

Town of Leeds

Agenda Town of Leeds Town Council Wednesday, October 14, 2015

PUBLIC NOTICE is hereby given that the Town of Leeds Town Council will hold a **PUBLIC MEETING** on Wednesday, October 14, 2015 at 7:00 P.M. The Town Council will meet in the Leeds Town Hall located at 218 N Main, Leeds, Utah.

NOTE: IF YOU WISH TO SPEAK DURING CITIZEN COMMENT, PLEASE SIGN IN WITH THE RECORDER.

Regular Meeting 7:00 p.m.

1. Call to Order/Roll Call
2. Pledge of Allegiance
3. Declaration of Abstentions or Conflicts
4. Consent Agenda:
 - a. Tonights Agenda
 - b. Meeting minutes of September 23, 2015.
5. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
6. Announcements:
 - a. Meet the Candidates Night, Wednesday, October 21 at 7pm
 - b. Stake walk/run, Saturday, October 24, 8am-10am
 - c. Silver Reef Museum Ghost Tours, October 24 & 30
 - d. Curbside recycling opt out deadline, October 31
 - e. Vote by Mail by Tuesday, November 3
7. Public Hearings:
8. Action Items:
 - a. Zone Change for Parcel L-3-B-1 for William Rainey and Linda Rowley from Commercial (C) to Rural Residential (R-R-1)
9. Discussion Items:
 - a. Veterans Day observance
10. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).

11. Staff Reports

Closed Meeting: A Closed Meeting may be held for the discussion of the character, professional competence, or physical or mental health of an individual as allowed by Utah State Law 52-4-205(1)(a); or for the discussion of pending or imminent litigation; as allowed by the Utah State Law 52-4-205(1)(c); or for the discussion of the purchase, sale, exchange, or lease of real property, including any form or a water right or water shares; as allowed by Utah Code 52-4-205(1)(d).

12. Adjournment

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

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

Certificate of Posting;

The undersigned Deputy Clerk/Recorder does hereby certify that the above notice was posted October 13, 2015 at these public places being at **Leeds Town Hall, Leeds Post Office, the Utah Public Meeting Notice website <http://pmn.utah.gov>, and the Town of Leeds website www.leadstown.org.**


Kristi Barker, Deputy Clerk/Recorder

Town of Leeds

Town Council Meeting for September 23, 2015

1. Call to Order:

Mayor Peterson called to order the regular meeting of the Leeds Town Council at 7:01pm on September 23, 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 Allen.

3. Declaration of Abstentions or Conflicts: None.

4. Approval of Agenda:

Councilmember Allen moved to approve tonight's agenda and meeting minutes of September 9, 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: None.

6. Announcements:

- a. Town BBQ at Peach Pit Pavilion, Friday, September 25 at 6pm.
Mayor announced that the final BBQ will be held this Friday.

Mayor Peterson indicated there will be a meet the candidate's night at 7:00pm on Wednesday October 21 at the Town Hall.

7. Public Hearings: None.

8. Action Items:

- a. Discussion and possible action on Ordinance 2015-06, Repealing Ordinance 05-09, Public Safety Facility Capital Facility Plan and Impact Fee Calculations.

Mayor Peterson, there is a separate Impact Fee that applies to the Special Service District. Currently the Hurricane Valley Special Service District does not have an impact fee; however, they are in the process and it should be complete by the time that the consolidation is complete between Leeds and Hurricane Special Service. At this point, there is really nothing to spend the Public Safety Impact Fee on. It was related to Police coverage and is not something that can be transferred to the Sheriff's Department. The actual Ordinance was drafted by Gary Kuhlmann and it references the necessary titles and chapters.

Councilmember Rohr, the purpose of repealing it benefits us in the standpoint that we don't have to do the refund and all the paperwork that is involved.

Mayor Peterson, for future people, we will still need to get things squared up for those that have paid it and it has not been expended.

Mayor Peterson asked for a motion to approve Ordinance 2015-06, Repealing Ordinance 05-09, Public Safety Facility Capital Facility Plan and Impact Fee Calculations.

Councilmember Cundick, I so move. 2nd by Councilmember Rohr. All voted "Aye". 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. Discussion and possible action on Ordinance 2015-08, Amendments to Ordinance 2007-06, Leeds Impact Fee Administration System

Mayor Peterson indicated Gary Kuhlmann suggests on a longer term basis, Ordinances refer to the State Code so we do not have to amend it every time the code changes.

Mayor Peterson indicated the following amendments have been made:

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.

6.1.6 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.

Mayor Peterson, the section that is there in regards to water is something that I think we should leave. The Town is the water provider and it does specify the requirements for a new subdivision with regards to being able to get water service to it.

Mayor Peterson asked for a motion to approve Ordinance 2015-08, Amendments to Ordinance 2007-06, Leeds Impact Fee Administration System
 Councilmember Allen, I so move. 2nd by Councilmember Blake. All voted "Aye". 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 2015-09, Amendments to Ordinance 2009-21, Consolidated Fee Schedule
 Councilmembers discussed the Ordinance and the following amendments were made:

Changed the cost of booth to the following:

- c. Festival Booth Fees \$35.00 for 10X10 non-electric, \$55.00 with power.

