

# Town of Leeds

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## Agenda Town of Leeds Planning Commission Wednesday, October 2, 2019

**PUBLIC NOTICE** is hereby given that the Town of Leeds Planning Commission will hold a **PUBLIC MEETING** on Wednesday, October 2, 2019 at 7:00 P.M. The Planning Commission will meet in the Leeds Town Hall located at 218 N Main, Leeds, Utah.

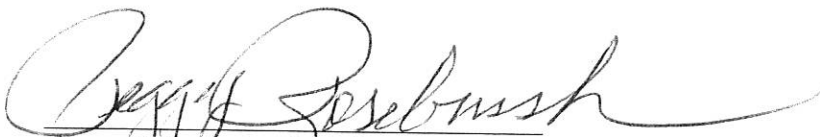
### Regular Meeting 7:00 p.m.

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 September 4, 2019
6. Announcements:
7. Public Hearings:
8. Action Items:
  - a. Discussion and possible action on Update Business License for Zion Trailer Rentals, 545 N Main Street #3, Jeff Daxon
  - b. Discussion and possible action on Conditional Use Permit for Brian Hansen, Bed & Breakfast, 480 N Main Street
9. Discussion Items
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 September 26, 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.leadstown.org](http://www.leadstown.org)



Peggy Rosebush, Clerk/Recorder

# Town of Leeds

## Planning Commission Meeting for Wednesday, October 2, 2019

1. Call to order:

Chairman Swenson called to order the regular meeting of the Planning Commission at 7 PM on Wednesday, October 2, 2019, at Leeds Town Hall, 218 N Main.

ROLL CALL:

	Present	Absent
CHAIRMAN: DANNY SWENSON	x	
COMMISSIONER: BRAD ROBBINS	x	
COMMISSIONER: STEPHEN WILSON		x
COMMISSIONER: TOM DARTON	x	
COMMISSIONER: MARK ROSENTHAL	x	

2. Invocation

3. Pledge of Allegiance

4. Declaration of Abstentions or Conflicts: None

5. Approval of Agenda:

Commissioner Robbins moved to approve tonight's agenda and Meeting Minutes of September 4, 2019. 2<sup>nd</sup> by Commissioner Darton. All voted. Motion passed.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
CHAIRMAN: DANNY SWENSON	x			
COMMISSIONER: BRAD ROBBINS	x			
COMMISSIONER: STEPHEN WILSON				x
COMMISSIONER: TOM DARTON	x			
COMMISSIONER: MARK ROSENTHAL	x			

6. Announcements:

This is the beginning of an election year. We have 2 openings on Leeds Town Council. We have 3 individuals who have put in for those 2 spots. Two of the individuals will be elected. We will have a special Meet the Candidates Night so if you wish to come and hear them speak and ask questions, it will be on Wednesday, October 16<sup>th</sup> at 7 PM here at Town Hall. The candidates, by the way, are Stephen Wilson, Ken Hadley and Lorrie Hunsaker. This election will be done by mail. Ballots will be mailed out by the County by October 15<sup>th</sup>. Completed ballots must be post marked by Monday, November 4<sup>th</sup>. And the General Election is November 5<sup>th</sup>.

7. Public Hearings: None

8. Action Items:

a. Discussion and possible action on Update Business Permit for Zion Trailer Rentals, Jeff Daxon, 545 N Main St #3

Chairman Swenson said this is regarding updating a business license that was allowed and voted on by the Council for Jeff Daxon to work the Zion Trailer Rentals. Let me see if I remember right. The original arrangement was to park your trailers out of view behind the strip center. To park in the back, not in the front. There has been a problem with access by the postal trucks. You have needed to move your trailers into the vacant lot that was the old lot where all of the construction equipment for the roads was stored. You made arrangements with the property owner so that arrangement is done. You are parking your trailers in the far north corner. That is a little different from what you were given a license for. Is there anything you would like to say?

Jeff Daxon said when we started parking trailers in the back, with the mail truck coming in and deliveries, it really became a concern, so I discussed it with the landlord since I knew he owned the vacant lot. I asked him if I could park my trailers way back in the corner. I am paying additional rent every month to do that. I do not park them out front and I do not take up any parking spots.

Chairman Swenson said the mail delivery truck comes to the post office in the back.

Jeff Daxon said yes. They come to the post office in the back and then they turn around. And there are about 4 trash dumpsters back there.

Chairman Swenson said the vacant lot where you now park your trailers is zoned commercial. And you made arrangements specifically with the property owner. If there were to be an amendment, would be to move your trailers over to the vacant lot.

Jeff Daxon said yes.

Chairman Swenson said I do not see any problem with it at all, personally. The lot is commercial, and you have permission from the landlord. You are not parking out front and not taking up space from public parking. I do not have a problem with it.

Commissioner Rosenthal said how many trailers could conceivably be parked there at any one time.

Jeff Daxon said I do not know about conceivably, volume wise, my arrangement is that I am to put no more than 5 there at any one time.

Chairman Swenson said is that 5 per Town Council, a Leeds requirement, or the landlords.

Jeff Daxon said the landlord. I am paying him for the right to store 5 trailers.

Chairman Swenson said was the original number stated by the Town Council.

Jeff Daxon said no.

Chairman Swenson said you did not have a limit.

Jeff Daxon said no.

Chairman Swenson said you just had some parameters.

Jeff Daxon said right.

Commissioner Darton said and no one will be staying in them.

