

Town of Leeds

Planning Commission Meeting for Wednesday, July 5, 2023

Call to order: 7:00 p.m.

Chairman Roberts called to order the regular meeting of the Planning Commission at 7 PM on Wednesday, July 5, 2023.

ROLL CALL:

| | Present | Absent |
|------------------------------|---------|--------|
| CHAIRMAN: CHAIRMAN SWENESON | _____ | __X__ |
| COMMISSIONER: KEN HADLEY | __X__ | _____ |
| COMMISSIONER: TOM DARTON | __X__ | _____ |
| COMMISSIONER: GARY ROSENFELD | _____ | __X__ |
| COMMISSIONER: ALAN ROBERTS | __X__ | _____ |

Alternant Commissioners present: No
Town Planner, Scott Messel: present
Town Building Inspector: Dennis Mertlich

Invocation: Commissioner Darton

Pledge of Allegiance

Declaration of Abstentions or Conflicts: None

Agenda:

Commissioner Darton moved to approve the consent agenda and the Meeting Minutes June 7, 2023.. Commissioner Roberts seconded. Motion passed in a roll call vote.

ROLL CALL VOTE:

| | Yea | Nay | Abstain | Absent |
|------------------------------|-------|-------|---------|--------|
| CHAIRMAN: CHAIRMAN SWENSON | _____ | _____ | _____ | __X__ |
| COMMISSIONER: KEN HADLEY | __X__ | _____ | _____ | _____ |
| COMMISSIONER: TOM DARTON | __X__ | _____ | _____ | _____ |
| COMMISSIONER: GARY ROSENFELD | _____ | _____ | _____ | __X__ |
| COMMISSIONER: ALAN ROBERTS | __X__ | _____ | _____ | _____ |

Announcements:

- a. Fourth of July event recap with Beatification of Leeds Outreach Committee (BLOOM)

Doris McNally, speaking on behalf of the BLOOM committee, expressed gratitude to everyone who participated in the recent event. The day started with the Patriots Pancake Breakfast, organized by Steven Wilson and Danny Swenson, which attracted over 200 attendees and received tremendous support from volunteers. After breakfast, two awards were presented by the town council. The Beautification Award was given to Jerry Reposa for his efforts in cleaning garbage cans at the entrances to Route 15. The Spirit of Service Award went to Lorrie Hunsaker, recognized for her work with the cemetery and on the council. The parade commenced at 10 o'clock and was well-attended, with a broader invitation based on a suggestion from a neighboring town. The event saw active participation from veterans, with thanks extended to Ken, Wyatt, and Larry Bruley for their assistance. The BLOOM committee members, including Kohl Furley, Stephen Wilson, Doris McNally, Julie Bruley, Larry Bruley, Tracy Comas, and Lisa Price, the post office representative, ensured the day's success. The events concluded with a fireworks display arranged by the town council. Chairman Roberts praised the community's unity and expressed appreciation for everyone's contributions.

- b. Rocky Mountain Power's additional wildfire safety precautions may increase power outage and outage time. Plan ahead for back-up on electric medical devices

Chairman Roberts said Rocky Mountain Power informed the town about additional safety measures they are implementing for the 2023 wildfire season. These measures include using more sensitive protective settings on power lines to de-energize equipment in case of a short circuit, which may result in longer outages for safety reasons. They emphasized the importance of being prepared for outages and encouraged residents to have a backup power plan, especially if they rely on electricity for medical devices. The company also urged people to review their contact information to ensure they can be reached during an outage and provided resources for finding restoration information. There was a suggestion to make the wildfire safety information available on the website and possibly in the newsletter as well.

Public Hearing: None

Action Items:

- a. Election of Planning Commission Chairman and Chairman Pro Tem

Chairman Roberts nominated Danny Swenson as the chairman Seconded by Commissioner Darton. Motion passed in a roll call vote.

