

**REQUEST FOR DISCONNECTION OF  
BABYLON LANDS  
IN WASHINGTON COUNTY, UTAH**

August 8, 2025

Town Council  
Town of Leeds  
218 N. Main St.  
P.O. Box 460879  
Leeds, UT 84746

Pursuant to Utah Code § 10-2-501 *et seq.*, the undersigned (the “Petitioner”) hereby submits this Request for Disconnection (the “Request”) to the Town Council of the Town of Leeds (the “Town”). Petitioner submits this Request seeking the disconnection of certain real property from the Town’s boundaries. The real property proposed to be disconnected from the Town is depicted in **Exhibit A** (the “Property”) to this Request. As set forth below, the Petitioner satisfies the statutory requirements for this Request:

**I. Petitioners**

Utah Code § 10-2-501(2)(b)(i) requires that a Request “contain the names, addresses, and signatures of the owners of more than 50% of any private real property in the area proposed for disconnection.”

The proposed disconnection affects a singular landowner, Babylon Lands, LLC, a Utah limited liability company. Therefore, this Request represents 100% of the owners of the Property. The required information is set forth below with the signatures to be found at the end of this Request:

Babylon Lands, LLC  
3747 Sagebrush Dr  
Santa Clara, UT 84765

**II. Reasons for Disconnection**

In 2024, Petitioner acquired the Property and an adjacent 44 acre parcel (“Unincorporated Parcel”) for the purpose of developing them together as a commercial and residential mixed-use project. The Unincorporated Parcel is located in the unincorporated area of Washington County (“County”). Petitioner discussed its plans with Town officials and County Officials prior to acquiring the Property. Town officials indicated general support for the project if it was not too dense, did not include stacked apartments, and provided commercial uses, specifically including a grocery store because the community’s grocery store had closed and the nearest grocery store is several miles away. In addition, Petitioner expressed a desire to provide owner-occupied townhomes and single family homes for purchase by the “missing middle” working families (school teachers, firefighters, etc.) that

cannot afford to purchase housing in today's market ("Affordable Housing"). The Utah Legislature had passed a series of law encouraging municipalities and counties to promote Affordable Housing. Also, the Washington County Water Conservancy District was working on its "Ultra Water Conservation Standards" because of the significant water drought concerns which promotes smaller lots that use less water. The Town officials acknowledged that they did not have a current zone that could accommodate the project but that it was part of the new zoning ordinances being considered by the Town Planning Commission in 2024.

Petitioner informed the Town that the County already had a zoning ordinance that allowed for the development and therefore, it could either disconnect the Property from the Town and develop the project under land use regulations governing the unincorporated County, or it could work with the Town, while it created a mixed-use ordinance, and then later annex the Unincorporated Parcel into the Town. But the Petitioner informed the Town that time was of the essence if it wanted the development in the Town and that the ordinance needed to be consistent with the legislative intent regarding Affordable Housing and the plans for residents to use less water.

Petitioners proposed plan provided significant Affordable Housing units, and the type of commercial the Town desired, including a proposed grocery store. And the project would have a total density of only 4 units to the acre.

In December 2024, after many months of work by the Town Planning Commission, it unanimously recommended to the Town Council a mixed-use ordinance that allowed for a density of up to 9 residential units to the acre and a provision to provide Affordable Housing. During the next 6 months, the Town Council held a few work sessions, and some cancelled some meetings where the ordinance was scheduled to be discussed. Some of the comments from the public, including those running for municipal office in November 2025, expressed opposition to any mixed-use and a desire for only larger lot development and not wanting any Affordable Housing. In late June 2025, the Town Council finally adopted a version of a mixed use ordinance but reduced the maximum density from 9 to 2.75 units to the acre and eliminated any reference to Affordable Housing, thus making the project unworkable as a development that could fulfill the legislative policy of promoting Affordable Housing.

In addition, to develop the project, environmental regulations require that the project have sewer services. In 2024, the Town decided not to join the Ash Creek Special Service District which would have allowed the Town to provide sewer services. The Town also does not have a water utility. Nor does the Town provide any fire or police services.

Consequently, because of the Town's adoption of a version of the mixed use ordinance that it knew would not allow for the development, including the Affordable Housing, the Petitioner determined that development of the project should occur in the unincorporated

area of the County. The County has been strongly encouraging Affordable Housing development and would allow for 7.5 units to the acre. Petitioner has now applied to the County for its land use approval of the Unincorporated Parcel and when this disconnection is complete, it will join this Property with the Unincorporated Parcel and develop it under the County land use regulations.

Utah Code § 10-2-501(2)(b)(ii) requires that a Request “give the reasons for the proposed disconnection.” Petitioner seeks disconnection for the following reasons:

1. The Property is undeveloped.
2. The Town does not provide any traditional municipal services like utilities or public safety to the Property.
3. The Town zoning regulations were significantly delayed and the version adopted would not allow for the development and no Affordable Housing can be developed under the current zoning. The Town Council expressly rejected the unanimous recommendation of its Planning Commission and there is no indication that the current or future political environment will allow for any support for the development.

Justice and equity require that the Property be disconnected. Utah courts have found that disconnection is just, equitable, and appropriate when, among other things, the property to be disconnected is undeveloped. *Bluffdale Mountain Homes, LC v. Bluffdale City*, 2007 UT 57, ¶ 59, 167 P.3d 1016, 1033 (“The court primarily made three factual findings in support of its decision: (1) Undeveloped land has historically been found to be appropriate for disconnection.” (internal quotations omitted)). The Property is currently undeveloped and therefore disconnection is appropriate.

