

# Town of Leeds

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## Agenda Town of Leeds Planning Commission Wednesday, October 6, 2021

**PUBLIC NOTICE** is hereby given that the Town of Leeds Planning Commission will hold a **PUBLIC MEETING** on Wednesday, October 6, 2021 at 7:00 P.M. This meeting will be held at Leeds Town Hall, 218 N. Main Street, Leeds, UT 84746.

If you are interested in participating remotely via Zoom, please contact Town Hall at 879-2447 or email [Clerk@LeedsTown.org](mailto:Clerk@LeedsTown.org) for the Zoom details.

### Regular Meeting 7:00 p.m.

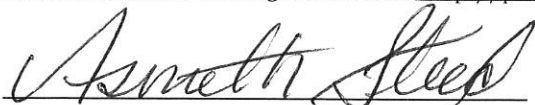
1. Call to Order/Roll Call
2. Invocation
3. Pledge of Allegiance
4. Declaration of Abstentions or Conflicts
5. Consent Agenda:
  - a. Tonight's Agenda
  - b. Meeting Minutes from September 1, 2021
6. Announcements
  - a. Election Day, Tuesday, November 2, 2021. Leeds is Vote-By-Mail Only. Ballots must be postmarked by Monday, November 1, 2021
7. Public Hearings:
  - a. Ordinance 2021-04 Leeds, Utah Animal Control Ordinance
8. Action Items:
  - a. Revised Beach/Greenhalgh Lot Line Adjustment, Parcels L-HFM-1A and L-10-B
  - b. Election of Planning Commission Chairman Pro Tem
9. Discussion Items:
  - a. Discussion Regarding Ordinance 2021-04 Leeds, Utah Animal Control Ordinance
10. Staff Reports
11. Adjournment

The Town of Leeds will make reasonable accommodations for persons needing assistance to participate in this public meeting. Persons requesting assistance are asked to call the Leeds Town Hall at 879-2447 at *least* 24 hours prior to the meeting.

The Town of Leeds is an equal opportunity provider and employer.

Certificate of Posting:

The undersigned Clerk/Recorder does hereby certify that the above notice was posted October 4, 2021 at these public places being **Leeds Town Hall, Leeds Post Office**, the **Utah Public Meeting Notice website** <http://pmmutah.gov> and the **Town of Leeds website** [www.leedstown.org](http://www.leedstown.org)



Aseneth Steed, Clerk/Recorder

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# Town of Leeds

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## Planning Commission Meeting for Wednesday, October 6, 2021

1. Call to order:

Chairman Swenson called to order the regular meeting of the Planning Commission at 7 PM on Wednesday, October 6, 2021.

ROLL CALL:

	Present	Absent
CHAIRMAN: DANNY SWENSON	<u>X</u>	_____
COMMISSIONER: BRAD ROBBINS	<u>X</u>	_____
COMMISSIONER: KEN HADLEY	<u>X</u>	_____
COMMISSIONER: TOM DARTON	<u>X</u>	_____
COMMISSIONER: MARK ROSENTHAL	_____	<u>X</u>

2. Invocation: Commissioner Hadley

3. Pledge of Allegiance: Chairman Swenson

4. Declaration of Abstentions or Conflicts: None

5. Consent Agenda:

Chairman Swenson amended the agenda by moving Action Items 8a. and 8b. before 7. Public Hearings

Commissioner Darton moved to approve tonight's agenda as amended. 2<sup>nd</sup> by Commissioner Hadley. All voted. Motion passed.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
CHAIRMAN: DANNY SWENSON	<u>X</u>	_____	_____	_____
COMMISSIONER: BRAD ROBBINS	<u>X</u>	_____	_____	_____
COMMISSIONER: KEN HADLEY	<u>X</u>	_____	_____	_____
COMMISSIONER: TOM DARTON	<u>X</u>	_____	_____	_____
COMMISSIONER: MARK ROSENTHAL	_____	_____	_____	<u>X</u>

Commissioner Hadley moved to approve amended Meeting Minutes of September 1, 2021. 2<sup>nd</sup> by Commissioner Robbins. Motion Passed.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
CHAIRMAN: DANNY SWENSON	<u>X</u>	_____	_____	_____
COMMISSIONER: BRAD ROBBINS	<u>X</u>	_____	_____	_____
COMMISSIONER: KEN HADLEY	<u>X</u>	_____	_____	_____
COMMISSIONER: TOM DARTON	<u>X</u>	_____	_____	_____
COMMISSIONER: MARK ROSENTHAL	_____	_____	_____	<u>X</u>

6. Announcements:

- a. Election Day, Tuesday, November 2, 2021. Leeds is Vote-By-Mail. Ballots must be postmarked by Monday, November 1,2021.

Chairman Swenson reminded that voters that have not received their mail in ballot by October 20<sup>th</sup> should come to Town Hall for assistance or go to the Washington County Clerk’s office where Ballots are available in hand.

7. Action Items:

- a. Revised Beach/Greenhalgh Lot Line Adjustment, Parcels L-HFM-1A and L-10-B

Scott Messel: the Planning Commission reviewed and approved a lot line adjustment between two parcels, the Beach’s and the Greenhalgh’s. Since the Planning Commission reviewed it, another adjustment needed to be made to bring both lots to meet the minimum lot size requirement for the zone. The Beach’s will incorporate .33 acres into their parcel and the Greenhalgh’s will get .13 acres incorporated into theirs. One lot will be about five acres in size and the other one will be just above one acre in size. Staff recommends the Planning Commission recommend approval of the Lot Line Adjustment. Findings are listed as the proposed Lot Line Adjustment meets the applicable State and Town Code. The proposed Lot Line Adjustment improves the configuration on both lots. The newly configured parcels meet the one-acre minimum lot size requirement in the rural residential minimum size zone.

