

MINUTES of the Wellsville City Planning Commission meeting held Wednesday, December 9, 2015, at the temporary Wellsville City Offices, 25 North 100 East in Wellsville. Commission members present were Chairwoman Ruth P. Maughan, Chris Clark, Paul Egbert, Marcene Parker, and Brian Pattee. Also present were City Manager/Recorder Don Hartle, City Planner Jay Nielson, Mayor Thomas G. Bailey, 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 December 4, 2015. The meeting was called to order at 6:00 p.m. by Chairwoman Ruth P. Maughan.

Others Present: Jennifer Leishman Elizabeth Hunt Matt Wren
Scott Leishman Chris Breinholt Craig Winder
Scott Gary Alan Sorensen

Opening Ceremony: Chris Clark

Ruth P. Maughan reviewed the agenda with the Commission. After discussion, Marcene Parker made a motion, seconded by Paul Egbert to approve the agenda as presented.

YEA 5 NAY 0
Chris Clark
Paul Egbert
Ruth P. Maughan
Marcene Parker
Brian Pattee

The Commission reviewed the minutes for the Commission meeting which was held November 24, 2015. There were word changes on lines 30, 31, 63, 85, and 96. After review, Brian Pattee made a motion, seconded by Paul Egbert, to approve the minutes of the November 24, 2015 meeting with the changes.

YEA 4 NAY 0 ABSTAIN 1
Paul Egbert Chris Clark
Ruth P. Maughan
Marcene Parker
Brian Pattee

At 6:05 p.m., conduct the following two public hearings in the order below:

First, receive public input, then consider for approval the concept plan, the preliminary plat, and the final plat for the Wellsville Maverik Subdivision consisting of a total of 3 lots on property on the southeast corner of the intersection of Highway 89/91 and Highway 101 (Main Street). Elizabeth Hunt, representing Maverik, Inc., stated that they are requesting a subdivision of property. Ms. Hunt stated that the north parcel will be owned by Maverik and the south parcel will be owned by the current property owner. Ruth P. Maughan asked about the east parcel. Ms. Hunt stated that the east parcel will be owned by Maverik, Inc. Ms. Maughan stated that the Planning Commission received an email from City Engineer Chris Breinholt dated December 8, 2015. City Engineer Chris Breinholt stated that most of the items listed are continuing items. Mr. Breinholt stated that item #1 refers to a 20-foot public utility easement along Highway 89/91, and that Maverik, Inc. is seeking some kind of compensation. Ms. Hunt stated that if anyone plans to connect to the sewer line in the future, Maverik, Inc. would be reimbursed for some of the cost. Ms. Hunt stated that she feels this is a matter to discuss with the City Council next week. Mr. Breinholt reviewed the rest of the items in his email with the Planning Commission. Mr. Breinholt asked if the easements are in Wellsville City's name. Don Hartle stated that he didn't know. Mr. Breinholt stated that most of the items are ongoing. Paul Egbert asked if a UPDES permit had been issued. Mr. Breinholt stated that he didn't know. Mr. Egbert asked if Wellsville City keeps track of permits issued. Mr. Hartle stated yes. City Planner Jay Nielson asked about the width of the cross access easement. Mr. Breinholt stated that he believes it is 40 feet, but he is not sure. Mr. Nielson stated that it needs to be confirmed so that access for lot 3 is provided for future development. Mr. Breinholt stated that it is shown on the plat. Ms. Maughan stated that she couldn't see the irrigation ditch on the plan. Mr. Breinholt stated that the

irrigation ditch has been piped through the property. Ms. Maughan stated that there is a 15-foot right-of-way for the irrigation ditch. Ms. Maughan asked if this is acceptable with the Irrigation Company. Scott Leishman stated that the right-of-way should be 10 feet on each side, so a total of 20 feet. Ms. Maughan asked if Maverik, Inc. could supply a 20-foot easement for the Irrigation Company. Ms. Hunt stated yes. Ms. Maughan asked if Mr. Leishman would need a signed easement. Mr. Leishman stated that he would like a signed easement. Mr. Breinholt stated that the signed plat is recorded and it is a legal document. Mr. Hartle stated that he has been working with Todd Myers, who wants to see a legal description for the water agreement. Mr. Leishman stated that Utah Title 57-102 requires an easement to be signed. Mr. Hartle asked Ms. Hunt to have Todd Myers work with Nate to get the description to put in the water agreement. Mr. Leishman stated that he would also like to have an encroachment agreement signed. Ms. Maughan stated that issue #1 concerning the public utility easement will be passed onto the City Council. Mr. Hartle stated that it deals with anyone wanting to connect to the sewer that Maverik, Inc. will be reimbursed some of the cost. Mr. Breinholt stated that anyone that connects to the sewer will incur costs also. Mr. Hartle stated that Wellcome Mart requested the same consideration concerning reimbursement for connecting to the sewer and the City Council told them no. This decision was made by the City Council. Mr. Egbert asked about the 10-foot P.U.E. versus the 20-foot P.U.E. Mr. Breinholt stated that 20 feet was requested to construct the sewer because 10 feet is not enough room. Mr. Egbert stated that Wellsville City now owns the property up to the P.U.E.

