

Town of Leeds

Agenda Town of Leeds Planning Commission Wednesday, January 04, 2023

PUBLIC NOTICE is hereby given that the Town of Leeds Planning Commission **PUBLIC MEETING** scheduled for Wednesday, December 7, 2023, 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 of December 6, 2022
6. Announcements:
 - a. Dog and Cat Vaccination Clinic, Saturday, January 7, 2023, 1-3pm with Dr. Bice
7. Public Hearing: None
8. Action Items:
 - a. Discussion and possible action Conditional Use Application for Brain Hansen 480 N. Main
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 3, 2023, 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.leadstown.org



Aseneth Steed, Clerk/Recorder

Town of Leeds

Planning Commission Meeting for Wednesday, January 4, 2023

Call to order: 7:01 p.m.

Chairman Swenson called to order the regular meeting of the Planning Commission at 7 PM on Wednesday, January 4, 2023.

ROLL CALL:

	Present	Absent
CHAIRMAN: ALAN ROBERTS	<u>X</u>	_____
COMMISSIONER: JENNIFER LUFT	<u>X</u>	_____
COMMISSIONER: TOM DARTON	<u>X</u>	_____
COMMISSIONER: GARY ROSENFELD	<u>X</u>	_____
COMMISSIONER: BILL MCLIGHLIN	<u>X</u>	_____

Town Planner Scott Messel and Planning Commission Alternates Ken Hadley and Miranda Nessen in attendance.

Invocation: Gary Rosenfield

Pledge of Allegiance: Jennifer Luft

Declaration of Abstentions or Conflicts: None

Consent Agenda:

Commissioner Mclaughlin moved to approve the agenda of January 4, 2023, and Meeting Minutes December 7, 2022, with changes. Commissioner Rosenfield seconded. Motion passed in a roll call vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
CHAIRMAN: ALAN ROBERTS	<u>X</u>	_____	_____	_____
COMMISSIONER: JENNIFER LUFT	<u>X</u>	_____	_____	_____
COMMISSIONER: TOM DARTON	<u>X</u>	_____	_____	_____
COMMISSIONER: GARY ROSENFELD	<u>X</u>	_____	_____	_____
COMMISSIONER: BILL MCLAUGHLIN	<u>X</u>	_____	_____	_____

Announcements:

Dog and Cat Vaccination Clinic, Saturday, January 7, 2023, 1-3pm with Dr. Bice.

Citizen Comment:

Lana Riddle: Sir I would like to make a comment but with this cast I cannot come up. You've given two minutes by the time I get up there will be gone.

First of all, I feel like my private property rights were overlooked or denied when a hearing, or whatever you call it, regarding my property, and I was never notified. I did not know about it until later in the afternoon of the meeting and the folks involved knew I had to go north for surgery on the sixth the meeting was on the seventh. I was never notified. And I believe it's my property right to have been notified on any deliberation concerning my property.

Chairman Roberts: Help the commission understand what you're referring to on any action that's on your property.

Lana Riddle: Okay, it was a discussion about from Brian Hansen and he has been breakfast which involves expanding the use of my easement. So, are we on the same page now?

Chairman Roberts: I understand what you're saying.

Lana Riddle: All I'm saying Sir is, according to all the state records, all the volumes, the people at the state; an easement, my easement cannot be expanded. My easement was originally one residential home. Brian then subdivided into two. Now, as I understand it, because I wasn't here, the request is for a conditional use permit. As I understand it from all the parties within the state and publications, there's books on the rules is that no one has authority or the power to expand an easement out of its use, that is different than it was ever used before. So, a conditional use permit is a change. It goes from a residential zoned area into a commercial.

And from that, authorities that I've talked to, I believe, I no doubt I'm correct, that an easement, and its use cannot be expanded into another use another method. Now, the concern I have about this is that Brian Hansen now owns all the property surrounding him. Main Street, he quick claim deeded over to his daughter over on Vista, but he can get out or in whatever he wants to deal with his house and his bed and breakfast. Just not through my property with commercial use. That's the concern. That's all I have to say.

Chairman Roberts: Scott, will you address that?

