

MINUTES of the Wellsville City Planning Commission meeting held Wednesday, January 9, 2013, at the Wellsville City Offices, 75 East Main in Wellsville. Commission members present were Russell Glenn, Paul Egbert, John Spence, and M. Kent Larsen. Also present were City Manager/Recorder Don Hartle, Councilman Carl Leatham, and Councilwoman Glenna Petersen. A copy of the Notice and Agenda was posted, faxed and emailed to the Herald Journal, and mailed to the Planning Commission on January 4, 2013. The meeting was called to order at 6:00 p.m. by Chairman Pro-tem Russell Glenn.

<u>Others Present:</u>	Jennifer Leishman	Bryant White	Danielle White
	Mike O'Reilly	Ron Jensen	Richard Knapp
	Mark Baliff	Kay Baliff	Marcene Parker
	Ruth Maughan	Darin Fristrup	Brad Murray
	Lance Fristrup	Kylen Murray	Cort Murray
	Daniel Isom	Nash Cooper	Jonathan Cook
	Sharon Cook	Matt McBride	Rachel Fry

Opening Ceremony: Danielle White

Chairman Loyal Green was excused from this meeting.

Russell Glenn 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.

<u>YEA 4</u>	<u>NAY 0</u>
Russell Glenn	
Paul Egbert	
John Spence	
M. Kent Larsen	

The Commission reviewed the minutes for the Commission meeting which was held December 12, 2012. There were word changes on lines 129, 150, 151, 155, and 264. After review, John Spence made a motion, seconded by M. Kent Larsen, to approve the minutes of the December 12, 2012 meeting with the corrections.

<u>YEA 4</u>	<u>NAY 0</u>
Russell Glenn	
Paul Egbert	
John Spence	
M. Kent Larsen	

At 6:05 p.m., conduct the following public hearings:

First, received public input, then consider for approval a request from Bryant White for a conditional use to operate a "Professional Business Office" at 55 East Main, which is in the CN, Neighborhood Commercial zone. Danielle White stated that her and her husband own several pest control companies back east. They would like to use the space for secretarial work, such as customer service and billing. They do not operate any pest control company in Utah. There will be no housing of pesticides and no shipping from this location. John Spence asked if the business would be opened year around. Ms. White stated yes. Paul Egbert asked about parking. Ms. White stated that there is parking behind and to the side of the building. Russell Glenn asked if they are using the entire building. Ms. White stated that they are leasing the front 2 rooms for now. Mr. Spence asked about signage on the building. Ms. White stated that there would be no signage because they don't own the building. Mr. Spence reminded Ms. White that if they do install a sign, they would need to submit an application and return to the Planning Commission for a sign permit. Mr. Glenn asked if this is an allowed use in the CN, Neighborhood Commercial zone. Mr. Spence stated that the code allows for professional offices, which this is. After discussion, John Spence made a motion, seconded by Paul Egbert, to approve a request from Bryant White for a conditional use to operate a "Professional Business Office" at 55 East Main, which is in the CN, Neighborhood Commercial zone.

