

Town of Leeds

Agenda Town of Leeds Planning Commission Wednesday, May 1, 2019

PUBLIC NOTICE is hereby given that the Town of Leeds Planning Commission will hold a **PUBLIC MEETING** on Wednesday, May 1, 2019 at 7:00 P.M. The Planning Commission will meet in the Leeds Town Hall located at 218 N Main, Leeds, Utah.


Regular Meeting 7:00 p.m.

1. Call to Order/Roll Call
2. Invocation
3. Pledge of Allegiance
4. Declaration of Abstentions or Conflicts
5. Consent Agenda:
 - a. Tonight's Agenda
 - b. Meeting minutes from February 6, 2019
6. Announcements
7. Public Hearings: None
8. Action Items: None
9. Discussion Items:
 - a. L-3-1-7-1110 Lot Split, off Main Street and Majestic Mountain
10. Staff Reports
11. 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 April 25, 2019 at these public places being at **Leeds Town Hall, Leeds Post Office, the Utah Public Meeting Notice website <http://pmmutah.gov> and the Town of Leeds website www.leedstown.org**



Peggy Rosebush, Clerk/Recorder

Town of Leeds

Planning Commission Meeting for Wednesday, May 1, 2019

1. Call to order:

Chairman Poast called to order the regular meeting of the Planning Commission at 7 PM on Wednesday, May 1, 2019, at Leeds Town Hall, 218 N Main.

ROLL CALL:

	<u>Present</u>	<u>Absent</u>
CHAIRMAN: JOHN POAST	<u>x</u>	<u> </u>
COMMISSIONER: BRAD ROBBINS	<u>x</u>	<u> </u>
COMMISSIONER: STEPHEN WILSON	<u>x</u>	<u> </u>
COMMISSIONER: TOM DARTON	<u>x</u>	<u> </u>
COMMISSIONER: DANNY SWENSON	<u>x</u>	<u> </u>

Scott Messel, Town Planner, was also present.

2. Invocation by Commissioner Swenson.

3. Pledge of Allegiance

Chairman Poast said we will divert from our schedule for just a moment to swear in our new Planning Commission Alternate, Mark Rosenthal.

Mark Rosenthal was sworn in as Planning Commission Alternate.

Chairman Poast said as you all may know, we have had some meetings when we did not have a quorum. This will really help a lot. Mark, thank you for volunteering for this. We will really appreciate your being a part of our working group.

Commissioner Swenson asked if Mark will be coming to every meeting.

Mark Rosenthal said I plan on being here at every meeting.

Commissioner Swenson asked if Mark is only needed when there is not a quorum or will he be able to sit in and make the fifth person if one of us is not here.

Chairman Poast said as I understand it, yes to both questions.

4. Declaration of Abstentions or Conflicts: None

5. Approval of Agenda and Meeting Minutes of February 6, 2019

Commissioner Darton moved to approve tonight's agenda and meeting minutes of, February 6, 2019. 2nd by Commissioner Wilson. All voted. Motion passed.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
CHAIRMAN: JOHN POAST	x	_____	_____	_____
COMMISSIONER: BRAD ROBBINS	x	_____	_____	_____
COMMISSIONER: STEPHEN WILSON	x	_____	_____	_____
COMMISSIONER: TOM DARTON	x	_____	_____	_____
COMMISSIONER: DANNY SWENSON	x	_____	_____	_____

6. Announcements:

Chairman Poast said the biggest activity coming up is the 150th Sesquicentennial.

Commissioner Swenson said the 150th celebration will be an all-day event. There are some t-shirts being sold here and on the table is a list of events that will be going on during the day. There was a meeting earlier in the day and each organizer is organizing very well. There will be breakfast first thing in the morning. It is an all-day great activity to celebrate the 150th year of Leeds. The highlight is Leeds. I am overseeing the breakfast and dinner. Breakfast will be pancakes, bacon, eggs and the works. Dinner will be smoked tri-tips and potluck. If anyone would like to volunteer to help serve or cook, please let me know. We do need more camp stoves. Please think about it and see me after the meeting. And we are selling meal tickets at Town Hall and on May 8-10 someone will be selling tickets at the Post Office.

