

# Town of Leeds

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## Agenda Town of Leeds Town Council Wednesday, September 12, 2018

**PUBLIC NOTICE** is hereby given that the Town of Leeds Town Council will hold a **PUBLIC MEETING** on Wednesday, September 12, 2018 at 7:00pm. The Town Council will meet in the Leeds Town Hall located at 218 N Main, Leeds, Utah.

NOTE: IF YOU WISH TO SPEAK DURING CITIZEN COMMENT, PLEASE SIGN IN WITH THE RECORDER.

### **Regular Meeting 7:00pm.**

1. Call to Order/Roll Call
2. Pledge of Allegiance
3. Declaration of Abstentions or Conflicts
4. Consent Agenda:
  - a. Tonight's Agenda
  - b. Meeting minutes of August 8 and August 22, 2018.
5. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
6. Announcements:
  - a. Dumpster Days, September 14-16, Located on Cherry Lane
  - b. Constitution Week, September 17-23
7. Public Hearings:
8. Action Items:
  - a. Leeds RV Park request to add two spaces to RV Park
  - b. Lynn Potter and Dianna Powell on recommendation from Planning Commission for Flag Lot
  - c. Proposed amendment to Land Use Ordinance 2009-01, Chapter 24, Home Occupations
9. Discussion Items:
10. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
11. Staff Reports:
12. Closed Meeting- A Closed Meeting may be held for any item identified under Utah Code section 52-4-205.
13. Adjournment:

The Town of Leeds will make reasonable accommodations for persons needing assistance to participate in this public meeting. Persons requesting assistance are asked to call the Leeds Town Hall at 879-2447 at least 24 hours prior to the meeting.

The Town of Leeds is an equal opportunity provider and employer.

Certificate of Posting:

The undersigned Clerk/Recorder does hereby certify that the above notice was posted September 6, 2018 at these public places being at **Leeds Town Hall, Leeds Post Office, the Utah Public Meeting Notice website <http://pmn.utah.gov>, and the Town of Leeds website [www.leedstown.org](http://www.leedstown.org).**



Kristi Barker, Clerk/Recorder

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# Town of Leeds

## Town Council Meeting for SEPTEMBER 12, 2018

1. Call to Order:

Mayor Peterson called to order the regular meeting of the Leeds Town Council at 7:00 PM on September 12, 2018 at Leeds Town Hall, 218 N Main.

ROLL CALL:

	<u>Present</u>	<u>Absent</u>
MAYOR: WAYNE PETERSON	<u>x</u>	<u>          </u>
COUNCILMEMBER: ALAN ROBERTS	<u>x</u>	<u>          </u>
COUNCILMEMBER: DANIELLE STIRLING	<u>          </u>	<u>x</u>
COUNCILMEMBER: ELLIOTT SHELTMAN	<u>          </u>	<u>x</u>
COUNCILMEMBER: NATE BLAKE	<u>x</u>	<u>          </u>

2. Pledge of Allegiance by Councilmember Roberts.

3. Declaration of Abstentions or Conflicts: None

4. Approval of Agenda:

Councilmember Roberts moved to approve tonight’s agenda and meeting minutes of August 8 & August 22, 2018. 2<sup>nd</sup> by Councilmember Sheltman. Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
MAYOR: WAYNE PETERSON	<u>x</u>	<u>          </u>	<u>          </u>	<u>          </u>
COUNCILMEMBER: ALAN ROBERTS	<u>x</u>	<u>          </u>	<u>          </u>	<u>          </u>
COUNCILMEMBER: DANIELLE STIRLING	<u>          </u>	<u>          </u>	<u>          </u>	<u>x</u>
COUNCILMEMBER: ELLIOTT SHELTMAN	<u>x</u>	<u>          </u>	<u>          </u>	<u>          </u>
COUNCILMEMBER: NATE BLAKE	<u>          </u>	<u>          </u>	<u>          </u>	<u>x</u>

5. Citizen Comments:

Allen Cohn, stated short term rentals are starting to pop-up. Some of these rentals allow up to 22 people to stay in the house. Barracks are being built in basements. These short-term rentals do not have any management onsite. Some rentals are being advertised on the internet. One being advertised on the internet is on a very narrow street. If there is a problem it will take Sheriff’s Department awhile to arrive. Will these short-term rentals be regulated by CC&R’s or will they not be allowed? Mayor Peterson stated short term rentals of less than 30 days are not allowed in Leeds. A curious decision was made two years ago at State Legislature that said you may not try to prosecute anyone for simply advertising a short-term rental that is not permitted in your community. As a result, when you see an advertisement on the internet, it is helpful to watch for activity that might indicate that there was that type of activity taking place in a home. But the advertising of it, according to State Legislature, is insufficient to do any prosecution even if it is not permitted to have that type of short-term rental.