YEA 4

NAY 0

Russell Glenn
Paul Egbert
John Spence
M. Kent Larsen

Second, receive public input, then consider for approval a request from Ronald Jensen, agent for Sherwood Hills, for a conditional use for a "Wellness Facility" at their facilities at 7877 South Highway 89/91. Sherwood Hills to offer room and board and provide for or arrange for the provision of specialized treatment, rehabilitation or habilitation services for persons with emotional, psychological, or behavioral dysfunctions, impairments, or chemical dependencies. Consumers are assisted in acquiring the social and behavioral skills necessary for living independently. Said property is in the RPD, Recreational Planned Development zone. Ron Jensen stated that they would like to open a wellness center for people with addictions. It is a very private facility. Russell Glenn asked if they would like the rooms for clients. Mr. Jensen stated yes. The clients will be on-site for approximately 30 days. It is a staff secure facility. No staff will be sleeping on-site. John Spence asked if Richard Knapp will retain ownership, or if he is selling the property. Mr. Knapp stated that there will be no sale of the property. Mr. Spence asked if the hotel will cease to exist and everything will be for the client's use. Mr. Knapp stated that is correct. Mr. Knapp stated that the outdoors will be used for therapy. The property will still be called a resort. The clients that are there will want to be there to get better. Mr. Glenn asked if the golf course will remain opened to the public. Mr. Knapp stated that it is separate, and that he doesn't own the golf course. Carl Leatham stated that there is legal access to the property for both the hotel and golf course. Mr. Knapp stated that the access would remain the same. Mark Baliff stated that he owns the golf course. Mr. Baliff has been there for 40 years. Mr. Baliff is opposed to a mental hospital for drug addicts. The property is zoned recreational. Mr. Baliff built the golf course in 1974. A lodge was there with rooms for rent. The golf course and lodge depend on each other. Mr. Baliff gave a history of the property. The resort and golf course were annexed into Wellsville City in 1999. This gave the resort and golf course a water right, and the document stated that the density was 2 lots per acre. In 2004, the City Council modified that document so that the density is now 1 lot per acre. Mr. Baliff thinks that this was illegal because the density was agreed to in the annexation document. A mental hospital for drug addicts will severely affect the property, and the value will go down. Paul Egbert asked if there have been any previous discussions with the resort owner. Mr. Baliff stated no. His first notice was the letter that he received from Wellsville City because he is the only owner of property within 300 feet. Kay Baliff stated that they built the golf course 40 years ago. The hotel has been under different management. Mr. Knapp loaned money to the Weston's, and they defaulted. Mr. Knapp received the lodge. Ms. Baliff stated that their whole livelihood is this golf course. Mr. Baliff stated that the golf course is their only income. Mike O'Reilly stated that this facility is not a mental hospital. The facility is not locked down or medically controlled. The golf course is very important. The facility can attract clients who like to golf. The statement that the golf course relies on the hotel is not a viable option to keep the hotel opened. The facility would like to participate with the golf course. There has been no way to contact the Baliff's because of legal issues. Mr. Knapp stated that more clients will come to the facility because of golfing than any other circumstance. Mr. Knapp is not worried at all about the golf course, and hopes that something could be set up that would benefit the facility and the golf course. Ruth Maughan asked how many clients would be at the facility. Mr. Jensen stated that they have to work with the State of Utah, and would be phasing the project. Mr. Jensen hopes that they could work up to 50 clients. Ms. Baliff read from the application that was submitted to Wellsville City. Ms. Baliff stated that they fear from the staff and people on the golf course. Mr. Jensen stated that the definition that Ms. Baliff read is what is required by the State of Utah. Mr. Spence asked about the restaurant. Mr. Spence stated that people could golf 9 holes, eat at the restaurant, and then go golf 9 more holes. Mr. Knapp stated that the restaurant will be closed to the public. There has been a casual relationship between the golf course and the hotel. Mr. Knapp stated that this would be a good time for the golf course to provide a lunch for those people who come to Sherwood Hills to golf. Mr. Spence stated that it is too bad that both parties couldn't have met, worked out the issues, and answer questions. Mr. Knapp stated that he didn't expect any support from the Baliff's. Mr. Knapp stated that this is an allowed use and asked that the application not be denied. Mr. Baliff stated that the lodge has gutted 40 rooms. The weekends, Friday, Saturday, and Sunday, are now the slowest days. Mr. Baliff stated that the golf course depends on the rooms that are offered by the lodge. M. Kent Larsen asked when the lodge was built. Mr. Baliff stated in 1973. Mr. Knapp stated that when the

