

**TOWN OF LEEDS  
ORDINANCE NUMBER 2015-02**

**Amended and Restated Hillside Protection Overlay Zone  
Chapter 20 of the Land Use Ordinance**

AN ORDINANCE AMENDING THE HILLSIDE PROTECTION OVERLAY ZONE (CHAPTER 20) OF THE LEEDS, UTAH, LAND USE ORDINANCE 2008-04

**WHEREAS**, the Town Council has reviewed Chapter 20 (Hillside Protection Overlay Zone) of the Town of Leeds, Utah, Land Use Ordinance 2008-04 and determined that it is advisable, and in the best interests of the Town and its residents, to revise and amend the provision of such chapter of the Leeds, Utah, Land Use Ordinance 2008-04; and

**WHEREAS**, the Planning Commission of the Town of Leeds has held a Public Hearing on the 6<sup>th</sup> day of August, 2014; and discussed the amendments to the Land Use Ordinance, Chapter 20 (Hillside Protection Overlay Zone); and

**WHEREAS**, the Planning Commission recommended to the Town Council approval of the amendments to the Land Use Ordinance, Chapter 20 (Hillside Protection Overlay Zone), on the 3<sup>rd</sup> day of September, 2014.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LEEDS, UTAH THAT THE HILLSIDE PROTECTION OVERLAY ZONE ORDINANCE, TO BE CODIFIED AS CHAPTER 20 OF THE LAND USE ORDINANCE IS HEREBY AMENDED, THIS 13 DAY OF May, AS SET FORTH ON THE ATTACHMENT HERETO.**

The remaining sections of the Land Use Ordinance, Chapter 20 (Hillside Protection Overlay Zone) not affected by this Ordinance remain unchanged.

**ROLL CALL VOTE:**

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COUNCILMEMBER: ANGELA ROHR	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COUNCILMEMBER: RON CUNDICK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COUNCILMEMBER: JOE ALLEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COUNCILMEMBER: NATE BLAKE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**ORDINANCE 2015-02-** was adopted on 5-13, 2015 and became effective on 14 day of May, 2015.

Signed: Wayne Peterson  
Mayor, Wayne Peterson

Attest: Kristi Barker  
Deputy Clerk/Recorder, Kristi Barker

# LAND USE ORDINANCE 2008-04

## CHAPTER 20

### HILLSIDE PROTECTION OVERLAY ZONE (HPO)

Amended by Ordinance 2015-02

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#### **20.1. PURPOSE AND INTENT.**

The purpose of the Hillside Protection Overlay Zone is to protect the health, safety, and general welfare of the residents of the Town of Leeds by establishing procedures for the development of sensitive hillsides within the Town. The standards set forth herein are intended to: 1) minimize adverse soils and slope instability; 2) decrease potential erosion; and 3) reduce the adverse affects of grading and cut and fill operations. These procedures are also intended to preserve the natural character of hillsides and encourage development that is in harmony with the aesthetics and character of the Town.

#### **20.1.1. The provisions herein are intended to achieve the following:**

- 20.1.1.1.** To preserve the most visually significant slope banks and ridge lines in their natural state by clustering development into meaningful neighborhood units.
- 20.1.1.2.** To encourage the location, design and development of building sites which provide maximum safety and human enjoyment, while adapting the development to the natural terrain.
- 20.1.1.3.** To minimize the effects of grading and ensure that the natural character of the hillside is retained. In addition, to minimize the scarring and erosion affect of cutting, filling, and other development activities on hillsides.
- 20.1.1.4.** To preserve -visually significant rock out-croppings, native plant materials, natural hydrology, and areas of historical or visual significance.
- 20.1.1.5.** To encourage development that is designed to include the natural landscape as a major part of the site, thereby achieving a feeling of continuity throughout the project area.
- 20.1.1.6.** To preserve views of significant visual features as viewed both within the hillside community as well as outside the hillside community.

