

1 MINUTES of the Wellsville City Planning Commission meeting held Wednesday, June 24, 2009 at the
2 Wellsville City Offices, 75 East Main in Wellsville. Commission members present were Chairman Loyal
3 Green, Russell Glenn, and Carl Leatham. Also present were Mayor Ruth P. Maughan, City
4 Manager/Recorder Don Hartle, City Councilman Ron Case, and City Planner Jay Nielson. A copy of the
5 Notice and Agenda was faxed and emailed to the Herald Journal and mailed to the Planning Commission
6 on June 19, 2009. The meeting was called to order at 6:00 p.m.
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8 Others Present: Jennifer Leishman John Spence
9 Bill Belka Sandra Checketts
10 Tom Smith Travis Taylor
11 Paxton Guymon Stan Rowlan
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13 Mayor Ruth P. Maughan announced that John Spence is the new member of the Planning Commission.
14 Mayor Maughan thanked all of the members of the Planning Commission for their time and efforts for
15 serving in this capacity. Mayor Maughan appreciates John Spence joining the Planning Commission
16 again.
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18 Opening Ceremony: Jaye Colling
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20 Loyal Green reviewed the agenda with the Commission. After review, Carl Leatham made a motion,
21 seconded by Jaye Colling, that the agenda be approved as presented.
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23 Yea 5 Nay 0
24 Russell Glenn
25 Jaye Colling
26 Loyal Green
27 Carl Leatham
28 John Spence
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30 The Commission reviewed the minutes for the Commission meeting which was held on June 10, 2009.
31 After review, Carl Leatham made a motion, seconded by Russell Glenn, that the minutes of the June 10,
32 2009 meeting be approved as presented.
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34 Yea 5 Nay 0
35 Russell Glenn
36 Jaye Colling
37 Loyal Green
38 Carl Leatham
39 John Spence
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41 Because of a conflict of interest, Chairman Loyal Green asked that Commission member Russell Glenn
42 conduct the public hearing.
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44 At 6:05 p.m., the Planning Commission conducted the following public hearing:
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46 The Planning Commission received public input and considered a request from Loyal Green to abandon
47 the "Green Acres" subdivision at 825 East Main. Russell Glenn stated that he had a copy of the
48 subdivision plat from a previous Planning Commission meeting. Mr. Glenn stated that Mr. Green is
49 seeking approval to abandon the subdivision and reverse back to the original plat. Mr. Glenn stated that
50 the Planning Commission felt a need for a public hearing to receive input from neighbors. There were no
51 neighbors in attendance. There was no comment from the floor. After discussion, Carl Leatham made a
52 motion, seconded by Jaye Colling, to approve a request from Loyal Green to abandon the "Green Acres"
53 subdivision at 825 East Main.
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57 Yea 4 Nav 0 Abstain 1
58 Russell Glenn Loyal Green
59 Jaye Colling
60 Carl Leatham
61 John Spence
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63 Loyal Green resumed his position as Chairman.
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65 The Planning Commission continued for consideration a zoning clearance for a detached garage from Bill
66 Belka at 193 East 100 South. Loyal Green stated that the Planning Commission is looking for a
67 compromise to the proposal that Mr. Belka has submitted. Mr. Green stated that after the Planning
68 Commission meeting 2 weeks ago, the Commission members went and looked at the property. Bill Belka
69 stated that he reviewed all of the suggestions that the Planning Commission gave him. If he moved the
70 garage back 20 feet, it would be in the middle of his backyard. If he moved the garage to the back on the
71 west side of the lot, his driveway would be 100 feet long. Mr. Belka believes that the best place for the
