

MINUTES of the regular **City Council** meeting of Wellsville City held **Wednesday, July 07, 2021**, at the Wellsville City Offices at 75 East Main. City officials present were Mayor Thomas G. Bailey, Councilwomen Kaylene Ames and Denise Lindsay; Councilmen Chad Poulsen and Austin Wood. Also present was City Engineer Chris Breinholt, City Planner Jay Nielson, City Manager Scott Wells, Planning Commission Chairperson Chris Clark; Planning Commission members Jeff Bailey, Clair Cooper, Chad Lindley, and Cody Schenk. A copy of the Notice and Agenda was mailed to the Mayor and Council members and emailed and faxed to the Herald Journal on July 01, 2021. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

Others Present:	Chase Anderson	Lynnsey Anderson	Zach Andrus
	Tracy Bodrero	Ruth Boehme	Becky Brown
	Ron Case	Brian Chambers	Jennifer Chambers
	Dean Clark	Jamie Clark	Kami Clark
	Carolyn Cooper	James Cooper	Phil Cooper
	Quentin R. Cudney	Steve Earl	Paul Freed
	Paul Garrett	Sandy Garrett	Brenda Hawker
	Joyce Hawker	Clay Isom	Jerilyn Isom
	Tahnee Jones	Tyson Jones	Sandra Lewis
	Tyrone Lewis	Ruth P. Maughan	Brianne Miller
	Denise Mouritsen	Debbie Murray	Neil Murray
	Dale Nelson	Robyn Nelson	Aspen Newman
	Tammy Newman	Audrey Norton	Rosie Nyman
	Brad Parkinson	Marcia Parkinson	Kurt Petersen
	Megan Petersen	Patti Petersen	Jeff Pierce
	Jordyn Pierce	Margo Pierce	Tyler Pierce
	Clark Rigby	Art Smith	Dale Sorensen
	Arianna Spahr	Jason Spahr	Kamee Summers
	Aaron Walker		

Opening Ceremony: Denise Lindsay

Councilman Bob Lindley was excused from this meeting.

The Council reviewed the agenda. City Manager Scott Wells stated that agenda item 6, 'Approval of accounts payable disbursements,' will be discussed at a future City Council meeting. Denise Lindsay **made a motion, seconded by Chad Poulsen, to approve the agenda with the correction.**

YEA 4

NAY 0

Kaylene Ames
Denise Lindsay
Chad Poulsen
Austin Wood

The Council reviewed the minutes of the June 16, 2021 regular City Council meeting. Austin Wood **made a motion, seconded by Chad Poulsen, to approve the minutes of the June 16, 2021 regular City Council meeting as presented.**

YEA 4

NAY 0

Kaylene Ames
Denise Lindsay
Chad Poulsen
Austin Wood

Mayor Thomas G. Bailey opened the meeting for citizen input. There was no citizen input.

Mayor Thomas G. Bailey then skipped to agenda item 10, to discuss options for a scholarship pageant. Audrey Norton began by introducing this year's Miss Wellsville Scholarship Pageant royalty. Blena Shill is queen. Brianne Miller is first attendant. Sadie Chambers is second attendant. Ms. Norton announced that Wellsville has been invited to join the Miss America Organization, a scholarship funded non-profit organization which helps ladies across the country gain educations. Joining the Miss America Organization would result in the City having two different royalties. Girls ages thirteen to seventeen would compete for Wellsville's Outstanding Teen. Girls ages eighteen to twenty-four would compete for Miss Wellsville. Each queen would then advance to Miss Utah's Outstanding Teen and Miss Utah respectively. The Miss Utah pageant awards \$20,000 in scholarship funds every year. Wellsville City has already implemented the Little Misses royalty allowing girls younger than thirteen to participate in riding on the float in municipal parades as well as being mentored by a member of the older royalty. Ms. Norton introduced Brianne Miller, Wellsville royalty's first attendant. Brianne told the Council she had been a part of Wellsville Royalty for the last three years and that the program had benefited her in many ways, including funding her attendance at Bridgerland Applied Technology School where she is learning business management. Ms. Norton emphasized the amount of talent diversity shown in the Miss America Organization. Royalty selects a platform the individual is passionate about and that helps to improve the community. Second attendant Sadie Chambers is involved with the youth helping them build self-esteem through recreational sports. Ms. Norton believes Wellsville young ladies have the talent to compete in the Miss America Pageant and that they deserve every opportunity for scholarship funding. Ms. Norton asked the City Council for their support and that they be open-minded to the queen's platform. Councilwoman Kaylene Ames thanked Ms. Norton for her hard work and efforts. Ms. Ames stated she has enjoyed working with Brianne Miller. Mayor Bailey and the remaining Council also echoed their appreciation.

Beginning at 6:15 p.m., a public hearing was held for the City Council to receive public input, then along with the recommendation from the Planning Commission consider for possible approval the concept plan for the Creekside Meadows Subdivision consisting of eighteen lots total, located at approximately 1100 South 200 East, Tax Id. #10-043-0007. Developer Paul Freed noted that the Planning Commission approved the concept plan with the condition that City Engineer Chris Breinholt and City Planner Jay Nielson's comments were addressed in the upcoming preliminary plat. Mr. Freed stated his only concern was Mr. Breinholt's comment regarding a road running north to south. Mr. Breinholt's note reads "*Normal spacing for street intersections should be closer to 600' to 800'. This is the only street stub proposed and it is located over 1500' from 200 East. I recommend that an additional street stub north and south should be required at a mid-point that works with the location of the creek.*" Mr. Freed stated they are running a road west to east through the entire length of the property with sewer, water, electricity, and gas. They are also constructing one-half of the street stub at the far east end of the property. Mr. Freed feels that another street stub running north to south at a mid-point is excessive. He is also concerned that this mid-point stub would intersect an existing agricultural building. Mayor Thomas G. Bailey stated that this was a public hearing and asked if there were any comments. City Manager Scott Wells added an email from resident Aaron Walker as public record. In the email Mr. Walker lists water, open space, and sewer concerns regarding this subdivision. Mr. Walker writes "*... the Wellsville fire department's crews were advised that if there is a working fire in Wellsville anywhere south of 800 South, they were to bring tenders (tankers) as there probably is not enough water.*" Mr. Wells clarified that there is adequate fire pressure throughout the City of Wellsville. Mr. Walker is referring to a previous six-to-eight-hour window of time in which a tender task force would have been required due to the water system being shut down to repair a leak. Mr. Wells emphasized for public record that there is adequate fire pressure throughout the City of Wellsville. Planning Commission Chairman Chris Clark followed up with Mr. Freed regarding his open space options. Mr. Freed said that the Council has approved an appraiser and that the appraisal should be complete within one to two weeks. At that time the discussion regarding "*cash in lieu*" options versus Type 4 "*Individual Private Ownership within a Subdivision*" can move forward. **Kaylene Ames made a motion, seconded by Austin Wood, to close the public hearing.** At 6:21 p.m., the public hearing was closed.

YEA 4

NAY 0

Kaylene Ames
Denise Lindsay
Chad Poulsen
Austin Wood

Mayor Bailey then asked the City Council if they had any questions or comments. Denise Lindsay expressed concern that one-acre lots had been agreed upon yet many of the lots on the concept plat are smaller than an acre. City Planner Jay Nielson noted that the code requires forty percent (40%) of the land to be open space. Mr. Freed's engineer Steve Earl addressed the Council and explained the *Design Stats* listed in the concept plan. *Allowed Lots* is calculated by taking the *Total Area* (23.05 acres) minus the *Critical Lands* (1.89 acres). The difference is then multiplied by the allowed units per acre (0.86) per zoning code. The total *Allowed Lots* is 18.19. The total lots shown on the concept plan is eighteen. Chad Poulsen requested that resident Aaron Walker's email be read aloud at the meeting. Mr. Wells read aloud Mr. Walker's email in entirety (SEE ATTACHMENT #1). Mr. Breinholt returned the Council's attention to the north and south street stub. The length of the property is 1,500 feet. Mr. Breinholt said that a street that long without an intersection is unfavorable. Long term planning would indicate that a street stub should be every 660 feet. Mr. Nielson reinforced that the Code and General Plan require we build on a ten-acre grid which means a street stub is required every 660 feet. Mr. Poulsen expressed his and the Planning Commission's concerns regarding water pressure in that region. Mr. Breinholt has discussed three options with Mr. Freed and Mr. Earl to improve fire flow to this area. The first is to upsize the water line. The second option is to wait until there is a second water source in the upper pressure zone. Third, is to build fire suppression systems into the homes. Mr. Freed stated he will place a stub street on one end of the property, or in the middle, but believes requiring two street stubs would be unfair. Mr. Breinholt noted that this concept plan doesn't even show one stub street, it shows half a road. Chad Lindley pointed out that a street stub in the middle (through lots 6 and 7) would interfere with the critical lands. **Austin Wood made a motion, seconded by Chad Poulsen, to continue discussion of the concept plan at a later date with consideration of the road running north to south according to the General Plan.**

