

# Town of Leeds

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## Agenda Town of Leeds Planning Commission Wednesday, March 02, 2022

**PUBLIC NOTICE** is hereby given that the Town of Leeds Planning Commission **PUBLIC MEETING** scheduled for Wednesday, March 02, 2022 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 of 2/02/2022
6. Announcements:
  - a. Dumpster Days, March 11 , 12 & 13, Dumpsters located on Cherry Lane
7. Action Items:
  - a. Discussion and Possible Action for Liquor License Permit for Casa Tequilana
  - b. Discussion and Possible Action for On-Premise Beer Application for Mainly Pizza
8. Discussion Items:

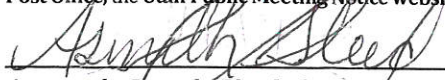
A Discussion regarding Building permit process and adjustments, clarifications, and wording
10. Staff Reports
11. Adjournment

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 February 28, 2022, 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)

  
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Aseneth Steed, Clerk/Recorder

# Town of Leeds

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## Planning Commission Meeting for Wednesday, March 2, 2022

1. Call to order:

Chairman Swenson called to order the regular meeting of the Planning Commission at 7 PM on Wednesday, March 2, 2022. Commissioner Rosenthal attending on Zoom.

ROLL CALL:

	Present	Absent
CHAIRMAN: DANNY SWENSON	<u>X</u>	_____
COMMISSIONER: ALAN ROBERTS	<u>X</u>	_____
COMMISSIONER: KEN HADLEY	<u>X</u>	_____
COMMISSIONER: TOM DARTON	<u>X</u>	_____
COMMISSIONER: MARK ROSENTHAL	<u>X</u>	_____

2. Invocation: Chairman Swenson

3. Pledge of Allegiance:

4. Declaration of Abstentions or Conflicts: None

5. Consent Agenda

Commissioner Darton moved to approve tonight's agenda. Second by Commissioner Hadley. All voted. Motion passed.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
CHAIRMAN: DANNY SWENSON	<u>X</u>	___	_____	_____
COMMISSIONER: ALAN ROBERTS	<u>X</u>	___	_____	_____
COMMISSIONER: KEN HADLEY	<u>X</u>	___	_____	_____
COMMISSIONER: TOM DARTON	<u>X</u>	___	_____	_____
COMMISSIONER: MARK ROSENTHAL	<u>X</u>	___	_____	_____

Commissioner Roberts moved to approve Meeting Minutes of February 2, 2022. Second by Commissioner Hadley. Motion Passed.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
CHAIRMAN: DANNY SWENSON	<u>X</u>	___	_____	_____
COMMISSIONER: ALAN ROBERTS	<u>X</u>	___	_____	_____
COMMISSIONER: KEN HADLEY	<u>X</u>	___	_____	_____
COMMISSIONER: TOM DARTON	___	___	X	_____
COMMISSIONER: MARK ROSENTHAL	<u>X</u>	___	_____	_____

## 6. Announcements

Dumpster Days, March 11, 12 & 13, Dumpsters located on Cherry Lane

## 7. Public Hearings: None

## 8. Action Items:

- a. Discussion and Possible Action for Liquor License Permit for Casa Tequilana

Chairman Swenson: We have two applications for our local restaurants to improve their facility and serve their patrons.

Anahi Jaramillo: we would like to put in an application for a liquor license. We initially did put in a license for beer and wine a couple of years ago. We did get approved, we got inspected by the State recently and we would like to get that liquor license. I think it would help us draw in a little bit different people. People like margaritas with their Mexican food.

Chairman Swenson: Let us go back to your inspector. He gave me a card. It looks like it was a state inspector. He reviewed the facility, go over the State requirements.

Anahi Jaramillo: We are compliant in where things will be stored and prepared. We make sure things have locks. Tests. Everyone had to take tests.

Chairman Swenson: If I recall, the requirements are that you can only serve with somebody ordering dinner. Right? You can only serve somebody ordering food. They cannot just come grab a table and have a bunch of people having drinks. They have to order with dinner. Right? And I am sure there's other requirements you probably need. Did he give you a printout of all the stipulation requirements for your establishment?

Anahi Jaramillo: Yes. We have been working with Mike Bishop of the DABC. He said everything looks in order as long as the city of Leeds will allow it.

Commissioner Roberts: Danny, in your packet, in everybody's packet, you will have application, and Anahi will know what this, she is seen this. This is the State's application for alcohol licenses. And I say that as alcohol licenses because the State has three distinct categories. They have more than three distinct categories, but three specifically that would be looked at from what Anahi's business, a restaurant would be after. It is the same application for all three of those. You select different things on here. And what applicants are looking for from local municipalities is

page 11. That local consent from any town, city, County municipality that has jurisdiction, wherever that business is, that's what they're looking for. They have a beer license. Leeds does not actually use the terminology liquor on our applications. That is something that we need to get updated. We need to get that in line with the State. Keep in mind the State regulates the alcohol quite rigidly, but they still will not extend any type of a permit without the local jurisdiction giving consent. I am not in favor of the town, getting as involved as the State would through their application process, but there are a few things that are on the existing application that Leeds has for an on-premise beer permit. That I am not sure exactly how we should go about that. I push this back on, it is easier for me to push it back onto the Town Council and Administration, because it really is an administrative function to determine how that permit is developed.

Commissioner Darton: I noticed in looking at this stuff today and looking at the Leeds ordinance on Leeds Alcoholic Beverage Control Ordinance. This is totally the fault of the town. One of the requirements in the application is a signed consent form. This is on page six of twelve in the ordinance, a signed consent form stating that the licensee will permit any authorized representative of the town or any law enforcement officer and unrestricted right to enter the licensed premises. It appears that in the application and the affidavit in support of the application, there is no such language in our current permit process. This is a deficiency in our application right now. That means that our application is not even following our own Leeds ordinance.

Commissioner Rosenthal: I would add that the stipulations incorporated into our ordinance to the State define beer as having the alcohol concentration of no more than 4%. That was changed in about a year and a half ago. Currently, you can purchase beer with an alcohol content 5% at State liquor stores. That would be something else to add to the process of viewing particular ordinance.

Commissioner Darton: I am suggesting we should probably update our package.

Chairman Swenson: We're not the ones doing the real licensing at all. These are just some parameters. So, the State licensing is pretty clear right now. I have that up online. General licensing. I am sure you reviewed this part. The State says, must be 21 years of age to purchase. Obviously. Applicant must also qualify to hold a license and have a criminal background check. They did that.

Anahi Jaramillo: Yes.

Chairman Swenson: That's the point. Is the State following their requirements? Beer has changed. It is 5% or less. Mark, you talked about that. It talks about what just the liquor part involves because you were looking at just liquor. That is another category that Alan was talking about. It includes the distilled spirits, wine flavored malt beverages and strong

or heavy beer containing more than 5% Alcohol. Okay. And then it gives you a how to apply. You did that obviously. They came. That was an application through the State not Leeds.

Commissioner Darton: I would note that in this application from the Department of Alcoholic Beverage Control, (DABC) It does have this Statement that the undersigned hereby voluntarily consents that representatives of the DABC and any other law enforcement agencies shall be admitted immediately and permitted without hindrance to inspect but it does not extend to officials have Leeds which is required under our ordinance. I do not know what the town is going to do.

Scott Messel: We do not have a Mister Nash like in The Untouchables.

