

WALLSBURG TOWN PLANNING COMMISSION MEETING

February 18, 2025 - 7 pm

1. Call to Order 7:09 PM

a. Roll Call: Blake Allen, Trevor Pulham, Spencer Foster (MAG), Travis Defibaugh, Lucille O'Driscoll, Tammy Graham, Alisha O'Driscoll

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

- a. Agenda of the February 18, 2025 Planning Commission Meeting
- b. Minutes of the January 21, 2025 Planning Commission Meeting

Motion: Tammy Graham moves to accept the minutes for January 21 2025 Planning Commission meeting as written

Second: Trevor Pulham **Vote:** Unanimous

3. Agenda Items:

a. Building Permit Inquiry – Action Item

- i. Review building permit application and documentation submitted by Blake Allen to build a home at 177 North Center Street.
- ii. Vote to approve building permit application and pass recommendation to the Wallsburg Town Council for final approval or continue discussion to a further meeting.

3 bedroom, 2 bathroom, 1600 square feet. About 22 feet tall. At an eastern angle for the septic to be in the front. Lucille O'Driscoll asked if it will be between Travis and his current house? Yes. Trevor Pulham asked about the water. Alisha O'Driscoll explained what was turned in and the application that went to the State and that the State said that it is accepted but needs to go through the official approval process. Lucille O'Driscoll asked how big the lot is. Blake Allen said it is .9 acres. Alisha O'Driscoll said that there is a lot of record letter. Trevor Pulham said the Town can't approve the water until the State puts the transfer in writing. Doesn't know how you can approve it without the water requirement in Town code. Alisha O'Driscoll asked how long the approval process takes- Trevor Pulham commented that it is upwards of 6 months. Trevor Pulham commented that the Town has two options: to make them wait until the water approval comes through or the Town bonds to buy the water if it doesn't go through. Blake Allen asked if the permit could be approved subject to the water being approved before it could go through. Trevor Pulham commented that the County won't sign off on it until the water transfer is completed. Travis Defibaugh commented that they are just passing their recommendation to the Town Council for approval. Trevor Pulham commented that waiting 6 months is a pain and he wants to see this happen, but not sure what to do there. Blake Allen commented that he could put up a bond if needed. Alisha O'Driscoll asked if that meant Blake Allen writing a check for the current price of a .5 share of Main Creek and holding it until the transfer is approved or if it needs to be cashed. Trevor Pulham and Blake Allen commented that they've never seen a water transfer not go through. Miscellaneous discussion regarding the meeting with the State to transfer ground water to culinary. Tammy Graham raised concerns about b-shares. Alisha O'Driscoll clarified that B shares for Main Creek Irrigation are Underground Well Water. Trevor Pulham commented that we could write a letter with notes to approve when the transfer is complete. Tammy Graham and Lucille O'Driscoll commented that if you don't follow the application steps that's when you get in trouble. Tammy Graham asked if we can hold off and have Alisha O'Driscoll check with the State on the wait for the water transfer. Blake Allen said the hard part is building the house, not waiting for the State to stamp the paper. He'd like to see a letter with a condition that the water transfer is completed. Tammy Graham is wondering if the process will be faster since the Town has signed off on everything. Alisha O'Driscoll said she is happy to call and see if how fast we can push it along. Trevor Pulham commented that they told him 3 to 6 months and it took a full 5 months. Trevor Pulham said he recommends to approve with conditions that the Town Council can approve. Bonds, beginning construction until the transfer goes through, etc. Blake Allen commented that this has not come up in any permitting process in the past, so he is surprised. Trevor Pulham commented that

in the past building subdivisions it is the same type of thing. Blake Allen said he is willing to bond or do whatever needed, he doesn't want to have to wait the 6 months. Lucille O'Driscoll asked if everyone is in agreement. Miscellaneous discussion on what to recommend to the council. Trevor Pulham made the comment that the Town could said that the water connection for the final inspection will not be completed until the water transfer is complete (putting on a meter, etc). All agreed that waiting 6 months for the State water transfer is not reasonable. All agreed. Miscellaneous side discussions about the building permit process and the State water requirements. Blake Allen commented how other places have figured this out, he hasn't ever had to wait 6 months in the past with Heber City, etc. Not familiar with the County process. Blake Allen commented that they know what waters are approved and will accept what they know will go through. Trevor Pulham commented that the worst case scenario is a bond, but it should be able to be approved with those conditions. Lucille O'Driscoll and Tammy Graham read the conditions: letter of approval from the State Engineer, no occupancy until transfer is approved, with bond amount determined by the Town Council, and that the impact fees are collected. Alisha O'Driscoll commented that impact fees have to be collected and used in a certain time frame for specific uses. Trevor Pulham commented that they would be used for road improvements and paid to the county right as they are collected for road patching- for example. **Motion:** Trevor Pulham moves to approve Blake Allen's plans on 177 North Center Street on the condition decided by the Town Council. One issue we have is water transfer approval. Make a motion of approval based on 1) a letter of approval from State Water Engineer 2) no occupancy can happen until the water has been transferred, no water meter will be installed until transfer or 3) a bond to the town in the amount that the town would need to purchase the water if the transfer doesn't happen. Also that the impact fees are paid in a manner that is satisfactory to the Town Council. **Second:** Travis Defibaugh **Vote:** Unanimous

