

MINUTES of the Wellsville City Planning Commission meeting held Wednesday, December 12, 2012, at the Wellsville City Offices, 75 East Main in Wellsville. Commission members present were Paul Egbert, Loyal Green, and M. Kent Larsen. Also present were City Manager/Recorder Don Hartle, 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 7, 2012. The meeting was called to order at 6:00 p.m. by Chairman Loyal Green

Others Present: Jennifer Leishman Ryan Cooper Paul Cooper
Darrell Cowley Diana Cowley Mike O'Reilly
Ron Jensen Richard Knapp Steve Kyriopoulos
Don Ewing Alison Ewing Jonathan Cook
Rachel Fry

Opening Ceremony: Paul Egbert

Commission members Russell Glenn and John Spence were excused from this meeting.

Loyal Green reviewed the agenda with the Commission. After discussion, M. Kent Larsen made a motion, seconded by Paul Egbert, that the agenda be approved as presented.

YEA 3 NAY 0
Paul Egbert
Loyal Green
M. Kent Larsen

The Commission reviewed the minutes for the Commission meeting which was held November 14, 2012. After review, Paul Egbert made a motion, seconded by M. Kent Larsen, to approve the minutes of the November 14, 2012 meeting as presented.

YEA 3 NAY 0
Paul Egbert
Loyal Green
M. Kent Larsen

The Commission reviewed the minutes for the Commission meeting which was held November 28, 2012. After review, M. Kent Larsen made a motion, seconded by Paul Egbert, to approve the minutes of the November 28, 2012 meeting as presented.

YEA 3 NAY 0
Paul Egbert
Loyal Green
M. Kent Larsen

Mayor Thomas G. Bailey met with the Planning Commission to discuss meeting procedures. Mayor Bailey stated that he appreciated being here, and thanked the Planning Commission members for serving. Mayor Bailey appreciates their time, effort, and all they do. Mayor Bailey stated that the Utah Code states that the Planning Commission needs to have a "Rules and Procedures of Meetings" document. Mayor Bailey handed out the "Rules and Procedures of Meetings" that the City Council has adopted. Mayor Bailey asked that the Planning Commission review this document. Mayor Bailey asked that the Planning Commission adopt something similar or come up with their own "Rules and Procedures of Meetings" document. The document is supposed to hang on the wall so that it is visible to everyone. Mayor Bailey stated that the City Council has chosen a Mayor Pro-tem to serve for 1 year. Mayor Bailey stated that the advantage of this is so that the City Councilmember has plenty of time to plan for the meeting and knows exactly what will happen at the meeting. Mayor Bailey encouraged the Planning Commission to establish a "Rules and Procedures of Meetings" document. M. Kent Larsen stated that if the City Council feels comfortable with this document, the Planning Commission should follow similar rules. Loyal Green thanked Mayor Bailey

for his attendance. Mr. Green stated that he appreciated Mayor Bailey's comments. Mr. Green asked that Don Hartle add a discussion concerning rules and procedures to the next meeting agenda.

The Planning Commission reviewed for approval the preliminary plat for the Ryan Cooper Subdivision consisting of a total of 2 lots (1 additional building lot) on property at 1095 South 200 East. Loyal Green asked if Mr. Cooper had received a copy of the memorandum dated December 12, 2012 from City Engineer Chris Breinholt. Mr. Cooper stated that he does have a copy of the memorandum. Mr. Green asked if he had any questions. Mr. Cooper stated no. Paul Egbert asked if there were any water shares involved in this property. Paul Cooper stated no. Mr. Egbert asked if there are any current water shares with this property. Paul Cooper stated no. Mr. Egbert asked what the intent of open space is. Mr. Green stated that nothing can be built in the open space. Mr. Egbert asked if the open space is for public use. Mr. Green stated that in this subdivision, no, the open space is not intended for public use. In a larger subdivision, the intent of open space could be for public use. Mr. Egbert asked about ownership of the open space. Mr. Egbert stated that the code is set up for a larger subdivision. Mr. Green stated that the code is set up for a larger subdivision. It is how the open space is recorded at the Cache County Recorder's Office. Don Hartle stated that open space remains in the owner's name. There can be nothing built in the open space. Mr. Green asked if the setback requirement is part of the open space. Mr. Hartle stated that all residential lots have a 30-foot setback, which could be part of the open space. Mr. Green asked if the issues on the memorandum submitted by City Engineer Chris Breinholt can be completed before the preliminary plat goes to the City Council. Mr. Cooper stated that he would contact the survey first thing in the morning. After discussion, Paul Egbert made a motion, seconded by M. Kent Larsen, to approve the preliminary plat for the Ryan Cooper Subdivision consisting of a total of 2 lots (1 additional building lot) on property at 1095 South 200 East with the condition that the memorandum dated December 12, 2012 submitted by City Engineer Chris Breinholt is completed.

