Town of Leeds

Agenda
Town of Leeds Planning Commission
Wednesday, May 4 , 2022

PUBLIC NOTICE is hereby given that the Town of Leeds Planning Commission **PUBLIC MEETING** scheduled for Wednesday, May 4 ,2022 at 7:00 P.M. This meeting will be held at Leeds Town Hall, 218 N. Main Street, Leeds, UT 84746.
If you are interested in participating remotely via Zoom, please contact Town Hall at 879-2447 or email Clerk@LeedsTown.org for the Zoom details.

Regular Meeting 7:00 p.m.

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 04/06/2022
6. Announcements:
   a. Dumpster Days, 20, 21 & 22, Dumpsters located on Cherry Lane
7. Public Hearing:
   a. Ordinance 2022-03, General Plan
   b. Ordinance 2022-04, Annexation Policy Plan
   c. Resolution 2022-02 To Adopt Modified State Code 10-9a-530, Internal accessory units
   d. Addendum to Chapter 9, Performance and Standards for Hazardous and Other Uses
8. Action Items:
   a. Action on Ordinance 2022-03, General Plan
   b. Action on Ordinance 2022-04 Annexation Policy Plan
   c. Action on Resolution 2022-02 State Code 10-9a-530, Internal accessory units
   d. Discussion Possible Action Regarding Potter Property, 11.94
   e. Discussion Possible Action Regarding Addendum to Chapter 9, Performance and Standards for Hazardous and Other Uses
9. Discussion Items:
10. Staff Reports
11. 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 April 4, 2022, at these public places being **Leeds Town Hall, Leeds Post Office,** the **Utah Public Meeting Notice website** http://pmmutah.gov and the **Town of Leeds website** www.leedstown.org

Aseneth Steed, Clerk/Recorder

TOWN OF LEEDS

Planning Commission Meeting
PUBLIC HEARING NOTICE

Notice is hereby given that a Public Hearing will occur at the
Town Council Meeting on
Wednesday, May 04 2022, 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 item:

Ordinance 2022-03, General Plan

Copies of the proposed General Plan will be available for review at the Leeds Town Hall during regular business hours (9:00 a.m. to 2:00 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 Clerk/Recorder does hereby certify that the above notice was posted April 20, 2022. 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.leedstown.org, also published in the Spectrum Newspaper.

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Aseneth Steed
Clerk/Recorder

TOWN OF LEEDS

Planning Commission Meeting
PUBLIC HEARING NOTICE

Notice is hereby given that a Public Hearing will occur at the
Town Council Meeting on
Wednesday, May 04 2022, 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 item:

Ordinance 2022-04, Annexation Policy Plan

Copies of the proposed General Plan will be available for review at the Leeds Town Hall during regular business hours (9:00 a.m. to 2:00 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 Clerk/Recorder does hereby certify that the above notice was posted April 21, 2022. 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.leedstown.org, also published in the Spectrum Newspaper.

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Aseneth Steed
Clerk/Recorder

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, May 04 2022, 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 item:

Resolution 2022-02 To Adopt Modified State Code 10-9a-530

Copies of the state code will be available for review at the Leeds Town Hall during regular business hours (9:00 a.m. to 2:00 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 Clerk/Recorder does hereby certify that the above notice was posted April 25, 2022. 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.leedstown.org, also published in the Spectrum Newspaper.

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Aseneth Steed
Clerk/Recorder

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, May 4 2022 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 item:

Addendum to Chapter 9, Performance and Standards for Hazardous and Other Uses

Copies of the proposed Addendum 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 Clerk/Recorder does hereby certify that the above notice was posted April 22 2022. 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.leedstown.org, also published in the Spectrum Newspaper.

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Aseneth Steed
Clerk/Recorder

TOWN OF LEEDS
PUBLIC HEARING SIGN IN SHEET

5/4/2022

PLEASE PRINT NAME AND ADDRESS

1. Lynn Foster
2. Dianna Powell - Pass
3. BILL HOSTER - Pass
4. SUSAN SAVAGE
5. Rhonda McLaughlin - Pass
6. Angela Rohr
7. William McLaughlin Pass
8. [illegible]
9. RALPH ROHR
10. Rex Heaton
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DENTONS DURHAM JONES PINEGAR

Scott Garrett
Of Counsel

scott.garrett@dentons.com
D 1+ (435) 674-0400

Dentons Durham Jones Pinegar, P.C.
192 East 200 North, 3rd Floor
St George, Utah 84770
United States

dentons.com

Town of Leeds
Attn: Mayor Hoster
218 N. Main Street
P.O. Box 460879
Leeds, UT 84746

RE: Potter Property in Leeds – 11.94 acres

Mayor Hoster,

Thank you for taking the time to meet with us the other day, that was really helpful. We promised we would send some additional materials for your review and those are attached.

Requested Action

The Potters respectfully request that the Town of Leeds find that the Potter Property, an 11.94 acre parcel of undeveloped land in Leeds, hereinafter referred to as the "Potter Property," was legally subdivided prior to 1999.

Background

As you know, this question of whether or not the Potter Property is a valid subdivision and subject to the Town's Hillside Protection Overlay Zone was specifically addressed by the Office of the Property Rights Ombudsman in a decision released by Richard B. Plehn on February 11, 2021.

Even though Plehn determined that a court could find that there was substantial evidence on the record to support a finding that the Potter Property was not legally subdivided, his opinion just as easily could have been interpreted in favor of the Potters.

Durham Jones & Pinegar ▸ LEAD Advogados ▸ Rattagan Macchiavello Arocena ▸ Jiménez de Aréchaga Viana & Brause ▸ Lee International ▸ Kensington Swan ▸ Bingham Greenebaum ▸ Cohen & Grigsby ▸ Sayarh & Menjra ▸ Larrain Rencoret ▸ For more information on the firms that have come together to form Dentons, go to dentons.com/legacyfirms

Dentons is an international legal practice providing client services worldwide through its member firms and affiliates. Please see dentons.com for Legal Notices.

What follows are quotes taken directly from the Ombudsman Opinion that demonstrate the deficiencies with the Town record, the preference for interpreting land use regulations in the landowner's favor, and how this decision could have just as easily been resolved in the Potter's favor:

- In light of this, it is reasonably established that not all official actions of the Town have been reflected in recorded minutes. P. 6.
- …[P]rovisions therein restricting property uses should be strictly construed, and provisions permitting property uses should be liberally construed in favor of the property owner. P. 8.
- …[B]ecause 'approved developments or subdivisions' is not limited to subdivisions creating two or more lots, but instead also includes single-lot subdivisions divided from a larger parcel, the Town's conclusion involves an incorrect interpretation of its ordinance. P. 9.
- Under either party's contention, the Town's official minutes are either missing record of a prior Town Council approval decision, or else a prior Planning Commission approval decision, respectively. P. 11
- Our reading of the record is that the conditional approval of the proposed 12-acre parcel was likely given by the Town Council during the February 26, 1997, meeting at the same time it approved a rezone for that very parcel. P. 11.
- Considering that the record suggests that the "conditional approval" may have been an undocumented decision of the Town Council at the February 26, 1997 meeting, it could likewise be reasonable to infer that the subsequent recording of the quit-claim deed and recording of the metes and bounds survey map with the County supports a similar contention that the Town Council gave its final approval at the March 12, 1997 meeting, wherein the Town Council discussed that the stated condition was being fulfilled. P. 11.
- It can be reasonably inferred that the 11.92-acre parcel owned by Mr. Potter constitutes the same parcel proposed by Alberta for lot approval as a single-lot subdivision for purposes of a sale, as reflected in the Towns official minute entries… P. 12.
- Admittedly, under the same standard, there likewise appears to be substantial evidence to support a conclusion that formal subdivision, with approval, did occur.... P. 13.
- It would be incumbent upon Mr. Potter, as the party asserting the deficiency in the record, to conclusively establish through other forms of relevant evidence that the approval was in fact given. P. 13.

It is apparent from the Ombudsman opinion that the Town's record is deficient, meaning that it does not contain records from all of the hearings or all of the actions taken by the Town. It is also apparent that either the Town's or the Potter's interpretation of the facts are supported by substantial evidence on the record and that either construction would not be deemed arbitrary or capricious in a court of law, under the current facts.

The Affidavit obtained from Marilyn Kay Lisonbee (attached), however, now tips the scale in favor of the Potters. Lisonbee was a member of the Town Council during the relevant time frames regarding the Potter property and its history. In her Affidavit she confirms the Town's intent regarding the Property by stating the following:

Council approved the property division (minor lot subdivision) subject to Alberta obtaining a Quit-Claim Deed for an access road to the 12 acres that would be sold. The Deed was to be titled to the Town of Leeds. No further action by the Town was anticipated or required to complete the minor lot subdivision once the Deed was recorded. It was the intent of the Council that the 12 acre parcel would be a minor lot subdivision eligible to build a residence once the deed for the access road was recorded, which appears to have happened.

Lisonbee Affidavit at ¶ 6.

The quit-claim deed from Paul Felt dedicating property for a road was recorded on April 22, 1997, and the creation of an 11.942 parcel from Alberta's remainder property was recorded on May 12, 1997. Therefore, the conditions required for the approval were satisfied, and once satisfied, the approval of the minor lot subdivision happened as outlined by the Town minutes and supplemented by Lisonbee's Affidavit.

Lisonbee's Affidavit is a cure for the deficiencies in the Town's record as Lisonbee was a part of the Town Council at that time and has stated that she has an independent recollection of the events. That recollection is supported by the available record. The Potters have substantial evidence on the record and have supplemented or will supplement the record to show proof that the subdivision was approved by providing Lisonbee's Affidavit.

Conclusion

Given the foregoing, the Potters respectfully request that the Town conclude that the Potter's property was a legal subdivision prior to 1999. This requested finding is in line with and supported by substantial evidence on the record and Utah law which states that provisions permitting property uses should be liberally construed in favor of the property owner, whereas provisions restricting property uses should be strictly construed. *Patterson v. Utah County Bd. Of Adjustment*, 893 P.2d 602, 606 (Utah Ct. App. 1995).

Sincerely,

/s/ Scott F. Garrett

Scott F. Garrett
Attorney at Law

AFFIDAVIT OF MARY KAY LISONBEE

STATE OF UTAH)
) ss
COUNTY OF WASHINGTON)

I, MARILYN KAY LISONBEE, after being duly sworn deposes and says:

1. I am over the age of eighteen (18) and have personal knowledge of the facts in this Affidavit.

2. I am a resident of Washington County, Utah.

3. I am a former member of the Leeds City Council, having served from approximately 1996-1997.

4. I recently reviewed documents related to property in Leeds that was owned by Alberta Pace ("Alberta"). These documents include Town Council minutes. Having reviewed the minutes, my recollection of the events and the Council's intentions have been refreshed.

5. I remember Alberta came to the Council wanting to split off a portion of her land and sell 12 acres to a couple wanting to build on the land. The vehicle to accomplish this was to create a minor lot subdivision.

6. The Council approved the property division (minor lot subdivision) subject to Alberta obtaining a Quit-Claim Deed (the "Deed") for an access road to the 12 acres that would be sold. The Deed was to be titled to the Town of Leeds. No further action by the Town was anticipated or required to complete the minor lot subdivision once the Deed was recorded. It was the intent of the Council that the 12 acre parcel would be a minor lot subdivision eligible to build a residence once the deed for the access road was recorded, which appears to have happened.

7. I have recently visited the property owned by Lynn Potter ("Potter") and can verify that the approximate 12 acre parcel (the "parcel") owned by Potter is the same property that was split off from Alberta's property and which was approved by the Town Council as a minor lot subdivision for the purpose of building a residence back in 1997, although Potter did not own the property then.

8. As further proof of the Town's intent to create a minor lot subdivision and approve building on the parcel is the fact that the Town consented to a zone change that would accommodate the building of a residence (R-R-2).

9. I am certain of the foregoing as I have an independent recollection of the events and my recollection is consistent with the Town minutes I reviewed.

DATED: March 2nd, 2022.

Marilyn Kay Lisonbee

SUBSCRIBED AND SWORN to (or affirmed) before me this 2nd day of March 2022, by MARILYN KAY LISONBEE.

NOTARY PUBLIC

SHANAN ARSLANIAN
Notary Public, State of Utah
Commission # 717197
My Commission Expires On
April 30, 2025

MAY 1, 2022

Our Property L-3-1-7-1110 was Subdivided in 1997 & Here are the Facts

1995 LEEDS MINOR SUBDIVISION ORDINANCE

Ordinance #4-95

Town of Leeds Minor Subdivision of Land

Description:

When the following conditions exist the subdivision of a Parcel of Land within the Town of Leeds may be designated a Minor Subdivision.

1. The division of a Parcel of Land will not exceed more than 5 lots.
2. All proposed lots will front upon an existing, dedicated street and will not require any new street or streets.
3. All lots will meet the area and frontage requirements of the current zoning
Ordinance of the Town of Leeds.

- The above excerpt from the 1995 Leeds Hillside Ordinance allowed Alberta Lee (Pace) to create the Subdivision that ultimately became our parcel, L-3-1-7-1110. She was able to do this because this ordinance left out the word "improved" with regard to new minor subdivisions being on a road.
- This change in the ordinance was intentional – Reference minutes from 1995 Planning Commission and Town Council Meetings.
- NOTE: Full copy of the 1995 Hillside Ordinance provided in addenda documentation.

