

Town of Leeds

Town Council Meeting for September 9, 2015

1. Call to Order:

Mayor Peterson called to order the regular meeting of the Leeds Town Council at 7:02pm on September 9, 2015, at Leeds Town Hall, 218 N Main.

ROLL CALL:

	<u>Present</u>	<u>Absent</u>
MAYOR: WAYNE PETERSON	x	_____
COUNCILMEMBER: RON CUNDICK	x	_____
COUNCILMEMBER: ANGELA ROHR	x	_____
COUNCILMEMBER: JOE ALLEN	x	_____
COUNCILMEMBER: NATE BLAKE	x	_____

2. Pledge of Allegiance by Councilmember Rohr.

3. Declaration of Abstentions or Conflicts: None.

4. Approval of Agenda:

Mayor Peterson indicated there is a correction on the consent agenda, the meeting minutes date needs to be changed from July 26, 2015 to August 26, 2015.

Councilmember Allen moved to approve tonight's agenda and meeting minutes of August 26, 2015. 2nd by Councilmember Blake. Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
MAYOR: WAYNE PETERSON	x	_____	_____	_____
COUNCILMEMBER: RON CUNDICK	x	_____	_____	_____
COUNCILMEMBER: ANGELA ROHR	x	_____	_____	_____
COUNCILMEMBER: JOE ALLEN	x	_____	_____	_____
COUNCILMEMBER: NATE BLAKE	x	_____	_____	_____

5. Citizen Comments:

6. Announcements:

Mayor Peterson announced the following Town events:

- a. Wild West Days, September 11 & 12th, 2015.
- b. Emergency Preparedness Fair Saturday, September 19 from 10:00a.m. to 4:00p.m.
- c. Town BBQ, Friday, September 25, 2015 at 6:00p.m.

7. Public Hearings: None.

8. Action Items:

- a. Town Council approval of Danny Swenson appointment to Planning Commission. Mayor Peterson, Chief Steve Lewis, due to conflicts with meetings at the Hurricane Valley Special District, needed to resign from the Planning Commission. The process we follow is that the Mayor appoints and the Town Council Approves any replacement made over the course of the term that is unexpired. This is an appointment for Danny Swenson to fill the seat which is being vacated by Chief Lewis. It goes until June 30, 2016.

Mayor Peterson asked for a motion to approve Danny Swenson’s appointment to the Planning Commission.

Councilmember Rohr, I so move. 2nd by Councilmember Allen. Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	x	_____	_____	_____
COUNCILMEMBER: RON CUNDICK	x	_____	_____	_____
COUNCILMEMBER: ANGELA ROHR	x	_____	_____	_____
COUNCILMEMBER: JOE ALLEN	x	_____	_____	_____
COUNCILMEMBER: NATE BLAKE	x	_____	_____	_____

- b. Lot Line Adjustment on parcels L-66-A, Comas and L-3-1-7-2411, Peine. Mayor Peterson, if I could ask Elliott Sheltman as a member of the Planning Commission is there a summary you would be able to provide about this deliberation that is being moved forward from the Planning Commission on a lot line adjustment?. Elliott Sheltman, we approved it and we had the proper permission slips signed by people.

Mayor Peterson asked for a motion to approve the lot line adjustment on parcels L-66-and L-3-1-7-2411.

Councilmember Cundick, I so move. 2nd by Councilmember Blake.

Councilmember Rohr, where is it?

Councilmember Blake, it is in the back of Comas’s property.

Mayor Peterson, it is the back edge.

Councilmember Rohr, and it is going from Comas to Peine.

Mayor Peterson, no, it is the other way around. It is going to Comas from Peine.

Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	x	_____	_____	_____
COUNCILMEMBER: RON CUNDICK	x	_____	_____	_____
COUNCILMEMBER: ANGELA ROHR	x	_____	_____	_____
COUNCILMEMBER: JOE ALLEN	x	_____	_____	_____
COUNCILMEMBER: NATE BLAKE	x	_____	_____	_____

- c. Discussion and possible action on Ordinance 2015-07, instituting a program for Curbside Collection of Residential Recycling.

Mayor Peterson, this Ordinance was distributed at our last meeting, where it was suggested that we table it until tonight. There were a few questions and changes that had been requested. One that Councilmember Rohr had requested was that it highlight that it is only for those who are participating and that they are required to pay for, but not to actually go about doing the recycling. It is a matter of you need to make the payment, but not that you need to actually do the recycling. There was also a question raised by Councilmember Cundick about the lien that is placed by the Special Service District. I did ask Gary Kuhlmann, the Town Attorney, about that and his response was that the Special Service District has the ability to place a lien for an unpaid trash bill; whereas, the Town itself does not. The Town's only ability would be to seek a judgement and then attach that to the property. So the lien process would involve the Special Service District. There was something that Gary noted, it was in the situations where there would be an opportunity to continue with an opt out election, he added the concept of being able to do it for a spouse or a family trust. It is in item B,3 where it says "a change is made in the designation of the person or entity responsible for payment of utility service, other than to a spouse, trust, trustee, or lessee of the owner or a person holding a power of attorney from the owner". He added that language just to make sure that it is clear that we are not looking for someone who currently resides in Leeds, who chooses to opt out, to lose that ability to opt out over time. That is also reflected in C,3 on the same page where the final clause says "unless the owner of said residence is moving from a Leeds residence that maintains a current opt out election of curbside recycling". They would be permitted to continue to opt out at their new address within Leeds.

Elliott Sheltman, we have what 300, 400 homes?

Mayor Peterson, I think it's about 325 that are trash serviced.

Elliott Sheltman, I was looking at the proposal and high end is \$4.00 a month and low end is \$3.00 a month, so you are pulling out about \$1,000.00 every month out of the pockets of residents of Leeds. In over a year, you are looking at \$12,000. You think about things when you are sitting on the other side of the table, like general finance and such, but one thing we don't seem to look at much is the makeup of the people who live here. A lot are retirees on fixed income who haven't had a cost of living increase for years because the Government has figured out a way to basically run those numbers so they don't get regular inflation. Those people in some cases are hanging on; I know that because of the water bill problems that we have. It is tough to deal with, especially when it is a legitimate problem where a person is in financial turmoil. I don't know if any of you have had recycling before where you live. Up in California, it is an interesting experience and if you would like, I can tell you how it worked where I lived. We were basically given a small bin to start out with, it was not mandatory and there was not a fee involved. You would put these bins out but you couldn't fill them up, you didn't want things to blow out. The bin was only about 2 1/2, 3 feet tall. After about a year we were told the recycling program is not working well enough because the bins are too small, so what we are going to do is give you 3 large garbage cans. You are going to have a blue can, black can, and a green can. The green can is for yard stuff, the blue one is for recyclables and the black one is for normal garbage. That goes on for about a year at which point they came back and said, some of you guys are not following the rules, so what we decided to do is raise the rates because we need an enforcement division; which means we need employees, cars and of course pension plans that the employees are on. We are not bringing in enough revenue; we got to make sure everyone is following the rules. They do that for about a year, and after that period of time, they said you know what, the recycling was not near as profitable as the enforcement. So they came back to you in the fourth year and they say, we are going to increase

the amount of enforcement, cars and the pension plans and you are going to be paying 4 or 5 times over the amount you were paying in the first rate. Which I think was about \$8.00, so you're looking at about 40 or 50. This was all over California, our cousins and friends were all under the same enforcement. They actually put a line item on the budget where they had the amount of revenue they thought we were going to bring in. Again, if you look over the recycling benefits, it is more than that. They literally drive before the garbage trucks to see if anything is there and if some child on a bike, or in our case a beach cruiser, or skateboard throws a plastic bottle into your grass bin, you can't win that. This was 15 years ago and the fine was \$100.00. The County didn't come up with this on their own, why reinvent the wheel. They went to someone out there or some outfit came to them and said "here's what we do". The Hospital has it all the time; you have people that come in from New York that the Hospital hires for their corporate system and say "here's what we are going to do". I cannot believe they have not looked at that aspect of it, because that is really what it is about and that is how recycling has ended up with everybody that I have known that has had it where it is mandatory.

Elliott Sheltman discussed the economy and how it affects local residents.

