

Town of Leeds

Agenda Town of Leeds Planning Commission Wednesday, January 3, 2024

PUBLIC NOTICE is hereby given that the Town of Leeds Planning Commission **PUBLIC MEETING** scheduled for Wednesday, January 3, 2024, at 7:00 P.M. This meeting will be held at Leeds Town Hall, 218 N. Main Street, Leeds, UT 84746.

Regular Meeting 7:00 pm

1. Call to Order/Roll Call
2. Invocation
3. Pledge of Allegiance
4. Declaration of Abstentions or Conflicts
5. Consent Agenda: (These items will be a single motion unless removed at the request of the chairman or board Members)
 - a. Tonight's Agenda of January 3, 2024
 - b. Meeting Minutes of December 6, 2023, Regular Session
6. Announcements:
 - a. 2023 Tree Lighting event & Wreaths Across America ceremony event recap
 - b. Dog and Cat Vaccination Clinic, Saturday, January 5, 2023, 1-2PM with Dr. Bice
 - c. Steering Meeting to launch Leeds Spotlight City project at Townhall January 9th 4:30pm
7. Public Hearing: None
8. Action Items:
 - a. Acknowledgement of receipt form Town Council, recommendation to discuss proposal to Vacate Silver Pointe Estates Subdivision plat and set Public Hearing date
9. Discussion Items:
10. Staff Reports
11. Adjournment

The Town of Leeds will provide reasonable accommodations for persons needing assistance to participate in this public meeting. Persons requesting assistance are asked to call the Leeds Town Hall at 879-2447 at *least* 24 hours prior to the meeting. The Town of Leeds is an equal opportunity provider and employer.

Certificate of Posting.

The undersigned Clerk/Recorder does hereby certify that the above notice was posted January 2 2024, 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.leadstown.org.



Aseneth Steed, Clerk/Recorder

The Town can go through the process to vacate the Silver Pointe Estates subdivision plat. Here are the steps for that process:

- a. The Town submits a proposal to vacate the plat with the Planning Commission under Town Code 21.14.3. *Ron Cundick presented proposal TC approved Nov. 8, 2023*
- b. After 10 days' notice, the Planning Commission holds a meeting on the proposal and makes a recommendation for a Town Council Public hearing date. *PC MTG 12/06/2023 & 01/03/2024*
- c. The Town provides notice of a public hearing under Town Code 21.14.9, which includes (1) mailing a notice to the property owner and everyone living within 300 feet of the property; and (2) publishing a notice once a week for four consecutive weeks in the newspaper.
- d. The Town Council holds a public hearing and votes on the proposal to vacate the plat.

Let us know if you have any thoughts or concerns with this process.

Best,

KC HOOKER Bennett Tueller Johnson & Deere, LLC
3165 East Millrock Drive, Suite 500
Salt Lake City, UT 84121-5207

EXHIBIT A

CHAPTER 21

SUBDIVISIONS

Amended and Restated by Ordinance 2012-01, 2012-04, 2023-03

21.1. GENERAL.

- 21.1.1.** Purpose. The purpose of this Subdivision Ordinance is to amplify the Leeds General and Zoning Plans and to set forth detailed regulations which will ensure that Leeds develops into the attractive, well planned residential area that the residents desire as detailed in our General Plan.
- 21.1.2.** Background. It is the desire of Leeds residents to have as few regulations as possible but still have a beautiful town in which to live. Areas that detract from, rather than add to Leeds' attractiveness, can for the most part be dealt with as "eyesores" or "a nuisance" by the Town Council; however, it is necessary to have some regulations so that housing will be safe and achieve the long range plan the residents of Leeds have formulated in the General Plan.
- 21.1.3.** This Ordinance therefore, has been written mainly to ensure that anyone desiring to develop a subdivision will be required to meet The Leeds Standard Specifications for Design and Construction. In addition developers will be held responsible for providing the necessary potable water, sewage disposal, drainage, streets, public areas, etc., so that the development will not later become a problem for the Town of Leeds ("Town"). If a conflict exists between this Ordinance and the Leeds Standard Specification for Design and Construction the higher requirement will be used.

