

Town of Leeds

Agenda

Town of Leeds Town Council and Planning Commission Joint Work Meeting Wednesday, July 13, 2022

PUBLIC NOTICE is hereby given that the Town of Leeds Town Council and Planning Commission will hold a **PUBLIC MEETING** on Wednesday, July 13, 2022, at 6:00 pm. The Town Council and Planning Commission will meet in the Leeds Town Hall located at 218 N Main, Leeds, Utah.

Work Meeting 6:00pm

1. Call to Order/Roll Call
2. Consent Agenda:
 - a. Tonight's Agenda
 - b. Meeting Minutes of June 22, 2022
3. Discussion Items:
 - a. Discussion Regarding Voluntary Annexation Request for Parcel 3151-A-1-HV, Zions Landing Development Group LLC
5. Adjournment

Interested persons may attend the public work meeting to be held in the Leeds Town Hall at 218 North Main Street Public comments will not be received or discussed during this session.

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 July 08, 2022 at these public places being at Leeds Town Hall, Leeds Post Office, the Utah Public Meeting Notice website <http://pmn.utah.gov>, and the Town of Leeds website www.leedstown.org.



Aseneth Steed, Clerk/Recorder

Town of Leeds

Town Council and Planning Commission Work Meeting for Wednesday, July 13, 2022

Joint Work Meeting 6:00 PM

ROLL CALL:

	<u>Present</u>	<u>Absent</u>
MAYOR: BILL HOSTER	<u>X</u>	<u> </u>
COUNCILMEMBER: DANIELLE STIRLING	<u>X</u>	<u> </u>
COUNCILMEMBER: RON CUNDICK	<u> </u>	<u>X</u>
COUNCILMEMBER: STEPHEN WILSON	<u> </u>	<u>X</u>
COUNCILMEMBER: LORRIE HUNSAKER	<u>X</u>	<u> </u>

ROLL CALL:

	<u>Present</u>	<u>Absent</u>
CHAIRMAN: DANNY SWENSON	<u> </u>	<u>X</u>
COMMISSIONER: ALAN ROBERTS	<u>X</u>	<u> </u>
COMMISSIONER: KEN HADLEY	<u> </u>	<u>X</u>
COMMISSIONER: TOM DARTON	<u> </u>	<u>X</u>
COMMISSIONER: MARK ROSENTHAL	<u> </u>	<u>X</u>

Commissioner Roberts made a motion to approve the Agenda of July 13, 2022.
Seconded by Councilmember Hunsaker.

ROLL CALL VOTE:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
MAYOR: Bill HOSTER	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: DANIELLE STIRLING	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: RON CUNDICK	<u> </u>	<u> </u>	<u> </u>	<u>X</u>
COUNCILMEMBER: STEPHEN WILSON	<u> </u>	<u> </u>	<u> </u>	<u>X</u>
COUNCILMEMBER: LORRIE HUNSAKER	<u>X</u>	<u> </u>	<u> </u>	<u> </u>

ROLL CALL VOTE:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
CHAIRMAN: DANNY SWENSON	<u> </u>	<u> </u>	<u> </u>	<u>X</u>
COMMISSIONER: ALAN ROBERTS	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
COMMISSIONER: KEN HADLEY	<u> </u>	<u> </u>	<u> </u>	<u>X</u>
COMMISSIONER: TOM DARTON	<u> </u>	<u> </u>	<u> </u>	<u>X</u>

COMMISSIONER: MARK ROSENTHAL	<u> </u>	<u> </u>	<u> </u>	<u> </u>
				X

Councilmember Hunsaker made a motion to approve the Work Meeting Minutes of June 22, 2022. Seconded by Commissioner Roberts

ROLL CALL VOTE:				
	Yea	Nay	Abstain	Absent
MAYOR: BILL HOSTER	X	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: DANIELLE STIRLING	X	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: RON CUNDICK	<u> </u>	<u> </u>	<u> </u>	X
COUNCILMEMBER: STEPHEN WILSON	<u> </u>	<u> </u>	<u> </u>	X
COUNCILMEMBER: LORRIE HUNSAKER	X	<u> </u>	<u> </u>	<u> </u>