YEA 4

NAY 0

Kaylene Ames
Denise Lindsay
Chad Poulsen
Austin Wood

Mayor Thomas G. Bailey and Council moved on to the next public hearing. The Council shall receive public input, then with the recommendation from the Planning Commission consider for possible approval the concept plan for the 10 West Subdivision consisting of two lots total, located at approximately 10 West 400 North, Tax Id. #11-079-0017. Developer Clark Rigby presented the concept plan. Mr. Rigby stated this plan simply takes two existing homes on the same parcel and splits them into two separate parcels. Chad Poulsen reported that the Planning Commission had no concern regarding the concept plan. **Chad Poulsen made a motion, seconded by Austin Wood, to approve the concept plan for the 10 West Subdivision consisting of two lots total, located at approximately 10 West 400 North, Tax Id. #11-079-0017.**

YEA 4

NAY 0

Kaylene Ames
Denise Lindsay
Chad Poulsen
Austin Wood

For the next agenda item, the Council shall receive public input, then along with the recommendation from the Planning Commission consider a request from Philip Cooper to amend the General Plan and change the zoning, from ROS-1 Residential to RSF at property located at 600 South 200 West, Tax Id. #10-037-0010. Philip Cooper presented the rezone request. He stated his original development plan was four lots on the five-acre parcel. Two lots would face west on 300 West. Two lots would face east on 200 West.

Mr. Cooper said this would eliminate the necessity of completing the street and utilities on 600 South, which Mr. Cooper says creates an excessive cost for four lots. He is now tentatively planning on ten lots; two 0.83-acre lots, four 0.56-acre lots, and four lots just above 12,000 square feet. Mr. Cooper stated that at the last Planning Commission meeting, City Planner Jay Nielson helped them understand that rezoning this area to RSF (quarter-acre lots) did match the General Plan. Mayor Thomas G. Bailey thanked the public for their interest and attendance at this meeting. Denise Lindsay requested that an email written by concerned local residents addressed to the City Council be read aloud at the meeting (SEE ATTACHMENT #2). The letter was signed by 81 citizens. Resident Kurt Petersen read the email aloud in its entirety. The letter makes eight requests of the Wellsville City Council:

- 1- *Please post accurate and complete information on wellsvillecity.com.*
- 2- *Determine how to share information with all residents of the city.*
- 3- *Any changes to the Wellsville City plan be approved by the citizens.*
- 4- *Survey the residents of Wellsville to collect their views for the growth of the city.*
- 5- *Amend the General Plan to include a growth rate requirement.*
- 6- *Define and publish how many homes the current infrastructure can accommodate and what plans are in place to improve this infrastructure.*
- 7- *Consider a plan from Mr. Cooper, if presented, to allow this property to be divided into four building lots – without the need for 600 South to be completed.*
- 8- *Do not allow the property to be divided into quarter-acre lots due to the reasons noted above – specifically to maintain a 'buffer zone' around the city with one-acre lots.*

At 7:06 p.m. Mayor Bailey opened the public hearing and asked if there were any comments.

Clay Isom expressed his concerns regarding the seemingly unchecked growth of the City. Mr. Isom has been researching the City's Land Use Regulations as well as the General Plan. He is unsure whether or not he was able to find the most current versions of each document. He stated this information was disturbingly difficult to find. He read the first paragraph of the *Implementation Guidelines, Land Use Plan, "The Land Use Plan for the City of Wellsville illustrates uses consistent with the guiding principles of the General Plan. The land uses shown on the plan are a projection of how the lands within the city and expanded city should be utilized within the foreseeable future. The land use map is not a reflection of current zoning. However, the zoning map should evolve as needed to be consistent with the Land Use Plan."* Mr. Isom also referenced the 'Wellsville Land Use Regulation Master, 10.51.050, Planning Commission Action,' which states *"The Commission may recommend that the City Council approve an amendment to the Official Zoning Map or the text of the Land Use Regulations if it substantiates the findings in this section. Failure to find facts supporting the petition or finding facts that are contrary to the petition are grounds for a recommendation that the Council deny the zoning amendment."* Mr. Isom discussed the six 'Findings for Changes of Zoning District Boundaries.' Mr. Isom stated that the fifth finding is the most compelling- *"5. The subject property when used for the permitted uses in the district will not be incompatible with adjoining land uses or the purpose of the adjoining districts,"* Mr. Isom said that quarter-acre lots are incompatible with the adjoining lands or "buffer zone." Mr. Isom stated that absent a compelling justification for why the current zoning need to be changed or evolve, the default position of the City Council should be to reject that amendment and leave the current zoning in place. Mr. Isom asked the City Council to deny this rezone request on the basis that the six "Findings for Changes of Zoning District Boundaries" have not been met or justified by the Mr. Cooper.

Tracy Bodrero stated that the City Council's predecessors had no issue with allowing quarter-acre lots in the Heritage Southwest Subdivision. He asked why this City Council shouldn't give Mr. Cooper the same rights.

Dale Sorensen is concerned that we don't have adequate water to support additional building. He would like to see the development in Wellsville stop.

Kami Clark expressed concern about the poor drainage in that basin area during flooding years. She is also concerned that there isn't sufficient infrastructure in that area to support additional homes. She believes the roads are not wide enough and sidewalks are not present.

Brenda Hawker stated that the City is sending citizens the wrong message approving new subdivisions after they have requested residents conserve water. She said that water must not really be a big concern if the City can provide water for all these new homes.

Chris Clark addressed the meeting as a concerned citizen. He is frustrated that the information given to the public for the Planning Commission meeting was inadequate. Mr. Clark pointed out that Mr. Cooper said he can't afford to contribute to the 600 South street with only four lots, but Mr. Clark did so with a single lot. Mr. Clark also has concerns regarding having adequate water for new homes. He stated that the citizens will be the ones to pay for a new city well, not the developers.

Neil Murray owns ground directly west of Mr. Cooper's property. He stated his support for the letter read by Kurt Petersen. Mr. Murray lives in North Logan and hopes that Wellsville will not follow North Logan's increasing urban sprawl.

Janice Bradshaw owns property directly east of the proposed subdivision. She agreed with all the comments made that evening, excluding comments made by Mr. Bodrero and Mr. Cooper.

Jerilyn Isom affirmed her agreement with the letter read by Kurt Petersen. She said each subdivision is a slippery slope for the next subdivision. She said that area of town already has issues with low water pressure. She is concerned that subdivisions continue to be approved with no protection for the residents of the city, whom the City Council is duty bound to protect. Ms. Isom declared her opposition to this proposed rezone.

Margo Pierce owns property directly north of this proposed subdivision. Ms. Pierce stated that the residents left the previous Planning Commission meeting feeling like they didn't have a voice. They were invited to add their input, but she felt no one heard them. Ms. Pierce wants her kids to have the same opportunity she had to grow up in rural setting. She stated it was Mr. Cooper's right to build homes on that property but does not want quarter-acre lots.

Carolyn Cooper asked the City Council to keep the current one-acre zoning. She said one-acre lots are consistent with the rest of the surrounding area. She stated she loves this town and hopes to see its growth better controlled.

Denise Mourtisen stated her concern with how fast the community is growing. She worries as an educator that the district can't keep up with the current growth. She is also concerned about how low the water pressure in the neighborhood already is.

Patti Petersen stated that the eighty signatures on the citizen letter is just the tip of the iceberg. She believes this is not just a neighborhood concern; this is a city concern. She is not only concerned about development but also losing the open land and buffer zone to the mountains they love. She opposes the rezone of this property.

Arianne Spahr opposes this rezone. She also experiences water pressure issues in that area. She loves the small town feel of Wellsville. She stated that she loves people but emphasized developing the right infrastructure to keep those people happy.

