

# Town of Leeds

---

## Agenda Town of Leeds Planning Commission Wednesday, December 1, 2021

**PUBLIC NOTICE** is hereby given that the Town of Leeds Planning Commission will hold a **PUBLIC MEETING** on Wednesday, December 1, 2021 at 7:00 P.M. This meeting will be held at Leeds Town Hall, 218 N. Main Street, Leeds, UT 84746.

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

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


1. Call to Order/Roll Call
2. Invocation
3. Pledge of Allegiance
4. Declaration of Abstentions or Conflicts
5. Consent Agenda:
  - a. Tonight's Agenda
  - b. Meeting Minutes from October 6, 2021 and November 3, 2021
6. Announcements:
  - a. Dumpster Days, December 10-12, Dumpsters located on Cherry Lane
  - b. Town Tree Lighting, Tuesday, December 14 at 6pm outside the Church
  - c. Wreaths Across America, Saturday, December 18, details to follow
7. Public Hearings: None
8. Action Items:
  - a. Discussion and Possible Action Regarding Final Plat Subdivision Application for Silver Eagle
9. Discussion Items:
  - a. Discussion Regarding Short-Term Rentals
  - b. Discussion Regarding Animal Ordinance
10. Staff Reports
11. Adjournment

The Town of Leeds will make reasonable accommodations for persons needing assistance to participate in this public meeting. Persons requesting assistance are asked to call the Leeds Town Hall at 879-2447 at *least* 24 hours prior to the meeting.

The Town of Leeds is an equal opportunity provider and employer.

Certificate of Posting:

The undersigned Clerk/Recorder does hereby certify that the above notice was posted November 25, 2021 at these public places being **Leeds Town Hall, Leeds Post Office**, the Utah Public Meeting Notice website <http://pmmutah.gov> and the **Town of Leeds website** [www.leadstown.org](http://www.leadstown.org)

  
\_\_\_\_\_  
Aseneth Steed, Clerk/Recorder

# Town of Leeds

---

## Planning Commission Meeting for Wednesday, December 1, 2021

1. Call to order:

Chairman Swenson called to order the regular meeting of the Planning Commission at 7:03 PM on Wednesday, December 01, 2021.

ROLL CALL:

	Present	Absent
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: Councilmember Darton

3. Pledge of Allegiance: Chairman Swenson

4. Declaration of Abstentions or Conflicts: None

5. Consent Agenda

Commissioner Rosenthal moved to approve tonight's agenda. 2<sup>nd</sup> 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 October 6, 2021, and November 3, 2021. 2<sup>nd</sup> by Commissioner Hadley. 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  
COMMISSIONER: TOM DARTON  
COMMISSIONER: MARK ROSENTHAL

<u>X</u>	___	___	___
<u>X</u>	___	___	___
<u>X</u>	___	___	___

6. Announcements:

a. Dumpster Days, December 10-12, Dumpsters located on Cherry Lane

b. Town Tree Lighting, Tuesday, December 14 at 6pm outside the Church

Councilmember Darton: Last month, I announced that it would be six pm. We've decided to do it at 7pm, since we are not serving a full dinner. There is going to be some soup and breadsticks. We have moved it back to seven o'clock so that people can eat dinner then come. It will be December 14, 2021, at seven pm.

c. Wreaths Across America, Saturday, December 18, details to follow.

Councilmember Hadley: I put up a poster on the bulletin board here and also the post office. Wreaths Across America is to remember and honor our military service members from all wars starting from the Revolutionary War, all those who have passed away. They do not have to have died in service, any of the military members who passed away. It is good to remember them at Christmas time, so we have Wreaths Across America. It started in Arlington. It has spread throughout the world, actually, because we have servicemembers buried in different countries. Arlington starts the Ceremony at 12 o'clock EST. All the way across America, we start at the same time. Here in Leeds, it will be at 10 o'clock am. We will have a short ceremony, raising the flag. I have a Cub Scout Troop that is going to raise the flag for the honors It is going to be at the main cemetery here in Leeds. We will start at 10 o'clock, we will have that flag raising. We will discuss why we do this and then a discussion on how we do it. We would like to take the wreath, put it on the grave site up against the headstone and call a person by the name on the headstone and wish them a Merry Christmas, ay the wreath, and go on to the next one. We remember the people, so we will never forget. We always want to not forget our military. This is what we are doing at Christmas time. We do ask for donations. The cost is \$15 apiece unless we can get an order in early, then \$10 apiece. We got in early this year,

the Town has paid the amount for forty-three wreaths. If you want to donate, make a check out to the Leeds Town, and write Wreaths Across America on it. Anything that is over this year's amount will go into next year's Wreath expense. We are encouraging the town people to come out to the three cemeteries that we have, we have two pioneer cemeteries, and we do lay one on those sites, also. We invite people to come out to those three cemeteries. We will start at 10 o'clock and have that little ceremony. So that is about it. Any questions?

