

Town of Leeds

Planning Commission Meeting for Wednesday, September 06, 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, September 06, 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: Commissioner Ken Hadley

Pledge of Allegiance

Declaration of Abstentions or Conflicts: None

Agenda:

Chairman Swenson proposed to approve the agenda of September the 6 with these changes:

6.b. Announcements, Service project date is changed to September 9, 2023

8.a. Action item will be struck from the agenda for notice noncompliance and will be addressed at the next meeting.

8. Action item E regarding the grading permit review for L-3-1-7-2481 was resolved early today through legal consultation

Planner, Scott Messel called to strike 8. Action items B, C, and D, as their applications do not comply with Leeds current short term rental policy based on Chapter 24, Home Occupation, where it states that only owner-occupied residences are eligible for conditional use.

Commissioner Darton motioned to approve the agenda with the modification to 6.b and strike Action Items 8. A, B, C, and D from the agenda. Commissioner Rosenfield 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 August 9, 2023

Commissioner Roberts motioned to approve the meeting minutes of August 9, 2023. 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	_____	_____	_____

6. Announcements

- a. September 11, 2023, Flag Retirement Ceremony, 7:00pm at the town park followed by pie and Ice cream. Flag drop off options at Townhall or with Ken Hadley.

Chairman Swenson reminded that on September 11 19 terrorists changed the world, and since then, things have never been the same. The fire department in Los Angeles was on lockdown for a week, and there was a lot of emotion during that time. Many religious and service organizations worldwide have chosen to honor 9/11 by doing community service. Leeds is also participating, planning an event on Saturday, September 11th, because it's a more convenient day for most people. We'll meet at the Town Hall and the park between 9 AM and 12 PM. The goal is to beautify Leeds by trimming vegetation, cleaning up the park, and tidying Main Street. Please bring gardening tools and other equipment. We might make this a regular quarterly event for town beautification. This event serves as a

reminder of the significance of 9/11.

Additionally, we have dumpsters available at the park and the church. Spread the word and invite your neighbors and friends. If you can only join from 11 AM to 12 PM, that's great too.

a. September 14-19, 2023 Leeds Service project, 9AM to 12 PM

Commissioner Hadley voiced on 9/11, we're planning a flag retirement ceremony to properly dispose of flags that are no longer serviceable. The postal office provided us with a bunch of flags and suggested this respectful way to handle them. The governor has also declared September as a constitutional month, which aligns with this idea. BLOOM, our events committee agrees, so we're going to hold the flag retirement ceremony at around 7 PM in the park. If you have any flags that need retiring, please bring them to the box on the porch here at Town Hall. I'll collect them and ensure they are retired properly.

Afterward, we'll have plenty of ice cream, which we hope will encourage more people to participate in this community service event and get together. We encourage everyone to join us.

Chairman Swenson said, I think this is a fantastic initiative. Given my background and yours in military service, I strongly believe in the importance of respecting the flag. It's disheartening to see the flag being mishandled in various situations. This event is an excellent opportunity to teach our youth, and others as well, about the proper way to treat the flag.

I also attended the BLOOM meeting last night, and I must say, they're doing a commendable job. For the record, BLOOM stands for Beautification and Leeds Outreach Committee. The OM comes from the committee. They're dedicated and organized, planning some exciting activities for October. They're even getting professional signs made. Their efforts to enhance our community's appearance are truly praiseworthy. Ken and I had the chance to discuss our activities with them, and they seemed genuinely interested and supportive.

7. Public Hearing

a. Amended Subdivision Preliminary Plat Application for Silver Creek Estates, A Planned Development Community, net development area 102.5 acres located in a portion of the Northwest quarter of Section 6, Township 41 south, Range 13 West, S.L.B.M

Chairman Swenson asked Scott to start the dialogue.

