

MINUTES of the Wellsville City Planning Commission meeting held Wednesday, December 23, 2015, at the temporary Wellsville City Offices, 25 North 100 East in Wellsville. Commission members present were 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 December 18, 2015. The meeting was called to order at 6:00 p.m. by Brian Pattee.

Others Present: Jennifer Leishman Marshall Lindsay

Marcene Parker made a motion, seconded by Chris Clark, to appoint Brian Pattee as Chairperson Pro-tem.

YEA 3 NAY 0  
Chris Clark  
Marcene Parker  
Brian Pattee

Opening Ceremony: Marcene Parker

Brian Pattee reviewed the agenda with the Commission. City Planner Jay Nielson added a discussion concerning Sharp Transportation. After discussion, Marcene Parker made a motion, seconded by Chris Clark to approve the agenda with the addition.

YEA 3 NAY 0  
Chris Clark  
Marcene Parker  
Brian Pattee

The Commission reviewed the minutes for the Commission meeting which was held December 9, 2015. There was a word change on line 97. After review, Marcene Parker made a motion, seconded by Chris Clark, to approve the minutes of the December 9, 2015 meeting with the change.

YEA 3 NAY 0  
Chris Clark  
Marcene Parker  
Brian Pattee

At 6:05 p.m., conduct a public hearing to receive public input, then consider for approval a request from Marshall Lindsay for a conditional use to operate a landscape product store on property on the southwest corner of the intersection of 400 North and 900 East. Marshall Lindsay stated that he plans to level this property, have an access entrance on the northwest corner, and an access entrance on the southeast corner. Mr. Lindsay stated that he also plans to stack concrete blocks to make bins that will contain the landscape products. Brian Pattee asked if Mr. Lindsay plans to bring in a temporary office. Mr. Lindsay stated yes, similar to what Logan Landscape has. Marcene Parker asked if Mr. Lindsay would be using the entire piece of property. Mr. Lindsay stated no. Mr. Lindsay stated that he would be using a little more than half the property. Mr. Lindsay stated that Don Hartle told him to draw a picture, but he hasn't walked the property off yet. Mr. Pattee asked what Mr. Lindsay would do with the property that he is not using. Mr. Lindsay stated that it would be leveled, and that it would have a skidster and a trailer parked on it. Ms. Parker asked if Mr. Lindsay would be connected to water and sewer. Mr. Lindsay stated that he would install a frost-free hydrant for water. Ms. Parker asked if Mr. Lindsay would have restroom facilities. Mr. Lindsay stated no. City Planner Jay Nielson asked how Mr. Lindsay plans to accommodate employees. Mr. Lindsay stated that the only employee he would have is himself. Mr. Lindsay stated that he would have a port-a-potty delivered if needed. Ms. Parker asked when Mr. Lindsay plans on starting this project. Mr. Lindsay stated that it depends on how much more snow is received. Chris Clark asked if there was water to the property now. Mr. Lindsay stated that he didn't know. Mr. Pattee asked what the zoning was for this property. Mr. Nielson stated that the property is zoned CH, Highway Commercial. Mr. Pattee stated that the project meets the use listed in the code. Mr. Nielson stated that is correct, but Mr. Lindsay hasn't provided the

