

# Town of Leeds

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## Electronic Meeting Agenda Town of Leeds Planning Commission Wednesday, October 7, 2020

**PUBLIC NOTICE** is hereby given that the Town of Leeds Planning Commission will hold an electronic **PUBLIC MEETING** on Wednesday, October 7, 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

Time: Oct 7, 2020 07:00 PM Mountain Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/81262358918?pwd=YVV1VzBJKzNvUTdVb0ZneThyUjFKQT09>

Meeting ID: 812 6235 8918

Passcode: 691953

One tap mobile

+13462487799,,81262358918#,,,,,0#,,691953# US (Houston)

+16699009128,,81262358918#,,,,,0#,,691953# US (San Jose)

Dial by your location

+1 346 248 7799 US (Houston)

+1 669 900 9128 US (San Jose)

+1 253 215 8782 US (Tacoma)

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Meeting ID: 812 6235 8918

Passcode: 691953

Find your local number: <https://us02web.zoom.us/j/81262358918>

### **Regular Meeting 7:00 p.m.**

1. Call to Order/Roll Call
2. Invocation
3. Pledge of Allegiance
4. Declaration of Abstentions or Conflicts
5. Consent Agenda
  - a. Tonight's Agenda
  - b. Meeting Minutes from September 2, 2020
6. Announcements

7. Public Hearings: None
8. Action Items:
  - a. Discussion and possible action on Conditional Use permit Application for Southern Utah Metal Works, Jared Turner
  - b. Discussion and possible action on Site Plan Review Application (Grading Permit - Residential) for L-BULL-3, Troy Stoker
  - c. Discussion and possible action on Site Plan Review Application (Grading Permit – Commercial) for L-94-A-1, 205 Cemetery Rd., Leeds Storage, Triple S Properties LC, Troy Stoker
  - d. Discussion and possible action on Small Subdivision Preliminary Plat, L-3-E, 770 N Main, MSH Investments, LLC, Ian Crowe
9. Discussion Items:
  - a. Animal Ordinance
  - b. Construction Dust & Noise
  - c. Parking
10. Staff Reports
11. Roll Call Vote to end Electronic Meeting
12. 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, October 1, 2020 at these public places being at **Leeds Town Hall, Leeds Post Office**, the **Utah Public Meeting Notice website** <http://pmmutah.gov> and the **Town of Leeds website** [www.leadstown.org](http://www.leadstown.org)

Peggy Rosebush, Clerk/Recorder

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# Town of Leeds

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## Planning Commission Meeting for Wednesday, October 7, 2020

1. Call to order:

Chairman Swenson called to order the regular meeting of the Planning Commission at 7 PM on Wednesday, October 7, 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>x</u>	<u>          </u>
COMMISSIONER: KEN HADLEY	<u>x</u>	<u>          </u>
COMMISSIONER: TOM DARTON	<u>x</u>	<u>          </u>
COMMISSIONER: MARK ROSENTHAL	<u>x</u>	<u>          </u>

2. Invocation: Commissioner Hadley

3. Pledge of Allegiance: Chairman Swenson

4. Declaration of Abstentions or Conflicts: None

5. Approval of Agenda:

a. Tonight's Agenda

Commissioner Robbins moved to approve tonight's agenda. 2<sup>nd</sup> by Commissioner Hadley. All voted. Motion passed.

ROLL CALL VOTE:

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

b. Meeting Minutes of September 2, 2020

Commissioner Darton moved to approve meeting minutes of September 2, 2020. 2<sup>nd</sup> 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: TOM DARTON	<u>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>
COMMISSIONER: BRAD ROBBINS	<u>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>
COMMISSIONER: MARK ROSENTHAL	<u>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>
COMMISSIONER: KEN HADLEY	<u>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>

6. Announcements: None

7. Public Hearings: None

8. Action Items:

a. Discussion and possible action on Conditional Use Permit Application for Southern Utah Metal Works, Jared Turner

Chairman Swenson said Jared give us an update on where you stand.

Jared Turner said I guess Peggy gave you the drawing that I made up.

Chairman Swenson said yes. If everyone remembers, we asked for a drawing and fire inspection report. Mrs. Jones did send a nice letter to validate that everything you are doing is fine with the property owners. My question is ... not that it matters to me much, but I think the next phase when we send you to Town Council, the measurements that you used are basically to the street because you probably do not know where your property line is. Correct?

Jared Turner said if you go around Leeds, you can see where people poured concrete for their driveways. I went down the road and measured a couple different ones that have driveways poured and they are at 13 Ft. off the road so that would leave 29 Ft.