Scott Messel gave a map orientation overview and Staff Report for Silver Creek Estates, Amended Plat

Applicant/Owner: SITLA
Zone: R-1-2 & R-1-5

Description:

SITLA (School and Institutional Trust Lands Administration) received Preliminary Plat approval for the Silver Creek Estates subdivision in 2005. The approved subdivision consisted of 45 lots on approximately 115.52 acres. Eleven (11) lots on approximately 37.40 acres are zoned R-1-5. The thirty-four (34) remaining lots are zoned R-1-2. The open space total approximately 29.78 acres in size. In May 2007 the final plat for Phase I was approved by the Town Council. Phase I consisted of 15 lots. Due to the economic crisis and housing crash the development did not move forward. SITLA wants to move forward with the subdivision at this time, with some minor changes. The applicant is proposing to relocate the approximately 9.63 acres of common area to the west on additional land owned by SITLA. The property is rich in history and archeological remnants of the historic Silver Reef mining community. The property could be dedicated to Washington County or Silver Reef. Washington County has expressed interest in preserving the subject parcel. The modified plat has the same total of 45 lots as the original approved plat. However, the reconfiguration has 12 lots in the R-1-5 zone and 33 lots in the R-1-2 zone.

The subdivision met the applicable Town of Leeds codes and ordinances at the time of the approval including water and septic requirements.

Recommendation:

The Planning Commission may recommend approval of the amended plat application for Silver Creek Estates subdivision to the Town Council based on the following findings and conditions:

1. The total number of lots has not changes from the approved preliminary plat.
2. The change to open space protects historically significant grounds.
3. The proposed subdivision layout has appropriate road network and lot configuration.
4. The required public hearing was properly noticed and held on September 6, 2023.
5. A low-density residential development on this parcel is consistent with the general plan.
6. That special care is used to minimize scarring, by using native materials for the cuts and fills.
7. That the applicable town code and ordinances have been met.

Commissioner Darton made a motion to open the Public Hearing for Amending the Subdivision Preliminary Plat Application for Silver Creek Estates, A Planned Development Community, net development area 102.5 acres located in a portion of the Northwest quarter of Section 6, Township 41 south, Pange 13 West, S.L.B.M. Commissioner Rosenfield seconded the motion. The 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>	_____	_____	_____

Chairman Swenson said we're now opening the floor to the public for comments and questions. Each speaker will have up to three minutes. Please state your name for the record, and we'll respond to questions after the public hearing.

Commissioner Darton sought clarification from Scott regarding the red areas marked as open space on the map. Scott explained that these areas were designated as no-build zones due to topography, and while labeled as open space, they remained part of private lots. Commissioner Roberts emphasized that these areas function more as no-build zones than traditional open space. Scott mentioned that if this were a new subdivision, they might not designate it as open space, but it was approved as such in 2005. Commissioner Darton noted that most of the 14 acres in question were not accessible to the public, requiring trespassing on private property. Scott confirmed that the plan was to sell that portion to someone else. This discussion clarified the nature of the designated open space and its relationship to private properties.

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.

In this dialogue, the key points discussed are as follows:

Susan Savage:

1. The discussion revolves around the plat map, particularly focusing on proposed changes in open space.
2. Concerns are raised about the proposed location of open space, which includes a historic area where the old Christie mill was and the repository for uranium tailings. Additionally, there's a mention of a water conveyance issue related to the high-water ditch, which is a private system not part of the irrigation company.
3. The high-water ditch is described as active during high-water periods and engineered to prevent stormwater runoff. Property owners downstream claim water rights in this ditch.
4. Questions arise about whether the preliminary plat accommodates the high-water ditch and water rights protection. The importance of respecting water rights in the arid West is emphasized.

5. Attendees express a willingness to pay for a survey of the ditch and request assistance from the town in resolving the issue.

Overall, the discussion focuses on concerns related to water rights, the proposed open space, and the need for a survey of the high-water ditch.

Greg Esteban, 710 N Juniper

1. The creek runs through the middle of their property, limiting their ability to build or use the north side of their land. They express enjoyment of the creek's presence.
2. The concern is raised that if water rights are lost upstream due to changes in the creek's flow, it could impact downstream properties. The speaker questions what would happen in the event of a break or disruption in the creek's flow and how it would be maintained.
3. The speaker emphasizes the importance of addressing the water flow issue and suggests that the creek is a significant natural feature as it is visible on maps and Google Earth.
4. They express surprise at only recently learning about this issue, given that it dates back to 2005, and they request that the discussion be paced slowly to allow for thorough consideration and addressing of questions and concerns from the community.

