

# Town of Leeds

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## Agenda Town of Leeds Planning Commission Wednesday, December 7, 2022

**PUBLIC NOTICE** is hereby given that the Town of Leeds Planning Commission **PUBLIC MEETING** scheduled for Wednesday, December 7, 2022, at 7:00 P.M. This meeting will be held at Leeds Town Hall, 218 N. Main Street, Leeds, UT 84746.

If you are interested in participating remotely via Zoom, please contact Town Hall at 879-2447 or email [Clerk@LeedsTown.org](mailto:Clerk@LeedsTown.org) for the Zoom details.

### 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 of November 02, 2022
6. Announcements:
  - a. Annual Christmas Tree Lighting Ceremony update
  - b. Leeds Town 2<sup>nd</sup> Ward's invite to The Polar Express event December 16, 2022, 6:00pm at the LDS church building
  - c. Wreaths Across America, December 17, 2022 , 10:00 AM at Leeds Town Cemetery
  - d. Dog and Cat Vaccination Clinic, Saturday, January 7, 2023, 1-3PM with Dr. Bice
7. Public Hearing: None
8. Action Items:
  - a. Discussion and possible action Conditional Use Application for Brain Hansen 480 N. Main
9. Discussion Items:
  - a. Administrative Code Enforcement Draft
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 December 5, 2022, at these public places being **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)



Aseneth Steed, Clerk/Recorder

# Town of Leeds

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## Planning Commission Meeting for Wednesday, December 07, 2022

1. Call to order:

Chairman Swenson called to order the regular meeting of the Planning Commission at 7 PM on Wednesday, December 7, 2022.

ROLL CALL:

	Present	Absent
CHAIRMAN: DANNY SWENSON	<u>X</u>	_____
COMMISSIONER: ALAN ROBERTS	<u>X</u>	_____
COMMISSIONER: GARY ROSENFELD	<u>X</u>	_____
COMMISSIONER: TOM DARTON	<u>X</u>	_____
COMMISSIONER: JENNIFER LUFT	<u>X</u>	_____

2. Invocation: Tom Darton

3. Pledge of Allegiance: Chairman Swenson

4. Declaration of Abstentions or Conflicts: None

5. a. Agenda:

Commissioner Darton moved to approve the agenda of December 7, 2022. Commissioner Rosenfield seconded. Motion passed in a roll call vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
CHAIRMAN: DANNY SWENSON	<u>X</u>	_____	_____	_____
COMMISSIONER: ALAN ROBERTS	<u>X</u>	_____	_____	_____
COMMISSIONER: GARY ROSENFELD	<u>X</u>	_____	_____	_____
COMMISSIONER: TOM DARTON	<u>X</u>	_____	_____	_____
COMMISSIONER: JENNIFER LUFT	<u>X</u>	_____	_____	_____

b. Meeting Minutes of November 2, 2022:

Commissioner Darton motioned to approve Meeting Minutes of November 2, 2022. Chairman Rosenfield seconded the motion. Motion passed in a roll call vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
CHAIRMAN: DANNY SWENSON	<u>X</u>	_____	_____	_____
COMMISSIONER: ALAN ROBERTS	<u>X</u>	_____	_____	_____
COMMISSIONER: GARY ROSENFELD	<u>X</u>	_____	_____	_____
COMMISSIONER: TOM DARTON	_____	_____	<u>x</u>	_____
COMMISSIONER: JENNIFER LUFT	_____	_____	<u>x</u>	_____

6. Announcements:

a. Annual Christmas Tree Lighting Ceremony update

Chairman Swenson reported the Annual Christmas Tree Lighting Ceremony event went well and voiced appreciation for the mother and daughters' efforts that provided the tree for the town.

b. Leeds Town 2<sup>nd</sup> Ward's invite to The Polar Express event December 16, 2022, 6:00pm at the LDS church building

Chairman Swenson made a public invitation to all residents of the Town to participate in The Polar Express event December 16, 2022, 6:00pm at the LDS church building

c. Wreaths Across America, December 17, 2022, 10:00 AM at Leeds Town Cemetery.

