

MINUTES of the Wellsville City Planning Commission meeting held Wednesday, April 22, 2009 at the Wellsville City Offices, 75 East Main in Wellsville. Commission members present were Chairman Loyal Green, Russell Glenn, Jaye Colling, Carl Leatham, and Richard Rawlinson. Also present were City Manager/Recorder Don Hartle, City Councilman Ron Case and City Planner Jay Nielson. A copy of the Notice and Agenda was faxed to the Herald Journal and mailed to the Planning Commission on April 17, 2009. The meeting was called to order at 6:00 p.m.

Others Present: Jennifer Leishman Mike Perkes
Camille Perkes Stan Phipps
Garlande Phipps Kimberly Phipps
Brenda Hawker James Hawker
Barbara Hunsaker Brandt Baldwin

Opening Ceremony: Carl Leatham

Loyal Green reviewed the agenda with the Commission. Mr. Green asked that he add one minor item to the agenda. After review, Jaye Colling made a motion, seconded by Richard Rawlinson, that the agenda be approved with the addition.

Yea 5

Nay 0

Russell Glenn
Jaye Colling
Loyal Green
Carl Leatham
Richard Rawlinson

At 6:05 p.m., the Planning Commission conducted the following public hearings:

First, receive public input and consider for approval the preliminary plat for the Helen Jones subdivision at 621 South Center, containing a total of 2 lots (1 additional building lot). Mike Perkes stated that he is the son-in-law of Helen Jones and would like to build a home on the additional lot. Don Hartle stated that there is a list of 8 items from the City's engineer that need to be addressed on the final plat with the construction drawings. The items are as follows: 1) An existing drainage culvert crosses under 600 South at the low point. This needs to be shown on the preliminary plat and on the construction drawings. The function of the culvert should be maintained as this property develops. 2) If the sewer is to be extended from the west, the slope of the line should match the slope of the existing line. 4' minimum cover must be maintained over the sewer. 3) If the sewer is to be extended from the east, there must be 10' of separation between the water and the sewer lines running parallel. Since this line will be serving only one house the minimum slope must be 1.0%. 4) The sewer main must be terminated with a manhole when extending from either direction. 5) The water main must be extended to the eastern boundary of the development (lot 2). Wellsville City should complete the loop by tying into the line on Center Street. 6) It is believed that the end of the existing main is one pipe length east of the water meter location for the Jeff Awana property. This water meter location should be shown and the end of the pipe represented based on the location of the meter. 7) A north arrow and scale need to be shown. 8) With the construction drawings, the developer's engineer must submit a detailed construction estimate covering the cost of all required public improvements. This estimate, when approved, will form the basis to guarantee completion of the subdivision improvements. Prior to recording, the developer must complete a subdivider's agreement with the City and also complete the required escrow agreement. Mr. Hartle stated that the code may need to be amended to require construction drawings with the preliminary plat. Loyal Green stated that there are too many important issues that are being left out until the final plat. Carl Leatham asked if the sewer line was that shallow that it was above ground. Mr. Hartle stated that the sewer line was not above ground, but when there is only one house on the sewer, the liquids flow more easily than the solids, so the sewer line has to be installed at the steeper grade. Mr. Hartle stated that the public works department would have to dump a load of water down the manhole to flush the main line. Mr. Perkes stated that he thought the sewer line was at an 8' depth. Mr. Perkes stated that he is willing to raise the house up some, or commit to some type of pump station. Russell Glenn asked if the option

for running the sewer was from the east or the west. Mr. Hartle stated that based on the preliminary plat, he doesn't know. Mr. Hartle stated that the engineer will shoot the grades and decide which way would be best. Mr. Perkes stated that he would ideally like to run the sewer towards the west so that he didn't have to boar under the road. After discussion, Russell Glenn made a motion, seconded by Richard Rawlinson, to approve the preliminary plat for the Helen Jones subdivision at 621 South Center, containing a total of 2 lots (1 additional building lot) with the condition that the issues raised by the City's engineer will be addresses with the final plat.

