 feet; 5) Thence North 77°29'22" East 18.153 feet to the point of beginning.
Containing 75,790 Square Feet or 1.740 Acres.

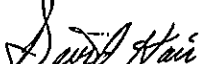
4. That up to five of the signers of this petition have been designated as sponsors, one of whom is designated "contact sponsor", with the mailing address of each sponsor being indicated;
5. That this petition does not propose annexation of all or a part of an area proposed for annexation in a previously filed petition that has not been denied, rejected, or granted;
6. That this petition does not propose annexation of an area that includes some or all of an area proposed to be incorporated in a request for a feasibility study under Section 10-2-103 UCA or a petition under Section 10-2-125 UCA if;
 - a. the request or petition was filed before the filing of the annexation petition; and
 - b. the request, a petition under Section 10-2-109 based on that request, or a petition under Section 10-2-125 is still pending on the date the annexation petition is filed;
7. That the petitioners have caused an accurate plat of the above described property to be made by a competent, licensed surveyor, which plat is filed herewith; and
8. That the petitioners understand the property, if annexed, will be zoned Agricultural.

WHEREFORE, the Petitioners hereby request that this petition be considered by the governing body at its next regular meeting, or as soon thereafter as possible; that a resolution be adopted as required by law accepting this Petition for Annexation for further consideration; and that the governing body take such steps as required by law to complete the annexation herein petitioned.

DATED this 29th day of September, 2022.

Petitioner:

Address:

 Contact Sponsor Phone Number 435-881-2669	Corey Twardt - City Recorder 510 E. 300 S. PO Box 308 Millville, UT 84326
 Sponsor David Hair, Millville Mayor	510 E. 300 S. PO Box 308 Millville, UT 84326