ROLL CALL VOTE:				
	Yea	Nay	Abstain	Absent
CHAIRMAN: DANNY SWENSON	<u> </u>	<u> </u>	<u> </u>	X
COMMISSIONER: ALAN ROBERTS	X	<u> </u>	<u> </u>	<u> </u>
COMMISSIONER: KEN HADLEY	<u> </u>	<u> </u>	<u> </u>	X
COMMISSIONER: TOM DARTON	<u> </u>	<u> </u>	<u> </u>	X
COMMISSIONER: MARK ROSENTHAL	<u> </u>	<u> </u>	<u> </u>	X

Discussion Items:

- a. Discussion regarding Voluntary Annexation Request for Parcel 3151-A-1-HV, Zions Landing Development Group LLC

Mayor Hoster: This is the topic of the town meeting. Bringing the town up to speed on this. On June 28, I was approached by Mr. Matt Loo. Matt is a representative of the Eastward Management Group by Zions Landing Development Group, and I was handed a letter of intent for annexation. In addition to the annexation request was also an addendum identifying the parcel in specific as well as a topical map. In addition to this, you will find some strategic outline of what the developer intends.

Mayor Hoster read annexation documents and maps. See attachments

Councilmember Stirling entered.

Commissioner Roberts: Mayor, just a couple of clarifications. This property owner had petitioned to an adjacent municipality. Have they pulled that annexation request from them?

Mayor Hoster: Yes, that is the verbal understanding I have from Matt. They have pulled back from Toquerville. I advised Matt, that my intent is to be absolutely candid with the Toquerville leadership them and advise them of what our intent is, and to keep our promise so that the developer does not try to pit us against each other or the county. I advised Matt, that after this meeting, I would advise Tocqueville's leadership what our decision was in moving forward.

A couple of things that I would like to point out before we get deep into this. The first is very important, in my opinion, which is an understanding of the public infrastructure district.

For the record, Danielle Stirling has arrived and is present.

A Public Infrastructure District (PID) is different than in a Special Service District (SSD). Scott, can you give us some outline of what that is?

Scott Messel: The SSD or Special Service District is set up to manage after it has been created, like our fire district, or water district. PID or Public Infrastructure District is more to help get the improvements done at the beginning. Maybe in an already existing community, you can do something similar to a PID to put in new curb, gutter and sidewalk and road improvements. That type of thing. That is very general.

Mayor Hoster: Does a PID have any tax levy options that are associated with it?

Commissioner Roberts: Not to my knowledge, they do not?

Councilmember Stirling: What did you say it was called?

Mayor Hoster: A public infrastructure district?

Councilmember Stirling: It absolutely does have the tax liability attached to it. hat it does is, maybe this is just for Hurricane because our property over there, is in it? But basically, what it does is you are able to get into the PID. And from that aspect of the future, property owners will have a higher tax percentage to pay back the PID. It is so the developer does not have the front cost of the infrastructure. It is the landowners that buy into it. It is like, I do not know, three or four percentage higher on their property tax. I am not quite sure if it is three or four. It depends.

Mayor Hoster: Right, that was my understanding.

Councilmember Stirling: That is the whole point of a PID is that the developer does not front the cost of all the infrastructure?

Commissioner Roberts: The landowners do?

Councilmember Stirling: The landowners do over a tremendous amount of time, depending on how long it will take to pay off the PID.

Commissioner Roberts: I know that hurricane has a few areas where they have implemented this.

Mayor Hoster: So, it is similar to a bond?

Councilmember Stirling: Ah, I do not know for sure if it is a bond, because it is basically put on the owners of that property, not the owners of the bond or what have you. So, a public infrastructure district is made up of a group of developers in a certain area that is allocated by apparently the city because that is what we are going through in Hurricane right now on the property we own there. It will allow the developers to not have to produce that tremendous amount while they are in the planning process. But once that flats, that property tax is what it is with the remainder of the PID.

Commissioner Roberts: I want to make something clear. Mayor asks if they can levy taxes. They cannot levy taxes, those individuals that join in that PID are assessed a tax on their properties. So, the levy in general they cannot levy the general tax.

Councilmember Stirling: From what I understand, and this is just my own personal, experience nothing else, The PID has absolutely no, say or legislative body in any type of way. They are basically just a group of people that are extending the tax liability to put the infrastructure in to everyone else who buys it. But from what I understand I do not have any type of control of any governance in that infrastructure district except for putting in the infrastructure. That is only my experience. I do not know for sure about this particular PID, but that is the background I have had.

Councilmember Hunsaker: Once the PID is paid off do they revert to what the standard tax rate is?

