

WALLSBURG TOWN PLANNING COMMISSION MEETING

October 10, 2023 – 7:00 pm

1. Call to Order 7:11 pm

- a. Roll Call: Alisha O'Driscoll, Lucille O'Driscoll, Carrie Mecham, Tammy Graham, Travis Defibaugh, Nate Surratt, Clint Hendricks

2. Consent Calendar: Be it hereby moved that the following consent calendar items stand approved:

- a. Agenda of the October 10, 2023 Planning Commission Meeting
- b. Minutes of the September 26, 2023 Planning Commission Public Hearing

Motion: Tammy Graham moves to accept the September 26th meeting minutes

Second: Lucille O'Driscoll Vote: Unanimous

3. Agenda Items:

a. Lots Of Record – Information and Discussion Only

- i. Planning Commission members will meet with Clint Hendricks to discuss and learn more about existing lots of record.

Discussed with Clint Hendricks that in the past, Wallsburg Town has gone with the county guidelines regarding lots of record. When Carrie Mecham called the county, they said they don't keep track of Wallsburg lots of record. That took her by surprise, so she is wondering if that information was incorrect or if Wallsburg needs to address how they handle lots of record. The Planning Commission invited Clint Hendricks, a local attorney who is familiar with land use/lots of record, for discussion and information. Clint Hendricks: The parcel information will still be available on the county website. Lots of record are generally set by a certain deadline (like the County)- if it was a lot at that time, it is grandfathered in under that code. If it was a lot of record at the time the ordinance was adopted, you need to look at the ordinance and see what the clause says. What do your current ordinances say? Carrie Mecham: There aren't any (regarding lots of record), we have always gone by the county. We as a body can continue to use the county code, that is something to consider. Lots of record have been assumed to be under the county, town wide. Nate Surratt: If there's not a lot of record that has been recorded for Wallsburg, can we make our own to say that current to 2023, everything is as is right now and going forward we can address? Others: Unless they have documentation to prove their lot is already an existing lot of record. Clint Hendricks: Before going there, help me understand is this just regarding setbacks? Travis Defibaugh: read the current verbiage in the Development Code regarding lots of record. Clint Hendricks: That says that you can't deny them a building permit, but there can still be constraints on that permit (as best as they possibly can). Travis Defibaugh: it relates to our discussion about ridgelines, etc. We can't tell them that they can't build there, but we can set a limit on the height. Clint Hendricks: Correct. They still have a buildable lot. Carrie Mecham: I don't understand that. If they have the acreage, but don't have the frontage or setbacks, I understood they couldn't be constrained by those things because they had the lot prior to the date. Clint Hendricks: There can still be restrictions on that permit, its not just a blanket 'you can build whatever building you want'. Carrie Mecham: Then what good is a lot of record? Lucille O'Driscoll: Can't we say 'here are the requirements, we need you to meet them the best you can'? Clint Hendricks: Yes, exactly – substantial conformance. It's just not a free pass. Carrie Mecham: Can a home though go to the edges of the lot? Not that I would want to do that, but can it? Clint Hendricks: You want to go for substantial conformance. The issue is you want to issue the permit to have them be as conformant as possible so the next lot down the road doesn't want special treatment someone else got. Nate Surratt: We have been talking about some lots in Town that are ¼ acre or less. If they came to us to build, how do we do that where they don't meet any of the requirements but there is already a building there? If they can stay in the same footprint, then the neighbor down the road now wants to build on their ¼ acre. Clint Hendricks: In that case, you would give the existing building objective criteria to stay within and the neighbor would have to do the same. Carrie Mecham: Then

what is the benefit of a lot of record? Clint Hendricks: They get a building permit. Guaranteed. Travis Defibaugh: How literal do we take this? Clint Hendricks: You go off the new density and requirements. They have to comply with as much as possible, do the best they can. And you have to be subjective with them to work with them. Nate Surratt: Okay, so the store in Town. They can determine it is a lot of record and there is an existing building there. Then you have another lot that has the same acreage but no existing building on it. Clint Hendricks: Depending on if it's a lot of record prior to the date recognized, they will have to be allowed to build – something. The main thing to remember is that there is an existing building, so he is going to have to get a building permit. The other reference that doesn't have an existing building on it- that's apples and oranges, not the same thing at all. Travis Defibaugh: Where are we getting the '1967' thing? Alisha O'Driscoll: It's in the Wasatch County Code. Clint Hendricks: You have to look at what you've done for the last 50 years, if you've treated it as binding, you better keep doing that. Or adopt your own ordinance. Tammy Graham: Do we have any that have built on a lot of record in the past? I can't think of any. Carrie Mecham: I have 3 of them in Town, so maybe I should excuse myself from this. Nate Surratt: I think we were talking about the old beer shop, the fords store, the bigelows land right here. Clint Hendricks: It goes by parcel number, not deed. So if its sold, it still stays a lot of record. Typically, a bank will not loan on a non conformant lot. Carrie Mecham: In the county code it says they intend to get rid of lots of record, non conforming. Clint Hendricks: The issue with that is that they can't take value from your land. They can have a goal to work towards that, but they can't pass an ordinance to make a buildable lot unbuildable. Carrie Mecham: So what do we recommend to the Town? Go with the county code? Clint Hendricks: If you've been going with that historically, you're best to stick with that. Or create something totally your own. But realistically if that's what you've been going off of forever, you want to keep following that. The Town needs to formally adopt the Wasatch County code. Miscellaneous Discussion: how many lots of record remain in Town, specific cases to consider that could come down the road, process to determine lot of record, how or whether to reference county code/ordinance in the Town code for details/further information.

b. Permitting Requirements – Action Item

- i. Discuss and identify which structures need a building permit, revise/create application.
- ii. Vote to recommend revisions/additions to the Wallsburg Town Council.