Deleted item:

Public Safety Impact Fee \$525.00

Changed evaluation to valuation:

- 4) Building Permit Extension Fee 1% of evaluation of home.

Mayor Peterson asked for a motion to approve amendments to Ordinance 2009-21, Consolidated Fee Schedule with the one additional change on page 3, the fee for item 3, A, 4 to read 1% of valuation of home, deleting the e in front of evaluation. Councilmember Cundick, I so move. 2nd by Councilmember Allen. All voted "Aye". 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. 2016 meeting calendar

Mayor Peterson discussed with Councilmembers the option of having one Town Council meeting a month instead of two for the 2016 meeting schedule, with the exception of budget time. Town Council discussed it further.

b. 2015 road work update

Town Council discussed road work. The Mayor indicated there had been a couple of complaints; however, Darren Cottam will follow up on them.

10. Citizen Comments: None.

11. Staff Reports:

Councilmember Rohr discussed the possibility of the Town moving to LED bulbs for the street lights to cut the cost of power. The Mayor indicated he will try to get a good contact from Rocky Mountain Power to get more information.

Town Council discussed the property adjacent to the Silver Reef Park.

Town Council discussed Wild West Days. Attendance was down about 25% from last year and the financial reports will be available at the second meeting in October.

12. Adjournment:

Councilmember Blake adjourned the meeting.

Time: 7:41pm.

APPROVED ON THIS _____ DAY OF _____, 2015

Mayor, Wayne Peterson

ATTEST:

Kristi Barker, Deputy Clerk/Recorder

DRAFT



FILING FEE: \$1,000.00 **50,00**
 NON-REFUNDABLE **Per Mayor**
 Date _____ Received by _____

Town of Leeds

218 North Main Street, PO Box 460879, Leeds, UT 84746-0879
 Phone: 435-879-2447 Fax: 435-879-6905
 E-mail: clerk@leedstown.org // Website: www.leedstown.org

ZONE CHANGE/AMENDMENT APPLICATION

Project Name RESIDENCE FOR WILLIAM RAINEY & LINDA ROWLEY
 Number of Lots Proposed 1 Acreage 1.18
 Project Location Parcel Tax ID #(s) 730 N. MAIN L-3-B-1

Applicant Name WILLIAM RAINEY & LINDA ROWLEY
 Address P.O. BOX 461282 LEEDS, UT.
 Phone 705-3716 Fax _____ Cell 702-755-1594 e-mail _____

Owner of Property WILLIAM RAINEY & LINDA ROWLEY
 Address 730 N. MAIN LEEDS
 Phone _____ Fax _____ Cell _____ e-mail _____

Contact Person of those listed above WILLIAM OR LINDA

EXISTING ZONING C ZONE CHANGE(S) REQUESTED R-R-1 ACREAGE 1.18

Refer to Town of Leeds Zonings:

R-R-5.....Rural Residential 5 acre	R-1-5.....Residential 5 acre	R-M-7.....Multiple Residential
R-R-2.....Rural Residential 2 acre	R-1-2.....Residential 2 acre	C.....Commercial
R-R-1.....Rural Residential 1 acre	R-1-1.....Residential 1 acre	OS.....Open Space
R-R-20.....Rural Residential 1/2 acre	R-1-20.....Residential 1/2 acre	M-H.....Mobile Home
	R-1-10.....Residential 1/4 acre	

Attach complete legal description for the property/area requested. to be changed and provide all of the following information:

- Two sets of mailing labels for all property owners within a 300-foot radius from the border of the subject property. Maps & Names of Property Owners are available from Washington County Recorder's Office, 87 North 200 East, St. George, Utah 84770, ph. (435) 634-5709.
- Written justification describing the purpose for the zone change request and proof of concurrence with Town of Leeds General Plan.
- Required Building Plans as per Land Use and Zoning Ordinance #2008-04, including all tests, exhibits and studies.
- A copy of the requested legal description in a read-only CD/electronic format and e-mailed to clerk@leedstown.org
- A copy of the legal description provided in Microsoft Word Format on a read-only CD and e-mailed to clerk@leedstown.org.
- One 24" x 36" plat site exhibit of the requested zone change and 16 copies 8.5" x 11" or 11"x 17" all matching the legal description.
- One 24" x 36" site exhibit of the County Ownership Plat(s) identifying the existing parcel(s) included in the legal description.

Town of Leeds

ZONE CHANGE/AMENDMENT APPLICATION

The following fees are due at the time of application. Incomplete applications will be returned. No exceptions.

- 1. Filing Fee (non-refundable): \$1,000.00
2. Addresses labels, envelopes, stamps and other associated mailing expenses are to be provided by Applicant.
3. Acreage Fees -
a. Less than 1 acre: No Fee
b. One - 100 acres: \$50.00 per acre
c. 101 - 500 acres: \$25.00 per acre
d. Over 500 acres: \$10.00 per acre

Note: For acreage designated as open space, no acreage fee assessed if open space is over 10 acres. Open space includes parks, golf courses, floodplains, hillsides and similar natural areas. This does not include required recreation areas and/or setback areas.

