

MINUTES of the Wellsville City Planning Commission meeting held Wednesday, April 14, 2010 at the Wellsville City Offices, 75 East Main in Wellsville. Commission members present were Chairman Loyal Green, Russell Glenn, Jaye Colling, John Spence, and M. Kent Larsen. Also present were City Manager/Recorder Don Hartle, City Planner Jay Nielson and City 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 April 9, 2010. The meeting was called to order at 6:00 p.m.

Others Present: Jennifer Leishman Bonnie Case
Earl Rouse Ron Case
Sandra Todd Thelma Seeholzer
Tim Anderson Carol Nyman
Dale Anderson Eric Seeholzer
Jan Anderson

Opening Ceremony: M. Kent Larsen

Loyal Green reviewed the agenda with the Commission. After review, John Spence made a motion, seconded by M. Kent Larsen, that the agenda be approved as presented.

Yea 5 Nay 0
Russell Glenn
Jaye Colling
Loyal Green
John Spence
M. Kent Larsen

The Commission reviewed the minutes for the Commission meeting which was held on March 24, 2010. There were word changes on lines 111, 132, 141, 148, 176, 179, and 191. After review, Russell Glenn made a motion, seconded by Jaye Colling, that the minutes of the March 24, 2010 meeting be approved with the corrections.

Yea 5 Nay 0
Russell Glenn
Jaye Colling
Loyal Green
John Spence
M. Kent Larsen

At 6:05, the Planning Commission conducted the following public hearings:

First, the Planning Commission received public input and considered for approval a request from Earl Rouse for a conditional use for a 3-dog kennel at 391 South 300 West. Mr. Rouse stated that he has a dog pen with 3 puppies. There are no houses to the west of his home, and there is a considerable distance to the house to the east of his home. John Spence asked what breed the dogs are that he owns. Mr. Rouse stated that all of the puppies are a border collie/lab mix. All of the puppies are male, and they are going to be neutered next week. Loyal Green stated that he would like Mr. Rouse to explain the cleanup of the dogs, as well as if there is a barking disturbance. Mr. Rouse stated that they are good dogs. Mr. Rouse stated that the cows next door are noisier than his dogs. Mr. Spence asked what the dog kennel is made of. Mr. Rouse stated that it is made out of cattle panels. There is a small doghouse. The dog kennel is built next to a shed. Mr. Green asked about clean up of the dogs. Mr. Rouse stated that about every month he goes in and scoops it all out and disposes of it. Russell Glenn asked if the fence shown is enclosed. Mr. Rouse stated that the kennel is located on about ¼ of the acre of property that he owns. Mr. Rouse stated that the fence is not yet enclosed, but will be in the next few weeks. After discussion, John Spence made a motion, seconded by Russell Glenn, to approve a request from Earl Rouse for a conditional use for a 3-dog kennel at 391 South 300 West.

Yea 5

Nay 0

Russell Glenn
Jaye Colling
Loyal Green
John Spence
M. Kent Larsen

Second, receive public input and consider for approval a request from Sandra Todd for a conditional use for a Level 1 “Home Occupation” for photography at 372 South 100 West. Ms. Todd stated that she would do most of the photography on location, and use her home for the office portion of the business. Ms. Todd stated that if a family doesn’t have a location in mind, she would have the family come to her home. She will not have any large groups, and maybe 1 to 2 vehicles, which her current driveway can accommodate. John Spence asked if Ms. Todd would use any signs for advertising. Ms. Todd stated no. Mr. Spence asked if there would be any chemicals use for the photography. Ms. Todd stated no, the photography would all be digital. After discussion, M. Kent Larsen made a motion, seconded by Jaye Colling, to approve a request from Sandra Todd for a conditional use for a Level 1 “Home Occupation” for photography at 372 South 100 West.