Sponsor



AGENDA REPORT: PRE-CONCEPTUAL COVERT PROPERTY

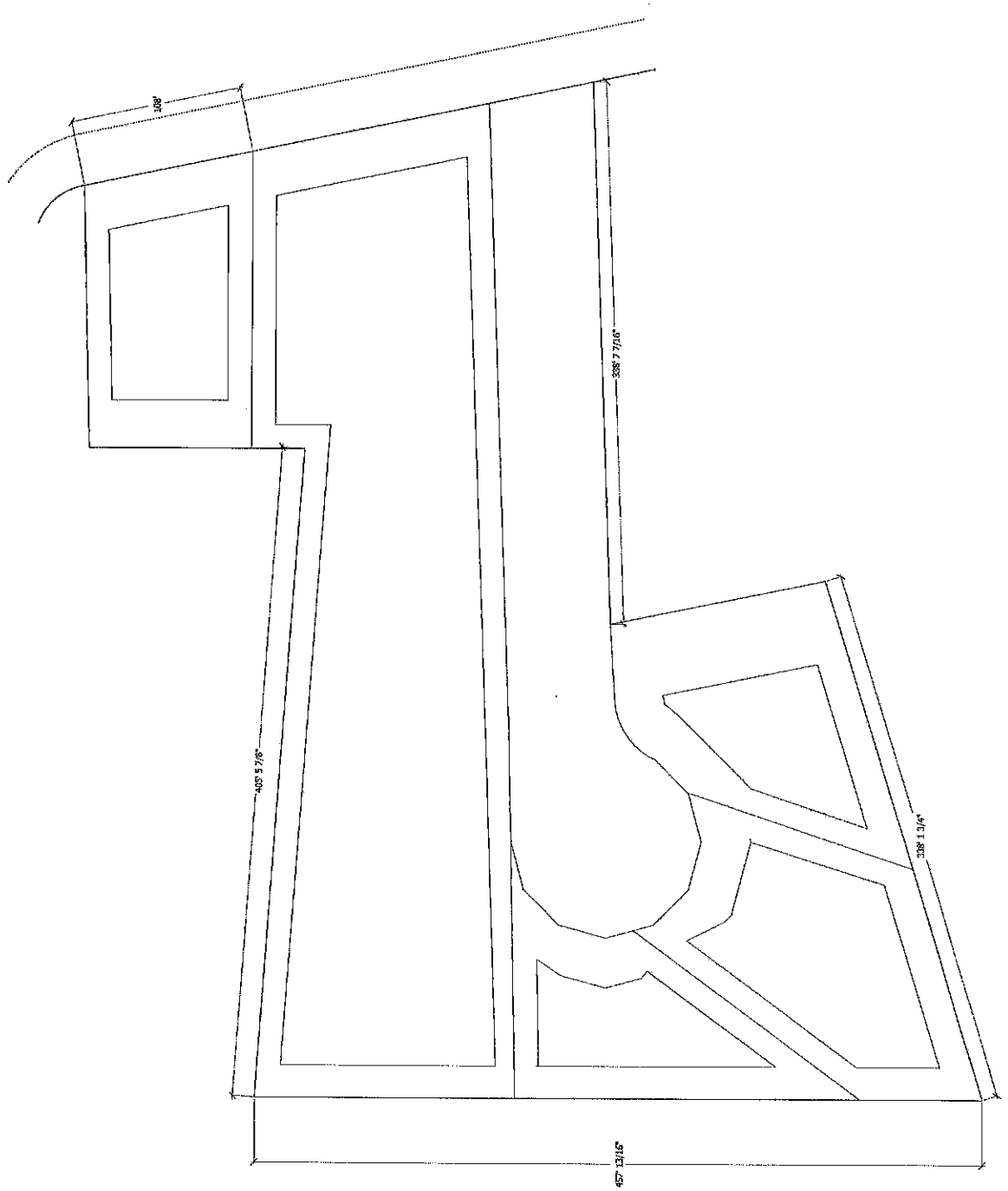
OCTOBER 6, 2022

A gentleman from out of the country has called inquiring about the Covert's property. He has sent over this rough pre-conceptual drawing and wanted feedback from the commission that Development Coordinator Everton will email after the meeting.

Some things to consider:

- Dedication of property because of the alley and road
- The frontage does seem to meet the requirements for the two properties on the North side.
- The furthest north property seems to be 1/3 acre.

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MILLVILLE CITY CODE
TITLE 17 - ZONING
CHAPTER 17.46 - ACCESSORY DWELLING UNITS

17.46.010: DEFINITIONS

17.46.020: REGULATIONS

17.46.030: RENTAL PROVISIONS

17.46.040: LEGALIZING ACCESSORY DWELLING UNITS

17.46.050: PENALTY

17.46.010: DEFINITIONS

"Accessory Dwelling Unit (ADU)" is a second residential dwelling on the same lot or parcel as the primary residence. An ADU may be detached or inside the primary residence.

"External Accessory Dwelling Unit (EADU)" is a second residential dwelling unit which is a self-contained dwelling unit located in a detached building on the same lot or parcel as a single family residence.

"Internal Accessory Dwelling Unit (IADU)" is a second residential dwelling unit which is a self-contained dwelling unit located within the footprint of a single family residence. (Ord. 2022-?, 2022)

17.46.020: REGULATIONS

- A. An ADU shall comply with all applicable building, health, and fire codes.
- B. The owner of the property shall occupy either the ADU or the primary dwelling where the ADU is located as their place of primary residence.

- C. Occupancy of any ADU shall be limited to a single family as defined by Millville City Code.
- D. A minimum of two (2) extra parking spaces beyond the parking required for the primary dwelling shall be provided on a property where an ADU is proposed. This parking spaces can not be on a City street or the City right-of-way.
 - 1. Any parking spaces displaced by the construction of an ADU (i.e. parking within a garage or carport displaced after the construction of an ADU within the garage or carport) shall be replaced to meet the requirement above.
 - 2. Parking surfaces shall be constructed of a hard surface, such as concrete or asphalt, or gravel.
- E. An ADU shall maintain the same address as the primary dwelling.
- F. An ADU shall not operate on separate utility meters from the primary dwelling.
- G. The owner of a property with an ADU shall be charged the base rate for all utilities in accordance with the Millville City Fee Schedule for the ADU in addition to the utility fees for the primary residence.
- H. Accessory dwelling units shall be subject to impact fees in accordance with the Millville City Impact Fee Schedule.
- I. A maximum of one ADU is permitted per parcel.
- J. The total area of an EADU shall be less than fifty percent (50%) of the total square footage of the primary residence, but not more than 1,200 square feet.
- K. New EADUs are subject to the same ordinances that apply to the principal dwelling unit as far as zoning, height restrictions and setbacks.
- L. An IADU shall be designed in a manner that does not change the appearance of the primary dwelling as a single family dwelling.
- M. An EADU shall be of substantially similar architectural features with respect to roof pitch, building materials, colors and design details of the primary dwelling unit.
- N. EADUs are limited to twenty-five percent (25%) of the rear lot area. EADUs shall not be located in front of the primary dwelling unit.

