

MINUTES of the Wellsville City Planning Commission meeting held Wednesday, October 28, 2015, at the temporary Wellsville City Offices, 25 North 100 East in Wellsville. Commission members present were Chairwoman Ruth P. Maughan, Chris Clark, Marcene Parker, and Brian Pattee. Also present were City Manager/Recorder Don Hartle, City Planner Jay Nielson, and Councilman Carl Leatham. A copy of the Notice and Agenda was posted, faxed, and emailed to the Herald Journal, and mailed to the Planning Commission on October 23, 2015. The meeting was called to order at 6:00 p.m. by Chairwoman Ruth P. Maughan.

Others Present: Jennifer Leishman Bill Bertolio Steve Earl
Tracy Bodrero Scott Gary Jonathan Cook

Opening Ceremony: Marcene Parker

Planning Commission member Paul Egbert was excused from this meeting.

Ruth P. Maughan reviewed the agenda with the Commission. Don Hartle stated that he would like to discuss the Planning Commission meetings in November. After discussion, Brian Pattee made a motion, seconded by Chris Clark to approve the agenda with the addition.

YEA 4 NAY 0
Chris Clark
Ruth P. Maughan
Marcene Parker
Brian Pattee

The Commission reviewed the minutes for the Commission meeting which was held September 23, 2015. After review, Marcene Parker made a motion, seconded by Brian Pattee, to approve the minutes of the September 23, 2015 meeting as presented.

YEA 4 NAY 0
Chris Clark
Ruth P. Maughan
Marcene Parker
Brian Pattee

Bill Bertolio met with the Planning Commission to discuss a potential subdivision. Mr. Bertolio submitted a plan for a 47 to 48 lot subdivision and asked the Planning Commission for comment/suggestions on the plan. Don Hartle stated that he asked Mr. Bertolio to attend the Planning Commission meeting. The Wellsville City code all but prohibits cul-de-sacs in a subdivision. Mr. Hartle stated that in order for this subdivision to work, cul-de-sacs are needed. Mr. Hartle stated that he wanted the Planning Commission to review the plan before Mr. Bertolio goes to any more expense on the subdivision. Steve Earl stated that the cul-de-sac on the north end of the property is more of a dead end road. The snow can be pushed onto the property at the end of the road. Brian Pattee asked if pushing snow was the main reason that cul-de-sacs aren't allowed. Mr. Hartle stated yes. Mr. Earl stated that the south cul-de-sac is more standard. Mr. Pattee stated that some of this land in the proposed subdivision is unincorporated. Mr. Hartle stated that most of the land in the proposed subdivision is unincorporated. Mr. Pattee asked what the zoning of the property would be. Mr. Hartle stated that property that is annexed into Wellsville City is zoned RA-1 unless the property owner requests something different. City Planner Jay Nielson stated that the General Plan shows this property as RA-1/2. Mr. Pattee asked if the lots are 1/4-acre lots because of open space. Mr. Nielson stated that is correct. Mr. Pattee asked about the sewer in the area. Mr. Earl stated that they were hoping to gravity feed the sewer. Ruth P. Maughan stated that when the Southwest Heritage Estates Subdivision was proposed, and the rest of the property was developed, there would be a sewer line to take it to the main sewer trunk line. Mr. Hartle stated that it was discussed. Mr. Nielson suggested building a road and making it loop to eliminate the cul-de-sac. Mr. Pattee suggested having a strip of property on the south cul-de-sac as open space or owned by the HOA for pushing snow onto. Mr. Hartle stated that he liked that idea. Mr. Nielson stated that it would be recorded as an easement that is maintained by the property

owners. Ms. Maughan stated that is a good idea. Mr. Pattee stated that a cul-de-sac makes sense for this project. Chris Clark asked if any of this property is in a floodplain. Mr. Nielson stated that lots 1 and 2 are in a floodplain and will need to be addressed from an engineering standpoint. Ms. Maughan thanked Mr. Bertolio and Mr. Earl for attending this meeting.

Don Hartle discussed with the Planning Commission temporary vendors selling blankets. Mr. Hartle stated that he had a woman call Wellsville City about selling blankets. She is coming from Montpelier and would like to set up on the City Square for 1 or 2 days. Ruth P. Maughan asked how she plans on letting people know that she is there. Ms. Maughan asked what type of signage she would have. Marcene Parker stated that by allowing her to set up on the City Square, it looks like Wellsville City is promoting her. Mr. Hartle stated that there is nothing in the code that covers this type of business, but it needs to be considered in the future. City Planner Jay Nielson suggested allowing her to set up on an old commercial site and issuing her a temporary use permit. Ms. Maughan stated that she is concerned about justifying a business without a business license. Mr. Hartle asked that the Planning Commission make a decision. Ms. Maughan stated that she doesn't think it works for Wellsville City. Mr. Hartle stated that Wellsville City does not allow it at this time, but is working on it.