Anahi Jaramillo: As far as training, everyone needs to know how to carefully review and or accept a license by making sure it is not fake. There are certain requirements, needs to be over age, needs to be horizontal. Vertical means underage. Passports are acceptable. Green cards are not acceptable. It is extremely strict, as far as that, and we have to keep record of everything. How much is being served. We have to keep record for seven days the IDs, and then dispose of them after seven days. It is pretty strict, which it is good. We definitely still want to keep it family.

Chairman Swenson: Right. The Zion Curtain. That has been removed which makes it easier for the facility at the pizza and your facility at the Mexican restaurant. Families come in and they can be served where the old requirement you could not. The other requirement is you tell me about it? Can this group, well, this group would not do it. Can you have some four wheelers in from California come and want to sit down at a table? Let us say my fireman buddies, can they just have alcohol?

Anahi Jaramillo: It has to be served with dinner. There is also a 20 to 80% pace that is very important. You have to pace to make sure that no one is getting intoxicated.

Chairman Swenson: If you send somebody off that is actually drunk, and they drive away. Who is responsible for that?

Anahi Jaramillo: That is the person who is serving them and the business.

Chairman Swenson: That is a big thing. She has gone through the process, which is nice. Usually, people come in and want to know the process and you are educating all of us. So, the certificate of approval is what you have at home?

Anahi Jaramillo: It is not technically a certificate of approval. We do not get a certificate. We are hoping to be on the next State agenda with your approval for the Leeds.

Commissioner Darton: I am going to assume that you do not have a problem with this sign off before you get approval from the Town Council to have a separate signed consent form, allowing officials of Leeds or any law enforcement to come in and inspect at any time. You know, it is basically what is in the DABC form, but limited it to the DABC and law enforcement. Since we have an ordinance in Leeds that requires that Leeds officials be able to inspect too. I just want to make sure that we are having you do everything that is required by the statute so that later on somebody cannot say, why didn't you do your job?

Chairman Swenson: There was something about signage and it is not in the State code. Did you learn about the signage? It is a Utah liquor law.

Anahi Jaramillo: lot of those were also on the test. A lot of this stuff, I have mentioned are part of the test, or the training.

Commissioner Roberts: I have a question. Is this your most recent application? Does that look familiar? It is dated December of 2021. Yes. Yeah. This one here, I am going to turn to Aseneth. This application is far as off-Premise consumption. They are not in business to sell alcohol and send it out the door.

Aseneth Steed: Correct. It was brought to my attention that the application was on the wrong form. She filled out an On-Premise form and the certificate was corrected. It was my oversight that the outdated application was copied for your folders tonight. I can pull the file now for you.

Commissioner Roberts: No, as long as everyone understands that it was an amendment will need that. When I say a correct application, here comes the issue that the town has. The application is for On-Premise Beer license. Because we do not use the word liquor, we have to include that. If we approve, or deny, or whatever we do with this; we need to specify that this is specifically for liquor. The town has to upgrade that particular form. This is all they need from us, consent from a municipality is all the State is looking for.

Commissioner Roberts: Yes. Let us not get bogged down in a whole bunch of stuff that the State is already regulating. We just want to see that it truly fits within the parameters of the type of licensing that they want. The actual business is doing, and those specific distances that the State's going to be looking at. We want to make sure those distances are there, and it falls within parameter of community places. Bu, that does not need to be done today. I would assume that you want to be on the march agenda for the State.

Chairman Swenson: They are already set for the State March agenda, right?

Anahi Jaramillo: I have to update them first. They are waiting on the word

from Leeds.

Chairman Swenson: You have to have the approval by the 10<sup>th</sup> otherwise you wait another month. Your next meeting Mayor is?

Bill Hoster: I am going to say because I do not know if we actually need full Town Council approval on it, but that is what we will do. That is what we will do have a motion, just to be safe.

Chairman Swenson: Let me just say about the 10th the requirement, you must submit your application to the licensing and Compliance Division by the 10th of the month to allow sufficient time for processing for that month. So that once your application and supporting documents are complete, you will be notified of the meeting date and time that your application will be considered by the commissioners.

Commissioner Darton: I am going to give this to you. Highlighted in pink is the language that you need to have. Type that on a piece of paper or handwrite it on a piece of paper and sign it and can give it to Aseneth to add to your application.

Moved by Commissioner Darton and seconded by Commissioners Roberts that Planning Commission approve the Casa Tequilana application to send to Town Council subject to the following amendment to the application. The applicant includes a signed consent form stating that the licensee will permit any authorized representative of the Town or any law enforcement officer unrestricted right to enter the licensed premises. Motion passed in a Roll Call Vote

ROLL CALL VOTE:

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

Aseneth Steed: Can the Commission clarify where the new process goes from this point in regard to the application protocol and liquor fee? Is that Town Council that establishes the new protocol and terms of fee?

Chairman Swenson: When she made the application was there a fee at the time of application?

Aseneth Steed: She has not filled out a liquor license application because we do not have a liquor application approved by the Town of Leeds. There are three samples from other municipalities in your packet for your reference. It is this body's decision to produce an application that is appropriate for Leeds in the future and a fee schedule.

Commissioner Roberts: That particular application is an off-premise beer. The one that they revised is an on-premise Beer, but that application needs to include the term liquor.

For right now, we need to keep the same consolidated fee schedule what we have. Two-hundred dollars, because we have not changed anything.

Aseneth Steed: To clarify, the Casa Tequilana Beer license that they currently have is being upgraded to a liquor license not in addition to their Beer license, so the previously paid fee applies?

Commissioners Darton and Roberts: Correct.

Chairman Swenson: And we need to use the word verbiage from the State documents because it's specific.

Aseneth Steed: You want to amend the On-Premise beer Leeds application with the verbiage from the State.

Chairmen Swenson: Yes, to be consistent with this thing.

Commissioner Darton: Not for this application but going forward for future applications.

Scott Messel: Just housekeeping that we need to do. We do not need to change the application for either these applicants will just sign the consent from the city or the approval from the city and send it on.

Chairmen Swenson: congratulations. You are halfway there. Wonderful. We wish you great success for sure. It is nice to have the facilities that we have. The Town is definitely enjoying that.

#### b. Discussion and Possible Action for On-Premise Beer Application for Mainly Pizza.

Roxanne Floyd: We want to serve 5% or lower percentage beer in our restaurant, with our pizza and other food. We follow all the guidelines and all the regulations to make it happen. We are just in the beginning stages to get approved with you. We have been reading, we have learned a lot online already, just from the pamphlets. We are willing to follow all these rules.

Chairman Swenson: Good. So, you have not done any application? You have not contacted the State for inspection or anything like that? Okay. Well, I am safe to say as the discussion with your facility as beer served On-Premise only with dinner, it has to be served with a meal, if you follow these regulations and go through the process that we have been talking about, I do not see any problem.



Commissioner Roberts: One thing that is a concern is the proximity to the last applicant. The distance.

Chairman Swenson: It does talk about proximities in the regulations. I did not go through that, because the proximity was not a concern from one establishment to another. It was churches, schools, libraries, public facilities like that, which is not a factor there. So, you are concerned with competition?

Commissioner Roberts: No competition is great. It causes people to be better. The State will look at the distances between licenses. Its physical distance. Now that is not for me to say, but the State does look at that.

