

MILLVILLE PLANNING COMMISSION MEETING

City Hall - 510 East 300 South - Millville, Utah

March 16, 2023

PRESENT: Garrett Greenhalgh, Bonnie Farmer, Lynette Dickey, Larry Lewis, Darcy Ripplinger, Matt Anderson, Tara Hobbs, Kara Everton, Mayor David Hair, Chad Kendrick, Colter Wilker, Shaelynn Dattage, Wendy Wilker, Clay Wilker, Pam June, Adam Mackelprang, Ryan Zollinger

Call to Order/Roll Call:

Commissioner Greenhalgh opened the meeting for March 16, 2023, at 7:59 p.m. Commissioners Garrett Greenhalgh, Lynette Dickey, Bonnie Farmer, Larry Lewis, Darcy Ripplinger (Alt.) and Matthew Anderson (Alt.) were present. Commissioner Thompson was 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 Farmer moved to approve the agenda for March 16, 2023.** Commissioner Ripplinger seconded. Commissioners Garrett Greenhalgh, Lynette Dickey, Bonnie Farmer, Larry Lewis, Darcy Ripplinger (Alt.) and Matthew Anderson (Alt.) voted yes. Commissioner Thompson was excused.

Approval of the Minutes of the Previous Meeting

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

5.A. Conceptual Plan Review: Millville Escape Subdivision- located approx.: 550 E Center St.

Adam Mackelprang is here as the engineer for this subdivision. The developer, Jeremy Jensen, lives out of town and Adam is the primary contact. Millville City engineers have seen and approved the checklist for this step in the process. There are a few duplicated named roads. The commissioner suggested a few revisions for the road names. There is open space between the power poles and some other random parts of the property due to how steep the slopes are. A company called CMT will look at the possible debris flows that would affect the subdivision. CMT has advised that there may need to be a removal of some of the lots to account for the debris flow. There are currently 108 lots listed. Commissioner Greenhalgh emphasized the importance of the city hillside overlay slope classes. This classification is designated during the planning of the development and determined by the natural slope of the land and again reviewed after all the infrastructure has been installed. The lot cannot be modified to change the slope

class. Alex explained his design process in determining the roads based on the slopes and building out the lots from there to make the most buildable design. A big worry is when the roads are being cut in and the lots are changed in the process. Commissioner Farmer asked if there were any plans to put a park up there. Alex explained that to develop in Providence a second access is needed and that is ultimately the goal right now with the Millville City design, as we are under a moratorium from BRHD. When development continues later, they will look at where to add a park. Recorder Twedt informed the commission of the Memo of Understanding that the city has with the owner to allow the city to approve up to a specific point to help both sides. Due to only needing the road installed to help develop in Providence the commission has decided to approve this project in phases, with the partial road development being phase one. The commission agreed to move forward with the process of phase one with other phases of development to come later. There will not be any lots being drawn into the plan, but will give the general concept of the design. The commission recommended Alex come back with just the Phase One drawings for the partial road design. Recorder Twedt mentioned that currently there are two parcels dividing the location of a future water reservoir, and there would need to be a boundary line adjustment to move that property over to Millville City entirely. Adam will talk to Providence City about beginning that process.

5.B. Wilker Frontage Variance Request- Parcel Tax ID: 02-127-0007: located south of 117 W 400 N

Commissioner Greenhalgh reviewed the history of the variance that was previously approved by City Council at the March 9th meeting and was later rescinded at the meeting held earlier today, March 16th. The correct process for a variance request is to come before Planning & Zoning to be reviewed and to move to City Council through a recommendation from the commission. Commissioner Greenhalgh asked if the recommendation didn't come from Planning & Zoning would the variance request would still be moved ahead to the City Council anyway. Clay Wilker was present and answered and read part of our code in section 17-68.060 which states:

“Any person or entity desiring a waiver or modification of the requirements of the zoning ordinance as applied to a parcel of property that he or she owns, leases, or in which he or she holds some other beneficial interest may apply to the appeal authority for a variance from the terms of the zoning title.”

