

Town of Leeds

Planning Commission Meeting for February 5, 2014

1. Call to order:
Reed Braithwaite, called to order the regular meeting of the Planning Commission at 7:01pm on February 5, 2014 at Leeds Town Hall, 218 N Main.
2. Roll Call:

ROLL CALL:

	<u>Present</u>	<u>Absent</u>
COMMISSION MEMBER: Darrell Nelson	<u>x</u>	<u> </u>
COMMISSION MEMBER: Reed Braithwaite	<u>x</u>	<u> </u>
COMMISSION MEMBER: Norm Peters	<u>x</u>	<u> </u>
COMMISSION MEMBER ALTERNATE: Elliott Sheltman	<u>x</u>	<u> </u>

3. Invocation: Darrell Nelson
4. Pledge of Allegiance by Reed Braithwaite.
5. Declaration of Abstentions or Conflicts: None.
6. Approval of Agenda:
Elliott Sheltman moved to approve meeting minutes of January 2, 2014. 2nd by Darrell Nelson. All voted "Aye". Motion passed.
Norm Peters moved to approve tonight's agenda. 2nd by Darrell Nelson. All voted "Aye". Motion passed.
7. Announcements: None.
8. Public Hearings:
 - a. Subdivision-Preliminary Plan Application for Bick Lesser 3-lot minor subdivision on Shinarump Circle parcel number L-4-1-12-231.
Reed Braithwaite gave a description of the Application.
Mark Williamson who works with the Bick Lesser indicated they have a will-service letter from Angel Springs for water service. Elliott Sheltman asked Mark if they had contacted LDWA for water and with whom they talked. Mark replied, yes they had and talked to Karen. Darrell Nelson indicated that LDWA was not able to service that area and Mark was told to contact Angel Springs. Elliott thought LDWA had not been contacted because it had never been on their agenda. Darrell indicated the water had been discussed at a prior Planning Commission meeting.
Bick Lesser gave a presentation on his application. Planning Commission members and Bob Nicholson discussed the subdivision with him.
Dave Burton who lives across the street indicated that his property is in the Town limits and they get there water from Angel Springs. He went on and discussed with Commission members what properties were in the County vs in the Town and how long they have been in the Town limits.
Darrell Nelson made a motion to open the public hearing on the Subdivision Preliminary Plan Application for Bick Lesser. 2nd by Reed Braithwaite . Motion passed.
Roger New who is working with Bick Lesser gave an update on the septic systems for the subdivision. Dave Burton asked Roger if there would be three separate systems. Roger replied

yes, one for each lot and discussed it further with Commission members. Dave indicated his property is just to the left and was concerned about the drain fields. Roger indicated the water would be treated so it will come out at recreational grade water and will possibly have to get additional engineering to make sure it doesn't cross over to his property.

Betty McKnight asked Roger how big the septic systems would be. Roger responded it can use 500 gal per day and sized for a 5 bedroom home. The dimensions are 10X4 and 3 feet high.

Mark Rosenthal the average water use is 280 gallons of water per person per day how much water is required per person per day on the septic systems. Roger responded that he was not sure per person but the state estimates 480 gal per day per home. They will be sized for the homes. Commission discussed the property around the subdivisions and who owns it. Mark asked, does the town or the County have the authority to recommend a dust abatement plan prior to construction. The wind is bad up there and if there is any construction it will be tough on the neighbors. Is there a landscaping plan?

Bob Nicholson the Town Planner indicated there is no dust abatement; however, the dust could fall under a public nuisance that could have some recourse.

Elliott Sheltman stated that they are piggy-backing a subdivision that is already there and the fact that it is split up that way. Is there any way to control the development.

Bob Nicholson replied it has to meet the Towns subdivision Ordinances and asked Elliott what his issues were. Elliott indicated there is no real control there because some of the property is County and some is on the Town road. He questioned how the road was located. Mark indicated the road is in the County. They pay Leeds taxes; however, receive no benefits. Is there some reason why the Town controls that area or could we de-annex the property?

Mark Rosenthal they use different roads systems than Leeds and different water than Leeds. Some people think it should be de-annexed while others do not.