Chairman Swenson inquired if both parties were present. Lorraine Greenhalgh said she was the representative and Scott verified both parties agreed to the proposed lot line adjustment.

Commissioner Darton moved to approve the Lot Line Adjustment, 2<sup>nd</sup> by Commissioner Hadley.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
CHAIRMAN: DANNY SWENSON	<u>X</u>	—	—	—
COMMISSIONER: BRAD ROBBINS	<u>X</u>	—	—	—
COMMISSIONER: KEN HADLEY	<u>X</u>	—	—	—
COMMISSIONER: TOM DARTON	<u>X</u>	—	—	—
COMMISSIONER: MARK ROSENTHAL	—	—	—	<u>X</u>

8. Public Hearings:

Chairmen Swenson opened the session by reminding the participants to keep the initial comments to three minutes until all parties had an opportunity to be heard and then they could have any additional time if needed.

Alan Cohn: So, the way that I understand it, the ordinance will make farm animals anywhere in town, regardless of whether you're zoned residential or agricultural. Is that correct? That in itself will run up against some other ordinances in Town like noise ordinances, it will affect the water because obviously the farm animals will take water, the smells will run up against the nuisance ordinances. There will be environmental runoff that will affect the soil and nitrogen will be released into the soil a little, basically poison the soil. There's going to be conflicts with CC&Rs. I would hope, at the very minimum, this document would not supersede the CC&Rs. It's obvious in some areas that are not already agricultural, and it will definitely affect property values. I moved into this neighborhood under the existing ordinance. The way it is written is that no farm animal is going to be right next door, so no one's going to build a pigsty or anything right next door. Now if you change that midstream, you're going to affect my property value, just by doing that. So, I think this is not something that can be just rubber stamped. I think it's something that's going to require a lot of study, a lot of discussions and all. You can't just, you know, make a decision on this tonight or next week, or even probably in the next month or two. I think this is going to be a work in progress. That's all I have right now.

Chairman Swenson: I agree with that last statement. Any comments to that gentleman? I can tell you something about CC&Rs. The Town ordinance is a maximum standard. So, this is a standard that you use for your maximums. If you have local CC&Rs that are less than that, it will supersede that. It will follow your CC&Rs. You cannot state in a CC&R, that you're going to have more than this as it is a maximum. Just to address that CC&R concern.

Commissioner Darton: The Town does not enforce CC&Rs.

Alan Cohn: If you wrote into the ordinance that it is not to supersede the CC&R.

Chairman Swenson: That makes sense. And that's an easy one. That is the intent of the State statute and County statute. I think that is a good point. I have had that discussion, also. And that's easy enough to make a statement. That is, the intent of this ordinance is to set a maximum standard.

Doris McNally: From the CC&Rs perspective, those are written into the CC&Rs in each one of the communities. And it states the minimum required, the more stringent requirements will supersede any of the Town's ones. So, it's really not something that needs to be put in there. It's actually already there.

Chairman Swenson: Correct. It's written in a number of places. That is correct. Thank you. That validates it a little bit.

Commissioner Darton: The Town ordinance can't mitigate or interfere with a contractual agreement, which is what a CC&R is.

Doris McNally: The community must have a CC&R in place with that in writing.

Chairman Swenson: Okay, anybody else? Please.

Richard Boyd: I could present a whole bunch of different scenarios when I'm sure everybody's got different scenarios in their mind, of course. But one of the questions I have for you people is, take, for instance, my property's a half an acre, but animals would not be able to occupy that half acre, if you eliminate the space taken up by my house, my garage, my shed, and 25 feet from the road on both sides, and the 25 feet from my next door

neighbor and my back neighbor. Suddenly, that half-acre for animals becomes what, one fifth of an acre, and how is that? How's that space determined? The 100 points for half acre, 50 points for half acre, whatever it might be, who's going to determine what I'm allowed? It's just a half-acre.

Commissioner Darton: The maximum would be what a half-acre would allow. But there's also provisions in this for nuisance, noise and other things. So, you know, depending on the way your lot is configured, you may not be able to put what you legally could. It just won't work. So, the way you described it, if your house has taken up all the room where you're going to put them.

Richard Boyd: Right, but who would determine whether someone can or can't, by the amount of space that's really available, not from the size of the lot, but the space that's available?

Commissioner Darton: Have you read the ordinance because the animals must be properly treated. And if you were to crowd all into a small space that would not be in compliance with the ordinance.

Chairman Swenson: So, what's not going to happen is every half-acre isn't going to be visualized. Let's say, okay, well, because your structure is 3,000 square feet, his is 12,000 square feet, it's basically the half acre and then the other statutes need to apply within that. So, half acre, acre, who's going to know what everybody has on there. We're certainly not going to survey that. That's a very good point.

Alan Cohn: I want to bring out one scenario. My next-door neighbor, who I am very good friends with right now, if they are allowed by the size of their lot to have 10 turkeys and four potbellied pigs, that's all going fine until this time next year. Now the pigs have grown to eight, and the turkeys have grown to twenty-nine. Who is going to enforce those numbers go back down to where they originally started? And is it up to me as the next-door neighbor, to call animal control and complain, or have them removed? And when they get into my flower beds, can I shoot them?

