

Town of Leeds

Electronic Meeting Agenda Town of Leeds Planning Commission Wednesday, September 2, 2020

PUBLIC NOTICE is hereby given that the Town of Leeds Planning Commission will hold an electronic **PUBLIC MEETING** on Wednesday, September 2, 2020 at 7:00 P.M. This will be an electronic meeting.

Wayne Peterson is inviting you to a scheduled Zoom meeting.

Topic: Leeds Planning Commission Zoom Meeting
Time: Sep 2, 2020 07:00 PM Mountain Time (US and Canada)

Join Zoom Meeting
<https://us02web.zoom.us/j/87143863746?pwd=SzA2NC9udjlnNjNIcHRKTxBKtWg2QT09>

Meeting ID: 871 4386 3746
Passcode: 729037
One tap mobile
+12532158782,,87143863746#,,,,,0#,,729037# US (Tacoma)
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Dial by your location
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Meeting ID: 871 4386 3746
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Find your local number: <https://us02web.zoom.us/j/87143863746?pwd=SzA2NC9udjlnNjNIcHRKTxBKtWg2QT09>

Regular Meeting 7:00 p.m.

1. Call to Order/Roll Call
2. Election
 - a. Chairman
 - b. Pro Tem
3. Invocation
4. Pledge of Allegiance
5. Declaration of Abstentions or Conflicts
6. Consent Agenda:
 - a. Tonight's Agenda
 - b. Meeting minutes from July 1, 2020
7. Announcements
8. Public Hearings: None
9. Action Items
 - a. Discussion and Possible Action on Conditional Use Permit Application for Southern Utah Metal Works

10. Discussion Items:
 - a. Preliminary Development Agreement, Silver Eagle Estates, Changing Number of Lots From 82 to 16
 - b. Noise & Dust
 - c. Animal Control
 - d. Parking
11. Staff Reports
12. Roll Call Vote to End Electronic Meeting
13. 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, August 27, 2020 at these public places being at **Leeds Town Hall, Leeds Post Office**, the Utah Public Meeting Notice website <http://pmmutah.gov> and the Town of Leeds website www.leedstown.org

Peggy, Clerk/Recorder

Town of Leeds

Planning Commission Meeting for Wednesday, September 2, 2020

1. Call to order:

Chairman Swenson called to order the regular meeting of the Planning Commission at 7 PM on Wednesday, September 2, 2020. This was an electronic meeting.

ROLL CALL:

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

2. Invocation

3. Pledge of Allegiance

4. Election

Chairman Swenson said my term as Chairman is up and Tom Darton's term is up as Pro Tem. At this time, I open up nominations from the Board members.

Commissioner Rosenthal made a motion for Danny Swenson to continue being Chairman. 2nd by Commissioner Darton. All voted. Motion passed.

ROLL CALL VOTE:

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

Commissioner Darton made a motion for Councilmember Rosenthal to be Pro Tem. 2nd by Chairman Swenson. All voted. Motion passed.

ROLL CALL VOTE:

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

5. Declaration of Abstentions or Conflicts: None

6. Consent Agenda:

Commissioner Rosenthal moved to approve tonight's agenda. 2nd by Commissioner Darton. All voted. Motion passed.

ROLL CALL VOTE:

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

Commissioner Darton moved to approve Meeting Minutes of July 1, 2020. 2nd by Commissioner Rosenthal. All voted. Motion passed.

ROLL CALL VOTE:

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

7. Announcements: None

8. Public Hearings: None

9. Action Items:

a. Discussion and Possible Action on Conditional Use Permit Application for Southern Utah Metal Works

Chairman Swenson said Jared, please give a little run down on what you have in mind.

Jared Turner said there are a lot of rumors that have been going around. I am not trying to change anything that I have not been doing. Nothing is changing on the property. There is a rumor going around that I am trying to put up a big warehouse on the property, but that is not happening. My business is simple. I fabricate gates. People call me and I go measure for them. Then I come back to my garage and I

fabricate them. I do not have customers come to the house. It is a pretty simple business and I would like to get this approved.

Chairman Swenson said you are on Main Street., right?

Jared Turner said yes.

Chairman Swenson said you are working out of your garage?

Jared Turner said yes.

Chairman Swenson said on the application I noticed that the house is owned by Brett and Tiffany Jones. Is that correct?

Jared Turner said yes.

Chairman Swenson said I have a question for Tiffany Jones. Does Jared have your approval for doing a welding business out of the garage?

Tiffany Jones said absolutely.

Chairman Swenson said I think to protect both parties and the Town, for approval of this, I would like to see a written approval from the Jones' saying they approve of you having your welding business in their home.