Bob Nicholson responded to Elliott that in the long run, Town's want developments as part of the Town. If anything, everything should be annexed into the town. The County does not want to service subdivisions. Bob discussed it further with Elliott.

Dave Burton while they approved this subdivision they gave the County the roads to maintain. The boundaries are very old.

Elliott asked Steve Lewis the Fire Chief because of the fire; did Leeds find out that they owned more property than they thought? Steve replied that until the fire, nobody really paid attention to the boundary lines but at that time they had to figure it all out. There is a fire hydrant located up there but is not very efficient. He discussed it further with Commission members.

Alan Roberts is in favor of the streamlining process; however, it has to meet the Ordinance which states the lot fronts are on a fully improved street. That is up for interpretation of what you would consider a fully improved street. Because this property is within Leeds, Leeds has a responsibility to take care of that road. He would use cautions to have a good understanding of what a fully improved public street is.

Dave Burton the road is dirt and he indicated there is a comment recorded on the subdivision's map that Leeds is having the County maintain that road. Commission members discussed it further with Bob Nicholson.

Mark Williamson first took this subdivision to his engineer who indicated this application qualified for the streamlining process.

Mark Rosenthal asked what the requirement is for fully improved roads. Bob Nicholson responded that it is typically a hard surface. On larger lots you could waive the sidewalk and gutter. Norm Peters asked Bob Nicholson if Leeds allows gravel roads as fully improved roads

and is that in writing? Bob responded that Leeds allows gravel roads as public streets but he is not saying that is the definition of fully improved.

Norm Peters replied then your drawing a line between what is a public street and fully improved street and who is going to do that? You can't really draw that division because half the Town is gravel roads with big pot holes in them and that is not a fully improved road.

Elliott asked Bick what his timeline was on getting started. Bick replied around 1 ½ years before they start to build. Norm asked Bick if it was a continuation of a subdivision. Bick said no, they bought it with the intention of splitting it into 3 family lots.

Angela Rohr asked if there was gas or utilities in the road. Dave Burton indicated utilities yes but no natural gas and the only reason why they haven't asked to de annex their property is they would rather be part of Leeds.

Norm Peters made a motion to close the public hearing on the Subdivision Preliminary Plan Application for Bick Lessor. 2nd by Elliott Sheltman. All Voted "Aye". Motion passed.

9. Action Items:

- a. Nominations and Election of Planning Commission Chairman and Chairman Pro-Tem. Norm Peters made a motion to nominated Elliott Sheltman for the Planning Commission Chairman. 2nd by Reed Braithwaite. All Voted "Aye". Motion passed.

Norm Peters made a motion to nominated Darrell Nelson for the Chair Pro-Tem. 2nd by Reed Braithwaite. All voted "Aye". Motion passed.

- b. Lot Line Adjustment on parcels L-3-1-7-251, L-3-1-7-2471 and L-3-1-7-246 into one parcel, application by Christina Pilkey.

Larry Pilkey discussed the lot line adjustment with Commission members.

Darrell Nelson made a motion to approve the lot line adjustment for Christina Pilkey.

2nd by Norm Peters. All voted "Aye". Motion passed in a Roll Call vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
CHAIR: ELLIOTT SHELTMAN	x	_____	_____	_____
COMMISSION MEMBER: NORM PETERS	x	_____	_____	_____
COMMISSION MEMBER: DARRELL NELSON	x	_____	_____	_____
COMMISSION MEMBER: REED BRAITHWAITE	x	_____	_____	_____

- c. Discussion and possible action on Subdivision Preliminary Plan Application for Bick Lesser 3-lot minor subdivision on Shinarump Circle parcel number L-4-1-12-231. Planning Commission members discussed the application process further with Bob Nicholson.

Elliott Sheltman recommended Bick to contact LDWA to show good faith and give them a chance to discuss it.

Mark Williamson indicated that he remembered going up and they were closed but they do not supply the water where the subdivision is located. Elliott replied that it was not a discussion that was brought to the board and he would feel better if they did that. Mark asked Elliott how to contact them. Elliott indicated to call and they could have an appointment set up for next week.