Miscellaneous discussion about keeping the physical copies of the plans. Alisha O'Driscoll informed Blake Allen that the next Town Council meeting will be March 6th at 7:00pm and the Town Council will review and discuss.

a. Short Term Rentals, Accessory Dwelling Units, Agricultural Exemption Policies – Action Item

- i. Review and discuss draft ordinances for Short Term Rentals and Accessory Dwelling Units with Spencer Foster from Mountainland Association of Governments (MAG).
- ii. Vote to hold public hearing and pass recommendation for adoption of these policies to the Wallsburg Town Council or continue discussion to a further meeting.

Spencer Foster went over the Short Term Rental ordinance and it needing to go through the conditional use process to allow anything along those lines. Trevor Pulham asked how commercial use differs from residential and how you designate one commercial over the other. Spencer Foster commented that the length of stay is less than 30 days. Spencer Foster commented that is why it needs to go through the conditional use process to be permitted. Trevor Pulham commented that he has a hard time with the conditional use process because it means people are making up whatever they want to get approved. Trevor Pulham commented that he'd like to see them not be allowed at all. Travis Defibaugh commented that we don't want short term rentals at all, unless there is a bed or breakfast or hotel in the future could be considered because they have more regulations than an air bnb. Lucille O'Driscoll commented that those type of rental are staffed and will be watched after versus air bnb's. Spencer Foster commented that there is a bill being considered in legislature saying that they are going to allow advertising as a tool to catch illegal short term rentals. If that passes, this will be amended to include that in the advertising section. Travis Defibaugh asked if that could be added right now. Spencer Foster said it won't need to be added until that passes unless you wanted to add in the State Code verbiage right now. Spencer Foster advised against taking it out completely to protect the development code process. Moving into the penalties for non compliance – Trevor Pulham commented that we should add for the violator to pay all legal fees into the penalty process. Travis Defibaugh asked if we need to define the penalty per day. If that means per day advertised or per day rented. Spencer Foster will add the clarification for days occupied. Trevor Pulham asked about the fines and explained the pre-lien process that would be beneficial in enforcement. All agreed that adding the pre lien would be good where

there isn't already a set code enforcement. Travis Defibaugh and Trevor Pulham commented that the pre lien process could be a blanket statement put in the code.

Spencer Foster moved on to the the ADU ordinance. Travis Defibaugh commented that Blake Allen said that the County won't approve mother in law apartments anymore. Spencer Foster said that the Town can do what they want. Even if the County doesn't approve, as long as it meets the Town code, they have to follow that. The only caveat would be the Health Department signing off on it for septic. This applies to new builds and new finishes of basements, etc. Enforcement is the issue- if no one finds out, nothing happens and that's where the problems are. Lucille O'Driscoll asked why the County isn't letting ADU's. Spencer Foster said capacity, septic issues. Trevor Pulham said it brings down the value of subdivisions, etc. Spencer Foster commented that this is aligning with the Utah State Code and also gives some requirements specific to Wallsburg, like the owner having to live in the home. Spencer Foster moved on to the draft of the AG Exemption. Miscellaneous discussion about code enforcement officer. After discussion, Travis Defibaugh explained to Alisha O'Driscoll who had to step away for a few minutes that they discussed and decided that we can't change the county code, so we need to add a line in our code that says buildings over 200 square feet needs a permit unless it qualifies for the State Code AG exemption. Spencer Foster commented to add a reference to the AG exemption into the Town code if it isn't already in there. Miscellaneous side discussions on permitting process, land use, etc.

Motion: Trevor Pulham moves to go to Public Hearing for Accessory Dwelling Units and Short-Term Rentals and adding a provision in the code section 1.11 for any building over 200 sqft needs to permit or meet ag exemption requirements **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 – Public Hearing and Planning Commission Meeting – March 25th, 2025 7:00pm
- b. Call for Agenda items for next Planning Commission Meeting – Public Hearing for ADU, STR, 200 sqft. Recommend to the council for the changes. Chapter 3 (or wherever we left off) discussion.

6. Adjourn

Motion: Trevor Pulham moves to adjourn **Second:** Travis Defibaugh **Vote:** Unanimous
Time: 8:40PM