File the completed application at:

Town of Leeds
P.O. Box 461195
Leeds, UT 84746

Signature of Applicant [Signature] Date 8-13-15
Signature or Consent of Owner [Signature] Date 8-13-15

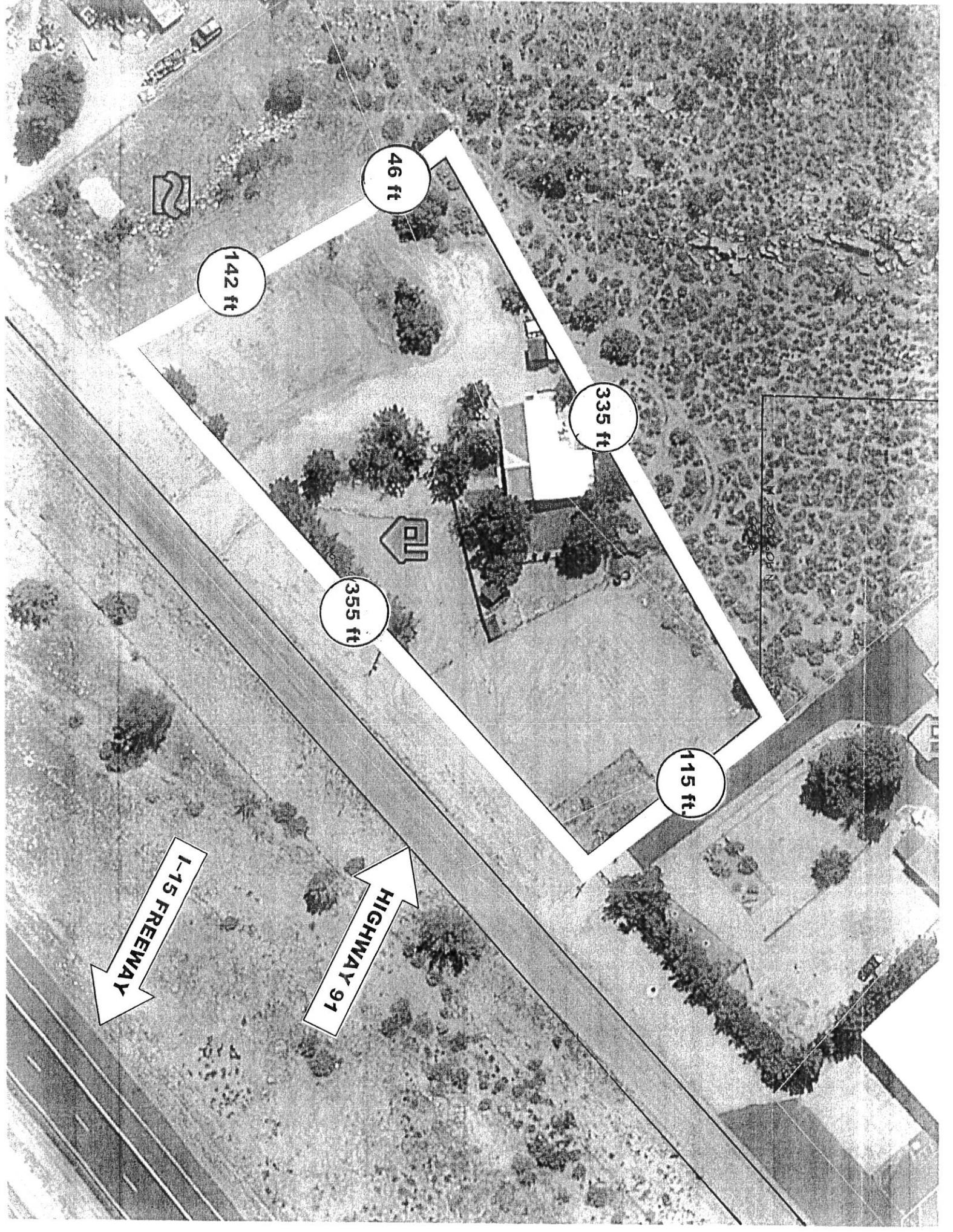
APPLICANT AFFIDAVIT

I, William Rainey and Linda Rowley, do hereby say that I am the owner/agent of the subject property of this application. The statements, information, exhibits and any and all plans herein or attached or submitted present the intentions of the applicant and are in al respects true and correct to the best of my knowledge and belief. I do hereby agree to pay all adopted and customary fees of the Town of Leeds relating to this application.

[Signature] Date 8-13-15
Owner/Agent

Applications must be presented to the Planning Commission and a Public Hearing must be held before submitting to the Town Council. The Planning commission meets at 7:00 p.m. on the first Wednesday of each month.

Application is hereby made for a zone change/amendment to the Leeds Zoning Map



46 ft

142 ft

335 ft

355 ft

115 ft.

