

Town of Leeds

Planning Commission Meeting for Wednesday, June 4, 2025

1. Call To Order/Roll Call:

ROLL CALL:	<u>Present</u>	<u>Absent</u>
CHAIR: CHUCK BENTLEY	<u>X</u>	<u></u>
COMMISSIONER: KEN HADLEY	<u></u>	<u>X</u>
COMMISSIONER: LAURIE SULLIVAN	<u>X</u>	<u></u>
COMMISSIONER: ALAN ROBERTS	<u>X</u>	<u></u>
COMMISSIONER: DAVID RHOADS	<u>X</u>	<u></u>
TOWN PLANNER: SCOTT MESSEL	<u>X</u>	<u></u>

2. **Invocation:** Commissioner Roberts

3. **Pledge of Allegiance**

4. **Declaration of Abstentions or Conflicts:** None

5. **Agenda:**

a. Tonight's Agenda of June 4, 2025

Motion to approve made by Commissioner Roberts, 2nd by Commissioner Sullivan.

ROLL CALL VOTE:	Yes	No	Abstain	Absent
CHAIR: CHUCK BENTLEY	<u>X</u>	<u></u>	<u></u>	<u></u>
COMMISSIONER: DAVID RHOADS	<u>X</u>	<u></u>	<u></u>	<u></u>
COMMISSIONER: KEN HADLEY	<u></u>	<u></u>	<u></u>	<u>X</u>
COMMISSIONER: LAURIE SULLIVAN	<u>X</u>	<u></u>	<u></u>	<u></u>
COMMISSIONER: ALAN ROBERTS	<u>X</u>	<u></u>	<u></u>	<u></u>

b. Meeting Minutes of May 7, 2025

Motion to approve made by Commissioner Sullivan, 2nd by Commissioner Roberts.

ROLL CALL VOTE:	Yes	No	Abstain	Absent
CHAIR: CHUCK BENTLEY	<u>X</u>	<u></u>	<u></u>	<u></u>
COMMISSIONER: DAVID RHOADS	<u>X</u>	<u></u>	<u></u>	<u></u>
COMMISSIONER: KEN HADLEY	<u></u>	<u></u>	<u></u>	<u>X</u>
COMMISSIONER: LAURIE SULLIVAN	<u>X</u>	<u></u>	<u></u>	<u></u>
COMMISSIONER: ALAN ROBERTS	<u>X</u>	<u></u>	<u></u>	<u></u>

c. Meeting Minutes of May 7, 2025 Work Session

Motion to approve made by Commissioner Roberts, 2nd by Commissioner Sullivan.

ROLL CALL VOTE:	Yes	No	Abstain	Absent
CHAIR: CHUCK BENTLEY	<u>X</u>	<u></u>	<u></u>	<u></u>
COMMISSIONER: DAVID RHOADS	<u>X</u>	<u></u>	<u></u>	<u></u>
COMMISSIONER: KEN HADLEY	<u></u>	<u></u>	<u></u>	<u>X</u>
COMMISSIONER: LAURIE SULLIVAN	<u>X</u>	<u></u>	<u></u>	<u></u>
COMMISSIONER: ALAN ROBERTS	<u>X</u>	<u></u>	<u></u>	<u></u>

Announcements:

Susan Savage: One announcement is on the freeway interchange meeting. It was announced that it would be a public meeting, this was a follow up meeting from an earlier meeting that was held in the spring, property owners whose property could possibly be affected depending on their study, and as the engineers were gathering information and sharing information with us. The meeting on the 11th is the engineers sharing with us what they have done in their study, their recommendations and alternatives and asking for additional input. They said no one will be turned away. The meeting will be at 2 pm on June 11 at the Cosmo.

There is a rattlesnake around and they're protected and they won't chase you and they are not aggressive, but they do like rats, if you are feeding wild turkeys or rabbits or chicken that attracts rats.

Public Hearing:

Motion to go into a public hearing made by Commissioner Sullivan, 2nd by Commissioner Roberts.

ROLL CALL VOTE:	Yes	No	Abstain	Absent
CHAIR: CHUCK BENTLEY	X			
COMMISSIONER: DAVID RHOADS	X			
COMMISSIONER: KEN HADLEY				X
COMMISSIONER: LAURIE SULLIVAN	X			
COMMISSIONER: ALAN ROBERTS	X			

Alan Cohn: Question that Susan hit on is traffic on the Silver Reef Rd. How is this all going to be handled with all the construction, all the dump trucks going in and out gravel flying off of the trucks. What's going to be done to mitigate damage to the road, damage to other people's cars? Traffic on Silver Reef Rd what if there is a fire up the hill, then we have to get out of town fast, and there are big dump trucks blocking. Could something be done? Maybe control hours that the trucks could only travel certain hours That's not going to mitigate things if there is an emergency, but I think the town really needs to think about that, if and when construction starts.

