

MINUTES of the Wellsville City Planning Commission meeting held Wednesday, March 27, 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 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 March 22, 2013. The meeting was called to order at 6:00 p.m. by Chairman John Spence.

Others Present: Jennifer Leishman Kody Maughan Kevin Maughan
Jonathan Cook Candy Sorensen

Opening Ceremony: Brian Pattee

John Spence reviewed the agenda with the Commission. M. Kent Larsen stated that he had some questions concerning Sherwood Hills and asked that he be added to the agenda under other zoning matters. After discussion, Paul Egbert made a motion, seconded by Ruth P. Maughan, that the agenda be approved with the addition.

YEA 5 NAY 0
Paul Egbert
M. Kent Larsen
Ruth P. Maughan
Brian Pattee
John Spence

The Commission reviewed the minutes for the Commission meeting which was held March 13, 2013. There was a word change on line 162. After review, Ruth P. Maughan made a motion, seconded by M. Kent Larsen, to approve the minutes of the March 13, 2013 meeting with the correction.

YEA 5 NAY 0
Paul Egbert
M. Kent Larsen
Ruth P. Maughan
Brian Pattee
John Spence

At 6:05 p.m., conduct a public hearing to receive public input, then consider for approval a concept plan for the Kody Maughan Subdivision, consisting of a total of 2 lots (1 additional building lot) on property at 396 East 200 South. John Spence asked if Kody Maughan had received a copy of the memorandum from City Engineer Chris Breinholt dated March 15, 2013. Kody Maughan stated that Don Hartle had just handed it to him. John Spence asked if there were any questions or concerns. Paul Egbert asked where the split of property came from. Don Hartle stated that it came from Kevin Maughan. Mr. Egbert asked where the 66-foot road dedicated to the City came from. Mr. Hartle stated that it also came from Kevin Maughan when he built his home 8 years ago. Kevin Maughan also ran an 8-inch water line from 200 South to his home. Mr. Egbert asked when Kevin Maughan built his home if it was considered a subdivision. Mr. Hartle stated no because he was building 1 home on the property. Mr. Egbert asked if the 66-foot road was recorded. Mr. Hartle stated no because it has never been deeded to Wellsville City. Kody Maughan stated that he has a lot of questions concerning item #4 on the memorandum from City Engineer Chris Breinholt. Kody Maughan asked if it is his responsibility or the City's responsibility to continue the 8-inch water line. Kody Maughan asked if it is his responsibility or the City's responsibility to asphalt the remainder of the 66-foot road. Kody Maughan stated that there is ½ acre of property that will be deeded to the city. There is a pre-existing home on the road. The road will stay as is. It is more of a private driveway than a road. The concept plan is based off of frontage on 200 South, not 400 East. The frontage for Kevin Maughan's home is off of 200 South. Kody Maughan stated that the City will be receiving 66 feet of road, but Kody Maughan is not willing to pave the road. Kody Maughan asked if there was any negotiating between him and Wellsville City. Mr. Hartle stated that the decision is up to the City Council, not the Planning Commission. Kevin Maughan stated that the property to the south of his home is in the county, not