Commissioner Darton: We can let the State know that the Town of Leeds only has a 30-foot commercial zone. And hence, that is why they are so close together. Am I wrong?

Chairman Swenson: Right, that will be a discussion at the State. It does not say in the statutes.

Commissioner Darton: It does talk about in Leeds ordinance how many licenses can be permitted, and it is a formula based on the number of residents. It is in bottom of page four of the Town's ordinance. For On-premises, at no time, shall the number of on-premise licenses issued exceed a number in excess of the Leeds area population divided by four hundred. We are probably looking at two licenses being the total max that is permitted for Leeds in town. Until now we have not had any.

Commissioner Roberts: The Leeds Market has had an off-Premise.

A citizen asked if the population was still nine hundred. The conclusion was it was close enough that nine hundred would be used as an arbitrary number.

Chairman Swenson: I do not know how arbitrary These figures were, but it does not say anything that one would supersede the other. It looks like you could divide to four hundred for On-premises licenses and also have a number of places that would sell it as off-premise license.

Commissioner Darton: They are separate. The assumption is that you have places like the market and, heaven forbid, we had like a gas station that had a little market.

Chairman Swenson: The bottom line is Mainly Pizza is here fact finding, and a lot of facts came out. It looks like with everything we have talked about, if you go through this process, the application is going to be a little more precise but there is no reason you cannot.

Commissioner Rosenthal asked if Leeds Market obtained an Off-premise

license and if that factored into the license to population formula. Chairman Swenson verified Leeds Market did have a current Off-Premise license and it was a separate formula for on- and off-site license. Leeds was well within the limits.

Commissioner Darton: I will make the same stipulation our application failed to include one of the required Statements so make sure it is Included in your application packet. Our concern is satisfying our town's requirements, all the State requirements, which are really the onerous requirements, that is on the State, not us.

Commissioner Roberts: In this particular application, Tom, you will see item number 13. On there, that the applicant says I have read, and I am willing to comply with all laws and ordinances. The State of Utah, the Town of Leeds ordinance 04-04. Now, that is the ordinance that governs that right now. So, everything that is in that ordinance is going to be covered when they sign that on item number 13. That they agreed to that.

Commissioner Darton: Is everyone okay with taking that catch-all

Chairman Swenson: I am.

Commissioner Darton: I will take that catch all. We have talked about the requirement. Everybody knows what the requirement is. And we have pointed it out in the statute. It means we are okay. So, you do not have to add that to your application since there's kind of a broad one in your affidavit that says you're going to comply with everything that's in that Leeds statute. So, you are good

Moved by Commissioner Darton and seconded by Commissioner Roberts to approve the application for Mainly Pizza to be sent to Town Council for approval. Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

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

9. Discussion Items:

- a. Discussion regarding Building permit process and adjustments, clarifications, and wording

Chairman Swenson: I invited Dennis Mertlich. He is our Leeds specific building inspector. I do not have you here to say, hey, you are doing a bad job or good job. It is just a thought process here is we are trying to make this process better.

So, what has happened a little bit in the past is that we are dealing with a couple different agencies. Water Agency for water approval, Washington County, Ash Creek for septic approval. If we were bigger agency bigger town, we would have an organized plan check through the government, but we do not. We have Leeds. They bring it here. We approve, it moves on. In one case, the septic is approved by Southwest Environmental Health. They go out and do an approval according to their standards. It may not be the same as our standards, but we need to produce a process of coordination between them all. I have spoken with Southwest Environmental Health, personally. Clint Fry, he is Environmental Health scientist who is one of the main managers there, and Shallen Sterner, also Environmental Health scientist, next to the director. We had a little more than an hour discussion on this specifically about how to coordinate with them and say, hey, it is not their responsibility to know all the requirements from all the different entities in Washington County, there is a lot of different entities. How are they going to keep track of all those different entities? The permit process comes in our town clerk. She accepts the application and the fees and so on and, and ultimately gives an okay to have a septic and then they go to Environmental Health, and they give approval to put the put the septic tank in. They do not have our requirements and we do not know their requirements. We produced what I think is a simple solution. I have two different letters here as examples. They want to do what we want to do whatever stipulations we might have comes to them and to approve the septic system, the septic could be approved years before even the building process starts. It could almost get lost. They do a pretty good job of not losing it. The simple solution is this. Let me read one letter from Aseneth, our clerk recorder that she sent to them January 26, 2022. The Town of Leeds confirms that parcels such and such existed prior to July 1, 2009 and is therefore entitled to install one septic system on that parcel, she's validating the Hansen Allen Luce Study. There was a survey done around 1997 that says this area is approved for X amount of in ground traditional septic systems. That was based on the number of lots and so on so forth. That survey done says that the area, the ground, and everything else can absorb that many systems. Above that then an engineered system or an alternate system needs to be approved. Okay, that is the difference, you still can build, but you have an alternative system. So, what happens here is we send a letter saying that parcels such and such met that requirement. If the parcel is subsequently subdivided, it would have to conform with the Washington County Water Conservancy District and cooperating agencies determination of the recommend septic system densities for the groundwater quality protection, final report of 1997, including all tables, which was based on the Hanson Alan Luce study. Pretty clear. Now, they keep this. This is with the applicant; they go by this single document right here sent by our town representative. They like this

document. It needs to be simple. They gave me another form. This form was water source for dwelling. It is their form with checkboxes and septic system application checklist for different agencies. It could be in a box form. But really, they did like this simplicity. It is saying that we addressed the survey and the study, and it was clear that in this case, it was acceptable because of when they had the property. It would State it was not acceptable. It should be approved with the stipulations and any stipulations put into this form. They file the form, when they go to do the inspection with the builder or the homeowner, they have this approval form from us then they say, yes, you can place septic there, this will work, and this will work except you must follow these stipulations that this town States. That is all they need. When the applicants apply for their septic system. Southwest looks up this letter. Yes. We address the fact that the Hanson Allen Luce study was reviewed for that Stated parcel. Clint Fry brought this letter. They had it and just dug it out. He says this is it. If you have a stipulation like the hillside ordinance that says it cannot be here, it cannot be there, or for any stipulation we have it has to be on this letter, that is what they go by. It really is that simple.

Commissioner Rosenthal asked if the applicant on Bulldog Ridge needed an advanced septic system.

Chairman Swenson: They did need one. That application was done in 2014, by the way, and they're the approval for the location, the structure and so on was done just a number of years ago because I remember I signed it, I could pull up the day the septic was approved well in advance, because they wanted to do a study they did their PARCC testing. It showed it on their plat where the PARC testing was done. It was all done right where everything's laid way back in 2014, by the way, for that particular parcel.

Commissioner Darton asked if Leeds should have a form with a or b boxes to check. If the parcel complies with the study, check a or check b if it requires an enhanced system. Checkboxes could be added to include our Leeds specific regulations. Chairman Swenson explained Leeds had the option to include whatever they wanted but Southwest was satisfied with the current form.

Chairman Swenson: Part of the form could include when they go out to approve the site plan or the inspection that our inspector needs to be with them as well. It keeps us in the loop, something like that. I will tell you why. Because they go out and inspect it. And it changes location. And they do not know about it. I will tell you that applies personally because I was looking at doing a remodeling construction. I went down to their agency couple of years ago, and they gave

me the site plan, the inspection, everything else, here you go, that is where it is. No, I have swimming pool there, that is not where it is. I do not even know where it is. The cleanouts are not where the plot plan is. So, after the approval, and after they obviously did not even finally, because they did not come out and look at it because it was not where it was marked to be. The guy was not working there any longer and I still do not know where it is exactly. For us to validate any changes on the on the final, somebody needs to go look at it. If we if we think that is important. Now, it could be our inspector, it could be the planning commissioner, the mayor or somebody probably needs to look at it, make sure that it is validate the location.