Planning Commission was reviewing the declaration of covenants; it was set up as 2 separate businesses. Mr. Knapp stated that the name of the wellness center will be Sherwood Recovery Resort. Mr. Egbert asked if the front entry sign will stay the same. Mr. Knapp stated yes. Mr. Baliff stated that he has proof that the lodge is critical to the golf course. Mr. Spence stated that Mr. Knapp has said that the lodge will shutdown if something else can't be done. Mr. Spence gave some what if's to the Baliff's. Mr. Knapp stated that the official shutdown date is February 16, 2013. Mr. Baliff stated that he has a buyer for the lodge. Mr. Glenn asked if the occupancy at the lodge is helping the golf course. Mr. Baliff stated that it is helping. Mr. Baliff stated that it is half what it used to be because they only have half the rooms the used to. Mr. Egbert stated that it is too bad that both parties don't get along. This discussion should be based on the code, but it is silly that both parties don't work together. Mr. Knapp stated that they are on the verge of having their differences settled. Mr. Baliff stated that there is \$20,000 paid for property taxes on both businesses and \$20,000 paid for water. Mr. Baliff asked what benefit a mental hospital will do. Mr. O'Reilly stated that the wellness center will be an asset to the community, as well as a resource. Don Hartle asked if the services provided are taxable by sales tax. Mr. Knapp stated that they will look into it. Mr. Jensen stated that some auxiliary services will be taxable by sales tax. Marcene Parker asked about 24-hour medical staff and law enforcement in case of a break in. Mr. Jensen stated that the clients will not go through detoxification with this wellness center. The clients will come to the wellness center after approximately 7 to 10 days into detoxification. Mr. Knapp stated that the wellness center will be staffed 24 hours a day. Sharon Cook stated that both businesses want to earn money, so they should cooperate with one another. If there is a potential buyer for this property, will the buyer or the wellness center bring more profit. Ms. Cook asked how the profit will benefit the golf course. Mr. Knapp stated that he lives in Provo. Every couple of months he hears that someone is looking to purchase the property, but he never hears from them. Mr. Knapp stated that if there was a buyer, he would definitely discuss the option. Mr. Glenn stated that it is the job of the Planning Commission to determine if the proposal meets what the code allows. The question is if code 10-17-2C covers this type of facility, and if this type of facility is a disability. Mr. Knapp stated that they are not sneaking in under a disability code. They are seeking a conditional use for a caregiver dwelling unit under 10-7-4 which all uses are provided for. Mr. Hartle stated that code 10/2/1 defines caregiver dwelling unit as limited occupancy to a single family dwelling unit. Mr. Egbert stated that the zoning is RPD. The usage could be listed under Chapter 17 – Group Homes/Other Facilities. The RPD zone has a purpose, and the conditional uses have very strict conditions. In the RPD zone, the uses are very general. Mr. Egbert feels that the wellness center fits inside this area. Mr. Egbert stated that Chapter 17, Section 2 discusses persons with disabilities are a protected class. Section 4 discusses protective housing, which a treatment facility would fit into. Mr. Egbert stated that he doesn't see anything that says a wellness center is not allowed. Mr. Glenn stated that in the RPD zone, a wellness center is not mentioned as a conditional use. Section 10-17-1 doesn't discuss the zones that it can be in. Mr. Hartle stated that 10-17-1, which is definitions, applies to all zones. Mr. Egbert read from section 10-17-1. Mr. Glenn stated that in the last Planning Commission meeting, Mr. Knapp asked for an opinion from City Attorney Bruce Jorgensen. Mr. Glenn asked what his opinion was. Mr. Hartle stated that Mr. Jorgensen has been out of town, and Mr. Hartle doesn't have his opinion yet. Mr. Hartle stated that Fire Chief Clint Kerr asked about a fire inspection of the facility. Mr. Hartle stated that if this is approved, a condition needs to be placed before the business license is issued that a fire inspection is completed with an approved copy to Wellsville City. Mr. Jensen stated that a current health and fire inspection is required before the facility can be licensed through the State of Utah. Mr. Larsen asked what department of the State does licensing for a wellness center. Mr. Jensen stated that it is the division of licensing. The individual's name is Sharon Christensen. They are licensed through Human Resources. Mr. Glenn asked what the age cut off is. Mr. Jensen stated 18. Mr. Glenn stated that the code is not clear as to if the code allows this, but it doesn't disallow it. Mr. Hartle stated that he will obtain an opinion from City Attorney Bruce Jorgensen. Mr. Glenn suggested that this discussion be continued until the Planning Commission has the opinion from Mr. Jorgensen. Mr. Knapp stated that they aren't doing anything different. They will still be leasing rooms to individuals. He doesn't see how the use is changing. Mr. Egbert stated that there is a change of use going from a hotel to a wellness facility. Mr. Egbert asked about access from the facility directly onto Highway 89/91. Mr. Knapp stated that nothing will change. Mr. Egbert suggested that Mr. Knapp contact Jeff Gilbert to discuss the facility access on Highway 89/91. Mr. Leatham suggested that both parties use this time waiting for an opinion from the City Attorney to come to some type of agreement. Mr. Hartle stated because this is not addressed in the code, Mr. Jorgensen may want to discuss this property will both parties before a decision is granted. After discussion, John Spence made a motion, seconded by M. Kent Larsen, to

