

MINUTES of the Wellsville City Planning Commission meeting held Wednesday, February 13, 2013, at the Wellsville City Offices, 75 East Main in Wellsville. Commission members present were Ruth P. Maughan, Paul Egbert, John Spence, and M. Kent Larsen. Also present were City Manager/Recorder Don Hartle, Mayor Thomas G. Bailey, Councilwoman Glenna Petersen, Councilmen Gary Bates, Colin Harrison, and 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 February 8, 2013. The meeting was called to order at 6:00 p.m. by Chairman Pro-tem John Spence.

Others Present:

Jennifer Leishman	Brian Pattee	Tim Sorensen
Kody Maughan	Kevin Maughan	Diana Cowley
Steve Kyriopoulos	Don Ewing	Alison Ewing
Robert Bolton	Alan Sorensen	Jay Baker
Justin Cooper	Jonathan Marchant	Jan Anderson
Russell Glenn	Gary Hansen	Jonathan Cook
Rachel Fry		

Opening Ceremony: Ruth P. Maughan

John Spence 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>
Ruth P. Maughan	
Paul Egbert	
John Spence	
M. Kent Larsen	

The Commission reviewed the minutes for the Commission meeting which was held January 23, 2013. There was a word change on line 120. After review, Ruth P. Maughan made a motion, seconded by M. Kent Larsen, to approve the minutes of the January 23, 2013 meeting with the correction.

<u>YEA 4</u>	<u>NAY 0</u>
Ruth P. Maughan	
Paul Egbert	
John Spence	
M. Kent Larsen	

Mayor Thomas G. Bailey stated that Loyal Green has served as the Planning Commission Chairman for some time and has expressed an interest to step down. Mayor Bailey thanked Mr. Green for his service as Chairman. He was always very prepared. Mayor Bailey stated that he and the City Council appreciate Mr. Green's time and effort in serving the citizens of Wellsville City. Mayor Bailey stated that he would like to appoint John Spence as the Chairman of the Planning Commission. Mayor Bailey stated that he has asked Brian Pattee to occupy the vacant seat on the Planning Commission. Don Hartle swore in Mr. Pattee. John Spence welcomed Mr. Pattee to the Planning Commission. Mr. Spence stated that on behalf of the Planning Commission, he wanted to thank Mr. Green for his service on the Planning Commission and the citizens of Wellsville City. Mr. Spence also thanked Russell Glenn for the good effort that he put forth serving on the Planning Commission.

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

First, receive public input, then consider for approval a request from Tim Sorensen at 758 South 100 West for a conditional use for a Level 1 "Home Occupation" to operate a freight broker business from his home at said address. Tim Sorensen stated that he is a freight broker for semi-trucks. There will be no foot traffic to his home. He is an independent contractor. There is a company out of Salt Lake City that pays him for his services. John Spence asked if he had any employees. Mr. Sorensen stated no. Mr. Spence asked how big of an area is used inside of the home. Mr. Sorensen stated that he uses a bedroom for a small office.

After discussion, Ruth P. Maughan made a motion, seconded by Paul Egbert, to approve a request from Tim Sorensen at 758 South 100 West for a conditional use for a Level 1 “Home Occupation” to operate a freight broker business from his home at said address.

