

MINUTES of the Wellsville City Planning Commission meeting held Wednesday, May 8, 2013, at the Wellsville City Offices, 75 East Main in Wellsville. Commission members present were Chairman John Spence, M. Kent Larsen, Paul Egbert, and Brian Pattee. Also present were City Manager/Recorder Don Hartle, City Planner Jay Nielson, Councilwoman Glenna Petersen, and Councilman 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 May 3, 2013. The meeting was called to order at 6:00 p.m. by Chairman John Spence.

<u>Others Present:</u>	Jennifer Leishman	Corey Christensen	Kevin Maughan
	Kody Maughan	Doug Cooper	Peggy Cooper
	William Everitt	Shirley Bradshaw	Quentin Cudney
	Jan Anderson	Blaine Anderson	Joyce Anderson
	Luella Anderson	Dale Smith	Lorin Leishman
	Jimmie Leishman	Rachel Friedli	Vicki Friedli
	Frank Lamb	Rex Egbert	Diane Egbert
	Brian Leishman	Gary Hansen	Ryan Rigby
	Jonathan Cook	Rachel Fry	

Opening Ceremony: William Everitt

Planning Commission member Ruth P. Maughan was excused from this meeting.

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>
Paul Egbert	
M. Kent Larsen	
Brian Pattee	
John Spence	

The Commission reviewed the minutes for the Commission meeting which was held April 24, 2013. After review, Brian Pattee made a motion, seconded by M. Kent Larsen, to approve the minutes of the April 24, 2013 meeting as presented.

<u>YEA 3</u>	<u>NAY 0</u>	<u>ABSTAIN 1</u>
M. Kent Larsen		Paul Egbert
Brian Pattee		
John Spence		

Chairman John Spence reviewed the public hearing rules and procedures with those in attendance.

At 6:05 p.m., conduct a public hearing to receive public input, then consider for approval a request from Corey Christensen for a conditional use for a Level 2 "Home Occupation" to operate a carpet cleaning business out of his home at 120 West 100 South. Mr. Christensen stated that he purchased a home last year with a 30' by 40' shop. He has operated the same business for the past 35 years. He has 2 vans, as well as carpet cleaning equipment that he houses in the shop. There will be no traffic to his home. He will go to the customer's homes. He does residential and commercial carpet cleaning. He has 2 employees. There is asphalt around his home and shop for parking. Mr. Christensen stated that he brings back about 10 to 15 gallons of water per van. John Spence asked if that water is dumped down the drain. Mr. Christensen stated yes. Mr. Spence asked if it hurts the sewer. Don Hartle stated he doesn't know. Paul Egbert asked if Mr. Christensen is license by the State. Mr. Christensen stated no, he doesn't have to be. Brian Pattee asked about storage of chemicals on-site. Mr. Christensen stated that he has a shelf approximately 4' by 8'. The chemical comes in powder form and is mixed with water. He does have some liquid chemical, but only stores about 20 gallons. Mr. Spence asked if the vehicles are parked in the shop. Mr. Christensen stated yes. Bill Everitt stated that Mr. Christensen should have an MSDS sheet posted concerning information about safety of the chemicals. Mr. Christensen stated that those sheets are posted in the shop and on the

vans. M. Kent Larsen stated that he drove past Mr. Christensen's home. Mr. Larsen stated that there is a wide driveway and a nice shop with asphalt around it. Mr. Spence stated that businesses tend to grow and if this business does grow with more vehicles, Mr. Spence asked that Mr. Christensen return to the Planning Commission. Mr. Christensen stated that the business is as big as he wants it to be. Paul Egbert asked about signage for advertising. Mr. Christensen stated that there would be no signage. After discussion, M. Kent Larsen made a motion, seconded by Paul Egbert, to approve a request from Corey Christensen for a conditional use for a Level 2 "Home Occupation" to operate a carpet cleaning business out of his home at 120 West 100 South.

