

## NOTICE AND AGENDA

Notice is hereby given that the Planning Commission of Millville City will hold their regularly scheduled on Thursday, **March 16, 2023** 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 February 16, 2023
5. Agenda Items
  - A. Conceptual Plan Review: Millville Escape Subdivision- Located approx.: East of 550 E. & North of Center St.
  - B. Wilker Frontage Variance Request
  - C. Review & Discussion on City Code:
    - i. Relating to Ordinance No. 2018-3: Definition of Frontage
    - ii. Relating to Development on Private Lane
  - D. Other
6. City Council Minutes from March 9, 2023
7. Agenda items for next meeting
8. Calendaring for future Planning Commission Meeting- TBD
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 March 13, 2023 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**

**February 16, 2023**

**PRESENT:** Garrett Greenhalgh, Bonnie Farmer, Lynette Dickey, Larry Lewis, Darcy Ripplinger, Matt Anderson, Tara Hobbs, Kara Everton, Mayor David Hair, Andy Eames, Nate Julian

### **Call to Order/Roll Call:**

Commissioner Greenhalgh opened the meeting for February 16, 2023, at 8:00p.m. Commissioners Garrett Greenhalgh, Lynette Dickey, Bonnie Farmer, Darcy Ripplinger (Alt.) and Matthew Anderson (Alt.) were present. Commissioner Thompson was absent, and Commissioner Lewis was to arrive shortly. 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.

### **Commissioner Larry Lewis arrived**

### **Approval of Agenda**

The agenda for the Planning Commission Meeting was reviewed. **Commissioner Dickey moved to approve the agenda for February 16, 2023.** Commissioner Farmer seconded.

Commissioners Garrett Greenhalgh, Lynette Dickey, Bonnie Farmer, Larry Lewis, Darcy Ripplinger (Alt.) and Matthew Anderson voted in favor. Commissioner Thompson was absent.

### **Approval of the Minutes of the Previous Meeting**

The Planning Commission reviewed the minutes for the Planning Commission Meeting for February 2, 2023. **Commissioner Anderson moved to approve the minutes.** Commissioner Dickey seconded. Commissioners Garrett Greenhalgh, Lynette Dickey, Bonnie Farmer, Larry Lewis, Darcy Ripplinger (Alt.) and Matthew Anderson voted in favor. Commissioner Thompson was absent.

### **5.A. Dan- Covert Subdivision Conceptual Review**

Nate Julian is present on behalf of Dan. He is a business partner and friend.

The subdivision name is not set in stone.

The commission asked if the house that is currently on the property will be knocked down. Nate said that he isn't sure the intention for that house. Commissioner Greenhalgh stated that there will need to be a part of the property dedicated to the city to align with the road widening along 550 East. This

dedication will make 550 East a 55-foot roadway. When the dedication of this property happens Lot 1 would be made a non-conforming lot due to the house being over the property line, or the setbacks not being met. The solution would be to create 2 lots or tear down the house. Nate understood and will pass this information along to the owner. The commission then began to discuss the water protection zone on the property. This water source will likely have water flow in the spring. The Humphries do use the water, but the water shares aren't known at this time. This is a recognized water source and must have the 100' setback as required by BRHD. The protection zone extends further than indicated on the plat.

Some items of note are as follows:

1. Dedicate the roadway to create a 55-foot roadway
2. The house needs to be shown on the plat to determine where it is in relation to Lot 1 and Lot 2 lot lines. If the house does not meet setbacks, or is sitting over the property line, it needs to be torn down.
3. The 50- foot right-of-way on the south end of Lot 3 is in line with the Willden's lot line.
4. The stream must be accessible. Andy said there is a manhole that is on the fence line property.

Nate and Development Coordinator Everton will relay all information to the developer, Dan.

#### **5.B. Other**

- Mayor Hair and Andy Eames updated the commission on the sewer project.
- Andy Eames asked about the existing water service that is on one lot of the covert property subdivision. One lot does have an existing water service line, which means that they would not have to pay for the water impact fee, but the others would.
- April 6, 2023 meeting is during Spring Break. If there is a need for a meeting, then the commission could schedule a meeting on the Thursday of March.

#### **6. City Council Report – review minutes from the February 9, 2023 meeting**

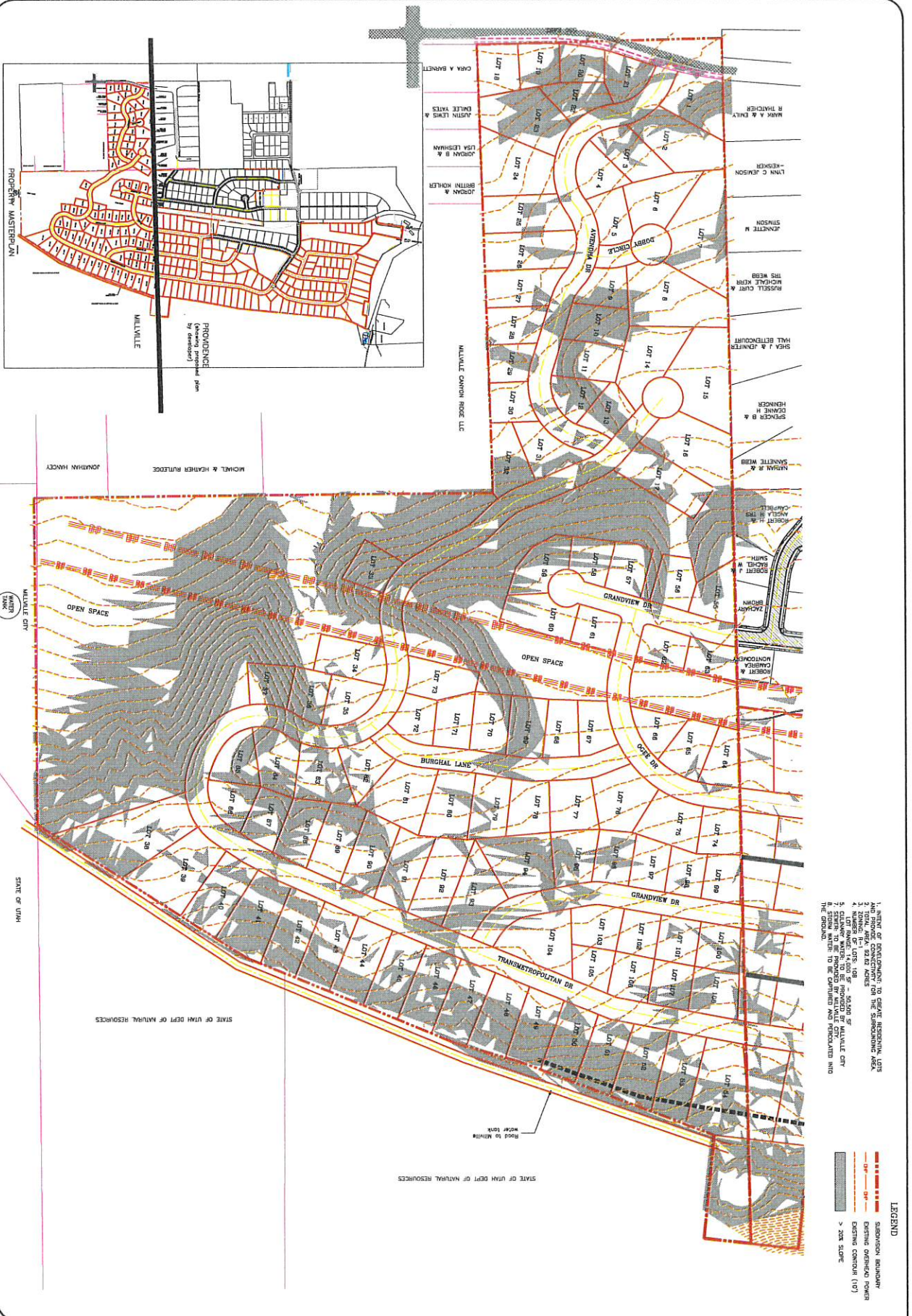
#### **7. Agenda Items for Next Meeting**

#### **8. Calendaring of future Planning Commission Meeting**

The next regularly scheduled meeting will be held Thursday, March 2, 2023, at 8:00 pm.

#### **9. Adjournment**

Chairman Greenhalgh moved to adjourn the meeting at 8:47 p.m.



**PROJECT**

**MILLVILLE ESCAPE SUBDIVISION**

PART OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 11 NORTH, RANGE 1 EAST, SALT LAKE COUNTY, UTAH

**SKETCH PLAN**

**LEGEND**

- SUBDIVISION BOUNDARY
- EASEMENT
- EXISTING OVERHEAD POWER
- EXISTING CONTOUR (10')
- > 2% SLOPE

**1. INTENT OF DEVELOPMENT TO CREATE RESIDENTIAL LOTS**  
**2. TOTAL AREA 32.85 ACRES ON THE SUBDIVISION AREA**  
**3. LOTS 1-108**  
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**ALLIANCE CONSULTING ENGINEERS**

