

MINUTES of the Wellsville City Planning Commission meeting held Wednesday, August 26, 2015, at the Wellsville City Offices, 75 East Main in Wellsville. Commission members present were Chairwoman Ruth P. Maughan, Chris Clark, Paul Egbert, Marcene Parker, and Brian Pattee. Also present were City Manager/Recorder Don Hartle 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 August 21, 2015. The meeting was called to order at 6:00 p.m. by Chairwoman Ruth P. Maughan.

Others Present: Jennifer Leishman Kelly Parkinson Todd Horman
Craig Winder Chris Breinholt Rick Stednitz
Scott Gary Jonathan Cook

Opening Ceremony: Brian Pattee

Ruth P. Maughan reviewed the agenda with the Commission. Don Hartle added 3 items; 1) Cheese Plant, 2) Brent Benson/Mtn. Valley Heating & Air Conditioning, and 3) Sharp Transportation. After discussion, Chris Clark made a motion, seconded by Paul Egbert to approve the agenda with the additional items.

YEA 5 NAY 0
Chris Clark
Paul Egbert
Ruth P. Maughan
Marcene Parker
Brian Pattee

The Commission reviewed the minutes for the Commission meeting which was held August 12, 2015. There was a word change on line 128. After review, Marcene Parker made a motion, seconded by Chris Clark, to approve the minutes of the August 12, 2015 meeting with the correction.

YEA 4 NAY 0 ABSTAIN 1
Chris Clark Brian Pattee
Paul Egbert
Ruth P. Maughan
Marcene Parker

At 6:05 p.m., conduct a public hearing to receive public input, then consider for approval a request from Kelly Parkinson for a conditional use for a Level 1 "Home Occupation" to do design work out of his home at 10 North 900 East. Kelly Parkinson stated that he does graphic design from his home for wraps on motorcycles, snowmobiles, and cars. Mr. Parkinson stated that he also has the ability to do vinyl signs. All of his sales are over the internet. Paul Egbert asked what equipment is used for this business. Mr. Parkinson stated that he uses a printer, laminator, and a plotter. Mr. Egbert asked how many employees Mr. Parkinson has. Mr. Parkinson stated that he is the only employee. Mr. Egbert stated that the business meets the code, but as the business expands, Mr. Parkinson would need to change the use or the location. Ruth P. Maughan asked if there would be any signage. Mr. Parkinson stated no. There was no public input.

At 6:08 p.m., the public hearing was closed.

After discussion, Paul Egbert made a motion, seconded by Brian Pattee, to approve a request from Kelly Parkinson for a conditional use for a Level 1 "Home Occupation" to do design work out of his home at 10 North 900 East.

YEA 5 NAY 0
Chris Clark
Paul Egbert
Ruth P. Maughan
Marcene Parker
Brian Pattee

The Planning Commission met with representatives from Wellsville Landing Subdivision to request that the Planning Commission recommend to the City Council that they be allowed to bond for infrastructure improvements and file the final plat before the infrastructure is completed. Todd Horman stated that lot 10 has the existing home with existing utilities. It is a legal lot. Mr. Horman stated that he spoke with City Attorney Bruce Jorgensen. There is a legal description for lots 1 through 9, and a separate legal description for lot 10. It was recorded and signed off on the Final Plat. Mr. Horman stated that the appraiser returned stating that the bank would not accept it because lot 10 is not a legal lot until the entire subdivision is recorded. Mr. Horman stated that Mr. Jorgensen said that the City Code says that lots 1 through 9 could be a separate parcel and that a bond could be held for all of the improvements for the subdivision. Mr. Horman stated that he wants to make sure that lot 10 is part of the subdivision. Don Hartle stated that Mr. Horman did meet with Mr. Jorgensen concerning this subdivision. Mr. Hartle stated that there is a procedure that Mr. Horman can do on this subdivision because there are no improvements to be made to lot 10. Mr. Hartle stated that lot 10 has been sold and that the new owners will have to sign the final plat. Mr. Hartle stated that Mr. Horman will need to bond for 150% of the cost of the improvements and that there can be no expiration date on the bond. City Engineer Chris Breinholt stated that this is normal practice in most areas. Mr. Breinholt stated that the bond is in place so that the final plat can be recorded. Mr. Breinholt recommended that Wellsville City require a cash escrow bond instead of a letter of credit. Mr. Hartle stated that until the preliminary plat is signed in red ink by Mr. Breinholt, nothing will take place concerning this subdivision. Ruth P. Maughan asked if Mr. Harmon had read the letter from Mr. Breinholt. Mr. Breinholt stated that the letter states that the preliminary plat be brought up-to-date to match the final plat. Paul Egbert asked what kind of time frame Mr. Horman is asking for. Mr. Horman stated that he is asking for 45 days. Ms. Maughan stated that the City code does allow for this, but to not make a practice of it. After discussion, Paul Egbert made a motion, seconded by Brian Pattee, to recommend to the City Council that the Wellsville Landing Subdivision be allowed to bond for 150% of the cost of the infrastructure for the subdivision.