Patrick Collins, 640 N Juniper

1. Patrick's property borders the Silla Reef Highlands area, and he expresses concerns about the proposed development, which would sandwich his property between two thoroughfares.
2. He highlights the value of open space in the area, particularly a ravine that is unbuildable and serves as a flood area. He mentions wildlife, such as deer and turkeys, which frequent the open space.
3. Patrick expresses concerns about the sudden increase in high-density housing in an area that traditionally had low density. He emphasizes the need for more open space.
4. There is a discussion about the proposed development's zoning, with clarification that R5 refers to roughly five-acre parcels, and R2 refers to roughly two-acre parcels. The focus is on residential zoning.
5. Patrick questions the purpose of the R5 and R2 properties and notes that while the development is not as high-density as some areas, it represents a significant change for the region.
6. The discussion includes a visual representation of the proposed development and its impact on the area.

In summary, Patrick Collins raises concerns about the impact of the proposed development on open space, wildlife, and the overall character of the area, emphasizing the need to preserve open spaces and maintain lower-density housing.

Brad Robbins, 775 Juniper Way

1. Robbins questions whether the term "amended preliminary plat" accurately reflects the situation, as he believes it's essentially a new preliminary plat since the original was never recorded. He emphasizes the need to ensure that the development adheres to the town's zoning requirements.
2. Robbins discusses concerns about access, particularly an access point leading to BLM land, which has attracted individuals attempting to access it inappropriately. He expresses a preference for not having access to BLM land and maintaining its integrity.
3. He briefly mentions septic requirements for parcel size and questions how the development is grandfathered in with septic rights.
4. Robbins raises concerns about short-term rentals and suggests considering restrictions as a condition of approval, aligning with the HOA's requirements and the town's current owner-occupied short-term rental regulation.
5. He acknowledges the need to protect the neighborhood's quiet community and prevent disruptions caused by short-term rentals.

Overall, Brad Robins highlights the need for careful consideration of zoning requirements, access points, water rights, and short-term rental regulations in the proposed development. He also suggests the possibility of revisiting and modifying certain aspects of the project.

Wayne Peterson, 975 Bonanza

1. He mentions the issue of the second access road and highlights that some land was developed when it was still in the county before it was annexed into Leeds. He notes that the road through Oak Grove connecting to St. George was considered a second access, even though it may not be suitable for all vehicles.
2. Peterson emphasizes that preliminary plats are not typically recorded, and he points out the importance of considering time limits outlined in ordinances for moving from preliminary plat to final plat and recording the final plat.
3. He raises concerns about septic rights and suggests reviewing agreements with the Washington County Water Conservancy District, particularly regarding whether a preliminary plat parcel qualifies for septic rights.
4. Peterson cites a legal case involving SITLA and Wayne County Utah, which determined that SITLA was not subject to county zoning ordinances. He explains that state law limits municipalities' ability to enforce land use ordinances on SITLA's land.
5. He acknowledges that he and his wife were aware of the land configuration when they purchased their property in 2011. He also supports adhering to the town's zoning requirements for two-acre and five-acre parcels.
6. Peterson discusses the importance of maintaining water flow through the ditch, especially during heavy rains, to prevent water from finding alternative paths.
7. He mentions his appreciation for the town's efforts to work with SITLA on the development.
8. Peterson highlights that part of the waterway runs across his property.

Overall, Wayne Peterson raises concerns related to access, septic rights, land use regulations, water flow, and the history of the development. He expresses support for the development if it complies with the town's zoning requirements.

Martha Ham, 2106 Oak Grove Road

1. She concurs with Wayne Peterson's comments about the importance of maintaining the historic high-water ditch for water access to farmlands.
2. Martha Ham inquires about the phases of the development and the total amount of land owned by SITLA within the town limits of Leeds. She seeks a big-picture understanding of SITLA's plans.
3. She expresses her preference for the previous map layout, which had open areas on both sides of Silver Reef Road, providing a buffer for residents and accommodating open space. She hopes that the common area won't be euphemistically referred to as open space, as it may not be suitable for recreational use.

