

MINUTES of the Wellsville City Planning Commission meeting held Wednesday, February 27, 2013, at the Wellsville City Offices, 75 East Main in Wellsville. Commission members present were Chairman John Spence, M. Kent Larsen, and Ruth P. Maughan. 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 22, 2013. The meeting was called to order at 6:00 p.m. by Chairman John Spence.

Others Present:

Jennifer Leishman	Marcene Parker	Matt McBride
Jay Baker	Jonathan Marchant	Jan Anderson
Dale Anderson	Blaine Anderson	John Kerr
Carol Kerr	Gary Hansen	Ryan Rigby
Brian Leishman	Ronald Jensen	Mike O'Reilly
Ken Richmond	Herm Olsen	Jonathan Cook
Rachel Fry		

Opening Ceremony: M. Kent Larsen

Commission member Brian Pattee was excused from this meeting due to vacation.

Commission member Paul Egbert was excused from this meeting due to illness.

John Spence reviewed the agenda with the Commission. Carl Leatham has 1 item of business to discuss with the Planning Commission. After discussion, Ruth P. Maughan made a motion, seconded by M. Kent Larsen, that the agenda be approved with the addition of Carl Leatham.

<u>YEA 3</u>	<u>NAY 0</u>
M. Kent Larsen	
Ruth P. Maughan	
John Spence	

The Commission reviewed the minutes for the Commission meeting which was held February 13, 2013. There were word changes on lines 39, 45, and 196. After review, M. Kent Larsen made a motion, seconded by Ruth P. Maughan, to approve the minutes of the February 13, 2013 meeting with the corrections.

<u>YEA 3</u>	<u>NAY 0</u>
M. Kent Larsen	
Ruth P. Maughan	
John Spence	

At 6:05 p.m., the following public hearing was held:

Receive input from the Multi-Family Committee and from the public on the proposed "RM-M Multi-Family Residential" zone, which is for high density housing. John Spence explained that the Planning Commission plans to conduct a public hearing. Mr. Spence welcomed everyone that was in attendance. The purpose of the public hearing is for citizens to communicate with the Planning Commission, and to be informed of the issue. Mr. Spence asked that a time limit of 25 minutes be put on the public hearing. Everyone is invited to speak if they desire to. Mr. Spence asked that there be no repetition. Everyone will be treated with respect. There will be no cheering, booing, or clapping. Mr. Spence asked that individuals keep their remarks to 4 minutes. Each individual will be allowed to speak once. Mr. Spence asked that individuals come up to the microphone, state their name, and speak loud and clear. Jay Baker, Cache County Planner, stated that he was the consultant on this project. Mr. Baker handed out a 1-page rough draft of definitions for this code and a statement for the Wellsville City General Plan. This type of project will be allowed on more than 1 acre, but less than 5 acres. Mr. Baker stated that there is an option for the developer to build the building on the lot line without having any setbacks. Mr. Baker stated that the City Council will decide if the property will be zoned for this type of project or not. The Planning Commission

