



Agenda

Town of Leeds Planning Commission

Wednesday, September 4, 2024

PUBLIC NOTICE is hereby given that the Town of Leeds Planning Commission will hold a **PUBLIC MEETING** on Wednesday, September 4, 2024, at 7:00 PM at the Leeds Town Hall, 218 N. Main Street, Leeds, UT 84746.

If you are interested in participating remotely via Zoom, please contact Town Hall at 435-879-2447 or email the clerk@leedstown.org for Zoom details.

Regular Meeting 7:00 pm

1. Call to Order/Roll Call
2. Invocation
3. Pledge of Allegiance
4. Declaration of Abstentions or Conflicts
5. Agenda:
 - a. Tonight's Agenda of September 4, 2024
 - b. Meeting Minutes of August 7, 2024
 - c. Meeting Minutes of August 7, 2024 Work Session
6. Announcements:
7. Public Hearing: None
8. Discussion and Possible Action Items:
 - a. Conditional Use Permit Application – 1284 Silverado Ct, Bed & Breakfast
 - b. Conditional Use Permit Application – 240 N Main St, Bed & Breakfast
 - c. Hillside Ordinance – update from Work Session discussion
 - d. Short-Term Rental Ordinance – update from Work Session discussion
9. Staff Reports
10. 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 435-879-2447 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 September 3, 2024, at these public places: **Leeds Town Hall, Leeds Post Office**, the **Utah Public Meeting Notice website** at <https://www.utah.gov/pmnl/>, and the **Town of Leeds website** at <http://www.leedstown.org>.

Michelle Rutherford, Town Clerk/Recorder

Town of Leeds

Planning Commission Meeting for Wednesday, September 4, 2024

1. **Call To Order/Roll Call:** 7:08pm

ROLL CALL:	<u>Present</u>	<u>Absent</u>
CHAIR: DANNY SWENSON	_____	X
COMMISSIONER: KEN HADLEY	X	_____
COMMISSIONER: LAURIE SULLIVAN	X	_____
CHAIR PRO TEM: ALAN ROBERTS	X	_____
COMMISSIONER: CHUCK BENTLEY	X	_____
TOWN PLANNER: SCOTT MESSEL	X	_____

2. **Invocation:** Commissioner Hadley

3. **Pledge of Allegiance**

4. **Declaration of Abstentions or Conflicts:** Chuck Hadley declared a conflict as one of the neighbors notified of Item 8a on the Agenda. He does not feel it will be an issue.

5. **Agenda:**

a. Tonight's Agenda of October 2, 2024

Motion to approve made by Commissioner Bentley, 2nd by Commissioner Hadley.

ROLL CALL VOTE:	Yes	No	Abstain	Absent
CHAIR: DANNY SWENSON	_____	_____	_____	X
COMMISSIONER: CHUCK BENTLEY	X	_____	_____	_____
COMMISSIONER: KEN HADLEY	X	_____	_____	_____
COMMISSIONER: LAURIE SULLIVAN	X	_____	_____	_____
COMMISSIONER: ALAN ROBERTS	X	_____	_____	_____

b. Meeting Minutes of August 7, 2024

Approval of Meeting Minutes has been Tabled until October 2, 2024 to further review.

c. Meeting Minutes of August 7, 2024 Work Session

Approval of Meeting Minutes has been Tabled until October 2, 2024 to further review.

6. **Announcements:**

Danny Swenson left flyers by the door for the 9/11 Event in Leeds Park @8:00pm on 9/11/24, as well as a Community Service Day @9:00am on Saturday, 9/14/24. Meet at Town Hall for assignments.

Dumpster Days are Thursday – Sunday 9/12-9/15

7. **Public Hearing:** None

8. **Discussion and Possible Action Items:**

a. Conditional Use Permit Application – 1284 Silverado Ct, Bed & Breakfast

Tammy Bleak appeared on behalf of her mother, Mary Jane Bleak. Single room with bathroom, separate entrance and parking at back of the house for renters. Owner is present while the renters are there. Most of the time, guests will stay for 5 or more days. She did not realize a permit was required. The property has been inspected by the Fire Department.

Commissioner Bentley explained that he spoke to the 5 neighbors and they were all against it. They do

have compassion for Mary Jane and they do want to make sure that the CUP would belong to Mary Jane and not the home.

Scott Messel explained that this is not a Public Hearing and the Planning Commission must decide if the application meets the qualifications for a Conditional Use. The State code was written to avoid favor being given to one applicant over another based on public opinion. A citizen in the audience asked if the CC&Rs are against Short-Term Rentals, can they stop it? He explained that it would be up to the HOA to sue the resident, if the HOA still exists, but the Town does not enforce CC&Rs.

Commissioner Sullivan asked if we had approved other Bed & Breakfasts that do not serve breakfast? Yes.

