

Town of Leeds

Agenda Town of Leeds Planning Commission Wednesday, May 3, 2023

PUBLIC NOTICE is hereby given that the Town of Leeds Planning Commission **PUBLIC MEETING** scheduled for Wednesday, May 3, 2023, at 7:00 P.M. This meeting will be held at Leeds Town Hall, 218 N. Main Street, Leeds, UT 84746.

Regular Meeting 7:00 pm

1. Call to Order/Roll Call
2. Invocation
3. Pledge of Allegiance
4. Declaration of Abstentions or Conflicts
5. Consent Agenda: (These items will be a single motion unless removed at the request of the chairman or board Members)
 - a. Tonight's Agenda
 - b. Meeting Minutes of April 5, 2023
 - c. Meeting Minutes of Work Session April 26, 2023
6. Announcements:
 - a. Public Notice for Town of Leeds 2024 Municipal Election for Two (2) Town Council Member- each a 4-year term. Candidate Packets available at Town Hall
7. Public Hearing: None
8. Action Items:
 - a. Discussion and possible action on the amended Washington County Code, which includes modifications to various zoning regulations, definitions, and rules for Accessory Dwelling Units (ADUs) and Short-Term Rentals (STRs). The revised code also determines the conditions under which an STR license can be obtained and removes "Tourist Homes" and "Planned Development Rural Recreation Grounds and Facilities" from the ordinances.
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 May 1, 2023, 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.



Aseneth Steed, Clerk/Recorder

Town of Leeds

Planning Commission Meeting for Wednesday, May 03, 2023

Call to order: 7:00 p.m.

Chairman Pro-Tem Darton called to order the regular meeting of the Planning Commission at 7 PM on Wednesday, May 03, 2023.

ROLL CALL:

	Present	Absent
CHAIRMAN: CHAIRMAN SWENESON	<u> X </u>	<u> </u>
COMMISSIONER: KEN HADLEY	<u> X </u>	<u> </u>
COMMISSIONER: TOM DARTON	<u> X </u>	<u> </u>
COMMISSIONER: GARY ROSENFELD	<u> </u>	<u> X </u>
COMMISSIONER: ALAN ROBERTS	<u> </u>	<u> X </u>

Town Planner Scott Messel present

Invocation: Commissioner Hadley

Pledge of Allegiance

Declaration of Abstentions or Conflicts: None

Agenda:

Commissioner Swenson moved to approve the agenda of May 03, 2023.
Commissioner Hadley seconded. Motion passed in a roll call vote.

CHAIRMAN: CHAIRMAN SWENESON	<u> X </u>	<u> </u>
COMMISSIONER: KEN HADLEY	<u> X </u>	<u> </u>
COMMISSIONER: TOM DARTON	<u> X </u>	<u> </u>
COMMISSIONER: GARY ROSENFELD	<u> </u>	<u> X </u>
COMMISSIONER: ALAN ROBERTS	<u> </u>	<u> X </u>

Commissioner Hadley moved to accept the Meeting Minutes April 5, 2023.
Commissioner Swenson seconded. Motion passed in a roll call vote.

CHAIRMAN: CHAIRMAN SWENESON	<u> X </u>	<u> </u>
COMMISSIONER: KEN HADLEY	<u> X </u>	<u> </u>
COMMISSIONER: TOM DARTON	<u> X </u>	<u> </u>
COMMISSIONER: GARY ROSENFELD	<u> </u>	<u> X </u>
COMMISSIONER: ALAN ROBERTS	<u> </u>	<u> X </u>

Commissioner Darton moved to accept the Work Session Meeting Minutes of April 26, 2023. Commissioner Hadley seconded. Motion passed in a roll call vote.

