

WALLSBURG TOWN PLANNING COMMISSION MEETING

April 29, 2026 - 7 pm

MINUTES

1. Call to Order 7:03PM

Roll Call: Carrie Mecham, Spencer Foster, Dennis Phillips, Lucy O'Driscoll, Tammy Graham, Sam Hicken, Alisha O'Driscoll

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

- a. Agenda of the April 29, 2026 Planning Commission Meeting
- b. Minutes of the March 31, 2026 Planning Commission Meeting

Motion: Lucy O'Driscoll **Second:** Tammy Graham **Vote:** Unanimous

3. Agenda Items:

a. Review Recent Inquiries – Information and Discussion Only

- i. Review miscellaneous questions that have come up since the last meeting. Number of dwellings per lot, change of use of lot, buildability of lot, possibility of water transfer for culinary use, etc.

1: Alisha O'Driscoll read email from Rebekah Anderson: "Hi Alisha! I have a question about our property at 220 Center Street N (Parcel 00-0006-8986). The small cottage on the front of our property was the original primary residence there before the current larger home was constructed. From what we understand, the larger home was added later while the original dwelling remained in place. The main electrical service for the property still runs through that original structure and feeds the newer house. When we purchased the property, we understood that the original cottage had been a legally recognized dwelling at the time the second home was built. We're hoping to clarify how the Town currently views that type of situation — where an original, recognized dwelling remained on the property after a newer residence was constructed. Before we make any long-term plans for the property, we'd just like to understand how that original structure is classified in Town records."

Lucy O'Driscoll commented her thoughts from the code. I understand that we don't have two dwellings on any lot unless they share a wall. That's my understanding. Sam Hicken asked if anyone knows how long that has been standing. Tammy Graham commented that she is sure it was standing before the code was in place however she doesn't think it applies. Carrie Mecham asked about a lot of record. Tammy Graham commented that the county currently requires the old dwelling to be torn down when the new dwelling is built. She would assume that Wallsburg would have been the same. Carrie Mecham commented that a building is a building but a dwelling is with people in it and two dwellings are not allowed. Sam Hicken commented about the family down the valley that built a second dwelling and was told to take the original dwelling down but they didn't. Miscellaneous discussion about how long ago the second dwelling was built and comments that it was probably more than 50 years ago. Sam Hicken said that he can remember in his lifetime that someone lived in the house. Carrie Mecham asked about inactivity in the house. Spencer Foster commented that in the code (1.22.4) if a non conforming use stops for 12-24 months, abandoned, then it must conform to current code moving forward. Tammy Graham asked if there are two water meters and Alisha O'Driscoll commented that she doesn't think so but she can have Rohn Hortin (Town Council Member over Water) look into that. Spencer Foster said the question that lies is if you can prove it is 'abandoned' and that no one is living there for more than 24 months. Carrie Mecham commented to ask the current owners. Spencer Foster commented that if you can prove its abandoned, it needs to conform to the current code and one dwelling needs to be taken down. If someone is using it, then it's not abandoned. Then you have to ask when was the building put up, was it before the code was put into place? If it was, is it grandfathered in? If the new building was put up before the development code was put in, it may be. Miscellaneous discussion. Alisha O'Driscoll will send the code reference 1.22.4 and tell them if no one has lived there in 12 months then it must conform to current code. Will also send info that detached accessory dwelling units are not allowed per the code 5.2.3.3 and 1.22.10 (b).

2: Alisha O'Driscoll read email from Valbridge Property Advisors: "Alisha, I am currently working on an appraisal for a property located in Wallsburg. A couple weeks ago, Bryce Homer from our office reached out to you regarding zoning, and at that time you indicated that the entire town is zoned residential. The properties we are appraising either currently have, or historically had, commercial uses (specifically the post office and the neighboring parcel to the east). Based on that information, I am assuming these uses are considered legal nonconforming under the current zoning. I would appreciate clarification on a few points:

- If the improvements were demolished and rebuilt, would commercial uses still be allowed on these sites?
- Would special approval, a conditional use permit, or a variance be required to reestablish a commercial use?
- Is there any distinction between existing/nonconforming use versus redevelopment?

