

MINUTES of the Wellsville City Planning Commission meeting held Wednesday, August 25, 2010, at the Wellsville City Offices, 75 East Main in Wellsville. Commission members present were Chairman Loyal Green, Jaye Colling, John Spence, and M. Kent Larsen. Also present were City Manager/Recorder Don Hartle 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 August 20, 2010. The meeting was called to order at 6:00 p.m.

Others Present: Jennifer Leishman Adam Mackelprang

Opening Ceremony: Jaye Colling

Loyal Green reviewed the agenda with the Commission. Don Hartle had a couple of issues to discuss with the Planning Commission. Carl Leatham had an issue that Mayor Thomas G. Bailey wanted him to discuss with the Planning Commission. After review, John Spence made a motion, seconded by Jaye Colling, that the agenda be approved with the additions.

YEA 4 NAY 0  
Jaye Colling  
Loyal Green  
John Spence  
M. Kent Larsen

The Commission reviewed the minutes for the Commission meeting which was held August 11, 2010. After review, John Spence made a motion, seconded by M. Kent Larsen, that the minutes of the August 11, 2010 meeting be approved as presented.

YEA 4 NAY 0  
Jaye Colling  
Loyal Green  
John Spence  
M. Kent Larsen

At 6:05 p.m., Jaye Colling made a motion, seconded by M. Kent Larsen, to go into a public hearing:

YEA 4 NAY 0  
Jaye Colling  
Loyal Green  
John Spence  
M. Kent Larsen

Receive public input and consider for approval the preliminary plat for the Reynolds subdivision, consisting of a total of 3 lots (2 additional building lots) on property at 39 East 300 South. Don Hartle stated that after he left the office yesterday, a revised copy of the subdivision was brought to the office indicating that all the changes had been made that the City Engineer had required in his memo dated August 11, 2010. Mr. Hartle stated that he hadn't had time to go through the subdivision to see if the changes had been completed. Mr. Hartle stated that this morning, an issue came to his attention concerning lot #3. By record, it shows that it is 82 ½ feet wide, but the plat survey shows 80.49' of frontage. Mr. Hartle discussed this issue with City Attorney Bruce Jorgensen. The property was not surveyed before it was purchased. Mr. Reynolds purchased 165' along 100 East. Mr. Reynolds divided the lot in half so that his son could build a home. Mr. Reynolds will be required to make an application to the Board of Adjustments. City Attorney Bruce Jorgensen recommends continuing approval of the subdivision while it is going through the variance. Mr. Hartle stated that he called City Engineer Chris Breinholt to discuss the issue with him. Mr. Breinholt picked up a copy of the new preliminary plat, but has not approved it yet. Loyal Green stated that the original survey showed that there was enough frontage. The property was resurveyed, and now there isn't enough frontage. Jaye Colling stated that his concern is that this issue will snowball down the road into a big mess. Mr. Hartle stated that when an individual subdivides property, two plus two may not equal four.

Mr. Hartle stated that the state code, since 1999, requires that upon subdividing that the property must be surveyed, and that in the 11 years, this is the second time anything like this has happened. Mr. Hartle stated that Wellsville City can't penalize Mr. Reynolds by not letting him divide the property to build a home. Mr. Hartle stated that he spoke with Jeff Jackson representing Visionary Homes, and he plans to proceed with making the application to the Board of Adjustments. Mr. Green stated that his opinion is to follow the advice of the City Attorney. John Spence, M. Kent Larsen, and Jaye Colling all agreed to follow the advice of the City Attorney. Mr. Green reviewed the items from the memo that City Engineer Chris Breinholt submitted. The memo states the following: Our office has completed a review of the Preliminary Plat for the above mentioned subdivision. The following issues need to be addressed: 1) The fire hydrant at the intersection of 300 South and Center Street needs to be shown. 2) A 10' P.U.E. needs to be shown around the perimeter of all the lots. 3) Existing buildings need to be shown. 4) Addressed will need to be shown on the Final Plat. 5) New sidewalk will need to be extended to the north boundary of the subdivision along 100 East. 6) A written legal description needs to be shown. Ties to existing survey monuments needs to be shown. After reviewing these issues, all of the issues pertaining to the preliminary plat have been corrected.

At 6:25 p.m., M. Kent Larsen made a motion, seconded by Jaye Colling, to close the public hearing.

**YEA 4**

Jaye Colling  
Loyal Green  
John Spence  
M. Kent Larsen

**NAY 0**

John Spence made a motion, seconded by M. Kent Larsen, to approve the preliminary plat for the Reynolds subdivision, consisting of a total of 3 lots (2 additional building lots) on property at 39 East 300 South subject to the City Engineer signing the preliminary plat and the variance is granted by the Board of Adjustments.

**YEA 4**

Jaye Colling  
Loyal Green  
John Spence  
M. Kent Larsen

**NAY 0**

Carl Leatham stated that Mayor Thomas G. Bailey asked him to discuss the rezone of the Scott Einerson property at 65 East 600 South. Under Wellsville City's code, it is legal. The perception from the residents and the look of it is viewed as inter-block development. Mr. Leatham stated that Mayor Bailey would like the Planning Commission to review the code, and look into amending the code to require the required frontage all the way to the back of the home rather than to the front of the home. M. Kent Larsen stated that it creates a potential problem for the City to be able to run water, sewer, and other utilities to a home that is built behind another home. Mr. Leatham stated that it is a valid concern. Mr. Leatham stated that Scott Einerson has applied under the current code, so this is not applicable to his lot. Don Hartle stated that he can see a problem with extending the required frontage to the back of the home with homes that are in a cul-de-sac. Mr. Hartle stated that the code can't be so complex that they can't administer it. John Spence stated that there are people who want to do inter-block development, and are waiting for something like this to happen so that they can line up at the door.

Don Hartle stated that Travis Taylor with Westates Development approached him about landscaping the entrance to his subdivision. He would like to dress it up so that it is inviting to potential property buyers. Loyal Green stated that Mr. Taylor needs to put a landscape proposal together and come before the Planning Commission to approve it.

Don Hartle updated the Planning Commission concerning the Scott Einerson property. The vote from the City Council to rezone the property was 3 to 2. Mr. Hartle stated that he didn't see how the property couldn't be rezoned when the land use map states that it can. Mr. Hartle stated that he discussed this issue with City Attorney Bruce Jorgensen. There is a difference of opinions from different attorneys. Mr. Hartle

stated that there are 2 different functions to the code. There is the administrative function and the legislative function. The administrative function is like a conditional use that can be approved for a convenience store because the code allows it. Mr. Hartle stated that City Attorney Bruce Jorgensen recommends that Wellsville City follow their General Plan.

Don Hartle received a telephone call yesterday concerning Tracy Bailey's building. Mr. Hartle stated that he discussed this issue with City Attorney Bruce Jorgensen. There is an offer on the building. The people would like to go in and convert the building to living facilities. Mr. Hartle stated that City Attorney Bruce Jorgensen agrees that it can be done if the structure meets building and zoning code.

Don Hartle stated that when there is a simple meeting, such as tonight, City Planner Jay Nielson will stay home and use that time to work on the land use tables.

The Planning Commission discussed open space and the open space code.

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

At 7:32 p.m., John Spence made a motion, seconded by M. Kent Larsen, to adjourn the meeting.

**YEA 4**  
Jaye Colling  
Loyal Green  
John Spence  
M. Kent Larsen

**NAY 0**

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Loyal Green  
Chairman