Mayor Peterson, There were three options that each Town were given. One was to say we are not going to participate at all, another was to say we are going to make it mandatory for all of our residents, and the third one was that there would be an opt out feature that would allow every resident to choose not to pay the fee, or to have a barrel to participate in the curbside recycling. It is the opt out that we are currently discussing right now. We have put in revisions for anybody that lives in Town right now if they choose to opt out they can and if they choose to continue to opt out going forward and remain in Leeds, they will be able to. The other thing is there is a hardship provision in there that says "if somebody's financial situation changes and they did not previously opt out, they would be able to opt out." So the objective is certainly not to have it where people would be put under a financial strain. The way that the opt out system works is, people who choose to participate will pay an added fee; it is a monthly fee that will be billed quarterly. Those who choose not to participate will not pay anything for that. Now I have heard your experience with curbside recycling and I can tell you that I lived in the State of New Jersey for over 20 years. Curbside recycling was there right as I arrived. Early on it was not comingled, you had to have individual barrels for everything. Then they went to a comingled model, which I believe was originated out west, here actually. It went for the 20 years that I was there and it had none of the changes that you have described. It did not have the garbage police; it did not have increasing fees associated with it. It just went with a program side by side with trash collection. The concerns I have with the curbside are those who participate need to use common sense. Unfortunately in New Jersey from time to time, it was Town-wide littering day because it was a windy day and people put out loose papers and they traveled in what direction the wind decided to push them. The proposal before Town Council right now is for an opt out proposal that would permit everyone in Town to choose to opt out. A mailing will go to everybody, a special mailing if opt out recycling is approved. An additional mailing will be going out in the form of the normal quarterly trash bills reminding people that if they choose to opt out, they have until the end of October to do so. On a County-wide basis, if there is not a 50% participation rate across all of the communities, they will not proceed with the program. So I do not think it is accurate to say they are enforcing it right now, they are just trying to make it available. The opt out procedure allows each and every resident in the Town to make a decision, with regards to whether or not an individual home is going to be recycling or not.

Elliott Sheltman, is there a fee to opt out.

Mayor Peterson, no there is no fee.

Councilmember Cundick, I have got a few concerns that I would like to address. One is that right now we have the bin system in the Town and we make not a lot, around \$500.00 a year; but people that want to recycle can use that and people who don't, do not have to. I guess what bothers me about the opt out procedure is that it really is not an opt out procedure. It is mandatory; it's a different terminology because eventually everybody is in a mandatory situation. It's a question of time until it is mandatory because property eventually will be sold to somebody else.

Mayor Peterson, somebody outside of Town.

Councilmember Cundick, maybe not in my lifetime, but I would suspect within a few years. If we go with the opt out, it will be mandatory to everybody. What bothers me about that is, I like programs that are voluntary. I like programs that you can say, I want to participate and then if I don't like it, I can stop participating and this doesn't give you that option. Yes you can opt out for yourself right now, but the next person that buys your house, it is not voluntary to him, he has to do it, it is mandatory. Basically if we go with the opt out option, we really should be calling it the second mandatory option. We are delaying the mandatory option going with the opt out because I don't think people fully understand it. It would be a lot different if people had to come up front and say we want to recycle, and then you had to get 50% of the people who came in and said that. But the way it is set up is very administrative convenient for those who don't say anything, they are going to be mandatory to recycle. My suspicion is there are a lot of folks that are clueless as to what is going on. They will wake up one morning and say what happened, we didn't go for this. So, I guess my biggest objection is that it is not truly voluntary across the board. It is voluntary right now, but you can't get out if you get in. One option would be to wait and see what happens with the other Towns and see how this works for a few years. I have a sense that this little community isn't in dire need of recycling right now. I understand New Jersey, I have been there. I understand the big communities because garbage is a big problem. I had a similar experience, my relatives had the same experience as Elliott had in Mesa, Arizona. It wasn't quite that extreme, but they did have the recycling police come around and they did get fined. So I don't know, I have those mixed feelings about it and I guess my biggest view is that it is not truly a voluntary program. I would prefer to see a program where you could say I want to try it or I don't and if I try it that I could quit and we don't have that feature. I was a little perturbed to see that the proposed agreement requires us to pay 10% interest if we were late on paying the Special District whether we collect from the people or not, but yet we are required to pay. If we don't make that payment on time, we pay 10% to the District. I guess it is a small consideration, but it is a little harsh.

Mayor Peterson that does parallel what the situation is with our trash bills, which I am sure is not going to make you feel more comfortable about that. We have to pay a penalty if we fail to pay our trash bill.

Councilmember Cundick, and I don't like that either and the other thing I failed to mention is that we as a Town do not get any extra money to administer this program. We have to administer it with our trash bills. If there is any money that is available on this, it is the District that gets it. As soon as the garbage gets put into the recycle bin, it belongs to the District. The District sells it as recycle material and they get the money, it does not go back to the Town. So we lose our \$500.00 a year here and I don't know where the money goes, it doesn't come back here.

Councilmember Rohr, in section D, 1, this is the section that I talked about two weeks ago when we were looking at this. It looks like our Attorney reworded it a little bit, but I don't like the way the wording is.

Town Council discussed the agreement further and made the following amendments:

- (d) overall residential recycling participation rate: the number of residences or residential units, calculated at the end of each quarter and expressed in a percentage, who participate or are required to ~~participate in and paying~~ pay for curbside residential recycling collection services when compared to the total number of residences or residential units in all municipalities that have elected to participate in the curbside residential recycling collection program.

Add the following section to the agreement:

- 10. As of December 31, 2020, this program will be subject to review and possible cancellation.

Mayor Peterson, with those two changes, could I have a motion to approve Ordinance 2015-07as amended.

Councilmember Rohr, I so move.

Councilmember Allen asked Mayor Peterson to go over the proposed amendments.

Mayor Peterson, read the following amendments:

In item 1, (d) eliminate the words ~~participate in and paying~~ and add pay, so it now will read: who participate or are required to pay for curbside residential recycling collection services and add item 10 as follows:

- 10. As of December 31, 2020, this program will be subject to review and possible cancellation.

2nd by Councilmember Allen. Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: RON CUNDICK	<u> </u>	<u> x </u>	<u> </u>	<u> </u>
COUNCILMEMBER: ANGELA ROHR	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: JOE ALLEN	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: NATE BLAKE	<u> </u>	<u> x </u>	<u> </u>	<u> </u>

- d. Discussion and possible action on Resolution 2015-07, establishing Curbside Residential Recycling Collection Service Agreements.

Mayor Peterson, what this consist of is an agreement between Washington County Special Service District No. 1 and Dixie Waste and then a second contract between the Town of Leeds and the Special Service District No. 1., where they are going to be providing the services to us. The item that I mentioned earlier about the lien is actually contained in the Resolution and it is the ability of the Special Services District to place a lien on a property that fails to pay the Town of Leeds for recycling services.

Councilmember Blake, that just puts the burden of collection on the Waste Management.

Mayor Peterson, no, actually they will put the lien in on our behalf because we pay the County and we collect from our residents. What this is saying is, if a resident does not pay their bill, the Special Services District will assist us by placing a lien on the property.

Councilmember Cundick, the Service District will have their money. It is not a question of if the

Service District will have their money; we will pay the Service District. It just allows them to lien to help the Town recoup the money that we would be losing if we couldn't collect it otherwise. I don't think it will be a problem.
 Town Council discussed the Resolution further.

Mayor Peterson asked for a motion to approve Resolution 2015-07 approving a curbside residential recycling collection service agreement between Washington County Special Service District No. 1 and Dixie Waste Services and approving and authorizing the execution of an agreement for curbside recycling collection services between Washington County Special Service District No. 1 and the Town of Leeds.
 Councilmember Allen, I so move. 2nd by Mayor Peterson.

Councilmember Rohr and the Mayor discussed what agreement was being approved.

Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	x			
COUNCILMEMBER: RON CUNDICK		x		
COUNCILMEMBER: ANGELA ROHR	x			
COUNCILMEMBER: JOE ALLEN	x			
COUNCILMEMBER: NATE BLAKE		x		

9. Discussion Items:

- a. Washington County Resource Management Plan – Celeste Maloy.

