

MINUTES of the Wellsville City Planning Commission meeting held Wednesday, May 14, 2014, at the Wellsville City Offices, 75 East Main in Wellsville. Commission members present were Chairwoman Ruth P. Maughan, Chris Clark, Paul Egbert, Jerald Leishman, and Brian Pattee. Also present were City Manager/Recorder Don Hartle, Councilman Carl Leatham, and City Planner Jay Nielson. A copy of the Notice and Agenda was posted, faxed and emailed to the Herald Journal, and mailed to the Planning Commission on May 9, 2014. The meeting was called to order at 6:00 p.m. by Chairwoman Ruth P. Maughan.

Others Present:

Jennifer Leishman	Sam Winward	Travis McBride
Mason McBride	Ashley McBride	Earl Bates
Jeremy Jensen	Steve Kyriopoulos	Cody Schenk
Rustin Walker	Katie Christensen	Candy Sorensen
Janie Isaacson	Kendall Leishman	Jonathan Cook

Opening Ceremony: Jerald Leishman

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

<u>YEA 5</u>	<u>NAY 0</u>
Chris Clark	
Paul Egbert	
Jerald Leishman	
Ruth P. Maughan	
Brian Pattee	

The Commission reviewed the minutes for the Commission meeting which was held April 23, 2014. There were word changes on lines 70, 77, 86, 90, 121, 131 178, 199, and 222. After review, Paul Egbert made a motion, seconded by Brian Pattee, to approve the minutes of the April 23, 2014 meeting with the corrections.

<u>YEA 5</u>	<u>NAY 0</u>
Chris Clark	
Paul Egbert	
Jerald Leishman	
Ruth P. Maughan	
Brian Pattee	

At 6:05 p.m., conduct the following public hearings in the order below:

First, receive public input, then consider for approval a request from Aleena Winward for a conditional use for a Level 1 “Home Occupation” for quilting services from her residence at 169 West 100 North. Aleena Winward was unable to attend the meeting. Her husband, Sam Winward, stated that Ms. Winward has a long-arm quilting machine that sews amazing designs on quilts. The conditional use was approved for Ms. Winward at a previous address. There are approximately 3 to 5 visitors to the home per week. Paul Egbert asked about signage for the business. Mr. Winward stated that there would be no signs. Brian Pattee asked about customer parking. Mr. Winward stated that there is plenty of off-road parking in front of the home and to the side of the driveway. After discussion, Paul Egbert made a motion, seconded by Brian Pattee, to approve a request from Aleena Winward for a conditional use for a Level 1 “Home Occupation” for quilting services from her residence at 169 West 100 North.

<u>YEA 5</u>	<u>NAY 0</u>
Chris Clark	
Paul Egbert	
Jerald Leishman	
Ruth P. Maughan	
Brian Pattee	

Second, receive public input, then consider for approval a request from Sam Winward for a conditional use for a Level 2 “Home Occupation” to operate an insurance/financial agency from his residence at 169 West 100 North. Mr. Winward stated that he operates an insurance/financial agency from his residence. He does have a part-time secretary that works from 9:00 a.m. to 1:00 p.m. 4 days per week. Mr. Winward stated that he does have some clients at his home. There is no parking issue because there is plenty of off-road parking in front of the home and to the side of the driveway. There will be no signage for this business. After discussion, Gerald Leishman made a motion, seconded by Brian Pattee, to approve a request from Sam Winward for a conditional use for a Level 2 “Home Occupation” to operate an insurance/financial agency from his residence at 169 West 100 North.