I-15 FREEWAY

HIGHWAY 91

N. 2500' OF N. 2500' OF N. 2500' OF N.

Property Record Card

Washington County

**RAINEY WILLIAM
ROWLEY LINDA**

730 N MAIN ST
LEEDS, UT 84746

Account: 0602857

Tax Area: 06 - Leeds Town

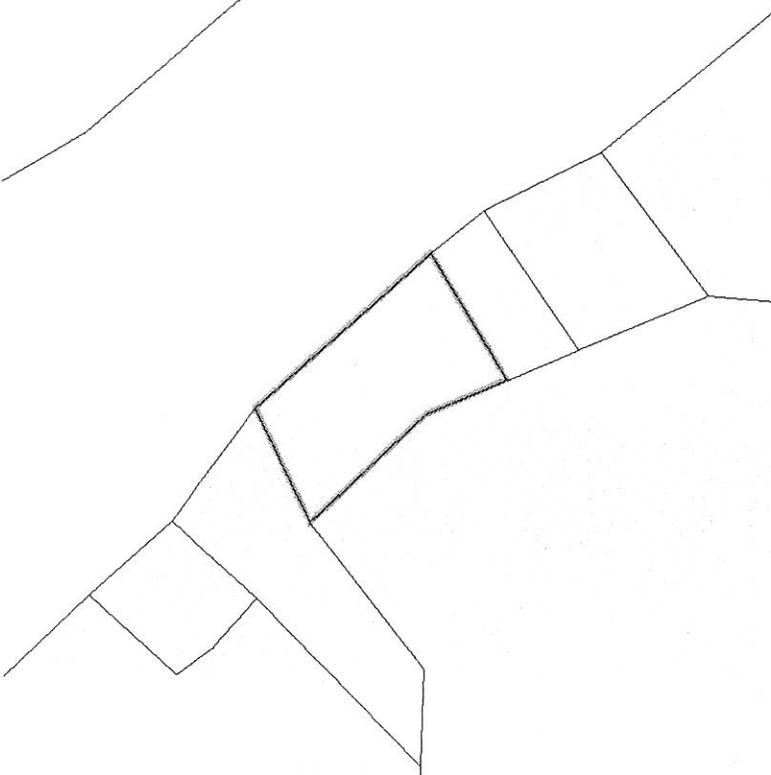
Acres: 1.180

Parcel: L-3-B-1

Situs Address:
730 N MAIN ST
LEEDS, 847460000

Legal Description

S: 5 T: 41S R: 13W BEG N01*17'44E 419.91 FT ALG SEC/L & W 167.83 FT FM SW COR SEC 5 T41S R13W SLM TH N39*10'W 114.62 FT TO PT BEING ON SLYR/W LN HWY 91 & TH N47*42'47E 355.29 FT ALG R/W; TH S29*43'27E 142.47 FT; TH S38*10'06E 46.29 FT TO PT FENCE LN; TH S59*55'07W 334.78 FT ALG FENCE LN PT BEING POB



Transfer History

Entry Number	Date Recorded	Deed Type
20150007966	Mar 12, 2015	Quit Claim Deed
20150007967	Mar 12, 2015	Quit Claim Deed
20150007968	Mar 12, 2015	Warranty Deed
20150007971	Mar 12, 2015	Affidavit
20100001320	Jan 14, 2010	Quit Claim Deed
20060044771	Sep 27, 2006	Quit Claim Deed
00834447	Aug 11, 2003	Quit Claim Deed
00622289	Oct 27, 1998	Warranty Deed

Abstract Summary

Code	Classification	Market Value	Taxable Value
01A	RES REAL ESTATE-IMPROVED	\$50,000	\$27,500
02B	RES REAL ESTATE-UNIMP NON-PRIM	\$1,100	\$1,100
11C	MOBILE HOMES - PRIMARY	\$46,800	\$25,740
Total		\$97,900	\$54,340

Warranty Deed Page 1 of 1
Russell Shirts Washington County Recorder
03/12/2015 12:55:07 PM Fee \$10.00 By
SKYVIEW TITLE INSURANCE AGENCY

Mail Tax Notice To:

Grantee

730 N. Main Street
Leeds UT 84746
File No. 14-2167W

WARRANTY DEED

KYLE V. LEANY, grantor of Leeds, County of Washington, State of Utah, hereby CONVEYS AND WARRANTS to

WILLIAM RAINEY, a single man and LINDA ROWLEY, a single woman as joint tenants

grantee of Leeds, County of Washington, State of Utah, for the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATIONS the following described tract of land in Washington County, State of Utah:

Beginning at a point which lies, North 1° 17'44" East 419.91 feet along the Section Line and West 167.83 feet from the Southwest Corner of Section 5, Township 41 South, Range 13 West, Salt Lake Base and Meridian, thence North 39° 10'00" West 114.62 feet to a point being on the Southerly right of way line of Highway 91 running thence North 47° 42'47" East 355.29 feet along said right of way; thence South 29° 43'27" East 142.47 feet, thence South 38° 10'06" East 46.29 feet to a point on an existing fence line; thence South 59° 55'07" West 334.78 feet along an existing fence line, said point being the point of beginning.