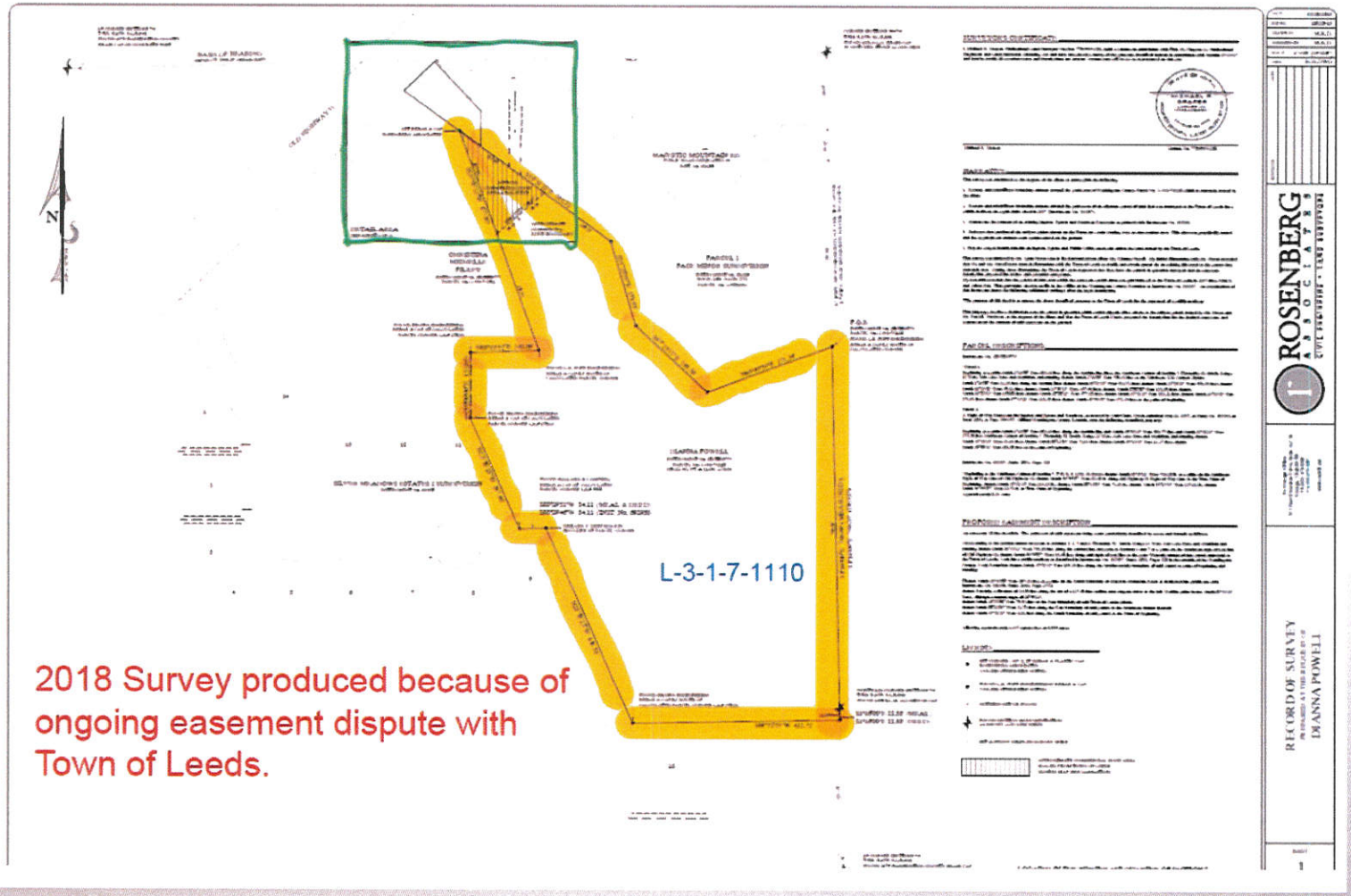
CURRENT LEEDS HILLSIDE ORDINANCE

20.10. DEVELOPMENTS OF RECORD.

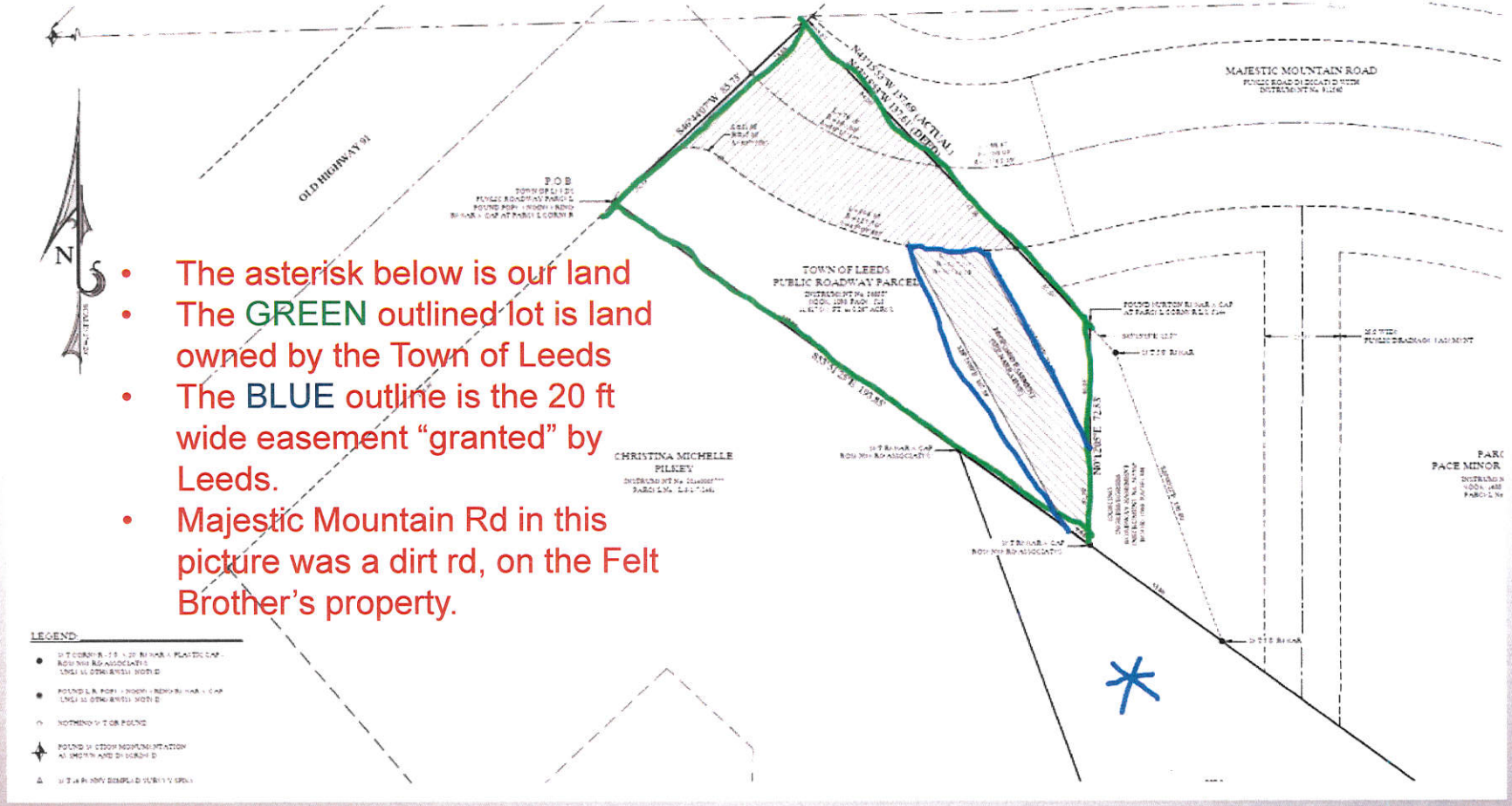
The requirements of this Chapter shall not apply to developments or subdivisions that were approved prior to January 1, 1999.

- The above excerpt from the current Leeds Hillside Ordinance specifically excludes subdivisions from the Hillside Ordinance that were approved prior to January 1,1999.
- NOTE: Full copy of the current Leeds Hillside Ordinance provided in addenda documentation.
- NOTE: The subdivision argument was hashed out in the Ombudsman's decision, which is included in the addenda documentation.

ROSENBERG SURVEY OF L-3-1-7-1110



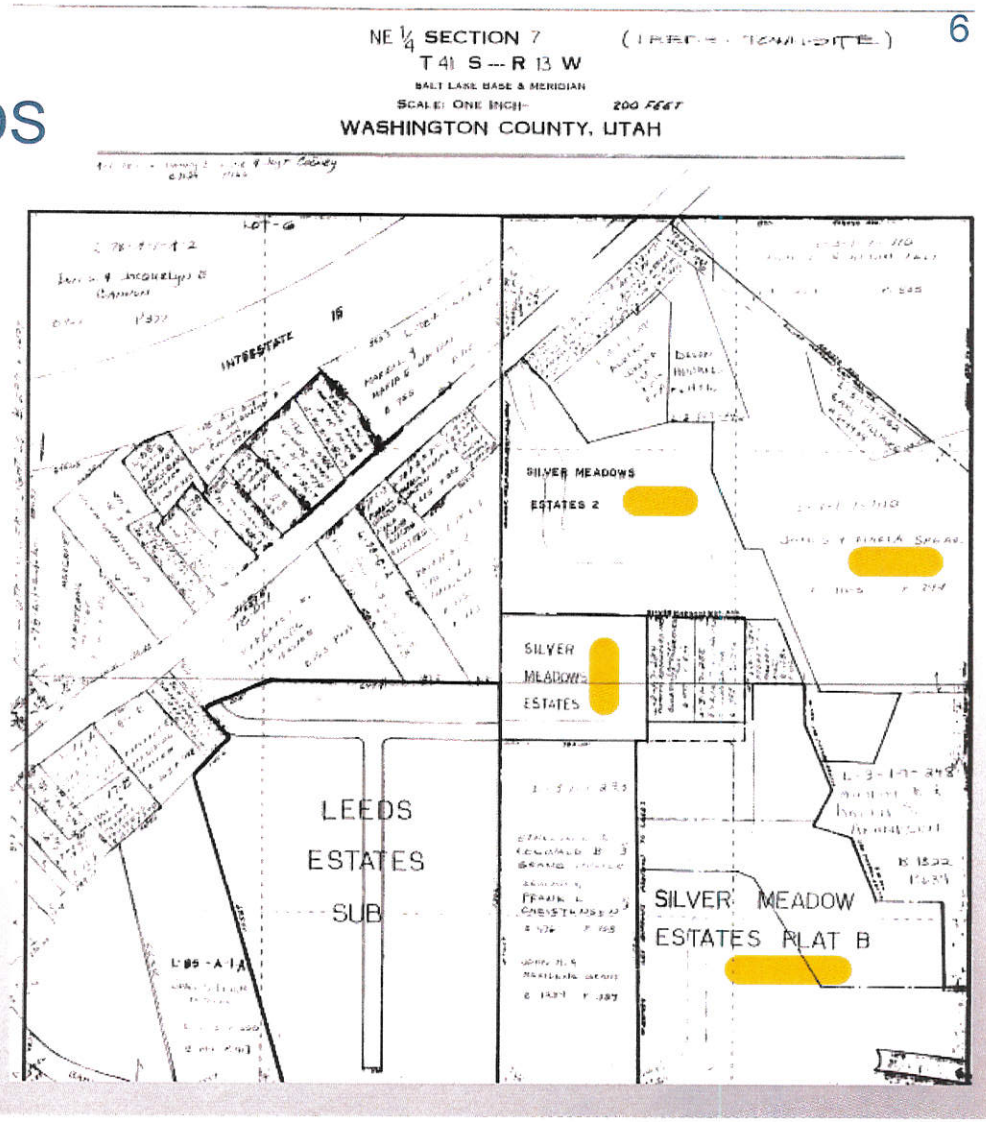
ROSENBERG SURVEY – EXPANDED VIEW



- The asterisk below is our land
- The GREEN outlined lot is land owned by the Town of Leeds
- The BLUE outline is the 20 ft wide easement "granted" by Leeds.
- Majestic Mountain Rd in this picture was a dirt rd, on the Felt Brother's property.

2001 OWNERSHIP MAP
WASHINGTON COUNTY RECORDS

- Alberta Pace owned most of the properties on the right side of this map at one time. She, and her lawyer husband, were professional land developers.
- They did the highlighted developments and more.
- They knew how to subdivide land.
- NOTE: Upper right-hand corner – 8-acre triangular piece of land, owned by the Felts.



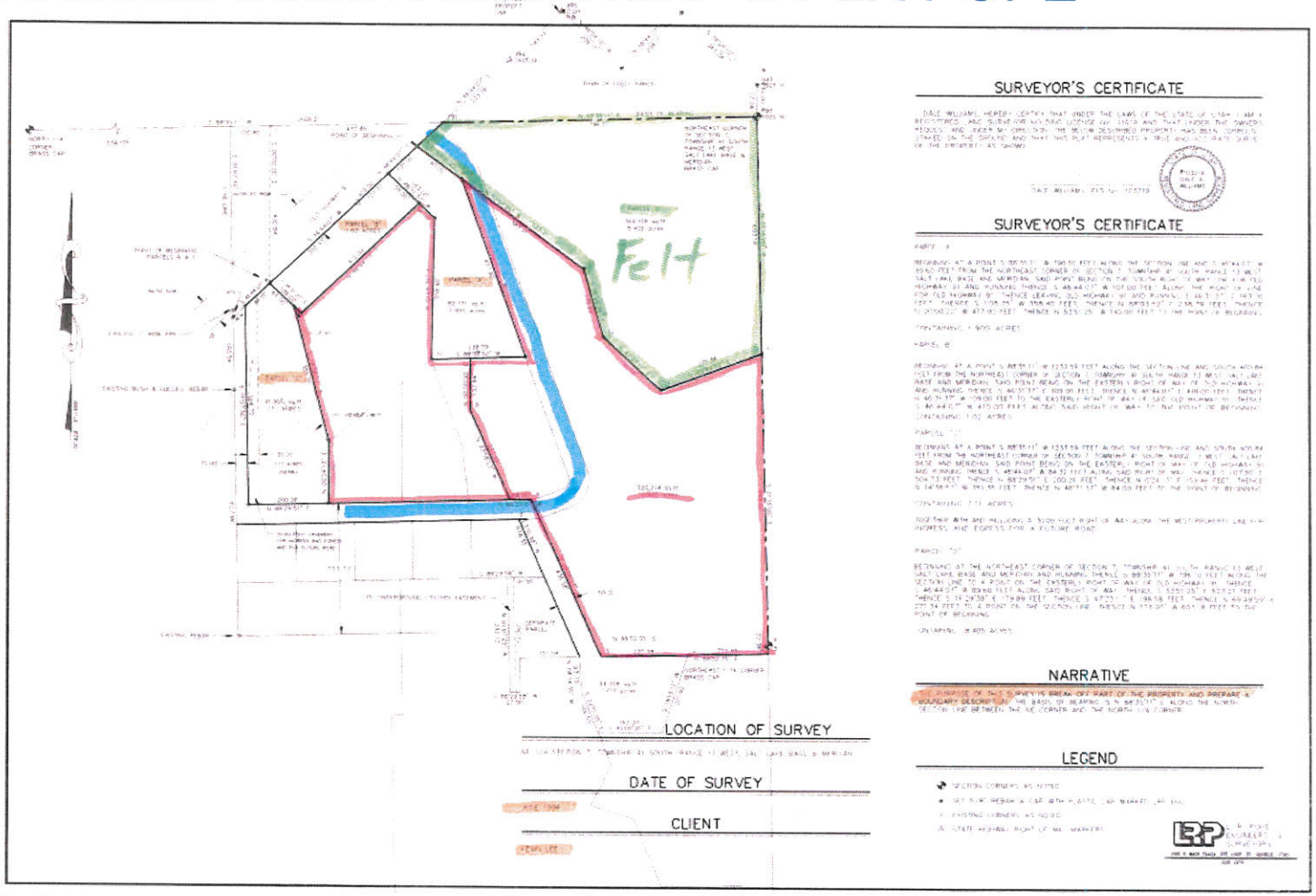
JUNE 1996 – POSSIBLE SUBDIVISION MAP BY LR POPE

Alberta and company owned the property surrounded by the pink highlighter – within that area, you can see our 12 acres taking form.

Upper right, in Green is the Felt property.

Note the proposed road in Blue from what is now Roundy Mtn to Majestic Mtn Rd.

Map dated June 1996 for the purpose of breaking off part of the property and defining easement.



JUNE 17, 1996, FELT-LEE AGREEMENT OF TRADE

- Alberta Pace wanted an easement to her property from Main Street and the Felt's wanted some dirt work done.
- They made this agreement where Alberta received a 60 ft wide easement as was defined by the BLUE line in the previous map.
- We have defined where the Felt property is, where Alberta's property is, the location and 60 ft width of the easement, and what eventually becomes our property.

Agreement of Trade

Overview:
Paul E. and Afton Felt relinquishing any and all easements/right of Ways through Alberta Lee's property and further granting Alberta Lee easement/right of way, in exchange for property, construction of fill and road, and price of survery.

Owner of Property described as 8 acres: Paul E. Felt and Afton Felt
Described as: Beginning at the Northeast Corner of Section 7, Township 41 South, Range 13 West, SLB&M. Utah and running thence West 830.0 feet along the North Sectionline more or less to the intersection of the South line of Old Highway 91, right of way; thence Southwesterly along the South line of Highway Right of way 89.6 feet; thence Southeasterly 1,114.0 feet more or less to the intersection of the East line of Section 7, at a point South 721.80 feet from the Northeast Corner of Section 7; thence North 721.80 feet along the Section line to the point of beginning.

Easement / Right of Way granted to: Alberta L. Lee
This agreement grants right of way and legal easement to use up to 60 foot width, 300 feet long (more or less), starting at Old U.S. Highway No. 91 and crossing over the North-West corner of the 8 acre triangular piece of land described above, allowing access to her land adjoining the Southwest edge. The beginning of this easement/right of way would be shared by both landowners, allowing both access to their properties.

Owner of property described as 0.4 acres min: Alberta L. Lee
Described as: Triangular piece of land located along the 1,1140.0 foot Southwest border of the above described property, taking best advantage and use of the top of the mountain. Exact description to be determined by survey and mutual agreement. This property is to be deeded to Paul E. and Afton Felt after survery and mutual agreement.

It is further agreed, as part of this agreement and trade, that Alberta Lee continue to extent the existing road across the wash to the East bank below the ridge of the mountain at the Northeast corner of the above described property. This road will be completed in approximately the quality and manner as viewed this June 17, 1996, which consists of rough fill covered with dirt. Cost of pipe for culvert and cost of ripping and grading the ridge of the mountain (if any) will be paid for by Paul E. and Afton Felt if done by Alberta L. Lee.

Signed: P. and E. Felt 6/17/96 Afton Felt 6/17/96
Paul E. Felt Date: Afton Felt Date:

Signed: Alberta L Lee 6/17/96 Witness: K J Lee
Alberta L. Lee Date: Kevin J. Lee Date:

NOV. 4, 1996 – PC MTG MINUTES

- Alberta expresses her development plans and that they will be ready next month.

Town of Leeds

Minutes for the
Planning Commission Meeting
of November 4, 1996

1. CALL TO ORDER: Robert Weight, Planning Commission Chairman, called the meeting to order at 7:00 p.m.

2. ROLL CALL: Robert Weight, Milli Bowen, Leonard Mills, Dale Barnes and (newly appointed member) George Fridell were present. Jim Bray attended in anticipation of his replacing Milli Bowen in future meetings. Steve Westhoff attended as liaison from the Town Council. The Town Clerk was excused, and Mayor Evans took notes in his stead.

3. PRAYER: Dale Barnes.

4. REVIEW AND APPROVE MINUTES

MOTION: Milli made a motion to approve the minutes of the October 1, 1996 meeting. Leonard seconded the motion and it passed unanimously.

5. ALBERTA LEE

Alberta Lee stated that she is still trying to move forward with plans for a Nursing Home, but that the prospects are slim. She said that plans for some of her property are being prepared, and she hopes to have them to present next month.

6. FRED WRIGHT FOR FRANK JACKSON

EXCERPT - NOV 29, 1996, LEE SUBDIV. MAP BY LR POPE

- Alberta had LR Pope Engineering create this possible subdivision map to be presented to the Leeds PC/TC.
- NOTE: The RED arrow indicates the northern shape of our lot.
- The circle next to the arrow labels the Felt property at approx. 8 acres.
- Note the 50 ft right of way and utilities easement noted at the top of the map.



DEC. 3, 1996 – PC MTG MINUTES

- Alberta presents her plans from the previous slide created November 29, 1996, by LR Pope.
- Note, the address was approximate, and any location controversy was settled in the Ombudsman's decision; this is all the same property.

Town of Leeds

Minutes for the
Planning Commission Meeting
of December 3, 1996

1. CALL TO ORDER: Robert Weight, Planning Commission Chairman, called the meeting to order at 7:00 p.m.

2. ROLL CALL: Robert Weight, George Fridell, Leonard Mills, and Jim Bray.

3. PRAYER: George Fridell.

4. REVIEW AND APPROVE MINUTES

MOTION: Leonard Mills made a motion to approve the minutes of the November 4, 1996 meeting by changing the prayer to Dale Barnes. George Fridell seconded the motion and it passed unanimously.

5. A. ALBERTA LEE–DEVELOPMENT PLAN

Alberta Lee presented some plans for some of her property located at approximately 550 North Main Street. This new subdivision would entail creating a new street and would have 5 lots within the subdivision.