Celeste Maloy, I work at the County Attorney's office. It is my job to write a Resource Management Plan for Washington County. Right now, the Federal Agency's write a Resource Plan and their Resource Management Plan becomes their governing document for 20 to 30 years until they write a new one. They are required by law to get input from the public and how it usually happens is, they write a Resource Management Plan then they open it up for comment and the County and the Cities local governments come in and say what they do not like and try to get it changed. This last Legislative session, the State of Utah passed a law that required all Counties to write their own Resource Plan so when Counties are dealing with Federal Agencies of the State, they can come in with a plan right up front and say "this is what we want" instead of being retroactive on the back end and saying "we don't like what you are doing". In order to not make this a St. George plan and a County plan, I am trying to get out to all of the Cities and Towns in the County to get input on what you think is important. As you can see I am dealing with 27 resources that I have to consider. I do not expect for you to give input on all 27 of those resources but any of them that matter to you in a particular way, if you could just write them down or email them to me.

Celeste discussed it further.

Mayor Peterson summarized the Resource Management Plan. It is centered on 3 core resources, energy, air and water and contain detailed plans regarding, mining, land use, livestock and grazing, irrigation, agriculture, fire management, noxious weeds, forest management, water rights, ditches and canals, water quality and hydrology, flood plains and rivers terraces, wetlands, riparian areas, predator control, wildlife, fisheries, recreation and

tourism, energy resources, mineral resources, cultural, historical, geological, and paleontological resources, wilderness, wild and scenic rivers, threatened, endangered, and sensitive species, land access, law enforcement and economic considerations. Mayor Peterson asked Celeste what is the time table is for input?

Celeste Maloy, I would like input by November.

Councilmembers and Celeste discussed the plan further and Celeste highlighted some of the following concerns with the Federal Government Resource Management Plan:

BULLETPPOINT CONCERNS ON SGFO DRAFT RMP FOR THE BEAVER DAM WASH AND RED CLIFFS NCA'S

1. Collaboration and cooperation (with state, county, and local governments) language was pervasive in old plan, but that language is gone in alternatives B, C, & D. Lack of cooperation is troubling.
2. The Northern Corridor Road is not shown in the Preferred Alternative B. Northern Corridor is required by OPLMA and needed for county growth.
3. BLM proposes 3 new ACEC's. The county has 8 existing ACEC's. Just adds another layer of unneeded protection.
4. A new area (87,000 acres) of protection is proposed in Alternative B called the Bull Mountains Multi Species Management Area. Nobody even knows what that extra layer of protection even means.
5. A new area or corridor called the Old Spanish Trail Corridor (12,506 acres) is proposed in Alternatives B C & D. This corridor could possibly restrict and impede ROW priorities on Old Highway 91 along with other road corridors?
6. In both the Beaver Dam and Red Cliffs NCA's BLM is proposing to:
 - a. Make grazing unavailable on some allotments over the life of the RMP. (The Taylor grazing Act does not allow closing allotments to grazing.)
 - b. Impose a 40% utilization level (arbitrary figure, not based on science)
 - c. Reduce permitted grazing in the NCA's by using a 20 year average of actual use. (Not scientific, harmful to grazers who are good stewards)
7. BLM plans to obtain all water rights in the NCAs (surface, groundwater, and point source) and prohibit water from leaving the NCAs. This would affect municipal water supplies.
8. BLM is proposing to use the new designation of Special Recreation Management Area (SRMA). The better alternative is leaving the area as an Extensive Recreation Management Area (ERMA) with the upper and lower zone concept to protect the Desert Tortoise.
9. BLM needs to delete entire section on page 255 dealing with Wilderness Characteristics! The lands bill OPLMA P.L. 111.11 specifically states that all land in Washington County has been adequately studied for wilderness designation. All WSA lands were released and no longer subject to section 603 9c for FLPMA!
10. Introduction of California Condors is proposed. Any condor population in the NCAs would be under full ESA protection.
11. Recreational uses eliminated in Draft RMP: (low impact uses, currently allowed)
 - a. Collection of fossils and petrified wood
 - b. Competitive equestrian and motorized events
 - c. Metal detecting and geocaching
 - d. * Dispersed camping and OHV use allowed, but further restricted
12. Activities unnecessarily restricted in the future: (could be easily managed through permitting rather than completely eliminated)

- a. Closing grazing allotments
- b. No new ROWs (right of way)
- c. Only native seed planting — even after fires
- d. No wildland fire as a management tool
- e. Restrictions on off road travel around Hildale

Town Council and Celeste discussed it further.

- b. Repealing Ordinance 2005-09, Public Safety Impact Fee.

Mayor Peterson, there are 3 other discussion items that are related. They are included in the packets but we are not going to be taking any action on them tonight. The one I would like to walk you through a bit that I see changes that would need to be made is Ordinance 2007-06.

- c. Amendments to Ordinance 2007-06, Leeds Impact Fee Administration System

Mayor Peterson, what we need to do is eliminate on page 6, the Public Safety Impact fee because we would no longer be collecting that. There is also a sewer impact fee that I believe would be appropriate to eliminate from this document. There is a culinary water impact fee but there are statements within that because we are the water manager for the Town that I believe we need to leave that in; however, people might want to read that section carefully. I spoke to Gary Kuhlmann the Town Attorney about it and he indicated you can list dozens and dozens of fees and not collect them. I don't see the purpose of doing that, I think we should have it trimmed down to what is a real possibility in Town, as opposed to the others that may have been adopted from St. George or somewhere else that doesn't really fit our character here. If people would read that, I think at our next meeting we can take action.

- d. Amendments to Ordinance 2009-21, Consolidated Fee Schedule

Mayor Peterson, the Consolidated Fee Schedule is something that will need to be updated and as a result we would need to eliminate the Public Safety fee.

10. Citizen Comments: None.

11. Staff Reports:

Councilmember Cundick, I think we need to advise the citizens here on what we have done, as far as the recycling. I am not clear on the process for those who want to opt out.

Mayor Peterson, there is a document that the Special Service District prepared that explains what gets recycled and what does not and how the program works. I drafted a letter in the event that we did pass something this evening that will go out Thursday or Monday. We will also send out something in our trash bills. People can opt out by phoning, mailing in or dropping off the request. Then we as a Town will be confirming that to them.

Mayor Peterson, I have heard back from Ensign Engineering, they are willing to do a price estimate for the work that would be required that we could submit the request to UDOT. The estimate is \$450.00.

Mayor Peterson, there may be some tents in the Park tonight. We were asked by Chief Lewis if the Fire Fighters could stay that are coming off the mountain.

Mayor Peterson discussed it further.

12. Adjournment:

Councilmember Cundick adjourned the meeting.
Time: 8:27pm.

APPROVED ON THIS _____ DAY OF _____, 2015

Mayor, Wayne Peterson

ATTEST:

Kristi Barker, Deputy Clerk/Recorder

DRAFT

ORDINANCE NUMBER 2007-06
LEEDS IMPACT FEE ADMINISTRATION SYSTEM
THROUGH 2025
SUPERSEDES ORDINANCE 97-10 LEEDS IMPACT FEE
ADMINISTRATION SYSTEM

AN ORDINANCE REPLACING LEEDS ORDINANCE 97-10 ESTABLISHING PROCEDURES FOR THE IMPOSITION, CALCULATION, COLLECTION, EXPENDITURE AND ADMINISTRATION OF IMPACT FEES; PROVIDING A PURPOSE AND INTENT; PROVIDING DEFINITIONS; PROVIDING GENERAL PROVISIONS AND APPLICABILITY; PROVIDING FOR THE ESTABLISHMENT OF IMPACT FEE ACCOUNTS, THE APPROPRIATION OF IMPACT FEE FUNDS, AND FOR REFUNDS; PROVIDING FOR EXEMPTIONS AND FOR APPEALS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the State of Utah has established requirements for the imposition, administration and use of impact fees, the Impact Fees Act, Utah Code Ann. §11-36-101, et.seq.; and

WHEREAS, pursuant to the Impact Fees Act, Leeds Town is required to comply with its requirements; and

WHEREAS, the Town Council has considered and evaluated the procedures for the administration and operation of the Leeds Town impact fee system; and

