

Town of Leeds

Planning Commission Meeting for Wednesday, December 06, 2023

1. Call to order: 7:00 p.m.
Chairman Swenson called to order the regular meeting of the Planning Commission at 7 PM on Wednesday, December 06, 2023.

ROLL CALL:

	<u>Present</u>	<u>Absent</u>
CHAIRMAN: DANNY SWENSON	X	_____
COMMISSIONER: KEN HADLEY	X	_____
COMMISSIONER: TOM DARTON	X	_____
COMMISSIONER:		_____
COMMISSIONER: ALAN ROBERTS	X	_____
TOWN PLANNER: SCOTT MESSEL	X	_____
ALT. COMMISSIONER: MIRANDA NESSEN	X	_____

2. Invocation: Commissioner Darton
3. Pledge of Allegiance
4. Declaration of Abstentions or Conflicts: None
5. Consent Agenda:

- a. Tonight's agenda of December 6, 2023

Commissioner Darton proposed to approve the agenda of December 06, 2023.
Commissioner Hadley Seconded the motion. Motion passed in a roll call vote.

ROLL CALL VOTE:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
CHAIRMAN: DANNY SWENSON	X	_____	_____	_____
COMMISSIONER: KEN HADLEY	X	_____	_____	_____
COMMISSIONER: TOM DARTON	X	_____	_____	_____
COMMISSIONER: MIRANDA NESSEN	X	_____	_____	_____
COMMISSIONER: ALAN ROBERTS	X	_____	_____	_____

b. Meeting Minutes of November 1, 2023, Work Session.
 Commissioner Darton made a motion to approve the meeting minutes on November 1, 2023, Work Session. Commissioner Roberts 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: MARIANDA NESSEN	X			
COMMISSIONER: ALAN ROBERTS	X			

c. Meeting Minutes of November 1, 2023, Regular meeting.
 Commissioner Roberts made a motion to approve the meeting minutes on November 1, 2023, regular meeting. 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: MARIANDA NESSEN	X			
COMMISSIONER: ALAN ROBERTS	X			

6. Announcements:

- a. Dumpsters Days, December 15, 16, & 17, Dumpsters Located on Cherry Lane
- b. Wreaths Across America, December 16, 2023, 10:00 AM at all Town Cemeteries

Commissioner Hadley took the lead on the discussion regarding the Wreaths Across America event scheduled for December 16th, 2023, at 10:00 AM, initially misstated as the 17th. Volunteers were sought to help place wreaths at all three Leeds cemeteries, allowing individuals to honor veterans buried there. The event aimed to commemorate deceased military members by acknowledging their service and sacrifice made for the American lifestyle we live today, spanning from the Revolutionary War to the present, with wreaths laid on their headstones during the holidays. Appreciation was

expressed for Doris McNally of the Beautification of Leeds and Outreach Committee (BLOOM), for her individual and deep involvement in cemetery upkeep and honoring veterans. A list of veterans' names was highlighted on a display, emphasizing the importance of recognizing the unknown. the families, as well as their service members. The discussion concluded with a mention of a missing individual in the context of the event, possibly prompting further conversation or action. Contact information was shared for volunteering or donations to sponsor wreaths (\$15 per wreath).

c. Annual Christmas Tree Lighting event Dec. 16th at 6:30pm

In preparation for the Annual Christmas Tree Lighting event on December 16th at 6:30 PM, a discussion took place among the committee members. Commissioner Darton highlighted the historical context, mentioning it was the third annual tree lighting, held alternately at the church and the present venue due to weather concerns. This year, it was set to take place at the church, offering a warmer indoor space for attendees.

Details about the event were shared, including provisions for hot chocolate and other refreshments. Emphasis was placed on fostering community unity by encouraging participation from all segments of Leeds. Volunteers were sought for assembling the Christmas tree on the flagpole, with a call to contact the Beatification Leeds Outreach Committee (BLOOM) or individuals from the church for support.

The desire for increased community involvement, aiming to transform Leeds into a town known for its annual Christmas Tree Lighting, reminiscent of a Hallmark setting was expressed by Commissioner Darton. Previous attendances were acknowledged positively, despite challenging weather conditions in the past. Additional mentions were made about ongoing festive lighting activities in the town, praising the efforts and beauty of the decorations, notably mentioning Lesley's contributions.

The dialogue concluded with open floor questioning if any essential details were missed, leading to the mention of ongoing town lighting endeavors, praising the evolving festive decorations that added charm to the town's ambiance.

d. Invite at Townhall on January 9th at 4:30 pm for the Steering Meeting to launch 2024 County Fair Spotlight City project.

The Town of Leeds is the spotlight community for the 2024 County Fair, sparking discussions on how to best present themselves at the event. There is to be an upcoming Townhall meeting scheduled for January 9th at 4:30 PM, meant to kickstart the 2024 County Fair Spotlight City project. Attendees were directed to

the papers available in their packets and on the table, detailing the initiative and seeking community involvement.

