

WALLSBURG TOWN PLANNING COMMISSION MEETING

November 26, 2024 - 7 pm

1. Call to Order 7:00 pm

a. Roll Call: Carrie Mecham, Mary Piscitelli, Alisha O'Driscoll, Daniel Jensen (Sunrise Engineering), Spencer Foster (MAG), Lucille O'Driscoll, Trevor Pulham, Travis Defibaugh, Tammy Graham

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

a. Agenda of the November 26, 2024 Planning Commission Meeting

b. Minutes of the September 17, 2024 Planning Commission Meeting

Travis Defibaugh asked about what happened with moving the power pole from the last meeting. Lucille O'Driscoll and Alisha O'Driscoll commented that the Town Council approved removing the power pole as long as it didn't come as consequence to the Town and that the appropriate services were moved or rerouted as necessary. Carrie Mecham commented that she agreed.

Motion: Trevor Pulham moves to approve the minutes of September 17th Meeting

Second: Lucille O'Driscoll Vote: Unanimous

3. Agenda Items:

a. Subdivision Code Update – Action Item

i. Review and discuss with Daniel Jensen (Sunrise Engineering) update of the Subdivision Section of the Wallsburg Town Development code to meet Utah State Code.

ii. Vote to recommend Subdivision Code update to the Wallsburg Town Council to be adopted, or continue discussion to future meeting.

Daniel Jensen provided some background. In 2023, State of Utah passed a bill SB174 substantial overhaul to LUDMA (land use and development), to modify the subdivision process. In 2024, they ran a cleanup bill HB476- that modified the prior bill from 2023. As part of this, there were significant changes. Compliance deadline for small cities is December 31st of this year. State authorized funding through DWS and that's where Sunrise Engineering comes in. Mayor reached out to find a qualified consultant and the grant funding went straight from DWS to Sunrise, doesn't cost the Town anything. The grant is limited to the portion of the subdivision code that was affected by the bill. And the domino effect that those changes would cause. A lot of communities had the subdivision process going to their city or town council and the state changed that so that it would remain administrative. That means that if the developer can check off all the boxes in the code, it has to be approved. The state concern is that the councils could pick and choose what they would like to see whether it fits the boxes of the code or not, which they are not actually allowed to do. Part of this process is separating the approval from the council and keeping it outside of that because it is administrative in nature. There is an exception in all of this, a simple lot subdivision. One where there is no plat, it is done by record of survey filed at the county. All public improvements are already done, utility connections are already done, on an existing street, easy thing to do. Small development. That remains untouched. Trevor Pulham commented that basically they want Town Councils to vote on code and walk away, so that the code is readable and it something meets the code, it doesn't get denied because they don't like it. Daniel Jensen agreed. Daniel Jensen asked how often Wallsburg Town has a subdivision proposal that is more than 10 lots. The planning commission responded never. Daniel Jensen said he will walk through the whole subdivision process, which does not apply to less than 10 lots. The state is doing this update so that developers that have spent a lot of money won't get denied by opinion. The State also recognized that the change orders and going back and forth supports that it was driving up the cost of homes in Utah. Housing affordability bill. The state mandated a process where the Town has to allow a pre application meeting, where they can come before the planning commission and bounce their idea off of the planning commission. The planning commission can look at the plans and respond before the applicant pays an engineer to design their project. More of a courtesy, meeting of the minds. It is optional. The next step is a preliminary plan- all engineered drawings are done at this stage. The design, engineering, all at once at the very beginning- 90% of the process. Developer must come in with a complete application. State concern is that they would come with 95% of an application with a promise to follow through and they may not do that and it turns into bickering back and forth. If application is not 100% complete, it gets kicked back. Once a 100% completed application is received, they have 40 days to do a complete review. During that time you collect all of the comments, put them in one document for the developer to change. Give it back to the developer at then end of 40 days. They take that and come back once they have addressed every single comment. If something is not addressed, it is not accepted. If they change anything, it starts the application process back over. If the Town doesn't respond with something during the review