Chairman Swenson said I understand. That is a common measurement. I am more concerned with the side. There really is no indicator. You went from the ...

Jared Turner said that is the side I am talking about.

Chairman Swenson said the side road from the container?

Jared Turner said yes. Down that road there are a couple of houses that have concrete driveways. I measured in 13 Ft.

Chairman Swenson said so 13 Ft. ...

Jared Turner said from the road.

Chairman Swenson said so that gives you how many feet from the sidewalk to the container?

Jared Turner said the overall measurement is 42 Ft minus 13 Ft ... 29 Ft.

Chairman Swenson said and the corner setback requirement is 25 Ft, right?

Jared Turner said yes.

Chairman Swenson said you can validate that more officially for the next meeting. That is pretty close. Jared, go ahead, continue.

Jared Turner said I did read through Chapter 24. I would say that I am in compliance.

Chairman Swenson read Chapter 24.2.6.1. He read Chapter 24.2.6.2, outside storage. I question this because obviously your storage container is for your business.

Jared Turner said I have some steel there in the front, but, if I need to, I can move that to my garage.

Commissioner Darton said I would like to get Scott's interpretation. I am not sure outside storage means a storage facility that is outside of the house. To me that might mean equipment that is outside, not enclosed in any way at all. I am wondering if Scott has any insight as to what outside storage means.

Scott Messel said my interpretation is similar to yours. Since this is a welding and metal works business, we would want all of his equipment and materials stored inside a shed, cargo container or garage.

Commissioner Darton said I do not think Chapter 24.2.6.2 is applicable.

Scott Messel said materials for his business should be inside the garage or inside of the cargo container. Storing materials outside definitely changes the appearance of a residential neighborhood.

Commissioner Darton said if, while he is working, he has stuff inside of the garage that is in the way so he sets it out while he is working, but he puts it back in when he is done, would you feel like that implicated Section 24.2.6.2?

Commissioner Rosenthal said what is the definition of storage? To me, that is a germane component of that clause. In my mind, storage of whatever is for a period of time. I do not think moving equipment from the garage to the driveway during the day is storage. It is making space available within the garage to fabricate the gates that Mr. Turner makes. That is my take on storage.

Chairman Swenson said I agree. We basically do not want a house to turn into a commercial property.

Commissioner Rosenthal said there is a fabrication table sitting out next to the container and it has been sitting there for quite some time. That might be considered storage of equipment.

Jared Turner said it does roll around so I can move it. It is no big deal.

Commissioner Rosenthal said as we move forward, one of the conditions might be no equipment can be left outside overnight.

Commissioner Darton said perhaps that is an appropriate condition so that Section 24.2.6.2 is not violated. At the end of the day, anything out on the driveway gets moved inside the garage or the conex box.

Commissioner Rosenthal said that seems reasonable.

Chairman Swenson said there are many, many homes that are far worse than this. The difference is we are trying to get a permit to run a business. If it was a hobby, we would not be discussing this. Some people work out of their garage and they do not come to us. This is a nice clean house. Some are way worse; they have equipment outside and they have storage of equipment outside. But because this is a business, it is under different codes. We are being nitpicky on this, yet we are letting things that are far worse in Town because they are doing it as a hobby. If you look at 24.2.6.4a, you have to have a garage. You have to have a garage to store your vehicles.

Commissioner Darton said I am not sure if this Subsection a means you have to be able to park your cars while the business is being conducted. I think it is going to the point of we do not want to change the residential character of the home. I think if you remodeled the garage so it could not be used as a garage, I think you would have a clear violation there. The way I read it, he has his equipment in there, but that does not change the fact that once he is done with his business and he does not live there anymore, it is just a garage. It has not been altered in any way to prevent the parking of cars.

Scott Messel said there is one thing that we do need to look at. Using the conex box for storage ... is a conex box an accessory building or an accessory structure because it is being used as storage? What he is proposing is an appropriate business in this area and on this property, but our code does not permit the accessory building in the side yard. It needs to be in the rear yard. You can find that in Chapter 13.4 ... he read excerpt.

Commissioner Rosenthal said if he were to remove his materials from the conex box, and the only thing in it was personal items, would the conex box at that point be divorced from his application for home business license?

Scott Messel said it would, but it still would not bring the property into compliance. Another option may be, rather than tabling it, is make your approval subject to the conex box being moved to the rear yard.

