

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

Others Present:

Jennifer Leishman	Cassie Hendry	Gary Hendry
Kody Maughan	Kevin Maughan	Richard Knapp
Ron Jensen	Mike O'Reilly	Avis Richards
Ken Richmond	Mark Ballif	Kay Ballif
Mike Jorgensen	Jan Hall	Kurt Petersen
Jason Spahr	Nate Chambers	Kelly Chambers
Peter Milligan	Gary Hansen	Ryan Rigby
Jerry Cokely	Barbara Cokely	Earl Bates
Kolby Rowser	Kerry Heiner	Ralph Cook
Dean Clark	Jeff McBride	Jed Hancock
Rachel Fry	Jonathan Cook	Robert Bolton

Opening Ceremony: Ken Richmond

John Spence reviewed the agenda with the Commission. After discussion, Ruth P. Maughan made a motion, seconded by Brian Pattee, that the agenda be approved as presented.

<b><u>YEA 5</u></b>	<b><u>NAY 0</u></b>
Paul Egbert	
M. Kent Larsen	
Ruth P. Maughan	
Brian Pattee	
John Spence	

The Commission reviewed the minutes for the Commission meeting which was held February 27, 2013. There were word changes on lines 73 and 211. After review, M. Kent Larsen made a motion, seconded by Ruth P. Maughan, to approve the minutes of the February 27, 2013 meeting with the corrections.

<b><u>YEA 3</u></b>	<b><u>NAY 0</u></b>	<b><u>ABSTAIN 2</u></b>
M. Kent Larsen		Paul Egbert
Ruth P. Maughan		Brian Pattee
John Spence		

Planning Commission Chairman John Spence reviewed the rules of public hearings with those in attendance. Mr. Spence asked that the public hearings conclude no later than 6:45 p.m.

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

First, received public input and then consider for approval a request from Cassie Hendry for a conditional use for a Level 1 "Home Occupation" for a preschool to be operated out of her home at 28 North 100 West. Ms. Hendry stated that she would like to open a preschool in the fall for children ages 3 to 5 years of age. They would attend preschool 2 to 3 days per week for 2 ½ hours each time. Ms. Hendry stated that she would be teaching kindergarten readiness skills. John Spence asked if she had a license from the State of Utah. Ms. Hendry stated no license from the State of Utah is required, but she does have a college degree. Ruth P. Maughan stated that she drove past Ms. Hendry's home and there is plenty of parking. Ms. Maughan sees no problem with this business. Paul Egbert asked about signage. Ms. Hendry stated that she would like to have a small sign for advertising. Mr. Egbert stated that Wellsville City has a sign ordinance that Ms. Hendry will have to meet the requirements of that ordinance. Mr. Spence stated that Ms. Hendry

will need to apply for a sign permit. Mr. Spence reminded Ms. Hendry to be a good neighbor. Mr. Spence asked that Ms. Hendry encourage parents that are dropping off or picking up their children to not line the street. M. Kent Larsen discussed the factors that are critical to a Level 1 “Home Occupation”. Ms. Hendry stated that the entrance to the preschool is in the back of her home. Carl Leatham asked if the yard is fenced. Ms. Hendry stated that 2 of the 3 sides are. Mr. Larsen stated that conditions are placed on a project based on what is proposed. Mr. Larsen stated that conditional use permits are reviewed periodically. After discussion, M. Kent Larsen made a motion, seconded by Paul Egbert, to approve a request from Cassie Hendry for a conditional use for a Level 1 “Home Occupation” for a preschool to be operated out of her home at 28 North 100 West.

**YEA 5**

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

**NAY 0**

Second, receive public input, then consider making a recommendation to the City Council on a request from Kody Maughan that property at 340 East 200 South (tax ID # 10-016-0019) and property at 396 East 200 South (tax ID # 10-016-0020) be rezoned from RA-1 to R-1-12. Kody Maughan stated that he would like to rezone this property from RA-1 to R-1-12 in order to build a home. Paul Egbert asked if this is the same discussion that took place when the land use map was modified. John Spence stated yes. After discussion, Ruth P. Maughan made a motion, seconded by Brian Pattee, to recommend to the City Council that property at 340 East 200 South (tax ID # 10-016-0019) and property at 396 East 200 South (tax ID # 10-016-0020) be rezoned from RA-1 to R-1-12 per request from Kody Maughan.