- O. An ADU shall not be permitted within a mobile home or within the property area of a mobile home. (Ord. 2022-?, 2022)

17.46.030: RENTAL PROVISIONS

- A. An ADU shall not be made available to rent without the owner of the property on which the ADU is located first obtaining a valid permit for the purpose of renting an ADU from Millville City.
- B. An ADU shall not be made available for use as a short-term rental (any rental occupancy for a period of less than 30 consecutive days).
- C. An ADU shall not be made available to rent where the owner does not reside within the primary dwelling unit on the property. (Ord. 2022-?, 2022)

17.46.040: LEGALIZING ACCESSORY DWELLING UNITS

Any existing illegal ADU will not be subject to any enforcement action if an application to legalize the ADU is submitted within twelve (12) months of the adoption of these regulations. (Ord. 2022-?, 2022)

17.46.050: PENALTY

In addition to applicable remedies for correction of non-compliance found in Millville City and Utah State Code, Millville City may hold a lien of up to \$100 per day against a property that contains an ADU if the ADU is in violation of any of the provisions of Utah Code 10-9a-530 or of any provisions of Millville City Code. The lien shall be removed after the violations are resolved. (Ord. 2022-?, 2022)

MILLVILLE CITY CODE
TITLE 17 - ZONING
CHAPTER 17.50 - SHORT-TERM RENTAL HOUSING

17.50.010: DEFINITION

17.50.020: LICENSE REQUIRED

17.50.030: LIMITATION ON TOTAL NUMBER OF SHORT-TERM RENTALS

17.50.040: REGULATIONS

17.50.010: DEFINITION

"Short-Term Rental" is the use, occupancy, rent or lease, for direct or indirect remuneration, of a structure or any portion thereof constructed for single-household or multi-household occupancy or of any other residential property for an effective term of thirty (30) consecutive calendar days or less. (Ord. 2022-?, 2022)

17.50.020: LICENSE REQUIRED

- A. It is unlawful for any person or firm to keep, conduct, operate or maintain a short-term rental within the City without a business license.
- B. A business license for a short-term rental is not transferable. Any owner holding a license shall give written notice within thirty (30) days to the business license official after having transferred or otherwise disposed of legal or equitable control of any short-term rental. Such notice of transferred interest shall include the name, address and information regarding the person(s) or entity succeeding to the ownership of control thereof. The new owner shall obtain a business license within thirty (30) days of the date of purchase as required by this chapter.
- C. Each business license application for a short-term rental shall include the following information:

1. Maximum occupancy of the short-term rental.
2. Number of bedrooms within the home and number of bedrooms that the short-term rental will occupy.
3. A copy of the Utah State tax license number for remittance of transient lodging taxes.
4. The name and contact information of the owner and if applicable, the designated local contact, residing in the State of Utah, who is authorized by the owner for service of process.
5. A site plan which shows off-street and off-right-of-way parking areas in relation to the home and parking for the primary residence which meets the requirements of this chapter. (Ord. 2022-?, 2022)

17.50.030: LIMITATION ON TOTAL NUMBER OF SHORT-TERM RENTALS

The total number of short-term rental business licenses shall be limited in accordance with the following:

- A. The maximum number of short-term rental licenses issued citywide shall be proportionate to the total population of the City and is limited to four (4) licenses for every one thousand (1,000) of total population.
- B. The total number of licenses available each year shall be re-calculated based on the City's most current population as of July 1st using the American Community Survey (ACS) data, U.S. Census data, or official State of Utah population numbers.
- C. If, after the maximum number of licenses has been issued, an application meeting all other requirements for issuance of a license shall be placed on a waiting list in order of the date of receipt. No fees will be due until a license becomes available. When a license becomes available, the first applicant on the waiting list shall be notified of the license availability, and the applicant shall have thirty (30) days from the date of such notice to file an updated and complete application, pay the filing fee, and sixty (60) days to complete the licensing process. In the event that the applicant fails to file a complete application and filing fee within thirty (30) days or fails to complete the licensing process within sixty (60) days, the application shall be deemed to have expired, and the next applicant will be notified of the license availability, and the same procedure shall apply.

- D. In the event of a sale or other transfer of any property containing a dwelling licensed as a short term vacation rental, the purchaser or transferee of the property shall be required to apply for a new license within thirty (30) days of the date of purchase. In the event that the purchaser or transferee fails to apply for a new license within said thirty (30) days, the license will be forfeited, and the owner must reapply for any available license or be placed on the waiting list. (Ord. 2022-?, 2022)

17.50.040: REGULATIONS

- A. Short-term rentals are only allowed within a permanent, residential structure. Short term rental of accessory structures or spaces for camping, within recreational vehicles, or other locations outside of a permanent residential structure shall not be permitted.
- B. Only one Short-term rental shall be allowed for each property.
- C. Off-street and off-right-of-way parking shall be provided at the following rates, based upon occupancy limitation of the short-term rental:

Maximum occupants	Minimum parking stalls
1-4	1
5-8	2
9-12	3
13-16	4
17-20	5
Above 20	Commensurate with the rates listed above

For short-term rentals, which are incidental to a permanent residence, this parking shall be provided in addition to the required parking for the primary dwelling unit and shall not obstruct access to the parking of the primary dwelling unit. Parking surfaces shall be constructed of a hard surface, such as concrete, asphalt, or gravel.

- D. Each host of a short-term rental shall inform short-term rental tenants about Millville City Code noise, parking and other applicable City ordinances. The record owner of the property shall be held responsible for any nuisance or noise violations at the short-term rental location. Two or more violations within the previous twelve-month period may be grounds for denial or revocation of a business license. (Ord. 2022-?, 2022)

MILLVILLE CITY COUNCIL MEETING
City Hall – 510 East 300 South – Millville, Utah
September 22, 2022

PRESENT: David Hair, Daniel Grange, Clay Wilker, Michael Callahan, Pamela June, Ryan Zollinger, Tara Hobbs, Chad Kendrick, Corey Twedt, Joe Fuhrman, Donna Jean Humphreys, Dirk Lewis, Deborah Covert, Maria Wilkes, Ty Wilkes, Brad Gibbons, Alex Bearnson, Jase Allen, Hans Peterson, Cody Anhder, Linn Stuebner

Call to Order/Roll Call

Mayor David Hair called the City Council Meeting to order for September 22, 2022 at 7:00 p.m. The roll call indicated Mayor David Hair and Councilmembers Pamela June, Michael Callahan, Ryan Zollinger, Clay Wilker and Daniel Grange were in attendance. Also, Treasurer Tara Hobbs and Recorder Corey Twedt were present.

Opening Remarks/Pledge of Allegiance

Councilmember Wilker welcomed everyone to the Council Meeting. He said that he had just come from the open house for the new well which is complete and in service. At the open house John Parker was recognized for his efforts in helping the City pick the location for the new well. Councilmember Wilker then led all present in the pledge of allegiance and offered a word of prayer.

Approval of Agenda

The agenda for the City Council Meeting of September 22, 2022 was reviewed.

Councilmember Callahan moved to approve the agenda for September 22, 2022.

Councilmember Zollinger seconded. Councilmembers Callahan, June, Wilker, Grange 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 for September 8, 2022.

Councilmember Zollinger moved to approve the minutes for September 8, 2022.

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

Public Comment Period

Mayor Hair opened the floor for any public comments. No one signed up for the public comment portion of the meeting.