Commissioner Roberts: Danny, let me jump in here. Let me back this boat up. We are talking about a process here. This letter that establishes a septic permissible on a property. That is what the health department's looking for. The letter that States whether it is allowed a traditional septic, or some type of a modified or the acreage is sufficient to allow for a traditional septic and then the engineering company does the PARCC test and designs that septic. That is one portion of it that the health department's looking at. Even before it comes to our inspector, the documentation of the site plan has to show where the septic layout is, and that is where it has to be. That goes along with the setbacks that the inspectors looking at. He is not inspecting the actual septic system but the location of it. That is crucial because that is where it spells out this is where it lives. When we approve an application, or a building permit, and specifically this one here bridged over into some steep slopes, that is where we would catch that. We catch it through that permitting process that says you cannot disturb this here. You have to find a different location for it.

Chairman Swenson: That is what I am saying. We require that stipulation.

Commissioner Roberts: It is already there. It has to be on the site plan. That is not their requirement. That is the point. It is the Towns requirement.

Chairman Swenson: It needs to be Stated on the requirements because we are turning this over to somebody else that has different requirements.

Commissioner Roberts: No, we are just using them for a portion of the application process. They inspect the septic system itself and say yes, it is according to plan the way the design engineer intended. The design engineer does not care about slops either but that is where the town has to make sure that the location is on that site plan before it issues the permit.

Chairmen Swenson: But it goes from us to the Southwest Health before it goes to any designer. That is the process it goes through. Southwest Health engineering then turns it over to whoever is going to design it, or whoever they are going to work for. So, they can tell that engineer whatever stipulations that we are requiring. We are not trying to tell them what their job is, we are telling them this is approved with these stipulations, just like you brought up with beer and alcohol, there's stipulations that we were talking about that could be added to that. All I have to do is put the stipulation, right on this current form.

Commissioner Roberts: It is already there on the site plan; it has to be shown on the site plan before we issue the permit.

Chairmen Swenson: but the site plan showed the engineering tested in that zone. It was right on the site plan. You are right. It was in the zone, which was not appropriate. They had it right there. I saw all their test sites. That is because they did not have an idea that we required that. If they knew not to test there...

Commissioner Roberts: What it has to come down to is the inspector that is looking at the location of things. It is no different than a setback.

Chairman Swenson: That's southwest engineering.

Commissioner Roberts: N. our contract Inspector is looking at setbacks also.

Dennis Mertlich: The way the process is now, we as a town accept the permit application with required number attachments. One is the water department, LDWA, and two is Southwest Health Department. All they have to show us is that they have a permit from Southwest, they do not have to show us a location of where that septic is going in. Reason being is that the building code that the I am enforcing, which is adopted by the State of Utah the International residential code, which allows me to inspect that building and two feet beyond that is it. I do check for setbacks per the zoning. For instance, front yard setback, side yard, rear yard, that kind of thing. I do not inspect the design or the location of the septic tank. And that can be a problem. If somebody comes in later or something wants to put in whatever in the in the yard or who knows an addition or something. Usually on those septic tanks, you have those access holes that come up to the surface, because you have to sometimes access into the septic tank and clean them out or do whatever. And so, the homeowner should be well aware of where that septic tank is located just because they have those access holes in their yard. What we do not want is to make another inspection that we are going to have trouble enforcing. Should we enforce additional requirements

and these kinds of things? It gets a little obscure, a little mixed up. Are we enforcing this; should we be enforcing that? We are talking about it to make sure that we are all on the same sheet of music so that everybody is, included. That needs to be included.

Chairman Swenson: Southwest engineering, they are the ones who approved the septic system. Their approval is going to be based upon whatever we tell them. If there's stipulations, it will be based on our requirements. This is close to a hillside; we stipulate it cannot encroach into the hillside. That is our requirement, not their requirement. It is not a standard thing, because most municipalities do not have it. Every application needs to be looked at. Ask, is there any concerns that we have with any of our ordinances based on the location of their lot? If there is, we can put it down on this form to Southwest and they will follow up with that?

Dennis Mertlich: Who is going to do that?

Chairman Swenson: Southwest Public Health.

Dennis Mertlich: They are going to identify the lots that with a hillside concern?

Chairman Swenson: No, we do.

Commissioner Roberts: The site plan has to show where that septic system is going to lay on there, and a potential secondary septic system? Most people only think about this, but it is required, they will ask you where is your secondary? I am telling you that people build all kinds of things on wherever that secondary was planned. If the primary goes bad. There will be a building stuck on, but that site plan document needs to show where that is. The town will catch that through the reviewing process. That is what Dennis is asking who is responsible somebody in the town has to be a plan examiner. Let us go to Scott Messel here for just a sec. Scott. In simple terms, what would be the process of reviewing a set of a simple residential building at the County?

Scott Messel: Yes, I can address that. So, at the County level, a site plan is required as part of the building permit that does show the location of several things, we need to know location of the driveway to make sure that the drive approach is in the right place if there is culverts and that type of thing. There needs to be the location of the septic and when someone does an addition, they also need to show where the location of the septic is. The health department is the expert on that, but as you are doing plan review, because you are also

looking at the slopes on the lot and the topography on the lot, sometimes they are building a wall or building a pool and you need to know those locations of those improvements are and whether or not they meet code. The way the County does it, the building inspectors reviewing it at the time the building permit is approved. The site plan is one of the first pages on the building permit.

Commissioner Roberts: Dennis is our contract Inspector. We the town has not tasked him with that. That is not something that we have included in his duties.

Chairmen Swenson: So, in this particular case, their site plan was only a septic site plan. It was five years before the building plan. It was a separate individual sheet.

Scott Messel: So, to clear that up. It is quite simple. Whenever the septic permit was granted, that location needs to be shown on the site plan at the time the building permit comes in, and then you have one document, you just go back to the building permit and that shows the location of the necessary things.

Dennis Mertlich: What if it has Multiple site plans because there has been a site plan for the septic, and there has been another site plan for the building when the building is permitted, and they do not necessarily jive.

Commissioner Roberts: But they should. That is where they should have merged. That is where the town has to make sure they merge.

Scott Messel: The town needs to have a site plan somewhere that shows this is the lot. This is where the house is on the lot. Here are the measurements for the setbacks. This is how far from the home that driveway. It is this far away from the intersection. The septic is right here.

Chairman Swenson: usually that is all done at the same time. his particular one is like five years apart. It was probably to validate whether they could even put a septic tank right there.

Dennis Mertlich: They can put that septic tank in back when they get the approvals from board of health to do that. Five years early, and it just sits there.

Scott Messel: Yes, but when they come in for a building permit, they should be showing you where that location is.



Chairman Swenson: Either way, when they review that, we need to tell them if there is a stipulation, so that Southwest knows otherwise, they are going to go by their standards, which are different than ours.

Commissioner Darton: Does the Town of Leeds have a septic ordinance because if we do not have anything in ordinance, then we have no basis to say you have to do this.

