

MINUTES of the Wellsville City Planning Commission meeting held Wednesday, January 22, 2014, at the Wellsville City Offices, 75 East Main in Wellsville. Commission members present were Chairman John Spence, Ruth P. Maughan, M. Kent Larsen, Paul Egbert, and Brian Pattee. Also present were City Manager/Recorder Don Hartle, City Attorney Bruce Jorgensen, Mayor Thomas G. Bailey, 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 January 17, 2014. The meeting was called to order at 6:00 p.m. by Chairman John Spence.

<u>Others Present:</u>	Jennifer Leishman	Robyn Bankhead	Elizabeth Davis
	Janie Isaacson	Kendall Leishman	Barbara Swanson
	David Swanson	Jonathan Cook	Sarah Romero
	Luke Denison	Kaden Denison	

Opening Ceremony: Paul Egbert

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.

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

The Commission reviewed the minutes for the Commission meeting which was held January 8, 2014. There was a word change on line 101. After review, M. Kent Larsen made a motion, seconded by Ruth P. Maughan, to approve the minutes of the January 8, 2014 meeting with the correction.

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

City Attorney Bruce Jorgensen met with the Planning Commission concerning violations of zoning and conditional use at 252 East 760 South. Don Hartle stated that some time ago, South Valley RV submitted an application to rezone property and the application was denied. There were numerous meetings held and a conditional use permit was approved for the business. Since then, the business has been in violation of the conditional use permit. The boundaries of the property have also changed. Mr. Hartle stated that he had City Attorney Bruce Jorgensen write a letter. After reading the letter, Mr. Hartle stated that there was some confusion on the issue. Mr. Hartle stated that Mr. Jorgensen is here tonight to discuss the issue, where Wellsville City has been with the issue, and how to proceed. The issues are as follows: 1) a commercial business is being conducted in a residential zone, 2) a limit of the number of trailers allowed on the property at any given time, and 3) storage of trailers on the property. John Spence stated that the original agreement was that there were to be no more than 5 trailers on the property. There was to be no storage of trailers. All work of the trailers was to be completed inside of the building. The property has now had the landscaping modified, fences installed, and the trailers have spread out. Mr. Spence stated that he has counted up to 15 trailers on the property at one time. That was not part of the agreement. The business was discussed very extensively. Mr. Spence stated that the Planning Commission needs to know what the options are. The neighbors of this property are concerned. Mr. Spence stated that he feels the Planning Commission has let them down. City Attorney Bruce Jorgensen stated that he has done some research on this issue. The original size of the property was .37 acres. The neighbor to the west of the property negotiated with the owner of the highway commercial property to purchase some additional property. The property was sold. This is considered a subdivision. Because it is not a building lot, Utah law allows for a lot line adjustment.

