

Town of Leeds

Agenda Town of Leeds Planning Commission Wednesday, August 4, 2021

PUBLIC NOTICE is hereby given that the Town of Leeds Planning Commission will hold a **PUBLIC MEETING** on Wednesday, August 4, 2021 at 7:00 P.M. This meeting will be held at Leeds Town Hall, 218 N. Main Street, Leeds, UT 84746.

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

Regular Meeting 7:00 p.m.

1. Call to Order/Roll Call
2. Invocation
3. Pledge of Allegiance
4. Declaration of Abstentions or Conflicts
5. Consent Agenda:
 - a. Tonight's Agenda
 - b. Meeting Minutes from June 2, 2021
6. Announcements
 - a. Dumpster Days, September 3-5, Dumpsters Located on Cherry Lane
7. Public Hearings:
 - a. Ordinance 2021-03, Amendments to Chapter 9 of Land Use Ordinance 2008-04, Performance Standards for Hazardous and Other Uses
8. Action Items:
 - a. Discussion and Possible Action Regarding Ordinance 2021-03, Amendments to Chapter 9 of Land Use Ordinance 2008-04, Performance Standards for Hazardous and Other Uses
9. Discussion Items:
 - a. Discussion Regarding Changes to Animal Ordinance
 - b. Discussion Regarding Historical Zoning Ordinance
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 July 30, 2021 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.leedstown.org



Aseneth Steed, Clerk/Recorder

Town of Leeds

Planning Commission Meeting for Wednesday, August 4, 2021

1. Call to order:

Chairman Swenson called to order the regular meeting of the Planning Commission at 7 PM on Wednesday, August 4, 2021. Commissioner Rosenthal was in attendance on Zoom.

ROLL CALL:

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

2. Invocation by Commissioner Hadley

3. Pledge of Allegiance by Chairman Swenson

4. Declaration of Abstentions or Conflicts: None

5. Approval of Agenda:

a. Tonight's Agenda

Commissioner Darton moved to approve tonight's agenda. 2nd by Commissioner Hadley. 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: TOM DARTON	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
COMMISSIONER: BRAD ROBBINS	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
COMMISSIONER: MARK ROSENTHAL	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
COMMISSIONER: KEN HADLEY	<u>x</u>	<u> </u>	<u> </u>	<u> </u>

b. Meeting Minutes of June 2, 2021

Commissioner Darton moved to approve meeting minutes of September 2, 2020. 2nd by Commissioner Hadley. All voted. Motion passed.

ROLL CALL VOTE:

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

6. Announcements: Dumpster days are September 3 -5. Dumpsters will be located again on Cherry Lane.

Chairman Swenson acknowledged Amanda Gerard for Citizen comment.

Amanda Gerard expressed her appreciation for Leeds and love of living in the community. She announced she got financial aid and approval from the SBDC. She is requesting suggestions from locals for property of approximately one-third to one acre for purchase to establish a laundromat. Chairman Swenson suggested contacting Jim Coleman for the availability at Leeds Outpost. Amanda brought up the subject she wanted to address concerning the sewer and the drinking water lines. She said they were sometimes mixed up. She voiced concern that there were not consequences or repercussions from the Town for allowing this to happen.

Commissioner Darton clarified that Leeds does not have a sewer system, it is all Septic.

Amanda Gerard: I believe that they are. I believe that they own the rights to the property or the water rights to that property.

Chairman Swenson asked, but are you saying that the sewage got mixed up into the domestic water, drinking water and vice versa?

Amanda replied, we usually have issues with the water situation over there. Probably about once or twice a month.

Scott Messel wondered if the septic was failing to which Amanda Gerard responded no. When they were trying to put it back on, I guess they reconnected it, but they connected it with the sewage line with the water?

Chairman Swenson said I can't imagine. Is it still that way?

Amanda Gerard: I would hope not. But I don't I take showers anymore. I do not buy bottled water. I do not feel this is okay for animals. I don't trust it. I think that maybe there should be a little bit more regulations to people that own their water rights for things like that. Because they cause a lot of health issues.

