

WALLSBURG TOWN PLANNING COMMISSION**WORK MEETING MINUTES**

February 22, 2023 - 6 pm

1. Call to Order 6:08pm**a. Roll Call**

Terri Eisel, Lucy O'Driscoll, Tammy Graham, Travis Defibaugh, Carrie Mecham, Nate Surratt, Trevor Pulham, Alisha O'Driscoll. Josh Richins: excused.

Terri Eisel: Gave everyone a binder with a copy of the agenda, current by laws, and current development code. Thanked everyone, we haven't had a full planning commission with active committed members for several years.

2. Agenda Items:**a. Goals And Priorities Of Planning Commission – Information and Discussion Only****i. Discuss goals and priorities of Planning Commission**

Terri Eisel: Explained that there are a few things that need to be worked on, priorities:

-General Plan. Just about completed when Covid hit- very close to being done. Work with MAG, Bob Allen will help us through it, he is really up to date with state laws and code, very good resource. He is coming to the next Town Council work meeting, planning commission is welcome to come to work meetings, that will be a great one for planning members to attend. 3rd Thursday of March, March 16th at 7:00PM. Alisha will email the current copy of the general plan to the planning commission.

-Building Code. The one we have been working off of was adopted in 2009. Back then, we got a house once every so many years that was being built so we didn't need it as much. Now we are getting building plans more frequently and we need to be on top of it. Right now we are dealing with a code violation where the house has gotten too tall and our code has caused a lot of what if's the way it is written right now. Terri has kept a list of things that have come up in the code that need to be worked out, it has been emailed, there are more. Terri is available and will come to the meetings for a while to come and help. Terri has worked with county attorneys office in Provo for 26 years and they do a lot of this, has learned a lot about zoning, planning, etc

b. Required Training – Information and Discussion Only**i. Discuss required training for Planning Commission**

Terri Eisel: OPMA (Open Public Meetings Act), state code training on how governmental entities need to run meetings. Required training is done in March- Alisha will email link to do the online training. Goes through the requirements about if someone is on the agenda, it can't be discussed with that person outside of the open meeting. Some items need to be discussed in closed meetings: litigation, personnel, purchase of property- public is not welcome. Litigation will be dealt with the most. Recorded but not posted online or minutes. Other meetings require minutes and recordings being posted on public notice website. You can subscribe to it, Alisha will email the information. Carrie Mecham: Weren't we going to put it on the facebook and the website? Terri Eisel: Yes. We are working on that. OPMA requires minutes and recordings to be posted within a certain time. Agendas must be posted 24 hours before the meeting. Once that is posted, you can hear public comments that are not on the agenda, but cannot take action unless they are on the agenda. Town Council designates what is discussion item or voting item. It is very important to not have extra communication out there or voting on things that aren't on the agenda, not notifying public of meetings, etc. Agenda is required to be posted in public place and on public notice website.

Terri Eisel: Another optional but highly recommended training: GRAMA (Government Records Access and Management Act) Also in the state code. Can be accessed online for free, Terri Eisel will find some information and links and share them. It is where we as a town have to designate records: public, protected, private, etc. We have a certain period of time to provide public records to those that request them.

Carrie Mecham: Is that basically disclosure? Terri Eisel: Yes and No. That's a big part of my job, all the time it is changing. We are in a time where 80% of public records in the State of Utah are available online. Carrie Mecham: But GRAMA deals with disclosure of public information? Terri Eisel: Yes, disclosure of records, how to get them, how we need to keep them.

Terri Eisel: For example, we had our annual audit for fraud risk as a town. They went on the website and called out that our minutes were not posted within the time required. We need to be diligent with that. We had a resident in town file a request that was not acknowledged, etc – its not okay. So we just need to be diligent and know that anything we discuss is recorded and posted online for the public.

Tammy Graham: Do you have the GRAMA request form? Alisha O'Driscoll: It's online, it comes through the online portal to me and Celeni. Terri Eisel: We can easily print one out as well if somebody needs it.

Nate Surratt: What do they ask for? Terri Eisel: Ordinances, different things we have approved as a Town, contractor agreements, minutes for meetings- those are the types of things they request. Minutes are truly valuable to determine what was done at what meeting.

Carrie Mecham: In the past, people in the planning commission have had interaction with petitioners as to what is needed or missing, is that allowed because its not on the agenda? Terri Eisel: Yes and no, if it is just a discussion, like the VanWagoner plans that are on the agenda tonight, is just a discussion but not being voted on. Carrie Mecham: If they call to clarify, is that a problem? Terri Eisel: No, not really. I hope we can get to a point where we can just direct them to the code in the office when Alisha is here or online. But how we've done in the past with group texts discussing, etc we need to shy away from that. We can offer to put them on the next agenda if they want to come and talk. If it's something about needing to know what the code says, they can go to the website or to the physical copy at the town hall while Alisha is here. Carrie Mecham: I can see where that protects us from them coming back and saying "well you said.." Terri Eisel: Yes, exactly. That's where I'm going with this OPMA – we need to clamp down on that a little bit.