**YEA 5**

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

**NAY 0**

Third, receive public input, then consider making a recommendation to the City Council on a request from SHHP L.L.C. (Richard M. Knapp) for facilities at 7877 South Highway 89/91 (Sherwood Hills) that Title 10, Chapter 7, Recreational Planned Development (RPD) zone of the City Code be amended to establish a definition for “Recovery Resort Treatment Facility” (RRTF) and allow said facility 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, assessment and evaluation services related to alcohol abuse, drug abuse, trauma, and other mental health. Associated education, workshop, retreat, spa, biofeedback, recreation, nutritional and experiential services may also be provided to occupants. John Spence stated that the Planning Commission received the code amendment information in their packets. Mike O’Reilly explained what it is they would like to do with this property. Mr. O’Reilly stated that they own approximately 680 acres. The golf course is located between the 2 properties. Ruth P. Maughan asked if the definition of this facility is from the State of Utah or something that they put together. Mr. O’Reilly stated that the definition was put together by Attorney Herm Olsen and City Attorney Bruce Jorgensen. Ms. Maughan asked what other mental health issues the facility would be dealing with. Mr. O’Reilly stated anxiety and depression. This facility is not a mental health hospital. Mr. Spence asked about the occupancy limits being set by the Planning Commission. Mr. O’Reilly stated that is the big question. Mr. O’Reilly would like to have the entire facility licensed. Mr. O’Reilly stated that the main and south building would allow 140 people. M. Kent Larsen asked if that number is clients or clients and family members. Mr. O’Reilly stated that it is clients and family members. Mr. O’Reilly stated that the main building would allow for 107 beds, which would be ideal. Ms. Maughan stated that there are 107 beds, with usually 2 people per room. Ms. Maughan asked if this facility would have that many clients. Mr. O’Reilly stated