Yea 5

Nay 0

Russell Glenn
Jaye Colling
Loyal Green
John Spence
M. Kent Larsen

Third, receive public input and consider for approval the preliminary plat for the Dale Anderson subdivision containing a total of 2 lots (1 additional building lot) on property at 332 North 200 East. Mr. Anderson stated that Joyce Anderson has signed over to them 30 feet of property, and there is enough frontage to build a home. Don Hartle handed out a memo from the City Engineer concerning his comments about the subdivision. They are as follows: 1) A title block needs to be shown at the top of the plat. 2) The sizes of the existing utilities in 300 North should be shown on the plat. The existing sewer is 12” and the existing water is 6”. 3) The existing address of lot 2 should be shown on the plat. 4) The basis of bearing needs to be shown. 5) The owner of the property between the ROW for 200 East and lot should be shown. It is likely owned by Wellsville City as it appears that it is being used as part of the ROW. 6) There is an existing ditch in front of lot 1 that may need to be piped. John Spence asked if Mr. Anderson has discussed this issue with Dee Bassett. Mr. Anderson stated that he tried, and he also tried to give Mr. Bassett 4 feet of property, but Mr. Bassett doesn’t understand. Mr. Anderson stated that it doesn’t affect this because it is not tied to the subdivision. Loyal Green asked if Mr. Anderson has a legal deed to everything that is described on this preliminary plat. Mr. Anderson stated yes. Mr. Hartle stated that the legal description is sent to a title company, who creates a report and sends it to City Attorney Bruce Jorgensen for review before it is filed. M. Kent Larsen asked if the City can enforce piping a ditch in front of a lot. Mr. Hartle stated that they can enforce piping a driveway, but he doesn’t know about piping a ditch. Mr. Spence asked about a fire hydrant. Mr. Hartle stated that the City Engineer has signed off on the preliminary plat, and that no fire hydrant was required. After discussion, Jaye Colling made a motion, seconded by Russell Glenn, to approve the preliminary plat for the Dale Anderson subdivision containing a total of 2 lots (1 additional building lot) on property at 332 North 200 East contingent upon the issues raised by the City Engineer be addressed.

Yea 5

Nay 0

Russell Glenn
Jaye Colling
Loyal Green
John Spence
M. Kent Larsen

The Planning Commission reviewed for approval the preliminary plat for the Parker subdivision containing a total of 4 lots plus a remainder parcel (3 additional building lots) on property from 31 East to 100 East between 400 South and 500 South. Don Hartle stated that Wellsville City purchased this property, and part of the contract was to develop a 4-lot subdivision. With the plot lines, it was simpler to include Ron Cases' home, which is lot 3. The remaining parcel is 5.49 acres. On the second page of the preliminary plat, the trees shown have nothing to do with this subdivision. Mr. Hartle stated that when and if Wellsville City decides to build a Public Works facility on the remaining parcel, the existing 6-inch water line on 500 South is not adequate for fire flows for commercial. Mr. Hartle stated that he anticipates at some point, Wellsville City would install a new 8-inch water line. Mr. Hartle pointed out the new fire hydrant that will be installed between lots 3 and 4. Mr. Hartle asked for the Planning Commission's opinion concerning the sidewalk that was approved by the City Council that the sidewalk meanders around the existing trees. Mr. Hartle stated that his opinion is that there is no problem with the sidewalk meandering a little. Jay Nielson stated that having the sidewalk meander a little so it doesn't look so abrupt. Jaye Colling asked how the meandering sidewalk would affect the new water line. Mr. Hartle stated that the new water line would be located on the other side of the ditch. Ron Case stated that the Parker family doesn't want the barn that is shown on the preliminary plan to be torn down. Russell Glenn asked if a building can straddle a property line. Mr. Hartle stated that he would discuss this issue with the County Recorder and County Assessor. Mr. Nielson suggested that once either lot wants to build a home, the barn will have to be removed. Mr. Hartle handed out a memo from the City Engineer concerning his comments about the subdivision. They are as follows: 1) A final plat needs to be submitted. The following comments are taken from the submitted preliminary plat. 2) 100 East Street needs to be labeled. 3) The lot address for lot 5 should be removed. 4) Note "A" refers to a 1' x 25' easement to be dedicated to the Seeholzer property on the corner of 500 South and Center Street. A blow-up detail needs to be shown depicting the location and configuration of this easement unless it is to be recorded by a separate document. 5) A "high ground water" warning note needs to be added to the plat. The working should be as follows: *"High ground water levels may be present in the area. Wellsville City's approval of this development does not constitute any assumption of liability for high water table issues. The buyer of each individual lot is solely responsible for all risks involved in purchasing and building on these lots."* 6) Questar Gas lines needs to be shown in 500 South. 7) The sewer line may be ended just past the sewer lateral to lot 4. This line is too shallow to extend to others in the future. 8) The rolled gutter shown at the end of the sidewalk located at the east end of 500 South should be eliminated. The warning pad at the end of the sidewalk should be a truncated dome warning pad per current ADA standards. 9) The culvert under the sidewalk at the east end of 500 South should be a single 12" diameter pipe. It is understood that this will create additional grading requirements for drainage. 10) The alignment of the sidewalk needs to be discussed. The trees near the Seeholzer property will need to be trimmed back to allow for the construction of the sidewalk between the trees and the ditch. The transition of the sidewalk in front of the Case house should be less abrupt. A meandering sidewalk throughout this area may be an option and it is allowed in the Public Works Standards. 11) The vertical grade of the sidewalk needs to be more consistent with elevations matching the existing grades near stations 1+75, 4+10, and 6+25. Some areas will need to have fill imported under the sidewalk, and the sides of the sidewalk will need to be backfilled with a maximum 3:1 slope in those fill areas. 12) The developer's engineer must submit a detailed construction estimate covering the cost of all required improvements. 13) When the improvement plans are in final approved form, the City Engineer's office requests two (2) sets of the improvement plans. These plans must be stamped by the developer's licensed Professional Engineer. Jones and Associates will affix our approving signature to both sets. One set will be delivered to the city and the other set will be returned to the developer's engineer who will use this set to issue construction drawings. Only signed and approved improvement plans will be allowed in the field during construction. 14) Jones and Associates also request an electronic copy of the plat and construction drawing for the purpose of updating the city base map and utility maps. Electronic data should be compatible with the current version of AutoCAD. 15) Prior to construction, the developer and his construction contractor must hold a pre-construction conference with Jones and Associates and the City staff to review construction requirements. Mr. Colling asked about the comment from the City Engineer concerning the high ground water and if it could be a liability to the City. Mr. Hartle stated that the City Engineer has done a lot of work at the park near this subdivision and he has become aware of the high ground water and wanted to let people know. Mr. Nielson stated that the suggested comment from the City Engineer that needs to be added to the preliminary plat is a protection for the City. M. Kent Larsen