Councilmember Stirling: We have not gotten that back from the attorney with which we are working. That was what we want to know as well. It could go as much as thirty years.

Commissioner Roberts: Yes, that would be how the language of that agreement read when it was set up.

Mayor Hoster: The PIDs can go on for years.

Commissioner Roberts: The infrastructure comes back under the jurisdiction of the municipality or the governing body of politic within that area of the jurisdiction.

Councilmember Stirling: I do know the PID has to have a board that meets and records all amounts that they are putting into it, crosses T's and dots I's because it is federal. Everything is all combined so that it does allow it to happen. I know that it has a board, but it does not actually have any type of pull when it comes to changes except for what is in the initial agreement.

Mayor Hoster: So, with that, then do they? Do they have the ability to be a body politic for water and sewer?

Scott Messel: I do not think so. Not to my knowledge. They do not.

Mayor Hoster: That would be further discussion to have with Zions Landing Development Group on how they would intend to facilitate water and either sewer or septic, depending on how that goes. The body politic would still be as it stands with this request to Town of Leeds.

Scott Messel: The Town of Leeds or Ash Creek, if the town entered into an agreement with Ash Creek.

Mayor Hoster: All right, good to know. We do have some representatives from LDWA here so that would be important for them to understand as well, some good information. Let us go ahead and climb back into the maps if we could for a moment. Due to Scott's research today, we surfaced some challenges that are associated with some of this. The first is that about this whole development over and Toquerville of which we have nothing to do with. It was identified, they may not even be pursuing this with Toquerville any longer. There could be various reasons why that is. My understanding that they might even be partnering with the Paiute Indian tribe to spear head this with the BLM. I am not sure what is going to happen here. And I want to put that into context, because this could or could not come to fruition. But this is private property, which has been purchased. Right now. It is zoned R-R-5, Rural Residential five acre, all of this within our annexation plan.

Commissioner Roberts: Potential, Potential. You need to make sure that is clear. It will be considered open space.

Scott Messel: Yes, because right now it is zoned Agricultural in the county.

Mayor Hoster: There would have to be a lot of moving and things of what they have outlined in their MOU. Wherein, they have intent to do these sorts of things. The conversation was surfaced about how a project of this magnitude would affect the Town of Leeds. I candidly explained this person back here was my one full time employee and the guy out there with a 30-year-old truck was the other one. We do not have a staff available to provide all of the infrastructure support that they would need. To which the response was they understood that and anticipated being able to support the town and being able to provide those funds necessary to help them, which makes a lot of fiscal sense, but the fiduciary responsibility of those individuals resides with the

town. It does not reside with those with the funding property. So, there is that dialogue that is occurred. I said, you are really swinging for the fences here on this one, to which he agreed. Certainly, they are expecting us to come back with what we would see as feasible.

Scott Messel: Yes, I consider this a concept, if that. I have tons to say about the general layout, and just how things function and how the different land uses fit together. It really is going to matter what happens on that other piece to whether some of this can happen.

Mayor Hoster: It is a good point.

Commissioner Roberts: That is the very first thing we need to look up somehow whether they initiate it or not. The annexation cannot happen as an island. That is a flat blanket statement, it cannot happen as an island.

Mayor Hoster: Did you research that, Scott?

Scott Messel: Yes, I could not find anything that would allow us to create an island. If there is already a peninsula, and you are taking pieces off the peninsula, or if there is an existing Island, and you are taking chunks of that island out, then it is okay. Creating an island is not. There has been some that have happened in the county like near Hurricane where it was already an island that was created before you could not do an island. It was a lot more property owners, so its annex island has been shrinking. This would be creating one. In my reading, I cannot find where we can allow it. It is really close. When you look at this map right here, when you just pull up on the county GIS you think maybe it is touching. It is close. I zoomed in on it and we pulled up the other annexations. That is why I have attached them to the back. The county engineers and surveyors, and I went through all this. They went through the legal descriptions. It does not touch.

Mayor Hoster: Two things that we talked about on ways that we can move forward with this. One is we can talk with Wright Direction, LLC, I have had dialogue with them prior to any of this about their affinity toward annexing with Town. They said we have no problem with that if it helps to facilitate whatever you need for the benefit of the details. The other is a real stretch with the I-15 component. It just makes the most sense for us to have a dialogue with the Wright Direction property owners about being able to do them both at the same time.

