

MINUTES of the Wellsville City Planning Commission meeting held Wednesday, May 26, 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 May 21, 2010. The meeting was called to order at 6:00 p.m.

Others Present: Jennifer Leishman Anselma Caballero
Madison Caballero Louis Lucero
Dorinda Lucero Ron Case
Bonnie Case Kirt Archibald
Steve Waechtler

Opening Ceremony: Russell Glenn

Loyal Green reviewed the agenda with the Commission. Don Hartle added two discussions concerning property at different location. After review, John Spence made a motion, seconded by Russell Glenn, that the agenda be approved as with the additional discussions.

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 May 12, 2010. After review, Jaye Colling made a motion, seconded by M. Kent Larsen, that the minutes of the May 12, 2010 meeting be approved as presented.

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 hearing:

The Planning Commission received public input and considered making a recommendation to the City Council on a request from Anselma and Madison Caballero that property at approximately 4625 South Highway 89/91 be rezoned from RA-1 to RA-1/2. Anselma Caballero stated that they would like to rezone the property in order to build a home. Mr. Caballero's father owns 3.75 acres of property. Madison Caballero stated that it is currently zoned RA-1, and they have enough frontage for the RA-1/2 zone. Russell Glenn asked about access to the property from Highway 89/91. Mrs. Caballero stated that they have contacted UDOT, and they have a meeting set for Tuesday, June 1, 2010. Jaye Colling asked what the width of frontage has to be along Highway 89/91. Don Hartle stated 82 ½ feet. John Spence asked if they would be subdividing a piece from his father's property. Mr. Caballero stated that he discussed it with Mr. Hartle, who told him he would have to present his plan to the Planning Commission. Mrs. Caballero showed on the map that was sent out to the Planning Commission how the property was. Loyal Green stated that he thought there was to be 100-feet of frontage in a RA-1/2 zone. Mr. Glenn stated that section 10-6B-5 states 82 ½ feet of frontage in a RA-1/2 zone. Don Hartle stated that the frontage is 82 ½ feet of frontage with open space, which could be required at the back of the property. Mr. Colling pointed out a table in section 10-1-7 of the code about frontage. Mr. Green stated that he couldn't remember reducing the frontage in a RA-1/2 zone. Jay Nielson stated that open space is not optional, and it will have to be provided. Mr. Nielson stated that Mr. Hartle will need to review this

piece of property with Cache County to see when it was subdivided, because Wellsville City has never subdivided this property. Mr. Hartle asked when the property was subdivided. Mr. Caballero stated that it was subdivided when his father purchased the property. Mr. Nielson stated that the previous owner of the property must have subdivided the property. Mr. Green stated that Don and Margaret Bailey owned the property. They tried to subdivide the property, but couldn't because they were unsuccessful at getting another access off of the highway. Mr. Green stated that was the reason they had the Southwest Heritage Estates subdivision stub a road so that if additional building were to take place, they could access the property from the entrance to the SW Heritage Estates subdivision. Mrs. Caballero stated that Jeff Gilbert representing UDOT stated that there was to be 1000 feet between driveways, but Mr. Caballero's father was willing to grant them a variance in order to use his current driveway. Mr. Nielson advised the Planning Commission to not rezone this property until UDOT makes a decision about the access off of Highway 89/91 and a variance for the current driveway. Mrs. Caballero stated that using the current driveway would be no problem. Mr. Nielson stated that Jeff Gilbert could produce the minutes of the meeting held between UDOT and Mr. and Mrs. Caballero, which may limit the number of homes to 1 or 2. Mr. Glenn stated that his concern was how to guarantee that in the future Mr. and Mrs. Caballero would still have access to their home, especially if Mr. Caballero's father no longer owned the property where the driveway is. Mr. Nielson stated that a permanent recorded easement to the property would have to be granted. Mr. Green asked what the difference between the Bailey's and the Caballero's subdivision request is. Mr. Hartle stated that the Bailey's wanted to subdivide for multiple homes. Mr. Green stated that was the intent of stubbing the roadway from the SW Heritage Estates subdivision. Mr. Green asked if that issue should have any bearing on this decision. Mr. Glenn stated it may at a future date. Mr. Green stated that is true, unless the property is subdivided now. M. Kent Larsen asked about water and sewer access. Mr. Green stated that he may have to have a septic tank. Mr. Hartle stated that he would have to review the plans with the preliminary plat, as Mr. Caballero may have to install a pumping station in his home. After discussion, John Spence made a motion, seconded by M. Kent Larsen, to continue the discussion concerning making a recommendation to the City Council on a request from Anselma and Madison Caballero that property at approximately 4625 South Highway 89/91 be rezoned from RA-1 to RA-1/2.