Clay Wilker went on to state that this seemed like a more kind and gentle variance discussion & the reason why a variance would be granted that are mentioned following the above-mentioned code. He noted that the reason for rescinding the variance request was valid, but this part of the code should help answer Commissioner Greenhalgh's question noting that the City Council would be able to hear the request for a variance regardless of the recommendation of P&Z. Recorder Twedt responded that the only issue is that the City Council is not the appeal authority in Millville, but it is a judge in Hyrum. Commissioner Anderson reviewed state code and noted that state code and Millville City code align entirely. He reviewed the qualifications for a variance, as stated in the code, and noted the section stating that if the homeowner could do what they wanted to do without getting a variance to the code, then a variance should not be granted. He stated that this property does have frontage along another public road in the city, as well as, the precedent in denying previous frontage requirement requests. Commissioner Greenhalgh reviewed the history of this ordinance and how it came to fruition in 2018. Since that time, there have been quite a few requests that were denied due to the ordinance change. The discussion continued including topics of flag lots and lots being built on private roads, that will be discussed in the next agenda items. In Cache County there are allowances for development on private roads as long as the road width meets a certain criterion. Clay Wilker asked if the previously denied requests ever went as far as requesting a variance. Commissioner Greenhalgh

replied that the previous requests were denied so they never made it to City Council. Commissioner Lewis stated he was not in favor of the variance approval. Commissioner Farmer agreed and stated that following the code was their priority, and modifications could be looked at in the future, but support of current code is necessary. Commissioner Ripplinger agreed saying consistency is important. Commissioner Dickey agreed as well but stated she was not opposed to changing the code if necessary. Commissioner Greenhalgh asked if any of the city council members present voted on this ordinance. Recorder Twedt stated he reviewed previous minutes and the biggest reason for the update in code was due to emergency service access. Clay Wilker specified that he would be more than happy to give the proper frontage off of his property, but there is another ordinance regarding home orientation and how this wouldn't be plausible in this case, as well as accessing the utility easements being difficult. Commissioner Greenhalgh stated that, even with all this discussion, this request is against city code.

Commissioner Lewis made a motion to deny the Wilker Frontage Variance Request.

Commissioner Farmer seconded. Commissioners Garrett Greenhalgh, Lynette Dickey, Bonnie Farmer, Larry Lewis, Darcy Ripplinger (Alt.) and Matthew Anderson (Alt.) voted yes. Commissioner Thompson was excused.

5.C. Review & Discussion on City Code:

i. Relating to Ordinance No. 2018-3: Definition of Frontage

ii. Relating to Development on Private Lane

The discussion for both ordinances intertwined. Review of these ordinances brought up questions regarding the face of the house and in what situations home orientations may differ. The commission discussed corner lots and lots that have two access points (through-lots). Commissioner Anderson stated that the direction that the house faces determine the address. Mayor Hair brought up that most subdivisions are approved with specific access points to the properties. In the example of Clay Wilker, the definition of home orientation would not be affected due to Colter Wilker's house facing the private lane. Councilmember Ryan Zollinger was present and mentioned that this discussion is more about property accesses rather than the home orientation, with the accesses not necessarily being the front door. Commissioner Anderson said the code specifically states "said residence shall have the property entrance located to face the public street to which its address was assigned". He continued that there were a lot of scenarios in Millville City where the access was not on the road the address was assigned. The suggestion was made to enable residents to come before Planning & Zoning to request a street address change. Commissioner Lewis acknowledged that this will affect 2% of the population. Discussion ensued on possible standards for development on a private lane as well as flag lot development requirements. Recorder Twedt suggested that a code revision be written up and at our next meeting the commission reviews it and makes any changes necessary then a public hearing is scheduled for the following meeting.

6. City Council Report – review minutes from the March 9, 2023 meeting

7. Agenda Items for Next Meeting

Review of code changes will be on the agenda for the next meeting.

8. Calendaring of future Planning Commission Meeting

The next scheduled meeting will be held Thursday, March 30, 2023, at 8:00 pm.

There will be no meeting held on the regularly scheduled day of Thursday April 6, 2023.

9. Adjournment

Chairman Greenhalgh moved to adjourn the meeting at approximately 9:52 p.m.

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		
			X		
			X		
			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