Tiffany Jones said I will be glad to type a letter.

Commissioner Darton said I noticed that Mr. Tuner is licensed. Jared, can you describe your license?

Jared Turner said I have a general contractor's license.

Commissioner Darton said B100 is a general builder qualifier and E100 is general engineering qualifier.

Jared Turner said I have a B100. I do not know anything about the E100. I have never used it.

Commissioner Darton said does this license allow you to do the welding that you are doing?

Jared Turner said no. The general contractor's license is an overkill for welding.

Commissioner Rosenthal said Jared, I believe you have certification through a welding program.

Jared Turner said yes, I have been.

Commissioner Rosenthal said is that certification current?

Jared Turner said no. I do not do anything structural. I have not been certified for a little while.

Commissioner Darton said is your whole business strictly gates?

Jared Turner said 95% of it is. I do some random stuff once in a while.

Commissioner Darton said I understand that the HVFD has approved your set-up.

Jared Turner said yes.

Chairman Swenson said was that verbally or do you actually have a written document from HVFD stating that you are approved?

Jared Turner said I dropped it off with Peggy today.

Chairman Swenson said okay. Knowing that you were going to do this, did anyone tell you to get a copy of the Home Occupation Ordinance? Chapter 24 talks about it and it gives some parameters of requirements that you need to follow at your home. It would be good for you to get that chapter if you do not already have it. Do you have it?

Jared Turner said I do not have it.

Chairman Swenson said it is Chapter 24. It does list your business as one that needs a conditional use approval because there are some requirements that you need to follow. After driving by your house a few times, I think you have a big box out front. Is that for storage?

Jared Turner said yes.

Chairman Swenson said it is probably not favorable to the neighbors. There is a requirement for parking.

Commissioner Darton said if he does not have any customers at his house, I am not sure parking would be relevant.

Chairman Swenson said it is relevant because it is not customer parking, it is home residential parking. He read an excerpt from Chapter 24.2.6.1.

Scott Messel said another reason for that is if some people put in a window and a door it would look more like a storefront. By having the garage door functioning, it helps to keep the residential look and feel.

Chairman Swenson said you really need to get this to see if you can get your business inline with the residential requirements.

Jared Turner said okay.

Commissioner Darton said he needs to know that you are not allowed to have a business sign on the property. You cannot advertise what you do there.

Jared Turner said everything I do is word of mouth. I do not advertise.

Chairman Swenson said I have heard some heartburn about the container out front which is not a standard residential thing.

Commissioner Rosenthal said this is relative to the home business application, it states that the home business will not comprise more than 25% of the living space. Does the Town of Leeds consider a garage a part of a dwelling unit?

Scott Messel said it is part of the square footage, but it is not of the living space.

Commissioner Rosenthal said the way I interpret that is it is a part of the property, but since you do not live in it, so it is not a part of the dwelling unit.

Scott Messel said that is correct.

Commissioner Rosenthal said I would encourage you to possibly work with Peggy at Town Hall to make sure your application is fully filled out. One of the things required is a plot plan that shows the layout as required by the application. It is not difficult to do. Just a tabletop drawing on a piece of paper.

Jared Turner said is that like an overview of the property?

Commissioner Rosenthal said yes. It is more of a footprint. In your case, it would be the footprint of the house and the garage showing the driveway out to Main Street. That way, we will have a much better idea of what all it is we may approve or attach conditions to during the approval process.

Commissioner Hadley brought up the subject of parking and he read an excerpt from Chapter 24.

Chairman Swenson said what Commissioner Hadley is talking about is you are supposed to be able to park your car in the garage. I think your situation is more permanent and that is where the plot plan will come in. He read an excerpt from Chapter 24.2.6.1 and 24.2.6.2.

Commissioner Darton said where this property is located on Main Street, it looks like there is ample room in the driveway to park 2 cars. In the back of the house, it looks like there might be a dirt access from Mulberry with potential parking. But I am not sure. What is going on behind the house? Is there someplace there you can park a car?

Jared Turner said that is where I park my trucks.

Commissioner Hadley said will the container fit back there so it is not in view?

Jared Turner said no. There is a garden in the back corner. This is not my property. Where it is is the only place it would fit.

Commissioner Rosenthal said I am trying to think how the property could be adjusted to meet the parking requirements and still have the home occupation occur. Does there still have to be parking in a garage or on the premises for 2 vehicles?

Scott Messel said no. Off street parking needs to be available. Two cars can be parked in the driveway. There may need to be discussion about where the conex box should be located. And we should look at the setback requirements.