It seems that a lot line adjustment was discussed, but never completed, and the property was sold. The deed now shows a total of .59 acres, so .22 acres was sold. Selling the .22 acres leaves the neighbor to the west's property at exactly 1 acre. The neighbor to the west didn't subdivide the property properly, and there was no lot line adjustment. All of the property is now under one tax identification number. There is .37 acres zone CH, Highway Commercial, and .22 acres zoned RA-1. Paul Egbert asked if a lot line adjustment was adequate. Mr. Jorgensen stated yes, if it was done properly. The Planning Commission gives approval for lot line adjustments. A lot line adjustment waives expensive costs of a subdivision. Mr. Jorgensen suggested approaching the owner of the highway commercial property, asking that he give back the .22 acres that was not approved as a lot line adjustment because the property can't be used for business, and it be transferred back to the original owner. Mr. Spence stated that the business came to the Planning Commission wanting a lot line adjustment and it was denied because Wellsville City doesn't want anymore highway commercial property in that area. Mr. Jorgensen stated that the owner of the highway commercial area is in violation of the zoning code, which is a criminal violation and is a Class B misdemeanor. The neighbor to the west has more than enough property for the RA-1 zone. Mr. Jorgensen stated that it is small pieces like this that are forgotten about. Mr. Spence stated that after they purchased the property, it was cleaned up. The Planning Commission denied the request because they didn't want the property added to the highway commercial zone, and the neighbors didn't want it either. The chicken coops were moved. The owners of South Valley RV seem to be good people. They were told no, but went ahead and did it anyway. Mr. Egbert asked if the letter was sent. Mr. Hartle stated that the letter wasn't sent because of the miss-communication of the issue. Mr. Jorgensen asked if the number of trailers for the property was limited. Mr. Spence stated that it was part of the motion when the conditional use permit was issued. Mr. Jorgensen stated that this is a violation of the conditional use permit, the business license can be revoked, and a criminal violation pursued. Mr. Spence asked about the duplex and the number of people living in it. Mr. Spence stated that it is 2 separate issues, but they are all tied together. Mr. Jorgensen stated that the duplex is in violation of the zoning code. A duplex is a 2 single-family residence. The owner of the duplex can be ordered to comply. Mr. Hartle stated that there is a difference in cultures as to what a single family is. Mr. Jorgensen asked who owned the duplex. Carl Leatham stated that the owner is Lazaro Guerra. Mr. Guerra doesn't live in the duplex. He rents it out. Mr. Jorgensen stated that Wellsville City should start with the owner of the duplex. Mr. Guerra should be educated as to what a single family is and then the zoning code enforced. Mr. Spence asked what the next step is for South Valley RV. Mr. Jorgensen stated that he would write a letter to the business, and deal with it as a misdemeanor. Brian Pattee stated that a copy of the minutes showing the conditional use permit approval accompany the letter sent by Mr. Jorgensen. Mr. Pattee asked if the owner of the property and the owner of the business are different people. Mr. Hartle stated yes. Mr. Pattee stated that a copy should go to both parties. Mr. Hartle asked if the Planning Commission would like to review the letter from Mr. Jorgensen before it is sent. The Planning Commission all agreed to mail the letter as soon as possible and that a copy is sent in their packet for the next meeting. M. Kent Larsen stated that the issues should be fixed in a reasonable amount of time. Mr. Jorgensen stated that the letter will ask that the owners meet with the Planning Commission in the next month at the Planning Commission meeting. The Planning Commission can then set a time limit as to when the issue should be resolved. Ruth P. Maughan asked if the neighbor that sold the property should be included also. Mr. Jorgensen stated yes. Carl Leatham stated that after Lance Gunnell and Dave Kurek's request was denied, solutions were discussed. Lazaro Guerra spoke with Mr. Leatham about his options. Mr. Guerra's property is in the RA-1 zone. Mr. Leatham stated that he suggested a lot line adjustment, and that he could sell off any additional property as long as he remained the owner of 1 acre. This discussion took place after the discussion with Lance Gunnell and Dave Kurek. There may be some confusion on Mr. Guerra's part. Ms. Maughan suggested sending a letter to Mr. Guerra concerning the issue and also addresses the duplex as a 2 single-family dwelling. Mr. Spence thanked Mr. Jorgensen for attending this meeting.

The Planning Commission continued the workshop on the proposed landscaping code. Don Hartle stated that City Planner Jay Nielson will not be available during the month of February. Mr. Hartle stated that if there are more changes needed, the workshop should be postponed until Mr. Nielson is available. There was some discussion on the code concerning the addition of part of the General Plan and thought that the General Plan was being repeated. A majority of the Planning Commission felt that the addition of part of the General Plan to the landscaping code was a good idea. There were a few questions concerning other pages of the landscaping code. John Spence asked if the Planning Commission thought the code was good enough to prepare it to go to the City Council. Mr. Hartle stated that the schedule is that a public hearing for the Planning Commission will be held on March 12, 2014, and that a public hearing for the City Council will be held on March 19, 2014. Mr. Hartle stated that the Planning Commission could change the schedule if they would like. Mr. Spence suggested putting the landscaping code on hold until March 12, 2014. All agreed. After discussion, M. Kent Larsen made a motion, seconded by Paul Egbert, to continue the workshop on the proposed landscaping code.

**YEA 5**

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

**NAY 0**

John Spence stated that he attended the City Council meeting last week. Robert Bolton read a letter that he wrote to the City Council concerning the proposed truck stop. The City Council listened. Mr. Spence stated that Mayor Thomas G. Bailey stated that no formal application for a truck stop has been made. The issues that Mr. Bolton is concerned with are as follows: 1) environmental impact study for air quality, and 2) traffic impact study. Both of these issues can be part of the conditional use permit. Carl Leatham stated that the environmental impact study should be site-specific. Mr. Spence stated that he wanted to discuss this issue with the Planning Commission so that they are aware of the issue concerning the proposed truck stop.

John Spence stated that he is concerned with the new sidewalks installed along Main Street and Center Street. Mr. Spence stated that he hopes the Planning Commission never does to the citizens of Wellsville City what he has dealt with for the past 3 months. If so, shame on us. Mr. Spence stated that he has asked the Councilperson twice to review the sidewalks and nothing has happened. Mr. Spence stated that the bill for the sidewalks shouldn't be paid.

At 6:59 p.m., Paul Egbert made a motion, seconded by Brian Pattee, 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