

Town of Leeds

Agenda Town of Leeds Planning Commission Wednesday, August 7, 2019

PUBLIC NOTICE is hereby given that the Town of Leeds Planning Commission will hold a **PUBLIC MEETING** on Wednesday, August 7, 2019 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. Oath of Office for Mark Rosenthal, term ending July, 2024
 - b. Election of new Chairman
 - c. Election of new Chairman ProTem
2. Invocation
3. Pledge of Allegiance
4. Declaration of Abstentions or Conflicts
5. Consent Agenda:
 - a. Tonight's Agenda
 - b. Meeting Minutes from May 1, 2019
6. Announcements
7. Public Hearings:
 - a. Zone Change Request on L-94-A (L-94-A-2- from Open Space (OS) to Commercial (C); L-4042 from Mixed Use (MU) to Commercial (C); and L-93-A from Mixed Use (MU) to Commercial (C)), Bryant Buckwalter, 10.01 acres
8. Action Items:
 - a. Discussion and possible action on Zone Change Request on L-94-A (L-94-A-2- from Open Space (OS) to Commercial (C); L-4042 from Mixed Use (MU) to Commercial (C); and L-93-A from Mixed Use (MU) to Commercial (C)), Briant Buckwalter, 10.01 acres
 - b. Discussion and possible action on Conditional Use Permit for Home Occupation Business License Application for Bed and Breakfast, Brian Hansen, 480 N. Main Street
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, on August 1, 2019 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

Planning Commission Meeting for Wednesday, August 7, 2019

1. Call to order:

Chair Pro-Tem Robbins called to order the regular meeting of the Planning Commission at 7 PM on Wednesday, August 7, 2019, at Leeds Town Hall, 218 N Main.

ROLL CALL:

	<u>Present</u>	<u>Absent</u>
PRO TEM: BARD ROBBINS	<u>x</u>	<u> </u>
COMMISSIONER: STEPHEN WILSON	<u>x</u>	<u> </u>
COMMISSIONER: TOM DARTON	<u>x</u>	<u> </u>
COMMISSIONER: DANNY SWENSON	<u> </u>	<u> x</u>

Chair Pro-Tem Robbins said at this point in time, we are going to swear in a new member of the Planning Commission, Mark Rosenthal.

Mark Rosenthal took oath to become a Planning Commission member.

Chair Pro-Tem Robbins said we now need to elect a new Chairman, and even though he is not here, I nominate Danny Swenson.

Commission Robbins made a motion to elect Commissioner Danny Swenson as Chairman of the Planning Commission. 2nd by Commissioner Darton. Motion passed.

ROLL CALL VOTE:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</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: STEPHEN WILSON	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
COMMISSIONER: TOM DARTON	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
COMMISSIONER: DANNY SWENSON	<u> </u>	<u> </u>	<u> </u>	<u> x</u>

Chair Pro-Tem Robbins said we now need to elect a new Chair Pro-Tem.

Commissioner Robbins made a motion to elect Commissioner Darton as Chair Pro-Tem. 2nd by Commissioner Wilson. Motion passed.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
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: STEPHEN WILSON	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
COMMISSIONER: TOM DARTON	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
COMMISSIONER: DANNY SWENSON	<u> </u>	<u> </u>	<u> </u>	<u> x </u>

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

Commissioner Darton said he has one correction on the May 1, 2019 Meeting Minutes. On the vote for Item 5, Commissioner Swenson and I are listed as absent, but we were present, and we should be listed as abstained.

Commissioner Darton moved to approve tonight’s agenda and the May 1, 2019 Meeting Minutes as amended. 2nd by Commissioner Wilson. All voted. Motion passed.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
PRO TEM: BRAD ROBBINS	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
COMMISSIONER: MARK ROSENTHAL	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
COMMISSIONER: STEPHEN WILSON	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
COMMISSIONER: TOM DARTON	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
COMMISSIONER: DANNY SWENSON	<u> </u>	<u> </u>	<u> </u>	<u> x </u>

- 6. Announcements: None.
- 7. Public Hearings:
 - a. Zone Change Request on L-94-A (L-94-A-2 from Open Space (OS) to Commercial (C); L-4042 from Mixed Use (MU) to Commercial (C); L-93-A from Mixed Use (MU) to Commercial (C)), Bryant Buckwalter, 10.01 acres

Commissioner Darton opened the Public Hearing.

Scott Messel pointed out the parcels on the map. We are looking at 3 parcels that the County has combined to form 1 parcel. The County recorded combining the 3 parcels and it has been recorded at the Recorder’s office. Some of it is zoned Mixed Use and some is Open Space. Now that the parcels have been combined, the applicant is requesting that the one 10-acre parcel be zoned Commercial. Although it is not required at the time of zone change, often it is helpful to know what they are proposing on the property. What they are requesting is that it would be an RV Park. They want it to be a nice one.

Scott Messel showed a few renderings showing what type of structures they want to have.

Scott Messel said the number of spaces has not been determined yet, but they have expressed a desire to have it be a high-end facility. They want to have plenty of buffering around the perimeters so that it is a benefit to them and to those around.

Commissioner Darton asked if they will have to come in at a later time for a Conditional Use Permit.

Scott Messel said correct.

Commissioner Darton said I happen to know in reviewing the General Plan, we have discussed that area and all of the area on the other side of the freeway. It is a good area for commercial use. There have been a couple of other people who have come in in the past with ideas on using that space. Does anyone have any comments about changing the zoning to Commercial usage?

Commissioner Robbins said I am not against it, per se, but I need to go by what Scott said, and what my experience has been. Normally, you have a development plan that comes along with that so you can see what it is going to be. These are all nice, but it does not tell us exactly how this is going to appear.

Commissioner Darton said he can change his mind and do something completely different, but he would have to come in and get our permission.

Commission Robbins said I know. The thing about buffering that would concern me is buffering from actually the cemetery because I know that cemetery is historic, and it is very precious to people around here. I do not know how that would fit in, but as far as the land use part of it, I really do not have any heartburn about it.

