

WALLSBURG TOWN
Planning Commission Public Hearing
Development Code Revisions
June 27, 2023 - 7 pm

1. Call to Order 7:00PM

- a. Pledge Of Allegiance - Completed
- b. Roll Call: Carrie Mecham, Lucille O'Driscoll, Tammy Graham, Amanda Carlile, Justin Carlile, Scott Heslop, Trevor Pulham, Travis Defibaugh, Terri Eisel, Yvonne Thompson, Alisha O'Driscoll

2. Public Comment

- a. This is the public's opportunity to ask questions and comment on the revisions to the Wallsburg Town Development Code. Those with questions and comments, please come up to the table, state your name and address before making a comment, and speak loudly to assure comments are recorded properly.

Justin Carlile: Reading over this, I want to make sure I'm on the same page as you guys. I'm still not sure on building height what that top measurement is going to be. It says measured vertically from natural existing grade to the highest point on the roof. Is that the point vertically highest or is that THE highest point of the roof? Planning Commission: THE highest point on the roof. Justin Carlile: Okay, so if it is on the hill, we can't step up the hill, okay.

Justin Carlile: The other question or concern I had was what is the purpose of wiping the slopes completely out of the code? Alisha O'Driscoll: I think it is because every reference is different. Justin Carlile: So are you going to be looking to add that back in to clarify? Tammy Graham: No, because it has to do with the ridgeline, that's where the slope. Justin Carlile: Slope and ridgeline are two different things. Tammy Graham: yes, they are two different things. Justin Carlile: So I guess my concern is, are we allowing people to build on slopes that are over 30%? Tammy Graham: No. Travis Defibaugh: We talked about it being case by case and the homeowner would have to show they are mitigating the challenges of building on a slope. Justin Carlile: So the 30% is getting wiped out completely out of the code? Tammy Graham: I thought nothing over 30%, then 20%-29% or whatever will be considered case by case. Carrie Mecham: The way it reads is wipe out the mention of slope completely. "Concerns to slope as determined by the Wallsburg Town Planning Commission will be required to be mitigated by the property owner in regard to water pressure, water shed, utilities, emergency services, drainage, runoff, and any other concerns as identified." I think what we were saying is engineering will take care of a lot of that as well as will the other concerns as services to the property. Tammy Graham: Justin, where do we have that is over 30% that is buildable? Justin Carlile: Right now there's not, but possibly Indian Hills and Ashlee Acres. Carrie Mecham: Mecham's property too. Justin Carlile: It goes back to my concern if there's nothing in the code that says you can't build on anything over 30% that raises my concern. Carrie Mecham: One of the things we talked about is if we were concerned about slope and the engineering looked iffy on it we could require further study and consideration. So that's why it was taken out is because you can mitigate some slope things. Justin Carlile: You can, that's just my question- who with Wallsburg is going to be the one to. Carrie Mecham: Theoretically the Planning Commission will and if we don't have sufficient information then we will ask for a formal engineering report paid for by the petitioner. Is this correct? Lucille O'Driscoll: I personally think that the 30% needs to be in there. I didn't realize we were removing that. The things Carrie said are correct all of that. Justin Carlile: The 20%-30% I can see still having a review process to make sure, because you can be 28%, which is under 30% but still a concern is that house going to stay on the hill or not. Travis Defibaugh: The conversation started with moving it down to 20%, then we started talking about mitigation at a certain point, so I don't know if maybe that's where we lost the 30% as part of that conversation. Justin Carlile: With the ridgeline I have concern too because that's kind of one of those things that's open for interpretation of what's a ridgeline. You're looking at a contour map, how are you going to tell what's a ridgeline? Carrie Mecham: It's going to be difficult. Justin Carlile: Depending on where you're looking, it is a ridgeline or not a ridgeline. The old code referenced a prominent point in Town, I don't know if we can name that and say Okay if there's skyline behind that.. I'm just concerned it's too open for interpretation. Trevor Pulham: the ridgeline is based off of the topographical map, they'd have to prove that off of their drawings, which can be done. Can it not? Justin Carlile: How sharp is that contour going to be to prove it's the top of the ridge? Trevor Pulham: I think the point is to not have something that's sticking 15' above the skyline. Does that make sense? Tammy Graham: It will be based off of elevation. Trevor Pulham: Basically you'll be building from elevation and the house is set, so you can tell me the elevation of the house and the elevation of the ridgeline. Justin Carlile: I'm just playing devils advocate, because I could see this later on possibly and to me it's still open for interpretation because any lot even a flat lot, the elevation could be higher than the