Mayor Peterson thanked Allen Cohn for bring this to their attention and asked him to provide any further details he may have. Mr. Cohn provided a picture of three high bunk beds in the basement.

Mike Sandston stated that he also opposes the short-term rental on Silver Reef Drive. The house is set-up for occupancy by up to 20 people. He said he is not certain of this, but it is what he heard. Mayor Peterson stated that in the actual inspection that would be done by the fire district on a bed and breakfast, which is permitted in town if the resident is present and if there is a Conditional Use Permit obtained, the maximum that they permit is ten in a rental unit.

Lynn Potter, stated at the last Planning Commission meeting, according to town ordinances, in order to approve Flag Lot would first have to be approved by CC&R's and CC&R's state you have to have a 70% vote of all members. Getting 70% of the votes is the stumbling block on getting this approved. Mayor Peterson stated there are probably well over a dozen sets of CC&R's around town and they might read differently. Mayor Peterson stated that the town does not enforce the CC&R's, but they do request that someone who is applying for a home business license to represent they are not violating any CC&R's in the particular use that they are requesting for their residence.

6. Announcements:

- a. Dumpster Days, September 14-16, Located on Cherry Lane
- b. Constitution Week, September 17-23

7. Public Hearings: None

8. Action Items:

- a. Leeds RV Park request to add two spaces to RV Park

Mayor Peterson stated that there was a meeting earlier in the summer regarding this topic. The applicant went to the Planning Commission a week ago.

Todd Langston, owner of Leeds RV Park, stated that the Planning Commission approved this and now they are looking for utility permits so power can be hooked up for these two spaces. He has been using these spaces as dry spaces, but now is requesting permission to hook-up power. He offered to show the plot and pictures. Mayor Peterson said the plot would be helpful. Todd Langston stated according to the Land Use Permit for RV Parks, they allow ten spaces per acre and he has 5.68 acres or close to that. As far as space compliance goes, there should be no issues. The spaces he is looking to add are at the south end of the park next to Space #24 which is a mobile home. Spaces will be between the mobile home and office. Before, there were two storage sheds there. There will be approximately 80 Ft between the mobile home and driveway for the office and the spaces are approximately 28 to 30 Ft wide with cement slab and still gives ample room and still has 10 to 15 Ft on other side of mobile home.

Councilmember Roberts, asked if anyone from Planning Commission visited the site. Todd Langston, stated that he invited the Planning Commission to visit the site and he had pictures for them. He offered to show the pictures to the Councilmembers.

Councilmember Roberts, asked if there has been any discussion if the septic that facilitates this entire project that it can accommodate more usage.

Todd Langston, stated that he met with Steve from Aardvark. There is a 15,000 gallon tank and there would be no issue. There are 8 sets of tanks and they are checked every six months. He stated that all tanks are healthy and only two have been pumped in the last two years. The lines are very effective and there have been no issues with them.

Todd Langston, showed Councilmembers a picture of power pedestals and how they dug for the power over to it. He pointed out that on the pole that there are two different pedestals. Rocky Mountain Power said that he can tie into one of the pedestals that had power back in 1978. Rocky Mountain looked at it and said if he receives permission there would be no issues as far as having ample power that has already been brought down the pole and making the box hot again.

Councilmember Roberts asked if this work has been permitted.

Todd Langston stated that this work has not been done. He said new spaces have not been used.

Mayor Peterson, stated that it is important from the Town’s perspective that when additional spaces are approved in any one of the RV and mobile home parks that we get an updated site plan for the entire park because as you look through the records at the County when we initially approved these RV and mobile home parks, we did record the actual site plan for them. Mayor Peterson stated that it would be good practice to update that document.

Todd Langston, stated that he will update the site plan showing new spaces. Councilmember Roberts agreed with this.

Mayor Peterson, stated this allows us to know going forward what is the next starting point if there is a future desire to make changes as opposed to trying to recreate things from a time series of events.

Councilmember Roberts, asked how much hard surfacing is there on the drives. He stated hard surface, not asphalt. Todd Langston stated the park is 6 acres and the main road coming in is probably 60 Ft wide and 70 Ft wide from trailer space to trailer space. Councilmember Roberts asked what does it consist of now. Todd Langston stated it is gravel and road base. Todd Langston stated that he would like to asphalt the surface sometime in the future.