Scott Messel: Yes. A Conditional Use by state statute is an administrative decision. You are correct. A Conditional use cannot happen on your property, if you're not privy to it. There was no action taken, it wasn't scheduled to be an action item, no notice was required to go out to you or anyone about the Planning Commission under listening to the applicant, or the resident who was asking for the Planning Commission to reconsider previous or to relook at what he had previously done. The language on the easement would need to be looked at to make sure. If it's just access over and across as far as it being a commercial use, in all of our zones, and it's like this with most zones throughout the state; you can have uses and they can either be a permitted use or conditional use.

Home based businesses, mostly in residential it is home occupations that are conditional uses. Sometimes it's things that are a little bit more impactful, but the town through adopting ordinances has determined what still fits underneath the umbrella of residential but could be permitted with conditions attached to it. It could be permitted, but it may have more impact in a permitted use because it's in the code. The Planning Commission couldn't make a decision last week to extend it to review and accept anything Brian had because it wasn't an action item. If I remember right. As far as noticing for use as a bed and breakfast, yes, the easement is something that needs to be looked at because it is it does go over your property. But even though Brian owns all the property around on your property as you have stated with the current major access, he couldn't come in and do a subdivision on it, and still use your property as easement or the access. We have town codes and subdivision standards in place that more development would require different standards to be put into place. The Town cannot approve a new road across your property, whether it's a private or a public road without you being privy to it.

Lana Riddle: According to the official documents that use cannot be expanded either.

Scott Messel: Well, and that's why the language of the easement needs to be understood. Easements can be really tricky. Because there are places in the county where there may be an easement going through a subdivision. I know some subdivisions that were approved in the 70s. And rather than having a dedicated road, they just had an easement. But on the language just says this is for all the property owners within that subdivision, but then there is property adjacent to it and the only way to get to that property is driving through that. So, there have been arguments. Well, it's an access easement. Does that mean that it's cutting off access to the property adjacent to it? So, the easement language can be very important as to how it how it's worded. And what's allowed with these.

Lana Riddle: It seems actually quite specifically that says it can't be, it was expressly intended.

Scott Messel: Yes, there's what is written and what is intended and then it also has to be determined whether or not what is being proposed is expanding it. It may be in your opinion, but that's what the Planning Commission is for and it's to determine whether or not it is expanding.

Lana Riddle: And I am ok with that. I'm fine with that, because I look forward to the Planning Commission decision.

Scott Messel: What the Planning Commission needs to do when they're reviewing a conditional use, by state statute, it's still an administrative decision. That kind of doesn't makes sense, but that's the way the state code is written. So they take off their legislative hat put on their administrative cap, and what they have to do is make sure that [application] meets that code. Even if the entire town came out and said that they were against Brian doing that, that can't be taken into consideration on a conditional use. If a conditional use follows the code, it has to be approved administratively. There are other

land use actions such as zone change where if the entire town came out and said we're against it, or if one person came out...

Lana Riddle: There might be two issues. There are two easement issues since they're all so it's no longer an easement and necessity to get to a home because they have a huge access from Vista to Main Street that could be used instead. If somebody wanted to put the same expense into building a right of way a road as I have.

Commissioner Darton: That brings up the question Is this an easement by necessity or is this an express easement? Is it written in the property deed?

Scott Messel: With it being subdivided and the subdivision was approved, it's not an illegal lot split. At some point, the town determined that it was still legal to have two lots off that easement.

Commissioner Darton: It's an express easement, not an easement by necessity. I know you may not follow this but the law will sometimes imply an easement by necessity when there's not an express easement, if that's the only way to get to that property. That doesn't sound like that's the case here that it was an express easement. When you bought your property you were aware that there was an ingress and egress easement running across your land.

Lana Riddle: The discussion of a Bed and Breakfast didn't include a whole lot of access to that Bed and Breakfast besides over that easement being expanded.

Commissioner Darton: Okay, but it's still an ingress egress easement. I see easements on property all the time for gas lines or different things. The gas company couldn't say hey you know we've got this gas line easement let's build a road here. That would be changing the easement.

Lana Riddle: And they make those exceptions in the code. A Bed and breakfast, not so much.