process, it can't be required. Complete information on submittal and review must be done. Limit of reviews is 4. If you can't get it done after 4 reviews, it's over. There's no reason that it should go that far. The idea from the state is that you need complete information back and forth. Once that is all done, the state has some options available- but for Wallsburg it will go to the Planning Commission and they act as final authority to approve the subdivision approval plan. Once that is done, there is 12 months to go and get their final plat together. Now it is much simpler, all the engineering is done at the beginning. Signing and recording is all they need to do. They would need to come with details for construction improvement (water, utilities, etc) if that applies. Once that's all reviewed, the approval of the final plat is done by a staff member or board, but the board cannot include mayor, council, or planning commission members. If you don't have a town engineer, you would contract with an engineer to sign off on the final plat. Would just sign off on what was already approved by the planning commission. Technical review to be sure survey, plat, and bond were all done correctly. Attorney review it all as well. Call for questions: Trevor Pulham – Does it change approval of a home? Currently the Town Council approves all of the building permits after the planning commission and then it goes to the County Building department. Daniel Jensen said that process will all stay the same. The only reason it would be okay is that the Subdivisions are regulated by the State Code that doesn't regulate plan review for residential planning. Alisha O'Driscoll explained the current process and that the Town Council approves the Planning Commission recommendation more as a formality for them to get a letter to take to the County. Daniel Jensen explained that there may be some cleanup bills in the future and that he recommends keeping things as is. Travis Defibaugh asked that this whole process is to subdivide lots, and then when it comes time to build a home it comes back to the regular process. Daniel Jensen confirmed. It used to be that when someone tried to divide their lot, they would be told to redo zoning as well as a subdivision, now the state has split that and all of the zoning, road, etc changes are done first and then the subdivision process and then goes to the building permit process. Because it is a plat, the building permit stage should be easy. Trevor Pulham explained that the developer can't even sell the lot until the final plat is done. Carrie Mecham asked what the advantage would be to have this process in the smaller subdivision process. Daniel Jensen explained that the smaller subdivision process is different. A record of survey are outlined in state code. A surveyor goes and draws up a map- will look exactly like a plat. But it's a record of survey. It's filed with the county surveyor instead of recorded with the recorder. Doesn't create lots, they are still parcels. On the back end, it will look a little different if you dig into records. For someone buying a lot to build on, it will look the same. When there is a final plat, the developer will come in with a mylar and the Town will collect the signatures. Property owner, planning commission chair, engineer, attorney, etc. it cannot go back to the public after it has been signed so that it doesn't get changed. The town clerk will record it with the county. The county will look to see that it's accurate and record it. That's the plat. With a record of survey, the Town needs to draft a certificate stating they approve that record of survey. Include date, signatures, name, number of lots, etc. to be able to identify what was approved. That will get recorded with the county, so that when someone does a title search the approval will be there. If that isn't recorded, there will be a dispute. The certificates of approval all need to be recorded. Trevor Pulham clarified that in a situation where someone owned 5 acres on an existing road and all of the frontage and everything was perfect, it could be easily approved. If they have to add a road or make changes, they have to go through the whole process. Daniel Jensen confirmed. Daniel Jensen asked if all remaining lots are on existing roads. Carrie Mecham commented that some of the existing roads that have been platted have been vacated and some have not. So some of the platted roads aren't in existence yet. We need to decide who would have to do the road. Daniel Jensen said that the Town would have to consider whether or not to vacate the road. Carrie Mecham asked about a map of all the roads in Wallsburg. Alisha O'Driscoll said she could not find one. Travis Defibaugh says he can help find one. Daniel Jensen said the fees structure is to accept a retainer for the review and return the remaining minus an administration fee. This is because of the substantial review process. Travis Defibaugh asked if it is common to have a smaller fee for simple subdivision. Daniel Jensen said it is standard to have fees per lot, flat administrative fees, and a large retainer to cover the rest of the costs. Because Towns don't have a way to estimate what these will cost. The review for simple subdivisions could be lower because it will be more simple. Trevor Pulham commented on the subdivision process that the Town needs to require bonded work when they do roads, etc to protect the Town. Travis Defibaugh asked about where two lots were combined for tax purposes and are looking into splitting that back up, but the lot sizes have changed now. Daniel Jensen said it would have to go through the subdivision process and meet zoning requirements today. Daniel Jensen asked if 10 lot subdivisions would work for the Town or if they'd like to see it lower. Tammy Graham commented that she would like to see it lower. Several people agreed. Daniel Jensen commented that it's common for 4 or 5. Carrie Mecham commented that she would like to set it at 5. Several people agreed. Daniel Jensen asked if anyone was able to review the draft or if they need more time to review. The state parameters are that it needs to be adopted by December 31st.

