

Town of Leeds

Agenda Town of Leeds Planning Commission Wednesday, Aug 2, 2023

PUBLIC NOTICE is hereby given that the Town of Leeds Planning Commission **PUBLIC MEETING** scheduled for Wednesday, Aug 2, 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
 - a. Oath of Office: Rochelle Gardner for Alternate position 3, Term ending June 30, 2024
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 July 05, 2023
6. Announcements:
 - a. Dumpster Days , September 1,2 & 3, Dumpsters located on Cherry Lane
 - b. Town of Leeds appointment of Code Enforcement Officer is Morgan Abel
7. Public Hearing:
 - a. ORDINANCE NO. 2023-03, AN ORDINANCE AMENDING CHAPTER 21, SECTION 14, RELATED TO VACATING, ALTERING, OR AMENDING A SUBDIVISION PLAT/MAP
8. Action Items:
 - a. Recommendation to Town Council regarding ORDINANCE NO. 2023-03, AN ORDINANCE AMENDING CHAPTER 21, SECTION 14, RELATED TO VACATING, ALTERING, OR AMENDING A SUBDIVISION PLAT/MAP
 - b. Discussion possible action regarding Short -Term Rentals and Residential Hosting Facilities(RHF)
9. Discussion Items:
 - a. Town of Leeds Hosting the 2023 Cycling Event, Jason
 - b. Continued evaluation of consolidated fee schedule
10. Staff Reports
11. Adjournment

The Town of Leeds will provide 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 July 31, 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.leetstown.org.



Aseneth Steed, Clerk/Recorder

Town of Leeds

Amended-Agenda Town of Leeds Planning Commission Wednesday, Aug 2, 2023

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 - a. Recommendation to Town Council regarding ORDINANCE NO. 2023-03, AN ORDINANCE AMENDING CHAPTER 21, SECTION 14, RELATED TO VACATING, ALTERING, OR AMENDING A SUBDIVISION PLAT/MAP
 - b. [Discussion possible action regarding Lot Line Adjustment on L-78-D-1 and L-78-C-5, Brian and Shelly Hansen](#)
 - c. Discussion possible action regarding Short -Term Rentals and Residential Hosting Facilities(RHF)
9. Discussion Items:
 - a. Town of Leeds Hosting the 2023 Cycling Event
 - b. Continued evaluation of consolidated fee schedule
10. Staff Reports
11. Adjournment

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Aseneth Steed, Clerk/Recorder

Town of Leeds

Planning Commission Meeting for Wednesday, August 2, 2023

Call to order: 7:00 p.m.
Chairman Swenson called to order the regular meeting of the Planning Commission at 7 PM on Wednesday, July 5, 2023.

ROLL CALL:

	<u>Present</u>	<u>Absent</u>
CHAIRMAN: DANNY SWENSON	X	_____
COMMISSIONER: KEN HADLEY	X	_____
COMMISSIONER: TOM DARTON	X	_____
COMMISSIONER: GARY ROSENFELD	X	_____
COMMISSIONER: ALAN ROBERTS	X	_____
TOWN PLANNER: SCOTT MESSEL	X	_____
ALTERNATE COMMISSIONER:	_____	_____

Invocation: Chairman Swenson

Pledge of Allegiance

Oath of Office: Rochelle Gardner

Declaration of Abstentions or Conflicts: None

Agenda:

Chairman proposed moving line 9a Discussion regarding Town of Leeds Hosting the 2023 Huntsman Cycling Event to the announcements, so the guests did not have to wait to the end of meeting. Commissioner Roberts proposed adding 8c. as Brian Hansen’s internal lot line adjustments to the agenda.

Commissioner Darton moved to approve the agenda with the modifications of addressing 9a Discussion regarding Town of Leeds Hosting the 2023 Huntsman Cycling Event after the announcements and adding 8c. Discussion possible action

regarding the internal Lot Line Adjustment between L-78-D-1 and L-78-C-5 of Brian and Shelly Hansen’s properties. Commissioner Hadley seconded the motion. Motion passed in a roll call vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
CHAIRMAN: DANNY SWENSON	X	_____	_____	_____
COMMISSIONER: KEN HADLEY	X	_____	_____	_____
COMMISSIONER: TOM DARTON	X	_____	_____	_____
COMMISSIONER: GARY ROSENFELD	X	_____	_____	_____
COMMISSIONER: ALAN ROBERTS	X	_____	_____	_____

a. Meeting Minutes of July 05, 2023

Commissioner Darton motioned to approve the meeting minutes of July 5, 2023, with change of Commissioner Darton opening the meeting. Commissioner Roberts seconded the motion with modification. The motion passed in a roll call vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
CHAIRMAN: DANNY SWENSON	_____	_____	X	_____
COMMISSIONER: KEN HADLEY	X	_____	_____	_____
COMMISSIONER: TOM DARTON	X	_____	_____	_____
COMMISSIONER: GARY ROSENFELD	_____	_____	X	_____
COMMISSIONER: ALAN ROBERTS	X	_____	_____	_____