YEA 3

Paul Egbert
Loyal Green
M. Kent Larsen

NAY 0

The Planning Commission reviewed for approval the preliminary plat for the LaRee Brown Subdivision consisting of a total of 2 lots (1 additional building lot) on property at 290 East 300 South. Loyal Green asked if Ms. Cowley had received a copy of the memorandum dated December 12, 2012 from City Engineer Chris Breinholt. Ms. Cowley stated yes. Mr. Green asked if there were any questions. Ms. Cowley stated no. Paul Egbert asked about the existing garage in the east corner. The garage would now be located in the setback, which is part of the open space. Don Hartle stated that it is now a non-conforming lot. Mr. Green stated that Russell Glenn sent a comment concerning this issue. Mr. Green stated that Mr. Glenn asked if the public utility easement and setback are part of the open space, which Mr. Green stated has been determined that it is. Wellsville Ranches Subdivision would be able to sell 2 more lots. Mr. Green stated that he doesn't have an answer. Mr. Hartle stated that the Planning Commission could discuss this issue when Mr. Glenn is in attendance. Mr. Green asked if the issues on the memorandum submitted by City Engineer Chris Breinholt can be completed before the preliminary plat goes to the City Council. Ms. Cowley stated yes. After discussion, M. Kent Larsen made a motion, seconded by Paul Egbert, to approve the preliminary plat for the LaRee Brown Subdivision consisting of a total of 2 lots (1 additional building lot) on property at 290 East 300 South with the condition that the memorandum dated December 12, 2012 submitted by City Engineer Chris Breinholt is completed.

YEA 3

Paul Egbert
Loyal Green
M. Kent Larsen

NAY 0

The Planning Commission held a workshop with Jed Price on a proposed request to provide specialized services at Sherwood Hills. Jed Price was not in attendance to this meeting. Richard Knapp owns Sherwood Hills, and stated that the ownership supports this idea. Michael O'Reilly and Ron Jensen introduced themselves. Mr. O'Reilly stated that he manages substance abuse/wellness centers. Mr. Jensen