Chairman Swenson: So, enforcement. Thank you.

Darryl Lewis: When I read this ordinance I started to wonder, how in the world this ever came into existence. I know it's a long process, and there will be plenty of time to bring up additional points, but I'd like to bring up just a couple of major things looking down from the top. If I look at point 6.1 on page six of your zoning restrictions. Let me read the first paragraph. Leeds historically has been an agricultural and farming and ranching community in which the grazing of animals for family food production was a generally accepted practice. It is the intent of the Town of Leeds to maintain the historic exception within the rural community like Leeds that the raising of animals for family food production may continue but within the guidelines set forth in this ordinance. I wonder who is going to start eating miniature horses? And I wonder and is this is a serious question.

Commissioner Darton: We can change so that it's not limited to family.

Darryl Lewis: Excuse me Tom. Could I finish? I'm not going to interrupt you when you are speaking. So, I'd appreciate it if you do the same for me.



Commissioner Darton: Certainly, please go ahead.

Darryl Lewis: I wonder who is going to start eating miniature donkeys. There seems to be on one hand a recognition that the reason for this ordinance is the raising of food animals. But when you get into the actual ordinance itself, a lot of it has nothing to do with eating of food animals. And I think that's a dishonest projection to the citizens of Leeds. If I go by the 100 point per acre set up here, you can have 250 chickens on a five-acre property. That to me is a ranch, a chicken ranch. And you also say that the offspring of those 250 chickens for a period of six months can be whatever it happens to be. So, you could easily be raising chickens of all the offspring of those 250 chickens and sell them in the open market prior to the six-month period and stay within the compliance of this ordinance. Then 6.2 makes a very interesting statement in the first sentence, let me read it. Leeds Animal Compliance Chart for Residential and Rural Residential properties, period. I just happened to have a zoning ordinance book and most of you who are familiar with this will know that chapter 14, section 14 has to do with residential zoning and the Purpose is stated in in our current law under 14.1. The purpose of residential districts is to provide and protect areas for low density single family residential neighborhoods that do not contain farming or agricultural uses, while permitting the limited establishment of public and quasi-public uses which serve the requirement of the family. It seems to me once again, there is a blatant attempt to just simply eliminate residential lots. And if that were to continue, I would suggest that you gentlemen are going to be looking at a class action lawsuit. Because there are an awful lot of people who bought residential lots in this city with the intent of keeping them residential. I think this has to be looked at very carefully and restructured in a way that is compatible with this Town. There are many, many, many more things in here that I could point out. And just to give you an example of a couple, all the pig pens should be cleaned regularly and a minimum of three times a week. Who's going to make sure that's done? And all pens shall have a drainage to keep the water from pooling within the pen. Where exactly is that water draining to? To the neighbor's property? There's even a reference in here that a law enforcement person under this ordinance can enter property without a warrant. That starts to get in contradiction to the Constitution of the United States. This thing, I don't know who did this, but there's an awful lot that has to be redone. And to even start talking about it at this stage to be this far out of whack is utterly... I do not know; you guys have to deal with.

Commissioner Darton: Thank you, Darryl.

Darryl Lewis: You're welcome. Somebody had to do it.

Hello, board. I am Georgia Tanner. And thank you very much for your volunteer time. It is very much appreciated. The first concern I had was the wording Animal Control Officer. Does Leeds employ an Animal Control Officer?

Commissioner Darton: No.

Georgia Tanner: So, when we're supposed to deal with an Animal Control Officer for issues we have, you're basically telling us to deal with it on your own.? Is that what you're saying here?

Commissioner Darton: I believe there's County...

Georgia Tanner Whoa. let's stop right there. Leeds should control Leeds not the County.

Chairman Swenson: The County Sheriff controls Leeds. They manage the law enforcement.

Georgia Tanner: but not animal control.

Chairman Swenson: They do handle the animal control issues to a point. Fish And Game, and to answer Darryl, Fish and Game is the only law enforcement agency that does not require a warrant to come on your property. All other agencies do. The Sheriff in the area has been dedicated as the law enforcement for Animal Control since we don't have an animal control on the official end of it. So, if it states law enforcement it could be Fish and Game that would respond, and it could be the Sheriff.

Georgia Tanner: So now you're saying that Leeds will use Fish and Game officers or Sheriffs?

Chairman Swenson: Fish and Game controls the wildlife and the Sheriff has the legal right to do the Fish and Game calls since we don't have any.

Georgia Tanner: Say my neighbor's raising quail? Yeah, put us in another predicament as a resident with concern by not employing an Animal Control Officer for Leeds You've put us in precarious place.

Chairman Swenson: If you felt like you needed to call on official law enforcement it would be the Sheriff.

Georgia Tanner: Okay, I would like to suggest that we remove Residential from this code, not Rural Residential. I bought in Leeds in a Residential area purposefully because that's my lifestyle. And the lack of farming practices in my Residential area is part of my lifestyle. I don't care to have eight pigs or twelve horses on the one-acre property that is next door to me in my Residential area. So, the first suggestion I have is, could we please remove Residential from this proposal? Thank you.

Patrice Holloway: Hello, Board. My name is Patrice Holloway, and I just want to reiterate the fact that I believe that changing the animal ordinance the way that you have it written would be a degradation of our property value. We would not sit quietly for that.