Terri Eisel: At the next meeting, you will approve the minutes that Alisha prepared from this meeting, then they will be posted on the public notice website with the agenda and the recording for the public to refer to.

c. By-Laws And Development Code– Information and Discussion Only

i. Discuss Planning Commission By-Laws and current Wallsburg Town Development Code

Terri Eisel: We have found by-laws and they are outdated as well. They are very well written, but you can make those whatever you think. The Town Council will have to approve both the building code and by laws once you put something together. And we will work on the master/general plan together with the Town Council.

Carrie Mecham: Will we have some guidance on the by-laws? Terri Eisel: Yes, but there may not be many changes you want to make to them. Carrie Mecham: The only question I have is I am leery of looking at ours and making changes rather than take one that has recently been done for a midtown area and work between the two. We live in a small town and are running in to big town issues. Terri Eisel: Yes, but we need to be careful of that because you get other places that are growing faster than we are. It may open doors we don't want to open just yet. Back when we were talking with Bob Allen, he is good to remind us that we are in control and we can make our town grow responsibly. Carrie Mecham: Would it be better to take a current copy to consult? Terri Eisel: Yes, but just know that what we have is really good and detailed designations. Carrie Mecham: I guess I jumped, I meant the building code as well as the by-laws. Terri Eisel: Absolutely. It has hit so fast, we live in wasatch county, which has not been done responsibly, it has been done so fast, they didn't plan ahead. So that's one way to look at that, how do we want to look in 10 years?

Terri Eisel: With the current town boundaries, we don't have a lot of building lots left in town limits, other than annexations and that kind of thing. That brings different obstacles with ridge line, limited on size, etc. Those are the kinds of things that we need to do as our little town, we obviously don't want high rise apartments in the middle of town, etc. We can set a schedule to update every 5 years with things that come up- water, etc. So that's where you guys get to start.

d. Elect A Chairperson And Determine Terms – Action Item

- i. Elect a chairperson, determine term for chairperson and other members as needed

Terri Eisel: Next up is to elect a chair person to run the meetings. Ideally it will be for 1 year, then elect a new one. Whether its on rotation, that's up to you guys.

Nate Surratt: What are the responsibilities, obligations? Terri Eisel: Chair and Vice Chair, so one or the other is available to run the meetings each month. Work with clerk (Alisha) to finalize agenda for each meeting. She will put it together and post it. Mostly it is running the meetings. One would hope we can get to the point with building plans that there is an application process so you're not meeting with the same people over and over again. Get as much ready at the get go as we can. Tammy Graham: I think it needs to be Carrie or Lucy just for the fact that they've been here.

Motion: Carrie Mecham moves that she will be Chair and Lucy will be Vice Chair

Second: Tammy Graham

Vote: Unanimous

e. Meeting Schedule – Action Item

- i. Discuss and vote on Planning Commission meeting schedule

Terri Eisel: The Town Council meets the 1st Thursday for Town Council Meeting and the 3rd Thursday for Work Meetings, that's our set schedule. Some of the work meetings we will need you there. So whether you want to have that be your day or if you need another day of the week for work schedules and then we just invite you to those meetings, whatever works best. But it's helpful for Alisha and for the public to know the schedule. You can meet once monthly, you may want to meet twice monthly while you're working on the building code.

Travis Defibaugh: If we did our meeting on the 3rd Thursday, would it be a staggered meeting? Terri Eisel: If needed we could get a separate clerk for the Planning Commission meetings so Alisha wouldn't have to go back and forth between meetings. Whatever works best for you guys. Travis Defibaugh: It would make sense to not have them overlap in case we need to join their meeting. Terri Eisel: Noted that you can pass a resolution for electronic meetings by phone where different members can call in or participate virtually if needed. [Planning Commission members talked amongst themselves about different dates and weighed options of what would work best for all involved.]