Jeff Daxon said right.

Chairman Swenson said basically your job is you have the trailers, someone calls and wants to rent them, you deliver the trailer to the campsite or wherever they want to stay for however long and then you pick them up and bring them back. They are not doing it.

Jeff Daxon said they are not showing up to cart them off. I do not have any customers showing up on property. I only do deliveries. That is the way my insurance is set up. I currently have 6 travel trailers and a tool trailer plus my trucks.

Commissioner Robbins said I have no issue.

Darryl Lewis said I am wondering whether the Commission would feel it necessary to have a record of the permit from the property owner on record. It seems to me to be rather radiometric bookkeeping thing that should be out there.

Commissioner Robbins said a permit for what.

Darryl Lewis said permission. How do we know if it is true?

Chairman Swenson said what this committee does is look at the statutes of the laws and ordinances and that is not a requirement.

Darryl Lewis said I do not know how you can recommend it to Town Council without knowing that.

Chairman Swenson said that is why Town Council meets and reviews the permit process.

Scott Messel said when someone is renting space or leasing space for any commercial use, it usually is not up to the Planning Commission to look into the lease agreement. I would imagine if he does not have permission, the landlord will do something about it really quick.

Darryl Lewis said he says he has a limit of 5 trailers on this park, does he still have the right to park trailers behind the building?

Chairman Swenson said yes.

Darryl Lewis said how many trailers are we talking in total - a year from now; 2 years from now; 3 years from now? As I am sure you are all aware, we had a major problem with a junk yard a little farther north on Main Street. I do not see why, if you look at the picture on the screen, the trailers are parked rather helter skelter and I think, if you do approve, a blind could be put up to shield it and keep the neighborhood looking good.

Chairman Swenson said I do not think the trailers are helter skelter. I think they are pretty much in line.

Scott Messel said this is an older aerial in 2016. He showed a photo he took last week showing the trailers in line.

Chairman Swenson said we do not have a number. If you remember, the lot had about 50 tractors, trailers, etc. It is commercial property, right? That lot right there is probably the best-looking lot on almost the whole street. I think when we make a proposal that maybe a limit does need to be on there. I think the limit could be quite large, personally. It is hard to restrict a property owner from using the property for something the way it is. They used it and filled the lot up before with tractors, dump trucks, etc.

Commissioner Rosenthal said are you referencing when the State was working on the highway? I am just wondering how the property owner through success in his business grew to maybe 20 or 30 trailers. How is that different from a used car lot? It is all commercial. It is in the best interest of the landowner to have it neat and tidy and organized.

Chairman Swenson said looking through the codes, we do not have a limit based on acreage or anything like that. That may be a good suggestion to the Town Council, but we do not have it.

Commissioner Rosenthal said given it is zoned commercial, what restrictions on its use, if any, exist?

Scott Messel said in the commercial code you have permitted uses and conditional uses. This really is a permitted use so there are no conditions attached to it. Conditional uses are permitted uses with conditions attached to them. At the time this ordinance was adopted, they felt comfortable with it being permitted use. Other than getting a business license, it is hard to require anything outside of the code.

Chairman Swenson said was it a conditional use last time. No, it was a permitted use, right. That is why there were no restrictions.

Commissioner Darton moved to approve the amended Business License for Zion Trailer Rentals. 2<sup>nd</sup> by Commissioner Robbins. All voted. Motion passed.

**ROLL CALL VOTE:**

	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
<b>CHAIRMAN: DANNY SWENSON</b>	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
<b>COMMISSIONER: BRAD ROBBINS</b>	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
<b>COMMISSIONER: STEPHEN WILSON</b>	<u>      </u>	<u>      </u>	<u>      </u>	<u>  X  </u>
<b>COMMISSIONER: TOM DARTON</b>	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
<b>COMMISSIONER: MARK ROSENTHAL</b>	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>

b. Discussion and possible action on Conditional Use Permit for Brian Hansen, Bed & Breakfast, 480 N Main Street

Scott Messel said this item was heard by the Planning Commission in August of this year. There were some concerns brought up by some of the neighbors about the amount of traffic, dust and visibility from pulling out. He showed an aerial photo of the house on the overhead screen. It is a flag lot and access is provided through an easement. He pointed out the easement and neighbor's house on the overhead screen. Mr. Hansen is wanting to do a bed and breakfast in 1 of his 2 homes there.

Brian Hansen said he has 2 homes on 3 acres.

Scott Messel said the Planning Commission heard concerns from the residents. It was tabled giving time for staff and applicant to look at some of the concerns and how to address them. As it stated in the Staff Report, the way conditional uses are set-up by the State is all conditional uses be approved if all reasonable detrimental effects can be mitigated. There were concerns about visibility pulling out onto Main Street. He showed photos on the overhead screen. There is also concern about visibility from one of the driveways at one of the applicant's houses onto the easement. There is adequate visibility onto Main Street. Staff is comfortable with it. Visibility onto Main Street is not a concern. There were concerns brought up about people not fully understanding where the place is that they would be staying at and knocking on neighbors' doors. Code does not allow for signage to be put up, but we are allowed to have addresses out. An address could be put out on the street maybe on the large mailbox that the applicant has there. With the way that navigation works now on phones, we feel that mitigates that within reason.

Chairman Swenson said Mr. Hansen, I do want you to come up in a minute and please be prepared to address the confusion about which lots are yours and since you cannot put up a sign, what are your thoughts.