closest.. so what point does a rolling hill become a ridgeline? I'm just concerned with that, so those are my concerns.

Planning Commission: Thank You.

Trevor Pulham: Justin, just to clarify from earlier. You brought up as far as the building height, it does state "from vertical measurement at any point" so it can follow the slope of the property. What is written here vs what was said is different because it can be measured vertically at any point. Carrie Mecham: I didn't understand that, that would be right. Trevor Pulham: It's vertical at any point so something can step, which is normal, up the slope of the hill. So if we take Clint Allen's for instance, his steps up the hill and isn't in violation because you aren't measuring the top of his garage to the bottom of his basement. So that is the way it is written, that it follows the slope, that's why you can measure a vertical line at any point of existing natural grade. Justin Carlile: To me, the part that's open for interpretation is where it says vertically to the highest point of the building. So there is still some gray area for interpretation there. Alisha O'Driscoll: So what do you suggest to change it so that's not open for interpretation? Justin Carlile: Im not telling you how to do it, I'm just saying it can be taken in two directions and I didn't know if that's what you're going for. Trevor Pulham helped reword that one definition to read clearly.

Scott Heslop: 7 ½ acres in Town limits above the cemetery. I have children interested in building there but it seems impossible at this point. With the new regulations, the lot size is now to 1 acre? Travis Defibaugh: The minimum increased from ½ acre to to 1 acre. Scott Heslop: So having 7 ½ acres, I can't actually use 7 ½ because 1 ½ acres of that would be taken up in road. Do I still have to pay taxes on that road as ownership or does the town get that? Tammy Graham: you pay taxes unless it is a Town owned road. Trevor Pulham: If you did a subdivision, that would be turned over to the Town. Carrie Mecham: The caution with that 1 acre limit is to make sure you have health department clearance also. Scott Heslop: Are the existing blocks that they have still legal to build on those? Carrie Mecham: If they are on the Town map, Travis Defibaugh: They will be a lot of record. Trevor Pulham: If it was a lot of record, it will stay a lot of record. Carrie Mecham: When you bought the property were they existing? Scott Heslop: I bought the property in '78 and it was just two pieces of property, however I don't know what has happened. Carrie Mecham: Who put them in ½ acre lots? Scott Heslop: They aren't in ½ acre lots. Carrie Mecham: Oh, you were wondering if you could? Scott Heslop: Yeah. When I bought the property, it was all one piece, as 30 acres. However, part is in Town limits and part 20 ½ is in the county. I went in and talked to the county and he said that's grazing and you can do nothing about it. Over the years, so that no one has cause to deal with it, I'm the fool. I didn't follow up with what was going on so my property has been changed and is no longer grazing. I pay more taxes on it than I paid for it to begin with. And so I don't know how that all affects what is going on. Just questions I don't know the answers to. Travis Defibaugh: What is it zoned as now? Scott Heslop: It just says on my tax notices that its not FAA. I don't know why its not in greenbelt. A long time ago I missed filling out a form for the purpose of the ground. Justin Carlile: You have to prove that you're using it for agricultural for it to stay that way. Scott Heslop: And I haven't done that. I would like to, however due to the fact that there's a road that has access to property owners, it isn't on my deed. It doesn't say right of way. Only on the East/West side, up on 200 E where there isn't really a road, it says there is an easement on my deed. Since the blocks don't go up that far, I don't know how I would get access unless you know 200 east still needs to be made. I made a trade with the Town quite a few years ago asking that there still be access through there on that road and they went and planted trees. And now there's a shed that was put in the middle of the road, and I should have kept up on it. Justin Carlile: The right of way is still there, there's just not an actual road. Scott Heslop: Right. The road south of 100 north on 200 east has been vacated at Bigelow's place. I took note of that, from 100 north there should still be the road there. Trevor Pulham: If you ever developed that, would you be coming from center street and connecting to 200 East? Scott Heslop: That would be nice. But because I was stupid when I built my house, it's out in the road. Even though its back, I thought I would line it up close to Butters. The road isn't where it's supposed to be, on my deed for the property north of where the Town map ends, it says I have 33 feet easement on my west border but they put telephone poles right down the center of that. Its difficult that 200 east needs to be there for me to develop my property.