Martha Ham emphasizes the importance of considering the overall land usage and planning in the town of Leeds and expresses concerns about how common areas are labeled and utilized within the development.

Darryl Lewis, 401 W Silver Hills Rd

1. Expresses concern that the developers who initially proposed the project years ago and later abandoned it are now seeking accommodation from the town to move forward with their plans.
2. He suggests that the city government should view the development as something that must benefit the town, considering it from a selfish viewpoint. They encourage the town to prioritize the town's interests over the developer's interests.
3. Lewis emphasizes that the preservation and enhancement of Savage Creek should be a consideration in the development process, making it a more beautiful asset for the town.
4. He suggests that the developers may need to make adjustments to their plans to accommodate the existing population and ensure that the development enhances the town rather than detracts from it. They urge the town to stand firm on requirements that benefit the community.

Overall, Lewis advocates for a development plan that benefits the town and its residents while also considering the preservation and enhancement of natural assets like Savage Creek.

Bob Verbic, 745 N Juniper Way

1. Expressed confusion about the proposed amendments and the 18-year gap between the initial submission and the current proposal. They question how someone can assume that a 2005 approval is still valid in 2023 without going through the regular steps for a new development.
2. He shares concerns about open-ended access that might encourage people to enter BLM land, emphasizing that this issue should be addressed.

3. Inquired about the identity of the developer and whether they have a potential buyer, suggesting that keeping the creek on the lots bordering it could make the properties more attractive and valuable.
 4. Verbic emphasizes the need to scrutinize the development proposal thoroughly, considering the positive arguments raised by other residents.
- Overall, they seek clarification on various aspects of the proposed development and highlight the importance of careful consideration.

Don Fawson, 88 E Vista Ave

Fawson seeks clarification on the agencies responsible for determining lot sizes for sewer systems, specifically whether it's the health department or the Washington County Water Conservancy District. They inquire about accommodation for leaching systems that can accommodate lots smaller than nine acres. Fawson expresses a desire for more information and understanding of the processes and agreements involved in determining lot sizes for sewer systems.

In response, Wayne Peterson then provided a historical context, explaining how the Water Conservancy evaluated enhanced septic systems and their impact on lot size requirements. He noted that if a system reduced nitrogen levels, the Conservancy might reduce the required lot size, but this was not an obligation. He explained historically the Water Conservancy will come back and evaluate an enhanced septic system. Primarily they focused on nitrogen, but they're not obligated to. And if you can reduce the nitrogen by X percent, they reduce the nine-acre requirement by X percent. So, if you can have the nitrogen, they'd say nine acres becomes four and a half acres but that's not an obligation. That's what they've generally come back with, when asked, about this enhanced system.

Chairman Swenson inquired if this project was part of the discussions when the lot size requirements were initially determined in the past. Wayne Peterson mentioned a specific date of July 1, 2009, as a reference point for evaluating whether this project would fall under those requirements and suggested further investigation.

Scott Messel emphasized the protocol for public hearings, suggesting that questions from the public be collected and addressed by the Planning Commission or staff rather than engaging in back-and-forth discussions.

They discussed how to proceed with the meeting. It was emphasized to maintain efficiency and not allow public comments to overrun. They planned to have the applicant's address concerns after the public hearing. It was suggested to table the topic to a date certain for further discussion. They emphasized the need for proper protocols in allowing questions. They acknowledged the importance of avoiding repetition in public comments. They invited anyone with new points to raise them.

Jim Thomas, 795 N Juniper Way

1. He highlights the importance of maintaining a wildlife corridor for animals to access the nearby cliffs and expresses concerns that housing development could block their path.
2. Jim Thomas also mentions the issue of flash floods in the area, emphasizing that installing storm drains may not be sufficient to control the water, and there should be a plan for managing water runoff.

3. He advocates for adhering to zoning regulations, suggesting that if the area is zoned as R1-2, there should be a minimum lot size of two acres, and if it's zoned as R5, there should be a minimum lot size of five acres. He questions the idea of unbuildable areas and their impact on lot size regulations.

Overall, the speaker emphasizes the need to consider wildlife preservation, water management, and zoning regulations in the proposed development.