MOTION: Jim Bray recommended the Planning Commission approve Country Estates Subdivision (5 lots) and recommend it to the Town Council to look over and approve if they approve. Leonard Mills seconded the motion and all were in favor.

5. B. BAILEY & LORNA MUIR–LOT SPLIT

DEC. 11, 1996 – TC WORK SESSION

- Alberta presents her development plans including the November 29, 1996, map created by LR Pope to the Leeds Town Council.
- The location is still the same, approximately 600 North Main Street (behind the little round hill).
- Alberta wanted a Minor Subdivision but the November 29, 1996, Pope Map was rejected because none of the proposed lots are on an existing, dedicated road.
- And so, the TC went on to describe the requirements for a full subdivision.

Town of Leeds

Minutes for the
Town Council Work Session
of December 11, 1996

1. CALL TO ORDER: Mayor Melvin J. Evans called the meeting to order at 7:32 p.m.

2. ROLL CALL: Mayor Evans and Council Members Joanne Thornton, Charlie Scott, Marilyn Kay Fairbanks and Stephen Westhoff.

3. PLEDGE: Kay Fairbanks.

4. APPROVAL OF AGENDA, FINANCIAL STATEMENT AND APPROVAL OF MINUTES FOR OCTOBER & NOVEMBER MEETINGS:
Patrick Franks, Manager / Clerk, informed the Council that the Financial Statement was not ready to be presented and that October, November and December's Financial Statements would be presented in January.

MOTION: Kay made a motion to accept the minutes for the October and November meetings and to approve the agenda. Joanne seconded the motion and all were in favor.

5. ALBERTA LEE, DEVELOPMENT PLANS:
Alberta Lee has plans to develop her property located at approximately 600 North Main Street on the East side of Main Street (behind the little round hill). Alberta was told that this is not a minor subdivision. It is a new subdivision and none of the proposed lots are on an existing dedicated road. She needs to obtain a plat showing contour lines. Mayor Evans is concerned with wastewater from rain and feels we need to start addressing this concern. He also would like to see something from an engineer that says the sides of the road won't wash away if no curb and gutter are put in.

6. STEPHEN WESTHOFF, COUNCIL MEMBER:
Roads

JAN. 8, 1997 – TC WORK SESSION

- Just a note, acquiring the land for the Fire Station is discussed here.
- The TC wants to purchase land from the Savage's for the Fire Station.

8. STEPHEN WESTHOFF, COUNCIL MEMBER:

Planning Commission Items

The Planning Commission has a new check list for new building permits and what is required within the Town.

MOTION: Mayor Evans made a motion to continue to use our current method of Conditional Use Permits for large animals on property rather than changing the ordinance and giving people the options of how many animals per acre or parcel of land. Charlie seconded the motion. There were 4 yea's and 1 nay. The motion passed.

Steve congratulated the Planning Commission on their work and told the Council that they are doing an excellent job planning for the Town.

9. MELVIN J. EVANS, MAYOR:

Fire Station–Loan, Land & Building

Mayor Evans said that the Town Council should by Resolution endorse Don Fawson's negotiations with Savage's and Kent Heideman.

MOTION: Mayor Evans made a motion to endorse Don Fawson's proposal to the Savage's and give him also the power to negotiate with Kent Heideman about a 1/2 acre or a whole acre. The amount of money for the property will be decided in an Executive Session. Kay seconded the motion and it passed unanimously.

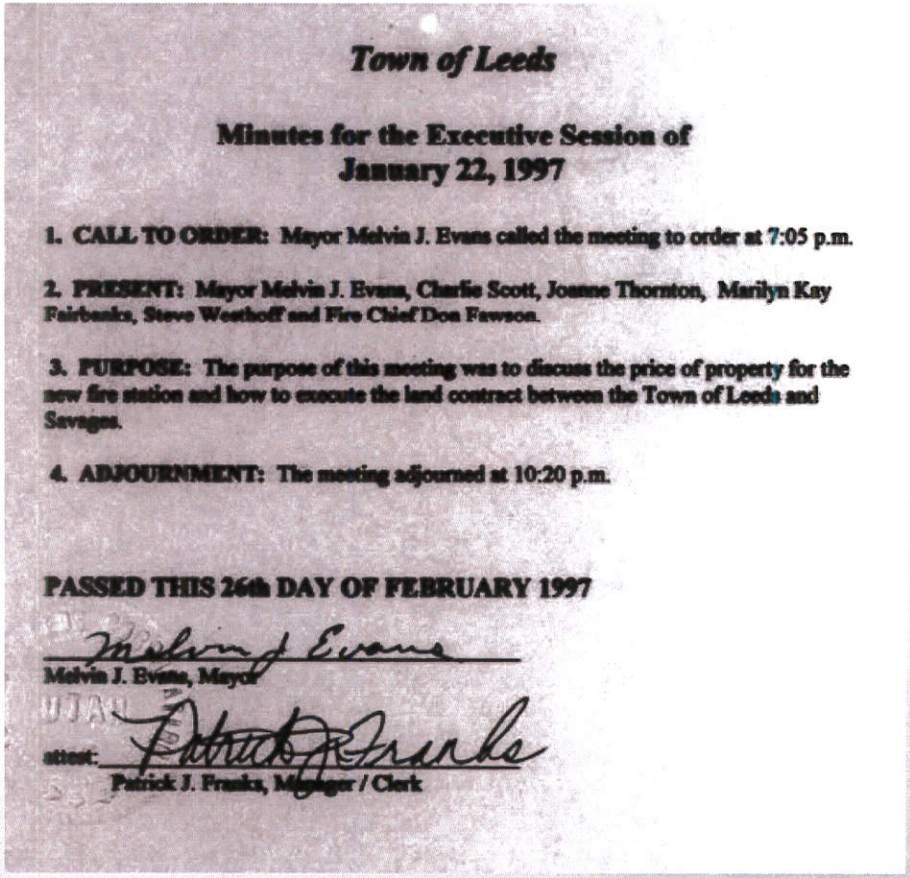
MOTION: Charlie is concerned that if we don't get the whole acre that we won't be able to expand if needed in the future. Charlie agreed that the Town should borrow $95,000.00 from Rural Development with the proviso that we get by with less or as little as possible and pay back as much as possible. Kay seconded the motion and all were in favor.

Harrisburg Planning

This item was covered during Agenda Item #5.

JAN. 22, 1997 – TC EXECUTIVE SESSION

- Further discussion of the purchase of the land for the Fire Station.
- The TC determines the price they will offer the Savage's for the property for the new Fire Station.



Town of Leeds

Minutes for the Executive Session of January 22, 1997

1. CALL TO ORDER: Mayor Melvin J. Evans called the meeting to order at 7:05 p.m.

2. PRESENT: Mayor Melvin J. Evans, Charlie Scott, Joanne Thornton, Marilyn Kay Fairbanks, Steve Westhoff and Fire Chief Don Fawson.

3. PURPOSE: The purpose of this meeting was to discuss the price of property for the new fire station and how to execute the land contract between the Town of Leeds and Savages.

4. ADJOURNMENT: The meeting adjourned at 10:20 p.m.

PASSED THIS 26th DAY OF FEBRUARY 1997

Melvin J. Evans

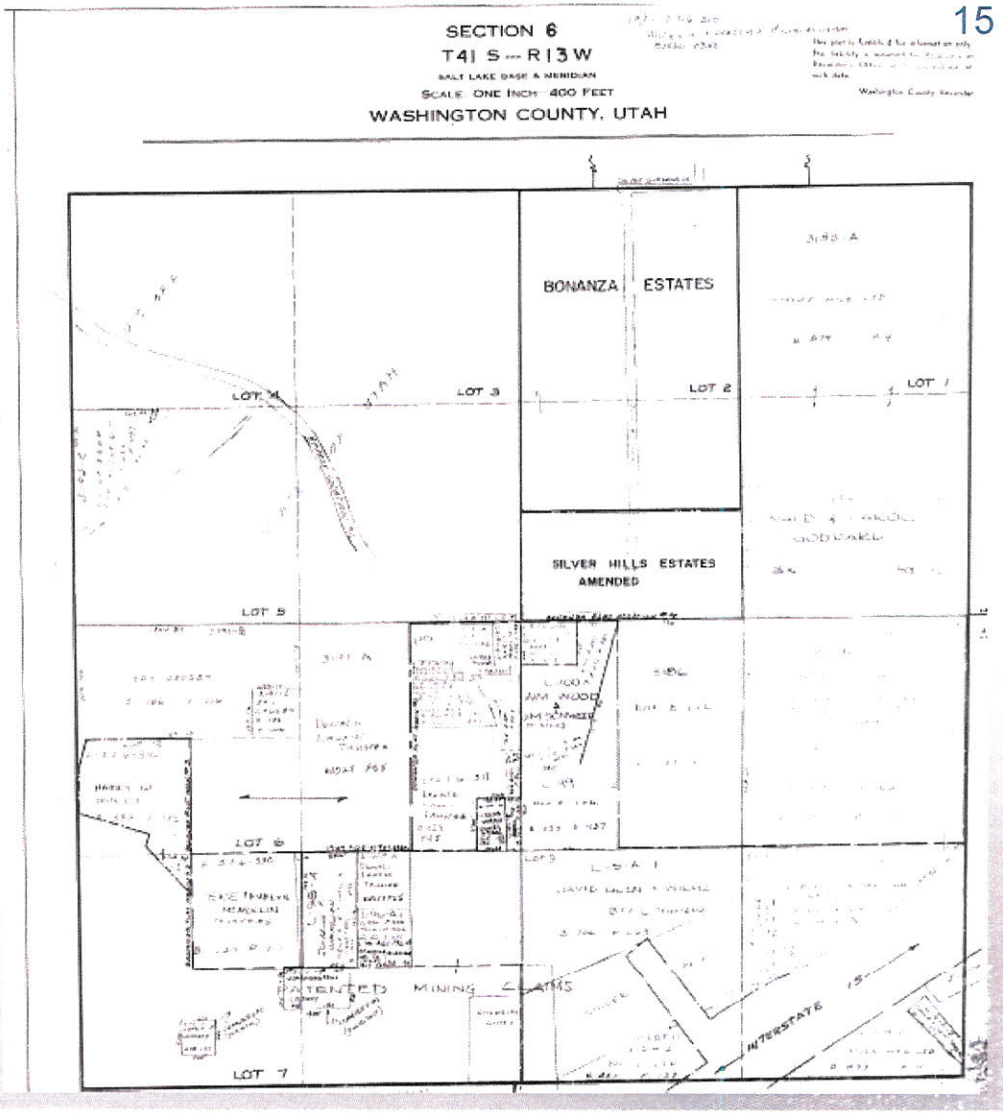
Melvin J. Evans, Mayor

Attest: Patrick J. Franks

Patrick J. Franks, Manager / Clerk

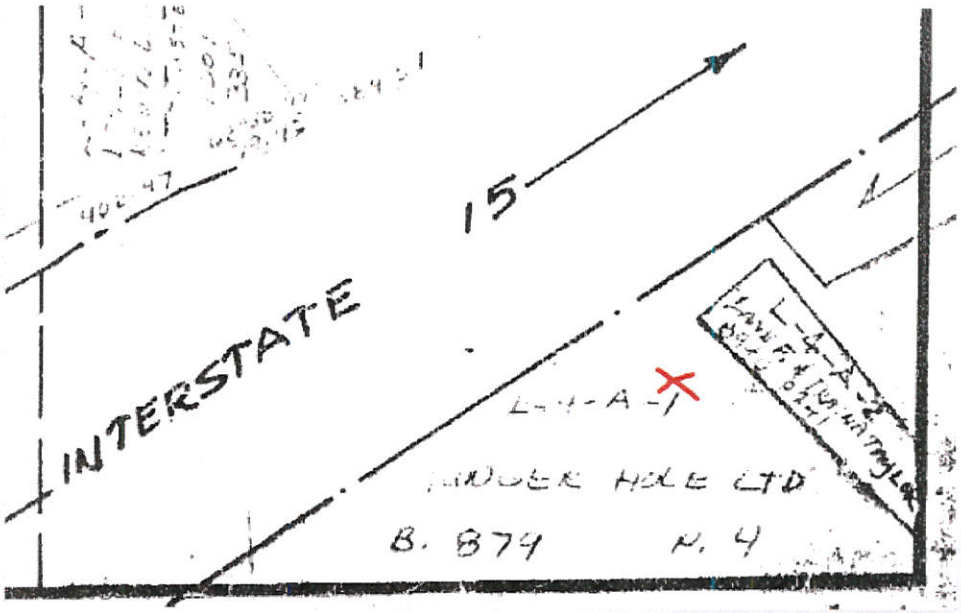
JAN. 1997 WASHINGTON COUNTY PROPERTY OWNERSHIP MAP SECTION 6, T-41S, R-13W

- This is part of Leeds showing the owners and sizes/shapes of Real Estate Parcels in January 1997.
- In the bottom right-hand corner, you will note I-15 with the South Bound Exit, near the US Post Office.
- In the very bottom right is where the Town Council wants to put the new Fire Station.



JAN. 1997 WASHINGTON COUNTY PROPERTY OWNERSHIP MAP SECTION 6, T-41S, R-13W

- This is a close-up of the previous maps, right bottom corner.
- The RED "X" is next to a Tax ID Number L-4-A-1, the "L" means that this parcel was within the Town of Leeds city limits.
- This parcel was owned by Hunger Hole, LTD., a Limited Partnership of which Ellen Savage was General Partner.
- The RED "X" is *also* where the Town Council wants to put the new Fire Station.



FEB. 4, 1997 – LEE-SPEARS
REAL ESTATE PURCHASE CONTRACT

- On Feb. 4, 1997, Alberta enters a REPC with the Spears.
- NOTE: Mention of attached "Exhibit A"

REALTOR®

REAL ESTATE PURCHASE CONTRACT

EQUAL HOUSING OPPORTUNITY

This is a legally binding contract. Utah law requires real estate licensees to use this form. Buyer and Seller, however, may agree to alter or delete its provisions or to use a different form. If you desire legal or tax advice, consult your attorney or tax advisor.

EARNEST MONEY RECEIPT

Buyer Jim And Marla Spears offers to purchase the Property described below and hereby delivers to the Brokerage, as Earnest Money, the amount of $ 1000.00 in the form of Personal Check which, upon Acceptance of this offer by all parties (as defined in Section 23), shall be deposited in accordance with state law.

Received by: Hazel A. Allen on 2-4-97 (Date)

Brokerage: Century 21 Zion Realty Phone Number (801) 673-9090

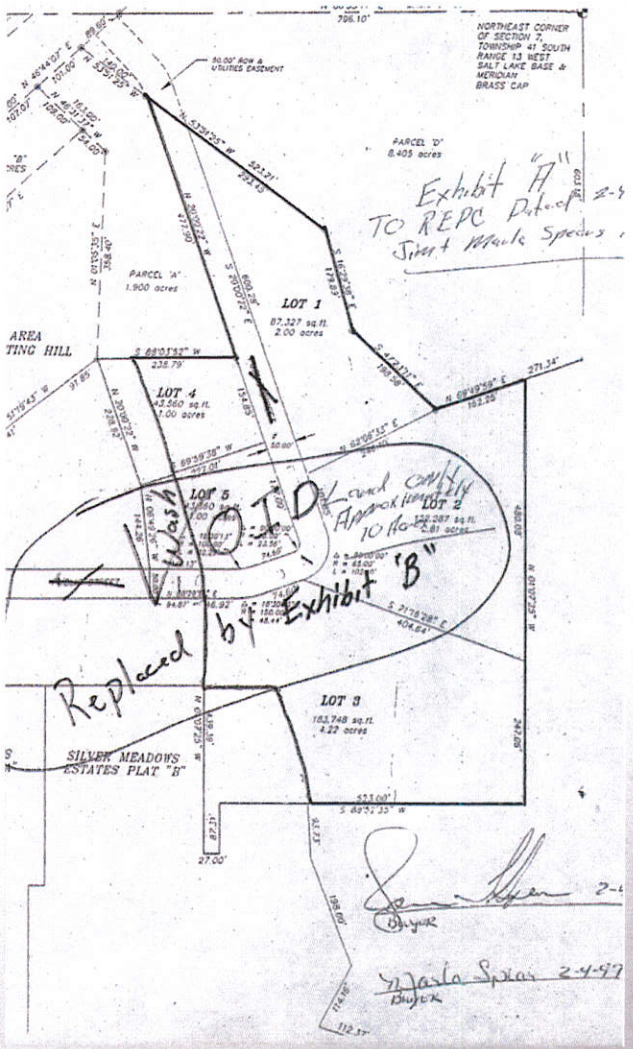
OFFER TO PURCHASE

1. **PROPERTY:** Approx. 10 Acres in Leeds Utah owned by Alberta Lee also described as: See Attached Exhibit "A"

City of Leeds, County of Washington, State of Utah (the "Property").

FEB. 4, 1997 – LEE-SPEARS REPC – EXHIBIT "A"

- On Feb. 4, 1997, Alberta enters a REPC with the Spears.
- NOTE: Mention of attached Exhibit "A".
- Exhibit "A" was replaced by Exhibit "B" in the Second Addendum.



FEB. 4, 1997 – LEE-SPEARS, PAGE 3
REPC – REQUIREMENTS OF CLOSING

- Page 3 of the REPC states that in order for the sale to complete and for Escrow to release funds, that the "property shall comply with residential zoning and the parcel be legally subdivided."

- At the time of this REPC, the parcel in question, our parcel was not zoned residential, nor had it been subdivided from Alberta's larger parcel, APN L-3-1-7-240.

