

MINUTES of the Wellsville City Planning Commission meeting held Wednesday, June 9, 2010 at the Wellsville City Offices, 75 East Main in Wellsville. Commission members present were Chairman Loyal Green, Russell Glenn, and John Spence. 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 June 4, 2010. The meeting was called to order at 6:00 p.m.

Others Present: Jennifer Leishman Brett Jorgensen
 Marshall Lindsay Art Smith

Opening Ceremony: Don Hartle

Loyal Green reviewed the agenda with the Commission. Don Hartle added 2 additional items to the agenda. After review, John Spence made a motion, seconded by Russell Glenn, that the agenda be approved with the additional items.

Yea 3 Nay 0
Russell Glenn
Loyal Green
John Spence

Planning Commission member M. Kent Larsen arrived at the meeting at 6:04 p.m.

The Commission reviewed the minutes for the Commission meeting which was held on May 26, 2010. There were word changes on lines 71, 72, 74, and 156. After review, Russell Glenn made a motion, seconded by John Spence, that the minutes of the May 26, 2010 meeting be approved with the corrections.

Yea 4 Nay 0
Russell Glenn
Loyal Green
John Spence
M. Kent Larsen

The Planning Commission continued review for considering recommending to the City Council that they adopt a resolution approving the revised/updated General Plan. Jay Nielson asked if the Planning Commission had any comments before this document was advanced to the City Council. Russell Glenn had comments on pages 11, 13, 21, and 27. M. Kent Larsen had comments on pages 14, 22, 23, 26, and 27. Loyal Green had comments on pages 13, 17, and 19. Mr. Green would like a discussion based on the intent of the statements on these pages concerning commercial development. Mr. Green had comments on page 21 concerning roadways and the discussion that was held 2 weeks ago concerning the Caballero property. Don Hartle stated that Wellsville City can't deny someone the use of their property. There currently is no way to get back to the subdivision, and UDOT is making Anselmo Caballero use the existing driveway to access his property. After discussion, Russell Glenn made a motion, seconded by M. Kent Larsen, to recommend to the City Council that they adopt a resolution approving the revised/updated General Plan with the suggested changes made in this meeting.

Yea 4 Nay 0
Russell Glenn
Loyal Green
John Spence
M. Kent Larsen

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

Don Hartle stated that Brett Jorgensen would like to build an accessory building. The code stated that an accessory building can be built within 1-foot of the property line. In the subdivision where Mr. Jorgensen lives, there is a 10-foot public utility easement on each side of his property. Loyal Green stated that it sounds like there is a problem with the code and 1-foot. Mr. Hartle stated that he tells people that because of the drip line, an individual should build an accessory building at least 3-feet from the property line, but if they are in a subdivision with public utility easements on the side, that they can't build a building in the 10-foot easement. Russell Glenn stated to avoid conflict, the code should be amended. Jay Nielson recommended that there should be clarification to the City Council concerning the policy on how to deal with public utility easements. M. Kent Larsen asked who defines the public utility easements. Mr. Nielson stated that it is a universal practice with subdivisions, but doesn't know who defines public utility easements. Mr. Nielson suggests asking the City Engineer, or the City Attorney, or both. Mr. Green stated that he sees a need in subdivisions, but asked if there was a need outside of subdivisions. Mr. Nielson stated that a public utility easement is wherever utilities run underground. The fact is that there is a public utility easement there. Mr. Glenn stated that it needs to be clarified in the code. Mr. Hartle stated that he recommends that Mr. Jorgensen not be allowed to build an accessory building in the 10-foot public utility easement. Mr. Nielson suggested amending code 10-6C-6-A. Mr. Green asked where the 1-foot come from. Mr. Hartle stated that it has been part of the code forever. Mr. Hartle stated that he would need to go through the code and see what sections need to be amended. Mr. Nielson stated that issuing a permit in a public utility easement is very clumsy. Mr. Hartle gave Mr. Jorgensen a copy of his subdivision plat map. Mr. Nielson stated that if a permit is required to build the accessory building, it would not be issued. If a permit is not required, building the accessory building would be done at Mr. Jorgensen's own risk. Mr. Hartle stated that it still needs to meet zoning requirements. Mr. Hartle stated that he will not issue a building permit for this accessory building unless someone tells him differently. Mr. Hartle stated that his job is to enforce the Wellsville City code. Mr. Hartle stated that he will have City Attorney Bruce Jorgensen address this issue, and recommend the necessary modifications to the existing code.

Don Hartle stated that Marshall Lindsay would like to put up some signs. Mr. Lindsay stated that he has spoke to Scott Hendry and the Weeks' boys about putting up a small sign advertising his development down by the sewer ponds. It will be a temporary sign that will be up until late fall. He does have a loan on the property. Jay Nielson stated that section 10-16-17-G of the Wellsville City code prohibit signs that are located off of the premise. Mr. Nielson stated that it is not allowed within the code. Mr. Hartle stated that the only exceptions are realtor and political.

At 6:57 p.m., M. Kent Larsen made a motion, seconded by John Spence, to adjourn the meeting.

YEA 4

Russell Glenn
Loyal Green
John Spence
M. Kent Larsen

NAY 0

Loyal Green
Chairman