The question was asked of Councilmember Hadley if there would be a ceremony in the other two graveyards. He said, yes, it will start at the LDS. That is where the program will be. I do not have flags, poles at the other cemeteries, but at 10 o'clock at the other two cemeteries we will start putting Wreaths on the graves.

7. Public Hearings: None

8. Action Items:

a. Discussion and Possible Action Regarding Final Plat Subdivision Application for Silver Eagle

Chairman Swenson expressed his gratitude for the interest and involvement for citizens who made the effort to come to the meeting. He encouraged all comments be made at the podium for the audio record and for participants to state their name before making comments. He asked Scott Messel to give his staff report.

Scott Messel: Planning Commission may remember about a year ago, preliminary plat application was submitted and approved for this property. It is located off of Majestic Mountain Road. There is approximately sixty-seven acres in this property. There were previous subdivisions proposed on this property with a lot higher density than what the applicants submitted the preliminary plat for and received preliminary plat approval for. They are proposing 14 lots. There will be a long cul-de-sac. There is a proposed road with turnaround that would lead to the remnant pieces if it were ever to be developed. Each of the parcels are approximately three acres in size. They have met all the requirements of preliminary and plat final plat. There is a lot as you said, Danny, there is no public hearing for it. It is more or less getting things

ready for recordation and being able to move forward with construction. Some of the items that have previously been brought up is the fifty foot right of way would not have street parking permitted due to the length of the street and no turn around. There are amazing views from this property. With those views, come some interesting typography that is challenging at times to develop. You can see in this area right here, there is a larger existing wash that goes down, and they are calling it out on the plat. One of the things, and it was mentioned in the staff report, is right in this area, between eight and twelve. There, the wash continues across right there. And there is an existing tailings area about right there. That is visible from quite a ways way. There has already been disturbance in that area. There were some concerns about how to get across that wash. It would definitely need a large culvert to be able to accommodate possible water coming down.

Chairman Swenson said drainage area would be a more accurate term than a wash. Scott agreed and continued, there is an area where they would need to reach across it here. If you are standing on top of the tailings looking up to the northeast, the proposed roadway would come down and they would be breaking down this tailing area. We have had discussion with the developers about making sure the cuts and fills would use the native rocks and soil, from where permitted from the property, so that we have the same coloring and decrease the visual disturbance that you may cause scarring.

The hillside ordinance says that slopes which are greater than twenty but less than 30, if it is deemed appropriate by the Planning Commission and the Town Council, if going across those slopes can be mitigated, it can be approved by Town Council with recommendation from Planning Commission. I will be happy to answer any questions. This staff report's recommendation is that the Planning Commission may recommend approval of the final plat subject to the following conditions and findings: that no parking is permitted on the 50-foot street right of way, each of the 14 lots must have an approved advanced/alternative waste system, that the conditions of approval for the preliminary plat are met, the proposed subdivision is subject to all applicable Leeds codes and ordinances, the proposed lots meet the 20,000 square foot minimum lot size for the zone, the future road be fully constructed along the adjacent lots four and five, and that low density residential development on this parcel's consistent with the general plan, but the development of the drainage area by the right of way between lots eight and twelve must be done in such a way to

minimize scarring by using native materials with custom fills, and that the applicable Leeds Land Use Ordinances and Standards be met. The applicants are here if you have any questions.

Chairman Swenson said I remember. Well, and it is still going to be the size of a right of way so it could be presented years down the road and change as something progresses, but for right now, it is going to be a view parking area. Mark, you are online, you have any questions to present right now?

Commissioner Rosenthal asked Scott, can you tell me if the applicants have met item three conditions of approval for the preliminary plat? Scott Messel said, my understanding is yes. I want to make sure of one thing of the preliminary plat, at least at the Planning Commission, there it was a condition that the area that we were just talking about, to the possible future development, that it be improved along lots four and five. I do not remember off the top of my head if the Town Council stuck with that motion, I understand they did. So other than that requirement. They have met the requirements. We would then require that with the final plat that it be adjusted to have the right of way shown and the improvements be made in that space along those lots. Chairman Swenson clarified if that answered the question. Commissioner Rosenthal said it did and thanked Scott.

Chairman Swenson said just as information, Mark Rosenthal, the two gentlemen here, Devin Anderson and Steve Laski, along with Scott and I went up there Monday and walked the property. We walked the location of the road, looked at the slopes, looked at grading plan and so on and so forth. We spent a good hour in the field and discussed and talked about all the concerns and possibilities, right? Everything to freeway overpass that you know, and that was doable sure is required. It would work and engineering has to be done. Talked about one hundred-year rain right, and that kind of stuff. It was good. It was good to be out there. I did mean to go out there with my inclinometer today, but I did not. There is less slope than we think.

