

1 MINUTES of the Wellsville City Planning Commission meeting held Wednesday, April 22, 2015, at the  
2 Wellsville City Offices, 75 East Main in Wellsville. Commission members present were Chairwoman Ruth  
3 P. Maughan, Chris Clark, Paul Egbert, Jerald Leishman, and Brian Pattee. Also present were City  
4 Manager/Recorder Don Hartle, City Planner Jay Nielson, Mayor Thomas G. Bailey, and Councilman Carl  
5 Leatham. A copy of the Notice and Agenda was posted, faxed and emailed to the Herald Journal, and  
6 mailed to the Planning Commission on April 17, 2015. The meeting was called to order at 6:00 p.m. by  
7 Chairwoman Ruth P. Maughan.  
8

9 Others Present: Jennifer Leishman Bo Sharp Bailey Sharp  
10 Monte Williams Stephanie Williams Brian Burbank  
11 Dale Bankhead Sherry Edwards Adam Edwards  
12 David Owen Brett Davis Larry Stewart  
13 Rene Roderer Jay Davis Brian Leishman  
14 Glenda Tripp Bruce Hall Janie Isaacson  
15 Kendall Leishman Scott Gary  
16

17 Opening Ceremony: Chris Clark  
18

19 Ruth P. Maughan reviewed the agenda with the Commission. After discussion, Paul Egbert made a motion,  
20 seconded by Brian Pattee, that the agenda be approved as presented.  
21

22 YEA 5 NAY 0  
23 Chris Clark  
24 Paul Egbert  
25 Jerald Leishman  
26 Ruth P. Maughan  
27 Brian Pattee  
28

29 The Commission reviewed the minutes for the Commission meeting which was held April 8, 2015. After  
30 review, Brian Pattee made a motion, seconded by Chris Clark, to approve the minutes of the April 8, 2015  
31 meeting as presented.  
32

33 YEA 5 NAY 0  
34 Chris Clark  
35 Paul Egbert  
36 Jerald Leishman  
37 Ruth P. Maughan  
38 Brian Pattee  
39

40 At 6:05 p.m., conduct the following public hearing:  
41

42 First, receive public input, then consider for approval a request from Steven Bo Sharp for a conditional use  
43 to allow him to operate a part-time business of hauling cars based on property owned by Sharp  
44 Transportation at 390 North 900 East, which is in the C-3 zone. Bo Sharp stated that he would like to start  
45 a business of hauling cars from Salt Lake City to Las Vegas and back for dealerships. There would be no  
46 storage of any kind, just loading and unloading cars. The trailer will be parked along with the other trailers  
47 at Sharp Transportation.  
48

49 At 6:06 p.m., the public hearing was closed.  
50

51 Paul Egbert stated that this is a general highway zone. It is nothing different than what is taking place now.  
52 After discussion, Brian Pattee made a motion, seconded by Jerald Leishman, to approve a request from  
53 Steven Bo Sharp for a conditional use to allow him to operate a part-time business of hauling cars based on  
54 property owned by Sharp Transportation at 390 North 900 East, which is in the C-3 zone.  
55  
56

57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100  
101  
102  
103  
104  
105  
106  
107  
108  
109  
110  
111  
112

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

NAY 0

At 6:07 p.m., conduct the following public hearing:

Second, receive public input, then consider making a recommendation to the City Council on a request from Monte Williams, that the code be amended to allow “Auctions” as a “Home Occupation” as a conditional use in an existing building in the RA-1 zone. Monte Williams stated that he would like to conduct auctions out of the existing barn located on his property. Mr. Williams stated that he is willing to conduct an auction for Founder’s Day. The auctions will be held once a month. Mr. Williams stated that he has room on his property for parking, as well as storage of the items. Mr. Williams stated that his neighbors have offered their 2 acres of property if he needs additional parking. Mr. Williams stated that he has over 50 signatures from his neighbors that signed a petition in his favor. Brian Pattee asked if Mr. Williams would have any type of signage. Mr. Williams stated that on auction day, he would roll out a sign on a flatbed trailer, and then roll it back up. The signage would be temporary and only during the auction. Mr. Williams stated that he would like to begin the auctions at 10:00 a.m. and that they would last a couple of hours. Ruth P. Maughan asked if the auctions would be consignment-type items. Mr. Williams stated yes. Mr. Williams stated that he would also do livestock auctions, farm equipment, and estates. Paul Egbert asked how many people it took to run an auction. Mr. Williams stated that he, his wife, and children can run the auction. David Owen stated that he is in attendance to support Mr. Williams. Mr. Owen stated that the business would be run well and it would be a credit to the community. Brett Davis stated that Mr. Williams would run a professional business. It would be an asset to the community. Mr. David stated that Mr. Williams also has the support of his neighbors. Dale Bankhead stated that he is in support of Mr. Williams. Mr. Bankhead believes that it is a great idea. Mr. Bankhead stated that the previous objection was because the code didn’t specifically say that “auctions” were allowed. Mr. Bankhead stated that Founder’s Day isn’t cancelled because of a parking problem. Brian Burbank stated that he has watched Mr. Williams conduct an auction. Mr. Williams is very professional and the paperwork is completed correctly. Rene Roderer stated that Mr. Williams has conducted auctions for free for church functions, and people love it. Mr. Roderer stated that he is in attendance to support Mr. Williams. Larry Stewart stated that he is in attendance to support Mr. Williams. Mr. Stewart stated that he doesn’t see this as a business, but as a service to the community.

At 6:16 p.m., the public hearing was closed.

Paul Egbert stated that he appreciated the support of the neighbors. This is a balancing act. The Planning Commission is not questioning how well of a business Mr. Williams can run. The question is if this type of business is appropriate in a residential neighborhood. If this type of business was proposed in a different neighborhood without the support of the neighbors, would the answer still be yes. The basis of a home occupation is that it is a secondary use, not the primary use. The code states that only 25% of the property is to be used for the business. It is difficult to control this type of business in a residential neighborhood. Brian Pattee stated that he likes the idea. Mr. Pattee stated that he doesn’t think this type of business should be allowed in a zone smaller than RA-1. The business can be controlled by conditions that are placed on the business, and the business license can be revoked if needs be. There are plenty of checks and balances. Chris Clark stated that this type of business would be an addition to the community to help with clean-up. City Planner Jay Nielson stated that items that he would comment on have already been mentioned. Mr. Nielson stated that the frequency of the auctions could be problematic, but is also something that could be limited by the conditions placed on the business. Ruth P. Maughan stated that her concern is that the code states that no more than 25% of the property be used for the business, and it is obvious that more than 25% of the property is being used for this business. Mr. Nielson stated that the code could be modified to increase the percentage of use of the property, but he wouldn’t recommend it. Ms. Maughan reviewed the Level 2 “Home Occupation” section of the code. After discussion, Brian Pattee made a motion, seconded by Chris Clark, to recommend to the City Council on a request from Monte Williams, that the code be

113 amended to allow “Auctions” as a “Home Occupation” as a conditional use in the RA-1 zone.  
114