Councilmember Hunsaker: This one is showing that the big chunk is Wright Direction. This is the Mills property? That is what they purchased from Wright Direction, LLC?

Scott Messel. Yes. It has not been updated on that lay of the ownership layer in GIS. Thinking land use wise, if the Wrights are willing to be a part of it, as a Planner, you do not want this area isolated from the rest. We could end up, having stubs going into this property so in the future, whatever type of development, if any they ever wanted to do there is access, and it creates more of a town rather than isolated neighborhoods.

Councilmember Hunsaker: Where about on here is the proposed exits be, the new ones?

Councilmember Stirling: that is the entrance into nine hundred North or around that area, which is Babylon Road. Twenty-three is our exit.

Mayor Hoster: Yes. That is where they want to go.

Commissioner Roberts: It brings in a challenge of moving that many people into that area and out of that area because there are only a single road going in and out of there.

Mayor Hoster: For sure. Well and you know, dialogue with regard to other developers who might be coming in at this time but have talked with DTAC and express their plans is to maybe aggregate all of them together to try and build that exit with the least amount of impact to the taxpayer and leverage to the developers who are coming in.

Commissioner Roberts: I know it is on UDOT's long range plans for a full interchange there, but I say long range.

Mayor Hoster: It has been for was 30 years

Commissioner Roberts: I do not know, with the exception of Lorrie and her online Doctor practice, the rest of us will probably be dead by then.

Councilmember Hunsaker: Oh Yes, it is just booming. Thank you.

Mayor Hoster: But my understanding is that it is intended to be around

Babylon Road. It would probably need to move Main Street and veer away from I-15 to the East to accommodate the 1,000-foot separation. The frontage road is quite near the I-15.

Councilmember Stirling: If you go ahead with the Wright Direction becoming part of Leeds can you have an island of County?

Scott Messel: Yes.

Commissioner Roberts: Yes, you can have an island that is county because you did not create it. It is already there.

Mayor Hoster: There are a lot of moving parts with this whole thing.

Scott Messel: With the density that they are talking about here. A traffic study absolutely needs to be done. We are talking about second accesses. This right now is functioning like one big cold a sec. You do not want to have that with a development of that size. There are some Pixar movies about it.

Commissioner Roberts: No. That is bad planning.

Councilmember Hunsaker: These lots are a lot smaller than five acre lots.

Mayor Hoster; Yes

Scott Messel: This could be an opportunity for us if we are if the town is interested in mixing in different housing types in there. You could have your five acres, but you could also have some other sizes. There has been concern expressed about kids not being able to move back home or find places to live in Leeds. We could have a variety all put together in our development agreement or annexation agreement or, you can do the PID, or you can create a zone. I mean, we could call this the Lorrie Ordinance or whatever we wanted to call it. There are jurisdictions, like in St. George is one of them, but Harriman too where they have an ordinance that they adopt a zone that is just for that development.

Councilmember Hunsaker: Like what happened with grapevine and Mixed Use? Am I wrong?

Commissioner Roberts: We did not have a separate zone for Grapevine it was an annexation agreement that contained all of the meat and potatoes of that

property. That is where you get into what are you going to allow? If the property owners are coming with, hey, I want to do something that is denser than what our proposed annexation density looks like. The Town of Leeds has established that, but they want to do something more than that, then it is in their best interest for something that is large, that they go through that process. It will be a long process to come with the meat and potatoes of what annexation agreement the town will agree to.

Scott Messel: Well, you could do increase densities in exchange for amenities or open space. Some places even do Payment in Lieu.

Commissioner Hunsaker: Well, just to kind of keep that buffer on this side is what we had talked that day in the meeting about silver Reef backyards of properties butting up to it.

Councilmember Stirling: Don't you have a tremendous amount of this area here that is a buffer?

Commissioner Roberts: That Wright property is quite a large buffer.

Scott Messel: there is plenty of room between Silver Reef in there to be buffering. And it just makes sense for access wise to have more roads funneling through there.

Councilmember Hunsaker: Thank you for this map.

Scott Messel: Oh, yeah, for sure.

Councilmember Stirling: So, from what I understand here, they want 120 Day annexation process is that from start to finish?

Scott Messel: I mean, it is called out in code, but in state code the process, and you have different protests periods. It has to meet whatever is in code.