Commissioner Darton: I just wanted to get a better understanding of what they were proposing to do. You are going to get everything approved: the plat and everything, and then you are going to sell lots and people are going to hire their own builders. Do you have a building company?

Steve Laski: We have a builder that we are going to recommend, but they will be able to use their own builder. We also have an architect that we would like them to use. That architect can actually get to review their plans, even if they choose not to use him, to make sure everything looks good, so we do not end up with a purple or green house in the development.

Commissioner Darton asked if they are going to have some CC&Rs. Mr. Laski said they were already in place.

Patrice Holloway: I live on east Silver Meadow I know that where your ride of way goes around, it may tie into a potential road system that comes down that way. Can you tell me what your intention might be in the future and how you might intend to utilize that area?

Darryl Lewis: It probably has already been decided, but I would like to discuss what are the water issues and the sewer issues with regard to this? I have heard a comment about above ground sewer system. Does that require, say a body politic, I believe in the State and I would not want to think that the city has agreed to take on that legal liability.

Scott Messel: It is being reviewed by the Water Conservancy District and they are required to meet any standards in place. Body politic is for a shared system, where there is more than seven or eight, but since this is individual, it is not required.

Scott Messel: In the letter from the Water Conservancy District, they were talking about approximately nine acres needed per septic. That decreases the number of lots they would have been able to develop if they did traditional septic. With them wanting to do the fourteen, up to sixteen lots, I believe in the letter it states they would have to use the advanced alternative system.

Steve Laski: With the advanced system there are some testing requirements that is part of our plat. It is also in our CC&Rs that the individual homeowner is required to do their testing, and if they fail to then HOA can take it upon themselves to do it for them; to make sure that they are operating correctly.

Chairman Swenson thanked Mr. Laski for the update and verified that Mr. Lewis was satisfied his question was answered.

Commissioner Hadley: What are these common areas?

Chairman Swenson: He's looking at the common areas. The one with the strip. It is the top box on the left-hand side under the legend.

Devin Anderson, In lot two those areas, the one square that is off the road in the middle, that is actually one of the properties that has been mined. It has been closed off by the State. We opted to keep that out of one of the lots and keep that in ownership of Steve and I, so that we can properly manage and secure it. This area here, this is all sloped land. The idea is to keep it in the HOA. That way, it is not counted as acreage towards these lots. It is also across the road. This section up in the upper area is kind of a little flag shape there. That is another area that has a mine located in it. I know I am using the wrong terms. This was a side shaft, down shaft. It also has been closed by the State and labeled. We have talked to the State on all of those different things. He verified to Commissioner Hadley there would be no improvements made on those properties and it would remain in its natural landscape. The question was asked what kinds of mines they were. Devin answered, silver prospect mines. Someone else asked if they found any silver in them? Devin Anderson said a little bit, and it is fun to hear the stories of the some of the locals that have been inside that mine especially. It is interesting.

Commissioner Rosenthal said item six speaks of the road. What standards are we talking of when it comes to the road construction? Are we looking at gravel, black top, concrete?

Brad Hinky, Kuma Engineering: I helped them with the civil aspect of the site. It will be full road improvements. Road base with asphalt surface on top of that. The slope at the entrance where it is the steepest, we will put a curb on the west side. On the east side there will be a curb that will help keep the water from going down that slope.

On the east side of that entrance, per the recommendation of the Geotech, there will be a swale there that will contain water. Also, if there happens to be any kind of rockfall that comes from those existing cutlets. The rest of the improvements will be the typical, underground obviously will be part of it. And then we will have drainage swales along the edges of the road that lead down to the drainage channel that we have talked about before that will have a culvert to convey the water from the west to the eastside. The drainage swale will have an



easement so that it can always, as we go through those two lots, they will never be a question about if the water can flow there.

Chairman Swenson: So, asphalt all the way from the beginning all the way to the roundabout, the end.

Brad Hinky: Correct. Clear to the cul-de-sac. The stub will not be asphalt as Steve indicated. That would be improved with a trail of crushed stone. There will be a park and some parking at the start.

Scott Messel: That's what the proposal is, that is not what is being required.

Chairman Swenson: That is not being required?

Brad Hinky: That is just what we are proposing the improvement would be right there. There will be benches along the route up the steep slope and then on that section that is the trail. Along with the curb on the west side of the entrance, there will be a sidewalk. The rest of the site will have a meandering trail. When we get outside of the entrance it is the steepest you can go without approval from the fire department. We are going to have it meet where the sidewalk is now. We will continue that sidewalk up and then it will meet that meandering trail when you get to the top.