2. Announcements:

- a. Dumpster Days , September 1,2 & 3, Dumpsters located on Cherry Lane
- b. Town of Leeds appointment of Code Enforcement Officer is Morgan Abel

Discussion regarding Town of Leeds Hosting the 2023 Huntsman Cycling Event

Jason Renault, who serves as the director for all cycling and triathlon events at the Huntsman World Senior Games, expressed gratitude for the support received from Leeds the previous year, highlighting the town's amazing response. He mentioned that the Games had approached him with a desire to extend their events beyond St. George into Washington County, aiming to engage senior teams county-wide. Jason explained that after scouting locations, he had proposed a route change to improve the race's flow, avoiding a 180-degree turn and making it more convenient for participants and traffic.

He appeared before the council seeking approval to host the event again. Jason acknowledged that he should have initiated discussions earlier but pointed out that there was still more than two months until the October 12th event date. He hoped that the council would consider their request, as the Games had urgently requested his involvement due to a tight schedule. He conveyed their intent to keep the event relatively small, with fewer than 250 participants, expanding to 500 in the future. He assured me that they had decided on traffic control and had secured additional insurance coverage.

Regarding parking, he mentioned their intention to utilize the church parking lot, considering that a portion of the road adjacent to the church was town property. Jason indicated they had reached out to the church for approval and appreciated their support in the previous year.

If granted approval, Jason informed the council of their plans to recruit volunteers, offering incentives such as T-shirts and coupon packets to encourage participation from local businesses. He emphasized their commitment to being good neighbors and contributing positively to the community.

The race would conclude at the park, with proper traffic control measures in place to minimize disruption for residents. Jason assured the council that they had arrangements for medical services, considering the age demographics of Senior Games participants.

In terms of road crossings, Jason assured the council that they would have crossing guards in place to ensure safety. He stressed their continued collaboration with local authorities and their commitment to addressing community needs.

Jason expressed readiness to accommodate any specific concerns or requirements the council might have and hoped to maintain a positive partnership with Leeds, making this year's event even better. He thanked the council for considering their proposal.

Angela Rohr recommended that the town investigate to ensure that the cycling event does not overlap with the construction schedule of the water conservancy pipeline project.

3. Public Hearing:

Ordinance No. 2023-03, An Ordinance Amending Chapter 21, Section 14, Related To Vacating, Altering, Or Amending A Subdivision Plat/Map

Chairman Swenson said, there will be a public hearing concerning Ordinance Number 2023, specifically, an ordinance that amends Chapter 21 and Section 14 related to vacating or altering a subdivision plat. Scott will provide an explanation of the proposed changes.

Town Planner, Scott Messel emphasized the need to adapt the town's code to align with changes happening at the state level. He mentioned that some exemptions in the state code do not require a public hearing for certain types of subdivisions, and these changes are intended to ensure compliance with state mandates.

In response to a question, Scott clarified that the proposed amendments aim to bring the town's code in line with recent state-level updates. These changes are not negotiable but rather an effort to align with state regulations.

Scott acknowledged that while public comments would be welcome, regardless they would need to comply with state requirements. One commissioner raised a question about the possibility of disagreeing with the state, but it was clarified that the goal was to align with state regulations while offering input on verbiage and making recommendations within that framework of the ordinance.

The planning commission discussed the process and agreed to open the public hearing. The planning commission would then make recommendations to the Town Council.

Commissioner Roberts Moved to open the Public Hearing for Ordinance 2023-03, amendment to Chapter 21, Section 14 related to vacating, altering. Or amending a subdivision Plat/Map. Commissioner Darton seconded the motion. Motion passed in a roll call vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
CHAIRMAN: DANNY SWENSON	x	_____	_____	_____
COMMISSIONER: KEN HADLEY	X	_____	_____	_____
COMMISSIONER: TOM DARTON	X	_____	_____	_____
COMMISSIONER: GARY ROSENFELD	X	_____	_____	_____
COMMISSIONER: ALAN ROBERTS	X	_____	_____	_____

The commission agreed to proceed with the public hearing and asked any members of the public present to come forward, state their names, and provide any comments or questions.