YEA 4

Paul Egbert
M. Kent Larsen
Brian Pattee
John Spence

NAY 0

The Planning Commission reviewed for approval a lot line adjustment for Kevin Maughan at 396 East 200 South. Kody Maughan stated that they will be putting the .25 acres that is non-adjacent back into the county property so that it is not a non-conforming lot. John Spence stated that this has been discussed in previous meetings. Mr. Spence asked if there were any questions. Don Hartle stated that he took the document into Cache County Recorder Mike Gleed. Mr. Hartle stated that this will accomplish what they want to do. After discussion, Paul Egbert made a motion, seconded by M. Kent Larsen, to approve a lot line adjustment for Kevin Maughan at 396 East 200 South.

YEA 4

Paul Egbert
M. Kent Larsen
Brian Pattee
John Spence

NAY 0

The Planning Commission considered amending the decision made on April 24, 2013 by the Planning Commission as it relates to the application of Gary Hansen for a conditional use to allow the removal of the existing building, then subdividing said property and building 52 townhomes on property at 169 East 300 North. City Planner Jay Nielson stated that he submitted to the Planning Commission the conditions of approval of the project. It will be reduced in density and scope, as well as be compatible with the neighborhood. Mr. Nielson read the following:

CONDITIONS OF APPROVAL FOR AN AMENDED PLAN WHICH MEETS THE REQUIREMENTS OF THE WELLSVILLE CODE AND THE GENERAL PLAN

This project is subject to the proponent or property owner agreeing to submit an amended plan and comply with the following conditions as written, or as may be amended by the Planning Commission.

1. The proposed project has been revised and amended by the conditions of project approval to conform to the requirements of Title 10 and Title 11 of the Wellsville City Code.
2. The allowed density and dwellings would be subject to requirements for sensitive lands and open space.
3. The proposed project will be amended to allow a reduced number of dwelling units consistent with approvals for residential development specified in the Wellsville City Code. The final density and allowed dwelling units would be based on Code requirements for residential land adjacent to the property and the net acreage of the property when sensitive lands have been reduced.
4. The streets providing access and other infrastructure to the subject property have adequate capacity, or suitable levels of service, for the proposed use.
5. The approval of the amended project, if it includes multifamily dwellings, must meet all requirements for multifamily dwellings.
6. The proponent is put on notice that all standard conditions of approval will be recorded with the Conditional Use Permit and are available in the Wellsville City Office.

Mr. Nielson stated that the plan was submitted because all uses in the M-1 zone are by conditional use. The purpose of the M-1 zone is that every use is compatible if there are enough conditions to make it compatible. Paul Egbert asked how to get past the purpose of the zone as it is defined. Mr. Nielson stated

that you get past it because all uses are compatible. This project would have to be compatible in density and units consistent with the neighborhood. Mr. Nielson stated that in the current Wellsville City code, every city block is allowed 1 multifamily unit which currently is a 4-plex. If this project is approved, there is an allowance for 1 multifamily unit. Mr. Nielson stated that there is conflicting information in the current Wellsville City code. In the definitions, a multifamily unit can be 2 4-plexes. In the main body of the Wellsville City code, only 1 4-plex is allowed per block. Mr. Nielson stated that section 10-1-4 discusses conflicts that arise in the Wellsville City code. Mr. Nielson stated that where a conflict arises in the code, the most restrictive prevails. In this case, only 1 4-plex would be allowed. Mr. Nielson stated that his recommendation is that this be approved based on the conditions that he has read. Brian Pattee stated that it would be the same as rezoning the property to R-1-12. Mr. Nielson stated yes on manufacturing property. Mr. Nielson stated that an amended plat has to be approved. M. Kent Larsen is concerned that the Planning Commission is getting ahead of their selves. The property is zoned M-1. He would like the zone to remain the same to allow for manufacturing. Mr. Larsen stated that he is uncomfortable with changing the zone. Don Hartle stated that the Planning Commission would approve an amended plan, and then approve a subdivision. Mr. Nielson stated yes. Mr. Hartle stated that there would be several more meetings. Mr. Nielson stated that he is not positive that there are sensitive lands, but guessing that there are wetlands. There would have to be open space around the wetlands. There would be an open space requirement, so the lots would be 8,000 square feet. Mr. Egbert stated that it would be similar to the RA-1 zone with open space requirements and high density credits. Mr. Nielson stated yes, but there would be no high density credits. Mr. Egbert asked why not just say no because all uses would be considered, but not approved. Mr. Nielson stated that his concern is that this project is considered as a conditional use and the purpose of the conditional use permit is that it is compatible if enough conditions are placed on it. Mr. Nielson stated that there is a potential litigation if the answer is no. Brian Leishman asked if this approval is only specific to Gary Hansen's conditional use permit. John Spence stated yes. Mr. Leishman asked if the current zone will remain the same if the project is not approved. Mr. Spence stated yes. Gary Hansen stated that he has reviewed this issue with the State Ombudsmen. The decision has to be based on detrimental effects on the city, life, or safety. The detrimental aspect of a project as proposed has to address one of these three issues. Mr. Hansen stated that the detrimental effects haven't been shown. Mr. Spence suggested continuing this discussion at a later meeting until the Planning Commission has had time to review the issues. Mr. Hartle stated that Mr. Hansen has filed an appeal of the previous decision made by the Planning Commission. The City Council will hear his appeal and consider it next Wednesday. After discussion, Paul Egbert made a motion, seconded by M. Kent Larsen, to continue this discussion at a later Planning Commission meeting.