Chairman Swenson announced the Wreaths Across America, December 17, 2022, 10:00 AM at Leeds Town Cemetery event. Donations to sponsor a wreath can be made through the Wreaths Across America Website or at Town hall.

d. Dog and Cat Vaccination Clinic, Saturday, January 7, 2023, 1-3PM with Dr. Bice.

Bill McLaughlin asked if the town owned a PA system to accommodate community functions like the Tree Lighting events. He was told the sound system the Town had was antiquated to be useful at the functions and the previously used PA was borrowed.

7. Public Hearing: None

8. Action Items:

a. Discussion and possible action Conditional Use Application for Brian Hansen 480 N. Main

Scott Messel said with a Conditional Use Permit the city will receive a state business license, as well as town business license. The state one will create the tax code and number that he would use on his taxes. And that's how the state will collect the transient room tax. All businesses are supposed to have a state and local jurisdiction business license. And of that transient room tax the state takes money, the county takes money as well as the cities takes 1%. Platforms like Airbnb and VRBO already do that.

Brian Hansen said I don't know why the town is not getting the transient room tax, because there are people that have rented them here in town. If they are not being honest, or if there were certain companies that should collect the tax he did not know.

Chairman Swenson agreed that's an issue a town needs to address. He said I got a question. So, you were here two years ago, we discussed it and Planning Commission moved it on? What's the difference from then to now? What happened then?

Brian Hansen said the Town Council told them the home was a single-family dwelling and he could not rent out a single-family dwelling.

Chairman Swenson said the previously approved application for a Bed and Breakfast had the units totally separate.

Scott Messel said that need to be connected to function as a Bed and Breakfast. He used the example of some of the old historical homes that are being utilized as Bed and Breakfast that have a locked separation for the Caretaker, but the house is still considered one unit.

Commissioner Roberts said he was on the Town Council in 2019 at the time Brian Hansen applied. The applicant was applying as a short-term rental not a Bed and Breakfast. The town allows a Bed and Breakfast with a conditional use permit. The town doesn't allow short term rentals. Discussion brought up that a Bed and Breakfast is allowed underneath a Home Occupation Business. But the home occupied business cannot consist of more than 25% of the residential dwelling. Roberts said in the previous application, Hansen was applying as a short-term rental not a Bed and Breakfast. As you do the comparison it is not so much the number of rooms that are rented as that breakfast is being served. If you look at it from a Bed and Breakfast standpoint, there must be a common room where you're going to serve that breakfast. A Bed and Breakfast, the owner of the property is on site. There's been a lot of discussion specifically in town council meetings on short term rentals. There isn't anything that is adopted by Leeds. The only thing that exists is this Bed and Breakfast.

You made mention of an application that was here last month. That dynamic is a single bedroom rented out on a short term as a Bed and Breakfast, and the owner agreed that they would provide that breakfast. I don't care what the breakfast is. I'm just saying that's the dynamics that exist right now. The owner must live on site.

I literally read those minutes from the last application just yesterday because I wanted to refresh my memory. At that time, you had family members that were going to live in a portion, and you rent out the top level. That is truly a short-term rental of what I would call a duplex.

Hansen asked for clarification of Bed and Breakfast vs. short term rental in town policy.

Chairman Swenson said that a Bed and Breakfast is breakfast served in a common area not exceeding 25% of the owner-occupied living residence.

Commissioner Roberts said setting policies is where you draw the line between a short-term rental and a Bed and Breakfast. You made a correct statement early on when you said that the state legislature adopted that you could have these in residential. It doesn't say that you can do whatever you want. There are still rules and regulations that every municipality has the obligation and duty to determine for their specific municipalities. At this point, that's all Leeds has as short-term rental is a Bed and Breakfast option. There's got to be a common space. The individual that owns it has got to be there. There must be a breakfast provided for the people that

utilize it. And because our Bed and Breakfast falls under a Conditional Use permit allowed under Home Occupation, it's also governed by that 25% as described in the Home Occupation chapter. So, it would cover any space, common or otherwise, used for the home occupational business.

Scott Messel said, if you had a floorplan of layout of your home, and you have a square footage of everything, and then wrote on it, and said, Okay, this is the area and the square footage. So, it's clear both for the planning commission and town council.