At 6:30 p.m., the public hearing was closed.

After discussion, Paul Egbert made a motion, seconded by Brian Pattee, to approve the concept plan, the preliminary plat, and the final plat for the Wellsville Maverik Subdivision consisting of a total of 3 lots on property on the southeast corner of the intersection of Highway 89/91 and Highway 101 (Main Street) pending comment made by City Engineer Chris Breinholt in his email dated December 8, 2015, a 20-foot P.U.E., a 20-foot irrigation easement, and change the 2-lot subdivision to a 3-lot subdivision in the narrative.

YEA 5
Chris Clark
Paul Egbert
Ruth P. Maughan
Marcene Parker
Brian Pattee

NAY 0

At 6:34 p.m., receive public input, then consider for approval a request from Maverik, Inc. for a conditional use for a free standing sign along Highway 89/91 and a monument sign along Highway 101 (Main Street) on their property at 748 East Main. Elizabeth Hunt, representing Maverik, Inc., stated that they are requesting a conditional use permit for a free standing sign. Ms. Hunt stated that Maverik, Inc. is requesting this because of the higher speed of the highway and the bend in the road. Ms. Hunt stated that Maverik, Inc. would like the same visibility as their competitor that is located across the street. City Planner Jay Nielson stated that he discussed this issue with an individual representing Yesco. Mr. Nielson stated that the Planning Commission can't allow a conditional use permit for a free standing sign. It is against the sign code. Mr. Nielson stated that the Planning Commission would have to amend the sign code, which would allow any and all businesses to have a free standing sign. Mr. Nielson stated that Wellcome Mart was the last business to be allowed a free standing sign. Mr. Nielson stated that Maverik will have a significant presence at the intersection. Mr. Nielson stated that he recommends that the Planning Commission deny this request. Matt Wren stated that Maverik, Inc. is requesting a free standing sign via a conditional use permit so that the Planning Commission can put conditions on the free standing sign. Mr. Nielson stated that the Planning Commission can't override the existing code. Mr. Wren stated that he was told that the Planning Commission was in the process of adopting a new code. Mr. Nielson stated that is correct. There is a new code pending approval from the Planning Commission. The Planning Commission would need to make the modifications before it is adopted. Mr. Nielson stated that the current code doesn't allow for pole signs. Mr. Nielson stated that the code shouldn't be changed for one property owner. Mr. Wren stated that they are requesting the free standing sign via conditional use based on the highway and speed of traffic. Mr. Wren stated that it is a safety concern. The sign would give Maverik,

Inc. higher visibility. Mr. Wren stated that the competitor across the street has a free standing sign.

At 6:41 p.m., the public hearing was closed.

Marcene Parker stated that this is a non-issue because it is not allowed per the Wellsville City code. Brian Pattee stated that the code doesn't allow pole signs. Mr. Pattee stated that the Planning Commission doesn't have the authority to modify the code without a request. Mr. Pattee stated that modifying the code for pole signs would change the entire code. Matt Wren asked if some text could be added as an amendment to the code to allow pole signs via a conditional use permit. Paul Egbert stated that the goal of Wellsville City is to keep the corridor of Highway 89/91 clean. City Planner Jay Nielson stated that the Planning Commission should review the drawings of the signs that were submitted. Mr. Nielson stated that Maverik, Inc. is requesting some big signs. Ruth P. Maughan stated that Maverik will be located at a lighted intersection, which people do slow down for. Ms. Maughan stated that this section of the highway is a slower area. Ms. Maughan stated that competitor across the street does have an unfair advantage. Mr. Nielson stated that he recommends against amending the new code. Mr. Nielson stated that he will conduct a serious analysis of 60 MPH roads if needs b e. There are a lot of monument signs on roads. Mr. Nielson stated that what Wellsville City is requiring is not atypical. Mr. Wren stated that he would suggest the opposite that it is atypical to have small signs on roads that have a faster speed. Mr. Egbert stated that he is opposed to modifying the code to allow pole signs. Mr. Nielson stated that Maverik has chosen to operate under the new code, which allows the Planning Commission to approve both monument signs tonight. Mr. Pattee asked what the maximum size of the monument sign could be. Mr. Nielson stated that the maximum is 8 feet high and 60 square feet. Mr. Nielson stated that Maverik, Inc. could submit location information at a later date. After discussion, Paul Egbert made a motion, seconded by Chris Clark, to deny the request from Maverik, Inc. for a free standing sign.