115 YEA 4

116 Chris Clark

117 Jerald Leishman

118 Ruth P. Maughan

119 Brian Pattee

NAY 1

Paul Egbert

120  
121 At 6:30 p.m., conduct the following public hearing:  
122

123 Third, receive public input, then consider for approval a request from Wellsville City for a conditional use  
124 to allow for the construction of a City Office building at 75 East Main, which is in the CH, Neighborhood  
125 Commercial zone, and allowed as a professional office per 10-9A-3 of the City code. Don Hartle stated that  
126 the public hearing is being held to keep this project going. There is no design yet. The new City Office  
127 building will be built where the existing building and cinderblock building is now. Mr. Hartle stated that  
128 the building meets the code and that Wellsville City receives public input. Paul Egbert stated that there is  
129 no site plan, no parking shown, and no setback shown. Mr. Egbert stated that 10-9A-5 requires a 20-foot  
130 front setback. City Planner Jay Nielson stated that it should be 0. Mr. Egbert stated that the side and rear  
131 setbacks give the option of 0, but not the front setback. Kendall Leishman stated that the Planning  
132 Commission should review the plans of the project before it is approved. Brian Pattee asked if there are any  
133 plans for the City Office building. Mr. Hartle stated that the City Council is in the process of releasing an  
134 RFP for the project. Mr. Egbert asked about the height of the building. Mr. Nielson stated that if Wellsville  
135 City decides to build a 2-story building, it will need to be reviewed. Mr. Hartle stated that he will prepare a  
136 code amendment for the front setback. Mr. Pattee asked about landscape requirements in this zone. Mr.  
137 Hartle stated that there no none. Mr. Egbert stated that Wellsville City would need UDOT approval since  
138 they are building along a state road. Glenda Tripp stated that if Wellsville City builds a 2-story building,  
139 having a floor plan is critical.  
140

141 At 6:41 p.m., the public hearing was closed.  
142

143 After discussion, Paul Egbert made a motion, seconded by Jerald Leishman, to continue this discussion at a  
144 future Planning Commission meeting.  
145

146 YEA 5

147 Chris Clark

148 Paul Egbert

149 Jerald Leishman

150 Ruth P. Maughan

151 Brian Pattee

NAY 0

152  
153 At 6:42 p.m., conduct the following public hearing:  
154

155 Fourth, receive public input, then consider for approval a request from Wellsville City for a conditional use  
156 to allow the construction of a Public Works buildings and facilities at approximately 325 West 200 South  
157 (commonly known as the City gravel pit). Said property is in the RA-1 zone, and public buildings and  
158 public utilities are allowed by conditional use per 10-6B-3. Don Hartle stated that he retrieved some  
159 concept plans from the archives, but didn't send copies to the Planning Commission because the location  
160 and what is wanted has changed. Paul Egbert asked if the outline of the property on the map should be  
161 squared up. Mr. Hartle stated no, it is angled. Mr. Egbert asked what the planned access is. Mr. Hartle  
162 stated 200 South. Mr. Egbert asked if there is a plan to extend 100 West, 200 West, and 300 West. Mr.  
163 Hartle stated that 200 South ends at the gravel pit. The half-block of road is owned by the Kerr family. Mr.  
164 Egbert suggested that as Wellsville City plans these Public Works buildings and facilities, to be sensitive to  
165 the zones that are around it. City Planner Jay Nielson stated that the code requires an extension of the grid.  
166 Mr. Hartle stated that if the Public Works buildings and facilities are allowed, there is a plan for 200 South  
167 to extend. Mr. Egbert stated that public facilities are allowed, but to be sensitive to the area around the  
168 buildings and facilities. Mr. Egbert suggested using landscaping and a fence for security. Brian Pattee

169 stated that the code says that the developer will extend all roads. Mr. Nielson stated that the job of the  
170 Planning Commission is to determine if what is being done is sufficient enough. Brian Leishman stated that  
171 as a private property owner, the code states that he has to continue the grid and dedicate property for the  
172 road. Mr. Leishman stated that if he owns the property, and the grid is not continued, it devalues his  
173 property. Mr. Egbert stated that the code is the same whether an individual or Wellsville City approaches  
174 the Planning Commission about development. Mr. Egbert stated that continuation of the road plan needs to  
175 be addressed. Bruce Hall stated that he predicts the gravel pit will continue to produce gravel for the next  
176 25 to 30 years. Mr. Hall stated that he thinks the RA-1 zone is inappropriate for the area. There are very  
177 few people that have interest in the property in the area. Mr. Hall stated that he would love to see a shop  
178 built in the area, but thinks Wellsville City is planning for 40 years in advance instead of just 20 to 25 years  
179 in advance. This is an industrial area that will be enhanced with the Public Works buildings and facilities.  
180 Mr. Hartle asked if 200 West should be extended to go through the property, or to continue the road that  
181 gets to the property now. Mr. Hall stated that he would not sell the property for residential use, but for  
182 some other use. Mr. Nielson stated that this point puts the responsibility on the Planning Commission and  
183 Wellsville City that the use is compatible with the residential zone. Mr. Hall stated that his property should  
184 be zoned something else so that the zones fit together and are more compatible. Carl Leatham stated that  
185 because of the natural contour of the gravel pit, the gravel pit site lower than the property to the west.  
186 Extending 200 South would be problematic because the gravel pit will remain a gravel pit. Mr. Egbert  
187 stated that he would like to see some type of proposal. Mr. Hartle stated that a study was completed a few  
188 years ago to extend Main Street to 300 West, but they would have to come down to 100 West to get the  
189 elevations. The Planning Commission would like to see a proposal, site plan, surveys, preserve a 99-foot  
190 right-of-way, a bonding for the road.