is a therapist and clinical director. Mr. Jensen stated that they have looked at this property for 4 to 5 years. This establishment would be considered a wellness center, not a group home. It is for adults. The property is beautiful and discreet. Mr. Knapp stated that the individuals at this center are there voluntarily. Loyal Green asked about the cliental. Mr. Jensen stated that the first hurdle is Wellsville City. The second hurdle is becoming licensed with the State of Utah. Mr. Jensen stated that the clients have to be 18 years or older. Most clients are in the 25 to 45 age range. The goal is to have the individuals off of prescription drugs, healthy, and back home. Mr. Green asked to describe licensed. Mr. O'Reilly stated that there are core rules that all treatment facilities have to pass. There are specialized rules that deal with the facility itself. Mr. Jensen stated that the facility is reviewed on an annual basis. Mr. Green asked if there are contracts that exist with the State of Utah. Mr. Jensen stated that there will be no contracts with correction facilities, DCFS, or other entities that deal with high-risk clients. Mr. Green asked how the applicants are screened. In order to meet the current Wellsville City code, an individual can have no criminal background. Mr. O'Reilly stated that they will obtain their criminal history from their lawyer or family. There are certain charges that the facility will not accept. Mr. Jensen stated that the applicants will have some criminal background. Mr. Green stated that the code says that an individual can't have a criminal background. Mr. Knapp stated that the facility will abide by the State of Utah, and asked if they could get an interpretation from City Attorney Bruce Jorgensen. Mr. Green read 10-17-2C-3A from the Wellsville City code. Mr. Green stated that more information is needed before final approval can be given. Mr. Green asked what type of security will be used. Mr. O'Reilly stated that they will have the correct staff to client ratio at all times. Paul Egbert asked if this was strictly for the hotel portion of Sherwood Hills, and not the golf course. Mr. Knapp stated that is correct. Mr. Egbert asked if Mr. Knapp is getting out of the hotel business. Mr. Knapp stated yes, it is not viable to keep the property opened as a hotel. Don Hartle asked about the restaurant. Mr. Knapp stated that it will not be available to the public. M. Kent Larsen asked how many rooms are located in Sherwood Hills. Mr. Knapp stated there are 58 rooms in service. Mr. O'Reilly stated that they will try to be approved for 24 clients. Mr. Larsen believes that is a good manageable number. There is a point that there can be too many clients to provide services for. Mr. Jensen stated that they would like to collaborate with Utah State University and local ecclesiastical people. Mr. Larsen asked if it would be for day treatment or residential. Mr. O'Reilly stated residential. Mr. Egbert asked how long the typical stay would be. Mr. O'Reilly stated 30 days. Mr. Jensen stated that they could do out-patient treatment for local people. It would be very defined and very narrow. Mr. Green asked about the disability definition, physical or mental, and asked if it would be prescription drugs, not illegal drugs. Mr. Knapp stated that it would be drugs of all kinds. They do not define their clients as handicapped. Mr. Egbert asked if they were affiliated with True North. Mr. O'Reilly stated that he is the founder of True North located in Orem and Murray. Mr. Hartle asked if the Planning Commission felt it fits within the current code. Mr. Green stated that the application would need to be very specific in order to meet the code. Mr. Hartle asked if they have read the code. Mr. Knapp stated that he hasn't read it recently. Mr. Hartle stated that Jed Price made the application. The application would need to be expanded and very specific. Mr. Hartle stated that a new application needs to be submitted. Mr. Green asked because it is a change in use, would it need to be put in place as a conditional use. Mr. Knapp stated that the current use was before Sherwood Hills became part of Wellsville City. Mr. Hartle asked who he should contact in the future. Mr. O'Reilly stated to contact him. Mr. Hartle asked who signed the application. Ron Jensen did. Mr. Hartle asked who signed the check. Jed Price did. Mr. Hartle stated that Jed Price is no longer associated with them. Mr. O'Reilly stated that is correct. Mr. Green stated that code 10-17-2C-6B speaks specifically of disabilities and group homes. Mr. Green stated that in his mind, this is more like a medical facility. Mr. Egbert asked if group home was defined in the code. Mr. Green stated that he didn't know. Mr. Knapp stated that they don't want a group home. Mr. Green stated that it is the job of the Planning Commission to make sure the code is being followed. The Planning Commission is bound by the code. Mr. Knapp asked if they could get an interpretation from City Attorney Bruce Jorgensen. Mr. Green asked what the feelings of the Planning Commission were. Mr. Egbert stated that the purpose of the zone is very generic. There is no year-around residency. There will be some restriction that the facility will need to abide by. Mr. Larsen stated that groups hide behind the ADA. Mr. Larsen feels good about the location and what the facility does to help people. Mr. Green thanked the gentlemen for attending this meeting. Mr. Jensen handed out a "Description of Sherwood Hills Resort" that explains what a wellness center is about.