Commission Darton said when they come in for a Conditional Use Permit, that would be the type of conditions that we would put on it. They would have to maintain the integrity of the cemetery and not disturb people who might be there for a funeral or whatever. This is really not the issue we have to deal with tonight.

Commissioner Rosenthal said I have a couple of questions. If I read the application correctly, there are no water rights being conveyed. It says there is no water service available. I believe in past meetings, there has been discussion relative to not approving development without water being available.

Shayne Barney said I am the owner's representative. Mr. Buckwalter was not able to be here tonight. We have done extensive study of this. We do have water that has been grandfathered water that we can purchase from Ash Creek. We do have documentation for that. We have also done a perc test and we are also grandfathered for 3 septic systems. I can also answer your question on the buffer. One of the things we want to do is add a lot of landscaping. A lot of trees and a lot of lush area basically between the freeway and the property and do nice landscaping up and down the road and on the perimeter of the property, as well as at the cemetery. Walls and fencing and trees that will give it a nice, natural buffer.

Commissioner Darton asked if he has a timeframe for when he will be coming in for the Conditional Use Permit.

Shayne Barney said we would like for it to be as soon as we can. We thought we would be in before now to talk to you about this.

Commissioner Robbins asked if he has a problem with delaying this application while you do the Conditional Use Permit. Doing both at the same time.

Shayne Barney said the way we were consulted to do it was this way.

Commissioner Robbins said who did you consult with?

Shayne Barney said our engineers. We have done quite a bit of planning on this and, I guess, this is the normal format. Right?

Commissioner Robbins said no.

Scott Messel said an RV facility is considered a permitted use in a commercial zone. It would just come through as a site plan.

Commissioner Darton said and not a Conditional Use Permit?

Scott Messel said correct.

Commissioner Wilson said I have a question on your septic tank. You said you have 3 of them approved? Did this change by changing your lot boundaries?

Shayne Barney said the square footage is actually smaller. What the County had before was off because they included some UDOT property that was incorrectly on our site. We ended up with about 1 acre less of property.

Commissioner Darton said there were 3 separate parcels and each one had septic rights?

Shayne Barney said yes.

Commissioner Rosenthal said I have a couple more questions and again I may be misunderstanding, but my understanding was that for new development a minimum of 10 acres is required for a septic system.

Commissioner Darton said that is for property that has not been previously platted and grandfathered in.

Commissioner Wilson said I am under the impression that, and maybe I am wrong, once you change your lot boundaries, that goes null and void.

Shayne Barney said we did not change the boundary. All we did was clean it up. There was a problem with the boundary. The boundaries are still the same.

Commissioner Rosenthal said in the northeast corner of Parcel 3, there is vegetation. This could get into all kinds of potential sticky situations with any proposed development in the area. Has this been assessed?

Shayne Barney said we are sensitive to that. One thing you will find with our intent is that we are very sensitive to that. If we can preserve it, we will, and we will go through the proper channels. It looks kind of nice. Same thing with lighting, we want to protect the dark night sky. We want to use dim lights with baffles that glow rather than give off light pollution. We want it to be nice. We want it to be an asset that people like and will want to drive-by and look at rather than be bothered by it.

Commissioner Robbins asked Scott Messel if this is in a flood plain.

Scott Messel said I am not aware that it is.

Commissioner Rosenthal said when there is heavy rain, because there is drainage from the north and the west, it drains down through above the cemetery.

Commissioner Darton said didn't we have this discussion about a year ago when someone was in here talking about using that? I cannot remember what we determined on it being a designated flood plain. Does anyone remember?

Commissioner Wilson said no, I do not.

Commissioner Robbins said I know it floods.

Shayne Barney said that will be a landscape issue for sure.

Commissioner Rosenthal said Hidden Valley Road is currently a gravel road that flooded over earlier this year. The County came out and repositioned a culvert and added a fair amount of fill. Have you looked at that as a potential concern? The access point would be off that, I guess, unless you have access south of the cemetery.

Shayne Barne said we are not exactly sure where we will do the access. And we will have extensive landscaping planned. This has not been addressed yet because we are not at that stage, but it will be for sure. There will be very few permanent structures. We will have some gazebos and restroom facilities with showers. And we will have an office. I do not see a lot of permanent foundations. We will use nice gravel and have nice lawns at the tent sites and RV sites. If the ground moves a little, it will not be much.

Commissioner Darton said I need to ask this for Danny since he is not here. I am assuming because this will be designed for large RVs, will there be plenty of room for fire vehicles to enter as necessary.

Commissioner Darton said does anyone in the public have any comments or questions before we take a vote?

Susan Savage said the landscaping sounds very attractive, but I have done quite a bit of studying on water and the term grandfathered in does not sound like anything I have ever heard about water rights. As far as I know, the water in this area is owned by someone. When we had a discussion a year ago about the use of that land, whether there needed to be water tests, I checked into it and it is not a wetland. This needs to be followed up on and it is a real issue to me. It takes a lot of water in this area to raise lawns and trees. And again, coming back to the term of grandfathered in, it is nothing I have ever heard of.

Scott Messel said it will require a will serve letter or letter of proof.

Commissioner Darton said we are not here to approve building the RV Park. That is not what is before us right now. What is before us right now is whether we approve recommendation to the Town Council to approve the zone change request. If you are going to develop the RV Park, you will have to jump through all those other hoops.

Shayne Barney said more water may need to be acquired.

Commissioner Darton said right because you are going to have people using water. This will be an important

issue. Does anyone else have any comments?

Lynn Potter said I do not know you or the person you represent, but I am for this kind of development because this is an ideal place for it. It is right next to the freeway and easily accessible. It would be a benefit to the Town and taxes could be collected. As for interference of the cemetery, there is a buffer of land between it and the cemetery. It is completely separate from the cemetery. There is no connection to it. If the Town wants to expand the cemetery, they still could. As for septic and water, you may have to do a lot of things differently. You may have to use an alternative system. And the water that comes out of it can be used for irrigation.

Commissioner Darton said I am going to close the Public Hearing at this time.