Councilmember Stirling: Is there a way instead of drawing this out for months and years like we have in the past, is there a way that we can say, okay, you tell us what percentage you want. How many acres of those, how many acres of this, like a developer's agreement but the annexation says you are not tied to this that we are all going to fight over for, I do not know, the next five years of our lives, that we will never get back. Why cannot we just say you bring us what zoning you want, and you are going to have to come in with a developer

agreement when it is time to do the development. Not necessarily, let us say, oh, we do not want this lot here. We do not want this. That is, I do not think what we want to do, at least I do not want to do. I do not want to spend five years fighting over the little, tiny details.

Scott Messel: That's what I fight over. That is my job.

Commissioner Roberts: The annexation process, as Scott said the 120 days, there is a process for noticing and any type of public comments that goes into it. The annexation can happen without all of that detail being done, but there is a conceptual idea of this is what we want to do. Then you start going through that process. I am telling you; it would be very hard for any municipality to pull that off in 120 days with a developer, that you actually know exactly what is set in stone.

Scott Messel: Oh, yeah, there is no way. it is just not reasonable

Councilmember Stirling: I understand that it does not have to be 120 days. But what I am saying is, I do not think we need to nitpick every little, teeny tiny thing. Right?

Commissioner Roberts: Not at this time, because this is just this a concept of what they wanted to present, a concept.

Councilmember Stirling: Right, but I do not think they have to present it so much in detail that we have to fight over where roads going to go, we give them this is the amount of acreage for this zone. This is the amount of acreage for this zone, and when they come in for the developer plat plan, that is when they have to figure out the roads. For annexing it, I do not want to be the one that says we are going to extend this out for five years, and they are going to run back to Toquerville and then we are in trouble. I just do not think we need to get the details so detailed in this, because we are going to lose them and then we will absolutely have no say in what is happening at our back door.

Scott Messel: What you want to be careful of is making it very clear that it is just conceptual so that they do not come into it feeling that they have any vested right, when they come in.

Councilmember Stirling: Well, they will have a vested right in the amount of acreage that they want for the zone they have. And then the rest of it is into,

yes, we have them in our area of saying what is going to happen versus Toquerville being able to say. That is the most important thing here.

Councilmember Hunsaker: Look on this one. See how they broke down the acres there, that what you are talking about?

Councilmember Stirling: That is exactly what I am talking about. Exactly. Because this is one of the most important decisions as a Council we are ever going to make. If we really want Leeds to maintain the identify we want Leeds to maintain. I am not saying that we need to tell them, you cannot do anything. And we are going to put our thumb down until you it is going to take five years to do this. We need to run on. We need to take our blinders off. We have had blinders on for a long, long time trying to maintain what we are. I am not saying we are not to maintain what we are, but Toquerville at our door is scaring me. I do not want to know that across street, we have absolutely no control over the water and the sewer that is over there. I think if we continually push it on and push it on pushing on, they will get sick of us and go to Toquerville and say, do you know what, we will do it?

Commissioner Roberts: Well, that has been Leeds modus Operandi.

Councilmember Stirling: I know!

Councilmember Roberts: It is the people that live here in Leeds that have done this to other developers.

Councilmember Stirling: I know. I know but change is good, and I totally understand.

Mayor Hoster: We are in a good position. I could not agree more with Danielle in the fact that we are making one of the most important decisions for the town up to this point. We had talked about how we could fight this if it went the other direction. I do not know whose prayers were answered but then Matt Loo called and came in with his letter and said, we are pulling from Toquerville, and we are coming into Leeds.

Commissioner Roberts: Well, the first thing that has to happen is it will be the property owners that make this decision. It will be Wrights and the owner of this parcel that has potential. If Wrights are not willing to annex a portion of their property that keeps this from being an island, then it...This could happen. It could come into Leeds. If they just say absolutely not. There's not enough value in that property to pull in another property and force a combination on

an annexation. They border closely to Toquerville that makes it more convenient for them to pull an annexation with Toquerville.

Councilmember Stirling: My biggest concern for Silver Reef to maintain what Silver Reef is, is to work as much as we can with the Wrights so that if Wrights decide that they are going to go ahead and annex into Toquerville they could have the highest density housing right next to all of Silver Reef. We have a responsibility to maintain what the individuals all over this town have worked for. That is where I am coming from, we need to work as much as we can with a balance. And not a five-year plan. Because we have all been through those five-year plans, and it just does not help anyone.