Councilmember Callahan motioned to defer the business license request for later in the meeting as Cody Anhder had not yet arrived. Councilmember Grange seconded. Councilmembers Callahan, June, Wilker, Grange and Zollinger voted yes.

Request to plant trees on edge of Mond-Aire Park

Brad Gibbons said that he and his wife are looking for a service project for their kids and would like to purchase shade trees and plant them along the edge of Mond-Aire Park.

Brad explained that he has been looking at potential options for types of trees that he thinks would do well in that location. He said that they could either plant them between the sidewalk and curb or between the sidewalk and where the grass begins to slope down into the retention pond which is about ten feet in length. He said that he would like to begin with trees along the west end, but if other neighbors were interested in purchasing additional trees, they would want to plant more along the other sides of the park as well.

Mayor Hair asked Public Works Director Chad Kendrick what he thought. Director Kendrick said that each tree comes with additional maintenance and that his concern is that residents get excited about something initially and then their interest fades over time. Director Kendrick pointed out the amount of garbage left in the grass up at the park and that it takes several minutes each time they mow just to clean things up. Chad said that there is a lot of clay in that area, so they would need to find trees that can survive in that environment. Chad said that the trees would need to have a two-inch caliper minimum and that he would prefer the inside rim and not between the sidewalk and the curb.

Councilmember Callahan motioned to allow the planting of trees if Director Kendrick provides approval on the type of tree, quantity and location for where the trees will be planted. Councilmember June seconded. Councilmembers Callahan, June, Wilker, Grange and Zollinger voted yes.

Request to exchange Parker Spring for Garr Spring water shares

Dirk Lewis said that his goal is to get some water on the Covert property. He said that he has been speaking to a water engineer. Initially he thought the issue with the spring was a result of the City digging the new well since the timeline seemed like it lined up. The engineer he has been speaking to has said that there was no way the well affected this spring considering the depth differences.

Dirk said he now thinks it is likely that the additional development of Garr Spring that was done by the City in 2007 was what has ultimately resulted in Parker Spring drying up. Dirk said that he doesn't think the drought over the past couple of years is the cause.

Donna Jean Humphreys said that water from that location is piped underneath the park to their property. They still have water and want to make sure nothing happens to Parker Spring that would affect the water they receive and use further west.

Director Kendrick said that he has heard that many of the shallow springs throughout Cache Valley are having major reductions in their water quantity because of the drought. He said that if the Coverts were to dig a hole in that location, they would see that there is still water down there that is just not surfacing as much anymore.

Dirk said that the water engineer thought it likely that they would have water back at the Parker Spring at some point in the future. Dirk would like to see if there is an option for them to temporarily use City-owned Garr Spring water shares.

Councilmember Callahan said that he is the water master for one of the irrigation companies and he is hearing that this is the worst drought in this area in hundreds of years.

Recorder Twedt said that originally Dirk blamed the dry spring on the City's new well which was dug over the past two years as this lined up to when the spring went dry. When he was told that this couldn't be the case, he shifted to blaming the dry spring on the City's development of Garr Spring. This happened fifteen years ago and did not line up with the timing of the spring drying up at all. And this water transfer deal happened in 1986. Nobody knew at that time what would happen with water over the next 36 years. The City attorney has stated that there are State statutes in place that do not allow the transfer of water that does not have an equal or greater benefit to the residents of a City. The transfer of Garr Spring water shares to the Coverts in exchange for a dry well would not be an equal benefit for Millville residents.

Director Kendrick pointed out that the City is not using water from Garr Spring all the time as there are other shareholders. If the development of Garr Spring were causing the issues for Parker Spring, when the City isn't taking any water from Garr Spring, shouldn't Parker Spring have water?

Councilmember Zollinger said that springs are not guaranteed water sources. Sometimes they dry up. This deal was made 36 years ago and even if the City Council wanted to give the Coverts water shares from Garr Spring, legally they wouldn't be able to do so.

Councilmember Callahan said that the Spring Creek Spring has been going dry over the past few years as well. Councilmember Callahan said that perhaps the City could lease Garr Spring water shares if they were not being used by the City. Recorder Twedt said that these water shares are extremely important and valuable to the City and each share owned is used 100% in the City water system. This is why the City leases out water shares they own from other irrigation companies but never from Garr Spring.

