

Town of Leeds

Agenda Town of Leeds Town Council Wednesday, January 11, 2023

PUBLIC NOTICE is hereby given that the Town of Leeds Town Council will hold a **PUBLIC MEETING** on Wednesday, January 11, 2023, at 7:00 pm. The Town Council will meet in the Leeds Town Hall located at 218 N Main, Leeds, Utah.

Regular Meeting 7:00pm

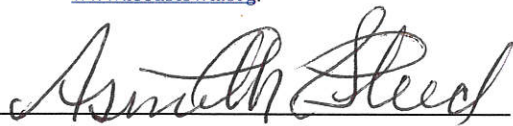
1. Call to Order/Roll Call
2. Invocation
3. Pledge of Allegiance
4. Declaration of Abstentions or Conflicts
5. Consent Agenda:
 - a. Tonight's Agenda
 - b. Meeting Minutes of December 14, 2022
5. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
6. Announcements:
 - a. Leeds Business Licenses renewal deadline February 1, 2023.
 - b. Completion of New Flagpole
 - c. Leeds Entrepreneur Training course to be held on alternate Wednesdays 4 - 5:00pm at Townhall
7. Public Hearings:
 - a. Ordinance 2023-01 Transient Room Tax
8. Action Items:
 - a. (Re)appointment of Leeds Representative to Solid Waste District
 - b. Arbor Day proclamation
 - c. Discussion possible action regarding Ordinance 2023-01 Transient Room Tax
 - d. Discussion possible action regarding Conditional Use Permit for Bed & Breakfast at 480 N. Main
Brian Hansen
9. Discussion Items:
 - a. Discussion regarding contacting Washington County Election 2024
 - b. 2023 Washington County Fair participation
10. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
11. Staff Reports:
12. Closed Meeting- A Closed Meeting may be held for any item identified under Utah Code section 52-4-205.
13. 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 Clerk/Recorder does hereby certify that the above notice was posted January 09, 2023 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.leedstown.org.**


Aseneth Steed, Clerk/Recorder



TOWN OF LEEDS

Town Council Meeting

PUBLIC HEARING NOTICE

Notice is hereby given that a Public Hearing will occur at the
Town Council Meeting on
Wednesday, January 11, 2023, at 7:00 p.m.
At the Leeds Town Hall 218 North Main Street, Leeds, Utah.

The Leeds Town Council will hold a public hearing on the above-mentioned date to consider the following proposed item:

ORDINANCE 2023-01, TOWN OF LEEDS TRANSIENT ROOM TAX.

Imposing a Transient Room Tax in the Town of Leeds on the occupancy of a space in a hotel, motel, inn, bed and breakfast, vacation rental, or similar place of temporary lodging whether or not food, drink, or other amenities are provided.

The purpose of this public hearing is to receive public input on the proposed ordinance, which would impose a transient room tax on the occupancy of transient rooms in the Town of Leeds. The tax would be in the amount of one percent of the rent charged for the occupancy of each room. This complies to State Code 59-12-301

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.

Public Hearing Opened:

Commissioner _____

Seconded by Commissioner _____

Public Hearing Closed:

Commissioner _____

Seconded by Commissioner _____

Hello Aseneth,

My apologies for the late reply - I took most of the day off today.

Here's a recap of our discussion earlier:

1. A municipality may impose a municipal transient room tax not exceeding 1%. The code reference is Utah Code 59-12-352. I have attached an ordinance passed recently by another municipality for your reference.

https://le.utah.gov/xcode/Title59/Chapter12/59-12-S352.html?v=C59-12-S352_1800010118000101

2. I spoke with our specialists and they agree that bed and breakfast should collect and remit both sales tax and transient room tax. If the businesses are not renting the places out through a marketplace facilitator, then they should apply for licenses with the state and collect/remit the taxes. The specifics on whether an item is taxable can be found in the attached Publication 56 Sales Tax Information for Lodging Providers.

3. The tool to confirm whether a business license applicant is paying to your town (instead of where the accountant/corporate office is located) is called Sales Online Research Tool (SORT). Please see attached for the application.

Feel free to call me if you have any questions!

Thank you,

Cai-Peng Guan
Sales Tax Distribution
Utah State Tax Commission
(801) 297-3836

TOWN OF LEEDS

Ordinance No. 2023-01

AN ORDINANCE ESTABLISHING A TRANSIENT ROOM TAX ADOPTING RELEVANT PROVISION OF THE UTAH SALES AND USE TAX ACT AND PROVIDING FOR COLLECTION AND USE OF REVENUES

WHEREAS, Utah Code 59-12-352 authorizes municipalities to impose a tax of not to exceed one percent (1%) on charges for tourist home, hotel, motel or trailer court accommodations and services that are regularly rented for less than thirty (30) consecutive days; and

WHEREAS a municipality may, by ordinance, increase or decrease the tax authorized under Utah Code 59-12-352; and

WHEREAS; a governing body of a municipality is required to regulate the tax under Utah Code 59-12-352 by ordinance ; and

WHEREAS a municipality is authorized to use revenues generated by the tax for general fund purposes; and

WHEREAS the Town of Leeds finds that it is in the public interest to impose said tax as follows:

Section 1. Purpose. The purpose of this ordinance is to impose a transient room tax on the occupancy of transient rooms within the municipality in order to fund the promotion and development of tourism and to provide additional revenue for the municipality.

Section 2. Definitions. For the purposes of this ordinance, the following terms shall have the meanings set forth below:

(a) "Transient room" means a room or space in a hotel, motel, inn, bed and breakfast, vacation rental, or other similar place of temporary lodging, whether or not food, drink, or other amenities are provided.

(b) "Transient room tax" or "tax" means the tax imposed by this ordinance on the occupancy of transient rooms.

(c) "Occupancy" means the use or possession, or the right to use or possess, a transient room for a period of 30 consecutive days or less.

(d) "Person" means any individual, firm, partnership, association, corporation, or other entity.

(e) "Operator" means any person who operates a hotel, motel, inn, bed and breakfast, vacation rental, or other similar place of temporary lodging.

Section 3. Imposition of Tax. There is hereby imposed a tax on the occupancy of transient rooms within the municipality at the rate of one percent (1.00%) of the rent charged for the occupancy.

Section 4. Collection of Tax. The tax imposed by this ordinance shall be collected by the operator from the person occupying the transient room. The operator shall be responsible for remitting the

tax to the municipality on a monthly basis, along with a return in the form prescribed by the municipality.

Section 5. Use of Tax. The tax collected under this ordinance shall be used by the municipality for the promotion and development of tourism and for general municipal purposes.

Section 6. Effective Date. This ordinance shall take effect on January 15, 2023.

Section 7. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 8. Repealer. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 9. Publication. This ordinance shall be published in full in the Post office, The Town hall, and The Spectrum.

Adopted by the Fifteenth day of January 2023.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: Bill HOSTER	_____	_____	_____	_____
COUNCILMEMBER: DANIELLE STIRLING	_____	_____	_____	_____
COUNCILMEMBER: RON CUNDICK	_____	_____	_____	_____
COUNCILMEMBER: STEPHEN WILSON	_____	_____	_____	_____
COUNCILMEMBER: KOHL FURLEY	_____	_____	_____	_____

Bill Hoster, Mayor

ATTEST:

Aseneth Steed, Clerk/Recorder

59-12-352 Transient room tax authority for municipalities and military installation development authority -- Purposes for which revenues may be used.

(1)

- (a) Except as provided in Subsection (5), the governing body of a municipality may impose a tax of not to exceed 1% on charges for the accommodations and services described in Subsection 59-12-103(1)(i).
 - (b) Subject to Section 63H-1-203, the military installation development authority created in Section 63H-1-201 may impose a tax under this section for accommodations and services described in Subsection 59-12-103(1)(i) within a project area described in a project area plan adopted by the authority under Title 63H, Chapter 1, Military Installation Development Authority Act, as though the authority were a municipality.
- (2) Subject to the limitations of Subsection (1), a governing body of a municipality may, by ordinance, increase or decrease the tax under this part.
- (3) A governing body of a municipality shall regulate the tax under this part by ordinance.
- (4) A municipality may use revenues generated by the tax under this part for general fund purposes.

(5)

- (a) A municipality may not impose a tax under this section for accommodations and services described in Subsection 59-12-103(1)(i) within a project area described in a project area plan adopted by the authority under Title 63H, Chapter 1, Military Installation Development Authority Act.
- (b) Subsection (5)(a) does not apply to the military installation development authority's imposition of a tax under this section.