The Listing Broker, Century 21 Zion Realty, represents [ ] Seller [ ] Buyer [X] both Buyer and Seller as a Limited Agent;
The Selling Broker, Century 21 Zion Realty, represents [ ] Seller [ ] Buyer [X] both Buyer and Seller as a Limited Agent.

6. TITLE INSURANCE. At Settlement, Seller agrees to pay for a standard-coverage owner's policy of title insurance insuring Buyer in the amount of the Purchase Price.

7. SELLER DISCLOSURES. No later than the Seller Disclosure Deadline referenced in Section 24(b), Seller shall provide to Buyer the following documents which are collectively referred to as the "Seller Disclosures":
(a) a Seller property condition disclosure for the Property, signed and dated by Seller;
(b) a commitment for the policy of title insurance;
(c) a copy of any leases affecting the Property not expiring prior to Closing;
(d) written notice of any claims and/or conditions known to Seller relating to environmental problems and building or zoning code violations; and
(e) Other (specify) Property shall comply with Residential Zoning and the Parcel be legally subdivided.

8. BUYER'S RIGHT TO CANCEL BASED ON EVALUATIONS AND INSPECTIONS. Buyer's obligation to purchase under

FEB. 5, 1997 – PC MTG MINUTES

- On Feb. 5, 1997, Alberta presents her plans to sell her 12 acres to a couple, (the Spears) and there is problem with the zoning.

Town of Leeds

Minutes for the
Planning Commission Meeting
of February 5, 1997

1. CALL TO ORDER: Robert Weight, Planning Commission Chairman, called the meeting to order at 7:00 p.m.

2. ROLL CALL: Robert Weight, Leonard Mills, Dale Barnes, and George Fridell were present. Jim Bray was excused.

3. PRAYER: Dale Barnes.

4. CONDITIONAL USE PERMITS:

JoLyn Hickman

JoLyn wants permission to rent an existing small apartment. Limit of two people is specified in the Conditional Use Permit that was approved and forwarded to the Manager / Clerk. However, the permit is pending based on the Town consulting with the Building Inpector.

Duane Fielding

Duane wants permission to have a body shop/auto garage at his parents home. The conditions stressed a clean appearance and storage of any parts as part of the permit. The conditions were written by Chairman Weight and forwarded to the Manager / Clerk.

5. JIM BRAY, UPDATE ON LDWA MEETING:

Jim told the Council that LDWA is interested in approaching the Washington County Water Conservancy District for water. He also asked if Mr. Walton is meeting all the requirements of his new building?

6. UPDATE ON ZONING ORDINANCE:

A new draft of the zoning ordinance has been handed out to the Planning Commission and Town Council for their review.

7. OTHER BUSINESS:

Alberta Lee

Alberta presented a proposal for selling 12 acres of her land for a couple wishing to build only 1 or 2 dwellings. There was a general agreement but details fo 2 dwellings may require additional discussion. Not with regard to acceptability, but rather as to how to make it meet the proposed zoning requirements.

FEB. 10, 1997 – LEE-SPEARS, REPC ADDENDUM NO. 1

- Exibit B replaces Exhibit A of Tax ID # L-3-1-7-240.

REALTOR®

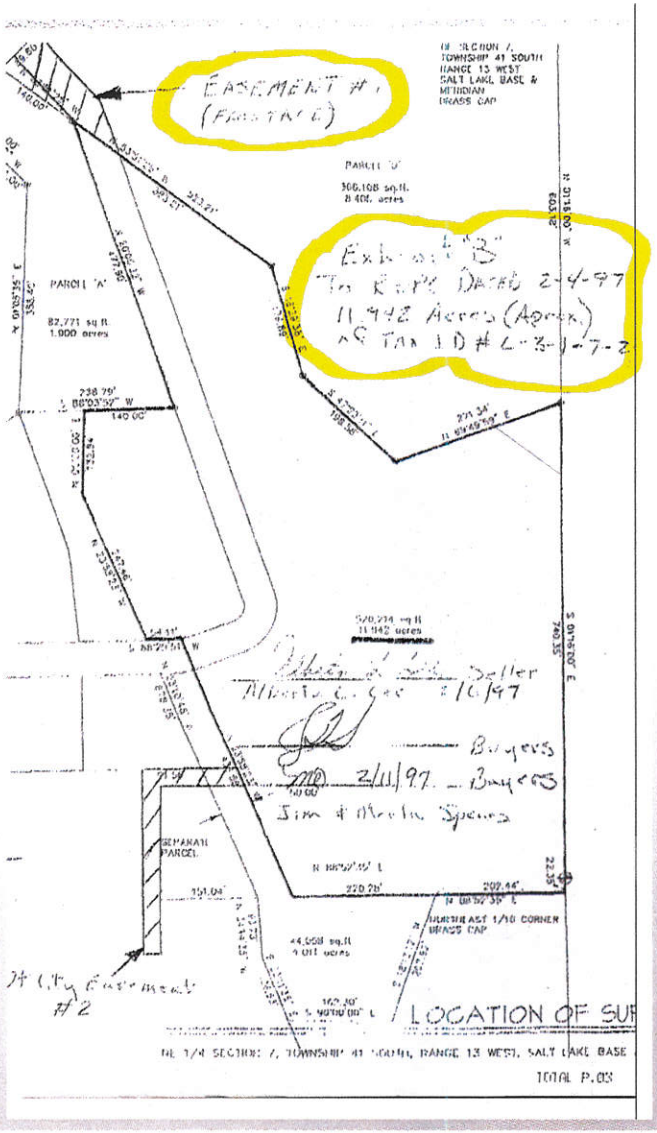
ADDENDUM NO. 1
TO
REAL ESTATE PURCHASE CONTRACT

THIS IS AN [ ] ADDENDUM [X] COUNTEROFFER to that REAL ESTATE PURCHASE CONTRACT (the "REPC") with an Offer Reference Date of February 5, 1997, including all prior addenda and counteroffers, between Jim and Marla Spear as Buyer, and Alberta L. Lee as Seller, regarding the Property located at Exhibit A of Tax ID# L-3-1-7-240. The following terms are hereby incorporated as part of the REPC:

1. $5,000.00 balance due to be paid by buyers for 2 culinary water shares on or before June 1, 1998 or when buyers apply for building permit.
2. Cost of survey to be split 50% / 50% between buyer & seller.
3. Interest per annum on subordinated note of $55,000 to be 9½%.
4. Exhibit B replaces exhibit A of Tax ID# L-3-1-7-240.
5. Buyers agree to cooperate with seller in a 1031 Tax Deferred Exchange at no expense to buyers.

FEB. 10-11, 1997 – LEE-SPEARS, REPC EXHIBIT "B"

- This was part of the 2-4-97 Real Estate Purchase Contract between Lee and Spears.
- This Parcel was to be subdivided off of L-3-1-7-240.
- This Exhibit "B" represents the current area and shape of our lot, L-3-1-7-1110.
- NOTE: The highlighted easement at the top.



FEB. 12, 1997 – LEE-SPEARS, REPC ADDENDUM 2

- This was part of the 2-4-97 Real Estate Purchase Contract between Lee and Spears.

ADDENDUM NO. 2
TO
REAL ESTATE PURCHASE CONTRACT

THIS IS AN [ ] ADDENDUM [X] COUNTEROFFER to that REAL ESTATE PURCHASE CONTRACT (the "REPC") with an Offer Reference Date of FEBRUARY 5, 19 97, including all prior addenda and counteroffers, between JIM & MARLA SPEARS as Buyer, and A. C. BYRON L. LEE as Seller, regarding the Property located at EXHIBIT "B" OF TAX ID # L-3-1-7-240. The following terms are hereby incorporated as part of the REPC:

1) Seller to provide Buyer with:
   A. One pre-paid culinary water share, and
   B. A reservation for one additional culinary water share with a balance due of $2500 to be paid by Buyers on or before June 1, 1998.

2) Cost of survey split 50%/50% between Buyer and Seller with Buyer's contribution not to exceed $500.00.

3) With Exhibit "B" moving proposed property line Eastward, any old mine works, tailings or mine shafts shall be retained by Seller.

FEB. 12, 1997 – LEEDS TC WORK SESSION

- This is the zone change required in the REPC to make the sale between Alberta Lee and the Spears possible.
- The second motion is to amend the Minor Subdivision Ordinance to include the word "improved" in regard to roads. Thereby closing the "Minor Subdivision" loophole that Alberta used.
- Marilyn Kay Fairbanks was present, and the meeting started at 7:30 PM and ended 10:10 PM – 3 pages of Minutes on record

Town of Leeds

Minutes for the
Town Council Work Session
of February 12, 1997

1. CALL TO ORDER: Mayor Melvin J. Evans called the meeting to order at 7:30 p.m.

2. ROLL CALL: Mayor Evans and Council Members Joanne Thornton, Charlie Scott, Marilyn Kay Fairbanks and Stephen Westhoff.

3. PLEDGE: Patrick Franks.

4. VOTE ON CURFEW ORDINANCE #1-97:

MOTION: Charlie made a motion to accept and adopt the Curfew Ordinance #1-97 as presented. Kay seconded the motion and all were in favor.

Mayor Evans then read some correspondence received in the mail.

5. STEVE WESTHOFF, COUNCIL MEMBER:
Planning / Zoning Commission
MOTION: Scheduling of Recommended Zone Change-Steve made a motion to schedule the public hearing for 2 weeks from tonight for the Zone Change to Alberta Lee's parcel of property. Joanne seconded the motion and all were in favor.

MOTION: Scheduling of hearing regarding change to Minor Subdivision Ordinance-Steve made a motion to schedule the public hearing for a change to the wording of the Minor Subdivision Ordinance. Joanne seconded the motion and all were in favor.

FEB. 26, 1997 – LEEDS TC PUBLIC HEARING

- Minor Subdivision Ordinance Change to include the word "improved" in regard to roads, thereby closing the "Minor Subdivision" loophole that Alberta used.

Town of Leeds

Public Hearing for the
Minor Subdivision Ordinance #2-97
of February 26, 1997

1. CALL TO ORDER: Mayor Melvin J. Evans called the meeting to order at 7:15 p.m.

2. PRESENT: Mayor Melvin J. Evans, Stephen Westhoff, Joanne Thornton and Marilyn Kay Fairbanks.

3. PRESENTATION: Mayor Evans had Patrick Franks read the change which is as follows: The amendment changes the wording of #2 of the Description from "*All proposed lots will front upon an existing, dedicated street and will not require any new street or streets.*", to "*All proposed lots will front upon an existing, dedicated and improved street and will not require any new street or streets.*"

Time was turned over to the audience for questions or comments. Fred Friese aske what "improved" meant. Does it mean a road with gravel on it?

Does the word "surface" imply that it needs to be chip sealed or paved?

The Town Council will have the Planning Commission look at these definitions.

4. ADJOURNMENT: The meeting adjourned at 7:34 p.m.

PASSED THIS 26th DAY OF MARCH 1997

Melvin J. Evans

Melvin J. Evans, Mayor

attest: Patrick J. Franks

Patrick J. Franks, Manager / Clerk

FEB. 26, 1997 – LEEDS TOWN ORDINANCE 2-97

- This is a copy of Town of Leeds Ordinance 2-97, officially adding the word "improved" to the description of roads.

Town of Leeds

Ordinance # 2-97

MINOR SUBDIVISION OF LAND ORDINANCE

Description:

When the following conditions exist the subdivision of a Parcel of Land within the Town of Leeds may be designated a Minor Subdivision.

1. **The division of a Parcel of Land will not exceed more than 5 lots.**
2. **All proposed lots will front upon an existing, dedicated and improved street and will not require any new street or streets.**
3. **All lots will meet the area and frontage requirements of the current zoning Ordinance of the Town of Leeds.**

Requirements:

1. **A Plat Map of all lots proposed in the minor subdivision will be submitted to the Planning Commission indicating a Metes and Bounds description of the original parcel and each proposed lot.**
2. **Plat Map will indicate all existing and proposed easements if any.**
3. **All utilities proposed to service the lots are to be put underground unless already existing overhead. It will be the responsibility of the subdivider to repair all streets disturbed by trenching and restored to the pre-existing condition.**
4. **Subdivider shall, upon sale of each lot obtain a signed and notarized FORM #001 from each lot purchaser. This form will become a part of any future building permit application pertaining to that lot sold.**

It is understood that this method of subdivision by Metes and Bounds must be approved by the Council of the Town of Leeds, however the Town of Leeds is not obligated to do so and may require additional improvements to an already existing street to upgrade said street to a subdivision standard if it is not already in that condition.

PASSED THIS 26th DAY OF FEBRUARY 1997

Melvin J. Evans

Melvin J. Evans, Mayor

attest: Patrick J. Franks

Patrick J. Franks, Manager / Clerk

FEB. 26, 1997 – LEEDS TC MEETING

- Leeds Town Council Minutes showing all were in favor of the zoning change on Alberta Lee's property from Commercial to R-R-2, approximately 12 acres.
- All council members were in favor of the change to the Minor Subdivision Ordinance.
- Marilyn Kay Fairbanks was present, the meeting started at 7:34 PM, ended at 9:10 PM, and there were 3 pages of minutes kept on record.

Town of Leeds

Minutes for the
Town Council Meeting
of February 26, 1997

1. CALL TO ORDER: Mayor Melvin J. Evans called the meeting to order at 7:34 p.m.

2. ROLL CALL: Mayor Melvin J. Evans and Council Members Joanne Thornton, Charlie Scott, Marilyn Kay Fairbanks & Stephen Westhoff.

3. PLEDGE: Kay Fairbanks.

4. APPROVAL OF AGENDA FINANCIAL STATEMENT AND MINUTES:

MOTION: Kay Fairbanks made a motion to accept the minutes of the Town Council Meetings of January 22, and February 12, 1997, to approve the agenda and to strike the financial statement. Joanne Thornton seconded the motion and all were in favor.

5. VOTE ON ZONE CHANGE REQUEST:

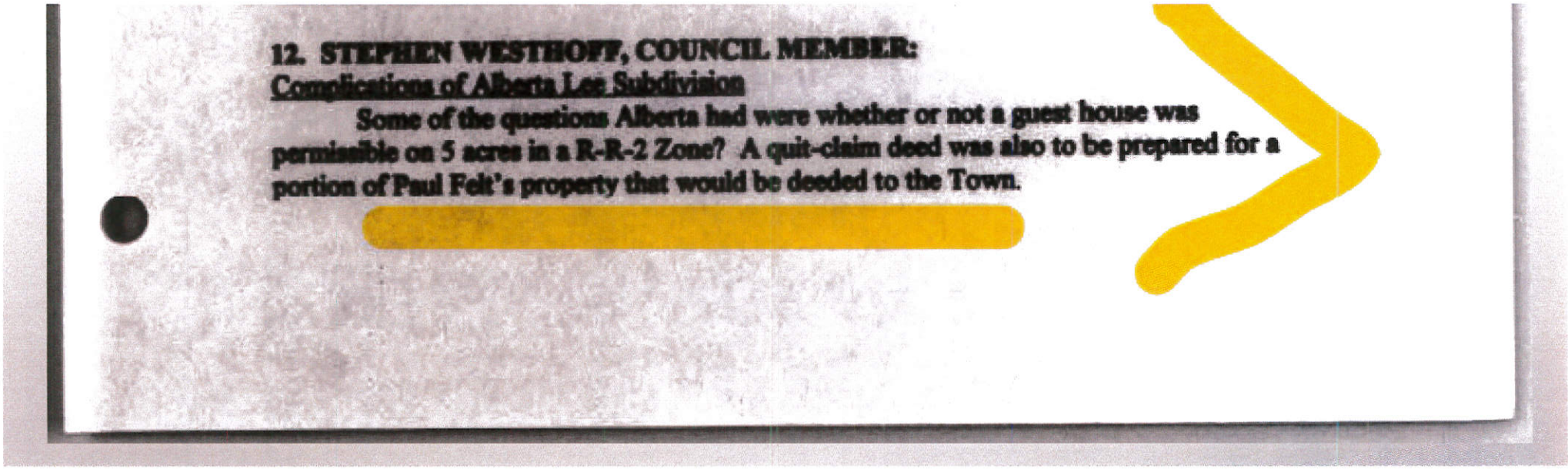
MOTION: Joanne Thornton made a motion to change the Lee Property from General Commercial (C-G) to Rural Residential 2 acre parcels (R-R-2). Approximately 12 acres. Charlie Scott seconded the motion and all were in favor.

6. VOTE ON MINOR SUBDIVISION ORDINANCE #2-97:

MOTION: Mayor Evans made a motion to accept the Minor Subdivision Ordinance as amended and to ask the Planning Commission to define the word "improved". Charlie Scott seconded the motion and all were in favor.

FEB. 26, 1997 – LEEDS TC MEETING

- Leeds Town Council Minutes showing that there was complications with Alberta's Minor Subdivision (where the zoning was just changed moments ago to R-R-2).
- The first complication was the new buyers (Spears) want a guest house, and this needs to be solved to fulfill the REPC.
- The second complication is that Alberta's property was not on a dedicated road, but the TC solves this by having Paul Felt dedicate a small piece of property with an existing dirt road to the Town of Leeds. This dirt road was adjacent to Alberta's 12-acre parcel that she wants subdivided.



12. STEPHEN WESTHOFF, COUNCIL MEMBER:
Complications of Alberta Lee Subdivision

Some of the questions Alberta had were whether or not a guest house was permissible on 5 acres in a R-R-2 Zone? A quit-claim deed was also to be prepared for a portion of Paul Felt's property that would be deeded to the Town.