WHEREAS, the Town Council finds it necessary and appropriate to establish procedures, not only pursuant to the Impact Fees Act, Utah Code Ann. §11-36-101, et.seq., but also to ensure the fair, equitable and efficient administration of the Leeds Town impact fee system;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF LEEDS TOWN, UTAH, the Leeds Impact Fee Administration System is as follows:

THE REVISED ORDINANCE, PASSED AND ADOPTED by the Town Council, of Leeds Town, Utah this 28 day of March, 2007

TRUDY LAW, MAYOR

ATTEST:

Karen Markovich, Leeds Town Clerk

LEEDS, UTAH

IMPACT FEE ADMINISTRATION SYSTEM

ORDINANCE NUMBER 2007-06

Adopted March 28, 2007

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LEEDS TOWN IMPACT FEE ADMINISTRATION SYSTEM

1.0 Purpose and Intent

- 1.1 Purpose. The purpose and intent of the Impact Fee Administration System is:
- 1.1.1 To establish uniform procedures for the imposition, calculation, collection, expenditure and administration of Impact Fees imposed on new development by Leeds Town;
 - 1.1.2 To facilitate the implementation of the goals, objectives and policies of the Leeds General Plan, Leeds Capital Facilities Plan(s), and Leeds Land Use and Subdivision Ordinance, assuring that new impact-producing development contributes its fair share towards the cost of providing capital facilities reasonably necessitated by such development;
 - 1.1.3 To ensure that new development is reasonably benefited by the provision of capital facilities provided by Impact Fees; and
 - 1.1.4 To ensure that all applicable legal standards as required by Federal and State statutory law and all applicable case law standards are properly incorporated.

2.0 Definitions

The words or phrases used herein shall have the meaning prescribed herein:

- 2.1 Applicant.** A person, company or corporation who has filed an application for preliminary or final subdivision approval, preliminary or final site plan approval, conditional use approval or building permit approval.
- 2.2 Application for Development Approval.** An application for development approval that is subject to this Ordinance as set forth herein.
- 2.3 Appropriation, To Appropriate, Encumber.** An action by the Leeds Town Council to identify capital facilities for which Impact Fee funds may be utilized. Appropriation shall include, but shall not be limited to: inclusion of a Capital Facility in the adopted Town budget or capital facilities plan; execution of a contract of other legal encumbrance for the provision of a Capital Facility, using Impact Fee funds; and expenditure of Impact Fee funds through payments made from an Impact Fee account.
- 2.4 Capital Facilities.** Shall include "system improvements" as defined in Utah Code Ann. § 11-36-102(16), and also includes costs and expenses incurred in connection with the planning, design, engineering and construction of such facilities; planning, legal, appraisal and other costs related to the acquisition of land, financing and development costs including debt service charges; the cost of compliance with purchasing procedures and applicable administrative and legal requirements; and all

other costs necessarily incident to the provision of a Capital Facility, which are public facilities, as allowed by the Utah Code.

- 2.5 **Capital Facilities Plan.** A document, required by the Utah Impact Fees Act (Utah Code Ann. § 11-36-101 et.seq.) (the "Act") identifying; the demands placed upon existing public facilities by Development Activity; and the proposed means by which Leeds Town will meet said demands. Capital Facilities Plans for the Town may be created separately by categories of Impact Fees allowed by the Act or collectively and shall identify the anticipated future demand upon the Town to provide capital facilities over a specified plan period.
- 2.6 **Credit.** A reduction in the Impact Fee calculated to be due from an Applicant for a specific Development Activity as may be determined by the Town and approved by the Town Council. As set forth below, Credits may only be given in the event an Applicant has, prior to the date an Impact Fee is due, constructed, assisted in the payment thereof, or dedicated land for a Capital Facility that is deemed to be a System Improvement.
- 2.7 **Credit Certificate.** A certificate issued by the Town allowing a defined amount of credit toward the dollars due for a specific Impact Fee in a defined Capital Facility category. These certificates are issued under an approved agreement in which the recipient of the certificate has provided funds for a Capital Facility improvement.
- 2.8 **Development Activity.** Any construction, expansion of a building, structure, or use, any change in use of a building or structure, or any changes in the use of land that creates additional demand and need for public facilities
- 2.9 **Development Approval.** Any final authorization provided by Leeds Town permitting the commencement of a Development Activity including, but not limited to; final subdivision plat approval (includes subdivisions of any size), final site plan approval, and issuance of a valid building permit.
- 2.10 **District or Impact Fee District.** A defined geographic area designated by a local political subdivision on the basis of sound planning or engineering principles in which a defined set of public facilities provide service within the area. A District or Impact Fee District may include the entire local political subdivision.
- 2.11 **Fee Adjustment.** A factor included within the Capital Facility Impact Fee calculation methodology, to avoid a potential double-charging for prior fees or assessments paid, and fees or assessments anticipated to be paid in the future for the provision of Capital Facilities required to serve impact-producing development and included in a Capital Facilities Plan.
- 2.12 **Impact Fee.** A payment of money imposed upon Development Activity as a condition of development approval. Impact Fee does not mean a tax, a special assessment, a building permit fee, a hook-up fee, a fee for project improvements, or other reasonable permit or application fee.
- 2.13 **Impact Fee District Map(s).** The map(s) defining the geographical extent of the Impact Fee Districts and sub-districts for each adopted Impact Fee.

2.14 **Project Improvement.** Project improvements means site improvements and facilities that are: 1) planned and designated to provide service for development resulting from a Development Activity; 2) necessary for the use and convenience of the occupants or users of a development resulting from a Development Activity. "Project improvements" does not mean system improvements.

2.15 **Public Facilities.** Include the following capital facilities that have a life expectancy of ten or more years and are owned or operated by or on behalf of a local political subdivision or private entity: 1) water rights and water supply, treatment, and distribution facilities; 2) wastewater collection and treatment facilities; 3) storm water, drainage, and flood control facilities; 4) municipal power facilities; 5) roadway facilities; 6) parks, recreation facilities open space, and trails; 7) Public safety facilities.

2.16 **Subdivision, New.** Any subdivision platted after the adoption of this ordinance.

2.17 **System Improvements.** Include both existing public facilities that are designed to provide services to service areas within the community at large and future public facilities identified in a capital facilities plan that are intended to provide services to service areas within the community at large. "System improvements" does not mean project improvements.

3.0 General Provisions

3.1 **Term.** This Ordinance shall remain in effect unless and until repealed, amended or modified by the Town Council in accordance with applicable state law, local Ordinance and procedures.

3.2 **Annual Review.** At least once every year and prior to the Town Council adoption of the Town Budget, the Town shall review the Leeds Town Impact Fee System and may prepare a Report on the subject of Impact Fees. **The report shall include:**

3.2.1 Recommendations on amendments, if appropriate, to Town requirements imposing and setting Impact Fees for each category of capital facilities;

3.2.2 Proposed changes to the Leeds Town Capital Facilities Plan(s), including the identification of Capital Facility projects anticipated to be funded wholly or partially by Impact Fees;

3.2.3 Proposed changes to the boundaries of Impact Fee districts or sub-districts;

3.2.4 Proposed changes to Impact Fee calculation methodologies as contained in the Ordinance(s) imposing the setting of Impact Fees;

3.2.5 Proposed changes to levels of service standards for capital facilities; 3.2.6

Other data, analysis or recommendations as may be deemed appropriate.

- 3.3 **Request for Information.** Any person may request, and the Town shall provide within fourteen (14) days, all information and other materials related and relevant to the imposition, calculation and collection of Impact Fees. The Town may recover all costs generally incurred to provide the information requested.

4.0 Affected Area

- 4.1 **Impact Fee District.** Impact Fees shall be imposed on all Development Activity within an Impact Fee District, which may be divided into Impact Fee sub-districts. Generally an Impact Fee District should include all areas within the municipal boundaries of Leeds Town, Utah.
- 4.2 **Change in Boundaries of Impact Fee Districts.** The Town Council may amend the boundaries of an Impact Fee District, or sub-districts, at such times as may be deemed necessary to carry out the purposes and intent of this Chapter and applicable legal requirements for the use of Impact Fees. In the event of annexation of an unincorporated portion of Washington County into the Town, the Impact Fee District boundaries shall be deemed to have been changed by operation of law.