8. Action Items:

a. Discussion and possible action on Zone Change Request on L-94-A (L-94-A-2- from Open Space (OS) to Commercial (C); L-4042 from Mixed Use (MU) to Commercial (C); and L-93-A from Mixed Use (MU) to Commercial (C)), Bryant Buckwalter, 10.01 acres.

Commissioner Darton said we have discussed this zone change request. We had some comment on it. Is there a motion to approve it?

Commissioner Rosenthal said you say you have water from Ash Creek?

Shayne Barney said he has the documentation, but I do not have it with me tonight.

Commissioner Rosenthal said if it is from Ash Creek, I am curious how that would be transmitted down.

Shayne Barney said I may be confused because we have been talking about septic and water options and it was probably with Ash Creek. We do have the ability to have water, but it may not be enough. We may need to acquire some. We will jump through these hoops when we get the development going.

Commissioner Rosenthal said I do hear you and I understand, but I am a customer of Angell Springs and I know right now we are struggling to keep water in the tanks to keep the tanks full. This is something to consider fully, I suggest.

Commissioner Robbins said me personally, I think this is premature. I am really not sure whether commercial is the right zone there. I know we went out on a tour and looked at things and it ended at that. I do see there is some kind of a buffer. Open Space is already there. I do not know about the Mixed Use zone. I do not know what the right zone would be at that location. For me, personally, I would not vote tonight to change that zoning to commercial because I do not know what the right zoning is. Commercial may be the absolutely right thing to do, but from my perspective, I do not know. We have seen some pretty pictures of things that may happen out there, but someone mentioned that may not happen. We would be changing the zone for whatever is allowed in that commercial zoning designation which may be right. But this water thing is an issue that I think we need to take a look at a little bit further and maybe study it a little more to make sure what the right zone is. I am not sure it is commercial. For me, I would not vote for it tonight.

Commissioner Darton said if there is no water to the property, there is absolutely no use for it.

Commissioner Robbins said then it is Open Space. It is already Open Space.

Commissioner Wilson said a portion of it is.

Commissioner Darton said 2 parcels are Mixed Use. Looking at that property, we have all seen it, what do you envision being there? What are the options?

Commissioner Robbins said I could envision commercial being there, but I just do not know yet. That is my thing. We have Shayne here, and I appreciate him being here, but the owner is not here. The owner has not gone down the path of trying to figure out what the right land use is as far as what he wants to do ultimately. We have some pictures, but we do not know. If you are asking me tonight what the right zoning is, I would say it is Open Space. That is just me.

Commissioner Wilson said to understand you correctly, that is because there is not enough explanation as to what is going to be there? Is that correct?

Commissioner Robbins said yes. I know the area floods. I have heard it before. I do not know if it is actually a flood zone, but I know it floods. I do not know if Commercial is the right zone. I do not know if Open Space is the right zone. For me at this point, and this is just me, I think the right zoning is probably Open Space. We all know there will never be any Mixed Use there. There is no infrastructure in the Town to provide that. This is where I am at.

Commissioner Rosenthal said I would agree with Commissioner Robbins. On the plus side, having that area as Mixed Use specifically could be something other than cheat grass and Russian Thistle, both are a wildfire hazard especially right against the Interstate there. I am surprised that has not burned off yet this year. The amount of cheat grass in there could cause some serious issues for the people on the north side of Hidden Valley.

Commissioner Darton said Commissioner Robbins, I am sensitive to your concerns. You would prefer to see them in here seeking a permit and the zoning change at the same time. But on the other hand, I can sympathize with the owner who maybe does not want to jump through all of the hoops if he cannot get through the first hoop and to spend the time and the money that would be necessary to jump through every single hoop. But as I think you pointed out or intimated, if we forward this to Town Council and they approve the zoning change, it is changed until someone else comes in and tries to change it to something else. The question is going from Open Space and Mixed Use and making that Commercial, I look at that space there and cannot see a lot of other options for what you described as the best use of the property.

Lynn Potter said if you cannot get the water, you could make it RV storage. If there is no water and no sewer, it is just a parking lot. There are other options if it is Commercial.

Commissioner Wilson said that is what I am looking at. At least something there would improve it.

Commissioner Darton said I am not sure we are supposed to require someone to come in and have everything laid out from day one.

Commissioner Robbins said actually, I think we are. It helps the cause and it helps us understand why and it helps us figure out whether it is the right land use for that area. Normally, in the planning process, you change the zoning and have a development that accompanies that. The development may never happen, but at least you have something to work on when you see it. All we saw here today were some pictures generated on a computer. For me to make a decision on changing the Open Space area that buffers the cemetery, I am just not there right now.

Commissioner Wilson said I have one other question. It seems like we had a discussion about the space right by it.

John Zoetmulder said that was me. I was here back in February. Brad, you were adamant that it become Commercial. That there was no other use.

Commissioner Robbins said I never said that.

Commissioner Wilson said did that ever get changed?

John Zoetmulder said we got shot down at Town Council.

Scott Messel said you approved it, but Town Council shot it down.

Commissioner Darton said this was the property next to the cemetery.

Shayne Barney said normally when we go through this process, we spend quite a few dollars to get to where we are at right now, but we save the rest of the big dollars until we get approval because it does not make sense, and I do not know anyone in development going for a zone change has everything spent and in place. It does not make sense. We need to get the zone change first. We have already spent money for perc tests, surveys and preliminary architecture. We are already in it for a lot of money. We have good intent and we do think that the best use for the area is Commercial. We can make it really nice. We do not want to spend a lot of money and do prettier pictures until we have the zone change. I hope that makes sense.

Commissioner Robbins said where is the owner?

Shayne Barney said the owner is in Provo.

Commissioner Robbins said he did not want to come down for this?

Shayne Barney said he could not. He has some health issues and that is why he is not here today. We work with him on other projects as well. He does not always come to these things.

Commissioner Darton said I am going to go ahead and make a motion that we approve this zone change to go to Town Council. 2nd by Commissioner Wilson. All voted. Motion did not pass.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
COMMISSIONER: TOM DARTON	x			
COMMISSIONER: MARK ROSENTHAL		x		
COMMISSIONER: STEPHEN WILSON	x			
COMMISSIONER: BARD ROBBINS		x		
COMMISSIONER: DANNY SWENSON				x

Commissioner Darton said I am sorry it did not pass.

