

WALLSBURG TOWN PLANNING COMMISSION MEETING

July 29, 2025 – 7:30 pm

1. Call to Order 7:34PM

a. Roll Call Carrie Mecham, Spencer Foster (MAG), Lucille O’Driscoll, Tammy Graham, Alisha O’Driscoll, David Woodward

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

- a. Agenda of the July 29, 2025 Planning Commission Meeting
- b. Minutes of the June 17, 2025 Planning Commission Meeting

Motion: Lucille O’Driscoll moves to approve the minutes of the June 17th 2025 Planning Commission Meeting

Second: Tammy Graham **Vote:** Unanimous

3. Agenda Items:

a. Development Code Revisions – Information and Discussion Only

- i. Spencer Foster with MAG (Mountainland Association of Governments) will discuss with the Wallsburg Town Planning Commission items he has identified in Chapter 5 of the Development Code for possible revision.

Discussion started at 8:30pm: Added a definitions section, several definitions that were discussed at the last meeting. All agreed that that looks great. Removed RV Parks and Campgrounds from Residential Section (Chapter 5), to be moved to Commercial Section. Started adding tables throughout that make sense for multiple things to see at once. Residential Zones is where we ended last time. Tammy Graham commented that she loves these recommendations. Spencer Foster highlighted several recommendations to reference the General Plan where necessary and State Code where necessary, etc. Spencer Foster asked about the point system for animals. Lucille ODriscoll asked where the point system even came from and how that came about. Talked about animals having enough space to be cared for, etc. Alisha ODriscoll commented that it gives people a leg to stand on with complaining to the Town for animals that are controlled or not being cared for properly, etc. Miscellaneous discussion about how people generally take care of their animals and the Town isn’t inundated with complaints so its fine for now. Continued on and touched on updating code references to things that don’t exist, and guiding people to where they need to look in other places in the Wallsburg code and the State code, etc so they know you are compliant. Tammy Graham commented that the tables Spencer Foster put together are awesome. All agreed. Lucille ODriscoll recommended adding a page that has these tables as a quick reference, along with plat maps and zoning map, etc. All agreed. Continued going through recommended changes. Miscellaneous discussion on definitions of natural grade, long term parking of RV’s, side setbacks on corner lots. Continue discussion on allowing RV’s living on property to the next meeting- need to think on it. May consider adding definition of outdoor commercial recommendation. Miscellaneous discussion to leave as is. Recommended adding dimensional table for different zones, for future planning. All agreed.

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

First item discussed: 200 South 100 East Lot Inquiry. .9 acres, currently not buildable. Wondering what the process would be to ask for an exception to build on .9 acres. Carrie Mecham asked if that would be conditional use. Tammy Graham said the problem with that is that it’s not a lot of record and would need a variance. Carrie Mecham asked where its 1/10th of an acre off it they’d like to make an exception. Lucille ODriscoll said in order to do that it would have to apply to all of the other lots. If you give a variance to one lot, you have to be all inclusive to any lots that could fall into that. Figure out if that works without getting the Town into a bind. Tammy Graham said her other concern is that if we grant this one, what happens to the people in the past the we have denied in the past for the same reasons? Spencer Foster commended that would open the Town up for legal questioning. Situations and times change things, so if you decide you want to allow it on the .9 acres, it might be a conversation of changing the codes a little bit. Tammy Graham expressed concern about opening up all of the other lots that have been denied for that same reason. Lucille ODriscoll agreed and commented about another lot that was just denied for that. Tammy Graham commented that there are several .9 lots in Wallsburg. Spencer Foster commented that it depends on what the future you want Wallsburg to look like. Can the water and infrastructure support that? All things to consider what you want the future to look like here. Lucille ODriscoll said that a lot of the reason the parcel requirements changed was that the county required it for septic reasons. David Woodward said that the county verified that the lot passed perc test in 2017, and is willing to provide a letter from the health department saying it passed for a residential building. Tammy Graham asked David Woodward if he had water with it. David Woodward said yes, it is being sold with one share of Main Creek Water. Happy to share

