Town of Leeds

Planning Commission Special Meeting for March 30, 2016

1. Call to order:
   Chairman Stirling called to order the continuation of the March 9th meeting in a Special meeting of the Planning Commission at 7:04pm on March 30, 2016, at Leeds Town Hall, 218 N Main.

ROLL CALL:

	Present	Absent
CHAIRMAN: DANIELLE STIRLING	x	
COMMISSIONER: DARRYL LEWIS	x	
COMMISSIONER: DARRELL NELSON	x	
COMMISSIONER: JOHN POAST	x	
COMMISSIONER: DANNY SWENSON	x	

2. Invocation by Commissioner Poast.
3. Pledge of Allegiance by Commissioner Nelson.
4. Declaration of Abstentions or Conflicts:
   Commissioner Nelson, I would like to read something into the record that was rather disturbing to me when I heard about it, about some letter I supposedly signed. The letter is immaterial, but to sign my name to anything that I did not have, in other words pen to paper; this was a discussion I had on the phone with, ok, that's cool and then all of a sudden it is on paper.
   Commissioner Nelson then read the letter;

   > Town of Leeds attention, Town Council
   > After discussion with fellow members of the Planning Commission, we would like to express our support for Danielle Stirling to be a full-time member of the Planning Commission. A recent interim Chairmanship was incredibly successful and highlighted her strong qualities of leadership, insight and historical knowledge. We realize that others have been contacted for service, but we feel like she would be the right person to assist us in accomplishing our important duties this year and beyond.
   > Respectfully submitted,
   > John Poast
   > Darrell Nelson
   > Danny Swenson

   Commissioner Nelson, while I might support this letter, I object to anybody putting anything in front of me I had nothing to do with.
   Chair Stirling, as well as I did not either. I was not here for the meeting. That is the first time I ever heard verbatim from that at all. I appreciate it, if it was not something that you agreed with, that should be on the record as well.
   Commissioner Swenson, nor did I.
   Commissioner Poast, I am the culprit, I wrote that letter. I talked to the two gentlemen; I put down the names of those who I had talked to. I did not mean it as a signature block nor request a signature, but it does have the appearance of a signature and so for that, I apologize.
   Commissioner Nelson, ok thank you.

5. Approval of Todays Agenda:
   Commissioner Swenson moved to approve today's agenda. 2nd by Commissioner Lewis. All voted "Aye". Motion Passed.

6. Action Items:
   a. Zone Change for Parcels L-3282-G and L-3284-B for Tuscan Lenders Group LC from Mixed Use (MXD) to Multiple Residential R-M-7, Residential R-1-10 (10,000 sq. ft.), Residential R-1-20 (20,000 sq. ft.),Residential R-1-1 (1 acre) on approximately 77 acres.
   Chair Stirling discussed the following items that Commissioners asked the applicants to address at the last meeting;
      1. No road density or units on the map. That is complete.
      2. Owner Identified in Capital Funding application. That is complete.
      3. No sewer included on the map. No gray area for sewer zone identification. That is complete and it is now identified as R-R-1.
      4. No Grapevine Wash, it now just says "formally known as Grapevine Wash".
      5. Tuscan Lenders map fixed to same as the County. That is complete.

   Chair Stirling, what I will go ahead and do is read into the minutes the emails that had gone back and forth so we can all be on the same page of what had gone on. Apparently there has been a discrepancy throughout this whole issue with what is actually recorded at the County vs, what is on the map. So let's go ahead and read this;

   From: Ian Crowe Sent: Tuesday, March 01, 2016 9:57 AM
   To: Brandee Walker
   Subject: Re: Grapevine
   All,
   The attached boundary info should solve any acreage questions.
   Ian

   From: Jody K Burnett
   Sent: Friday, March 11, 2016 12:05 PM
   To: Bruce Baird
   Subject: FW: Grapevine
   Bruce,
   One detail regarding Grapevine is the acreage calculations. Without further explanation, I'm not sure that the information Ian Crowe provided answers those questions. It reduces the total acreage calculation by your clients to 344.295 acres from 369.294, but that doesn't help us understand the difference between that and the County records showing a total of 358.09 acres. All of us want to have those questions answered well in advance of final action by the Town Council so would you please provide us with an explanation?
   Thanks
   Jody K Burnett

   From: Bob Nicholson
   Sent: Tuesday, March 29, 2016 12:37 PM
   To: Jody K Burnett
   Subject: RE: Grapevine acreage issue
   Jody, see note below. Any suggestions on how to address the acreage discrepancy between the County recorders (which are probably not accurate) and the actual property survey done by Pratt Engineering. I think the property survey will be the accurate acreage. Any suggestions? Bob (p.s. will you attend the PC meeting tomorrow night or are you available

by phone?)