Mayor Hoster: When let me point out that my conversations with the Water District is that the current amount of water that is available here is agricultural. A from the hip conversion, he estimated between 100 and 150 points of access, which, you know, hotels, Scott, you probably know what that number is.

Scott Messel: and I do not know the hotel number.

Mayor Hoster: Okay. That's really going to steer what happens familiar, as much as anything, because whether it's LDWA, or if the water district, the state ultimately owns all of our water, and is coming in, and as we've seen over the last six months, they moved it from this .78 down to .52-acre feet per year of per household and now, new conservation efforts are being put in. HBO is making fun of Utah. So, all of these things are, I think, reality of what the developer is going to face, versus that of what Leeds is going to come in and say, oh, you can or cannot do eight acre lots and have all this dense housing. And so, that part of the conversation, I think, is absent from the table, but it will be a component of what they can and cannot develop there. If the group agrees that this is worth pursuing a dialogue with the Wrights, and if the Wrights do assess that they would like to participate as annexed property into the town, this, it may be some or none, which I like.

Commissioner Roberts: The way I would present it to the landowner, you guys decide. Maybe you just want to do a portion of it. You can do a boundary adjustment on your land and a portion of that land can come into a municipality, and the rest stay in unincorporated.

Mayor Hoster: I like that.

Councilmember Stirling: Do you know if any of the Mill's water goes with this particular parcel? How many acre feet?

Mayor Hoster: I do not know what it was, it seemed it seemed high.

Councilmember Stirling: Do they get a well, with the two? Mills have three wells over there. That would be incredible. If LDWA could potentially get...

Don Fawson [inaudible]

Councilmember Stirling: I am pretty sure from the last. They have three wells over there. Because this was Maurice Hall that I remember discussing the amount of water that the Mills had and may not, I do not know if they are all up and running. But it is something into which we should really look. Because if they have a potential well that they could bring in, depending on how much they are pumping out, that would be the greatest asset and we would not have to drill another well, although it would be great. LDWA would really be a beneficial follow through if we get that water to LDWA and another well, on top of it. We need to know how many acre feet they have and if their wells work. They are probably going down as fast as all of the springs and all the other wells around here that are being pumped dry.

Mayor Hoster: The direction of dialogue with the Wright property owners disabling the injunction of an island and facilitating an annexation seems to be the common agreements from everyone. I want to make sure that there's no further dialogue that we want to have. I can tell you I spoke with

Councilmember Steven Wilson, we spoke in depth about this too. He was absolutely on board with trying to have this and annexation process going forward. Again, to understand the annexation process, I asked Scott to be here for this meeting. We do have a checklist of which entails going from A to Z. And my understanding is that along the way, there are these events of public hearings and due diligence and other components that occur, and the town has the option to abandon all the way up to the 11:59 hour. We can go through everything and without liability, as long as the town does not make any promises or quid pro quo. We can cancel this at the end of the interview.

Councilmember Hunsaker: I had a resident asked a question, if we, we go through it this and then for whatever reason, they are not playing nice, or something is not working. Is there a policy for DE annexation?

Scott: No.

Commissioner Roberts: That's very difficult to do not saying it is impossible. And it is difficult to do. And it is not an avenue that I would be supportive of even entertaining. You just resolve whatever the issues are.

Councilmember Stirling: Are you asking if the property owner can de annex or if the town de annex?

Councilmember Hunsaker: Can the town say no, after the deal is done. And after all the period has finished. They want to know if there is a de annexation policy or something. A disconnect on behalf of the town to remove it.

Scott Messel: No, I think you can just control it all through zoning. Because the legislative, legislative body land use authority, which is Town Council. You control all the zoning. When you are going through a subdivision preliminary plat, if it meets code, you approve it, but is at the zoning if you do not feel that it is the right fit that you can say no. and you do not necessarily have to have all the reasons spelled out why you do not think it is. you can be it gives you a gut ache when you look at it.

Councilmember Hunsaker: You can back out right up to that point?

Scott Messel: That is correct?

Councilmember Stirling: Mayor I would 100% recommend what you were saying. I am willing to talk to the Wrights, willing to annex the portion, but we need to talk to the applicant about setting the use and acreage similar to what this is. And not what this. Because if we let this out, this is potentially what happened with the Grapevine Wash fiasco is that individuals were given something like this and thought that it was set in stone. We need to do it more like this to reassure the residents that nothing is set in stone until a developer's agreement is set, and it is plated. Something similar to what is on the athletic and recreational concept, I feel is more beneficial to the town to see this amount of acreage, this is the zoning, there is nothing else allocated to them.