YEA 5

Chris Clark
Paul Egbert
Ruth P. Maughan
Marcene Parker
Brian Pattee

NAY 0

The Planning Commission continued consideration for approval of the Preliminary Plat for the Cooper Ridge Subdivision on the west side of Center Street at approximately 1335 South to 1419 South. Craig Winder stated that he is seeking approval for the Preliminary Plat for the Cooper Ridge Subdivision. Mr. Winder stated that the plat doesn't show the sewer line to Dale Cooper's home. It was an oversight. City Engineer Chris Breinholt stated that the Planning Commission told the developer to leave the channel alone. Mr. Breinholt's comments concerning the channel say that he would like to see some sections straightened because of the culverts for driveway. Mr. Breinholt stated that whatever is done with the channel, it will have to pass through FEMA. Mr. Breinholt stated that FEMA's flood maps are not very accurate. Mr. Breinholt stated that there are 2 lots that show driveways over the channel and culverts installed. Paul Egbert asked if the lots were #6 and #7. Mr. Breinholt stated yes. Mr. Winder stated that pulling the road back to build on the lots was a difficult task. Mr. Breinholt stated that his comments are not major changes. Mr. Breinholt stated that a better solution would be to shore up the bank. Brian Pattee asked if the developer changed the channel, he would have to follow the standards from FEMA. Mr. Breinholt stated that is correct. Mr. Egbert asked if this plat have been reviewed by the State Engineer's Office. Mr. Breinholt stated no because it is not an active stream. Marcene Parker stated that her concern is that FEMA will approve the channel to be modified, the flow of the channel will change, flooding will occur and wipe out homes, and Wellsville City will be held liable. Mr. Breinholt stated that if the channel is modified or straightened, it will have to match the existing size. Ruth P. Maughan asked if the whole channel will need to be straightened, or just the area around lots 6 and 7. Mr. Breinholt stated just around lots 6 and 7. Mr. Egbert stated that the developer would need to obtain a stream alteration permit. Ms. Maughan stated that the channel could be left as is and shore up the banks. Mr. Pattee stated that he likes the idea of another agency signing off on this subdivision, such as, FEMA and the State Engineer's Office. Mr. Egbert stated that if the developer chooses to reinforce the banks of the channel, it would have to be compliant with

FEMA and the State Engineer's Office. Don Hartle asked if the subdivision would have an HOA. Mr. Winder stated that he didn't think so. Mr. Hartle stated that there are detention ponds located on lots 1 and 8. Mr. Hartle asked if the property owners of lots 1 and 8 would be responsible for maintaining the detention ponds. Mr. Winder stated that he doesn't think it is the intention to have the property owners maintain the detention ponds. Mr. Hartle stated that there is a 10-foot public utility easement around each lot. The developer needs to move the water and sewer lines within the right-of-way and the service lines should be in the 10-foot P.U.E. with the sewer line on the low side and the water line on the high side. Ms. Maughan asked about the drainage swale on Center Street. Mr. Hartle stated that the swale should be large enough to adequately handle the water. Mr. Egbert asked about the strip of property on the north side of the subdivision. Mr. Breinholt stated that he recommends that the road be squared up and brought to the property line. Ms. Maughan stated that she agrees with Mr. Breinholt. Ms. Maughan asked about the water supply in this area. Mr. Hartle stated that in 2005, Tim Gibbons completed a study for Wellsville City. Currently, the water supply for this area is from the springs. Mr. Hartle stated that different options have been discussed. Mr. Egbert asked if there was irrigation water on the property. Mr. Winder stated that he believed there is. Mr. Hartle stated that it doesn't matter if there is irrigation water, the developer is required to supply 3 acre feet of water per developable acre to Wellsville City. Mr. Hartle read from the study completed by Tim Gibbons. Mr. Hartle stated that Wellsville City is working on a second source of water for this area. After discussion, Marcene Parker made a motion, seconded by Brian Pattee, to approve the Preliminary Plat for the Cooper Ridge Subdivision on the west side of Center Street at approximately 1335 South to 1419 South subject to meeting all of the conditions listed in the memo from Jones & Associates dated August 20, 2015, that the channel be straightened or shore up the banks, the HOA be addressed, and maintenance of the detention ponds be addressed.