Audrey Norton believes the underlying issue is that Mr. Cooper must build the infrastructure for the 600 South street. She asked the Council to consider not requiring the 600 South street to be built and allowing Mr. Cooper to build four homes with access points on 200 West and 300 West.

Jamie Clark echoed the opposition to this rezone. She isn't opposed to building but is opposed to high density building. She believes citizen's taxes will go up with development and it is the citizens who will pay for the development rather than the developers.

Quentin Cudney introduced himself as a previous city stormwater inspector. He estimates there is three million gallons of water flowing from Leatham spring. He also estimates the backup pump can pump four million gallons of water. He said each household uses approximately 20,000 gallons of water per month. With those calculations he estimates the City could add 130 homes without falling back to the secondary city pump. He asked the Council to consider what they thought the total impact of new homes would be at this time.

Philip Cooper stated that he addressed the six 'Findings for Changes of Zoning District Boundaries' at the Planning Commission meeting. He noted the acreage of several lots in the area and believes quarter-acre lots are compatible with that surrounding area.

Clay Isom countered that Mr. Cooper did not address those six points to the Planning Commission generally or specifically. The intended use of the surrounding districts are the buffer or transition zone. Mr. Isom argued that Mr. Cooper has not made a compelling case that quarter-acre lots meet the definition of what the surrounding area is intended for.

Kurt Petersen clarified there are no quarter-acre established lots in the zone Mr. Cooper referred to. The smallest is an undeveloped 0.3-acre lot behind the Roundy's which was subdivided in 1992.

Tracy Bodrero invited anyone who wants to see a subdivision bordering an agricultural field to his property.

Zach Andrus lives on 600 South and opposes this rezone. He is concerned about the traffic on 600 South if the road is completed. He noted the lack of water in neighboring Hyde Park. Mr. Andrus stated that if the property is rezoned to quarter-acre lots, it opens the door for Mr. Cooper to build twenty houses rather than his proposed ten houses. Mr. Andrus is concerned that the City is more concerned about collecting money on impact fees than anything else.

Tyler Pierce stated his concern is that if this property is rezoned to quarter-acre lots, the property south of it could also be rezoned to quarter acre lots, and the result could be 40 houses.

Chad Poulsen made a motion, seconded by Kaylene Ames, to close the public hearing. At 7:46 p.m., the public hearing was closed.

YEA 4

Kaylene Ames
Denise Lindsay
Chad Poulsen
Austin Wood

NAY 0

Mayor Thomas G. Bailey then turned the time over to Planning Commission Chairman Chris Clark for the workshop with Wellsville City Council and Wellsville City Planning Commission to discuss the rezone. Chairman Clark stated that as they deliberated at the Planning Commission meeting, he felt there was not adequate information given to the public. The public only received the Zoning Map. The Planning Commission's vote was three to two for the rezone. City Planner Jay Nielson said that a memorandum and a joint workshop of the Planning Commission and City Council is a new requirement as adopted in the new Land Use Regulations (LUR) (SEE ATTACHMENT #3). The memorandum's purpose is to inform the Council of the proceedings of a rezone request. Mr. Nielson stated a memorandum must show the range of issues discussed as well as public testimony. The meeting's minutes have also been included in the memorandum (although the minutes have not yet been officially approved by the Planning Commission). Mr. Nielson read from the commentary section of the memorandum, *"The singular finding in the discussion was that the rezone should be recommended to the Council because the General Plan calls for the zoning classification that was requested RSF (Residential Single Family)."* The General Plan Map and the General Plan Document were adopted by the Council as a strict guide to making planning and land use decisions. *"The Planning Commission is charged to carry out the growth and development policies of the municipal council as expressed in the general plan."* The Planning Commission is charged by state law to initiate, create, and recommend amendments to the General Plan. Mr. Nielson said the General Plan suggests that

it is revised every five years. It has been eleven years since the last revision. *"The Planning Commission conducts at least as many public hearings and public comment as the Council. They value counsel from the public and they are influenced by it. However, they have a duty to weigh the larger public good by considering the General Plan in their decisions. The Council does not have the same level of duty to the General Plan because you can ultimately change it as you so choose."* Mr. Nielson stated that the Planning Commission made the hard decision to not be swayed by public clamor and to follow the General Plan. Bound by the General Plan, the Planning Commission made an administrative decision. Mr. Nielson told the Council they were about to make a legislative decision. The Council has full range to decide whatever they choose to do. Mr. Nielson recommends two options the City Council may pursue. First, to stay committed to finishing out the General Plan for this area by rezoning properties to RSF when requested by the property owners. Second, to deny the Cooper rezone request and revisit the General Plan for the area, making modifications to this area as found appropriate after proper noticing and public hearings and after receiving a recommendation from the Planning Commission. The findings that the Council would need to deny this request would be found in 10-51-8 B., which says that if the Council is not comfortable that all six findings apply to the request, it can be denied. Austin Wood asked that those six findings be reviewed. Mr. Nielson read aloud, 'Findings for Changes of Zoning District Boundaries. *"1. The location subject property(ies) is compatible with the purpose of the new district. 2. The subject property is suitable for development within the new zoning district without increasing need for variances or special exceptions. 3. The subject property is suitable as a location for all of the permitted uses within the district. 4. The infrastructure providing access and utility services to the subject property have adequate capacities or a suitable level of service for the permitted uses within the zoning district. 5. The subject property when used for the permitted uses in the district will not be incompatible with adjoining land uses or the purpose of the adjoining districts. 6. The change to the Land Use Regulations is consistent with the intent of the General Plan as currently documented."* Mr. Wood questioned the term "buffer zone" used by the citizens. Is a one-acre "buffer zone" referred to in the General Plan? Mr. Nielson answered that it is, the boundary previously chosen was 300 West, a natural boundary. Mr. Poulsen believes 200 West is just as natural of a boundary. Mr. Nielson hopes that the General Plan can be revised with public opinion and boundaries can be adjusted as determined. Denise Lindsay questioned the differences between the Zoning Map and the General Plan. Mr. Nielson answered that the General Plan is the guiding document for the future development of the City. The Zoning Map shows what the zoning currently is. The General Plan indicates that to save open spaces, agricultural land, and hillsides you need to become more compact where services are already available. Austin Wood questioned flooding concerns. City Manager Scott Wells stated that the altered natural drainage of a creek in that area has resulted in problematic flooding along 500 South. Roads are twenty-two feet wide, without sidewalks. Long term planning should bring sidewalks to that district. Chad Lindley appreciates Kurt Petersen and Clay Isom's research. He stated he hopes the General Plan can be updated along with the input of a committee of dedicated citizens. Austin Wood stated that community isn't just about the view. Community is about the people and all the good they bring. Jeff Bailey stated he likes wide open spaces. He also asserted that if individuals want better roads, sidewalks, and infrastructure; development is how that gets accomplished. Denise Lindsay addressed the letter read by Kurt Petersen. She is the City Councilmember over the City website and she has updated the General Plan, General Plan Land Use Map, and Zoning Map online. Cody Schenk doesn't believe that quarter-acre lots are compatible with the surrounding area. He believes the Commission is responsible to hear the public's input. Austin Wood suggested postponing the rezone to review the water capacity of the inner-city wells with the city engineer and further assess the six findings. **Chad Poulsen made a motion, seconded by Kaylene Ames, based off of public input to deny the request from Philip Cooper to amend the General Plan and change the zoning, from ROS-1 Residential to RSF at property located at 600 South 200 West, Tax Id. #10-037-0010.**

YEA 3

Kaylene Ames
Denise Lindsay
Chad Poulsen

NAY 0

ABSTAIN 1

Austin Wood

The Council then discussed the proposed development of 131 homes at Sherwood Hills. If the City cannot supply water to that development that would be a limitation on development. Jeff Bailey asked City Engineer Chris Breinholt to tell the Council more regarding the City's culinary water capabilities. Mr.

Breinholt stated that Wellsville has two incredible wells in the lower pressure zone, capable of 3,000 gallons per minute. The City is currently using one of the two wells for eight hours a day. Mr. Breinholt stated the City has plenty of water. City Planner Jay Nielson suggested the Planning Commission direct Mr. Breinholt to run a capacities analysis. Mr. Breinholt would like to see a well drilled in the upper zone, separated from the two existing wells, for diversity. Mayor Thomas G. Bailey stated it is important to plan ahead and look for solutions. A well in the upper pressure zone would be more consistent than Leatham spring. Mr. Breinholt also pointed out that if residents have problems with low water pressure that is *not* due to a lack of water. City Manager Scott Wells stated 900 South is where the pressure zone ends. Water from Lindley Reservoir builds pressure as it falls into town and PRV's have to be reduced to get water into town. Denise Lindsay stated that she is not opposed to growth but worries that it is when a city grows too quickly that mistakes are made. Mayor Bailey said there are some cities who limit the number of building permits they will issue per year. Jeff Bailey noted that the General Plan aims for higher density housing within city limits to reduce urban sprawl. Mr. Nielson believes Wellsville has a good growth management system in place protected by the code. Chad Lindley mentioned that growth is not a bad thing, and that Wellsville has great families moving in who contribute to the community, school systems, and county.