stated that he thinks a meandering sidewalk around a power pole or tree looks tacky. Mr. Larsen is concerned that there is a liability to the City for not having straight sidewalks. Mr. Nielson suggested that the sidewalk meanders the entire block. Mr. Larsen still doesn't think that is right because there is a safety concern. Russell Glenn asked who is responsible for the sidewalk. Mr. Hartle stated that Wellsville City. Mr. Hartle stated that the sidewalk will be redesigned on the final plat. Bonnie Case stated that their lawn is in such a dip, and asked if the sidewalk would be dropped to lawn level. Mr. Case stated that they would like the sidewalk installed at ground level so there is less likely hood of them getting water in their basement. After reviewing the preliminary plat, Mr. Nielson stated that the sidewalk looks to be 2 ½ feet lower than the crown of the road, which makes the sidewalk installed at lawn level. Loyal Green asked if the concerns about the sidewalk had been addressed as far as height of the sidewalk and safety for the children who use the sidewalk. Mr. Nielson stated that they have been addressed in the design. Eric Seeholzer stated that he has a concern with a sidewalk in front of his garage, and not being able to see children on the sidewalk as he backs out of his garage. Mr. Seeholzer is concerned about the liability issues that he faces, and wonders if the sidewalk can meander out around his garage. Mr. Glenn stated that Mr. Seeholzer's garage is an existing, non-conforming building. Mr. Green stated that this is an issue for Mr. Seeholzer backing out of his garage and all he can see are walls. Carl Leatham suggested piping the ditch along 500 South and moving the sidewalk out away from the front of the garage. Mr. Case stated that is a possibility, but the agreement states that any expenses for the subdivision will be covered by Wellsville City. Mr. Seeholzer stated that at the last City Council meeting, the sidewalks by Willow Valley Middle School were discussed, and how kids don't use them. Mr. Seeholzer believes that Wellsville City will have the same problem with this sidewalk. John Spence stated that Mr. Seeholzer was given some wrong information concerning the sidewalks by Willow Valley Middle School. Mr. Green asked if this is a safety issue for Mr. Seeholzer. Mr. Seeholzer stated absolutely. Mr. Green stated that this is an issue that Mr. Seeholzer and Wellsville City needs to resolve. Mr. Spence asked if Mr. Seeholzer has any other suggestions concerning the sidewalk. Mr. Seeholzer suggested that the sidewalk be installed on the other side of the street. Mr. Leatham stated that the concern for the City Council is that individuals will not use the sidewalk because they won't cross the street to use it. Mr. Green stated that he recommends that the Planning Commission approve the preliminary plat with concerns about the barn and the sidewalk. After discussion, Russell Glenn made a motion, seconded by M. Kent Larsen, to approve the preliminary plat for the Parker subdivision containing a total of 4 lots plus a remainder parcel (3 additional building lots) on property from 31 East to 100 East between 400 South and 500 South with the conditions that the City Engineer's comments be addressed, the safety issue with the sidewalk in front of Mr. Seeholzer's garage, and the County's approval of leaving the barn in place with the following note attached to the plat: barn to be removed prior to any residential building on either lot.