72 garage is where he has it planned for now. Russell Glenn stated that he looked at the property and is more
73 convinced that the placement of the proposed garage is not a suitable solution. Mr. Green stated that he
74 agrees with Mr. Glenn's comments. Mr. Green stated that the Planning Commission represents the
75 community, and it is not in the best interest of the neighbors for this garage to be 28 feet in front of all of
76 the homes along the street. Mr. Green stated that it wouldn't look very good, and his opinion hasn't
77 changed. Carl Leatham stated that he agrees with both Mr. Glenn and Mr. Green. Mr. Leatham
78 suggested that if the garage was moved to the north and back 20 feet, it would still give him a nice
79 backyard. Mr. Belka stated that currently, there is nothing in the code that would prevent him from
80 building the garage where he has proposed it. It would not be illegal to build the garage. Mr. Belka
81 stated that the house is set back 20 feet from the property line. Mr. Glenn stated that the house complies
82 because it is on a corner lot. Mr. Glenn stated that they have found a loop hole in the code that needs to
83 be corrected. Mr. Green asked if Mr. Belka would access the garage from 200 East. Mr. Belka stated
84 yes. Mr. Green asked if Wellsville City could deny access off of 200 East. Jay Nielson stated that
85 Wellsville City could deny access off of 200 East because there is already 1 entrance to the property. Mr.
86 Nielson stated that Wellsville City could also deny parking in the City right-of-way. Mr. Glenn asked if
87 the Planning Commission needed to make a decision. Mr. Glenn stated that the Planning Commission
88 has no ground to disapprove the zoning clearance. Mr. Hartle stated that if the Planning Commission
89 denies the request, Mr. Belka can appeal to the City Council. If the City Council denies the request, then
90 Mr. Belka can appeal to district court. Mr. Nielson stated that allowing access across the City's right-of-
91 way is a decision for the City Council. Mr. Hartle stated that when a zoning clearance is issued for a
92 home, it is also issuing an access onto a road. Jaye Colling asked what the purpose of the second floor of
93 the garage is. Mr. Belka stated that it would be used for a family room. Mr. Colling asked if it would be
94 used for a residence. Mr. Belka stated no. Mr. Leatham asked if the garage has some type of dwelling in
95 it, would it require the 20- or 30-foot setback. Mr. Nielson stated that would be for a second dwelling
96 only. Mr. Nielson suggested that Wellsville City record an occupancy restriction so that if Mr. Belka ever
97 sells, the future owner can't convert the second floor of the garage into an apartment. John Spence asked
98 why the garage was not attached to the house. Mr. Belka stated that there was a conflict with window in
99 the basement and the kitchen. Mr. Belka stated that the house across the street to the east has primary
100 parking on the City's right-of-way. Mr. Glenn stated that because it is an older home, it was
101 grandfathered in. Mr. Nielson stated that parking the City's right-of-way is never allowed or permitted.
102 Mr. Green suggests continuing this conversation until Wellsville City can contact City Attorney Bruce
103 Jorgensen for his recommendation and what is in the best interest of Wellsville City. Mr. Green stated
104 that there are 2 issues; 1) authority of the intent of the code versus the letter of the code, and 2) granting
105 right-of-way. Mr. Leatham asked if Wellsville City is obligated to change the right-of-way. Mr. Green
106 stated that as a side note, the northwest corner would be the perfect place for a garage. Mr. Belka stated
107 that that is his second choice. After discussion, Russell Glenn made a motion, seconded by John Spence,
108 to continue this discussion until City Attorney Bruce Jorgensen can give a recommendation on the intent
109 of the code versus the letter of the code and if Wellsville City can refuse to allow access from a second
110 access.
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Yea 5