Chairman Roberts: this time let's have the applicant, Brian, you come up.

Kimberly Cook: I would like to speak. Can you tell me if you got the documents today?

Kimberly Cook explained she sent an email to the Planning Commission earlier in the day. Chairman Roberts said we did not received documents today and told her she was not very audible as the connection was not clear. A letter from Kimberly Cook was distributed to the commissioners by a citizen.

Kimberly Cook: Okay, I sent them documentation you know, I don't have a problem with people doing what they want with their property I am Lana Riddle's daughter. And I did

send documentation on this matter, but according to the state site, you can't expand an easement beyond the use that it was established for.

So, you as the Planning Commission, you can decide you don't have to go to the Town Council you can decide whether somebody gets a conditional use permit. Is that correct?

Chairman Roberts: That is not correct. All conditional use permits go before the Town Council.

Kimberly Cook: Okay. So, are you going to take action on this matter tonight?

Chairman Roberts: We have potential to take action on this matter tonight. At this point, I'm not going to say whether we would take action but it is posted on the agenda for possible action.

Kimberly Cook: Have you had a chance to look at that at all? This easement has already been expanded beyond the first use if you look at any of that documentation. It was originally for one home and if you read the narrative there is pretty simple that we kind of, they just going to let him do it. The second segment was established when Brian did his subdivision, small subdivision and Now this is just a continual problem about this easement. I mean, I would think that you would have to show good cause to effect somebody's property. And I don't understand what those would be. The community doesn't need another bed and breakfast. I just don't know how you can find good cause on this matter.

Chairman Roberts: Okay, thank you for your comments, Kimberly. Brian, will you approach the Commission?

What are you proposing that is different than what we have entertained as a Planning Commission previously, because if it's the same proposal; we've heard your proposal. There were some suggestions given. Do you have other information that would be needed.

Brian Hansen: Looks like a couple of you got a copy of it. The conditional use permits. On the Home occupation says you can only use 25% of your home, for a business. We have divided off our basement into 25% of our home Square footage for the bed and breakfast. It is 441 square feet of a 984 square foot home. I hope this works, because I've already built my wall, and sheet rocked it. We put new carpet in a couple of rooms. I've got two bedrooms in there and a big sitting room with a little TV room. I've marked off the closet to have their own vacuum and stuff in there. That is what we would like to propose. We've got plenty of parking in the back. So that's what we'd like to do. We had a family of five stay in that same kitchen, and bedroom, and we did quite fine. There is plenty of room for four cars. When it comes to expanding that lot, you know, I would like to suggest that there will be less traffic up and down that road, there'll be less involvement, there'll be less people going up and down that road. I know that's not the official definition of expand but there will not be as much traffic coming down that road as there was. If there is more traffic, I'll shut it down. Typically, a bed and breakfast, you'll have somebody leave for the day and come home, maybe they'd want dinner and come home. If you have a family

living there with five kids in this last family we had. They had jobs they were out in and out in and out all day long. I've done that as a family with six kids. We were always going up and down that road.

Chairman Roberts: Your application specifically states one king bed in each bedroom. There's two bedrooms that you're proposing for your bed and breakfast. But then it goes on to say two sleeper sofas in the living room. "We prefer to cater to four people but could accommodate four more". I guess what I want is a clear number of what you propose.

Brian Hansen: I would like to not go above eight. I've got six kids. So there's eight of us in our family and it's tough sometimes to find a place to stay. Many times you throw couches and beds and stuff on the floor and sleep where you can.

Chairman Roberts: Could that technically mean eight separate individuals and eight separate vehicles?

Brian Hansen: No.

Chairman Roberts: I actually, It can. Now, whether individuals were willing to bunk with somebody that they don't know, well, I don't know. But even family members that are willing to bunk with each other oftentimes will bring their own vehicles. Those are considerations that you have to look at. I won't get real technical on the easement that allows access to your property other than the physical size of the easement does not change. That cannot change. It's access that's described in a land document that's recorded in the Washington County Recorder's Office that describes the size of that. Now easements like that don't generally include a number of passes, that somebody's going to go up and down that easement. But for the conditional use that you're looking at, this Commission needs to have a clear understanding of what the potential of that traffic may look like. That's why I'm looking for a specific number. And if you say eight, that mean, you're the applicant. Eight families or eight singles?

