

Town of Leeds

Agenda
Town of Leeds
Special Planning Commission Meeting
Wednesday, January 15, 2020

PUBLIC NOTICE is hereby given that the Town of Leeds Planning Commission will hold a **SPECIAL PUBLIC MEETING** on Wednesday, January 15, 2020 at 7:00 P.M. The Planning Commission will meet in the Leeds Town Hall located at 218 N Main, Leeds, Utah.

Regular Meeting 7:00 p.m.

1. Call to Order/Roll Call
 - a. Swear in new member of Planning Commission, Ken Hadley
2. Invocation
3. Pledge of Allegiance
4. Declaration of Abstentions or Conflicts
5. Consent Agenda:
 - a. Tonight's Agenda
 - b. Meeting Minutes from October 2, 2019
6. Announcements:
7. Public Hearings:
8. Action Items:
 - a. Site Plan Review Application, Lynn Potter, 24 E Majestic Rd
9. Discussion Items
10. Staff Reports
11. Adjournment

The Town of Leeds will make 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 January 9, 2020 at these public places being at **Leeds Town Hall, Leeds Post Office**, the Utah Public Meeting Notice website <http://pmmutah.gov> and the Town of Leeds website www.leadstown.org

Peggy Rosebush, Clerk/Recorder

Town of Leeds

Special Planning Commission Meeting for Wednesday, January 15, 2020

1. Call to order:

Chairman Swenson called to order the special meeting of the Planning Commission at 7 PM on Wednesday, January 15, 2020 at Leeds Town Hall, 218 N Main.

ROLL CALL:

	<u>Present</u>	<u>Absent</u>
CHAIRMAN: DANNY SWENSON	<u>X</u>	<u> </u>
COMMISSIONER: BRAD ROBBINS	<u> </u>	<u>X</u>
COMMISSIONER: TOM DARTON	<u>X</u>	<u> </u>
COMMISSIONER: MARK ROSENTHAL	<u>X</u>	<u> </u>

Chairman Swenson said Peggy Rosebush, Clerk/Recorder, will swear in new Planning Commissioner, Kenneth Hadley.

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

Commissioner Darton moved to approve tonight's agenda and meeting minutes of October 2, 2019. 2nd by Commissioner Rosenthal. All voted. Motion passed.

ROLL CALL VOTE:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
CHAIRMAN: DANNY SWENSON	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
COMMISSIONER: BRAD ROBBINS	<u> </u>	<u> </u>	<u> </u>	<u>x</u>
COMMISSIONER: KENNETH HADLEY	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
COMMISSIONER: TOM DARTON	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
COMMISSIONER: MARK ROSENTHAL	<u>x</u>	<u> </u>	<u> </u>	<u> </u>

6. Announcements:

Karl Rasmussen is here tonight with a petition against the proposed tax increase. If you are interested in signing this petition, please get with Karl. By no means is the Town promoting that, but we certainly want to give you the opportunity to utilize if you so wish.

7. Public Hearings: None

8. Action Items:

a. Site Plan Review Application, Lynn Potter, 24 E. Majestic Rd.

Lynn Potter said I was advised to make the request that all communication during the meeting be put in the minutes. I was told to do this. Does anyone have any questions on how to calculate slope?

Lynn Potter presented drawings – Conceptual Location Plan, Sight Access Slope, Building Site Slope and Contour Interval. Full size drawings were exhibited on an easel and copies of these drawings were shown on the overhead projector screen. Lynn Potter explained and described these drawings in detail. They fully explained the issues of the land and the percentages of various slopes. All descriptions and technical stats and information are documented in the audio recording of this meeting. The audio recording is on file at Leeds Town Hall.

Lynn Potter said after working up these calculations we realized building on the site is feasible and within the ordinances. He pointed out a valley and the road cut on the drawing. There is a flat place that we can build on. The slopes on the road are under 20%. The only slopes we need your permission are these up on here (they were pointed out on drawing) and these up on here (they were pointed out on drawing). The 30 Ft. slope, according to ordinances, requires a 20 Ft. setback. By the time we make the 20 Ft. setback, we are into a 20 Ft. slope and I do not need permission to dig. We will cut this down to the 20% line and this up here at the 20% line. We just need this up here for approval from the Town. These are under 30% according to 2 engineers and me.

