WALLSBURG TOWN PLANNING COMMISSION MEETING

November 28, 2023 – 7:00 pm **MINUTES**

1. **Call to Order** 7:08pm
   a. Roll Call: Carrie Mecham, Lucille O'Driscoll, Alisha O'Driscoll, Nate Surratt, Tammy Graham, Travis Defibaugh, Trevor Defibaugh

2. **Consent Calendar:** Be it hereby moved that the following consent calendar items stand approved:
   a. Agenda of the November 28, 2023 Planning Commission Meeting
   b. Minutes of the October 10, 2023 Planning Commission Meeting

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

   c. Minutes of The November 14, 2023 Planning Commission Meeting

Motion: Lucille O'Driscoll Second: Travis Defibaugh Vote: Unanimous

3. **Agenda Items:**
   a. **Existing Lots Of Record – Action Item**
      i. Discuss revision/addition of information regarding existing lots of record to the Development Code.
      ii. Vote to recommend revisions/additions to the Wallsburg Town Council or to continue for further discussion.

Carrie Mecham: In talking with Clint Hendricks at the last meeting, he indicated that if we have previously been following the county guidelines regarding lots of record, we should continue. Not being a lawyer, I can't shed better light on what's been vetted. There are parts of the county code that I don't understand. **Travis Defibaugh:** Is this all taken from the county? **Alisha O'Driscoll**: Yes, this is the full county code on lots of record, you guys can decide whether to adopt all of it or just parts. **Travis Defibaugh:** Some of it isn't about lots of record, some is about non conforming use and structures, do we already have that in our code, so is this repetitive? There is some that could maybe be trimmed if it's already in our code. I haven't checked. **Carrie Mecham:** If we pull out which parts are lot of record, we could look at the ones that may not pertain to lot of record. **Travis Defibaugh:** We could look if the other stuff is already covered. **Tammy Graham:** The way I understand is that non conforming structure stuff needs to be included with the lot of record. **Alisha O'Driscoll:** Just by searching through the current code, I can see there are some references to non conforming. Chapter 1.22, nothing in chapters 2,3,4,5,6 just by a quick search for "non conforming". **Nate Surratt:** What is it referring to as non conforming? What is the context? **Tammy Graham:** It's both. Like the old beer joint. It's a lot of record, but its non conforming. **Carrie Mecham:** So is a lot of record the lot, and the non conforming part is the building? **Tammy Graham:** No, it's a non conforming lot. **Nate Surratt:** For example, if the current owner of the beer joint house sold it, it would be a lot of record. And it would all be good unless they wanted to change it. **Carrie Mecham:** They could change it as long as it is increasing the size. **Nate Surratt:** As long as it doesn't encroach on boundaries or height restrictions or anything that way. **Trevor Pulham:** The only problem is that one falls under conditional use also, so the building cannot be expanded. **Travis Defibaugh:** But there's a section here that says if they haven't been using it for that conditional use in the last 12 months then it goes back to residential code. **Lucille O'Driscoll:** Does that only apply to commercial? **Nate Surratt:** it doesn't matter. Non conforming use. It could that you purchased at property that had a non conforming barn on the property, as long as its used as a barn that's fine. But you turn it into a kennel or something other than what it was built to do then you are now in violation. **Trevor Pulham:** For instance, if the Old Mill wasn't used for 12 months, they couldn't go back and use it again. **Carrie Mecham:** But the lot would remain a lot of record. **Trevor Pulham:** Yes it does, we're just talking about examples. Technically we don't have a commercial zone, so its grandfathered in with non conforming use. **Travis Defibaugh:** So "Non Conforming" doesn't show up anywhere besides in chapter 1? **Alisha O'Driscoll:** Not that I could see by quickly searching. I can look a little more in depth. **Travis Defibaugh:** So do we just take what's in our code already and add lot of record stuff to it? **Alisha O'Driscoll:** it looks like 5.1.5 has a small thing that says about prior created lots of record that uses the words "Non Conformance". So you could add it in there, you guys can decide where you want to put everything about lots of record whether its chapter 1 or 5. **Carrie Mecham** suggested adopting the county code in full in this particular case. **Travis Defibaugh:** Would we take out what we already have and add this entirely? **Carrie Mecham:** That's what I would think, because if we leave this in it wouldn't make sense. If we start talking on our own about this- ours is written like a narrative and the county is written like a legal. I'm worried if we start mixing the two that it will become confusing. **Travis Defibaugh:** Comparing the two,