Nay 0

Russell Glenn
Jaye Colling
Loyal Green
Carl Leatham
John Spence

The Planning Commission reviewed for approval the preliminary plat for the Smith subdivision at 111 South 450 East, containing a total of 3 lots (2 additional building lots). Tom Smith stated that when he met with the City Council on the concept plan, there was some concern voiced from Arlyn Brenchley who is the president of the Wellsville City Irrigation Company. Mr. Smith stated that Mr. Brenchley wanted an easement on the west side of the property in order to maintain the irrigation ditch. Mr. Smith stated that they decided on 45 feet from west to east and 15 feet on the south side of the property. Mr. Smith stated that he is willing to give the Wellsville City Irrigation Company the 45 feet on the west side and 15 feet on the south side of the property. Don Hartle stated that the City engineer has reviewed this preliminary plat a second time, and in reference to a memo dated June 24, 2009, has signed off on everything. Ron Case stated that on 1 lot, there wasn't a full acre. Don Hartle stated that because he has open space, the lots could be 20,000 square feet. Mr. Smith stated that the square footage has been fixed. After discussion, Jaye Colling made a motion, seconded by Carl Leatham, to approve the preliminary plat for the Smith subdivision at 111 South 450 East, containing a total of 3 lots (2 additional building lots).

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Yea 5

Nay 0

Russell Glenn
Jaye Colling
Loyal Green
Carl Leatham
John Spence

The Planning Commission considered for approval the final plat for the Sterling Ridge subdivision consisting of a total of 36 lots on property on the west side of Center Street from approximately 1400 South to 1600 South. Travis Taylor stated that this should be the approval for phase 1 of the subdivision. Don Hartle stated that there have been several meetings concerning this subdivision. The City Engineer has signed off on this subdivision. Mr. Hartle stated that the mylar is incorrect. The street that lots 1 through 5 are on should say 1488 South instead of 1488 North. Mr. Hartle stated that the City Council has decided to use Center Street as the point of reference, so the streets parallel to Center Street and west 660 feet should be 100 West. Loyal Green asked if the City engineer signed off on all 40 items on the 3 pages. Mr. Hartle stated yes. Mr. Green stated that he would begin with the citizen's concerns, and asked about the depth of the sewer. Mr. Taylor stated that #8 and #19 on the list states the discussion as to what has to be done to correct it. Mr. Hartle stated that the Sterling Ridge subdivision needs the sewer depth at 10 feet deep going south on Center Street. The homes located along Center Street need the sewer depth to be 13 feet deep. Wellsville City will pay the difference of the 3 feet. Mr. Hartle stated that the white home located at about 1350 South Center is the only home that may have to install a sewer pump to connect to the sewer. Russell Glenn asked if Wellsville City can require this home to connect to the sewer. Mr. Hartle stated that he will discuss this with the State of Utah. Mr. Green asked about the fault lines that are located in the subdivision. Mr. Taylor stated that the map that showed the fault lines is a BRAG map. Mr. Taylor went to the office of Natural Resources and there is no published map that shows the fault lines. Mr. Taylor stated that state law requires the owner of the property to hire a geotechnical engineer to study each inch of the width of the subdivision. Mr. Taylor stated that they did that, and gave a copy of the finding to Mr. Hartle. There is no fault line in this subdivision. Mr. Green asked about CC&R's for the subdivision. Mr. Green asked about the open space. Mr. Taylor stated that they would like to buy out the open space. Mr. Taylor is aware that an evaluative of the value of the property has to be completed. Mr. Taylor stated that it is his intent to complete that transaction before the final plat is filed. Jay Nielson stated that the screened area, which is common land, is not shown on this plat. Mr. Nielson stated that common land has to be shown and have its own set of CC&R's. Mr. Nielson read from code 11-5-4, which defines maintenance on the final plat. Mr. Nielson stated that he was surprised to see the final plat with no screening shown. Mr. Taylor stated that they are prepared