At present, the county tax records indicate "mixed-use commercial," while the town zoning reflects residential, so I am trying to reconcile these differences for reporting purposes. " Alisha O'Driscoll explained that she spoke with the owners of the Post Office building and they indicated that the Post Office was built by their family as a Post Office and their intention is for it to remain as a Post Office. They intend to if they sell the building it will stay with the contract and remain as a Post Office. Carrie Mecham commented that when they gave Bret Baum approval, they re-zoned his parcel from commercial to residential so that he could build a house. Lucille O'Driscoll asked if Carrie Mecham remembers when they did the zone change they he was told that it couldn't be changed back easily. Carrie Mecham confirmed. Tammy Graham commented that she doesn't think that even if he purchased that lot, the Health Department won't approve the septic. Spencer Foster commented that in the code if you demolish a non conforming building, the rebuilt building must conform to current code. 1.22.3 all future use must conform to the code. Sam Hicken asked what would happen with the Post Office if that building were to be sold. Alisha O'Driscoll commented that hopefully the Town would be able to bid on the contract and keep it in Town. Lucy O'Driscoll commented that if the purchase goes through and combines the parcels, lot of record is lost and those parcels will not conform to the current code. Miscellaneous discussion. Comment to let Bret know that he would lose lot of record status. Lucy O'Driscoll commented that when you consider that lot for the Town, it's just an eyesore at this point. Unless one of the neighbors buy it, that's not going to change. Alisha O'Driscoll will send the code reference 1.22.3 and tell them if a non conforming building is demolished, future use must conform to the code. Possibly include recommendation about Lot of Record and to consult with the Health Department. Miscellaneous discussion on lots of record 1.12.1 and if that would impact Bret Baum's status. Miscellaneous discussion that the Town would likely not deny him the opportunity to improve that lot. Sam Hicken commented that there's three different buildings on those small lots and they each have their own septic. Miscellaneous discussion that there may be a loophole that they could remodel instead of demolish/rebuild. Alisha O'Driscoll commented that in the code 1.22.10 (Spencer) it says you can only remodel so much before it's considered demolished and needs additional review from the Town/County.

3: Alisha O'Driscoll read text conversation from Kim Hansen regarding building a home on Dale Wall's lot:

"(January 5 2026 from Alisha O'Driscoll to Kim Hansen) Hello Kim! Sorry I missed your call. We can put you on the agenda for the planning commission meeting, which is who reviews all building inquiries prior to the Town Council. Unfortunately, they will tell you the same thing- that the lot does not meet the current requirements to build (minimum lot size of 1 acre. The only way that lot could be deemed buildable under the current development code is if it was an existing lot of record. You can find more information regarding existing lots of record in the development code on our website and through Wasatch County building department, but it boils down to the property lines of the lot not being changed after August 1965. Without documentation to prove that the lot is a man existing lot of record, they will not be able to consider a building permit for that property. (April 27 2026 From Kim Hansen to Alisha O'Driscoll) Hi Alisha. Kim Hansen here, from Fitzgeralds' place. I spoke to you before about the Wall property in town. I was previously asked to not speak further to council members or neighbors, but it is time for me to have a conversation with someone who can shed light on what needs to happen for me to build a home on this lot. The sellers are now wanting me to purchase the lot, as is, if I want to pursue the due diligence that they have been so very slowly doing. I need to make an educated decision, and wondered if I could call you. Also, I am not under any legal restriction to contact parties involved in this issue. The seller has now opened the door to make a reduced offer based on my taking over the process, and I need to know what that actually entails. Please let me know when we could talk. Thank you. (April 27 2026 From Alisha O'Driscoll to Kim Hansen) Hello! My personal opinion, not that of the Town, is that I would not recommend moving forward with purchasing the lot if you aim to build a home on it. The opinion of the Town Planning Commission remains the same as I explained previously. They do not recognize that lot as a building lot because it does not meet the required 1 acre to build. Nor has the Town received documentation to prove that it meet the requirements to qualify as an existing lot of record to get around the 1 acre requirement. Furthermore, there is not currently a culinary water connection on that lot- so if the purchase does not come with water shares (and an accompanying letter of approval from the water company to transfer the water to the Town for culinary use), that would be another requirement that is not met. (April 27 2026 From Kim Hansen to Alisha O'Driscoll) So could I legally record the lot, as a new owner? It does come with water shares, but we were told that it could be converted to culinary, and the seller claims to be undergoing that process, which is a 120 day period. (April 27 2026 From Alisha O'Driscoll to Kim Hansen) No. In order to obtain a lot of record determination, you would need to submit the original deed to the lot dated before 8/11/1965 when State zoning laws were enacted, as well as a current survey of the lot that shows the boundary description of the lot matches exactly and has not changed. The Town is generally a party to water transfer applications through the State, and there is not one in process for this lot that I am aware of. (April 27 2026 From Kim Hansen to Alisha O'Driscoll) Good to know. Thank you Alisha." Tammy Graham commented to send him the letter from the Health Department that explains you can't have a septic system on less than 5 acres. Sam Hicken asked what if they can prove that it's a lot of record. Alisha O'Driscoll commented that would be great- they just need to provide the paperwork. Tammy Graham and Lucy O'Driscoll commented that it is the same thing they have told everyone that has asked in the past and that is fair to do for these as well. Alisha O'Driscoll will send him the letter from the Health Department that explains the septic requirements and reiterate that if the documents for the lot of record can be provided then they will revisit at that time.