Commissioner Roberts: Yes, the town has a septic ordinance. We have specifications. We have construction standards, and specifically what we are talking about, the driving factor of this one was an encroachment on a hillside. That is what is truly driving this particular situation.

Chairmen Swenson: Right. In they did not know, Southwest did not know. That is not their standard. It is not standards and other towns. It is Leeds standard, and they did not know it.

Scott Messel: That's why it needs a be on a site plan at time a building permit

Dennis And that standard needs to be publicized and distributed with the building permit application paperwork and or to whoever comes in and needs one. That information you are just talking about needs to be readily available, is what I am saying. So that everyone knows, that is where I got to put the septic tank into in accordance with and those setbacks and whatever. So that it is common knowledge.

Bill Hoster: Dennis, you said you do not check for septic tank placement. Is that correct?

Dennis Mertlich: That's correct. Okay.

Bill Hoster: So, I guess what we are asking is, with that information readily available, would you?

Dennis Mertlich: Would I? Well, that is another, that is another inspection that I normally do not do. I would have to incorporate that into the list of inspections that I do. And yeah, that is doable. But it is not in place yet.

Commissioner Roberts: I may be putting words in your mouth, Mayor. A better way to word that is, Dennis are you willing to be a plan examiner for plan that come?

Dennis Mertlich: right.

Commissioner Roberts: Not including setbacks to the building, because that is tied right directly into the building. So, this would be the topography, this would be a location of a drive approach. A number of things truly what a plant examiner would be looking at on that.

Dennis Mertlich: Well, on that we are talking about a couple of different things. The septic tank placement would be probably days, weeks, different from the drive approach. When that was going in Drive approaches are usually one of the latter things that go in a house.

Commissioner Roberts: But it is going to show. On that site plan that is going to show. We required that for developers in a development, we would require the same thing for a simple residential home, we need to require that same thing on a site plan.

Scott Messel: In cities with sewer systems, it is the inspector, usually the public works. There is a public works inspector that inspects everything out in the roads up to the back of curb, and then from back and curb, and everything on the law is inspected by the building inspector.

Dennis Mertlich: other than the sewer. Sewers got another inspector, the wastewater treatment plant in St. George has their own inspectors and they inspect those sewer connections, make sure they got two-way clean outs, one within five feet in the exterior of the house and one within ten feet of the property line.

Commissioner Roberts: The site plan will specify where that sewer comes into that lot. See, that is what we are talking about, we are talking about a site plan that shows all of this stuff. There are the inspections done by somebody else, but there is someone in the municipality that is looking at that site plan and saying, and here is where everything is located.

Dennis Mertlich: That gets to be a little problem if there is a big boulder in the way. Sometimes they have to go down the street away to another manhole or another place where they can connect in because they couldn't because of the boulder in the way of the first one. That is where the sewer inspector has come down. What we need is some requirements that are listed that we can pass out at the time of the permit application, so that people trying to gather the

documents that they need can get them as well as the site plan and all things included. We need to give them a list of things that they have to have. We can also include what inspections we are going to have. In most cases, is not going to be too critical. The one you are talking about, the hillside, that one we are going to have to address, because I do not have the expertise to go in and say, this is too steep. You have to move your location over here, or this will not work because of the grade here. I do not have any equipment to discern that, and I do not have that expertise. We are going to have to rely on their engineering or whoever is doing that.

Dennis Mertlich: That gets to be a little problem if there is a big boulder in the way. Sometimes they have to go down the street away to another manhole or another place where they can connect in because they couldn't connect in because of the boulder in the way of the first one. That is where the sewer inspector has come down. And they do that but what we need is some requirements that are listed that we can pass out at the time of the permit application, so that people trying to gather the documents that they need and get them get the site plan and all things included, they need to have a list of things that they are going to have to have. And we can also include what inspections we were going to have and take a look at which in most cases, is not going to be too critical. The one you are talking about when we have the hillside, that we are going to have to address that one, because I do not have the expertise to go in and say, this is too steep, you have to move your location over here, or this will not work because of the grade here. I do not have any equipment to discern that, and I do not have that expertise. So, we are going to have to rely on their engineering, whoever is doing that.

Chairman Swenson: We're all talking about the same thing. In municipalities, we would have flood control approval, there would be all the different agencies to approve it. And we are trying to put that on to somebody because we do not have it. They want to capture it too. They go by their rules and regs. And so, whether we have an inspector of our own, that has to approve something, or to approve a change or whether we put stipulations, we need to communicate that it is either with a live person or with stipulations on there, and then they will follow that. There happened to be a change in this one because of a pool placement. Septic was changed because of where the pool was placed. Once they started doing the construction part, that was four years later. They went through that process, and it was a change. Because there was not any stipulation on the approval. Yeah, they approved it. That was fine. so, it is a communication thing and how we solve that. They really do not care. They just need to know whether we have a system to where we are inspecting for whether

we are making in the stipulation, because they are following through with it to the very end.

Scott Messel: What should happen is the time between when the building permit, where possibly the original location was shown on a site plan, they are coming in and they are getting a permit to build a swimming pool. The relocation of that septic should be shown as part of that permit with a new site plan. He does not need to go re inspect the house, it has already been approved. Just provide a new site plan that shows the outline of the home, again, the setbacks and where the location is with the measurements of where the pool is going. If the septic system is being relocated, making sure that is shown on the plan. So, the inspector knows where the septic system is, and the health department has approved it.

Chairman Swenson: or a stipulation that if there is a change, then it needs to be reconsidered one way or the other. Because it is real. It happened here. And it has happened to my house before I moved in. Two violations for the same problem. A pool came in later. And it got past. So, one way or another, we need to communicate to them because then what happens is they just go by their regulations. They are appropriate, their regulations are fine. But they are missing because they do not know our regulation. Now, they all came and talked about and said, okay, hey, we did not know about the hillside thing. They are going to remember that at least those employees that stay with them, but the original inspector is no longer working there.

Commissioner Rosenthal: That would seem to raise a question for everybody's knowledge. Let us say, like with my house, they submitted a set of plans, showing where the septic was going to be and where the drive was going to be. When I bought the place, I went down to the County to confirm that the plans are accurate. Because I had some concerns based on just looking at the lot. And they showed me the original engineering drawings. There were no as built documents. So that would seem to beg the question, what is the feedback mechanism for us as a town? As Dennis was explaining, say, they run into a boulder and have to move over, and they cannot connect a sewer line, or a power line were stipulated on the site plan? What mechanism do we have that requires them to come back to town to renew that site?

Scott Messel: you just put it in your checklist in requirements building permit when changes are made. If they need to move a location of the outlets, or an egress window is not big enough, the plans need to be updated to show that so dentists can approve that same thing should happen with the site.

Chairman Swenson: Well, that is true, you are complicating it more. They again brought this letter out if there is a change, and you put on this letter, and this is our approval, our initial approval under these stipulations. And if you put a stipulation on if there is a change for any reason, location, that it has to come back to us, right? I mean, because what they are saying is as simple as it was, whether it is this form or this form from Washington County, Ash Creek, they pull this up. It is in their file, they pull it right up, there is no guessing, saying, well, we do need to call the inspector or whatever. It is like, wow, they say if there is a change in location, or if just hillside, those stipulations have to be reconsidered with us do not move forward. I am just going on what they say it sounds simple. That is their system still in a file. And they pull that up each time. We do not even need this guy to be involved at that point. That is talking about money.