150 EAST 200 NORTH SUITE P  
 LOGAN, UTAH 84321  
 (435) 755-5121

**PROJECT**

**MILLVILLE ESCAPE SUBDIVISION**

PART OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 11 NORTH, RANGE 1 EAST, SALT LAKE COUNTY, UTAH

**SKETCH PLAN**

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**SKETCH PLAN**

## Plat Preapplication (Conceptual) Checklist

### MILLVILLE ESCAPE SUBDIVISION-RESUBMITTAL No. 1

#### General Requirements

1. Are the proposed subdivision property boundaries shown on a date certified plat from the county office?

A. Is the date on the certified plat within the last 30 days?

2. Are the names and addresses of the adjacent property owners given?

3. Is the approximate number of proposed lots shown?

4. Is the street numbering of the lots on the plat adequately shown?

5. Is the approximate total acreage of the development given?

6. Is the approximate lot size range given?

7. Is there a written statement describing the intent of the development?

8. Is the plat location appropriately zoned for the development?

9. Have the requirements of the adopted:

A. Roadway corridor study been met?

B. Land uses been met?

C. Schools been met?

D. Parks and other public open spaces been met?

10. Have any required improvements been identified?

#### Public Utilities

I. Is there availability to water?

A. Culinary water system?

B. Irrigation water system?

II. Are the water rights identified and quantified per R309-510-7?

III. Is there a description of the proposed sewer or sanitary waste system?

IV. Is the drinking water source protection zone shown?

V. Is there a written description of the proposed stormwater drainage system?

VI. Is there a description of the proposed water (culinary and irrigation) system?

#### Sensitive Lands

1. Are the location and extent of any floodplains shown?

2. Are the soil types and problems shown with information source indicated?

3. Is the proximity to an established agricultural protection area indicated?

4. Is all property in the development that falls under the hillside development overlay indicated as such?

| Design Engineer Checklist |    |     | Reviewing Engineer Checklist |    |     |
|---------------------------|----|-----|------------------------------|----|-----|
| Yes                       | No | N/A | Yes                          | No | N/A |
|                           |    |     | X                            |    |     |
|                           |    |     | X                            |    |     |
|                           |    |     |                              | X  |     |
|                           |    |     | X                            |    |     |
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|                           |    |     | X                            |    |     |
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|                           |    |     |                              |    | X   |
|                           |    |     | X                            |    |     |

#### Comments

See Attached Sheet

**REVIEW COMMENTS TO  
MILLVILLE ESCAPE SUBDIVISION  
PREAPPLICATION RESUBMITTAL 1  
March 1, 2023**

The following comments to the Pat Preapplication (Conceptual Checklist) prepared by Bill Young, Franson Civil Engineers:

**Review of Preapplication Plan and Checklist Comments**

1. General Requirements Item 2 indicates that Owners and Addresses list was included with email to City. This was not provided to Franson Civil and therefore this needs to be confirmed by Millville City if received in their email.
2. General Requirements Item 9A: It is assumed that developer and City have met to address the requirements of the Corridor Study. Compliance with this needs to be confirmed by City staff.
3. General Requirements Item 10: Asks if any required improvements have been identified. In the original checklist this was identified as "NO", but those items are discussed in the Public Utilities Section of checklist.
4. Public Utilities Item 3: Millville Code 16.16.010.E.6 requires a description of the type of sewer system proposed including ability to connect to City System, and any proposed or necessary lifts stations, and expected sewer pipe sizes. Modify note on Preapplication Plat.
5. Public Utilities Item 4: Source Protection Zones apply to underground wells not storage tanks. The Source Protection Zones need to be provided for any underground well used for public domestic use. This applies to wells also located in other jurisdictions. See Attached Figure 3.1 for reference of Source Protection Zones.
6. Public Utilities Item 5: Millville Code 16.16.010.E.5 requires a description of the type of water system proposed. Modify note on Preapplication Plat.

**Review of Plate Comments**

1. Correct notes on plat related to sewer and water systems to comply with notes 4 and 6 above.



## AGENDA REPORT: WILKER FRONTAGE VARIANCE REQUEST     March 16, 2023

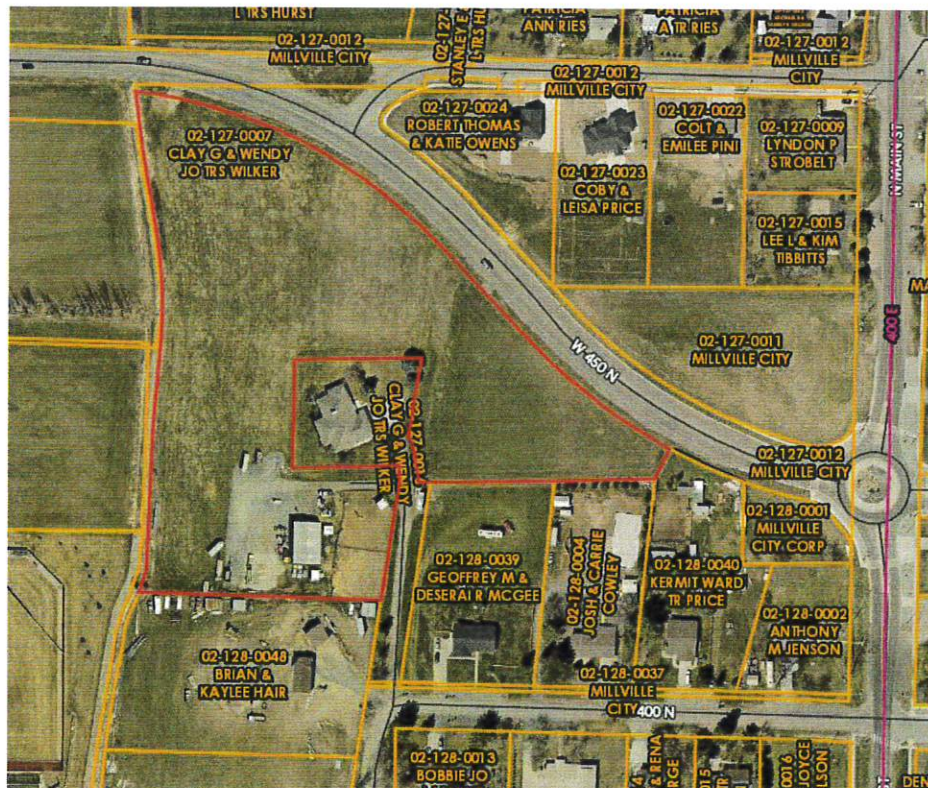
### Background

The Wilkers would like to subdivide parcel 02-127-0007 to create a building lot for a new residence. The desire is to access this new residential lot from the private lane that goes north from the intersection of 400 North 100 West. The Wilkers currently use this private lane to access their home on parcel 02-127-0016.

As defined in City Code 17.08.020: FRONTAGE: All property fronting on a public street; the length of the lot line adjacent to a public street. The new lot would not meet the required 108' of frontage, so the Wilkers are requesting a variance to allow the subdivision. As outlined in Code 16.04.080: Waiver Authority. The City Council may waive a requirement after having received a recommendation for the Planning and Zoning Commission.

### Included Documents

- 3/9/23 handout from Colter Wilker with specifics for this property
- Staff report and minutes from 1/23/20: Flag lot request for Justin Card – Denied
- Staff report and minutes from 12/10/20: Additional homes on private lane – Granted



## Private Lane Information

- 135' from house to city ROW utility connection
- 180' private drive frontage for Colter Wilker home lot
- Private road for nearly 27 years access for Wilker home that has (108" frontage on city street)
- Paved road for 4 years
- Only 2 homes to be accessed by lane, existing Clay & Wendy Wilker, Colter Wilker
- Home accessed from a public street
- Home lot size approximately .49 acres
- No additional traffic as result of variance – already live there



## **AGENDA REPORT: JUSTIN CARD SUBDIVISION REQUEST**

**January 23, 2020**

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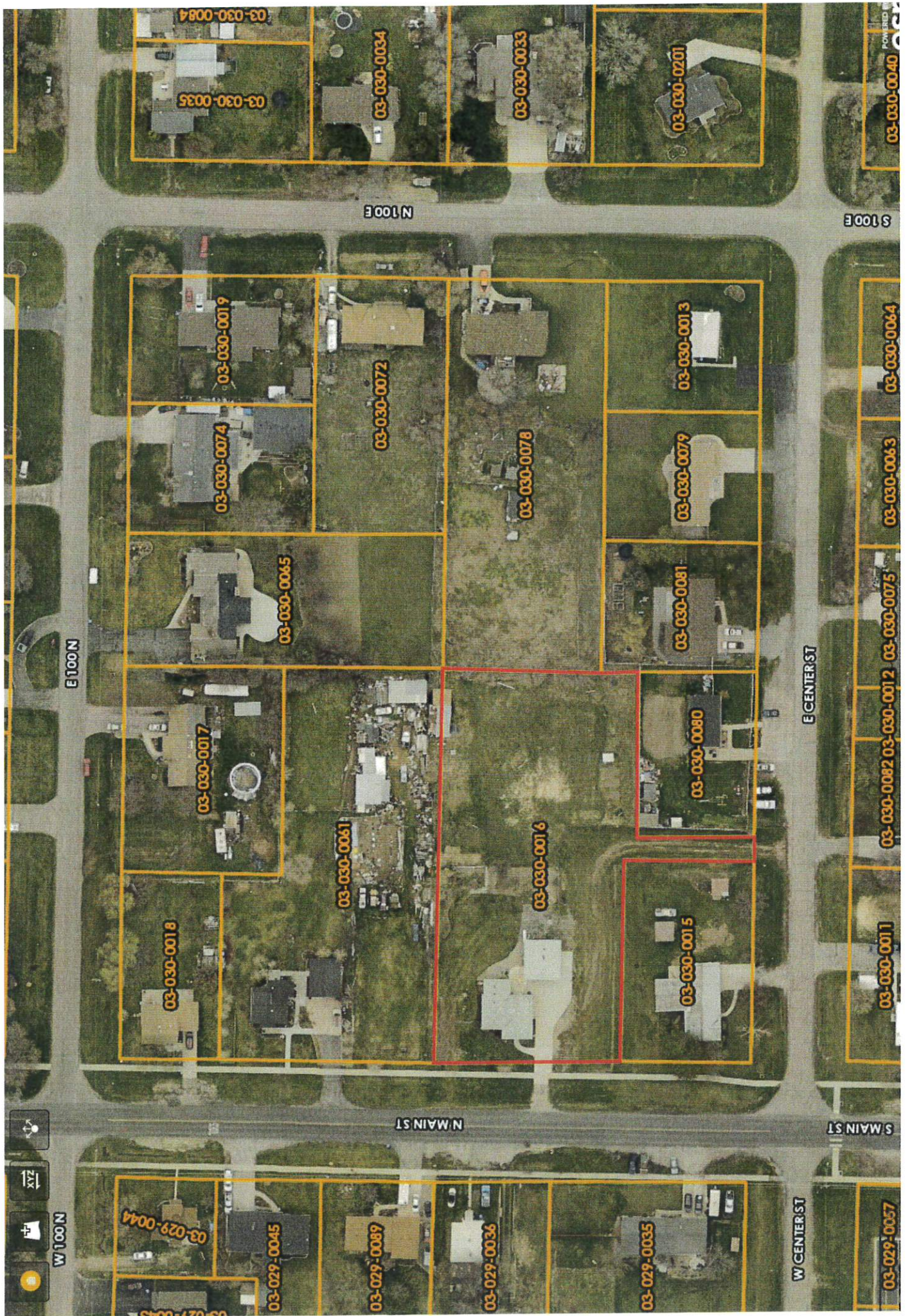
### **Background**