Commissioner Robbins said they do have the option of coming back again.

Commissioner Darton said yes. We do have another Commissioner who is not here. If you want to come back and present it again at a future meeting when you have 5 Commissioners here, maybe that would break the tie.

Commissioner Rosenthal said I would suggest, too, that have a will serve letter regarding water. That may help the discussion.

Commissioner Darton said that would be mixing things. We are talking about a zone change, not a particular use within Commercial. That seems like we would be trying to mix two things at once.

Commissioner Robbins said you are intensifying the use from Open Space to Commercial which I think does justify some indication that water can be provided. And that is where I am at. As I told you at the beginning, I am not against Commercial, and it may be the right zone, I just think you need to come in a little bit more prepared and convince us. If water was not an issue, maybe that is the right zoning. I am not against it per se, I am against it today because I do not understand where it is all headed.

Shayne Barney said thank you for your time.

Commissioner Wilson said can I ask one other question?

Commissioner Darton said sure.

Commissioner Wilson said I am curious on that other piece that we voted on before today. Do you know what the reasoning was why Town Council did not pass it? I was not there.

Council Member Sheltman said do you want me to answer? He pointed out a bridge on the map. The bridge is too narrow for any kind of commercial you would bring in on a large scale. There are only 2 roads in our General Plan mentioned by name – Cemetery Road and Silver Reef Road. They bring in large amounts of traffic. It is the only way to get on the highway and it is the only way for these people to get home. If you look at the narrowest part right before the bridge, heading east it is 16 Ft. wide. If you put 2 RVs next to each other on the bridge, chances are they will not fit without hitting each other.

Commissioner Wilson said it is an egress thing.

John Zoetmulder said that was not the reason.

Councilmember Sheltman said it was my reason, so I do not know. I can only speak for myself. That was the issue that was brought up and everyone agreed with it because it did not pass.

b. Discussion and possible action on Conditional Use Permit for Home Occupation Business License Application for Bed and Breakfast, Brian Hansen, 480 N. Main Street

Commissioner Darton said the other issue tonight is the Home Occupation Business License for the application for a bed and breakfast by Brian Hansen.

Scott Messel said the property is accessed off of Main Street via an easement. He pointed out the property on the map. The property is located in R-R-20 zone.

Brian Hansen said it is right across from the recycle bins.

Scott Messel pointed out the access on the map. We have both major and minor home occupations and one of those listed as a major is a bed and breakfast. It says in our Code that a bed and breakfast in a major home occupation is reviewed as a conditional use by the Land Use Authority. The applicant has submitted an application for both a business license and a Conditional Use in hopes of getting the Conditional Use approval for a bed and breakfast. You can see on the north part of the lot, there is a dirt turnaround area and there is an area for off street parking. They have several bedrooms that they would be renting out. I am happy to answer any questions.

Scott Messel said one thing that I did handout to the Commissioners, over the years the State legislatures have made changes to the way conditional uses are handled. It is nothing too new, but Conditional Uses are to be handled as administrative and legislative decisions, but they say in the State Code it is a decision to be made by the Land Use Authority. It says that a Conditional Use is a permitted use with conditions attached to it. It says in the Code that the Land Use Authority shall approve a Conditional Use if all reasonable concerns can be mitigated. I gave all of you a copy of the exact language.

Commissioner Rosenthal said do we know the width of the driveway?

Scott Messel said the width of the driveway/easement is 20 Ft. Or 20 to 22 Ft.

Lana Riddle said it is 20 Ft. It is my easement.

Commissioner Darton said does anyone have any questions?

Commissioner Robbins said he would like to hear from the applicant.

Brian Hansen said the purpose of this is to try to come up with conditions and try to resolve them. Is this correct?

Commissioner Darton said we would like to identify things that might be issues, and if there are issues, what can be done to alleviate them.

Brian Hansen said we moved to Leeds 18 years ago. He lived in the home next to it and built this home. My kids are leaving, and we now have 2 kids left at home. We are planning on living in the basement or have my daughter live in the basement, and then rent the upstairs out as a bed and breakfast. Over the past couple of years, we have done month-to-month rentals at the home next to it. One thing that may be a concern is the traffic up and down that road. It is a small road and not too wide. My wife put together a chart showing the amount of traffic by a family with 6 kids versus the amount of traffic with a bed and breakfast. As you can see, the amount of wear and tear on the road would be a lot less.

Commissioner Darton said by calling it a bed and breakfast, will you be providing food?

Brian Hansen said yes, breakfast.

Commissioner Darton said just breakfast? What are all of the services you will be providing?

Brian Hansen said a shower, a bed, breakfast and parking.

Commissioner Robbins said who will manage it?

Brian Hansen said we will. My daughter will live downstairs in the basement, and we will live next door. We will be 150 Ft. from the house.

Commissioner Darton said is the house you will be living in the one directly to the right?

Brian Hansen pointed out the house on the map. And he pointed out the parking areas. Right now, we do month-to-month rentals, 30 days or more, in the other house. I do not have as much control with that. If they decide they want to have a huge family reunion, they can invite anyone they want. Here, we can regulate the amount of people and it gives us a lot more control. If I do long-term, they can have 30 people there.

Commissioner Darton said if some of your neighbors are concerned about noise, how do you regulate noise?

Brian Hansen said I talk to them.

Commissioner Robbins said you have rented to someone for a month?

Brian Hansen said yes, but we are not talking about bed and breakfast.

Commissioner Robbins said it sounds like what you are doing right now is a short-term rental. And you are getting around the short-term rental regulations by renting for a month.

Brian Hansen said it is legal by State law. 30 days or more is a long-term rental.

Commissioner Robbins said exactly, but you are renting it for 30, but people are actually staying for a week.

Brian Hansen said no.

Commissioner Robbins said you just said you did.

Brian Hansen said they could. I do not like renting for a month and then they stay for just a week. I have let people stay there for free.