Councilmember Roberts made a motion to approve adding two spaces at Leeds RV Park with power and sewer on a condition that a site plan is presented and recorded with the County. 2<sup>nd</sup> by Councilmember Sheltman. Motion passed in a Roll Call Vote.

**ROLL CALL VOTE:**

	Yea	Nay	Abstain	Absent
<b>MAYOR: WAYNE PETERSON</b>	<u>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>
<b>COUNCILMEMBER: ALAN ROBERTS</b>	<u>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>
<b>COUNCILMEMBER: DANIELLE STIRLING</b>	<u>      </u>	<u>      </u>	<u>      </u>	<u>  x  </u>
<b>COUNCILMEMBER: ELLIOTT SHELTMAN</b>	<u>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>
<b>COUNCILMEMBER: NATE BLAKE</b>	<u>      </u>	<u>      </u>	<u>      </u>	<u>  x  </u>

b. Lynn Potter and Dianna Powell on recommendation from Planning Commission for Flag Lot  
 Mayor Peterson, stated that the Planning Commission discussed this particular issue. We have in our packets a site plan for the actual parcel under discussion. The Planning Commission stated our ordinances discourage flag lots, but in certain circumstances the Planning Commission may recommend the allowance for a flag lot. It specifically prohibits it in new subdivisions, but at this point, they are recommending that this be considered a flag lot. It would not be approving the site plan for construction. That site would still be subject to all Land Use Ordinances in the Town of Leeds including the Hillside Ordinance.

Lynn Potter, the owner of the lot is present.

Councilmember Sheltman, asked how far is the lot from the entrance?

Lynn Potter answered 40 to 50 Ft. from new easement.

Councilmember Sheltman, stated he wonders if a fire hydrant would be required.

Lynn Potter, stated that he has been talking to the Fire Dept before getting the site plan. They said if there is a grade under 20 percent, 20 Ft wide with sprinklers and reserve tank, they may not require a fire hydrant. A 2,000 gallon reserve tank.

Councilmember Sheltman, asked where would water come from.

Lynn Potter, stated city water.

Councilmember Sheltman asked if this has been discussed at all with the water company.

Lynn Potter said no. He figures 2,000 gallons is not even an acre foot. Typical monthly household use is 10,000 gallons

Councilmember Roberts stated that if there is a tank hooked into the system there will be concerns on the water company side. If you get a hydrant, you will need to run a dedicated line to the hydrant. Councilmember Roberts, stated that Lynn Potter should probably talk to the water company. They will be able to do some engineering for him.

Councilmember Sheltman, asked what it would cost to run a line for a hydrant.

Lynn Potter stated that he has gotten some ballpark numbers and it is more than he wants to do, so unless the Fire Department requires it or if City Council requires it, he is going to avoid it and just install sprinklers and a tank.

Mayor Peterson, stated sequence wise would we want to say it is a flag lot versus the other. On the onset, there would still be all of the land use requirements and the compliance with those ordinances.

Councilmember Roberts, stated that he gave an explanation in a previous meeting concerning this property, and even though we discourage flag lots a lack of continuity on the Town of Leeds was partially responsible for this piece of property not having the access that it should have had in another development previously. The town is responsible a little bit for that oversight. I don't say that is a reason to. I just give that information as clarification why this becomes subject to becoming a flag lot.

Mayor Peterson, stated that he believes it is an extension on the map we see Roundy Mountain Road and it was originally intended that there would be access from Roundy Mountain Road and then there were a couple of lots that were put in that had access that became private to those lots and no longer public access.

Councilmember Roberts, stated in that development there were other parcels that were created that took that area where the roadway should have been.

Councilmember Roberts made a motion to approve the recommendation from the Planning Commission for creating a flag lot on Parcel L-3-1-7-1110 . 2<sup>nd</sup> by Councilmember Sheltman. Motion passed in a Roll Call Vote.

**ROLL CALL VOTE:**

	Yea	Nay	Abstain	Absent
<b>MAYOR: WAYNE PETERSON</b>	x	_____	_____	_____
<b>COUNCILMEMBER: ALAN ROBERTS</b>	x	_____	_____	_____
<b>COUNCILMEMBER: DANIELLE STIRLING</b>	_____	_____	_____	x
<b>COUNCILMEMBER: ELLIOTT SHELTMAN</b>	x	_____	_____	_____
<b>COUNCILMEMBER: NATE BLAKE</b>	_____	_____	_____	x

**c. Proposed amendment to Land Use Ordinance 2009-01, Chapter 24, Home Occupations**

Mayor Peterson, stated there are currently 10 listed Conditional Uses and the Planning Commission is recommending that an 11<sup>th</sup> be added for pet grooming and that is what is before us today. They had a Public Hearing on this and they voted to recommend approval of the Amendment that adds pet grooming to the list of permitted uses in Chapter 24 for Home Business Occupation.