5.0 Type of Development Affected

- 5.1 **Development affected.** All development, including subdivision, regardless of size and all building permits for both residential and commercial structures, as well as any development that will use public facilities.
- 5.2 **Type of Development Not Affected.**
- 5.2.1 **Prior building Permits.** Proposed development for which a building permit has been issued prior to the effective date of this Ordinance providing the use and size of the structure has not changed.
- 5.2.2 **Previous Payment of Impact Fees.** Impact Fees imposed at time a building permit is issued for a specific Capital Facility shall not be recalculated at a later stage of the development even if the impact has changed in the meantime. Impact Fees paid at the time of a subdivision plat approval for a specific Capital Facility shall be recalculated when a building permit is approved if the Impact Fee has changed in the meantime. In this case only the difference between the paid Impact Fee and the then current Impact Fee will be imposed for the Capital Facility involved.
- 5.2.3 **Public Facilities of the County, State, school district, special service districts, municipalities, or political subdivision of the State of Utah or Federal Government.**
- 5.2.4 **Replacement Residential Unit.** Redevelopment or rehabilitation which replaces but which does not increase the number of residential dwelling units or the ability to house more residents above that existing on the site prior to redevelopment or rehabilitation.

5.2.5 Replacement Non-residential Development. Redevelopment or rehabilitation which replaces, but which does not increase the intensity of development above the existing on the site prior to redevelopment or rehabilitation nor changes the use to one which has a greater impact-producing effect with respect to any Capital Facility than that existing on the site prior to redevelopment or rehabilitation.

6.0 Procedures for Imposition, Calculation and Collection of Impact Fees

6.1 Imposition. A final new subdivision plat or building permit will only be approved after Impact Fees are paid as defined in this section. The amount of the Impact Fees will be as detailed in the Impact Fee Analysis for each Impact Fee category. Building permit fees are not included in Impact Fees. The following methods are to be used for applying and collecting Impact Fees for the Town for each category of Capital Facility.

6.1.1 Parks. Impact Fees will be collected at time application is submitted for a building permit for any residential lot or commercial facility which provides lodging facilities. Commercial properties which are for the purpose of overnight or long term lodging will be considered residential for purposes of collecting Park Impact Fees. Facilities with short term or overnight residential unit or location for a residential unit in the case of a Recreational Vehicle Park will be considered one-third (1/3) of a residential unit when calculating Impact Fees. Facilities for long term residents shall be considered residential units for collecting Impact Fees.

~~6.1.2 Public Safety. Impact Fee will be collected at time application is submitted for a building permit for any residential lot. Impact Fees for commercial property will be collected at time a site plan is approved.~~

6.1.2~~3~~ Transportation.

6.1.2~~3~~.1 New Subdivision. All new subdivision Impact Fees will be collected at time of Building Permit approval. As Impact Fees are for system improvements, all project improvements are to be provided by the developer. Project improvements include access roads from an existing deeded road with an asphalt surface to the project and all roads either through and/or adjacent to the project. Project improvement will require asphalt road width in accordance with Leeds Standard Specification for Design and Construction to accommodate the traffic projected for this project. The right-of-way to be dedicated will be in accordance with the Leeds Master Transportation Plan. That is, if a local road is all that is required for the subdivision and the Master Transportation Plan identifies the road as a Collector Road the developer will dedicate the Right-of-Way for the collector road, but is only required to construct a road meeting local road width. If it is determined that the full Collector road is to be needed at the time of initial road construction either by **the** Town or the developer, and not needed for this development, then a transportation credit will be given to the developer. If the developer

builds a road that is to be used as a collector road, and meets the standards for a collector road, this additional road width will be considered a System Improvement and as such will be given a credit for the additional width of the road. This credit shall be applied equally to all lots within the subdivision toward the transportation Impact Fee. The credit for each lot will not exceed the Impact Fee in existence at time of subdivision final plat approval.

6.1.23.2 Individual lots. Single lots, outside of a new subdivision in which an Impact Fee for the lot has not previously been paid, will be collected at the time a building permit is requested.

6.1.34 Culinary Water.

6.1.34.1 New Subdivision. All new subdivision Impact Fees will be collected at time of final plat approval and recording of the plat. As Impact Fees are for system improvements all project improvements are to be provided by the developer. Project improvements are, but not limited to, storage facilities, distribution lines, water source and pumps necessary to accomplish proper distribution of culinary water within the subdivision. If water is not available adjacent to the subdivision, then the developer will install the lines necessary to provide water to the subdivision as a project improvement. If the Town requests that the system line to the subdivision be increased over the size that is necessary for the subdivision, then the over-sizing is considered a system improvement and subject to a credit. If water storage capacity is needed or present storage capacity increased for the subdivision, this is considered a project improvement. If the Town requests that the storage capacity be increased greater than what is required for the subdivision, this increased size will be considered a system improvement subject to a credit. The credit shall be applied equally to all lots within the subdivision toward the culinary water Impact Fee. The credit for each lot will not exceed the Impact Fee existing at time of subdivision final plat approval. If the Town has an agreement with the Washington County Water Conservancy District (WCWCD) and the Impact Fee collected by the Town does not include the WCWCD Impact Fee, the applicant must show evidence of paying the WCWCD impact prior to approval and collecting the Leeds Impact Fee. The Leeds Impact Fee will not include infrastructure installed and is part of the WCWCD Impact Fee unless an agreement is in place whereby an applicant is not paying double for a given capital improvement.

6.1.34.2 Individual lots. Impact Fees for individual lots will be paid at time of building permit application unless the total Impact Fee was paid as part of the subdivision Impact Fee.

6.1.45 Irrigation Water. Each developer shall include as part of the project improvements a separate water distribution for irrigation water unless the plat is recorded stating that all lots will be "zero-landscape" lots using only native and desert landscaping. Where irrigation water is to be used the same

conditions for distribution and storage as stated under culinary water will apply including irrigation water credit for system improvements not required by the subdivision.

6.1.6 Sewer. Impact Fees for sewer will be in two categories 1) for the sewer treatment plant; and 2) for the collection lines and any lift stations required.

6.1.6.1 The sewer treatment plant Impact Fee will be applied to all new subdivisions based on the number of lots within the subdivision. The single lot Impact Fee for the sewer treatment plant will be the same as that for each lot in a subdivision. In a multifamily dwelling or a dwelling that has a guest house, each dwelling unit will be charged the Impact Fee.

6.1.6.2 Collection lines including tying into the trunk line will be the developer's responsibility to install to meet the requirements for his subdivision. If the Town requests that the capacity of collecting lines or lifting capacity be increased greater than what is required for the subdivision this increased size will be considered a system improvement subject to a credit. This credit shall be applied equally to all lots within the subdivision toward the sewer collection lines Impact Fee. The credit for each lot will not exceed the Impact Fee in existence at time of subdivision final plat approval. Single lots will be charged an Impact Fee based on the lot frontage. The minimum amount will be based on 100 foot frontage. For lots with a frontage width more than 100 feet, the Impact Fee would increase at one percent (1.0%) per foot over 100 feet. Example: for a lot width 200 foot frontage the Impact Fee for the sewer collecting line would double.

6.1.6.3 Credit Certificates issued by the Town to be applied to a sewer system may be applied to either or both the sewer Impact Fee and/or the collecting line Impact Fee.

6.1.6.4 If the Town decides that sewer lines will not be run in specified areas of the Town, then no Impact Fee can be allocated to developments in this area. If at a later date the Town decides to include these areas in the sewer system, then a Special Improvement District will be implemented to collect the full cost of the additional line. The cost to each dwelling and business in the SID must include a prorated cost for the treatment system and the main collection line.

6.1.6.5 Hook up fees must be determined to ensure that the Town maintains an income sufficient to cover all costs of operating the treatment plant, maintaining the treatment plant and replacement costs for the equipment. Hook up fees are not Impact Fees.

6.1.57 Each Capital Facility Plan and Impact Fee Analysis must describe how commercial properties will be charged Impact Fees. This must be separated by the type of commercial properties as some would require more services of

a given type than others. Example: A Motel would use more water and sewer facilities than a storage unit, where a restaurant would require more services per square foot than a grocery store.