7. Public Hearings: None

8. Action Items: None

9. Discussion Items:

a. L-3-1-7-1110 Lot Split, off Main Street and Majestic Mountain

Scott Messel pointed out the parcel to be split and the access road. For the property owner to be able to get their home loan through Fannie Mae, they need to have a smaller lot. Lynn Potter, the property owner, is requesting to subdivide the parcel. The way it is set-up in State Code and Town Code, anytime a parcel of land is divided into 2 or more lots, it constitutes a subdivision. This is not saying he has to put in curbs and sidewalks or street lights, it is just a subdivision process. The first step would be preliminary plat, but what we have here tonight is before the property owner goes to the expense of doing all of the engineering, pre-construction and surveying, well they have already paid for the surveying, they want to get a feel from and have a discussion with the Planning Commissions about whether or not you feel comfortable with him moving forward and taking the next step towards the preliminary plat, construction drawings and final plat.

Commissioner Darton said you are proposing to split it and then Quit-Claim Deed it to yourself, but then you end-up with 2 parcels instead of 1?

Lynn Potter said yes. It would be a minor subdivision.

Scott Messel said the State does talk about how a municipality may adopt a minor subdivision ordinance, but we do not have one. We just have one for a subdivision.

Chairman Poast said as he understands it, the real key is a loan through Fannie Mae. You cannot get a loan if it is over 10 acres.

Lynn Potter said that is true with any bank.

Chairman Poast said if it is less than 10 acres then you have to be careful of the 9-acre limit on the sewage. It sounds like a catch 22.

Commissioner Darton said there are some new septic tanks that are more expensive, but you can get them, and you only need like 2 acres or 2.5 acres.

Lynn Potter said yes. That is viable, but much more expensive. Our biggest problem is, after reading Chapter 21 of Town Ordinances, and the thing I want to bring before you now, this really is not a flag lot. In the Town Ordinances, it says we should discourage flag lots, but it does not say absolutely no. It just says it might be a bad idea.

Commissioner Swenson said we have some, but we do not want any more.

Lynn Potter said this is beyond a flag lot. This has no flag pole whatsoever, but it does meet everything else. He pointed out the utility easement locations. We would have access to this by an easement that we would put into the deed. It comes down to asking for your opinion. Is this something you think is too far outside the bounds of the ordinances?

Chairman Darton asked if the road next to the cul-de-sac would be access to your lot.

Lynn Potter said yes, but the property owner refuses to let me use it. He is not interested. He said it is okay because he has the easement through the City land.

Lynn Potter said he also has a second question. Would any of you really deny this or think it is bad?

Commissioner Darton said I am in favor of letting property owners use their property to the highest and best use. My question would be this 2-acre parcel that you are splitting off, would it have any use or value in the future?

Lynn Potter said the majority of this property is mountainside. Part of it is zoned commercial and I could put a shop on it. Or we could petition the Town to change the whole thing to commercial and we could put RV storage on it. I am not talking about living there, just storage. This is completely theoretical. I will be honest with you about another thing. We could finance it now through the Agricultural Department if we had a money-making crop or if we ran cattle on it. The Mayor said I can have 2 cows.

Commissioner Darton said if there is nothing illegal about it, I am all for letting you use your property.

Lynn Potter said there is nothing in the ordinances that prohibits this specifically. There is nothing that addresses this kind of lot.

Commissioner Swenson asked what if you decide not to keep the 2 acres and you want to sell it.

Commissioner Darton said he would want to reserve the easement. I assume you will have the easement in the Quit Claim Deed, and you would have the easement recorded.

Scott Messel said it will be shown on the plat.

Lynn Potter said pro or con?