Commissioner Darton said it will probably be for anywhere from 1 night to 7 nights.

Commissioner Robbins said I was going through the protest letters. A lot of them are dated 2016. What happened in 2016?

Brian Hansen said we quit. The Town did not disallow it at that point. The Town did not say you cannot have a short-term rental. The Mayor wrote a letter and said stop and so we did.

Commissioner Robbins said so you were doing short-term rentals.

Brian Hansen said yes, before 2016.

Commissioner Robbins said what have you done between then and now?

Brian Hansen said month-to-month rentals.

Commissioner Robbins said that is the way you get around short-term rental.

Brian Hansen said they are there for only 30 days.

Brian Hansen said Elliott, is there an Ordinance against short-term rentals?

Councilmember Sheltman said if it is not listed in the Ordinances, it is not allowed. The Council is working on some ideas for bed and breakfast. The Ordinance just says bed and breakfast without any explanation. The Council is trying to define that and has been working on it for 3 or 5 months.

Commissioner Darton said in Chapter 24, it just lists bed and breakfast without any other description as one of the approved conditional uses.

Councilmember Sheltman said without any guidelines, this is why the Council is addressing it. They are trying to fine tune it, but nothing is in place yet.

Commissioner Rosenthal said by going from your month-to-month rental process to what you are proposing, a bed and breakfast, what impact do you anticipate having on the traffic on the driveway?

Brian Hansen said I do not know if it will change a whole lot. They will still make 3 or 4 trips up and down the driveway every day.

Commissioner Rosenthal said essentially there would not be any change.

Brian Hansen said if we sell the house, it will be to a big family and there will be a lot more traffic up and down the driveway than there will be with a bed and breakfast.

Commissioner Robbins said with this proposal, what will be the safety and welfare of the people around there? Is there anything that could be affected there?

Brian Hansen said I do not think it would be any different than a month-to-month rental. It will be just different people. These are people in my house. My kids are there. My daughter is there. The liability is on me. We have not had a bad experience.

Commissioner Wilson said is there a difference in the requirements between a month-to-month rental and a bed and breakfast relative to fire or insurance?

Brian Hansen said if you have 12 people or more in a home, you have to have a sprinkler system. That is a huge expense to put in. I do not know of any other differences.

Commissioner Wilson said so you put a number on how many can be in there.

Brian Hansen said I want a family. I do not want a softball team. And I do not want a family reunion.

Commissioner Wilson said did I see something that says you are allowed 8 people?

Commissioner Darton said are there any other questions?

Lana Riddle said I feel very strongly about this. You have a copy of my warranty deed. I own the right-of-way. That right-of-way accommodates 2 single families. Most single families have 2 cars. In Hansen's case, that is probably different. I own this right-of-way and I pay the taxes. I have the liability. I put up 2 privacy fences because of the traffic. My fence has been damaged. On a safety note, when people are lost in the winter and do not know where they are or where the address is, they come into my backyard and knock on my backdoor. I have gone to my door with a concealed weapon that I have a permit for and with my dog. People have pushed past me. I do not consider this to my advantage. It is a known fact that a bed and breakfast will diminish the value of my home. They go up and down the driveway with ATVs and this is not normal family traffic. I think this is a big change for us. My husband's health is poor. I have given you copies of some of the letters that Brian has written to me. The last one says that he is going to rent to a polygamous family of 15 plus. Bring it on. They are honest and they have integrity. There will be dust and noise and it will take away from our privacy. Mrs. Riddle talked about her privacy fences. Brian and his family know the road, but short-term rental people will not know it. They do not know that is a blind corner. I consider this hazardous. Sharing the right-of-way with 2 single family dwellings is quite enough. I do not want the value of my home decreased. I think if the situation with the Hansens does not work out with their big house, they should sell it. We have reasons to oppose this. I am very adamantly opposed to this. It is a dirt road and it is very dusty especially when ATVs are going up and down it.

Commissioner Darton said on the map which house is yours? Is it the one on Main Street?

Lana Riddle said in my packet, it is C3. I do not have any confidence that this will be held to any standards or accountability.

Commissioner Darton discussed location of the easement and Mrs. Riddle's property on the map. He asked about the location of the corner considered to be hazardous.

Briand Hansen said we can put in some big mirrors so people can see. I will pay for them.

Lana Riddle said I believe this is a flag lot and I believe if this is allowed it will set a precedence for flag lots.

Commissioner Darton said you said you own the right-of way. Does he have an easement?

Lana Riddle said he has an easement for 2 single family dwellings.

Commissioner Darton said I am not sure I understand that.

Lana Riddle said it can be either private or public. It is private.

Commissioner Darton said I am not familiar with an easement that says you can have so many cars or vehicles travel on it. An easement is access, and if you have an access easement, you have access.

Lana Riddle said it is a private easement.

Commissioner Darton said I understand that. It is not a public road. But if he has an easement, there is no restriction on the number of vehicles that can go up and down that easement to access his property. If I am wrong on this, please point it out. This is my understanding on the way the law works.

Lana Riddle said we will have to clarify this because it is not my understanding. The understanding that I have is a private driveway or easement is to provide access to the people who own the property in the back. A single

family dwelling.

Commissioner Darton said Scott, what can you tell us?

Scott Messel said there are a lot of different kinds of access easements that can be provided. You have some that are over and across and usually it will be called out on the easement in the language. Some will say it is an access easement, but it will not say who it is an access easement for.

Commissioner Darton said I am assuming that this easement is recorded somewhere on her property.

Scott Messel said yes.

Commissioner Darton said have you seen the easement?

Scott Messel said yes. I believe she submitted a copy of it. It is called out in the legal description.

Commissioner Darton said I am not seeing the easement.

Scott Messel said what it says is 20 Ft. wide easement to Parcel B which is Mr. Hansen. It does not call out any other restrictions. It does not call out any other detail. It is not required to, but it is nice when they do.

Lana Riddle said we are seeing difficulties with flag lots. This is a problem.

Commissioner Darton said I am not sure this is what you would call a flag lot.