Carrie Mecham closed the public comment portion of the hearing.

Carrie Mecham: Would we like to consider putting the 30% back in? Planning Commission: Yes

Alisha O'Driscoll: So do you want to just say "buildings on a lot over 30% slope will not be considered. 20%-30% slope will be considered on a case by case basis." And still leave in that sentence about mitigation?

Carrie Mecham: Why put in 20%-30% if 30% isn't okay? Tammy Graham: 20%-29%, is that what you're saying?

Carrie Mecham: Just say the number, not have a variance. Tammy Graham: What if its 29 ½%? Lucy O'Driscoll: I agree we need to have a buffer. Carrie Mecham: Would you like to motion?

3. Agenda Items:

a. Recommendation to the Wallsburg Town Council – Action Item

Motion: Lucille O'Driscoll moves to put back in the 20%-29% slope to be a case by case basis consideration with nothing being built on 30% or more slope. Carrie Mecham: And leave in the sentence about mitigation. Planning Commission: Agreed. **Second:** Tammy Graham **Vote:** Unanimous

Alisha O'Driscoll: Did you also want to go up on the first definition and add in where it says "for the purpose of measuring the height of any building from natural grade the measurement, measured vertically from any point, shall be the vertical distance from natural grade to the highest point" or how do you want to put that in? Travis Defibaugh: How do you nicely word from natural grade to the immediate top of.. Justin Carlile: From natural grade vertically to the roof. I don't think you need to call out highest point that's where the gray area come in. The highest point of the roof could be 20 feet away, but if you just say vertically to the roof. Tammy Graham: are you talking to where the eaves come out or to the very top then? Justin Carlile: say to the ridgeline, that way you don't need the highest ridgeline, just vertically from natural grade to the ridgeline. Then you shouldn't have two ridgelines on top of each other and that ridgeline is still the highest point. Trevor Tammy Graham: We all agree, just don't know how to word it. Pulham: Just erase "highest point". Alisha O'Driscoll: So just "for the purpose of measuring the height of any building from natural grade the measurement, measured vertically from any point, shall be the vertical distance from natural grade at any point". Carrie Mecham: Do we have a motion to make that adjustment?

Motion: Travis Defibaugh moves to make the adjustment noted above.

Second: Carrie Mecham **Vote:** Unanimous

Travis Defibaugh: Do we need to look at the actual ridgeline section too, since it was so vague? Carrie Mecham: We mulled over that for 2 hours, I think we looked at that and need further input from the Town.

Carrie Mecham: Who would like with the amendments made tonight with the Slope and wording of the height, would anyone like to make a motion to accept these revisions?

Planning commission talked amongst themselves and the public and added "at any point" to the end of the definition.

Motion: Lucille O'Driscoll **Second:** Tammy Graham **Vote:** Unanimous

4. Schedule Next Planning Commission Meeting

- a. Schedule next meeting: Tuesday July 25th 7:00PM
- b. Call for Agenda items for next meeting: Revisions to Chapters 1 and 2 of the Development Code

5. Adjourn

Motion: Carrie Mecham **Second:** Lucille O'Driscoll **Vote:** Unanimous

- a. Time: 7:34pm