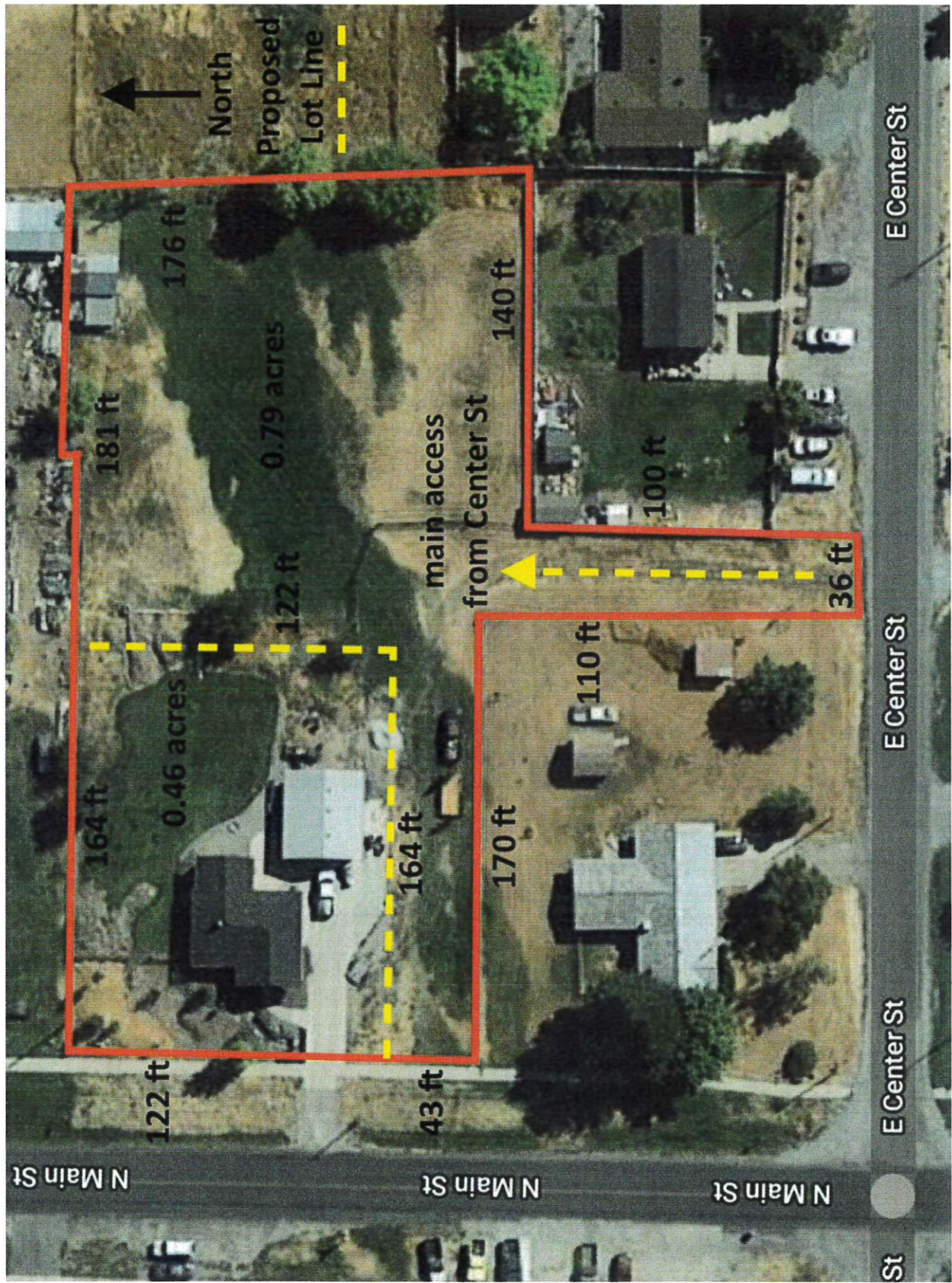
Justin Card would like to split his lot (parcel 03-030-0016) into two lots. To do so, the second lot would be accessed with a private road from Center Street. The new lot would not meet the required 108' of frontage.

Justin Card has requested to come before the City Council to ask for a waiver from the City frontage requirements and to get sewer stubbed to the location of the possible future building lot.

### **Included Documents**

- Parcel Viewer showing parcel 03-030-0016 at 34 North Main.
- Proposed subdivision plat map.





be an issue in the long term as it is showing you won't have the funds to cover replacement costs for infrastructure. Recorder Twedt said that this came up in the 2018 audit as a potential concern. As a result, the Council had adopted two resolutions increasing storm water fees for new development as well as increasing the monthly ongoing stormwater fees paid by each resident. With development starting back up again in the City, he said he expected to see this concern fixed in the near future. Mr. Kidman said that this was great to see solutions put in place for concerns identified in the audit.

Page 59 of the audit reviews the budget to ensure that overspending does not happen without City Council approval. Mr. Kidman said that he didn't have any concerns with the budget. Mike said that there were no concerns found in the audit of internal controls or compliance with City Code.

In the review of compliance with State laws, they had a comment concerning the amount of money in the General Fund. More of these funds should be transferred to the Capital Projects Fund in the future. Mike said that this was a small issue and that he was not too concerned about it.

Mr. Kidman said that the audit went well and that he feels good about the results and the financial status of the City.

Councilmember Callahan briefly discussed the bonds for upcoming projects. Mr. Kidman said that the City is doing okay financially and should get good bond ratings. He said that the City has historically been prudent with expenditures and there are reserves in place. He thinks that the City will be fine.

**Councilmember Callahan moved to adopt the Fiscal Year 2019 Financial Audit Report.** Councilmember Zollinger seconded. Councilmembers Callahan, June, Wilker, Grange and Zollinger voted yes. (A copy of the financial audit is available for review at the City Office or by request.)

#### **Subdivision Request and Frontage Waiver**

Justin Card has made a request to subdivide parcel 03-030-0016 at 34 North Main into two separate lots. The second lot would need to be accessed by a private road and would need a waiver on frontage requirements from the City Council. Justin said that he would like to take advantage of the upcoming sewer project and request that sewer be stubbed to the proposed new lot. The new lot would have a combined 79' of frontage split between Center Street and Main Street.

Councilmember Callahan said that his biggest concern is that this would create a flag lot which have not historically been allowed. Councilmember Zollinger clarified that Millville has a number of lots like this that already exist. Changes have been made to the City Code that no longer allow them. Mayor Hair pointed out that there was a code change in approximately 1974 that stopped permitting this type of subdivision. Subdivisions that happened prior to this change were grandfathered in.

Councilmember Wilker asked about a private lane being counted as frontage. Development Coordinator Harry Meadows said that current code requires 108' of frontage on a public right-of-way. He also said that Chapter 16 of the City Code allowed for the possibility of a waiver from the City Council. Mayor Hair clarified that the waiver was intended for a significant hardship and not a way to get around the City Code.

Councilmember Zollinger said that it would be different if the lot already existed without the required frontage. Creating a new subdivision and lot that did not meet City Code requirements would be stepping beyond what the City Council was permitted to do.

Councilmember Callahan also expressed concern in setting a precedent that would require allowing more of these types of requests and lots throughout the City. Mayor Hair agreed and pointed out that Mackay Moore had recently made a similar request regarding a waiver on the frontage requirement and it had not been granted.

Councilmember Callahan said that he was personally disinclined to allow this. He said that the code had been established for a reason and it didn't make sense to ignore their own zoning laws.

**Councilmember Callahan motioned to not allow a waiver of frontage requirements for the Justin Card subdivision.** He apologized to Mr. Card for the decision.

Councilmember Grange seconded. Councilmembers Callahan, June, Wilker, Grange and Zollinger voted yes. (A copy of the information reviewed is included with the minutes as Attachment "C".)

#### **Report on P & Z Meeting held January 16, 2020**

Development Coordinator Meadows reviewed with the Council the Planning Commission's draft minutes for the meeting held January 16, 2020. Councilmember Callahan said that he attended the meeting and that there had been some discussion on minimum lot sizes as a response to the City Council discussion on the same topic. Councilmember Callahan pointed out that smaller lots and multi-family housing was not a requirement from the State. Councilmember Zollinger reiterated that City zoning only allowed for a minimum of 1/3-acre lots.

Mayor Hair said that the engineers had determined that the sewer lines that had been installed with the Ridgeline School development would not accommodate multi-family housing on the undeveloped property north of the high school. About a year ago, a developer had requested condos in that location. We now know that the current sewer lines can only accommodate a minimum of 1/3-acre lots in that part of the City.

Councilmember Wilker pointed out that if a land-owner needed to sell land to bring in revenue, they would now have to pay to get sewer lines to the property. The value of what you have begins to diminish as the cost for development increases.