YEA 5

NAY 0

Chris Clark
Paul Egbert
Ruth P. Maughan
Marcene Parker
Brian Pattee

Don Hartle stated that the owner of the old cheese plant wants to use a portion of the building to rent out for storage. Mr. Hartle stated that he has received 2 to 3 calls concerning this issue. Mr. Hartle asked the Planning Commission if they wanted each individual who may be renting space to attend a Planning Commission meeting and request a conditional use permit. Paul Egbert stated that he remember storage as part of the original discussion, but not approving storage inside the building at that time. Mr. Egbert wonders if the owner needs to attend a Planning Commission meeting and modify the use of the building. Brian Pattee asked if the minutes of the original discussion have been reviewed. Mr. Hartle stated that he believes that the owner will allow anything to be stored inside of the building just so that the space is rented out. Mr. Egbert stated that he is not opposed to renting out the space inside the building as long as it is defined upfront as to what is allowed. Mr. Egbert asked that Mr. Hartle review the minutes from the original discussion to see what was approved.

Don Hartle stated that Brent Benson, owner of Mtn. Valley Heating and Air Conditioning met with him. Mr. Benson is renting an office space to William Owens, who is the owner of an internet trailer sales business. Mr. Owens was given approval for a conditional use permit. The Planning Commission thought that when they gave approval for a conditional use permit for Mr. Benson, Mr. Benson was to replace the fence around the backyard. Mr. Benson was very upset. Mr. Benson stated that he is a man of his word. Mr. Benson asked Mr. Hartle to review the minutes of his conditional use approval. The fence was discussed, but was not part of the motion. Mr. Benson stated that he has spoken with Jeff Smith, but hasn't gotten anywhere with him. Paul Egbert stated that his concern is the east side of the fence. Mr. Hartle stated that the fence was discussed, but not part of the motion. Mr. Egbert asked if Mr. Benson had improved the area. Mr. Hartle stated that he has. Mr. Hartle stated that Mr. Benson wants a correction in minutes of the previous Planning Commission meeting that the fence was discussed, but not part of the motion. After discussion, Paul Egbert made a motion, seconded by Marcene Parker, to clarify the Planning Commission meeting minutes of August 12, 2015, that the fence was discussed, but not a condition of the conditional use permit for Brent Benson for his HVAC business.

YEA 5

Chris Clark
Paul Egbert
Ruth P. Maughan
Marcene Parker
Brian Pattee

NAY 0

Don Hartle stated that he is getting pressure to issue the building permit for Sharp Transportation. City Engineer Chris Breinholt asked if UDOT is in agreement concerning the road. Mr. Hartle stated that Zan Sharp is working with UDOT concerning the road, but it has nothing to do with the building. Paul Egbert asked if Mr. Sharp could confirm the alignment of 400 North. Mr. Hartle stated that there would be a minimum of 11 feet frontage, up to 33 feet of frontage. Mr. Egbert stated that he is concerned with the future, such as the road improvements, dedication of the road to Wellsville City, and landscaping. Mr. Egbert asked if Mr. Sharp could bond for those 3 issues. Mr. Hartle read from the Planning Commission meeting minutes of May 27, 2015. The minutes state that the building has been approved. Mr. Egbert stated that Wellsville City needs to confirm that the conditions have been met. Mr. Egbert stated that Wellsville City should find a mechanism to secure the road improvements, dedication of the road, and landscaping. Mr. Hartle stated that he will ask Mr. Sharp if he is willing to bond for the road improvements, road dedication, which would include the cost of purchasing the road, and landscaping. Mr. Hartle stated that he will set up a meeting with City Planner Jay Nielson, City Engineer Chris Breinholt, Zan Sharp, and himself.

At 7:49 p.m., Paul Egbert made a motion, seconded by Brian Pattee, to adjourn the meeting.

YEA 5

Chris Clark
Paul Egbert
Ruth P. Maughan
Marcene Parker
Brian Pattee

NAY 0

Ruth P. Maughan
Chairperson