Dave Harbour: This is the worst Ordinance I've ever seen. And I've written a lot of ordinances. If I had written this one I'd have kicked myself to death it is so bad. It is not intended to be animal control. It is intended for some other purpose. I want to raise hogs so therefore I went right in here and I can do that. I want 14 horses, I jiggled it around so I can do that. That's not right. We ought to be able to write an ordinance for Animal Control for Leeds that I would say is not more than three pages. It is not difficult to write a good ordinance. I think that this came from a large city. It sounds like it came from a large city, and somebody went through and took that city's name out and put Leeds in. That is not what we want. We wanted one for Leeds, and that's the way the ordinance should be written. Not trying to make it fit St. George or Las Vegas or wherever this came from. I don't know where it is. But it doesn't sound like an ordinance. I know it's not an ordinance I would write because it is horrible. The things I've heard so far, I agree with every one of them. And they're all telling you the same thing. This is not something we want. My feeling is it should not be voted yes on.

Chairman Swenson: Thank You

Ron Cundick: I am happy to be here, and I appreciate all the effort you go through. You are all volunteers, and you have a tiger by the tail here.

Chairman Swenson: No, we want something that is appropriate.

Ron Cundick: I have a copy of the CC&Rs up where I live, up in Silver Reef, and animals, all animals, other than household pets may not be housed within the boundaries of Silver Reef Estates subdivision. So, that is what I relied on when I put my life savings into a home here. Let me just give you a little bit of history from my perspective. My grandfather, my grandparents lived in La Verkin, and they had all the things you have on your farm because they were farmers. I would come down to visit and I used to feed the pigs, and he fed the pigs slop. Slop, for anybody that does not know, at least in my terminology; was everything you could not use. Otherwise, you would put it in a bucket and that would be fed to the pigs. They were great because they ate everything, but I remember those smells. And you could not get away from it. I grew up in Salt Lake City, some of you have been there. When World War II ended, people were still using their victory gardens, they had their animals. I did not live that far from the center of town. But my neighbors had pigs, horses, cows, we bought milk from the neighbor, and so forth. And then the war ended, and people decided they wanted to move in the city and the city start incorporating County land. And the next thing we know we were incorporated, and my dad came home one day, and he says, well, and we had chickens at the time. So, well, he took the hatchet out behind the chicken coop where the stump was in, and we got rid of our chickens. And the neighbors killed the pigs. And I think they had a year or two to get rid of their horses and cows. I'm saying this because you have to deal with this situation, it was pretty clear that even though these people during the war could put up with this stuff. As soon as more people start to move in, more development that wasn't going to work. It wasn't going to work. You can't keep the smells in one place. If you're downwind, and there's a pig pen there. You'll know it every time you get close. So, what I'm saying is I think you've got a very difficult situation here. There is no minimum size lot that is mentioned in the Ordinance, or the proposed Ordinance and that is a problem. Enforcement is a nightmare. First of all, in every neighborhood, like neighbors do, they are going to be calling you. It has been described by some people here tonight that you've had a difficult time deciding how many animals somebody really has. You are going to spend more time trying to enforce this thing, and you're going to pit neighbor against neighbor. This is going to happen. We have neighbors unhappy with neighbors already on minor details. So, throw animals into the picture, and you are going to have a lot more lack of harmony with this ordinance than you're going to solve by having it. We talked about property values, I think it is pretty obvious that I would not have built my home in an area where neighbors can bring in animals at will, and historically, I don't know how many alpacas or llamas we've had here before, but it's not really historical. Thank you.

Chairman Swenson was made aware that Commissioner Rosenthal has joined the meeting via Zoom and Chairman Swenson voiced sentiments of well wishes to Commissioner Rosenthal and family.

Commissioner Rosenthal: Thank You

Susan Roberts: My name is Susan Roberts and you guys asked who'd wrote the animal ordinance, well I was on that committee. We spent a lot of time thinking about the residents. We knew that there were a lot of people out there in Silver Reef that did not want animals, but we also knew that they had CC&Rs that would protect them if they didn't want the animals. We thought it would be a good thing if you are in a Residential Area, and you don't



want animals, probably, you don't need to have animals. If you want to have a whole house and a garage and everything. Where do you want to put the animals? Probably nowhere because you obviously don't want them. So, we put a lot of time into this. What I feel is happening here is that our rights as property owners are being infringed on. We want animals and I went door to door to many of the homes here in Leeds. We got a petition signed, many, many pages of a petition signed of people who wanted animals. That is the reason that we went towards this animal ordinance. They have the copy of the people who wanted animals. I understand and I accept that you guys don't want animals, that's fine. But we do. And we need to come to a unity where it can benefit all of us. We do not need to be at each other. The CC&Rs take over you guys up in Silver Reef. You do not have to worry about your neighbor getting animals because you have CC&Rs. So, should you make it so that we cannot have animals because you don't want them? I do not think that's right, either.

Darryl Lewis: I'm not sure we're trying to keep anybody from having any animals that have an organizational right to those animals. Any town in the United States today has zoning, and zoning is there for a reason. The reason is to give people an opportunity to live in a community that is like-minded. As most people know, Leeds has quite a variety of zoning. It has Rural, it has Rural Residential, it has Residential, they all have different meaning, real meaning. I believe the assumption, the general assumption is that if people want animals, they're entitled to them. They buy property in a rural setting or a residential rural setting. That's where they belong. There are people that want to live in an area that does not have the smell, the noise, or the just whatever of animals. They are retired people. They looked at the definition of residential in the city of Leeds as I did. I did my due diligence before I bought a piece of property, and I built a home. To suggest that the residential zoning that I took for gospel, and that Leeds actually meant what they said about the zoning of residential and went ahead and invested a half a million dollars of my money and built on that promise. Now if you gentlemen would like to break that promise at this point, you'll see me in court, I don't know how many other people will be there, but I sure as Hell will. To hide behind a statement that we who are in a residential area do not want people who live in a rural area to have animals, that's just not true. We're not creating an ordinance to take animals out of a rural setting. It is not there. So please don't accuse at least me of doing that. But don't ask me or demand that I live my life the way a rural person lives their life.