The City Council then continued the discussion regarding water restrictions for culinary and secondary water for Wellsville City and the notification process. City Manager Scott Wells reported that the water flowing from Leatham spring has maintained, at 500,000-600,000 gallons per day, for two months. City wells are currently rebounding. Restricting water and exercising caution today will help ensure there is enough water tomorrow. Water use increases in July and August. The City newsletter asked residents to abide by watering on even and odd days based on house number. A small portion of residents are not abiding by the even and odd watering days. Mr. Wells suggested a flyer to be left on home doors noting the violation. Denise Lindsay pointed out that the current watering schedule is a suggestion, it would need to be made mandatory before violations can be issued. She suggested sending out an even and odd day watering reminder rather than a violation notice. Kaylene Ames read a notice from the Utah League of Cities and Towns, *"Utah is in a drought. In a recent state-wide poll conducted by the Deseret News, 32% of respondents stated that they have not made any changes to try and conserve water. As 98% of the state continues to experience extreme drought, the Governor continues to call upon every resident to take action to reduce their water use."* Mr. Wells said he will draft an educational flyer to be sent out to residents rather than a violation notice. **Chad Lindley made a motion, seconded by Denise Lindsay, to continue the discussion about water restrictions for culinary and secondary water for Wellsville City and the notification process.**

YEA 4

Kaylene Ames
Denise Lindsay
Chad Poulsen
Austin Wood

NAY 0

Department Reports:

Denise Lindsay-

- 1) No business or concerns at this time.

Chad Poulsen-

- 1) Has received complaints of speeding in the city. Denise Lindsay reported that 61 speeding tickets were issued in Wellsville the previous weekend.
- 2) An individual has contacted him regarding storage units. Scott Wells stated Wellsville City does not allow storage units. Commercial space in Wellsville is limited, storage units take a lot of space and don't generate any tax revenue.

Kaylene Ames-

- 1) Ron Case and the historical committee are giving a cemetery tour September 01, 2021. They will be dedicating a plaque to the school systems September 02, 2021. Ron Case and Kent Larson's names and telephone numbers will be listed in the City newsletter for Founders' Day. Ms. Ames will send out an

email to the Council allowing them to update their event information prior to it going into the newsletter.
2) Trevor from T's Trees has donated several trees to Wellsville City. An Eagle Scout will help the Beautification Committee plant three trees at Wellsville Dam.
3) Cache County has rescheduled a ribbon cutting ceremony at the Murray trailhead for July 15, 2021 at 9:00 a.m. A hike discussing noxious weeds will begin at 8:00 a.m. City Council should be represented.

Austin Wood-

1) Appreciated citizen input and addressing options for determining the rate of growth rather than prohibiting growth.

City Manager/Recorder's Report:

1) The City will allow the American West Heritage Center to violate the City's noise ordinance for an upcoming concert on July 31, 2021.

2) City has signed an agreement with State Forestry on Wildland Mitigation. Austin Wood is willing to join a committee for a cooperative agreement with State Forestry. As long as the City abides by this agreement, and a fire starts in the City which moves into the foothills, the State will take over fighting the fire and assume financial responsibility. If the City does not abide by the cooperative agreement, the State will take over fighting the fire and Wellsville City will be financially responsible. The agreement will cost the City \$4,500 annually. Mr. Wells hopes to get the City Youth Council involved in proactive prevention.

3) Working towards a radio tower on the Basin Hill which will allow for improved city property surveillance.

4) Looking into an ATV ordinance. DNR drivers permit allows 12--16-year-olds to drive ATVs. Still requires adult supervision, helmets, and obedience to traffic laws and speed limits. Highway 23 and Highway 101 would be restricted.

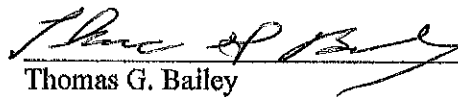
5) Working towards hiring a new judge for the City Justice Court.

At 9:30 p.m., Denise Lindsay made a motion, seconded by Chad Poulsen, to adjourn the meeting.

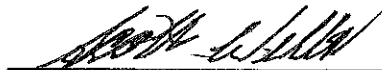
YEA 4

Kaylene Ames
Denise Lindsay
Chad Poulsen
Austin Wood

NAY 0



Thomas G. Bailey
Mayor



Scott Wells
City Manager

Attachment #1

Hello Scott, will you please see that any of the PC or City Council I may have missed gets a copy of this email?

Thanks,

Hello Mayor, Commission, and Council,

I have some concerns with the proposed Creekside Meadows subdivision, Please take a moment of your time and read the following prior to just simply approving it;

WATER:

We have been asked to cut back and conserve water... If there is not enough water during a dry year for the City of Wellsville as it exists, then how does it make sense to be approving even more subdivisions and developments? I am deeply concerned about the probability that this development will go through, and this may not even be the worst year yet as for the amount of water available. It is a known fact that the south end of the City currently has water pressure issues, and it is a less known fact that in order to provide enough water for the proposed subdivision, there will need to be adjustments made to the water system by way of PRVs. In doing so, those of us located uphill from the subdivision will have even less pressure and water than what we currently have, and it is already a problem, and I know you are aware of it, and thank you for your consideration.

Furthermore, the Wellsville fire department's crews were advised that if there is a working fire in Wellsville anywhere south of 800 south, they were to bring water tenders (Tankers) as there probably is not enough water....

It may be considered irresponsible (borderline negligence) to approve a subdivision of that size right in the problematic area when there are such obvious, well-known, and immediate issues that will follow. Please consider this and do not approve this subdivision, at least until the City has developed and started work on a plan to deal with these issues. With a little pressure the developer will be interested in helping to resolve these issues in order to build his subdivision. If you just approve it, WE will pay the price when the developer could have already done some of it...

OPEN SPACE:

Please do not approve the prelim for this subdivision and allow the open space to be counted within the private lots. This does no good for anyone including those later owners that purchase the homes/lots only to find out they cannot even build a shed on their own property. If the City is going to promote and allow development on the south side of the highway then provide open space for a park or something in support for those people to use as it may save someone's life in not crossing the highway. Stick with the code and do not allow the open space to be counted within the lots please. (they had to file a new application once zoning changed and thus should not be counted as filled prior to change of ordinance)

SEWER:

AGAIN you have a chance to have the developer assist with the impact of installing the sewer farther south on 200 East. I realize there may be other options for funding the sewer install along 200 east to 1600 south, but I guarantee you if the developer wants this development they will be interested in

Attachment #1

participating in this expense as it IS a direct result of THIS development. This may then free up some of those funds to do other things within the City. It should not be the City's responsibility to help the developers make every dime possible at the expense of the citizens.

Thank you for your consideration, (for those of you that actually read this)

Aaron Walker

1290 South Center St

435-881-8960

Dear Wellsville City Council:

July 5, 2021

We, the undersigned residents of Wellsville City, would like to take this opportunity to address several topics which are causing us much concern and to make eight requests of the Wellsville City Council.

On June 23, 2021 many of the citizens signed below attended the Wellsville City Planning Commission meeting. Several were invited to attend this meeting and provide public input on the issue of subdividing the property between 200 W and 300 W and 600 S to about 650 S – a parcel of property owned by Mr. Phillip Cooper. Mr. Cooper's proposal was to change the zoning from 1 acre lots to ¼ acre lots for the purpose of residential construction.

In preparing for this meeting it was found that the information available online – at either wellsvillecity.com or at jonescivil.com – did not contain the latest information with regard to the Land Use General Plan for the city of Wellsville. Therefore, it was not possible for citizens to prepare to contribute valuable input for the public hearing. The most up-to-date Land Use General Plan available online is from 2009, and a more current General Plan map (the entire plan either wasn't available or wasn't delivered upon request) was only obtained by making an *in person* request at the city office – though no one there was even certain if this was the latest information. Our **first request**, then, would be that all the latest pertinent information be available and easily accessible online.