21.2. APPLICATION.

- 21.2.1.** The Planning Commission of the Town is the Advisory Board with respect to subdivisions and shall review all preliminary maps thereof, and shall follow the procedures which are specified in this Ordinance, and make recommendations to the Town Council.
- 21.2.2.** The provisions of this Ordinance shall be applicable to all divisions of land in which two or more parcels are created. These divisions shall be termed "subdivisions," and are wholly within the Town limits. It shall be unlawful for any person to offer to sell or lease, to contract to sell or lease, or to sell or lease

- 21.4.1.4.** Submit completed application, file seven (7) copies of the Preliminary Map and required filing fee to the Town Clerk.
- 21.4.1.5.** Appear at a regularly scheduled meeting of the Planning Commission to discuss the proposed subdivision. The Planning Commission shall request additional information, if needed. Upon reviewing all submitted information, including any additional information requested by the Planning Commission, the Planning Commission may recommend the Town Council approve, approve with conditions or disapprove the Preliminary Map.
- 21.4.1.6.** After a recommendation by the Planning Commission, appear at a regularly scheduled meeting of the Town Council to discuss the proposed subdivision. The Town Council may approve the Preliminary Map, approve with conditions, recommend changes, request additional information, send back to the Planning Commission or deny the Preliminary Map. If the Town Council requests additional information or requires significant changes, the Preliminary Map will be returned to the applicant so that the additional information can be provided and required changes can be made. Once additional information is gathered or changes are made, applicant must reappear before the Town Council at a regularly scheduled meeting.
- 21.4.1.7.** If the Preliminary Map is approved by the Town Council, the Town Council shall return one (1) copy of the plat/map signed by the Planning Commission Chairman to the applicant with any conditions attached. The Planning Commission shall retain one (1) signed copy of the Preliminary Map for its files. If the Preliminary Map is not approved by the Town Council, the Town Council shall indicate its disapproval by returning one (1) copy of the plat/map to the applicant along with the reason(s) for disapproval.
- 21.4.1.8.** The receipt of a signed copy of the approved Preliminary Map shall authorize the applicant to proceed with the preparation of construction drawings and the Final Map. No construction is authorized to commence until the Final Map is approved by the Town Council and properly recorded.
- 21.4.1.9.** Not more than one (1) year after receiving approval of the Preliminary Map, submit the original and one reproducible copy of the Final Map to the Planning Commission for review. The Planning commission may extend the one-year time limit for just cause.

- 21.6.1.7.3. The applicant shall provide or guarantee a provision of improvements, such as curb, gutter and sidewalks, on existing streets as are normally required by the Leeds Construction and Design Standards and Specifications;
- 21.6.1.7.4. The subdivision has been approved by the Town Council;
- 21.6.1.7.5. The subdivision is not traversed by the mapped lines of a proposed street as shown in the General Plan, or in a Town Road Master Plan showing future collector and arterial streets and does not require the dedication of any land for street or other public purposes;
- 21.6.1.7.6. If the subdivision is located in a zoned area, each lot in the subdivision meets the frontage, width and area requirements of the Land Use Ordinance or has been granted a variance from those requirements by the Board of Adjustment;
- 21.6.1.7.7. If the lots front a fully improved public street serviced by necessary utilities;
- 21.6.1.7.8. If this subdivision is not a continuation of a previous subdivision;
- 21.6.1.7.9. If the map is completed by a licensed surveyor and shows the location of existing and required utilities; and
- 21.6.1.7.10. If the map meets the Town of Leeds Title Block standards.

21.6.2. Preliminary Plat Existing Conditions.

The Preliminary Map shall show:

- 21.6.2.1. The location of the nearest survey monument.
- 21.6.2.2. The boundary of the proposed subdivision and the acreage included. A statement of present land use designation(s) as defined in the General Plan and the existing and proposed zoning of the property as shown on the zoning map.
- 21.6.2.3. Where the submitted plat/map covers only a portion of the parcel owned by the applicant, the Preliminary Map shall include a sketch of the applicant's remaining land. The street system of the portion of