Linda Horsley: My question is as I was reviewing the Master Development Agreement, has our attorney reviewed that agreement? Because the agreement looks a little one sided I don't think it has enough protection in it for the town.

Layna Larsen: I'm concerned about the size of the lots. A lot of us moved to this area because we didn't want to live in St. George and Hurricane with the smaller lots and being on top of each other with the plan that they have, that's exactly what I'll be looking at. When I'm looking at the ordinances, it's saying that they can only go down 25% of the area and I think their area, the smallest lot is an acre so their sizes are smaller than that. They're going down to ¼ acre. That's more than 25%.

Wayne Peterson: The original development agreement called for one and two acres zoning. There was a final plat that was approved with conditions that I would just call to the Planning Commission's attention, to the provision requiring a letter satisfactory to the town regarding the clean up that needed to be done and the cleanup was going to be done in phases, as was the development. This dramatically shifts that and I don't see anything that addresses the further cleanup that did not get completed in the first phase of the clean up. The most concerning to me 7-8 years ago was that we were being asked by the DEQ as a town, if we were willing to backstop the homeowners association when it came to the maintenance plan on it. The town was not willing to do that, I think that position is very important. I think it needs to be clearly stated in a letter satisfactory from the state would say that if there was insufficient funds from the homeowners association that the state would provide what would be needed to clean up anything that might go wrong. About 10 years ago I-15 washed down a portion in Nevada that was never supposed to happen. It was a 500 year event. We live about 6000 plus feet underneath the apex of Pine Valley Mountain. The wrong amount of rain at the wrong spot could rush down and create something that has not really been factored in here. It would be devastating to the town. The homeowners association, you could actually have negative property values, if something was done to that repository that just had such a cost that they would have properties that would just be below 0. So the town has no protection if we don't make sure that the state is there. That the homeowners association maintenance of the repository and all the cleanup that has been done is not sufficient. The state has to be in line for that.

Tina Dyroff on Video: Who is going to do the dust mitigation enforcement?

Glen Zumwalt: I have three questions that I would propose and I have to be of a concern of the developer. Nothing to do with your normal ordinances, one is the cemetery, the catholic cemetery is now the Town cemetery, including inside of the development and adjacent. There was a under center that was a Chinese cemetery. I think it would be very worthwhile for that to be located so that you don't excavate some of the graves that were left. Some of them have been removed. There is underground mining activity off of the uranium mines. Some of that activity if you don't have the old mining maps, may had the large excavations that aren't stable. You don't have to go very far like Rock Springs, WY, to find out what happens when the surface falls in after you build the homes on it. You may find that there is good excavation underneath of the development. I don't know if you got any good maps of the old 1870-1880's mining activity.

Rochelle Gardner: I have several questions, but one is, has anybody requested copies of the costs for the current annual ongoing maintenance activities, right now as they are projected in the future because I don't feel that \$100,000 escrow account is going to be enough. Especially since its only good for five years and then after five years they're going to take \$10,000 out of it every year until 12 years is up. Then it disappears and goes back to them. So that's what the town has to fall back on if the HOA doesn't or is unable to maintain their end of the bargain. \$10,000 no escrow fund but environmental review fund, because every year there's documents that are required to be sent in to somebody, probably DEQ and what if the HOA falls through and cant do that. Then the town is required to do that, and they've provided a fund that they will replenish until this agreement is no longer in effect, which is 12 years. What happens after 12 years? What happens if it does fall in and the land is no longer or it decreases in value. What happens to the value of our homes. In this plan they pointed out all the economic advantages, saying owed taxes will increase our taxes, tax base. We wont increase our tax base if people don't buy and if it falls apart, our home values go down and there will be no tax base. How about taking the 55 acres out of the VCPA why would they do that. I think it might be because there is not government oversight. They don't require a certificate of completion for that, even though they say they will comply to what the standards are right now, who's going to oversee that? Sure we can hire a town attorney or a town engineer that they will pay for but what if our town engineer doesn't agree with what they've come up with. Is there anything in there that says that they have to change or have to do what our town engineer comes up with? No there is not that I can see. What about the sewer that's coming in, what happens if it doesn't get completed? What roads are going to be torn up? Has that come before the town? I don't think it has yet. Yet in there it says that there's responsibilities for it. On site processing of natural materials, who's going to test the materials before they use it in the buildings, crush it, sell it as rocks as sand to other places, or use it in their buildings right there. Who's testing it, those are just a few things. This needs to go to our attorney before we have a public hearing on it.