The essence of the meeting was conveyed through a document inviting passionate and diverse individuals to join the Fair Committee, aiming to create an unforgettable experience for the community.

Queries arose about the specifics of Leeds representation at the fair, including whether there would be a dedicated booth or highlighting at certain events. The notion of the fair's significance was emphasized, particularly the participation in the county fair parade held in Washington City, highlighting the event's magnitude, and encouraging active involvement.

Ruth Ann Beardsley, unaware of the details previously, expressed excitement and pledged support, leading to a light-hearted exchange about aiming higher than just being "fair" and signing up for volunteering. There were mix inquiries about logistics, including the date and the need for volunteers even from those unable to attend the fair itself.

Commissioner Roberts shared information about the fair committee and the significance of Leeds being the spotlight community. The necessity of representing Leeds well at the fair was underscored, as only one municipality is selected each year for the spotlight, prompting discussions about potential showcases, demonstrations, and exhibits Leeds could present.

The dialogue concluded with a switch to discussions about local restaurants in town, marking a shift in the conversation away from fair-related details.

- e. Dog and Cat Vaccination Clinic, Saturday, January 5, 2023, 1-2PM with Dr. Bice

This event will feature Dr. Bice administering vaccinations, including rabies (\$15) and parvo (\$18) for pets. Additionally, a \$5 fee is required for dog licensing, renewing annually in January, and could be facilitated at the Town Hall. Chairman Swenson reminded an application is available on the town website or at the hall, and the application is required alongside a copy of the rabies vaccine.

There was a brief query about the clinic's location, with a reference to past events held at the Town Hall, but the final decision rested with the mayor.

- f. Business Licenses expire on December 30, 2023, Safety inspection is mandatory for renewal

Chairman Swenson have a reminder about the annual expiration of business licenses on December 31st and the requirement for a safety inspection for renewal, emphasizing the need for businesses to comply and renew by January 1st. Discussion turned towards dissemination of this information, pondering the best ways to ensure widespread notification, with considerations for posting the information on the website and potentially in public spaces like the post office. There was also a query about how businesses were notified of their license renewal dates through mail or other means.

The conversation aimed to ensure clarity and accessibility of information for pet owners and local businesses regarding the clinic and licensing requirements, demonstrating a proactive approach to community engagement and compliance.

7. Public Hearing: None

8. Action Items:

- a. Receipt acknowledgement from the Town Council of recommendation to initiate discussion on the proposal to Vacate Silver Pointe Estates Subdivision plat, and suggestion to establish a Public Hearing date

Chairperson Swenson asked Town Planner, Scott Messel to introduce the discussion. Scott provided a timeline of events regarding the Silver Pointe Estates Subdivision plat. The original development agreement with the county expired in 2013, and subsequent issues delayed the development, including unresolved water service issues and environmental concerns about toxic materials. The development of Silver Pointe Estates Phase One hadn't commenced even seven years after its recording in 2016. Concerns were raised about the property owner's actions in other areas and potential zoning violations. The discussion focused on the legal basis for vacating the recorded plat. Commissioners expressed discomfort recommending action without clearer legal review and grounds and desired more information on state and town codes governing plat vacation from the town attorney. To which resident Michelle Peot referred to a letter from the Mayor approved by Town Council, suggesting it might provide insight into reasons for reconsidering the plat. She requested the clerk provide copies for the commissioner's discussion. Commissioner Darton highlighted liability concerns for the town if an inappropriate decision were made and emphasized, he would like more assurance from the town attorney on due process.

There was uncertainty about the necessity of a public hearing and its jurisdiction—Planning Commission or Town Council—and whether both entities needed separate hearings. The discussion emphasized the importance of legal advice and ensuring the property owner's involvement in decisions affecting their property.

Commissioners expressed discomfort with the lack of information and discussion for a motion to postpone further action until they acquired more information ensued. Concerns were raised again about the absence of property owners' involvement in discussions affecting their property. The discussion centered on the need for clear legal grounds, concerns about liability, the necessity of involving the property owner in decisions, and the importance of acquiring more information before making recommendations or scheduling a public hearing.

Commissioner Darton made a motion to table further action concerning the receipt acknowledgment from the Town Council regarding the proposal to Vacate Silver Pointe Estates Subdivision plat and the suggestion to establish a Public Hearing date with the intent to facilitate a more informed discussion by gathering additional information, enabling a more conclusive decision on the matter. Commissioner Miranda Nessen 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: MARIANDA NESSEN	X	_____	_____	_____
COMMISSIONER: ALAN ROBERTS	X	_____	_____	_____

After the vote, Peot inquired if the clerk had located the Mayor's letter, saying she had emailed the letter from her phone to clerk@leedstown.org. However, Scott confirmed that the motion had already been passed to table the action so the letter would not factor tonight, but assured Peot that the July 13, 2023, letter from Mayor Hoster would be emailed again to the planning commissioners for additional review but the information they were seeking tonight was direction from legal counsel on due process. Scott Messel pointed out that although there was an additional legal code accessible, it wouldn't immediately alter the need for more information. He referenced Utah State Code 9A-609, highlighting that while the legislative body could instigate a process, approval from the land use board was still necessary for county-level recording.