continue this discussion until City Attorney Bruce Jorgensen can issue an opinion. It is asked that Mr. Jorgensen give as rapid response as possible, 2 to 4 weeks.

YEA 4

Russell Glenn
Paul Egbert
John Spence
M. Kent Larsen

NAY 0

The Planning Commission discussed selection of Chairman Pro-Tem for calendar year 2013. Don Hartle suggested that this issue be continued until Chairman Loyal Green can be in attendance. All agreed.

The Planning Commission held a workshop on establishing "Rules of Procedure and Order" for conducting Planning Commission meetings. At the last Planning Commission meeting, Mayor Thomas G. Bailey gave a copy of the "Rules of Procedure and Order" that the City Council follows. Russell Glenn asked Councilman Carl Leatham if the rules work for the City Council. Carl Leatham stated yes. M. Kent Larsen stated that he searched the internet for rules and procedure for Planning Commissions. Mr. Larsen stated that a Chairman Pro-tem was not discussed. Mr. Larsen stated that most Planning Commissions vote for a Chairman and Vice-Chairman. Mr. Larsen stated that the Chairman and Vice-Chairman are selected and voted on each year. Don Hartle stated that the Chairman was elected by the Planning Commission, and it has been perpetual. Mr. Larsen stated that how the Chairman is elected should be defined, and it would be beneficial if the office of Chairman rotates through the Planning Commission members. Paul Egbert stated that the period of time in which a Chairman serves could be defined. Mr. Glenn suggested that a Chairman serve for 2 years. Mr. Larsen discussed having the Chairman serve for 1 year. Mr. Hartle asked what the Planning Commission preferred, a 1- or 2-year tenure. Mr. Larsen stated that he would prefer a 1-year tenure or he wouldn't have brought up the issue. Mr. Leatham stated that the Planning Commission is a judicial branch of the city government. Mr. Larsen stated that the public hearing rules should be included in the document and followed. Mr. Glenn stated that there is about a paragraph worth of material that could be removed from the rules that the City Council followed, and it then could be applied to the Planning Commission. Mr. Hartle stated that he will create a rough draft of the document and bring it back for review from the Planning Commission.

John Spence asked when there is a conflict of interest concerning an issue that the Planning Commission hears, is it the responsibility of the Planning Commission member to remove themselves from the Planning Commission. Don Hartle stated yes. Mr. Spence stated that in some cases, a Planning Commission member should not just remove themselves from the Commission and sit in the audience, but to remove themselves from the building.

Paul Egbert asked about the highway commercial zone and the lot line adjustment. Don Hartle stated that City Attorney Bruce Jorgensen says that the lot line has been adjusted. Mr. Egbert asked how the Planning Commission should act on it. Mr. Hartle stated that he will keep watching the property.

At 8:06 p.m., M. Kent Larsen made a motion, seconded by John Spence, to adjourn the meeting.

YEA 4

Russell Glenn
Paul Egbert
John Spence
M. Kent Larsen

NAY 0

Russell Glenn
Chairman Pro-tem