Councilmember Sheltman, stated that he was not at the Planning Commission meeting so he does not know how this was approached. On the face of it, it does not look complicated, but what pet grooming means as far as how many animals stay at the place during the day.

Mayor Peterson, stated this was prompted by an application for a business license and that individual is here. Please state your name.

Councilmember Sheltman, pet grooming could mean a lot of different things. What I am wondering is, we are adding to it, but I don't see where the requirements are in place. We have had requests in the past for places where people can store animals for long periods of time, kennels, and I am wondering how this will tie in to that.

Mayor Peterson, stated this is in the same category as commercial kennels, Item 4 on the list. This is a Conditional Use and just listening to the meeting the Planning Commission held last Wednesday, they are very mindful of the fact that they are with a Conditional Use Permit setting certain conditions that objectively measure that the activity there does not turn into something different. But I think your first question was what takes place there.

Tamara Hartman, stated that bathing, clipping, drying, nail clipping, clean ears, normal grooming and shaving, normal drop off and pick up.

Mayor Peterson, asked about overnight stays.

Tamara Hartman, stated no overnight stays. Dogs are in and out every couple of hours.

Mayor Peterson: If approved as a Conditional Use Permit, there will be conditions set with respect to the conditional use that will be brought before the Planning Commission to recommend to the Town Council.

Councilmembers discussed adding dog grooming as a conditional use and agreed that conditions would be set when an applicant proposes their specific activity.

Councilmember Roberts made a motion to approve amending the language of Ordinance 2009-01, Chapter 24, Home Occupations, to include Pet Grooming. 2<sup>nd</sup> by Councilmember Sheltman. Motion passed in a Roll Call Vote.

**ROLL CALL VOTE:**

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	x			
COUNCILMEMBER: ALAN ROBERTS	x			
COUNCILMEMBER: DANIELLE STIRLING				x
COUNCILMEMBER: ELLIOTT SHELTMAN	x			
COUNCILMEMBER: NATE BLAKE				x

9. Discussion Items: None

10. Citizen Comments:

Dave Harbour, stated his comments are associated with Bed & Breakfasts. There are a lot of CC&R's out there and I know we don't control them. Eldorado Hills, and all of the subdivisions there, talk about single family homes. Single family to him does not mean bed and breakfast. Dave Harbour stated he does not know what the requirements are for that area of town and this could also apply to Silver Reef area. If the Town wants to approve something that is against the CC&R's he would like to find out about it because he will take somebody to court. Homeowner cannot do that.

Darryl Lewis, asked in what section was the dog grooming approved. Councilmember Roberts stated that it lives in Chapter 24.2.5.2.

Kohl Furley with the Hurricane Valley Fire District. To update the Town of Leeds, they are currently at 2,286 calls for service this year. We are ahead of schedule from last year. Burn season will open on

September 15<sup>th</sup>. That requires getting a burn permit which you can do by calling the Fire District office. You can also get a burn permit online. Burn permits are issued to agricultural as well as residential.

11. Staff Reports:

Councilmember Sheltman, we talked about fine tuning the bed and breakfast ordinance since it is a little vague. Is this something we need to get legal representation on? Either we allow it with stipulations and ordinances to control it or we don't allow it. Mayor Peterson stated that the Town Attorney had indicated that while our existing ordinances do address it, they were written at a time when the current approach to these types of activities hadn't really took hold and he recommended that we try to consider addressing it in a separate ordinance. We gave him instructions to go ahead and bring something to us. This will be a good starting point.

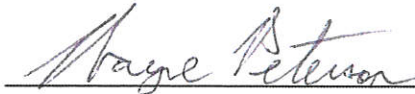
Mayor Peterson reported that he attended DTAC Meeting. UDOT will be doing environmental studies along I-15.

12. Closed Meeting: None

13. Adjournment:

Mayor Peterson adjourned the Meeting at 7:44 pm.

APPROVED ON THIS 26<sup>th</sup> DAY OF September, 2018



\_\_\_\_\_  
Mayor, Wayne Peterson

ATTEST:



\_\_\_\_\_  
Peggy Rosebush Clerk/Recorder