MARCH. 5, 1997 – LEEDS PC MEETING

- Alberta's conditional approval to subdivide her property at approximately 600 N. Main and is 12 acres, L-3-1-7-1110 was mentioned in past tense, like it was done in the last TC meeting. Note, the Ombudsman agreed with this possible assessment.
- The condition was a Quit-Claim Deed from Paul Felt for the access road.
- The REPC also had a Zoning provision in it and the Spears wanted a second house on the property. This was discussed in item 7 as a zoning update.
- Note: This is the Planning Commission and according to Town Ordinance, a final approval by the Town Council is only required on a Full Subdivision, not on a Minor Subdivision and, the Planning Commission may have erred in stating a final approval was still required.
- Meeting started at 7:00 PM, ended at 9:05 PM, and only 3 pages of minutes kept.

Town of Leeds

Minutes for the
Planning Commission Meeting
of March 5, 1997

1. CALL TO ORDER: Robert Weight, Planning Commission Chairman, called the meeting to order at 7:00 p.m.

2. ROLL CALL: Robert Weight, Leonard Mills, Dale Barnes, and George Fridell were present. Jim Bray was excused.

3. PRAYER: George Fridel.

4. APPROVE MINUTES FROM JANUARY & FEBRUARY MEETINGS:
Leonard made a motion to approve the minutes of the February Meeting. George seconded the motion and all were in favor. The January minutes will be presented in April.

5. BUILDING PLANS:
Jim Randles
This items was tabled until Mr. Randles can obtain a clear title to the property. He would eventually like to split the lot and sell the vacant parcel.

6. ALBERTA LEE:
Plans for Property
Alberta has received conditional approval to split her lot located at approximately 600 North Main Street. She need to obtain a Quit-Claim Deed from Paul Felt before the final approval is given. The Quit-Claim Deed is for an access road to the 12 acres that will be sold. The Deed will be to the Town of Leeds for the access road.

7. UPDATE ON ZONING ORDINANCE:
Each member brought his copy of the new draft of the ordinance. Leonard Mills pointed out several typo's to be corrected. The Commission decided to consider adding an R-R-5 Zone which would include provisions for an extra (Mother-In-Law) house on the property. Dale Barnes assigned to make a draft for next meeting.

7. OTHER BUSINESS:

MARCH. 12, 1997 – LEEDS TC MEETING

- Mayor Evans informs the Town Council that a Quit-Claim Deed is being written to the Town by Paul Felt. This is the small tongue of property on Main St. that will provide a dedicated road to both Alberta and Paul Felt's Property. NOTE: This could only be if the Town Council, at the previous meeting, gave this "Conditional Approval."
- R-R-5 Zone is being considered for the town.
- Marilyn Kay Fairbanks was present, the meeting started at 7:30 PM and ended at 10:00 PM – only 3 pages of minutes were kept.

Town of Leeds—Town Council Meeting—March 12, 1997—page 3

11. CHARLIE SCOTT, COUNCIL MEMBER:

Report on Ashcreek Coordinating Council Meeting

Charlie discussed the Safe Water Drinking Act and the importance of joining with those who have already adopted this Act. There is no grant money available if you haven't adopted this Act.

The idea of having a Water Master when the Town creates a water system was briefly discussed.

12. STEPHEN WESTHOFF, COUNCIL MEMBER:

Steve asked to be excused from the meeting.

13. OTHER BUSINESS:

Mountain Fuel will be coming this week to see about moving the gas meter from the roadway on East Center Street. Charlie Scott suggested looking and a 50 foot road on East Center because of the problem with Mrs. Delores Dicks swimming pool being located in part of the street right-of-way.

Charlie asked about a letter written by the County Sheriff to the Mayor about Leeds Police Officers going outside the Town Boundaries and writing citations. The Mayor has received a letter and Chief Braman has written back to Sheriff Humphries about the situation and has requested a meeting with the Sheriff, the Mayor and himself.

Mayor Evans told the Council that a quit-claim deed is being written for the portion of property that Paul Felt is quit-claiming to the Town. The location of the property is approximately 650 North Main Street.

A Rural-Residential-5 acre Zone is being considered for the Town.

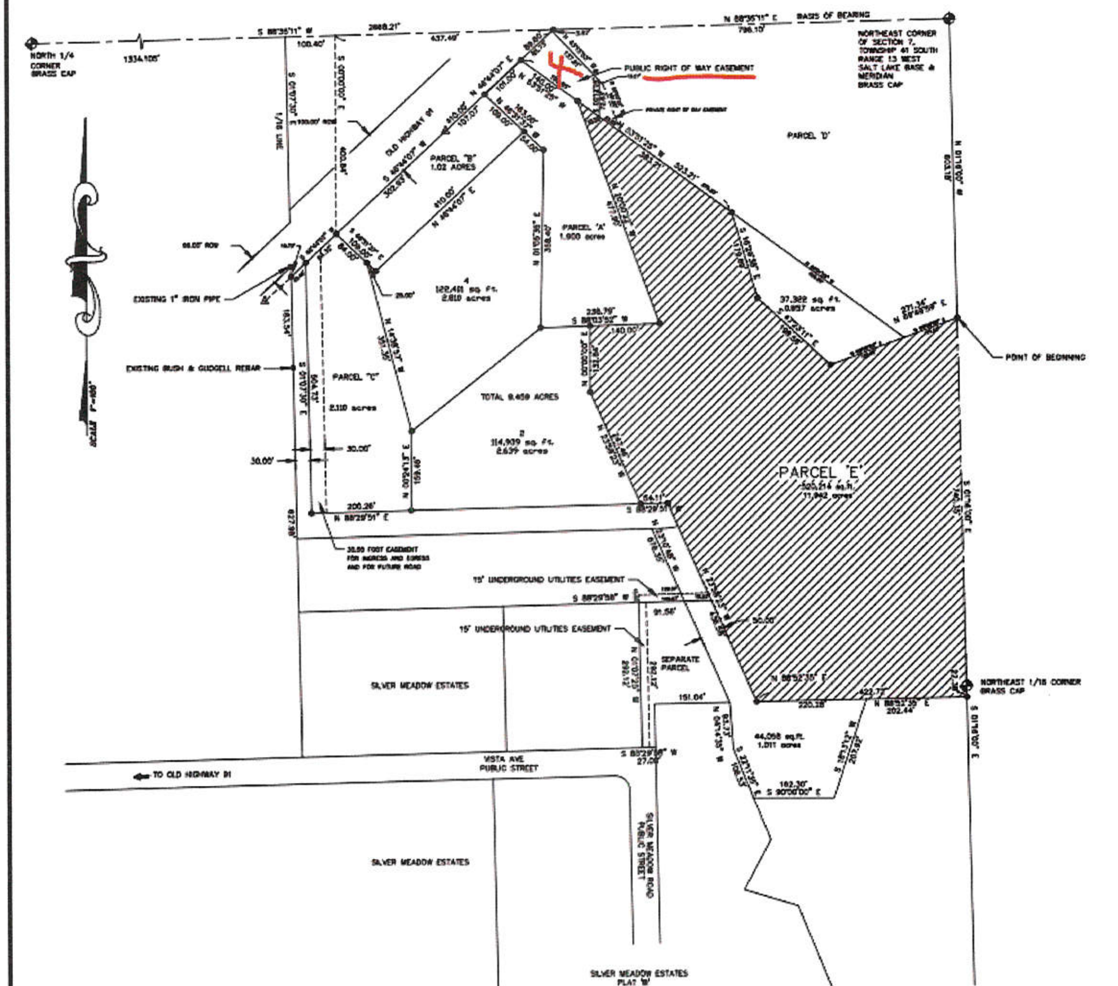
14. ADJOURNMENT:

The meeting was adjourned at 10:00 p.m.

Map of L-1-3-1-7-1110 made by LR Pope Eng., for Alberta Lee in March of 1997.

Note the little red "X" is the tongue of land given to Leeds by Felt.

Note the description next to it says, "Public Right of Way Easement."



SURVEYOR'S CERTIFICATE

I, LLOYD RIED POPE, HEREBY CERTIFY THAT UNDER THE LAWS OF THE STATE OF UTAH, I AM A REGISTERED LAND SURVEYOR HOLDING LICENSE No. 153069 AND THAT UNDER THE OWNERS REQUEST AND UNDER MY DIRECTION, THE BELOW DESCRIBED PROPERTY HAS BEEN CORRECTLY STAKED ON THE GROUND AND THAT THIS PLAT REPRESENTS A TRUE AND ACCURATE SURVEY OF THE PROPERTY AS SHOWN.

STATE OF UTAH · REGISTERED LAND SURVEYOR · P153069 LLOYD RIED POPE

LLOYD RIED POPE, PLS No. 153069

SURVEYOR'S CERTIFICATE

PARCEL "E"

BEGINNING AT A POINT S 1°16'00" E 603.18 FEET ALONG THE SECTION LINE FROM THE NORTHEAST CORNER OF SECTION 7, TOWNSHIP 41 SOUTH, RANGE 13 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE S 1°16'00" E 740.36 FEET TO THE NORTHEAST 1/16 CORNER; THENCE S 1°16'00" E 22.38 FEET ALONG THE SECTION LINE; THENCE S 88°52'35" W 422.72 FEET; THENCE N 23°58'23" W 436.58 FEET; THENCE S 88°29'51" W 54.11 FEET; THENCE N 23°58'23" W 247.46 FEET; THENCE N 0°00'00" E 132.84 FEET; THENCE N 88°03'52" E 140.00 FEET; THENCE N 20°00'22" W 477.90 FEET; THENCE S 53°51'25" E 383.21 FEET; THENCE S 16°29'38" E 179.89 FEET; THENCE S 47°23'11" E 198.58 FEET; THENCE N 69°49'59" E 271.34 FEET TO THE POINT OF BEGINNING.

CONTAINING 11.942 ACRES

NARRATIVE

THE PURPOSE OF THIS SURVEY IS BREAK OFF PART OF THE PROPERTY AND PREPARE A BOUNDARY DESCRIPTION. THE BASIS OF BEARING IS N 88°35'11" E ALONG THE NORTH SECTION LINE BETWEEN THE NE CORNER AND THE NORTH 1/4 CORNER.

LOCATION OF SURVEY

NE 1/4 SECTION 7, TOWNSHIP 41 SOUTH, RANGE 13 WEST, SALT LAKE BASE & MERDIAN

DATE OF SURVEY

MARCH 1997

CLIENT

ALBERTA LEE

LEGEND

- SECTION CORNERS AS NOTED
- SET 5/8" REBAR & CAP WITH PLASTIC CAP MARKED LRP ENG.
- EXISTING CORNERS AS NOTED
- STATE HIGHWAY RIGHT OF WAY MARKERS

L. R. POPE ENGINEERS & SURVEYORS

APRIL 2, 1997 – LEEDS PC MEETING

- Fire station lot requires a Minor Subdivision.
- Note that this statement was made in the Planning Commission by Steve Westhoff, one of the current Town Council members.
- The TC understood that a Minor Subdivision was required before the lot was *sold* and *recorded*, as per Leeds Ordinance 21.2.2.

Town of Leeds

Minutes for the
Planning Commission Meeting
of April 2, 1997

1. CALL TO ORDER: Robert Weight, Planning Commission Chairman, called the meeting to order at 7:05 p.m.

2. ROLL CALL: Robert Weight, Jim Bray, Dale Barnes, George Fridell and Stephen Westhoff (Council Member) were present. Leonard Mills was excused.

3. PRAYER: Robert Weight.

4. APPROVE MINUTES FROM JANUARY & MARCH MEETINGS:
George made a motion to approve the minutes for the January and March meetings as amended. Dale seconded the motion and all were in favor.

5. BUILDING PLANS:
New Leeds Fire Station
Steve Westhoff brought up the fact that the new Fire Station lot will need to be split. This would require the Town and Savages to get the approval for a minor subdivision.

APRIL 2, 1997 – LEEDS PC MEETING, PAGE 2

There were two conditions in the REPC:

1. Fix the zoning
2. Legally subdivide it

In the Feb. 26th TC meeting there were two complications identified:

1. The zoning complication that the buyers wanted a guest house
2. The Felt Deed to the Town of Leeds for the tongue of land

This April 2, 1997, PC Meeting, Item 9, solves the zoning condition in the REPC.

It also solves the complication mentioned in the Feb. 26, 97 TC Meeting (the access road).

8. STEVE WESTHOFF:

Town Council Items

Steve updated the Planning Commission on the Delores Dicks property. He told the Commission that a public hearing had been set for the 14th of May to abandon a portion of Center Street that is adjacent to Mrs. Dicks property. This would allow her to continue to use her swimming pool without needing to relocate it. The pool was built in the right-of-way of Center Street several years ago.

9. ZONING ORDINANCE UPDATE:

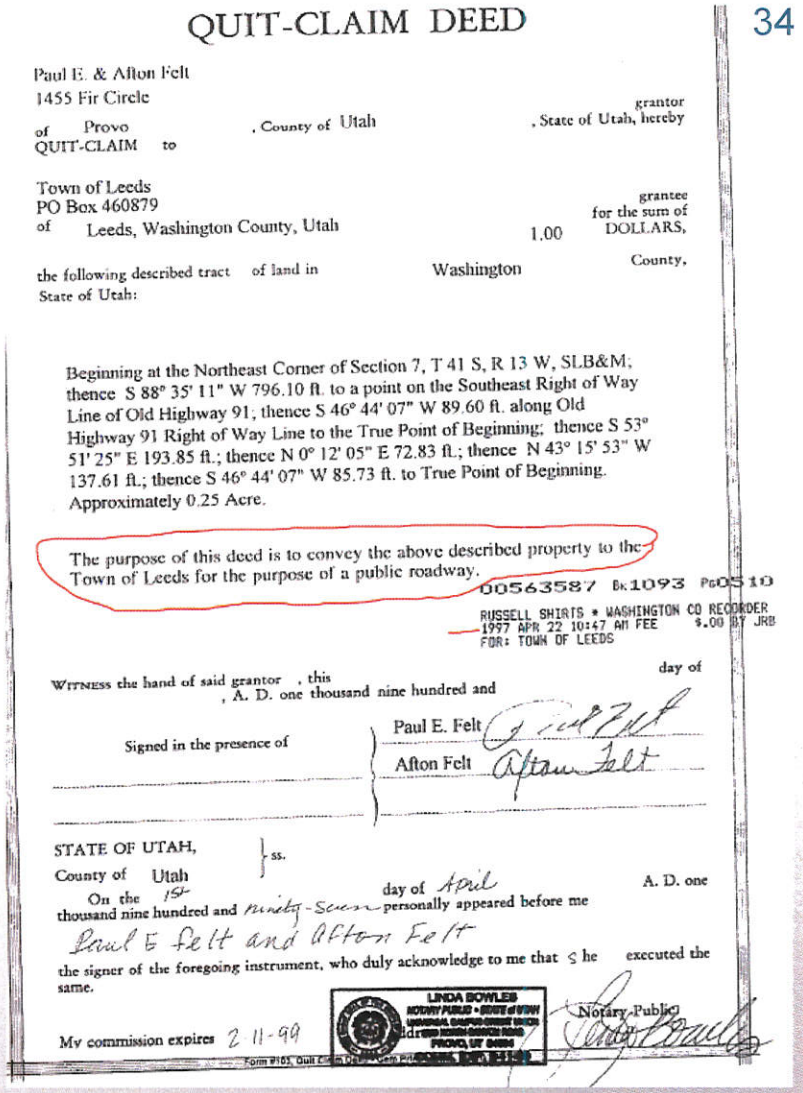
Dale Barnes--Addition of R-R-5

The Planning Commission decided to not add an R-R-5 zone which would have made it possible to have a Guest Home on a 5 acre parcel of property. They did decided to include on 2 or more acres of property, with a Conditional Use Permit, a Guest House or Mother-in-Law House. This will be added to the new Zoning Ordinance. Dale made a motion to accept the Guest Home by Conditional Use Permit on parcels of property 2 acres or larger. Jim seconded the motion and all were in favor.

They also changed the number of R.V. units from 10 to 15 per acre.

APRIL 22, 1997 – FELT QUIT-CLAIM DEED

- Quit-Claim Deed to the Town of Leeds of a small tongue of land that the Felt's owned.
- "The purpose of this Deed is to convey the above described property to the Town of Leeds for the purpose of a public roadway."
- This was filed with the Washington County Recorder on April 22, 1997.
- This deed fulfills the conditional approval set by the Leeds Town Council to complete Alberta's Minor Subdivision.



QUIT-CLAIM DEED

Paul E. & Afton Felt
1455 Fir Circle
of Provo, County of Utah, State of Utah, hereby grantor
QUIT-CLAIM to

Town of Leeds
PO Box 460879
of Leeds, Washington County, Utah grantee for the sum of 1.00 DOLLARS,

the following described tract of land in Washington County, State of Utah:

Beginning at the Northeast Corner of Section 7, T 41 S, R 13 W, SLB&M; thence S 88° 35' 11" W 796.10 ft. to a point on the Southeast Right of Way Line of Old Highway 91; thence S 46° 44' 07" W 89.60 ft. along Old Highway 91 Right of Way Line to the True Point of Beginning; thence S 53° 51' 25" E 193.85 ft.; thence N 0° 12' 05" E 72.83 ft.; thence N 43° 15' 53" W 137.61 ft.; thence S 46° 44' 07" W 85.73 ft. to True Point of Beginning. Approximately 0.25 Acre.