Scott Messel: And, I recommend having a range in there that it could be up to this much density in this area. Because, depending on whether it is single family, or a townhome, or a big apartment complex, you are going to have different parking requirements, different amenities, and parks and open space.

We do not want them to assume, we are now zoomed in, and it is at the point we are talking about the little details. We do not want them to feel like, well, you told us we could have that amount and you make us put that road in right there we will not get to have that much. So, you give yourself a range.

Commissioner Roberts: See that detail was there in Grapevine, but it was initiated by the property owners over quite a long period of time with discussion and interaction with the town on what we would allow for higher densities with giving some open spaces and things like this. Grapevine truly was more like a Planned Development that the annexation took place. We spent a tremendous amount of time, years that landowners spent on that. So, I am not saying it cannot be done. That is dialogue that the town's going to have with this particular parcel. "Okay, this is a concept. If you want to come into Leeds, we got to mitigate the issue with the island. If that is mitigated, then let us talk about some densities on the overall acreage that you are looking at. Again, it is the landowner, if they want to get into the real detail, then they need to understand it is going to take a process, it does not matter whether it is Leeds, St. George City, or Washington City, there is going to be a process that no, we want this when we annex, we want all of this locked in there. And I would put that back on the landlord to make that decision. The municipality should not be steering that. It is the landowner says, we want to move forward on the annexation itself then we are not going to have some fine details. If you want it in a relatively reasonable time for the annexation. If you want the details there, then you better start the dialogue now and go through that process, and your actual annexation petition is going to be down the road.

Mayor Hoster: That's enlightening.

Councilmember Roberts: You put that decision on the landowner, that should be their decision. I am not saying you are giving them anything. You are actually saying. I respect your right, the municipality respects you right as a landowner, how do you want to proceed?

Mayor Hoster: It seems prudent for us to have another meeting with Matt Loo in attendance. If we want to have that dialogue with them? Absolutely. I think in the meantime, what we can do, unfortunately, we do not have another Town Council until August. That gives us some time to get some legwork done with regard to speaking with the Wright property owners and also identifying what the water situation is. We can find out what that is, also ask

them for range concepts prior to the process or if they want to get down into the weeds that is up for them. And determining how long it will get.

Councilmember Stirling: What if we tell them that we are in 100% agreement with their annexation process. But we do not want to extend this to the details that as a town council, we are completely 100% okay with annexing with this type of conceptual acreage and not go into the details and then have everybody come and have emotions. If I learned anything from Grapevine, I learned that you do not have to eat the entire elephant at once. Maybe we just need to take a little small portion of annexation. If they want us to take the next step, then we need to do the annexation. First, they conceptualize of these and then they come back with the tiny details because we do not need to do the tiny details in the annexation.

Commissioner Roberts: That needs to be decided by the landowner.

Mayor Hoster: Text just received from Matt Loo. Good evening, Mayor just wanted to reach out to you and see if I can visit with you and your development team to attempt to determine a very high-level timeline on the annexation as well as the entitlement process for Zion Landing Resort project. Just trying to develop a schedule to help us navigate forward. There has to be a microphone

Councilmember Stirling: Help me with this. So, the applicant has the control over what they want in their annexation?

Commissioner Roberts: Not control but if they want to go through the process to get the detail, and according to what Mayor just read there, they are looking for entitlements. When they use that phrase entitlements. What are you going to allow for this annexation?

Councilmember Stirling: Well, wouldn't that be in the conceptual plan?

Commissioner Roberts: it could be. It is up to the landowner.

Scott Messel: If they are coming in wanting to get vested on a plan with this much detailed, and it is going to draw it out.

Commissioner Roberts: It is going to go through that process that Scott is normally involved in with the county daily.

Councilmember Stirling: Well, isn't this more of a development agreement than an annexation? Or are they looking at it as one of the same?

Scott Messel: It could be either. They could just annex it in without having any besting zoning. And then we discuss it after about annexation, which would be the fastest way to get it in.