ROLL CALL VOTE:

| | Yea | Nay | Abstain | Absent |
|------------------------------|----------|-----|---------|----------|
| CHAIRMAN: CHAIRMAN SWENSON | ___ | ___ | ___ | <u>X</u> |
| COMMISSIONER: KEN HADLEY | <u>X</u> | ___ | ___ | ___ |
| COMMISSIONER: TOM DARTON | <u>X</u> | ___ | ___ | ___ |
| COMMISSIONER: GARY ROSENFELD | ___ | ___ | ___ | <u>X</u> |
| COMMISSIONER: ALAN ROBERTS | <u>X</u> | ___ | ___ | ___ |

Commissioner Darton nominated Gary Rosenfeld as the chairman pro tem. Commissioner Roberts second the motion. Motion passed in a roll call vote.

ROLL CALL VOTE:

| | Yea | Nay | Abstain | Absent |
|------------------------------|----------|-----|---------|----------|
| CHAIRMAN: CHAIRMAN SWENSON | ___ | ___ | ___ | <u>X</u> |
| COMMISSIONER: KEN HADLEY | <u>X</u> | ___ | ___ | ___ |
| COMMISSIONER: TOM DARTON | <u>X</u> | ___ | ___ | ___ |
| COMMISSIONER: GARY ROSENFELD | ___ | ___ | ___ | <u>X</u> |
| COMMISSIONER: ALAN ROBERTS | <u>X</u> | ___ | ___ | ___ |

b. Discussion possible action regarding conceptual Pump Station, Aaron Anderson

Aaron Anderson representative from Bowen and Collins and Associates Consulting Engineers, along with Randy Johnson from the Water Conservancy District, presented their application for a lot line readjustment in Leeds. Their general intent would be to, to have that lot line adjustment reviewed and approved. So, the district could purchase that piece of property, it's about one acre, from Thomas and Cynthia Beach on Red Cliffs Road to build a booster pump station for a regional water infrastructure project. The project aims to convey water from the Quail Creek Reservoir through the Quail Creek Water Treatment Plant benefiting the growing community.

They explained the need for two booster pump stations due to the significant elevation gain from the water treatment plant to the well field near Anderson Junction. Installing two pump stations would allow them to pump water in both directions. The representatives emphasized their willingness to work with the town of Leeds to ensure the facility's aesthetics blend well with the community.

They discussed potential designs for the pump station, considering its appearance and the height of the storage tank. The tank's height could be reduced to make it less visible and possibly be designed to be wider and lower. However, the presence of shallow groundwater in the area posed some design challenges, making it difficult to fully bury the tank.

Regarding the property acquisition, they mentioned that the Beaches, the current property owners, have shown willingness to sell the property for the project. Although the property is currently used for grazing livestock and has some impact on agricultural use, the representatives tried to align the lot line adjustment to minimize its impact on existing land use.

The commission members expressed their concerns about the visual impact of the facility and potential privacy fencing around it. They also sought clarification about the pump station's function and whether it would provide water service to the entire town. The representatives confirmed that the pump station would serve as a booster for the water system, and fire hydrants would be connected to the pipeline, providing better fire protection for the town.

The representatives assured the commission that they were open to suggestions and feedback on the aesthetics of the pump station and the storage tank. They wanted

to work together with the town of Leeds to find a design that is both functional and visually appealing to the community.

As for the property acquisition, the commission inquired about the existing agreements with the Beaches, and the representatives confirmed that they had a signed document with the Beaches for the lot line adjustment. The commission was informed that a formal contract might not have been finalized yet, but there was an understanding between the parties.

The commission mentioned that the approval of the lot line adjustment could be made without a public hearing. However, they indicated their interest in working with the representatives to ensure the facility's appearance aligns with the town's vision.

Commissioner Darton made a motion to approve the Lot Line Adjustment to Parcels L-HFM-1-B and L-10-B for Thomas and Cynthia Beach. Commissioner Roberts seconded. Motion passed in a roll call vote.