Scott Messel said bed and breakfast is currently listed as a conditional use in our code. Most in this room are aware that Town Council has done some work to change Town ordinance addressing short-term rentals, and bed and breakfasts could possibly be included in that amendment. A moratorium was not put in place. That is something that can be done by Town Council, but it was not done. So the ordinances are not in place, but with that said, one of the things that has been talked about is a proposed ordinance that would state no more than 2 rooms and no more than a family of 4 or 4 singles would be allowed to stay in the dwelling. The Planning Commission may want to have that as a condition on approval even though that ordinance is not adopted yet. It could be a reasonable way to mitigate the amount of people who can stay in that dwelling. Based upon that information, staff is recommending approval of the Conditional Use and the findings and conditions are listed in the Staff Report.

Chairman Swenson said are there any other concerns from neighbors.

Scott Messel said dust and access. The easement is a dirt and loose gravel driveway. Similar to those throughout the residential areas in Town. With that said, there could be dust issues. If someone was going up and down with a 4-wheeler.

Councilmember Darton said I recall there was some discussion from some of the residents about potential loss in value of their surrounding properties.

Scott Messel said it is hard to know on that. Some will feel like having a duplex next door will decrease your value, and in some neighborhoods, they encourage them. It is hard to say.

Chairman Swenson said if it is a rundown rental ....

Scott Messel said right. My thought would be if it gets run down as a business, people will not want to stay there. It will self-regulate.

Commissioner Robbins said Scott, did the Council talk about any type of regulation in regard to noise, such as there has to be quiet hours from 10 PM to 7 AM.

Scott Messel said I am trying to think if that was brought up. I believe it was. Some neighborhoods across the country have adopted good neighbor practices. And that would go with the general, health, safety and welfare that the Town code talks about.

Commissioner Robbins said so we could condition this. Quiet hours from 10 PM to 7 AM. Secondly, bed and breakfasts always have a manager or someone on site. Was there any talk about this?

Scott Messel said they are living in the house next door and a family member would be living in this house.

Commissioner Robbins said I would say this would have to be a condition, too.

Brian Hansen said that is one of the conditions of B&B.

Commissioner Darton said I am a little uncomfortable with saying because the Council is considering changes to a statute that have not been adopted that we impose conditions of a draft that we do not know if it will ever be implemented. I am a little uncomfortable with that. I feel more comfortable saying this is what our statute says now, and this is what we base our decision on. It is the Town Council's job to implement statutes. As we were advised a few minutes ago, they did not place a moratorium on this while working on the potentially new amendment or new statute.

Commissioner Robbins said but we can place conditions on the permit.

Commissioner Darton said is it appropriate to say well they are thinking about doing this so we will place these conditions on it, but then they never place those conditions and they never adopt that law.

Commissioner Darton said but we are placing it on the permit that goes to Town Council for their approval. As those are going forward from the Planning Commission. Town Council can whack them off if they want to. At least going forward, we have what we think is the right thing.

Chairman Swenson said agreed.

Commissioner Robbins said honestly, I do not know why Town Council did not put a moratorium on. Normally, when you go through a process like this where you do not know what you are going to do, you do not know what the use is going to be, you establish a moratorium and you work out what the issues are and you come back with an ordinance.

Chairman Swenson said there are multiple B&Bs in town already existing.

Commissioner Robbins said that would not stop the existing ones. It just stops the new ones. That aside, we have all authority to condition this how we want to. Correct, Scott?

Scott Messel said yes.

Mark Rosenthal said to help guide us here, I, too, am somewhat uncomfortable on the idea of trying to apply conditions to something I do not know a whole lot about. I spent several hours of reading about bed and breakfasts and new ordinances and conditions that have been put in place in other parts of the country. What has been done, if anything, in Washington County and other towns in Washington County that have allowed bed and breakfasts as far as conditions are concerned.

Scott Messel said places are handling them differently. It seems like a lot of jurisdictions are saying now that Air B&Bs and short-term rentals and dwellings that are rented, they have replaced what we remember as a bed and breakfast. Washington County removed the bed and breakfast term. All short-term rentals are listed as tourist home and it is currently listed that you have to have off-street parking, encourage people to be good neighbors, there was talk about adopting the Good Neighbor Guidelines, but it was not adopted, the owner is allowed to have an off-site property manager or they can live in the home and just rent out a bedroom. It is a little bit looser than what Leeds has been in the past. When the County adopted the tourist home definition, there was discussion with the County Commission about what kind of requirements they wanted to have. Do you want to have health, safety and welfare requirements making sure there are smoke detectors, handrails, etc.? The County Commission, at the time, determined they just wanted them to get a business license. They wanted to get a hold on how many were out there and they felt they would self-regulate. The County is a lot looser than a lot of the cities are.

Commissioner Rosenthal asked are there any State requirements?

Scott Messel said it is very hard for a municipality or jurisdiction to do enforcement on short-term rentals. You cannot use a website to determine who is renting out homes. You would have to find it out some other way.

Brian Hansen said there are some State laws that regulate. You have to have a fire inspection.

Chairman Swenson said for a business permit, you have to have a fire inspection. What do you have fire protection wise? Do you contact Hurricane Fire on your own?

Brian Hansen said fire extinguisher and smoke alarms in all of the bedrooms.

Scott Messel said the State does dictate how much a jurisdiction can enforce outside what they consider health and safety issues.