Chairman Swenson asked Lynn Potter to introduce Karl Rasmussen.

Lynn Potter said Karl is the owner of Pro Value Engineering. He passed out reduced copies of drawings prepared by Karl Rasmussen.

Lynn Potter said about a year ago we asked the Town to give us a run number that is in the calculation to find the run and rise of a slope. Most municipalities have a defined run number that is much greater than 100 Ft. The only place I could find with a number less than Leeds was 1 at 60 Ft., but their slope maximum went to 40%. Leeds has the most restrictive in the State.

Chairman Swenson said ours is the height and 100 Ft, right?

Lynn Potter said right. He asked Karl Rasmussen to describe his map.

Karl Rasmussen described in detail the topographic contours of the hills on the west and the hill ridge line on the east. Mr. Rasmussen's description is on record in the audio recording of the meeting that is on file at Leeds Town Hall.

Commissioner Rosenthal said is the attempt not to daylight to the south?

Karl Rasmussen said it will because he will cut that down to get his basement in. As he fills that in, he will have the upper level. He will daylight more to the east. He is trying to do it, so he does not scar this side of the hill, the west side, which is noticeable from downtown. You have to get away from the trees to see it.

Chairman Swenson said it will be a walkout basement on one side.

Lynn Potter said it will be a walkout basement on the back side. It will be a 1 story house. Immediately to the south there is a little peak that blocks it. We are not going to mess with that peak.

Commissioner Rosenthal said what you are saying is the design you have right now is 1 story above grade. Right?

Karl Rasmussen said right.

Commissioner Darton said if I understand correctly, there are a couple of spots where the road leading up to it will go above the 20% grade? I am looking at it and it is like 29% and another spot is 28.7%.

Lynn Potter said it is above the 20%, but below the 30% maximum. Those 2 spots are the reason we are here.

Scott Messel said the reason they are here is because of the Hillside Ordinance. The Hillside Ordinance outlines the purpose of it, the health, safety and general welfare of the residents, and to establish standards for sensitive land. It is not to stop development, but it makes sure it happens in an appropriate way. Obviously, this is a very challenging parcel topography wise.

Chairman Swenson said the house pad and the home area are all within Code, right? There are a couple of places that are driveway, the access, that are a little steeper. But that is not fixable, obviously.

Chairman Swenson said so what we are saying is the house pad and the home area are within Code.

Scott Messel said correct.

Chairman Swenson said there are a couple of places that are driveway that are a little steeper than grade.

Karl Rasmussen said we are proposing to fill this area in, so it does not have such a steep grade going up. There is a way to mitigate that and that is what we are proposing to do.

Commissioner Darton said that is the spot that says 28.7? So, you are going to lower that even more. You probably cannot do anything about the 29% one that is near the house.

Lynn Potter said we will fill that one also.

Karl Rasmussen said we also have to meet with the Fire Department. We are limited also on grade with the Fire Department, too. We have to meet their requirements.

Scott Messel said one of the intents of the Hillside Ordinance so there is not just a road – they could have bulldozed right across here from the road and come up on top. But the Hillside Ordinance is trying to get it so you are paying more attention to the topography. With the line they are running the road, they are going with the slope, but there are a couple of areas that make it a little difficult. I think they are doing their best to try to be sensitive to the land, and with the fills, they will be using native stuff on site. There are plenty of rocks to use. He will not be bringing in rocks that do not match.

Dianna Powell said this road has been in existence on this piece of property as a trail or whatever you want to call for a very long time. We tried to recognize that was in existence ... visibility. We recognize that has been there for a long time.