and City Council will review the application and property, and then determine if it is an appropriate location. Mr. Baker stated that there is flexibility in the code to deny an application of this type. Mr. Baker stated that a purpose is needed in the code, but the guidelines can be thrown out. The decision to approve or not approve is up to the Planning Commission and the City Council. Ruth P. Maughan asked for a clarification of page 4 under parking and access. Mr. Baker stated that if this type of project is on 3 or 4 acres, it may not be possible that all units are on a public street. Ms. Maughan gave an example of someone building a home with a 30-foot right-of-way. There are 3 to 4 acres behind the home. Ms. Maughan asked if this type of project would be allowed behind the home. Mr. Baker stated that the situation that was described would not be allowed. The Planning Commission and City Council could decide that the property could be rezoned and then it would be allowed. Mr. Baker stated that Wellsville City may not want inter-block development, which is what this would be. Mr. Spence stated that once it is approved, the flood gates would be opened. Mr. Baker stated that because a project was approved for one, it doesn't have to be approved again. Mr. Spence opened the public hearing up to the public. Jan Anderson stated that she was on the committee and she is against it. There are problems with the open space. Ms. Anderson stated that the open space was at 30%, and it was changed to 15%. Ms. Anderson believes that the open space should be at least 20%. Ms. Anderson stated that the density is too much. Wellsville City is a rural community and thinks that 10 units per acre is a lot. Ms. Anderson stated that it has been discussed that development will take place in phases. Ms. Anderson gave an example in another community that a playground and recreation center was promised, and now the developer has run out of money. Ms. Anderson stated that someone would have to be responsible to make sure the developer follows through on promises. Ms. Anderson is concerned about parking, and wonders if 2 ½ parking spaces would be enough. Blaine Anderson stated that he has driven around Wellsville City and has looked at all of the vacant lots that this project could be built on. Mr. Anderson asked if this is what people want in Wellsville City. Mr. Anderson stated that he is against this code. Dale Anderson stated that if 50 homes are built on the property where the old cheese plant is currently, what would it do to the road on 400 North. Mr. Spence stated that this code is not dealing with a specific property. The public hearing tonight is to decide if this type of ordinance is wanted in Wellsville City. Mr. Spence stated that Hyrum City is going through a similar situation and has mailed out a survey concerning multiple family housing in Hyrum City. Mr. Spence read from the General Plan. The General Plan states that there will be a public opinion survey done every 5 years. Mr. Spence stated that things are changing. People move to Wellsville City because it is a rural, quiet community. Mr. Spence suggested mailing out a survey concerning multiple family housing. Ms. Maughan stated that it couldn't hurt to mail out a survey concerning multiple family housing. Mayor Thomas G. Bailey stated that a survey doesn't accomplish anything unless people know what it is that Wellsville City is trying to find out. Mr. Spence stated that public meetings need to be held to discuss the issue, as well as flyers sent out to explain the issue. Brian Leishman stated that he likes the option of a survey. Mr. Leishman stated that he has a conflict of interest because he represents both parties in selling and purchasing this property. Mr. Leishman stated that there is a need for this type of housing. Mr. Leishman stated that he supports this ordinance. It is up to the discretion of the Planning Commission and City Council as to how it is implemented. Ryan Rigby stated that he supports this ordinance. He works about 60 hours per week. He is raising a family and is involved in his church. He doesn't have time to keep up a 1-acre lot, let alone the 1/3-acre lot that his home currently resides on. Over the weekend, he wants to play with his family, not work in his yard. Jonathan Cook asked what other meetings concerning this issue will be held in conjunction with this public hearing. Don Hartle stated that Gary Hansen gave a document to Mr. Hartle as to when he wanted meetings scheduled. When the City Council holds a public hearing concerning a code, they have the final draft of the code and City Attorney Bruce Jorgensen has reviewed the code and has given his input. The public hearing for the City Council has been cancelled. Carl Leatham stated that when it was decided that the committee has done everything they could and it needed to move forward, it was put in draft form to be modified. This issue is being considered because a citizen of Wellsville City has made a request. M. Kent Larsen expressed appreciation to the committee. There have been a lot of nights and hours of discussion concerning this issue. Mr. Larsen gave a special thanks to Jay Baker for his help on this issue. Mr. Larsen stated that this type of code will change the demographics and the looks of Wellsville City. There is a potential for goodness. Mr. Larsen stated that density is a major factor. This code should be a benefit to the citizens of the community. Mr. Baker stated that as a point of clarification, he asked what the Planning Commission wanted him to do at this point in time. Mr. Baker stated that he needs to address the frontage requirement in the code. Mr. Baker asked if there were any other questions that he needed to address. Mr. Spence stated that the Planning Commission

didn't have enough time to discuss this issue, yet he decided to go ahead and hold the public hearing. Mr. Spence doesn't know what to have Mr. Baker do now.

At 6:47 p.m., the public hearing was closed.

After discussion, Ruth P. Maughan made a motion, seconded by M. Kent Larsen, to continue this discussion at a later Planning Commission meeting.