Chair Pro Tem Roberts explained that this is a Conditional Use Permit and there are conditions. Is Mary Jane willing and able to collect the taxes necessary? The taxes are paid through AirBnB. Another would be that Mary Jane is present.

Motion was made by Commissioner Sullivan to approve the Conditional Use Application for 1284 Silverado Ct, Bed & Breakfast with the following conditions:

- 1) Includes one bedroom and bath only, nothing upstairs
- 2) Owner to be regularly available
- 3) Conditional use does not transfer to another owner
- 4) On site parking only
- 5) Transient room taxes are collected

2nd was made by Commissioner Hadley. Motion carries.

ROLL CALL VOTE:	Yes	No	Abstain	Absent
CHAIR: DANNY SWENSON	_____	_____	_____	X
COMMISSIONER: CHUCK BENTLEY	X	_____	_____	_____
COMMISSIONER: KEN HADLEY	X	_____	_____	_____
COMMISSIONER: LAURIE SULLIVAN	X	_____	_____	_____
COMMISSIONER: ALAN ROBERTS	X	_____	_____	_____

b. Conditional Use Permit Application – 240 N Main St, Bed & Breakfast

Nigel May appeared before the Commission for his Bed & Breakfast Application.

His casita is about 500 sq. ft, one bedroom, one bath, kitchen, and livingroom. Max is 4 guests. It is not attached to his home, but it is attached to his garage, behind his home. They are always present and do a minimum of 5 nights. They give a discount for renters who stay for 28 days or more. 3 vehicles can fit between the casita and the house, and parking for the casita is in front of the garage. Main residence is just over 1400 square feet. It is advertised on AirBnB.

Commissioner Bentley pointed out that there are 2 different parts in the Ordinance that would disqualify this as a Conditional Use Permit. 1) The casita (external dwelling unit) is detached 2) The rental space exceeds the 25% (currently 39%)

Scott Messel advised that he rent long-term, which is not regulated by the municipality. As long as he only rents to one customer in a 30 day period, there is no recourse from the Town.

Michelle Rutherford reiterated the Town’s Code Enforcement has access to the number of renters in a month, and if he exceeds the one per 30 days, we will know and he will be in violation. He is not the only resident in this situation, and others will be given the same regulations.

He was advised that it is a Misdemeanor, one count for every day it is rented illegally.

Motion was made by Commissioner Sullivan to deny the Conditional Use Permit Application for 240 N

Main St, Bed & Breakfast because it does not meet the requirements as a Bed & Breakfast. 2nd by Commissioner Bentley. Motion carries.

ROLL CALL VOTE:	Yes	No	Abstain	Absent
CHAIR: DANNY SWENSON				X
COMMISSIONER: CHUCK BENTLEY	X			
COMMISSIONER: KEN HADLEY	X			
COMMISSIONER: LAURIE SULLIVAN	X			
COMMISSIONER: ALAN ROBERTS	X			

c. Hillside Ordinance – update from Work Session discussion

There was good conversation in the Work Session. Commissioner Sullivan shared her concern about Sec 20.2. She feels this section is a bit confusing. She also feels that Sec 20.9.2 should not state Board of Adjustments if it has already been changed to Appeal Authority in Town Code. (Sec 3.1 provided by Scott Messel)

Commissioner Bentley said he feels an example should be given in Sec 20.2, otherwise he feels it is a nicely written document.

Lynn Potter made a comment about the Board of Appeals as well and after being cautioned about speaking on this topic, he chose to make a statement “Whichever method that you choose. It needs to include where you’re going to start your slope measurement. And as far as my understanding, your run measurement was going to be 100 feet, you need to define whether or not if it’s a long slope. If it’s going to continue from head to tail. On continued measurements, or if there’s going to be an interval, you know you’re going to change and restart every 10° change in slope and so these are all things that you have to workout. Plus, there’s the interval of how often along perpendicular to the topographical lines you lay your measurement lines that are 100 feet long. So, I know it gets really complex and so even if you’re averaging, you need to include these stipulations.”

Commissioner Bentley said we should have an example completely spelled out by Sunrise Engineering to make Sec 20.2 clear.

d. Short-Term Rental Ordinance – update from Work Session discussion

There was discussion about the STR Draft and it was tabled to continue the discussion in the October 2, 2024 Work Session. No decisions were made.

9. Staff Reports

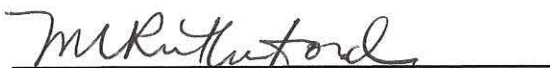
10. Adjournment: 8:32 pm

Approved this 2nd Day of October, 2024.



Alan Roberts, Planning Commission Chair Pro Tem

ATTEST:



Michelle Rutherford, Clerk/Recorder