Brian Hansen: I want them to be related. I want them to know each other, you know, be a group together. I don't like the idea of having two groups of colleagues so we can specify say that as a criteria. It's just a lot more comfortable for them. How do you propose to handle the breakfast part of it? Now, we can have a lot of debate all day long about what a bed and breakfast is. Our town code allows it and that is the way that it's written. Scott, how often do you see that phrase Bed and Breakfast used nowadays when it comes to short term rentals?

Scott Messel: bed and breakfast, you have some of the larger cities that may have like an old Victorian mansion that was once the mayor of Salt Lake or something that is now being used as a bed and breakfast. Other than that, the term short term rentals have taken over what used to be bed and breakfast.

Chairman Roberts: Yes, But we have to go from terminology what exists here in Leeds right now which it is a bed and breakfast. You would assume that you have to offer a breakfast How?

Brian Hansen: My wife is planning on five menus that she's put together, and she's going to take them down breakfast based on their time, nothing before. I think she said eight every morning. She's planning on accessing that through the owners entrance. That's how we're going to take breakfast down. I know in our ordinance, it says, you don't necessarily have to serve breakfast or not serve breakfast. We'd like too.

Bill Hoster (Zoom): Can the applicant access the property through the other property he has?

Brian Hansen: Absolutely. To get from the main road to go through my three other parcels. It's about 970 feet. If we did that we need to put some easements in. I don't know that this town is up for some more flag lots. Are we up for that?

Chairman Roberts: No, we don't allow flag lots.

Brian Hansen: Would that constitute a flag lot?

Chairman Roberts: You already have a preexisting flag lot.

Scott Messel: By going through another property would be amending it or creating another one.

Brian Hansen: Another one, which I don't think this town likes. That easement has been there for 51 years. That home was put in in 1972. So it's yeah, it's a pretty grandfathered easement. Yeah, my wife and I have had long discussions on it. Well, could we just go around? Can we just bring traffic in another way, but it would just create chaos and I don't know that easement would be any different than this one. I mean, if we ever sold that property, and someone's got an easement on there, it's messy.

Lana Riddle: Hello, hello.

Commissioner Darton: Well, I, I don't want to sound insensitive, but you bought a piece of property with an easement on it.

Lana Riddle: To one residential area.

Commissioner Darton: But an easement for ingress and egress, as was mentioned, does not have a limited number of accesses per day. It is an easement for ingress and egress. He used to have a lot of kids that lived there. And when they were teenagers, there were a lot they all had cars and they were driving a lot. I would imagine there's probably a lot less traffic today than there used to be. I have a sense that you just don't like Brian and so you don't want him to be able to do with his property what he wants to do.

Lana Riddle: Sir!

Commissioner Darton: I'm not trying to be mean about it. I'm just being really upfront with you. So please help me understand.

Lana Riddle: Okay, first of all. This started in 2013, the first time, second time in 2019. I have a pretty solid offer on my home. I just read grifted because of that. I think that affects property value when somebody knows there's a bed and breakfast.

The other concern I have, which wouldn't be of concern to you, is that my driveway is the drop off for all the schools to children. That means all along my white vinyl fence there every morning, there are parents lined up to get see those kids. We know, we know this. We know there's kids, this older kids, we know that we know at four, there's going to be some more. But now a bed and breakfast. I'm not sure anyone could feel differently than I do about this. I don't believe it's because I'm discriminating against Brian. I think it's a principle. Thank you very much, sir.

Commissioner Darton: Okay, so I'm trying to understand your objection is that you're concerned about the safety of the children who are at the bus stop.

Lana Riddle: That's one also, I know, from Vista in, where the other bed and breakfast is, right into Brian's property. I'm not giving in. Why that's such a problem, you help me understand. Why is coming from VISTA or main street into a bed and breakfast different than? If people want to go to a bed and breakfast?

Commissioner Darton: Well, I would think the difference is he currently has an ingress and egress easement across the property that you own and he doesn't on other properties.

