

WALLSBURG TOWN
Planning Commission Public Hearing
Development Code Revisions
 February 20, 2024 7:00PM

1. Call to Order 7:02 pm

a. Pledge Of Allegiance - Completed

b. Roll Call Travis Defibaugh, Tammy Graham, Lucille O'Driscoll, Carrie Mecham, Trevor Pulham, Steve Jaques, Dale Mecham, Troy Thompson, Terri Eisel.

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.

Carrie Mecham read the above statement, commission explained there are copies of the revisions available at the front, and opened the meeting to public comment.

Dale Mecham: Looking at the revisions, it would be nice if you didn't combine conforming and non conforming dialogue. So that in the middle of a sentence or paragraph you weren't jumping back and forth. I had hoped that you guys would go through each item and then ask for comment, is that the way to go about this? I get tired of going through the whole list, I like the idea of going through each item. Tammy Graham commented that we may not have time to do that. Carrie Mecham commented that we need to do a thorough job. Tammy Graham agreed. Dale Mecham continued: reading at the top "all structures exceeding 200 sq ft require a permit" he assumes this is for conforming lots and stated that counties don't require permits for AG structures. Travis Defibaugh commented that the planning commission took the county code and compared it to the current Town code and compared the two, and that this is pretty much all updated from the county code to match (with some minor changes). Dale Mecham commented that this would be okay as long as it is for conforming structures. It does not apply to non conforming lots before 1965 as a non conforming lot of record or an existing building. Trevor Pulham commented that even an agricultural building in Wasatch County requires a building permit, they just don't require structural drawings, etc. Dale Mecham commented that is not accurate and stated they have crossed that bridge multiple times. Carrie Mecham commented that this may be something that needs to be investigated. Travis Defibaugh commented that residential areas can't take advantage of the agricultural exemptions in the county. Dale Mecham commented that needs to be clarified in the difference between the county and the city and they need to be separated. The county planner said there is a difference between a building and a structure. If it is a structure, no building permit is required unless you put in electrical or inhabit it. Lucille O'Driscoll said she looked into that a few years ago and since then, corrections have been made to that through the county since people were abusing that. Travis Defibaugh agreed. Dale Mecham restated that he would like clarification between conforming and non conforming. Carrie Mecham commented saying not necessarily conforming or non conforming, just straight out can you build an ag building without meeting the requirements of structure? Lucille O'Driscoll and Tammy Graham verbally agreed. Carrie Mecham asked for someone to look into that, Lucille O'Driscoll volunteered. Travis Defibaugh commented that these are just revisions for chapter 1 of the development code and that the ag exemption falls into chapter 1. Carrie Mecham pointed out that it says "all structures". Dale Mecham commented that they need to be careful with word usage structure vs building, it will change the way its looked at and who looks at it (at the county). Carrie Mecham commented we need to see if we want to align with the county.

Dale Mecham: Down in 1.7, creation of land use districts and zone map. I would say it would be helpful here to coordinate with the impacted parties to see what prior covenants have been made by irrigation companies or any industries with by laws or if there will be any conflict. Personally, I'd say there might be some conflict on how they are using the land. Travis Defibaugh commented that all that is being changed in this reference is the slope. Dale Mecham commented that was fine but he is looking at if someone in the irrigation company wanted to drill a well with irrigation shares in city land. Carrie Mecham commented that may not apply in this section and asked if we have a land use a district map. Travis Defibaugh commented the county may. Terri Eisel commented that there is only one zone in Town limits right now. This applies to the different zones and what you can do, so right now those aren't segregated. The valley is zoned differently, but not the Town. This will be taken into account with the next general plan update. Dale Mecham commented that he just wasn't sure if that needed to be coordinated or not. Steve Jaques commented that it should be. Terri Eisel stated that the Town is working with Mountainland Association of Governments who have people to help write general plans and codes and will get it current and updated. What we are doing here is looking at what we have in front of us right now, inconsistencies that we have run into in the recent years that need updated right now. A

lot of these changes are just little technicalities, minor changes. She confirmed the Town itself does not have a zone map, but will come in the future.

Dale Mecham: Where it says "lot, parcel, existing lot of record requirements". The minimum area of a lot is __ square feet. That is not correct for a non conforming. Trevor Pulham, as of right now it is non conforming. So like my house, built 4 years ago- is now a non conforming structure, because the code has been updated. So a non conforming lot is an existing lot of record created before 1965, as a lot back then- that is non conforming now. What the Town cant do is pass a law or ordinance to make that lot unbuildable. Dale Mecham said it needs to be clarified as what it needs to be today. Trevor Pulham commented that it is clarified. Carrie Mecham commented that lot and parcel can't be used interchangeable, it needs to say lot instead of parcel. So the "existing lot of record" needs to be removed from the acreage requirements. All discussed and agreed. Trevor Defibaugh pointed out that this section is for conforming lots and non conforming lots of record are addressed later on in the code. Tammy Graham and Terri Eisel commented that this is just the application for permitted uses. Discussed back and forth the use of this section. Dale Mecham commented that the underlying statement needs to be changed. Carrie Mecham agreed. All discussed again and agreed. Tammy Graham brought up that there is already a lot of record in town that is broken into two parcels. Carrie Mecham said the recorders office uses deed only, not parcel. Terri Eisel said it doesn't matter as long as both are defined and parcel shouldn't be taken out because it could apply. Tammy Graham and Travis Defibaugh agreed. Dale Mecham and Carrie Mecham commented that it should be removed. All discussed and agreed to leave parcel in.