Daniel Brown: A \$100,000 wont buy you a loaded Grand Cherokee Wagoneer. \$100,000 in 2025 isn't much money, its going to be a lot less money within 12 years. I think that's just a pittance, its an insult. The other question I have is who is the mineral rights to the property that's being developed and what's to say that the property will not be mined in future times with the property owner? Or do you hold the mineral rights? My concern with the mineral rights to my knowledge are not owned by this development. That's going to be possibly happening under peoples homes and around their homes. We have open mine shafts. We have areas that there will be children playing around. Its going to encourage more tourism, more exploration there, encourage more potential danger and injury. This \$100,000 escrow is an insult. Its an absolute insult in 2025, but I think that factor that figure needs to grow by a factor of 10 to 100 to protect this towns interests.

Michelle Peot: I have a number of concerns about this development. I shared concerns with Chuck and that we don't have any guarantees that they have caught all of the existing waste rock that occur in the property they've already had to go back and do a second cleanup resulting from locals, not them discovering that they had missed areas and there were all these areas that are not just across from the headframe, but also at the entrance to a mining shaft. You would think if you did a thorough cleanup that the first place you would look would be the entrance. I wanted to correct some of the statement that were made with regard to the contaminated soil repository and risk to the water table, Karen Blankenship is here from Angel Springs. She can attest that the water table, in that area is not at 200 to 300 feet as stated, because they have a spring in that vicinity and by definition a spring means from waters at the surface. The other thing to mention is that soil repository is currently in a residential zone which is not a permitted use. The soil repository is only partially lined. The other concern that I have is the environmental escrow does not include the cost incurred from DEQ oversight. Which could be significant and I had asked for a statement of what those rates are and we have not been provided those as a town. I can answer Dans questions about the mining rights. The mining rights were not purchased with the property. Those are retained by formerly 3 mining companies. Previously the price of uranium was down and it was not cost effective to mine. Things are changing with the push for increasing data centers for AI and nuclear power, and those things could change. I did call DNR and asked one of the mining reps how that works with regard to mining rights and do mining rights trump development rights. What I was told was senior mining rights trump development rights so down the line they could reopen.

Karen Blankenship: As Michelle stated we do have two springs and a well, that area is in our source protection zone. Especially our Harper Spring, which is literally on the other side of that hill, and it is very surface water. So that is a concern. It was pointed out to us. So, we just had our latest study on the source protection and that was pointed out to us that it was a hazard. I have the documents I can send it to you.

Tina Dyroff: Utah just approved a uranium mine in Utah county.

Motion to go out of public hearing made by Commissioner Sullivan, 2nd by Commissioner Roberts.

ROLL CALL VOTE:	Yes	No	Abstain	Absent
CHAIR: CHUCK BENTLEY	X			
COMMISSIONER: DAVID RHODES	X			
COMMISSIONER: KEN HADLEY				X
COMMISSIONER: LAURIE SULLIVAN	X			
COMMISSIONER: ALAN ROBERTS	X			

Jared Westoff: He stated the developers three guiding principles: beauty, safety and viability for the purchaser, the customer, the homeowner, the town and the developer. Spoke about the mining history challenges and stated the voluntary cleanup efforts, and that the ongoing development is testing as they go forward is the safest approach. Stated that the tailings from nearby mines had blown onto the property and have been gathered and stored. Stated that half their property is permanent open space. The \$100,000 escrow is more than adequate for the anticipated annual testing and inspection costs of around \$3,500. He clarified that the developer is responsible for cleanup during development.

Bruce Baird: The development agreement has three parts: boilerplate legal terms, planning commission matters, and project-specific terms. The escrow agreements provision was suggested to ensure the town doesn't have to backstop monitoring costs, as the developer is responsible for cleanup under their plan. He stated the development agreement does not increase the likelihood of mining and that development for houses would make it less likely. The development agreement terminates upon buildout, meaning no further disturbance of the property after all lots are built and tested. This is a purpose-built zone with no precedent, mutually beneficial to the city and developer, including preserved land and trails. The agreement is recorded, binding both parties to zoning standards, which cannot be changed without the town's permission. The \$100,000 escrow was a voluntary increase, far exceeding estimated costs, which can be demonstrated to the city council.

Commissioner Bentley: Has concerns about potential future swimming pool excavations after buildout and HOA turnover.

Bruce Baird: Offered to include a provision requiring city approval and a special fee for post-buildout pool construction. He explained the 12 year term of the agreement that it is a negotiated estimate for buildout, with a preference of a shorter term that would revert to standard zoning if the project isn't completed. He has willingness to negotiate a longer term with the town council.

Janelle Bauer: States that once a certificate of completion is issued by the town, there is no liability for future cleanup for the town, future owners, or contiguous landowners under state code. She also stated that the voluntary cleanup did not qualify as a Superfund site, and there are exemptions and defenses for municipalities under CERCLA. She explained the environmental escrow is to provide the town with funds if the HOA fails to maintain their responsibilities, even though it's not the town's legal responsibility. She stated that the 55 acres outside the voluntary cleanup program did not even meet the standards requiring such a program and can be easily cleaned up.

