

WALLSBURG TOWN PLANNING COMMISSION MEETING

May 20, 2025 - 7 pm

1. Call to Order: 7:07

- a. Roll Call: Carrie Mecham, Lucille O'Driscoll, Tammy Graham, Spencer Foster, Travis Defibaugh. Alisha O'Driscoll at 7:28pm

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

- a. Agenda of the May 20, 2025 Planning Commission Meeting
- b. Minutes of the April 29, 2025 Planning Commission Meeting

Motion: Lucille O'Driscoll moves to approve the agenda of the May 20 2025 and the minutes of the April 29 2025 meeting.

Second: Tammy Graham **Vote:** Unanimous

3. Agenda Items:

a. Annual OPMA (Open and Public Meetings Act) Training – Information and Discussion Only

- i. Spencer Foster with MAG (Mountainland Association of Governments) will lead a training for the Wallsburg Town Planning Commission on Open and Public Meetings.

Spencer Foster with MAG went through a training with the Wallsburg Town Planning Commission on Open and Public Meetings as defined by Utah State Code. Wallsburg Town Clerk, Alisha O'Driscoll arrived to the meeting after the training had begun, around 7:30pm and the detailed notes start there. For additional notes on this training, please contact the Wallsburg Town Clerk or visit www.utah.gov/pmn to review the audio recording of this meeting. Electronic meetings can be held as long as you have a policy in place that specifically allows them. Tammy Graham asked if that means the whole meeting has to be virtual or if one person can join virtually if they want to. Alisha O'Driscoll asked if you let someone call in virtually if the opportunity has to be opened for everyone. Yes. Just make sure it's addressed in the policies or codebook. If you allow the meeting to be held virtually, you have to allow comments to the public electronically. If it is an in-person meeting, virtual and call in comments must be made in person. GRAMA – minutes, recordings, etc. are public records under GRAMA. Bigger cities get in trouble for texting each other during meetings. Wallsburg doesn't have that problem, but just something to keep in mind. Anything you text during a public meeting becomes GRAMA-able. Quick summary – public bodies must conduct business openly and transparently. Emergency meetings are only for emergencies. Action may not be taken during closed meetings. GRAMA records are public.

b. Impact Fee Process – Information and Discussion Only

- i. Spencer Foster with MAG (Mountainland Association of Governments) will share info he has researched on the impact fee process.

Spencer Foster: Over the past month or so, have been trying to get more info from Wasatch County. He has been getting the run around, they don't even know. Finally got ahold of director of planning department. Good discussion, said that if you are collecting impact fees for Wallsburg Town, that money should be going to Wallsburg Town. They said they are not collecting any impact fees for Wallsburg Town except a potential public safety impact fee- about \$2,000 over the past 5 years. Spencer Foster asked for the impact fee analysis to see if Wallsburg Town is in there. He received that information two days ago and will pass it along. The next step is to go through the analysis list and see if anything is in Wallsburg Town to get a portion of that. If none of the projects are in Wallsburg, they won't apply. You can collect impact fees on your own, you'd have to fill the county in on what those are and they would have to collect those for you as part of the permitting process and send the funds to Wallsburg Town. That's where we are now. The next steps forward would be to select Impact fees and their implementation- in the next few months. They have to be used in a certain timeframe for certain projects. They are collected on growth, if you don't want to incentivize growth they might not make sense. Travis Defibaugh commented that he didn't know how we would ever make enough to make any difference. Most agreed. Spencer Foster said that you'd have to be able to justify the fee for who would develop. Travis Defibaugh asked what happens if you don't use it in the timeframe. Spencer Foster said it has to be repaid to them – with interest. So it may not be worth it. Miscellaneous side conversations. Ended with saying he will send over what he has and can move forward if projects are identified on the analysis'.

c. Building Permit Inquiry – Information and Discussion Only

- i. Review information/building permit inquiry RE: Tom Hicken

Lucy O'Driscoll explained that Tom Hicken approached the Town several years ago about a building permit. A couple of concerns she remembers were that he was not able to meet some of the setback requirements. We were thinking it was a historical lot of record and would be able to do the best he could, but because that ground had been split between him and John after that date, it was no longer a historical lot of record. That was one concern, another was the property lines were not clear because of litigation. North Ditch running through the property was a concern, but looking through the emails and notes that is no longer an issue. Carrie Mecham noted that North Ditch wouldn't be affected because he had a culvert put in and that there was a right of way that North Ditch had an easement, and there was concern about keeping the old house and having the new house, and all that. The letter of occupancy would not be issued until that old house was destroyed. Travis Defibaugh asked where he wanted to put the house. Carrie Mecham and Lucy O'Driscoll aren't sure. Tammy Graham stated she is recusing herself from this. Lucy O'Driscoll said that Tom Hicken said he doesn't feel like he should need to come before the planning commission again because he has already given the