Commissioner Darton said I think we heard in the last meeting that it cannot be moved to the back.

Commissioner Rosenthal said it is not that it cannot be, it is that the back currently has a garden and that is where Mr. Turner stores his trucks. It sounds like the available space in the back is extremely limited and may not accommodate the conex box.

Commissioner Darton said if that is an issue, I remember from the last meeting that Jared said he would be willing to not store any of his business materials in the conex box. If he is not storing business materials in it then it is not relevant to the issue of his conditional use permit for his home occupation.

Chairman Swenson said if we take the conex box out, and if someone built a garden storage shed, are you saying that is the same?

Scott Messel said that would be considered the same whether it is a garden shed or conex box. Both would be an accessory structure.

Chairman Swenson said are you telling me that in the whole Town we do not have any storage units in a side yard?

Scott Messel said I am not saying that. I am just saying what the code is.

Commissioner Rosenthal said we are charged with making sure the ordinances are followed by an applicant. If Mr. Turner wants to remove his raw materials from the storage unit, it would still be a violation of Town Ordinances, but under a different ordinance. That is something that he, or the owners of the property, would have to address.

Chairman Swenson said unless they went to Town Council and requested a variance of a certain ordinance. Correct?

Commissioner Rosenthal said he or the owners of the property could do that.

Scott Messel said they could request a variance, but the thing that would have to be proved ... variances are far more difficult and have very specific guidelines and would have to show some unusual circumstance with this lot different from other lots in the area that would make it hard or impossible for him not to move the conex box or to bring the property into compliance.

Jared Turner said where is that ordinance?

Scott Messel said it is in Chapter 13.4.3.2 – he read an excerpt.

Jared Turner said in 13.4.3.1 ... he read an excerpt. As long as it meets the 25 Ft setbacks ...

Scott Messel said that would be for your main structure. Just like you are not allowed to put a conex box in your front yard, you also cannot put it in your side yard. Ordinance says all accessory buildings must be located in the rear of the lot. You cannot put a conex box in the front of your house and then say we still meet the setbacks because code does not allow an accessory structure to be in front of the main dwelling.

Commissioner Robbins said Scott, it seems like there are 2 issues. You have the use and then you have this box. In regard to the use, have all of the conditions been met? In my experience, people care about lights, hours of operation and noise. Do we have all of those conditioned?

Chairman Swenson said those issues were discussed at our last meeting.

Commissioner Robbins said we should probably condition the property for those conditions regarding the use. The box is a completely separate issue from the use. If the box does not meet the requirements, it seems to me he will have to apply for a variance or not. It seems to me there is an issue regarding the location. It needs to go on level ground. I do not know what the back looks like. If the question is the use versus the box, I do not have a problem with the use if he follows all of the conditions. The box seems to be a separate issue.

Scott Messel said what makes it one issue is that it is being used as storage for the business. If there are nuisance violations or non-compliance, it is usually at the time of getting a building permit or a business license or a conditional use when you would bring the property into compliance. If materials were not kept in there, it could be handled as a nuisance enforcement through the Town, but either way it would need to be relocated. You could have the business license subject to the relocation and/or a variance being granted.

Commissioner Robbins said my opinion is I do not have a problem with the use. As long as he complies with those conditions, it is not a nuisance to the surrounding community. I do not have a problem with that. The box is a completely different issue. Quite honestly, there are worse looking properties in Town than this property is. It seems to me that he is trying to put everything in a confined area that is not visible. He is trying to comply. If we could work with him somehow on the box, I do not have a problem with any of this.

Commissioner Darton said I totally agree. We have to look at what conditions do we need to set to make this business use work. I think we could just make it a condition that he cannot store anything in the conex box and that makes the conex box irrelevant to this conditional use permit.

Commissioner Robbins said I would be okay with that as long as we give him the option to move it. I do not want him to start storing stuff outside because he cannot use the conex box.

Commissioner Darton said he cannot, or he would run into the outside storage issue.

Jared Turner said I can order the exact amount of steel that I need and keep it in the garage. That is not an issue.

Commissioner Robbins said why not separate the box from the actual use. I would make a motion to move this on to Town Council.

Commissioner Darton said if we were to set as the conditions - (1) no outside storage, (2) 8 AM to 7 PM business hours and (3) no storage of business materials in the conex box.

Jared Turner said would it be possible to have a day or two to leave gates in the driveway at night until I can take them to powderco?

Commissioner Robbins said I do not have a problem with that. What I have found over time is junk starts to accumulate. As long as you do not have junk out front, I do not have a problem with it.