information from the county, Tracy Richardson. Carrie Mecham would like to see what the county exactly says – if they require an acre for septic systems. Lucille ODriscoll said that another thing that would help would be for him to prove that it is a lot of record. Carrie Mecham and Tammy Graham commented that they are positive it is not a lot of record. Spencer Foster commented that the burden of proof lies on the property owner to prove lot of record. David Woodward asked what a lot of record is. Tammy Graham explained that the property was split after 1965, and provided a detailed the explanation. David Woodward asked if there is a process to make it a lot of record. Lucille ODriscoll and Carrie Mecham commented that it is a State Code that the property lines can't change after 1965. David Woodward asked if it being determined not a lot of record makes it forever unbuildable. Alisha ODriscoll said not necessarily. It not being a lot of record just means that the lot has to meet the current code to be buildable. David Woodward asked the process to get a variance. Tammy Graham referenced in the Health Department letter that the nitrogen free septic system would be required. David Woodward said he asked for clarification on some of those things, but didn't hear back before this meeting. Lucille ODriscoll asked when this all changed with the county going to acre lots. Tammy Graham commented that it hasn't been that long ago. Carrie Mecham commented that the county health inspector won't allow the nitrogen free systems, we talked about it during Boyd Whitings' addition. Tammy Graham circled back and said that the big decision is whether we will consider .9 acres. Carrie Mecham said that she would like to see the land be used and welcome a new neighbor, but can see a whole can of worms by allowing it. Tammy Graham agreed, citing the recent denials of the same lot size properties. Lucille ODriscoll said that she doesn't feel like she has enough information to determine the impact to the Town and if she were to make a decision on this, she would like more time to go through the steps to determine the impact to the Town and also mentioned that the final decision is of the Town Council based on the planning commission recommendation. David Woodward said that for them, there are several families that are in the stage of life that would love to come to Wallsburg, not to change the nature of Wallsburg. If Wallsburg ever wants families in Wallsburg that don't inherit it, this has to change- the least expensive home is more than 1 million. If Wallsburg doesn't want Californians in Wallsburg, they are going to have to change that. If they want to stay Wallsburg and welcome families that want to move in and keep Wallsburg how it is and grow their families, this has to change. The Planning Commission thanked him for his thoughts, and he thanked them for their consideration. He mentioned another family in their ward who are house sitting for their parents and would love to make it home, single family incomes, etc and want to participate and build up Wallsburg. Tammy Graham commented that they understand, they've all got kids in the same boat that would love to get back. Carrie Mecham restated that they are trying to make good decisions for the community, and this isn't over- but as far as making a quick decision, this isn't going to be it. It is a process; it may come out that we change- but it may come out that we don't. Spencer Foster mentioned some options that the Planning Commission has to allow this property to build. A variance: has specific rules and circumstances. One of them is that the property could not have caused this situation to be brought on by itself- like this. Extremely limited. May only be granted if the applicant can prove special circumstances, which this applies to. If strict enforcement of code would cause unreasonable hardship to the property, may or may not apply. Variance is the minimum necessary decision, must be the last option. Can't be contrary to public interest, the best thing for the Town- why you aren't willing to change the zoning code. Spencer Foster said that generally speaking .9 acre lots are not allowed in 1 acre zones. A variance might not be the way to go on this. Carrie Mecham asked what if we did .9. Spencer Foster said that is an option – if you only have residential, you can create a new zone – but that wouldn't make sense unless you were changing things to increase density and run into issues with the county septic requirements. Without doing a rezone, you could do a text amendment to change to the code to allow a rounding rule stipulation – for instance if its within 10% of the size, it could be allowable per conditional use or exception. Carrie Mecham asked if there would be public hearings regarding those changes, Spencer Foster confirmed there would be. Carrie Mecham said that we need to have absolute clarification from the county if it HAS to be a full acre for the septic systems. Alisha ODriscoll will look into that. Spencer Foster said that the other and last option would be a boundary agreement with one of the neighbors to get the missing .1 acre. Alisha ODriscoll pointed out that both of the neighboring properties garages butt right up to the property lines. Spencer Foster restated the options and commented that the Planning Commission will need to consider if the people of Wallsburg will support David Woodward's reasons for wanting this change and agree with his thoughts and opinions. Tammy Graham commented that we need more information from the Health Department before we can discuss this any further- the reason the code changed to 1 acre is because the county required it for the septic tank system. Spencer Foster commented to ask them if they have a variance process to allow different systems on smaller lots, etc. That may help with the decision. Lucille ODriscoll commented to also consider how many other lots within Town Limits would fall under this category and what the impact to the Town would be. Tammy Graham commented that at that point, we are getting outside of the lot of record. Alisha ODriscoll commented that you'd have to consider the people with original .9 building

lots that have kept them lots of record and done it the right way vs the people that haven't and may just be looking to make a buck now. Tammy Graham commented that this could change the Ashlee Acres Subdivision as well, making some of them be able to subdivide farther and make that bigger. David Woodward said that his realtor said it is a lot of record and asked how that can be proved. Alisha ODriscoll stated that the requirements are to provide the original deed dated before 1965 with the survey of the property and a current survey of the property, and they have to match exactly, to the letter. Carrie Mecham stated that there will need to be some steps done to review this before moving forward with any discussion. Spencer Foster commented that he will work on a plat map of Wallsburg Town, with acreage. Miscellaneous discussion about the county maps, surveying records, possibilities of changes between the two dates, etc. Carrie Mecham recommended keeping in touch with Alisha ODriscoll as the process moves.

Spencer Foster/Alisha ODriscoll – Parcel Maps

Alisha ODriscoll – Health Department information about septic tanks.

All – Planning Commission Members

5. Schedule Next Planning Commission Meeting

a. Schedule Next Meeting

September 16th 2025 at 7:00PM

b. Call for Agenda items for next Planning Commission Meeting

Lot size changes and their impact to the Town, RV Living, Planning Commission Members

6. Adjourn

Motion: Tammy Graham Moves to Adjourn

Second: Carrie Mecham

Vote: Unanimous

Time: 9:13PM