After (eventually) reviewing the General Plan, it was found that nearly all of the proposed zoning within the city of Wellsville is slated for ¼ acre lots. Based on the procedures and outcomes of the aforementioned Commission meeting, it appears that all a land owner needs to do to have their current zoning changed to ¼ acre lots, is to request a "zoning amendment" and that request will be granted by the Commission. (We are unclear as to why public input was/is sought by the Planning Commission as it seems these requests are all but automatically approved.) This clearly contradicts both the spirit and the letter of the current Land Use Regulations (Chapter 10.51) and zoning classifications, which are in place for a reason. The current Wellsville City Zoning Map shows that all around the city there is a ring of properties at least one city block deep that serves as a "buffer zone" between the central core of the city and outlying unincorporated and (relatively) undeveloped land. This buffer zone is generally seen as a highly desirable feature of Wellsville City, and many current residents have purchased property and established their homes in these transition zones, precisely because of the rural feel of these more open spaces.

Based on our findings concerning the General Plan and its purpose and our reading of the Wellsville City Land Use Regulations (10.51.050, e.g.), it is the developer's responsibility to justify a departure from the status quo (current zoning plan). In this case Mr. Cooper would need to explain the need of disrupting the 1 acre 'buffer zone' around the city, and that his proposed development of ¼ acre lots is compatible with "adjoining land uses or the purpose of adjoining districts." Absent that compelling justification to deviate from the current regulations, the Commission (and Council) is (are) to "deny the zoning amendment." Otherwise, this 'rubber-stamp' approval of zoning amendments will rapidly extend higher density housing right to the city limits, with nothing certain about how anticipated annexations will be treated/zoned. This is especially concerning as we are very near the foothills. It seems that leaving a buffer zone of one acre lots within current city limits is desirable.

Attachment # 2

We are concerned that, with this General Plan in place as the *de facto* zoning map, the nature and feel of our little town is going to slip away from us. What was once a quaint town with a real hometown feel, is getting swallowed up in a move to urban sprawl and communities which have lost their purpose.

We are not alone in our concerns. There are many residents – short and long term – who share these same concerns but are either unaware of the specific growth plans and issues within this town, or just do not know how to address them. Therefore, our **second request** is that items affecting city growth be made known publicly to the whole city, and not to a select few who are within 300 feet of the area in question. Indeed, the city council needs to represent all the people of the city, not just the ones who are near an area of activity. This is wholly available at the cost of updating the city website with new information as it becomes available.

Our **third request** is that any changes to the Wellsville City General Plan be approved by the citizens of the city, with opportunities to provide input into the plan. According to Section 10.52 of the Land Use Regulations posted on wellsvillecity.com, the General Plan can be updated. The specific processes and criteria for these updates are shown in this section.

Our **fourth request** is that Wellsville City residents be surveyed to determine preferences and the General Plan be updated to reflect the desires of the current residents of the city – under the direction of the City Council and Planning Commission. The polling of city residents in an informal manner can also be completed simply and economically using several options for simple polling online.

Our **fifth request** is that the General Plan be amended to include a plan for the rate at which we will allow our city to grow. This will take considerable research to make a plan that considers the rural lifestyle here in our community and also gives opportunity for growth and development in a reasonable and controlled manner. It is time for Wellsville City to stop basing the future of the city on revenue from home building and start focusing on what matters to the current citizens of this community and the legacy that this beautiful town needs to uphold. Our desire is not that there is no growth, but that growth is handled in a reasonable and deliberate manner, in accordance with the city's ability (infrastructure, etc) to maintain such growth.

Questions brought up during our meeting with the Planning Commission which were not addressed were such items as infrastructure for culinary water, secondary water and sewer – including upgrades to these systems. Other non-infrastructure concerns such as traffic and law enforcement must also be considered. Certainly we are concerned this year that we do not have enough water to keep our parks green and useful, but building in the town has only accelerated. We would like to know how many homes our current infrastructure can service and how that correlates to the recent spikes in growth. Our **sixth request** is to define what our current infrastructure can handle – even in a drought year.

Finally, back to where we began. With reference to property in question. We do not know Mr. Cooper's final intention with regard to this property. But we do know that there are no developments bordering his property which have ¼ acre lots. Therefore, this kind of a subdivision does not fit within the adjoining property and therefore does not meet all the requirements of Section 10.51 in the Land Use Regulations published on wellsvillecity.com. Mr. Cooper said, in the Planning Commission meeting, that his original intent was to put only

Attachment # 2

four (4) homes on the property being discussed. That would be a wonderful addition to this part of the city. No roads would be necessary to accommodate this arrangement; water and sewer access would likely be possible – at least for two of the four building lots. Mr. Cooper claimed the reason for his needing ¼ acre lots was to sell enough property to pay for the road. But no road would be necessary, rendering this a moot point. Our **seventh request** is that the city council seriously consider this scenario, if proposed by Mr. Cooper. A 4-home development on those five acres would be consistent with principles of measured growth, and with the spirit and "feel" of adjoining neighborhoods and undeveloped acreage.

Our **elighth and final request** is that the city "deny the amendment" for the zoning change to ¼ acre lots on the property in question for the reasons herein noted and those coming from these concerned citizens.

Summary:

1. Please post accurate and complete information on wellsvillecity.com.
2. Determine how to share information with all residents of the city.
3. Any changes to the Wellsville City plan be approved by the citizens.
4. Survey the residents of Wellsville to collect their views for the growth of the city.
5. Amend the General Plan to include a growth rate requirement.
6. Define and publish how many homes the current infrastructure can accommodate and what plans are in place to improve this infrastructure.
7. Consider a plan from Mr. Cooper, if presented, to allow this property to be divided into four building lots – without the need for 600 South to be completed.
8. Do not allow the property to be divided into ¼ acre lots due to the reasons noted above – specifically to maintain a 'buffer zone' around the city with 1 acre lots.

Thank you for your service and consideration.

Signed:

Kurt & Patti Petersen

Jeff & Margo Pierce

Robert & Ruth Boehme

Sid & Rosie Nyman

Travis and Denise Mouritsen

Gary & Janice Bradshaw

Jason & Arianne Spahr

Joanna Lee

Brad & Angie Murray

Dale & Jan Anderson

Darrin & Melanie Hawes

Leah Leishman

Seldon & Susan Leishman

Kaleb & Kylee Davis

Jeff & Michelle Andrews

Clay & Jerilyn Isom

Chris & Jamie Clark

Carolyn Cooper

JD & Mindi Nyman

Bob & Marcelene Mouritsen

Braeden & Amber Hyatt

Eric Duersch

Todd & Lorrie Edwards

Colt & Amber Anderson

Tim & Ashley Anderson

Arlene Hall

Derek & Carol Nyman

Blake & Sindy Brenchley

Julie Anderson

Haley Andrews

Attachment #2

Joyce Murray

Devan & DeAnna Hawkes

Spencer & Destiny Spackman

Rachel Cook

Casey & Amy Jorgensen

Aaron & Melanie Walker

Ray Stokes

Tyler & Jordyn Pierce

Dee & Tana Hall

Chase & Lindsey Anderson

Larry & Laura Stewart

Dale & Robyn Nelson

Quinn & Sheryl Murray

Carl Stokes

Tyson & Tahnee Jones

Jimmy & Valorie Stuart

STAFF REPORT Prepared for the
WELLSVILLE MAYOR AND CITY COUNCIL

Preparation Date: 29 JUN 2021

Subject: Request to amend zoning map (rezone)
 5 acre parcel form ROS1 to RFS,

Name of Owner: Miriam P. Cooper. (Phillip Cooper)

Parcel Address: 600 S 200 W, Wellsville, Ut 84339

Date of Application:	not included
Parcel Tax ID:	10-037-0010
Current Zoning:	ROS1
Adjacent Zoning:	North: RFS South: ROS1 East: RFS West: ROS1
Conforming Lot/Parcel:	This is a conforming lot