required site plan and landscape plan. Mr. Lindsay asked if he had to draw a picture. Mr. Nielson stated yes, and that it had to be to scale. Mr. Nielson stated that what is drawn and approved is what he would be required to do. Mr. Pattee asked if this business could be approved without a restroom. Mr. Nielson stated that he would need to ask the health department if a restroom would be required. Don Hartle stated that the code says that if a residence/business is within 300 feet of the sewer line, it is required that the residence/business connect to the sewer. Mr. Hartle stated that the sewer is there, and that it would need to be discussed with the City Council. Mr. Pattee asked if Mr. Lindsay would be willing to build an office and not a temporary building. Mr. Nielson stated that he would need to research this issue. Mr. Nielson stated that he believes a business with employees and customers would be required to have a restroom unless the customer is calling the owner and meeting him at the business. Mr. Lindsay stated that this is a work in progress. Mr. Hartle asked if Mr. Lindsay was purchasing or leasing the property. Mr. Lindsay stated that he is purchasing the property. Ms. Parker stated that she is concerned about the restroom possibly being a requirement. Mr. Lindsay asked if it would be possible to install a temporary restroom. Mr. Nielson stated that he believes the Planning Commission could approve something like that. Mr. Hartle stated that a temporary restroom is a decision for the City Council, and that the City Council would have to approve it. Mr. Clark asked if there is sidewalk or curb and gutter around the property. Mr. Lindsay stated no. Mr. Pattee stated that the Planning Commission would need a site plan and a landscape plan. Mr. Nielson stated that 80% of the landscape businesses that he sees are not good neighbors. A landscape business should be in an industrial area. Wellsville City is limited in their commercial space. Mr. Nielson stated that what Mr. Lindsay does may or may not attract other businesses. Ms. Parker asked if the ditch around the property has anything to do with an irrigation company. Ms. Parker stated that Mr. Lindsay needs to discuss with the irrigation company if he would be required to pipe the ditch. Mr. Lindsay stated that there is a ditch on the north and east sides of the property. Mr. Pattee stated that Scott Leishman is the president of the Eastfield Irrigation Company. Mr. Hartle stated that his biggest concern is the sewer and if the City Council will require Mr. Lindsay to connect to the sewer. Mr. Hartle stated that Wellsville City may need to discuss the issue with the Bear River Health Department. Mr. Lindsay asked if this business is something that Wellsville City wants. Mr. Nielson stated that no one has the right to say what is or isn't wanted. The Wellsville City code allows this type of business. The responsibility of the Planning Commission is to uphold the code. Ms. Parker stated that she is happy that Mr. Lindsay is a citizen of Wellsville City and is willing to invest in the city. Mr. Pattee stated that he has seen landscape businesses both ways, as good and bad neighbors. Mr. Lindsay stated that he needs to provide a site plan and meet with the City Council. Mr. Hartle stated that Mr. Lindsay needs to discuss the sewer with the City Council. Mr. Nielson stated that the question concerning the restroom also needs to be answered because the two questions could be coupled together. Mr. Hartle stated that the City Council could discuss a temporary restroom, approve it for 1 year, and review the issue after the year is up. Mr. Hartle stated that he hates to see Mr. Lindsay spend a lot of time on this project if it isn't going to be approved. Mr. Clark stated that Mr. Lindsay needs a site plan, a landscape plan, and discuss the ditch with Scott Leishman. Mr. Nielson stated that he will need to do some research. Mr. Hartle read from the code. It reads as if a restroom is required. Mr. Pattee asked what the sewer and water hookup fee would be. Mr. Hartle stated that it would be approximately \$10,300. Mr. Hartle stated that the sewer is located on the north side of 400 North. Mr. Lindsay would be required to boar under the road and connect to the sewer. Mr. Hartle stated that the property owner is responsible for the sewer line until it reaches the City main line. Mr. Hartle stated that the water is located on the south side of 400 North. The City will tap the like and run a service line to within 6 feet of the property. Mr. Lindsay would be responsible to bring the water onto his property. Mr. Nielson read for the Wellsville City code, and it reads as if a restroom is required. Mr. Pattee asked about connecting a travel trailer to the sewer. Mr. Nielson doesn't think a travel trailer would be suitable for public use. Mr. Lindsay asked if he would have a change of using a temporary port-a-potty. Mr. Nielson stated that the City Council would have to review the issue. Mr. Pattee stated that his advice is to go to the City Council to see if a restroom is needed, then return to the Planning Commission with a site plan, a landscape plan, and show that contact has been made with Scott Leishman concerning the irrigation ditch. Mr. Hartle asked if Mr. Lindsay wanted to be added to the next City Council meeting. Mr. Lindsay stated yes. Mr. Hartle added Mr. Lindsay to the City Council meeting agenda which will be held on January 6, 2016.

At 6:43 p.m., the public hearing was closed.

After discussion, Chris Clark made a motion, seconded by Marcene Parker, to continue this issue.

YEA 3  
Chris Clark  
Marcene Parker  
Brian Pattee

NAY 0

Don Hartle gave the Planning Commission an update on the possible violation of the steep slope code. Mr. Hartle stated that he and City Planner Jay Nielson met with City Attorney Bruce Jorgensen concerning this issue. Mr. Hartle stated that Reeves and Associates located in Ogden completed the engineering study for this subdivision. Mr. Hartle stated that he contacted Reeves and Associates and asked for the slope information of the subdivision. Mr. Hartle stated that it took Reeves and Associates over a week to research this issue. Mr. Hartle showed the Planning Commission what Reeves and Associates sent to Wellsville City. Mr. Hartle stated that it wasn't very useful. City Planner Jay Nielson stated that Wellsville City needs to confirm before they get any more serious about this issue what portion of the slope is 20% and if it is 20%. Mr. Neilson stated Wellsville City needs to know for a surety. Mr. Nielson stated that he owns an instrument that shoots slopes. Mr. Nielson suggested a surveyor go out a shoot the slope. Brian Pattee asked if this would be done through Jones and Associates. Mr. Hartle stated that he is trying to get Reeves and Associates to shoot the slope because it would be cheaper. Mr. Hartle stated that Wellsville City is working on this issue and following the advice of City Attorney Bruce Jorgensen.

City Planner Jay Nielson discussed with the Planning Commission the required zoning conditions of the project. Mr. Nielson handed out a checklist that he created. Mr. Nielson stated that he would be creating a check list such as this for each project. Mr. Nielson reviewed the checklist with the Planning Commission.

At 6:56 p.m., Marcene Parker made a motion, seconded by Chris Clark, to adjourn the meeting.

YEA 3  
Chris Clark  
Marcene Parker  
Brian Pattee

NAY 0

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Brian Pattee  
Chairperson Pro-tem