Chairman Swenson: Yes, it will be nice. Mark, did you copy all that?

Commissioner Rosenthal: I did. Thank you very much. Appreciate it.

Chairman Swenson asked if anyone had further questions and turned to Scott to continue.

Scott Messel: Back to this area, Town Council with the preliminary plat said that this either needed to be improved as roadway along those lots or these areas needed to be absorbed into the neighboring lots. It could be changed, and conditions can be changed with final plat, but to meet what was approved with preliminary plat, those were the conditions, that that road be improved or that area is not separate but be absorbed in there. If it was called out, I mean, some of the other options be it filed as called out specifically as open space in the subdivision, in the CC&Rs and on the plat showed it as common open space.

Steve Laski: I do not want to disagree. That was not the conversation understood because the conversation was that we were not building there. It went from the possibility of putting a little gazebo out there. There was some concern of who would take care of it and what about safety, so that went away. We thought as we walked out that the agreement was, we were still doing an improved pathway where a car could pull off the road for somebody who does not live up there and have a little place they could sit down and look. Now that is something y'all don't like, we could take that back out, but we thought everybody liked that idea. We like that idea for other people to know that. We just met somebody right here today that says he walks up there, walks his dog I mean it would be great. If we need to add some language saying that all that land below somehow belongs to lots two and three, we can do that.

Chairman Swenson: I do not remember that conversation about those improvements. Is that something that took place in Town Council meeting?

Wayne Peterson: if I could share the minutes of Town Council. The motion to approve the preliminary plat was subject to the determination by the applicant whether they want to go with that as proposed to us tonight, which was what we are seeing here, or to modify it where the phase two land is completely absorbed by lots two three and four. The requirement was to improve that road if they wanted to maintain a possibility of developing the other land or absorb that part of the plat into lots two, three and four so that there is no land that is landlocked without an improved road leading to it.

Devin Anderson: I have one point; I need your definition. Obviously, we will do it whatever way you want it. Why we have it that the way is so that Steve can ride his 4-wheeler down to his grapes. If you have ever been up to the property, that is how you have to get around to get down. Absorbing the land into four and into three and into two, actually landlocks the land without access because of the hillside.

Scott Messel: if you called it out something different, and it was written in that it is similar to these other areas, like the mine, then it could not be developed in the future without having an amended plat here. And so, then you could come in with a however you propose to have that area and providing the access.

Devin Anderson: Yes, it would be, because my opinion that road, you would not get approved anyways, not for a road.

Scott Messel: Yeah

Commissioner Darton: If I understand correctly Mayor, Scott. To get to the final plat, if they change the designation from future development, to open space, which will make the difference?

Wayne Peterson: I can only speak as one of five members and try to suggest what is appropriate. I was asked what happened? What did the Town Council approve? I read the minutes. The Town Council will meet on this. I think it is inappropriate for me to comment at this time.

Commissioner Darton: Fair enough.

Scott Messel: Yes, or limited common open space, however they want to define it, but if it was called out as that, and possibly in your CC&Rs as well, then it is not called out as future development. That would alleviate the need to provide access to future development down here. You could just have more or less a trailhead or access to your area.

Steve Laski: We are happy with that.

Scott Messel: Planning Commission can make recommendation, or conditions of approval for the final plat subject to these changes, and it is up to the Town Council whether they go along with it.

Chairman Swenson: I think you guys that were concerned about that lower access, you can see their intent, right? Their intent is not to use that. It would be common space. The trail would stay there. I think that it is nice to hear it from the developers.

Devin Anderson: That place where it says future development? Yes, that is an artifact of the previous owners that were working on the plat map.

Commissioner Darton moved to approve the proposal, subject to a change in the final plat map of the area designated as future development so that it will be designated either as common area or

limited common area, or open space for two lots that meet that qualification along with the other conditions and findings listed in the staff report. Commissioner Rosenthal, I 2<sup>nd</sup> the motion.

ROLL CALL VOTE:

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

Steve Laski asked if that verbiage needed to be changed by next week. Scott said his feeling was that he could take it subject to the conditions, and if the Town Council agrees with it, then make those changes before it is ready to record, rather than make the change in case the Town Council does not agree and have to change it again.

9. Discussion Items:

a. Discussion Regarding Short-Term Rentals

Scott Messel: At a previous Planning Commission meeting we had a discussion about short-term rentals. It was talked a lot about what was being done in other communities and the recently adopted Washington County short-term rental ordinance. Planning Commission requested I send on a copy of both Washington County's newly adopted ordinance and the proposed Leeds ordinance, in the hopes of getting feedback. I have not received any feedback yet. My hope is if there is comments or feedback, right now that we discuss that, and if not in this meeting, the Planning Commission, get it to myself or Aseneth as quickly as possible that we can make those changes to then bring to the Planning Commission for your review.