Situate in Washington County, State of Utah.

(For reference purposes only: Tax Parcel No. L-3-B-1)

Subject to easements, restrictions and rights-of-way currently of record and general property taxes for the year 2015 and thereafter.

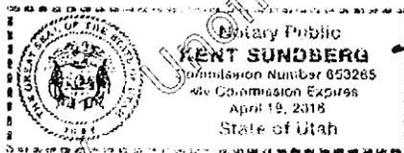
WITNESS the hand of said grantor this 6th day of March, 2015

KYLE V. LEANY

STATE OF UTAH

COUNTY OF WASHINGTON

On the 6th day of March, 2015, personally appeared before me KYLE V. LEANY, the signer(s) of the above instrument, who duly acknowledged to me that he executed the same



Notary Public
My Commission Expires:
Residing at :

KENT SUNDBERG

From: <deputyclerk@leedstown.org>
To: <sundberg@infowest.com>
Sent: Wednesday, January 28, 2015 1:01 PM
Subject: Leany Property in Leeds
Kent,

The residence on parcel L-3-B-1 is a nonconforming use. Please see Chapter 5 of the Land Use Ordinance 2008-04 in Chapter 5, Section 5.5. It addresses the right to rebuild a nonconforming use which is damaged by a variety of disasters.

5.5. RESTORATION OF DAMAGED BUILDINGS.

A nonconforming building or structure or a building or structure occupied by a nonconforming use which is damaged by fire, flood, wind, earthquake or other calamity or Act of God, or the public enemy, may be restored and the occupancy or use of such building, structure, or part thereof, which existed at the time of such damage may be continued or resumed, provided that such restoration is started within a period of one (1) year and is diligently pursued to completion.

Please let me know if this satisfactorily answers the question raised.

Kristi Barker
Deputy Clerk/Recorder

218 North Main Street
P.O. Box 460879
Leeds, Utah 84746
435.879.2447

Email: deputyclerk@leedstown.org

**CONFIDENTIAL**

This communication, including any attachment, constitutes an electronic communication within the meaning of the Electronic Communications Act, 18 USC 2510, and its disclosure is strictly limited to the recipient intended by the sender of this message. This communication may contain confidential and privileged material for the sole use of the intended recipient and receipt by anyone other than the intended recipient does not constitute loss of the confidential or privileged nature of the communication. Any review or distribution by others is strictly prohibited. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this information is strictly prohibited. Similar laws in other countries where any recipient of this e-mail resides also apply. If you have received this electronic mail in error, please immediately notify this office by calling the sender of this message at (435) 879-2447.

1/28/2015

KENT SUNDBERG

From: <mayor@leedstown.org>
To: <sundberg@infowest.com>
Cc: "Deputyclerk" <deputyclerk@leedstown.org>
Sent: Wednesday, July 29, 2015 11:34 PM
Subject: Zone Change Timetable
Kent -

The critical path for rezoning Parcel L-3-B-1 would be as follows:

- 1) Submit a completed zone change application. The \$1,000 flat fee will be waived, with only the \$50 per acre fee applying to this nonconforming property.
- 2) Letters will need to be mailed to all landowners within 300 feet of the parcel. Kristi will be back in the office on Monday and will be able to help identify the list of needed recipients.
- 3) At least 10 days notice must be provided by the Town of Leeds that a public hearing will take place at a Planning Commission meeting. The planning commission meets on the first Wednesday of the month, so this could be completed in time for the Wednesday, September 2 meeting.
- 4) The Town Council will take action at its meeting after the Planning Commission holds the public hearing and forwards its recommendation to the Town Council. The Town Council meets the second and fourth Wednesdays of each month, so this action could be taken at the Wednesday, September 9 meeting.

Please let me know if you have any questions.