Dale Mecham continued where it says no lot, parcel, existing lot of record in the residential zone shall have a building that exceeds the height of 30 feet. My understanding is that there is no height requirement. Terri Eisel commented that there is now. Carrie Mecham asked where they did that? The planning commission commented that they did it in a previous round of revisions. Dale Mecham continued saying so if someone has a lot of record and wants to build a building 60 feet high, they can. The planning commission corrected him that no lot conforming or non conforming can build a building higher than 30 feet. Dale Mecham said if it was destroyed by a natural disaster it could be replaced. The planning commission said they would need to approach the commission for review in that case. Travis Defibaugh referenced in the code where it talks about rebuilding a destroyed building.

Dale Mecham: Irrigation ditches that are unused, in the easements section. Maybe there are no reasons to worry, but some people like to flood irrigate. Terri Eisel commented that they would need to go to the irrigation company to confirm that the ditch is abandoned in that case. Just an example. Steve Jacques commented these ditches were built to bring water to their land and to take flood water away. Be careful when you start letting people fill the ditches. Terri Eisel agreed and said that it goes back to the irrigation companies. Trevor Pulham clarified that all this is for is to make sure that houses are in correlation with the easements. Terri Eisel agreed and talked about those easements needing to be taken into account for liability issues. All discussed the current application process and how that goes back to the irrigation companies just like the different things on the checklist go through the county or the fire, etc.

Dale Mecham: In reading the code from the state, you cannot be within 50 feet of a wetland. You might want to add that. Trevor Pulham commented and they discussed that would not apply unless there were questions with wetlands. Carrie Mecham asked why frontage isn't outlined in the application. The planning commission discussed and explained where frontage is addressed in the code. Terri Eisel explained that this section being discussed applies to the permitting application and process only. Trevor Pulham clarified that this is asking for the property owners to provide documentation to show that their building is in accordance with the code. All discussed and asked/answered similar questions and explanations. Carrie Mecham asked why this section is so specific and doesn't reference chapters instead. All discussed and commented that its good to have the specific information at hand for property owners. Carrie Mecham commented that instead of listing the whole application checklist, it should say the plans need to meet the code and they can find the information themselves. All discussed and agreed that it is too much to ask property owners to read the entire code, and a checklist of what is required is best to be able to give them and help them understand expectations. Lucille O'Driscoll commented about the time before the checklist was created, that having a checklist now is helpful to the committee to also know what is needed when someone comes in and being more specific really helps. Travis Defibaugh explained that this checklist being discussed was put together from the existing application that is given to property owners in the building permit process. Tammy Graham commented that it wouldn't hurt to add frontage to this summary. All agreed.

Unknown commenter: I have a question. I have a water line that goes north and south against the one fenceline and another that goes east to west along the other fenceline. So according to that code everything has to be 50 feet from those lines? The planning commission noted that side setbacks are 12 feet and the 50 feet being referenced only applies

to wetlands. They did note the water line easements aren't controlled by the town, the irrigation companies. Trevor Pulham commented that a lot of the ditches aren't recorded and it would be nice to find a list or map of them all. Carrie Mecham commented that at the end of the summary of requirements it says that if the permit is denied by the council that they can change it around and pass it, but it needs to go back to the planning commission. The Town cant approve something that goes against what the planning commission has said. All discussed and agreed. It could be added to this section of the code, debated pros and cons.

Dale Mecham asked if water that is required to be traded needs to be listed for each company. Troy Thompson commented that it is done through the state requirements. Trevor Pulham commented that the Town wouldn't be able to keep up with all of the requirements being updated and update their information every time they update. Steve Jacques commented that they only update each year or so. Terri Eisel commented that it needs to stay with the State Engineer approval. Carrie Mecham asked if someone can use their irrigation water to drill a well or if the Town can accept irrigation water to trade. If not you are decreasing property value and you cannot do that. Trevor Pulham commented that if the State Engineer will allow you to drill a well, they would allow you to transfer your water right to the Town. Terri Eisel agreed that the way it is written is that the property owners responsibility to work all that out through the state and provide confirmation to the Town and it should stay that way. All discussed and decided to leave it as is.

3. Agenda Items:

a. Recommendation to the Wallsburg Town Council – Action Item

- i. Vote to recommend revisions dated February 20, 2024 to the Wallsburg Town Council or continue discussion of revisions to future meeting(s).

Motion: Travis Defibaugh moves to recommend the revisions with one alteration: to remove “existing lot of record” on the sentence “the minimum area of any building lot, parcel, or existing lot of record is 4300 square feet”

Second: Lucille O'Driscoll

Vote: Unanimous

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

None Heard

5. Schedule Next Planning Commission Meeting

- a. Schedule Next Meeting: March 26th 2024 7:00pm

- b. Call for Agenda items for next Planning Commission Meeting: Dale and Carrie Mecham, Chapter 3 Revisions

6. Adjourn

Motion: Trevor Pulham moves to adjourn
Time: 8:23PM

Second: Tammy Graham

Vote: Unanimous