YEA 5

Chris Clark
Paul Egbert
Ruth P. Maughan
Marcene Parker
Brian Pattee

NAY 0

After discussion, Paul Egbert made a motion, seconded by Brian Pattee, to approve 2 monument signs of 8 feet high and 60 square feet and 2 on-building signs.

YEA 5

Chris Clark
Paul Egbert
Ruth P. Maughan
Marcene Parker
Brian Pattee

NAY 0

The Planning Commission was to discuss with Lyle B Hoffman the appearance that he may have cut into a slope on his property at 332 West Pinecrest Circle that exceeds a slope of greater than 20%. Mr. Hoffman did not attend this meeting. Don Hartle stated that he sent a certified letter and received the card back on Saturday, December 5, 2015. Ruth P. Maughan asked where Wellsville City goes from here concerning this issue. City Planner Jay Nielson stated that this should now be turned over to City Attorney Bruce Jorgensen. Mr. Nielson asked if Mr. Hartle will set up an appointment with Mr. Jorgensen to discuss this issue. Mr. Hartle stated that he would set up an appointment. Mr. Nielson stated that there are 2 options: 1) restore the slope as it was, or 2) stabilize the slope.

The Planning Commission reviewed for approval the Final Plat for the Cooper Ridge Subdivision on the west side of Center Street at approximately 1335 South to 1419 South. Craig Winder stated that at the previous meeting, the Planning Commission approved the Preliminary Plat. In the meantime, the City Council has approved the Preliminary Plat. Mr. Winder stated that his engineer has met with City Engineer Chris Breinholt concerning the memorandum issued by Mr. Breinholt. Mr. Winder stated that each item on the memorandum has been reviewed. Mr. Winder stated that he has submitted to FEMA the 100-year flood calculations, but hasn't heard back from them. Mr. Winder stated that he is seeking approval of the Final Plat. Paul Egbert asked when the calculations were submitted to FEMA. Mr. Winder stated that he didn't know. City Planner Jay Nielson stated that the critical lands should be shown on the Final Plat. Mr. Egbert stated that based on Wellsville City code; there is a list of items that are missing from the Final Plat. Mr. Egbert stated that some of the items missing are the P.U.E's, open space, and drainage ways. Mr. Nielson asked if there would be any common ownership in the subdivision. Mr. Winder stated no. Mr. Nielson asked if there would be an HOA. Mr. Winder stated no. City Engineer Chris Breinholt stated that he hasn't reviewed the Final Plat yet. Mr. Breinholt stated that he received the Final Plat yesterday, so there is no memorandum from him. Mr. Egbert listed the requirements for the Final Plat. Mr. Winder stated that he submitted the wrong information and apologized for wasting the time of the Planning Commission. Mr. Nielson stated that this subdivision may work in theory, but boundaries may change and the Planning Commission can't approve lots that don't work. After discussion, Chris Clark made a motion, seconded by Brian Pattee, to continue this discussion concerning approval of the Final Plat until after approval from FEMA is received.

YEA 5

Chris Clark
Paul Egbert
Ruth P. Maughan
Marcene Parker
Brian Pattee

NAY 0

City Planner Jay Nielson handed out copies to the Planning Commission of a follow-up concerning Sharp Transportation. Mr. Nielson stated that he received a submission from Lundahl's of the landscape plan and building. Mr. Nielson stated that there are 7 items that he will put in a letter and send to Lundahl's. There are no property lines shown on the west and north side.

At 7:18 p.m., Brian Pattee made a motion, seconded by Paul Egbert, to adjourn the meeting.

YEA 5

Chris Clark
Paul Egbert
Ruth P. Maughan
Marcene Parker
Brian Pattee

NAY 0

Ruth P. Maughan
Chairperson