that he hopes so. Mr. Spence asked what the average number of clients is in a facility of this type. Mr. O'Reilly stated that the State of Utah sets the limits by the square footage. Paul Egbert asked if the personnel ratio is set by the State of Utah. Mr. O'Reilly stated yes, and that is 8 clients to 1 staff member. Mr. Spence stated that the code says there will be no referrals from the justice system. Mr. O'Reilly stated that is correct. They will not have a contract with any State entity. Mr. Egbert asked about primary treatment for sex offenders and asked if there was any such thing as secondary treatment. Mr. O'Reilly stated that they will not offer any treatment to sex offenders. They are concerned about the safety of their staff as well as other clients. Mr. Egbert asked about striking "primary" from the code. Ron Jensen stated that they have no problem with that. Mr. Spence asked about clients that are a direct threat and leaving the facility within 24 hours. Mr. O'Reilly stated that they would need to wait for family or the authorities to come and pick up the client. If there is any danger, the police will be called. A client in this position will be under supervision at all times. Mr. Spence asked about building permits for the facility. Mr. O'Reilly stated that there may come a time when they would like to modify or add-on to a building. Mr. Spence asked that any additions or modifications come through the Planning Commission. Mr. Egbert asked why evaluations would be made within 72 hours of admission, why not as soon as the client arrives. Mr. O'Reilly stated that several people are involved when conducting an evaluation. Mr. Jensen stated that the clients are pre-screened before arriving at the facility. Mr. O'Reilly stated that the client is pre-screened by the State of Utah. Mr. Egbert stated that there is a list of doctors and counselors in the code, and asked if they all evaluated the client. Mr. O'Reilly stated that evaluation is a 3-step process. Mr. Egbert asked if these individuals are trained to determine the threat level of a client. Mr. O'Reilly stated absolutely. Mr. Egbert asked what BCI stands for. Mr. O'Reilly stated Bureau of Criminal Investigation. Mr. Spence asked about the distance from different buildings, and asked if 1000 feet is far enough. Mr. Spence stated that the golf course does sell beer. Mr. O'Reilly stated that he was not part of that decision. Don Hartle stated that under Section J, the golf course would have to be grandfathered in. Mr. Egbert asked what the pros and cons were for selling beer on the golf course. Mr. O'Reilly stated that it could be considered a trigger for clients. The clients will be supervised and protected at all times. Ms. Maughan asked Mr. Spence if 1000 feet is far enough. Mr. Spence stated that he doesn't think so, that it should be farther. Mr. Larsen stated that this amendment is for the RPD zone only. It is not an amendment for any other zone. Brian Pattee asked what the ratio of 24 hour staff to clients is. Mr. O'Reilly stated that it is 8 clients to 1 staff member during the day and 10 clients to 1 staff member during the night. Mr. Egbert asked if this business sells, would the new owners need to come before the Planning Commission. Mr. Hartle stated that a conditional use goes with the land. Mr. Egbert asked about conditional use on page 5 under "D" of the proposed code. Once the amendment to the zoning ordinance is approved, does it need to be amended again. Mr. Hartle stated that he doesn't see a need for it. Wellsville City code requires a public hearing for any conditional use. Mr. Larsen stated that this facility will come in every 6 months to give an update of the facility. Mr. Spence asked if the review process is in the current Wellsville City code. Mr. Hartle stated that he would leave the review process in this proposed code. Jay Nielson stated that he would leave section "D", but remove the last 5 words. Mark Ballif stated that his property is the only property affected by this facility. There is 1,500 feet from the lodge to the golf shop. Mr. Ballif stated that he was told that 99% of the time, the City Council goes along with what the Planning Commission recommends. Mr. Ballif stated that this is already affecting his business. People are cancelling because there is no restaurant at the lodge. This is the fifth time this has been brought before the Planning Commission. Wellsville City code doesn't allow it. It degraded the zoning of the area. It goes against the initial agreed purpose of the zone. There have been 9 different owners of the lodge. He has been the sole owner of the golf course for the past 41 years. Sherwood Hills lodge should be closed instead of having a mental hospital. Kay Ballif stated that the declaration of easement and covenants is a legal document. It flowed from the Weston's to Mr. Knapp. Mr. Knapp's business failed, and now the golf course is at risk. Ms. Ballif stated that they own over 300 acres. They will be serving beer on the golf course. The facility sounds wonderful, but not next to their property. Mike Jorgensen stated that he is a Cache Valley native, growing up in Amalga and graduating from Sky View. Mr. Jorgensen stated that he serves as a LDS missionary in the drug and alcohol abuse center, and he is a recovering addict. Mr. Jorgensen stated that he owns a facility of this type in Payson. His facility is next to the property that the new Payson LDS temple will be built on. People have the "not in my backyard" mentality. Neighbors of a facility like this are not at risk. The neighbors that are not in treatment are who put you at risk. Mr. Jorgensen asked that the Planning Commission keep an open mind when making this decision. Ken Richmond stated that he will be working at this facility. Mr. Richmond has been around drug abuse his entire life. He has hired recovering drug addicts. He has seen the ugly

side of life. Too many people lose. Mr. Richmond stated that this facility is a good thing. Ryan Rigby stated that he is a citizen of Wellsville City living in the Wellsville Ranches Subdivision. Mr. Rigby asked if the clients will be allowed to play golf. Mr. O'Reilly stated yes. Mr. Rigby stated that from a golfer's prospective, that is pretty bad. Mr. Rigby hopes that the extra money from green fees can be put back into the golf course. Jason Spahr stated that he has lived in Wellsville City for 2 ½ years. Mr. Spahr believes that this type of facility is an encroachment on previous business owner's rights by changing what is allowed in this type of zone.

At 7:00 p.m., the public hearings were closed.