Commissioner Roberts: When grapevine annexed, they came in with a development agreement, because that is what they worked on for years was the development agreement, because they wanted, what are our entitlements? Once we actually pull the trigger, and we annex in what is the entitlements? That is what drew that out for least five years that that went on. Now, that is the decision of the landlord. If they want to get into that detail, ultimately, the town just looks at it says, here is what our Master Plan is and here is what we suggest that the density of that area would be. I would expect any competent landowner to push those limits when they are looking for annexation for any municipality, because they go away, especially with the market and the way the dynamics are right now. They are going to come in and say, Yeah, this is not feasible for five acre lots. Now, if the municipality stands their ground on that, and they could, they could because they have already established that. Now, keep in mind that is not written in stone, what that density is. It is just a municipality saying this is what we look at for the density in this area. This is what we look at for potential zoning, some commercial areas, it is not written in stone. It will be written in stone, when they annex in because they will annex in with some type of zoning or a development agreement that spells everything out. And if they come in without, it would be what we speculated to be. Let us say that the town said, well, all that is just going to be open space. It will stay what it is now because that is what they are in the county. The municipalities are in the driver's seat of how the process goes, depending on how in depth the landowner wants to get.

Mayor Hoster: it is prudent to us having Zach and LDWA at that meeting with them to identify what potentially could happen. Right? If they are talking Disneyland, but the water is not available?

Commissioner Roberts: Well, through the process, they could not do that anyway, whether they were served by LDWA, or any other private water company or The Conservancy, or if they had their own private water shares, they were managing their own water company on site. They can only go as far as what they have the ability to water. And the same would be for any other

utility that is there. Obviously. For power and, and gas and that type of utility. There is sufficient there. But when you talk about water and wastewater or sewage, yeah, that would be locked in.

Councilmember Stirling: Well, I think to facilitate it, so they will go a little bit faster. The number one thing we need to do is see if Wrights will disable the island, and number two, ask them if they want to just give us totals for their acreage to facilitate the annexation faster. Because if Wrights are not going to disable the island, this is dead in the water anyway.

Commissioner Roberts: For us it is. The only other way you could pull it off is if you could get Homespun. There are actually three specific subdivisions out there. We call it Homespun but there are really three separate ones. What I have heard from some individuals I suspect they are going to push very hard on this particular, that lot does not have enough value to pull in other properties. They just do not have enough value in the property to be able to pull that off.

Councilmember Stirling: Wrights property and the other one together will?

Commissioner Roberts: Absolutely it would. But I am not sure that I ... I mean, if that was the case, if this annexation goes through with Leeds, you can see what it does with homespun and some other incorporated area. They are literally surrounded by the Town of Leeds. It can be that way forever. As Scott mentioned early on. There are islands out there in Hurricane that slowly get gobbled up that come into the municipality or get annexed. But that particular unincorporated Island could sit there for a longtime.

Mayor Hoster: We could option A: Wrights, or option B just this portion of the Homespun area that does connect with us.

Scott Messel: Yes

Councilmember Stirling: If we can get the Wright property, I am in no way shape or form saying that we should try to get homespun in. I am not saying that at all. I have no desire to push anyone into Leeds that does not want to be. But if the other parcel is then we are golden anyways.

Mayor Hoster: Okay. We are approaching the end of the work session. It seems that it would be prudent to schedule another work meeting, even though we do not have Planning Commission or Town Council meeting


following up. It would enable us to have dialogue further with Matt Loo and a quorum. It sounds like we are all in agreement that plan A is to talk to the Wrights. We also need to understand their water situation, and then ask them to conceptually move back into what they initially pitched here for the annexation process to move forward.

Commissioner Roberts: The water situation is not what they have, as how that would be more beneficial if those water rights could be transferred to a private water company that serves Leeds rather than The Conservancy. I am not dissing on the conservancy. I am just saying that when I look at the dynamics of it that would be a better option. You cannot make that contingent on that landowner. You cannot say well, you got to bring in a water or not because water could easily transfer to the Conservancy and the conservancy would serve that area even if it is in the town of Leeds. You cannot put that mandate on it. They would file a lawsuit immediately on that one and Craig would say to take that off the table. We are not putting this in front of any arbitrator or any judge. We will lose that.

Mayor Hoster: Yes. Well, unless there are any other further comments we will go ahead and adjourn this meeting. Thank you.

Meeting adjourned: 7:04

Approved this 30TH Day of AUGUST 2022.



Bill Hoster, Mayor



Alan Roberts, Commissioner

ATTEST:



Aseneth Steed, Town Clerk/Recorder