Amended by Chapter 92, 2009 General Session

ARBOR DAY PROCLAMATION

WHEREAS, In 1872 J Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and ^{and} ~~Collin~~ costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal,

NOW, THEREFORE, I, Bill Hoster, Mayor of the Town of Leeds, do hereby proclaim
December 7, 2022 as

ARBOR DAY

In the town of Leeds, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

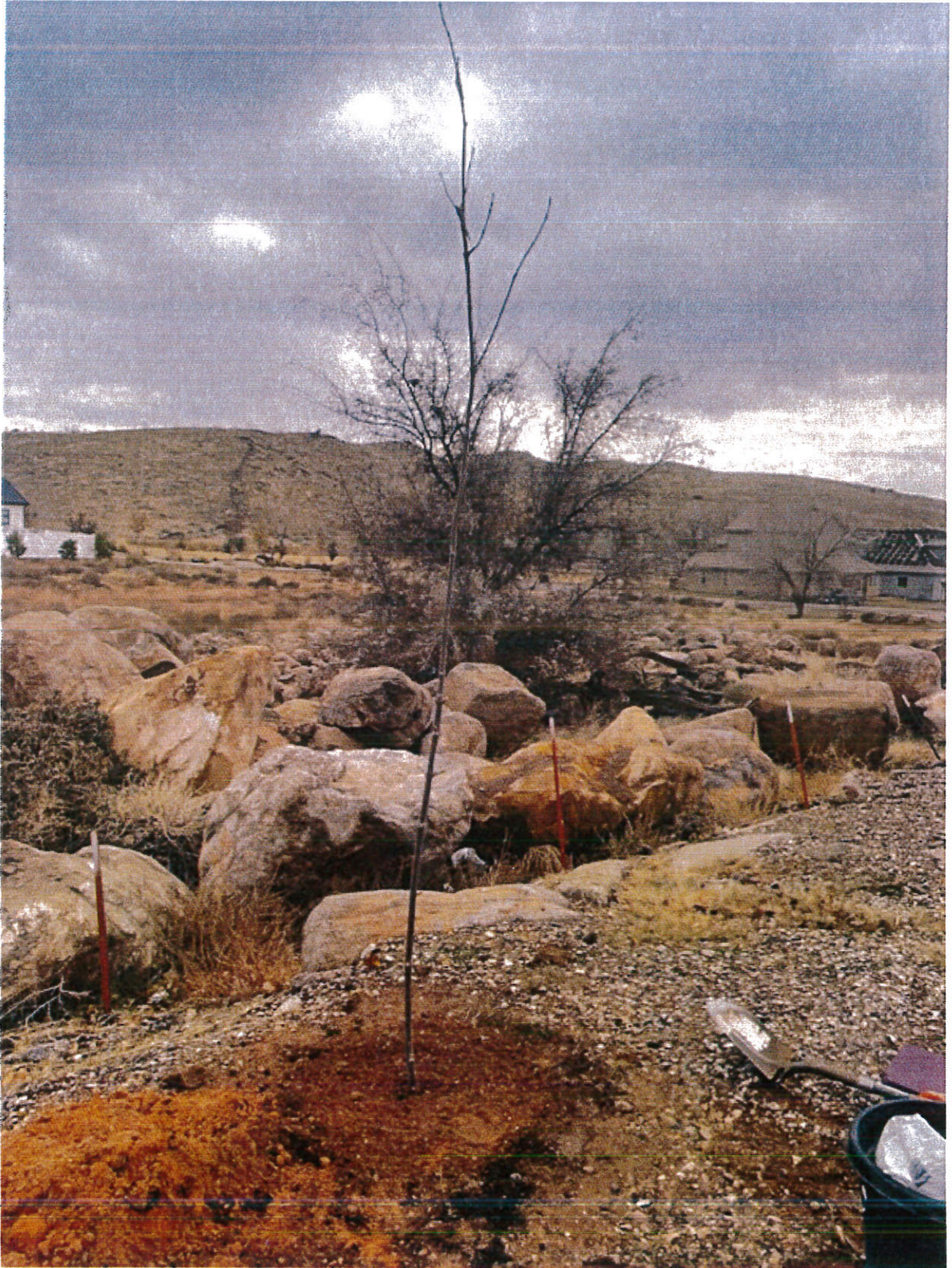
Further, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Dated this 22ND day of December, 2022.



Mayor Bill Hoster, Town of Leeds, Utah

2023 Arbor Day



59-12-352 Transient room tax authority for municipalities and military installation development authority -- Purposes for which revenues may be used.

(1)

(a) Except as provided in Subsection (5), the governing body of a municipality may impose a tax of not to exceed 1% on charges for the accommodations and services described in Subsection 59-12-103(1)(i).

(b) Subject to Section 63H-1-203, the military installation development authority created in Section 63H-1-201 may impose a tax under this section for accommodations and services described in Subsection 59-12-103(1)(i) within a project area described in a project area plan adopted by the authority under Title 63H, Chapter 1, Military Installation Development Authority Act, as though the authority were a municipality.

(2) Subject to the limitations of Subsection (1), a governing body of a municipality may, by ordinance, increase or decrease the tax under this part.

(3) A governing body of a municipality shall regulate the tax under this part by ordinance.

(4) A municipality may use revenues generated by the tax under this part for general fund purposes.

(5)

(a) A municipality may not impose a tax under this section for accommodations and services described in Subsection 59-12-103(1)(i) within a project area described in a project area plan adopted by the authority under Title 63H, Chapter 1, Military Installation Development Authority Act.

(b) Subsection (5)(a) does not apply to the military installation development authority's imposition of a tax under this section.

Amended by Chapter 92, 2009 General Session

Meeting Jan 11th Town Council Re: Discussion and possible action Conditional Use Application for Brian Hansen 480 N



From Kimberly Cook <kimscooked@gmail.com>
To Bill Hoster <mayor@leedstown.org>, Aseneth Steed <clerk@leedstown.org>, Danielle Stirling <dstirling@leedstown.org>, Ron Cundick <rcundick@leedstown.org>, Kohl Furley <kfurley@leedstown.org>, Stephen Wilson <swilson@leedstown.org>
Date 11.01.2023 10:54

Dear Leeds Mayor and Leeds Town Council

I am sending this letter in regard to item

8. Action Items:
 - a Discussion and possible action Conditional Use Application for Brian Hansen 480 N

I am Kimberly Cook. I am Lana Riddle's daughter and I am part of her trust. I can't attend the meeting tonight but wanted you to have this letter. I need to have this read by those taking action before the meeting. It contains pertinent information. I will be attending via Zoom.

1. Notice

We were told by Leeds that it is not required that anyone be notified in writing about any of these meetings concerning this application. This is an easement over private property and you are not required to notice even the property owner. I would ask that this matter is brought to the attention of your town attorney.

2. Due Process

Lana Riddle has not had Due Process of Law in this matter. According to Ombudsman this action has not even been noticed according to law. This is not a simple matter of Brian having his own easement, it is an easement that is owned by someone else.

3. Easement Expansion

This Conditional Use Permit EXPANDS the right over this easement.

This easement was established in 1993 for the purpose of an easement for on a flag lot for 1 residential property.

Then in again in 2001 the property was subdivided again by Brian Hansen . This easement now serves as an easement for 2 flag lots as on residential properties. This is an easement for residential use.

UTAH PROPERTY RIGHTS OMBUDSMAN @PROPERTYRIGHTS.UTAH.GOV.

An easement may be used for the purpose for which it was established. An access easement, for example, may be used for access by crossing property belonging to another person. Depending upon the specific circumstances, an easement right may include similar uses not anticipated when the easement was originally established. An easement for an irrigation ditch, for example, may also be used for a pipeline to convey water, if the pipeline does not unreasonably enlarge the easement.

An easement's use may not unreasonably interfere with the property rights of the servient estate. As a corollary, the use of the servient estate may not unreasonably interfere with the rights of the easement owner. What constitutes an "unreasonable interference" depends upon the circumstances. For example, it may be reasonable to ask that the easement owner close or lock gates on the servient property, and it may be reasonable that the easement owner be allowed to grade or maintain an access roadway.

An easement also may not be expanded beyond what is expressly stated in the documents creating the easement, or beyond the use that established the easement. It would not be permissible to expand a narrow access driveway into a four-lane road, if that was not anticipated when the easement was created

An easement is a property interest, and is subject to the same general laws as ownership of real property. The property served by an easement is sometimes referred to as the "dominant estate," and the property subject to the easement is the "servient estate."

4. Town Council actions.

The following are from your Ordinances on the minimum that is required for a conditional use permit. Conditional uses are to be granted only under unusual conditions and then only with strict conditions placed on the person applying for the permit that will allow the requested conditional use to fit harmoniously into the neighborhood. I need to know how you are addressing all of these and that they are documented conditions. I have highlighted concerns.

This is Chapter 7 Section 7.8 – 7.9.2

3.a.

Councilmember Stirling said do you know the area regulations, the set back regulations, are for commercial? What is the width of those 2 parcels?

Scott Messel said Parcel A is 240 Ft. wide and Parcel B is 247 Ft. wide.

Councilmember Hunsaker said Scott, these are the same parcels that had a different address on the original paperwork?

Scott Messel said that is correct. On the original application it was called the Main Street Minor Lot Split. There are other Main Street subdivisions in Washington County. The County Recorder will not record a subdivision with a similar or same name so the applicant has changed the name to Grapevine Split Subdivision. You may have seen either name on previous documents.

Mayor Peterson said Scott, I believe recording this would include a notation stating the wastewater situation.

Scott Messel said yes. We have the requirement that the wastewater system needs to be hooked up to sewer.

Councilmember Stirling made a motion to approve the Final Plat Subdivision for Grapevine Split subdivision. 2nd by Councilmember Wilson. Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	x	_____	_____	_____
COUNCILMEMBER: ALAN ROBERTS	x	_____	_____	_____
COUNCILMEMBER: DANIELLE STIRLING	x	_____	_____	_____
COUNCILMEMBER: LORRIE HUNSAKER	x	_____	_____	_____
COUNCILMEMBER: STEPHEN WILSON	x	_____	_____	_____

c. Discussion and possible Action Regarding Approval of Washington County Estimate for 2021 Election

Mayor Peterson said this is something that we have utilized. The most recent was a couple of years ago and the cost for that was \$850. They have provided an estimate for the maximum that could be needed. There are some costs only if needed. In the past, we have not needed any. This covers the ballots being prepared, printing the ballots, postage and mailing the ballots, having absentee ballots and their services for counting and canvassing. The total they come to is \$2,000.46. This would need to be put into our next year's budget. I would highlight that about \$450 of that will not likely be needed.

Councilmember Wilson made a motion to approve the Washington County Estimate for the 2021 election. 2nd by Councilmember Hunsaker. Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	x	_____	_____	_____
COUNCILMEMBER: ALAN ROBERTS	x	_____	_____	_____
COUNCILMEMBER: DANIELLE STIRLING	x	_____	_____	_____
COUNCILMEMBER: LORRIE HUNSAKER	x	_____	_____	_____
COUNCILMEMBER: STEPHEN WILSON	x	_____	_____	_____

Honored Mayors' & Council Members'

It is my privilege to reach out to you as the elected liaison serving on the Washington County Fair Board.