Chairman said that note would be taken of the concern but brought back the subject of the available property. He stated if you're looking for commercial property and you wanted to buy a piece of property to build a structure on, okay, but that would likely be much harder than maybe re-modeling the unit to the

left of the market where there is an existing building that might be able to be adapted to what you're looking for. That would be way cheaper than purchasing and building. Amanda said she spoke to the daughter, and it seemed they had different plans. Chairman Swenson said, okay, what about the other structure where the post office and the restaurant is? You're talking about commercial stuff? I'm just trying to help you. Really, this is the only commercial area that we've got that structures are there. And I know that the whole little strip mall there where the market and the restaurant isn't booked. He encouraged her to come to Town Hall for owner details. The Clerk provided her with the number to get lease information at Leeds Outpost. Chairman Swenson encouraged her to discuss her ideas for a farmers' market with Mr. Coleman as well. Amanda was appreciative.

Commissioner Darton asked Scott where other property was that was zoned commercial.

Scott said, we have some other commercial property up towards the fire station of town. We have that property. I believe that Ian Crowe did that two-lot subdivision on it earlier this year. And it's zoned commercial. And it's two lots. I don't know if he still owns it or not.

Commissioner Darton: Right across the freeway.

Amanda asked if she could leave a petition that she had gathered names for in support of her laundromat. Chairman Swenson explained a petition was unnecessary as the Planning Commission was in favor of the idea of a laundromat.

7. Public Hearings:

- a. Ordinance 2021-03, Amendments to Chapter 9 of Land Use Ordinance 2008-04, Performance Standards for Hazardous and Other Uses

Commissioner Rosenthal reported that at the Town Council meeting following our Planning Commission meeting, one of the Council Members wanted to have assurances that this amendment to the ordinance would not negatively affect the agricultural community. And so, I incorporate language in the latest draft to address that, which is essentially a mimic from the State Code. The third paragraph addresses the agricultural exemption.

Chairman Swenson: I'm going to read that one paragraph that it states in the last sentence, it says: all persons undertaking construction activities that meet the threshold identified in the above paragraph shall be required to submit an air quality permit application as a condition of report receiving a building permit.

So, this is the only statement that I see. Agricultural and horticultural activities are exempt from this requirement, which is clear. And that was satisfactory with the Town Council? Commissioner Rosenthal agreed.

Chairman Swenson expressed gratitude for Commissioner Rosenthal's efforts regarding the ordinance amendment.

Chairman Swenson called for discussion from Commissioners. None. He called for discussion or comment from citizens. None

Commissioner Darton moved to approve the proposed fugitive dust amendment to chapter nine, the performance standards for hazardous and other uses as section 9.7 point 6.1. 2nd by Commissioner Robbins. Motion passed.

ROLL CALL VOTE:

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

9. Discussion Items:

a. Discussion Regarding Changes to Animal Ordinance

Chairman Swenson requested follow up report from committee meeting.

Commissioner Darton: During July, we were able to corral a number of people who were interested in the animal ordinance. We met as intended. Yes. It was like herding cats. We were able to meet we got feedback from everybody who was involved. There was not unanimity. There was general consensus. I made a bunch of changes to it. I have circulated the red line, I'm waiting to hear back, you know, comments from people on the red line. They did request that we take it up in the September meeting. So that's my report. And I'm sticking to it.

Chairman Swenson declared it ready to go back to Town Council and Commissioner Darton agreed. He asked for any discussion or comment from commissioners or citizens. None. He thanked the committee for their efforts.

b. Discussion Regarding Historical Zoning Ordinance

Chairman Swenson: Next discussion will be regarding the Historical Zoning Ordinance. The issue with the historical zoning ordinance has been related to the museum area, the operation of that location. It does include our other historical area, the CCC camp. Any updates and suggestions? We want to look at helping manage that, as well as the Tithing House. I think those three items are our historical areas here. And so, we've been working on that and so I'll give a little update on it. We had a good discussion and attendance last month related to that. I feel there's a lot of confusion and innuendos that certain things related to the museum specifically as far as ownerships and, the rights of different activities. I've heard many different things. So, I personally met this past month with the Washington County Attorney's Office, specifically to find out ownership and whatnot. So, I had a meeting with the Deputy Attorney, his name was Steven M. Scott. The Mayor was in attendance also. We discussed the ownership, some history, we actually went up and then reviewed also, the facility, walked around, got a good idea. The Washington County attorney didn't actually have the latest update of the improvements up there. They were quite impressed. So just a little bit of update kind of the same thing that's been going on with the animal ordinance to bring things around. There was a question on ownership. The actual owner is Washington County.