Motion: Nate Surratt moves to hold Planning Commission meetings second Tuesday every month at 7:00PM

Second: Carrie Mecham

Vote: Unanimous

f. VanWagoner Building Plan Review – Information and Discussion Only

- i. Review building plans submitted for VanWagoner residence

Terri Eisel: These are the plans that were submitted for the home that will be down by Kenneth Gardner's where they have been excavating the past couple of weeks. I can't say too much because there is pending litigation we don't know yet if they can move forward while litigation is going on. Celeni is waiting to hear back from the Town attorney to see if that's a hold up. Carrie Mecham: One of the provisions in the current plan is that hey must show clear title. Terri Eisel: It's not about the title, its about the access into the property. Carrie Mecham: I would wonder if that's under the same umbrella? Terri Eisel: It could be. We can't talk too much about it because of the pending litigation. We will see if that's something we need to wait on to be resolved before they can move forward.

Nate Surratt: Who is the town attorney? Terri Eisel: Corbin Gordon's firm, Josh Jewkes.

Terri Eisel: That makes me think of something else, Conflicts. This is off of the agenda and off course a little bit but it is something that is important. If you have conflicts with anything: an attorney, a contractor, family, anything. Please speak up and say you need to sit this one out. Especially in small towns like this. One example is Trevor, where he is the contractor he can't participate in the current violation. My family owns property, if there is something going on I need to step back and not take part. Keep that in mind when stuff comes up, like if its immediate family building or asking please recuse yourself to play it safe. Better safe than sorry in all cases.

Travis Defibaugh: How do we decide what goes on the next month agenda? Terri Eisel: This item will likely be continued, until we know for sure. I strongly suggest keeping a running list of continued agenda items from meeting to meeting. If someone approaches the Town or Alisha with annexations or building plans, etc and she will let the Chair/Co Chair know.

Carrie Mecham: Out there is a checklist, that Alisha can give to the property owners that has to be completed before they are on the agenda. Terri Eisel: Yes, it goes back on the property owners and we can put it on the agenda to just discuss. We don't talk about it with them until they have everything with their plans. We need to put together an actual application that has everything needed. Travis Defibaugh: Having just gone through it, that checklist could use some updating. Terri Eisel: Now we know the things that keep coming up, height, water, easements, etc that can be identified right away. Trevor Pulham: Another thing is being sure their plans are clear, even that ones not clear on the height, etc. Terri Eisel: Yes, right. Moving forward we won't see their plans until they've completed the checklist and their plans are complete. Then they go on the agenda where you review everything with them. From there you make a recommendation to the Town Council. We have a physical and electronic stamp for the plans to send them to the county and we will keep a copy in the office. Carrie Mecham: How quickly can the checklist be done? Lucy O'Driscoll: That's what we need to meet for and start getting some things done. If we need to meet more than just once a month so we aren't prolonging it another year.

Terri Eisel: Read concerns from some of the Town Council members regarding the VanWagoner building plans that were submitted.

-I don't think we should accept these as complete. I think they need to fix their elevations. They don't match the site plan grading. Also the ridge line elevation is below the ridge line, so we don't actually know the height. Do we want to see the natural grade to compare against the finish grade on the side plan? On the elevations they have a 35' height from natural grade and needs to be from finish grade. So the middle of the west wall will be close to 30'. It appears finish grade is 5641' and the ridge line is 5668-5669, so I think this needs to be fixed so we know exact height. Also they don't appear to be final as the structural plans aren't stamped.

-They haven't passed planning, I agree that they're not complete and that they should be before setting an appointment with planning. They definitely look like drafts.

-Looks like overall height would be close to 30' on side that daylight. But to the other's points, the elevations need to be properly shown on plans to roof peak. They could also change the 35' above existing grade to our 30' requirement. As Dylan's house is only 2 levels, it should fit on the hillside okay as long as it's dug into the hill properly.

Terri Eisel: The house we are dealing with right now has some walls that are well over the 30' limit in the code. So that's on the list of concerns that need to be addressed, do we want measurements for each wall- etc? For buildings moving forward, not now it's not in our current code. Carrie Mecham: Couldn't you slide them in under the current code? Its up to our interpretation, not up to the applicant to interpret. Terri Eisel: it has been advised by the county to update our reference to natural grade instead of finish grade. Nate Surratt: Thinking of runoff water, is this going to be a problem to Kenneth? Terri Eisel: That is definitely a concern. Carrie Mecham: There is a spot in there about impact and one is about drainage. Terri Eisel: That is great to bring up. So what some of the council members want is actual measurements in footage on heights, so we don't run into the same problems. Tammy Graham: Not our job to figure out the measurements. Terri Eisel: Yes. And you guys need to decide how much input you want or need from the council members, it's a good thing for joint work meetings to review.

Tammy Graham: Alisha, can you email a copy of the plans we can have to print or review. Alisha O'Driscoll: Yes. Terri Eisel: Yes and when they are on the agenda, ready for approval- they will bring the official set of plans that need stamped/signed,etc.