It's just over 100 days until the 2023 fair begins on April 14th and runs through April 22nd.

This year's spotlight city is beautiful Santa Clara. The theme this year is "If I Can Dream"

It is the goal of the fair board to have every town and city represented at the fair with a display that represents your city's attributes, historical uniqueness, or some other defining characteristic that identifies YOU from other cities in the County. Traditionally, each city and town has created a "seed" picture for the Washington County Fair; HOWEVER, other ways to display are welcome.

Each community will be provided with the same area to decorate, 10'x10'. If you are creating a seed display, please transport the final project to the county fair on Thursday, April 6th. from 12pm-4pm. If you're doing another display (perhaps a historical display of your town or city, maybe a then and now picture scene, or something educational) please decorate and set up your display on Tuesday April 11th. in the Harmony building located at the Washington County Legacy Park in Hurricane.

Please RSVP by April 3rd. so proper accommodations can be made.

Like each of you my heart swells with pride as our county comes together to celebrate each other, our history and to plan, with some hometown excitement and fun. I look forward to seeing you at the fair!

Kurt Ivie
Washington County Fair Board

Planning Commission Meeting for
Wednesday, January 4, 2023

Announcements:

Public Hearing: None

Action Items:

- a. Discussion and possible action Conditional Use Application for Brian Hansen 480 N. Main Street.

Findings:

The Planning Commission finds that a Conditional Use Permit at 480 North Main Street is allowable under the Land Use And Zoning Ordinance 2008-04 under Chapter 24.2.5.2.5 as a Home Occupational Business that complies with Chapter 7.5.1.1 in the applicants zone of R-R-20. Regarding the concern of traffic over the easement, the Planning Commission reasons the traffic made by a Bed and Breakfast facility compliant with the business portion of the residence being less than 25% of the total square footage of the residence would not exceed traffic of a typical residential dwelling of the same size. The applicant agrees to consider the available parking spaces at the facility be adequate and the school bus stop safety concerns be evaluated along with septic maintenance for the health and safety of the facility due to septic density regulation set by the Washington county solid Waste District.

Commissioner Darton motioned to forward to Town Council with the recommendation from Planning Commission for approval the Conditional Use Permit for a Bed and Breakfast at 480 N Main Street, Brian Hansen with these conditions: that the Hurricane Valley Fire Department conducts a safety inspection for general health and safety, that the maximum occupancy at the facility be limited to 8 people, That there be two designated guest parking spaces, and specify that sleeping accommodations be in designated bedrooms only, in consideration of the septic load on the facility. "Commissioner Mclaughlin seconded. The motion passed in a roll call vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
CHAIRMAN: DANNY SWENSON	<u>X</u>	—	—	—
COMMISSIONER: ALAN ROBERTS	<u>X</u>	—	—	—
COMMISSIONER: GARY ROSENFELD	<u>X</u>	—	—	—
COMMISSIONER: TOM DARTON	<u>X</u>	—	—	—
COMMISSIONER: JENNIFER LUFT	<u>X</u>	—	—	—

9. Discussion Items:

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

CATEGORY	FEE
(Non-refundable)	
DATE RECEIVED	
BY	

CONDITIONAL USE PERMIT APPLICATION

APPLICANT INFORMATION:

Name: Brian + Shelly Hansen
Address: 480 North Main
Phone: Home: 435-703-3046 Work: _____ Cell: 435-703-3046
Email Address: hansenhouse8@hotmail.com

List nature of business or use applying for: Bed + Breakfast

Property to be used for the following purposes: Provide Nightly lodging in part of our basement. Area includes 2 bedrooms, 1 bathroom, living/dining area, and TV Room. Total Sq. ft 1,214.12. Our home is 4,984 sq. ft, so proposed B+B comprises just under 25% of home. King bed in each room with 2 sleeper sofas in living room. We prefer to cater to 4 people but could accommodate 4 more on sleeper sofa if needed. Maximum of 8 people. Areas of the basement locked and NOT included: the food storage room, Shop, storage closets, and Canning Kitchen. Breakfast provided each morning

Legal description of property, (give exact legal description & include: Lot, Block, Subdivision and Tract)

S: 7 T 415R:13W BE6 NW4 COR SEC 7 T415 R13W TH N 89*23'E ALG SEC/L 1334.16 FT To 1/16 SEC/L TH S 0* 19'49 E ALG 1/16 SEC/L 848.15 FT TO POB; TH S 0* 19'49 E

Property Tax ID# L-78-C-1

The property is situated: (Street address or exterior boundaries of area petitioned for change by streets, alley, property lines, etc.)

480 North Main

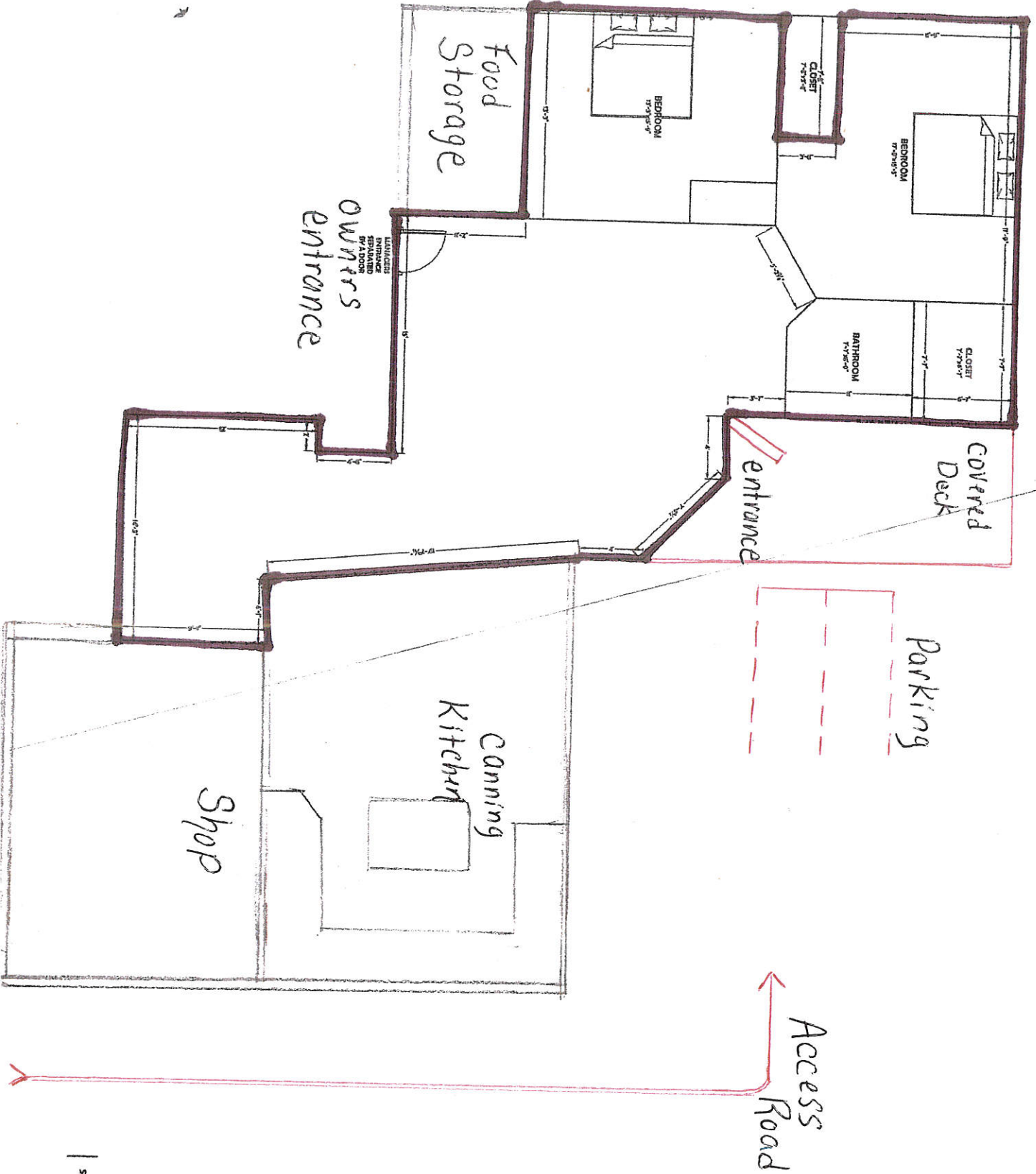
Attach a plot plan, drawn to scale, of the property involved showing the location of all existing buildings and plans and descriptions of the proposed use of the property with plans for all proposed buildings:

1. Prepare site plans/elevations.
2. Show existing/proposed buildings
3. Show parking/loading areas.
4. Include other pertinent information

The applicant has the ability and intention to utilize said CONDITIONAL USE PERMIT within twelve (12) months from date of final approval; and the applicant understands that this CONDITIONAL USE PERMIT, if granted, becomes null and void and of no effect if unused within twelve (12) months from the date of filing of the application; or if any time after granting, the use is discontinued for a period of twelve (12) months; or if the property is sold or developed by someone other than the applicant.

WHEN A CONDITIONAL USE PERMIT IS GRANTED SUBJECT TO CONDITIONS, SUCH CONDITIONAL USE PERMIT DOES NOT BECOME EFFECTIVE UNTIL SUCH TIME AS THOSE CONDITIONS HAVE BEEN MET.