Commissioner Rosenthal said I believe the State law requires a bedroom to have a window and closet. How do we even begin to deal with that? Do we include that in the conditions? The length of conditions could become fairly large.

Scott Messel said the home met a code when it was constructed.

Commissioner Darton said Brian, how big is this home and how many bedrooms. What is the maximum number of people you would want to rent to?



Brian Hansen said it is a 5,000 SF home. There is a kitchen upstairs and a kitchen downstairs. I would like to lock the door between the two and live downstairs. You can only use a certain percentage of your home, but is that the bedrooms or the whole common area? I do not want 2 families there at the same time.

Commissioner Darton said you are going to have a daughter living there in the downstairs portion?

Brian Hansen said my daughter will or my wife and me.

Commissioner Darton said so the upstairs consists of a kitchen, family room, 4 bedrooms and 2 bathrooms.

Brian Hansen said the downstairs is a 2,500 SF home.

Chairman Swenson said originally you were talking about a family of 4 or 4 individuals. And what about guest vehicles?

Brian Hansen said I think the Code says 2. We have parking for lots.

Chairman Swenson said I think one of the concerns of the homeowners next to you have is having a dozen vehicles come in and out, 4-wheelers coming in and out, and I can understand that. So, you are saying 2 vehicles? What is your plan for the addressing?

Brian Hansen said there are 2 houses ... 1 is straight and 1 is to the left. I rented out the house on the left yesterday and the people hit the neighbor's fence pole. I would put up a sign that says 480 is straight or 480 is left. I can put a sign up so they will know which way to go.

Chairman Swenson said how do people know where to go as far as emailing. What do you give the people to insure they go to the right address?

Brian Hansen said an address. We have had month-to-month renters and they seem to find it.

Commissioner Darton said is there a number on the limit of the number of addresses that you can have on a property. What if you have a sign with your address and an arrow pointing and then another one further down with an arrow so they do not go and bother the neighbor.

Chairman Swenson said addressing would be important. How long have you lived there?

Brian Hansen said the house in front is 40 years old.

Chairman Swenson said what about the other houses. Were they there when you got there?

Brian Hansen said no. I built the house in back and it is about 17 or 18 years old.

Chairman Swenson said aren't most of the driveways around there dirt and gravel.

Brian Hansen said my wife made a chart. When all 6 kids were living at home, we would have maybe 36 or 38 trips down that road in a day.

Commissioner Darton said when it was in the height of your business and you had the most number of drivers, how many cars did you have?

Brian Hansen said probably 5 or 6.

Commissioner Rosenthal said on your business license application, the question that is asked is the home occupation business owned and operated by a person who resides in the home. Yes, was checked. What I heard was that it will be your wife and yourself or your daughter who will be occupying the house that is proposed for the bed and breakfast. Presumably, your wife and you have a co-ownership, but what about your daughter?

Brian Hansen said can I include her as part of the business. If she was living there, I think she would be responsible for part of it. Right now, the home in front is rented out and I cannot live there. So, my wife and I are living in the home in the back.

Commissioner Rosenthal said so you will be living in the home proposed for a bed and breakfast.

Brian Hansen said yes.

Chairman Swenson said how many cars could you park there.

Brian Hansen said I have had family dinners and we have had 45 or 50 cars. I have an orchard there on the left. There is 3 acres there. I can put a bunch of cars in there.

Lana Riddle said Brian's first bed and breakfast dream did not get passed and he assured me that he would never do a full time rental again, it would always be short-term, and he has lived up to that. I complained repeatedly about the diesels and the 4-wheelers in my yard. My fence was damaged today because of someone backing up. Every time I went to the Town and complained, they would tell me there is nothing they can do. There was no way they could enforce anything. Then the State came down with some rules that they could. When I went to complain, a letter from Brian would be on my door almost before I could get back to my house. I understand he has lots of friends and advocates. I am an outsider. But justice needs to be served.

Chairman Swenson said I do not know if a complaint comes here about something to a property. I would go to the property to address the problem.

Lana Riddle said I am aware that there is feedback and I found that the minutes, I analyze those very closely, are very concerning for a variety of reasons. And I stated in the meeting that I thought there is significant advocacy going on here.

Chairman Swenson said are you talking about the minutes from the Town Council.

Lana Riddle said yes. There were many comments made about the concern they had, but there is nothing in place. The Town has not been able to do anything about the problems. Now you give him a bed and breakfast and who is going to regulate that? Now what do I do? I got no help before. No one listened; no one cared.

Chairman Swenson said we are listening right now. Do you want to give me those complaints right now?

Lana Riddle said I can furnish pictures of the big diesels and ATVs in my yard.

Commissioner Robbins said do you live there full time?

Lana Riddle said no, but I have been there a lot this year. I have not been there more because my husband has been having cancer treatments. This is the only home I own. It is the only monetary means that I have. That home is very valuable and important to me. When my fence was hit today, I do not have someone to help me. The man who hit it was very apologetic and Brian fixed it with his backhoe. But I cannot count on those things when people damage my property. People have said what happened in 2016. I wore out. I got tired of the annoyance and said I cannot do this anymore. And then Brian comes up with another bed and breakfast. The comment kept being made in the minutes, we do not know what we are doing. We do not know anything about this. We are making decisions that we have no information about. So, I went to every town around here and I made phone calls to every town around here. People do not have the kind of road that I have with 2 houses in the back on an undedicated road. It just does not happen. One thing people say is a bed and breakfast, a short-term rental, will be on a dedicated road.