The Planning Commission held a workshop with Steve Kyriopoulos on his proposed "Truck Stop" at the northeast corner of the intersection of Highway 89/91 and 400 North. Mr. Kyriopoulos would like to

discuss the conditional use permit and what potential conditions would need to be met in order to accomplish what they want to accomplish. Loyal Green asked if Mr. Kyriopoulos requested this workshop. Mr. Kyriopoulos stated yes. Mr. Green read the purpose of a conditional use definition and the impact a business will have on an area that will drive the conditions. M. Kent Larsen stated that the obvious condition is traffic. The definition will come from UDOT. Paul Egbert stated that a traffic impact study will need to be completed. Mr. Kyriopoulos stated that he has contacted the property owner to the north so that they could use the approved Road Master Plan and move the truck stop to 500 North. Mr. Kyriopoulos stated that he has a rough draft plan with some idea of what it might look like. Mr. Egbert stated that 500 North would have to be built. Mr. Green stated that the conditions need to be very specific. Mr. Kyriopoulos stated that he would need to build 500 East and stub it. Mr. Egbert stated that he would need to build 900 East out to the existing 900 East on a normal 10-acre grid system. Mr. Kyriopoulos asked if he would need to square it up to the existing 900 East. Mr. Green stated that the right-of-way has to be 99 feet. Mr. Egbert stated that there is some flexibility with the connectivity of roads. The improvements would need to be made to his half of the road or at least 49 ½ feet. Mr. Green stated that it doesn't make sense to build 500 North just to service his business. A route is needed that can be used by anyone. Wellsville City can't force him to build a road through his property. Mr. Kyriopoulos stated that he would build a service road that can be publically used. Carl Leatham stated that he attended a training held by UDOT and was told that Highway 89/91 is a level 2, which will have no traffic lights closer than 1 mile apart. Mr. Leatham stated that 500 North will not get a traffic light. The 500 North intersection will be paid for by Wellsville City or the developer. If traffic flow warrants a correction, the answer is a raised median. Mr. Egbert stated that he has always pointed out that traffic lights would be installed at 4300 South and 3200 South, which meets the spacing for intersections. The highway can handle a lot of traffic. A signal was never promised. Mr. Green asked what the possibility would be of UDOT reducing the speed limit. Mr. Egbert stated that the speed limit is set by what 85% of people drive. Mr. Green asked what the State of Utah will specifically do to make the intersections safe. Mr. Egbert stated that all roads and intersections will be studied. Mr. Green asked about the goal of no deaths. Mr. Egbert stated that intersection ahead signs could be installed. Mr. Green asked about reducing the speed limit through that section of the highway. Mr. Egbert stated that development usually slows traffic down. Mr. Larsen believes that traffic will flow better if the business is accessed at 500 North than 400 North. Mr. Green stated that the owner of the property to the north doesn't want 500 North to continue on through his property. Mr. Kyriopoulos stated that continuing 500 North toward the east will depend on what the owner wants to do with his property. Mr. Egbert stated that 500 North would be built to access the business. Mr. Kyriopoulos stated that he envisions 500 North coming east until it hits the service road to 400 North. Mr. Larsen stated that a large buffer between the business and the subdivision would mean to push the business to 400 North. Mr. Kyriopoulos stated that it depends on the neighborhood. The citizens along 900 East say to push the business to 500 North. Mr. Egbert stated that 500 North would be greater distance from the railroad tracks. Mr. Green would like the traffic impact study to compare traffic flow with 500 North and 400 North. Mr. Kyriopoulos stated with the lay of the land, the business may be pushed to 500 North. Mr. Green asked what Mr. Kyriopoulos needs to do and what information is needed to present this to UDOT. Mr. Egbert stated that a detailed site plan would be required. This business will open up opportunities for other property owners. Mr. Larsen stated that someone needs to be the first anchor. Mr. Egbert stated that as circumstances arise, they can be dealt with. Mr. Egbert asked if 900 East or 1000 East would be built coming through his property. Mr. Kyriopoulos asked if he will have to build 400 North and 500 North. Mr. Egbert stated that 400 North would have to be improved the length of his property. Mr. Egbert stated that there are options for 900 East. It could be used as a service road or an internal road such as those located at the south Wal-Mart and the Cache Valley Mall. Mr. Kyriopoulos became frustrated. He pointed out all of the restriction pertaining to this business, such as, 200-foot setback, 99-foot roads, develop 400 North, 500 North, and 900 East. Mr. Kyriopoulos asked if Wellsville City wants development or not. The actions of Wellsville City say they don't want development. Mr. Egbert asked if this would be a phased development. Mr. Kyriopoulos stated yes. The first phase will include a c-store, fuel pumps, and car wash. Mr. Egbert stated that the improvements could be proportional to the phasing. Mr. Kyriopoulos stated that this is a viable project. He is not interested in trading business with the existing Wellcome Mart. There is no facility like this in Cache Valley. The closest example of a truck stop is LW's on 1000 West and 200 North in Logan. It is very small and hard to get in and out of. Mr. Kyriopoulos would like to build a truck stop that is big and roomy, gives drivers' space, and that is easy to get in and out of. Mr. Kyriopoulos stated that he is not married to this project, and if there is a better option, he is willing to do it. Mr. Kyriopoulos stated that he believes in this country, wants to create jobs