The purpose of this deed is to convey the above described property to the Town of Leeds for the purpose of a public roadway.

00563587 Bk1093 Pg0510
RUSSELL SHIRTS * WASHINGTON CO RECORDER
1997 APR 22 10:47 AM FEE $.00 BY JRB
FOR: TOWN OF LEEDS

WITNESS the hand of said grantor, this day of
, A. D. one thousand nine hundred and

Signed in the presence of

Paul E. Felt
Afton Felt

STATE OF UTAH, } ss.
County of Utah

On the 15th day of April A. D. one thousand nine hundred and ninety-seven personally appeared before me Paul E Felt and Afton Felt the signer of the foregoing instrument, who duly acknowledge to me that he executed the same.

My commission expires 2-11-99

LINDA BOWLES
NOTARY PUBLIC - STATE of UTAH
Address
PROVO, UT 84606

Notary Public

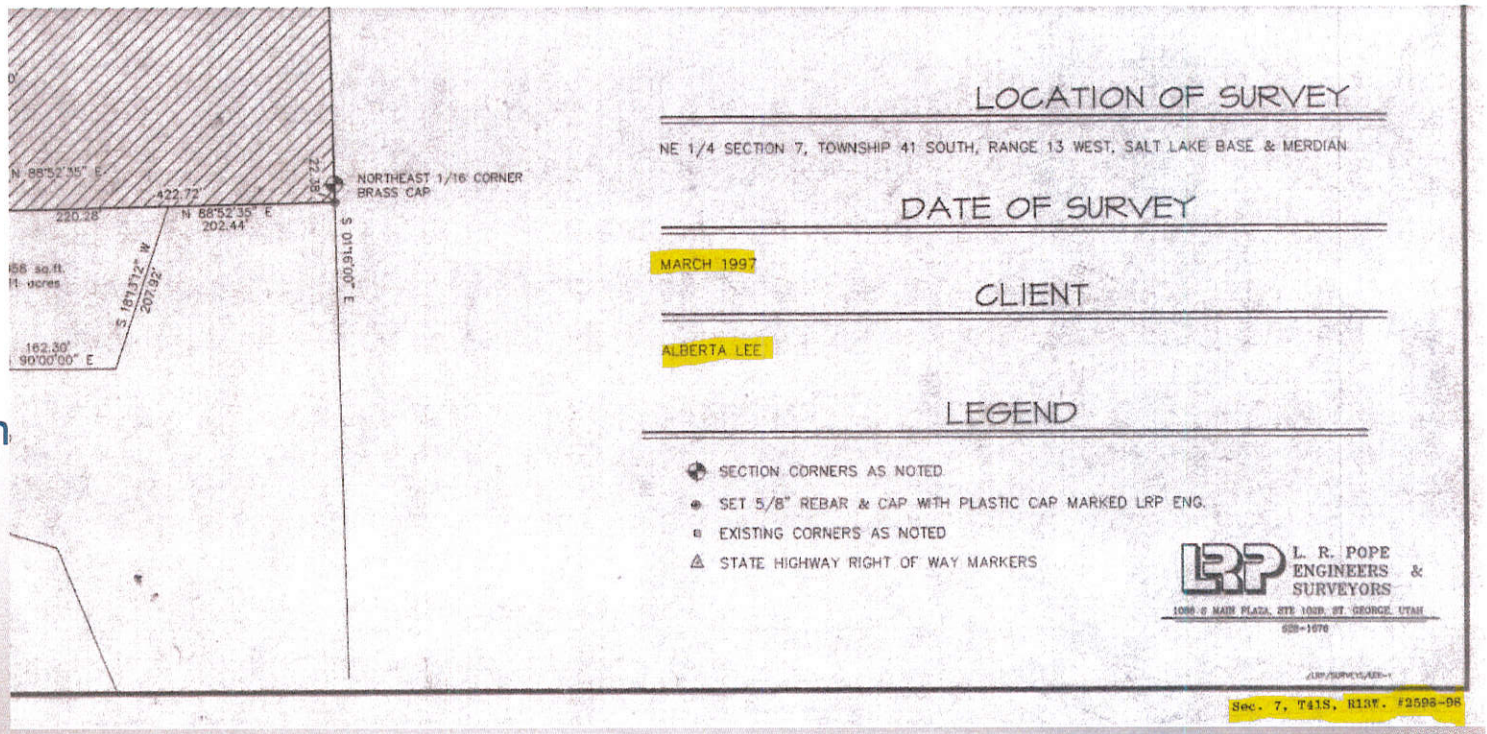
Form #105, Quit Claim Deed

Remember this a few slides back, map of L-1-3-1-7-1110 made by LR Pope Eng., for Alberta Lee in March of 1997?

This was recorded with the county on May 12, 1997 – Note the record # in the bottom right.

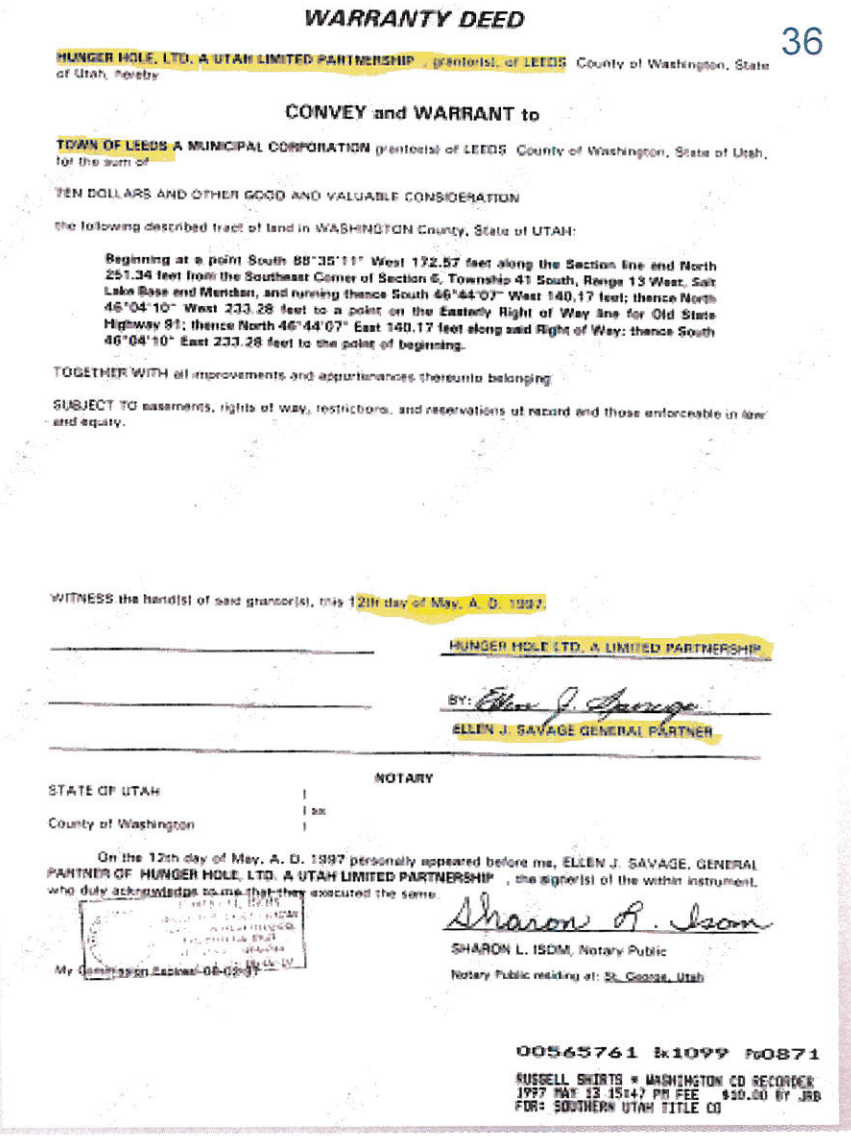
Note this was recorded after the two Alberta Lee Minor Subdivision complications were resolved.

- First complication was the Felt Deed, DONE.
- Second complication was the zoning with the guest house, DONE.



MAY 12, 1997 – LEEDS FIRE HOUSE PARCEL – WARRANTY DEED

- This Warranty Deed from Hunger Hole, LTD., to the Town of Leeds is for the parcel where the Fire House was built.
- It is located at approximately 700 N. Main Street, Leeds.
- And the Deed was recorded with Washington County on May 13, 1997.



WARRANTY DEED

HUNGER HOLE, LTD. A UTAH LIMITED PARTNERSHIP grantor(s), of LEEDS County of Washington, State of Utah, hereby

CONVEY and WARRANT to

TOWN OF LEEDS A MUNICIPAL CORPORATION grantee(s) of LEEDS County of Washington, State of Utah, for the sum of

TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION

the following described tract of land in WASHINGTON County, State of UTAH:

Beginning at a point South 88°35'11" West 172.57 feet along the Section line and North 251.34 feet from the Southeast Corner of Section 6, Township 41 South, Range 13 West, Salt Lake Base and Meridian, and running thence South 46°44'07" West 140.17 feet; thence North 46°04'10" West 233.28 feet to a point on the Easterly Right of Way line for Old State Highway 91; thence North 46°44'07" East 140.17 feet along said Right of Way; thence South 46°04'10" East 233.28 feet to the point of beginning.

TOGETHER WITH all improvements and appurtenances thereunto belonging

SUBJECT TO easements, rights of way, restrictions, and reservations of record and those enforceable in law and equity.

WITNESS the hand(s) of said grantor(s), this 12th day of May, A. D. 1997

HUNGER HOLE LTD, A LIMITED PARTNERSHIP

BY: Ellen J. Savage

ELLEN J. SAVAGE GENERAL PARTNER

NOTARY

STATE OF UTAH)
) ss
County of Washington)

On the 12th day of May, A. D. 1997 personally appeared before me, ELLEN J. SAVAGE, GENERAL PARTNER OF **HUNGER HOLE, LTD. A UTAH LIMITED PARTNERSHIP**, the signer(s) of the within instrument, who duly acknowledge to me that they executed the same

Sharon A. Isom

SHARON L. ISOM, Notary Public

Notary Public residing at: St. George, Utah

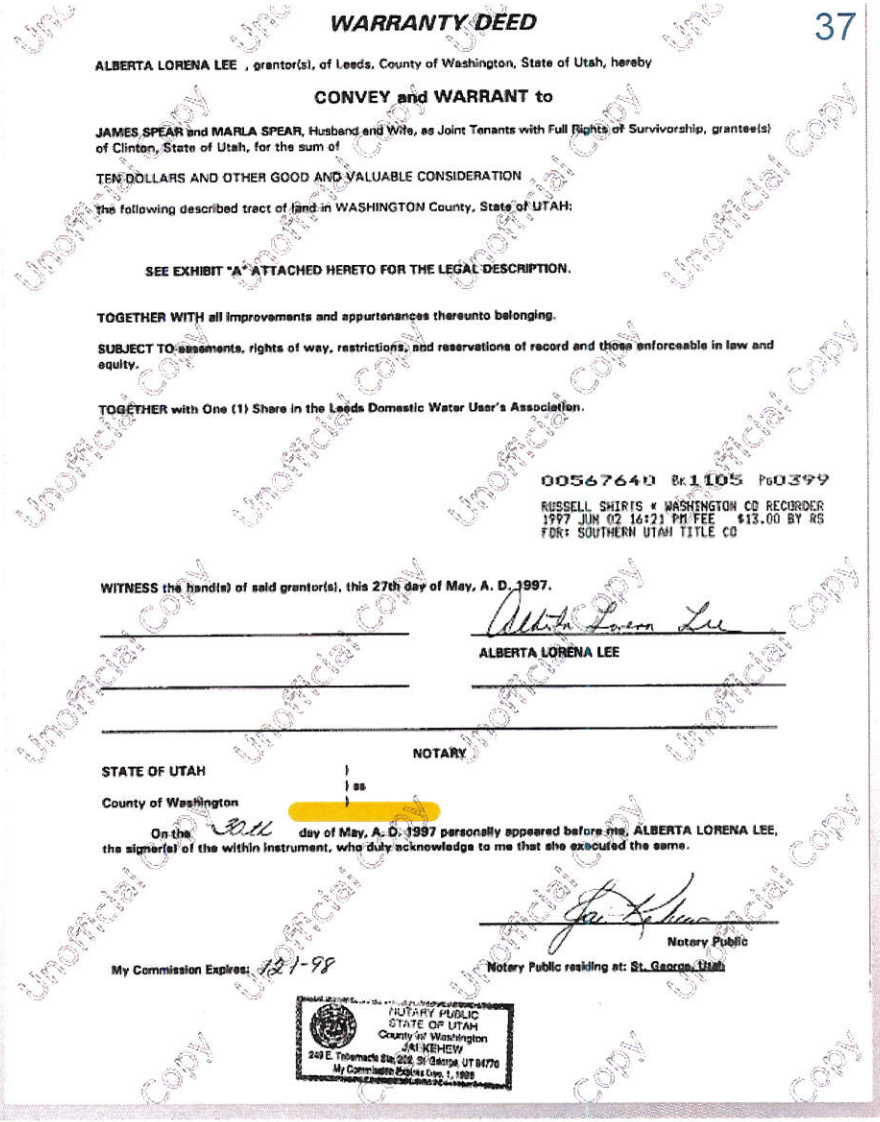
My Commission Expires: 08-03-97

00565761 Bk1099 Pg0871

RUSSELL SHIRTS * WASHINGTON CO RECORDER
1997 MAY 13 1542 PM FEE $10.00 BY JRB
FOR: SOUTHERN UTAH TITLE CO

MAY 30, 1997 – LEE-SPEARS WARRANTY DEED

- This Warranty Deed completes the sale of L-3-1-7-1110 from Alberta Lee to the Spears.
- Note – it is escrow's job not to allow the escrow to close until the REPC Terms have been met in full.
- The major condition of the contract that we are concerned about is that the property was legally subdivided before close of escrow.
- There is one last piece of substantial evidence that the Ombudsman did not receive that we would like to present.



WARRANTY DEED 37

ALBERTA LORENA LEE , grantor(s), of Leeds, County of Washington, State of Utah, hereby

CONVEY and WARRANT to

JAMES SPEAR and MARLA SPEAR, Husband and Wife, as Joint Tenants with Full Rights of Survivorship, grantee(s) of Clinton, State of Utah, for the sum of

TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION

the following described tract of land in WASHINGTON County, State of UTAH:

SEE EXHIBIT "A" ATTACHED HERETO FOR THE LEGAL DESCRIPTION.

TOGETHER WITH all improvements and appurtenances thereunto belonging.

SUBJECT TO easements, rights of way, restrictions, and reservations of record and those enforceable in law and equity.

TOGETHER with One (1) Share in the Leeds Domestic Water User's Association.

00567640 Bk1105 Pg0399
RUSSELL SHIRTS * WASHINGTON CO RECORDER
1997 JUN 02 16:21 PM FEE $13.00 BY RS
FOR: SOUTHERN UTAH TITLE CO

WITNESS the hand(s) of said grantor(s), this 27th day of May, A. D. 1997.

ALBERTA LORENA LEE

NOTARY

STATE OF UTAH)
: ss
County of Washington)

On the 30th day of May, A. D. 1997 personally appeared before me, ALBERTA LORENA LEE, the signer(s) of the within instrument, who duly acknowledge to me that she executed the same.

Notary Public

My Commission Expires: 12-1-98

Notary Public residing at: St. George, Utah

NOTARY PUBLIC
STATE OF UTAH
County of Washington
JAI KEHEW
249 E. Tabernacle Ste 202, St. George, UT 84770
My Commission Expires Dec. 1, 1998

JUNE 24, 1998 – TC MEETING MINUTES

- This is the Leeds Town Council Minutes from June 24, 1998, a little over a year after the Fire House Lot was purchase.
- Fire Chief Don Fawson came in at the end of the meeting and said . . . . "all that is remaining to do is to get a certificate of occupancy." This means the Fire House construction is finished.

Charlie said he has touched base with Mr. Snow and we should be hearing form him pretty soon concerning the Quit Claim Deed for the Babylon Road Agreement. Charlie also stated he has not heard from Karl Rasmussen concerning the bill we received..

11. OTHER BUSINESS:

Joan stated she has received a lot of complaints concerning the Fire District assessments. Joan asked Joy to share with everyone what she knows about Petroleum Wholesale Inc. buying the Delcy Woodards property. They stopped by Town Hall this morning and were very interested in our building process. One of their concerns is the septic system issue. They will be contacting Charlie after this meeting tonight. Joan then went over the Wastewater Survey form by Josie and the brochure by Mike and they talked about combining the two and the changes to be made. Fire Chief Don Fawson came in at the end of the meeting and said he would like to take a few minutes. He stated all that is remaining to do on the Fire Station is to get a Certificate of Occupancy. He talked about the July 3rd ribbon burning ceremony. He is concerned about the thistle on Margaret Armstrong's property. He is concerned about the mining by Silver Reef and the impact it could have on contaminating our water supply. Mike stated he is involved in this issue and attends the meetings, he will keep us informed. The Council said we need to have a welcome and information package for all new comers.

12. ADJOURNMENT:

The meeting adjourned at 10:05 p.m.