- 20.1.1.7. To discourage mass grading of large pads and excessive terracing.
- 20.1.1.8. To prohibit activities and uses that would result in the degradation of fragile soils and steep slopes.
- 20.1.1.9. To prevent damage to lower property no cut or fill operations is allowed within twenty (20) feet of the edge of a hillside or within any area where material may slide over the hillside, which ever is the greater distance.

**20.2. APPLICABILITY AND SPECIAL EXCEPTION.**

This Chapter shall apply to all zoning districts listed in Chapter 12 of this Ordinance and not as a separate zone. This Chapter shall especially apply to development of land locations having sloping terrain of twenty percent or more ( $> 20\%$ ), and shall also apply where slopes are less than twenty percent ( $\leq 20\%$ ) if after recommendation by the Planning Commission, the Town Council considers it is warranted in order to meet the enumerated purpose and intent of this Chapter. There shall be no development of any kind on land having a slope of thirty percent or more ( $\geq 30\%$ ). Despite the prohibition of any development on land having a slope of thirty percent or more ( $\geq 30\%$ ), a special exception is granted only with regard to the development of an alternate to Silver Reef Road as an access, to allow the construction and development of an access road, originating near the Silver Reef Catholic Cemetery and continuing through the land covered by and roughly within the easement recorded April 27, 2015 as document number 20150013785, in the Official Washington County Records, attached hereto as Exhibit A. Despite this special exception, the construction and development of this access road shall be done strictly in accordance with all other terms of this Chapter and all other applicable ordinances, standards and specifications.

**20.3. OVERLAY ZONE.**

The Hillside Protection Overlay Zone established by this Chapter shall overlay the existing zoning classifications listed in the Land Use Ordinance. In cases of conflict between the provisions of this Chapter, other zoning classifications, the Uniform Building Code, or the Town of Leeds Subdivision Ordinance, the most restrictive provisions shall apply.

**20.4. MAPS.**

Zoning maps for the Town of Leeds may not show all the areas where the Hillside Protection Overlay Zone Ordinance applies. In absence of a map concerning a particular area, land with slopes of eleven degrees ( $11^\circ$ ) or twenty-percent (20%) or steeper shall be specifically applicable. However, this Ordinance applies to all areas of the Town of Leeds. If developers or property owners are unsure whether the Ordinance applies, they may hire a surveyor to make that determination.

**20.5. APPLICATION PROCEDURE.**

- 20.5.1. All application procedures described in this Ordinance, the Leeds Town subdivision Ordinance for subdivision plats, and all other applicable Leeds Town ordinances shall be adhered to as described in the underlying zoning district.
- 20.5.2. In addition, any application for a use in the Hillside Protection Overlay Zone shall include a conceptual plan of the proposed development that shall include the following:
  - 20.5.2.1. The type and nature of the development.
  - 20.5.2.2. The goals and objectives of the developer.
  - 20.5.2.3. The development's relation to the compatibility with the Town of Leeds General Plan.
  - 20.5.2.4. The required reports described in Section 20.6. below. The conceptual plan shall be reviewed by the Planning Commission and the Town Council. The review may determine the extent of required plans necessary to meet the intent of this Ordinance. The review may also establish conditions for the approval based on the findings of such reports. These conditions shall become a part of the record and be considered binding upon the applicant as part of an approved plan.

## **20.6. REQUIRED REPORTS.**

The following described reports may be required by the Planning Commission or Town Council. The extent of such reports shall be determined by the Planning Commission or the Town Council after consideration of the purpose and intent of this Chapter in relation to the proposed development.

### **20.6.1. General Information.**

- 20.6.1.1. Name, address, and telephone number of applicant.
- 20.6.1.2. Name, addresses, and telephone numbers of the person(s) responsible for the preparation of any required reports.
- 20.6.1.3. Date of application.
- 20.6.1.4. A vicinity map showing the location of the site in relationship to the surrounding area's watercourse, hillsides, prominent geographic features, roads, and other significant structures.
- 20.6.1.5. Boundary lines of the site and development to be made thereon.

