

# Town of Leeds

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## Electronic Meeting Agenda Town of Leeds Planning Commission Wednesday, January 6, 2021

**PUBLIC NOTICE** is hereby given that the Town of Leeds Planning Commission will hold an electronic **PUBLIC MEETING** on Wednesday, January 6, 2021 at 7:00 P.M. this will be an electronic meeting.

Wayne Peterson is inviting you to a scheduled Zoom meeting.

Topic: Leeds Planning Commission

Time: Jan 6, 2021 07:00 PM Mountain Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/83150838508?pwd=TitGdmVMb1J3ZVJCTWN1UTMzbnxhUT09>

Meeting ID: 831 5083 8508

Passcode: 697989

One tap mobile

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### **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 December 2, 2020
6. Announcements

7. Public Hearings: None
8. Action Items:
  - a. Discussion and Possible Action on Final Plat Subdivision Application, Grapevine Split Subdivision, 770 N Main, Ian Crowe,
9. Discussion Items:
  - a. Proposed Language To Be Added To Building Permits Regarding Fugitive Dust and Construction Noise
  - b. Short-Term Rental Ordinance
  - c. Historical Zoning Ordinance
10. Staff Reports
11. Roll Call Vote to end Electronic Meeting
12. Adjournment

e 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, December 29, 2020 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

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# Town of Leeds

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## Planning Commission Meeting for Wednesday, January 6, 2021

1. Call to order:

Chairman Swenson called to order the regular meeting of the Planning Commission at 7 PM on Wednesday, January 6, 2021. This was an electronic meeting.

**ROLL CALL:**

	<u>Present</u>	<u>Absent</u>
CHAIRMAN: DANNY SWENSON	<u>x</u>	<u>          </u>
COMMISSIONER: BRAD ROBBINS	<u>x</u>	<u>          </u>
COMMISSIONER: KEN HADLEY	<u>x</u>	<u>          </u>
COMMISSIONER: TOM DARTON	<u>x</u>	<u>          </u>
COMMISSIONER: MARK ROSENTHAL	<u>x</u>	<u>          </u>

2. Invocation: Commissioner Darton

3. Pledge of Allegiance: Chairman Swenson

4. Declaration of Abstentions or Conflicts: None

Commissioner Robbins said he received an anonymous letter regarding the historical zoning ordinance and someone from the community did contact me several months ago.

5. Consent Agenda and Meeting Minutes of December 2, 2020

Commissioner Darton moved to approve tonight's agenda. 2<sup>nd</sup> by Commissioner Rosenthal. All voted. Motion passed.

**ROLL CALL VOTE:**

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
CHAIRMAN: DANNY SWENSON	<u>x</u>	<u>          </u>	<u>          </u>	<u>          </u>
COMMISSIONER: BRAD ROBBINS	<u>x</u>	<u>          </u>	<u>          </u>	<u>          </u>
COMMISSIONER: KEN HADLEY	<u>x</u>	<u>          </u>	<u>          </u>	<u>          </u>
COMMISSIONER: TOM DARTON	<u>x</u>	<u>          </u>	<u>          </u>	<u>          </u>
COMMISSIONER: MARK ROSENTHAL	<u>x</u>	<u>          </u>	<u>          </u>	<u>          </u>

Commissioner Robbins moved to approve the Meeting Minutes of December 2, 2020. 2<sup>nd</sup> by Commissioner Darton. All voted. Motion passed.

**ROLL CALL VOTE:**

	Yea	Nay	Abstain	Absent
CHAIRMAN: DANNY SWENSON	<u>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>
COMMISSIONER: BRAD ROBBINS	<u>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>
COMMISSIONER: KEN HADLEY	<u>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>
COMMISSIONER: TOM DARTON	<u>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>
COMMISSIONER: MARK ROSENTHAL	<u>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>

6. Announcements:

7. Public Hearings: None

8. Action Items:

a. Discussion and Possible Action on Final Plat Subdivision Application, Grapevine Split Subdivision, 770 N Main, Ian Crowe

Scott Messel said this is the final plat and the Planning Commission is able to take action if it meets the requirements of the final plat. Because this subdivision is so small, it meets the definition of the Town ordinance for a minor subdivision. With a minor subdivision, construction drawings are not required at this time because no improvements will be made at this time. The Planning Commission has reviewed the preliminary plat and it was approved. I did a review of the final plat and made comments to the applicant, Ian Crowe. One comment was to record a plat in most counties, including Washington County, there cannot be another subdivision already recorded with the County with the same name. This originally came in as Main Street Minor Subdivision. There are other subdivisions with the same name so in my redline notes to the applicant I recommended that they choose a different name. They have renamed it Grapevine Split Subdivision. I have reviewed this, and it does meet the requirements of the final plat.

Chairman Swenson said the only thing that has changed is the name, correct?

Scott Messel said correct.

Ian Crowe said everything is the same. We did discuss the zoning at the previous meeting, but right now, it will stay the same. Later on, we may request a zoning change.