Alan Roberts responded to Elliott's request that he would interject; he does not see how that request is germane because they have a will-service letter from Angel Springs. Elliott indicated it is pertinent because the water provider for the town is LDWA. Alan indicated LDWA is a water provider for the town; Angel Springs is a water provider for properties within Leeds that are in that area. There are two homes up there that are being served by Angel Springs. Elliott indicated that was 7 years ago and there is a different water company today and he knows LDWA was not aware of this until the process was down the line. Alan responded that they don't have to be notified, that's like saying two entities provide power in the Town and only one

provides it in that area. Elliott indicated there is really only one water provider within Leeds and its LDWA and you are talking about two homes. Alan responded what he is talking about is the main water line and it is not LDWA's for that property. Elliott was talking about the Town and as a Town representative he feels like LDWA should have been contacted.. Alan responded that the Town of Leeds is the water purveyor for the Town of Leeds. LDWA is a water provider that services the Town of Leeds. Elliott indicated that LDWA should have been notified and aware of the situation and the Town needs to support LDWA because they are the main water supplier and they have put a lot of money into infrastructure.

Mark Williamson we would have preferred LDWA but they do not service that area that was discussed at a prior Town Council meeting so they did not see it necessary to contact LDWA. Elliott responded that they didn't do anything wrong; however, he thinks it would be a good idea to contact LDWA.

Planning Commission discussed further about the streamlining process with Bob Nicholson and Mark Williamson. Elliott would like to look at de annexing the property.

Bick Lesser indicated if they are not receiving any benefits to being within the town of Leeds than he doesn't want to be a part of it, but if they are he has no problem paying for them. If they are too isolated and it doesn't make sense for Leeds to service that area, then he feels like people up there would just assume not be part of the Town. Elliott indicated that is what he would like to review.

Mark Williamson asked Elliott if he has de annexed anything before. Elliott indicated no, that's what he would like to find out.

Darrell Nelson responded that the County would rather give up land than to seizing it. He would just be willing to bet that they would not want the property. He then discussed the taxes that are involved. Bob Nicholson indicated the Town should have additional mill levy money.

Alan Roberts the Town does have a mill Levy and they collect money off the properties that are within the Town, but there is no money that comes from the County to Leeds. The only Levy they can assess is property within the Town limits. Leeds taxes are the 2nd lowest in the County. Elliott responded that the way he is looking at it is, if you're paying taxes for a dirt road then what is the benefit. Part of the reason he is doing this, he is looking at the Town and in some cases it is poor zoning and this is an example. You don't even drive through Leeds to get to the property. Alan Roberts disagreed with Elliott about the zoning and indicated you do drive through Leeds to get to it.

Bob Nicholson said normally the County encourages property to go into Towns not the reverse and then discussed taxes. Elliott just doesn't think people should pay taxes and not get any services. Bob replied that some of the services are Town administration.

Mark Williamson asked why LDWA didn't service that area from the beginning. Elliott indicated history of the water companies and how they started. Alan Roberts responded that would be another 2 hour conversation.

Planning Commission discussed further. Darrell asked Roger new if he already has septic paperwork. Roger indicated not yet and asked who the Town engineer is. Bob Nicholson replied Sunrise Engineering.

Mark Williamson recalled that when he was working with Joe Allen on the purchase of the property, Angel Springs had already been approached for water service and that is why they bypassed LDWA. It was already assumed that Angel Springs would provide the water. Mark never did contact LDWA.

Bob Nicholson went over the next steps for the application.

Darrell Nelson made a motion to approve the Preliminary Plan Application for Bick Lesser under the conditions that they contact LDWA as a formality; however, Angel Springs to supply

the water, and the County Environmental Health for septic systems and contact the Town Attorney for opinion on approved roads. 2nd by Norm Peters. All voted "Aye". Motion passed.

10. Discussion Items: None.

11. Staff Reports: None.

12. Adjournment:

Darrell Nelson adjourned the meeting.

Time: 8:25pm.

APPROVED ON THIS 7 DAY OF May, 2014


Elliott Sheltman, Chair

ATTEST:


Kristi Barker, Deputy Clerk/Recorder