- 21.6.3.5. Easements for water, sewers, drainage, utility lines and other purposes.
- 21.6.3.6. Approximate radius of all center line curves on streets and angle of intersecting streets if the angle deviates from a right angle by more than two (2) degrees.
- 21.6.3.7. Subdivision improvements outside of the boundary including right-of-way, existing topography, and proposed work.
- 21.6.3.8. Proposed recreation sites, bike paths, trails and parks for private or public use, shall be identified.
- 21.6.3.9. Existing topography of the proposed subdivision site at least one hundred(100) feet beyond its boundary, including but not limited to existing contours at one (1) foot intervals if the existing ground slope is less than fifteen percent (15%) and no less than five (5) foot intervals for existing ground slopes equal to greater than fifteen percent (15%). Existing contours shall be represented by dashed lines or by screened lines. A separate grading plan may be required to be submitted.
- 21.6.3.10. If the applicant plans to develop the site in units or phases, the proposed units or phases and their proposed sequence of construction shall be shown.
- 21.6.3.11. Upon the written request of the applicant, the Planning Commission may recommend to the Town Council to waive any of the above Preliminary Map content requirements if the Planning Commission determines that the type of subdivision does not justify compliance with these requirements, or if the Planning Commission determines that other circumstances justify a waiver for the Preliminary Map. If a waiver is granted it applies only to the Preliminary Map and not the Final Map. The Planning Commission or Town Council may require other drawings, data, or information as deemed necessary to review the request.

21.6.4. Accompanying Data and Reports.

The applicant may, at the Town's sole discretion, be required to submit the following accompanying data and reports:

21.6.4.1. Soils Report.

- 21.6.4.1.1. In most cases a preliminary soils report will be required by the Town. If a preliminary soils report is required, it

21.6.4.3. Title Report.

A preliminary title report, acceptable to the Planning Commission, Town Council, and Town Attorney showing the legal owners at the time of filing the tentative map is required.

21.6.4.4. Other Reports.

Where necessary, copies of any agreements with adjacent property owners relevant to the proposed subdivision shall be presented to the Planning Commission and Town Council.

21.6.5. Expiration of Preliminary Map Approval.

Application for Final Map approval shall be made within twelve (12) months after approval of the Preliminary Map by the Town Council. The time period may be extended for no more than an additional twelve (12) months if the applicant petitions for and the Town Council grants an extension prior to the expiration date. Only one extension may be granted. Failure to submit the Final Map within the allotted time period shall cause the previous approvals to be null and void.

21.7. CONSTRUCTION DRAWINGS.

After Preliminary Map approval by Town Council, the applicant shall have construction drawings prepared by a licensed engineer for all onsite and required offsite improvements in accordance with the following:

21.7.1. Except for in the case of a minor subdivision which may proceed to the final map approval process referenced in Section 21.8 below, construction drawings must be prepared in accordance with:

21.7.1.1. Leads Design and Construction Standards and Specifications; including but not limited to:

21.7.1.1.1. Engineering data shall show the proposed finished grade of each lot, the preliminary design of all grading, numeric estimate of grading activity relating to excavation and fill, the elevation of proposed building pads, the top and the toe of cut and fill slopes to scale, the number of each lot, and the elevation of adjacent parcels.

21.7.1.1.2. The location and size of proposed and existing wells, septic tanks, sanitary sewers, fire hydrants, water mains, and storm drains proposed, active or abandoned, and of all reservoirs within the tract and to a distance of at least one hundred (100) feet beyond the subdivision

21.7.2.8. Natural Gas Provider

21.7.2.9. Telecommunications Provider(s)

21.7.3. Applicant shall request placement on a Joint Utility Committee agenda for initial review of the plans.

21.7.4. Applicant or applicant's authorized representative shall attend the Joint Utility Committee meeting when the item is on the agenda. Joint Utility Committee members will take copies of plans to redline and will return redlined copies of plans to the Town and/or applicant within seven (7) days.

21.7.5. All street grades shall be noted on the construction drawings.

21.7.6. When redlines are completed, Town Planner or Town Representative shall prepare a summary of the needed changes and return redlined plans to applicant.

21.7.7. Applicant shall then submit one (1) copy of the corrected construction drawings, addressing all redlined items, to the Town Engineer for review and possible signature. After Town Engineer signs the construction drawings, applicant must obtain all required signatures and return eight (8) copies of the signed plans to Town Planner or Town Representative.