There was audible disagreement among the citizens regarding the decision. Commissioner Darton expressed his unease, emphasizing the uncertainty of the situation. Commissioner Hadley seemed to believe that Scott had clarified the position of the legal counsel.

Commissioner Darton voiced concerns about making these impactful decisions without direction from legal counsel. Commissioner Hadley spoke saying he thought Scott had already clarified and read out the relevant information from legal counsel. Commissioner Darton wanted assurances the actions of the planning commission was not based on assumptions rather than concrete facts. He stressed the importance of seeking clarification and information directly from legal counsel.

Commissioner Roberts highlighted a critical procedural point by stating, "When you vacate or amend a plat, it cannot be recorded until specific conditions are met. This process involves obtaining signatures from the land use authority and acknowledgment from each owner of the affected portion of the plat." The importance lies in understanding that an amended plat can't be submitted to the county without these essential signatures. It's crucial to consider the owner's involvement as they are required to sign before any changes are recorded. This aspect needs careful consideration by the municipality, especially when engaging in discussions, as we're essentially dealing with someone's property. In the context of a public hearing, it's an opportunity for an owner to voice their concerns about the impact on their property. Therefore, the owner's presence and dialogue are crucial if decisions are being made that affect their property.

Commissioner Roberts proposed speaking to the mayor to gather information for the next meeting. Commissioner Darton, being an attorney, clarified that he couldn't represent the Planning Commission for the town of Leeds due to licensing constraints, but agreed that seeking legal advice was crucial in terms of liability.

It was agreed that more information should be sought from various sources, including the mayor and potentially other individuals, to better understand the situation. The plan emphasized the inevitability of a public hearing, ensuring transparency and public involvement in the decision-making process.

Chairperson Swenson moved onto the next agenda item.

b. Conditional Use Permit (CUP) application for Bed & Breakfast at 281 N Boulder Way, Ruthann Beardsley

The commission reviewed various aspects, including zoning codes and requirements outlined in town and state regulations for such conditional uses. Ruth Ann Beardsley clarified details about the property, which includes a home where she resides, and an additional casita intended for rental. Commissioner Nessen mentioned living nearby and being able to overlook the area, noting the robust stereo system at Beardsley's house. Beardsley responded positively, acknowledging the enjoyment of the stereo system but also mentioned occasional noise from many cars at their house, comparing it to a random party atmosphere.

Beardsley mentioned prior experience with a nightly rental business in Dixie Springs and Hurricane, operated through a different investment company. They've

managed taxes and other aspects independently for about five years, familiarizing themselves with rules and regulations. Beardsley emphasized compliance with regulations and enforcing rules, including no loud noise after 10 PM, with the exception of pool lights. Although residing there, Beardsley owns the property themselves, but they plan to involve their corporation, intending to arrange a leasing process through their accountant.

Commissioners discussed potential conditions for approval, such as ensuring the business is licensed with the state and not combined with another entity, emphasizing that the conditional use does not transfer with property ownership changes, and requiring visible contact information for the owner/manager to manage any issues or inquiries.

Commissioner Roberts moved to approve the conditional use permit for a bed and breakfast at 281 North Boulder Way, applicant Ruth Ann Beardsley, under the following conditions:

1. The applicant provides proof of being licensed with the state of Utah as a business and is authorized to collect taxes. Business will not be conducted until the town business license is issued.
2. The conditional use permit does not transfer with the property in case of ownership change.
3. Visible contact information for the owner/manager must be posted on the exterior of the bed and breakfast establishment.

Commissioner Darton Seconded the motion.
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: MARIANDA NESSEN	<u>X</u>	_____	_____	_____
COMMISSIONER: ALAN ROBERTS	<u>X</u>	_____	_____	_____

9. Discussion Items:

- c. Selection from Mayor Hoster recommended theme options for spotlighting Leeds Town

The discussion revolved around potential themes for the Leeds town spotlight at

the county fair. Mayor Hoster recommended several options, including historical heritage, arts and craftsmanship, and outdoor adventures. Committee members provided additional suggestions such as showcasing local vineyards, volunteering in the community, and the town's historical significance. Plans were made to convene a committee meeting on January 9th to finalize the theme, with representatives from various groups: BLOOM, Planning Committee, and interested individuals. The goal was to craft a theme that encapsulated Leeds history and modern offerings, emphasizing authenticity and community involvement. The conversation also veered into discussions about previous experiences at fairs, emphasizing the importance of authentic representation and genuine historical elements. The meeting concluded with a motion to adjourn and some reflections on the complexity of certain decisions, underscoring the need for comprehensive information and representation.

10. Staff Reports

11. Adjournment

Adjournment: The meeting was adjourned at 8:47 pm.

Approved on this Third day of January 2024

Danny Swenson, Chairman

ATTEST:

Aseneth Steed, Town Clerk/Recorder