Commissioner Swenson said he is thinking devil's advocate, down the road if someone passed away, what could be done with the easement. It would have to be large enough for emergency vehicles to get to that back side plus it goes with the property and plus it is a utility easement. So, 20 Feet. All of these things need to be considered. What would they be able to do with it, they could not build on it?

Lynn Potter said there might be a 4,000 Square Foot area where I can put a shop. Or you might be able to park 10 or 12 RVs, but this is completely theoretical.

Commissioner Darton said you would require a zoning change. The lot next to it is zoned commercial so you might have a good argument if you came in later to change it. I would be receptive to it.

Commissioner Robbins asked if you have regular septic capabilities.

Lynn Potter said he has the soils report and the septic tank design done.

Chairman Poast said his initial question is what it is exactly that would prevent you from continuing with this project.

Commissioner Robbins said the flag lot and it is less than 10 acres.

Lynn Potter asked if you guys would support something that is not a flag lot.

Chairman Poast said it is basically because of our own ordinance that when we were trying to get rid of flag lots that you are bumping up against this. We would have to waive this, or Town Council would have to waive it.

Scott Messel said it says the use of a flag lot should be avoided if at all possible and never included in a new development. The existing lots within Leeds at the time of the ordinance went into effect are the only lots that can be considered for flag lots. This was in existence.

Commissioner Darton said with the easement, does it even constitute a flag?

Scott Messel said no. It is like a hybrid flag. There is no street frontage, but there is street frontage through an easement.

Commissioner Robbins said I think it goes to a flag lot when you divide the property. Right?

Scott Messel said yes.

Commissioner Robbins said it is not a flag lot now.

Commissioner Darton said if you divide it, I do not think it becomes a flag lot because the access is through an easement, not through a strip of property that he owns.

Lynn Potter said the Town ordinance defines a flag lot as having a stem owned by the main property owner.

Commissioner Darton said technically, it is not a flag lot and it would not become a flag lot.

Commissioner Wilson said if it is not going to become a flag lot, the issue is whether you can have access through your own property?

Lynn Potter asked if you would be willing to let this go forward when there are no ordinances for it or against it. But, of course, the Town does say you should avoid a flag lot.

Commissioner Robbins said you cannot write a rule or a law for everything.

Lynn Potter said this is beyond a flag lot.

Commissioner Wilson said a standard flag lot is sometimes no good. But this one will not interfere with anything else that I can see.

Chairman Poast asked what is actually needed to press forward. Let's say we all say it is a great idea and it goes to Town Council, does someone there have to bless it, waive something or add something? If the Mayor says okay, what would happen?

Lynn Potter said if you guys say okay then I go to Town Council, not as an item on the agenda, just in Town comments, and I ask them what they think about it and I ask for their opinion. I just want to get a feel from them. After that, if everyone says okay, then I will spend money on permits.

Commissioner Robbins said when I look at this, I say what is the change in the impact for the Town and environment. Nothing for your lot. You have septic access. The impact will be on what you use the other 2 acres for. There is no other impact on us from last week to next week. It is 10 acres this week, 9 acres next week. The impact is you are going to put in a septic tank. The guy on the 2 acres will not be able to put in a septic tank.

Scott Messel said I have a recommendation. There is a perception that when a lot is created, he could sell it off. There is a feeling out there that when you buy a lot you can build a home on it. What the County has done when the septic density has maxed out, we have granted approval for lots that do not have septic, but it calls it out on the plat so it shows up on the title. There is a note on the plat that says this lot must be served by an alternate waste water system until a sewer system comes in. Or something like this just so there is a note so in the future when someone comes and asks why was this lot created when there is no room for a septic on it.

Commissioner Wilson said if this lot did get sold, would it then become a flag lot for the bigger piece?

Commissioner [which one] said no because there is an easement.

Scott Messel said if the layout being proposed right now is approved, nothing in the future will have to change.

Commissioner Darton said with that being said, what if you made it a flag lot.

Lynn Potter said the minimum distance on a flag easement is about 40 Feet wide. If you did this, you would not have much left to do something with. There is commercial up there and I am still considering putting in some kind of money-making venture up there. What are the septic regulations for a commercial business?