Commissioner Rosenthal said with respect to the conex box, how would we be looking at the situation if it was enclosed with a roof on it? Something that would appear to be an extension to the garage and attached to the garage.

Scott Messel said if it is detached from the dwelling, it would be an accessory building.

Jared said we do not plan on staying here. We are renting. We are working on buying a place. I bought the container so I would be mobile and could move it. I have been trying to find a warehouse that I could work out of, but there is nothing available for me. This is as short-term as possible for me.

Tiffany Jones said what is the problem with the container and where it is located?

Chairman Swenson said there may be setbacks and it is storage. The outside storage changes the look of the residence. Outside storage is not approved for a business. Chapter 24.2.6.2 talks about storage.

Scott Messel said in our supplementary section, it talks about minimum and maximum size for accessory buildings. This is in Chapter 4 which is Supplementary Qualifying Regulations.

Chairman Swenson said and there will probably be setbacks. I am not sure where the property lines are. If you are encroaching on setbacks, this would be a reason for disapproval. This is why we were talking about moving it to the back.

Chairman Swenson, Scott Messel, Commissioner Darton and Tiffany Jones talked about the side setbacks.

Chairman Swenson said there are a few things here that we may need to address at the next meeting.

Scott Messel read an excerpt from Chapter 14.4.3.2 which states that all accessory buildings are to be located in the rear yard. The approval could be conditional on the conex box being moved to where it meets the setback requirements.

Chairman Swenson said those are the issues.

Commissioner Rosenthal said Peggy, I realize we do not have written comments from the folks who called you. What concerns did they voice?

Peggy Rosebush said the main concern voiced was having a welding business in their neighborhood. One gentleman said if Jared's business was a low-key welding business where he does nothing but gates and fences, he is fine with it, but if it was going to be a full-blown welding business then he has concerns.

Tiffany Jones said I spoke with one of the gentlemen who was putting a petition out and he thought that Jared was planning on putting a large warehouse in the back and turning the entire yard into a fabricating company. I explained to him that it will be the same as it has been, and he was fine with that. That is the reason they did not turn in the petition.

Commissioner Rosenthal said what I am taking from this is the voiced concerns about if the business would grow into something larger than being contained in the garage.

Peggy Rosebush said that is accurate.

Scott Messel said there are several purposes for a home-based business. We hope that home-based businesses are successful. If they are, and as they grow, it may be appropriate for them not to be a home-based business anymore and move into an appropriately zoned property.

Chairman Swenson read several chat line comments.

Commissioner Rosenthal said Danny, you made the recommendation that Jared review Chapters 4 & 24. Maybe he can work with Peggy, possibly Scott, to make sure he has his t's crossed and his i's dotted so that when he comes back the application is ready to go and there will be no questions about all of the things we have discussed tonight. And then the Planning Commission could recommend moving it to Town Council for approval.

Commissioner Darton said Scott, you made mention of accessory buildings. I am not sure that a temporary storage unit like a conex box is considered an accessory building. I am not sure those rules apply. I think the issue we have under Chapter 24 is what do we do about the storage. He has the conex storage. I think that is the one condition that we need to have addressed ... where is the appropriate location for that storage?

Jared Turner said when I bought that box, I was going to store a lot of personal things in it. I did not buy the container for the business. I could pull my business stuff out of there and store it in the garage. Is that what this is about? Is it only because it is a business?

Scott Messel said no. The conex box is being used for storage, like a storage shed. Whether it is associated with the business or just you living there, it still needs to meet the setbacks for an accessory structure.

Commissioner Darton said for the purpose of this conditional use permit, if the conex box is not being utilized in the business, if it is not storing business materials, then that becomes removed as an issue for the business conditional use permit. It still remains an issue for complying with Leeds ordinances.

Scott Messel said I agree with you on that.

Chairman Swenson said we have been talking a lot about this box. But there's also noise requirements, you have grinding, you have lighting and other things because it is in a garage. That is the point. The business needs to be worked around a residential garage. And it needs to be appropriate for that. If you had a house on both sides, you would really have a problem. I think you need to go through these things and see how you can work it out and then present it to us.

Susan Roberts said Jared has been very nice with the people. He does not work past 8 PM and he does not work early in the morning. He has been very respectful to the neighbors. I think you guys are being a little petty on this stuff. If the adjacent neighbors do not have a problem, then I do not see what the problem is. Jared is very considerate of other people. I jog by there and his garage is always closed by 8 PM. He does not go past the noise ordinance. I do not see what the problem is. He tries to keep the place cleaned up. He got a container for his stuff. He could have a big mess. There are a lot of places in Leeds that have big messes. Everybody is out of compliance. I think it is wrong to be so petty when he is just trying to make a living.

