

MINUTES of the Wellsville City Planning Commission meeting held Wednesday, October 12, 2016, at the Wellsville City Offices, 75 East Main 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 Scott Wells, 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 7, 2016. The meeting was called to order at 6:00 p.m. by Chairwoman Ruth P. Maughan.

Others Present: Jennifer Leishman Jen Undhjem Kay Ballif  
Spencer Priest Zan Summers

Opening Ceremony: Chris Clark

Ruth P. Maughan reviewed the agenda with the Commission. After discussion, Chris Clark 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 September 28, 2016. There were word changes on lines 104, 112, and 176. After review, Marcene Parker made a motion, seconded by Paul Egbert, to approve the minutes of the September 28, 2016 meeting with the changes.

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

At 6:05 p.m., receive public input, then consider for possible approval a request from Jen Undhjem for a conditional use for a Level 1 “Home Occupation” to operate a cleaning business out of her home at 321 South 200 West. Jen Undhjem stated that she would like to operate a cleaning business out of her home. Ms. Undhjem stated that she cleans apartment and townhomes for Four Seasons, and would like to clean homes. Paul Egbert asked if there would be any signage. Ms. Undhjem stated no.

At 6:07 p.m., the public hearing was closed.

After discussion, Chris Clark made a motion, seconded by Paul Egbert, to approve a request from Jen Undhjem for a conditional use for a Level 1 “Home Occupation” to operate a cleaning business out of her home at 321 South 200 West.