6.2 Calculation.

6.2.1 Upon receipt of an application for a building permit or a request for final subdivision approval, the Town Official shall determine if Impact Fees apply to the project under the following conditions:

6.2.1.1 Whether it is a residential or non-residential activity,

6.2.1.2 The class of residential or nonresidential development, and if residential, the number of dwelling units,

6.2.1.3 If nonresidential, the intensity of development, and

6.2.1.4 The Impact Fee district in which the proposed project is located.

6.2.2 After making these determinations, the Town Official shall determine the demand for Capital Facilities required by the proposed Development Activity and calculate the applicable Impact Fee, multiplying the demand of the proposed impact-producing development by the Impact Fee per demand unit, as set forth in the calculation methodology.

6.2.3 If the type of Development Activity is not expressly listed in the specific Impact Fee Ordinance, the Town Official shall:

6.2.3.1 Identify the most similar land use type listed and calculate the Impact Fee based on the Impact Fee per demand unit for that land use, or

6.2.3.2 Identify the broader land use category within which the specific land use would fit and calculate the Impact Fee based on the Impact Fee per demand unit for that land use category.

6.2.4 If neither of the alternatives set forth above are appropriate, the demand may be determined by the Town Council by amending the appropriate Capital Facility Plan and Impact Fee Analysis by adding the calculation method for the undefined type of development..

6.2.5 The calculation of Impact Fees due from a multiple-use impact-producing Development Activity shall be based upon the aggregated demand for each Capital Facility generated by each land use type in a proposed development.

6.2.6 The calculation of Impact Fees due from a phased Development Activity shall be based upon the demand generated by each phase for which subdivision development approval or building permit applications are received.

6.2.7 All Impact Fees shall be calculated based on the Impact Fee per demand unit in effect at the time of new subdivision plat approval or building permit issuance.

6.3 Credits.

6.3.1 Credits against the amount of an Impact Fee due from a proposed Development Activity shall be provided for the dedication of land and/or the provision of Capital Facilities that are System Improvements by an Applicant prior to the date an Impact Fee would normally be assessed for that category of Impact Fee so long as the following factors are met:

6.3.1.1 The costs of such land or facilities have been included in the fee calculation methodology for the applicable category of capital facilities; or

6.3.1.2 The land dedicated or capital facilities provided is determined by the Town Council to be a reasonable substitute for the cost of facilities which are included in the applicable fee calculation methodology.

6.3.2 Applications for credit shall be made to the Town Council and shall be submitted at or before the time of a new subdivision approval building permit application based on the type of Impact Fee. The application for a credit shall be accompanied by relevant documentary evidence indicating the eligibility of the applicant for the credit. When an application for a credit accompanies an application for a new subdivision final approval or a building permit, the Town Official shall calculate the applicable Impact Fee without any credit. Any credit determined appropriate by the Town Council shall be applied against the Impact Fee calculation to be due; however, in no event shall a credit be granted in an amount exceeding the Impact Fee due. Credits may not be transferable among Impact Fee Categories.

6.3.3 Credits for dedication of land or provision of Capital Facilities shall be applicable only against Impact Fees for the same category of Capital Facilities. If the value of the dedication of land or provision of Capital Facility exceeds the Impact Fee due for that Capital Facility category, the excess value may not be transferred to Impact Fees calculated to be due from the applicant for other categories of capital facilities nor may the excess value be transferred to other applicants or properties. If the Town has issued Credit Certificates to developers or individuals in accordance with a document approved by the Town Council, these credits are transferable but may not be redeemed for cash. Credit Certificates may not be transferred among other Impact Fee Categories.

6.3.4 Developers that complete transportation "System Improvements" for which Impact Fees are imposed are entitled to a credit toward the Impact Fee they would pay up to the amount of expenditure they made for the "System Improvements"; however, in no event shall a credit be granted in an amount exceeding the Impact Fee due.

6.4 Collection.

6.4.1 The Town shall collect all applicable Impact Fees at the time of final subdivision plat approval or building permit issuance unless:

6.4.1.1 The applicant is determined to be entitled to a credit, at which time they will be required to pay the difference between the Credit and the Impact Fee actually owed; or

6.4.1.2 The applicant is not subject to the payment of Impact Fees.

7.0 Establishment of Impact Fee Accounts; and Appropriation of Impact Fee Funds

7.1 **Impact Fee Accounts.** An Impact Fee account shall be established by the Town for each category of Capital Facilities for which Impact Fees are collected. All Impact Fees collected by the Town shall be deposited into the appropriate Impact Fee account, which shall be interest bearing. All interest earned shall be considered funds of the account. The funds of these accounts shall not be co-mingled with other funds or revenues of the Town. The Town shall establish and implement necessary accounting controls to ensure that the Impact Fee funds are properly deposited and appropriated in accordance with this Ordinance and other applicable legal requirements.

7.2 Appropriation of Impact Fee Funds;

7.2.1 General. Impact Fee funds may be appropriated for Capital Facilities and for the payment of principal, interest, and other financing costs on contracts, bonds, notes, or other obligations issued by or on behalf of the Town to finance capital facilities.

7.2.2 Appropriations and Encumbrances. Impact Fees shall be appropriated or encumbered only for the category of Capital Facility for which they were imposed, calculated and collected, and within six (6) years of the beginning of the Fiscal Year in which the fees were collected. Impact Fees shall not be appropriated for funding maintenance, operation or repair of capital facilities.

7.2.3 Appropriation of Impact Fee Funds beyond Six (6) Years of Collection. Notwithstanding this Section, Impact Fee funds may be appropriated or encumbered beyond six (6) years from the beginning of the Fiscal Year in which the fees were collected if the appropriation is for Capital Facility which requires more than six (6) years to plan, design, finance and construct. The Town Council shall identify in writing the reason for the appropriation of Impact Fee funds beyond six (6) years of collection, and establish a date certain for their expenditure.

7.3 Procedure for Appropriation of Impact Fee Funds.

7.3.1 The Town Council, as part of the annual budget process, will identify Capital Facility projects anticipated to be funded in whole or in part with Impact Fees. The Town Council shall specify the nature of the Capital Facility, its

location, the system capacity added by the improvement, the service area of the improvement, and the timing of completion of the improvement.

7.3.2 The Town Council may authorize Impact Fee-funded capital facilities at such other times as may be deemed necessary and appropriate. Such capital facilities shall also be described, as set forth above.

7.3.3 The Town Council shall verify that adequate Impact Fee funds are, or will be, available from the appropriate Impact Fee accounts for the proposed capital facilities.

8.0 Refunds

8.1 **Application Required.** For efficiency in the processing of refunds the applicant is required to file a written request for a refund with the Town Council and provide the necessary information as identified herein. Except as provided, refunds shall be made only to the current owner of property on which the Development Activity was proposed or occurred.

8.2 **Payment.** Refunds shall only be made following an affirmative action by the Town Council with the finding that:

8.2.1 The developer will not proceed with the project and has filed a written request for a refund.

8.2.2 The fees have not been appropriated, encumbered or spent, and

8.2.3 That no impact has resulted.

8.3 **Interest Payable.** All Impact Fee refunds authorized by an affirmative vote of the Town Council shall include a pro rata share of interest earned by the applicable Impact Fee account calculated at the average annual rate of interest for the period the applicant's Impact Fees were in the account.

8.4 **Eligibility for Refund:**

8.4.1 **Expiration or Revocation of Building Permit.** An applicant who has paid an Impact Fee for a proposed impact-producing Development Activity for which the applicable building permit has been revoked shall be eligible to apply for a refund of Impact Fees paid. Any refund would be based on the applicant proving that his development has not had an impact on the Town's Capital Facilities and that no Impact Fees were expended because of his development.

8.4.2 **Failure of the Town to Appropriate Impact Fee Funds Within Time Limit.** An applicant may apply for a refund of Impact Fees paid if the Town has failed to appropriate or encumber the Impact Fees collected within the time limits established in this Ordinance.

8.4.3 Abandonment of Development after Initiation of Construction. An applicant who has paid an Impact Fee for a proposed impact-producing Development Activity for which a subdivision plat has been approved, a building permit has been issued, construction has been initiated but which is abandoned prior to subdivision completion and has not received an issuance of a certificate of occupancy or acceptance by the Town, shall not be eligible for a refund unless the uncompleted building is completely demolished and removed, or in the case of a subdivision, that any connections into Capital Facilities have been removed as directed by the Leeds Town Council and providing that the Town has not spent Impact Fees to accommodate the development.