CHAIRMAN: CHAIRMAN SWENESON	<u> X </u>	<u> </u>
COMMISSIONER: KEN HADLEY	<u> X </u>	<u> </u>
COMMISSIONER: TOM DARTON	<u> X </u>	<u> </u>
COMMISSIONER: GARY ROSENFELD	<u> </u>	<u> X </u>
COMMISSIONER: ALAN ROBERTS	<u> </u>	<u> X </u>

Chairman Swenson is present and thanks everyone for understanding that he has a cold. He tested negative for Covid. His condition could potentially be due to his preexisting lung damage from smoke and fire in his employment as fire chief. He mentions seeing doctors and acknowledges that he may cough during the meeting. He then explains that Gary Rosenfield won't be able to attend the Planning Commission meeting because he'll be receiving the SBA veteran owned Business of the Year Award for Utah in Salt Lake City. He congratulates Rosenfield on his achievement and expresses appreciation for the support of Leeds. They then discuss the funeral of Ray Beal They mention the military honor guard and the American Legion's service, including a rifle salute, taps, and the presentation of the flag for Ray Beal's service in the army.

Announcements:

- a. Public Notice for Town of Leeds 2024 Municipal Election for Two (2) Town Council Member- each a 4-year term. Candidate Packets available at Town Hall

Public Hearing: None

Action Item:

- a. Discussion and possible action on the amended Washington County Code, which includes modifications to various zoning regulations, definitions, and rules for Accessory Dwelling Units (ADUs) and Short-Term Rentals (STRs). The revised code also determines the conditions under which an STR license can be obtained and removes "Tourist Homes" and "Planned Development Rural Recreation Grounds and Facilities" from the ordinances.

Scott Messel reported that there was a draft ordinance that had undergone multiple reviews and amendments in the previous administration, spearheaded by Mayor Wayne Peterson. The goal was to proactively address potential changes regarding short-term rentals at the state level. However, due to the timing and leadership changes, the ordinance was put on hold until after the state legislative session dismissed. Now it is being reconsidered to determine if there is a desire to move forward or reevaluate it.

Scott Messel reports that over time, it has become easier for individuals to rent their properties as short-term rentals while making it harder for local communities to have a say in how their neighborhoods are affected. At the state level, a new trend called fractional ownership housing has emerged, similar to timeshares but with more flexibility.

This has led to changes in policies that prevent local communities from regulating or prohibiting fractional housing. The state legislature may not fully understand the impact on individual communities, as they perceive it to address housing affordability issues. However, in popular tourist destinations like Washington County, Park City, and Moab, it has mostly resulted in vacation rentals and affected the availability and affordability of local housing. There are concerns about enforcement and the inability to regulate short-term rentals, especially when they create disturbances or exceed occupancy limits. The cost of housing has skyrocketed, making it difficult for first-time homebuyers to compete with cash offers from investment groups. This has created affordability issues and affected the younger generation's ability to become homeowners. Discrimination against families has been a major concern in the draft ordinance, particularly with limitations on the number of occupants. The state has different definitions of what constitutes a family, and although regulations vary in university communities, there are no clear guidelines for non-university areas.

Enforcing regulations on short-term rentals can be challenging, and some argue that if it's difficult or impossible to enforce certain rules, they shouldn't be included in the code. Many short-term rental platforms already have noise and neighbor policies that can be enforced, protecting the quality of life for residents. Arbitrary restrictions such as limiting the number of guests or bedrooms in a rental property can be problematic, especially for larger homes or properties where owners reside. It's important to balance the need for regulations with the rights of property owners and the interests of the community. Good neighbor policies, agreements, and a "three strikes" system have been implemented in other jurisdictions to address concerns and ensure responsible renting. Discriminating against families by imposing strict limitations on short-term rentals is not an ideal message to send to potential visitors. Owner-occupied rentals can help reduce issues related to parties and property damage. Instead of unfairly limiting occupancy, the focus should be on finding a balanced approach that considers the needs of families, property owners, and the community.

Chairman Swenson said we are discussing two perspectives, one advocating for a maximum standard and the other highlighting the importance of rules and regulations. In my personal experience, every place I have stayed at has had its own set of rules, which were communicated to me prior to making a reservation. If someone prefers to limit their rental to four individuals, they can certainly do so by clearly stating their terms and conditions upfront. Therefore, the focus of our discussion is establishing a maximum standard for our town.

Commissioner Darton agreed that the regulations should be based on the property's capabilities. There should be a limit on the number of rooms, or if there is, it should be a reasonable limit. We might have guests with larger families who need more rooms. For example, a new family moved into our ward recently with eight children, totaling ten people in their house. If they had a larger house, they wouldn't be able to rent out any extra rooms under this statute to support their children. So, I'm not ready to move forward with this.