191  
192 At 7:03 p.m., the public hearing was closed.

193  
194 After discussion, Paul Egbert made a motion, seconded by Jerald Leishman, to continue this discussion at a  
195 future Planning Commission meeting.

196  
197 The Planning Commission reviewed for approval the Pioneer Divide Subdivision Final Plat of 2 residential  
198 building lots at approximately 160 East 400 North. Jay Davis stated that he is here seeking approval of the  
199 Final Plat of the Pioneer Divide Subdivision. Mr. Davis stated that he is aware that the addresses will need  
200 to be modified. Mr. Davis stated that he will try to have the construction drawings for utilities completed,  
201 sent to City Engineer Chris Breinholt, signed off, and delivered before the City Council meets in 2 weeks.  
202 Don Hartle stated that he hasn't heard anything from Mr. Breinholt. Ruth P. Maughan asked if Mr. Davis  
203 has checked with the irrigation company. Mr. Davis stated that he has tried to contact Scott Hendry. Mr.  
204 Davis has spoken with Mr. Hendry for a brief minute, but has had no contact since then. Paul Egbert stated  
205 that the irrigation company should sign off on what is being done on this property. Mr. Davis asked if the  
206 agreement from the irrigation company needs to be in writing. Mr. Hartle stated yes. Mr. Davis stated that  
207 he would like to keep this project moving forward. Mr. Hartle stated that the Planning Commission could  
208 approve the Final Plat subject to Mr. Breinholt signing off on it. Mr. Hartle stated that the Final Plat  
209 doesn't show the high water statement. Mr. Egbert stated that it is standard terminology. Mr. Davis asked  
210 if it was part of the code. Mr. Egbert stated yes. City Planner Jay Nielson stated that the Final Plat shows a  
211 stream protection easement, but it should be shown as open space because of sensitive lands. After  
212 discussion, Brian Pattee made a motion, seconded by Chris Clark, to approve the Pioneer Divide  
213 Subdivision Final Plat of 2 residential building lots at approximately 160 East 400 North subject to the  
214 recommendations from Mr. Breinholt being completed, the high water statement added to the Final Plat, the  
215 stream protection easement modified to open space because of sensitive lands, and the letter of approval  
216 from the irrigation company.

217  
218 YEA 5 NAY 0  
219 Chris Clark  
220 Paul Egbert  
221 Jerald Leishman  
222 Ruth P. Maughan  
223 Brian Pattee  
224

225  
226  
227  
228  
229  
230  
231  
232  
233  
234  
235  
236  
237  
238  
239  
240  
241  
242  
243  
244  
245  
246  
247  
248  
249  
250  
251  
252  
253  
254  
255  
256  
257  
258  
259  
260  
261  
262  
263  
264  
265  
266  
267  
268  
269  
270  
271  
272  
273  
274  
275  
276  
277  
278  
279  
280

City Planner Jay Nielson conducted a workshop on Chapters 10.40, 10.41, and 10.43 of the proposed new Land Use code.

At 7:55 p.m., Jerald Leishman made a motion, seconded by Paul Egbert, to adjourn the meeting.

**YEA 5**

**NAY 0**

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

---

Ruth P. Maughan  
Chairperson