Commissioner Darton: What parcels do they own?

Chairman Swenson: Let me go back then a bit farther. So, it looks like I've got old letters, how we transition that area. The past history for that was residential property. It was actually purchased by Jerry Anderson. Jerry Anderson wanted to donate it to the Historical Society for historical

land, it couldn't be donated to a government agency. It was sold, I found a price of \$10 to make it happen. We're talking back in 1991 for \$10. The County, as well as the Historical Society, not talking about the State Historical Society, is actually a National Historical... I'm not going to say monument, a national historical site. The CCC camp and the tithing House too. It is a national, not State Historical site. Utah State has adopted it, as well. The National Historical letters stated that they wanted to move it forward, they desire to reconstruct it, or even make new additions as far as structures, that it could be a site to be visited, and wanted it to be promoted. They weren't going to allow this area to manage it if it wasn't in the community's framework to improve it, and to have it open to the public. Those were statements back in the old time, which is really nice. It was then purchased, and Washington County owns it. They have had an agreement with the Silver Reef Foundation 501 nonprofit foundation to manage their property. So, the Silver Reef Foundation manages the property. The President happens to be Ron Cundick at present. They have been given the task to specifically do improvements, additions and, and try to make it as close to original as possible. As well as bringing in other historical entities. The National Historical Society had permission to have some commercial properties there. They stated a couple times, the museum, Art Gallery, Cafe or restaurant, and other things that would benefit that location. So, it looks like the intent of the Historical Society is for the enjoyment of those interested in history. To improve it and to manage it. I think it's very obvious that that is what the Silver Reef Historical Society has done. They've actually put a lot of money into it. If you haven't been up there recently, I haven't been up there for a couple years, it's pretty impressive the money they put into it. There are also some standards in the Interlocal Cooperative Agreement, as far as building standards. They pretty much go along with our building codes that we have here for height and width and setbacks. I asked about the jail that was placed on the property. It is actually placed about two blocks to the west of its original location. And the reason for that is, when they did the project, they had a geologist come out, as well as a historian and survey the properties where other buildings and structures were. And there's artifacts, that they didn't want to cover up with a concrete pad and some other things in the original location. And this is where the geologists and the historian felt was the best location. And we walked around that location. So, there was planning done about where it was placed. There is some good history behind all that. Part of the Interlocal agreement talks about some of the issues, lighting, operating hours, special events, and so on, so forth. So I think the latest thing I had asked him was, what is the requirements, standards from the National Historical Society related to the Tithing House and CCC camp and the properties up there? Because it really will, who trumps with the ordinances, and requirements of expectations, is the National History, United States Historical Society, United States Historical Society trumps all the other issues, all the other agreements. So the attorney was working on getting those requirements to me, because really we can't do anything less than standards and expectations. I've got the documents from Washington County, and the transitions from the private to the existing organizations, I think we can start on any kind of requirements and issues as far as lighting and other things. Most everything is spelled out pretty good, to be honest. Also the hours of operations and so on. That is the only thing holding us up from going much more forward. Scott, do you have anything to add?

Scott Messel: No. Well done.

Commissioner Darton: The intent is to, over time, rebuild?

Chairman Swenson: The intent of the original property owners who deeded it to us was and the historical societies that then deeded it over for management by the Silver Reef Historical Society is to improve the area with structures and additions that might make it more desirable to be visited.

Commissioner Darton: And is that the current intent of the National Historic society?

Chairman Swenson: I haven't got that back. But that was the intent back then.

Scott Messel: I think it's the intent of the County.

Chairman Swenson agreed that is the intent of the County.

Commissioner Hadley stated the County owns the museum property, which Chairman Swenson

confirmed.

Commissioner Hadley inquired about ownership of the CCC Camp, which Chairman Swenson answered was owned by the Town.

Commissioner Hadley asked about the ownership of Town Hall, which Chairman Swenson said was moved from up in Silver Reef and Scott Messel said was owned by the Town.

Commissioner Hadley brought up the Tithing House, which Chairman Swenson identified as being privately owned by Commissioner Hadley. Chairman Swenson highlighted the nice improvements to the Tithing House done by Commissioner Hadley.