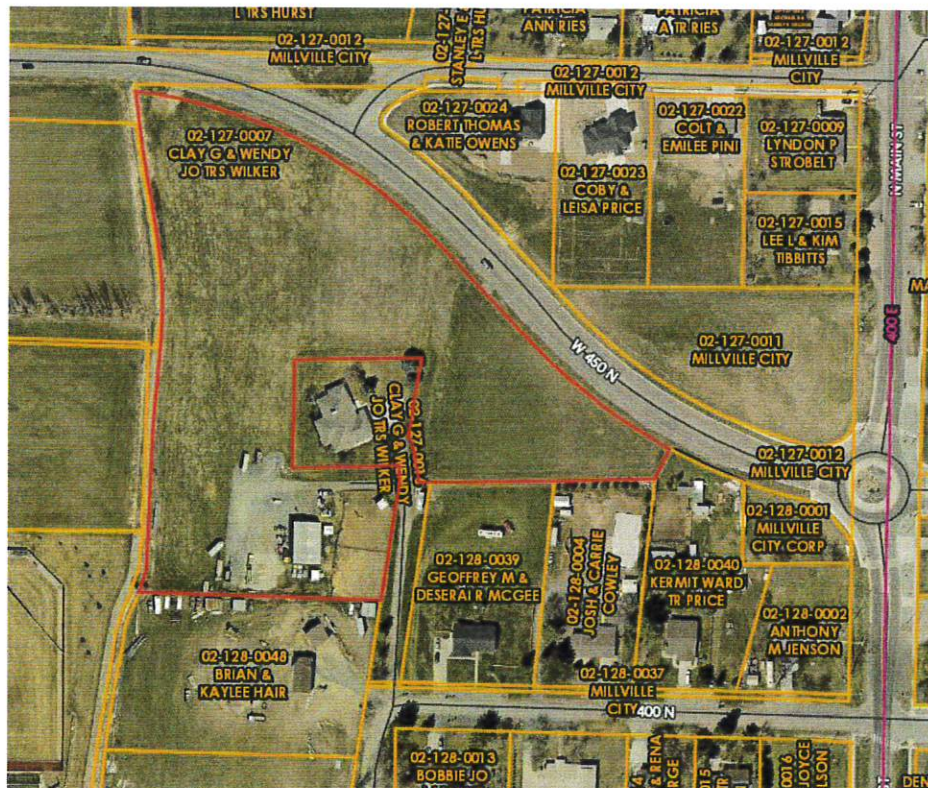
Background

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

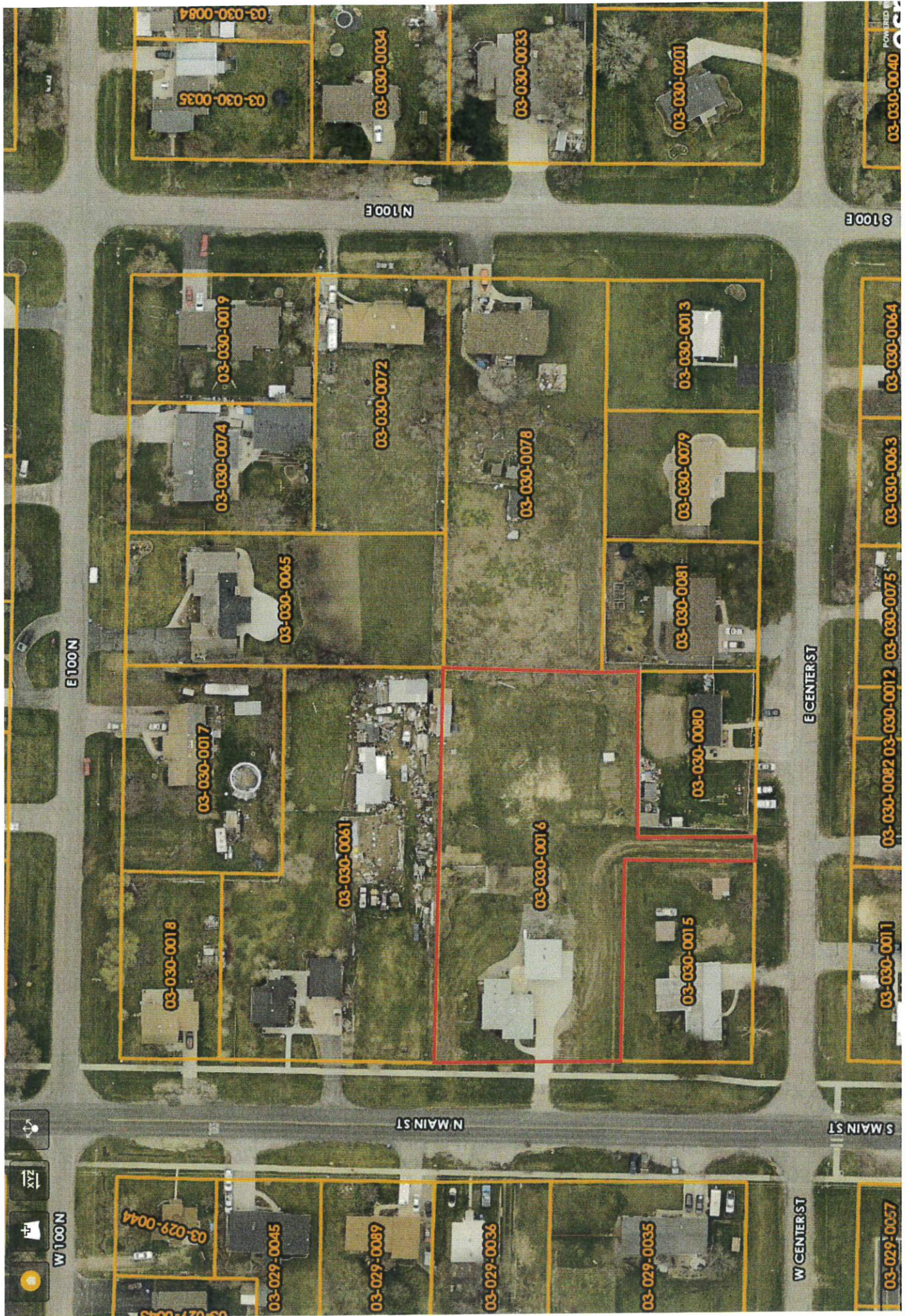
Background

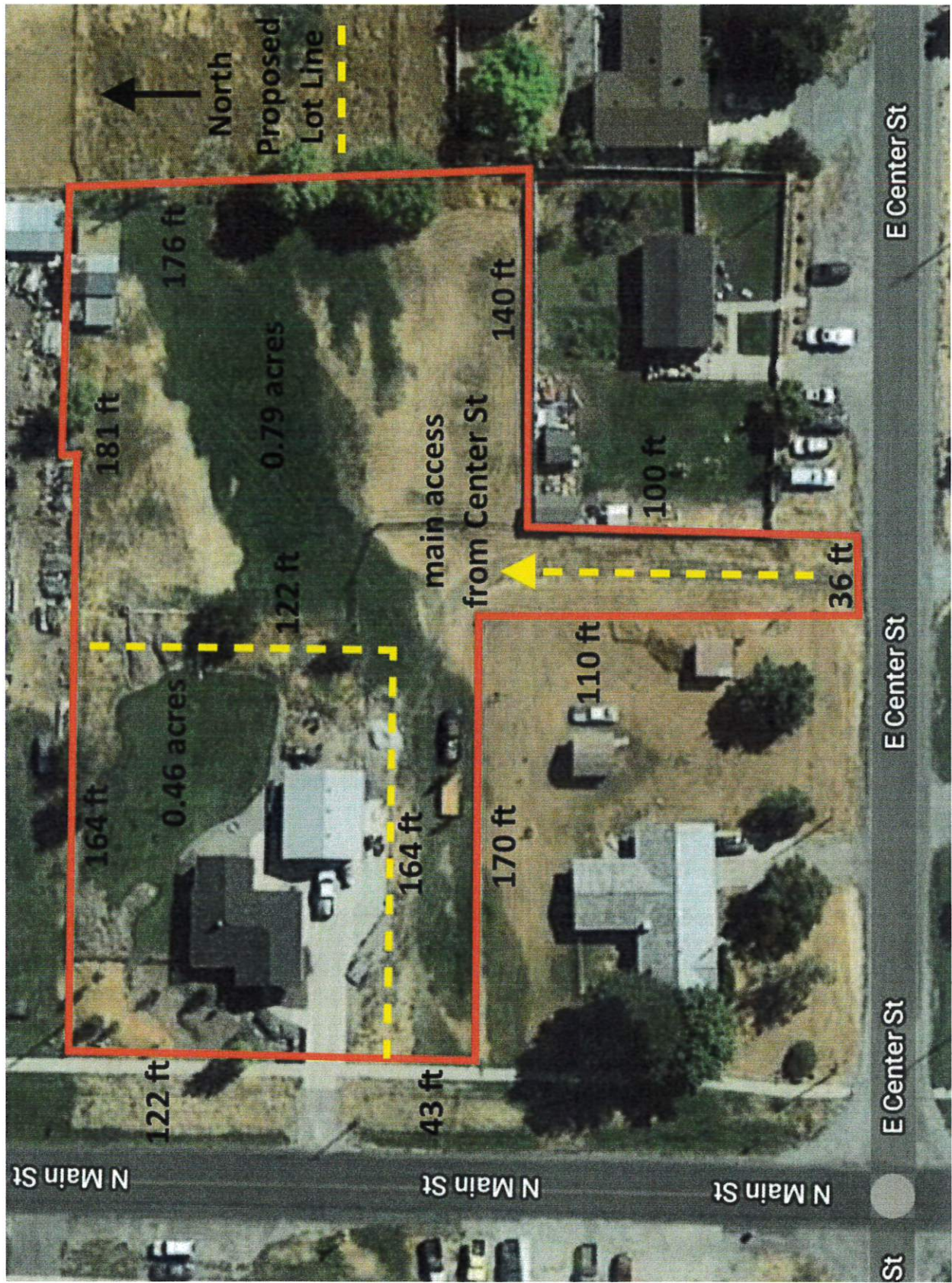
Justin Card would like to split his lot (parcel 03-030-0016) into two lots. To do so, the second lot would be accessed with a private road from Center Street. The new lot would not meet the required 108' of frontage.