YEA 4

Paul Egbert
M. Kent Larsen
Brian Pattee
John Spence

NAY 0

The Planning Commission conducted a workshop on the definition of "frontage". Don Hartle stated that Councilman Carl Leatham has a lot in his neighborhood that has frontage at the front of the lot, then narrows in the middle, and then a large area in the back. Mr. Hartle stated that there are other lots in Wellsville City like it. Mr. Hartle stated that this is a concern, and is wondering if the definition should be modified. Mr. Hartle stated that the required frontage is in the front of the home, but should it be required to the back of the home or the entire lot. John Spence stated that this issue has been discussed previously. Carl Leatham stated that once frontage is established, it should continue to the back of the lot. Mr. Leatham stated that other lots that already exist would have to be grandfathered in. Mr. Spence asked what the definition of frontage is in other communities. City Planner Jay Nielson stated that most are defined as width at the front setback. Brian Pattee stated that he agrees with Mr. Leatham and believes something needs to be done because it doesn't make sense. Mr. Leatham suggested that the footprint of the home should sit on the frontage that is required. Mr. Hartle stated that the main concern is emergency vehicles. Paul Egbert stated that his concerns are emergency vehicles and keeping inter-block development out. Mr. Spence stated that he doesn't want homes built behind other homes. Mr. Egbert asked if the idea that is being proposed is the frontage defined at the front of the home to continue through to the back of the home. Mr. Hartle stated that the definition of frontage would be modified to what is wanted by the Planning Commission. Mr. Spence stated that he likes that the required frontage continues to the back of the home.

Mr. Hartle asked if the required frontage would be to the back of the home or to the back of the foundation. M. Kent Larsen stated that the City Council has discussed this issued and asked that Mr. Leatham help with a definition of frontage. Mr. Egbert stated that he likes Mr. Leatham's definition concerning minimum frontage on any lot in any zone. Mr. Nielson asked if this definition would apply to all lots, both residential and commercial. Mr. Egbert stated that commercial lots do not have minimum frontage requirements. After discussion, the following will be inserted in 10-2-1 after the first sentence: "The minimum width is defined from front setback and must be continuous through the back of primary structure. Said width is defined by zone." Mr. Hartle asked when the Planning Commission would like the public hearing. Mr. Spence stated that schedule it as soon as possible. Mr. Egbert stated that someone will have to chase down all other references to "frontage" in the code. Mr. Hartle stated that if a public hearing is scheduled for June 12, 2013, he would need the information by May 26, 2013. Mr. Pattee asked what would happen to existing lots. Mr. Hartle stated that they will be non-conforming lots. Mr. Nielson stated that any improvements to non-conforming lots will have to go before the Board of Adjustments. Mr. Nielson stated that any lot that doesn't have the required frontage at the back of the primary structure would be a non-conforming lot. Mr. Egbert stated that this will only apply to new subdivisions. Mr. Pattee stated that he can foresee a lot of traffic for special approvals. Mr. Leatham stated that once frontage is established, it continues to the back of the primary structure. Mr. Hartle asked which part of the lot would be conforming and which part would be non-conforming. Mr. Leatham stated that this is to eliminate strange lots. Mr. Nielson stated that this could create an illegal subdivision. Mr. Hartle stated that it could be a restricted lot. Mr. Nielson asked that the Planning Commission think about this issue and see where non-conformity applies. After discussion, M. Kent Larsen made a motion, seconded by Brian Pattee, to continue this discussion.