Commissioner Rosenthal said Peggy, typically as I understand it, when an individual is looking to get a Home Occupation Business License, letters are sent to the adjacent neighbors.

Peggy Rosebush said correct.

Commissioner Rosenthal said has that been done in this instance?

Peggy Rosebush said yes.

Commissioner Rosenthal said what was the response from those folks?

Peggy Rosebush said I did not hear back from the people we sent letters to, but I should not say I did not hear from them. Some of the callers might have been some of those people. I did not make a point of asking the callers for their name. I was trying to keep this as neutral as possible. I did not receive anything in writing.

Chairman Swenson said Jared, there are two things we can do here. We can say come back next month and see how you can conform your business to meet the requirements in Chapters 4 and 24. We want to try to get you into your business. We have to follow Town Ordinances or we have to change them. Or we can come up with a bunch of conditions right now and say you meet these conditions. We would approve it as long as you meet these conditions. Or you can come back and say I have conformed it and changed things around, and this is what I would like to do, and we approve it then. Either way, the time period is going to be basically the same before we send it on to Town Council. Those two things come up about the same. How do you feel?

Jared Turner said I would like to get Chapter 24 and read through it.

Chairman Swenson said according to Chapter 24, we have to approve a welding shop. We just need it to be within the parameters listed. We are not saying no. We have to approve you. But we need to approve it after you meet certain standards.

Commissioner Rosenthal said Scott, would it be appropriate for Jared to use you as a subject matter expert to help him with any interpretations of Chapter 24?

Scott Messel said yes, I would be happy to meet with him or talk to him on the phone.

Tiffany Jones said if there is a possibility of having an ordinance changed in order to keep the container where it is, what is the process we need to go through to do so?

Chairman Swenson said Scott will be able to fill you in on how we change ordinances. Scott, please get Jared's email off his application and contact me. Jared, is this what you would like to do?

Jared Turner said yes.

Commissioner Darton said Jared, if you go to leedstown.org, you will see a menu that says ordinances.

Chairman Swenson said we need a motion to table it until next month.

Commissioner Rosenthal said I make a motion that we table Mr. Turner’s application for a home occupation business until next month. 2nd by Commissioner Hadley. All voted. Motion passed.

ROLL CALL VOTE:

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

10. Discussion Items:

- a. Preliminary Development Agreement, Silver Eagle Estates, Changing Number of Lots of 82 to 16

Dan Jones said I am with the company that owns the land.

Brent Tuttle said I am with Northern Engineering and I am working with Dan on the engineering and layout. This piece of property is on a little knoll just above the Hurricane Valley Fire Station. Previously, in 2006, 2007 and 2008, we did at one time receive preliminary approval for 82 lots. The economy tanked in the Fall of 2008, so the development of this property did not occur at that time. Dan Jones has looked for ways to develop and sell this property. Since that time there have been issues regarding septic tanks and sizes. The Health Department changed their regulations for sizing, so Dan and I met with them and we worked out a rough size. We did have perk tests run on all the 80+ lots prior, but coming back and looking at them, we were able to do a layout for 16 lots out of the 82. At this point in time, before going to the expense of a full blown preliminary plat for submittal, we prepared a concept plan and we wanted to run it by the Planning Commission and the Town Council just to see if this is doable. Is this something that you would support? If so, we will go to work preparing all the details – the utilities, the road layouts and the grading plans. That is mainly our purpose here tonight. Would the Planning Commission be in favor of a reduction from 82 lots down to 16? And would you support an average of 4 acre lots on top of that knoll?

Commissioner Darton said what size homes are you looking to build?

Dan Jones said we are not the builder. We have talked to several other developers and builders and I think they are looking at some larger estate homes since these will be estate size lots with amazing views. I am guessing probably 4,000 or 5,000 SF.

Commissioner Darton said so you are looking at roughly 4 acre lots?

Dan Jones said yes.

Commissioner Rosenthal said with respect to 16 lots, is there water available for those?

Brent Tuttle said water is stubbed to the property from Washington County and they have given us a preliminary will-serve letter for water for all 16 lots.

Commissioner Rosenthal said so water is not coming from LDWA?

Brent Tuttle said no.

Chairman Swenson said I think 16 lots will be a lot easier to come by than 82 because of slopes. Septics would be a big issue here. If they were approved before, were they a part of the originally approved septic numbers? The reason I am asking is because we have already been pre-approved for septics that this area can support. Those lots that were already pre-arranged for septics should have been approved then. Since then, anything else that comes up needs an above ground septic system. That would be an issue that you need to address. It can be done, but you have minimum slope requirements, you have road access and then you have the septics. If they were not approved for septic since the study was done, every one of those lots would have to have an above ground septic system.