Dear Mayor and City Council,

The attached Memorandum is prepared on behalf of the Planning Commission. It is a new requirement as adopted in the new Land Use Regulations (LUR). Its purpose is to inform the Council of the proceedings of a rezone request as shown above. The memorandum is intended to give you facts pertinent to the action of the Planning Commission. Another new requirement of the LUR is for the Council to hold a joint workshop together with the Commission to discuss its' recommendations to the Council. This is not a public hearing, but the workshop is open to the public to observe. Allowing public comment during the workshop will add confusion and distract the PC and the Council from the purpose to inform about the proceedings and to discuss the pros and cons of the proposal. There will have been adequate public comment allowed in the public hearing that precedes. The Planning Commission has been invited but all may not be able to attend. The Chair may or may not attend because he recused himself from voting, but he certainly is welcome to attend. The memorandum speaks for the Planning Commission and can be used to structure the workshop for Mayor Bailey even without all of the Planning Commission in attendance. If Planning Commissioners cannot attend, they may defer the responsibility to the Planning Consultant who was in attendance and actively involved in the proceedings. The City Manager may also provide pertinent information. The City Manager has scheduled the workshop immediately after the public hearing for the Cooper Rezone Request. The workshop is managed by the Mayor and can be as short or as long as seems appropriate. The procedures for the workshop are specified below:

10-51-6: CITY COUNCIL PROCEDURE:

B. Council Workshop:

1. Not more than thirty (30) days after the Commission's recommendation, the Planning Commission shall request agenda time at a City Council workshop to provide the Council with information about the proposed amendment.
2. At its workshop, the Council may accept the matter and schedule for public hearing, or request additional information prior to scheduling the matter for hearing.
3. If a majority of the Council present at the workshop has no objection, the matter shall be set for public hearing and action at a City Council meeting of the Council's selection.
4. Failure to hold a public hearing within one year of the Commission's action shall be deemed to be a de facto denial of the application.

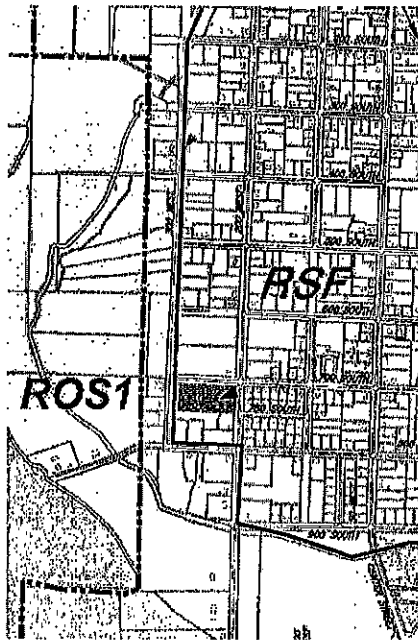
Attachment # 3

The following 2 pages of research and commentary is offered to the Council to consider as the proceedings unfold.

The City of Wellsville has a long and consistent history of approving zoning changes that are consistent with the General Plan. The City can deny rezoning request that do not conform to the General Plan. The General Plan was created with citizen involvement to determine how residents wanted the city to grow over time.

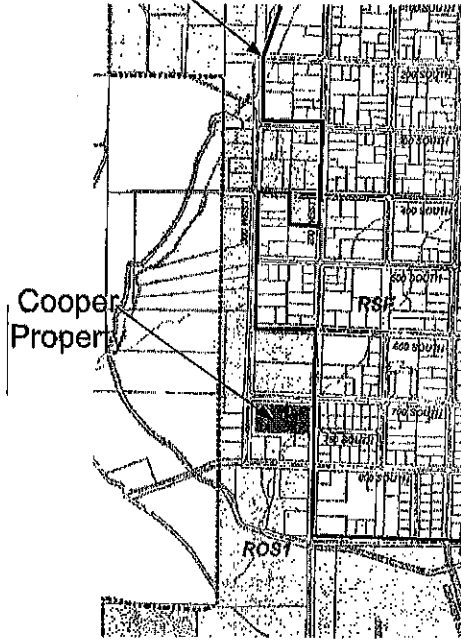
Boundaries between two different residential land uses should be smooth and logical to allow compatibility of uses and densities.

The long-term intent is for this Zoning Boundary to become like this General Plan Boundary.



General Plan Map

The General Plan Map shows how the City intends to grow in the future. It is supported by the written General Plan of the city. The General Plan document describes how and where the City intends to grow in the future. Together the General Plan Map and the written General Plan document form the voice of the City about growth. The General Plan map of the area shown above was adopted more than 25 years ago. It was last updated in 2010 involving public hearings to gather the will of the citizens. The General Plan Map dictates what the future zoning map should look like. The General Plan and its map are required by State Law. All rezoning requests are evaluated based on conformance to the General Plan.



Zoning Map

The Zoning Map indicates the current zoning of all properties. The companion to the zoning map is the zoning code (Land Use Regulations - LUR). The LUR is a written description of what is allowed in the various zoning classifications shown on the zoning map. Both the zoning map and the LUR must follow the General Plan and its map. The zoning map should eventually look exactly like the General Plan Map. As property owners decide to develop their properties, they can request to have property rezoned but the rezone must be consistent with the General Plan. If the rezone request is consistent with the General Plan it should be allowed because the city has documented how it ultimately wants the land to be used. If the rezone request is inconsistent with the General Plan, it should be denied.

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From the General Plan 2010

"We believe that residential growth will and should occur in Wellsville and must be managed by encouraging growth, first, in areas where existing utility services are available and, second, in locations where the characteristics of the land are most suitable for the varying densities of residential development allowed within the community."

The Town Center referred to in the General Plan is the RFS (Residential Single Family) zone on the zoning map. This is the older built-up area of the city. The town center is the place where growth is encouraged to prevent development encroachment into the foothills and large productive agriculture which provide a meaningful backdrop for the city.

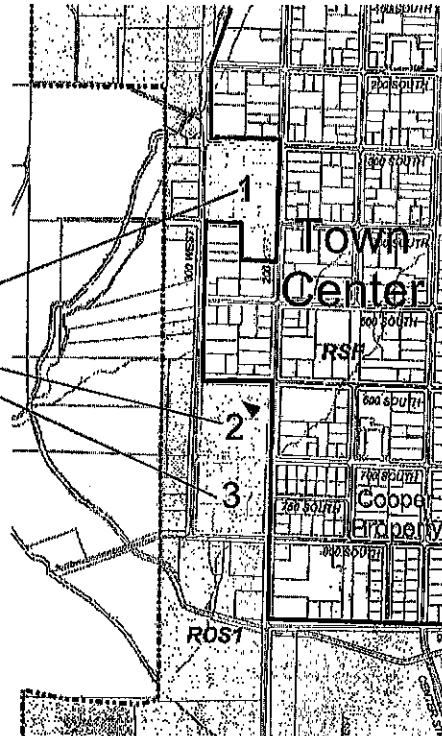
The Town Center is described as:

"Residential - Town Center. This use zone is the central housing area of the existing city. Primarily, the older residential areas of the city that are mixed with original housing and newer infill residences. The area is served by all public utilities and infrastructure. The residential town center should remain at a density of 4 dwellings per acre ..."

The remaining 3 blocks (blocks 1, 2, and 3) are planned to be eventually rezoned as part of the Town Center zoning RFS (Residential Single Family) as specified in the General Plan.

Options that the City Council may choose to pursue:

1. Stay committed to finishing out the General Plan for this area by rezoning properties to RSF when requested by the property owners.
2. Deny the Cooper rezone request and revisit the General Plan for the area making modifications to this area as found appropriate after proper noticing and public hearings and after receiving a recommendation from the Planning Commission.



Zoning Map

Possible findings to approve the application to rezone:

10-61-8 B. Council Findings For Approval: The City Council may approve an amendment to the Official Zoning Map or the text of the Land Use Regulations upon substantiating the following findings:

1. The location subject property is compatible with the purpose of the new RSF district since it is adjacent on two sides with the existing RSF zone.
2. The subject property is suitable for development within the new zoning district without increasing need for variances or special exceptions.
3. The subject property is suitable as a location for all of the permitted uses within the district.
4. The infrastructure providing access and utility services to the subject property have adequate capacities or a suitable level of service for the permitted uses within the zoning district.
5. The subject property when used for the permitted uses in the district will not be incompatible with adjoining land uses or the purpose of the adjoining districts.

This Planning Consultant report is an analysis of the application based on adopted city documents, standard city development practices, and available information. The report is to be used to review and consider the merits of the application prior to and during the course of the Planning Commission meeting. Additional information may be revealed by participants at the Planning Commission meeting which may modify the recommendations of the Planning Consultant Report and become the Record of Decision. The Planning Consultant reserves the right to supplement the material in the report with additional information at the Planning Commission meeting.