21.8. FINAL MAP REQUIREMENTS.

The Final Map must comply with the Leeds Standard Specifications for Design and Construction requirements, Federal Codes, State Codes and other Leeds Ordinances. Any conflict between the Leeds Standard Specification for Construction and Design requirements, Federal Codes, State Codes, and other Town Ordinances the higher of these requirements shall apply. The Final Map must be prepared by a licensed land surveyor on a standard tracing lined sheet, 24" x 36" in size, drawn with waterproof black India ink. The top of the plat/map shall be either north or east, whichever accommodates the drawing best. The plat/map shall contain all information required as set forth below:

21.8.1. Description and Delineation. The Final Map shall show everything required on the Preliminary Map, items required by the Leeds Standard Specification for Design and Construction requirements and the following information:

21.8.1.1. The name of the subdivision, which name must be approved by Town Council;

21.8.1.2. An identification system for all lots and blocks and names of streets. Lot lines shall show dimensions in feet and hundredths;

21.8.2. Standard Forms.

The Final Map shall require:

- 21.8.2.1.** A registered professional land surveyor's "Certificate of Survey;"
- 21.8.2.2.** The owner's "Certificate of Dedication" or a "Corporate Certificate" for corporations;
- 21.8.2.3.** A notary public's acknowledgment;
- 21.8.2.4.** The Leeds Planning Commission's "Certificate of Approval;"
- 21.8.2.5.** The Leeds Engineer's "Certificate of Approval;"
- 21.8.2.6.** The Leeds Attorney's "Certificate of Approval;"
- 21.8.2.7.** The Leeds Town Council "Certificate of Approval;"
- 21.8.2.8.** The Leeds Culinary Water Provider's "Certificate of Approval" (if the Town, acting in its capacity as the "Water Authority" determines, in its sole and absolute discretion, that it is in the best interests of the Town and the property owner to defer the provision of culinary water service to a private water company or other governmental water purveyor, it may so delegate, and in said instance, the "Certificate of Approval" shall be executed by the delegated water provider);
- 21.8.2.9.** The Leeds Sewer Authority's "Certificate of Approval" (if the property subject to the Final Map will dispose of its sewage via separate septic system, the sewer authority is the Washington County Health Department or successor agency, and if the property subject to the Final Map will dispose of its sewage through an established sewer system, the sewer authority is the Town and/or Ash Creek Special Service District (depending upon the ownership of the system));
- 21.8.2.10.** The Leeds Area Special Service District's "Certificate of Approval" (as the fire authority for the Town and its residents);
- 21.8.2.11.** The signature of the county treasurer indicating at the time of signing that the property taxes, special assessments, and fees due and owing have been paid in full.
- 21.8.2.12.** A one-and-one half by five-inch (1 ½ x 5") space in the lower right corner of the drawing for the use of the County Recorder.

- 21.8.4.4.** After Town Staff approval of Final Map and Joint Utility Committee approval of construction drawings, the applicant shall submit six (6) paper copies of Final Map to Town. The final map application shall be placed on the next appropriate Planning Commission agenda according to required notices.
- 21.8.4.5.** The Planning Commission shall review the final map application, make a recommendation to the Town Council and forward to the Town Council for consideration.
- 21.8.4.6** Once the Planning Commission provides a recommendation to the Town Council, the applicant shall submit six (6) paper copies of Final Map to the Town Council for consideration.
- 21.8.4.7.** The final map application shall be placed on the next regular Town Council meeting agenda for review and approval. If the Town Council requests additional information or other than minor changes are required, Final Map will be returned to the applicant so that the additional information can be provided and the changes made. Once additional information is provided, the applicant shall request being placed on the next regular Town Council meeting agenda for review and consideration. If other than minor changes are required, the applicant shall submit six (6) copies of the revised Final Map to the Town Council for consideration once required changes are made.
- 21.8.4.8.** If the Final Map is approved by the Town Council, applicant shall submit a paper copy of Final Map and an updated copy of the title report (if the title report submitted with the final map application is older than 60 days) to the Town Engineer and Town Attorney for final review and acceptance. Upon written acceptance by the engineer and the attorney (as to form), the Town Planner or Town Representative shall notify applicant or applicant's authorized representative of final acceptance. Applicant shall then provide Town with a Mylar version of Final Map, executed and notarized by the applicant and/or any party of whom consent to record is required, for signature by Planning Commission Chairman, Mayor and other appropriate Town and governmental officials.

21.8.5. Submittals for Recording and Copies.

Applicant shall submit two (2) paper copies of the signed Mylar version of Final Map, and one electronic copy to Town. These copies shall be an exact copy of the signed Mylar version of Final Map as approved by the Town Council.