Chairman Swenson said which one are you talking about that is not dedicated. Main Street is a dedicated road.

Lana Riddle said Main Street is a public road.

Chairman Swenson said the driveway comes off of Main Street.

Lana Riddle said right. But the bed and breakfast is not on a dedicated street. My access is.

Chairman Swenson said his driveway and address is. Are you saying yours is on a dedicated street, but his is not because it is a flag lot?

Lana Riddle said his is not on a dedicated street. It is on a right-of-way. That is not a dedicated street.

Commissioner Robbins said Main Street is dedicated. What street is not dedicated? His driveway?

Lana Riddle said no, the easement. The easement is not a dedicated road.

Chairman Swenson said that is the legal entrance to the property. That is why it is an easement. It is a dedicated easement driveway to access the residence. It is a flag lot and it does come off a dedicated road. It is the legal access.

Lana Riddle said that is not how a dedicated road is defined in the other counties. Sorry. I know the Town is dealing with a flag lot right now who wants to put in a business. I think this is a serious precedent that is trying to be set. Comments have been made let's do it right now and then we will read it later. One of the Commissioners kept questioning and information would be contradictive by the same person. I believe it is extremely premature. I believe this application that Brian has filled out is ... I do not have words to describe it. I can show you other applications for a bed and breakfast and conditional use. It is not even filled out.

Chairman Swenson said that is not the one we have. Where did you get that one?

Lana Riddle said it was on the internet. For the conditional use permit, it says in the document that it has to be compliant with 7.9 and there is no attempt to address those items. None. No attempt in the application. It says a family. I know from past experience every big van that drives up, Brian calls them a family.

Chairman Swenson said it does not have to be his immediate family. It is a family unit.

Lana Riddle said right, but if you look at all of the bed and breakfasts, short-term rentals, they will say exactly how many people per room. That is universal.

Chairman Swenson said this one has been stated.

Lana Riddle said it says 2, it says a family.

Chairman Swenson said 2 rooms, 4 people.

Lana Riddle said a family could be ...

Chairman Swenson said sure, 3 kids and a husband and wife.

Lana Riddle said I am sorry more people have not read this, but this is the new Leeds stuff and it talks about a dedicated road. It is enforceable. It is an attempt to have it regulated. But what this attempt is to have a situation that is not regulated. I have absolutely no protection if it is not regulated. The question was asked in the minutes, why now?

Chairman Swenson said what do you mean, why now?

Lana Riddle said why does this have to be rushed through right now. And I think I have a pretty good answer.

Chairman Swenson said actually, the process is if someone wants to put in a business, put a hair salon in, they come in and get the requirements which has been done. They fill out application and go through the permitting process ...

Lana Riddle said which is very vague. You have nothing to hold them to.

Chairman Swenson said sure we do.

Lana Riddle said what is it.

Chairman Swenson said we have requirements and we can remove their business license. That is why a conditional use is conditional. It is not a permitted use then it is a conditional use.

Lana Riddle said in other places there is a fine associated with an infraction. We can show you big diesels in my yard and toy haulers. It is not acceptable.

Chairman Swenson said it is not acceptable to infringe on your property.

Lana Riddle said I have pictures of all the trucks on my property.

Chairman Swenson said do you mean inside the fence line.

Lana Riddle said you back out of that small house and back into my property to turn around. Brian said no one is going to be living there but him. He knows where my driveway is. But I have pictures of Brian just recently doing the same thing.

Chairman Swenson said where are they backing into.

Scott Messel pointed out the area on overhead screen.

Commissioner Robbins said that house is a long-term rental. It is not relevant here. We are talking about the lower house. The south one is the bed and breakfast, correct?

Brian Riddle said the short-term people have big trucks.

Commented [WP1]: Is there a Brian Riddle?

Commissioner Robbins said the north house is not the issue here.

Chairman Swenson said driving on her property is an issue no matter what.

Commissioner Darton said I appreciate you looking into other jurisdictions, but the laws in Hurricane or LaVerkin or Washington do not apply here.

Lana Riddle said I get that, but attempt of the Town of Leeds, the comments made in the minutes, what a disaster the zoning is, and why is this happening in a different way? There is a great effort that has been made here to clear this up. And I am wondering, seriously, if this is premature until this issue gets resolved.

Commissioner Darton said how long should someone wait while the Town Council considers a new law when there is an existing law on the books?

Lana Riddle said I guess that depends on your opinion.

Commissioner Darton said mine is what is legal right now If there will be a change in the future, I have no idea.

Lana Riddle said I understand that, but this is right now. I consider this document a good attempt and good will to get this taken care of in a proper manner. So, there are regulations and so they can be enforced so people like me do not have to tolerate what I have been through. I believe that is their attempt and there is an epidemic for short-term rentals. There are 600 places 20 miles out from Brian's. There are several in Silver Reef and Leeds. That is a lot of competition. My prediction of this is it is not going to be successful. There is too much competition and there are some nice places and they do not cost a bit more.

Commissioner Darton said so there will not be any renters to bother you.

Lana Riddle said good call.

Chairman Swenson said I have a couple of questions. You say you do not live here now, you live somewhere else, who lives in the home?

Lana Riddle said no one. I am not there now, but I will be soon.

Commissioner Darton said you own that parcel of property that is the easement, correct?

Lana Riddle said yes.

Chairman Swenson said was it 50/50 from the other ones. Or totally yours.