Lynn Potter expressed that while the proposed changes align with state regulations, he had concerns after consulting with his attorneys. Lynn emphasized that soon the administrative authority might shift to the Planning Commission as required by laws to be changed by December 2024. The specific section that raised concerns with him and his attorney was 21.14.10.2, which stated that no person should be materially injured by the proposed action, alteration, or amendment. Lynn explained that they were during legal proceedings with Leeds and cited her previous presentation regarding a future road's right-of-way line and the Roundy Mountain cul-de-sac in Silver Meadows Estates. He expressed concern that if the code were changed to allow for the vacation of subdivisions without considering future implications, it could affect their ongoing legal case.

Potter suggested that a change be made to the wording, proposing that it should state, "will be materially injured by the proposed action, alteration, or amendment, now or in the future." He acknowledged that this was a significant request but emphasized his potential legal disputes resulting from the code change.

At this point in the discussion Scott encouraged the commission to listen and take recommendations from the public and have discussion afterwards.

In his statement, Lynn Potter expressed his concerns about the town's expenditure, particularly on the town's attorney, Craig Hall. He mentioned that dealing with Craig was costly and that Potter had a strained relationship with him. Potter pointed out that much of the information needed for the situation could be obtained from level one, without incurring legal costly fees. Potter highlighted that the town was spending tens of thousands of dollars in their legal battle against him, and he desired to help the town save money. The town should take the initiative to research and understand the ordinance system on their own. Potter said he anticipated changes in the future, likely by the end of 2024. He believed that by working with Scott and a layperson, the town could save thousands of dollars by adopting Scott's recommendations not Craig's.

"Good evening, my name is Brock Riding, and I would like to be provided with a copy of the studies and to see your notice. Thank you very much."

Commissioner Roberts Moved to close the Public Hearing for Ordinance 2023-03, amendment to Chapter 21, Section 14 related to vacating, altering. Or amending a subdivision Plat/Map. Commissioner Darton seconded the motion. Motion passed in a roll call vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
CHAIRMAN: DANNY SWENSON	X			
COMMISSIONER: KEN HADLEY	X			
COMMISSIONER: TOM DARTON	X			
COMMISSIONER: GARY ROSENFELD	X			
COMMISSIONER: ALAN ROBERTS	X			

Commissioner Darton expressed concerns about the difficulty of expecting someone to be aware of and address issues that may arise in the future. He emphasized the impossibility of predicting future problems and the importance of focusing on current issues. Darton also noted a specific section in the proposal that outlines a time for raising objections to address potential future concerns.

Mr. Lynn Potter said I agree, and I will take advantage of that. But, of course, this is more than that. However, if it said in the ordinance that, hey, this person will be harmed, and you have been notified in the future it brought to your attention. That's it, that's the difference. No matter what, that is a cat of a different color. It is brought to your attention.

You're right. That's the key word and if it's not something that they know about.

Town Planner Scott Messel cautioned that careful wording is essential when addressing these issues. He acknowledged the importance of following the states' recommendations but highlighted the challenge of binding future legislative bodies. Messel shared a story from his experience in code enforcement, illustrating the difficulty of legislating intent for future development. He recounted a situation where a property owner from the 1940s wanted to build a fourplex in 2008, highlighting how codes and regulations change over time, making it challenging to provide blanket approval for future developments without knowing when or if they will occur.

Mr. Lynn Potter proposed a solution, suggesting a method used in town ordinances when there are objections and issues with wording. He explained that in such cases, an exemption is often created to make the ordinance functional. Potter recommended inserting a clause in the ordinance that explicitly states that certain rights or easements, such as "Lynn Potter's right of way," would not be removed from the subdivision. This approach allows for specific protections while addressing objections and challenges in the wording of the ordinance.

Commissioner Darton expressed agreement with the idea of discussing this matter with the town council regarding specific issues. However, he emphasized that upon reviewing the proposed language and the concerns Potter previously mentioned, he believed there were significant problems with it. Consequently, Darton could not personally recommend it to the town council. Nonetheless, he indicated a willingness to consider recommending it if a solution could be found that addresses these issues and ensures protection.

Chairman Swenson asked if anyone had any further comments, to which Commissioner Roberts responded with a few remarks. Roberts mentioned that there is a forthcoming change in state legislation that will impact a portion of tonight's agenda. He expressed support for certain aspects of the state code that simplify property management without infringing on property owners' rights. However, Commissioner Roberts also expressed caution regarding government-initiated changes or broad language, such as the open-ended language in the current discussion. He acknowledged the need for some protection, as mentioned by Lynn, but emphasized the importance of maintaining a careful balance.