Commissioner Rosenthal voiced concern for a possible loophole in the inconsistent verbiage within the proposed draft. One place requires owner be present on the property and later it reads of the need to have the owner or avialable person to deal with complaints and concerns 24/7, 365. This presents a concern for a potential loophole for property management businesses. Scott Messel said, Washington County's new

ordinance as an example, they do require that the home be owner occupied, or that the property is owner occupied. Say there is an accessory dwelling on the property, or casita. The owner could live in the casita and rent out the main house if they want, they just needed to be on the property, and it needed to be their primary residence as defined with the County's Assessor's office. The County allows an individual to have property managers in place, even if it is owner occupied. The example is given, you have an elderly widow that lives in the casita and wants to rent out the house and does not want to deal with changing the sheets or deal with the people. She could contract with a property managing company to take care of the managing. In this instance, the County requires both the property owner and the property manager sign the application and numbers are available and it is determined one of the two needs to be available 24/7 365 to deal with issues. Commissioner Darton said he knew of casitas in Leeds and did not understand that would be allowed. He proposed to include dwelling unit exterior as well as interior to clarify the owner or manager must be present on the property, but not within the same building on the property. He recommended, Scott, that be clarified in the ordinance. He also pointed out that a rental dwelling was defined as 30 days or longer. So, a residential hosting facility should be 29 days or less, because they should not overlap. Scott agreed.

Commissioner Darton said that limiting the number of people you can rent to four guaranteed a NO vote from him. That means a typical family cannot come to this community and stay. Unless you rent a couple of rooms in this facility and a couple of rooms over there. That just sends a flashing message. Leeds is not family friendly, stay away. So instead, let us have a bunch of single people come here, because they are quiet. That is a real problem for me. And I went through the Washington County one, and I could not find anything in there that defined a maximum number of people. Scott said that is correct. Commissioner Darton said, I am wondering, why do we have a maximum number? When isn't that really dependent on the facility?

Scott Messel: I can share some examples. With the research that I have done and talking with experts in the industry, it is very hard to regulate numbers. Some jurisdictions have it, they will throw up an industry standard is, you get four for the master bedroom, and then two for each

additional bedroom as a number. Because then what that four in the Master does is, it makes up for you know, you have a baby, and it is sleeping in a crib. So, it gives some wiggle room and then two for each additional room. What we have had in the unincorporated areas, and areas like Copper Rock is, this led the County to change the ordinance, non-owner-occupied homes that are renting like one in Copper Rock and one in Sky Ranch, they both have four buses pull up. I am not exaggerating, and sleep forty to sixty. The fear of that makes me create these numbers.

Commissioner Darton: I think I have a proposal that works, we are going to require each facility to come in and get licensed. They are going to provide all this information that is described in here, how many rooms, the size and everything. Each license can identify the maximum occupancy. And if they exceed that, guess what, they lose their license?

Scott Messel: That is a great way to do it. Requiring a site plan when you submit your application with the floorplan, showing the number of bedrooms. This would then allow the Town to see how many people could sleep there and the license could be assigned to that, that is a way.

Commissioner Darton: That can also limit the number of vehicles that can be involved, because people who live in the neighborhoods do not want to drive toward their home and have to go around fifteen cars that are all crammed into a driveway. I think that in the permitting process, the licensing process, we can address all these issues and make it a property-by-property decision that to me kind of makes sense. This is not a one size fits all. We have homes in this community that are huge. You know, and some of the larger ones that have mother-in-law cottages or casitas. If the owner wanted to live in the casita and rent out their five, six, seven thousand square foot home, they can fit more than four people.

Commissioner Rosenthal used the example of a 12X14 square foot room and asked what processes in the licensing or permitting requirements would state the maximum number of people allowed?

Scott Messel: You see that you can go on Airbnb website right now and the pictures of the bedrooms look straight out of Pinterest. They have custom made bunk beds and sleep a dozen people in a bedroom. The

way that you limit that is by having numbers similar to what I said previously. Four people for the master bedroom and two for each bedroom. It does not permit them to go in and have more. And if they have more than that, the license can be revoked.

Commissioner Rosenthal asked where these legal requirements would be named. Would they be in the permit process or the business licensing process? Scott answered you could have them both places. Where you would want to have it would be in the ordinance describing the rules and requirements. With your license checklist, when people are submitting a license for short-term rental, or whatever term we decide to call them, then they are submitting a floor plan of their house, and it is called out as bedroom number one has four, bedroom number two has two and bedroom number three has two. And so maximum number of occupants is eight. Commissioner Rosenthal asked where the numbers Scott was using come from. Scott said it was fire code. Hurricane Valley Fire requires sprinklers in any short-term rental facility because they classify it as commercial. They need to be fire sprinklered. A citizen called out "Ten, if there are ten occupants." Commissioner Rosenthal stated the importance to establishing a maximum number of occupants that will legally be allowed in a facility. Scott said it is an easy solution to put the numbers in your ordinance. You want to make it as user friendly as possible with your application process and create a checklist for what needs to be submitted, and it has the policies and procedures for the ordinance. And so, when someone either goes online to download the application, or they come in and talk to Aseneth and get a copy of it, they are attached to the application as the checklist that has that requirement.