Commissioner Rosenthal said Tom or Scott, I do not know if you know the legal definition of storage. Having something in your driveway for a day or two, in my mind that does not constitute storage. I could be mistaken.

Commissioner Darton said I agree with you. There is no such thing as a legal definition. A legal definition is created when it is codified in statute. We do not have a definition. I think we have to apply our common sense. I agree with you, Mark. How do we phrase that in a condition ... maybe just say occasional storage of a partially completed project in the driveway is permissible.

Commissioner Rosenthal said Tom, I would not use the term storage.

Commissioner Darton said how about occasional placement of projects in the driveway is permissible provided it does not exceed 2 days per week.

Commissioner Robbins said I think we are being too nitpicky. As long as his neighbors are okay, I just do not see this as an issue. It all comes down to what his neighbors feel or what the community feels is a nuisance. I do not see this as a nuisance. As long as he is conscientious about it, I do not have a problem with it.

Commissioner Darton said should we not worry about the outside storage issue because, as we have discussed, it seems more like a permanent and not a temporary thing?

Jared Turner said I have been pretty good about cleaning up and keeping my yard nice. I do not want to have the eye sore of the Town.

Commissioner Darton said I make a motion that ...

Chairman Swenson said before you do that, Tom, there is one more issue.

Scott Messel said because we have Chapter 24.2.6, conditions for a home occupation, it lists several of the conditions, we could say he must meet all of the requirements of 24.2.6. We could say the business license is approved on that. We could have the conditions subject to meeting all of the requirements in Chapter 24.2.6.

Commissioner Darton said I am good with that. I think the way we have discussed it; he really does meet all of those requirements.

Scott Messel said I do, too.

Chairman Swenson said I want to discuss your fire permit. The fire permit you have is pretty worthless to me. There is no writing on it, no signature, no work order to fix this or this and all of the boxes are blank. There is nothing on the permit to explain to me what they wanted you to do.

Jared Turner said I had a hard time getting them here. I called them up and told them I needed a fire inspection. I told them it was for a home business. They asked me if I had customers coming to my home and I said no. They said they do not do that. They told me I was not getting an inspection. I called Peggy and talked to her about it.

Chairman Swenson said did you tell them that you are doing welding?

Jared Turner said I told them exactly what I was doing. The Mayor talked to some fire chief and Peggy called me back and said you can call them back now. When I called again, some secretary told me that for some reason we are going ahead and do this, but we never do this. Someone came out and he acted like it was no big deal. He seemed almost annoyed to be there. He was more than happy with what he saw. My fire extinguisher was out of date so I got a new one.

Commissioner Darton made a motion to approve the Conditional Use Permit. It appears after discussion of relevance of Subsection 24.2.6 that his proposed business use meets the requirements of 24.2.6 and we condition his Conditional Use Permit on continuing to meet the requirements of 24.2.6. 2<sup>nd</sup> by Commissioner Robbins. All voted. Motion passed.

**ROLL CALL VOTE:**

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

Chairman Swenson said we will send this on to Town Council. We are going to give you a permit because it states right here that it is more than appropriate for you to have that type of business.

Commissioner Rosenthal said Jared, I appreciate you doing the right thing by coming to the Planning Commission and Town Council. We know that a number of people in our community are not in compliance with the ordinances. The fact that you are looking to do it sets a really good example.

**b. Discussion and possible action on Site Plan Review Application (Grading Permit - Residential) for L-BULL-3, Troy Stoker**

Troy Stoker said we are wanting to excavate our lot to build a house. We would like to prepare it for a house to be built on it.

Chairman Swenson said obviously you are not going to mess with the slope.

Troy Stoker said we are going to cut and fill it. We are going to bring in dirt from down below and build it up a little bit.

Chairman Swenson said the stuff you are going to get from down below, is that where you, the Mayor and I walked out and did some slope measurements?

Troy Stoker said yes.

Chairman Swenson said you are going to start cutting that for up above, right, and take it from down below?

Troy Stoker said right. Probably about 50 loads.

Chairman Swenson said Scott, what is the process here? I do not see a problem with any of it.

Scott Messel said they have met the requirements of code ... he read excerpts from codes. I have looked through it and it seems to be appropriate and they have addressed any concerns. Their engineer has

done a good job calling out on the plans some of the details. I feel comfortable recommending approval of the grading plan and site plan.

Chairman Swenson said I do not have a problem with any of it either.