Dan Jones said the sewer wastewater plant has been our biggest bottleneck in moving forward on this development. It has been too expensive to tie into other potential wastewater systems. And too expensive to go down Main Street and tie into the City one. We are familiar with that study that was done years ago. Now if you want to do a standard septic, you have to have 9 acres. We went back to Washington County and tried to explain our situation. They came back and said they would approve, but, of course, the Town of Leeds would have to agree, a hybrid septic system.

Chairman Swenson said the cutoff date for that was July 1, 2009, which would not include you guys. I just wanted to make sure you are aware that you will need to come up with an above ground system or self-contained or hybrid, whichever one is approved through the Town and the County. It sounds like you already know this. You have studied the slopes?

Brent Tuttle said yes. Every lot has buildable area on it, even the lots that have a steeper slope. On the larger lots, we are minimizing the amount of dirt work. Through the preliminary and final, we will have detailed grading plans.

Chairman Swenson said to me, it is better than what we had. It is better than the earlier proposal. I think this is going in the right direction.

Commissioner Rosenthal said Scott, do you have any thoughts or concerns with this proposal?

Scott Messel said I think it is a good use for the property. The reduction in the number of lots seems more feasible. He gave his staff report on the proposed development.

Commissioner Hadley said I have a question concerning access for emergency vehicles.

Brent Tuttle said we can certainly look at that. Right now, we are just looking at the preliminary and we know there are a lot of issue to resolve. All issues cannot be resolved with a concept plan.

Commissioner Darton said did I understand correctly that the map we have showing the 16 lots, Lot #12 is a flag lot, but you will extend that road so that Lot 12 does not have to be a flag lot?

Brent Tuttle said that is correct.

Chairman Swenson said also be aware that your aerial surveys are not always super accurate for slopes. For anything that is close, make sure you go out there in person and take a reading.

Commissioner Darton said this is a piece of property that is undeveloped that looks like there is not much that can be done with it. I agree with Scott. This is a good use of the property. Understanding that this is still very preliminary, I would move that we support them moving forward with this project and recommend to the Town Council that they receive the encouragement to go forward with this development so that the work can be done to get the detailed answers that are needed to obtain building permits and so forth.

Chairman Swenson said does the County have any hilltop requirements? Has anyone checked on this? Hilltops are protected and ridgelines are protected.

Brent Tuttle said they would check into it.

Chairman Swenson said it does not have to be a vote to move on. I hope it works out for your guys.

b. Noise & Dust

Commissioner Rosenthal said I brought the question up to the Mayor about the increased building activity in the Town. There does not seem to be any method or way for the Town to control certain aspects of the construction activity that could be an annoyance or bothersome to the neighbors ... often, hydraulic hammers and excavators to bust up the rock or blast it. What has been observed is that contractors have been able to start well before 7 AM on the weekends to do this activity. You would hope they would be considerate to the people who live next to it or around the locations they are building. A contractor told me he can start as early as 6 AM. On weekends, some folks may want to sleep in. After talking to the Mayor about it and digging through the ordinances, there is little in there, with the exception of nuisance, relative to noise.

Chairman Swenson said I thought I have seen a 7 AM to 7 PM time, watering to control the dust

Commissioner Rosenthal said there is nothing on construction dust. There are times when excavators are moving large amounts of fill material, there will be clouds of dust several times a day in and amongst other homes.

Chairman Swenson said I think there is a County ordinance. Most larger builders have a water truck or a fire hose.

Commissioner Rosenthal said Scott, how does the County approach this?

Chairman Swenson said the larger builders would not have a water truck if there was not a County ordinance.

Commissioner Rosenthal said here in our Town, the only things I could find in the ordinances were Chapter 7 and Chapter 9. I am not looking to regulate every aspect of a construction operation. It would seem reasonable that certain aspects be managed through an ordinance whereby that component of the ordinance can be attached to a building permit. For example, no hydraulic rock hammer operations before 7 AM or 8 AM. And the same with the dust.

Chairman Swenson said we cannot do anything less than the Washington County ordinances, but we can do more. I am sure the County has an ordinance for both.

Commissioner Darton said we probably need to look and see what, if any, the County ordinances are in respect to this. If there are not any or if we find they are insufficient, then we may need to propose the addition of some ordinances in Leeds Town Ordinances that deal with construction noise and dust. The dust will be a little harder because of the area we live in. We could put together some type of reasonable mitigation measures that contractors could adhere to that would not be burdensome or too expensive. I think the easiest one is noise abatement. I think we could have an ordinance that says during the week, Monday through Friday, you cannot start until 7 AM or 8 AM. And on weekends, not before 9 AM. We will probably have to get public comment on it. I know the construction folks will probably say that it will take us longer to get our work done.