Lana Riddle: True. Very true. But not to have that Bed and breakfast, a commercial entity? No, I am not giving in.

Scott Messel: One of the things that we can take comment, but the one of the things is that there's a time for comment, not a back and forth are a deliberation between the Planning Commission and members of the public gets hearing the members and of course wanting to understand what the public concerns are, which Tom was doing, but then the back and forth. It may be best if they put something in writing and got it to us or got it to the Planning Commission 24 hours. Yeah. But you know, the Planning Commission should be able to discuss and deliberate amongst yourselves. Without interjection unless you ask the public.

Commissioner Darton: As we discussed last month. If he does a long-term rental on that property, the Planning Commission and the Town Council have no say in it whatsoever. And that's going to have traffic, you know, of whoever's renting it coming in and out. So I'm not sure I see on the traffic side, much difference between the two situations. And I guess it depends totally on the renters, or the people coming to the bed and breakfast. If

you rent it to a family that had 10 cars, there could be a lot of traffic. If you had a family come to the bed and breakfast that a number of the family had cars and they came in that would be more traffic. I'm not sure, there's no way in advance to know what the difference is going to be.

Scott Messel: One thing, if I may, on Brian's site plan attached with the conditional use application he shows the access road and then the parking area and he shows delineated two parking spots. And so I know it's not in a paid or strike parking lot where it specifically says these are two, but the Planning Commission has the ability to say the site plan shows that there are two parking spots. We feel comfortable with that number or you can adjust that number, but you could tie it to the number of legal parking spaces. maximum of two cars. Would you be comfortable with that?

Brian Hansen: I am okay with that. Absolutely. Yeah. I don't want a bunch of people that are just renters have been too many.

Commissioner Rosenfeld: I was trying to determine where the description is. I didn't see it the description of the easement. I was looking for the limitations of it.

Commissioner Darton: We don't have it. That's just a legal description of the size of the easement.

Brian Hansen: It is vague. It's done a long time ago.

Scott Messel: That's one of the challenges is you run into with these types of issues when it's an access easement rather than a true flag lot. If it was a true flag lot, the access to Brian's property would be part of his property But the town doesn't allow those anymore. As things develop, that's one reason why it's so important for us to have dedicated roads, whether public or private and having them called out very clear when people move in that there's going to be a lot of vehicles going by. It probably just says access easement.

Commissioner Darton: It says "together with the following described easement" colon and then it's what you normally see, you know, the gobbledygook that means nothing to most people beginning at a point which lies in then a Physical property description that doesn't help.

Chairman Roberts: That describes that easement.

Commissioner Darton: Right, And so that road can never be bigger than what is right described here.

Chairman Roberts: what would Commissioners look at being reasonable for occupants? Keep in mind, there's two bedrooms, people may or may be related. You have to make an assumption that at any given time they would be unrelated individuals, total strangers. You have one bathroom that they're going to share. That's probably not an uncommon

thing in a traditional bed and breakfast when you think about that, but you have one bed per bedroom.

Commissioner Rosenfield: Brian, How many bedrooms are in the house total? Six. So this is a big house. If you sold the house, somebody could come in with a big family and a lot more people. Right?

Brian Hansen: I could rent half the house out as long as I'm in the other half so I can have 15 people there. In my mind, we're downsizing by doing a bed breakfast, not upsizing. It's going to be less, not more.

Commissioner Luft: It's my understanding that it's being rented out as a single unit with different bedrooms, right? You're not going to be renting one bedroom to a couple and then another two totally separate even though that's Traditional Bed and Breakfast.

Chairman Roberts: I'm saying it could happen unless you describe that you cannot do that in as a condition, Or you could propose that a condition is that it's rented to one group, or family whether it's a couple, or its family of five or whatever that number is.

Scott Messel: You could propose that a condition is it's rented to one group or family, so whether it's a couple, or it's family of five or whatever, whatever that number is.

Citizen: Your commission could consider changing the description to Airbnb.

Scott Messel: one of the challenges that we have is we could change the description, but the application is animates what's in our code right now?

Citizen: I'm talking about going into the future. because you're not you're going to continue to have this probably.