Yea 5

Russell Glenn

Jaye Colling

Loyal Green

John Spence

M. Kent Larsen

Nay 0

The Planning Commission reviewed for approval the final plat for the Parker subdivision contain a total of 4 lots plus a remainder parcel (3 additional building lots) on property from 41 East to 100 East between 400 South to 500 South. Don Hartle stated that the City Council waived the sidewalk on 500 South for now. Wellsville City may try a sidewalk on 400 South that would tie into the new trail system, and bring it out onto Center Street, but not sure where. Loyal Green asked if this solved the problem of the sidewalk being in front of Eric Seeholzers' garage. Mr. Hartle stated that there will be no sidewalk in front of Mr. Seeholzers' garage. Mr. Hartle stated that the City Council liked the idea of a sidewalk on 400 South. Mr. Hartle stated that the City Council did not want the sidewalk on the south side of 500 South because people wouldn't cross the street in order to use the sidewalk. Mr. Green asked if there were any comments from the City Engineer. Mr. Hartle stated that the final plat has been updated, and that the City Engineer has signed the final plat. Russell Glenn stated that lot 4 shows a shallow sewer, and that the sewer may need to be pumped. John Spence stated that lot 1 is showing a 1-foot easement, and asked why the line wasn't moved 1 foot so there was no easement. Mr. Hartle stated that he didn't know. Louis Lucero asked if he could review the sewer line. Mr. Hartle stated that the sewer line was shown on the preliminary plat, not on the final plat. Mr. Hartle found the preliminary plat. Mr. Lucero stepped up to the table to review the sewer line. After discussion, Russell Glenn made a motion, seconded by Jaye Colling, to approve the final plat for the Parker subdivision contain a total of 4 lots plus a remainder parcel (3 additional building lots) on property from 41 East to 100 East between 400 South to 500 South.

Yea 5

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

Nav 0

The Planning Commission continued review for considering recommending to the City Council that they adopt a resolution approving the revised/updated General Plan. After a continued workshop, Jaye Colling made a motion, seconded by John Spence, to continue this discussion.

YEA 5

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

NAY 0

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

Kirt Archibald met with the Planning Commission concerning some property next to the Little Bear River. Don Hartle stated that Mr. Archibald is looking at some property to purchase that is at approximately 400 North and 300 East. Mr. Hartle stated that the property is in a flood plain, and it is in a conservation zone. There is a total of 10 acres, 7 acres are in Wellsville City, and 3 acres are in Cache County. Mr. Archibald asked if a home would be allowed to be built on this property. Mr. Hartle stated that a home would not be allowed to be built on this property. Mr. Archibald asked if a hay barn would be allowed to be built on this property. Mr. Hartle stated that he didn't think anything could be built on property that was in a conservation zone. Jay Nielson stated that he would need to review the State of Utah code. Mr. Hartle stated that he didn't think a building permit was needed for agriculture buildings that were in an agriculture zone. Mr. Nielson stated that Wellsville City definitely doesn't want commercial or residential in a flood plain area. Mr. Archibald asked about a machine shed and hay shed. Mr. Archibald asked why not have commercial built on the property. Mr. Nielson stated that a machine shed is not classified as an agriculture building. Mr. Archibald stated that he would build the shed close to the road, not back in next to the Little Bear River. Mr. Hartle stated that Mr. Nielson would review the code, and that he would have an answer for him by the end of next week.

Planning Commission member John Spence left the meeting at 7:23 p.m.