Commissioner Darton: I think it would be easy to determine by bedroom size how many people can be allowed in certain bedroom. You look at what the home has and say, okay, this bedroom, under our statute, can have one person this one can have two, this one can have three.

Scott Messel: Yes. Or you do not even have to worry about the size, and you just go by a number per room. If you want to.

Commissioner Darton: That's easy, but I am just saying there can be a gross disparity in different homes.

Chairman Swenson addressed a previous concern that had been asked about, what would happen if the rules were not followed? If there are legitimate complaints, the license is revoked.

Scott Messel: There are different jurisdictions doing different things. I have seen where it is three strikes, and you are out system. They have to be legitimate complaints. It cannot just be one neighbor that does not like another neighbor, and so they are calling, they have two Acuras there. I like domestic cars. Not that kind of complaint. It needs to be against the ordinance. I have seen jurisdictions where they suspend it for six months, some that revoke the license for a year. This would be less an issue with owner occupied, but more with non-owner occupied, is because of how lucrative it can be to rent a whole house out. Some owners write into their business formula and include just paying the fees. If you attach \$100 fine per issue, they are like, that is okay and just pay it. They will just roll that over into an expense.

Commissioner Darton: You've proposed \$500 per day. That will kill anybody's business plan.

Chairman Swenson: I do not know why you get another chance, but that is for future discussion. State your name.

Julie Bruley: I have a couple of questions. First of all, with the complaint that you just mentioned, will there be a complaint process? If somebody called in how would that ever be recorded, and proof provided to revoke that license? My next question is, does Leeds have a transient room tax on short-term rentals?

Chairman Swenson: They do, let me explain that. To answer your first question, it is very easy to write in an inspection process and, the inspector and so on. We do not have that process right now. We are working that out.

Scott Messel: Any business has to register with the State, which would withhold transient room tax, and then you have your local tax.

Brian Hansen: I have had vacation rentals for quite a while. We go through the Hurricane Valley Fire Department to inspect our homes over there, which would also be done here in town, they will walk through the



home, and they will tell you how many people you can have per room. You have to have it mounted on the wall. So many people per room. That is how they do it over there, and it is probably the same fire department here. The transient room tax is very real. It will be certain a percentage comes back to the community that your house is in. I do not know what the Town actually gets. I know Brian Head it is like 10 or 12%, something like that.

Scott Messel said it would be the same percent as a hotel.

Councilmember Darton said it is not a rate you choose, the State sets it and it due on a quarterly basis.

Brain Hansen said the fire department will go through and inspect the whole facility, the sprinkler systems, if required, and all the things. It is a safety thing for them. They were the ones that actually set the limit on the number of rooms or occupant load.

Scott Messel used family reunions an example of the occupant load challenge, where you have wall to wall occupants in the great room. Even through you are having a blast, you cannot have thirty grandkids in one room.

Commissioner Darton said and that cannot be permitted.

Commissioner Rosenthal asked Scott, the Town, unless you want to propose it would not require a mass gathering permit or special event permit for short-term rental?

Commissioner Rosenthal ask Scott, if I have a business license from the Town for short term rental but I am not renting any of my rooms out. Now my extended family is coming into town and the numbers do exceed the maximum allowed under the business permit. Does that become an issue for the Town because I have a business permit? Scott said these questions come up all the time, and that is what makes it kind of difficult putting numbers on a dwelling because if it is, if you're owner occupied, and it's your home, you're going to have a family reunion at it. But if it is non-owner occupied, and it is next to a golf course, and Copper Rock, and it sleeps forty, there is going to be a new reunion or a soccer team there every time it is rented. So that is when it is more impactful, you are going to have birthday parties in normal

neighborhoods, you are going to have a family reunion in the neighborhood. But it is not all the time.

Commissioner Darton said I am envisioning with this. The fire department came in and inspected and said, okay, in this bedroom, you can have two, and that is the number that is on the wall there, too. And you get through with all the bedrooms, you add up that number that is the maximum occupancy for that house, you do not get to put wall to wall people in the family room or in the theater room, or wherever, in the living room; because that creates the problem that you are talking about.