Scott Messel said you would you need to talk to the Health Department and they would end up working with Ash Creek in determining what size you would need for what you are proposing.

Scott Messel said just on the flag lot staff, the minimum width for a single staff is 12 Feet, but if there are 2 single family dwellings then it needs to be 25 Feet.

Lynn Potter said are you sure? I thought I read 40 Feet.

Commissioner Darton said I gather where you have drawn the proposal would give you the minimum you need for a septic on the larger lot and yet still be under the Fannie Mae requirement.

Lynn Potter said yes.

Commissioner Darton said if you did make a flag lot, you would have to do some other re-structuring.

Lynn Potter asked for pros and cons.

Commissioner Darton said I am pro.

Commissioner Wilson said I am pro unless there is something illegal.

Commissioner Robbins said all cities try to discourage flag lots. I absolutely have no problem with what you want to do. I think the Town has put you through the ringer at this point. This is normal stuff and if the Town can help you get there, I think we should.

Chairman Poast said I am 100% behind this as well. If there is a way to allow you to do what you want to do with your property without interfering with other people, I really think we should do that. I am certainly supportive of it.

Mark Rosenthal said earlier Lynn said that the State statute allows you as an individual to Quit-Claim to yourself. Could you repeat that please?

Lynn Potter said the State statute allows for an easier form of a minor subdivision and it allows for a Quit-Claim to yourself. It does not go through an engineer and I do not think it goes before the City Planner or the Council.

Mark Rosenthal said the reason I asked the question is for protection for yourself. I have researched the ability for an individual to Quit-Claim to yourself. What I found is every reference to Quit Claiming in the State of Utah to a second party.

Scott Messel said the way that the Town's code is written is it is illegal to subdivide off or sell without going through the subdivision process. You need to do more than just Quit-Claim Deed it or he is not allowed to Quit Claim Deed it by Town ordinance.

Darryl Lewis asked Lynn if he has talked to LDWA about water.

Lynn Potter said yes, I have a letter approving it.

Darryl Lewis asked do you have an agreement with them.

Lynn Potter said he has not signed an agreement, but they did say they would allow it and support it.

Scott Messel said many jurisdictions request the will serve letters with the preliminary plat, but Leeds does not require them. Will serve letters are required during the construction review process.

Darryl Lewis said the reason I am asking the question is that LDWA has water for all plotted lots. However, on subdivisions and new entities the owner is required to bring their own water. We have never done this in any other way. Who did you talk to who said they will provide water to both lots?

Lynn Potter said there is a cost for it.

Darryl Lewis said forget the cost.

Lynn Potter said I am trying to define bring your own water. Do you mean bring your own water shares or buy water shares from them?

Darryl Lewis said we do not sell water shares. Who did you talk to who said they will provide water to both lots?

Lynn Potter said Mary.

Commissioner Swenson said you may not know Darryl. Darryl, what are you with the water company?

Darryl Lewis said Treasurer. Mary does not have the authority to do that. The Board would have to prove it.

Commissioner Robbins said because he has one lot right now, he has water rights.

Darryl Lewis said right.

Commissioner Robbins said he does not have a problem with it because he is not impacting anyone. To be fair, when you talked about the notes, to protect a buyer, if you were to sell it, there just has to be those kind of notes about no water and no septic. There has to be some kind of notes to protect a potential buyer.

Lynn Potter said all of that will be on what we file with the County.

Commissioner Darton said I do not know how we require this.

Commissioner Darton asked do you have a will serve letter?

Lynn Potter said no, not yet.

Commissioner Darton said I think this is what Darryl was getting at.

Darryl Lewis said doing a subdivision would require him to bring his own water.

Commissioner Darton said you have a document saying you will get a will serve letter.

Lynn Potter said I talked to LDWA, to Mary, and after about a week or so, she sent a letter by email, I think it is signed by Elliott.