**20.6.1.6.** Signatures of the owners of the site or of an authorized representative.

**20.6.2. Technical Reports.**

**20.6.2.1. Grading Plan.**

The grading plan shall show the existing and proposed contours and cross-sections. Accurate contours showing the topography of the existing ground extending at least one hundred (100) feet outside all boundary lines of the site, or significant to show on the off-site drainage, shall also be included.

**20.6.2.2. Drainage Plan.**

The drainage plan shall show all surface and subsurface drainage systems and facilities, walls, curbing or other erosion protection devices to be constructed in connection with, or as part of the proposed work, together with a map showing the drainage area and estimated run-off of the area to be served by any drainage systems or facilities.

**20.6.2.3. Facilities Map.**

This map shall show any existing and proposed buildings or structures, easements and drainage channels on the property where the work is to be performed. In addition, the locations of any buildings or structures on adjacent property that may be affected by grading operations shall be shown.

**20.6.2.4. Soils Report.**

The soils report shall be prepared by an engineering geologist and/or geo-technical engineer. The report shall include at least the following:

**20.6.2.4.1. Slope stability analysis:** conclusions and recommendations concerning the effects of material removal, introduction of water, ground shaking, and erosion on slope stability.

**20.6.2.4.2. Foundation Investigation:** Conclusions and recommendations concerning the effects of soil conditions on foundation and structural stability, including bearing capacity, shear strength, and shrink-swell potential of soils on the site.

**20.6.2.4.3.** The location and yield of springs and seeps on the site, evaluation of soil permeability for septic systems if proposed for use.

**20.6.2.4.4.** Conclusions and recommendations regarding means to increase safety during and after construction and means to minimize adverse effects to property.

**20.6.2.5. Geology Report.**

The geology report shall be prepared by a qualified geologist or geotechnical engineer and shall contain at least the following:

**20.6.2.5.1.** Location and size of the subject area and its general setting, noting any aquifers, shale units, and poorly consolidated materials.

**20.6.2.5.2.** Structural features including any geological limitations.

**20.6.2.5.3.** Existence of surface hazards including potential for rock falls and toppling failures in cliffs, slopes, and overhangs above the subject property.

**20.6.2.5.4.** Conclusions and recommendations regarding the effects of geologic conditions on the proposed development, recommendations identifying the means proposed to minimize any hazard to life or property, or any adverse impact on the natural environment.

**20.6.2.6. Vegetation Report.**

A vegetation plan and report shall be prepared by a qualified landscape architect who, by training and experience, has expert knowledge of the subject. The report shall include a plan of any proposed re-vegetation of the site or modifications to existing vegetation, and a plan for the preservation of existing vegetation during construction activities.

**20.6.2.7. Other Reports.**

Other reports deemed necessary by the Planning Commission or the Town Council to assure the health, safety, and welfare of the project residents or general public may be requested from the applicant by written specification. Such reports shall be submitted with other application materials.

**20.7. APPROVAL REQUIRED BEFORE EXCAVATION.**

It shall be unlawful to excavate or grade any area within the Hillside Protection Overlay Zone prior to the final approval of the conceptual plan by the Town Council. In addition to the penalties outlined in Section 1.13 of this Ordinance, the Town of Leeds may enter legal proceedings to require any person who violates this Section to return a site to the condition found prior to any disturbance.

## **20.8. BONDING.**

The Planning Commission and Town Council will require the applicant to post a suitable bond to ensure project completion according to approved plans and completion of re-vegetation projects, the stabilization of a grading site, cuts, and fills, the construction of storm water drainage facilities, or other hazard mitigation measures required in the approval of an application. Such bonds shall comply with the provisions outlined in the Town of Leeds Subdivision Ordinance. If the applicant is a state entity, the bond shall be filed to the Town by the subcontractors.

## **20.9. APPEALS.**

**20.9.1.** In the event of a disagreement with the requirements imposed by an officer of the Town of Leeds in connection with this Chapter, an applicant may appeal the matter to the Board of Adjustment by filing a notice of appeal at the Town Office within ten (10) working days of the decision of the Town. Such appeal shall be scheduled for review by the Board of Adjustment.