YEA 5

Russell Glenn
Jaye Colling
Loyal Green
John Spence
M. Kent Larsen

NAY 0

The Planning Commission discussed the procedure required for increasing an existing conditional use for day care for 8 children to a group care facility for 16 children. Don Hartle stated that Debbie Leishman, who resides at 745 East 400 North, currently has a conditional use for a day care facility for 8 children, and would like to increase this to 16 children. Jay Nielson asked if the code is specific to 8 children. Mr. Hartle stated that is what her conditional use was approved for. Loyal Green stated that she is licensed through the State of Utah, and he would like Ms. Leishman to bring in a letter from the State stating that she is approved for 16 children. Mr. Green stated that it sounds like she has to go before the State of Utah in order to be able to care for 16 children, so she should come back to Wellsville City with some type of evidence. Mr. Hartle asked if she should go through the procedure to obtain another conditional use for 16 children. Mr. Nielson stated that Wellsville City code doesn't enforce State requirements. Mr. Nielson stated that Ms. Leishman should go through the procedure to obtain another conditional use for 16 children. Mr. Hartle stated that he would contact Ms. Leishman and relay the information.

The Planning Commission continued review for considering recommending to the City Council that they adopt a resolution approving the revised/updated General Plan.

The Planning Commission continued the workshop on the revisions to the land use tables and code.

Don Hartle stated that he was contacted by Jonathan and Marilyn Kedehler. Mr. Kedehler is a doctor at Logan Regional Hospital and the Cache Valley Specialty Hospital. Mr. Hartle stated that Mr. Kedehler resides in Wellsville City, and stated that he was told he needs a business license from Wellsville City. Russell Glenn asked if he would be conducting any business out of his home. Mr. Hartle stated no. Jay Nielson stated that if he is not conducting any business out of his home, he doesn't need a business license from Wellsville City. Mr. Nielson stated that he needs to be sent back to Logan City and obtain a business license from Logan City.

Don Hartle stated that there have been people in Wellsville City and people in this very room who have received severe chastisement concerning the issues that were discussed in approving the Site Plan for the LDS Church in the Sterling Ridge subdivision. Mr. Hartle stated that he has been approached by the LDS Church, and told that there were things that were discussed in depth that the Planning Commission had no business discussing. Mr. Hartle stated that he has received several emails and 3 telephone calls from the LDS Church Office concerning this issue. Mr. Hartle stated that if the issues relate to Wellsville City zoning, then they are to be addresses by the Planning Commission. The way a church house sits on a lot is none of the Planning Commission's business. If the church house meets the Wellsville City code, that is all that is to be discussed. Mr. Hartle stated that a lot of the issues are due to the letter Wellsville City received from the City Engineer, and Mr. Hartle will address these issues with the City Engineer. Mr. Hartle asked that the Planning Commission be careful as to what is discussed during the Planning Commission meeting about different projects.

At 8:30 p.m., M. Kent Larsen made a motion, seconded by Russell Glenn, to adjourn the meeting.

YEA 5
Russell Glenn
Jaye Colling
Loyal Green
John Spence
M. Kent Larsen

NAY 0

Loyal Green
Chairman