Scott Messel said the State code regarding short-term rentals get stricter every year. Some of the things that change is a focus on the causes of health and safety in the past. Let us say there is an old bungalow on Main Street. It was built in the twenties and someone's short-term renting it, one of the bedrooms in the basement has a small window. The Town, by State code, cannot make them put in a bigger window. We can only require the size window that was required at the time the home was built.

Commissioner Hadley asked if they could be restricted from allowing it to be a bedroom.

Scott Messel: The way that the County did that is if it meets the primary exemption requirement, not the secondary as defined by the Assessor's office, the Assessor's office is very good at policing and finding people that are claiming primary home, but they're not primary home. They handle everything. What the County has done and the town could do as well, and the Assessor's office would be happy with it because it helps them. When we get a license, part of the license is getting a copy of the primary home exemption from the Assessor's office. There are people, they will say, my son's going to Dixie down there, so its owner occupied. I own it. It is my son living in there. That is not primary.

Chairman Swenson: We can write whatever you want. We have been discussing that the homeowner needs to be on site. In that case, if you are going to be gone five months that would not be appropriate.

Commissioner Darton, I would probably argue that when you are not in residence, you cannot rent it out.

Patrice Holloway: And I would like to make certain that however, this ordinance is done for the Town of Leeds that we have some safeguards in there to prevent that kind of absentee owners renting.

Commissioner Darton said the whole point of the owner-occupied premise was owners will be more responsible and discerning than a management company. Patrice said she was anxious the ordinance contained verbiage to that purpose. Scott said in that scenario you could long-term rent, but the short-term must be owner occupied primary residents. Commissioner Darton said he would argue that requirement does not mean that everyone has to be on site, but someone has to be there.

Scott said he would take these comments and get back to the Planning Commission.

Commissioner Hadley asked about ratio of occupants to restrooms. Scott replied, there's not a requirement of restrooms per size of home, because it is a home. But what the issue would be is if you have one that is too large, if we have someone coming in, and it is a 20-bedroom home, and they can have two people in each bedroom, we want to make sure that the septic can handle that. That can be one of the issues.

Chairman Swenson said that issues were resolved when obtaining a building permit so that was not a problem. Commissioner Darton said the older homes that are smaller, fewer bedrooms are where you will see one bathroom for the whole home. That would be a problem.

Scott Messel replied that some of those issue will self-regulate. If someone has to share a bathroom with the owner, and does not feel like it is clean, or there's issues with it, they will get a bad score on Airbnb, and people will stop going there eventually.

Julie Burley asked who would be enforcing this. Chairman Swenson said we haven't figured that out yet. He explained this process was in preliminary stage and would take many more discussions before even ready to open for a Public Hearing. She asked if there was a blanket TRT throughout the state and if there is a reason we would ask 6%. Could that tax be set to include enforcement?

Commissioner Darton said the State determines it. There might be locational differences in tax, just like we have locational differences for sales tax and other things. There might be locational differences for the transient room tax. If I understood Scott correctly, the State sets the tax, collects the tax and rebates a portion of it back to the community. And none of us know what that is. Scott said some of the application fee could be used to cover that, but needed to be careful with that.

Commissioner Rosenthal asked Scott how the County handled the enforcement of the short-term rental codes. Scott explained the County has a full-time code enforcement officer. The Town is a lot smaller than the County obviously, and the County's ordinance is new. The Town has done a better job at keeping non-owner-occupied rentals out. The County was just kind of more free range. We have a lot of people in the County that were non-owner occupied and renting them out and causing the problems with the large numbers. I got in a fight with the guy today, not physically, but in discussion about it. He is from California and owns property in Pine Valley. He is one of the problem properties. But he was upset that he cannot do that anymore. So, it is taking a lot of time from staff to go through this at the beginning. But we hope that once it gets going that it is not as much time spent on enforcement and regulatory.

Commissioner Rosenthal, with a business license to apply for a business license for short-term rental. A part of the fire department comes out, inspects and says I can have X number of people in the structure i.e., the house. My family's four and I get a maximum of ten. So now I can have six guests. Is that information public?

Scott Messel said yes, because it is put on an application, so anyone could come in and do a GRAMA request for it.

Chairman Swenson asked, how do you handle this? Say, you have an occupancy that requires ten and you have one family member that comes down and brings his motorhome and parks on site.

Scott Messel answered with, your code's in place. What you will find on these Airbnb types of websites, people are renting out driveways, people are renting out tents in their backyard, people are renting out RVs. We have a big problem in the unincorporated area. New Harmony has a ton of them we are working on right now where there's people rent, they have big lot and they are like, look, I have sewer hookup out

in the yard. I am going to just allow people to come and rent space and park their RV on my property. You want to specifically call that out. You may not have a problem in Leeds with people renting out their driveways, but you may in the future. You can also rent people swimming pools, and it is quite popular in St. George, and they are struggling trying to enforce that. You could go on Facebook marketplace and find someone's swimming pool to rent for the day.