Ruth P. Maughan stated that it is interesting that there have been 9 owners in 41 years. Other owners of the facility have struggled. Ms. Maughan stated that she hasn't served on the Planning Commission for very long, but began attending the Planning Commission meetings because this facility is close to her neighborhood. Ms. Maughan feels bad that the 2 parties didn't speak to each other about their plans. Ms. Maughan stated at the beginning of the discussions, she wasn't at all in favor of this facility. Now that she has heard and read about it, it isn't such a bad thing. M. Kent Larsen stated that there are some basic guidelines in the RPD zone. This facility will not harm the environment in the zone. Nothing is being proposed that will change the zone. This facility will contribute to the well-being of the community. It is in harmony with what goes on in the area. Mr. Larsen stated that he appreciates the comments and concerns that were expressed. Paul Egbert stated that he agrees with what has been said. It is a reasonable use. Brian Pattee stated that the way the code is written, all parties are well protected. He is convinced it is in good fashion. John Spence stated that he appreciates all who are in attendance and their input. Mr. Spence would like to see both owners get along and both be profitable. After discussion, Paul Egbert made a motion, seconded by M. Kent Larsen, to recommend to the City Council on a request from SHHP L.L.C. (Richard M. Knapp) for facilities at 7877 South Highway 89/91 (Sherwood Hills) that Title 10, Chapter 7, Recreational Planned Development (RPD) zone of the City Code be amended to establish a definition for "Recovery Resort Treatment Facility" (RRTF) and allow said facility 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, assessment and evaluation services related to alcohol abuse, drug abuse, trauma, and other mental health. Associated education, workshop, retreat, spa, biofeedback, recreation, nutritional and experiential services may also be provided to occupants be approved with the following conditions:

1) under section "C", striking "primary", 2) under section "E", all clients will be pre-screened prior to admittance, 3) define BCI, 4) modify buildings, prior approval from the Planning Commission before a building permit is issued, 5) under section "4", the current existing business of the golf course will be grandfathered in, and 6) under section "D", the last 5 words be removed. The hope is that these corrections will be made before City Council meeting next Wednesday.

**YEA 5**

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

**NAY 0**

Peter Milligan met with the Planning Commission to discuss the proposed RM-M Multi-Family Residential Code. Mr. Milligan read a letter to the Planning Commission that he composed himself. Mr. Milligan is not in favor of the proposed RM-M Multi-Family Residential Code. Mr. Milligan thanked the Planning Commission for their time. John Spence thanked Mr. Milligan for his input.

The Planning Commission conducted a workshop, then considered making a recommendation to the City Council on the proposed RM-M Multi-Family Residential code. Don Hartle stated that a new version of the draft code was delivered to him this morning. Mr. Hartle handed out a copy of the code to the Planning Commission. The Planning Commission reviewed the changes from the previous draft code. John Spence stated that the Planning Commission received in their packets a letter from Jerry and Barbara Cokely. Mr. Spence stated that at the last meeting, it was discussed to send out a survey to the citizens of Wellsville City concerning this issue. Mr. Spence asked if there were any comments from the Planning Commission. Paul Egbert stated that he received several call with differing opinions. The majority of the calls were not in favor of the code because of the high density. Brian Pattee stated that he also received several inquires and all were against the high density. Mr. Pattee stated that he was not in favor of making the decision to allow or not allow this type of facility every time it comes before the Planning Commission. Mr. Pattee stated that the committee did an excellent of putting this together. Mr. Pattee stated that he has seen the worst of this issue and it turns out horrible not only for the citizens, but also for the city. Mr. Egbert stated that it would be a huge change from the current zoning code. Mr. Egbert stated that he believes Wellsville City has done an excellent job of spreading out duplexes and four-plexes. Mr. Egbert believes that this high of density is too much too fast for Wellsville City without significant changes. Mr. Spence asked what changes Mr. Egbert would like to see. Mr. Egbert stated that he would like to see half of the density that is proposed in the draft code. Mr. Egbert stated that in the R-1-12 zone, 16 homes are allowed on 1 block. This draft code would allow 50 homes within a half block. This is a huge change. Ruth P. Maughan thanked the committee for their time and effort on this draft code. Ms. Maughan stated that she agrees with Mr. Egbert and Mr. Pattee. Wellsville City is not ready, and may not even want, this type of development. Ms. Maughan stated that reviewing each application separately puts a real responsibility on the City Council. Ms. Maughan stated that the current code is a good plan to allow 1 multi-unit facility per block. M. Kent Larsen thanked the committee for their time and effort on this draft code. Mr. Larsen stated that his concern is with the density. Mr. Larsen believes that 10 homes per acre is too high if Wellsville City values open space. Mr. Larsen stated that he is opposed to inter-block development. Mr. Larsen stated that he would value a survey given to the community to address how they would feel about this type of development. Mr. Spence stated that 2 weeks ago, the Planning Commission held the public hearing. Some young families stated that they would like this type of environment. Mr. Spence stated that most people he spoke with are not in favor of this. Wellsville City has a small town atmosphere. Ms. Maughan stated that the survey is a good idea, but agrees with Mayor Thomas G. Bailey when he said 2 weeks ago that a survey doesn't accomplish anything unless the public has been educated on the issue. Ms. Maughan stated that it is up to the bodies that are appointed to make this decision. Mr. Spence stated that he agrees with Ms. Maughan. After discussion, Ruth P. Maughan made a motion, seconded by Paul Egbert, to recommend to the City Council that the proposed RM-M Multi-Family Residential code not be approved.