Commissioner Roberts, Brian your application is the same application that was presented two years ago, your application is as you were renting out that upper half and you were going to live in in the lower half. That is really a short-term rental. You could do that without any conditional use permit if you did it for 30 days or more, you're allowed to rent out the whole house of around half of it.

Hansen said but then the city would not get any taxes from that.

Commissioner Roberts agreed, but don't have too much regret with the town because the taxes that you paid to a fire district are more than what you paid to the town of Leeds for property so just marinate on that.

Commissioner Darton said, I think considering the home occupation changes that have taken place at the state level, the town needs to have a discussion on amending or changing that 25% issue. Because if Bed and Breakfast is considered a home occupation, I think historically, it's most of the house that is used for the Bed and Breakfast. And usually there is a caretaker that has like, one or two rooms walled off. If we want to make a Bed and Breakfast available, we need to rethink that. That doesn't do anything for you right now. You either need to do a long term, you know, 30 days plus rental or comply with the regulations in place right now.

Commissioner Roberts said, you bring a good point, Tom. We've had discussion on that terminology. You don't hear the term Bed and Breakfast much anymore, because the dynamics have changed to where it's a short-term rental. That's the way that the world looks at most of these. And those dynamics have changed, even to the point where entire homes are rented out as short-term rental.

Commissioner Darton said, the difference between a short term and a Bed and Breakfast is two main things: one, on site management and two, that breakfast is served. Those are the two principal distinctions between a prohibited short-term rental and an authorized Bed and Breakfast. I think that's important to look at amending the definitions to make it easy to distinguish between the two. So, it's not muddy.

Commissioner Roberts said, I think it's in our best interest to just look at defining a short-term rental and determining the requirements under the short-term rental. That's just my viewpoint.

Hansen said, Doesn't the city attorney have a copy of our recommendations? Wayne promised me before COVID, he says next quarter, we're going to have that done.

Commissioner Darton said, it is not done. I remember when you were here in 2019 and people were saying, well, let's just wait until this new ordinance is done. And we said, well, right now this is the law. We need to make this decision based on what the current law is. Because we don't know if this is ever going to happen. And here we are, over two years later, and nothing has been done.

Scott Messel, one of the challenges in local government is as you try to be proactive, we end up having to be reactive. No one expected Airbnb to explode like it did. Talking with the county commission back in like 2013 on like, hey, I don't know if you've heard of Airbnb, you know, and we I asked them, you know, do we want to license them? And they're like, well, it's not really a problem. So, let's just let people keep going with it. But now we have almost a decade of seeing the effects of short-term rentals, both on the availability of long-term rentals and the housing stock and there are some negative impacts. But people like to stay in them.

Commissioner Darton, Brian, here's my recommendation. Go back, decide if you want to do a long-term rental or if you really do want to do the Bed and Breakfast. If you want to do the Bed and Breakfast, amend your or amend your application, so that you can and provide, you know, the floor plan so that you can show that yes, you're within the 25%.

Scott Messel said, you need more detail and clarity on your application.

Commissioner Roberts said your application does not meet the criteria because your application doesn't even show that there's a common area. Your application says that one half is going to be lived in by the owner. And the other portion is what's going to be a rental.

Hansen said he would evaluate his options and submit a new application compliant on the requirements discussed if he wanted to pursue the Conditional Use Permit for an owner-occupied Bed and Breakfast.

No action was taken.

9. Discussion Items:
  - a. Administrative Code Enforcement Draft

Chairman Swenson said the mayor has reach out to our attorney for counsel regarding what category the new Administrative Code Enforcement would fall under in Town Code and the discussion of the Administrative Code Enforcement Draft at the Planning Commission level would be tabled until we get the response from the Town attorney.

Citizen Comment from Lynn Potter on Zoom read by the Clerk. I'm still against the new ordinance enforcement and I sincerely wish the town would not go there.

Chairman Swenson said no doubt you are. We are not acting on it but I appreciate the comment.

10. Staff Reports: None

11. Adjournment  
The meeting was adjourned at 8:38 pm.

APPROVED ON THIS FOURTH DAY OF JANUARY 2023

  
Alan Roberts, Chairman Pro Tempore

ATTEST:

  
Aseneth Steed, Town Clerk/Recorder