The Council reiterated that they could not make an exchange of Garr Spring water shares for a spring that is dry as it is not legal to do so. Recorder Twedt said that even if it were legal, he thinks that this would be the wrong thing to do for the City. The original exchange was made in good faith 36 years ago. There was no guarantee of spring water for years to come nor would anyone make that type of guarantee. The reason the law exists for how cities can exchange water shares is because it would not be fair for the City to give

water shares to the Coverts as it would benefit them, but have a negative affect for all other Millville City residents.

Councilmember Callahan motioned to return to the business license request (Item B on the agenda) as Cody Anhder was now present. Councilmember Zollinger seconded. Councilmembers Callahan, June, Wilker, Grange and Zollinger voted yes.

Request for a Business License for Accurate Maintenance

Cody Anhder has submitted a request for a business license for Accurate Maintenance at 32 West 200 North. Cody explained that all the work for the business would be done on site at other locations and not at the home. Recorder Twedt asked Cody where he planned to park his trailers and other vehicles. Cody said that they would be in the back of his home and not on the road. **Councilmember Callahan moved to approve the business license for Accurate Maintenance.** Councilmember Zollinger seconded. Councilmembers Callahan, June, Wilker, Grange and Zollinger voted yes. (A copy of the license application is included with the minutes as Attachment "B".)

Consideration of Resolution of Intent for a Boundary Line Adjustment moving Alder Property (parcels 03-002-0001, 03-002-0002 and 03-002-0009) from Millville City to Providence City

Mayor Hair introduced Alex Bearson. Alex said that he is planning on developing these parcels and adjacent parcels to the north. He said that the property owners would prefer to stay in Millville if they could. They have looked at this option with their engineers. Even at the minimum slope, the elevation isn't there for gravity flow sewer into the Millville system. Alex said that it would be costly to bring utilities out to this location from where they currently are in Millville and that he didn't see any way to make this feasible from a cost standpoint.

The Council asked what type of development was planned in that location as they had asked before and had not received any information. Alex said that they are planning to do medium-density housing. He said that Providence City was planning to pay for the impact fees for this development. He said that if Millville were willing to come to the table in that type of way, they may be able to make the development work within Millville City. Alex said that Millville currently did not have zoning that would allow for this type of development and the Providence zoning was also in need of updates. Alex said that he was willing to work with Millville in creating zoning for higher-density housing for this part of the City.

Mayor Hair said that the Council needed more time to look into things. Councilmember Zollinger said that Millville would need to see a concept plan of what development is being considered so that they could see how they could help make it work in Millville.

Councilmember Zollinger motioned to table the BLA request until after the Council had more of an opportunity to understand what was intended for the property.

Councilmember Grange seconded. Councilmembers Callahan, June, Wilker, Grange and Zollinger voted yes.

Councilmember Zollinger asked Alex to provide concept plans for the development. Alex said that he would.

Alex said that he had also started a conversation with the Providence City Manager for the option of developing in Millville with some utilities potentially provided by Providence City. (The related staff report is included with the minutes as Attachment "C".)

Discussion on internal accessory dwelling utility rates

Recorder Twedt said that as was indicated in the staff report, from the research he had done, he disagreed with several of the rate numbers that were provided by Linn Stuebner. He pointed out that comparisons can be difficult in that cities account for things in different ways.

Linn Stuebner said that she gathered the information by calling the cities and the taxing entities. She said that it is very expensive to have a basement apartment in Millville City. Linn explained that she comes from Alpine and had a basement apartment there for which she was only charged \$50 per year. She said that Alpine did this proactively to eliminate the need to add high-density housing in the future.

Linn said that prices should not double because she has an apartment since she still has less people in the home and less vehicles than many of her neighbors.

Linn said that if you look what other cities are charging for basement apartments, Millville is on the high end. She said that out of the seven cities that she looked at on the south side of Cache Valley, Millville and Wellsville are the highest.