**20.9.2.** The Board of Adjustment may uphold, modify or rescind any requirements imposed by the Planning Commission or the Town Council, but must ensure that the purposes of this Chapter are met.

**20.9.3.** Any further appeals must be made through the court system.

## **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.

# Exhibit A

DOC # 20150013785

Easements Page 1 of 7  
Russell Shirts Washington County Recorder  
04/27/2015 10:04:27 AM Fee \$ 0.00  
By LEEDS TOWN

When Recorded Return To:  
Leeds Town  
218 North Main Street  
PO Box 460879  
Leeds Utah, 84746



Tax ID: 3268-A-1-LS

## ROADWAY & SLOPE EASEMENTS

That in consideration of One Dollar and other good and valuable consideration paid to SUBDIVISIONS, INC., a Utah Corporation, herein referred to as Grantor, by the Town of Leeds, herein referred to as Grantee, the receipt of which is hereby acknowledged, the Grantor does hereby grant, transfer and convey unto Grantee, its successors and assigns, a perpetual roadway easement and slope easements for ingress and egress, to use, install, operate, maintain, repair, remove, relocate and replace a roadway, in and along real property owned by Grantor in Washington County, State of Utah, and the easement being more fully described as follows:

SEE EXHIBIT A, B, C and D

TO HAVE AND TO HOLD such property to Grantee, the Leeds Town, forever for the uses and purposes normally associated with a roadway and slope easement.

Grantee shall maintain the perpetual easements in good repair. Grantee does agree to in no way encumber said easements or subject it to the imposition of liens of any type during the term of this easement. If any improvement is installed, built, or placed within the easements, Grantor bears the risk of loss or damage to those improvements resulting from the exercise of the easements rights and the Town of Leeds is not responsible to repair, replace, maintain, indemnify or reimburse Grantor for any damage or loss.

The grant and other provisions of these easements shall constitute a covenant running with the land for the benefit of the Grantee its successors and assigns.

At any future time that Grantor or their assigns develops or improves the subject property they have the right to change or move the described roadway easements location provided Grantor or their assigns shall provide an equally adequate roadway dedication or easements across the subject property to maintain the intended access to the south boundary of the Silver Pointe Annexation at the point at which it is now connected with this instrument.

IN WITNESS WHEREOF, the Grantors has executed this instrument this 5<sup>th</sup>  
day of May, 2014.



# Exhibit A

GRANTOR: SUBDIVISIONS, INC.

J. Gordon Casey v.p.  
J. Gordon Casey, Vice President

STATE OF UTAH                    )  
  ss.  
County of Utah                    )

On the 5<sup>th</sup> day of May, 2014, A.D., personally appeared before me J. Gordon Casey, who being by me duly sworn, did say that he is the Vice President of Subdivisions, Inc. a Utah Corporation, the corporation that executed the herein instrument and acknowledged the instrument to be the free and voluntary act and deed of the Corporation, by authority of statute, its articles of organization or its operating agreement, for the uses and purposes herein mentioned, and on oath stated that he is authorized to execute this instrument on behalf of the Corporation.