**YEA 5**

Ruth P. Maughan  
Paul Egbert  
John Spence  
M. Kent Larsen  
Brian Pattee

**NAY 0**

Second, receive public input, then consider making a recommendation to the City Council on a request from Kody Maughan agent for Kevin J Maughan and Jasen Maughan, that the land use map be amended to allow property at 396 East 200 South and 340 East 200 South to be rezoned from RA-1 to R-1-12. Kody Maughan stated that he would like to rezone the property from RA-1 to R-1-12. Mr. Maughan would like to subdivide the property at 396 East 200 South and then build a new home on the new lot. John Spence asked where the new home would be in relation to the existing home. Mr. Maughan stated that it would be in front and to the north. M. Kent Larsen asked where the driveway to the new home would be located. Mr. Maughan stated that he would like his home on the corner, but doesn't have any plans so he doesn't know where the driveway would be located. Ruth P. Maughan asked on which side of the road the new home would be located. Mr. Maughan stated on the west side. Mr. Spence asked if there is plenty of frontage. Mr. Maughan stated yes. Mr. Maughan stated that there is an acre that he could build on, but it didn't work well for him, so now he is asking for a rezone. Paul Egbert asked if there is 2.87 acres of property that would be rezoned. Mr. Maughan stated yes. Mr. Egbert asked if Mr. Maughan had the acre to build on, but didn't have the frontage. Mr. Maughan stated that the frontage did play a role in the decision to rezone the property. Kevin Maughan stated that the main issue is that the city sewer ends at his road. Kody Maughan doesn't want to install a septic tank. Ruth P. Maughan asked if rezoning this property would result in a spot zone. Kevin Maughan stated that Jasen Maughan owns an acre that is being rezoned. The property next to Jasen Maughan which is owned by Gaylen Gunnell is zoned R-1-12. The R-1-12 zone will end at his property line between him and the Halls. Mr. Egbert stated that his concern is that Wellsville City is rezoning property parcel by parcel and not a chunk of property at one time. Kevin Maughan stated that the home can be on 1 acre, but the property lines will not be straight. Kody Maughan stated that the biggest reason is that the new home will be 30 feet from the existing home's front door and 10 feet from the side yard. M. Kent Larsen asked that the 66-foot easement be clarified. Kevin Maughan gave the history of the 66-foot easement. Don Hartle stated that when the subdivision begins, the 66-foot road will have to be deeded over to Wellsville City. Kevin Maughan asked why. Mr. Hartle stated that because the 66-foot road is part of the parcel that is being subdivided. Carl Leatham stated that down the road, there is a potential that Kevin Maughan may not own the property that the road would be dedicated from. Kevin Maughan will still have full use of the property until it is developed. Kevin Maughan asked what he has to do to deed the property over to Wellsville City. Mr. Hartle stated that it will have to be shown on the subdivision plat. Kevin Maughan asked if the City requires a person building a home to pay to build the road. Ms. Maughan stated that it is the responsibility of the person who is building the home. Mr. Hartle stated that a 66-foot road requires 22 feet of asphalt. After discussion, Ruth P. Maughan made a motion, seconded by Brian Pattee, to recommend to the City Council that the land use map be amended to allow property at 396 East 200 South and 340 East 200 South to be rezoned from RA-1 to R-1-12.

**YEA 5**

Ruth P. Maughan  
Paul Egbert  
John Spence  
M. Kent Larsen  
Brian Pattee

**NAY 0**

At 6:30 p.m., the public hearings were closed.

The Planning Commission reviewed for approval the final plat for the Laree Brown Subdivision consisting of a total of 2 lots (1 additional building lot) on property at 290 East 300 South. Diana Cowley stated that she is seeking approval of the final plat for this subdivision. John Spence asked if she had received a copy of the memorandum from City Engineer Chris Breinholt dated February 11, 2013. Ms. Cowley stated she had not. Don Hartle gave her a copy of the memorandum from City Engineer Chris Breinholt dated February 11, 2013. Mr. Spence asked if Ms. Cowley had any questions. Ms. Cowley stated no. Mr. Spence asked if there were any questions from the Planning Commission. There were none. Mr. Spence asked if there were any questions or comments from the public. There were none. After discussion, M. Kent Larsen made a motion, seconded by Paul Egbert, to approve the final plat for the Laree Brown Subdivision consisting of a total of 2 lots (1 additional building lot) on property at 290 East 300 South.