MEMORANDUM TO THE MAYOR AND CITY COUNCIL Prepared for the

WELLSVILLE PLANNING COMMISSION

Preparation Date: JUNE 29, 2021

A Report of the proceedings of the Planning Commission Meeting of 23 June 2021

Subject: Request to amend zoning map (rezone) a
5 acre parcel from ROS1 to RFS.

Name of
Owner: Miriam P. Cooper. (Philip Cooper)

Parcel
Address: 600 S 200 W, Wellsville, Ut 84339

Date of Application:	not Included
Parcel Tax ID:	10-037-0010
Current Zoning:	ROS1
Adjacent Zoning:	North: RSF South: ROS1 East: RFS West: ROS1
Conforming Lot/Parcel:	This is a conforming lot

The Code that requires this report to the Council

This report is required in 1-51-6 of the Land Use Regulations. The Planning Commission shall submit to the Council a report when the Commission makes a recommendation to the Council for a change in zoning boundaries as specified below:

C. Report to the Council: The Planning Commission shall prepare a memorandum or written report to the Council with attachments of the Planning Commission staff report and any other written material submitted at the Commission hearing. This report shall, at a minimum address the following:

1. The range of issues discussed at the Commission hearing that are not included in the Commission's staff report; See attached minutes of the proceedings (minutes not formally adopted)
2. Any pertinent public testimony or agency comments presented at the Commission meeting; See attached minutes of the proceedings (minutes not formally adopted)
3. Any other appropriate information with the Planner's report. (Ord. 2019-04, 10-16-2019). See Report Below

The Code that specifies the findings of the Commission**10-51-5: PLANNING COMMISSION ACTION:**

The Commission may recommend that the City Council approve an amendment to the Official Zoning Map or the text of the Land Use Regulations if it substantiates the findings in this section. Failure to find facts supporting the petition or finding facts that are contrary to the petition are grounds for a recommendation that the Council deny the zoning amendment.

A. Findings for Changes of Zoning District Boundaries:

1. The location subject property(ies) is compatible with the purpose of the new district.
2. The subject property is suitable for development within the new zoning district without increasing need for variances or special exceptions.
3. The subject property is suitable as a location for all of the permitted uses within the district.
4. The infrastructure providing access and utility services to the subject property have adequate capacities or a suitable level of service for the permitted uses within the zoning district.
5. The subject property when used for the permitted uses in the district will not be incompatible with adjoining land uses or the purpose of the adjoining districts.
6. The change to the Land Use Regulations is consistent with the intent of the General Plan as currently documented.

Attachment # 3

Commentary

The Planning Commission recommended that the Council approve this rezone. The voting was split 3 for and 2 opposed. The Chair continued to act as chair but recused himself from voting because of personal interests. Commissioners Bailey, Lindley, and Rigby voted in the affirmative and Commissioners Schenk and Cooper voted in the negative. In the Commissioner's discussion prior to the motion made by Commissioner Lindley, it was clear that the justifiable basis was that the rezone was consistent with the General Plan. The singular finding in the discussion was that rezone should be recommended to the council because the General Plan calls for the zoning classification that was requested RSF (Residential Single Family).

A point of clarification on the voting members. Commissioner Rigby is an alternative member. He votes only when there are less than 5 full commissioners to vote. In this situation, 5 members were present, but Chairman Clark recused himself and could not vote which required Alternate Commissioner Rigby to place his vote.

Planner's Note: Multiple rezoning requests have been approved over the years based on consistency with the General Plan Map. Some requests have also been denied because the requested zone did not match the general plan. Also, many rezone requests have been approved with an accompanying amendment to the General Plan. The Planning Commission and its planner have followed this pattern because the General Plan Map and the General Plan Document were adopted by the Council as a strict guide to making planning and land use decisions. "The Planning Commission is charged to carry out the growth and development policies of the municipal council as expressed in the general plan".

The Planning Commission was not fully aware of the findings guidelines from the newly adopted code in 10-51-5. However, the six findings included there all lead to the last and most important finding, "6. *The change to the Land Use Regulations is consistent with the intent of the General Plan as currently documented.*" The Planning Commission and the Planner understands that the land uses shown on the General Plan Map implies that findings 1-5 are compatible, suitable, and serviceable when the General Plan and its map are formally adopted by the City Council. When making a finding that a requested change is compatible with the General Plan, all other findings about compatibility are, by default, included in the finding which states that the application is consistent with the General Plan.

The Planning Commission is charged by state law to initiate, create, and recommend amendments to the General Plan. In many ways it is their plan. They want the plan to be effective. They want to see that long-range, thoughtful planning guides their city. However, the ultimate ownership of the General Plan resides with the City Council. You funded it and you adopted it.

The Planning Commission conducts at least as many public hearings and public comments as the Council. They value counsel from the public and they are influenced by it. However, they have a duty to weight the larger public good by considering the General Plan in their decisions. The Council does not have the same level of duty to the General Plan because you can ultimately change it as you so choose. However, the Utah State Code requires that all matters of the General Plan are initiated by the Planning Commission. The General Plan is theirs to write, to update, and to recommend amendments. The Council cannot make changes to the General Plan without a recommendation from your Planning Commission.

In the proceedings of the Cooper rezone request, the Planning Commission made the hard decision to not be swayed by public clamor- to follow the General Plan. The public clamor was significant that night (please see the definition of public clamor by the Utah courts below). The Commission chose to stick to your plan. The plan that the Council asks them to defend. They made the right choice to follow your lead and the lead of your good predecessors.

Attachment #3

"Public clamor" is public sentiment. If taken to the extreme, public input can become public clamor - not to be equated with public comment. Clamor connotes a degree of irrationality or emotion. Land use decisions are not made by public vote. If they were, the rights of property ownership would be severely compromised. One can't expect to stop growth and development; however, one can expect that a project developer and governing agency will attempt to mitigate as many adverse impacts as possible. The term "public clamor" first appeared in Utah in a 1988 case, Davis County v. Clearfield City. The Court decision stated, while citizen opposition is a consideration that must be weighed, it cannot be the sole basis for denying a conditional use permit. Denial, the court said, must be based on substantial evidence (relevant facts) and not mere emotion or local opinion. Although a Commission may hold a hearing and consider the opinions of local landowners, it crosses the line when it allows itself to be controlled by what the Utah Court of Appeals has characterized as "public clamor." In administrative decisions existing law is applied to a specific piece of property. These kinds of applications must be considered under the laws as in force when the application was made. Approval or denial must be based on substantial and relevant evidence showing compliance (or noncompliance, in the case of denial) with legislatively predetermined standards. Accordingly, public clamor has no place in administrative decisions. Emotions may not be deemed relevant if they lack substance or conflict with property owner rights.

"public comment" is valuable in all public decision making. Public comment is a meaningful way to gather additional relevant information so as to make an informed decision. Public comment is most meaningful to decisions made by the Commission when controlled, rational, and based in fact.

Attachment #3

Minutes from the Planning Commission Meeting of 23 Jun 2021 (not yet approved). Only the minutes pertinent to the Cooper Rezone are included.

Third, Chairman Clark opened the discussion regarding Phillip Cooper's request to amend the Zoning Map and change the zoning, from ROS-1 Residential to RSF at property located at 600 South 200 West, Tax Id. #10-037-0010. Mr. Cooper stated the property is currently zoned ROS-1 Residential for one-acre lots. Rezoning to RSF will allow quarter-acre lots. There is no street at 600 South to connect 200 and 300 West. Mr. Cooper stated that five-acres isn't a lot of land to justify the expense of completing the road and utilities on 600 South. If the property can be rezoned, Mr. Cooper's plan is ten lots on half-acre parcels. Or slightly less than half-acre for eleven lots. He indicated there is a seventy five percent (75%) likelihood of moving forward with this plan if rezoned.

At 6:33 p.m. Chairman Clark called for public input.

Janice Bradshaw addressed the Planning Commission and implored them to deny the rezone request. She is concerned about road congestion and speeding that may occur in that neighborhood which is such a popular walking and biking area. She also commented on preserving the beauty of open space and not obstructing it with development. West of this property are the Wellsville foothills; Ms. Bradshaw believes building should be restricted at the base of the foothills.

Gary Bradshaw stated his biggest concern is the quarter-acre lots. Mr. Bradshaw lives near the Walker Subdivision which he considers a quarter-acre lot experiment that didn't work. He stated it is difficult to raise a family on small quarter-acre lots and kids often end up tearing up neighboring hay fields.