## AGENDA REPORT: ZOLLINGER ESTATES SUBDIVISION

December 10, 2020

### Background

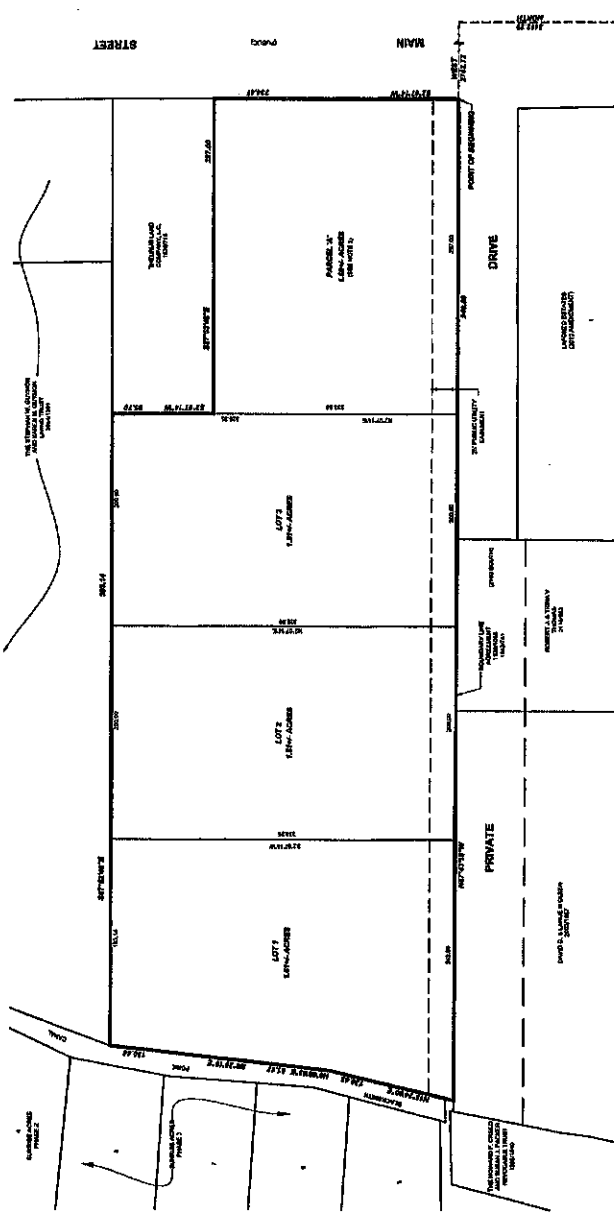
At the Planning and Zoning Meeting held 12/3/20, the Conceptual Review was held for the Zollinger Estates Subdivision. This subdivision would divide parcel 02-117-0019 into four separate parcels. Two issues came up in that meeting for which the Planning Commission requested guidance of the City Council.

The three buildable lots created by this subdivision would access the existing private road south of the property. In April of 2018, the City Council adopted Ordinance 2018-3 that defined frontage rules for lots to a public street. In January of 2020, a request from a resident requesting use of a public road was reviewed and denied by the City Council. The Zollingers have said that there was a lawsuit regarding this private lane that would allow for new homes to be built there without the road having to be turned over to the City.

The other issue that came up is that this is a Major Subdivision by definition according to City Code (more than three lots). Only three of the four lots are intended for development and one of the lots is planned to be designated as unbuildable. According to the moratorium set by the Bear River Health Department, Millville City is not allowed to approve any subdivisions with more than three lots at this time. Even though this subdivision only has three buildable lots, it does have a total of four lots. The Planning Commission was not comfortable proceeding without indication from the Health Department and City Council that the moratorium has been lifted for subdivisions with more than three lots.

### Included Documents

- Zollinger Estates Subdivision Plat
- Ordinance 2018-3 that changed the definition of frontage
- CC Minutes excerpt from 4/12/18 when Ordinance 2018-3 was adopted
- CC Minutes excerpt from 1/23/20 with review Justin Card private road request



SOUTHEAST CORNER OF  
SECTION 16, T14N, R10E, S4M  
1975 COUNTY MONUMENT

13.14 BASE OF MEASURED DISTANCE  
20.78 TOTAL SECTION DIMENSIONS

14 SOUTH 1/4 CORNER OF  
SECTION 14, T14N, R10E, S4M  
1.9 COUNTY MONUMENT

21

**NOTES**

1. TO REMAIN & CAP TO BE SET AT ALL LOT CORNERS.
2. LOTS 1-3 SHALL BE ACCESSSED VIA PRIVATE DRIVE.
3. PARCEL 'A' IS A NON-BUILDABLE ZONED PARCEL.

**civilsolutionsgroupinc.**  
  
 CACHE VALLEY | P: 435.273.3762  
 SALT LAKE | P: 801.216.3152  
 UTAH VALLEY | P: 801.874.1432  
 info@civilsolutionsgroup.net  
 www.civilsolutionsgroup.net

[illegible]

PLANNING COMMISSION APPROVAL AND ACCEPTANCE  
PRESENTED TO THE MILLSVILLE CITY PLANNING COMMISSION THIS  
DAY OF \_\_\_\_\_, 20\_\_\_\_, AT WHICH TIME THE SUBMISSION  
WAS RETURNED TO THE CITY COUNCIL FOR APPROVAL.

PLANNING COMMISSION CLERK \_\_\_\_\_ DATE \_\_\_\_\_

**ENGINEER'S APPROVAL**

CERTIFY THAT I HAVE EXAMINED THIS PLAN AND FIND IT TO BE CORRECT  
IN ACCORDANCE WITH THE INFORMATION ON FILE IN THIS OFFICE, AND  
IS CITY ORDINANCE.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
CITY ENGINEER

APPROVED AS TO FORM THIS \_\_\_\_\_ DAY OF \_\_\_\_\_

ATTORNEY AT LAW

\_\_\_\_\_  
 CITY ATTORNEY

[illegible]

SUBVERSIVE CENTER-ONE

1. EDWARD P. CANESE, DO HERBERT CREELEY, NO. 17351-A IN ACCORDANCE WITH SECTION 10, AND THAT I HOLD CERTIFICATE NO. 17351-A IN ACCORDANCE WITH TITLE 16, CHAPTER 22 OF THE MASS CODE. I FURTHER CERTIFY THAT AS OF THE PRESENT, I HAVE BEEN ADVISED AND HAVE CONSIDERED A SURVEY OF THE PROSECUTIVE PROCEEDINGS IN THIS MATTER, AND THAT I AM NOT AWARE OF ANY SUCH PROSECUTIVE PROCEEDINGS.

2. SAID CODE AND HAVE ALSO SUBVISED AND TAKE OF 1945, OR WILL BE, KIDNAP, SMUGGLE, AND LABORERS, AND THE SAME 1945, OR WILL BE, CORRECTLY SUBVISED, STAMED AND MONUMENTED ON THE GROUND AS SHOWN ON THE PLAN, AND THAT THE PLAN IS TRUE AND CORRECT.

DENNIS P. CARLISLE  
PROFESSIONAL LAND SURVEYOR  
CERTIFICATE NO. 17502

[illegible]

**OWNER'S DISCLOSURE:**  
KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED ARE THE OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND, AND HEREBY CAUSE THE SAME TO BE DIVIDED INTO LOTS, AND STRONGLY RECOMMEND THEM TOGETHER WITH EASEMENTS AS SET FORTH TO BE HEREAFTER KNOW AS

AND DO HEREBY DONATE FOR THE PERPETUAL USE OF THE PUBLIC ALL STREETS AND OTHER AREAS SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE. THE ENTIRE CONVEYANCE HEREONALSO HEREBY CONVEY TO ANY AND ALL PERSONS WHO MAY BE ENTITLED TO THE SAME THE RIGHT TO TAKE THE SAME FOR THE PUBLIC UTILITY PURPOSES SHOWN ON THIS PLAT. THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF UTILITY LINES AND FACILITIES. THE UNDERSIGNED OWNERS, ALSO HEREBY CONVEY ANY OTHER INTERESTS OR CLAIMS THEY MAY HAVE IN THE SAME TO THE PUBLIC UTILITY PURPOSES AS SHOWN ON THIS PLAT TO THE FURTHER DONATION AND FOR THE PURPOSES SHOWN HEREON.

SIGNATURE \_\_\_\_\_  
BY: \_\_\_\_\_  
PRINTED NAME \_\_\_\_\_  
DATE \_\_\_\_\_

**LIMITED ACKNOWLEDGMENT**

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, PERSONALLY APPEARED BEFORE ME \_\_\_\_\_, A JUDGE OF THE PEOPLES COURT FOR THE COUNTY OF \_\_\_\_\_, MISSOURI, \_\_\_\_\_, WHOSE CREDENTIALS ARE PROVEN ON THE BASIS OF SATISFACTORY EVIDENCE, AND WHOM BY MY FULLY ADJUDICATED MIND TO BE THE SAME AS THE PERSON(S) NAMED IN THE ABOVE INSTRUMENT, AND THAT THIS DOCUMENT WAS SIGNED BY HIM/HER IN BEHALF OF SAID CORPORATION, BY AUTHORITY OF ITS BYLAWS.

MY COMMISSION EXPIRES \_\_\_\_\_

NOTARY PUBLIC (GROWTH) RESIDING IN \_\_\_\_\_ COUNTY

MY COMMISSION No. \_\_\_\_\_

PRINTED FULL NAME OF NOTARY \_\_\_\_\_

CITY COUNCIL APPROVAL AND ACCEPTANCE  
PRESENTED TO THE MILLVILLE CITY COUNCIL THIS \_\_\_\_\_ DAY  
OF \_\_\_\_\_ 20\_\_\_\_, AT WHICH TIME THIS SUBDIVISION WAS APPROVED  
AND ACCEPTED.

| NAME | ADDRESS           |
|------|-------------------|
| NAME | INFORMED STRATEGY |

Final Plat  
 of  
**ZOLLINGER ESTATES SUBDIVISION**  
 LOCATED IN THE NORTH OF SECTION 35, T14N, R10E, S44M

RECORDED & INDEXED  
CLERK OF DISTRICT COURT  
COUNTY OF UTAH, REC'D AND FILED AT THE REQUEST  
OF \_\_\_\_\_  
DATE \_\_\_\_\_ TIME \_\_\_\_\_ PAGE \_\_\_\_\_  
BY \_\_\_\_\_ CLERK COUNTY REC'D  
MILVILLE, UTAH

**Consideration of a Resolution Adopting the 2020 Impact Fee Report**

Recorder Twedt reviewed the Impact Fee Report and associated resolution. He explained that there were road impact fee funds that the City would need to use in 2022 and 2023, but that this would be useful with everything happening with the sewer project.