YEA 5

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

NAY 0

The Planning Commission discussed with City Planner Jay Nielson his role with the Commission. Don Hartle stated that he asked City Planner Jay Nielson to attend tonight's meeting. Mr. Nielson has been on leave for the past year and a half. The highway commercial code has been updated. There has been a major change in the Commission. Mr. Hartle asked what role the Planning Commission wanted Mr. Nielson to play. John Spence welcomed Mr. Nielson back. Mr. Spence stated that Mr. Nielson should be prepared to come to the Planning Commission meeting in 2 weeks and share with them what he has been working on. Mr. Nielson stated that it is good to be home. Mr. Nielson commended the Planning Commission on the Sherwood Hills project. It is meeting the purpose of the code and it is not adversely affecting the property owner. Mr. Nielson stated that he is reassured of the competence of the Planning Commission. Mr. Nielson stated that he is working on a comprehensive rewrite of the land use code. The previous code was written in the 1950's, and has been band-aided to plug the holes as they came along. All proposals are conditional use. The timing is right to do this. It will require a lot of time on both parts. The Planning Commission can then be prepared to handle bigger, more complex projects. Paul Egbert stated that he has

seen the code that Mr. Nielson has been working on. Mr. Egbert stated that guidance would be given for a clear list of what is and isn't allowed. Mr. Egbert stated that the land use code has very broad general purposes to specific types. Mr. Nielson stated that it will take an attitude of change on all parts. Mr. Nielson stated that the RM-M code described tonight is already in the code. Mr. Nielson stated that if he devotes all of his time to rewriting this code, it will take approximately 1 to 2 years to complete. Mr. Hartle asked if this will carry over into the subdivision code. Mr. Nielson stated yes. Mr. Nielson discussed where he should spend his time. The more time he spends attending meetings, the less time he works on the code. Mr. Nielson stated he will continue to only work on the code. Mr. Nielson stated he has an obligation to attend the Planning Commission meetings to keep him in the stream of things. Mr. Spence stated that he would like to see Mr. Nielson spend his time on the code because it is important to get it completed. Mr. Spence suggested hearing from Mayor Thomas G. Bailey and Councilman Carl Leatham. Mayor Bailey stated that the City Council will be discussing this issue next week. Mr. Leatham stated that same thing. M. Kent Larsen asked when the General Plan would be finished. Mr. Nielson stated that it is completed. It was adopted in July 2010. Mr. Nielson discussed how he would go about completing the land use code. They discussed bringing in a piece of the code at a time, bring issues to the Planning Commission that Mr. Nielson needs input on, and completing the first draft, then work through piece by piece. Mr. Larsen stated that he would support Mayor Bailey and the City Council to make the decision based on what has been said tonight.

The Planning Commission reviewed for approval "Rules of Procedures and Order" for Planning Commission meetings. Don Hartle stated that he tried to condense the information onto 1 page, but was not able to. Paul Egbert stated that "members of the media" should be struck from the document. John Spence asked if item #3 and #7 could be combined. Mr. Hartle stated no because they address 2 different issues. M. Kent Larsen asked how open the agenda is. Mr. Hartle stated that as City Recorder, it is his job to make the agenda. Mr. Hartle stated that he doesn't have the right to tell someone they can't be put on the agenda. Mr. Spence stated that a public hearing has been held, and now someone wants their own name on the agenda to discuss the issue at a later time. Mr. Hartle stated that it is their right. After discussion, Ruth P. Maughan made a motion, seconded by Paul Egbert, to approve the "Rules of Procedures and Order" for Planning Commission meetings.

**YEA 5**

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

**NAY 0**

At 8:07 p.m., Ruth P. Maughan made a motion, seconded by Paul Egbert, to adjourn the meeting.

**YEA 5**

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

**NAY 0**

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John Spence  
Chairman