Jared Westoff: Addressing the sewer plans, stating three potential routes are being studied, includes options towards Grapevine, the west side of I-15 and down Silver Reef Rd. They will not use state money, avoiding mandatory hookups, and that new growth will pay for the sewer infrastructure, consistent with past town policy.

Rich White: Explained the site management plan developed after the cleanup outlines future site requirements, including annual inspections and testing of excavated materials. He stated that excavated material meeting standards can be reused, while non-compliant material would likely be disposed of offsite, preventing the need to reopen the repository.

Commissioners going over the town are not liable for environmental issues. Having concerns about that issue and concerns about the risk to the water table from the soil repository.

Rich White: Stating a 1,000-year precipitation event showed that moisture would only infiltrate 48 to 53 feet, while the ground water is 210 feet deep, indicating no reasonable potential for contamination.

Discussion on future mining rights and the concerns of the potential mining to start again. The Cove Team stated that while mining occurred on the property in the past, current and planned development make a future permit highly improbable.

Rich White: Stating that there were 292 samples collected using both systematic and judgmental methods during the initial site assessment. An additional 200 samples were taken to verify the cleanup's sufficiency.

Discussion on the number of lots that were previously approved, 105. Concerns about the number of lots and the density were discussed.

Discussion on detention areas for water management was brought up and the question about potential detention areas and how they would manage water. The developer stated that the size needed for detention is still to be fully determined in later phases of the project during construction drawings. If the planned areas are insufficient, the developer indicated they would have to encroach into buildable lot areas to meet storm water requirements.

Commissioner Roberts: The development agreement really needs to be reviewed by the legislative body; I don't think this agreement will be fully complete at this land use level. We have great concern on it but this should go to them and have them go through it with a fine-tooth comb.

Jared Westoff: States that they have addressed a lot of the issues that have been brought to them.

Commissioner Bentley: For public knowledge would you please tell us how many that has already been approved for?

Jared Westoff: 105 lots were approved. It was hard for us to give up the lots on the hillside because they have incredible views. We can see going through this process that it made sense to do that and it was public interest to remove them. We think it's less effective to make sure we monitor the cleanup effectively to have a homeowner owning a 1-2 acre lot there. We thought that it made more sense to have the lots size .35-.37 to be pad ready and leave the hillside alone.

Commissioner Bentley: States that he still has more questions and if we don't keep the discussion going, we will end up with 105 lots without the safeguards if we go through this now with discussion.

Planner Messel: They have already recorded phase 1, and they are vested for those phases.

Commissioner Rhoads: Question on contaminated soils prior to the testing now.

Jared Westoff: At that time, we were looking at other places that were developed. We did not know that there were issues up there and it was Gary Crocker that wanted to clean it up out there. When I was on Town Council, we really didn't address those types of concerns back then.

Commissioner Roberts: I think that this approach is a better win-win for the area, it seems counterproductive but there was never any testing done on the developments adjacent to this one on the environmental standpoint. There has to be an escrow account and amount, and I am concerned on the length of that term and that it being put back on the town. The topic of swimming pools there needs to be put in the development agreement which can be done by the attorney and specifically says that the homeowners have to do specific things for the pool.

Commissioner Bentley: States that it should be up front you have a pool made when its built not after. If there is someone that sells, then buys then they are notified up front that they cannot make a pool after building has been done. The counsel needs to show me that the city is never liable and grid pattern whatever footage, normally we would be looking at lot sizes, we are also struggling with sewer but that is part of the approval is sewer. I don't know what others want. Sewer will be mandated but when we don't know. How to address that one.

Mayor Hoster: Ashcreek is the sewer authority in our area unless we build our own. Ashcreek has made it clear to the town that an annexation must occur with an interlocal agreement which allows for sewer pipe to be laid anywhere in the town it won't be at a carte once that agreement goes in to place it requires all sewer into the town. That will-serve letter if it's within the town boundaries or any other place, will allow sewer pipe to be laid anywhere else.

Commissioner Bentley: We need another work session to discuss more on the items that we brought up this meeting.

Commissioner Sullivan: With Ashcreek if they go with sewer than we have to go with it?

Mayor Hoster: Yes

Jared Westoff: We brought in a sewer line to Virgin we are doing that sewer line where there are no mandatory hookups. They are putting in sewer at the rate they want them in. We have done it in a way that is noncompulsory.

Discussion on if one public hearing is enough for this project. Setting the date for the next meeting of June 10, 2025, work session for more discussion. Discussion moves into collector roads and where they need to be located for the future.

Approved this 2nd Day of July 2024.

Chuck Bentley, Planning Commission Chair

ATTEST:

Cari Bishop, Deputy Clerk