Brian Hansen said it is a small subdivision. I do not recall the name of it. Or it is a minor subdivision.

Commissioner Darton said we had this discussion recently about flag lots. The lot itself has a stem.

Scott Messel said the newer ones have a stem that is part of the parcel.

Commissioner Rosenthal said do we know how many bed and breakfasts we have in Town?

Brian Hansen said I do not think we have any.

Lana Riddle said in many counties and many cities, a bed and breakfast cannot be on a shared road. It has to be on a public road because of issues related to signing and safety.

Commissioner Darton said you mentioned signing. Is there a requirement in Leeds for signage?

Scott Messel said with Home Occupations, it says in the Leeds Code, it does not allow signage.

Commissioner Darton said because of the fact that there is no signage, it is in compliance.

Scott Messel said yes.

Commissioner Wilson said they would not be in compliance if they put a sign up.

Commissioner Darton said does anyone have any questions for Mrs. Riddle? Would anyone else like to be

heard on this?

Kimberly Cook said I have the property that is right here...she pointed to it on the map. Where Fred Friese lives. I have a problem with people doing what they want with their property. When it effects my rights, I have a problem with it. I think it will decrease all of our property values. If you have a bed and breakfast in your backyard, it decreases your value. I also think it is a safety issue.

Commissioner Darton said in what way?

Kimberly Cook said just because that is a blind road right there. You need to go up there and look at it. There is a tree right there and it is a safety issue.

Commissioner Rosenthal said Scott, what is the ordinance with regards to line of sight for access onto a main street?

Scott Messel said usually with a road you often have like your clear vision triangle that would be established. This is a driveway which is a little bit different than a road. I can review that and give you an answer.

Commissioner Rosenthal said considering it is a State highway, it may have some unique aspects to it.

Kimberly Cook said can I ask a question? Are you a legislative body or administrative?

Commissioner Darton said all we do is give recommendations to Town Council. They are a legislative body. When we make a recommendation and send something on to Town Council, they are free to listen or totally ignore our recommendation. We have no decision-making authority.

Kimberly Cook said do you have any questions for me?

Commissioner Wilson said for your safety, welfare and health, what is your biggest concern?

Kimberly Cook said for my lot, I do not have any except for the people who will be in and out of there. For me, safety is not an issue. For me, the main issue is my property value. I do not think you guys want a bed and breakfast in your backyard. It is a rural area. It is not a commercial area. It is a permitted use, but it does not go with the neighborhood.

Commissioner Darton said are there any other comments?

Susan Savage said in the 1970's, the discussion we had about this area was this is a subdivision coming in. Please do not let one home come in at a time and carve up the land. It needs planning because if you do not plan ahead, it creates conflicts in the future. We are just seeing that. I cheer for the organization of a Planning Commission.

Lynn Potter said as to whether or not this will affect your property values negatively, it completely depends on how that property is maintained and taken care of. I can tell you that the bed and breakfasts along the coast of California are the stars of the community. And they increase property values and are a good thing for the community. As for this, it does have some problems. I see both parties being right and wrong. I am really torn as to my advice to you. There is good and bad. There are a couple of ways you could mitigate this. Mirrors and you could require a sound wall down the length 8 Ft. high. It could cost \$50,000, but it would fix the sound problem and probably the dust. You could require no ATVs. You could require a whole bunch of things as a

condition. Yes or no? I think I know the Town Council and I think they will say no regardless of what you guys say.

Commissioner Darton said last call for comments.

Commissioner Darton said can you remind us what the State law requirements are when it comes to Conditional Uses?

Scott Messel said in State Code it says if there are issues that are brought up, the Planning Commission's job and/or the Town Council's job is looking at it and seeing how these issues can be mitigated. If they cannot be mitigated, and it is determined it is too detrimental, then you can deny it. He read the exact verbiage from State Code.

Commissioner Robbins said I hate to put you on the spot, and I am not asking for your opinion, but you provided a lot of insight on that last issue that would have been nice to know at the beginning of the discussion. With that being said, what is the history of all this? I get the feeling that there is something going on here that has been going on for a while and all of a sudden it is before us. I do not understand why it is even here. If Town Council is going through a process to come up with some type of ordinance or resolution regarding bed and breakfasts, can you provide a little bit of insight as to what has been going on? I am confused. I am not asking for your opinion. What is going on with this thing?

Councilmember Sheltman said VRBOs have existed here for a while. There have been problems with them. You have probably seen a map of downtown Leeds. It is a zoning nightmare. You have some add-ons and 3 houses behind one another kind of thing. Those are issues that the Council should address at this point because the VRBOs are around. Some places have outlawed them, and some have not. Some places are trying to work with them. The belief was if you have a bed and breakfast already in there, just by word, no description, maybe some common ground can be found with that where a person will have someone they can go complain to like a homeowner, but still give that property owner the right to rent it out on a short-term basis. They have been around for a while and they have caused some trouble.

Commissioner Darton said the VRBOs or the bed and breakfast?

Councilmember Sheltman said VRBO. We have never had a bed and breakfast.

Commissioner Darton said the distinguishing characteristic being with a VRBO, there is no owner around.

Councilmember Sheltman said the idea here is it would be the actual property owner. I do not know that yet. That is what we are discussing. I think it is kind of jumping the gun because of everything you will have to list; I do not know how you would approve a Conditional Use on this at this point. Town Council is trying to get its own natural ordinance for that particular use. It would not be a Conditional Use, it would be here is what you will have to do if you are going to do it. The number of people living there; you have to have insurance; how many people allowed per bedroom; what a bedroom is. All of these issues are being thrown around right now. Hopefully, we will come to some conclusion on it. They are creating problems. Short-terms are creating problems. Along the coastline, it is not actually working very well in a lot of cases. San Diego being one of those. That is what is going on right now. Trying to put some regulations in place so we will not have that problem. It is not done yet, but at that point, it will not be conditional. It will be you can do it based on this. Another issue is no police coverage. The Sheriff's Department is very helpful, but they are too far away. Again, how can we put this in place so the neighbor living next door does not have to deal with it directly?