Commissioner Roberts: It is a site plan. I can tell you that municipalities, which is the way they do it. If you want to do it different, Hey Leeds is different.

Scott Messel: That can be a part of it. But the site plan is the key.

Chairman Swenson: I do not know why that site plan was not there were not any signatures, okay. There were no signatures on it. And they showed where this where the test sites were. It was definitely not a proper or appropriate location. That is not their requirement, and we did not approve it. Bottom line, we did not approve it. 2014 We did not. So, I am trying to catch I am trying to simplify it.

Commissioner Roberts: We need to simplify it and make it more reasonable for future.

Chairmen Swenson: In their mind. It was appropriate because that is their requirements. Their requirements were fine a went along with their requirements. It just so happened they missed one of ours. And do you think we are going to keep those up when they are changed? How are we going to notify every agency that has this when we change that? We talked about changes tonight. I think if this is their system, as archaic as it is, they just pulled it up. They brought it out right away. In fact, the whole office, both engineers, and one secretary that heard us in an office said, oh, do you know what? I just got a letter from Leeds, right here, let me show you what they sent.

Commissioner Roberts: That's letter just says that property has a right with for a septic permit, because all that letter says,

Chairman Swenson: but we could put on their stipulations. We you can put whatever you want. If it changes, we put it there. See, that is the point. That is what they are saying, if there is a stipulation, if we approve the site plan, or look at it and say, Holy cow, which is right next to the slope put in the stipulation. That is all we have to do you. If it is flat, we do not have to put that in there. We have put into the stipulation, you cannot, the slope is a consideration they have to stay away from the slope. Done.

Commissioner Roberts: what is the slope? They look at whoever designs, the septic system itself, and how it is placed on the property. They are going to say, well, is that slope really, above 20%?

Chairman Swenson: Whatever our requirement is, it was slope, it could be any of our requirements, as long as it is different than our requirement. And according to that lot, they said, hey, you know, there is this problem over here, there is a pond, okay? Cannot be is associated by the pond, whatever your stipulation is, we put it down there. Otherwise, they are going to go by their standards. And they have their standards, they pulled them out. It is like, everything was appropriate.

Dennis Mertlich: And there is another problem. Once that owner or contractor is made aware of the fact that that's slope is too steep. First thing he is going to do is go out and hire another engineer, different engineer. He is going to have him come out and take a look at it. And he is going to tell him if this is too steep what have I got to do to it to make it, so it is not too steep. What can I do? Move the move the septic tank, bring in fill, elevate the septic? What is it going to take? And we are going to get those kinds of things in, who is going to review that and approve that.

Chairman Swenson: They are saying from the whole County we are the only ones that hillside is a factor. I have driven around and then you can see them all over the County, the other waterlines put in, it has done everywhere else. And that is why they do not have that requirement. It is not a requirement for them.

Commissioner Darton: Who's going to issue that letter?

Chairman Swenson: Well, right now comes from us.

Commissioner Darton: Okay. And do you know, every parcel of property within Leeds that when somebody comes in, you will know, oh, they have too much of a slope. I need to put this stipulation in. She needs to know that.

Chairman Swenson: No. That is supposed to come to Planning to look at it.

Dennis Mertlich No, it does not come to Planning.

Commissioner Darton: Are you talking about when somebody has a building permit? They come in.

Chairman Swenson: Yeah, this is part of the septic permit.

Dennis Mertlich: No, no it does not come to Planning. That is one of the problems. It does not come to planning because it is an approved subdivisions approved location, we have permits out there on. So, it does not come to planning, if we wanted to come to plan and do something to make sure that that happens.

Aseneth Steed: Danny says he has a solution, and you are onto something. May I point out timing, what I see here is a timing issue. That letter is sent to the applicant before they ever present the package. So, the very first thing that happens somebody comes in and says I am trying to get a building permit, can I get a septic approval? Here is the parcel number. I investigate it. I determine whether it follows the Hanson Allen Luce steady and or if it is a nine acres. That is what that letter does.

Chairman Swenson: And they brought both of those up at the meeting. They are expecting you to do that.

Aseneth Steed: Bingo. We do that. Check. Okay. This is done before the packet is ever presented to us for me to give to Dennis. So, my point is, if the solution is to put verbiage on that letter that State approval based on compliance to the hillside ordinance parameters for the purpose of the Health Department to take hillside into consideration in their process, which is doable. They are the professionals. We are not trying to second guess them. I will be glad to work that up. But I have no more expertise than Dennis. I cannot decide if that parcel is on a hillside and whether that lot is going to fall into the hillside drama.

Scott Messel: No. You are administration. It is not your expertise; it needs to be put on a site plan by who is doing the work. And then the site plan needs to be inspected?

Aseneth Steed: I give that letter out long before they submit a site plan.

Commissioner Roberts: They are looking to say can I put a septic on it? Yup, you can, you can put a septic on it. Approved. This letter goes to the health department. they are doing their packet for their building permit. That building permit packet had better have their engineering stuff done, because they have to submit their engineering to the Health Department. The health department does not design these, the health department will say, okay, what is the number of bedrooms that are on that? Let us look at this perc, okay, this is what we are telling you, you have to have for total leach line. This is the size of tank that you have to have. Now, an individual builder can put that in themselves. Otherwise, you have to hire an engineering firm, to place this system in there. That document of that design has to be with that packet. That is what I am talking about through the plan review and on that site plan, because I want to see exactly where you are going to place that because I am going to look to see whatever else that comes into conflict with. You are saying to do the same thing on this with them, someone has to determine that. It is not going to be Aseneth. It is not going to be Dennis. There has to be somebody in the town has to do it. Now whether we contract that out to our town engineer, to run through that process. Somebody still has to do it, whether you put it on this paper, or whether it is sitting on a site plan, but I am telling you, I would put it on a site plan. Every time I would put it on a site plan.

Chairman Swenson: Whatever we do is for them to review it and see.

Commissioner Darton: Maybe, this letter. She is going to do what she does and say yes, you fall within the you know, the parameters to have to have a septic system, but then have a paragraph. But this septic system needs to show up on the site plan, it has to fit within the requirements of Leeds.

Dennis Mertlich: There is more than one site plan. There can be a site plan for health department and a different site plan for us. We get that a lot.

Commissioner Swenson: That's where they merge. we want to mitigate the problem, So I am telling you, it takes it takes staff on the town level to do that.

Commissioner Darton: And when somebody comes in for a building permit, and they have their approval for the septic system, then we need to say, well, I am sorry, that is not enough. We need to make sure where this is placed is going to fit within the requirements of the Town of Leeds.



Commissioner Roberts: The package should include that. Their package should say you have to bring this with you. The town has said you are allowed a septic system. Now you do the homework with the health department and whoever is doing your design, and you are going to bring it back here and it is going to be part of your packet because it says right here.

Scott Messel: Whether it is a letter from the engineer or whoever the expert is. Then it is not putting it on staff to do the research before they can write a letter of approval for them to put in their building permit.

Commissioner Roberts: Let us use the scenario that Dennis brought up, maybe that septic systems been actually installed for a few years before a dwelling comes? Fine, we do not care, how where is the documentation that shows the location of it and the design, which is going to be sitting right there with your site plan, because we are going to require it to be on your site plan of where the dwelling is, in association of where that septic that was placed there.