APPROVED AND SIGNED THIS 8TH DAY OF JULY, 1998

Ron Mosher

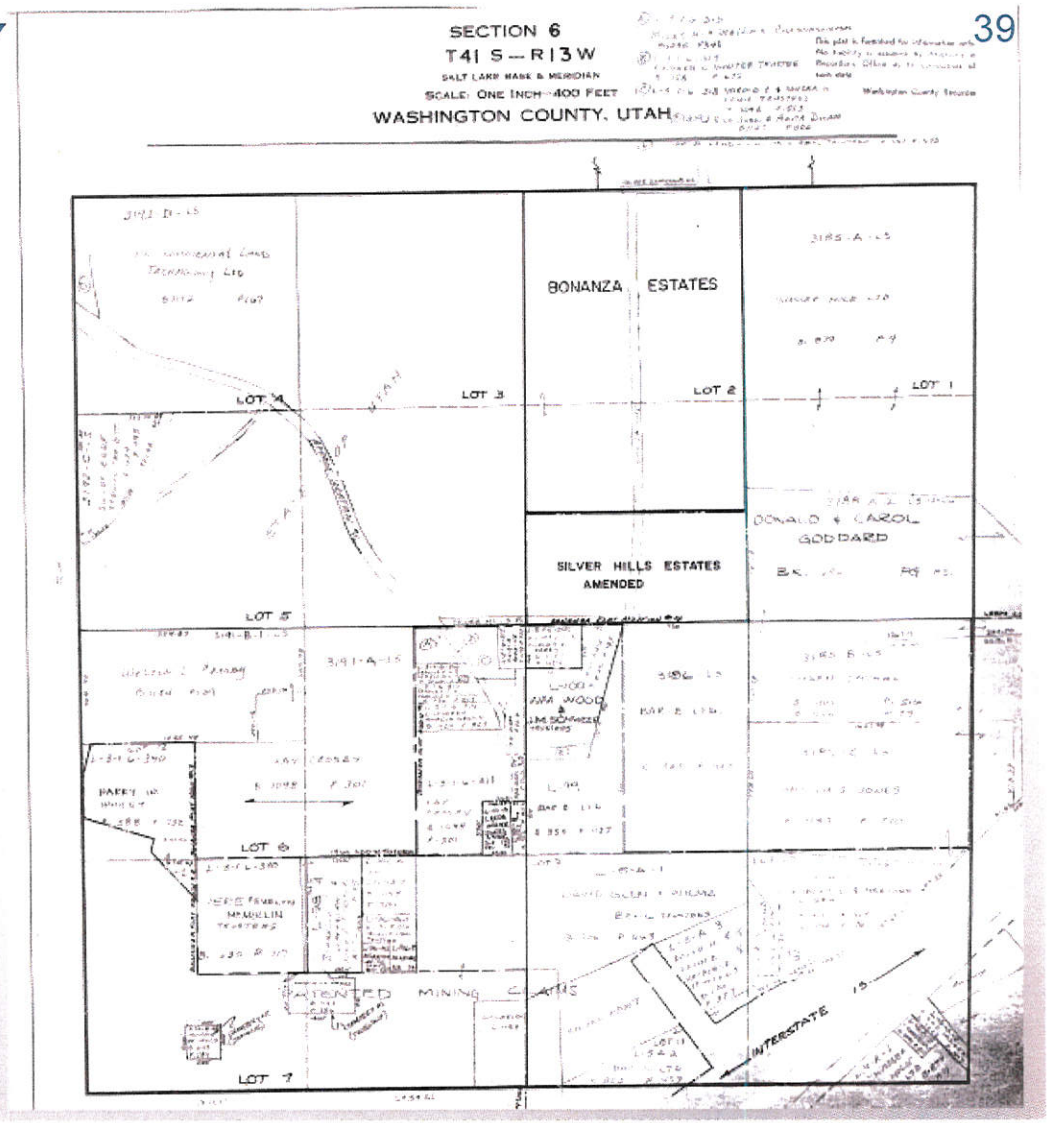
Ron Mosher, Mayor

Joy Stevens

Joy Stevens, Clerk/Recorder

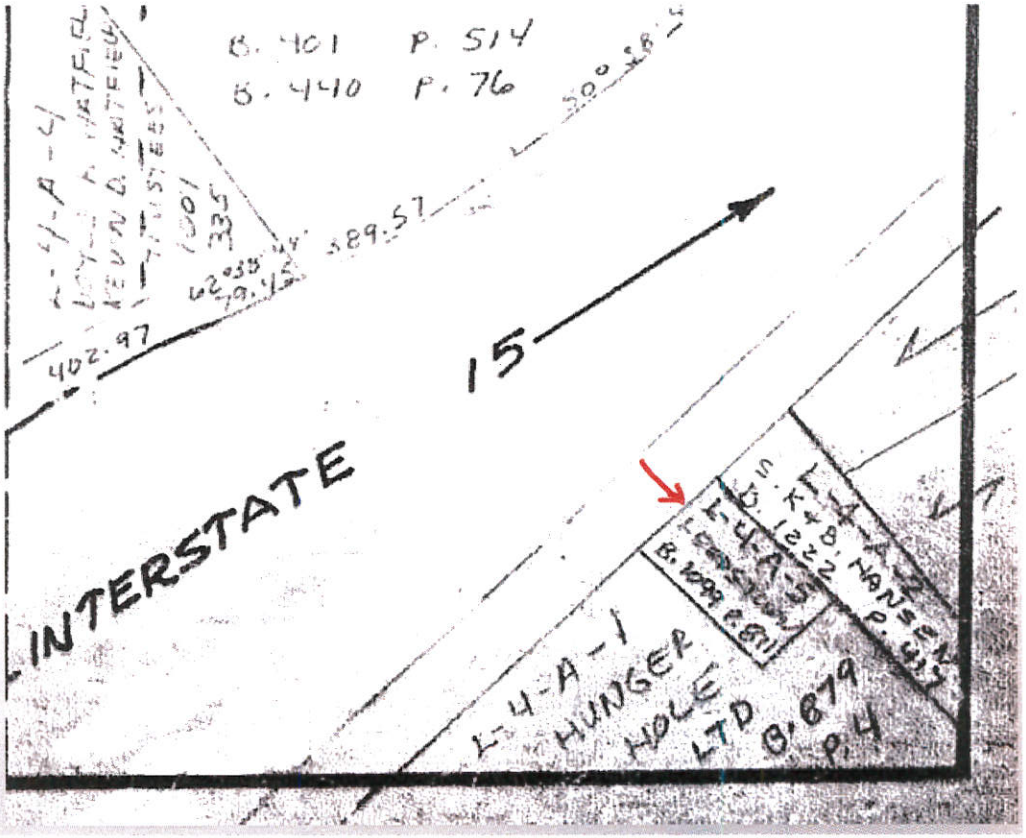
JAN. 1999 WASHINGTON COUNTY PROPERTY OWNERSHIP MAP SECTION 6, T-41S, R-13W

- This is part of Leeds showing the owners and sizes/shapes of Real Estate Parcels in January 1999.
- In the bottom right-hand corner, you will note I-15 with the South Bound Exit, near the US Post Office.
- In the very bottom right is where the Town of Leeds built the new Fire Station.
- The Fire Station's parcel number is L-4-A-5.



JAN. 1999 WASHINGTON COUNTY PROPERTY OWNERSHIP MAP SECTION 6, T-41S, R-13W

- This is a close-up of the previous maps, right bottom corner.
- The RED arrow points to TIN L-4-A-5. This is where the Fire House was built.
- Recall back on April 2, when Town Councilman Steve Westhoff said in the PC Meeting the Fire House land needs a Minor Subdivision? And recall on May 13th the recording of the Deed for this same property?
- NOTE: There is no record of a Minor Subdivision for this parcel in the Leeds TC/PC Minutes. I looked in years 1997 & 1998 – There is no record of a Minor Subdivision for this property. Does this mean the Minor Subdivision didn't take place? Or does this mean there was a Minor Subdivision, but it was just not recorded? There are other properties like this subdivided, but not documented well in the TC/PC Minutes. And yet I have found 2 examples of the Town requiring property owners to perform Subdivisions on properties that the owner split and sold off. So, Leeds was enforcing its Subdivision Ordinance.
- There was a loan on this property, It is referenced in the TC Minutes, so the property *must* have been Subdivided.



MARCH 2, 2022 – AFFIDAVIT – PG 1 MARY KAY LISONBEE

- Marilyn Kay Fairbanks is currently Marilyn (Mary) Kay Lisonbee.
- She was a Leeds Town Council Woman in 1997, and as mentioned in previous slides, she was present for all the Council Meetings where the Subdivision of our property was discussed.
- Included here is an affidavit of her recollection of the events and situation specific to our property.
- Page 2 –Immediately follows.

STATE OF UTAH)
) ss
COUNTY OF WASHINGTON)

I, MARILYN KAY LISONBEE, after being duly sworn deposes and says:

1. I am over the age of eighteen (18) and have personal knowledge of the facts in this Affidavit.

2. I am a resident of Washington County, Utah.

3. I am a former member of the Leeds City Council, having served from approximately 1996-1997.

4. I recently reviewed documents related to property in Leeds that was owned by Alberta Pace ("Alberta"). These documents include Town Council minutes. Having reviewed the minutes, my recollection of the events and the Council's intentions have been refreshed.

5. I remember Alberta came to the Council wanting to split off a portion of her land and sell 12 acres to a couple wanting to build on the land. The vehicle to accomplish this was to create a minor lot subdivision.

6. The Council approved the property division (minor lot subdivision) subject to Alberta obtaining a Quit-Claim Deed (the "Deed") for an access road to the 12 acres that would be sold. The Deed was to be titled to the Town of Leeds. No further action by the Town was anticipated or required to complete the minor lot subdivision once the Deed was recorded. It was the intent of the Council that the 12 acre parcel would be a minor lot subdivision eligible to build a residence once the deed for the access road was recorded, which appears to have happened.

MARCH 2, 2022 – AFFIDAVIT – PG 2 MARY KAY LISONBEE

- Page 2 of Affidavit from Mary Kay Lisonbee, aka, Marilyn Kay Fairbanks, Leeds Town Council Woman in 1997.

7. I have recently visited the property owned by Lynn Potter ("Potter") and can verify that the approximate 12 acre parcel (the "parcel") owned by Potter is the same property that was split off from Alberta's property and which was approved by the Town Council as a minor lot subdivision for the purpose of building a residence back in 1997, although Potter did not own the property then.

8. As further proof of the Town's intent to create a minor lot subdivision and approve building on the parcel is the fact that the Town consented to a zone change that would accommodate the building of a residence (R-R-2).

9. I am certain of the foregoing as I have an independent recollection of the events and my recollection is consistent with the Town minutes I reviewed.

DATED: March 2ND, 2022.

Marilyn Kay Lisonbee

SUBSCRIBED AND SWORN to (or affirmed) before me this 2nd day of March 2022, by MARILYN KAY LISONBEE.

NOTARY PUBLIC

SHANAN ARSLANIAN
Notary Public, State of Utah
Commission # 717197
My Commission Expires On
April 30, 2025

STG_1041498.2

FINAL POINTS

1. Alberta Lee and her husband were sophisticated developers and knew what they were doing when it came to subdividing land. Leaving a subdivision unfinished or a deal incomplete was unthinkable.

2. The Spears offer to purchase the parcel from Alberta Lee. The Real Estate Contract required the lot to be compliant with residential zoning and they wanted a guest house. Also, the lot had to be legally subdivided from the rest of Alberta's property. All conditions to be met prior to close of escrow.

3. The records show that all requirements took place. However, the Ombudsman says the records are deficient and something more is required in order to prove our argument.

4. The affidavit from Council Woman Marilyn Kay Lysonbee closes the gap in the records and provides the substantial evidence to support a conclusion that a Minor Subdivision with approval did occur.

5. The Leeds Ordinances do not require a final or secondary approval to a Minor Subdivision, but the Leeds Ordinances do require a Subdivision (Full or Minor) for the division of any land located within the Leeds town limits.

6. The Fire House Parcel was obviously subdivided, even though there is no record of it within the TC/PC Minutes. Therefore, our property L-3-1-7-1110, which by the way is well documented, must have been subdivided also.

7. Further, parcel L-3-1-7-1110 is entitled to an easement that is 50-60 ft wide.

8. Obviously parcel L-3-1-7-1110 was subdivided in the spring of 1997, and the Leeds Hillside Ordinance has an exception in it for properties subdivided before 1999, therefore, the Leeds Hillside Ordinance does not apply to parcel L-3-1-7-1110.

TOWN OF LEEDS

ORDINANCE NO. 2022-03

AN ORDINANCE REPEALING THE CURRENT TOWN OF LEEDS GENERAL PLAN (Ordinance 2004-05) AND ADOPTING A NEW GENERAL PLAN FOR THE GROWTH AND DEVELOPMENT OF LAND AND PUBLIC INFRASTRUCTURE WITHIN THE TOWN'S BOUNDARIES.

(Supersedes ordinance 2004-05)

PREAMBLE

WHEREAS, in order to provide for the health, safety and general welfare of the citizens of Leeds, Utah, the Town of Leeds, (herein referred to as the "Town") desires to establish a new general plan which will specify goals relating to land use, housing, the environment, transportation and public facilities and service, which the Town and the residents of Leeds hope to achieve during the next twenty years, and policies which will facilitate these goals.

WHEREAS, the Town desires to adopt a new General Plan (herein referred to as the "General Plan") which will revise and superseded the Town's current General Plan, adopted in 2004 as Ordinance 2004-05; and

WHEREAS, pursuant to the Utah Code of the Town is required to adopt a general plan which develops a general scheme and blueprint for the Town, with regards to land uses, transportation, the environment, housing and public facilities and services; and

WHEREAS, the company Sunrise Engineering has worked with the Town to perform several surveys, citizen interviews, and general publicly noticed meetings in part to discuss the provision of the General Plan; and

WHEREAS, the Planning Commission has haled monthly publicly noticed meetings in part to discuss the provisions of and public input for the General Plan; and

WHEREAS, Utah Code section 10-09-401 through 10-09-406, set forth procedures for the adoption and content of a general plan; and

WHEREAS, the Planning Commission of the Town held a duly advertised and noticed public hearing on May 4th, 2022 for the purpose of receiving the public comment regarding the content of the final version of the New General Plan and recommended approval; and

WHEREAS, the Town Council of the Town of the Town of Leeds held a duly advertised and noticed public meeting on May 11th, 2022, in part to discuss the provisions of and receive public comment regarding the content of the final version of the New General Plan; and

WHEREAS, the Town Council of the Town at the conclusion of its discussion on the New General Plan on May 11th, 2022, has made the finding that the adoption of the final version of the New General Plan before them was in the best interest of the health, safety and general welfare of the Town and its residents.

ORDINANCE

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LEEDS, UTAH THAT:

1. Adoption of the New General Plan: The New General Plan is hereby adopted in its entirety. The New General Plan shall act as a comprehensive long-term guide pursuant to Utah Code Ann. § 10-09a-401 for the growth and development of the lands and public infrastructure within the Town's boundaries.

2. Repealer; All provisions of the previous General Plan (Leeds Town Ordinance 2004-5) are hereby repealed.

3. Effective Date: This Ordinance shall become effective immediately upon approval.

ORDINANCE 2022-05 PASS AND WAS ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LEEDS, WASHINGTON COUNTY, STATE OF UTAH, ON THE 11TH DAY OF MAY, 2022, AND BECOME EFFECTIVE ON MAY 12TH, 2022.

ROLL CALL VOTE:

ROLL CALL VOTE:	Yea	Nay	Abstain	Absent
MAYOR: Bill HOSTER	x			
COUNCILMEMBER: DANIELLE STIRLING	x			
COUNCILMEMBER: RON CUNDICK	x			
COUNCILMEMBER: STEPHEN WILSON				x
COUNCILMEMBER: LORRIE HUNSAKER	x			

Bill Hoster, Mayor
Town of Leeds

ATTEST:

Aseneth Steed, Leeds Clerk/Recorder

TOWN OF LEEDS

ORDINANCE NO. 2022-04

AN ORDINANCE TO ADOPT A LEEDS GENERAL ANNEXATION PLAN FOR THE GROWTH, DEVELOPMENT AND ANNEXATION OF LAND AND PUBLIC INFRASTRUCTURE WITHIN THE TOWN'S BOUNDARIES.

PREAMBLE

WHEREAS, in order to provide for the health, safety and general welfare of the citizens of Leeds, Utah, the Town of Leeds, (herein referred to as the "Town") desires to establish a new general annexation plan which will specify goals relating to annexation, land use, housing, the environment, transportation and public facilities and service, which the Town and the residents of Leeds hope to achieve during the next twenty years, and policies which will facilitate these goals.

WHEREAS, the Town desires to adopt a new General Annexation Plan (herein referred to as the "Annexation Plan"); and

WHEREAS, pursuant to the Utah Code of the Town is required to adopt a general annexation plan which develops a general scheme and blueprint for the Town, with regards to annexation, land uses, transportation, the environment, housing and public facilities and services; and

WHEREAS, the company Sunrise Engineering has worked with the Town to perform several surveys, citizen interviews, and general publicly noticed meetings in part to discuss the provision of the General Annexation Plan; and

WHEREAS, the Planning Commission has haled monthly publicly noticed meetings in part to discuss the provisions of and public input for the General Plan; and

WHEREAS, Utah Code section 10-09-401 through 10-09-406, set forth procedures for the adoption and content of a general annexation plan; and

WHEREAS, the Planning Commission of the Town held a duly advertised and noticed public hearing on May 4th, 2022 for the purpose of receiving the public comment regarding the content of the final version of the New General Annexation Plan and recommended approval; and

WHEREAS, the Town Council of the Town of the Town of Leeds held a duly advertised and noticed public meeting on May 11th, 2022, in part to discuss the provisions of and receive public comment regarding the content of the final version of the New General Annexation Plan; and

WHEREAS, the Town Council of the Town at the conclusion of its discussion on the New General Annexation Plan on May 11th, 2022, has made the finding that the adoption of the final version of the New General Annexation Plan before them was in the best interest of the health, safety and general welfare of the Town and its residents.