Category 1 \$100.00, Category 2 \$350.00, Category 3 \$650.00, Category 4 \$1000.00 (See Land Use Plan Chapter 7.5.1 for category descriptions)





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

CATEGORY <u>One</u>	FEE <u>\$100</u>
(Non-refundable)	
DATE RECEIVED _____	
BY _____	

CONDITIONAL USE PERMIT APPLICATION

APPLICANT INFORMATION:

Name: Brian Hansen

Address: 480 North Main

Phone: Home: 435-703-3046 Work: _____ Cell: 435-703-3046

Email Address: hansenhouse8@hotmail.com

List nature of business or use applying for: Bed + Breakfast

Property to be used for the following purposes: Bed + Breakfast

Legal description of property, (give exact legal description & include: Lot, Block, Subdivision and Tract)

480 North Main

S: 7 T: 41 S R: 13 W BEG N 1/4 COR SEC 7 T41 S R13 W TH N 89* 23
ALG SECL 1334.16 FT TO 1/16 SECC; TH 50*19'49 E ALG 1/16 SECL 848.15 FT TO P013
 Property Tax ID# L-78-C-1 TH S 0*19'49 E

The property is situated: (Street address or exterior boundaries of area petitioned for change by streets, alley, property lines, etc.)

480 N. Main

Attach a plot plan, drawn to scale, of the property involved showing the location of all existing buildings and plans and descriptions of the proposed use of the property with plans for all proposed buildings:

1. Prepare site plans/elevations.
2. Show existing/proposed buildings
3. Show parking/loading areas.
4. Include other pertinent information

The applicant has the ability and intention to utilize said CONDITIONAL USE PERMIT within twelve (12) months from date of final approval; and the applicant understands that this CONDITIONAL USE PERMIT, if granted, becomes null and void and of no effect if unused within twelve (12) months from the date of filing of the application; or if any time after granting, the use is discontinued for a period of twelve (12) months; or if the property is sold or developed by someone other than the applicant.

WHEN A CONDITIONAL USE PERMIT IS GRANTED SUBJECT TO CONDITIONS, SUCH CONDITIONAL USE PERMIT DOES NOT BECOME EFFECTIVE UNTIL SUCH TIME AS THOSE CONDITIONS HAVE BEEN MET.



*NOTE - A CONDITIONAL USE PERMIT does not eliminate the necessity of obtaining a Building Permit or Business License. A Building Permit is required for construction of all buildings in the project.

Are there any deed restriction affecting the use of the property involved? Give expiration date of restrictions.

Have all requirements in section 7.9.1 of Land-Use Ord 2008-04 been met? Yes _____ No _____
Is this a Sexually Oriented Business? (if yes, Addendum for Sexually Oriented Business) Yes _____ No X

Brian Hansen 480 N Main Street 435-703-3046
Applicants Signature Address Phone #

IT IS REQUIRED THAT THE APPLICANT SUBMIT STAMPED ADDRESSED ENVELOPES FOR ALL PROPERTY OWNERS WITHIN 300 FT OF THE AFFECTED PROPERTY.

Town of Leeds Use Only

Application reviewed by: _____ Position: _____

The Town of Leeds Planning Commission recommended: Approval _____ Denial _____ to the Leeds Town Council on _____

The Town Council of Leeds: Approved _____ Denied _____ this Conditional Use Permit on: _____

The applicant is hereby authorized to establish the requested use in accordance with the attached site plan subject to the following conditions:

Mayor, Town of Leeds

Date

ATTEST:

Clerk/Recorder, Town of Leeds

Date



**Town Council
Revised Staff Report**

*what is next
on this?
I will look up some
code on kitchen*

**Conditional Use for a Bed & Breakfast
October 9, 2019**

Applicant/Owner: Brian Hansen
Location: 480 North Main Street
Parcel Number: L-78-C-1
Zone: R-R-20

Description:

The applicant is requesting approval to operate a bed and breakfast from the dwelling located at 480 North Main Street. Bed and Breakfast are listed as a home occupation that must be approved as a conditional use (see 24.2.5.2 of the Town of Leeds Land Use Ordinances). The subject parcel is zoned R-R-1. The property functions as a flag lot with access via a driveway from Main Street. The applicant owns two dwellings; one of which he lives in full time. It has been stated that a family member will be living in the dwelling proposed to be the bed and breakfast. The applicant has stated that there will be no more than two guest vehicle on the property at a time. This request was reviewed by the Planning Commission in the August 7, 2019 meeting. The item was tabled to allow the applicant to work through some of the concerns that were raised by neighbors. Concerns were raised by neighbors about visibility for guest pulling out from the drive way onto Main Street, potential guest going to the wrong house and increased traffic and dust on the driveway. The applicant has stated that his is willing to install addressing at the entrance to his driveway to help inform guest of location. Staff has visited the site and finds the visibility for cars/guest pulling out onto Main Street to be adequate. The Town is currently working on creating ordinance(s) with rules and regulations for short term rentals such as bed and breakfast. It has been discussed to allow no more than 2 bedrooms be used for short term paying guest and that no more than one family or four unrelated guest may stay at a time. Although the ordinance is pending; the planning commission may determine that is appropriate to apply similar requirement on Mr. Hansen's request. The Planning Commission and Town Council must follow Utah State Code 10-9a-507 requirements when reviewing a conditional use application. See below.

10-9a-507. Conditional uses.

- (1) (a) A municipality may adopt a land use ordinance that includes conditional uses and provisions for conditional uses that require compliance with standards set forth in an applicable ordinance.
- (b) A municipality may not impose a requirement or standard on a conditional use that conflicts with a provision of this chapter or other state or federal law.
- (2) (a) (i) A land use authority shall approve a conditional use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.



- (ii) The requirement described in Subsection (2)(a)(i) to reasonably mitigate anticipated detrimental effects of the proposed conditional use does not require elimination of the detrimental effects.
 - (b) If a land use authority proposes reasonable conditions on a proposed conditional use, the land use authority shall ensure that the conditions are stated on the record and reasonably relate to mitigating the anticipated detrimental effects of the proposed use.
 - (c) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the land use authority may deny the conditional use.
- (3) A land use authority's decision to approve or deny conditional use is an administrative land use decision.
- (4) A legislative body shall classify any use that a land use regulation allows in a zoning district as either a permitted or conditional use under this chapter.

It has come to the attention of The Town that there are 2 kitchens in the dwelling to be used as a bed and breakfast. Leeds Land Use Ordinance Chapter 1 General Provisions/ Definitions: defines a **Single-family Dwelling** "A building arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit. Any single-family dwelling with more than one kitchen must be treated as a single dwelling unit, and cannot be rented out under any circumstance." Although staff and the Planning Commission recommended approval (*see Planning Commission Recommendation below*); the existence of the second kitchen prevents the Town Council from approving the home occupation for a bed and breakfast at this time.

Planning Commission Recommendation:

The Planning Commission reviewed the application for this home occupation in the regularly scheduled Planning Commission Meeting held on October 2, 2019. After some discussion, the Planning Commission recommends the Town Council approve the bed and breakfast based on the following findings and subject conditions:

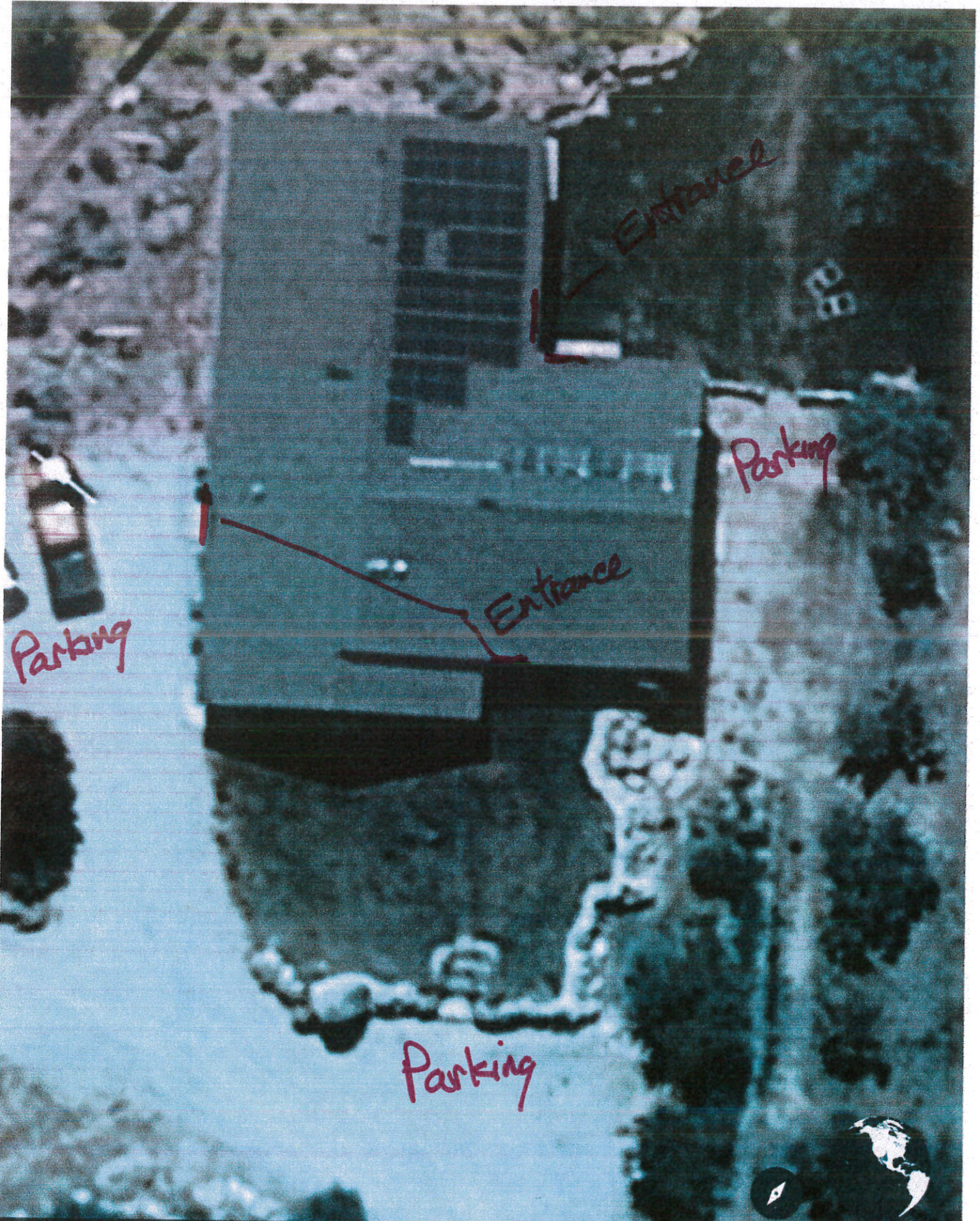
1. The proposed home occupation for a Bed and Breakfast meets the applicable Leeds Land Use Ordinances.
2. No business signs are to be displayed on the premise
3. The home occupation does not alter the residential character of the premises by reason of activity, color, design, materials, storage, construction, lighting, sounds, noises, vibrations, dust, odors, noxious fumes, etc., nor shall it unreasonably disturb the peace and quiet of an individual and/ or the residential neighborhood, nor interfere with area radio or television reception.
4. No outside storage of equipment and / or materials associated with the business shall not be permitted.
5. Patron parking must be kept on site and is not permitted on the street or staff portion of the driveway.
6. The restriction on the number of paying guest, the limit of four bedrooms and two individuals per bedroom.