and revenue, and give back to the community. Mr. Egbert thinks this is a good plan, and the differences can be worked out. Mr. Green reviewed what had been discussed. A plan needs to be presented, a traffic impact study, build the business in phases, can't compete with Wellcome Mart, believes he won't make a go of the business if he has to, and need truck stop portion in order to make the business viable. Mr. Kyriopoulos stated that this community is filled with good deep thinkers. Mr. Green stated that he owns property close to Mr. Kyriopoulos' property. People need to work together, but he doesn't know how to get them to. Mr. Kyriopoulos discussed outlet malls in Park City and St. George. The outlet malls sit on the edge of the city limits. He wonders if building something similar to outlet malls outside of Logan that people would come to. Mr. Green stated that the job of the Planning Commission is to make sure that the code is followed. Mr. Egbert stated that in the CH, Highway Commercial zone, a 20-foot setback is required. Mr. Kyriopoulos stated that he doesn't want the business 20 feet off of the road. Mr. Kyriopoulos stated that in the past there was a discussion held about lighting. Mr. Green stated that directional lighting will need to be used. Mr. Kyriopoulos asked about dimming or cutting off the lighting. Mr. Egbert stated that the lights need to light the business, not the neighborhood. Mr. Larsen stated that there is more safety and security with a 24/7 business that is lit. Mr. Kyriopoulos stated that he doesn't like burms. He would like to use the canal because of its openness and make it nice. Mr. Green read from the Wellsville City code. Mr. Green discussed environmental, noise pollution, and air pollution. Mr. Egbert stated that a noise ordinance is part of the Wellsville City code. Mr. Kyriopoulos stated that the City Council had an unanimous vote to approve a truck stop as part of the conditional use. Mr. Kyriopoulos stated that a majority of the citizens of Wellsville City agree with this project. Mr. Green stated that traffic, noise, and air will all be impacted because of this business. Mr. Green stated that Wellsville City has to know what that impact will be. Mr. Egbert stated that the noise ordinance is found under Title 5, Chapter 4, of the Wellsville City code. It can be based off of the site plan. Mr. Green stated that another real concern is that some residents say that their property values will decrease by 15% to 40%. As a Planning Commission, it is their job to make sure that the code is followed and that Wellsville City will not be held liable. Mr. Larsen stated that it is completely unknown if property values will decrease. There is a potential that property values could go up. There is no way of knowing. Mr. Egbert stated that his opinion concerning this issue is similar to Mr. Larsen's. Mr. Larsen stated that air quality is a legitimate concern. He is not sure how to project it. It is hard to say that air quality went down because of this business. Mr. Kyriopoulos stated that it has been his experience that with diesel costing \$5.00 per gallon, the engines will not be running. There are heaters that can keep the drivers warm. There is technology in these trucks. We have to be naïve to say that there will be no impact on air quality. Mr. Green asked about Idle Air and Sure Power. Mr. Kyriopoulos stated that he may be interested in Sure Power. Mr. Green asked if he would guarantee that Sure Power would be installed. Mr. Kyriopoulos stated that it may have to be a phased program. Mr. Egbert stated that Bear River Health Department would have a base line that could be followed. Mr. Green stated that USU, Logan City, and State of Utah have all passed a no-idle for their fleet of vehicles. Wellsville City needs to be very careful that this business doesn't add to the air quality problem. If the business is approved and it adds to the air quality problem, Wellsville City may be held liable for the business. Mr. Larsen suggested that Mr. Kyriopoulos work with Bear River Health Department. Mr. Egbert stated that this truck stop is not a destination. If a driver doesn't stop here, they will stop someplace else. Mr. Green asked Don Hartle if Wellsville City had any interest or liability concerning the impact studies. Mr. Hartle stated that it is not the responsibility of Wellsville City to do impact studies. Mr. Hartle stated that he would ask City Attorney Bruce Jorgensen about it. Mr. Green asked if this business would be required to be bonded. Mr. Hartle stated that the improvements will have to be made before the plat is filed with Cache County Recorder. Mr. Green asked if there are any bonding issues. Mr. Hartle stated that he didn't know of any. Mr. Green stated that all of the conditions need to be clearly stated and detailed in the minutes of the Planning Commission meeting. Mr. Hartle stated that he is not aware of not following the Wellsville City code. Mr. Green stated that the bond is based on 150% of the project. Mr. Hartle stated that he will review 400 North to see what utilities are installed. Mr. Green stated that traffic, environment, air and noise impact studies will be completed so that the code is met. Mr. Green stated that it is his opinion that he finds this project injurious to other properties in the vicinity. Decisions need to be based on studies, not opinions. Mr. Kyriopoulos asked if Wellsville City would make an investment and install 500 North. Mr. Hartle stated that they wouldn't dare because people want Wellsville City to open a dedicated road all the time. Mr. Kyriopoulos stated that Wellsville City wants development, but they are not willing to invest in it. Mr. Hartle stated that he would have to discuss the issue with the City Council, not the Planning Commission. A commercial improvement district could be formed, but he has never done anything like