paperwork to them. She explained that several people in the planning commission and ordinances and things have changed since then. Travis Defibaugh commented about the one year expiration. Lucille ODriscoll confirmed that it is in the code now, but it wasn't then. She told Tom Hicken that she would bring it to the Planning Commission for their comment. Carrie Mecham stated that he never completed the process, never got approval. He did not meet the full criteria, he did not meet the full steps, including plans. Lucille ODriscoll shared the plans that he has submitted. But even when he came back, it was on graph paper that had been hand drawn out. He did have engineered plans, but the deed was a concern that wasn't straightened out. Carrie Mecham said the process was not completed – he did not have approval before. We wanted to have him get some kind of documentation from North Ditch. Alisha O'Driscoll explained that she has looked through the Town files and there isn't anything on file for this. She is happy to reach out to Tom Hicken with a copy of the checklist and request for documentation to bring the new planning commission up to speed, etc. Alisha O'Driscoll pulled up the copies of the new deeds from vacating 100 North. Tammy Graham said that Tom Hicken told her the other day that he is going to put the new house on top of where his house is now. The closest spot on the ditch to the house is 18 feet. Lucille ODriscoll commented that reading through the emails is that it needs to be at least 15 feet. Alisha O'Driscoll said that she thinks that he needs to meet with Planning. Lucille ODriscoll brought up a possibility of the home being one inch too tall.

Miscellaneous discussion. Lucille ODriscoll asked what the others thought of having Tom Hicken come to the Planning Board, it is only fair. Travis Defibaugh agreed that since he did not receive approval before, we can't just hand one out. Carrie Mecham agreed. Alisha O'Driscoll said she is happy to reach out to him for more documentation and an invitation to come back to the planning commission. Tammy Graham said that he was asking her if it was going to be a long drawn out process or if he has a chance. Lucille ODriscoll said he was being very firm about not coming back into the Town because he has given them everything that they need already. Tammy Graham said that she told him that he needs to come back in. Lucille ODriscoll said that it doesn't have to be long and drawn out, it can be quick. Alisha O'Driscoll agreed that the Planning Commission doesn't want to draw it out, they like people to be prepared and quick. Travis Defibaugh said his only concern is with the ditch easement. Lucille ODriscoll asked what ended up with that. Travis Defibaugh said that he remembers saying we need approval from the ditch company and its on the checklist. Tammy Graham asked at what point you have to have a letter from the irrigation company? Travis Defibaugh commented that on the checklist, the site plan needs to show the ditch easement. Carrie Mecham said the ditch company doesn't have any info on what is too close. The State said that the rules are up to the ditch companies. Unless that has changed, no one has a written policy- it's what it's always been. Tammy Graham commented that an easement has to be on the deed? Miscellaneous side discussion on written policies for ditch easements. Travis Defibaugh also commented on the septic. The Health department might make them have a stipulation on the ditch. Carrie Mecham said that Hobble Creek is in litigation over someone that put asphalt over the ditch easement. Alisha ODriscoll said that maybe the Health Department will solve the ditch problem and it won't be an issue for the Town. Travis Defibaugh said the concern for the Town is not building on the easement. Tammy Graham said that Tom Hicken told her the closest corner of the house to the ditch is 18 feet. Travis Defibaugh commented that he wonders what the Health Department requires with the septic, etc. Tammy Graham said that the ditch runs behind his property and the septic would be in the front. Tammy Graham said that she doesn't know of anyone that gets water from that ditch and if it's a little leg that comes off of north ditch and if it's high water. Lucille ODriscoll said that just like anyone else, you ask them to do their homework and bring it to the Town, not up to the planning commission to do the research. Spencer Foster asked ChatGPT- easements should be recorded and appear on a property title and be part of public record. Title search should show easements and on subdivision plats with the county. Lucille ODriscoll commented to let him know what we discussed, give him a reminder and a checklist for the next meeting.

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

Spencer Foster can help with the codebook update. Gave the suggestion that he can go through the codebook and identify things to be added/revised- etc. Alisha O'Driscoll agreed that would be very helpful and with some formatting questions she has. Alisha ODriscoll will check with the county recorder's office on subdivision maps for Wallsburg Town.

5. Schedule Next Planning Commission Meeting

a. Schedule Next Meeting: June 17th 2025 at 7:00PM

b. Call for Agenda items for next Planning Commission Meeting

Tom Hicken Building Permit Request, Spencer Foster items identified for review in the code (Chapter 5).

6. Adjourn

Motion: Lucille ODriscoll Second: Tammy Graham Vote; Unanimous

Time: 8:23PM