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

The Planning Commission met with Gardner Engineering on behalf of Kay Ballif. Kay Ballif stated that she owns Sherwood Hills Golf Course, and it is up for sale. The property is zoned RPD, which is 10-acre parcels. Ms. Ballif stated that there are two cell phone towers located in the northeast corner of the property. Ms. Ballif would like to break off a small parcel, such as one acre, that these cell phone towers are located on to retain for herself, as well as the easements and the egress lane. Ms. Ballif stated that she has no plans to build on the property. The property is strictly for the cell phone towers. Ruth P. Maughan asked if the egress lane would be part of the acre. Ms. Ballif stated that the cell phone towers are located on the very edge of the property. Paul Egbert asked if the cell phone towers lease or own the property under them. Ms. Ballif stated that the property is leased for the cell phone towers. Spencer Priest, representing Gardner Engineering, stated that the base of a cell phone tower is approximately 50 feet by 50 feet. Mr. Priest asked if the Planning Commission could give some guidelines as to how to split the parcel off. Mr. Egbert asked about the access to the cell phone towers. Ms. Ballif stated that there is access from Highway 89/91 around the big curve, and there is access from the golf course road. Ruth P. Maughan asked City Planner Jay Nielson asked how this request should be handled, because it is a valid request. Mr. Nielson stated that the Planning Commission could allow a subdivision of the 1-acre lot, but it would be a restricted lot. Mr. Nielson stated that the density in the RPD zone is one unit per 2 acres. Mr. Nielson believes that this would be possible if the split would be 2 acres. Mr. Nielson stated that he is not sure residential access would be granted for one parcel off of Highway 89/91. Mr. Egbert asked what the value of breaking off the one or two acres would be. Zan Summers stated that when he shows the golf course to potential buyers, he wants to be able to say this one or two acres are not included. Mr. Egbert asked how many acres are being sold. Mr. Summers stated 194 acres. Mr. Nielson stated that it is real dicey for the Planning Commission to approve a restricted lot because nothing can be done with the lot. Mr. Nielson stated that if they are willing to split off two acres, the property can still retain the zoning classification. Mr. Summers stated that they would consider splitting off two acres. Mr. Priest stated that a restricted lot is the last thing that is wanted. Mr. Egbert read from the Wellsville City code, 10-7-7 and 10-7-13. Mr. Nielson stated that Wellsville City code 10-7-5 states the two-acre requirement. Ms. Maughan stated that if they would consider two acres, it may be allowable. Mr. Nielson stated that a two-acre parcel does not adversely affect anything. Mr. Nielson stated that this is outside of everything that the Wellsville City code is designed for. Mr. Nielson stated that if there is a desire to improve the two-acre parcel, all requirements will kick in. Mr. Summers asked if the RPD zone was prior to the cell phone towers being installed or after. Ms. Ballif stated that the cell phone towers were installed between 1998 and 2000. Mr. Egbert stated that the Wellsville City code was adopted in 1991. Mr. Summers stated that there would be no water or sewer service required for the property. Mr. Summers asked if the cell phone towers could be allowed by conditional use. Mr. Nielson stated that it would be a non-conforming use, which means the use could not be expanded. Mr. Summers asked about installing another cell phone tower on the property. Mr. Nielson stated that there would be no expansion at all. Ms. Ballif stated that the advantage of having cell phone towers on the property is that it is a high point on the property, they can't be seen, and they are almost invisible. Ms. Ballif stated that she hopes the Planning Commission will consider this request. Ms. Maughan asked if this request is doable. Mr. Nielson stated that yes; he believes this request is possible. It would require a subdivision. Brian Pattee asked if one or two acres will be required. Mr. Nielson stated that two acres would be required. Mr. Egbert stated that this request could use the current code or the new code, whichever code fits the request better. Marcene Parker asked if cell phone towers are not part of the code, why can't Ms. Ballif install a third cell phone tower on the property. Mr. Nielson stated that it is possible, but this is why the new code needs to be adopted. Mr. Nielson stated that the RPD zone is for the foothills and mountains that fit the area. Ms. Maughan stated that if the property is strictly for cell phone towers and complying with the 2-acre requirement, it shouldn't be difficult. Mr. Nielson agrees. Mr. Egbert stated that he would refer the access to this property to UDOT. Ms. Maughan asked if Ms. Ballif understands her options. Ms. Ballif stated that she believes she does. Ms. Maughan stated that this would be a 2-acre parcel, split off by a subdivision, and that the Planning Commission could recommend to the City Council to approve the size of the parcel as an exception. Mr. Priest asked about development standards. Mr. Egbert stated that the code does give some flexibility as long as all other requirements are met. Mr. Nielson stated that the development requirements don't apply. Mr. Nielson stated that he doesn't think there are any development requirements. Mr. Summers asked if it would make sense to spot zone the two acres with the cell phone towers as commercial property. Mr. Nielson stated that the Planning Commission would need to change the General Plan in order to spot zone. Mr. Nielson stated that it is an option. Mr. Nielson stated that the property shouldn't be identified as commercial use because then all

commercial uses would be allowed. Mr. Nielson stated that property can't be rezoned with restriction. Ms. Maughan stated that she believes that the other option is the safest. Mr. Summers stated that they would return with a subdivision plan. Mr. Summers asked if Mr. Nielson would have time to study this issue and give them some guidelines. Mr. Nielson stated that he can, but doesn't know if he can come up with anything else. Mr. Nielson stated that he could craft some language to be able to comply with the Wellsville City code. Ms. Maughan thanked Ms. Ballif, Mr. Priest, and Mr. Summers for attending this meeting.

Carl Leatham asked if City Planner Jay Nielson is any closer on a grandfather clause. Mr. Nielson stated yes. Mr. Nielson stated that he is working on Tracy Bailey's and Mike Leishman's properties.

Carl Leatham stated that other cities that operate a Planning Commission have the ability to appoint an alternate that sits at the table, but is a non-voting member unless someone is absent. Paul Egbert stated that this is an option that is part of the Wellsville City code, 2-1-3 paragraph E.

Ruth P. Maughan asked if the new code is ready to present to the City Council. Mr. Nielson stated not yet. Mr. Nielson is working on the Table of Contents.

Ruth P. Maughan requested that the Planning Commission meeting on November 23, 2016, which is Thanksgiving Eve, be cancelled.

At 6:46 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**

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Ruth P. Maughan  
Chairperson