**Councilmember Callahan moved to approve Resolution 2020-27.** Councilmember Wilker seconded. Councilmembers Callahan, June, Grange, Wilker and Zollinger voted yes. (The information is included with the minutes as Attachment “E”).

**Setting of the 2021 Annual Meeting Schedule**

Mayor Hair asked the City Council if they would like to make any changes to the meeting schedule or keep it the same for 2021. The consensus of the City Council was to keep the meeting schedule the same for 2021. Recorder Twedt said that he would handle the required notifications and postings.

**Zollinger Estates Subdivision Review**

Recorder Twedt reviewed the discussion that had taken place in Planning and Zoning and the request for clarification from the Planning Commission regarding using the private lane as frontage for the three lots. He also said that although there were only three buildable lots, the subdivision would break one parcel into four parcels which was a major subdivision as defined by Millville City Code and there was still a moratorium on major subdivisions from the Bear River Health Department.

Mike and Lance Zollinger clarified that a change had been made after the Planning and Zoning Meeting. Recorder Twedt showed the updated plat map provided by the Zollingers. They had worked with the County to change the borders of parcel 02-117-0019 and parcel 02-117-0020 so that parcel 02-117-0019 was smaller and only contained the property that the Zollingers wanted to divide into the three buildable parcels as part of this subdivision. With this change, the subdivision would include three lots and not be classified as a major subdivision if the private lane remained private. (The updated plat map is included with the minutes as Attachment “F”).

Mayor Hair said that the road has been there a long time and has been maintained by the property owners that use it. He said that the City would need an easement for utilities, but that he felt the road should remain private. He said that he would prefer the City not maintain the road.

Lance said that there had been litigation that had granted the previous owner three additional accesses to the private road. Councilmember Wilker said that regardless of the litigation, allowing access from a private road would benefit Millville City. He said that it was important that people be allowed to use their private property. This development would add additional homes that would be paying in on the sewer which would benefit the rest of the residents of Millville.

Councilmember Callahan said that the issue was the ordinance that was adopted in 2018 that would require frontage from a public street. He said that he didn't agree with that ordinance and thought that this should be reviewed and potentially changed. Councilmember Wilker said that he agreed.

Councilmember Zollinger asked why this ordinance had been adopted in 2018? What was the purpose of the change? Councilmember Grange said that this had been an attempt to clean up the code as it related to flag lots. There were different parts of the code that made it unclear on what was and wasn't allowed. Councilmember Callahan said that he and Councilmember Wilker voted against the ordinance in 2018. He said that he didn't want to tell people what they can and can't do with their property. Councilmember Grange said that he agreed, and he liked what was being proposed in this subdivision. The concern was that it was in conflict with current City Code.

Mayor Hair said that this was different than previous requests that the City has received. There is already a road here that has been used and maintained for years, the previous request was asking to add a new road that would access a new home.

Councilmember Callahan said that since this had already been adjudicated in court, he feels that the Council should approve this specific subdivision to move forward with use of the private lane for frontage and then review the code in the near future and see if some changes should be made.

**Councilmember Callahan motioned to approve the Zollinger Estates Subdivision as platted using the existing private road for access and recognize that it meets the requirements for frontage and that the City Council review this portion of the Code in the future.** Councilmember Wilker seconded.

Recorder Twedt noted that the subdivision would still need to go through the process with Planning and Zoning and then come back to the City Council for final approval. Councilmember Callahan said that he agreed and that this motion was to approve the concept of the subdivision so that the Planning Commission had clarification on how to proceed.

Councilmember June asked who owned the road and who maintained it. Lance Zollinger said that it was owned by the people that lived on the road and that they shared the responsibility for maintenance of the road. They had been doing this for years.

Councilmember Grange said that the City might need to consider some requirements to ensure that easements are in place in case the City ever did need to take ownership of that road or if a City road needed to pass through that location. Mayor Hair said that the City would need the easements for utilities in that area. Public Works Director Chad Kendrick said that he agreed with Councilmember Grange and that they would need to follow set-back requirements and other City Codes with this development. Mayor Hair said that the City Council would pass this concern along to Planning and Zoning.

Councilmember Zollinger declared a conflict of interest that was noted by Mayor Hair. Councilmembers Callahan, June, Grange, Wilker and Zollinger voted yes.

Councilmember Zollinger said that he liked Councilmember Callahan's request that the Council review this part of the code going forward. (A copy of the related Staff Report is included with the minutes as Attachment "G".)

#### **Kathlene Alder Request for Boundary-Line Adjustment with Providence**

Recorder Twedt said that Kathleen Alder had contacted him regarding this City boundary-line adjustment request that would move three of her parcels from Millville into Providence. Recorder Twedt said that Alder would need to complete the annexation of the property in the County before this would even be possible. Mayor Hair said that this would essentially create a peninsula for the west-most property in Millville. The City Council expressed concern about allowing this to happen. Recorder Twedt explained that this wasn't on the agenda for approval at this time, but just for an introduction about what is being requested. (A copy of the Staff Report is included with the minutes as Attachment "H".)

#### **Councilmember Assignments**

Mayor Hair showed the list of his proposed changes to the Councilmember Assignments for 2021. Councilmember Callahan requested to remain assigned to support for the sewer project. Mayor Hair made the change and then asked the Councilmembers to get with him if they had any concerns about the new assignments. (A copy of the 2021 Councilmember Assignments List is included with the minutes as Attachment "I".)

#### **City Reports**

Director of Public Works Chad Kendrick said that the parks have been quite empty as expected at this time of year except for the pickleball courts that are getting a lot of use from people from all over Cache Valley as most Cities take down their nets during the winter. Director Kendrick said that the tennis nets lasted many years without taking them down in the winters and by leaving them up, they extend the use of the City courts to residents of Millville and other neighboring cities.

Director Kendrick said that the well digger equipment had come in today. They have a lot of gear and are in the process of setting up so that they can begin. He said that Mayor Hair had generously been on-site with a front-end loader and grader to help get everything ready to go. The expectation is that the well construction will take approximately two months to complete.



**RE: REVIEW CODE DEFINING THE TERM "FRONTAGE"  
& BUILDING ON PRIVATE LANE**

**MARCH 16, 2023**

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The City Council has asked the Planning & Zoning Commission to review the term "frontage" as relating specifically to private roads, as well as future building on a private lane.

**BACKGROUND:**

April 12, 2018: Ordinance No 2018-3 was adopted specifying the definition of frontage to mean: "All property fronting on a public street, the length of the lot line adjacent to a public street." This ordinance removed "private street" to be included in this definition.

June 28, 2018: Ordinance No 2018-8 was adopted specifying requirement for home orientation

December 10, 2020: Zollinger Estates Subdivision was approved to add an additional three accesses on their private lane (court litigation was held previous to approve this)

March 9, 2023: The City Council discussed the possibility of a revision of the current code to have a case-by-case discussion to determine subdivision access on a private road.

**Included Documents:**

- Millville City Code 17.08 Definitions
- Ordinance 2018-3: Definition of Frontage
- City Council Minutes- April 12, 2018
- Ordinance 2018-8: Home Orientation
- City Council Minutes- December 10, 2020

**MILLVILLE CITY CODE**  
**TITLE 17 - ZONING**  
**CHAPTER 17.08 - DEFINITIONS**

17.08.010: GENERAL PURPOSE

17.08.020: DEFINITION OF TERMS

**17.08.010: GENERAL PURPOSE**

For the purposes of this title, the following terms and words and their derivations shall have the meaning as given herein. When consistent with the context, words used in the present tense include the future, words in the singular number include the plural, and the plural the singular. "Shall" is always mandatory. Words not included herein, but which are defined in the building code, shall be construed as defined therein.

Pronouns of masculine or feminine gender shall be used interchangeably, in their generic sense, without connoting or denoting the actual sexuality of either group, and are not used or intended to convey gender identification. (Ord. 99-02-18-01 § 2)

**17.08.020: DEFINITION OF TERMS**

As used in this title:

**ACCESSORY BUILDING:** A detached subordinate building which is clearly incidental to and located upon the same lot occupied by the main building.

**AGRICULTURE:** A farming activity limited to the tilling of soil, the raising of crops, horticulture, and gardening, the accessory uses of which shall not be construed as to permit any commercial activity or raising of animals or fowl.

**ALTERED:** Any change in the construction of, or addition to, a building which would permit an increase in capacity or a change of use.

**DUPLEX:** A building designed to be occupied as a two-family dwelling. Both dwelling units having a common wall, separate entrances, separate parking areas, and meeting all setback requirements, and meeting the definition of a "dwelling".

**DWELLING:** Any building or portion thereof which is designed for use for residential purposes except hotels, apartment hotels, boarding houses, rooming houses, and motels. Mobile homes, campers, trailers, and recreational vehicles, shall not qualify as a dwelling. All dwellings shall be a minimum dimension of twenty feet (20') (measured wide or deep), shall be set on a concrete foundation, and shall consist of a minimum ground floor area of nine hundred sixty (960) square feet, exclusive of open porches, garages, and carports.

**DWELLING GROUP:** A group of two (2) or more dwellings located on a parcel of land in one ownership and having any yard in common.

**DWELLING, MULTIPLE-FAMILY:** "Multiple-family dwelling" means a building arranged or designed to be occupied by more than two (2) families, each dwelling meeting the definition of a "dwelling".

**DWELLING, SINGLE-FAMILY:** "Single-family dwelling" means a building designed for and occupied exclusively by one family on a separate lot, and having only one dwelling unit, that meets the definition of a "dwelling".

**FEMA:** Is an acronym for the federal emergency management agency.

**FLOODPLAIN:** Any land area subject to being inundated by water from any source. Floodplain areas are generally defined on the flood insurance relief map (FIRM) provided by FEMA.

**FLOOR AREA:** The sum of the gross horizontal area of the several floors of the building or buildings, measured from the exterior faces of the exterior walls.