Commissioner Darton said Scott, do you have the same conclusion on both grading permits?

Scott Messel said yes, I have come to the same conclusion on both.

Chairman Swenson said you have both here because you have to take dirt out of one spot and move it to the other spot, right?

Scott Messel said yes.

Troy Stoker said on the bottom one, I had the building changed again so it is not interfering with the hill at all. I shrunk the building down.

Commissioner Rosenthal said I will start with Triple S Properties. Is it anticipated if there will be any hydraulic hammering or blasting to remove the fill down there?

Troy Stoker said no.

Commissioner Rosenthal said respect to the 50 loads of material coming up to Bulldog Lot 3, there is one home there that has had 53 loads of material brought up the road, Shinarump Circle, probably in the last 3 or 4 weeks. That is a County road, and it is not your responsibility, but I can say that the hammering that has occurred on that road turned a considerable portion of it to an extremely fine powder. Every time a truck comes up, it is 2 trips, 1 up and 1 down. A significant amount of dust is kicked up and it covers the adjacent homes. Has there been any consideration or discussion with the County to do something about that road? You are talking roughly 106 trips to bring in material.

Mrs. Troy Stoker said the road is already wash boarding.

Commissioner Rosenthal said I am well aware of that. The question is has there been any discussion with the Town Engineer or the County.

Troy Stoker said no, there has not been any discussion.

Commissioner Rosenthal said with respect to Bulldog Lot 3, are you anticipating doing any hydraulic hammering or blasting up there?

Troy Stoker said no.

Commissioner Robbins said I have no problem with either permit.

Troy Stoker said the road, as I recall, the people who developed the subdivision said people were asked if they wanted to pay to have the road paved. It would cost \$3,000 apiece. No one wanted to go for it.

Commissioner Rosenthal said actually it was going to be more than that. It was stated to be \$10,000 to \$15,000 for each property up there.

Scott Messel said if there is damage done to the road that can be attributed to a construction project, the County can require repairs to be made by the individual who damaged it. For the overall condition of the road, the County tries to maintain the roads. If it does get too bad, you can call the Public Works Department to try to get it bladed.

Chairman Swenson said is this something that needs to be stipulated?

Scott Messel said you could just make a comment that the Stokers work with the County if any damage is done. The County will track them down if damage is done.

Commissioner Rosenthal said Scott, is there any way for us to be proactive with the County on this and have them do some maintenance?

Scott Messel said this road is primarily in the County, but also in Leeds. This is something they usually try to coordinate work on.

Commissioner Darton said, Mr. Stoker, if I were you, before you start sending the trucks up the hill, I would take pictures of the road. Document the condition before you start doing anything in case the County says you did the damage. You need before and after pictures of the road. That is probably your best protection.

c. Discussion and possible action on Site Plan Review Application (Grading Permit – Commercial) for L-94-A-1, 205 Cemetery Rd., Leeds Storage, Triple S Properties LC, Troy Stoker

Commissioner Dart made a motion to approve the grading permit for L-BULL-3, Troy Stoker, and the grading permit for L-94-A-1, Triple S Properties LC, Troy Stoker. 2<sup>nd</sup> by Commissioner Robbins.

Commissioner Rosenthal said I will approve the motion as stated, but let it be on record that Mr. Stoker has been advised to take photographs of the current road condition prior to initiating moving material up the hill. Scott, with your help, we need to talk to the County to see what we can do about getting some maintenance on that road. It is down to nothing but bone in spots with bare rock showing and it is only going to get worse.

All voted. Motion passed.

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

d. Discussion and possible action on Small Subdivision Preliminary Plat, L-3-E, 770 N Main, MSH Investments, LLC, Ian Crowe

Ian Crowe said we are working on the small subdivision, a 2-lot split, one being 2 acres and the other one being a little over 5 acres. We have submitted all of the documents for the application. What we want to do is sit on the land. We have a friend who will be taking the 2-acre parcel. We cannot design the wastewater until something is built. To meet wastewater regulations, you have to know the size of the structure and number of bathrooms. The son of the person taking the 2 acres is talking about putting up a building for a bunch of antique cars and maybe having 1 bathroom in the building.

Chairman Swenson said I see that the owner is an LLC. You have validation from the ownership to do this. Is that correct?

Ian Crowe said that is correct.

Chairman Swenson said this property is commercial and residential.

Ian Crowe said there is about .5 acres in the back of the 5 acres that is residential, and I do not see any change in that. The 2-acre piece is commercial.