Additionally, disconnection is just, equitable, and appropriate when a municipality’s zoning and planning processes and changing standards cause unreasonable delay. *Id.* (Disconnection is just and equitable when the “[municipality’s] zoning and planning process as applied to [property to be disconnected] reflects unreasonable delay and arbitrarily changing standards.”). Here, the Property has faced significant delays in obtaining a Planning Commission recommendation and then a conscious decision by the Town Council to reduce the recommended density to below what Petitioner had planned (which was less than half the Planning Commission recommendation) which thwarted the feasibility of any Affordable Housing, in direct contradiction of the Utah Legislature’s policy directives to municipalities. Naturally, such changes have resulted in lengthy delays. Therefore, disconnection is appropriate.

Finally, disconnection is just, equitable, and appropriate when the municipality’s political environment precludes an orderly development process. *Id.* (Disconnection is just and equitable when the “current political environment precludes an orderly development process.”). As set forth above, Petitioner’s have sought to obtain development entitlements

and typical services and utilities from the Town, but such efforts have been rebuffed. Additionally, Petitioner's efforts to work within the Town's political arenas have been unproductive and in vain. Therefore, disconnection is appropriate.

In light of the foregoing, Petitioner seeks that the Property be disconnected from the Town.

### **III. Plat**

Utah Code § 10-2-501(2)(b)(iii) requires that a Request "include a map or plat of the territory proposed for disconnection." Exhibit A to this Request contains the plat depicting the proposed territory to be disconnected.

### **IV. Designation of Authority to Act**

Utah Code § 10-2-501(2)(b)(iv) requires that a Request "designate...persons with authority to act on the petitioner's behalf in the proceedings." Accordingly, the Petitioner designates the following to act on its behalf in the proceedings:

Matt Ence & Tyler King  
SNOW JENSEN & REECE  
912 West 1600 South, Suite B-200  
St. George, UT 84770  
[mence@snowjensen.com](mailto:mence@snowjensen.com)  
[tking@snowjensen.com](mailto:tking@snowjensen.com)  
(435) 628-3688

Brecken Anderson Manager of Vital Lands, LLC, which manages Babylon Lands, LLC  
90 East 100 South  
St. George UT 84770  
[brecken@vital-lands.com](mailto:brecken@vital-lands.com)  
435-773-7476

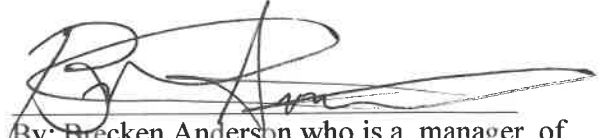
### **V. Electronic Means; Counterparts**

This Request may be circulated by electronic means and executed in several counterparts, including by electronic signature, all or any of which may be treated for all purposes as an original and shall constitute and be one and the same document.

IN WITNESS WHEREOF, the Petitioner has executed and consented to this Petition as of the date indicated on the signature pages attached.

*(signature pages to follow)*


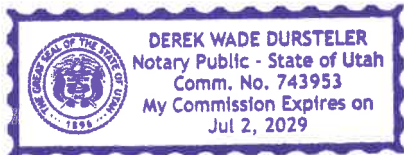
**BABYLON LANDS, LLC**, a Utah limited liability company



By: Brecken Anderson who is a manager of Vital Lands, LLC, a Utah limited liability company, which manages Babylon Lands, LLC

STATE OF UTAH )  
COUNTY OF Washington )  
SS:

On this 8<sup>th</sup> day of August 2025, personally appeared before me Brecken Anderson whose identity is personally known to me (or proven on the basis of satisfactory evidence) and who by me duly sworn did say that he is a manager for Vital Lands, LLC which manages Babylon Lands, LLC, that he/she was duly authorized by said company to sign this Petition, and that he acknowledged to me that said company executed the same for the uses and purposes set forth herein.

  
NOTARY PUBLIC

### Plat of Proposed Disconnection Area

IN SW 1/4 SECTION 5 & SW 1/4 SECTION 6, TOWNSHIP 42 SOUTH, RANGE 13 WEST,  
SALT LAKE BASIN AND MEDIUM  
TOWN OF LEEDS, WASHINGTON COUNTY, UTAH



LEGAL DESCRIPTION

The following parcels located in Washington County, State of Utah:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 5, TOWNSHIP 41 SOUTH, RANGE 13 WEST, SALT LAKE BASE AND MERIDIAN, THENCE RUNNING NORTH 02°32'41" EAST ALONG THE SECTION LINE AND AN EXISTING FENCE LINE A DISTANCE OF 219.46 FEET; THENCE CONTINUING ALONG AN EXISTING FENCE LINE THE FOLLOWING FIVE (5) COURSES: 1) NORTH 37°51'18" WEST 258.47 FEET TO A FENCE CORNER; 2) NORTH 61°10'06" EAST 638.40 FEET TO A FENCE CORNER; 3) SOUTH 84°40'12" EAST 574.82 FEET TO A FENCE CORNER; 4) NORTH 03°49'38" EAST 524.07 FEET TO A FOUND ILLEGIBLE REBAR AND CAP AND FENCE CORNER AND 5) NORTH 85°00'11" WEST 376.25 FEET TO THE SOUTHEASTERLY RIGHT OF WAY LINE OF INTERSTATE 15, THENCE ALONG SAID RIGHT OF WAY THE FOLLOWING TWO (2) COURSES: 1) NORTH 52°00'35" EAST 932.77 FEET AND 2) NORTH 52°24'09" EAST 157.32 FEET; THENCE DEPARTING SAID RIGHT OF WAY AND RUNNING SOUTH 01°47'07" WEST 1,895.58 FEET MORE OR LESS TO THE SOUTH LINE OF SAID SECTION 5, THENCE SOUTH 89°38'45" WEST ALONG THE SECTION LINE 1,443.63 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,538,986 SQUARE FEET OR 35.33 ACRES.  
PARCEL NO. L-2-D