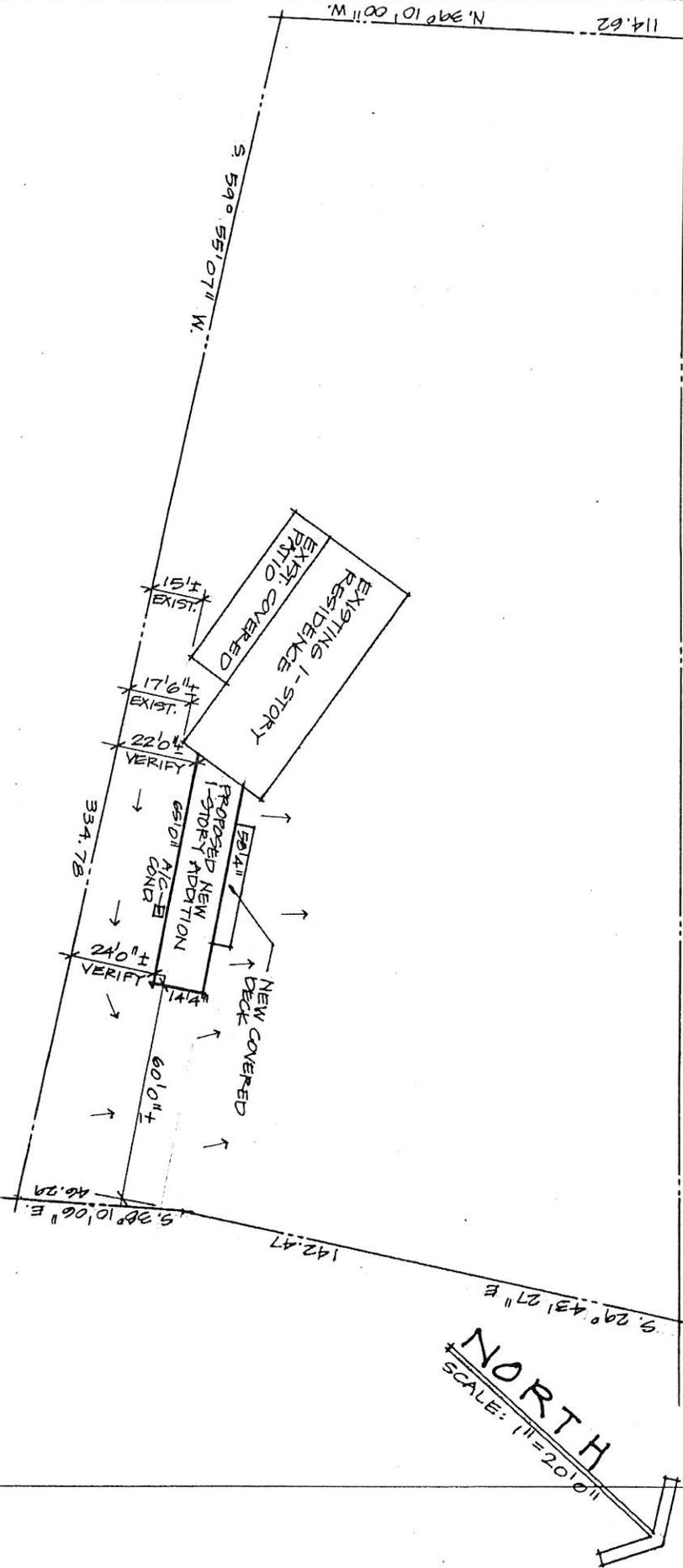
Best Regards,

Wayne

STATE HIGHWAY 91

N. 47° 42' 47" E

355.24



SITE PLAN

LEGAL DESCRIPTION:

S. 5° 1' 41.5" R. 13.13 W. BEG. N. 01° 17' 44.6" E. 419.91 FT. ALG. SEC. 1, 8 W. 167.23 FT. FM. SW. COR. SEC. 5 T. 14 S. R. 13 W. S. 1/4. N. 71° 43' 10" W. 114.62 FT. TO PT. BEING ON S. 1/4. N. W. 1/4. H. 11 W. 91.8. TH. N. 42° 7' 42.7" E. 355.29 FT. ALG. N.W. 1/4. S. 29° 43' 27.7" E. 142.47 FT. TH. S. 88° 10' 06" E. 46.29 FT. TO PT. FENCE. L.N. TH. S. 59° 55' 07" W. 334.78 FT. ALG. FENCE. L.N. PT. BEING POB.

OWNER:

WILLIAM RAINEY
LINDA ROWLEY

ACCOUNT:

0602857

Tax Area: 06 - Leeds town, Acres: 1.180

PARCEL:

L-3-B-1

SITE ADDRESS:

730 Kenneth Nelson Street
Leeds, Utah 84748

SITE PLAN NOTES:

1. Verify all existing and proposed building setbacks dimensions prior to commencing construction
2. Arrows denote drainage pattern at new construction. Verify all existing conditions prior to commencing construction
3. New addition to be constructed on left side of existing residence on existing pad

SECTION 6
T41 S - R13 W
 SALT LAKE BASE & MERIDIAN
 SCALE: ONE INCH=400 FEET
WASHINGTON COUNTY, UTAH

SECTION 5
T41 S - R13 W
 SALT LAKE BASE & MERIDIAN
 SCALE: ONE INCH=400 FEET
WASHINGTON COUNTY, UTAH



SEE SET 17



TOWN OF LEEDS

Planning Commission Meeting

PUBLIC HEARING NOTICE

Notice is hereby given that a Public Hearing will occur at the
Planning Commission Meeting on
Wednesday, September 2, 2015 at 7:00 p.m.
At the Leeds Town Hall 218 North Main Street, Leeds, Utah.

The Leeds Planning Commission will hold a public hearing on the above-mentioned date to consider the following proposed items:

- A. Zone Change for Parcel L-3-B-1 for William Rainey and Linda Rowley from Commercial (C) to Rural Residential (R-R-1)

Copies of the proposed Zone Change Plat will be available for review at the Leeds Town Hall during regular business hours (9:00 a.m. to 4:00 p.m. Monday - Thursday)

Interested persons are encouraged to attend the public hearing to be held in the Leeds Town Hall at 218 North Main Street, or present their views in writing to the Leeds Town Clerk/Recorder prior to the meeting.