YEA 3

M. Kent Larsen
Ruth P. Maughan
John Spence

NAY 0

The Planning Commission conducted a workshop to consider needed changes to Title 10, Chapter 7, Recreational Planned Development (RPD) of the City Code to possibly allow for a "Recovery Resort Treatment Facility" (RRTF) as a conditional use. The proposed definition would read: a facility licensed or contracted by the State of Utah to provide temporary occupancy and twenty-four (24) hour staff supervision of individuals (adults at least eighteen years of age at admission) in order to provide treatment, rehabilitation, therapy, or counseling services. Such services may include supervision, treatment, rehabilitation, counseling, therapy, medical, and assessment and evaluation services related to alcohol abuse, drug abuse, trauma, and other mental health. Associated educational, workshop, retreat, spa, biofeedback, recreational, nutritional and experiential services may also be provided to occupants. John Spence asked if the Planning Commission has received the appropriate materials concerning this issue in their packet. Don Hartle handed out a letter from Mark and Kay Ballif dated February 25, 2013. Herm Olsen stated that Sherwood Hills has closed its doors as of February 16, 2013. Mr. Olsen stated that they are working with City Attorney Bruce Jorgensen concerning the code. Mr. Olsen asked if they can address any questions from the Planning Commission. M. Kent Larsen asked when the RPD zone was created. He asked if it was created prior to an application from Sherwood Hills. Don Hartle stated that the RPD zone was created when Sherwood Hills was annexed into Wellsville City. Mike O'Reilly stated that there are some legal matters between Mark Ballif and Richard Knapp concerning water and utility bills. Ron Jensen stated that the easements through the property will still be honored. Mr. Jensen stated that they have had one decent interaction with the Ballifs, and it was with their son, Mike Ballif. Mr. Jensen stated that they have been very cooperative and will continue to be cooperative. Mr. Spence asked about occupancy limits and why it has been left up to the Planning Commission. Mr. O'Reilly stated that they would like to set it up so that their business can be easy to grow. Mr. O'Reilly stated that they would like to be able to use the entire facility. They don't know if they will have to go through this process again. Mr. O'Reilly stated that they would like a higher number, but also a good number that everyone is comfortable with. This is why they left it open-ended. Mr. Spence asked how many units they have. Mr. O'Reilly stated that in the main building, there is 107 beds. They would like to institute a family program in the south building. Using the entire facility would give them approximately 140 beds. Mr. Jensen stated that they are willing to report to Wellsville City every 6 months what it is they are doing and what is going on at the facility. They will report on anything that Wellsville City would like to know. Mr. Hartle asked if the 107 rooms include the restaurant area building. Mr. O'Reilly stated that there are 107 beds in 59 rooms. Mr. Hartle asked how many rooms are in the south building. Mr. O'Reilly stated that there are 32 or 36. Mr. Hartle asked if they will use the south building for family. Mr. O'Reilly stated that it will be used for family services and other different programs. Mr. Spence asked how many people will be in one room. Mr. O'Reilly stated that there are 3 or 4 rooms that sleep 3 people. The rest of the rooms have 1 or 2 beds in them. Mr. O'Reilly stated that it is normal to have 2 people per room at a treatment facility. Mr. Spence stated that the application says there will be no sex offenders. Mr. Jensen stated that his first step will be to check the sex offender registry. Mr. Jensen stated that he will conduct an extensive evaluation of the individual. There will be no one accepted that is a sex offenders or a direct threat. Ruth P. Maughan asked that trauma and other mental health be defined. Mr. Jensen stated that most people do not have just an addiction to alcohol and drugs, but have underlying issues that need to be dealt with at the same time. Mr. Spence asked how many employees will be on duty at one time. Mr. O'Reilly stated that the ratio is 1 employee to every 8 clients. During the day, there will be more staff present. Mr. O'Reilly stated that some facilities allow their staff to sleep during the night, but this facility will have 24-hour awake staff. Mr. Spence asked if the staff