4: Alisha O'Driscoll explained that this one doesn't have documentation with it, it is more of an FYI. Alisha O'Driscoll explained that Adam Garling, who owns a lot in the Indian hills subdivision aims to build a house there. He has been in the works with Main Creek Irrigation Company to approve his water shares to be transferred to the Town for culinary use. Main Creek Irrigation has not previously approved that because the Town Well is not in the Main Creek Irrigation service boundaries, but Adam Garling and his lawyer have indicated that Main Creek Irrigation is going to approve the transfer. Alisha O'Driscoll confirmed with Main Creek Irrigation that it has not been approved yet, but will be. So looking ahead the Planning Commission will likely see a building permit request from them in the near future. Tammy Graham commented about remembering to look at the slope when the time comes to review. Sam Hicken asked about the slope of Ashlee Acres lots. Alisha O'Driscoll commented that is why the slope aspect of building permits were updated in the code. Miscellaneous discussion.

b. Development Code Revisions – Information and Discussion Only

- i. Discuss items in the Development Code identified by Spencer Foster (MAG) for possible revision.

5.6 Sensitive Lands Overlay Zone: Changes Recommended:

5.6.1 add reference to Utah Code for backup legal foundation. All agreed to keep

Add clarification that overlay and base zoning go together. All agreed to keep

Definitions: added fuel break, flood plane corridor, engineer approval, sensitive lands permit. (e,g,i,l) All agreed to add.

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

Carrie Mecham asked about SB258 and the Lieutenant Governor's office coming. Alisha O'Driscoll commented that she received an email from the Lieutenant Governor's office and they are not coming for an in-person meeting. Alisha O'Driscoll read the email she received from their office this afternoon "Alisha, I discussed this internally with my team and we concluded that we won't be able to join the in-person town hall. I recognize this is a disappointing decision, however, I am happy to share this form so you can distribute it to residents and have them submit questions now or during the town hall. <https://forms.gle/xFd7chShUy8PqC3D6> .I will do my best to reach out and respond to all questions via email or phone. Please share my contact information. I am more than happy to answer any questions and clarify the process." Carrie Mecham asked if the Town will post the contact information, Alisha O'Driscoll confirmed that she will.

5. Schedule Next Planning Commission Meeting

a. Schedule Next Meeting

3rd Tuesday, May 19th at 7:00PM. All should be able to make it except Carrie Mecham.

b. Call for Agenda items for next Planning Commission Meeting

Anything that comes up. Alisha O'Driscoll will have a new copy of the code to include all of Chapter 5 revisions that Spencer Foster has identified. Alisha O'Driscoll will get everyone a copy of the WUI Map. Spencer Foster will have more revisions for review.

6. Adjourn

Motion: Lucille O'Driscoll moves to adjourn the meeting for April 29, 2026

Second: Dennis Phillips

Vote: Unanimous

Time: 8:16PM