Commissioner Darton moved to approve Final Plat Subdivision Application, Grapevine Split Subdivision, 770 N Main. 2<sup>nd</sup> by Commissioner Hadley. All voted. Motion passed.

**ROLL CALL VOTE:**

	Yea	Nay	Abstain	Absent
CHAIRMAN: DANNY SWENSON	<u>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>
COMMISSIONER: BRAD ROBBINS	<u>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>
COMMISSIONER: KEN HADLEY	<u>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>
COMMISSIONER: TOM DARTON	<u>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>
COMMISSIONER: MARK ROSENTHAL	<u>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>

## 9. Discussion Items:

### a. Proposed Language to Be Added To Building Permits Regarding Fugitive Dust and Construction Noise

Chairman Rosenthal said I sent this suggested language out to the Commissioners for their review. He read the proposed language. A copy of the written proposed language is attached and made a part of these minutes.

Commissioners and Scott Messel discussed requirements for a grading permit.

Chairman Swenson said Mark, you were not just talking about just grading. I think you were talking about access points like construction vehicles.

Commissioner Rosenthal said right. He talked about the amount of dust caused by so many construction vehicles.

Commissioner Darton said I would like to know what the threshold is for a grading permit.

Chairman Swenson said since we are not going to take any action on this tonight, why don't you and Scott get together and come up with these little refinements. Does this make sense?

Commissioner Rosenthal said that is fine. This could be attached to a grading permit which is part of a building permit or maybe an excavation permit.

Chairman Swenson said a grading permit and excavation permit are 2 different things so you may want to add this to both.

Commissioner Hadley asked this does not include farming, right?

Commissioner Rosenthal said right. Agricultural operations have much more lenient regulations.

Chairman Swenson said we will let Mark and Scott get together and massage it some more and then bring it back.

Commissioner Darton said when they bring it back, will it be an action item?

Commissioner Rosenthal said that would be my intent.

Commissioner Darton said that would be my recommendation as well.

Chairman Swenson said we will move it forward.

### b. Short-Term Rental Ordinance

Chairman Swenson said where do we stand on this?

Scott Messel said there was some discussion about what really is the Planning Commission's role in making changes and/or recommendations to Town Council. What is before you is a recommendation of



possible language. If the Planning Commission has changes then we need to put those recommendations together, have a Public Hearing on it and then send the recommendations to Town Council. Right now, the Commission needs to put together the type of ordinance you would like. If you like the direction of this draft then we can move forward with it. If you would like to add some things then we need to add them.

Commissioner Rosenthal said as I recall, part of our discussion on this was on the process. If we move forward and recommend this to Town Council, after a Public Hearing, and if it is acted on and put in place, will this be removed from the conditional use process?

Scott Messel said you can see in 30.2.3, it talks about the application process and the fees. There needs to be inspections and certifications and it is handled by staff.

Chairman Swenson said the changes that we made were not online. Did you just do that this afternoon? We went through tons of changes. Have each one of our points been addressed? I do not see an updated version. I thought someone was going to look at all of our points and then bring them forward.

Commissioner Darton said I would want to see a redline so we can see what changes we made. I would want to know if these points were looked at and addressed before I would feel comfortable sending it on to Town Council.

Chairman Swenson said we need to see a redline document before we can go forward on this.

Councilmember Robbins said you will recall at the last meeting there was a statement right at the beginning of the document that said prohibition of short-term rentals which I 100% agree with. I would like to see that separated from the rest of that ordinance. There should be 2 ordinances. One basically for prohibition of the short-term and another one for the rest of this stuff. I am not sold on the rest of it yet, but I am 100% sold on prohibition of short-term rentals.

Chairman Swenson said it makes sense to do some more research on the 2 documents and then bring them back. Maybe we should table it until we can follow-up.

Scott Messel said that is okay. I will make sure you have what you are looking for on the document the next time.

Chairman Swenson said if there is no objection from anyone, we will table it. With that being said, Scott, are you handling the responsibility to follow-up and cross reference? Who will be responsible?

Scott Messel said I will be accountable for it.

### c. Historical Zoning Ordinance

Chairman Swenson said Scott, are you bringing forth information on this item?

Scott Messel said yes, I am. Did you receive a copy of a proposed beginning outline for the proposed historical zoning ordinance? What I did here, I took comments from the Planning Commission, Town Council and residents with concerns...

Councilmember Robbins said I do not recall this being at the Planning Commission before.

Scott Messel said it has not been at the Planning Commission. It is probably more Town Council.

Chairman Swenson said I do not think we have ever addressed this.

Scott Messel said there are many residents concerned about what is going on. Town Council is wanting to create a historic zone. There are several different ways we can go about it. There are a lot of historic structures and historic sites in the Town of Leeds. We could treat them differently. You could have a historic park zone and you could handle historic homes differently or just have a historic zone with different requirements or allowances in that zone than there are in other zones. If we are talking about a historic home, they may not have to meet the current setbacks if they are wanting to alter the home. This draft that I have prepared gives us a starting point. I would like to get input from the Planning Commission.

Commissioner Darton said Scott, did you receive a copy of the letter from Polly McLean?