Mark Rosenthal : Frankly, that goes back to our building permit process. In order for an applicant to know what they need to present; we have to be able to tell them. What needs to be included in our package. Our package is relatively complete, but it does not specifically State that the documentation from Southwest Public Health needs to be included, they go forward and do just that with this individual.

Scott Messel: It will not be site specific instruction. It is just our general rules. It is up to them to comply with. The jurisdictions I have worked for there's a building permit packet, with checklists and everything that needs to be resolved. It is up to the person building the home to get the engineers whoever they need, if they are digging down two hundred feet and doing a full-size basketball court in their basement, they need to have that engineered. Whoever that expert is, it is not Aseneth's job to make sure that happens. But when they bring the packet in the site plan that is attached to that packet needs to show everything. At that time, they can find out whether or not. Buyer beware, if you bought a parcel, that is not a that is not a legal parcel.

Bill Hoster: But if they change from the site plan will Dennis know?

Scott Messel: that is what needs to happen is anytime something is changed; it needs to come in on a new site plan.

Dennis Mertlich: That does not always happen.

Scott Messel: No that is what needs to happen. Whatever changes need to be made to make that happen, needs to be done.

Commissioner Roberts: Whoever is looking at that document. That is who would know, the inspector himself would know if there were a change to the structure or if the structure was moved, and the setback was modified, somehow. Yeah, that is what Dennis would look at. There has to be somebody else that is looking at this.

Scott Messel: or he can. I will use the County as an example. Right now, we do not have someone specifically for plan review. All of the building inspectors do the plan review for the area they are in. Kurt Gardner, who has been our building official since the nineties and Kyle Leighton, they both do the site plan, and they go through that checklist. There is nothing from the County that was site specific saying you need to look out for this rock, and this rock. It is up to the people. If someone wants to develop a difficult lot, it is on them not on the town recorder, in my opinion to verify whether or not that lot is buildable.

Chairman Swenson: Let me remind you. They do not care what we do, yes, they need to know what we want to do. So, all this set you are talking about needs to be in their policy because nobody else is doing it right. Everybody else has their own little way and policy to do it. So, they are going to do whatever you want to do, but all but it is going to have to be laid out for them however you want it to be done. That is the point.

Aseneth Steed: Okay, can I to summarize the takeaway that I am gathering from the experts and the administration? When I present the Hanson Allen Luce letter, we are going to put verbiage that includes awareness to Southwest Public Health that approval is based on compliance with Leeds hillside ordinance.

Commissioner Roberts: But see, now you are just narrowing it to a hillside ordinance. It is hard to say what else may be on that property. That is why I think to grant a p. entail septic system to a property is a whole other thing than reviewing the site itself when someone wants to build upon it. That is a portion of it. But they have to bring that design and that engineering with them. All this letter does is say, yeah, it is granted a septic permit or not. If it does not perk out right, this letter is null and void anyway. So, it is just simply saying that the

municipality understands that that property existed before this study was done and is granted that or it did not exist. And here is what the requirement was. And yeah, they may they meet that requirement on the sizing.

Commissioner Rosenthal: The challenge with just using this hillside septic line occasion is it requires Aseneth to have complete full knowledge of every aspect of our building ordinances.

Scott Messel: That is not her job.

Commissioner Rosenthal: and make the judgment call, if you will, if it is or is not allowed. Alan, you suggested the possibilities in the town engineer to provide those services to us. In my mind, we should put the requirements where the expertise lies.

Commissioner Darton: So, trying to keep this as simple as possible, understanding that this letter may go out long before we have anything concrete, for the property, before we have a building plan, before anybody has even envisioned the site plan. They may, come in and say, oh, before I waste my time and money on paying for some design, I want to know, can I even put a septic on this thing? And that is what that does. So, if we had some standardized language that has this here, yes, you can have it. But before this is, you know, finalized, it also has to meet hillside ordinance and then reference to the ordinance, this ordinance reference to the ordinance where you are not telling them specific things, you are just saying, here is the general things. Here are the Leeds ordinances that you can look at to get the specifics that way, if it is changed, when they go to look at it, hopefully. Well, assuming they can even get our ordinances.

Aseneth Steed: Right there in that folder. There is a Leeds building permit packet. So, if you wanted to pull it out and analyze it. I what I am getting here is we include the verbiage on the approval letter and then we include, like you are talking about, an actual form in the packet that puts it back on the applicant to provide proof that they are complying with Leeds hillside ordinance. An actual hillside form added to the packet would that suffice.

Chairman Swenson: Well for hillside.

Susan Roberts: Somebody needs to. When Buildings permit comes in. One of your wonderful man that is on Planning Commission needs to say I will be the one. There is not a lot of building permits that come into Leeds. So, somebody

needs to look at it and say, yeah, it meets all of the stipulations, this can move on. That is not being looked at. I think that what the building permits are just being given, but nobody's reviewing it to make sure that it is okay. And if somebody will just volunteer to say, I am the person.

Commissioner Roberts: Well, I am not sure about the volunteerism, however, Tom did volunteer the mayor. That I recall, I do not remember a lot of things, but I remember that.

Chairman Swenson: But it changed things when she specifically said, good looking man.

Susan Roberts: Somebody that knows what they are dealing with, that knows what the laws are and what the ordinances say. I could not review it because I do not know if it meets it. Aseneth cannot review it. She does not know if it meets it. I know for a fact that Allen knows it because he has that background. So, I am just saying that somebody needs to and when changes come in, they need to be reviewed too.

Commissioner Darton: Did I just hear Alan get volunteered?

Scott Messel: Can I make a proposal? I do not want to speak out.

Commissioner Darton: Oh, please, everybody is.

Scott Messel: Can I make a proposal? I do not want to speak out of turn.

Commissioner Darton: Oh, please, everybody is.

Scott Messel: I think a lot of this can be solved at the administrative level at the town staff or whoever we decide, can put together a new and improved building permit packet and what is required with that, and Aseneth is responsible for handing that out and when we redo our website, we will have it available on the website. We have checklists and all of that on there. At the County, we issue a lot of building permits, we do not have a staff member doing all the research for the people as to what is legal. There is a checklist that is given to the individual wanting a building permit, and whoever they hire has to provide all that information. Then it is reviewed by someone that is professionally trained to read those plans. All that information is in a building permit packet. Our disconnect is where we are not having everything inspected. It is all in one place. Now. It has the health department, check. The will serve letter, check. Septic's approved, check. Hillside? Here is our topography on the site plan. This

is in 20%, or greater slope. So, we are not going to touch that. We will plant a tree in front of it. All of that information is on the site plan. We could put together a new proposed building packet of information and bring it back to the Planning Commission, and Town Council. See if they like it. If they even want to be involved in that. That is my recommendation. Because in a way, we are going in circles, kind of fighting over the same thing. We all have the intent of making it easier and better and make it so a lay person, not a lame person can come in and get a building permit. Even on the County level, something that my department's trying to do. You may I am not trying to get too much on a soapbox here. But one of our goals for 2022. You may remember in the nineties, there were all the books for Dummies like windows for dummies and internet for Dummies, we kind of just said, building and planning for Dummies, and it is not that we are calling the people that we are serving dummies. But our intentions at the County level is to make sure our codes and processes written in a way that is more easily understood by an average, normal, person.

Commissioner Darton: I totally agree. What we do not want to see happen is that we tried to fix the process by making it twice as long and twice as expensive. It should be half as expensive and half as long but more efficient. Daryll, are you willing to change your name to plan check?