Steve Waechtler met with the Planning Commission concerning renting the old Cache Valley Sign shop at 760 South and Highway 89/91 for a small engine repair and sales shop. Don Hartle stated that the Wellsville City code doesn't allow small engine repair shops, but auto repair shops are allowed. The property is zone CH, Highway Commercial. Steve Waechtler stated that he would move his business from Hyrum to Wellsville. Mr. Waechtler does a lot of small engine repair and some used sales. Mr. Waechtler stated that he has a truck and trailer that he parks on-site to fill with used parts that he sells at different shows. Mr. Waechtler stated that he does have access to a large testing field in Hyrum. Jay Nielson asked if he had any outside storage. Mr. Waechtler stated yes, his trailer. Mr. Waechtler stated that he was hurt in an accident, so his hours are Monday through Friday, from 3:00 p.m. to 6:00 p.m. Mr. Waechtler stated that starting Monday, May 31, 2010, he would extend his hours from 12:00 p.m. to 6:00 p.m. Mr. Waechtler stated that the building in Wellsville would give him less space than he currently has, but it would give him highway frontage. Russell Glenn stated that small engine repair could be added as an allowed use in the CH, Highway Commercial zone. M. Kent Larsen stated that it is in the same general area as auto repair. Loyal Green asked about noise pollution. Mr. Waechtler stated that it is his biggest drawback because he does have some noisy machines. Mr. Green stated that is his biggest concern for the neighbors because some neighbors are very close. Carl Leatham suggested a field trip to Mr. Waechtler's current facilities and the building he would like to rent in Wellsville. Mr. Green stated that the Planning Commission has an obligation to protect the neighbors. Jaye Colling asked if Mr.

Waechtler does move his business, how would he accommodate a test field. Mr. Waechtler stated that he would load the machines onto a trailer and test 5 or 6 machines at a time. Mr. Nielson asked if Mr. Waechtler could test the machines inside of the building. Mr. Waechtler stated yes, and that all machines do not need to be tested. Mr. Green stated that a public hearing could be scheduled, and the Planning Commission could ask for public input at that time. Mr. Hartle stated that if the code is amended to add small engine repair in the CH, Highway Commercial zone, there is no notification of the public hearing other than the newspaper. Mr. Nielson reminded the Planning Commission that a change in the CH, Highway Commercial zone will reflect on all other CH, Highway Commercial zones. Mr. Green feels that the Planning Commission will be down grading what is allowed in the CH, Highway Commercial zone. Mr. Nielson stated that if the Planning Commission is looking for something in the CH, Highway Commercial zone that will produce sales tax, then yes, it is a downgrade in what is allowed in the CH, Highway Commercial zone. Mr. Green suggested having the same discussion with the City Council to get their opinion of this issue. Mr. Nielson stated that the City Council expects the Planning Commission to make a recommendation to them. Mr. Larsen feels that small engine repair would fall under automotive repair. Mr. Green asked for suggestions on how to move forward with this issue. Mr. Glenn stated that the business could fall under automotive repair shops. Mr. Waechtler could fill out an application for a conditional use permit, and a public hearing could be held. Mr. Hartle stated that the public hearing would be held on June 23, 2010. All parties will proceed.

Carl Leatham asked if the Planning Commission had seen the article in the newspaper that was written by Nibley City. Mr. Leatham thanked the Planning Commission, the City Council, City Manager Don Hartle, and City Planner Jay Nielson for what they have done for Cache Valley and Wellsville City as a community. Mr. Leatham thanked them for their example, and for doing things the right way.

Carl Leatham explained to the Planning Commission concerning public hearings. According to the State of Utah law, there is to be a motion to go into a public hearing, receive public input, a motion to go out of public hearing, and then a motion to vote. If there are multiple public hearings, this procedure should be followed each time.

At 7:52 p.m., M. Kent Larsen made a motion, seconded by Russell Glenn, to adjourn the meeting.

YEA 4

Russell Glenn
Jaye Colling
Loyal Green
M. Kent Larsen

NAY 0

Loyal Green
Chairman