Darryl Lewis said it has not come before the Board. On a subdivision lot, on a newly created lot, you have to bring your own water.

Lynn Potter said when you say bring your own water, what do you mean? Truck it in or pipe it in?

Darryl Lewis said however you choose to do it. We will disburse it for you, and we will control the water, but we will not provide the water for you. You pay for it, but we will put the pipe in, and we will control it, but you have to provide the water.

Commissioner Robbins said I am completely good with what you want to do as long as you can get the will serve letter. We should not be subdividing properties if you cannot get water. I am okay as long as you can satisfy their requirements.

Commissioner Swenson said on the other hand, if you do not have water and you cannot put in septic, then it is worthless property. It is his property.

Commissioner Darton said he has never seen a jurisdiction subdivide property without a will serve letter from the purveyor.

Scott Messel said they call them dry lots.

Commissioner Swenson said you do not want a dry lot.

Lynn Potter asked Scott Messel if he would recommend it.

Scott Messel said yes, I would want you to be able to do it. We just have to make sure it meets the standards.

Chairman Poast said if you did not have the loan issue, you would not have any of these problems.

Lynn Potter said that is true. Another thing you may not know about Fannie Mae, the land cannot be valued more than 30% of the whole value.

Commissioner Swenson said so you might have to make it an even smaller parcel.

Lynn Potter said he read Chapter 21 and there is a lot that goes into a minor subdivision. Lots of engineering and soil tests. I have done the topo maps and the survey. My question is how far down the engineering route will I need to go since I am not doing any building on it?

Scott Messel said there is no road that you are creating so you are not doing any road standards.

Lynn Potter said so other than the preliminary plat and getting all of the okays and getting the water and then coming up with a final plat, what else will need to be done?

Scott Messel said we can go through it and see what all needs to be done.

Commissioner Darton asked if there is any chance we will need to do an ordinance change to allow this. Or is this really just the Planning Commission saying yes and the Town Council saying yes?

Scott Messel said I hope it is the latter.

Commissioner Darton said so we can do it under the existing ordinance.

Scott Messel said some of it is interpretation just because this is a very unusual non-standard lot. I do not like the word sub-standard lot.

Commissioner Darton said there is no ordinance that covers every circumstance.

Lynn Potter asked if there are any further questions.

b. General Plan

Chairman Poast said this is a project that has been running for a while. Everyone should look at the Plan as it is and decide if there are some things that we should keep. We do not want to completely re-invent the wheel. There are a lot of good pros in there. I encourage everyone to do that. It is really easy to go into it and edit using the version that was sent to us 6 or 8 months ago. The Mayor said that there is a possibility that some dollars may be coming our way as we work through the Plan. I have no idea how much. We may know more about this as early as this week. There are some things that would enhance our Plan if we had some money. If we did get some money, what are the things you think we should look at?

Commissioner Darton said I think Scott should be the guy that goes through the General Plan and figures out what needs to be changed. I think we should take that money and pay him to do this. He can show us exactly what he changed and then we can discuss it. I think us trying to go through it and figure out what needs to be changed, we will be all over the place.

Scott Messel said I am fine with this. I want to help as much as I can. One other thing while we are talking about the General Plan, this last legislature session, there was a lot of discussion about affordable housing. This is an issue not just in our State, but throughout the country.

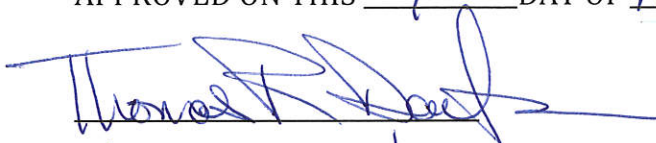
There was a general discussion regarding affordable housing in Washington County.

10. Staff Reports: None

11. Adjournment:

Meeting was adjourned at 8:15 PM.

APPROVED ON THIS 7th DAY OF August, 2019


Thomas R. Darton, Pro Tem

ATTEST:


Peggy Rosebush, Clerk/Recorder