YEA 5
Chris Clark
Paul Egbert
Jerald Leishman
Ruth P. Maughan
Brian Pattee

NAY 0

Third, receive public input, then consider for approval a request from Travis McBride for a conditional use for a Level 2 “Home Occupation” to operate a mechanic shop from his residence at 1560 South 200 East. Mr. McBride stated that he has an agriculture building next to his home that he does mechanic work out of. There is plenty of off-road parking. He has contracted with companies for anti-freeze and used oil recycling. He has 1 to 2 cars per day. He employs his son, Mason, to help in the shop. Paul Egbert asked how many vehicles Mr. McBride works on at one time. Mr. McBride stated 2 to 3. Mr. Egbert asked how many vehicles Mr. McBride has if it is non-operational and the owner doesn’t want it back. Mr. McBride stated that he has never had an issue like this. Mr. McBride stated that he does have a contact that would be able to scrap a vehicle for him. Mr. Egbert suggested that a condition be placed on this business to restrict the number of vehicles that can be stored on the property that are non-operational. Mr. Egbert stated that Wellsville City wants the property to look nice and clean. Brian Pattee asked about signage. Mr. McBride stated that he would like to put a small, non-lighted sign on the cinderblock building. Mr. Egbert stated that the sign would have to meet the signage code, which is a separate permit. Ruth P. Maughan stated that the application states the hours are from 3:00 p.m. to 7:00 p.m. Ms. Maughan asked about the noise of the shop. Mr. McBride stated that most of the repairs take place inside the shop. The noise neighbors would hear would be from an air drill or air gun. Mr. Egbert reminded Mr. McBride of the noise ordinance. Mason McBride stated that he is concerned with not being able to have vehicles on the property that they are waiting for parts on versus a non-operational vehicle. Mr. McBride stated that there is a difference between abandoned and junk vehicles and vehicles that are waiting on a part. Mr. Egbert suggested no abandoned vehicles onsite. Don Hartle suggested unlicensed vehicles. Mason McBride stated that very few farm vehicles are licensed. Carl Leatham suggested using the word derelict. Ms. Maughan suggested that the shop not be operational after 9:00 p.m., which meets the noise ordinance. After discussion, Paul Egbert made a motion, seconded by Brian Pattee, to approve a request from Travis McBride for a conditional use for a Level 2 “Home Occupation” to operate a mechanic shop from his residence at 1560 South 200 East with the condition that there are no derelict vehicles stored onsite.

YEA 4
Chris Clark
Paul Egbert
Ruth P. Maughan
Brian Pattee

NAY 0

ABSTAIN 1
Jerald Leishman

Fourth, receive public input, then consider for approval a request from Earl Bates for a conditional use for a Level 1 “Home Occupation” to operate an electrical contracting business from his residence at 381 South 100 West. Mr. Bates stated that he has a shop in Logan where he operates his business from. His work vehicles are parked at the shop. He has 4 employees. The employees meet at the shop. There are no clients that come to his home. This conditional use is to operate the office side of the business out of his home. Paul Egbert asked what the size of the office is. Mr. Bates stated that the office is the guest bedroom of his home. After discussion, Brian Pattee made a motion, seconded by Chris Clark, to approve a request from

Earl Bates for a conditional use for a Level 1 “Home Occupation” to operate an electrical contracting business from his residence at 381 South 100 West.

YEA 5

NAY 0

Chris Clark
Paul Egbert
Jerald Leishman
Ruth P. Maughan
Brian Pattee

Fifth, receive public input, then consider for approval a request from Elizabeth Miller, agent for Hila and Maeser Jensen, for a conational use for a 3 dog kennel at 211 South 100 West. Elizabeth Miller was unable to attend the meeting. Her fiancé, Jeremy Jensen, stated that they have 3 dogs. The yard is fully fenced. Ruth P. Maughan asked if the dogs are inside or outside dogs. Mr. Jensen stated both. Paul Egbert asked what breed the dogs were. Mr. Jensen stated that they have a blue heeler, a springer/spaniel mix, and a black lab/pointer mix. Mr. Egbert stated that the application states that this is to prevent further incidents of the dogs getting out. Mr. Jensen stated that they have chains on the gates of the fence as a secondary precaution. After discussion, Paul Egbert made a motion, seconded by Brian Pattee, to approve a request from Elizabeth Miller, agent for Hila and Maeser Jensen, for a conditional use for a 3 dog kennel at 211 South 100 West.

YEA 5

NAY 0

Chris Clark
Paul Egbert
Jerald Leishman
Ruth P. Maughan
Brian Pattee

At 6:30 p.m., the public hearings were closed.

Ruth P. Maughan stated at a previous meeting, she instructed Katie Christensen that the meeting could not be recorded. Steve Kyriopoulos recorded the meeting, and Ms. Maughan asked him to erase the recording. Ms. Maughan stated that she has since been instructed that the meetings can be recorded. Ms. Maughan apologized for this mistake.