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

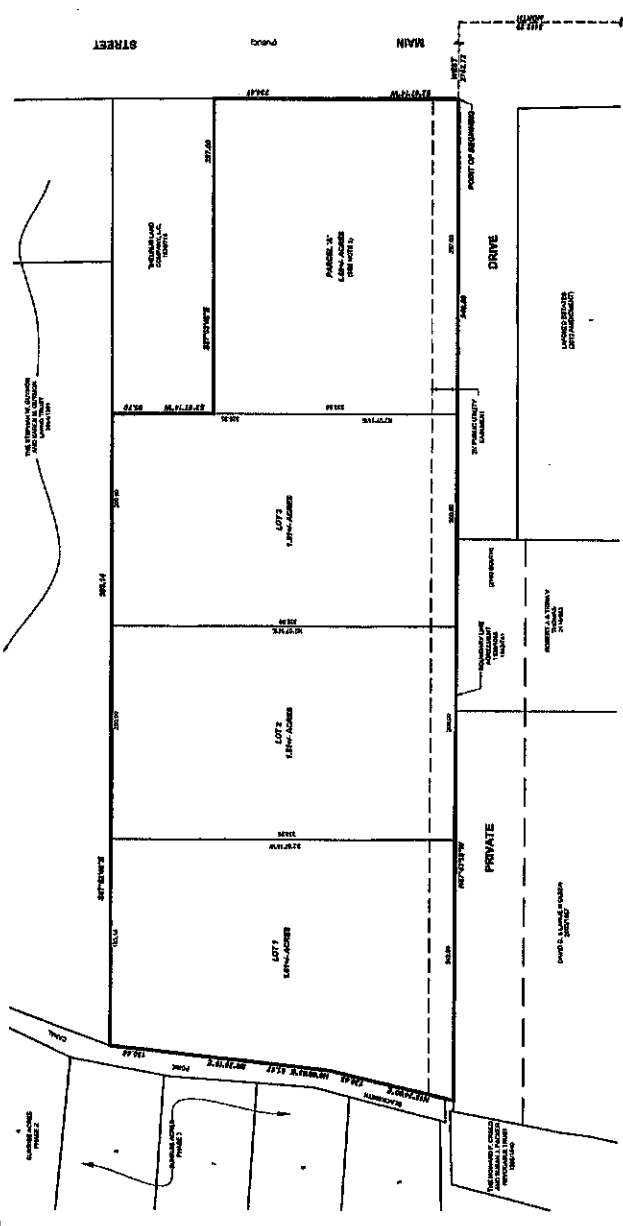
At the Planning and Zoning Meeting held 12/3/20, the Conceptual Review was held for the Zollinger Estates Subdivision. This subdivision would divide parcel 02-117-0019 into four separate parcels. Two issues came up in that meeting for which the Planning Commission requested guidance of the City Council.

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

[illegible]

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 REMAINDER PARCEL.

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[illegible]

PLANNING COMMISSION APPROVAL AND ACCEPTANCE
PRESENTED TO THE MILVILLE CITY PLANNING COMMISSION THIS _____ DAY OF _____, 20____, AT WHICH TIME THE SUBDIVISION WAS RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL.

PLANNING COMMISSION CHAIR _____ DATE _____

ENGINEER'S APPROVAL

TO FIND IT TO BE CORRECT
FILE IN THIS OFFICE AND

APPROVED AS TO FORM THIS _____ DAY OF _____

ATTORNEY APPROVAL

44-38861-10000

UNIT	AL PLAT

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

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



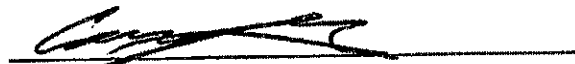
COUNCILMEMBER	YES	NO	ABSENT	ABSTAIN
Michael Callahan			X	
Cindy Cummings			X	
Mark Williams	X			
Clay G. Wilker	X			
Daniel Grange	X			

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.

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.