Lana Riddle said mine. I pay the taxes on it.

Commissioner Darton said would you be interested in having that paved so it is no dirt and dust.

Lana Riddle said actually, the reality is the International Fire Code is over 150 Feet has to be paved. We went through this before. I met with the Fire Marshall and he told me that home does not meet fire code. He is a friend of Brian's and he said I told Brian that. But here we are.

Commissioner Darton said does that mean you would like for it to be paved.

Lana Riddle said I do not believe a bed and breakfast can be there in its present condition.

Commissioner Darton said I am still not sure if I have gotten answer from you.

Lana Riddle said are you thinking Brian is going to pave it.

Commissioner Darton said yes.

Commissioner Rosenthal said it has been pointed out that and I will read it here .... He read except from Utah State Code.

Chairman Swenson said can you read it again because it is really, really important.

Commissioner Rosenthal read: "Town Council must follow Utah State Code 10-9a-507 requirements when reviewing a conditional use application." The part of that which is important is the conditions must be reasonable. It is important for me, and the rest of the Commissioners, that we look at what the conditions might be for this application. It may not satisfy everybody's needs or wants, but by State Law, we are required to approve if the mitigations in this case and the conditions are reasonable.

Lana Riddle said is this 7.9. Have those requirements been met? And nothing has been filled in for yes or no. Is 7.9 a part of what you are talking about?

Commissioner Darton said 7.9.1 is general review criteria. This is not specific to any type of business. This is to any conditional use. And the application complies with all applicable provisions of this chapter of State and Federal Law.

Chairman Swenson said did your home come in after his homes were built.

Lana Riddle said he was building when we bought our home. For 7 years.

Commissioner Darton said the use is not detrimental to the public's health, safety and welfare. The use being proposed is the exact same usage that it has had of people living in the structure. The question is, it is not the same people day in and day out.

Lana Riddle said I got no support or help with multiple complaints. And now there will be no regulation.

Commission Robbins said Tom, what you just said is where the conditions come in, too. And that is what we are supposed to be looking at to make sure those health and safety issues are being taken care of. That is why Scott developed these conditions and we can add to those.

Commissioner Darton said she has raised a question on 7.9.1 ... he read except from 7.9.1. Most of these really do not apply.

Lana Riddle said I am going to turn the technical part of this over to my daughter, a co-owner. I appreciate your work, but I think there has been something overlooked.

Scott Messel said just as a reminder for the Planning Commission, this is not a scheduled Public Hearing. It is the Planning Commission, out of the goodness of your hearts, allowing them to share.

Chairman Swenson said it is things we want to know.

Kimberly Cook said I am part owner. We did that so I can be here. As far as the application, can you tell me how many neighbors it went to?

Brian Hansen said I gave Peggy 30 stamped envelopes.

Peggy Rosebush said that is pretty close.

Chairman Swenson said close is 30 neighbors.

Kimberly Cook said all of them within 300 Feet needed to be notified.

Scott Messel said the way it is set-up in Code, conditional uses are an administrative decision called out by the State. It can be up to the municipality whether or not they want the administrative decision to be handled by, even when the administrative decision is handled by Town Council, it is still an administrative decision when it has to do with conditional uses. A Public Hearing is not required. The notice can be determined by the jurisdiction. Some jurisdictions will say just put a sign in the yard, no mail is required. Leeds goes above and beyond what the State Code requires and says anyone within 300 Feet is notified. It does not have to be certified mail.

Commissioner Darton said does the applicant do this. Or does the Town do it?

Scott Messel said usually what ends up happening is either the applicant provides the address labels for everyone and then it is reviewed by staff to make sure everyone is within 300 Feet.

Peggy Rosebush showed the Commissioners a map of all parcel owners within 300 Feet who were sent a notice in the mail.

Chairman Swenson said more letters went out than what we see on the screen.

Commissioner Robbins said so what your point is, this Town goes above and beyond.

Kimberly Cook said there should have been 33.

Chairman Swenson said Brian is saying 30.

Peggy Rosebush said a couple of them were duplicate owners.

Kimberly Cook said it is important that we follow the rules and it is in your paperwork that you are going to send it out to the people within 300 Feet. Correct?

Chairman Swenson said as a courtesy.

Kimberly Cook said it is in the ordinance, right?

Commissioner Rosenthal said I am not entirely sure it is in the ordinance.

Kimberly Cook said I think it is on the application actually.

Kimberly Cook said I know neighbors who were not notified and that concerns me.

Chairman Swenson said here is the map showing who was notified. Do you know of anyone who is not on there?

Kimberly Cook said yes. But let's move on.

Chairman Swenson said you can give that to us afterwards and if we need to notify them, we will.

Kimberly Cook said my next point is the driveway is 210 Feet and anything over 150, according to the International Fire Code which you guys have accepted as your own, has to be paved and there has to be a turn around that looks like this. She showed the Commissioners a diagram. And that is according to your Fire Marshall as well. That does not comply.

Chairman Swenson said according to National Fire Code and the Fire Chief's Handbook, where is your fire hydrant? Your hydrant should be 500 Feet away. Your access for emergency vehicles is a minimum of 15 Feet. And there is a turnaround in there for emergency vehicles to turn around. This is according to the Fire Chief's Handbook.

Kimberly Cook said this is what the turnaround should look like. Correct?

Chairman Swenson said that is what it looks like.



Kimberly Cook said it is not like that. It is not that big. Otherwise, we would not have people backing into the yard.

