

MINUTES of the Wellsville City Planning Commission meeting held Wednesday, October 26, 2016, at the Wellsville City Offices, 75 East Main in Wellsville. Commission members present were Chairwoman Ruth P. Maughan, Chris Clark, Paul Egbert, and Marcene Parker. 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                      Jeremy Hedges                      Lisa Hedges  
Chris Moss    Karalee Moss                      Joes Jensen

Opening Ceremony:    Marcene Parker

Planning Commission member Brian Pattee was excused from this meeting.

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

YEA 4    NAY 0  
Chris Clark  
Paul Egbert  
Ruth P. Maughan  
Marcene Parker

The Commission reviewed the minutes for the Commission meeting which was held October 12, 2016. There was a word change on line 105. After review, Paul Egbert made a motion, seconded by Chris Clark, to approve the minutes of the October 12, 2016 meeting with the changes.

YEA 4    NAY 0  
Chris Clark  
Paul Egbert  
Ruth P. Maughan  
Marcene Parker

City Manager Scott Wells swore in Kaylene Ames as an alternate Planning Commission member.

At 6:05 p.m., receive public input, then consider for possible approval a request from Jeremey and Lisa Hedges for a conditional use for a 3-dog kennel license at their home at 302 West 235 North. Lisa Hedges stated that they have three dogs and would like to obtain a kennel license. Ruth P. Maughan asked if this address was in the Red Slide Subdivision. Ms. Hedges stated yes. Ms. Maughan asked if the dogs were inside or outside dogs. Ms. Hedges stated that the dogs are mostly inside dogs. Marcene Parker asked what kind of dogs they owned. Ms. Hedges stated that they have a boston terrior, a french bulldog/boxer mix, and a blue heeler. Ms. Parker asked if the yard is fenced. Ms. Hedges stated yes.

At 6:08 p.m., the public hearing was closed.

After discussion, Marcene Parker made a motion, seconded by Chris Clark, to approve a request from Jeremey and Lisa Hedges for a conditional use for a 3-dog kennel license at their home at 302 West 235 North.

YEA 5    NAY 0  
Kaylene Ames  
Chris Clark  
Paul Egbert  
Ruth P. Maughan  
Marcene Parker

Chris Moss met with the Planning Commission to discuss open space in Lot #4 in the Cooper Ridge Subdivision. Chris Moss asked what the interpretation of open space is. Mr. Moss asked who owns the open space, if it is shared space, and what he is allowed to do in the open space. Paul Egbert asked if there was an HOA in the subdivision. Mr. Moss stated that there is not. Marcene Parker asked if an HOA would be added in the future. Mr. Moss stated no. City Planner Jay Nielson stated that the code 10-1-8 clearly defines what open space is and what is allowed. Mr. Nielson stated that the open space is owned by Mr. Moss, and it is maintained by Mr. Moss since there is no HOA. Mr. Moss asked if he is allowed to fence off the open space. Mr. Nielson reviewed the prohibited uses of open space. Mr. Nielson stated that open space is for common use. Mr. Moss asked what common use is. Mr. Nielson stated that common use is that the property could be used by anyone in the subdivision. Mr. Moss stated that is the opposite of what the developer is saying. Mr. Moss asked if the following suggestions would be allowed in the open space, i.e., a fire pit, garden, fruit trees, grassy area, basketball court, pergola, and a lawn shed. Ms. Parker asked if this is the only lot that has open space. Mr. Egbert stated that there are quite a few lots in this subdivision that have open space. Mr. Egbert stated that open space is defined by the plat. Mr. Nielson stated that the plat could be amended. The open space cannot be reduced, but it could be displaced and relocated somewhere else. Mr. Egbert asked if there were utilities in the old dirt lane owned by Dale Cooper. Mr. Nielson stated no. Carl Leatham stated that an example of how private open space is handled is to the north in the Wellsville Ranches Subdivision. Mr. Moss asked if there were regulations as to how far back a shed could be for the home. Mr. Nielson stated that the information Mr. Moss is looking for can be found in the Land Use Regulations. Mr. Moss thanked the Planning Commission for their time.

Matt Nielson was to meet with the Planning Commission to discuss future possibilities at Sherwood Hills. Mr. Nielson did not show up to this meeting.

Joel Jensen met with the Planning Commission to discuss proposed shop at residence. Mr. Jensen stated that he would like to build a shop next to his home. Mr. Jensen stated that he does have a conditional use permit for a home occupation business. The plans for the shop are a 20-foot by 30-foot shop, with a 16-foot by 10-foot door. The shed already exists on his lot. He would like to raise it and add footings and a foundation. Mr. Jensen stated that his business is an excavating business. The only piece of equipment that he owns for his business that will fit inside the shop is his skidster. Mr. Jensen stated that the shop is for personal use. His personal truck does not fit in his current garage; therefore, he would like to build this shop. The shop is for hobbies. Mr. Jensen would like to add horse stalls on the back of the shop with some hay storage. Mr. Jensen stated that the shop will have no affiliation with his business. Paul Egbert reviewed the original conditional use permit request on September 23, 2009. Mr. Egbert stated that there were four conditions for the home occupation. They are as follows: 1) no vehicle required for the home occupation shall be parked on the street right-of-way for longer than ½ hour, 2) no more than one trailer required for the home occupation may be parked on the premises and must not protrude beyond the front of the home, 3) no motorized heavy construction equipment may be stored on the premise longer than ½ hour, and 4) one auxiliary building meeting City code allowed behind the home for storage of inventory, tools, or other materials required for the home occupation. Mr. Egbert stated that the conditional use permit allows Mr. Jensen use of some auxiliary building. Marcene Parker asked if Mr. Jensen will need a building permit. Mr. Jensen stated yes, and that is why he is attending this meeting. Chris Clark asked if there would be sewer or water to the shop. Mr. Jensen stated that there may be a water tap on the outside of the shop. Ms. Parker asked if there would be electricity in the shop. Mr. Jensen stated eventually. Ruth P. Maughan stated that while Mr. Jensen is here, the conditions of his conditional use permit should be discussed. Ms. Maughan stated that there is large trailer that is parked in front of the home often, and should be parked to the side of the home. Mr. Jensen stated that for the most part, he tries to park the trailer to the side of the home. Ms. Maughan asked how many employees Mr. Jensen has coming to the home. Mr. Jensen stated two. Ms. Parker asked if the employees park at the home. Mr. Jensen stated yes. Mr. Jensen stated that building this shed will free up some space to park behind the home. Ms. Parker asked if Mr. Jensen owns more equipment now than he did in 2009. Mr. Jensen stated yes. After discussion, Paul Egbert made a motion, seconded by Chris Clark, to allow Joel Jensen to proceed with the proposed shed.