Scott Messel: We have talked about that a lot.

Commissioner Darton: Remember, you're talking to a body that has absolutely no decision-making authority.

Scott Messel: You have decision making. You just may not have a legislative authority.

Commissioner Darton: We make recommendations, but they are the ones who make it law.

Chairman Roberts: I want to make one thing clear to the public and commissioners. If a land use authority, is doing their due diligence, their recommendation should have a lot of weight. It should stand very well. If they're doing due diligence on what the recommendation is. Here, again, a legislative body is going to make that decision. But if you've done your homework, and whatever you present, should have a lot of validity. Don't underestimate what the findings and conditions.

Chairman Roberts: I would suggest it. Yes. But That's what I find interesting, because your application leaves a number of four and then increases it to maybe another number of four added to that. But And here again, I want to put responsibility on the applicant. The brings anything towards the Planning Commission is you can make that decision right now. But your application shows a number of eight.

Chairman Roberts: Yes. But my response to that is going to be...

Scott Messel: That's in a commercial zone.

Chair That's where I'm going with that. Your neighbors are suggesting that you're using it for our commercial use. Keep in mind, it's residential. It's zoned residential. It's to be maintained as residential that allows a bed and breakfast with a conditional use permit in a residential zone. And when I say it allows it, that doesn't mean that Oh, you just automatically get it. It requires a conditional use of as you've applied for. So that's why we're having this discussion. It is not a commercial zone. That's why I would make it very clear that a motel is going to be in a commercial zone. And that's why we would be very cautious about allowing enough beds and enough traffic to be able to interpret it as a motel.

Megan Stead: I am Brian's favorite daughter. So I am, I'm a home designer. And basically, an architect says, this is kind of like what I do for my job, and I really enjoy it. I just wanted to bring up some of my thoughts personally on some of the concerns that were brought up. The main thing, obviously, is the easement, you know, is the easement being expanded? Well, the easement is for access to homes. And that's, you know, that's just basically what it is. Access to homes, it doesn't say, access, you know, that's just what it is. So if it's just simply providing the access to the homes, it doesn't matter how many cars, it doesn't matter how many people it's just simply access to the home. And that's not changing, it's not being expanded at all, that's still what it is. It's just accessing these homes. And like you guys talked about, you know, that's a big house back there, you could have a family move in there with 15 kids. And those kids, you know, when I lived there, I went up and down that road, probably six times a day, you know, 15 people, six M is a that is a lot of traffic for both of those homes. And so like my dad mentioned, having, you know, a bed and breakfast, where you just kind of go once, maybe twice a day, would really, really cut back on the easement, there's much less traffic going for that easement than there would be with a family living there. So I feel like the easement is not really an issue. And the other the other concern is, you know, how many people are going to be there? My parents will put on it, you know, eight people, Max, but are people always going to be honest? Probably not. You know, when we're growing up in a hotel room, like, you know, if you have more than three people, you need to get another hotel room, but we've packed all six kids into those things. I feel like putting a hard number on that, as the committee is not really fair, because Shouldn't it be up to the owner? You know, it's their house? No, shouldn't be? Okay. All right. Hard number is fine.

Commissioner Roberts: When you have to come and ask permission. It's not up to you.