Chairman Swenson said for the record, she said the road has been in existence on this piece of property for a long time. And that validates what Scott is saying. I would like to validate that a little bit, too. Half the people here live in a valley and we enjoy the scenery and the hills and all of a sudden you have feeder lines coming in and a house plopped here, and a house plopped there and stuff like that. Nobody wants that. It sounds safe and it sounds like you are moving in the right direction.

Commissioner Rosenthal said according to Washington County GIS flood overlay and FEMA's flood overlay, it certainly appears that the beginning portion of the west side of the driveway, and additional portions of the roadbed itself, is within that flood zone. I think we are in agreement that it is in a flood zone, whether it gets flooded once a year or every 500 years. This is a concern to me.

Chairman Swenson said put up the map that shows that. The access road is how far from... The flood plain is at the tree. We cannot see past that tree. That is where the flood plain is, right there. The drainage is just to the left.

Commissioner Rosenthal said I believe the road drops from the point we are seeing, down into, I will call it the valley bottom. Is it possible to get the flood overlay?

Lynn Potter said I have a copy at home. I did not bring it because I did not think it would be significant. Our property starts right there at the corner at the base of that tree. I could get permission to modify this from the Town, this is owned by the Town, to dig this out and improve the drainage. I would very much like that. This down here is steep, and it is going to get filled in so it will not flood because the creek runs behind the tree. However, it is my goal, and I did not think it was important to mention tonight, to put in a culvert right there because this low area right here has a culvert running out at the bottom of it. There is no culvert down here. I am planning on putting in a culvert.

Scott Messel said it shows that on one of your plans.

Commissioner Rosenthal said why would you do that? What is the need for it?

Lynn Potter said there is no outlet in this low space.

Commissioner Rosenthal said so it ponds right there.

Lynn Potter said exactly. We do not want it to pond. If we have a culvert across here on my property at the lowest end and then I will not have problems with flooding. It will still be on the FEMA maps. By the time we are done with it, if that road was to flood then most of the Town would be under water.

Commissioner Rosenthal said according to FEMA's flood map, and Washington County GIS, it is relatively a narrow area that they are defining as the flood zone through there. On the west side of the Interstate, it is much broader. It is more like a flood plain. But they have it necked down and it goes right through there.

Lynn Potter said it is the creek.

Commissioner Rosenthal said again, it would be valuable for yourself as the proposal on this, to have it really scoped out. I am sure your engineer can help you out on this. Just for your own peace of mind, and for insurance purposes. If that is flooded, and worst-case scenario, if your house catches fire, it is not a good scenario.

Lynn Potter said the Fire Department is requiring, because of the distance from the fire hydrants, a full sprinkler system and maybe a 10,000-gallon tank.

Commissioner Rosenthal said I did talk to the Fire Department about it. Their requirement is anything over 14% grade is paved.

Lynn Potter said on Karl's main plan set, none of our road is over 14% and anything over 10% grade is asphalted.

Commissioner Rosenthal said okay, I did not read the plans correctly. There are 3 places over 14%. I must have misread them.

Lynn Potter said I did bring a set of plans if you would like to look at them.

Commissioner Rosenthal said are there 2 or 3 sections that are over 14% grade?

Chairman Swenson said of the road?

Karl Rasmussen discussed his drawings with Commissioner Rosenthal.

Commissioner Rosenthal said I went out to your property. Is there anyway you can get access across Mrs. Pace's property?

Lynn Potter said I tried that. I would really like that, but she was not amenable.

Chairman Swenson said when does the Fire Department approve the plans? After Town Council?

Lynn Potter said they already approved these. They had to approve these before I got them to you. From here, it goes to Town Council. If we get approval from Town Council, we will bring the structurals in and then the structurals go to the Fire Department and then the structurals go to the Planning Commission for the building and then to Town Council.

Commissioner Rosenthal said another concern I have is the physical construct of the house, but you stated it is 1 story above existing grade. It will not be daylighted to the south, at least that is what I heard Karl say. That was a concern I had. The Hillside Ordinance of the Town is specific in some respects, but I would suggest a little broad in others. It leaves a degree of interpretation. Where I come from, and in other areas of the country, a complete set of plans is submitted before individuals even break ground. They are not permitted to break ground until those plans are submitted and approvals are provided.