ORDINANCE

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LEEDS, UTAH THAT:

1. Adoption of the New General Annexation Plan: The New General Annexation Plan is hereby adopted in its entirety. The New General Annexation Plan shall act as a comprehensive long-term guide pursuant to Utah Code Ann. § 10-09a-401 for the growth and development of the lands and public infrastructure within the Town's boundaries.

2. Effective Date: This Ordinance shall become effective immediately upon approval.

ORDINANCE 2022-04 PASS AND WAS ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LEEDS, WASHINGTON COUNTY, STATE OF UTAH, ON THE 11TH DAY OF MAY, 2022, AND BECOME EFFECTIVE ON MAY 12TH, 2022.

ROLL CALL VOTE:

ROLL CALL VOTE:	Yea	Nay	Abstain	Absent
MAYOR: Bill HOSTER	x			
COUNCILMEMBER: DANIELLE STIRLING	x			
COUNCILMEMBER: RON CUNDICK	x			
COUNCILMEMBER: STEPHEN WILSON				x
COUNCILMEMBER: LORRIE HUNSAKER	x			

Bill Hoster, Mayor
Town of Leeds

ATTEST:

Aseneth Steed, Leeds Clerk/Recorder

Aseneth, let's get this added to next planning commission

Mayor & Aseneth.
I had a phone call with a gentleman asking about building an internal accessory dwelling. Utah State Code changed in 2021 regarding internal accessory dwelling units (IADU's). Please see State code below. The Cliffsnotes are the code changes defined IADU's and establishes them as a permitted use in any zone that permits residential. This is one of the code amendments that the Town of Leeds needs to make to be compliant with state code.

Effective 10/1/2021
10-9a-530. Internal accessory dwelling units.

(1) As used in this section:
  (a) "Internal accessory dwelling unit" means an accessory dwelling unit created:
    (i) within a primary dwelling;
    (ii) within the footprint of the primary dwelling described in Subsection (1)(a)(i) at the time the internal accessory dwelling unit is created; and
    (iii) for the purpose of offering a long-term rental of 30 consecutive days or longer.
  (b) "Primary dwelling" means a single-family dwelling that:
    (i) is detached; and
    (ii) is occupied as the primary residence of the owner of record.
(2) In any area zoned primarily for residential use:
  (a) the use of an internal accessory dwelling unit is a permitted use; and
  (b) except as provided in Subsections (3) and (4), a municipality may not establish any restrictions or requirements for the construction or use of one internal accessory dwelling unit within a primary dwelling, including a restriction or requirement governing:
    (i) the size of the internal accessory dwelling unit in relation to the primary dwelling;
    (ii) total lot size; or
    (iii) street frontage.
(3) An internal accessory dwelling unit shall comply with all applicable building, health, and fire codes.
(4) A municipality may:
  (a) prohibit the installation of a separate utility meter for an internal accessory dwelling unit;

(iii) the municipality holds a hearing and determines that the violation has occurred in accordance with Subsection (5)(d), if the owner files a written objection in accordance with Subsection (5)(b)(iv);

(iv) the owner fails to cure the violation within the time period prescribed in the written notice of violation under Subsection (5)(b);

(v) the municipality provides a written notice of lien in accordance with Subsection (5)(c); and

(vi) the municipality records a copy of the written notice of lien described in Subsection (5)(a)(iv) with the county recorder of the county in which the property is located.

Please let me know if you have any questions.

Scott

https://le.utah.gov/xcode/Title10/Chapter9A/10-9a-S530.html?v=C10-9a-S530_2021050520211001

Discussion regarding Building permit process and adjustments, clarifications, and wording

Fugitive Dust

Commissioner Rosenthal

9.7.6.1 Fugitive Dust

As defined by the State of Utah: Fugitive dust is particles of soil, ash, coal, minerals, etc., which becomes airborne because of wind or mechanical disturbance. Fugitive dust can be generated from natural causes such as wind or from man-made causes such as unpaved haul roads and operational areas, storage, hauling and handling of aggregate materials, construction activities and demolition activities. Fugitive dust contributes particulate matter (PM) emissions to the atmosphere. PM emissions must be minimized in order to meet National Ambient Air Quality Standards (NAAQS). Information source is the Utah Department Environmental Quality Division of Air Quality.

Utah Administrative Code R307-205-5 2(a) Fugitive Dust, requires the that anyone engaging in clearing or leveling of land greater than one-quarter acre in size, earth moving, excavation, or movement of trucks or construction equipment over cleared land greater than one quarter acre or access haul roads shall take steps to minimize fugitive dust from such activities. Such control may include watering and chemical stabilization of potential fugitive dust sources or other equivalent methods or techniques. Additionally, the owner or operator of any land area greater than one-quarter acre that has been cleared or excavated shall take measures to prevent particulate matter from becoming airborne.

All persons undertaking construction activities, that meet the threshold identified in the above paragraph shall be required to submit an Air Quality Permit Application as a condition for receiving a building permit. Agricultural and horticultural activities are exempt from this requirement.

Additionally, anyone demolishing homes, buildings or other structures shall be required to comply with the State of Utah asbestos mitigation requirements.

Mitigation of fugitive dust shall also apply to the removal of paving material from roads or parking areas.

An Air Quality Permit Application, including a Blasting Addendum and Demolition Project Requirements, if needed, shall be included in the Building Permit Application packet available from the town office or from the town web site.

Town of Leeds
Air Quality Application

COMPLIANCE INFORMATION

Town of Leeds: 435-879-2447
218 N. Main Street
Leeds, UT 84746 Web Site: www.leedstown.org

Activities that need a permit: An Air Quality Permit is needed for any construction activity that occurs upon one quarter (1/4) acre or more of land. Construction activities shall include but not be limited to: construction of commercial and residential structures, schools, libraries, churches, hospitals, parks, improvements to maintenance and land cleanup, soil and rock excavation or removal, soil or rock crusting or screening, filling, compacting, stockpiling and grading, explosive blasting, demolition, implosion, handling of building materials capable of entrainment in air (e.g. sand, cement powder), dismantling or demolition of building, mechanized trenching, landscaping, or establishing and/or using staging areas, parking areas, material storage areas, or access routes to or from a construction site.

Fee Requirements: Project involving the disturbance of land areas - $25 per acre; Aggregate crushers, asphalt and concrete plants - $300 for initial location / $100 for renewal; Abrasive blasting, demolition projects, explosive blasting and landscape supply yards - $100 with annual renewal applicable to ongoing business operations.

Penalty and Fine for Non-Compliance: If construction activity begins prior to obtaining a dust control permit the owner or operator shall pay a late fee of twice the normal fee. Each day in which the application and/or payment is not received, is considered a separate offense and separate fines may be assessed.

Review Period: The Town of Leeds shall have a minimum of ten (10) working days from the date that an application is received to either approve or reject the application and issue the air quality permit.

Life of Permit: This permit is valid for one (1) year from the date of issuance. Renewal of this permit is required unless all disturbed areas on the site are reclaimed or otherwise rendered invulnerable to fugitive emissions. The completion date is when the site has been fully reclaimed and the Town has conducted a final inspection to verify site conditions. Where a construction site or any part of a construction site becomes inactive for a period of 30 days or longer, long-term stabilization shall be implemented within fourteen (14) days following the termination of active operations.

Responsible Party: The property owner and/or authorized agent are responsible for the fugitive dust control measures through the completion date. The property owner and/or authorized agent are responsible for ensuring that contractors, subcontractors, and all other persons abide by the conditions of the permit. If a violation of the Air Quality Ordinance occurs, a Compliance Advisory Notice will be

A SITE PLAN MUST BE SUBMITTED AS AN ATTACHMENT TO THIS APPLICATION ON AN 8 1/2" X 11" OR LARGER SITE MAP OR PLAT OF THE PROJECT LOCATION. SHOW ALL REFERENCED ITEMS ON THE PLAN

ITEMS TO IDENTIFY ON SITE PLAN (check all items that pertain to your project)

- Primary Ingress / Egress
- Project Information Sign Location
- Material Processing Area
- Material Storage Area
- Haul Roads and Yard Areas
- Drilling, Blasting and Pushing
- Clearing and Leveling of Land
- Earth Moving and Excavation
- Surface Mining Operations
- Unpaved Roads
- Water Source Location
- Employee Parking Area

SCOPE OF PROJECT (check all that apply)

- New Development Project
- Land Clearing, Excavation, Grading, Earth Moving Operations
- Materials Plant Operations
- Demolition Project
- Explosive Blasting
- Abrasive Blasting
- Landscape Supply Facility
- Other: _____

TOTAL AREA TO BE DISTURBED (acres or square feet)_____acres OR_____sq. ft.

FUGITIVE DUST CONTROL REQUIREMENTS

Reasonably available controls shall be provided to prevent fugitive dust emissions from becoming airborne. These controls shall be implemented on a 24/7 basis. The Town reserves the right to require additional control measures if the measures as stated herein are not employed, or prove to be insufficient to control fugitive emissions. Deposition of material on the public right of way either through erosion, tracking or placement that is not cleaned promptly will be considered a violation and may result in a stop work order and/or violation.

Designated Activity: _____

Required Method: _____

Designated Activity: _____

Required Method: _____

Permit Approved Date:_____ Signature: _____

Permit Denied Date:_____ Signature: _____

_____ _____

T Date
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Air Quality Fee _____ Payment Code Date of Receipt _____

Town of Leeds

Blasting Air Quality Application ADDENDUM

Project Name: _____

Project Address/Location: _____

Blasting Company: _____

Company Address: _____

Business Phone #:_____ Fax #: _____

Business License #: _____

On Site Contact:_____ Mobile Phone #: _____

LIMITED DETONIATION INFORMATION:

Hours for the detonation of explosives shall be limited to between 8:00 am and 5:00 pm Monday through Friday and shall not proceed beyond these hours or on Saturday, Sunday, New Years Day, Memorial Day, 4th of July, Labor Day, Thanksgiving Day, or Christmas Day without prior approval from the Town.

Blasting shall be limited and conducted only during favorable weather conditions. No blasting shall be allowed when the National Weather Service forecasts sustained winds above thirty miles per hour (30 mph) or when a RED FLAG FIRE WARNING has been issued by the National Weather Service.

Blasting activities occurring within 500 feet of sensitive areas shall receive a higher level of preventative planning. Sensitive receptors include schools, housing, hospital and care facilities and business areas.

Identify the method(s) to be used for dust control.

Pre-watering before detonation

Post-watering after detonation

Other (Describe) _____

Signature confirms that I agree to abide with the requirements of the Town of Leeds Air Quality (Fugitive Dust?) Regulations.

Contractor / Applicant: _____ _____

Signature Date

Printed Name

TOWN of LEEDS

DEMOLITION PROJECT REQUIREMENTS

The following check list must be completed on all demolition projects and returned to the Town with your permit application.

Contact a state certified asbestos inspector to complete an assessment of the structure(s).

Local contacts for asbestos inspections:

All Clear	435-680-8992
Paul Sullivan	435-680-3064
Landmark Testing and Engineering	435-985-0566

If asbestos is present, follow the specific guidelines of the Utah Division of Air Quality (this information is enclosed).

Submit application with the Utah Division of Air Quality (enclosed).

Submit application with the Washington County Solid Waste (enclosed).

Contact Kevin Kunz of Washington County Solid Waste (435-673-2813) for a walk-thru inspection after asbestos removal or before demolition (see attached information for Demolition Disposal and Asbestos Waste Profile Sheet).

Schedule a demolition site inspection with Jackie Curtis, a minimum of 24 hours in advance of the demolition start up jackie@wcsw.org.

AIR QUALITY DEMOLITION APPLICATION

Project Name: _____

Project Address/Location: _____

Demolition Contractor: _____ Business Address: _____

City Business License #: _____ Demolition Contractor License #: _____

On Site Contact: _____ Estimated Start Date: _____

Office Phone #: _____ Mobile Phone #: _____

DUST CONTROL METHODS:

State of Utah

Department of Environmental Quality
Division of Air Quality
ATLAS Section
195 North 1950 West, 4th Floor
P.O. Box 144820
Salt Lake City, Utah 84114-4820

asbestos@utah.gov

For Official Use Only

Postmark Date: _____ Initials: _____

Check #/Credit Card Amount: _____
Notification ID: _____

DEMOLITION NOTIFICATION FORM

A. Type of Notification

☐ **Initial** ☐ **Intentional Burning** ☐ **Ordered Demolition** ☐ **Cancellation**

☐ **Moving of a School Portable Classroom Specifically Designed to be Moved**

☐ **Revision** _____
Date telephoned Person contacted at DAQ

B. Demolition Activity Location

Type of Structure: ☐ Residential Structure ☐ Public/Commercial Building ☐ Other _____

Structure Name: _____

Structure Address: _____

City: _____ State: _____ Zip Code: _____

Part of Facility Involved (Entire Structure, Floor, Room, Area, etc.): _____

Year Built _____ Total Size _____ # of Floors (including subsurface levels): _____
Square Feet of All Floors

Prior Facility Use _____ Present Use _____ Future Property Use: _____

C. Facility Owner / Contact Person

Name: _____ Telephone #: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Contact Person: _____ Email: _____

D. Demolition Contractor Information

Company Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: _____ Email: _____

Contact Person: _____

General Instructions

This Form must be completely filled out with the appropriate fee and returned to the DAQ at least ten working days before starting demolition activities. Start counting the ten working days after the day that the notification was of submitted. This form can be emailed to asbestos@utah.gov and the fee paid by credit card at https://secure.utah.gov/cart/daq_cart/products.html or the form can be filled out and paid online at https://asbestos-lead.utah.gov.

If you use this form's PDF fillable capability, please remember to save it to your desktop before closing or all information will be lost.

The definition of "demolition" in UAC R307-801 Utah Asbestos Rule means, "...the wrecking, salvage, or removal of any load supporting structural member of a regulated facility together with any related handling operations or the intentional burning of any regulated facility. This includes the moving of an entire building, but excludes the moving of structures, vehicles, or equipment with permanently attached axles, such as trailers, motor homes, and mobile homes that are specifically designed to be moved." **Utah law requires you have a copy of the asbestos inspection report produced by a Utah Certified Asbestos Inspector working for a Utah Certified Asbestos Company on-site and available at all times when demolition activities are being performed.**

A. Type of Notification

- Intentional burning requires the removal of all asbestos containing material prior to demolition.

- Ordered demolition requires a signed letter on government letterhead saying the structure is unsound or in danger of imminent collapse (from state, county, or city engineer) or a health hazard (from State Health Official or Local Health Department Health Officer).

- Moving a school portable classroom specifically designed to be moved and has no asbestos containing material. There is no fee.

- Revisions require section B, C, D and any additional section to be filled out. If the revision is sent before the previously accepted start date, a phone call is not required. A phone call is only required when the date is changed on the accepted start date.

E. Demolition Dates

Please specify the dates when you will actually begin and end the demolition activities. These are the days that you will start the demolition and end the demolition (including the removal of all demolition debris) and it is **NOT** a window of opportunity when you **MAY** be demolishing the structure. If necessary, estimate the end date using your best professional judgment and revise the notification form, if necessary. Revisions can be made without charge. Include all days you will be working on the project.

For revisions, if the new start date and work times are later than the original start date and work times, then notice by telephone, fax, or electronic means shall be given as soon as possible before the start date and a revised notification form shall be submitted in accordance with R307-801-12(10) as soon as possible before, but no later than, the original start date. If the written notification form is received by the director no later than the day before the original start date and work times, no notice by telephone is required.

H. Demolition Notification Fee

The fee is calculated by adding the base fee and a per unit fee of the total structure square footage. For structures with multiple levels or floors, be sure to include the area of all levels (including subsurface levels) when determining the total fee. Please remember, the **per unit fees are in blocks of 5,000 square feet or any fraction thereof**. There is no fee for moving a school portable classroom that is designed to be moved and has no regulated asbestos containing material.

Town of Leeds

Excavation Permit Application

Please complete this form and email or fax to the town for review/approval.

Contractor / Utility Company:_____

Office Contact:_____

Phone:_____

Email:_____

On-Site Foreman Contact:_____

Location of Excavation within Right-of-Way: _____

_____

House Address Street Name Street Coordinate: _____

_____

Description of work: _____

_____

*Cut Type: Asphalt/Concrete Dirt/Shoulder/Grass

*Cut Dimensions: (if in excess of 100 linear ft. a license agreement may be required)
_____ ft. x _____ ft. width length

Proposed Dates: (48 hrs notice required) START:_____

CLOSE:_____ (72 hrs maximum allowed on one permit).

(Additional time may be granted if requested in writing to the town.)

Town of Leeds

Work Activities Extension

This application must be received a minimum of 48 hours prior to the date and time of ther requested activity.

1. PERMIT INFORMATION:

   Applicant/Permittee: _____

   Project Name: _____

   Project Address/Location: _____

   Existing Building Permit #: _____

2. GENERAL CONTRACTOR:

   Company Name: _____ Responsible Person: _____

   Address: _____

   Phone #: _____ Cell #: _____ Fax#: _____

3. EXTENSION ACTIVITY INFORMATION:

   Describe the intended activity: _____

   _____

   _____

   Date of intended activity: _____ Time of intended activity: _____

Approving Official and Title: _____

Special Conditions or Comments: _____

_____

_____

_____

_____