My Commission Expires: 12-28-2015

Jackson Frandsen  
Notary Public



# Exhibit A



43 South 100 East, Suite 100 T 435.628.6500  
St George, Utah 84770 F 435.628.6553

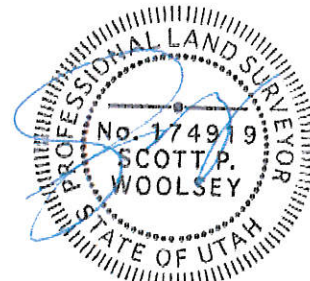
alphaengineering.com

## EXHIBIT A

### RIGHT OF WAY DESCRIPTION FOR A 66.00 FOOT WIDE ROADWAY ACROSS SUBDIVISIONS, INC. PROPERTY (April 30, 2014)

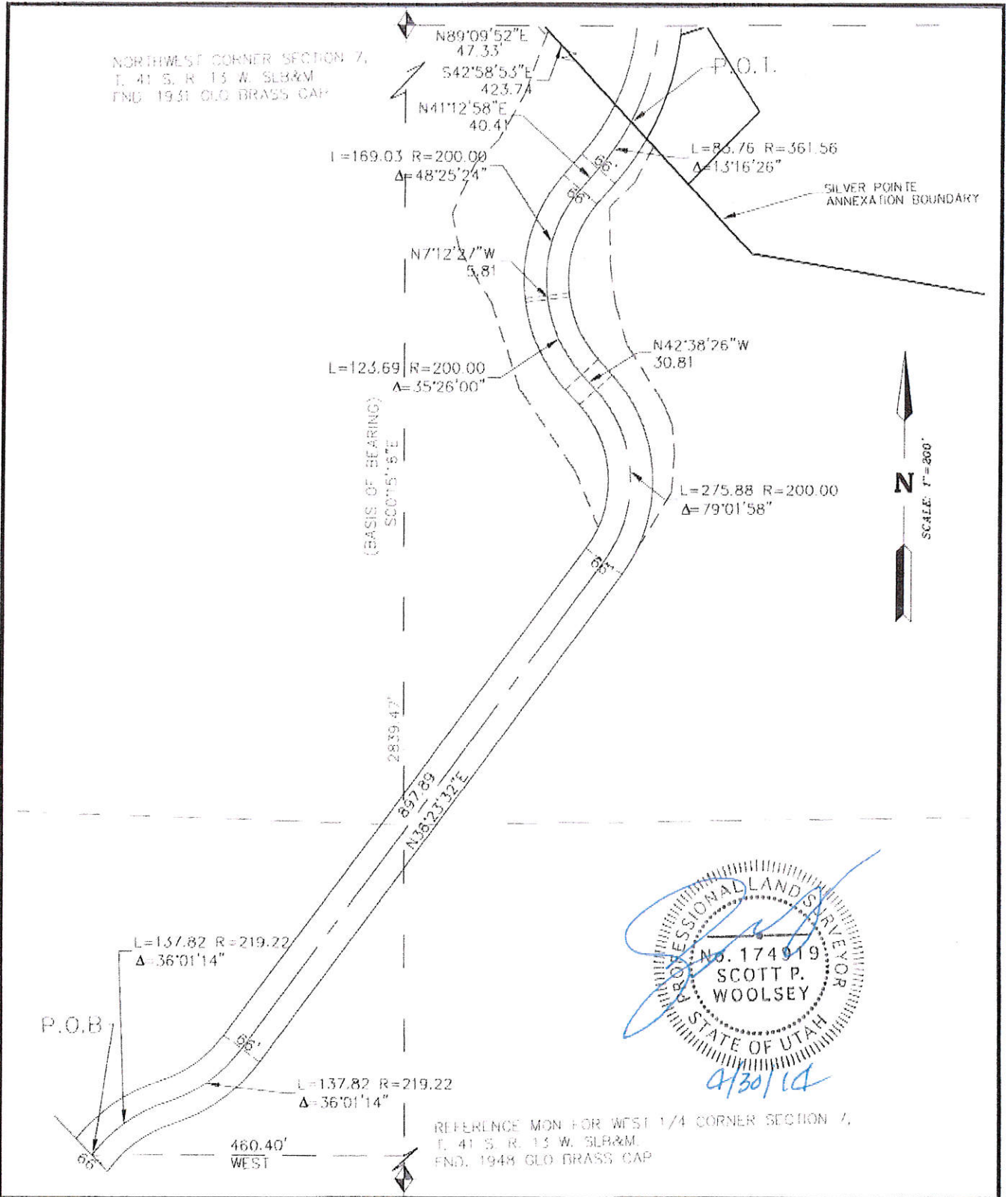
A 66.00 foot wide right-of-way, 33.00 feet each side of the following described centerline:

Commencing at the Northwest Corner of Section 7, Township 41 South, Range 13 West, Salt Lake Base and Meridian; Thence South  $00^{\circ}15'16''$  East along the Section line, a distance of 1838.96 feet; Thence West, a distance of 460.40 feet, to the Point of Beginning; said point being the beginning of a 219.22 foot radius curve to the right, the radius point of which bears South  $53^{\circ}36'29''$  East, thence easterly along the arc of said curve, a distance of 137.82 feet, through a central angle of  $36^{\circ}01'14''$ , to the beginning of a 219.22 foot radius reverse curve to the left, thence northeasterly along the arc of said curve, a distance of 137.82 feet, through a central angle of  $36^{\circ}01'14''$ ; Thence North  $36^{\circ}23'32''$  East, a distance of 897.89 feet, to the beginning of a 200.00 foot radius curve to the left, thence northerly along the arc of said curve, a distance of 275.88 feet, through a central angle of  $79^{\circ}01'58''$ ; Thence North  $42^{\circ}38'26''$  West, a distance of 30.81 feet, to the beginning of a 200.00 foot radius curve to the right, thence northerly along the arc of said curve a distance of 123.69 feet, through a central angle of  $35^{\circ}26'00''$ ; Thence North  $07^{\circ}12'27''$  West, a distance of 5.81 feet, to the beginning of a 200.00 foot radius curve to the right, thence northeasterly along the arc of said curve, a distance of 169.03 feet, through a central angle of  $48^{\circ}25'24''$ ; Thence North  $41^{\circ}12'58''$  East, a distance of 40.41 feet, to the beginning of a 361.56 foot radius curve to the left, thence northerly along the arc of said curve, a distance of 83.76 feet, through a central angle of  $13^{\circ}16'26''$ , to the Point of Terminus, said point being on the southerly line of the Silver Pointe Annexation boundary, point being located North  $89^{\circ}09'52''$  East, along the north section line of said Section 7, a distance of 47.33 feet, and South  $42^{\circ}58'53''$  East, a distance of 423.57 feet from the Northwest Corner of said Section 7.



4/30/14

# Exhibit A

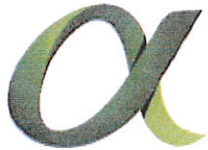


66' RIGHT OF WAY ACROSS  
SUBDIVISIONS, INC. PROPERTY  
EXHIBIT "B"