21.8.6. Recording.

material, etc., shall be the responsibility of the developer with no cost incurred by the Town.

- 21.9.3.** Where improvements are required that are not covered by the Leeds Standard Specification for Design and Construction they shall be developed by the Town Engineer and approved by the Town Council. If the developer observes such a condition he shall immediately report it to the Mayor and Town Engineer.
- 21.9.4.** All improvements shall comply with the Leeds Standard Specification for Design and Construction requirements, Leeds Ordinances, Federal Codes and State Codes. If conflicts exist between the various codes, ordinances and requirement the higher requirement shall apply.

- 21.9.4.1.** The subdivider as a condition of approval of Preliminary Map (tentative map), shall provide and install adequate sanitary sewer facilities, either within and/or outside the subdivision, in compliance with the policies and procedures of the Town Engineer, General Plan, Land Use and subdivision Ordinances. The plan for a sanitary sewer system shall be approved in writing by the Town Engineer, and shall be constructed throughout the entire subdivision and shall be connected to an adequate sewer outfall line. The developer shall provide a service line to each lot within the subdivision, except where conditions will permit the use of septic tanks. This paragraph becomes effective immediately following the Town's approval of a sewer system plan.

21.9.5. Fences and Guards.

The following may be required if recommended by the Planning Commission and approved by the Town Council.

- 21.9.5.1.** In locations where land subdivision abuts or is adjacent to public or private grazing land, a fence of material and quality satisfactory to the Planning Commission shall be affected around the outer limits of the subdivision as it is shown on the subdivision map. The Planning Commission may also require the installation of cattle guards on any street entering the proposed subdivision from other existing streets.

- 21.9.5.2.** An applicant, as a condition of approval, for a subdivision located within an area subject to high wind erosion may be required to comply with the following standards.

- 21.9.5.2.1.** A solid masonry wall with a height of six (6) feet and subject to design and materials recommended by the Planning Commission and approved by the Town Council shall be constructed on the peripheral boundary of the subdivision to protect it from the prevailing wind.

developer are required to notify the Town inspector two (2) days prior to any testing.

21.10. PERFORMANCE BONDS.

21.10.1. As outlined in this Chapter, the applicant shall file with the Town Clerk or Treasurer a surety or cash bond, or letter of credit in an amount approved by the Town Engineer and the Town Council to cover up to one hundred percent (100%) of the total estimated cost of all required improvements. Additionally, a labor and material security to cover up to fifty percent (50%) of the total estimated cost of all required improvements shall also be required as a condition of approval of the subdivision plat/map. If the applicant fails to complete the subdivision improvements within the specified time limits, the Town Council may cause any or all uncompleted improvements to be completed and the parties executing the security or securities shall be firmly bonded for payment of all necessary and appropriate costs.

21.10.2. Indemnification.

In addition to the performance bond, the applicant shall also release the Town from all liability incurred by the applicant and payment for all reasonable attorney's fees that the Town may incur because of any legal action resulting from the subdivision. All such improvements shall be installed within a period of two (2) years and shall be installed in a manner satisfactory to the Town Representative and Town Council. Upon completion of the improvements for which a surety, cash bond, or letter of credit has been filed, the applicant shall call for final inspection by the Town Representative, Engineer and Planning Commission.

21.10.3. Surety bonds, cash bonds, or letters of credit are subject to the Town Council and Town Attorney as to final form, but should include the following basic language:

Bond Form:

Whereas, the Town Council of the Town of Leeds in Washington County in the State of Utah and _____ (hereinafter designated as "principal") have entered into an agreement whereby principal agrees to install and complete certain designated public improvements, which said agreement, dated _____, 2 _____, and identified as Project _____, is hereby referred to and made a part hereof; and

Whereas, said principal is required under the terms of said agreement to furnish a bond for the faithful performance of said agreement.

Now, therefore, we, the principal and _____ as surety, are held and firmly bound unto the Town of Leeds hereafter called ("_____"), in the penal

Effective Date _____
Expiration Date _____

Gentlemen:

Please consider this letter an instrument of credit pledging that \$ _____ is deposited by _____ and guaranteed for payment of improvements conditioned in the approval of (name of subdivision-legal description should be attached as well as conditions of approval). In compliance with the Leeds Subdivision Ordinance, we are regulated by the Federal or State Government, and agree that the funds designated by this instrument shall become a trust fund for the purpose set forth in this instrument.