Lynn Potter said that is break ground for a footing. You can get a grading plan to make a lot buildable and then turn around and sell it. We do not intend to sell it. A lot of guys flatten a lot out, but you have to get a

grading plan first. So here we are getting a grading plan. Let's define something. When you say daylight from the south, are you saying will it be able to be seen from the south?

Commissioner Rosenthal said the question I had was how high above grade will the total structure be. That would certainly be visible from many locations in Town. I am trying to match that against the intent of the Hillside Ordinance. That is why I say in some respects, the ordinance is very specific and then it gets somewhat broad, so it requires us to attempt to interpret it against the desires of the landowner.

Lynn Potter pointed out the location of the house. The house with the peak is lower than that knob. The house is single story. It has a low sloped roof with a 2/12 pitch. The total height is not more than 15 or 16 Ft. It is pretty low for a single-story house.

Chairman Swenson said it is only visible from the south.

Commissioner Rosenthal said right. The other question I have, after reviewing everything you presented to us, what is the intent of that piece of ground, how big is the house going to be ... none of that is with this. You are coming before the Planning Commission looking to get thumbs up to move forward on this so you can really invest your money in building what you want to build.

Lynn Potter said I will have to get your approval for that. That is when you can say this is too high or this is too flat. I do not think you can see it at all from the south. You can see it from Alberta Pace's property. It sits back 20 Ft. I am not sure how much you can see it from the Leeds valley.

Commissioner Rosenthal said I was not sure because it is not on the plans.

Lynn Potter said when we submit the plans, we can hammer it down and give you some architectural.

Scott Messel said in reviewing it, it meets the intent of the Hillside Ordinance and they have done what they can to try to visually not scar the hillside as much as they could have done if they did not obey the Hillside Ordinance. It meets the intent of the General Plan.

Chairman Swenson said you have been working on this for over a year and during each phase you have come, have asked what we think about this. This is not a surprise. And you are going in a direction that you have looked at all along and you have been very open with it. You have been concerned with the natural beauty. We appreciate the fact that you have been through this process longer than you expected. We can see your intent.

Scott Messel said staff recommends approval of the concept.

Commissioner Rosenthal said Scott, the question of the flood zone and how it appears to overlay the only access to this property, from public safety standpoint, again the low frequency, high impact consequences of something like that does not gel in my mind. If we can be shown that the road is not in the flood zone, then that takes that out of the equation.

Scott Messel said that can be something that the applicant looks more into. Scott talked about and described Arizona Crossings.

Chairman Swenson said this is not a riverbed that could fill up. Next to the Fire Station is the larger drainage. I do not think it has ever had any water in it. There is a culvert that goes from the left side into that little pond area. That would be feasible for a crossing like you are talking about as opposed to a culvert. I think it is very mitigatable. It is something to be addressed.

Commissioner Rosenthal said I did not say it is a riverbed. I said it is a FEMA designated and County designated flood plain. When you look at the FEMA flood zone for that location, the west side of the highway is essentially the collection point. But then it gets funneled down across the highway, which would certainly impact the Interstate, which has happened in the past, cross over the main road in Town and then head down in that direction. If that occurs every 500 years, and if we have some kind of assurance it would happen only every 500 years in the future, then Lynn and I would not be very concerned about it. But we do not have that assurance. I would like to see the owner give us a real visual of it before he moves much further down the road.

Scott Messel said one of the things to take into consideration, if this was a road going to a subdivision, I think it would be a far greater issue or even if there were multiple homes up there, but it is a driveway and not a road. This is already an existing trail or graded area. Will he be improving it or making it better?

Commissioner Darton said we had a lot of rain last Spring. Was there any ponding there on that side by the Fire Station?