Councilmember Zollinger asked what Linn was looking for from the City Council. He pointed out that with the Accessory Dwelling Code the City is currently reviewing, this is one of the things that they would be looking at. He asked what Linn would recommend.

Linn said that she was asking for a reduction in the cost for an in-home apartment. She said again that Alpine City charges \$50 per year and she thinks Millville would benefit from doing something similar now so that when we hit a population for which a low-income housing plan is required, we will already have something in place and can point to the number of in-home apartments throughout the City. Linn said that at the current rate and when sewer fees begin to be charged, she would be unable to continue to live in Millville.

Councilmember Wilker asked if Linn thought that she couldn't be competitive by passing along these fees to the renters of her apartment. She said that this wouldn't work since they could find cheaper apartments in Providence.

Linn said that she would be happy to help Millville create code like what is being done in Alpine. She also said that a retirement home may be a good addition in Millville. Linn said that she would like to request an exception from the monthly utility fees for the apartment in her home.

Councilmember Zollinger pointed out the difficulties in comparing fees from city to city in that some have direct fees and others increase taxes to cover costs of some of their services.

Linn said that when she was considering building in Millville, these fees were not clear or did not exist. There are other Millville residents that have apartments that won't admit that they do because of the high fees.

Councilmember Zollinger said that they are looking at it as the number of families in the City. He said that he doesn't think it is fair to burden all the single-family homes so that rental properties can pay less.

Linn said that she doesn't think this is how Alpine City looked at this issue. By allowing less expensive apartments, they didn't have to provide low-income housing or high-density housing. So, when they reached the population in which low-income housing was required, they already had a plan in place.

Mayor Hair said that he has a duplex with a basement apartment. Originally the City didn't charge anything. Then they started charging 50% for the apartment. Now the Council has decided to charge the full base rate for the utilities. He said that he has a bit of a conflict in that he has a rental but will do whatever the Council decides.

Councilmember Grange said that this is a difficult issue. Linn currently only has few people in her home, including the apartment. But this may not always be the case for that home and that apartment. There are other apartments in the City in which there are big families that make a larger impact on the City. We can't base the rates on the number of people that live there.

Mayor Hair said that the City was currently working through this. They are currently looking at adding code that will deal with accessory dwelling units and short-term rentals.

The Council thanked Linn for coming in and providing the information. (A copy of the related staff report is included with the minutes as Attachment "D".)

Report on P & Z Meeting held September 15, 2022

Councilmember June reviewed with the Council what happened at the Planning Commission meeting held September 15, 2022.

Consideration of a Resolution creating policy on water leak billing adjustments

Recorder Twedt reviewed with Council the proposed policy for dealing with water leak billing adjustment requests. It was discussed that it was good to be adopting a formal policy so that staff was consistent with how they deal with requests for billing adjustments. The Council said they thought the policy was lenient and was fair to the Millville City residents.

Councilmember Grange moved to approve Resolution 2022-20. Councilmember Callahan seconded. Councilmembers Callahan, June, Wilker, Grange and Zollinger voted yes. (A copy of the approved resolution is included with the minutes as Attachment "E".)

Consideration of a Resolution updating the parks use policy

Recorder Twedt reviewed with the Council the draft updates to the Parks Use Policy. He said that the main updates were the hours for the lit pickleball courts, added rules for reservations, hours for the splash pad and requirement for all sport teams to pay a use fee. He asked the Council if they had any edits or other changes they would like to make at this time.

Councilmember June suggested the hours for the lights on the pickleball courts be changed from 6 a.m. – 10:30 p.m. to 6 a.m. – 10:00 p.m. The rest of the Council said that they were okay with this change.

Recorder Twedt said that he thought the Council should consider increasing the rate for renting the North Park pavilion as it was getting a lot of use from people that are not from Millville and it is often not clean when they leave. Recorder Twedt said that it was a very affordable rental, so it is being used by a lot of different people. The Council discussed the costs in maintaining and cleaning the pavilion as well as the costs for arranging the rentals and collecting keys. It was determined that the following North Park pavilion rental rate changes should be made:

- Deposit change from \$150 to \$200.
- Rental fee for residents changed from \$60 to \$75.
- Rental fee for non-Millville residents changed from \$100 to \$150.