Susan Roberts: Don't accuse me of that because I didn't say that.

Darryl Lewis: You just did. You just did. That's why I got up and said what I said.

Chairman Swenson: Okay, Point taken.

Georgia Tanner: Hi, Georgia tTanner again, I wish to address the lady who felt as if this is a resident on resident, and I'm trying to deny someone, anyone their rights to do whatever they want. I would like to reiterate the fact that I bought in a residential area, I happen to agree with some statements made here about residential areas. And for that reason, I will ask you again, please remove residential areas from this zoning. And again, I will ask, you're leaving this in a precarious position by not appointing an Animal Control Officer. The statements you make where I call the County Sheriff, I have attempted to deal with zoning problems in Leeds with the County Sheriff before. The Sheriffs were very polite, came to my house and flat told me if the Town wants to enforce it, we will back the Town but if the Town doesn't enforce it, we cannot. That leaves us all civil suits, civil suits are our option. That is not correct to put us in that position. Thank you.

Chairman Swenson: Thank you.

Cody Johnson: My name is Cody Johnson. First off, I want to thank all you guys for everything you do. And I just want to say that the current Ordinance that is in place right now does restrict citizens, whether they're Rural Residential, or Rural or Residential. That's why this change is being made. Because our rights are being taken away right now, and it's a joke. The problem with a lot of these meetings is the minority expects to be catered to. And the minority comes to these meetings, and they come here, and they whine about it, and they continue to whine about it. That's the way it goes, but I can tell you right now, that I'm here to represent the majority that may not be here, and that's what this Town wants, they want it. It was rural, and we did stand for owning animals and then we went to not doing that. We are trying to get that back. That's all I got to say.

Chairman Swenson: Now I will say that both sides, I agree with. The Residential is a big issue. As Cody Johnson just stated, there was problems with the Rural area too. We are trying to mitigate both and that is why we want you here. I should say, clarify, we are not taking a vote on this tonight. We are going to take all your comments, and we are going to try to readdress these issues, each and every one of them. That's why you are here. You are here because it counts. It does matter. This is not to address each and everybody's own opinion. That is not what we want. We want fact based. We know that there is never going to be a consensus to be exactly right for every single person. Okay, keep it. Keep it fact based and we will go from there.

Alan Cohn: I am not here for any accusations. I agree. If there is something in the old ordinance that prevents someone in a rural area from having animals, then that needs to be addressed. I also agree with Mrs. Tanner in that Residential probably does not belong in that document, because it's two totally different animals, so to speak. Sorry for the pun.

Commissioner Darton: I appreciate the pun.

Alan Cohn: It's pretty simple. I think she nailed it on the head. Remove Residential, and it makes the document a lot easier for you to work with. Maybe if you need a separate Animal Control document, then you have one for animal control that addresses dogs, and this and that, but maybe have this as a document that is not animal control, per se, but maybe animal sustainment or whatever on a piece of property, maybe make it a separate document.

Chairman Swenson: Well, it is a document within a document. So, it is separate. That point is valid and as Susan Roberts stated they did consider the fact that there were a lot of homes with CC&Rs. I do know that the committee was trying to look at all aspects. So, we will just continue. The comment was made that this is not something that could be done now. It has been months and months in the workings to get here from the old one, and it will probably be that or more before we come up with some kind of settlement. So, we hope to see you guys here again, and we'll whittle this down. I know that as the crowd gets smaller and smaller, we are probably going in the right direction.

Mark Tanner: When we bought here, as Cody said, we bought under a set of guidelines. We are not trying to change the guidelines. They are trying to change the guidelines. We bought under a condition that animals were not allowed. Basically, what you are doing in this ordinance too, is you're pitting neighbor against neighbor because once you complain, or go

to the County, you're going to pit the neighbors against each other. You are not going to have any enforcement here. So, the only option is to go start whatever action you have to take against your neighbor, instead of having somebody there that is overseeing or somebody here local that can do it.

Susan Savage: I am just about history, myself. So, I would like to make a historical statement. When I grew up here, there were probably six or eight homes along the whole side of the street. In between that was farms and it was agricultural. Just about everybody had animals, probably everybody had milking cows, or chickens and pigs and all kinds of things. Dad was Mayor in the 1970s, when the zoning concept was first introduced by the State and counties and communities were required to establish zoning areas. Everybody was mad about it. Because they have been able to do whatever they wanted. They were spread out and they have been able to do what they wanted. That was a very difficult time, and I want to say to people here tonight, it is great to have people here. But what would be greater is if people would come to Town Council meetings and Planning Commission meetings more often so that they could see the picture as it rolls out. What people are doing. What the people that we have elected or appointed, and we appreciate your service, what they're working through, the difficulties, the complexities of it. Then you can see what people are trying to work through and appreciate the difficulty of it, then it is different when you have a concern. Now they know that you appreciate them. It is hard to get people to run for office when you tell them they're great when they're running for office and then when they get here the only time people come is when they're upset. So, we do appreciate the people here. I wanted to just mention this about zoning. The State and the County could see that the area was going to grow. There were going to be people from a different social and cultural setting moving in among farmers. Zoning was the answer to do that. My position is due diligence is a process of finding out about your own property, what it is going to be, but also the property that you're next to. We have people coming from areas who did count on a residential area that did not want animals, they may have allergies to animals, there may be a lot of reasons. Animals do bring their problems with them. There are people who moved into rural residential who counted on being able to do certain things. Part of your due diligence is finding out not only if you're in the center of an area, but you may also be residential next to a rural residential area. Everybody has counted on something, and so we have to work together. People have suggestions about how to do that, but it is difficult. That is the whole concept of zoning. To my way of thinking, if somebody comes into a Residential area and says, I want to change this now to Rural Residential, it is not very fair because you're affecting all of those things, all those property owners. You need to look at it and say if I want animals I need to be where I can do that. Maybe there's a way in the ordinance, I'm sorry that I have not read it, to look at where people are, for example, if people are next to the County, or if they're in next to an area that's not going to be developed, so that they're not affecting people around them. I do not know, maybe that makes it more complex. Maybe there's some sense to be made out of that. I just want to offer a perspective, you know, when people say this is historically an agricultural community, which is true, but it's changed. And the State can see that it was changing with people from different backgrounds and needs and investments coming into an area. It's prickly and we have to work that out together.