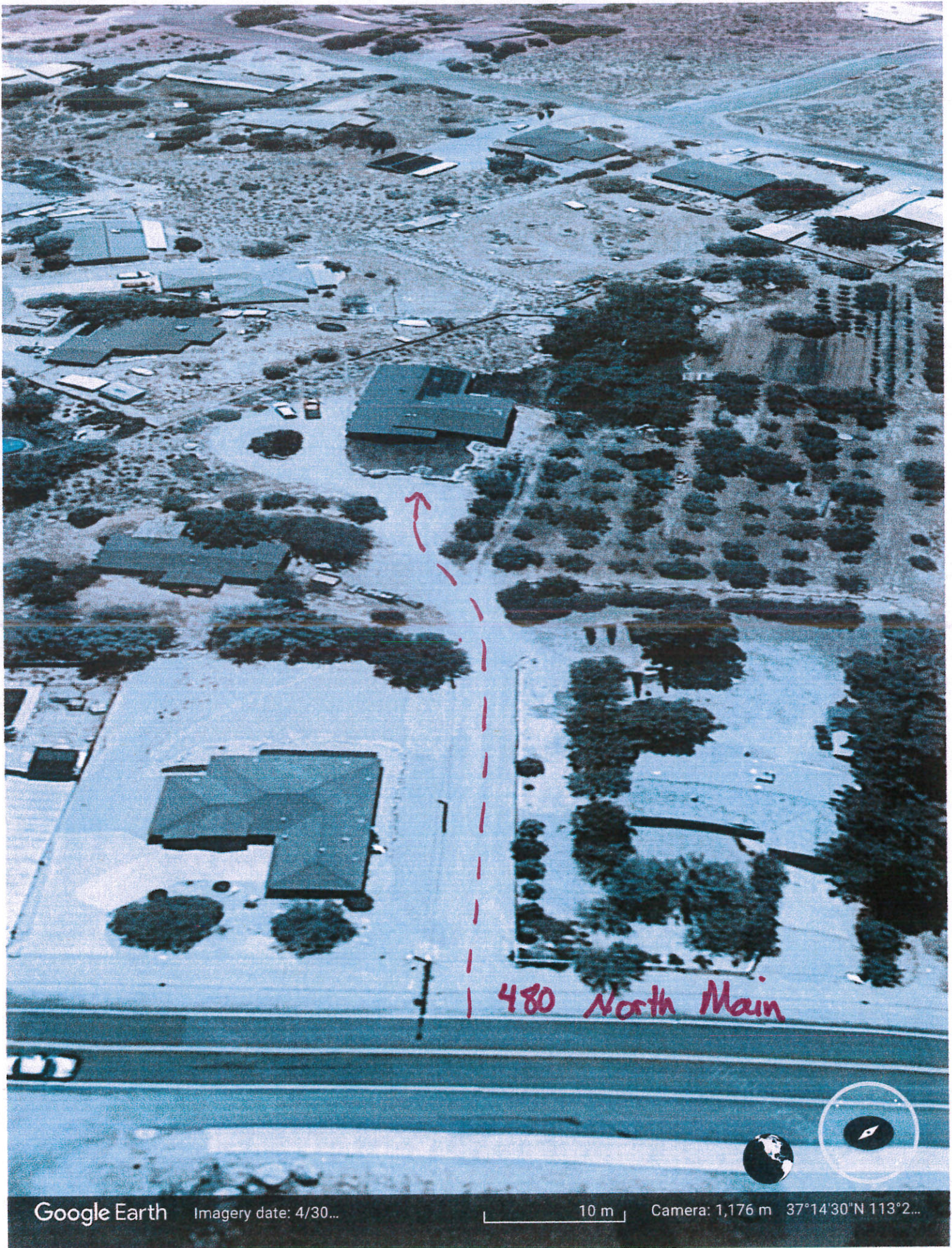


7. That clearly visible addressing be installed at the entrance to the driveway; which helps mitigate concerns about guest going to the wrong house.
8. That quiet hours are from 10 pm – 7 am.

Attachment 1: Maps

Attachment 2: Site Photos





Google Earth

Imagery date: 4/30...

10 m

Camera: 1,176 m 37°14'30"N 113°2'...

Dear Leeds Planning Commissioners

I am sending these doc's in regard to item 8. Action Items: a Discussion and possible action Conditional Use Application for Brian Hansen 480 N Main

I am Kimberly Cook. I am Lana Riddle's daughter and I am part of her trust. I could not attend the meeting tonight but wanted you to have this documentation. I am trying to attend by Zoom.

I am very concerned that we were told it was not required that anyone be notified in writing about the meeting. I find it concerning that you have an application for a conditional use permit that would use an easement over private property and you are not required to notice even the property owner. As a County Planning Commissioner myself, I find this unsettling.

I also find that Lana Riddle has not had Due Process of Law in this matter.

I don't feel like you can grant a Conditional Use Permit that EXPANDS the right over this easement.

I would first like to give you aa little history on the property. I know some of this info is hard to read but it is also hard to read on the Washington County Recorders site.

The original home was built in 1972 now on L-78-C-4, I believe the Waltons owned it. Then in 1994 they built a home on the front of the property Main Street, now L-78-C-3. GIS map See Exhibit A

In 1997 a Survey was done on boundaries and the easement.

See Exhibit B
Enlarged B Exhibit C and D

This is the Survey that creates the easement's for home that was built in 1972. See Narrative same as Exhibit B.

NARATIVE
See Exhibit D

THE PURPOSE OF THIS SURVEY WAS TO RETRACE A PORTION OF AN EARLIER SURVEY OF THE PROPERTY PERFORMED BY BUSH AND GUDGELL IN AUGUST, 1993 AND TO DIVIDE THE RECORD PARCEL INTO PARCELS A AND B AS SHOWN HEREON. THE SURVEY WAS PERORMED AT THE REQUEST OF OUR CLIENT, WHO HAS REPRESENTED TO ME THAT THE TOWN OF LEEDS HAS APPROVED THIS DIVISION OF PROPERTY AND HAS WAIVED THE TYPICAL SUBDIVIOSN REQUIRERMENTS OF SAME.

I have included the Walton survey done in 1993 as exhibit E.

As you can see from exhibit C the surveys are not a like at all.
The 1997 Survey was the first time the easement was created for lot # L-78-C-4

Then in 2001 the property was subdivided by Brian Hansen again. See Exhibit F. Now we have another flag lot using the same Easement.

See Exhibit F

This Property has been subdivided twice which have created 2 flag lots.

This is all factual information. Not public clammer.

Thank you for your time.

Kimberly Cook

I am including law from UTAH PROPERTY RIGHTS OMBUDSMAN
@PROPERTYRIGHTS.UTAH.GOV.

An easement may be used for the purpose for which it was established. An access easement, for example, may be used for access by crossing property belonging to another person. Depending upon the specific circumstances, an easement right may include similar uses not anticipated when the easement was originally established. An easement for an irrigation ditch, for example, may also be used for a pipeline to convey water, if the pipeline does not unreasonably enlarge the easement.

An easement's use may not unreasonably interfere with the property rights of the servient estate. As a corollary, the use of the servient estate may not unreasonably interfere with the rights of the easement owner. What constitutes an "unreasonable interference" depends upon the circumstances. For example, it may be reasonable to ask that the easement owner close or lock gates on the servient property, and it may be reasonable that the easement owner be allowed to grade or maintain an access roadway.