there are already several differences. Our code says discontinued use for 24 months non conforming use would no longer apply, the county says 12. **Alisha O'Driscoll:** I think you guys can discuss and decide if you want to take everything out and align with the county fully or if you want to be more stringent and adopt the county code with notable changes. **Trevor Pulham:** There would be other things to adjust too 16.22.09 references if lots aren't able to obtain lot of record status, it refers to a date in 1962, but Wallsburg would be a date in 1965. **Alisha O'Driscoll** clarified that the State of Utah made a code that references 1965, Wasatch County adopted that, it kind of trickles down all based off of the Utah State Code (law). **Trevor Pulham** pointed out in the county code a spot that says lots of record can't change ownership. **All** discussed how Clint Hendricks said ownership can change, but you can't reduce the property/lot size. **Carrie Mecham** clarified that you can add to a lot, but cannot reduce it. **Trevor Pulham:** Pointed out in the county code that 16.22.07 says you cannot expand or extend. **Carrie Mecham:** Summit Engineering said you can add to it but you can't reduce it. All I know is what I've been told by them. **All** discussed open space, open land and how that applies to lots of record. **Nate Surratt:** My thought is we either start at the beginning of the county code and go paragraph by paragraph or we all read through it and decide. **Travis Defibaugh and Carrie Mecham: agreed that there are a lot of questions. Trevor Pulham:** One thing we need to think about is are there any exceptions? I think we do need to leave a door open. Like the old store- even though there are a million reasons to not build there, would you rather see a nice home there? **Nate Surratt:** It would be a lot of record because they had a conditional use. **Misc Side Discussion** about septic systems having to be redone being required by the Health Department and the issues it is causing local citizens. Discussed having the Town Council approach the Health Department for specific approval in Wallsburg Town. Alisha explained that we had asked the Town general counsel about doing that and was told that the Health Department operates off of State Code and so there is no over riding. **Carrie Mecham** suggesting adopting the county code in full. **Nate Surratt** agreed, based on scanning through it you can tell an attorney wrote it. **Travis Defibaugh** agreed but said we need to address what's already in the existing code. **All** discussed and decided to adopt the county code, but add changes specific to Wallsburg Town specific needs and vision. **Trevor Pulham** suggested adding a section where special use permits can be issued to non conforming lots if it benefits the Town, at their discretion. **Carrie Mecham:** The only issue there is justifying if it applies to one why it wouldn't apply to another. **Trevor Pulham:** that's why its up to the Town Council discretion, we vote them in to make these decisions. **Nate Surratt:** I see both sides. There will always be the ones we wish there was something we could do. **Alisha O'Driscoll:** Didn't Clint Hendricks say if they have a lot of record you have to give them a building permit? To substantial conformity- yes you can build, but you have to do your best to meet the current code. **All** discussed back and forth on what is required to be met and what isn't required (setbacks, etc) with a lot of record/substantial conformity. **Carrie Mecham** is under the impression that no setbacks have to be **followed** and they can build whatever they want with a lot of record. **Several** people disagreed. Discussed back and forth about substantial conformity that Clint Hendricks discussed with the Planning Commission at the last meeting. **Travis Defibaugh** pointed out in the county code where it says that a lot of record determination does not guarantee a building permit. **Carrie Mecham** quoted what she received from Summit Engineering talking about the lot not having to meet size width depth or applicable dimension requirements. **Travis Defibaugh** agreed that's what they county code says and that fits what Clint Hendricks was saying. **Alisha O'Driscoll** brought up where Clint said you can't make a buildable lot unbuildable. **All** agreed. **Misc Side Discussion** on why Indian Hills can be deemed unbuildable. **Alisha O'Driscoll** explained that they aren't unbuildable, but the State won't allow them to be built because the Town can't provide water until the new water system is completed. Misc discussion of booster pumps and state water requirements. **All** agreed to take everything out of the existing code to be replaced with the County code and make small changes to fit Wallsburg needs. All together, everyone started to look at the current code side by side with the County code and discuss similarities and discrepancies and what to keep vs what needs to be changed. **Misc Side Discussion** regarding non conforming buildings like Old Mill Woodworking and the Old School and the Stoe and how this section applies to those buildings and other buildings like that in Town and what rights property owners have. **Trevor Pulham** 16.22.05 nonconforming use may be replaced by an equally or more restrictive non conforming use, subject to the planning staff. **Carrie Mecham** disagreed and said we need to protect property rights, property owners with lot of record determinations cannot be held to any of the requirements. **Trevor Pulham** mentioned that you're not taking rights away, you're defining what they can and cannot do. **Carrie Mecham** Disagreed. **Trevor Pulham** explained that's what development code is, designating what property owners can and cannot do. Just because you own the property doesn't mean you can do whatever you want. **Carrie Mecham** said we need to find out what the State statute is before moving forward because the state will override all. **All** agreed that more research needs to be done to clarify before moving forward with the major changes being discussed. **Carrie Mecham** will clarify what the State Law is and provide citation if it is.

All started at the first paragraph of the county code, read through that and following paragraphs out loud in full and discussed if it is good to be adopted in full or if any changes need to be made. Paragraph 1: no changes, directly replace 1.22.1 Paragraph 2: keep the one definition that is existing, the others can be added to definitions section of existing code. Paragraph 3: no changes, directly replace 1.22.4 first paragraph only. Paragraph 4: no changes, directly replace 1.22.4 second paragraph and 1.22.5 Paragraph 5: no changes, directly replace 1.22.6

Misc Side Discussion: talked about setting a one year time limit on building permits when issued if it's not already there.

Motion: Tammy Graham moves to continue lots of record and land use and non confirmatory stuff discussion to the next meeting Second: Lucille O'Driscoll Vote: Unanimous

b. Development Code Revisions – Action Item

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

ii. Vote to recommend revisions/additions to the Wallsburg Town Council or to continue for further discussion.

Motion: Travis Defibaugh moves to continue development code revision discussions to the next meeting
Second: Lucille O'Driscoll Vote: Unanimous

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

Names for consideration to replace Josh Richins as planning commission members: Kody Potter, Aubri Buehler, Rohn Hortin, Boyd Whiting

5. **Schedule Next Planning Commission Meeting**

a. Schedule Next Meeting: January 23rd 7:00PM

b. Call for Agenda items for next Planning Commission Meeting

6. **Adjourn**

Motion: Nate Surratt moves to adjourn the meeting Second: Lucy O'Driscoll Vote: Unanimous
Time: 9:04PM