Commissioner Hadley did not know what restrictions were on his property and Chairman Swenson said he did not know what restrictions there were elsewhere, which he wants to get from the attorney. Chairman Swenson said what he expected to see was that they did not want to see degrading, they wanted to see improvements. They don't want things torn down and modernized.

Scott Messel suggested there were State and national organizations to contact for information on this.

Commissioner Darton stated that before we finish this Historical Park District Ordinance we need to find out what the national requirements are.

Chairman Swenson asked where the current document came from, as he thinks it falls short of the intent of all the other documents from earlier that he has seen. Scott Messel said that a lot of people had been working on it. Scott Messel said he was trying to be careful since he works for both Washington County and the Town of Leeds, trying not to advocate for either entity.

Commissioner Darton noted that the museum properties were donated with desires for their use that he wanted to know if they were made part of the legal transfer, were they enforceable covenants? Scott Messel said he did not know if they were covenants, but the documents stating that were in the transfer documents. Commissioner Darton said when purchased property is donated with a specified purpose, that purpose should be followed, because there was consideration.

Chairman Swenson wanted to highlight documents from 1991 that the lands so sold should endure only for as long as they were used for public purpose, otherwise they would revert to the Department of State Lands and Forestry.

Chairman Swenson said the land was designated residential, non-conforming, and asked Scott to explain non-conforming. Scott said Silver Reef existed long before zoning codes. In the County there is very little, or loose, reference, mentioning Open Space, but it was non-conforming use. Whatever zone it was assigned when it came into the Town it would still be a non-conforming use.

Commissioner Darton said, so the prior use was grandfathered in, which Scott Messel confirmed.

Chairman Swenson said we still need to address lighting, parking, fire hazards, which he thinks are non-existent. He thinks it is run very well and the improvements look great. He also said that being part of trails planning, that traffic to the National Forest was only going to increase. Some of the previous discussion was that the museum was causing a problem with traffic, but Chairman Swenson thinks the traffic growth is driven by use of the National Forest. Oak Grove Road is the only entrance on the east side and the National Forest is planning more trails and improved trailheads and kiosks to benefit those who want to come and recreate in the hills, so it's only going to get more use.

Scott Messel said the visitors are already there and they are looking to improve the facilities proactively in the National Forest.

Commissioner Darton wanted to be sure we address Oak Grove Road. We might not be able to widen

it, but we will need to maintain it.

Chairman Swenson brought up the added 6-acre parcel by the museum. In a letter from 1988 the desire to preserve the history there was a focus and concern. In 1989 Five Counties Association wrote a letter in support of the Forest Service finding a way to preserve the historic nature of Silver Reef.

Amanda Gerard thought there might be Paiute artifacts in the museum area. She thought as a Paiute there might be funding for her business efforts.

Commissioner Hadley asked about the stabilization of rock walls in the museum area. Chairman Swenson said he knew the Silver Reef Foundation had done some of that work, which seems to be consistent with the intent for the property. Commissioner Hadley wanted to know if that would cause bad feelings with some of the residents. Chairman Swenson said there were almost always bad feelings from one or both sides of an issue. It was agreed that some of the rock walls, if not stabilized, could be a safety hazard. Chairman Swenson said President Ron Cundick could be asked their intent with the rock walls.

Commissioner Darton said the biggest impediment is likely to be funding because historical reconstruction is very expensive. Chairman Swenson said he believes there have been donations to support the Foundation.

Susan Savage said a lot of work has been done on stabilizing the rock walls.

Chairman Swenson said there are parties that are quite interested and he intends to work with them.

10. Staff Reports:

11. Roll Call Vote to Close Meeting

ROLL CALL:

	<u>Present</u>	<u>Absent</u>
CHAIRMAN: DANNY SWENSON	x	_____
COMMISSIONER: BRAD ROBBINS	x	_____
COMMISSIONER: KEN HADLEY	x	_____
COMMISSIONER: TOM DARTON	x	_____
COMMISSIONER: MARK ROSENTHAL	x	_____


12. Adjournment

Meeting was adjourned at 7:58 PM

APPROVED ON THIS ____1ST____ DAY OF ____SEPTEMBER____, 2021


Darryl Swenson, Chair

ATTEST:


Aseneth Steed, Clerk/Recorder