Chairman Swenson: Thank you. Well, on my end, it has not gone without notice that Residential is a big topic, obviously, and enforcement. These are our two biggest areas to work on. It has not gone past us. Over the last six, nine months or so it was looked at and it will continue to be brought up a lot. So good. Thank you.

Darryl Lewis: Am I allowed three? I always learn something from Susan, every time I talk to her. I just wanted to make a comment that kind of fits in with what Susan was talking about in a way. I am sure that you gentlemen probably have been aware of the Washington County projections of population growth in this area. They are pretty astounding. We are all enjoying some of them. Some of them are actually fearful of what's happening to housing prices and the rest of it, but when you look at the reservoir that's planned for a very few miles up the road, and you realize the amount of development that is going to come with that. It is really kind of mind boggling. When you actually look at the numbers. We are talking 1000s of homes. When you look at the new road that Toquerville is putting in and the development that is going to come with that, and then Washington moving this way and Hurricane moving this way. I really feel like we should be planning, talking about what is Leeds actually going to look like when it's squashed by all of these multiple billion-dollar entities 10 years from now. Does this ordinance have any bearing on the picture of life that can be sustained in the city of Leeds in 10 years? Where is the pressure of population growth going to be? It is such that it might be a nice idea to have lots of Rural Residential areas. But what happens if the people who own the Rural Residential areas are offered millions of dollars for this Rural Residential zoning that all of a sudden has apartments on it? or high-end housing? And maybe it's time to kind of look at how can we expand the city of Leeds in such a way that it maintains or creates the country living that I think if we took account 99% of the people who live in this Town would say that's exactly why I live here, I want that country feeling. How do we go forward with that, with the constraints that 2022 and 2025, are going to bring us whether we like it or not? Thank you.

Commissioner Darton: I think with the growth that we are going to see in the communities around us, I don't think that's going to hit Leeds, we have some practical limitations on growth in Leeds. One is the fact that we do not have a sewer system. And so, because of that the amount of property that is required to have a septic system is getting larger and larger. That is just, we've not seen any, like, developments come in. It is always, you know, one house at a time. So, I do not think we have to worry about, you know, an explosion of growth within Leeds proper.

Darryl Lewis: I'd be happy to have a discussion with you about that, because I think I think you're wrong.

Commissioner Darton: I was wondering if you thought Leeds should try to incorporate more to try to create a buffer so that you know that property can be purchased by some other growing entity around us. But that is not for tonight. That is a different discussion.

Craig Sullivan: I own some of the property down below Town that has historically been agriculture. I've also built a few homes in this Town, so I can kind of see both ends, but my family's been here for six generations. Down where I'm at on some of my ground, I've historically had 50 head of horses, and maybe even 100 to 150 head roping steers. I do not know that I've ever eaten one of them horses. I don't know anybody in the generations that has eaten a horse, but it is agriculture and the horses are agriculture. Now I have built homes in Leeds that are on a half-acre because that's what it was zoned at. There's a lot of half acre lots. On Mulberry, when I sold them lots, I told the people that they were sold to that it was not for horses. Everybody bought them lots under that assumption. But I can also tell you there is a lot of half acre lots in this town and a lot of acre lots and a lot of three-quarter acres lots and a lot of five acre lots that's been sold that has historically had animals on it. I don't know where any people live that say residential that you live in Residential. If you live in the Silver Reef that's fine. You do have the CC&Rs. I don't know, if this document



is to put horses in the Silver Reef, I think it is a misplaced document. If it's a document put horses up at the top of Town and that really clustered sub subdivision, it's a misplaced document, but this Town has got to come to some kind of resolution to help some of these smaller property owners that did buy these lots under the assumption that they could have animals. I'm not saying 10 pigs, I mean, extrapolate that out. The sewer just come up, I believe Leeds has got, now, some kind of, excuse me, Mickey Mouse ordinance, you've got to have nine acres to build a house. So, if I sell my acres to somebody, they can put 150 pigs on under this ordinance. And I mean, that makes no sense. It doesn't make any sense for the neighbors behind me. But it doesn't make any sense also, for the neighbors that are across on Main Street, or even some of the lots up on Main Street that's got bigger lots, and they can't have two or three horses. I could go into development, I just heard this, and I might have heard it wrong, but let's buy the buffer property? Are you going to buy my property down below me? Come on, make me an offer. So that I don't develop.