An easement also may not be expanded beyond what is expressly stated in the documents creating the easement, or beyond the use that established the easement. It would not be permissible to expand a narrow access driveway into a four-lane road, if that was not anticipated when the easement was created

An easement is a property interest, and is subject to the same general laws as ownership of real property. The property served by an easement is sometimes referred to as the "**dominant estate,**" and the property subject to the easement is the "**servient estate.**"

Exhibit A

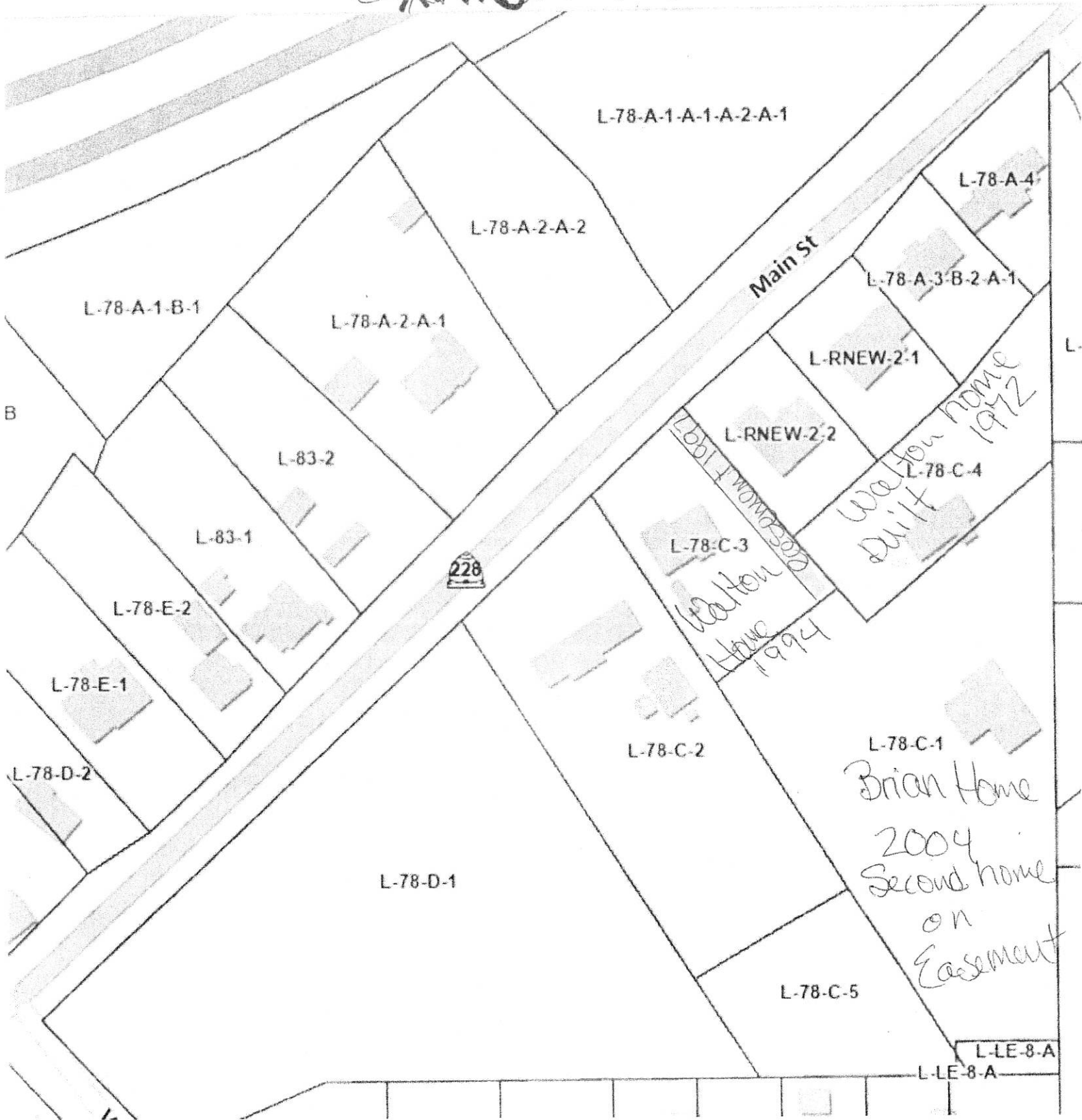
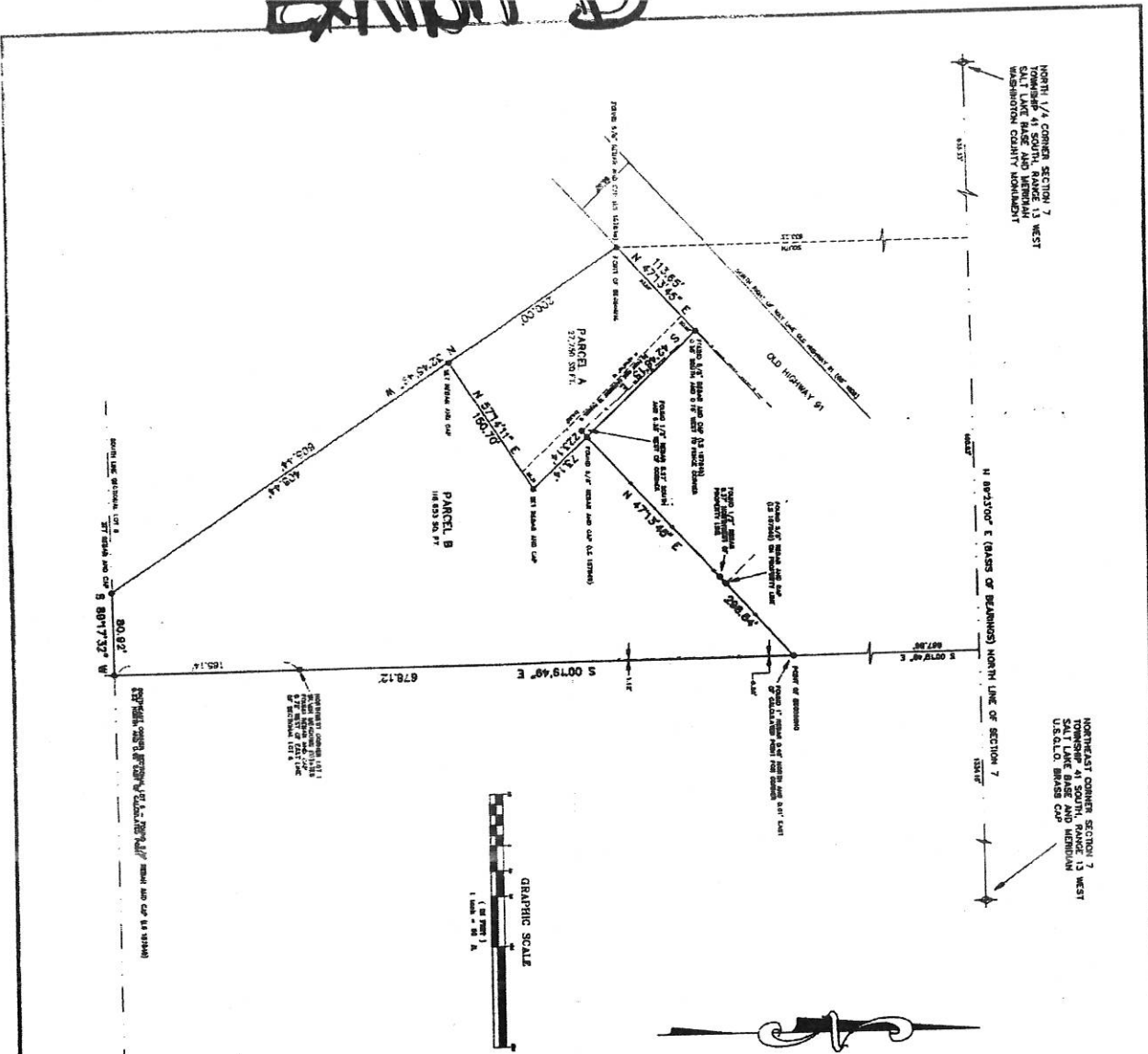


Exhibit B



NORTH 1/4 CORNER SECTION 7
SALT LAKE BASE AND MERIDIAN
WASHINGTON COUNTY MONTANA

NORTHEAST CORNER SECTION 7
SALT LAKE BASE AND MERIDIAN
USULDO BRASS CAP

SURVYOR'S CERTIFICATE

I, Walter C. Guggell, Surveyor, do hereby certify that I am a registered land surveyor in Washington by the laws of the State of Montana and have duly taken the oath of office.



Walter C. Guggell
Surveyor
1000 N. 10th Street, Helena, Montana 59601

BOUNDARY DESCRIPTION

Section 7, Township 41 North, Range 18 West, Salt Lake Base and Meridian, Washington County, Montana. The survey was made on the 15th day of August, 1999, by me, the undersigned, and the following description of the boundaries of the parcels shown on the plat is hereby given: Parcel A, 227.90 sq. ft., bounded on the north by the north line of Section 7, on the east by the east line of Section 7, on the south by the south line of Section 7, and on the west by the west line of Section 7. Parcel B, 402.34 sq. ft., bounded on the north by the north line of Section 7, on the east by the east line of Section 7, on the south by the south line of Section 7, and on the west by the west line of Section 7.

NARRATIVE

The purpose of this survey was to divide a portion of a larger survey of Section 7, Township 41 North, Range 18 West, Salt Lake Base and Meridian, Washington County, Montana, into two parcels, Parcel A and Parcel B. The survey was made on the 15th day of August, 1999, by me, the undersigned, and the following description of the boundaries of the parcels shown on the plat is hereby given: Parcel A, 227.90 sq. ft., bounded on the north by the north line of Section 7, on the east by the east line of Section 7, on the south by the south line of Section 7, and on the west by the west line of Section 7. Parcel B, 402.34 sq. ft., bounded on the north by the north line of Section 7, on the east by the east line of Section 7, on the south by the south line of Section 7, and on the west by the west line of Section 7.

LEGEND

- Section subdivision (Type, location, etc. as noted on the plat)
- Set apart means and plat cap (subject is marked, etc. as noted on the plat)

RECORD OF SURVEY PLAT

Location of Section 7, Township 41 North, Range 18 West, Salt Lake Base and Meridian, Washington County, Montana. Prepared by: Walter C. Guggell, Surveyor.