1:24 Commissioner Roberts made a motion to close the Public Hearing for Amending the Subdivision Preliminary Plat Application for Silver Creek Estates, A Planned Development Community, net development area 102.5 acres located in a portion of the Northwest quarter of Section 6, Township 41 south, Pange 13 West, S.L.B.M. Commissioner Rosenfield seconded the motion. 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	_____	_____	_____

Chairman Swenson invited the representative of SITLA, Aaron Langston to speak. He is the assistant managing director for the trust in Washington County. Aaron Langston began by acknowledging the comments made by others and expressing gratitude for their concerns. He aimed to provide some context about SITLA (Utah State School and Institutional Trust Lands Administration).

Langston explained that SITLA was established based on Thomas Jefferson's idea to support public education through land grants. The federal government gifted land sections (2, 16, 32, and 36) to the territories that became states, including Utah. This amounted to approximately 7 million acres of land. Some lands were granted "in lieu" due to prior settlements, and they weren't part of the standard land grid.

He emphasized that SITLA, while not subject to local jurisdiction, preferred to collaborate with municipalities and counties for land development. He highlighted SITLA's commitment to working through the front door and seeking beneficial solutions with local communities.

Aaron Langston explained his role as a portfolio manager at SITLA (State of Utah School and Institutional Trust Lands Administration). He clarified that his job is to manage lands for the trust, and he recounted the history of the development in question.

He mentioned that SITLA does not have a developer in mind for the property yet. Instead, they evaluate proposals from developers, but ultimately, it depends on the market conditions. He emphasized that they do not put low-quality developments on their lands and highlighted their commitment to working with communities.

He also addressed concerns about wildlife and mentioned the Washington County Habitat Conservation Plan. Aaron explained that some land developments are essential to accommodate the growing population while acknowledging that it can impact wildlife habitats. He expressed willingness to work with reasonable requests.

Regarding an easement and water rights mentioned by Susan S, Aaron explained the process of requesting an easement and how they could work together to ensure water rights passage.

Finally, he invited further questions and offered to provide more information at future meetings or through direct communication.

Chairman Swenson added that there might be additional meetings and opportunities for more information in the future.

Aaron Langston discussed various aspects of the proposed development project and addressed some key points:

1. Open Space Shift: Aaron explained that they are considering shifting the common area (open space) from its current location closer to Silver Reef Road to a more suitable location that would protect culturally sensitive sites. He mentioned the historical significance of the area, including the Christie Mill, and the desire to preserve it.
2. Land Development: While legally, SITLA has the authority to develop the land without local regulation, Aaron emphasized that they are open to feedback and recommendations from the community and the Planning Commission. They want to make the project a win-win for everyone involved.
3. Septic Systems: Aaron clarified that the land's suitability for septic systems isn't determined solely by local regulations. Instead, they work with the Department of Environmental Quality (DEQ) to ensure compliance with regulations.
4. Negotiating Sale: The land will be sold through a negotiated sale, which means they will consider offers from various parties, including developers and community groups, without setting a minimum bid amount. The final decision on the sale will rest with SITLA.
5. Beneficiaries: Aaron explained that SITLA manages the land's revenues for various beneficiaries, including the School for the Deaf and Blind, miners' hospitals, reservoirs, and other entities, in addition to schools. The funds generated from land sales are invested through SIPFO (School and Institutional Trust Fund Office) to provide income for these beneficiaries.
6. Government Regulation: SITLA's relationship with government regulation varies, and they are more open to working with government agencies like the DEQ but may not be subject to certain local agreements.
7. Community Engagement: Aaron encouraged community members to engage with SITLA and provide input and feedback on the project. He expressed a willingness to work with concerned citizens, such as those with easement requests.

The Planning Commission reviewed Scott's suggestion of tabling the discussion to allow for further community input and clarifications on water rights and drainage issues. The motion was made to table the discussion until the October 4 meeting, which was approved.

Discussion Items: None

Staff Reports: None

Adjournment: The meeting was adjourned at 8:45 pm.

Approved on this Fourth day of October 2023

Danny Swenson, Chairman

ATTEST:

Aseneth Steed, Town Clerk/Recorder