Lynn Potter pointed out a spot that filled up and ran across. That is why I want to put in a culvert. This side of the road along here is marked on the FEMA map as flood. But it is a driveway, so as long as you can mitigate, it will not affect your home, so it is not a deniable issue. It is just something you mitigate with a culvert or a Texas Crossing or some grading. I want to do a culvert and some grading and raise its height. If we had to evacuate, we could always go across Alberta's property.

Chairman Swenson said what is the size of the culvert there by the sign.

Lynn Potter said that is an 18-inch culvert.

Chairman Swenson said my concern would be to match it.

Lynn Potter said I was going to go with 2 Ft.

Chairman Swenson said you just cannot go smaller.

Commissioner Rosenthal said typically culverts are sized based on the acreage and the water shed.

Chairman Swenson said are there any more questions?

Commissioner Rosenthal said at this point, what are we looking at doing?

Chairman Swenson said he is here to get approval to move forward with their grading.

Commissioner Darton said would it be appropriate to set a condition?

Scott Messel said yes, you can add conditions to it.

Commissioner Darton said I would propose that we approve this and send it along to Town Council. He has already indicated a willingness to put in a culvert so I would condition it on him putting in a culvert to alleviate the flood issues.

Commissioner Rosenthal said actually the flood issues, I think, are from that side of the road.

Chairman Swenson said the main issue here is everything is okay. We are concerned about the flood plain. That is a fire access thing. It is this area where it is right at 30%. That is the issue. This is the only thing that is a little bit out of our area, yet it is not affecting the house. It is the access area. The setbacks are appropriate. Mr. Rasmussen is still going to try to cut and fill to drop that down even more. If these are correct, you are 29%. It is close, but you are not over 30%. But you are over the 20%. They are going to try to cut those down. If nothing changes, are we saying it is okay, with what they are doing at that location and this location, to allow that to be a little over. This is the way I see it.

Commissioner Rosenthal said I would like to see the FEMA overlay on this just so we have a picture in our head of what it is looking like. To me, that would help to inform us and...

Chairman Swenson said only of the flood plain. That is what you are talking about?

Commissioner Rosenthal said correct. That road drops downhill and I do not know how that reduction in grade, when there is a negative 14% or whatever grade, once you leave this area here going down towards the house, what is the relationship of that to the creek or the drainage of the FEMA flood parameter? I do not know that.

Lynn Potter said I can show you a FEMA flood map in 5 minutes.

Commissioner Rosenthal said can you do it with your proposed road?

Lynn Potter said yes. It has a satellite picture.

Chairman Swenson said while he is looking for that, how do you feel about going along with these stats that he has here approaching the 30%? Mr. Rasmussen, you say you are going to cut into that, right? It will not be what we are seeing here at 29%? It will be something lower?

Commissioner Rosenthal said it drops to 14 and some change below.

Karl Rasmussen said the road will not exceed a 15% grade.

Commissioner Darton said all the way up to the house?

Karl Rasmussen said right.

Commissioner Rosenthal said it just has to be paved. I do not know if just those sections or the entire road.

Commissioner Darton said is it anything over 10% has to be paved?

Chairman Swenson said not the whole driveway?

Commissioner Rosenthal said no, not according to Hurricane Valley.

Commissioner Darton said so they are going to have some dirt road, some paved, and some dirt road?

Karl Rasmussen said gravel.

Chairman Swenson said I think the proposal would be, by what we are hearing, the road is going to be at all locations less than the 20% requirement and will be paved where required per Hurricane Valley Fire Code. I think that answers the question why they are here. The flood plain is a separate issue.

Commissioner Rosenthal said I do not see it as a separate issue. I think it is part of our responsibility to review it.

Chairman Swenson said our issue is slope. Strictly slope.

Commissioner Rosenthal said I would suggest, too, that our responsibility is to review the whole process.

Chairman Swenson said this is not final. This is not finalizing all of this. But we are finalizing the slope so they can start on the grading.