The Planning Commission reviewed and discussed the Performance Schedule for the completion of required conditions for the Auto Travel Plaza on the northeast corner of the intersection of 400 North and Highway 89/91. City Planner Jay Nielson quoted the following from the Performance Schedule for the completion of required conditions: “All conditions continue through the life of the project and shall run with the land. Generally, the Planning Commission shall be convinced by documentation that all conditions have or will be satisfied prior to issuance of a building permit. Specific reviews and approval shall be accomplished as shown in the chart below. The Conditional Use Permit for this project shall expire within one year if substantial completion of at least one condition is not accomplished. Substantial completion shall be defined as formal, dated approval by the Planning Commission of at least one condition which has a preliminary or final approval date in the chart below.” Mr. Nielson stated that projects that are approved shouldn’t go on for 3 to 4 years. Things change and there needs to be a good faith effort to keep the project moving forward. Paul Egbert questioned the completion of at least one condition per year. This project could go on for 19 years. Mr. Nielson stated that the number of conditions completed per year is decided by the Planning Commission. The Planning Commission can increase the number. Mr. Nielson reviewed the conditions. Mr. Egbert suggested 3 conditions completed per year. Brian Pattee agreed with Mr. Egbert, and suggested that 5 conditions be completed per year. Mr. Egbert agreed with Mr. Pattee. Steve Kyriopoulos stated that the Planning Commission should let the project take its course. Mr. Kyriopoulos doesn’t want to be strapped to 3 or 5 conditions completed per year. Mr. Kyriopoulos stated that the plans are ready, and that 90% will fall into place. Mr. Kyriopoulos stated that every day that there is a delay, it cost money. Mr. Kyriopoulos stated that he doesn’t want an open-ended project. Mr. Kyriopoulos agrees that having a list of conditions is great, but to keep adding conditions to the list is unfair to the developer.

Mr. Nielson stated that he agrees with Mr. Kyriopoulos and stated that the conditions listed are very specific with great detail. Mr. Egbert stated that the other option is to have a sunset clause that states if the project is not completed after 3 years, it starts over. Mr. Nielson stated that the permit should expire for non-performance. It is for the protection of the community. Mr. Pattee asked how long a building permit is good for. Don Hartle stated that he doesn't think a building permit expires as long as progress is being made. Ruth P. Maughan stated that she believes 5 conditions completed per year is acceptable. Mr. Pattee stated that he doesn't think 5 conditions completed per year is unfair. Mr. Pattee stated that the opening statement of the Performance Schedule should have context in it that means something. Mr. Egbert stated that he agrees with 5 conditions completed per year. The Planning Commission agreed. Ms. Maughan thanked Mr. Nielson for authoring the Performance Schedule.

City Planner Jay Nielson discussed with the Planning Commission conflicts of interest. Mr. Nielson gave some training to the Planning Commission on ethics. Mr. Nielson stated that when an individual is in public work, whether it be an elected official, appointed official, or an employee, they have to be cautious of conflicts of interest. A conflict of interest is when an individual benefits directly from the approval of a project. It is not helpful when the Planning Commission is paranoid of decisions because of conflicts of interest. The Planning Commission thanked Mr. Nielson for his comments.

Don Hartle handed out copies of 2 appeals that Wellsville City has received regarding the decision concerning the truck stop. Mr. Hartle stated that Wellsville City will meet with City Attorney Bruce Jorgensen soon to decide the procedure to follow.

Don Hartle stated that at last week's City Council meeting, the City Council approved the landscape code. The City Council didn't approve the affordable housing plan, and that it will be on the agenda as a workshop until the end of July.

Brian Pattee asked about the status of South Valley RV. Don Hartle stated that he is working on it.

Don Hartle stated that he drafted a letter to the individual that may be operating a business out of his home. Mr. Hartle stated that he will ask the individual to attend a Planning Commission. If the individual doesn't attend, Mr. Hartle will turn the matter over to City Attorney Bruce Jorgensen.

Don Hartle stated that a camper trailer was parked next to a residence June 2013. It was there for several months. It left a couple of times to go away for the weekend. In December 2013, the camper trailer left. It returned in February 2014, and is still there. Mr. Hartle has written a letter to the owner stating that they have until May 22, 2014 to cease allowing the camper trailer to be parked next to the house. If the resident doesn't follow the order, the issue will be turned over to City Attorney Bruce Jorgensen.

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

YEA 5
Chris Clark
Paul Egbert
Jerald Leishman
Ruth P. Maughan
Brian Pattee

NAY 0

Ruth P. Maughan
Chairperson