From: Brandee Walker
Sent: Tuesday, March 29, 2016 9:17 AM
To: Bruce Baird
Subject: RE: Grapevine
Bruce,
I want to address the Town's concern regarding the acreage discrepancy prior to tomorrow night's meeting. I reviewed the spread sheet that Jody sent (email below) and reviewed the survey that was prepared by Prat Engineering and it is confirmed that the County's records are slightly off due to the difference in Survey Section breakdown. The County ownership shows 358.09 acres but when the property was surveyed and the Section information collected and mapped, it was determined that the actual area on the ground is 369. 296 acres. These discrepancies are very common, especially on a parcel of land this large and located in an area that hasn't been well surveyed in the past. I have attached the official record of survey map that was prepared by Pratt. Perhaps it would be beneficial for the Town to have a copy of it so they can see the actual survey breakdown. The survey map would supersede the County's records as it is accurate and County records rely on old boundary descriptions that a lot of times have not been field verify. Please let me know if you should have further questions.
Thank you,
Brandee Walker

Chair Stirling, just as long as we have that on the record and they did provide from Pratt Engineering, dated May 22, 2011, a record of survey. What I did is called the County to see what we could do, we don't want to hold this up by any means; however, what they requested is that we record a record of survey with the County to update the survey information. Is that something that you feel comfortable in doing?
Brandee Walker from Civil Science, in looking at Pratts survey, they titled it Encumbrance Survey, the development area; so I can't speak for the surveyor, obviously I am not him; however, I think the reason why they did that is because they didn't officially put caps in the ground. If they did, they would probably mark it a different way. State law requires you to record a plat, a record of survey plat if a survey is completed and caps are set in the ground. So I am assuming they went out there, broke down the sectional data, figured out what the ownership was but legally they didn't mark the ground. Within 30 days of doing that, by law you are required to file the plat. I think that is the difference, if you were to ask "hey can we go survey this" we would take their map in sectional break down and go out there and set caps for this map and at that point, yes we would be required file a record of survey plat. Do I think it is necessary, no.
Chair Stirling, in your opinion, what acreage do we go off of then.
Brandee Walker, it would be the Pratt, the 369 and then there was a discrepancy that Kristi and I talked about, the map added up to 367 and that was a rounding error. So we can bring 2 additional acres to that map prior to Council.
Chair Stirling indicated the numbers of acres on the applications vary from the map, Brandee will get it updated before the Council meeting.
Chair Stirling with the acreage discrepancy, until you actually put markers in the ground, there is really nothing else the Town has to do because we are using the Encumbrance Survey Development area from May 22, 2011 for the total acreage. Also, it would be helpful

to have the map separated into an individual map for each application rather than only one map for all 4 applications.
Commissioner Poast discussed the easement with Brandee. The easement it still is on the Pratt Survey but no longer on the applications map.
Bruce Baird thanked the staff for their thoroughness and for the consideration.
Chair Stirling indicated she appreciates that they took their recommendations.
Commissioner Swenson indicated most of the people that contacted him were concerned over the R-M-7 and asked Bruce Baird if he could do anything about changing the zone.
Bruce Baird replied that he has no authority to reduce density at this stage, this is a negotiated agreement and the R-M-7 was going to remain.
Chair Stirling discussed the requirements of the Land Use Ordinance, Chapter 15 (R-M-7).

Commissioner Lewis made a motion to recommend approval of the zone change. 2nd by Commissioner Nelson. Motion Passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
CHAIRMAN: DANEILLE STIRLING	x			
COMMISSIONER: DANNY SWENSON	x			
COMMISSIONER: DARRELL NELSON	x			
COMMISSIONER: JOHN POAST	x			
COMMISSIONER: DARRYL LEWIS	x			

b. Zone Change for Parcel L-3281-A for Capital Funding LTD CO LLC from Mixed Use (MXD) to Residential R-1-10 (10,000 sq. ft.), Residential R-1-20 (20,000 sq. ft.)on approximately 25 acres.

Commissioner Nelson made a motion to recommend. 2nd by Commissioner Lewis. Motion Passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
CHAIRMAN: DANEILLE STIRLING	x			
COMMISSIONER: DANNY SWENSON	x			
COMMISSIONER: DARRELL NELSON	x			
COMMISSIONER: JOHN POAST	x			
COMMISSIONER: DARRYL LEWIS	x			

c. Zone Change for Parcels L-3281, L-3285, L-3284-A-1, L-3286, L-3287 and L-3289 for MSH Investments LLC from Mixed Use (MXD) to Multiple Residential R-M-7, Residential R-1-10 (10,000 sq. ft.), Residential R-1-20 (20,000 sq. ft.), Residential R-1-1 (1 acre) on approximately 199 acres.

Commissioner Lewis made a motion to recommend approval. 2nd by Commissioner Nelson. Motion Passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
CHAIRMAN: DANEILLE STIRLING	x			
COMMISSIONER: DANNY SWENSON	x			

COMMISSIONER: DARRELL NELSON	x			
COMMISSIONER: JOHN POAST	x			
COMMISSIONER: DARRYL LEWIS	x			

d. Zone Change for Parcels L-3282-F, L-3282-D-2 and L-3179-A-3-B for MISI Investments LLC from Mixed Use (MXD) to Multiple Residential R-M-7, Residential R-1-10 (10,000 sq. ft.), Residential R-1-20 (20,000 sq. ft.), Residential R-1-1 (1 acre) on approximately 68 acres.

Commissioner Nelson made a motion to recommend approval. 2nd by Commissioner Lewis. Motion Passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
CHAIRMAN: DANEILLE STIRLING	x			
COMMISSIONER: DANNY SWENSON	x			
COMMISSIONER: DARRELL NELSON	x			
COMMISSIONER: JOHN POAST	x			
COMMISSIONER: DARRYL LEWIS	x			

Chair Stirling, asked for the following three items to be addressed before they go before Town Council.

1. Bring 2 additional acres to the map
2. The map updated
2. Maps for individual applications

7. Adjournment:

Commissioner Nelson adjourned the meeting.
Time: 7:37pm.

APPROVED ON THIS 7 DAY OF May, 2016

Darrell Nelson, Chair

ATTEST:

Kristi Barker, Clerk/Recorder