There is no penalty to adopt it afterwards, but the state funding no longer applies. Also if someone comes up to do a subdivision after December 31st and before it is adopted, it would go off of state code. Daniel Jensen would make sure that the final draft would be ready for the council approval. Daniel Jensen will come to the Town Council meeting on December 5th to explain to the Town Council. Then Daniel Jensen will work on the final draft of the plan the following week. The public hearing will be noticed in the newspaper the week of December 18th and December 25th and then the public hearing will be held on January 2nd before the town council meeting, then it will be adopted.

a. MAG LAA Program Introduction – Information and Discussion Only

- i. Spencer Foster with Mountainland Association of Governments (MAG) will visit to inform about the new Local Administrative Advisor (LAA) program, what they do, and how they can help achieve Wallsburg Town Planning Commissions goals and objectives.

Spencer Foster explained that he helps smaller communities that don't have their own staff to do work that needs to be done. The State pays Spencer Foster (MAG) to do work for populations under 10000, no city manager, pay dues to Utah League of Cities and Town. Help with budgets, agenda, resolutions, policies, templates for meetings and ordinances, review codes, go through building code, etc. Can help connect with resources needed if they can't help. They are working with 19 Towns, who are mostly in the same boat. They store templates and drafts on their website that towns can use to build onto their own. Spencer Foster recommends funneling questions and comments through Mayor or Clerk to him. Spencer Foster went over the list of items prioritized by the Town Council and asked for comments from the Planning Commission. Fraud Risk Assessment policies, Building and Development Code Review. Question: how would the Town like Spencer Foster to be involved in that? Alisha O'Driscoll explained that when the planning commission was formed they jumped right in to take care of certain issues the Town was facing, and now that those are done the review process has slowed down. Spencer Foster said that at the beginning of the year, he can start working with helping the Town with a Short Term rental policy and then work on a full review of the code down the line. Several agreed. Travis Defibaugh commented that enforcing accessory buildings is on the radar. Spencer Foster will put enforcement on the to do list and finding options to put some teeth into enforcement. Impact fee training and what the deal is with the County receiving impact fees for buildings in Wallsburg Town. Trevor Pulham asked about accessory dwelling units, Spencer Foster commented that internal accessory dwelling units cannot be banned, but external ones can. Might be worth it to put something that matches state code in your building code. State Code does not regulate external dwelling units, but you have to allow internal dwelling units. But you can regulate them. Spencer Foster quoted Utah Code 10-9a-530 about internal accessory dwelling units. After miscellaneous discussion, adding accessory dwelling units to the priority list might be a good idea. Mary Piscitelli asked about regulating existing dwelling units- and how to enforce that if those changes are made. Spencer Foster explained that there will be a public hearing. Trevor Pulham commented things to consider about parking, etc. Miscellaneous discussion about regulating and restrictions to make it not appealing for people to do and the options that Towns have to get things designed how they would like them to be. Travis Defibaugh asked about AG exemption policies. Spencer Foster will look into that also.

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

Spencer Foster will come back in January with some drafts of Short Term Rentals and Accessory Dwelling Unit policies for the Planning Commission to look over. All will look over and come prepared to discuss.

5. Schedule Next Planning Commission Meeting

- a. Schedule Next Meeting – January 21st 7pm
- b. Call for Agenda items for next Planning Commission Meeting – Spencer Foster: Short Term Rentals, accessory dwelling units, and enforcing development code violations. Possibly discuss the AG exemption.

6. Adjourn

Motion: Tammy Graham moves to adjourn

Second: Travis Defibaugh

Vote: Unanimous

Time: 8:40PM