Darryl Lewis: You heard wrong.

Craig Sullivan: I think I kind of did. But at the same time, that's what you got. That's what the Town is trying to impose. They brought a lot of this on their self by having these half acre lot splits. That was done haphazard. Now you guys didn't do it, but it was done. These half acre lot splits, in my mind, are part of the problem. They need to be somewhat addressed. I'm glad I am not in your situation to have to address that, believe me. I would not want to be sitting there because it is a no-win situation. But anyway. That's my thoughts.

Ian Rex: My name is Ian Rex. You've never seen me before because I've never been to one of these before. I apologize if my remarks are out of line. I haven't read the documents. I don't know my take on it. I just know that I've lived here. My family moved here when I was 12. We always had animals; I'd like to maintain that. I like the idea of well-managed animals, don't have a problem with it. I guess, like I said, this is the first one I've been to, and this is new to me and I'm hearing and maybe this is just the way it is. I don't know. But we're talking about this. It's not being voted on. It's not final, it's in discussion. It sounds like it's going to be modified, improved. There's a lot of talk of who are we going to call to enforce? Is it the County Sheriff? Is it Animal Control? Lawsuits and stuff like that. I look at this problem and I go, man, if that's the direction, if that's where people's minds go the instant there's a problem, who are you used to dealing with? What kind of people do you live by in this Town I grew up in. I guess a good example of this maybe is this guy across the street from me has three, four dogs. They came over my house a couple times, and they start barking at me. You know I get it when his dogs are over here, but when they start barking at me, I was like, okay, you're barking at me on my property? I just went over there, talk to him, and said, hey, your dogs are coming over there barking at me can you do something about that? Oh, yeah, I'm sorry about that. It still happens. Hey, go over there another time, hey, can you do something about that, he ends up getting the collars, problem solved. That's the way I've always handled problems around here. It's working well, at least with the people I deal with. Maybe this is a little off topic, but these meetings are here to determine what kind of community we live in. We're discussing animals. We all are part of this community. It doesn't seem that civil in some ways. I hope that we can treat each other with respect and talk through some of these things. Let's just see eye to eye. I think if we could talk more, we would realize we are eye to eye on more things than we think we are. That is all I got.

Chairman Swenson: Thank you.

Lorrie Hunsaker: You knew you were not getting away from me Tom.



Commissioner Darton: You are going to make my day.

Lorrie Hunsaker: All right. I totally agree with what you just said. Why we can't just be civil and do this? I just thought I would give kind of a rough background on why this ordinance even started to get changed in the first place. When I was running for Town Council, you had the chicken question come up. And I agree that allowing two chickens per lot is, well, very strange to me. I looked into it. I started writing the ordinance and went and looked at what we have. Now, if you go back to the further back ordinances, 2005, they rewrote the whole thing, 2007 they made a whole new ordinance that added braying animals are not allowed under any conditions. Because we will not say who got that donkey. So then the very next year, they rewrote the whole thing, again, to put in donkeys are allowed. So instead of having to change the ordinance on an annual basis, depending on who is having an issue with who, it's like, there are things that could be remedied in this, let us look at it. I went through, looked at Toquerville and looked at different towns, not really big ones. This is the same ordinance that Leeds has had for all these years. It is not enforced, and everything was fine, for the most part, except the number of chickens. We found out they're actually County chickens and not Leeds chickens. So that kind of made the whole point mute. Going through and trying to put in everything, well, you are not going to win because you're not going to make everyone happy. We got it all together, put the points in and put it in by square footage, because it is like what was said earlier. I have stuck to that point that if people have a house and a couple of sheds, you don't have room for that same number of animals as you would without them, but how are you going to regulate? How are you going to enforce it? I don't know. I was new to Town Council. What do I do? Well, you got to follow the procedure. All right, so I handed it off to these fine gentlemen up here, you too Mark, and so they worked on it. In the interim after the chicken thing, then there was an issue with a resident in rural residential, not being respectful of their neighbors, and putting animals right up against their neighbor's house away from their own. That is what started all this. That is where this blew up, bro. So, I do not know, you go back to the old ordinance and just put in that you can have your darn chickens and be done. I do not believe that residential should be taken away. The zoning is there for a reason. I do not care if they have CC&Rs. They are a part of Leeds. So, everybody should be heavily mushed together. And residential stays residential, Rural residential, Agricultural overlay should cover you, Craig, for all your cattle. I miss it when I do not see your cattle out there just like we do for the orchards, for Stirling. They are under the agricultural overlay because Leeds is an agricultural town. But when I keep hearing that we need to keep Leeds rural, but we do not seem to all have the same idea. To me, it is lower density, bigger lots. It does not mean that every single person has to have an animal. I am not trying to take animals away from anybody. We had them. It was not working out because we were traveling so, we don't have them now. If you have animals, power to you. but the animals need to have space. We have a three-quarter acre lot, but we have the house, we have the patio, we have the shed. And by the time you do all that. So, we should have what seventy-five points so I could have three horses and sundry little things. But you move it thirty feet from the back of the house, and 30 feet from the neighbor's house. Those three big horses are going to have a ten foot by 20 foot run to live in. That is not right for the horses. It was said before we started the committee that animals need to be in twos. I agree and I think we should change it to where that would be one large if you can have the two large animals, but to change it to a point system that is going to be widespread. I just do not think we can regulate it. There was not a problem. Neighbors just talked to neighbors. I had a rooster that we only saw his tail section as he jumped out of the box and went over and moved down with the neighbor. So, I went over I am like, I'm sorry, here's food. If you want me to try and catch him... you talk to your neighbor and you are fine.