**YEA 5**  
Kaylene Ames  
Chris Clark

**NAY 0**

Paul Egbert  
Ruth P. Maughan  
Marcene Parker

The Planning Commission discussed agriculture buildings with residential zoning. Scott Wells stated that there is a resident who would like to build a hay shelter with no sides. This resident went to Cache County to see what the County requires. Mr. Wells stated that the resident was told that the County does not require a building permit for agriculture buildings. Wellsville City requires building permits because there is no agriculture zone in Wellsville City. Mr. Wells stated that the Planning Commission needs to discuss if building permits are required under all circumstances, or if the code should be modified. City Planner Jay Nielson stated that he reviewed this issue in the Utah State code. The whole idea was initiated by the State approximately 15 years ago. Mr. Nielson stated that people came away from the meeting thinking that no building permits were required for agriculture buildings. There are exemptions for agriculture buildings, but they are not exempt from building permits and building codes. Paul Egbert asked what the value of being exempt is. Mr. Nielson stated that an individual owns a large parcel of agriculture land, and is allowed to build a hay barn with no limitations. Mr. Nielson stated that he has seen counties that have the individual sign a waiver as to what the building's use will be. Don Hartle asked that Mr. Nielson give a copy of the section of Utah State code to Mr. Wells so that he can pass it on to the resident. After discussion, Paul Egbert made a motion, seconded by Marcene Parker, to continue with the current code requiring building permits for agriculture buildings.

YEA 5  
Kaylene Ames  
Chris Clark  
Paul Egbert  
Ruth P. Maughan  
Marcene Parker

NAY 0

The Planning Commission discussed legally existing non-conforming lots. City Planner Jay Nielson stated that there is an application that is part of the Planning Commission packet. This application starts the process. Mr. Nielson stated that his plan is to take a couple of the parcels and run them through this process. Mr. Nielson stated that this is a legitimate thought-through process. Mr. Nielson stated that the last two pages of the application packet is the proposed language to be added to the new code. Mr. Nielson stated that this process is done by the staff or Planning Commission, but it also will be presented to the City Council because the City Council wants to be involved. The Planning Commission and Mr. Nielson used different buildings as examples. Paul Egbert asked where Mr. Nielson got the application. Mr. Nielson stated that it is a major modification of Logan City's application. Mr. Egbert asked about some language that will be added to the new code, and why the Planning Commission would give someone indefinitely status. Mr. Egbert does not know if that sentence should be left in. Mr. Nielson stated that the choice is given to the Planning Commission. Mr. Nielson gave some examples of indefinite status. Mr. Egbert asked if the business in the building is abandoned. Mr. Nielson stated that the grandfather clause will go away. Marcene Parker asked about section 10.59.090-B-4 if the individual is required to keep the business license if the business is closed. Mr. Nielson stated no. Carl Leatham asked if spot zoning is allowed with this code and application. Mr. Nielson stated that if Wellsville City can show in the General Plan that a small parcel that should be zoned a certain zone, Wellsville City can zone that parcel than zone. Mr. Leatham asked if this is part of the General Plan. Mr. Nielson stated that it is not part of the General Plan, but comes from the Ombudsmen's office. Mr. Leatham stated that nothing that he has read in this packet helps the situation for Wellsville City. Mr. Nielson stated that legitimizes what is happening in buildings in residential zones. Mr. Leatham stated that he understands. Mr. Leatham stated that some buildings will come into compliance, and some will not. Mr. Nielson stated that is correct. Mr. Nielson stated that amending the General Plan for each building will kick in a public hearing for each case. It will also give the public their say on the issue. Ms. Parker asked if she was correct in saying that a business in one of these buildings cannot expand. Mr. Nielson stated that a business in one of these buildings cannot expand more than 10% without coming into the Planning Commission for the proper permits.

Ruth P. Maughan stated that this is Don Hartle's last Planning Commission meeting. Don Hartle thanked the Planning Commission for their service and hard work. Mr. Hartle thanked Ms. Maughan for all that she has done. Mr. Hartle thanked City Planner Jay Nielson for bringing Wellsville City out of the dark ages. Mr. Hartle stated that the Planning Commission should be commended for all that they do on a volunteer basis. Mr. Hartle stated that he appreciated everyone for all that they do.

At 7:04 p.m., Paul Egbert made a motion, seconded by Chris Clark, to adjourn the meeting.

**YEA 5**

Kaylene Ames

Chris Clark

Paul Egbert

Ruth P. Maughan

Marcene Parker

**NAY 0**

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Ruth P. Maughan  
Chairperson