Scott Messel said I do not think so.

Commissioner Darton said it is dated December 9<sup>th</sup> and addressed to Town Council, Planning Commission and the County Commissioners. It objects to what is being proposed.

Scott Messel said this chapter will be set aside if we do a historic zone ordinance. I think we should set it up to include multiple areas. My feeling is to have this ordinance broader than just the Silver Reef area.

Commissioner Robbins said I received the same letter that Tom got. There is a lot of different stuff in here. At the end, she offers some alternatives. I do not feel comfortable discussing this with a legal issue out there until our attorney reviews it. I think the cart is ahead of the horse at this point. The legal issue needs to be resolved before the Planning Commission can start working on it.

Chairman Swenson said I did not receive the letter.

Commissioner Rosenthal said he received it.

Commissioner Hadley said he did not receive it.

Commissioner Robbins said it says it was presented to Town Council on December 9<sup>th</sup> so it is not some secret. It has been out there for a while. It needs to be addressed before we move forward.

Commissioner Darton said this letter we got from the attorney specifically addresses issues in Silver Reef. I think if we wanted to put together a historical district in Chapter 19, I would agree with the approach of do not do this as one single part of the Town. Let's come up with something that would apply to anything that could fit the criteria so we can have a uniform approach to this. There is a lot of work left to be done on this. Before we start to finalize this, I would want to see 19.2 and 19.3 flushed out with what is the meat that will be on those bones. I do not see a problem with us moving forward. As we move forward, we need to take a look at objections and address them. There might be some posturing or there might be some actual merit to some of the claims.

Scott Messel said I tried to use that broader vision in the purpose paragraph at the beginning of the draft. I need to say that the letter was presented and read to Town Council and it is in the minutes.

Chairman Swenson said Scott, when I was reading through this, there is no reference to Utah Historical Standards or Utah Historical Society, whoever might have jurisdiction over it because it is a Utah site, not a Leeds site. I think we should have standards for historical sites referenced from the Utah statute. I think we should have some reference on their standards.

Scott Messel said that is a great idea. The Town needs to determine how much regulation do you want to have on historic properties, not just Silver Reef. I would like to see more than just one specific area or type of historic area.

Commissioner Robbins said Scott, looking at this ordinance, it is pretty specific to Silver Reef. I think it is a good idea to make it more general, but I do not think this ordinance is general. I think it is specific to Silver Reef.

Chairman Swenson said I think that is right.

Scott Messel said it should also apply to the CCC Camp.

Chairman Swenson said right. The fundamental foundation of this should be Utah statute. That should be the minimum standard.

Commissioner Darton said this is something that we should continue to look at. I think we need to keep moving forward. We need to look at the objections. After reading the letter, I do not know if the objections are well founded or not.

Chairman Swenson said this is a good start. It is going to get busier and busier. More and more people will find out about the historical sites here. We will table it until we get some more information.

Commissioner Rosenthal said Danny, will you be talking to the Mayor and Town Council about this?

Chairman Swenson said this will be going back to Town Council since there is legal litigation. I will confirm with the Mayor to make sure they will take it, but I am sure he will see our minutes. Scott, is that appropriate?

Scott Messel said yes.

Commissioner Darton agreed to email a copy of the letter to Scott Messel, Commissioner Hadley, and Chairman Swenson.

Commissioner Robbins said I do support the Silver Reef Museum and everything that is going on up there. I think the question has always been to what extent should some of the activities occur. I have always supported it. The question is how much of it.

Commissioner Hadley talked about the historical house that he lives in. I would like to know park restrictions. It is a home, not a park.



Scott Messel said this ordinance, so it is not questioned in the future, should include restrictions for historical homes.

Chairman Swenson said I agree.

10. Staff Reports

Commissioner Darton said we will have the Animal Ordinance ready to bring back next month.

Scott Messel said bills have started to pop-up with this Legislature session. I will do my best to keep you posted on these. Right now, we are seeing bills having to do with accessory dwellings and how much jurisdictions can regulate them.

Chairman Swenson said I represent Leeds on the trails committee. Leeds is the only access on the east side of the forest. It is going to get busier and busier. The forest is looking at improving and adding trails and other big improvements because there has been 2 and 3 times the interest. There is only one road so I will be working with the forest to try to get things slowed down one way or another.

Chairman Swenson and Commissioner Rosenthal talked about the increased traffic.

Chairman Swenson said this is on their radar.

11. Roll Call to End Electronic Meeting

ROLL CALL:

	<u>Present</u>	<u>Absent</u>
CHAIRMAN: DANNY SWENSON	x	_____
COMMISSIONER: BRAD ROBBINS	x	_____
COMMISSIONER: KEN HADLEY	x	_____
COMMISSIONER: TOM DARTON	x	_____
COMMISSIONER: MARK ROSENTHAL	x	_____

APPROVED ON THIS 3<sup>rd</sup> DAY OF February, 2021

  
\_\_\_\_\_  
Danny Swenson, Chair

ATTEST:

  
\_\_\_\_\_  
Aseneth Steed, Clerk/Recorder