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# Exhibit A



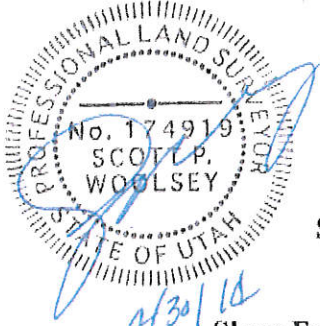
**ALPHA**  
ENGINEERING

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## EXHIBIT C

**SLOPE EASEMENTS ACROSS SUBDIVISION, INC. PROPERTY**  
(April 30, 2014)



### Slope Easement #1

Commencing at the Northwest Corner of Section 7, Township 41 South, Range 13 West, Salt Lake Base and Meridian; Thence South  $00^{\circ}15'16''$  East along the Section line, a distance of 908.07 feet; Thence East, a distance of 288.28 feet, to the Point of Beginning; Thence North  $22^{\circ}42'35''$  West, a distance of 90.25 feet; Thence North  $34^{\circ}27'31''$  West, a distance of 147.62 feet; Thence North  $18^{\circ}22'49''$  West, a distance of 131.60 feet; Thence North  $30^{\circ}53'31''$  West, a distance of 95.22 feet; Thence North  $11^{\circ}57'14''$  West, a distance of 52.54 feet; Thence North  $24^{\circ}00'39''$  East, a distance of 81.14 feet; Thence North  $44^{\circ}34'26''$  East, a distance of 49.28 feet; Thence North  $29^{\circ}36'38''$  East, a distance of 76.01 feet; Thence North  $19^{\circ}54'10''$  East, a distance of 99.90 feet, to a point on the Southerly line of the Silver Pointe Annexation boundary; Thence South  $42^{\circ}58'53''$  East, along said line, a distance of 147.29 feet, to a point on a 328.56 foot radius curve to the right, the radius point of which bears North  $64^{\circ}03'37''$  West, thence leaving said Silver Pointe annexation line and running southwesterly along the arc of said curve a distance of 87.60 feet, through a central angle of  $15^{\circ}16'35''$ ; Thence South  $41^{\circ}12'58''$  West, a distance of 40.41 feet, to the beginning of a 233.00 foot radius curve to the left, thence along the arc of said curve a distance of 196.92 feet, through a central angle of  $48^{\circ}25'24''$ ; thence South  $07^{\circ}12'27''$  East, a distance of 5.81 feet, to the beginning of a 233.00 foot radius curve to the left, thence along the arc of said curve a distance of 144.09 feet, through a central angle of  $35^{\circ}26'00''$ ; Thence South  $42^{\circ}38'26''$  East, a distance of 30.81 feet, to the beginning of a 167.00 foot radius curve to the right, thence along the arc of said curve a distance of 194.74 feet, through a central angle of  $66^{\circ}48'43''$ , to the Point of Beginning.

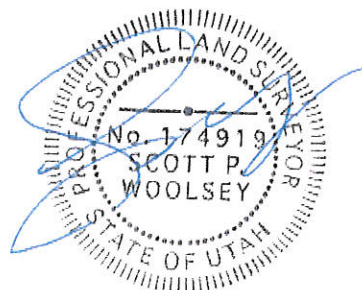
### Slope Easement #2

Commencing at the Northwest Corner of Section 7, Township 41 South, Range 13 West, Salt Lake Base and Meridian; Thence South  $00^{\circ}15'16''$  East along the Section line, a distance of 940.00 feet; Thence East, a distance of 346.09 feet, to the Point of Beginning, said point being on a 233.00 foot radius curve to the left, the radius point of which bears North  $64^{\circ}30'06''$  West, thence northerly along the arc of said curve, a distance of 277.09 feet, through a central angle of  $68^{\circ}08'20''$ ; Thence North  $42^{\circ}38'26''$  West, a distance of 30.81 feet, to the beginning of 167.00 foot radius curve to the right, thence along the arc of said curve a distance of 103.28 feet, through a central angle of  $35^{\circ}26'00''$ ; Thence North  $07^{\circ}12'27''$  West, a distance of 5.81 feet, to the beginning of a 167.00 foot radius