Commissioner Rosenthal said I did not mention that there was a contractor working with a hydraulic hammer past 8 PM right next to people's houses. I thought that was a bit much.

Chairman Swenson said what if we give Mark the assignment of researching this?

Councilmember Rosenthal said I will dig into it.

Scott Messel said I will be willing to help.

c. Animal Control

Chairman Swenson said who is here to discuss animal control?

Councilmember Hunsaker said you wanted things to be quantified and qualified. Hopefully, what I have put together will be a starting point for you.

Chairman Swenson said this is a great start.

Commissioner Darton said where did you pull this from?

Councilmember Hunsaker said it is from different small towns. Parts of it were pulled and blended. Toquerville has the point system and LaVerkin uses square footage. It was also pulled from the Livestock Association for the amount of ground needed for residential livestock.

Chairman Swenson said I have some heartburn on your graphs. It is not that your graph is wrong, the zoning is wrong. We have talked about how zoning is different throughout the Town. Let us take your house. Your house is zoned rural residential.

Councilmember Hunsaker said yes, we are almost all rural residential here, Silver Reef is residential and at the north end of Town there is also some residential.

Chairman Swenson said you have rural residential along Main Street. Let us use your house as an example. Your house is .5 acre to .75 acres. My lot is 5 acres and it is zoned residential. On your property,

you can have 20 chickens and on my 5 acres I can have 10. For bunnies, you can have 4 and I can have 6. I have 5 acres and I cannot have any of the other animals.

Councilmember Hunsaker said you can have them with a conditional use.

Chairman Swenson said that is my point. I should not have to have a conditional use to have them. I am zoned residential and right down the street, the same road, is zoned rural residential. For me, until this zoning thing gets worked out, I am not buying any of this stuff. I will not approve anything until the zoning is worked out.

Commissioner Darton said Danny, when we talked about this before, we said what we might need to do is divorce these animal regulations from zoning and have it based on lot size totally. I would want to make adjustments based on lot size for types and numbers of animals.

Commissioner Rosenthal said how would you document that? Would it be a new ordinance?

Commissioner Darton said it would have to be a new ordinance.

Chairman Swenson said there are square footages on the charts. Something inline with that seems more reasonable.

Councilmember Hunsaker said there are a few residents in Silver Reef who purchased their home because it is zoned residential. They chose to have no animals or the smell. They chose to have no kept animals around them. This needs to be taken into consideration if you are going to make everyone rural residential. Some people did purchase with the full intent of having no animals or being next to animals.

Commissioner Darton said no one can assume that the laws or ordinances are never going to change. Before the ordinances that we currently have in place, everybody could have animals. This was a rural farming community. I have heard over and over again that everybody wants Leeds to remain a rural community. I think it is ridiculous that we are a rural community and we are allowed fewer animals than the people in St. George.

Councilmember Hunsaker said I completely agree. I know this needs to be changed. The zoning is up to you guys to make any changes.

Commissioner Darton said no matter what we come up with, somebody is going to hate it. If we do nothing, somebody is going to hate it. If we do something, somebody is going to hate it.

Chairman Swenson said part of the zoning is not just animals. It also effects setbacks for pools, room additions, etc. He gave examples of rural residential setbacks versus residential setbacks. Does this sound reasonable?

Commissioner Rosenthal said I do not think she is saying it is reasonable. Danny, I think you have made your point that zoning, how it stands, with exceptions to any HOA, seems a bit out of line with how things are being done.

Councilmember Hunsaker said Scott, help me out here, but the setbacks for rural and residential are the same unless you are on a corner. They have a 25 Ft. front yard setback and 10 Ft. on the sides for both rural and residential. It is 25 Ft for the front and 25 Ft for the side if you live on a corner.

Chairman Swenson said not true.

Commissioner Rosenthal said the point being is that there are differences in allowable number of animals, either livestock or pets, between how our lots are zoned. It would seem reasonable to look at how we are doing that business and move forward.

Chairman Swenson said Lorrie, did you find that the other communities go by square footages more than zoning requirements?

Councilmember Hunsaker said square footage. Toquerville uses a point system. You get so many points per acre and you get to choose how you use those points. But it is basically square footage that most of the communities around use rather than zoning.

Chairman Swenson said the point system is based on the size of the animal?

Councilmember Hunsaker said correct.

Chairman Swenson said where do we go?

Commissioner Rosenthal said Tom made a suggestion of pulling it out of the land use plan. And Lorrie, you have done a lot of research on this. Would it seem reasonable for the two of you together and prepare a new ordinance that we can review?