The Planning Commission reviewed a draft letter concerning violations of subdivision approval. The Planning Commission reviewed the draft letter. City Planner Jay Nielson stated that he originally drafted the letter as if the property owner had already cut into the 20% slope, but he backed off so that the property owner can come in and prove that they haven't. Ruth P. Maughan asked if the slope had been cut into while building the home. Don Hartle stated no. Ms. Maughan asked if the slope had been cut into since they have moved in. Mr. Hartle stated yes. Chris Clark asked what the owner is trying to do. Mr. Nielson stated that he believes that they are trying to create a more useable backyard. Mr. Nielson stated that action on the Planning Commission's part is required or put it into another level of enforcement. Mr. Hartle stated that the letter will be sent asking the owner to attend the Planning Commission meeting on November 11, 2015.

City Planning Jay Nielson gave a presentation concerning the setback requirement on Highway 89/91 to the Planning Commission. Mr. Nielson stated that he has completed an analysis of the effects of the setback requirement along Highway 89/91. There will be both short-term and long-term effects of the setback. There has been an attempt to discredit the code. Wellsville City wants to maintain a rural corridor. Wellsville City has completed 3 to 4 residential projects along Highway 89/91. The code adopted a 150-foot setback, which is a follow-through from the General Plan. Mr. Nielson stated that he has reviewed each and every parcel along the 9-mile corridor. It includes all property that is in and not within the city limits. Mr. Nielson stated that in a residential zone along Highway 89/91, in the RA-1 zone, 44% of the lot is in setbacks. In the RA-1/2 zone, 55% of the lot is in setbacks. Mr. Nielson stated that in the commercial zone along Highway 89/91, a 1-acre parcel with a 150-foot setback, 72% of the lot is in setbacks. In a 1-acre parcel with a 30-foot setback, 30% of the lot is in setbacks. In a 4-acre parcel with a 150-foot setback, 28% of the lot is in setbacks. In a 4-acre parcel with a 30-foot setback, 10% of the lot is in setbacks. Mr. Nielson stated that a larger setback in the commercial zone requires that the open space is consistent with what is required in the residential zone. Mr. Nielson classified all of the properties along Highway 89/91. Mr. Nielson stated that yellow zone is commercial sites that are at intersections. This part of the project was completed about 6 months ago. The blue zone is government, state, or federal property. The brown zone is property that the highway setbacks would apply. Mr. Nielson reviewed 3 parcels of property alone would require reduced setbacks, but the 3 parcels are all owned by the same individual. The green zone is property that the setbacks would be reasonably reduced. Mr. Nielson stated that if a setback takes more than 30% of the property, there should be some relief. The pink zone is existing development. Mr. Nielson reviewed each parcel with the Planning Commission. Mr. Nielson reviewed the areas that have setbacks reduced and the required setbacks. Mr. Nielson feels that this gives some relief and still maintains the quality of the corridor. There is approximately 70% of the corridor that is or will be preserved. Mr. Nielson stated that Wellsville City has gained the respect of other communities because of what has been done along the highway corridor. Mr. Nielson stated that this course is reasonable and defensible. Mr. Nielson stated that a setback could be argued as a taking of property, but it is a setback if it is defensible. Ruth P. Maughan thanked Mr. Nielson for this presentation.

Don Hartle stated that the second meeting in November is scheduled for Wednesday, November 25, 2015, which is Thanksgiving Eve. Mr. Hartle asked that the Planning Commission reschedule the meeting for Tuesday, November 24, 2015. The Planning Commission agreed.

Brian Pattee stated that the first meeting in November is scheduled for Wednesday, November 11, 2015, which is Veteran's Day. Don Hartle stated that he has 1 item on the agenda, and that it could be moved to Tuesday, November 24, 2015. The Planning Commission agreed to cancel the Planning Commission meeting scheduled for Wednesday, November 11, 2015.

Chairperson Ruth Maughan stated that she would like the Planning Commission to review some places in town that are conducting rental units illegally. Don Hartle stated that there needs to be some preliminary work completed first. Mr. Hartle stated that he would do the preliminary work, write a letter, and ask the landlords to attend a Planning Commission meeting.

At 7:24 p.m., Chris Clark made a motion, seconded by Brian Pattee, to adjourn the meeting.

YEA 4

Chris Clark
Ruth P. Maughan
Marcene Parker
Brian Pattee

NAY 0

Ruth P. Maughan
Chairperson