will be security people. Mr. Jensen stated that there will be a combination of both. Ms. Maughan asked about clients wondering away and breaking into homes. Mr. O'Reilly stated that the clients are adults that want to be there. If for some reason someone wants to leave, they will try to talk them down, but they will pack the individual and take them home if that is what they want. Mr. Jensen stated that they will report on the demographics of the facility to Wellsville City. Mr. O'Reilly stated that they have a camera system and are working on a system that shows when doors are opened during the night. Mr. Jensen stated that this is a high-end facility and people will be paying to come to this facility. Ms. Maughan asked if the clients will be from Utah. Mr. O'Reilly stated that a vast majority will be from Utah. They will be marketing along the I-15 area. Mr. Jensen stated that the demographics of local people are male, 31 years of age, and LDS. Mr. Spence asked what is the average length of time that the clients will stay. Mr. O'Reilly stated that the low end is 15 days with the average being 30 days. There will be extensions of 15 days at a time. Mr. Jensen stated that there will be recovery management after the client is released from the facility. Mr. Spence asked if the entrance sign will be changed to the name of the facility. Mr. O'Reilly stated that the name of the facility is Sherwood Recovery Resort. The sign will remain as it is. Mr. Jensen stated that they don't want people to know that they are there. Mr. Olsen stated that he had 2 points: 1) Mr. Ballif has anxiety about his business surviving. This is a high-end facility that if people earn the privilege, they will be encouraged to use the golf course. Mr. Ballif's business will jump by this process, and 2) this type of facility saves lives. Mr. Spence asked about a public hearing. Mr. Hartle recommends that City Attorney Bruce Jorgensen have it in ordinance form before a public hearing is held. Mr. Hartle stated that Mr. Jorgensen has suggested that the existing code be amended to allow this type of facility as a conditional use. Ms. Maughan stated that Mr. Ballif feels that he is going to lose, and the facility feels that he is going to gain. Ms. Maughan stated that she is aware of property rights. Ms. Maughan stated that this facility can't infringe on Mr. Ballif's property rights. Mr. O'Reilly asked what property rights. Ms. Maughan stated taking away the use of Mr. Ballif's property. Mr. O'Reilly stated that he doesn't know how busy the golf course is. Sherwood Hills Resort has not had many visitors in a long time. Mr. O'Reilly believes that the facility will increase the golf course business for Mr. Ballif. Mr. O'Reilly stated that he is willing to adjust the activity days around the slow days on the golf course. Mr. Hartle recommended that Mr. Jorgensen and Mr. Olsen prepare a draft code. After discussion, M. Kent Larsen made a motion, seconded by Ruth P. Maughan, to have City Attorney Bruce Jorgensen work with Herm Olson in writing a draft amendment to the existing code concerning this type of facility in the RPD zone.

YEA 3

M. Kent Larsen
Ruth P. Maughan
John Spence

NAY 0

The Planning Commission review for approval the "Rules of Procedure and Order" for Planning Commission meetings. Ruth P. Maughan stated that she thought the information that M. Kent Larsen had was very good. Ms. Maughan suggested that both documents be put together into one. John Spence stated that the Planning Commission should incorporate the public hearing rules. M. Kent Larsen stated that he thought reviewing the rules helped to control the meeting. Don Hartle stated that the Planning Commission should finalize the 2 sheets of information and get it to him. Ms. Maughan stated that it should be in final form and then voted on. Ms. Maughan stated that we should put it together onto 1 sheet. This issue can be discussed at the next Planning Commission meeting and hope that all members of the Planning Commission will be in attendance.

Carl Leatham stated that he received a phone call from Norm Leatham stating that his shed had collapsed at 300 East Main. Norm Leatham asked about rebuilding the shed. Carl Leatham stated that the shed was grandfathered in. Carl Leatham stated that his opinion is that the shed can be rebuilt on the existing foundation. If anything else is added, it will not be allowed. Carl Leatham asked if he was wrong in his opinion. Ruth P. Maughan stated that she thinks Carl Leatham is right on. John Spence stated that he agrees. Mr. Spence asked what the shed is used for. Carl Leatham stated that it used to be part of a business, but Norm Leatham sold the business. The shed is now used for storage. Mr. Spence stated that as long as it is built on the same foundation and uses the same footprint.

At 7:48 p.m., M. Kent Larsen made a motion, seconded by Ruth P. Maughan, to adjourn the meeting.

YEA 3

M. Kent Larsen
Ruth P. Maughan
John Spence

NAY 0

John Spence
Chairman