Commissioner Darton said we cannot use the lack of a police department as an excuse to disapprove everything otherwise we might as well just shut down and say we cannot approve anything.

Commissioner Robbins said I do not think we should debate Town Council. I was just asking for his opinion.

Councilmember Sheltman said I am not talking about this particular application request. I am just talking about things that Town Council are talking about right now. There has to be an ordinance enforcer of some sort to be there when there are problems. All of this is being addressed. The only thing I am looking at is I do not know what approving it tonight would get you since Council is still trying to figure it out.

Commissioner Robbins said that brings me back to Brian Hansen. Why are you here right now knowing that all of this stuff is going on with the Council? And there might be some new regulations coming.

Brian Hansen said he did not know bed and breakfast was not approved. The paperwork says we can have them. That is why I am applying. Is it not?

Commissioner Darton said the current Land Use Ordinance says it is an approved conditional use.

Brian Hansen said that is why I am here.

Commissioner Robbins said but you are already renting right now month-to-month?

Brian Hansen said yes.

Commissioner Darton said but not as a bed and breakfast?

Brian Hansen said not as a bed and breakfast.

Commissioner Robbins said I understand it. But why not wait just 6 months when they get this all figured out and then come in with a bed and breakfast?

Brian Hansen said because it takes that long to get it through here.

Lana Riddle said it was done back in 2013 and it was denied.

Commissioner Robbins said the bed and breakfast?

Brian Hansen said we did not follow it through. We just dropped it. We did not pursue it after we came to this meeting. My wife said if it is too much stress on the neighbors, we will not do it. It was okay back then, too. It was on the books. We are here now because I thought we could do a bed and breakfast in Leeds.

Commissioner Robbins said to me at this point in time, it appears to be premature to be going through this process when, in fact, the Town Council is working on a process. This is why I am asking you why now.

Brian Hansen said I thought the bed and breakfast was done. I am sorry, I did not know that. Peggy, do we have a bed and breakfast procedure?

Peggy Rosebush said a bed and breakfast is a permitted use.

Scott Messel said yes, it is in our Code currently.

Briand Hanse said I do not think it would be right if the Town does not allow me to do it if it is on the books.

Commissioner Darton said the current state of the law is that it is a permitted conditional use. The question is what conditions, if any, need to be mitigated to have us pass this on to Town Council? And then Town Council can decide on whether we are going to allow a permitted conditional use.

Lynn Potter said it is my understanding that the legislation that Council is currently working on is vastly, mostly, regarding the overnighters. They have even touched on bed and breakfasts. That is the controversy.

Brian Hansen said I have been to Town Council meetings where they talked about VRBOs, and you are right, Elliott, you guys are working on it, but I never heard BandBs mentioned.

Councilmember Sheltman said just to be clear, it is specifically bed and breakfasts.

JW McKain said the whole Council talks about this and one person brings up the negative aspects of VRBO and bed and breakfasts. Only one person is really hell bent on having none of these in town because of horrific events on the California coastline and horrific events in San Diego and other places with no exceptions whatsoever. It is kind of one-sided there. When you ask the question, Brad, what is going on, you need to ask the whole Council instead of just the one person who is bringing to you the negative aspects of it.

Councilmember Sheltman said I hope I did not say anything as far as the negative reaction that is being asked for tonight. I was asked a question. Part of being a Council member is maybe having a different opinion. A question was asked, and I just answered it.

Commissioner Darton said we have an ordinance on the books right now. And we have a request before us based on the ordinance on the books. My question is, after hearing the people who have opposition, what conditions did you hear that cause you concern? The biggest one that concerns me is the safety of that road and the blind condition. As for the dust, it has been a dirt road for as long as it has been in existence. It sounded to me like there would be less traffic than what has been on the road when his family was living there. It does not sound to me like that is a condition that will be exacerbated by bed and breakfast use. I do not think that is a condition that we need to address. Are there any other conditions that you heard?

Commissioner Wilson said the only condition that I heard was that people could not find their way in. And I can understand that concern. Maybe this is something that could be mitigated. They need to be able to get in without disrupting the neighbors.

Commissioner Rosenthal said speaking of the access to the folks' property that own the right-of-way, is down the driveway, a righthand turn. A potential mitigation would be a sign further down the driveway and that way it is not on a public roadway. That may help alleviate that issue of people pulling into her driveway.

Commissioner Darton said if a sign was placed not on the public road, but on the private drive, would that violate Leeds Ordinances?

Brian Hansen said I can put it on my own property. That is no problem.

Scott Messel said with home occupation, you cannot put a sign up, it is not permitted. But you are allowed to have addresses.

Commissioner Darton said you could have a sign with your address and an arrow pointing ahead. Could you have that?

Scott Messel said yes if it is a safety issue. The Ordinance does not say how big your address can be.

Commissioner Darton said I would like to address her concern, and I think it is a legitimate concern. People wandering on to her property and bothering her looking for the correct property. If the Town will not allow us to have signs, but we can have an address, then we can point people to the right place through having an address.

Commissioner Robbins said how do we know sitting here what the right conditions are based on what we have heard at this point? One gentleman said put a 10-foot wall up. Maybe that is the right condition. I do not know. My point is we need a professional to look at this and say here are what the proper conditions are for this to be a valid use of this location. For us to sit here and try to plan this tonight, I do not know what the right conditions are.

Brian Hansen said you need to go off of the complaints from the neighbors. I think those are the conditions you need to come up with.

Commissioner Robbins said you have police issues and some other issues that may be valid. For me to sit here and say these are the right conditions, I do not know. We cannot pull stuff out of the air and say this is what is right, and this is what is wrong. If you are asking tonight for me to make a decision, I am a no on this thing. If you want to continue it and figure out what the right conditions should be then that is good for me. And we should give Council a chance to weigh in and say what are the right conditions. They seem to be working on something.

Commissioner Darton said there is no guarantee that will materialize. We have to deal with the law that is on the books right now.