YEA 5

Ruth P. Maughan

Paul Egbert

John Spence

M. Kent Larsen

Brian Pattee

NAY 0

Steve Kyriopoulos met with the Planning Commission to receive input on exactly what the Planning Commission wants in the environmental study required as it relates to the proposed “All American Auto Plaza/Truck Stop” on property on the northeast corner of the intersection of 400 North and Highway 89/91. Mr. Kyriopoulos handed out some information on the research that he has done concerning an environmental assessment. There is nothing defined in the code. Mr. Kyriopoulos discussed LED lights. Mr. Kyriopoulos handed out some information concerning the issue. Mr. Kyriopoulos discussed the advantages of LED lights. Mr. Kyriopoulos discussed noise. Wellsville City does have a noise ordinance. A study has been done in Washington on a similar facility. The landscape of the facility can make a difference. As you go towards the east on this property, the grade drops significantly. Paul Egbert asked if the noise levels are at 25-foot increments from the edge of the parking lot. Mr. Kyriopoulos stated yes. At 900 feet, the noise drops to 41 decibels. Wellsville City code requires 60 to 65 decibels. Mr. Kyriopoulos handed out copies of a few different plans of the project. M. Kent Larsen asked the distance from the highway to the back of the building. Mr. Kyriopoulos stated that it is approximately 450 feet. Mr. Kyriopoulos asked what the width of the highway is. Mr. Egbert stated that it is about 120 feet. John Spence asked if Mr. Kyriopoulos has discussed this project with the canal company. Mr. Kyriopoulos stated that he would like to use the canal as an asset and add it into the landscaping. Mr. Spence asked about the area to the south of the project. Mr. Kyriopoulos stated that if the development is on 400 North, he would have to develop 400 North which he doesn’t want to do. Mr. Spence asked about underground irrigation and that it stays within parcel 11-008-0018. Mr. Kyriopoulos stated yes. Mr. Kyriopoulos stated that he would like to use the swale as a retention pond for water control of surface drainage. Mr. Kyriopoulos stated that another issue is air quality. He is at a loss because there are no definite parameters set to base a study on. Mr. Kyriopoulos asked what the need is and what is Wellsville City trying to accomplish. Mr. Kyriopoulos stated that he is in the process of completing the traffic study. Mr. Kyriopoulos discussed 500 North in terms of ownership. It is obvious that 500 North will be a city-owned road. Mr. Kyriopoulos stated that Wellsville City should apply with UDOT for the road. This will need to be discussed at some point. Mr. Kyriopoulos stated that he needs a better direction of what Wellsville City wants to accomplish concerning air quality and emissions. Mr. Kyriopoulos stated that with the price of fuel, he doesn’t see the kind of idling that he did at one time. He can’t say it is not going to happen. Newer trucks are equipped with different technologies. There has been discussion of installing an electric system. Mr. Kyriopoulos stated that if he did this, it would be installed in phases. He would begin with 10 to 15 stalls and see how it goes from there. Mr. Kyriopoulos stated that the best solutions would be trucks using some other source of power. Mr. Kyriopoulos doesn’t know how much overnight parking there will be. Trucking into Cache Valley is mostly route driven. This truck stop will not add trucks coming into Cache Valley, but Mr. Kyriopoulos hopes that it will change the pattern of how they come into Cache Valley. Mr. Spence stated that he would be a fool to say that Wellsville City doesn’t have to be concerned about air quality. Mr. Spence stated that Wellsville City doesn’t want to add to the problem. Mr. Kyriopoulos stated that they need to mitigate where they can and the time to do it is now during the planning process. Mr. Kyriopoulos stated that he is hoping to get a tighter clarification on the environment assessment. Mr.