**FRONTAGE:** All property fronting on a public street; the length of the lot line adjacent to a public street.

**GARAGE, PRIVATE:** "Private garage" means an attached or detached accessory building used for the storage of private passenger automobiles owned and used by the occupants of the building to which it is accessory. A private garage designed and constructed as an architectural and integral part of the main building shall be subject to all the requirements of this title applicable to main buildings.

**GARAGE, PUBLIC:** "Public garage" means a building or portion thereof, other than a private garage, designed or used for the storing, servicing, repairing, equipping, hiring, or selling motor driven vehicles.

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

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

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

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

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

NATURAL WATERWAYS: Those areas, varying in width, along streams, creeks, springs, gullies, or washes which are natural drainage channels as determined by the city council or as shown on the city master drainage plan, when adopted, in which areas no buildings shall be constructed.

OPEN SPACE: An open, landscaped area which is unoccupied and unobstructed by buildings or hard surfaces such as concrete or asphalt, except that such open space may be traversed by necessary sidewalks and access rights of way.

PARKING LOT: An open area, other than a street, used for the temporary parking of more than four (4) automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.

PARKING SPACE: The space within a building, lot, or parking lot for the temporary parking or storage of one vehicle.

PERSONAL SERVICES: Establishments primarily involved in providing personal grooming and related services. This definition shall include barber shops, beauty parlors, tailors, etc., but not laundries or dry cleaners.

PLOT PLAN: A plat of a lot, drawn to scale, showing its actual measurements, the size and location of any existing building(s) and building(s) to be erected, and showing the location of the lot and abutting streets.

PRIVATE ROAD: A thoroughfare held in private ownership and controlled and maintained by one or more persons, firms, or corporations, and used or held for use primarily as a means of access to adjoining properties.

**YARD, FRONT:** "Front yard" means any yard between the front lot line and the front corner points of the dwelling and extending for the full width of the lot for inside lots and for the full width and depth of corner lots.

**YARD, REAR:** "Rear yard" means a yard between the rear lot line and the rear corner points of the dwelling, extending across the full width of inside lots, and for corner lots a yard between the rear lot line extending between the side lot line and the front yard lying opposite thereto.

**YARD, SIDE:** "Side yard" means any yard extending from the front yard to the rear yard. (Ord. 2012-2, 2012: Ord. 2008-3, 2008: Ord. 2004-4, 2004: Ord. 2002-5 § 1, 2002: Ord. 2002-2 § 3, 2002: Ord. 2000-16 §§ 1, 2: Ord. 99-02-18-01 § 2)

**MILLVILLE CITY  
ORDINANCE NO. 2018 - 3**

**AN ORDINANCE REVISING THE DEFINITION OF "FRONTAGE" IN  
SECTION 17.08.020 OF THE MILLVILLE CITY CODE**

WHEREAS, Millville City Council recognized the need for a change to be made to the zoning ordinance to reduce confusion concerning the definition of the word "frontage"; and

WHEREAS, the Millville Planning Commission reviewed the ordinance and held a public hearing to receive input on April 5, 2018; and

WHEREAS, the Millville City Council reviewed the ordinance at the City Council meeting held April 12, 2018;

NOW, THEREFORE, BE IT ORDAINED, by the Millville City Council, Cache County, State of Utah, as follows:

**17.08.020: DEFINITION OF TERMS - Frontage**

**REPEAL:**

**FRONTAGE:** All property fronting on a public street; the length of the lot line adjacent to a public or private street.

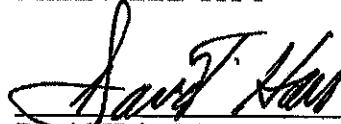
**ADOPT:**

**FRONTAGE:** All property fronting on a public street; the length of the lot line adjacent to a public street.

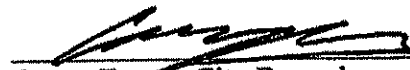
This ordinance shall become effective immediately upon publication or posting as set forth by State Law.

ADOPTED AND PASSED, by the MILLVILLE CITY COUNCIL this 12th day of April, 2018.

MILLVILLE CITY

  
\_\_\_\_\_  
David Hair, Mayor

ATTEST:

  
Corey Twedt, City Recorder



| COUNCIL MEMBER   | YES | NO | ABSENT | ABSTAIN |
|------------------|-----|----|--------|---------|
| Michael Callahan |     | X  |        |         |
| Cindy Cummings   | X   |    |        |         |
| Clay Wilker      |     | X  |        |         |
| Mark Williams    | X   |    |        |         |
| Daniel Grange    | X   |    |        |         |

POSTED: 4/12/18

I, Corey P. Twedt, City Recorder of Millville, Cache County, Utah hereby certify that I, on the 12 day of April, 2018 in the City of Millville, County of Cache, State of Utah, posted the foregoing Code Amendment Ordinance 2018-3 in a likely manner, a copy of which is hereto attached, in each of the three of the most public places in the said City of Millville, to wit:

1. Millville City Office - 510 East 300 South
2. Millville City North Park - 430 North 100 East
3. Millville City Post Office - 70 West 200 North

WITNESS my hand this 12 day of April, 2018

  
Corey P. Twedt

The compaction requirements for the road and warranty period were also briefly discussed. Engineer Zan Murray explained that when the subdivision is accepted, the City would check for issues and track them during the warranty period to see if they got worse. He suggested that video documentation of the infrastructure might be useful for comparison. Councilmember Grange said that he would hate for the City to have to pay for repairs caused by developer mistakes.

Councilmembers Callahan, Cummings, Grange, Wilker and Williams voted yes. (The adopted resolution is included with the minutes as Attachment "E".)

**Consideration of Adopting Ordinance Modifying Corner Lot Setback Requirements**

Councilmember Cummings presented the ordinance modifying the Corner Lot Setback Requirements. This ordinance has both been discussed previously in a City Council Meeting and recommended by P&Z. There was no public comment in the Public Hearing that was held in P&Z.

**Councilmember Grange moved to approve Ordinance 2018-2, An Ordinance modifying the Corner Lot Setback Requirements.** Councilmember Cummings seconded. Councilmembers Callahan, Cummings, Grange, Wilker and Williams voted yes. (The adopted ordinance is included with the minutes as Attachment "F".)

**Consideration for Adopting Ordinance Modifying the Definition of "Frontage" in the Millville City Code.**

Development Coordinator Meadows presented the ordinance and the proposed update to the definition of the word "Frontage."

Councilmember Grange said that the concern from the Planning and Zoning Commission was that this would be closing the door on all private roads. The Commission had commented that they were in favor of this ordinance 90% of the time, but there are some circumstances where they don't think it should be enforced.

Mayor Hair said that his concern was the conflicts in the current code. This ordinance is meant to clean that up and make the code more clear. The intent of the code had been in place, but this loophole needed to be closed to prevent confusion.

Councilmember Wilker asked how long this had been an ordinance. Development Coordinator Meadows said that it has been in place since 1973. Councilmember Wilker asked if there had been any other problems in the past aside from the recent issue with this portion of the code. Councilmember Grange said that he wasn't aware of this coming up before and that it took some digging from Coordinator Meadows to identify the issue. Likely this would have come up before if it had been known.

Development Coordinator Meadows commented that other code still remains that deals with private lanes. Private roads are still allowed on private property. The ordinance being

discussed tonight relates to Title 17 and only applies to building permits. Frontage is not calculated based on private roads. Councilmember Cummings agreed that you should be able to put a private road on your property if you want.

Councilmember Wilker expressed concern about the code that references frontage in relation to the front door of a home. He said he felt it shouldn't matter which way the front door faces. He discussed his home specifically. Development Coordinator Meadows said that if the 100 West Road went through, it would provide the frontage and Councilmember Wilker's home is based on frontage from this hypothetical 100 West Road.

Councilmember Cummings said that this conversation about front doors was not pertinent to the ordinance being reviewed and could be discussed at a different time.

Councilmember Grange said that he felt that the commission was concerned that the ordinance was meant to cut out private roads completely. That is not what is being done. This ordinance is meant to clean up the confusion in the code and clarify what is a buildable lot based on the frontage of the property.

Councilmember Callahan said that this change would be consistent to the decisions that had been made by the Council. This would update the code to match what has been done in practice all along. He said he has some concerns about this in that he felt the City should not be telling people what they could do on their own private property.

Development Coordinator Meadows said that this was needed for emergency services and that there is a standard that needs to be kept so that they can find the homes in case of emergency. Councilmember Wilker disagreed and said that there are flag lots all over Logan City and that this doesn't cause issues for emergency services.

**Councilmember Cummings moved to approve Ordinance 2018-3.** Councilmember Grange seconded. Councilmember Wilker said that he doesn't feel good about this ordinance. If someone has property and a private lane and want to build a home for a family member with frontage off of that private lane, they should be able to do so. Councilmembers Cummings, Grange and Williams voted yes and Councilmembers Callahan and Wilker voted no. The motion passed. (The adopted ordinance is included with the minutes as Attachment "G".)

### **Consideration for Adopting Ordinance Modifying the Business License Code Concerning Late Fees and Certificate Requirements**

Recorder Twedt reported that 27% of the renewed business licenses this year were late in their renewals. In the past, these were printed individually on a typewriter and it didn't matter as much when they came in. They are now done as a batch in groups and it requires extra time and work to do them a little at a time. The reason for the ordinance is to encourage business owners to be responsible and seek renewals in a timely manner.

**MILLVILLE CITY  
ORDINANCE 2018 - 8**

**AN ORDINANCE DEFINING REQUIREMENTS FOR HOME  
ORIENTATION IN RESIDENTIAL ZONES**

WHEREAS, Millville Planning and Zoning Commission recognized the need for a more clear definition of home orientation requirements in residential zones; and

WHEREAS, the Millville Planning Commission reviewed the ordinance and held a public hearing to receive input on June 21, 2018; and

WHEREAS, the Millville City Council reviewed the ordinance at the City Council meeting held June 28, 2018;

NOW, THEREFORE, BE IT ORDAINED, by the Millville City Council, Cache County, State of Utah, as follows:

**Add to Millville City Code Sections 17.20A.040, 17.20B.040 and 17.20C.040 under Regulations and Requirements:**

**ADOPT:**

**P. Orientation: Any residence constructed on any buildable parcel must be accessed from a "public street", as defined in Ordinance 17.08.020 "STREET, PUBLIC". Said residence shall have the property entrance located to face the public street to which its address was assigned.**

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

ADOPTED AND PASSED, by the MILLVILLE CITY COUNCIL this 28th day of June, 2018.