<p>2346-97 Sec. 17-115 (Rev. 8/94)</p>	<p>RECORD OF SURVEY PLAT</p>	<p>BUSH & GUDGELL, INC. Surveyors - Planners - Subdividers 200 East Yellowstone P.O. Box 1000 Helena, Montana 59601 Phone (406) 671-2287</p>
--	------------------------------	--

Wash County Entry # RS001480 1999

Exhibit D

BOUNDARY DESCRIPTION

RECORD DESCRIPTION OF OVERALL PARCEL (BOOK 508 PAGE 125):

BEGINNING AT THE SOUTHEAST CORNER OF SECTIONAL LOT 6, SECTION 7, TOWNSHIP 41 SOUTH, RANGE 13 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE S 89°44'15" W 81.2 FEET; THENCE N 32°40' W 606.0 FEET TO THE SOUTHEASTERLY RIGHT OF WAY LINE OF STATE HIGHWAY; THENCE 47°28' E 113.15 ; THENCE S 41°34' E 150.0 FEET; THENCE N 47°28' E 302.1 FEET TO THE EAST LINE OF SAID SECTIONAL LOT 6; THENCE S 0°14' E 678.2 FEET TO THE POINT OF BEGINNING.

PARCEL A:

BEGINNING AT A POINT WHICH LIES N 89°23'00" E 933.33 FEET ALONG THE SECTION LINE AND SOUTH 833.23 FEET FROM THE NORTH 1/4 CORNER OF SECTION 7, TOWNSHIP 41 SOUTH, RANGE 13 WEST, SALT LAKE BASE AND MERIDIAN, SAID POINT BEING ALSO ON THE SOUTHERLY RIGHT OF WAY LINE OF OLD HIGHWAY 91 AND RUNNING THENCE N 47°13'45" E 113.85 FEET ALONG SAID RIGHT OF WAY; THENCE S 42°46'15" E 223.14 FEET, THENCE S 57°14'11" W 150.70 FEET; THENCE N 32°45'49" W 200.00 FEET TO THE POINT OF BEGINNING. CONTAINS 27,750 SQ. FT.

PARCEL B:

BEGINNING AT A POINT WHICH LIES N 89°23'00" E 1334.16 FEET ALONG THE SECTION LINE AND S 0°19'49" E 667.56 FEET ALONG THE 1/16 LINE FROM THE NORTH 1/4 CORNER OF SECTION 7, TOWNSHIP 41 SOUTH, RANGE 13 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE S 0°19'49" E 678.12 FEET TO THE SOUTHEAST CORNER OF SECTIONAL LOT 6 OF SAID SECTION 7; THENCE S 89°17'32" W 80.82 FEET ALONG THE SOUTH LINE OF SAID SECTIONAL LOT 6; THENCE N 32°45'49" W 405.44 FEET; THENCE N 57°14'11" E 150.70 FEET; THENCE N 42°46'15" W 73.14 FEET; THENCE N 47°13'45" E 298.84 FEET TO THE POINT OF BEGINNING. CONTAINS 116,663 SQ. FT.

TOGETHER WITH THE FOLLOWING DESCRIBED EASEMENT:

BEGINNING AT A POINT WHICH LIES N 89°23'00" E 933.33 FEET ALONG THE SECTION LINE, SOUTH 833.23 FEET AND N 47°13'45" E 83.85 FEET FROM THE NORTH 1/4 CORNER OF SECTION 7, TOWNSHIP 42 SOUTH, RANGE 13 WEST, SALT LAKE BASE AND MERIDIAN, SAID POINT BEING ALSO ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF OLD HIGHWAY 91 AND RUNNING THENCE N 47°13'45" E 20.00 FEET ALONG SAID RIGHT OF WAY; THENCE S 42°46'15" E 223.14 FEET; THENCE S 57°14'11" W 20.31 FEET; THENCE N 42°46'15" W 219.62 FEET TO THE POINT OF BEGINNING.

NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO RETRACE A PORTION OF AN EARLIER SURVEY OF THE PROPERTY PERFORMED BY BUSH AND GUDGELL IN AUGUST, 1993, AND TO DIVIDE THE RECORD PARCEL INTO PARCELS A AND B AS SHOWN HEREON. THE SURVEY WAS PERFORMED AT THE REQUEST OF OUR CLIENT, WHO HAS REPRESENTED TO ME THAT THE TOWN OF LEEDS HAS APPROVED THIS DIVISION OF PROPERTY AND HAS WAIVED THE TYPICAL SUBDIVISION REQUIREMENTS OF SAME. THE BASIS OF BEARINGS FOR THIS SURVEY IS N 89°23'00" E BETWEEN THE NORTH 1/4 CORNER AND THE NORTHEAST CORNER OF SECTION 7, TOWNSHIP 41 SOUTH, RANGE 13 WEST, SALT LAKE BASE AND MERIDIAN. MEASUREMENTS TAKEN ON SECTION 7 MONUMENTATION AND CERTAIN RIGHT OF WAY MARKERS DEFINING OLD HIGHWAY 91 HAVE RESULTED IN MINOR DISCREPANCIES WITH THE RECORD DESCRIPTION. FOR ADDITIONAL INFORMATION CONCERNING THE LOCATION OF THE HIGHWAY AND THE LOCATION OF SECTIONAL LOT 6, REFER TO RECORD OF SURVEY DATED 8/11/97 FILED IN THE WASHINGTON COUNTY SURVEYORS' DEPOSITORY.

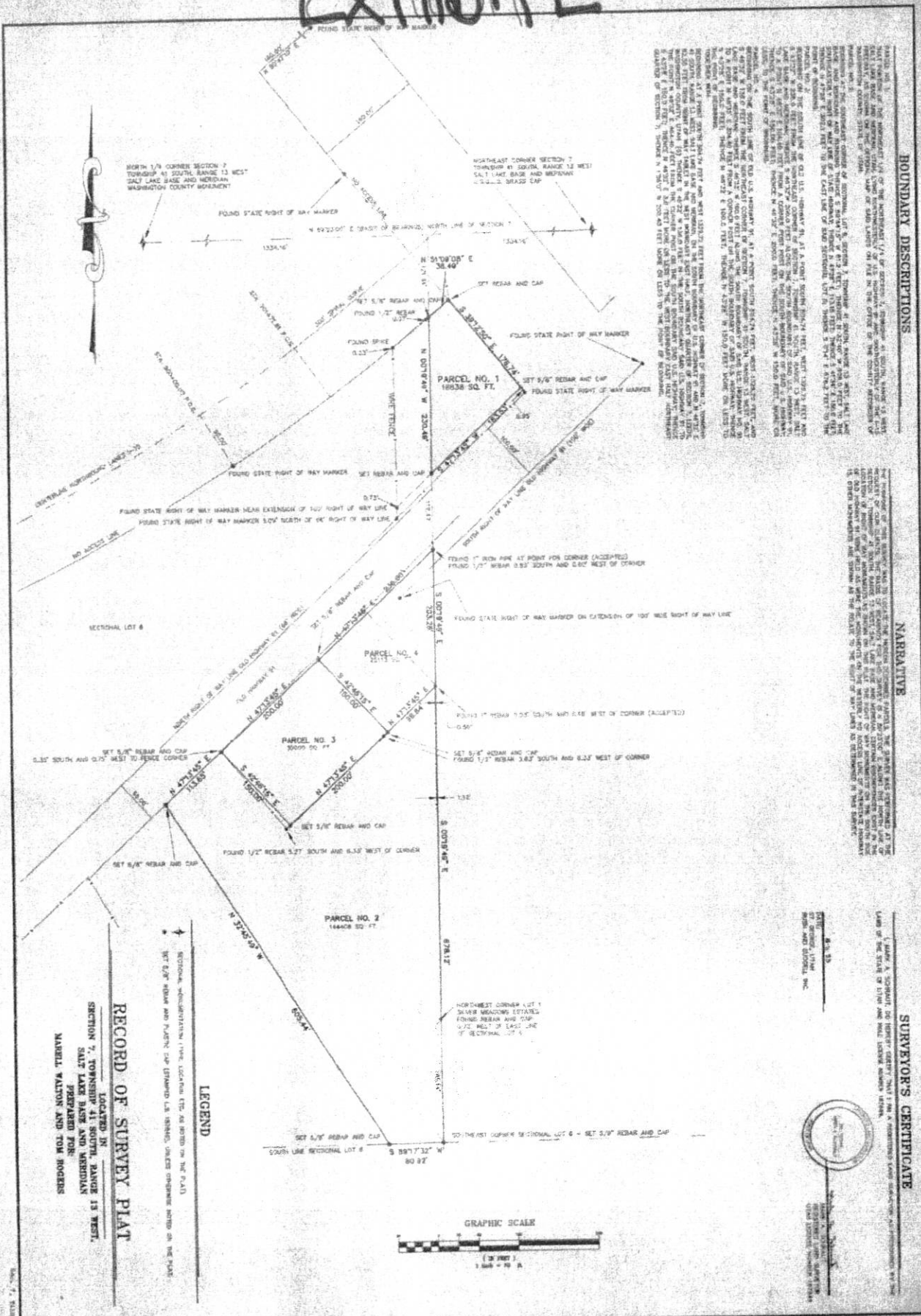
LEGEND



SECTIONAL MONUMENTATION (TYPE, LOCATION ETC. AS NOTED ON THE PLAT).

● SET 5/8" REBAR AND PLASTIC CAP (STAMPED L.S. 187849), UNLESS OTHERWISE NOTED ON THE PLAT.