It is a condition of this letter of credit that sixty (60) days prior to any such expiration date we shall notify you by registered letter that we elect not to consider this letter of credit renewed. Notice hereunder shall be deemed to have been given when received by you. Upon receipt of such notice you may draw on said letter of credit.

RESPECTFULLY SUBMITTED
(Bank or Financial institution)

By _____
(Title)

By _____
(Title)

Note: Show bond identification and individual number for the letter of credit.
All signatures must be notarized.

1. The Planning Commission, Town Engineer, Town Attorney, and Town Council shall not endorse or sign the "Certificate of Approval" contained on the Final Map unless and until improvements security as herein above specified has been posted.

2. No Final Map shall be presented to the Town Council for acceptance until the requirements of this section have been met and until all charges established by the Council and pertaining to the property being subdivided have been paid.

21.11. RELEASE OF SECURITY.

Security provided may not be released. In the case of a letter of credit, the issuing bank or association will receive a copy of the Notice of Completion.

21.11.1. Progress Payments.

Progress payments may be made to the developer and/or contractor from any deposit of money or letter of credit which the developer and/or contractor may have made in lieu of providing a security bond; provided however, that no progress payment shall be made for more than 90% of the value of any installment of work. No progress payments from cash deposits shall be made except upon certification by the Town Engineer, the Town Representative and

The developer shall guarantee all public improvements for a period of one (1) year from the date of final acceptance and shall correct any and all defects of deficiencies arising during that period of limitation as a result of the acts or omissions of the developer, its agents, or employees. This subdivision guaranty shall be backed by a bond or each deposit in the amount of twenty-five percent (25%) of the surety posted for improvements. The Town shall provide written notice of the defects or deficiency. In any instance where the developer fails to take action required to protect the public health, safety and/or welfare, the Town may cause the work to be performed and call on the surety for reimbursement. The maintenance security shall be submitted prior to final acceptance of the public improvements by the Town.

21.11.4. Forfeiture of Surety.

In the event that developer/contractor fails to complete all improvement work in compliance with the provisions of this section, and the Town shall have to complete the same, the Town shall call on the security for funds necessary to complete from any cash deposit funds for reimbursement. If the amount of any security shall be less than the cost and expense incurred by the Town, the developer/contractor shall be liable to the Town for such difference. Any cash remaining in the possession of the Town after completion of the improvement shall be returned to the originator minus normal administrative costs.

21.12. AUTHORIZATION TO START CONSTRUCTION.

Construction shall not commence until all required improvements plans have been approved by the Town Engineer and the Town Council and all applicable Town permits have been issued all fees paid and the full correct bond in place. All subdivision improvements are subject to inspection by the Town Engineer, Town Representative, and the Planning Commission and shall comply with Town requirements approved by the Town Council. All subdivisions shall comply with all established standards.

21.13. FEES, INSPECTIONS, PERMITS, VIOLATIONS, ENFORCEMENTS, AND PENALTIES.

21.13.1. Fees.

Any and all persons filing plats/maps with the Town Clerk shall pay a fee according to the schedule adopted by the Town Council by resolution.

21.13.2. Inspection.

21.13.2.1. Appropriate agencies, departments of the Town and/or others appointed by the Town Council shall act as the Town Representatives and shall inspect or cause to be inspected all

subdivision has been created pursuant to and in accordance with the provisions of this Ordinance.

21.13.5. Enforcement.

21.13.5.1. The Planning Commission, the Town Engineer, the Town Representative and other such departments and agencies of the Town as are designated by the Town Council are hereby authorized as the agencies charged with the enforcement of the provisions of this Ordinance. Failure of such departments to pursue appropriate legal remedies shall not legalize any violation of such provisions.

21.13.5.2. The Town Representative shall have the authority to stop construction if he determines that the work completed or presently being performed does not comply with the requirements. Work will only continue to correct the defect. Once the defect is correct then normal work may proceed.

21.13.6. Penalties.

Any person, firm or corporation (as principal, agent, employee or otherwise) violating, causing, permitting violation or failure to comply with the provisions of this Ordinance shall be guilty of a Class B misdemeanor. In addition, to any criminal prosecution, the Town may pursue any other legal remedy to ensure compliance with this Ordinance including, but not limited to, injunctive relief, under Utah Code Annotated “10-9a.-802. Enforcement”. Each day a violation continues shall be considered a separate violation and offense.