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169 to discuss the screening tonight. Mr. Glenn asked about the drain line out of the detention pond dumps
170 into the swale, and is very close to the 18-inch culvert under Dale Cooper's driveway, which is on sheet 5.
171 Carl Leatham stated that comment #20 discusses the rip-rap on sheet 5. Mr. Glenn asked about the detail
172 for the carrier pipe in the casing on sheet 9. Mr. Taylor stated that it has been taken off. Mr. Glenn asked
173 about the detention pond for the church parking lot and that there is no detention pond on the church
174 property. Mr. Glenn asked if the detention pond is adequate for the church parking lot, and how does the
175 water get to the detention pond. Mr. Taylor stated that it is carried by the swale, and it has all been
176 addressed. Mr. Glenn asked about the downstream analysis and the impact of drainage. Mr. Taylor
177 stated that they have added nothing more than what the historic flow has been. Mr. Taylor stated that the
178 historic flow has been .2 cubic feet per second per acre, which is what they have based all of their
179 calculations on. Mr. Leatham asked when the trench was dug, what type of soil is there. Mr. Taylor
180 stated that there is some silt, some clay, and gravel. Mr. Glenn stated that he would like the City engineer
181 to review the detention pond adequacy, as well as the impact on the downstream analysis. John Spence
182 asked if the detention pond would be fenced. Mr. Taylor stated no. Mr. Glenn asked if the detention
183 pond would be graded and landscaped. Mr. Taylor stated yes. Mr. Spence asked who was liable if the
184 detention pond is full and a child falls in and drowns. Mr. Leatham asked if the 55-foot turn about at the
185 end of each road is enough space for the snowplow. Mr. Hartle stated that both Perry Maughan and Tom
186 Maughan have reviewed the subdivision and have signed off on it. Mr. Nielson explained the 40-foot
187 screening strip, which can't have a fence on the property line and the property owner can use the property
188 up to the fence. Mr. Taylor stated that he understands that the 40-foot screening strip is a no-build zone.
189 Mr. Nielson stated that the screening strip is maintained by the HOA. Mr. Taylor stated that he
190 understands that there are 2 basic options; 1) to have a solid fence, or 2) use a burm with trees. Mr.
191 Nielson stated that this is a requirement. Mr. Nielson stated that Wellsville City didn't impose this onto
192 the subdivision; the developer of the subdivision chose to back the houses on Center Street and 1600
193 South. Mr. Nielson stated that the focus should be on the 40 feet and to work with the elevations. There
194 should be no visibility of the backyards. Paxton Guymon stated that the 40 feet is a protected strip, and
195 that the high point of the burm depends on the elevation of the property. Mr. Nielson stated that the burm
196 should look something like the burm along the Wal-Mart in south Logan. The viewer's eye should not be
197 at the finished floor elevation. Mr. Nielson suggested hiring a landscape architect to help with this
198 project. Mr. Guymon asked if there was some flexibility as to where to put the fence, burm, and
199 shrubbery. Mr. Nielson stated that there is. Mr. Guymon stated that it would be protected by the
200 CC&R's. Mr. Green asked how Wellsville City wanted to handle the open space. Mr. Green stated that
201 the open space has been purchased to build more homes, how will it be recorded. Mr. Taylor stated that
202 the subdivision will take place in at least 2 phases, maybe 3 phases. Mr. Hartle stated that the payment of
203 open space is a decision made by the City Council. Mr. Leatham asked if the payment for open space
204 would be require now for all 36 lots, or just the lots in phase 1. Mr. Green stated that if this issue is not
205 handled correctly now, it will come back to the Planning Commission. Mr. Taylor stated that in phase 1,
206 there are 9 lots. The subdivision is allowed 25 lots before open space is required. Mr. Taylor asked if the
207 pay in lieu of open space could take place in the next phase. Mr. Nielson stated that there should be some
208 type of bonding, or a portion of the open space paid before the first phase is started. Mr. Guymon stated
209 that they have the right to develop 25 lots without purchasing open space. After the 25 lots are
210 developed, then they would buy out the open space. Mr. Nielson stated that it takes away from planning
211 out the open space and the design of the open space. Mr. Neilson stated that Wellsville City would be in
212 the same situation with this subdivision as they are with the Red Slide subdivision. Mr. Leatham stated
213 that if Mr. Taylor was to sell this subdivision with the remaining lots before it was completed, there
214 would be additional problems created. Mr. Nielson stated that the design of the open space is decided by
215 the Planning Commission. Mr. Taylor stated that there is an approved concept plan. Mr. Nielson read
216 from section 10-1-9 of the Wellsville City code. Mr. Guymon stated that they are unable to pay for all of
217 the open space right now. Mr. Guymon asked if it was possible to pay for the open space as the project
218 goes along. Mr. Nielson stated that would be fine. Mr. Green asked if this discussion should be
219 continued until all of the issues that have been discussed tonight are resolved. Mr. Guymon asked if it
220 would be possible to approve this with conditions so that it can go before the City Council next week.
221 Mr. Guymon stated that they are getting a lot of pressure from the LDS Church to begin building. At the
222 conclusion of the discussion, Russell Glenn made a motion, seconded by Jaye Colling, to conditionally
223 approve the final plat, phase 1 (9 lots), of the Sterling Ridge subdivision, with all conditions having to be
224 completed before the final plat is filed at the County Recorder. The follow conditions apply:

- 225 1) Phase 1 consists of 8 residential lots and 1 Church site lot.
226 2) Install the subdivision improvements required prior to final plat being filed at the County
227 Recorder.
228 3) Include on the plat the maintenance language required by the City's ordinances (11-3-5(a)(7) and
229 11-3-5(a)(8)).
230 4) Install rip-rap on the culvert outlet for the detention system.
231 5) Submit and obtain the City's approval of the CC&R's for this project prior to recording the final
232 plat for Phase 1
233 6) Pay fee in lieu for open space buy-out prior to recording the Phase 1 final plat (and the City
234 Council selected the appraiser to use in determining the appraised value of the open space buy-
235 out). Because there are 36 total lots in the subdivision, for each lot shown on the final plat to be
236 recorded for each phase, 1/36th of the total open space buy-out price will be paid. Thus, for
237 instance, because Phase 1 consists of 9 total lots, before recording the final plat of Phase 1, the
238 developer will pay to the City 9/36 of the total open space buy-out price. This same formula will
239 be used for future phases.
240 7) Obtain approval of the design of the bugger/screening strip for Phase 1 no later than September 1,
241 2009, or else all construction will be terminated. Landscape architect to design the
242 bugger/screening strip in accordance with the explanations and discussion at the Planning
243 Commission meeting on June 24, 2009. Must submit a plan view and cross sections for review
244 prior to approval.
245 8) Correct addresses on final plat.
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247 Yea 5