## MILLVILLE CITY

  
 David Hair, Mayor

ATTEST:

  
 Corey Twedt, City Recorder



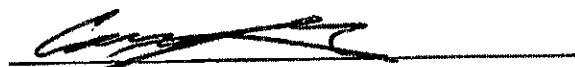
| COUNCILMEMBER    | YES | NO | ABSENT | ABSTAIN |
|------------------|-----|----|--------|---------|
| Michael Callahan |     |    | X      |         |
| Cindy Cummings   |     |    | X      |         |
| Mark Williams    | X   |    |        |         |
| Clay G. Wilker   | X   |    |        |         |
| Daniel Grange    | X   |    |        |         |

POSTED: 6/28/18

I, Corey P. Twedt, City Recorder of Millville, Cache County, Utah hereby certify that I, on the 28 day of June, 2018 in the City of Millville, County of Cache, State of Utah, posted the foregoing Code Amendment Ordinance 2018-8 in a likely manner, a copy of which is hereto attached, in each of the three of the most public places in the said City of Millville, to wit:

1. Millville City Office - 510 East 300 South
2. Millville City North Park - 430 North 100 East
3. Millville City Post Office - 70 West 200 North

WITNESS my hand this 28 day of June, 2018

  
 Corey P. Twedt

**Consideration of a Resolution Adopting the 2020 Impact Fee Report**

Recorder Twedt reviewed the Impact Fee Report and associated resolution. He explained that there were road impact fee funds that the City would need to use in 2022 and 2023, but that this would be useful with everything happening with the sewer project.

**Councilmember Callahan moved to approve Resolution 2020-27.** Councilmember Wilker seconded. Councilmembers Callahan, June, Grange, Wilker and Zollinger voted yes. (The information is included with the minutes as Attachment “E”).

**Setting of the 2021 Annual Meeting Schedule**

Mayor Hair asked the City Council if they would like to make any changes to the meeting schedule or keep it the same for 2021. The consensus of the City Council was to keep the meeting schedule the same for 2021. Recorder Twedt said that he would handle the required notifications and postings.

**Zollinger Estates Subdivision Review**

Recorder Twedt reviewed the discussion that had taken place in Planning and Zoning and the request for clarification from the Planning Commission regarding using the private lane as frontage for the three lots. He also said that although there were only three buildable lots, the subdivision would break one parcel into four parcels which was a major subdivision as defined by Millville City Code and there was still a moratorium on major subdivisions from the Bear River Health Department.

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Mayor Hair said that this was different than previous requests that the City has received. There is already a road here that has been used and maintained for years, the previous request was asking to add a new road that would access a new home.

Councilmember Callahan said that since this had already been adjudicated in court, he feels that the Council should approve this specific subdivision to move forward with use of the private lane for frontage and then review the code in the near future and see if some changes should be made.

**Councilmember Callahan motioned to approve the Zollinger Estates Subdivision as platted using the existing private road for access and recognize that it meets the requirements for frontage and that the City Council review this portion of the Code in the future. Councilmember Wilker seconded.**

Recorder Twedt noted that the subdivision would still need to go through the process with Planning and Zoning and then come back to the City Council for final approval. Councilmember Callahan said that he agreed and that this motion was to approve the concept of the subdivision so that the Planning Commission had clarification on how to proceed.

Councilmember June asked who owned the road and who maintained it. Lance Zollinger said that it was owned by the people that lived on the road and that they shared the responsibility for maintenance of the road. They had been doing this for years.

Councilmember Grange said that the City might need to consider some requirements to ensure that easements are in place in case the City ever did need to take ownership of that road or if a City road needed to pass through that location. Mayor Hair said that the City would need the easements for utilities in that area. Public Works Director Chad Kendrick said that he agreed with Councilmember Grange and that they would need to follow set-back requirements and other City Codes with this development. Mayor Hair said that the City Council would pass this concern along to Planning and Zoning.

Councilmember Zollinger declared a conflict of interest that was noted by Mayor Hair. Councilmembers Callahan, June, Grange, Wilker and Zollinger voted yes.

Councilmember Zollinger said that he liked Councilmember Callahan's request that the Council review this part of the code going forward. (A copy of the related Staff Report is included with the minutes as Attachment "G".)

#### **Kathlene Alder Request for Boundary-Line Adjustment with Providence**

Recorder Twedt said that Kathleen Alder had contacted him regarding this City boundary-line adjustment request that would move three of her parcels from Millville into Providence. Recorder Twedt said that Alder would need to complete the annexation of the property in the County before this would even be possible. Mayor Hair said that this would essentially create a peninsula for the west-most property in Millville. The City Council expressed concern about allowing this to happen. Recorder Twedt explained that this wasn't on the agenda for approval at this time, but just for an introduction about what is being requested. (A copy of the Staff Report is included with the minutes as Attachment "H".)

#### **Councilmember Assignments**

Mayor Hair showed the list of his proposed changes to the Councilmember Assignments for 2021. Councilmember Callahan requested to remain assigned to support for the sewer project. Mayor Hair made the change and then asked the Councilmembers to get with him if they had any concerns about the new assignments. (A copy of the 2021 Councilmember Assignments List is included with the minutes as Attachment "I".)

#### **City Reports**

Director of Public Works Chad Kendrick said that the parks have been quite empty as expected at this time of year except for the pickleball courts that are getting a lot of use from people from all over Cache Valley as most Cities take down their nets during the winter. Director Kendrick said that the tennis nets lasted many years without taking them down in the winters and by leaving them up, they extend the use of the City courts to residents of Millville and other neighboring cities.

Director Kendrick said that the well digger equipment had come in today. They have a lot of gear and are in the process of setting up so that they can begin. He said that Mayor Hair had generously been on-site with a front-end loader and grader to help get everything ready to go. The expectation is that the well construction will take approximately two months to complete.

**MILLVILLE CITY COUNCIL MEETING**  
**City Hall – 510 East 300 South – Millville, Utah**  
**March 9, 2023**

**PRESENT:** David Hair, Daniel Grange, Clay Wilker, Michael Callahan, Pamela June, Ryan Zollinger, Tara Hobbs, Chad Kendrick, Corey Twedt, Kara Everton, Colter Wilker, Gary Gettman, Wendy Wilker, Shaelyn Dattage, Rubi Fuentes, Jake Guild, Yohana Guild, Areli Fuentes

**Call to Order/Roll Call**

Mayor David Hair called the City Council Meeting to order for March 9, 2023 at 7:00 p.m. The roll call indicated Mayor David Hair and Councilmembers Pamela June, Clay Wilker, Ryan Zollinger and Daniel Grange were in attendance with Councilmember Michael Callahan to arrive shortly.

**Opening Remarks/Pledge of Allegiance**

Councilmember Wilker welcomed everyone to the Council Meeting and led all present in the pledge of allegiance. Councilmember Zollinger then offered a word of prayer.

**Approval of Agenda**

The agenda for the City Council Meeting of March 9, 2023 was reviewed.

**Councilmember Wilker moved to approve the agenda for March 9, 2023.**

Councilmember Grange seconded. Councilmembers Wilker, June, Grange and Zollinger voted yes with Councilmember Callahan to arrive shortly. (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 9, 2023.

**Councilmember June motioned to approve the minutes for February 9, 2023.**

Councilmember Zollinger seconded. Councilmember June pointed out a couple of grammatical errors that were fixed. Councilmembers Wilker, June, Grange and Zollinger voted yes with Councilmember Callahan to arrive shortly.

**Public Comment Period**

Mayor Hair opened the floor for public comments.

Gary Gettman explained the investigation he has been doing on why some customers who use payments that come from their banks to pay their utility bills had payments that did not make it to Millville City. Gary said that there were 22 payments that did not get to the City. Several of these payments are sent to the City from a financial institution in one

envelope. Because address service is requested on the envelope, if the City street address rather than the PO Box is listed on the payment that is shown in the window of the envelope, the Post Master said that she would have sent it back to the bank instead of putting it in the City's post office box. As most of the customers that use this service from the bank have the correct mailing address on the checks, it is unlikely that this would be a frequent problem.

**Councilmember Callahan arrived at this time.**

Mayor Hair said that he understands from the email sent by Mr. Gettman that he would like the City to again look into the possibility of credit card and direct ACH payments. He said that he agreed that this was something they could review again, but that there is a lot going on right now and it will need to wait a little bit until staff can make time.

Jake Guild said that he and his family live in a camp trailer behind the home of his father-in-law at 278 North 100 East. They moved to Millville with the intent to live in the trailer until they could afford a home in Millville. Jake said that before they had moved into the trailer in the back yard, they had discussed this with someone from Millville City and were told that this was allowed. Recorder Twedt clarified that there is new code that permits exterior ADUs, but that living in a trailer is not permitted in the new code or in previous versions of Millville code. Jake said that they are planning to move from the trailer into a home soon. He just wanted to understand the \$50 ADU fee that was on the utility bill of the owner of the home. The Council explained the purpose of the ADU fee and that it applies to every home in the City that has an apartment (internal ADU) or would apply to anyone that has a legal exterior ADU.

Rubi Fuentes said that she received the letter stating that the City believed she had an ADU in her home at 140 East 300 North and that she should contact the City if this was not the case. She said that there are only five people living there and there is no ADU.

**Request for a Business License for James King Short Term Rental (STR)**

James King has submitted a request for a business license for a short-term rental at 466 North 100 East. Recorder Twedt said that the Kings were not available to attend this meeting. Recorder Twedt said that this was the first application that the City has received for a short-term rental as is now required by City Code. He asked the Council how they wanted to deal with this type of business license going forward. Do they want to review each one in a City Council meeting or have staff do the review and issue the license? Councilmember Zollinger said that he would prefer staff review these requests and issue the licenses if all the requirements are being met. The rest of the Council agreed.