21.14. VACATING OR AMENDMENT TO SUBDIVISION MAP.(Ord. 2023-03)

21.14.01

The Town Council shall hear and consider a petition proposing to vacate, alter or amend a subdivision plat/map, any portion of a subdivision plat/map, or any street, lot or alley contained in a subdivision plat/map, at a public hearing, after receiving a recommendation from the Planning Commission. This section does not apply to vacations of a subdivision plat/map pursuant to 21.14.6.2 of this Chapter.

21.14.6 Proposal by Town

21.14.6.1 If the Town files a petition to vacate, alter or amend a subdivision plat/map, or any street or lot contained in a subdivision plat/map, the Town Council shall consider the issue at a public hearing after receiving a recommendation from the Planning Commission, and after giving the notice required by this section.

21.14.6.2 Notwithstanding any other provision of this Chapter, the Town Council may, consistent with Utah Code Annotated § 10-9a-609(3), vacate a subdivision plat/map, or a portion of a subdivision plat/map, by recording in the county recorder’s office an ordinance describing the subdivision or the portion being

21.14.10. Grounds for vacating or changing map:

21.14.10.1. Within thirty (30) days after the public hearing required by this section, the Town Council shall consider the petition.

21.14.10.2. After considering the petition, if the Town Council is satisfied that neither the public nor any person will be materially injured by the proposed action, alteration or amendment, and that there is good cause for the vacation, alteration or amendment, the Town Council may vacate, alter or amend the plat/map, any portion of the plat/map, or any street or lot.

21.14.10.3. The Town Council may approve the vacation, alteration or amendment by amended plat/map, administrative order, or deed containing a stamp or mark indicating approval by the Town Council.

21.14.10.4. Applications for an amended plat/map, lot split or other action under this chapter are not finalized until such is recorded in the office of the Washington County recorder.

21.14.10.5. An aggrieved party may appeal the Town Council decision to a hearing officer and may appeal the hearing officer's decision to the district court as provided in Utah Code Annotated section 10-9a-801.

21.14.10.6. This section does not apply to vacations of a subdivision map/plat pursuant to 12.14.6.2 of this Chapter.

21.14.11. Lot Splits.

Applications to split one lot into two (2) parcels shall be processed by the Town Council.



Town of Leeds
218 N Main St.
Leeds, UT. 84746

Re: Silver Pointe Estates Development

July 13, 2023

To whom it may concern:

Having started my position as Mayor in January of 2022, I have spent a great deal of time looking into the issues surrounding the Silver Pointe Estates development. Because it has been over a decade since the developer submitted the original application, researching past interactions, documentation, and consultation was essential to ensure a proper understanding.

The site for Silver Pointe Estates has undeniably been quite controversial within the Town for many years—and for good reasons. The site is considered to have unnatural hazardous and toxic contamination, as well as natural contamination. The prior administration agreed to work with the developer in qualifying the site as safe for residential development by utilizing a process developed by the State of Utah, known as a voluntary cleanup program, which requires a Certificate of Completion to satisfy the entire site as safe – nothing else qualifies. Though a subdivision plat was recorded in 2016, the Town has still not received a Certificate of Completion from the developer, DEQ or DERR.

Furthermore, the Town of Leeds has reviewed the expired agreement between the Town and Silver Pointe Estates, concluded an extension does not exist, and wishes to now direct Silver Pointe Estates to appropriately start the process of development over through the Town's established and proper channels: Town Planning Commission and then, if approved, the Town Council. This process is required for all developers within the Town of Leeds, and after careful consideration of the facts, the Town of Leeds concludes that beginning the process again is appropriate under these circumstances.

Because the developer failed to meet its contractual obligations for developing the property, the Town of Leeds plans to begin the process of vacating the recorded subdivision plat. As noted in Town Council minutes, the approval for recording was conditional upon the Town receiving the certificate of completion, as well as meeting all requirements of the agreement, to enable Silver Pointe Estates a pathway for financing or funding of their project. Because these conditions have not been met, despite the fact that it has been several years since the subdivision plat was recorded, the Town of Leeds plans to move forward with vacating the plat.

Kind Regards,
Bill Hoster, Mayor
Leeds, UT