Commissioner Robbins said if you are asking me to come up with conditions, I am not going to do it, personally. If you want their input on conditions, fine, or if you want to approve this, fine, but I am not comfortable because I do not know what the proper conditions should be at this point. In larger cities, these conditions are lined out by the staff as to what should be done. What we are trying to do here as laymen is figure out what the right conditions are. I am not comfortable doing it sitting here tonight on something like this where we have some neighbors who are upset about what has occurred out there. Maybe the occupancy should be limited, too.

Commissioner Darton said what is the process then by which we determine that? Like you said, we are a small town, we do not have the resources to have someone go out and do that. We cannot hire someone.

Commissioner Robbins said Town Council is working on it. I do not know how long it will take, but they are on it. All I know is that there is a process in place right now. You are asking me to come up with conditions and I am telling you I am not going to do it.

Commissioner Rosenthal said is this discussion relative to conditions? Scott, is this something in your purview?

Scott Messel said the way it is stated in the State Code, you guys are an advisory board to Town Council. I give

recommendations to you and to Town Council. I can give my recommendations, but then the Town Council or the Planning Commission can give theirs and Town Council could also have their own opinions on things. I am going back to State Code on this because State Code trumps County and Town Codes. It calls out the Land Use Authority shall approve a Conditional Use if reasonable conditions are proposed or can be imposed to mitigate it. If you want staff recommending conditions to the Planning Commission, I can meet with the applicant and the residents around it. I am willing to do that if it is something you are requesting. In some jurisdictions, they would not want my ideas.

Commissioner Darton said my number one issue here is the safety issue. The traffic safety issue that was raised. Entering Main Street and also at the back entrance at Mrs. Riddle's backyard. Those are the 2 things that really concern me. Mr. Hansen proposed mirrors. Mirrors can be very helpful.

Scott Messel said he has seen traffic mirrors used on blind corners.

Commissioner Robbins said or it can be a hazard. We do not know. That is my point. We are sitting up here trying to plan this thing and we do not know what we are doing. We literally do not know what we are doing other than what we think is the right thing. I think this is a problem. For me personally, and I will shut-up after this, I will not vote for this tonight.

Commissioner Rosenthal said Scott, I would like for you to come back with information regarding line of sight on the driveway the way it is laid out. I do not know if this enters into it, but the pole that has the air mail mailbox on it, does it block ...

Brian Hansen said it is 2 inches around. There is a power pole right next to it.

Commissioner Rosenthal said maybe that is what I am seeing in the aerial photograph. Some more information would be helpful here.

Commissioner Darton said and is the tree blocking the view? Do the branches start 1 foot from the ground or are the branches 6 or 8 feet up?

Commissioner Darton said it sounds like we are not going to have the ability to render a proposal tonight. We will have to table this. Will he have to concur?

Scott Messel said he does not need to concur to table it. You have the ability to table it, you have the ability to recommend denial and you have the ability to recommend approval whether or not the applicant likes it or not.

Brian Hansen said can they send it on to Town Council.

Commissioner Darton said we can only do that if we approve it.

Brian Hansen said that is where the decision is going to be made.

Scott Messel said in some instances, it can go in denial, too. It can go to Town Council even though the Planning Commission denies it.

Commissioner Robbins said is that what you want? Do you want to go to Town Council?

Brian Hansen said I would like some kind of idea from you guys.

Commissioner Rosenthal said is it feasible to have Scott work with Mr. Hansen and Mrs. Riddle to see if an agreement can be put in place that would meet both of your needs?

Brian Hansen said I would like that.

Commissioner Rosenthal said you would both have to agree to work with Scott to make that happen.

Kimberly Cook said can you just continue it at the next meeting next month?

Commissioner Darton said we are going to table this tonight.

Commissioner Wilson said I am not totally against tabling it. I do think that we have a responsibility to help move things forward. It is frustrating coming from their side and not getting an answer and I fully understand it. My comment is sometimes I think we need to move forward whether we know fully what is best or not.

Commissioner Robbins said then let's vote on it. I am okay with that. I will vote no.

Commissioner Darton said is someone willing to make a motion? We do not have any clear conditions to vote on. I do not think we can bring it to a vote right now.

Commissioner Robbins said you do not have to have conditions.

Commissioner Darton said I do not think I could vote yes without any conditions or addressing the safety issue.

Scott Messel said the safety issue seems to be about the driveway.

Commissioner Wilson said yes and people being able to find that place without bothering the neighbors.

Commissioner Wilson said I propose that we table it and go ahead and get some more information on that and address it at our next meeting.

Commissioner Darton said we are going to table this. Brian and Mrs. Riddle, I would recommend that you both talk to Scott. Both of you need to get with Scott to see if you can agree on the mitigation on the road. It sounds like the only thing you can do about the sign is to mitigate her loss of privacy and put up a house number.

Commissioner Darton said Brian, are you willing to have this continue at our next meeting?

Brian Hansen said he would like to have it done tonight because we still have to go to Town Council, but that is fine.

Commissioner Darton said I do not think you will get the response that you want if we vote right now.

Brian Hansen said Mrs. Riddle, are you okay to sit down....

Lana Riddle said I will have to travel back to town. I am okay with this. I do not have a good feeling about this. I have a feeling there is an advocacy here that is not really objective. I do not want to waste my time.

Brian Hansen said what are your biggest concerns.

Lana Riddle said it is your past history. You say one thing and do something entirely different. I do not want to make this personal. We should not have this conversation right now.

Commissioner Darton said we are going to table this. This discussion is done for tonight.

9. Discussion Items:

10. Staff Reports:

Susan Savage said I would like to correct something that I said at the last Planning Commission meeting. There was a question that came up about body politic regarding alternative septic systems. A comment was made by someone and I agreed with it that my understanding was that Ash Creek had backed out of being available to be body politic. But I thought afterwards that I better look into that. My understanding now is that Ash Creek was approached as a possibility for body politic for specific situations and their response was, they wanted to know if they got into that would they have supervision over the community.

11. Adjournment:

Meeting was adjourned at 9:15 PM.

APPROVED ON THIS 4th DAY OF SEPT., 2019

Danny L Swenson
DANNY L. SWENSON

ATTEST:

Peggy Rosebush
Peggy Rosebush, Clerk/Recorder