that. Mr. Green stated that they have been through the list of chief concerns. It will require Mr. Kyriopoulos to spend a lot of money on designs before the impact studies are done. The traffic study will need the square footage of the c-store and the number of parking stalls. Mr. Egbert suggested working with a professional that knows what can fit. He can give some guidelines and spell out the details. Mr. Kyriopoulos asked for a copy of the approved Road Master Plan. Mr. Larsen stated to keep to what Mr. Kyriopoulos is going to do. Mr. Egbert stated that Bear River Health Department may not do the air quality study, but would have some guidelines. Mr. Green stated that a certified person or licensed company will have to do the impact studies. Mr. Egbert asked if another workshop is needed. Mr. Kyriopoulos stated that he will tighten up the plan, discuss 500 North, the flow of the rest of the development, and will bring back a report. Mr. Green stated that East Field Irrigation needs to be involved. Mr. Hartle stated that they already are. Mr. Kyriopoulos stated that the canal will have to be addressed. Mr. Hartle stated that Mr. Kyriopoulos will not be put back on the agenda until he contacts Mr. Hartle.

The Planning Commission discussed lot line adjustments that are filed at the County Recorder's Office without Commission approval. Don Hartle handed out 2 copies of an area in the CH, Highway Commercial zone. The first map shows the area how it looked before, and the second map shows the area as it looks now. Mr. Hartle wanted to make the Planning Commission aware of this change. This change became affective in October. City Attorney Bruce Jorgensen is reviewing this issue. Loyal Green stated that the area was enlarged by length, and not width. Mr. Hartle stated that it looks like it was, but he doesn't know. This lot line adjustment was also a zone line change.

At 8:37 p.m., Paul Egbert made a motion, seconded by M. Kent Larsen, to adjourn the meeting.

YEA 3

Paul Egbert

Loyal Green

M. Kent Larsen

NAY 0

Loyal Green

Chairman