Tracy Bodrero lives near quarter-acre lots and says families can be raised on small lots and that it comes down to the parenting of children. He stated the Planning Commission has allowed rezoning for quarter-acre lot subdivisions in the past and Mr. Cooper should be allowed too as well.

Patti Petersen next addressed the Planning Commission. She said that Mr. Cooper has every right to develop that property within the guidelines and zoning the City has established. Ms. Petersen advocated for the City's Master Plan. She hopes we can preserve our small-town community. She asked the Planning Commission to follow the Master Plan and leave home the way it is.

Clay Isom expressed his concerns with the rezoning of 600 South 200 West, which included water pressure, secondary water, sewer, traffic, and urban sprawl. Mr. Isom read from the 2016 'Wellsville Land Use Regulation Master, 10.51.050, Planning Commission Action,' which states "The Commission may recommend that the City Council approve an amendment to the Official Zoning Map or the text of the Land Use Regulations if it substantiates the findings in this section. Failure to find facts supporting the petition or finding facts that are contrary to the petition are grounds for a recommendation that the Council deny the zoning amendment." Mr. Isom discussed each 'Findings for Changes of Zoning District Boundaries.' "1. The location subject property(ies) is compatible with the purpose of the new district." Mr. Isom stated that was acceptable in this case. "2. The subject property is suitable for development within the new zoning district without increasing need for variances or special exceptions." Mr. Isom said he didn't know the answer to this question and asked if that had been addressed by the Planning Commission. "3. The subject property is suitable as a location for all of the permitted uses within the district." Mr. Isom affirmed. "4. The infrastructure providing access and utility services to the subject property have adequate capacities or a suitable level of service for the permitted uses within the zoning district." Mr. Isom asked the Planning Commission if they have a plan to develop the infrastructure to be able to support that level of density on that property. "5. The subject property when used for the permitted uses in the

district will not be incompatible with adjoining land uses or the purpose of the adjoining districts." Mr. Isom believes rezoning to RSF will be incompatible with adjoining land uses and the purpose of the adjoining districts. "6. The change to the Land Use Regulations is consistent with the intent of the General Plan as currently documented." Mr. Isom states rezoning to RSF is not consistent with the Zoning Map. The Zoning Map shows R-1-12 12,000 square foot lots towards the central core of the City. RA-1 one-acre lots are around the periphery to decrease density of housing and transition into open space. Mr. Isom noted the property in question is along the RA-1 periphery and stated rezoning would be inconsistent with the spirit and letter of the City's plan. He asked the Planning Commission to deny the rezoning of the property at 600 South 200 West to quarter-acre lots.

Margo Pierce spoke to the Planning Commission to remind them of the need to preserve the beauty of the land around us and the city of Wellsville. She said that Master Plan was created for a reason by our predecessors. She welcomes Mr. Cooper to the neighborhood as it is currently zoned. Ms. Pierce asked the Planning Commission to reject rezoning.

Phillip Cooper returned to address the Planning Commission again. He stated his preferred development plan was four lots of one-and-a-quarter (1.25) acreage. Two lots would face west on 300 West. Two lots would face east on 200 West. This would eliminate the necessity of a road on 600 South. However, regulations require the 600 South road to be completed with utility lines. Four lots make that cost prohibitive. Mr. Cooper then inferred Chairman Clark did not have to meet the same requirements when he built his home along 600 South. Chairman Clark stated he requested Mr. Cooper's help with the infrastructure of 600 South and was denied. Chairman Clark stated he paid for 365 feet of eight-inch water mainline, sewer, gas line and power line out of his own pocket. Chairman Clark declared he met every regulation the City asked him to meet. Mr. Cooper implored the Planning Commission to treat him the same. He would prefer four one-and-a-quarter (1.25) lots if he wasn't required to extend the 600 South road and utilities.

Kurt Petersen noted that Mr. Cooper's request was to rezone to quarter-acre lots rather than the half-acre lots he has proposed tonight which should be clarified. Mr. Petersen told the Planning Commission he was opposed to the rezone.

With no more public input, the public hearing was ended at 6:52 p.m.

Chairman Clark asked the Commission for their thoughts. Jeff Bailey asked City Planner Jay Nielson to clarify the differences between the Master Plan, General Plan, and Zoning Map. Mr. Nielson indicated there was a lot of confusion in testimonies over the Master Plan, General Plan, and Zoning Map. The General Plan is the guiding document for the development of the City. The General Plan shows this area, and all the way to 300 West, as future residential the same as the town's center. That is the Master Plan. It is called the General Plan. The Zoning Map shows what the zoning currently is. Mr. Nielson said that if a rezoning request is made, which is consistent with the General Plan, the Planning Commission is obligated to approve that rezone. If the request is not consistent with the General Plan, the Commission can deny it. Mr. Nielson confirmed Mr. Cooper's rezone request at 600 South 200 West is consistent with the General Plan. Mr. Nielson referred back to Mr. Isom's 2016 'Wellsville Land Use Regulation Master, 10.51.050, Planning Commission Action, Findings for Changes of Zoning District Boundaries.' "6. The change to the Land Use Regulations is consistent with the intent of the General Plan as currently documented." Mr. Nielson answered that the change is consistent with the intent of the General Plan. Mr. Nielson clarified with Mr. Cooper that he does not intend to run a road, north to south, through the center of the property. Mr. Cooper answered he does not. All homes will be facing 200 West or 300 West.

Marcy Mouritsen attempted to address the Planning Commission but was told the public hearing had ended.

Chad Lindley stated the misunderstanding of the two maps was unfortunate. The housing density of 12,000-foot lots is not the most agreeable. But the Master Plan tells us tighter density within the constraints of the City is

Attachment # 3

better than sprawl we see in other communities. Mr. Lindley supports the Master Plan and chooses to follow the plan already set by our predecessors.

Clair Cooper stated he prefers one-acre lots.

Cody Schenk stated he sides with larger lots. He has lived in a subdivision with smaller lots and much prefers his current larger parcel. Mr. Schenk understands the 600 South road and utility Infrastructure is a lot to ask for four lots. However, he said ultimately larger lots make better sense.

Jeff Bailey said emotions need to be set aside for decisions such as this. This meeting isn't about infrastructure and subdivision, that will come later. This meeting is about a rezone. Without a legitimate finding they can't deny a rezone request when it is consistent with the Master Plan.

Ed Rigby stated he and the neighborhood community wished for a better understanding of the two maps. He appreciates the Master Plan and notes the Planning Commission's hands are bound by the Master Plan.

Following the discussion, **Chad Lindley made a motion, seconded by Jeff Bailey, to approve the request from Phillip Cooper to amend the Zoning Map and change the zoning, from ROS-1 Residential to RSF at property located at 600 South 200 West, Id. #10-037-0010.**

YEA 3

Jeff Bailey
Chad Lindley
Ed Rigby

NAY 2

Clair Cooper
Cody Schenk

ABSTAIN 1

Chris Clark

The Planning Commission then moved on to other zoning matters. City Planner Jay Nielson expounded on the Zoning Map and the Master Plan. He explained that the Zoning Map is where the City is at today. The Master Plan is what the City plans to look like in the future. Ed Rigby says that should have been explained in the City memo sent out to the neighbors. City Manager Scott Wells made it clear that the 600 South roadway and utilities must be constructed. Even if Mr. Cooper only develops four one-and-a-quarter (1.25) acre lots, that doesn't stop the lots from being subdivided in the future without infrastructure along 600 South. Mr. Nielson noted a continuation of the grid and a public road through 600 South is a great long-term benefit. Mayor Thomas G. Bailey noted the Planning Commission's hands were tied by the Master Plan, and that decisions cannot be made based on public clamor. He also acknowledged codes are difficult to understand. Mr. Nielson commented that for one-acre lots to be maintained long-term, requests need to be made to amend the General Plan. Chairman Clark asked where zoning changes from RSF to ROS-1 Residential on the General Plan. Mr. Wells answered everything west of 300 West is zoned as one-acre lots. The Commission had more questions regarding water availability for existing housing and new developments. Mr. Wells answered that City Engineer Chris Brienholt has research data on necessary water storage. Mr. Wells stated a concept plan is upcoming for development of the Sherwood Hills property. They are proposing 130 ranchettes on large acre lots, with seventy percent (70%) open space. Mr. Wells also mentioned a planned development at the summit of Wellsville Canyon, proposing 84 cabins.