ROLL CALL VOTE:

| | Yea | Nay | Abstain | Absent |
|------------------------------|-------|-----|---------|--------|
| CHAIRMAN: CHAIRMAN SWENSON | ___ | ___ | ___ | __X__ |
| COMMISSIONER: KEN HADLEY | __X__ | ___ | ___ | ___ |
| COMMISSIONER: TOM DARTON | __X__ | ___ | ___ | ___ |
| COMMISSIONER: GARY ROSENFELD | ___ | ___ | ___ | __X__ |
| COMMISSIONER: ALAN ROBERTS | __X__ | ___ | ___ | ___ |

c. Discussion possible action on Leeds Mark-it business application, Traci Fieldsted

Chairman Roberts asked Traci Fieldsted to explain her plans for the RV park and market, which she refers to as a resort, for which she is applying for a business license. Traci stated that she and her mother own the RV park and market and offer overnight and monthly rentals. Scott Messel, the Town Planner, mentioned that they need a clear site plan and description for approval.

Traci provided a map showing the 20 sites they plan to improve and expand, instead of the originally approved 25 sites by the Health Department. The health department's approval was based on septic size. Commissioner Darton inquired if there was a current business license for the resort, and Traci confirmed that there wasn't one previously. She explained that she recently joined her mother in running the business.

The discussion covered the layout of the park, the type of rentals offered, and plans for amenities. The business license application is solely for the RV park and not for other structures on the property. However, Dennis Mertlich, the Town Building Inspector, brought up various compliance issues, such as electrical and water services and unit size requirements.

Don Fossen, the President of the LDWA board, suggested that the fire department should verify the compliance of fire hydrants in the area. Dennis Mertlich mentioned issues with water pressure and electrical services that need to be addressed. Traci explained that they have pedestals with power and water for the campers, but some may not meet the requirements for newer RVs.

Town Planner Scott Messel emphasized the importance of having a clear and defined plan for the proposed RV park project. He expressed concerns about potential

issues arising in the future if the project isn't properly documented and approved.

The number of existing bases in the park was discussed, and it was mentioned that there are currently 13 spaces with adequate water pressure and improved electricity.

To address the health and safety concerns, Messel and Chairman Roberts suggested conducting assessments by various entities, including the fire district and town inspector. These assessments would evaluate the potential backflow devices, piping size, electrical services, and the suitability of existing and planned spaces. He emphasized that the town's role is to ensure compliance with safety standards, and they want to help the property owner create a safe and successful RV park.

The property owner was urged to provide documentation from the health department and undergo inspections to ensure the project meets all requirements and codes. Messel and the commissioners reiterated that the town is not trying to obstruct the project but rather ensure its safety and compliance with regulations.

d. Discussion possible action regarding Building permit, 524 Schinle Circle, Kelly Strock

The property has an existing accessory building, and the residents are living in a trailer on the property. They have submitted a request for a building permit for a swimming pool. The property is in a residential subdivision, and the owner wants to construct the pool before building a home. However, this goes against the town code, which stipulates that a pool is considered an accessory use and can only be permitted after a residential home is constructed on the lot.

The commission's concern is that without a primary residential dwelling on the property, issues related to liability and access to the pool arise. Living on the property without a permitted dwelling is also problematic. The town code aims to ensure that residential properties have primary homes before allowing other structures or amenities, such as a pool.

The Commissioner Darton emphasized that the town is not against the idea of a pool on the property but that the code must be followed. The property owner shared their situation, mentioning that they lived in a trailer on the site for five years. They started to process for a building permit for the house, but injury halted the process. The current status of the accessory building and its relationship to the house was also discussed.

Ultimately, the town requires the property owner to have a residential dwelling constructed before approving the building permit for the swimming pool, in adherence to the town code.

Building inspector Dennis Mertlich emphasized that Another concern arose from the zoning of the property. The lot was supposed to be an R-R-1 (one-acre residential) zoning, but due to a past oversight, it was labeled as R-R-2 (two-acre residential). The zoning discrepancy needed to be resolved for proper setbacks before the building permits can be issued.

The planning commission discussed the options, and it was suggested to conduct a staff-initiated zone change to correct the zoning issue without burdening the property owner. The commission decided to approve the staff-initiated zone change once the necessary documents were submitted. This would allow the property owner to proceed with the pool while resolving the zoning matter for future construction of the house and it

would be considered one permit.

e. Discussion possible action regarding septic permit at 679 El Dorado Court, Dennis Mertlich

There is a current home on the two-acre property, and the owners wish to build a new home on the same lot. The reason for purchasing the property was not the existing home, but rather their need for a new home. However, zoning regulations do not allow for two structures or residences in that area.