Commissioner Darton said this property is undeveloped, right?

Ian Crowe said right. The land is basically open meadow.

Commissioner Darton said what you are asking for right now is not approval of what the future use may be. You are asking just to be able to subdivide the property.

Ian Crown said absolutely.

Scott Messel said this is just to create the 2 parcels.

Commissioner Robbins said Scott, do you recommend approval of this?

Scott Messel said yes, I do.

Commissioner Rosenthal said Scott, is a contour map required here for the subdivision?

Scott Messel said since we do not have any development going on right now or creating building pads, we are alright waiting until a future step with the site plan.

Commissioner Robbins made a motion to approve the Small Subdivision Preliminary Plat, L-3-E, 770 N Main, MSH Investments, LLC, Ian Crowe. 2<sup>nd</sup> by Commissioner Rosenthal. All voted. Motion passed.

**ROLL CALL VOTE:**

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

9. Discussion Items:

a. Animal Ordinance

Chairman Swenson said during the last couple of weeks we actually made a change. Lorrie Hunsaker, being on Town Council, was heading up this committee, and it was probably better that we took her off since she was the author and I asked Tom Darton to head this up. It will probably make the process smoother and better. Tom, do you have an update on the animal ordinance?

Commissioner Darton said no. I need to know who all the people are who will be participating on this so we can get together and have some discussion.

Chairman Swenson said I sent that by email or text. I do not have it in front of me. I will get with you and give it to you again.

b. Dust and Noise

Commissioner Rosenthal said essentially there are none in the County. Observance of watering a construction site on County property or within a city or town within the County is essentially pretty much something that the contractors have been doing because they were probably asked to do it by the town. I discussed it with Scott, and I talked to other towns and the County, and if there is a catchall for this, it is under their nuisance ordinance. If you compare our nuisance ordinance to adjacent towns, we are pretty thin by comparison. Other towns go into much greater detail. I do not know how you want to address this. We are going to be looking at much more construction down the road here in our town. One thought is beefing up the nuisance ordinance and the other approach is to create an ordinance. Our nuisance ordinance is pretty thin.

c. Parking

Commissioner Rosenthal said I talked with the Sherriff's Department and Highway Patrol in respect to Main Street. With the exception of a vehicle being parked for more than 14 days, they have no concern. If the Town wants to address it, based on input from citizens of the Town, then we could recommend to Town Council that an ordinance be developed to address parking on Main Street then the County, Sheriff's Department and Highway Patrol would be in a position of working with us on that.

Chairman Swenson said I did some research on it and found out the same thing. The Town may put in some restrictions for parking on Town streets, but I do not think we can do anything with the State road.

Commissioner Rosenthal said I think we could base it on discussion with the Mayor, but is it the desire of the residents in Town that we move in that direction.

Commissioner Darton said I fear because Main Street is a State highway and to have anything to apply to that it will have to apply to all of the roads. In order to address the handful of small issues that we have, it is an over kill. If we were to do anything, I think we need to open it up to a public meeting where we invite the residents to come and talk about this.

Commissioner Rosenthal said I think it is important to educate or inform ... if there is a situation relative to parking that is causing a homeowner or the neighbors to have concern then maybe Town Council could speak to the individual who owns the vehicle. As discussed at the last meeting, Main Street was looking like a used car lot. There were about 5 vehicles parked on Main Street with for sale signs on them.

Chairman Swenson said I checked all around and no one has a for sale vehicle ordinance.

Scott Messel discussed the way Springvale handles this. They have one designated area for vehicles that are for sale and for garage sale signs. They are not allowed to be anywhere else in town.

Councilmember Hunsaker said because of the problems we were having with the white box truck, you asked me to contact the RV Park. They do not have an overflow area. That information that was given to us was false. They do not have an overflow area. The person in question has his work truck and his car. The RV Park told him that he cannot park the truck on their property.

Commissioner Darton said I am concerned about what we can legally do. I would want to get as much input from the community as possible because I think this is an area that could really cause some heartburn. I think the public hearing is the way to go.

Chairman Swenson said I agree. This is a Town issue. I will discuss this with the Mayor.

10. Staff Reports: None

11. Roll Call Vote to Close Meeting

ROLL CALL:

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

12. Adjournment

Meeting was adjourned at 8:45 PM

APPROVED ON THIS 8<sup>th</sup> DAY OF Dec, 2020

  
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Danny Swenson, Chair

ATTEST:

  
\_\_\_\_\_  
Peggy Rosebush, Clerk/Recorder