Daryll Lewis: Sure

Commissioner Darton: we have discussed a whole bunch of different ways. One of the things could be when somebody comes back in for a building permit. We do not just say that they do not show up there. We actually look at it say to says but does it also meet our requirements?

Scott Messel: I think things that we are looking at one, we need to improve and make our packet better. That is one thing. The next thing is we need it very clear. laid out? Who is checking all of this? And it needs to be a professional.

Commissioner Darton: If we get number one done, getting a new packet, which is a little more complete, and a little more explanatory. That might also help you know, some of these other agencies saying, this meets our requirements, but I am not sure about Leeds.

Commissioner Rosenthal: I would suggest Scott review our building permit package and make any suggested changes that we as the Planning Commission can review and approve them and pass it forward to the Town Council review. And then they give thumbs up to it. Our packages upgrade.

Chairman Swenson: We do not have to fix it tonight. It just needs to come forward that we have a problem and Scott is agreeing to that right now.

Discussion Items:

A Discussion regarding Building permit process and adjustments, clarifications, and wording

Mark Rosenthal: I presented to Town Council two meetings back the information that we approved to send to the Town Council for review. The Council wanted a specific language for amending chapter nine. That is what is included in the package. No changes to it from what was presented last year. I think if you so desire it can be sent back to the Town Council for further review.

Chairman Swenson: I think you have complicated it a little bit by putting in acreage. I look at it as a couple of things myself. Dust is dust. And we have it all over the place. We have the agricultural fields. When the wind blows, it blows dust like crazy. I think our concern here is a specific piece of property in and around other parcels and other homes that are to be impacted during certain phases of the construction, it is going to kick up more dust than normal. You live on a dirt road, if one did not want their car dirty, you would not move to a dirt road, right? That is simple, that dirt roads always going to be there. So, what we are looking at is, in my mind, you have a construction site going between your house, my house, and guy is going to come in and do the initial grading, changing some of the dirt. And it is going to kick up more dust than normal. Okay, I understand that. In California, we are mandated. We have a water truck, we have a guy with a fire hose, and he is keeping the dust down as much as he can. It does not matter whether it is quarter acre, whether it is three acre, it is that site plan, if he is moving dirt, and he is in and around an area that it should be required to mitigate the dust, not size. So, I think we have complicated that a little bit. The other thing that is happening is during the initial phases, when you have the belly dumps, they are the big tractor trailers, and you got the tractors loading, these guys going up and down your road, and the road should be watered. But when you call a utility man to come and adjust your air conditioner, you do not water the road so that he comes up, because that's normal traffic. During your initial phases of grading property, getting to the point where then there is a foundation up to a certain point, I do not think you can require any more mitigation because it is a single vehicle here and there. If you

are going to do concrete trucks coming, stuff like that probably needs to be watered. So, it needs to be just really simple. During a certain phase of construction, mitigate the dust after that. It is kind of normal, which is how you are going to have it. The neighbor is going to drive up and down. We do not mitigate the dust then. Right? So, I do not know that is just some basic thoughts right now to try to simplify this. The dust is a problem during that early construction phase. I do not see anywhere that establishes that construction phase is over and now you have normal dust on a dirt road. Tell me your thoughts.

Commissioner Rosenthal: I agree with you. This does address for just the construction of a subdivision included in the language of the State using their law That speaks to other developments, including gravel pits and mining. So, the construction of homes and using an example, say I buy a piece of property on Main Street, this goes to what you were talking about. I do not like the house or whatever, so I tear it down and go about constructing a new home on that site. We have no exception to that nuisance component or ordinances with no way of addressing any health hazards produced by that process. At some point the construction is going to be done.

Chairman: Now let me go back. You say we, the Town of Leeds, or the State of Utah? Leeds, okay. Because when I would do a building, I think I told you I run the academy, State of California, we had to have the asbestos inspection, we had to have the asbestos mitigated, we had to have lead-based paint looked at and mitigated before we can burn it, or the homeowner or the new builder could tear the house down. We have the same thing here in Utah.

Commissioner Rosenthal: I will request that the notification to the developer is included in our building permit process. And it is just what we have talked about before. That information is now available. This is a requirement. there is a state requirement in line with it and I provide the permit application process and mitigation plan templates for the developer for you. So, there is not change presented from before.

Chairman: So where do you propose going from here? What changes? You presented in Town Council? What did they want?

Commissioner Rosenthal: They wanted specific language to amend chapter nine ordinance. They wanted to go back to the Planning Commission. That is why you had it back. What was presented to the Town Council was the original draft that included some references and notations to it. You are not going to

include it in the ordinance. So, this is the I will say cleaned up version of it. The original had notations about building sentences because they were redundant. So those have been stripped out of it, the language that is in front of you is the same.

Chairman Swenson: Okay. And so, this Utah Administrative Code, R307 this is what it States in there? It actually talks about land greater than one quarter acre. That is right earthmoving excavation that is what I was talking about moving trucks on construction equipment. I am just looking at this and maybe this is the State law but how do we apply that to our situation? It does not indicate when the mitigation of dust can stop. I mean, what happens when you have, a single pickup truck come up to install the house vacuum.

Commissioner Roberts: But this particular code is talking about excavation, clearing, or leveling, Danny, not someone just driving on the property.

Chairman: Moving of trucks or construction equipment over cleared it says excavation, earthmoving or movement of trucks or construction equipment that's pretty broad.

Bill Hoster: To the best of my recollection, there was some documentation that was provided by Mark from other towns, St. George being that required, whoever is building to mitigate the fugitive dust, which we do not have right now. And that language was proposed to be added to the process for allowing a permit. And that is what I think, Councilman Cundick reference to be kicked back to planning commission for approval. It was repeating that, Mark, if I am mistaking, please help me but it was really just copying the ordinance that you provided from St. George, for the Town of Leeds to be added to the permit.

Commissioner Rosenthal offered to send a unit of dust mitigation plan template, including the plastic permit agenda for next Planning Commission meeting,

## Staff Reports

Chairman Swenson: Sunrise Engineering has done our survey and presented it to me and a representative from Town Council, Ron Cundick. I have their bullet points that will come out later. With the town looking at trying to annex with some projects that are coming. We are trying to look into annexing all the properties around us that are the different entities into the town. That is the only way we are going to have control of the properties and developments. There is BLM there are all kinds of properties. It does not have to change ownerships.



But for future developing, which is going to happen and going to come. So, there will be more coming. It was an introduction as to all the surveys what that engineering firm has suggested. We are moving forward. The intent is to produce a really solid General Plan. Obviously changeable and it is not static. It is residual and that is the intent. A living document.

Commissioner Darton: Last thing we want to see is a big project right next door to us, in which we have absolutely no say. The impacts really only Leeds not Toquerville, but they get all the revenue, and we get nothing, we get all the burdens and none of the benefits. That just will not fly.

Chairman Swenson: That's just one entity. We are going to have other entities coming in and growing, it is going to fill in all our areas. So that's just kind of giving you an update of war in the future that is coming and the goal for small town Leeds is we are going to have a solid general plan, a template.

10. The meeting was adjourned at 9:18pm.

APPROVED ON THIS SIXTH DAY OF APRIL 2022

  
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Danny Swenson, Chairman

ATTEST:

  
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Aseneth Steed, Town Clerk/Recorder