Lynn Potter showed Commissioners the FEMA flood map on his telephone. As you can see, there is Alberta Pace's road and the dark area is the ridge. The road is right there in part of the flood and right there is the road and the cut is right there underneath the lettering. Here is the flood area just like I said on that part of the road. That is nothing that I cannot mitigate.

Commissioner Darton said just at the beginning of the road, there is where you are really concerned about flooding.

Lynn Potter said I have no concern about overcoming that because we are going to raise the road by 2 or 3 Ft. because it is too steep of a slope. You raise it so the slope is good, you are way outside of it overrunning the road. But you will have ponding on that side, but that is why have a culvert.

Chairman Swenson said it looks like we are talking about 2 proposals here. One about the grade and one about the flood plain. Does that make sense? Rather than tie them both together.

Lynn Potter said typically when you go to build a house is when the flood plain and the cost of insurance and all of that comes up. Right now, we are just talking about slope and whether it is approved through ordinance ... legal through ordinance ... for me to do this.

Chairman Swenson said the slope is what we are here for.

Scott Messel said you could have it subject to grading, flood plain issues being resolved prior to issuance of the building permit ...

Commissioner Darton said he is fully aware of the flood plain issue. He knows he will not get his building plans approved if he has not taken care of this. He knows what he has to do while he is grading to address that problem where the flood plain encroaches onto his driveway.

Susan Savage said as this area has grown, what people have done sometimes is to just look at the contour of the land and say let's just fill-in this low spot so we can use it. The contour of the land was created by flooding, so people really do need to be aware. Not just thinking we can go in and fill-in a low spot....

Commissioner Darton said we are at the point where we say yes, we send this forward to Town Council.

Chairman Swenson said Scott, do we tie the issues together or separate them. I do not see why we should tie them together.

Commissioner Darton said I do not think we will know the answer to the second issue until he has done the grading. I think trying to answer the flood plain issue is a little premature.

Commissioner Rosenthal said from this standpoint, I would think we would have a good grading plan before grading has begun. We could certainly put a stipulation on here. If we are only addressing the slope issue then what has been presented seems to address that. I would suggest an addendum note passing it forward to Town Council that we have recognized that the egress/ingress to his property is in a FEMA flood zone and needs to be taken into consideration that it may be feasible to raise the grade of that road enough to get it out of the flood zone. If I was on the Fire Department, that would make me feel a whole lot better.

Chairman Swenson said so we could tie it together. The parameters within his grading plan presented tonight be approved, but the grading has to coincide with, and be sufficient and appropriate, and take into consideration the flood plain which may alter the grading plan, as long as they stay within our maximum standards. Right? Which is what you are planning to do, right? Whatever changes you have to do; you have to stay within the parameters that have been presented and are appropriate. That means, if you raised the whole thing, great. If you lower something, it is going to raise something else, right? And then all of a sudden you may go out of ordinance. I think we can tie both together. We need to make sure to address the grading plan to the flood plain. The flood plain will have to be grading.

Commissioner Darton said I move that we approve the grading plan with the conditions that as part of the grading he has to adjust the level of the road that is in a flood plain so that it is no longer subject to flooding, and also, if that includes a culvert, he will do the culvert. And when he comes back for further approvals, he has to demonstrate to everyone's satisfaction that he has fixed the flooding issue to FEMA standards. And he cannot go outside the parameters presented tonight for the final grade. 2nd by Commissioner Hadley. All voted. Motion passed.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
CHAIRMAN: DANNY SWENSON	X	_____	_____	_____
COMMISSIONER: BRAD ROBBINS	_____	_____	_____	X
COMMISSIONER: KENNETH HADLEY	X	_____	_____	_____
COMMISSIONER: TOM DARTON	X	_____	_____	_____
COMMISSIONER: MARK ROSENTHAL	X	_____	_____	_____

9. Discussion Items: None

10. Staff Reports: None

11. Meeting was adjourned at 8:12 PM.

APPROVED ON THIS 5th DAY OF FEB, 2020



Danny Swenson, Chair

ATTEST:



Peggy Rosebush, Clerk/Recorder