Certificate of Posting

The undersigned Deputy Clerk/Recorder does hereby certify that the above notice was posted August 18, 2015. The public places being at Leeds Town Hall, Leeds Post Office, the Utah Public Meeting Notice website <http://pmn.utah.gov>, the Town of Leeds Website www.leadstown.org, also published in the Spectrum Newspaper.

Kristi Barker
Deputy Clerk/Recorder



TOWN OF LEEDS

218 NORTH MAIN STREET
PO BOX 460879
LEEDS, UT 84746-0879
PHONE: 435-879-2447 FAX: 435-879-6905
E-mail: clerk@leedstown.org // Website: www.leedstown.org

August 17, 2015

Dear Property Owner,

The Town of Leeds is hereby notifying all property owners within 300 feet of a Zone Change request by William Rainey and Linda Rowley, property owner of 1.18 acre parcel of land with the Tax Parcel Number of L-3-B-1, located at 730 North Main Street, Leeds, Utah 84746.

The request is to change current zoning of Commercial (C) to Rural Residential 1 Acre (R-R-1)

The Town of Leeds Planning Commission will hold the public hearing on Wednesday, September 2, 2015 at 7:00 p.m. The public hearing will be held to receive public comments relative to the Zone Change Request.

The proposed Zone Change Plat is available at Town Hall, 218 North Main Street, and can be reviewed during regular business hours 9:00am – 4:00pm on Monday thru Thursday.

Please call Town Hall if you have any questions.

This is a public meeting and you are welcome to attend.

Respectfully,

Kristi Barker
Deputy Clerk/Recorder

Town of Leeds
218 North Main Street
Leeds, Utah 84746

Attention: Planning Commission

We have been directed by Mayor Wayne Peterson and Kristi Barker, the town Clerk/Recorder to prepare a letter of explanation for our requesting a zone change. While the zone change application will provide most of the technical information, it may be helpful for you to have a narrative describing the efforts we have gone through in order to stay in compliance with both the intent and spirit of the zoning ordinance.

The property in question is located at 730 North Main and has been the residence of the Leany family for the past 18 years. In January of 2015, Kyle Leany entered into an agreement to purchase the home from William Rainey and Linda Rowley as joint tenants. Working with our Realtor, Kent Sundberg we began our due diligence to insure that the property would meet our requirements. The following chronology will certainly demonstrate our intent to be open and above board.

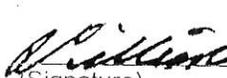
1. The real estate listing showed the property to be zoned commercial although it was apparent that the home and adjacent properties were all residential in nature.
2. Kent met with Kristi and Bob and was told that the residential use had been "grandfathered" and after the Mayor was brought into the discussion, a letter of clarification was provided for our lender on January 28th (See attached letter). This letter satisfied our prospective mortgage lender with respect to any concerns that they may have with a non-conforming use.
3. After receiving the lender's approval, Kent met again with Kristi and Bob to determine just what a "grandfathered" "non conforming use" would allow. We specifically wanted to add additional bedrooms and a garage/shop area. Kent was told that we would have to meet with the City Building Inspector to get the authoritative decisions for exactly what would be permissible.
4. On February 26, 2015, Kent met at the home with Dennis Mertlich who came to the property armed with his vast knowledge and a complete copy of the Town of Leeds Land Use Ordinance. Dennis was very helpful and spent the time necessary to cover the various options we were considering. We specifically discussed:
 - a. Adding additional bedrooms to the existing home.
 - b. Adding a garage or carport to the existing home.
 - c. Building a detached garage/RV shop and casita.
 - d. Side lot and rear lot set-backs.
 - e. Possible septic tank limitations for a detached casita and/or shop.

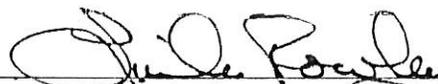
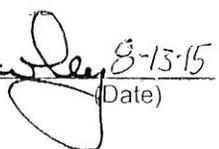
5. Based on our very positive interaction with the Town and Building Inspector and feeling comfortable with the completely independent inspection and certification required by our mortgage lender, we closed on our purchase of the home on May 6, 2015.
6. On July 8, 2015 we applied for a building permit for the addition of two bedrooms attached to the existing home. Upon submitting our plans, we were told that we were not in compliance if we planned to add the two bedrooms utilizing manufactured construction, even though our home was originally built as a manufactured home. In an attempt to comply with what was obviously a changing standard, we had our plans re-drawn using conventional construction techniques. Our application was then denied because the current zoning did not allow any additions to the existing structure.
7. Our agent, Kent Sundberg then met with Mayor Peterson to discuss our dilemma. He was told that apparently the building inspector had exceeded his authority in advising us that we could add additional rooms to the home. To his credit, the Mayor explored possible solutions to our problem and after several conversations with the town attorney, he advised us to seek a zoning change which would return the property to residential. We have attached the Mayor's letter to this application.