Travis Defibaugh: In the Town code it says any building needs a permit, the county code has a square foot requirement. All: Discussed what classifies a temporary structure (carport, etc), whether digging or cementing into the ground deems permanent or just structurally sound. Discussed construction supplies, shipping containers, etc. Talked back and forth and decided to not call out temporary/permanent, etc- a structure is a structure. Considered whether to keep ALL buildings needing a permit or to adopt the county requirements with buildings over a certain square footage needing a permit.

Motion: Travis Defibaugh moves to recommend adopting the Wasatch County building permit verbiage

Second: Lucille O'Driscoll Vote: Unanimous

c. Planning Commission Fees – Action Item

- i. Discuss revisions and additions to the Planning Commission fees.
- ii. Vote to recommend revisions/additions to the Wallsburg Town Council.

Nate Surratt: We talked last time about fees and when to apply fees. Like if it takes one meeting, we waive the fee, or just charge it. What do we all think? Carrie Mecham: Personally, I think if it can be approved in one meeting, it can be waived. Nate Surratt: I agree. Or do we determine if it is a livable structure? Tammy Graham: I agree with all of that, I personally think there aren't going to be many buildings that take just one meeting. Travis Defibaugh: I think that's the easiest way to cover the easy reviews without creating a long list of things that don't require a fee. Carrie Mecham: So the first meeting is free. Nate Surratt: I think that is good, it will make people accountable and prepared. Carrie Mecham: Does the Town Board charge a fee once we approve? Alisha O'Driscoll: No. They pay their fee to appear to the Planning Commission.

Miscellaneous Discussion: How much/should we charge per meeting? Should it be a refundable deposit? Where does the money go to? The Town? The Planning Commission? (Planning Commission).

Motion: Tammy Graham moves to present to the Town Council that the \$250 fee be assessed at the time of submitting an application for a building permit. This can be waived if recommendation for approval is made during the first meeting. **Second: Nate Surratt** **Vote: Unanimous**

d. Development Code Revisions – Information and Discussion Only

- i. Continue to review and discuss ideas for revisions to Chapter 1 of the Wallsburg Town Development Code.

Carrie Mecham: Is there anything anywhere that tells you what the current zones are? Are they all residential?

Travis Defibaugh: They are all residential, I think there are maps on the county website. Tammy Graham: It

used to be RA to the Old Mill, etc. Alisha O'Driscoll: There are maps in the general plan, all of Town limits is

zoned residential. Tammy Graham: So there isn't anything agricultural? No animals? Misc Discussion by all:

You can still have animals in town limits, you just have a certain number of points (that needs to be discussed and revised further down the road). Carrie Mecham: How does R compare to RA? Tammy Graham: Why is all

of this information about other zones in here if it doesn't apply? Alisha O'Driscoll: In case the annexation maps

in the General Plan are ever used and they become applicable. Carrie Mecham: So the difference in R and RA

is that R is for homes and RA is for agricultural use. Lucille O'Driscoll and Travis Defibaugh: In chapter one

there are some terms "board of adjustment" "zoning enforcement officer", etc – who are they? Who enforces

all the penalties and stuff? Carrie Mecham: I think a lot of this was written proactively – a lot won't apply for

years and years to come. Tammy Graham: Can we change those terms to the Planning Commission? Travis

Defibaugh: Should it be the building official that we appoint? Alisha O'Driscoll: Could it be MAG that wrote the

General Plan? Lucille O'Driscoll: Should we ask the Town Council for clarification? Alisha O'Driscoll: I can ask

the Town Council. Miscellaneous Discussion: Can they just be changed however we want? Discussed several

instances in Chapter 1 that referred to positions that don't currently exist. Overall decided to check with the

Town Council before getting too far into it. Alisha O'Driscoll: These would also be good things to bring to the

Town Council work meetings to discuss before bringing them to meetings for review and approval.

4. Commission Member Reports (questions, general discussion, assignments)

5. Schedule Next Planning Commission Meeting

- a. Schedule Next Meeting

November 7th, 2023 7:00pm

- b. Call for Agenda items for next Planning Commission Meeting

Chapter 1 Revisions, Adopt County Code – Lots Of Record, Building Permit Requirements, Anything Else That Comes Up.

6. Adjourn

Motion: Lucille O'Driscoll moves to Adjourn

Vote: Unanimous

Time: 8:55pm