Kyriopoulos stated that Wellcome Mart didn't have to do an environmental assessment. There are 117 businesses in Wellsville City and not one of them had to do an environmental assessment. Mr. Kyriopoulos stated that anyone would be naïve to think that this truck stop is not going to change things. Ruth P. Maughan stated that it is easy to pull up reports from other businesses in the country and compare. Mr. Kyriopoulos stated that he doesn't disagree. There is no standard in the Wellsville City code except for noise. Ms. Maughan asked if this is a conditional use. Mr. Kyriopoulos stated yes. Ms. Maughan stated that the Planning Commission should not spend a great deal of time on this issue until Mr. Kyriopoulos has resubmitted a new application. Mr. Kyriopoulos stated that he is not convinced that he has to resubmit a new application. Ms. Maughan stated that what he is asking for was not allowed in the code. Mr. Kyriopoulos stated that the Highway Commercial zone is for traveler services. Ms. Maughan asked if Don Hartle would discuss the issue with City Attorney Bruce Jorgensen. Don Hartle stated that Mr. Jorgensen told Mr. Kyriopoulos that he would have to resubmit a new application. Mr. Kyriopoulos stated that he hasn't changed what he wants. Ms. Maughan stated that the plan that Mr. Kyriopoulos handed out tonight includes RV pads. Mr. Egbert stated that RV pads have been on some of the previous plans. Mr. Spence stated that RV pads are not allowed. Ms. Maughan stated that is why a new application is needed. Mr. Kyriopoulos stated that he hasn't seen all of the changes to the code since he applied for the truck stop. He doesn't want to reapply because he will be held to the new standard. Ms. Maughan stated that the code has changed since Mr. Kyriopoulos applied. Mr. Kyriopoulos stated that is exactly his point. Ms. Maughan stated that Mr. Kyriopoulos asked for the modification to the code. Mr. Kyriopoulos stated that his legal council says he doesn't have to resubmit a new application. Ms. Maughan stated that "truck stop" and the new road plan have been added to the code. Mr. Hartle stated that he will ask Mr. Jorgensen if this issue should be added to another agenda before a new application is received. Mr. Kyriopoulos stated that he would like to partner with Wellsville City on this project. This project will create jobs, tax revenue, traveler services, and many more benefits. This project will impact Wellsville City in many ways. Mr. Kyriopoulos is hoping to develop a relationship that will benefit residents of Wellsville City. Mr. Spence asked what Mr. Kyriopoulos means by partnership. Mr. Kyriopoulos stated that Wellsville City will get many benefits from this project. By nature, it will create a partnership. Ms. Maughan stated that the Planning Commission has been very receptive to what Mr. Kyriopoulos is doing. The Planning Commission is requesting a new application. Mr. Egbert stated that the information provided gives a basis for this project. Mr. Egbert discussed LED lighting. Ms. Maughan asked if the lights have to be a certain height. Mr. Egbert stated that the type of fixture used will determine the height. Mr. Egbert understands the comparison concerning noise. Different things will influence it. Ms. Maughan stated that idling and reefer noise are the main issues. Mr. Egbert stated that noise is easier to deal with because Mr. Kyriopoulos knows what will be allowed. Mr. Egbert stated that he is less familiar with air quality, but there are some options. Mr. Spence stated that all of the issues can be controlled through conditions. Brian Pattee stated that the Planning Commission can help set those conditions. Mr. Pattee suggested that 1, 2, and 3 trucks be monitored for what they put into the air while idling. M. Kent Larsen stated that he agrees with the comments that have been made. He agrees with the thought that there will not be a lot of trucks parking at this facility. The Planning Commission can set the conditions, but if they are not monitored, then Wellsville City will have problems. Mr. Larsen stated that he appreciates the location and distance of the buildings. Mr. Kyriopoulos stated that he didn't see the road plan coming, but has embraced it. He agrees with it. It is a very forward thinking plan. Mr. Spence asked if the Planning Commission has given enough information. Mr. Kyriopoulos doesn't want a shotgun approach. Mr. Spence stated that the noise ordinance is in the code, lighting will be handled by conditions, move on air quality with all that is going on in Cache Valley now, and resubmit a new application. Ms. Maughan asked if the car wash will also be a truck wash. Mr. Kyriopoulos stated not right now. Mr. Egbert stated that conditions can be given concerning air quality after more information is gathered. Mr. Kyriopoulos stated that he will concentrate on an air quality plan. Ms. Maughan stated that the suggestion from Mr. Pattee concerning monitoring 1, 2, and 3 trucks is a good suggestion. Mr. Egbert stated that the Bear River Health Department has a pluther of information concerning air quality. Carl Leatham stated that Mr. Kyriopoulos should review the letter submitted by Mr. Robert Bolton and the 5 bullet points that he discusses. Mr. Spence stated that the letter is a good basis to begin. Mr. Egbert suggested finding out what other agencies do to regulate this type of business. Mr. Kyriopoulos thanked the Planning Commission for their time.