8.5 **Processing of Applications for Refunds.** Applications for a refund shall include all information required by section 8.6 or Section 8.7 whichever is applicable. Upon receipt of a completed application for a refund, the Town Council shall review the application and all documentary evidence submitted by the applicant, as well as such other information and evidence as may be deemed relevant, and make a decision by majority vote of whether a refund is due.

8.6 **Applications due to abandonment.** Applications for refunds due to abandonment shall be made within sixty (60) days following expiration or revocation of the development permit or demolition of the structure and disconnection from Capital Facilities if so directed by the Leeds Town Council. The applicant shall submit:

8.6.1 Evidence that the applicant is the property owner or the duly designated agent of the property owner,

8.6.2 The amount of the Impact Fees paid and receipts evidencing such payments, and

8.6.3 Documentation evidencing the expiration or revocation of the development permit or demolition of the structure.

8.6.4 Documentation evidence that the property is no longer utilizing Capital Facilities as directed by the Leeds Town Council.

8.6.5 Documentation showing that the Town did not spend impact funds to accommodate the development.

8.6.6 Documentation showing the refund is not based on a Credit Certificate which has no cash value.

8.7 **Applications due to time limits.** Applications for refunds due to the failure of the Town to appropriate fees collected within the time limits established in this Ordinance shall be made within ninety (90) days following the expiration of such time limit. The applicant shall submit:

8.7.1 Evidence that the applicant is the property owner or the duly designated agent of the property owner,

8.7.2 The amount of the Impact Fee paid and receipts evidencing the Impact Fee payments, and

8.7.3 Proof and documentation that the Town did not appropriate or encumber Impact Fees in accordance with an approved Capital Facility Plan.

9.0 Appeals

9.1 An appeal from any decision of the Town Council pursuant to their Ordinance shall be made in writing within thirty (30) days to the Board of Adjustment. Within thirty (30) days from the date the appeal is filed, the appeal authority shall:

9.1.1 Conduct an appeal hearing, and

9.1.2 Make a final decision on the appeal. The appeal authority will ensure that all minutes, findings, orders, transcripts and other materials are correct and represent the true and complete record of the proceedings of the appeal hearing. If the notice of the appeal is accompanied by a bond or other sufficient surety satisfactory to the Town Attorney in an amount equal to the Impact Fee due, the application for a building permit for the Development Activity may be issued by the Town. The filing of an appeal shall not stay the collection of the Impact Fee due unless a bond or other sufficient surety has been provided.

9.2 **Burden of proof.** The burden of proof shall be on the applicant to demonstrate that the decision of the Town Official is erroneous.

10.0 Conflicts.

Neither this Ordinance nor any applicable specific Impact Fee Ordinance shall affect, in any manner, the permissible use of property, density/intensity of development, design and improvement standards or other applicable standards or requirements of the Town. To the extent of any conflict between other Town Ordinances or regulations and this Ordinance, the more restrictive is deemed to be controlling.

11.0 Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, sentence, clause, phrase or portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

ORDINANCE NUMBER 2007-06 SHALL TAKE EFFECT IMMEDIATELY.

PASSED AND ADOPTED THIS 28th DAY OF MARCH, 2007.

TRUDY LAW, MAYOR TOWN OF LEEDS

Attest:

KAREN MARKOVICH, CLERK/RECORDER

ROLL CALL VOTE: _____REQUIRED NOT REQUIRED

MAYOR TRUDY LAW _____ AYE _____ NAY

COUNCIL MEMBERS:

DALE BARNES AYE NAY
DAVE HARBOUR AYE NAY
FRANK LOJKO AYE NAY
JARED WESTHOFF AYE NAY

AYE VOTES NAY VOTES ABSTENTIONS

ORDINANCE #2007-06 IS _____PASSED _____REJECTED

KAREN MARKOVICH, CLERK/RECORDER

**TOWN OF LEEDS, UTAH
ORDINANCE NO. 2015-06**

AN ORDINANCE REPEALING THE PUBLIC SAFETY IMPACT FEE ORDINANCE 05-09

WHEREAS, the Town of Leeds, Utah ("Town") is a political subdivision of the state of Utah, authorized and organized under the provisions of Utah law;

WHEREAS, the Town has legal authority, pursuant to Title 11, Chapter 36, Utah Code Annotated, as amended, to impose development impact fees as a condition of development approval, and has established such impact fees, including an impact fee for public safety; and

WHEREAS, the Town does not currently provide public safety services to the residents of the Town: such services being provided by Washington County and the Leeds Area Special Service District; and

WHEREAS, the Town has determined that due to the current and anticipated lack of development within the Town, and the requirements of law regarding the use or refunding of impact fees, it is unlikely that the impact fees for public safety will be accumulated to such an extent to allow their use as required by law.

NOW THEREFORE, the Town Council hereby ordains that the impact fee imposed for public safety under the Town's prior impact fee enactment is repealed and no impact fee shall be charged for public safety until such time as the Town Council determines otherwise by the adoption of an appropriate impact fee ordinance. All public safety impact fees collected to date and which remain unexpended or unencumbered shall be refunded by the Town Treasurer, within a reasonable time, to the person paying such fee. Interest earned on such amounts shall be prorated and paid to the person entitled to receive the impact fee refund.

This Ordinance shall be effective September 23, 2015.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	_____	_____	_____	_____
COUNCILMEMBER: ANGELA ROHR	_____	_____	_____	_____
COUNCILMEMBER: RON CUNDICK	_____	_____	_____	_____
COUNCILMEMBER: JOE ALLEN	_____	_____	_____	_____
COUNCILMEMBER: NATE BLAKE	_____	_____	_____	_____

TOWN OF LEEDS

Mayor, Wayne Peterson

ATTEST:

Kristi Barker, Deputy Clerk/Recorder

TOWN OF LEEDS
ORDINANCE 2015-09

Amending Resolution 2010-06

ADOPTING THE CONSOLIDATED FEE SCHEDULE FOR THE TOWN OF LEEDS

WHEREAS, the Town of Leeds staff reviewed and made recommendations on the Consolidated Fee Schedule, which repeals the Public Safety Impact Fee and reflects an addition to festival booth fees in the amount of \$35.00 for each 10X10 non-electric booth, and \$55.00 for each 10x10 booth with available power; and,

WHEREAS, at the Town Council Meeting on September 23, 2015, the Town Council discussed the Consolidated Fee Schedule; and,

WHEREAS, the Consolidated Fee Schedule established by Resolution 2010-06 requires an update and reformatting;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LEEDS, UTAH, that the attached Consolidated Fee Schedule, be adopted, and be effective as of Thursday, September 24, 2015.

THE REVISED ORDINANCE, PASSED AND ADOPTED by the Town Council, of Leeds Town, Utah this 23 day of September, 2015.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	_____	_____	_____	_____
COUNCILMEMBER: ANGELA ROHR	_____	_____	_____	_____
COUNCILMEMBER: RON CUNDICK	_____	_____	_____	_____
COUNCILMEMBER: JOE ALLEN	_____	_____	_____	_____
COUNCILMEMBER: NATE BLAKE	_____	_____	_____	_____

This Ordinance shall be effective September 24, 2015.

Mayor, Wayne Peterson

ATTEST:

Kristi Barker, Deputy Clerk/Recorder

TOWN OF LEEDS

CONSOLIDATED FEE SCHEDULE

Revised by Ordinance 2015-09

Effective Date: September 24, 2015

If review of an application or permit by outside professional service providers is required (in the Town's sole discretion) the Town will provide an estimate of such costs to the applicant. Upon the applicant's payment of the estimated cost, the professional services will be provided. Final issuance of the approval or permit requested will not be given until payment in full of the actual cost of professional services is received by the Town.