Please understand that we appreciate the difficulties inherent in the failure to enforce the letter of the law when it comes to a town's master plan. We also respect and very much appreciate the advice we were given by the Building Inspector and the direct involvement of Mayor Peterson. On the other hand, we have also been acting in good faith throughout our purchase and planning efforts to improve this property we have grown to love.

We are looking forward to a long and productive association with the community and hope we can complete this zoning accommodation expeditiously. We have lost some of the best building time for concrete work but should still be able to complete the project before winter sets in.

sincerely,


(Signature) 
(Date) 8-13-15


(Signature) 
(Date) 8-15-15

Kristi Barker
Deputy Clerk
Town of Leeds

9/8/15

Kristi,

In response to your e-mail request about my meeting with Mr. Sundburg, realtor for the property located at 730 N Main St., I met with Mr. Sundburg at the site for the purpose of discussing if it would be possible to attach an addition to the existing structure. We discussed the possible locations where the addition could be constructed, the setbacks, the septic system, and access using the existing driveway. Mr. Sundburg had no details as to ~~size~~, configuration, or where it would be located. Consequently, we did not discuss details of getting a permit.

In my conversation with Mr. Sundburg, there was no mention of allowing an addition to the existing structure to be permitted or constructed prior to Ms. Rowley purchasing the home. Starting a construction project would definitely be illegal as Ms. Rowley can only do so when she has control of the property and after having obtained the proper permit(s).

When the permit application and plans were submitted to the town, I reviewed them and determined that two of the three bedrooms in the addition contained:

- only outside entrances
- wet bars in each
- separate heating and cooling systems for each bedroom.

Those two rooms appear to be motel type rooms which could be rented at any time. Motels in a commercial zone require a conditional use permit as per ch.17.3.4 of the Leeds zoning ordinance.

Additionally, all construction projects in a commercial zone need a conditional use permit as per ch.7.5.3.4 of the Leeds zoning ordinance.

As town building inspector, I can issue a building permit once a conditional use permit has been issued as per ch.7.12.1 of the zoning ordinance.

I turned the plans back into the town to be sent to planning and zoning. Once planning and zoning and/or town council approve whatever action they vote in favor of, I can then re-review the plans and issue a building permit based on any requirements set forth.

Let me know if this helps clarify things.

Thanks,

Dennis



Town of Leeds Main Street Capital Improvements Plan

Main Street Project Includes

- Addition of a parking lane, curb and gutter, and sidewalk to the northwesterly edge of Main Street from Vista Avenue to Silver Reef Road (approximately 0.3 miles) . This roadway is a UDOT facility, Highway 228. Right of way (based on aerial photography showing fences, etc) appears to be 66 feet wide. Construction per UDOT specifications to include all improvements.
 - o Placement of sidewalks, driveways, curb and gutter
- Approximately 12 driveways
 - o Driveways include commercial drives into strip mall at north end
 - o Intersections with Vista Avenue and Silver Reef Road define beginning and end of project

It appears there are no buried utilities, and apparently no plan to install any beneath this road.

Construction estimate:

Description	Quantity	Unit	Unit Price	Cost
Mobilization	1	LS	10,000.00	\$10,000
Clear and Grub	1	LS	5,000.00	\$5,000
Sawcut Edge existing asphalt	1,600	LF	1.56	\$2,500
Asphalt paving 12 ft wide (4" on 12")	20,000	SF	3.00	\$60,000
Curb and Gutter (30 inch)	1,500	LF	18.00	\$27,000
Concrete Sidewalk (5' x 1,500')	7,500	SF	5.00	\$37,500
Driveway tie-ins	12	EA	1,500.00	\$18,000
Traffic control	1	LS	5,000.00	\$5,000
SubTotal				\$165,000

Surveying to confirm grades and right of way		\$3,000
Contingency	10%	\$16,500
Engineering to design improvements and to provide contract administration	10%	\$16,500
Total Estimated Cost of Capital Improvements		\$201,000

Additional Separate Items:

Curb radius and ramp at Vista Avenue to match existing	\$1,500
Additional grading for drainage at Silver Reef Road	\$2,500

Town of Leeds, Utah
Analysis of Wild West Days
Revenues and Expenditures
For the Period September 11 and 12, 2015

Revenues:

Vendor Applications	\$ 911.00	
Pony Express	\$ 140.00	
Corporate Donation-Pacific Power	\$ 500.00	
T Shirt Sales	<u>\$ 276.00</u>	
Total Revenues		\$1,827.00

Expenditures:

Park Lights	\$425.00	
Bubble Machine Rental	\$250.00	
Pine Mountain Bluegrass Band	\$250.00	
Candy Cannon	\$84.00	
Porta-Potties Rental	\$135.00	
T Shirts	\$646.00	
Stage Assembly Supplies	\$323.00	
Signage and Advertising	<u>\$71.00</u>	
Total Expenses		<u>\$ 2,184.00</u>
Loss Before Event Salaries		<u>-\$357.00</u>
Event Salaries		<u>\$ 1,265.00</u>
Net Operating Loss		<u>\$ (1,622.00)</u>