Chairman Swenson said, since we are talking about enforcement, I have thought about this a little bit. Since some of us are getting paid already, that maybe I propose the existing Mayor at the time and the Planning Commission Chairman be the enforcement. Two people instead of just one. Since they are getting paid the most, they become the enforcement, the investigator. (References to pay were sarcastic.) You know, go out and look, I would propose that, and then resign. But that kind of makes sense to me a little bit. You know, we are not going to be paying somebody, there is not going to be enough to be paying for salary and taxes, and so on and so forth. So, we are going to have to come up with something like that. And I think two people would be important as opposed to one. Commissioner Rosenthal expressed to the chair that it was an interesting idea. Chairman Swenson said, I know, especially since you are going to be the Planning Commission Chair next year. It is a good idea.

Commissioner Darton said, well it is not likely if there is an unruly issue or noise complaint or something like that, where there's actual problems that need to be handled by law enforcement. But if we are talking about a report that your bedroom was approved for two and you had twenty-five in there.

Commissioner Rosenthal asked where we are at in coming up with a final package to have a public hearing on. Chairman Swenson said you cannot see it right now, but this was presented by Scott today. This is the latest and greatest rough draft in information from Washington County Scott has put together. There has got to be three hundred pages here.

Scott Messel said we have had a very good discussion today. The hope would be that we take the comments from the Planning Commission, and we have taken comments from the public today, even though it is

not a public hearing. I put together a draft. The Planning Commission is far enough along in the process now, it feels like we have a clearer direction and are closer than ever to recommend approval of something. My hope would be that we could schedule a Public Hearing for the January Planning Commission and have a draft there. A Public Hearing does not mean it is final. And so, we take comments at that Public Hearing as well. And because we get changes that the Planning Commission wants to make, we make those then.

Commissioner Darton said we get a lot more participation when there is a Public Hearing than we do on normal meetings, but let me just say to the public who is here, thank you for being here. We, as you have noticed, we generally invite the public to give us comments, even though it is not a Public Hearing. We want to hear peoples' thoughts and comments because what we are trying to do is weigh and balance all the competing interests, and then come up with something that works for the community. And it is hard to do that, if we do not know what everybody's thoughts are, and we got a lot of good comments today, we got some specific ones. Specific comments are good. We cannot do a lot to say, well, I just do not like it. Tell us how to make it work. And hopefully that is what you saw tonight is saying, okay, here, we have this issue. We do not like this, what are we going to do? How do we solve it? We want to help. And plus, when you participate, that makes the meetings longer and we get paid by the hour.

#### b. Discussion Regarding Animal Ordinance

Tom Darton gave a report. He said I took notes when we had our Public Hearing and have gone through them. I have made a redline. There are some additional things that I need to still address. I have tried to address some of the major ones. I think, given the time, I am not sure I want to spend another hour. Looking at this, I would like to give you guys an opportunity to look at the changes that have been made. I am probably going to reach out to people in the community who have looked at this and participated in this before. There are a number of issues that came up that could be addressed. What I have tried to do is address those. There are some other things that I would like to talk about, but I do not think tonight is the right time to do it. I want to get this closer to something that we all agree on, and then start opening it up more and having a public discussion. If anyone is interested, they can

email me for a copy of what we got. As I said before, I welcome specific comments, not just complaints. You know, tell me that you hate me. I already know that. Give me some specifics.

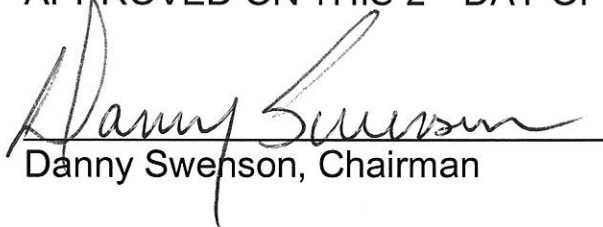
Chairman Swenson agreed to add it to the January agenda.

9. Staff Reports:

Chairman Swenson said I will just reiterate our three announcements from earlier as they are very important. Dumpster days are December 10 through the 12th. Take advantage of that on Cherry Lane. Our tree lighting activity for the Town is December 14. That will be done at seven o'clock instead of six at the church and all are welcome at 75 North Main Street. The Wreaths Across America, Saturday, December 18 at 10 o'clock at the cemetery.

10. The meeting adjourned at 8:43 pm.

APPROVED ON THIS 2<sup>nd</sup> DAY OF FEBRUARY 2022

  
\_\_\_\_\_  
Danny Swenson, Chairman

ATTEST:

  
\_\_\_\_\_  
Aseneth Steed, Town Clerk/Recorder