# Exhibit A

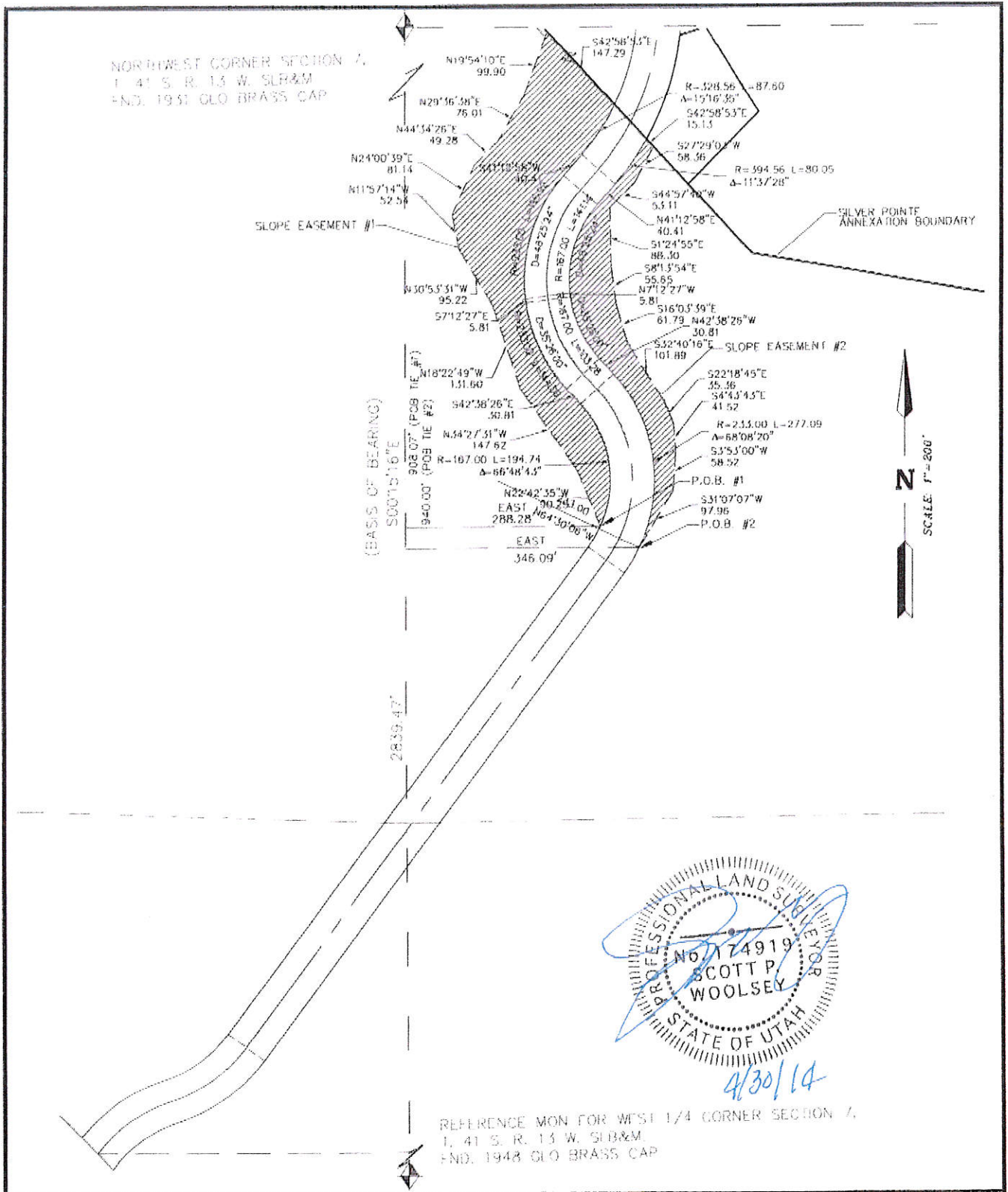
Page 2 of 2

curve to the right, thence along the arc of said curve, a distance of 141.14 feet, through a central angle of  $48^{\circ}25'24''$ ; Thence North  $41^{\circ}12'58''$  East, a distance of 40.41 feet, to the beginning of a 394.56 foot radius curve to the left, thence along the arc of said curve a distance of 80.05 feet, through a central angle of  $11^{\circ}37'28''$ , to a point on the South line of the Silver Pointe Annexation boundary; Thence South  $42^{\circ}58'53''$  East, along said line, a distance of 15.13 feet; thence leaving said Silver Pointe Annexation line, and running South  $27^{\circ}29'03''$  West, a distance of 58.36 feet; Thence South  $44^{\circ}57'40''$  West, a distance of 53.11 feet; Thence South  $01^{\circ}24'55''$  East, a distance of 88.30 feet; Thence South  $08^{\circ}13'54''$  East, a distance of 55.65 feet; Thence South  $16^{\circ}03'39''$  East, a distance of 61.79 feet; Thence South  $32^{\circ}40'16''$  East, a distance of 101.89 feet; Thence South  $22^{\circ}18'45''$  East, a distance of 35.36 feet; Thence South  $04^{\circ}43'43''$  East, a distance of 41.52 feet; Thence South  $03^{\circ}53'00''$  West, a distance of 58.52 feet; Thence South  $31^{\circ}07'07''$  West, a distance of 97.96 feet, to the Point of Beginning.



4/30/14

# Exhibit A



## SLOPE EASEMENTS ACROSS SUBDIVISIONS, INC. PROPERTY EXHIBIT "D"



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