Chairman Swenson said they are not backing in at the turn around. It has to be big enough for a fire truck to turn around and it does not have to be paved unless someone has adopted that and if they did the whole Town would be in trouble. It does appear to be 15 Feet.

Kimberly Cook said with a business, though?

Chairman Swenson said with access to anything at the end of that road. A turn around and 15 Feet access. I am just giving you experience on that part because I looked at that when the pictures came up because that is important to me. I think the emergency vehicle statute is fine.

Kimberly Cook said what about the VRBO that is continually being run and they say it has not. And that is another whole deal. No one claims to really be running it or they are staying for free or all of those kinds of things.

Commissioner Darton said what VRBO are you talking about.

Kimberly Cook said the one in the house that is right there.

Chairman Swenson said not his.

Kimberly Cook said yes, his. I have many, many pictures of a whole bunch of different ...

Commissioner Darton said I think we heard there is a long-term renter.

Brian Hansen said yes, I can do 30 day rentals.

Kimberly Cook said this shows they are not 30 days.

Chairman Swenson said what shows.

Brian Hansen said I rented the house over Christmas and I gave it to them for free. We have had 30-day renters ever since.

Kimberly Cook said these are pictures of multiple, multiple people and those are the ones just in 2016. And then my mom gave up.

Scott Messel said with all due respect to the comments that are being made, just in trying to encourage the Planning Commission to stay on task with the issues, some of the concerns being brought up may be civil between 2 neighbors. What we have before us today is an application for conditional use for a business license for a home occupation. Because it is written in our Code right now that a bed and breakfast is a business that can be approved in a residential structure. The Town Council and Planning Commission, at some point, put that in the Code and so they feel it is appropriate because it is in there as an appropriate use in a residential area. These homes have been in existence for some time, they went through the building permit process and subdivision process verifying that they are legal lots. Codes may be different now and

what was in place at the time, it is my recommendation is that we look at the issues before us right now and not get into the history between the 2 property owners.

Lana Riddle said then how do we prove that all of this environmental, the noise and nuisance...

Chairman Swenson said I will tell you. We do not have to like this. Have you ever had family come over and can they have ATVs on your property?

Lana Riddle said yes.

Chairman Swenson said that is not any different from what he is doing. I think we need to be careful asking someone not to do something that we can do ourselves. To clarify, and to keep it very simple, is it legal according to our ordinance? We do not have to like it. We can even agree with you. That opinion is not for this committee. It is for the Town Council. You say we do not like certain things happening, but Leeds Code says it is appropriate. We have to go by the Codes. It is legal for what the applicant is trying to do, no matter what the applicant is. We can only go by the Code and ordinance. We limit it by the number of people they can have there, the cars and things like that, and that helps mitigate some of the problems.

Scott Messel said we do have Codes that call out the enforcement of nuisance violations. The effectiveness of it also depends on how much the citizens are willing to pay for employees to come and do it. It is the Mayor who is doing most of your enforcement and he is not a full-time Mayor.

Chairman Swenson said we do not have law enforcement here.

Scott Messel said correct. That is a side effect of small local government.

Lana Riddle said who regulates this.

Commissioner Rosenthal said the Town receives law enforcement services from Washington County Sherriff's Department. If, indeed, there is a situation where, let's say there is a party next door and it is past 10 PM and it is disturbing you, if you were to call the Sherriff's Department, they would come out in response. That is their responsibility.

Kimberly Cook said can we move onto conditions. It sounds like you guys are pretty adamant about passing this through.

Kimberly Cook said you ask if we want it paved. Absolutely we want it paved. And we would like to have an automatic gate at the end. They cost about \$3,000.

Commissioner Darton said do you want to pay for an automatic gate.

Kimberly Cook said no.

Commissioner Darton said but this is a condition that you want.

Kimberly Cook said you asked if we want it paved. Yes, we want it paved because it mitigates the dust.

Commissioner Darton said but that dust has been happening for 40 years.

Kimberly Cook said not to this extent.

Commissioner Darton said that is not the testimony we have heard.

Scott Messel said the Planning Commission can handle this how they want. You could continue discussing this, but we have looked at the general health, safety and welfare and the traffic concerns. It is my recommendation is that we stick with the Code. If there are other issues that need to be addressed, maybe it is more appropriate to handle them in a Town Council meeting. Maybe there are some Code changes that need to be made. Right now, our Code does not require that all pre-existing residential lots have their driveways paved.

Commissioner Darton said it is not reasonable to say he has to do something to change something that has been going on for 40 years. It is unreasonable to say he has to mitigate something that he is not exacerbating.

Kimberly Cook said it was not a problem before he started the VRBO. The traffic has increased incredibly. And I have pictures to prove it.

Commissioner Rosenthal said I would propose at this time that we table discussion and flush out the ...

Chairman Swenson said it was tabled before.

Commissioner Darton said I propose that we look at the conditions that were proposed in the Staff Report. I looked at Conditions 1 thru 6 and I am fine with Conditions 1 thru 5. Condition 6 I am a little concerned about ...

Chairman Swenson said are you talking about the recommendations.

Commissioner Darton said yes, the Staff Report recommendations. I have concern with #6. Even the proposed ordinance that Town Council is working on says there can be 4 separate individuals or a family. Any family with more than 2 kids will need more than 2 bedrooms.

Chairman Swenson said do you have only 2 bedrooms to use.

Brian Hansen said there are 4 upstairs.