**Report on P&Z Meeting held February 16, 2023**

Development Coordinator Kara Everton reviewed with the Council the Planning Commission's draft minutes for the meeting held February 16, 2023. The road to the back lot of the Covert Subdivision was briefly discussed.

**Consideration of a Resolution Accepting the Interlocal Agreement with Cache County for administration of the 2023 Municipal Election**

Recorder Twedt reviewed with the Council the resolution to accept the agreement with the County to administer the 2023 municipal election. He explained that the cost in the documents provided is an estimate as we don't know how many people will vote, if we will need a primary election or how many people will use the election drop box versus dropping their ballots in mail. Recorder Twedt said that he would highly recommend the City contract with the County for the election again as the City does not have the staff or the equipment to handle the election properly and we will save money by using the services offered by the County.

**Councilmember Zollinger motioned to approve Resolution 2023-4.** Councilmember Grange seconded. Councilmembers Callahan, June, Wilker, Grange and Zollinger voted yes. (The approved resolution is included with the minutes as Attachment "B".)

**Billing for Accessory Dwelling Units (ADUs) that are not being rented out**

Recorder Twedt reviewed the staff report with the Council and asked for some direction on billing for residents with ADUs that are not occupied.

This is the policy recommended by staff for determining whether a fee waiver should be given on an ADU unit that is not being rented:

- ADU utility fees are charged for the previous month on a utility bill (ie. the ADU fee on a September utility bill is for ADU occupancy in August)
- For residents to get a fee waiver on ADU fees for an ADU that is not occupied, the following criteria must be met:
  - ADU must be empty for the entire month. No partial occupancy waivers.
  - Notification must be given to the Millville City Treasurer by the 1<sup>st</sup> day of the month if the unit is not going to be rented in that coming month. After the 1<sup>st</sup> day of the month, the ADU owner will be charged for that month.
- No reimbursement for ADU fees will be given.

The consensus of the Council was that they were fine with the guidelines set by staff and appreciated the information on how staff intended to handle it. (The related staff report is included with the minutes as Attachment "C".)

**Wilker frontage requirement variance request for building lot**

Mayor Hair reviewed the staff report and request from Clay Wilker for a variance request to meet the frontage requirement for a new building lot from their existing private lane and not from a city street as current code requires.

Councilmember Wilker said that the real estate market is extremely high right now and he isn't sure how young people could purchase a home under current conditions. He said that his son Colter runs a business out of Millville and wants to live in the area.

Councilmember Wilker said that he and his wife would like to help Colter out by selling him a piece of their property on which Colter can build a home. He said that Colter lives at their home now, so this will not create any additional traffic. The new home would be where the Wilker horse pasture sits now. Colter provided a handout and reviewed the specifics for his request. (The handout is included with the minutes as Attachment "D".)

Councilmember Callahan said that he had reservations about allowing this. He said he thinks it is admirable what the Wilkers are trying to do, but he worries about allowing it. Especially for a sitting councilmember. Councilmember Callahan said that one of the reasons he ran for City Council was because he did not like what he calls "Old Boy Deals" where preferential treatment is given to one resident and not others.

Councilmember Wilker said that there are lots of private lanes in Millville City. In 2020, a subdivision with three homes was approved on a private lane. It was discussed that the Zollinger private lane was a different situation in that there were already multiple homes on that street and a judge's ruling from a previous legal proceeding had determined that additional homes could be built on that road.

Councilmember Grange asked about the frontage available to the Wilker property off 450 North. Councilmember Wilker said that there was 976 feet of frontage from that road. Councilmember Wilker said that the lot on which they want to build Colter's home is south of the existing Wilker home and it would be easier to run utilities to that location. Councilmember Zollinger asked if a home had to be accessed from the road on which frontage is available. The Council didn't think that this was a requirement. Councilmember Grange said that if the Wilkers did not subdivide anything, the larger lot could contain the new home and would have more than the necessary frontage from 450 North, but they could potentially access the home from the private lane. Councilmember Wilker said that he wanted to subdivide off a piece of property to sell to Colter and keep the rest of the property in the greenbelt classification.

Councilmember Wilker said that the Mike Zollinger Subdivision was approved for a reason. The private lane had been there for a long time and there weren't any negative ramifications in allowing the subdivision with access from the private road. He said that it makes sense to make exceptions at times. Councilmember Wilker said that external ADUs are also now permitted by City Code. As a result of that ordinance, the Wilkers could put in a much smaller dwelling as an external ADU for which they would pay no impact fees and no property taxes. It seems to make more sense to grant the waiver for this home that will help pay for Millville City utilities.

Councilmember Zollinger said that the Wilkers have lots of frontage available, but they are asking for a variance, so they don't have to dedicate any of that frontage. He said that a possibility was for the existing Wilker home to use the frontage from 450 North and have the new home use the existing frontage at the south end of the private lane that connects to 400 North.

Public Works Director Chad Kendrick said that long term, it would be best for the City to have that private lane be a City street that goes through to connect to 450 North. Councilmember Wilker said that he agreed that long term, this might make sense for the City, but this would give the high school kids another route on which to speed as they drive to and from school. Wendy Wilker said that if this road went through in the future, it would result in a left turn on to a major roadway (450 North). This had been discussed previously when 450 North and the roundabout were being designed and there was discussion of not wanting a left-hand turn on to any major roadways. Director Kendrick said that he disagreed and that he felt this connection would be good for the City at some point.

Councilmember June said that she feels like the Wilker waiver request seems logical to her. Mayor Hair said that one option would be for the code to be changed if it is determined that a change would be better for the City.

Councilmember Callahan said that he felt that the Council should either deny the waiver request or a code change should be made. He said that he didn't want to say no, but that he also did not want to make exceptions. It was discussed that if the variance was granted, the Council should make the desired changes to the code as soon as possible. Recorder Twedt said that this was land-use related and the Planning Commission would need to make the code changes if – after their review – that is the direction they wanted to go. He explained that if they were to make changes, the Planning Commission would make up a draft of what they wanted the code to be, then they would schedule a public hearing to review the changes. Then they would make a recommendation for the City Council to adopt the final changes.

Councilmember Zollinger said that another concern is emergency access. They would need to ensure that emergency response vehicles could turn around in the driveway of the new home.

It was discussed that it is difficult to have code that covers every type of private lane as they are all very different. Every request of this nature would need to be looked at as a separate case to determine if it would work to add a new home.

Mayor Hair said that a code update could be completed in one to two months and then this could happen the right way and a variance wouldn't be needed. Councilmember Wilker said that the Council has never not allowed a variance for this type of request. He said that this was different than previous requests for flag lots that were denied.

Recorder Twedt said that it was not clear to him why this was different than a flag lot request. He said that he isn't sure why this is more desirable than a flag lot.

Councilmember Grange discussed some options for the subdivision that would be compliant with the existing code. Councilmember Wilker said that these options would just be more costly for them and that it wouldn't be any different than if the variance was granted that he was requesting. In both cases, it would be the same result for the City, but the variance would make it much easier for the Wilkers.

Councilmember Wilker said that he just wants a similar variance to what was granted in 2020 for the Mike Zollinger subdivision accessing a private road. Mayor Hair again discussed the differences between that request and this request. Councilmember Wilker said that he felt the conditions were very similar and that the standard that had been found acceptable in that case was the same standard met by the Wilker variance request.

Councilmember Wilker said that he would be happy to head up the ordinance change to fix this issue in the code. He said that there is a need now and there will be additional needs going forward. Councilmember Wilker said that it doesn't make sense that external ADUs have more rights than Colter does for what he is trying to do. Councilmember Grange said that he agreed, but that things get more difficult with the creation of new tax ID numbers.

Councilmember Callahan recommended that a request be made for P&Z to begin reviewing the code for possible updates to address this type of issue.

**Councilmember Callahan motioned to approve the variance for the Wilkers to use frontage from their private lane rather than a City street for a proposed minor subdivision and building lot for a new home.** Councilmember June seconded. Councilmember Zollinger asked if there should be any conditions required with this waiver. The Council did not come up with any conditions that they felt should be added. Councilmembers Callahan, June, Grange and Zollinger voted yes and Councilmember Wilker abstained due to the conflict of interest. (The related agenda staff report is included with the minutes as Attachment "E".)

### **City Reports**

Director of Public Works Chad Kendrick said that the current hot topic is possible flooding with the coming snow melt. Councilmember Grange said that he has received some calls from residents asking what the City is doing that could potentially help Millville residents. Director Kendrick said that the City has sand and bags available. Residents are welcome to fill their own sandbags and use them if they are needed. It was discussed that there was a limited amount of bags and sand, so they hoped that residents would not take them unless there was a real need.

Director Kendrick said that the yearly Consumer Confidence Report (CCR) that addresses the water quality in Millville was now available for review.

Director Kendrick said that the sewer construction is progressing okay considering the inclement weather. Whitaker plans to start work in the highway in April.

**Councilmember Reports and Items for Future Agendas**

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

Councilmember Wilker asked if there were concerns about cars from the car show participating in the City Celebration parade this year. The Council did not anticipate this being a problem in that the parade was very short anyway.

Treasurer Hobbs said that the Youth Council would like to place a mini library outside between the museum and the City Office. The Council said that they were okay with this if the Youth Council took care of the installation and maintenance.

Mayor Hair said that he has been working with the County and discussing the potential of taking over ownership of Main Street. There are some potential advantages to the City with the sewer project work needed on that road. The City has requested that the County commit to do some minor improvements to the road as it has not been maintained very well. Instead, the County is considering applying for a much larger road repair project of Main Street with COG funding.

Mayor Hair also thanked staff for all of the many hours spent on the sewer construction and financing as well as dealing with the difficult year in clearing snow from the City streets.

**Adjournment**

**Councilmember Grange moved to adjourn the meeting.** Councilmember Callahan seconded. Councilmembers Callahan, June, Wilker, Grange and Zollinger voted yes. The meeting adjourned at 8:52 p.m.

DRAFT