Yea 5

Russell Glenn

Jaye Colling

Loyal Green

Carl Leatham

Richard Rawlinson

Nay 0

Second, receive public input and consider for approval the preliminary plat for the Phipps 200 East subdivision – amended – containing a total of 2 lots (1 additional building lot) on property at 332 South 200 East. Kimberly Phipps stated that she would like to split her lot so that her parents could build a home next to her. Ms. Phipps stated that she has thought about this for 3 months, and it would be a convenience for them and for her to have them living next door. Russell Glenn asked if this was an amendment to the original subdivision. Ms. Phipps stated yes. Mr. Glenn asked about the easement into her backyard for the sewer line. Don Hartle stated that there is a list of 3 items from the City's engineer that need to be addressed on the final plat with the construction drawings. The items are as follows: 1) The last course on the legal description has a listed length of 170.47 feet. This appears to be incorrect. The sum of the distances shown for lots 1 and 2 for that course total 178.47 feet. With this distance the legal description will close. 2) Since lot 3 does not have frontage on 300 South, the sewer line must be extended to the south line of lot 3 on 200 East. 3) The fire hydrant at the intersection of 300 South and 200 East needs to be shown. Ms. Phipps stated that she understood that there was a possibility that the sewer had to be ran along 200 East. Carl Leatham asked if there was an existing sewer line on 200 East. Mr. Hartle stated that no there was not an existing sewer line on 200 East. Mr. Hartle stated that 200 East is a very narrow road, which it is a legal road because it has been in existence for so long, and there is a possibility that some of the property owners along 200 East owns part of the road. Ms. Phipps stated that she deeded some property to the City in the last subdivision. Mr. Leatham asked if Ms. Phipps would have to surrender the public easement. Mr. Hartle stated that no, because the sewer line would be out in the middle of the road. Mr. Hartle stated that because it is an existing road, the City has the right to put sewer in the road. Mr. Hartle stated that there is a 10-foot public easement down to the Hawker's property. The City would move the manhole out into the road. Mr. Hartle stated that most City's put their sewer in the asphalt, and that in this case, the City may have no choice but to put the sewer in the road. Brenda Hawker stated that 200 East is a paved, one-lane road. Ms. Hawker stated that with the way the Phipps' build and park, it was barely passable for 1 car. Ms. Hawker stated that the snow plow had to stop at the Phipps' driveway because they couldn't plow. Ms. Hawker stated that with the building of another home, there will be more problems. Mr. Hartle stated that when a home is built during the winter, it is hard for trucks and trailers to park at the construction site. Mr. Hartle stated that the City does do their best to have citation issued to trucks and trailers that are parked at construction sites that don't obey the winter parking hours. James Hawker stated that he has to bore the road to run the water line across, and now the City will tear up the road to put in a sewer line after he had to dig under the road. Mr. Hartle stated that the City has no choice but to put the sewer line in the road. Mr. Hartle stated that in unusual circumstances, the City Council has the authority to put utilities in the road. Ms. Hawker stated that they ran the water line and was told that as other property owners hook onto the water line, they would be reimbursed some of the money and they haven't seen one penny. Mr. Hartle asked who told them that they would be reimbursed. Mr. Hawker stated that it is part of the County ordinance. Mr. Hartle stated that this property is located within Wellsville City limits, and that the County ordinances don't apply. Mr. Hawker stated that the Phipps' promised there would only be 1 house so that the subdivision would be approved, and now they are subdividing the property again to build another house. Mr. Glenn stated that the original Planning Commission approval was not conditional upon Ms. Phipps stated intension. Barbara Hunsaker stated that they have received complaints about their horses, and the horses have been

there longer than these homes. Mr. Hartle stated that a property owner is allowed 1 horse for every ½ acre of property. Ms. Hunsaker asked if the Phipps' will be able to build another home on this new lot. Carl Leatham stated that there is enough acreage to build another home. Ms. Hawker asked what the setbacks were. Mr. Hartle stated that the side yard has to be 10' from the property line and 30' from the front property line. Ms. Hawker asked about the requirement of curb and gutter. Ms. Phipps stated that she was required to add sidewalk in front of the existing home on 300 South, but there was not enough room along 200 East for a sidewalk, so the City Council waved the sidewalk along 200 East. Ms. Phipps stated that she also had to install a fire hydrant on 300 South and 200 East. Mr. Leatham asked about curb and gutter. Mr. Hartle stated that Wellsville City doesn't require curb and gutter. Mr. Leatham stated that when storm water hits the pavement and runs down a gutter, the City runs into EPA issues. If the storm water runs into a swale, and drains naturally, it is considered an act of nature. Mr. Glenn asked who pays for installing the sewer in the road. Mr. Hartle stated that because some of the road is paved, Ms. Phipps would be required to cut and patch the road. Richard Rawlinson asked if there was access along 200 East in both directions. Ms. Phipps stated that there is access in both directions. Loyal Green asked when Ms. Phipps would like to start building. Ms. Phipps stated that they are waiting for the approval and would like to start as soon as possible. After discussion, Jaye Colling made a motion, seconds by Russell Glenn, to approve the preliminary plat for the Phipps 200 East subdivision – amended – containing a total of 2 lots (1 additional building lot) on property at 332 South 200 East.