Scott Messel said as for what the states were trying to implement, there seems to be a trend where companies like Airbnb approach state legislators and offer to help regulate short-term rentals at the state level. They propose writing ordinances and collecting taxes on behalf of the towns and cities. This approach has been successful in

some states, but others, like Nevada, have faced challenges. There have been warnings from experts who have seen the impact of such regulations in other states and jurisdictions.

If the state or county were to make changes at the land use level, it would affect all towns, cities, and counties. However, each local government can have its own codes and ordinances. So even if Washington County had different codes, Hidden Valley would be governed by the county, and Leeds proper would be governed by the Leeds town ordinance. Changes in codes are common, and it's important to understand that they are living documents that require updates over time.

Regarding the complaint, Commissioner Darton felt that it would be beneficial to have a working meeting to review the latest information, including the state standards and proposed changes in SB 174. We should gather the necessary information, examine it, and discuss it during the working meeting to determine what a reasonable short-term rental ordinance for the town should look like. We can then adjust the proposed code based on the state law changes and bring it back for approval in a planning commission meeting. The town council can also be involved in this process.

Scott Messel said it's important to understand the definitions and terms related to short-term rentals, such as bed and breakfast and accessory dwelling units (ADUs). State law SB 174 provides guidelines and regulations for different types of short-term rentals, and we need to ensure our code aligns with these regulations. We can call it a short-term rental and specify that it must be an internal accessory dwelling unit, as defined in the state law.

There is also a discussion about whether requiring live-in care persons or management staff in rental properties could fulfill the owner-occupied requirement. While some jurisdictions have people trying to find ways around the requirement, it is crucial to have legitimate owner-occupancy, where the responsible party lives on the property and manages it full-time.

Commissioner Darton said, all these factors should be taken into consideration. That's why I suggest evaluating each property individually rather than arbitrarily setting a low number. In our community, we have homes with multiple bedrooms and ample parking spaces.

A citizen said "My neighbor, for instance, has seven kids, and they all have cars. So, there's a significant number of vehicles."

Commissioner Darton said When you own or occupy a property, there's no rule limiting the number of cars or children you can have. However, when the family grows up, and the kids move out, the parents might consider generating additional income, like running a bed and breakfast. But here's the thing, when we encounter issues with bed and breakfast establishments, one of the main concerns is parking availability. Many jurisdictions require off-street parking for these businesses. The challenge, though, is that we see cases where people legally park their cars on the street because it's a public space. They can't afford to provide off-street parking.

Scott Messel says this brings us back to enforcement. Currently, we struggle to enforce the existing ordinances. That's why we're discussing the need for better enforcement measures. As for the junk problem, it's frustrating because there are numerous rules in place in Leeds, but they aren't enforced consistently. Code enforcement isn't as simple as removing junk with a service like 1-800-Junk. It involves a

lengthy process, including issuing notices and allowing time for compliance. People sometimes disregard the notices, and it can take a long time to resolve these issues. In other counties, like Washington County, they have a more proactive approach to enforcement, issuing fines and placing liens on properties if necessary. However, it's a delicate balance because heavy-handed enforcement can create tension within the community. We need to find ways to achieve the desired outcomes without causing division. He offered a scenario on squatting; we don't currently have specific ordinances in place. In some cases, it may fall under state laws regarding trespassing and eviction. Since Leeds is a rural community, the presence of firearms might influence individuals to vacate property voluntarily. However, I believe it's worth exploring the need for additional measures to address this issue.

There is discussion on how to avoid the pitfalls of conditions people have experienced in California.

It was decided it would be beneficial to schedule a working meeting to review the latest information, discuss the state standards, and make necessary adjustments to the proposed code. The Planning Commission can take the lead in drafting the ordinance and conducting a public hearing before presenting it to the town council. It's important to ensure that the code aligns with state law and includes clear definitions for different types of short-term rentals.

Discussion Items: None

Staff Reports: None

Adjournment:


The meeting was adjourned at 8:16pm.

APPROVED ON THIS SEVENTH DAY OF JUNE 2023



Danny Swenson, Chairman

ATTEST:



Aseneth Steed, Town Clerk/Recorder