247 Nay 0

248 Russell Glenn
249 Jaye Colling
250 Loyal Green
251 Carl Leatham
252 John Spence
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254 Brad George representing Sherwood Hills met with the Planning Commission to discuss potential
255 development at Sherwood Hills. Mr. George stated that he began remodeling the south building about 4
256 months ago. The permit and inspections are handled by Cache County. He is aware that there have been
257 discussions in the past concerning development at Sherwood Hills. He would like to know if there are
258 any concerns that he should be aware of before he begins this process. Mr. George stated that there
259 would be high-dollar homes in the development. Wellsville City would provide no services, but would
260 receive the property taxes. Russell Glenn asked if a preliminary plat had been approved in the past. Carl
261 Leatham stated yes. Mr. George stated that the zoning changed after the plat was approved. Jay Nielson
262 stated that the plat approval has expired. Mr. George stated that he could provide the previous
263 preliminary plat, but there will be changes. Mr. George stated that there would be another 9-hole golf
264 course and very low-density housing such as 1 unit per 15 acres. Mr. Nielson stated that the buildable
265 land needs to be identified, and the first phase would be to bring in a preliminary plat. Loyal Green stated
266 that there was some money spent on aerial views of the property. Mr. Glenn stated that Mr. George needs
267 to study those pictures because the homes need to be back in the trees, not out in the open view. John
268 Spence asked if there would be development on both sides of Highway 89/91. Mr. George stated that
269 there would be no development on the east side of Highway 89/91. Mr. Leatham stated that there was a
270 concern with UDOT and the City if there were additional units built, something would have to be done
271 about highway access. Jay Nielson stated that there would have to be a grade-separated exchange for any
272 additional development done at Sherwood Hills. A grade-separated exchange is not cheap. Mr. Nielson
273 stated that there are 28 conditions and requirement to getting a preliminary plat approved. Mr. Nielson
274 stated that the Planning Commission members are very good judges on development based on the code.
275 Mr. Green suggested that Mr. George discuss the development with UDOT first to see if it is cost
276 prohibitive as to what would need to be installed for access to Highway 89/91. John Spence asked if the
277 lots would be year-around lots. Mr. George stated according to Wellsville City Attorney Bruce
278 Jorgensen's definition, yes. Both Don Hartle and Jay Nielson stated that it was not clear to them
279 concerning the definition of year-around lots at Sherwood Hills. Carl Leatham stated that if the
280 preliminary plat fits the Wellsville City code, and UDOT buys off on the project, then the Planning

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Commission is compelled by law to approve the development. Mr. George stated that this is a significant investment and that it all comes down to dollars with developers. Mr. George hopes to make the resort more active because of the investment. Mr. Green asked if Mr. George had enough information. Mr. George stated that he believed so. Mr. Green thanked Mr. George to attending this meeting.

Don Hartle needed to obtain assistance from the Planning Commission concerning interpreting the Wellsville City code as it relates to property at 305 East 100 North. Don Hartle stated that he was having some problems concerning the zoning with this address. He had an appointment with City Attorney Bruce Jorgensen and it has been decided. In the RA-1 zone, if an individual has 1½ times the width of property, they are allowed to divide the property exactly in half. This individual went to the Board of Adjustments and was granted a variance. This individual would like to add onto the home because his daughter that is handicapped is moving back home. He doesn't have enough width to do it. The neighbor, (his son), deeded 10 feet in order to complete the addition, but now his lot is a restricted lot. City Attorney Bruce Jorgensen suggests rezoning the property to R-1-12 since there is property adjacent to it that is zoned R-1-12. Mr. Hartle stated that this issue is on the next agenda for a conditional use for a healthcare facility.

Don Hartle asked the Planning Commission what night of the week is better for the Christmas Party. No one had a preference. Loyal Green stated to schedule the Christmas Party and let them know when it is.

Ron Case stated that the City Council approved the final plat for the Helen Jones subdivision.

At 8:12 p.m., Jaye Colling made a motion, seconded by John Spence, to adjourn the meeting.

Yea 5

Russell Glenn
Jaye Colling
Loyal Green
Carl Leatham
John Spence

Nay 0

Loyal Green
Chairman