To address this, Split Rock Construction, the contractor, discussed with the owners the possibility of converting the existing house into an accessory building and building the new house on the opposite end of the lot. This would ensure fairness and compliance with the zoning regulations. They explored different options for connecting the two structures, but those options were not feasible. Instead of demolishing the existing house, the plan is to turn it into a storage and garage area, with the kitchen removed. Without a kitchen, the house would be just a shell.

The new house will have its own septic tank, and the existing septic tank for the current house will be filled or dismantled or crushed.

Commissioner Darton inquired whether there will be any restroom facilities in the accessory building, to which Mertlich responded that the sewer line would run to the new septic for the new house.

According to Mertlich, the water district doesn't have any issues using the existing water service and then running a tap to the new building for the new home.

Commissioner Darton inquired about the current living situation of the homeowners. Mertlich clarified that they are not living there at the moment. Barbara Smith from Split Rock Construction explained that the homeowners have agreed to remove the kitchen and appliances while the new home is being built. They own another home where they will live until their new home is completed. Everything has been submitted to Dennis Mertlich, and once the permit is issued, they will proceed with the kitchen removal and appliances before moving back in.

Town Planner Scott Messel responded to Commissioner Darton's question about moving forward. He emphasized the importance to make ensure that the plans clearly indicate the existing house will be converted into an accessory building, not for habitation, as that it would not meet the town land use code for residence. The plans must describe the contingencies for the existing structure and the existing septic system on the application and building permit for future reference.

Commissioner Roberts emphasized the importance of documenting in black and white that there will not be two septic systems on the lot, and the building inspector must ensure that the existing septic will be made unusable.

Bart Smith from Split Rock Construction spoke up saying the county had approved it.

Commissioner Darton emphasized that two septic systems on one property were not allowed in the town code. He said it's crucial to make everything clear to avoid confusion or misunderstandings in the future.

Town Planner Scott Messel confirmed that While Messel personally believes a

casita or apartment dwelling could be suitable for the nearly five-acre lot, that does not matter because it is not permitted by the town code.

Commissioner Roberts said no action was needed for this matter, and the focus should be on ensuring that the building permit clearly indicates that the property will have only one residential dwelling and an accessory building that is not a residence, as it is a single-family zoned lot with no allowance for multifamily residences. The requirements for the permit should be thoroughly understood and followed. He said the planning commission did not need to review the application. That is the staff's obligations.

Commissioner Darton reiterated again the need for clarity to avoid any issues or questions that may arise later regarding the construction and use of the property.

Don Fawson from the LDWA water board requested to clarify that there will not be an additional tap served to the property.

Chairman Roberts mentioned that LDWA had reached out a few weeks ago inquiring about the property and he expressed confusion about why they would ask again unless they intended to add another tap. He added that as a shareholder in LDWA, he would be concerned about such a decision as it would involve giving up water shares.

Fawson confirmed that there would not be an additional tap.

Commissioner Darton inquired if they needed to approve this, to which Chairman Roberts responded it is not an action item but a discussion item. No approval vote was necessary.

Bart Smith expressed his confusion about the need to attend the meeting if no approval was required.

Chairman Roberts clarified that the purpose of having it as an agenda discussion item was to ensure absolute clarity with the applicant and to facilitate dialogue between the staff and the land use authority in Leeds (Planning Commission) to ensure that all documentation correctly reflects what will happen with the existing structure when everything is completed.

Discussion Items:

- a. Continued evaluation of consolidated fee schedule

Chairman Roberts opened the discussion about the consolidated fee schedule. It was decided that a work meeting to address the consolidation fee schedule should be considered. They mentioned the possibility of holding it on the 26th of the month at 5 or 6 o'clock in the evening. They also considered the option of having the meeting earlier in the day to accommodate everyone's schedule. They finalize the date and time for the work meeting to review and discuss the fee schedule on July 26, 2023, at 5:00 pm.

Adjournment:

The meeting was adjourned at 8:43 pm.

Approved on this second day of August 2023

Danny Swenson, Chairman

ATTEST:

Aseneth Steed, Town Clerk/Recorder