Megan Stead: Okay. All right. Let's see. So those bedrooms on there are absolutely ginormous. So you know, if there if you guys were really worried about the number of people sleeping there, they could easily fit two beds in a room. You know, they have two beds in a room all the time. If siblings share. There are two beds. Let's see Oh, and Lana mentioned about, she's really upset that they subdivided it 20 years ago and put another house back there. But I remember growing up, my parents would never bring this up because they're too nice, but I'm not. She had a trailer back there that she rented out for years. I don't know how long because we didn't have cameras on her yard like she has on my parents. So yeah, I don't know how long she rented out for, but my parents never made a stink about it. They never called the city about it. They never came and made her take it down. They were never complaining about more people on their road. So that's something to think about. But, you know, my parents were doing this very legally, they're asking permission, they're doing it kindly. They're, you know, they're really, really, really, really trying to accommodate, you know, the city and Lana and everybody around them, they're, you know, they're really just, it's just their income. The lady that was on Zoom mentioned, you know, there'd better be a good reason like, is providing for a family not a good enough reason? Is having another source of income, not a good enough reason? Is owning a small business not a good enough reason. I mean, they're not trying anything crazy. You're just, you know, trying to use their home to make a little bit of extra money. So they got grandkids now. All right, so and then another thing that was brought up as Lana was really, really wanting them to go all the way and do another easement. But I don't think the easement access should be changed simply because they own another piece of property, that easement should stay there and should stay for the two homes, regardless of what they bought, you know, just a couple of years ago. And because making an easement and the other property would be four or five times as long as the one that's already existing for there. So, I know that there was another bed and breakfast that was passed here in Leeds. And it was super easy. It was super chill. None of their neighbors came at them complained. I feel like and like you mentioned earlier for conditional use permit people complaining about it shouldn't really affect it. If it's legal, it should pass. And yeah, that's it. So, thanks, guys.

Chairman Roberts: Back to the Planning Commission, is it is it an item that someone would not put a motion on the table?

Commissioner Darton: Yes. You know, as it's been discussed, I think it is appropriate to put some limits some conditions.

Commissioner Rosenfield asked if the UPS used the easement for package delivery. Brain Hansen said yes.

Bill McLaughlin asked about signage for emergency vehicles. Scott said the address is all that can be there.

Chairman Roberts clarified that the applicants approval should include proof of payment of the transient room quarterly tax.

Scott Messel said in cases of violations of the conditions in the Conditional Use permit, the Town Council could call the applicant back in to discuss the concerns and see if either the conditional use needs amended or revoked.

Commissioner Darton motioned to forward to Town Council with the recommendation from Planning Commission for approval the Conditional Use Permit for a Bed and Breakfast at 480 N Main Street, Brian Hansen with these conditions: that the Hurricane Valley Fire Department conducts a safety inspection for general health and safety, that the maximum occupancy at the facility be limited to 8 people, That there be two designated guest parking spaces, and specify that sleeping accommodations be in designated bedrooms only, in consideration of the septic load on the facility. "Commissioner Mclaughlin seconded. The motion passed in a roll call vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
CHAIRMAN: ALAN ROBERTS	<u>X</u>	—	—	—
COMMISSIONER: BILL MCLAUGHLIN	<u>X</u>	—	—	—
COMMISSIONER: GARY ROSENFELD	<u>X</u>	—	—	—
COMMISSIONER: TOM DARTON	<u>X</u>	—	—	—
COMMISSIONER: JENNIFER LUFT	<u>X</u>	—	—	—

Chairman Roberts: I would assume the applicant will want to be placed on the next Town Council. But it'll be important that that motion is written for the Town Council as our recommendation. They need to know exactly what was stated on that.

Findings:

The Planning Commission finds that a Conditional Use Permit at 480 North Main Street is allowable under the Land Use And Zoning Ordinance 2008-04 under Chapter 24.2.5.2.5 as a Home Occupational Business that complies with Chapter 7.5.1.1 in the applicant's zone of R-R-20. Regarding the concern of traffic over the easement, the Planning Commission reasons the traffic made by a Bed and Breakfast facility compliant with the business portion of the residence being less than 25% of the total square footage of the residence would not exceed traffic of a typical residential dwelling of the same size. The applicant agrees to consider the available parking spaces at the facility be adequate and the school bus stop safety concerns be evaluated along with septic maintenance for the health and safety of the facility due to septic density regulation set by the Washington county solid Waste District.

Clerk: Are you going to require that the findings be completed before the Town Council meeting?

Chairman Roberts: No, those the findings and the conditions are imposed if it was approved by the legislative body. If it's not approved by them, then it's a moot point anyway, for the applicant.

Staff Reports: None

Commissioner Darton moved that the meeting be adjourned. Commissioner Luft
Seconded the motion.

Adjournment 8:18 pm

APPROVED ON THIS FIRST DAY OF FEBURARY 2023



Alan Roberts, Chairman Pro Temp

ATTEST:



Aseneth Steed, Town Clerk/Recorder