Roberts pointed out a discrepancy in the appeal process, specifically referencing section 21.14.10.5, which outlines the appeal process but mentions a Board of Adjustments. He noted that the town had not had a Board of Adjustments for some time and suggested that the appeal authority needed to be determined. The document suggests that the Planning Commission could serve as the appeal authority.

Roberts highlighted that the state code allows some flexibility for municipalities to adjust. He also mentioned the importance of resolving issues like roads and property line adjustments during the initial subdivision process. However, he expressed reservations about the government's ability to vacate entire subdivisions and recommended changing the section related to the Board of Adjustments.

Town Planner Scott Messel explained the need for an appeal process in the discussion. He mentioned that the appeal process has evolved over time due to changes in state code. In the past, many jurisdictions had a Board of Adjustment that handled appeals separately. However, as the state code changed, a Hearings Officer was created as a means of appeal, replacing the traditional Board of Adjustment.

Messel clarified that the appeal authority can be an individual in some cases, and he provided examples of various scenarios where appeals might occur. He emphasized that the appeal authority depends on the specific decision and its nature. For instance, if someone wants to appeal against a decision made by staff or the Planning Commission on a conditional use, the appeal process may involve different authorities. Messel also noted that the Town Council wouldn't necessarily serve as the appeals authority for decisions they would later review legislatively; instead, they might simply overturn those decisions without conducting a full planning review.

Commissioner Roberts acknowledged the previous existence of a hearing officer, which Mr. Potter could attest to, and the number of appeals made against the Town of Leeds. Roberts emphasized the need to update the language from "Board of Adjustments" because there was no such board currently. He suggested that it would be more appropriate for the appeal authority to revert to the Planning Commission.

Roberts reasoned that the Planning Commission, being a group of individuals that would exist if Leeds remained a municipality, would serve as a consistent and suitable appeal authority. He noted the challenges of finding volunteers for a Board of Adjustment, maintaining their training, and ensuring unbiased decision-making during appeals.

He emphasized the importance of objective decision-making in appeal cases and highlighted the difficulty of detaching personal biases when reviewing appeals. Roberts indicated that there were two sections to address, and they were providing comments and suggestions to be sent to the Town Council for further review by the attorney.

Regarding the second point in section 14.2, Roberts pointed out that it stated that if the Town Council is satisfied to the best of its knowledge and information that a new subdivision complies, then it should be approved. However, he raised the issue of what would happen if problems were later discovered after approval.

Roberts encouraged a thorough examination of these issues to ensure that the language and procedures were suitable for the town's needs and potential future developments.

Commissioner Darton expressed concern that the Town Council might interpret the word "satisfied" to imply that they were unaware of the issue. He emphasized the importance of clarity in the language proposed and pointed out that the document being discussed was the updated version, while what they were looking at earlier was the original ordinance.

He sought clarification on whether the language modifications addressed conflicts arising in the future. Commissioner Rosenfield responded by suggesting that the terms "knowledge and information" and "modified conflict statements" were linked and that they qualified each other. He agreed that the proposed changes were designed to cover situations where the Town Council lacked knowledge of a potential issue.

Legal Counsel was asked for input on the conversation, and it was suggested that the document be sent to the Town Council after further discussion and possible revisions.

Commissioner Roberts asked if the document they were currently discussing was the most recent proposal and if it had been officially posted. The Town Clerk/Recorder confirmed that it was indeed the posted document.

Roberts then suggested that since the document had already been posted for public hearings, their public hearing had been sufficient. He recommended moving forward and recommending the document to the Town Council with any desired changes. He also noted the importance of considering legal counsel's input, especially if their recommendations conflicted with state regulations.

Commissioner Darton proposed modifying the language and recommended new phrasing to the Town Council. He suggested language stating that the Town Council should be satisfied that neither the public nor any person would be materially injured by a proposed action, alteration, or amendment now or in the reasonably foreseeable future. Additionally, he proposed replacing "Board of Adjustment" with "Planning Permission" in section 21.14.10.5.

Commissioner Roberts expressed reservations about the term "now or in the reasonably foreseeable future," considering it too open-ended. Darton defended his suggested language, emphasizing that it was essential to base decisions on the Town Council's current knowledge and information.