Commissioner Darton said if there are 4 individuals, they would each have a bedroom. I would be inclined to want to change that from a limit of 2 bedrooms to a limit of 4 bedrooms.

Brian Hansen said the fire code limit is 10 without fire sprinklers. We are limited automatically to the size of a family.

Commissioner Robbins said you cannot put 10 in that house. She was right when she was talking about most jurisdictions and HOAs have 2 per bedroom. I think it should be 2 per bedroom especially for a B&B. If he has 4 rooms that would be 8 people. Forget about the family definition because you are not going to find a definition for a family.

Commissioner Darton said I would not want to see him limited to 2 bedrooms and a family comes in with 5 kids.

Chairman Swenson said this could be changed to 4 bedrooms, 2 per room for a maximum of 8.

Kimberly Cook said and there is no way restricting the dust. We cannot do anything about the dust.

Chairman Swenson said it is the access that has been there for 40 years. You are asking to change the requirement that has been there for 40 years.

Kimberly Cook said actually it has not been. There was a subdivision made when Brian moved in there and built the big house.

Scott Messel said for how Planning Commission meeting should go, we should try to keep from debating back and forth, it is not a court case, but it is a time and you have allowed for time, usually it is 2 or 3 minutes in a normal Public Hearing, to share items of concern, not that we are not trying to address concerns. I encourage to take comments and then close it and deliberate among yourselves.

Darryl Lewis said can I make a comment before you vote. I am certainly taken back by the length and depth of this discussion. I put money on the fact that Town Council has spent more time in 2019 discussing short-term rentals than they have anything else they have discussed this year. There is a very good reason why they have spent so much time on it. Back in January, the discussion had to do with LaVerkin. What were they doing? What was Santa Clara doing? Then that evolved to Palm Springs and resort areas around the US. And about 5 months ago, Town Councilmembers started bringing news articles about towns that were closing down their short-term rentals because there was too much crime coming in, they could not control it, and everything was out of hand. Our Town Council started discussing this in great detail and they are still discussing it. It has been mentioned tonight that Town Council did not pass a moratorium. You are correct. They did not pass a statutory law. What they did do was agree amongst themselves that they were imposing a moratorium and they imposed it on 2 requests - 1 on Bonanza Road and 1 on Silver Reef Drive. The issues have to do with more things than we have time to go into tonight. But I can tell you, it is long past how many smoke detectors you have in a house. It is safety and response time. I do not understand how the Commission does not see how the situation is being changed. Now it is going into a commercial entity. The dynamics are going to change dramatically. This is off street. How will a policeman even find this place? How much will go on back there before anyone arrives to take care of a situation? I believe the moratorium is still in effect. I spoke to 3 Councilmembers within the last week...

Chairman Swenson said the unofficial moratorium because there is not an official moratorium.

Darryl Lewis said unofficial.

Commissioner Darton said if the Town Council chooses to ignore the law that is their choice. We are not going to. There is a law on the books. They have not put a moratorium in. We are going to follow the law.

Darryl Lewis said you go ask the people on Bonanza and Silver Reef. If there is a moratorium or not.

Commissioner Darton said if the Town Council chooses to not follow the law, they do that at their own peril.

Darryl Lewis said when I was a member of the Planning Commission, the Mayor strongly suggested that a member of the Commission attend the Council meetings so that they will understand what is going on. You might consider putting that into effect.

Commissioner Rosenthal said I suggest 2 additional conditions - (1) the home be inspected by the Hurricane Valley Fire Department for this use and (2) ...

Chairman Swenson said a fire inspection if the Fire Department requires it. This really is not a condition. It is part of the business license.

Commissioner Rosenthal said the second one I propose is a restriction of the use of the neighbor's driveway by the short-term rentals.

Chairman Swenson said how does anyone renting your place know that is not a turnaround spot.

Commissioner Robbins said I have a couple more. I would add quiet hours have to be from 10 PM to 7 AM and when someone is renting the property there has to be an owner onsite for the entire rental period.

Chairman Swenson said that is a requirement to have a B&B.

Commissioner Darton said I propose that #6 be revised ... the restriction on the number of paying guests should be 2 per room with a limit of 4 bedrooms maximum to be used for a total of 8.

Chairman Swenson said that eliminates the verbiage of family. I know you know this process. It goes to Planning Commission to Town Council where all of these complaints and all of these considerations should be considered by them.

Scott Messel said one recommendation is to give Peggy a copy of what you are presenting.

Commissioner Robbins made a motion to approve the Conditional Use Permit for a bed and breakfast based on the findings and conditions as amended by the Planning Commission. 2<sup>nd</sup> by Commissioner Darton. All voted. Motion passed.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
CHAIRMAN: DANNY SWENSON	X	_____	_____	_____
COMMISSIONER: BRAD ROBBINS	X	_____	_____	_____
COMMISSIONER: STEPHEN WILSON	_____	_____	_____	X
COMMISSIONER: TOM DARTON	X	_____	_____	_____
COMMISSIONER: MARK ROSENTHAL	X	_____	_____	_____

9. Discussion Items: None

10. Staff Reports: None

11. Adjournment:

Meeting was adjourned at 9:14 PM.

APPROVED ON THIS 15<sup>th</sup> DAY OF Jan, 2020

Danny Swenson  
Danny Swenson, Chair

ATTEST:  
Feggy Rosebush  
Feggy Rosebush, Clerk/Recorder