1. ADMINISTRATION

- a. Certified Mail \$5.00
- b. Certified Mail regarding delinquent account\$10.00
- c. Copies — Customer Provided
 - 1) 8.5" x 11" \$.10 per page
 - 2) 8.5" x 14" \$.15 per page
 - 3) 11" x 17" \$.20 per page
- d. Copies — Legal / Official Documents
 - 1) 8.5"x 11"\$.20 per page
 - 2) 8.5" x 14" \$.30 per page
 - 3) 11" x 17" \$.40 per page
 - 4) Electronic Copy of Public Meeting \$30.00 each
- e. Copies — Maps
 - 1) 8.5" x 11" Black and White\$5.00
 - 2) 8.5" x 11" Color\$7.00
 - 3) 11" x 17" Black and White\$8.50
 - 4) 11" x 17" Color\$10.00
 - 5) 17" x 22" Black and White\$12.00
 - 6) 17" x 22" Black and White\$15.00
- f. Fax Transmissions
 - 1) 1st page sending or receiving \$2.00
 - 2) Each additional page \$1.00 each
- g. GRAMA Requests
 - 1) Request must be in writing, using GRAMA Request Form
 - 2) Once request is received, the Town Office has ten (10) days to fill the request
 - 3) First 15 minutes of research time..... No Charge
 - 4) After initial 15 minutes \$20.00 per hour
 - 5) Applicant will pay for all additional expenses associated with the government records request, including research, supplies to grant the request, travel expenses, professional fees etc.
- h. Notary Service
 - 1) Resident of Leeds No Charge
 - 2) Non-Resident\$5.00 per signature
- i. Return Check Fee
 - 1) Any returned check\$25.00 per item
 - 2) Certified Mail to notify of delinquent account\$10.00
- j. Staff /Administration Time..... \$30.00 per hour

2. PROFESSIONAL FEES (Attorney, Engineer, other) Actual Cost to Town

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3. BUILDING PERMITS AND IMPACT FEES

- a. Building Permit
 - 1) Application & Packet\$5.00
 - 2) Building Permit Filing Fee \$100.00
 - 3) Building Permit Fee.....Based on Valuation
 - 4) Building Permit Extension Fee..... 1% of evaluation of home
- b. Excavation Permit..... based on volume of earth removed
- c. Excavation Plan Review based on volume of earth removed
- d. Impact Fees
 - 1) Park Impact Fee \$1,300.00
 - 2) Road Impact Fee.....\$3,295.00

4. CEMETERY

- a. Cemetery Plot
 - 1) Leeds Resident \$400.00
 - 2) Non-Resident \$800.00
- b. Exhumation \$500.00
- c. Internment
 - 1) Weekdays \$450.00
 - 2) Weekends & Holidays \$550.00
- d. Moving Headstones Actual Cost to Town
- e. Sale of Plot back to the Town \$100.00

5. CIVIL PENALTIES FOR VIOLATION OF ORDINANCES

- a. Abatement Costs
 - 1) Removal of noxious weeds; garbage, refuse, deleterious objects or structures, Including staff time.....\$50.00 per hour
- b. Penalties (Civil Penalties assessed for multiple offenses for previously cited violations within a twelve (12) month period shall be in addition to the civil penalties assessed on the prior citations for the same offense.)
 - 1) First Offense.....\$100.00
 - 2) Second Offense – Same within twelve (12) months.....\$250.00
 - 3) Third or More Offense – Same within twelve (12) months.....\$500.00

6. LICENSES

- a. Alcohol License
 - 1) On & Off Premise, Beer Only \$200.00
 - 2) On Premise, Restaurant Wine and Beer \$200.00
- b. Animal Licenses
 - 1) Dog, each license, up to 4 dogs \$5.00 each
 - 2) Kennel License, for over 4 dogs.....\$25.00, plus each dog license
 - 3) Commercial Kennel License..... CUP Category fee plus Business License Fee
 - 4) Late Fee, beginning February 1 \$5.00 per month/per dog
- c. Business License
 - 1) General Commercial Only \$50.00
 - 2) Home Occupation Only \$50.00
 - 3) Late Fee, beginning February 1\$10% of License Fee

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7. PARKS AND BUILDING USE

a. Peach Pit Pavilion	
1) Cleaning Deposit (Refundable, within 7 days)	\$50.00
2) Rental to Town of Leeds Residents (Non-Refundable)	
4 hours or less, each day	\$25.00
Over 4 hours, each day	\$50.00
3) Rental to Non-Residents (Non-Refundable)	
4 hours or less, each day	\$50.00
Over 4 hours, each day	\$100.00
4) Rental to Non-Profit Organizations.....	No Charge
b. Building Rental	as allowed by Town Resolutions
c. Festival Booth Fees	\$35.00 for 10X10 non-electric, \$55.00 with power

8. PERMITS

a. Encroachment Permit (Ordinance 2007-08)	
1) Application Fee.....	\$125.00
2) Completion Guarantee Deposit	
Pavement Surface (including chip/seal)	\$3,000.00 up to 70 sq. ft.
Pavement Surface (including chip/seal)	\$45.00 per sq. ft. over 70 sq. ft.
Gravel Surface.....	\$6.00 per sq. ft.
Unimproved Surface	\$3.00 per sq. ft.
b. Handbill Permits	
1) Permit	\$30.00
2) Cleanup Bond (Refundable within 7 days).....	\$200.00
3) Non-Profit Organizations	\$1.00
4) Open Air Display Permit.....	\$125.00
c. Peddler, Solicitor, or Itinerant Permit	
1) Per Week.....	\$100.00
2) Per Year	\$400.00
d. Sign Permits	
1) Permanent, Each.....	\$50.00
2) Temporary, Each.....	\$25.00
3) Special Event Permit.....	\$100.00

9. PLANNING / DEVELOPMENT FEES (Non-Refundable)

a. Annexation Application	\$800.00
b. Development and/or Annexation Agreement.....	\$500.00
c. Appeal Application	\$550.00
d. Conditional Use Permit (Ordinance 2008-04; 7.5.)	
1) Category 1	\$100.00
2) Category 2	\$350.00
3) Category 3.....	\$650.00
4) Category 4.....	\$1,000.00
e. General Plan Amendment Application	\$1,000.00
f. Hillside Permit Review	\$200.00
g. Lot Line Adjustment	\$200.00
h. Ordinance Amendment Application	\$1,000.00
i. Sign Review Board.....	\$100.00

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j. Site Plan Review

- 1) Site Plan Review is used for commercial, industrial and institutional developments; site plans to the Hillside Review Board; site plans that go to the Planning Commission. Exceptions are Public Schools and minor additions to existing buildings \$200.00 plus \$50.00 per acre.

k. Subdivisions

- 1) Conceptual Review
(Fees to be applied to Preliminary Plat Review) \$250.00 plus \$25 per lot
 - 2) Preliminary Plat Review \$500.00 plus \$25 per lot
 - 3) Final Plat Review..... \$500.00 plus \$75 per lot
 - 4) Minor Subdivision \$250.00 plus \$25 per lot
 - 5) Plat Amendment Filing Fee \$100.00 per lot
 - 6) Subdivision Filing Fee \$50.00 per lot
 - 7) Inspection Fee..... \$100.00 per lot
- If the fund is exhausted before the completion of the subdivision, the developer shall pay the Town of Leeds an amount estimated by the Leeds Engineer or Inspector to be sufficient to cover completion.

l. Temporary Use Review \$50.00

m. Variance Application.....add postage costs and admin time @ \$30.00 per hour

n. Zoning

- 1) Design Review Application..... \$350.00
- 2) Zone Change Application\$1,000.00 plus \$50.00 per acre

o. Project or Development Plan Changes \$200.00 per change (plus professional fees)

10. RECORDING FEESPaid by Applicant

11. SERVICE CHANGE, UTILITY PERMITS \$100.00

12. MISCELLANEOUS FEES

a. Inspection, each hour, 1 hour minimum

- 1) Residential \$55.00 per hour
- 2) Commercial \$75.00 per hour

Enforcement: Any person who willfully violates any provision of this Ordinance shall be guilty of a Class B Misdemeanor and will be charged the current fees, as established in Washington County.

Repealer: If any provision or clause of this Ordinance or application thereof to any person or entity or circumstance is held to be unconstitutional or otherwise invalid by any court or competent jurisdiction, such invalidity shall not affect other section(s), provision(s), clause(s) or applications hereof, and to this end the provisions and clauses of this Ordinance are declared to be severable.