The Council also discussed the sports teams that use the field and that additional fees are needed to cover the costs of fertilizer and extra lawn care to deal with the impact from those teams. It was determined that the Council would not change the fee for recreational soccer, but that competitive soccer teams and all other sport teams should pay a fee of \$50 per season per team for use of the fields in Millville and that nobody will be scheduled for use of the fields unless their fees have been paid.

Recorder Twedt updated the resolution with the changes discussed in the meeting.

Councilmember June moved to approve Resolution 2022-19 with the proposed changes. Councilmember Callahan seconded. Councilmembers Callahan, June, Wilker, Grange and Zollinger voted yes. (A copy of the approved resolution is included with the minutes as Attachment “F”.)

Consideration of approval of representatives for Solid Waste Contractor selection

Mayor Hair said that there have been some big discussions with the group of mayors regarding the search for a solid waste contractor to replace Logan City. Four companies have placed bids and the prices look pretty good.

Mayor Hair said that the next step is to approve an interlocal agreement to pick a smaller group of mayors that can act on behalf of all the cities. He said that there are just too many people involved right now and it is difficult to get things done. There needs to be an interlocal agreement so that a smaller group can continue to move things forward.

As part of the interlocal agreement, two mayors from the cities on the south side of Cache Valley would be selected. It has been determined that Mayor Miller from Hyrum and Mayor Jacobsen from Nibley will represent the southern cities.

As the Council had not yet seen the interlocal agreement, there were a lot of questions about what would be the role of The Cache Waste Consortium that would be created. Mayor Hair explained that the interlocal would create the board that would select the contractor. Councilmember Zollinger said that he felt they needed to review the interlocal in detail before they could approve it. He asked if Millville City would still be signing the contract with the solid waste contractor or if that would be done by the board that is supposed to be created through the interlocal agreement. Mayor Hair said that the primary role of the board was to find and select the contractor that the cities would be using to replace Logan for solid waste.

Councilmember Callahan motioned to approve the recommended mayor appointees from the southern cities for the solid waste selection committee. Councilmember June seconded. Councilmembers Callahan, June, Wilker and Grange voted yes and Councilmember Zollinger voted no. (A copy of the draft interlocal agreement that was briefly reviewed during the meeting is included in the minutes as Attachment “G”.)

City Reports

Director of Public Works Chad Kendrick reported that the new asphalt on the parking lot at the South Park is complete and looks good. He said that there were issues with the new Dodge truck, and it is back at the dealership getting some parts repaired that are under warranty. Director Kendrick also reported that in the next week or so they will begin shutting down the splash pad, wells and sprinklers in preparation for the winter.

Councilmember Reports and Items for Future Agendas

(A copy of the Councilmember Assignments List is included with the minutes as Attachment "H".)

There were no reports from the Councilmembers. Mayor Hair said that one thing the Council should consider is the City may need to find a way to help pay to run services to the north part of the City until development takes place. If we can sell the unneeded capacity in the sewer line that goes through Nibley, they could use that money to help fund the needed infrastructure.

Adjournment

Councilmember Zollinger moved to adjourn the meeting. Councilmember Wilker seconded. Councilmembers Callahan, June, Wilker, Grange and Zollinger voted yes. The meeting adjourned at 9:16 p.m.

**Gary C. Stauffer
630 South 200 West
Providence, UT 84332**

September 29, 2022

To: Millville City,

I own 4.64 ac. of property in Millville City, located at 7th North and Main, adjacent to the Gary Gettman property. (Property Parcel #02-124-0009).

This property was annexed at the same time and along with the Mike Zollinger property to the west of main street.

I would like to request now, that this property be rezoned from agriculture to R-2 residential. Your consideration to honor my request is appreciated. I have enclosed the \$350.00 fee for this request.

Thank you.

Gary Stauffer

Phone # 435-770-2297

Email: rzt.gcs@gmail.com



SPROUL PROPERTY

GARY GETTMAN
PROPERTY

RICHARD ZOLLINGER
PROPERTY

MIKE ZOLLINGER
SUBDIVISION