Yea 5

Nay 0

Russell Glenn
Jaye Colling
Loyal Green
Carl Leatham
Richard Rawlinson

The Planning Commission considered for approval a request from John and Jocelyn Haskell for a lot line adjustment at 170 South 100 East. Don Hartle stated that Mr. Haskell lives in Nebraska. Mr. Hartle stated that when the Brandt Baldwin subdivision was approved, Mr. Baldwin approached the Haskell's and would like to purchase the piece of property to the north of his property, as well as a 10' strip along the west side of his property line to square up the property. Loyal Green asked if by doing this, it was causing a non-conforming situation. Mr. Hartle stated that it was not causing any non-conforming situations. Russell Glenn asked if Brandt Baldwin was building an additional home or replacing the existing home. Mr. Baldwin stated that he was going to build an additional home. Mr. Glenn stated that this would be a lot line adjustment for both lots that are owned by Brandt Baldwin. Mr. Hartle stated that that was correct. After discussion, Richard Rawlinson made a motion, seconded by Carl Leatham, to approve a request from John and Jocelyn Haskell for a lot line adjustment at 170 South 100 East.

Yea 5

Nay 0

Russell Glenn
Jaye Colling
Loyal Green
Carl Leatham
Richard Rawlinson

Ron Case updated the Planning Commission on the motions approved by the City Council. Mr. Case stated that the last City Council meeting, some residents expressed their feelings concerning the Tom Smith subdivision. Some citizens stated that Mr. Smith opposed the Maughan subdivision, and was now doing the exact same thing. Mr. Smith is staying with the current zoning as the Maughan's were trying to increase density. There was also a discussion concerning an easement for the ditch along the south side of Mr. Smith's property, as well as for the canal in the back of his property. Mr. Case stated that an individual thought that the easement should be larger than the required 10 feet to service both the ditch and the canal. Mr. Smith and Arlyn Brenchley will discuss this in further detail. Don Hartle stated that because this property is in the RA-1 zone, and the open space is in the back of the property, Mr. Smith is allowed to have 20,000 square foot lots.

Carl Leatham asked if the City's code mentioned irrigation ditches. Loyal Green stated that each canal company has by-laws that require so many feet on each side of the ditches and canals to service them. Mr. Leatham feels as a City, we should be aware and help the canal companies so that Wellsville City doesn't create any problems.

Don Hartle asked the Planning Commission about the feelings with having construction drawings accompany the preliminary plat instead of waiting for the final plat. Mr. Hartle believes that Wellsville City should watch this very closely. Mr. Hartle stated that his opinion is that the construction drawings should accompany the preliminary plat. Jay Nielson stated that the intent of the preliminary plat is to see if the plat meets zoning requirements such as setbacks, lot sizes, and density. It is uncommon for the construction drawings to accompany a preliminary plat. Mr. Hartle stated that if that is the case, then water and sewer should not be discussed at the preliminary plat hearing.

Loyal Green asked if he chose to abandon his subdivision, what legalities does this cause with the City. Jay Nielson suggests a boundary line adjustment. Mr. Nielson asked if Mr. Green was the sole owner of the lots. Mr. Green stated that he is the sole owner of the lots. Mr. Green stated that he discussed this issue with Kathleen Howell, Cache County Assessor, and after having a meeting concerning this issue, they called Mr. Green and suggests instead of combining all of the lots under 1 tax identification number, to just abandon the subdivision. Mr. Green stated that he would be paying taxes on his existing home and land instead of on a subdivision. Mr. Nielson stated that with abandoning the subdivision, the lots go away, which would be the same thing as a boundary line adjustment.

At 6:51 p.m., Jaye Colling made a motion, seconded by Russell Glenn, to adjourn the meeting.

Yea 5

Russell Glenn
Jaye Colling
Loyal Green
Carl Leatham
Richard Rawlinson

Nay 0

Loyal Green
Chairman