The Multi-Family Committee presented a workshop on the proposed “RM-M Multi-Family Residential” zone. Jay Baker, County Planner, introduced the committee. They are himself, Justin Cooper, Jan Anderson, Jonathan Marchant, Carl Leatham, Colin Harrison, M. Kent Larsen, and Russell Glenn. Jay Baker showed different multi-family housing units. A rough draft of the code was mailed to the members of the Planning Commission. The following was highlighted during the workshop:

#### Wellsville Multi-Family Housing Zone Outline

1. Purpose
  - a. The purpose is to provide an alternative form of housing in Wellsville.
  - b. Zone location guidelines provide suggestions based on the General Plan where this zone might be located within the City.
  - c. Because a rezone is a legislative action, the City Council still has broad discretion when deciding whether a property should be zoned Multi-family or not.
2. Land Uses
  - a. A variety of housing types are allowed as permitted uses including single family homes.
  - b. Allowing developments as permitted uses reduces the review time. If a developer meets all of the requirements of the code, then the use is allowed.
3. Density and Setback Regulations
  - a. The base density is 10 units/acre.
  - b. Setbacks and width requirements are similar to other residential zones in the City so that multi-family developers are consistent with the surrounding neighborhood.
  - c. If a developer provides certain amenities about and beyond the base requirements of the zone additional units will be allowed. The maximum density with this bonus is 11 units/acre.
4. Height Regulations
  - a. No buildings shall be over 2 stories high. This is consistent with other residential zones in Wellsville.
5. Parking and Access
  - a. Parking is required at 2 ½ spaces per dwelling unit. Half of the spaces must be covered with an awning or as garages.
  - b. All parking should be behind buildings and not between the road and the units.
  - c. To facilitate site design and traffic circulation, private roads may be allowed within the development.
6. Landscaping and Open Space Requirements
  - a. Developers must receive approval for a landscaping plan.
  - b. Every development must have at least 15% open space not including setbacks.
  - c. Other landscaping requirements will ensure that open areas are not just grass or weeds.
7. Design Guidelines
  - a. These guidelines will ensure that developments are varied, aesthetically pleasing, and fit in with the character of the surrounding neighborhood.
8. Maintenance Plan
  - a. All multi-family developments will have an approved maintenance plan.
  - b. The plan will address short- and long-term maintenance.
  - c. The developer must also show how the plan will be funded.

A ‘General Open Space Calculation’ spreadsheet was submitted. The Planning Commission would like to spend some time studying this code. At the conclusion of the workshop, Don Hartle stated that a public hearing is scheduled in 2 weeks. It has been advertised. John Spence stated that the Planning Commission is not ready to conduct a public hearing on this code. Mr. Hartle stated that he will retract the public hearing. Mr. Spence stated that he appreciates the time and effort that the committee has put into this code.

The Planning Commission reviewed for approval “Rules of Procedures and Order” for Planning Commission meetings. Because of the late hour, the Planning Commission would like to review this document in 2 weeks. John Spence stated that the Planning Commission should elect a Vice Chairperson. Ruth P. Maughan nominated M. Kent Larsen as Vice Chairman. John Spence seconded the nomination.

YEA 5  
Ruth P. Maughan  
Paul Egbert  
John Spence  
M. Kent Larsen  
Brian Pattee

NAY 0

At 9:24 p.m., Ruth P. Maughan made a motion, seconded by M. Kent Larsen, to adjourn the meeting.

YEA 5  
Ruth P. Maughan  
Paul Egbert  
John Spence  
M. Kent Larsen  
Brian Pattee

NAY 0

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John Spence  
Chairman