The Planning Commission conducted a workshop on amending 10-11-16-A on multifamily dwellings as it relates to 10-6C-3. Don Hartle stated that this issue was discussed at the last Planning Commission meeting. Mr. Hartle stated that 10-11-16-A will be amended to allow 1 multifamily dwelling per block. Mr. Hartle stated that the 4 residents that have been grandfathered in will be reviewed. If they are no longer being double-billed, they will be eliminated. Mr. Hartle stated that he will proceed on this amendment.

The Planning Commission continued the workshop on the need for a 10' public utility easement on all subdivision lots. Don Hartle handed out a list of cities that City Engineer Chris Breinholt represents. All cities have some type of public utility easement around the lot. Mr. Hartle stated that he spoke with Jeff Hansen representing JSH Surveying. Mr. Hansen stated that there may be 1 or 2 cities in Cache Valley that do not require a public utility easement around the subdivision lot. Paul Egbert stated that having easements is a huge cost savings. It preserves usage for later. Brian Pattee stated that Logan City has a 10-foot easement all the way around a lot. Mr. Egbert asked if the public utility easement is defined in the code. John Spence stated that not every home has a public utility easement. Mr. Egbert asked if it is only for new subdivision. Mr. Hartle stated yes. Mr. Spence stated that he understands the importance of public utility easements. Mr. Hartle stated that if the city has to do some work in the back of a home; anything in the 10-foot easement is not replaced by the city. Mr. Egbert stated that public utility easements are for utilities or to alleviate the headaches. Mr. Pattee believes it is both. Mr. Larsen stated that it is good from a public relations standpoint. Mr. Spence asked if Mr. Hartle had to ever deal with an issue concerning the public utility easement. Mr. Hartle stated no. Mr. Spence suggested leaving the public utility easement as is. Mr. Hartle stated that there has been some discussion concerning having the public utility easement on only 1 side of the property. Mr. Egbert stated he doesn't see any reason to modify the public utility easement. Mr. Larsen stated that he sees the need for the public utility easement as long as the land owner can do what he wants to with his property. Mr. Pattee suggested having the property owner sign a document and record it with the deed. Mr. Egbert stated that the idea is to discourage from putting anything in the 10-foot public utility easement. Mr. Egbert stated that Mr. Hartle should advise the property owner of the risk involved. Mr. Hartle stated that he will advise the property owner of the risk, and if he still wants to build in the 10-foot public utility easement, it will be brought before the Planning Commission. All agreed. Mr. Hartle will proceed in that direction.

Don Hartle updated the Planning Commission on UDOT exchanging trailers at the location at 400 North Highway 89/91. Mr. Hartle stated that he received a telephone call stating that UDOT will be changing some trailers around. Currently, there is a double-wide trailer and a single wide trailer on the property. They would like to remove the double-wide trailer and move a triple-wide trailer in. Mr. Hartle stated that they have received approval to do this.

At 8:01 p.m., Paul Egbert made a motion, seconded by M. Kent Larsen, to adjourn the meeting.

YEA 4

Paul Egbert
M. Kent Larsen
Brian Pattee
John Spence

NAY 0

John Spence
Chairman