Chairman Swenson said maybe the three of us can get together.

Commissioner Darton said at our last meeting when we talked about this... It is a lot easier to pull this out of land use rather than fix all of the zoning.

Scott Messel said when the different zones were created, more things might have been different in each of the zones. Things change and items are overlooked.

Commissioner Darton said I think there are quite a few people in Town that would like to see the regulation of animals be done on a more equitable basis than the current structure that we have in Leeds. I think the way to accomplish that, the simplest way, is to pull it out of land use ordinances and regulations and put it into a standalone animal ordinance. I think Lorrie has given us a good start and I think if Danny, Lorrie and I, and anyone else who is interested, can get together we can probably pull together an ordinance to bring before the Planning Commission and Town Council.

Chairman Swenson said what if we put together a committee starting with Sharon Johnson. Maybe get a couple from the Town and Tom, Lorrie and myself to form a working committee. Tom, would you have time?

Commissioner Darton said I would.

Chairman Swenson said anyone interested can get in touch with Peggy. Lorrie, will be you committee chair?

Councilmember Hunsaker that is fine. We need to get started on this. At Town Council, we cannot have more than 2 Councilmembers meet or it is considered a meeting. Does the same apply for the Planning Commission?

Chairman Swenson said we will check with Wayne. Whatever makes it legal, we will put it together.

Commissioner Darton said if there are too many of us from the Planning Commission, I will resign. The only reason I would stay is because I probably have more experience dealing with statutes.

Chairman Swenson said Peggy, let us put down Tom, Ken, Lorrie, Angie and Susan Roberts. Lorrie, will you contact Sharon Johnson?

Councilmember Hunsaker said yes.

Commissioner Hadley said does a work committee have to be open to the public?

Chairman Swenson said no. As long as we do not have more than 2 from the Planning Commission then it is not official business.

d. Parking

Chairman Swenson said does someone want to explain the issue about parking?

Commissioner Rosenthal said Lorrie did the research on that also.

Councilmember Hunsaker said the parking issues have been... We have been getting more and more calls and Town Hall has been getting more and more calls. There is one main issue about a particular box truck that does not belong to the property where they are parking. Sometimes they will park there for 2 weeks at a time. One particular one has to do with the RV park. One of the main questions is can we regulate parking on Main Street since it is a State highway? Also, up at Silver Reef, we have the parking of trucks and ATV trailers and leaving the trailers parked on the side of Silver Reef Road while they go out riding. I have been up there every time there has been a call and they are always parked legally. I am not sure what needs to be done or can be done about this. The Mayor could probably speak better on UDOT's response. Lorrie read chat from the Mayor. I am just stating what residents have asked for and want and I have done some of the research.

Commissioner Darton said are people wanting to have a parking ordinance that restricts on street parking overnight? No on street parking overnight?

Councilmember Hunsaker said we have looked at different things trying to find a way and no overnight parking seems to be the only thing that fits. In one town, residents get a certain number of overnight permits for overnight parking throughout the year. If it is the holidays or they have family coming over, they could use their permits. But it would prevent people who do not live here from being able to leave their vehicle or storing them, so they do not have to pay storage fees.

Chairman Swenson said is it more commercial vehicles than just cars? I think there are 2 or 3 issues here.

Councilmember Hunsaker said yes, it is the commercial vehicles. However, UDOT will not support it unless the ordinance applies equally to all vehicles.

Chairman Swenson said do we need UOT to support it or just our own ordinance?

Scott Messel said Main Street is their highway.

Chairman Swenson said Main Street is not the issue.

Commissioner Darton said Main Street is a large part of the issue. I heard between the lines that there are people in the Town who do not appreciate cars parked on the street. It makes Main Street look less attractive. Some of the other roads are really too narrow for parking on them. They create a safety hazard.

Commissioner Rosenthal said Lorrie, has there been any discussion or concerns about vehicles that are for sale and with for sale signs on them parked along Main Street? The other day, there were 5 vehicles parked on Main Street with for sale signs on them.

Chairman Swenson said there is an ordinance against this, but it has not been enforced.

Councilmember Hunsaker said Main Street and Valley Road are the 2 that I have had comments on about vehicles for sale and long-term parking.

Chairman Swenson said do we call the Sheriff when we see a car that is for sale parked on Main Street? Is there a warning that we can give? But we need to educate before we enforce. Maybe we need to send out a letter saying we are going to start enforcing on such and such a date for cars that have for sale signs and are parked along Main Street? Once we start citing, they will not put them there.