Commissioner Darton moved to approve the proposed amendments to ordinance number 2023-03, An Ordinance Amending Chapter 21, Section 14, Related To Vacating, Altering, Or Amending A Subdivision Plat/Map suggesting the following changes:

1. In Section 21.14.10.2, add the words "to the best of their knowledge, information, and belief" after the word "satisfied" in the first line.
2. In Section 21.10.5, replace "board of adjustments" with "planning Commission" in both places.

Roberts proposed moving the amended ordinance forward to the Town Council with a recommendation for approval. The motion was seconded by Commissioner Roberts. Motion passed in a roll call vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
CHAIRMAN: DANNY 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>	_____	_____	_____

During this part of the meeting, there was a discussion between Brook Reding and the planner regarding making the proposed changes public through a public hearing. The planner clarified that the public hearing had already occurred because the proposed ordinance had been posted. He mentioned that there would be a second public hearing at the town council level.

The Town Clerk provided clarification for those present at the meeting. She explained that the ordinance she had just distributed was the redline version. The clean version that had been published was the same version as the one in their folders. She mentioned that she had provided the red-line changes to make it clearer since there was dialogue about the original version.

She emphasized that the public hearing had been specifically for the ordinance that had been posted since July 26, 2023, and attendees could find the red-line version included with the posted notice at the Post Office, Town hall notice board and, in the office, both versions were now included in the folders for reference.

Discussion possible action regarding Short -Term Rentals and Residential Hosting Facilities (RHF)

During Scott Messel's staff report, he discussed the history and issues related to short-term rentals in the county. He mentioned that the county had amended its code about 18 months ago to address concerns about short-term rentals being used as event spaces in residential areas. The changes aimed to strike a balance between property owner rights and the rights of neighbors affected by short-term rentals.

Messel explained that the county had clarified the definition of an event and introduced regulations to address issues like trash disposal and the requirement for short-term rentals to be owner-occupied. He noted that some short-term rentals were grandfathered in due to past weak ordinances.

He raised the question of whether the Planning Commission was in favor of making changes to short-term rental regulations, as previous discussions had not led to concrete actions. He also mentioned the availability of different versions of the ordinances for review.

Commissioner Darton expressed a desire to review the current version of Leeds short-term rental ordinances more carefully before making any decisions.

Finally, there was a discussion about scheduling a work meeting to further discuss short-term rental regulations, with a proposed date of September 6, 2023, 5:00

Discussion was tabled.

Commissioner Rosenfield moved to table the discussion possible action regarding Short-Term Rental and residential hosting facilities. Commissioner Roberts Seconded.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
CHAIRMAN: DANNY 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>	_____	_____	_____

Discussion possible action regarding Lot Line Adjustment on L-78-D-1 and L-78-C-5, Brian, and Shelly Hansen

During Scott Messel's staff report, he discussed a lot line adjustment proposal for two

parcels owned by the Hansons. He presented a map with a blue line indicating the official property line. The smaller parcel was 0.54 acres, and the larger one was 3.59 acres. The smaller parcel did not have street frontage, so the property owners were proposing a lot of line adjustment to create a more suitable configuration.

The proposed lot line adjustment would change parcel one to 2.01 acres. Parcel two, which touches Main Street, would meet the requirements for the rural residential 20,000-square-foot zone and would not be considered a flag lot.

Scott Messel recommended approval of the lot line adjustment based on findings, including compliance with minimum lot size requirements, adequate street frontage for each parcel, meeting lot width requirements, and compliance with state and town regulations.

Commissioners discussed the proposal and had some questions about easements, but it was clarified that the lot line adjustment did not affect any easements.

Commissioner Darton motioned to approve the proposed Lot Line Adjustment on L-78-D-1 and L-78-C-5, Brian, and Shelly Hansen, subject to the findings, and the motion was seconded by Commissioner Roberts.

Motion passed in a roll call vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
CHAIRMAN: DANNY SWENSON	<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: GARY ROSENFELD	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
COMMISSIONER: ALAN ROBERTS	<u>X</u>	<u> </u>	<u> </u>	<u> </u>

4. Discussion Items:

a. Town of Leeds Hosting the 2023 Cycling Event
 Moved to the first of the meeting.

b. Continued evaluation of consolidated fee schedule

Tabled to September 6, 2023, Work Session

5. Staff Reports

6. Adjournment

Adjournment:

The meeting was adjourned at 8:45 pm.

Approved on this Sixth day of September 2023



Danny Swenson, Chairman

ATTEST:



Aseneth Steed, Town Clerk/Recorder