Exhibit E



1993 Walton Survey Entry #

NAME: _____

UNITS: 2 MAP # 1770 FILE: 9

Brian & Shelly Hansen

00714293 Bk 1399 Pg 1057
RUSSELL SHIRTS & WASHINGTON CO RECORDER
2001 MAR 13 14:55 PM FEE \$32.00 BY DC
FOR: HANSEN SHELLY

EXHIBIT F

LOT SPLIT / MINOR SUBMISSION DESCRIPTION

COMMENCING at the North 1/4 Corner of Section 7, Township 41 South, Range 13 West, Salt Lake Base and Meridian, and running thence N.89°23'00"E, along the Section Line, 1334.16 feet to the 1/16 Section Corner; thence S.0°19'49"E, along the 1/16 Section Line, 667.56 feet to the TRUE POINT OF BEGINNING; thence S.0°19'49"E, along the 1/16 Section Line, 678.15 feet to the 1/16 Section Corner; thence S.89°17'32"W, along the 1/16 Section Line, 80.92 feet; thence N.32°45'49"W, 405.44 feet; thence N.57°14'11"E, 150.70 feet; thence N.42°46'15"W, 73.14 feet; thence N.47°15'15"E, 298.85 feet to the TRUE POINT OF BEGINNING.

Containing 2.68 acres.

LOT 1 DESCRIPTION

COMMENCING at the North 1/4 Corner of Section 7, Township 41 South, Range 13 West, Salt Lake Base and Meridian, and running thence N.89°23'00"E, along the Section Line, 1334.16 feet to the 1/16 Section Corner; thence S.0°19'49"E, along the 1/16 Section Line, 667.56 feet to the TRUE POINT OF BEGINNING; thence S.0°19'49"E, along the 1/16 Section Line, 180.59 feet; thence S.56°16'54"W, 179.22 feet; thence N.42°46'15"W, 105.05 feet; thence N.47°13'45"E, 298.85 feet to the TRUE POINT OF BEGINNING.

Containing 0.67 acre.

LOT 2 DESCRIPTION

COMMENCING at the North 1/4 Corner of Section 7, Township 41 South, Range 13 West, Salt Lake Base and Meridian, and running thence N.89°23'00"E, along the Section Line, 1334.16 feet to the 1/16 Section Corner; thence S.0°19'49"E, along the 1/16 Section Line, 678.15 feet to the TRUE POINT OF BEGINNING; thence S.0°19'49"E, along the 1/16 Section Line, 497.56 feet to the 1/16 Section Corner; thence S.89°17'32"W, along the 1/16 Section Line, 80.92 feet; thence N.32°45'49"W, 405.44 feet; thence N.57°14'11"E, 130.40 feet; thence N.53°07'34"E, 20.10 feet; thence S.42°46'15"E, 31.91 feet; thence N.56°16'54"E, 179.22 feet to the TRUE POINT OF BEGINNING.

Containing 2.01 acres.

NAME: _____

UNITS: 2 MAP # 1770 FILE: 9

Brian & Shelly Hansen

00714293 Bk 1399 Pg 1057
RUSSELL SHIRTS & WASHINGTON CO RECORDER
2001 MAR 13 14:55 PM FEE \$32.00 BY DC
FOR: HANSEN SHELLY

Unofficial Copy

Unofficial Copy

Unofficial Copy

Unofficial Copy

EXHIBIT F

LOT / MINOR DIMENSIONS / DESCRIPTION

by

by

Meeting Jan 11th Town Council Re: Discussion and possible action Conditional Use Application for Brian Hansen 480 N



From Kimberly Cook <kimscooked@gmail.com>
To Bill Hoster <mayor@leedstown.org>, Aseneth Steed <clerk@leedstown.org>, Danielle Stirling <dstirling@leedstown.org>, Ron Cundick <rcundick@leedstown.org>, Kohl Furley <kfurley@leedstown.org>, Stephen Wilson <swilson@leedstown.org>
Date 11.01.2023 10:54

Dear Leeds Mayor and Leeds Town Council

I am sending this letter in regard to item

8. Action Items:
 - a Discussion and possible action Conditional Use Application for Brian Hansen 480 N

I am Kimberly Cook. I am Lana Riddle's daughter and I am part of her trust. I can't attend the meeting tonight but wanted you to have this letter. I need to have this read by those taking action before the meeting. It contains pertinent information. I will be attending via Zoom.

1. Notice

We were told by Leeds that it is not required that anyone be notified in writing about any of these meetings concerning this application. This is an easement over private property and you are not required to notice even the property owner. I would ask that this matter is brought to the attention of your town attorney.

2. Due Process

Lana Riddle has not had Due Process of Law in this matter. According to Ombudsman this action has not even been noticed according to law. This is not a simple matter of Brian having his own easement, it is an easement that is owned by someone else.

3. Easement Expansion

This Conditional Use Permit EXPANDS the right over this easement.

This easement was established in 1993 for the purpose of an easement for on a flag lot for 1 residential property.

Then in again in 2001 the property was subdivided again by Brian Hansen . This easement now serves as an easement for 2 flag lots as on residential properties. This is an easement for residential use.

UTAH PROPERTY RIGHTS OMBUDSMAN @PROPERTYRIGHTS.UTAH.GOV.

An easement may be used for the purpose for which it was established. An access easement, for example, may be used for access by crossing property belonging to another person. Depending upon the specific circumstances, an easement right may include similar uses not anticipated when the easement was originally established. An easement for an irrigation ditch, for example, may also be used for a pipeline to convey water, if the pipeline does not unreasonably enlarge the easement.

An easement's use may not unreasonably interfere with the property rights of the servient estate. As a corollary, the use of the servient estate may not unreasonably interfere with the rights of the easement owner. What constitutes an "unreasonable interference" depends upon the circumstances. For example, it may be reasonable to ask that the easement owner close or lock gates on the servient property, and it may be reasonable that the easement owner be allowed to grade or maintain an access roadway.

An easement also may not be expanded beyond what is expressly stated in the documents creating the easement, or beyond the use that established the easement. It would not be permissible to expand a narrow access driveway into a four-lane road, if that was not anticipated when the easement was created

An easement is a property interest, and is subject to the same general laws as ownership of real property. The property served by an easement is sometimes referred to as the "dominant estate," and the property subject to the easement is the "servient estate."

4. Town Council actions.

The following are from your Ordinances on the minimum that is required for a conditional use permit. Conditional uses are to be granted only under unusual conditions and then only with strict conditions placed on the person applying for the permit that will allow the requested conditional use to fit harmoniously into the neighborhood. I need to know how you are addressing all of these and that they are documented conditions. I have highlighted concerns.

This is Chapter 7 Section 7.8 – 7.9.2

b.a.

Councilmember Stirling said do you know the area regulations, the set back regulations, are for commercial? What is the width of those 2 parcels?

Scott Messel said Parcel A is 240 Ft. wide and Parcel B is 247 Ft. wide.

Councilmember Hunsaker said Scott, these are the same parcels that had a different address on the original paperwork?

Scott Messel said that is correct. On the original application it was called the Main Street Minor Lot Split. There are other Main Street subdivisions in Washington County. The County Recorder will not record a subdivision with a similar or same name so the applicant has changed the name to Grapevine Split Subdivision. You may have seen either name on previous documents.

Mayor Peterson said Scott, I believe recording this would include a notation stating the wastewater situation.

Scott Messel said yes. We have the requirement that the wastewater system needs to be hooked up to sewer.

Councilmember Stirling made a motion to approve the Final Plat Subdivision for Grapevine Split subdivision. 2nd by Councilmember Wilson. Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	x	_____	_____	_____
COUNCILMEMBER: ALAN ROBERTS	x	_____	_____	_____
COUNCILMEMBER: DANIELLE STIRLING	x	_____	_____	_____
COUNCILMEMBER: LORRIE HUNSAKER	x	_____	_____	_____
COUNCILMEMBER: STEPHEN WILSON	x	_____	_____	_____

c. Discussion and possible Action Regarding Approval of Washington County Estimate for 2021 Election

Mayor Peterson said this is something that we have utilized. The most recent was a couple of years ago and the cost for that was \$850. They have provided an estimate for the maximum that could be needed. There are some costs only if needed. In the past, we have not needed any. This covers the ballots being prepared, printing the ballots, postage and mailing the ballots, having absentee ballots and their services for counting and canvassing. The total they come to is \$2,000.46. This would need to be put into our next year's budget. I would highlight that about \$450 of that will not likely be needed.

Councilmember Wilson made a motion to approve the Washington County Estimate for the 2021 election. 2nd by Councilmember Hunsaker. Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	x	_____	_____	_____
COUNCILMEMBER: ALAN ROBERTS	x	_____	_____	_____
COUNCILMEMBER: DANIELLE STIRLING	x	_____	_____	_____
COUNCILMEMBER: LORRIE HUNSAKER	x	_____	_____	_____
COUNCILMEMBER: STEPHEN WILSON	x	_____	_____	_____

Honored Mayors' & Council Members'

It is my privilege to reach out to you as the elected liaison serving on the Washington County Fair Board.

It's just over 100 days until the 2023 fair begins on April 14th and runs through April 22nd.

This year's spotlight city is beautiful Santa Clara. The theme this year is "If I Can Dream"

It is the goal of the fair board to have every town and city represented at the fair with a display that represents your city's attributes, historical uniqueness, or some other defining characteristic that identifies YOU from other cities in the County. Traditionally, each city and town has created a "seed" picture for the Washington County Fair; HOWEVER, other ways to display are welcome.

Each community will be provided with the same area to decorate, 10'x10'. If you are creating a seed display, please transport the final project to the county fair on Thursday, April 6th. from 12pm-4pm. If you're doing another display (perhaps a historical display of your town or city, maybe a then and now picture scene, or something educational) please decorate and set up your display on Tuesday April 11th. in the Harmony building located at the Washington County Legacy Park in Hurricane.

Please RSVP by April 3rd. so proper accommodations can be made.

Like each of you my heart swells with pride as our county comes together to celebrate each other, our history and to plan, with some hometown excitement and fun. I look forward to seeing you at the fair!

Kurt Ivie
Washington County Fair Board