Lucy O'Driscoll: Jody had asked me when we are going to have a meeting. I told her we would let her know when we have a meeting they can come to. She asked me to mention that they have submitted their plans and documents to the

county and it wasn't mentioned that they needed anything from Wallsburg. Terri Eisel: There is a conflict at the bldg. dept with this property and these house plans and it needs to be addressed. Travis Defibaugh; What is the conflict? Terri Eisel; The previous owner of this property that is currently in litigation works at the building department. Travis Defibaugh: Okay, I'm pretty sure that they asked me at the county for the letter from Celeni when we did ours. Terri Eisel: Yes, that brings up my point that there is a conflict situation there and something going on out of order.

Travis Defibaugh: Where is this checklist at? When you go to get your permit, what is the checklist and where is it at?

Carrie Mecham: Its on the website, right? Alisha O'Driscoll: No, its not on the website yet. Terri gave Travis a paper copy Alisha will email a copy of the checklist to the planning commission members for review and editing at the next meeting.

Terri Eisel: The wasatch county recorder has some interactive ones online where you can change filters and things like that. They are not guaranteed to be right on, the different filters shift things slightly. Travis Defibaugh: Is there something that we are running by every time to be sure things are right on? Terri Eisel: Yes that is what we are working to create, and get boundary line agreements done ahead of time to help clean it up. Especially in this small town there are a lot of fence lines and messes to be cleaned up.

Terri Eisel: Also, there is one annexation that has been rumored that you guys will review before making recommendation to Town Council for approval. Nate Surratt: Can you say what it is? Terri Eisel; It's down by the church, the lot to the north. Nate Surratt: Oh, Paul Jacobsen. Terri Eisel: Yes, and at this point its just discussion- not official, no petition yet. Travis Defibaugh: And that's out of town? Terri Eisel: Yes, that's another example of property that's in both the Town and the county that will be cleaned up. When annexation petitions are presented is a good time to clean some stuff up. There are laws and such with annexations on what can and cannot be annexed. We'll run in to that moving forward, a lot will have that situation. I'm always available to answer questions and help find information.

Item continued to next Planning Commission meeting.

3. Commission Member Reports (to discuss continued agenda items, assignments)

[Planning Commission members talked amongst themselves about schedules and dates for the next meeting.]

Next meeting: Tuesday February 28th 7:00PM

Travis Defibaugh: I think there's a lot to do and just once a month is not enough. Tammy Graham: Until we learn what we're doing and get it all straightened out. Trevor Pulham: There's a few things that need to be addressed quickly if there is another house on the hill that wants to move forward and that is code and right now we cant hold a new code against this house even though we want to.

Nate Surratt: Is there anything that says height wise from valley floor? Terri Eisel: No, it's finished grade right now. I meant if someone wants to build a home on the ridge top above Travis. Terri Eisel: The ridgeline is a big issue right now. Carrie Mecham: We are so broad, we have wiggle room. Trevor Pulham: The problem with being broad, someone with money will go to the city for litigation and you're going to struggle with that battle. Carrie Mecham: But for the interim we are broad, so we need to be as liberal as possible? Terri Eisel: Yes, that's where the problems are with interpretation and different views with what the code says. Tammy Graham: We will have the same discussion with this one, where is the ridgeline from? Trevor Pulham: A map needs to be made. Terri Eisel: Right. Because of different points of view. Nate Surratt: Is it something we could have a sign off from neighboring properties? I don't know if that's even possible. Miscellaneous discussion on differing views.

Terri Eisel: Accessory buildings are another thing we are dealing with a lot right now. Sheds, agriculture or not, our code basically just gives setbacks and height restrictions. Those types of things need to be addressed as well, cause we don't have anything to act on.

Terri Eisel: We have also entertained the idea of getting our own building official, contracting with them. Trevor Pulham: That is pretty simple, there are 3rd party inspectors. Travis Defibaugh: I think we can keep anything possible that we can tackle on our own.

Trevor Pulham: another thing to consider is road impact fees. That's a normal thing with building permits. Terri Eisel: Agreed, it's something that's already on the Town Council minds. Tammy Graham: What's happening to impact fees on these new homes? Terri Eisel: As of now, there are none. Travis Defibaugh: The hard part is that its Wasatch County, Wallsburg Town, then Wasatch County. All agreed. Miscellaneous side discussion about approved road project, new water tank project, and park trail project.

4. Call For Agenda Items For Next Planning Commission Meeting

Nothing noted at the meeting. Alisha will get with Chair and Co-Chair to put agenda together.

Motion: Carrie Mecham moves to adjourn the meeting

Second: Tammy Graham

Vote: Unanimous

5. Adjourn Time: 7:19PM