Wellsville City. Kevin Maughan stated that the 66-foot road was a proposal for the future. Kevin Maughan stated that he ran an 8-inch water line off of the City's 6-inch water line to his home. He also ran an 8-inch sewer line off of the City's sewer line to his home, and he paid for both. Mr. Egbert asked if the utilities are covered. Kevin Maughan stated all of the utilities are covered except for power. Mr. Egbert asked if there is a push or a need to increase the 66-foot road, perhaps an easement. Mr. Hartle stated that all subdivisions have a 10-foot public utility easement around each lot. Mr. Egbert suggested a 25-foot easement. Kody Maughan stated that the existing home is built 300 feet from the 66-foot road. Kevin Maughan stated that there is a 10-foot easement on the east side of the road. Kevin Maughan asked how Wellsville City expects a 66-foot road coming off of a road that is only 47 feet wide. Ruth P. Maughan stated that it is seen all over town. Roads used to be just trails. Kevin Maughan stated that 8 years ago, there was a verbal agreement for a 66-foot road. Mr. Egbert asked if it is possible to increase it to a 99-foot road. Kevin Maughan stated no because the existing home is in the way. Mr. Egbert stated that a public utility easement doesn't change the property line, just the use in front of the home changes. Kody Maughan asked if there are any comments from the Planning Commission to help this process. Mr. Hartle stated that in a subdivision, the 10-foot public utility easement is in front of the home, so there is 10 feet there. The road is centered on 66 feet. Ruth P. Maughan stated that the City Council will address items 3, 4, and 5 of the memorandum issued by City Engineer Chris Breinholt. Mr. Hartle stated that the public hearing for the City Council is scheduled for next week. There will be 2 councilmen that will be out of the country. Mr. Egbert stated that the smaller lot #2 should really be labeled lot #3. Kevin Maughan stated that there is a conflict of engineers. Mr. Egbert stated that the plat can't have 2 lot #2's. Kody Maughan asked if he needed to discuss the issue with the County Assessor. Mr. Hartle stated that a citizen can't create a restricted lot. Mr. Hartle suggested that a lot line adjustment be requested to remove the smaller lot #2. Kevin Maughan stated that Cache County wants him to annex the smaller lot #2 into Wellsville City because Cache County doesn't want it back. Kevin Maughan stated that he discussed the issue with someone that works in the Cache County Assessor's Office, and he said that it could take up to 1 year in order for the smaller lot #2 to be annexed back into Cache County. Mr. Hartle stated that the Wellsville City Planning Commission can approve the lot line adjustment. Mr. Hartle stated that the job of the Cache County Recorder is to record documents, not to make sure that they are legal. Kody Maughan stated that the agreement is to deed the 66-foot road to Wellsville City. This wouldn't be a problem if he was building a home behind Kevin Maughan's home. Kody Maughan stated that a subdivision to him is building multiple homes. Kody Maughan asked if a lot line adjustment is completed, would Kevin Maughan still need to deed the road to Wellsville City. Mr. Spence stated that the City Council will address items 3, 4, and 5 of the memorandum issued by City Engineer Chris Breinholt. Mr. Hartle explained the procedure to submitting a lot line adjustment request. Kody Maughan will need to contact the title company, who will issue the lot line request. Kody Maughan will come before the Planning Commission for the lot line adjustment to be approved. Kody Maughan or Mr. Hartle will then file the lot line adjustment with the Cache County Recorder's Office. Kevin Maughan asked what would happen if the 66-foot is not deeded. Mr. Spence stated that the property belongs to Kevin Maughan. Once a lot is split off, the property has been subdivided. Kody Maughan asked about the agreement to deed the 66-foot road to Wellsville City when the property is subdivided. Mr. Spence stated that he doesn't know about the agreement because he wasn't on the Planning Commission when the agreement was made. Mr. Hartle stated that the agreement was that Kevin Maughan could build a home on the property. When the property is subdivided, the 66-foot road would be deeded to Wellsville City. The road has to be deeded now because the property is being subdivided. Kody Maughan stated that Kevin Maughan built his home with the agreement in place. Kody Maughan is asking that he be allowed to build his home with the same agreement in place. Ruth P. Maughan stated that she can see where Kody Maughan is coming from. Kody Maughan has nothing to do with deeding the 66-foot road to Wellsville City, but it does come back onto Kevin Maughan. Mr. Hartle stated that a new home will be built on part of the property that is being subdivided. The agreement was that when the property was subdivided, the 66-foot road would be deeded to Wellsville City. Kody Maughan stated that they are not trying to get away with anything. Mr. Egbert stated that an easement doesn't give Wellsville City ownership of the 66-foot road. Kody Maughan asked if the agreement was in writing. Mr. Hartle stated no. Ruth P. Maughan stated that the Planning Commission can't make the decision. It is something that will have to be discussed with the City Council. Kevin Maughan asked why there were here. Ruth P. Maughan stated that the concept plan can't be approved because of the issue raised with 2 lot #2's. Mr. Spence stated that if Kevin Maughan should die and his property is sold to someone outside of the family, the 66-foot road has never been dedicated to Wellsville City. Ruth P. Maughan stated that there

has to be a road dedicated. Kevin Maughan stated that there is another 400 East that comes off of 300 South. Mr. Egbert stated that the 2 roads don't connect. Kevin Maughan stated that they will in the future. Mr. Egbert stated that Wellsville City needs to preserve the grid system. Mr. Hartle retrieved the master plot book and reviewed the area in question. Mr. Hartle stated that a lot line adjustment will solve the problem of the smaller lot #2. The City Council will make the decision concerning deeding the 66-foot road to Wellsville City. Mr. Egbert stated that the .25 acres will be absorbed by 10-016-0023. Mr. Hartle stated that he will discuss the issue with City Attorney Bruce Jorgensen, but he doesn't think a subdivision is allowed to create a restricted lot. Mr. Egbert asked about the 66-foot road be deeded south to the end of lot #1. Mr. Hartle stated that the larger lot #2 is part of the subdivision, so it has to be through both lots. Kevin Maughan asked about installing a sidewalk. Mr. Spence stated that the decision will be made by the City Council concerning the sidewalk. Mr. Egbert stated that the City Council could require sidewalk along 200 South and 400 East. Kody Maughan asked for a conditional approval of the concept plan. Kody Maughan will submit an application for a lot line adjustment so that the .25 acres will be absorbed by 10-016-0023. Kody Maughan stated that he and Kevin Maughan will think about the other issues that have been discussed. After discussion, Paul Egbert made a motion, seconded by M. Kent Larsen, to approve a concept plan for the Kody Maughan Subdivision, consisting of a total of 2 lots (1 additional building lot) on property at 396 East 200 South with the condition that the .25 acres of the smaller lot #2 be absorbed by 10-016-0023 by a lot line adjustment.

YEA 5

NAY 0

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

M. Kent Larsen asked for a clarification to help him understand how a conditional use goes with the property. Don Hartle used the Snow Shack as an example. The family that owned it sold it to another family. The conditional use went with the property.

M. Kent Larsen asked about the Wellsville City code concerning Sunday beer sales. Don Hartle stated that it is allowed.

The Planning Commission discussed the public hearing concerning the conditional use for Sherwood Hill Treatment Facility.

At 7:00 p.m., M. Kent Larsen made a motion, seconded by Paul Egbert, to adjourn the meeting.

YEA 5

NAY 0

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

John Spence
Chairman