Commissioner Darton said if someone lives on Main Street and they have their car parked in their driveway with a for sale sign in the back window there is nothing we can do about that. And I do not think this is the problem. It is the parking along Main Street to try to advertise your vehicle. That is the problem.

Commissioner Rosenthal said I do not think the average homeowner in Town knows that we have an ordinance against this. Danny, you are absolutely right. We need to educate.

Scott Messel said where is the ordinance about cars being sold on the street?

Chairman Swenson said it is County ordinance. I would have to look it up. It is not our ordinance. I think we need to send a letter or even give them a call.

Councilmember Hunsaker said the parking issues are continual and getting worse.

Chairman Swenson talked about residents who park their commercial vehicles on the street. Lorrie, has it been more about people parking their commercial vehicles on the street or about people parking on the street who have 2 or 3 cars?

Councilmember Hunsaker said if we look at the ordinance that we have now, it makes it like it is not enforceable. It says "should not park" ...

Chairman Swenson said I am only asking about the complaints about parking. Have the complaints been about commercial or....

Councilmember Hunsaker said mostly commercial. If we have truck drivers who live in Town, obviously we need to let them park their truck at their house. I do not know how to fix this. Can we enforce things that are not in our ordinances?

Scott Messel said the Sheriff will enforce a County ordinance on a county road. We could adopt a code that refers to a County ordinance or just adopt our own. If the County has an ordinance, and the Town did not, the County ordinance would not have any effect on any streets in the Town of Leeds.

Commissioner Rosenthal said are you saying the County ordinance does not apply to the Town of Leeds?

Scott Messel said yes.

Commissioner Rosenthal said since we do not have any restrictions on parking vehicles with for sale signs on them on Main Street then the County ordinance is not applicable in the Town of Leeds?

There was discussion about how a town ordinance cannot dictate more than a County ordinance. Towns within the County are not required to meet the requirements of County code.

Commissioner Rosenthal said in order to address vehicles parked on Main Street with for sale signs on them, in order to address that we would have to amend an ordinance or create a new ordinance?

Scott Messel said Main Street is a State highway.

Chairman Swenson said Main Street is a State highway. We could have it towed within 72 hours. That is a different situation. State code is totally different from Town code. There is a 72 hour move code.

Commissioner Darton said if we do an overnight parking ordinance, it would have to apply to all vehicles because of Main Street being a State highway. It would have to be totally non-discriminatory and applicable to all vehicles. We might want to look and see if there is already a code for Main Street.

Chairman Swenson said Mark, do you want to do some research on this? How do we try to solve the problem with local streets? I think at the RV park you have to pay to park an extra vehicle. People who do not want to pay, they just keep moving it around on the local streets.

Councilmember Hunsaker said it is \$50 per month for overflow parking.

Chairman Swenson said okay. They are just going to move it around on the streets. What is your thought on stopping this? There could be a voucher system.

Councilmember Hunsaker said the Sherriff said it is legal in the State of Utah if it is off of the pavement on the side streets. Danielle Stirling said she did not think the permit system is fair because we have so many large families in Town.

Chairman Swenson said has anyone asked the RV Park if they have ample parking? Is parking really limited over there? Is the guy just trying to make some easy money? Allowing more free parking over there would solve the problem. Is no one using the overflow parking because of the \$50? If no one is using it, maybe we could make some kind of arrangements with him.

Chairman Swenson said I think we may have an answer for Main Street. Mark, you will do some research on it, right?

Commissioner Rosenthal said yes.

Commissioner Darton said let me suggest this. If we were to propose a flat ban on overnight parking on the street within the Town of Leeds, I think we would have some lively discussions at the public meeting.

Chairman Swenson said right. That would not work. I think we need to start at the RV Park. We need to ask the guy at the RV park if we can make some kind of arrangement with him.

Councilmember Hunsaker said we can attempt to do that.

Chairman Swenson said if no one is utilizing his overflow, he is not making any money on it anyway.

Councilmember Hunsaker said we can present it to him and see what happens.

Commissioner Darton said I think that is a good point. If overflow parking is not being utilized, maybe he would be better off cutting his price in half.

Chairman Swenson said let us do that. Lorrie, will you do it? Maybe we can negotiate with him.

Councilmember Hunsaker said yes.

Chairman Swenson said Mark, you are going to look into a State Highway and Main Street, right?

Commissioner Rosenthal said yes.

11. Staff Reports: None

12. Roll Call to End Electronic Meeting

ROLL CALL:

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

APPROVED ON THIS 13th DAY OF Oct, 2020

Danny L Swenson
Danny Swenson, Chair

ATTEST:

Peggy Rosebush
Peggy Rosebush, Clerk/Recorder