So, I know how much work you have put into this. I know how much work I put into it and the committee put into it. The Residential, Rural Residential taking away Residential... that is my sticking point on it. So, I just thought I would say where we started with this and why it even came about. So that is all I got. Thanks for listening.

Chairman Swenson: Will you clarify? You are taking away of the residential? What do you mean by that?

Lorrie Hunsaker: Since it is in Land Use, and it stayed in Land Use, it's going to have to be pulled from there to be put into the animal ordinance because right now we have conflicts. So, when it, even with the dogs, it's saying one thing here and one thing over here, basically residential would not be residential, everybody would be allowed to have animals. And I truly believe that if I spent one day, when I get to be money and a big grown up, and I get to buy a house, and I put that money down, I want animals, but I am going to make sure I bought in Rural Residential. If that is what the what the zoning is for there. And then that is what I mean.

Chairman Swenson: I just wanted to clarify what you were saying. Thank you, again.

Georgia Tanner: Thank you to my neighbor for what she said. A way to alleviate her problem, and I do understand the problem, is only remove the word residential when you're talking about 6.2. In this particular document 6.2 is the document that allows, to me, excessive numbers of farm animals. But I'm not trying to govern my neighbor. If you pull it out the word Residential and you allow that in R-R Zone, but not in R zone. In R Zone, I'm not a Silver Reef member, I'm a person on residential property in Leeds, it would alleviate my issue.

Sharon Johnson: I am one of them that started to get this thing changed. And we did work really hard on this. We put a lot of time into it. When I did talk to the Mayor about how to get this changed, and what I needed to do, he actually expressed, he feels like people have bought in residential bought there for a reason. And he was against anything changing in the residential. And honestly, I am okay with that. And when we went and collected the signatures on the petition, we went to Rural Residential, we went, we did not go to the Residential, we looked on the plot map and everything. And that is where we collected. I do know that when we met in a meeting, which was a concern, you know, but there are people that thought that because they have a larger lot, that they should be able to utilize that. But I want you to know that the animal ordinance does need to be changed as is, I mean, it really restricts the Rural Residential. I get that. The residential wants to stay residential, I get that. And you should be allowed. I have nothing against that. But let it be known that the Rural Residential really wants to be able to use the Rural lots for agricultural.

Chairman Swenson: Before you go, so to clarify, it was only every Rural Residential properties that you surveyed.

Sharon Johnson: Yes.

Commissioner Darton: I do not think I've heard of that before.

Sharon Johnson: Oh, I am sorry. Yes, because when I did talk to the Mayor, he told me what I needed to do to get started. I wanted you to know that is what we did.

Chairman Swenson: Okay, how many signatures? How many homes did you have on there? Do you recall? Was it around two hundred?

Sharon Johnson: It was a whole lot. Something around two hundred. We hit almost every Rural Residential. We got two no's and everybody else was for it.

Chairman Swenson: I remember seeing it. It was close to 300 properties. But again, to hear I think for the first time that it was all rural residential is good information. Thank you.

Bart Tanner: One thing that I think a lot of people might have trouble with is just the number of animals, you can have 12 pigs on an acre, or you can have 50 chickens on an acre. And that's where the problem comes in. Because the, like a pig, its smell doesn't stay on that, and you put 12 of them on there. And that's a big problem. That point system, I think is a big problem.

Susan Roberts: I also, like Sharon, have no problem with residential being taken out of it. I have no problem with that. On the 12.7 acre, I think you're taking the worst-case scenario, because I don't think people want to have 12 pigs and 50 chickens, they just want to raise animals. We are coming on hard times, I want to be able to have food, I want to be able to have animals, and I'm not going to have 250 chickens, I have two acres, I'm not going to have that. I'm going to have what I need. But I'm not going to have that. Most people, in my opinion, most people are responsible animal owners, they don't get more than they can handle. And so, you're taking the worst-case scenario. But what they're allowed, when that's actually not even going to happen, because they're going to have probably a variety of different animals. And if they have a variety, they're not going to have 12 pigs. So just for the record, I think people are good responsible owners. You'll have some get abusive. Right now, we don't have anyone that can enforce anything because the County Sheriffs will not enforce it because we don't have an ordinance that has teeth. But if we do have an ordinance that has teeth, then they can enforce it. If there's problems, but I'm with Ian, I think if we're good neighbors, I think everybody can be happy and everybody can have what they want on their own property. Like I said, I think the size of the acreage should be considered in there too. You ought to have to have like a minimum of an acre. 12 pigs on an acre is way too many pigs on an acre, especially when you got neighbors right next door. I think 50 chickens is an awful lot of animals on us. And you're not even stopping at a quarter of an acre or whatever. So that's, I think that's a lot of the problem.

Darryl Lewis: I'd like to say that I don't live in Silver Reef and I don't have CC&Rs. And I'm very thankful, understanding the legal promises that are made in zoning, that we have on the books, and people that have responded to that zoning, and bought property here and built homes under a set of rules that exists. Beyond that, just to clarify, and maybe this has been, in a way, a very good meeting tonight, because it's starting to filter out my concerns were the elimination of Residential. But I never bothered to say that I got a lot of pleasure from driving past country homes and seeing the animals and feel. And I really liked that, I don't want it in my backyard, it's pretty close, I have a pasture abutting my property. And when he has 15 or 20 horses with colts, and they've come galloping by my patio in the backyard. It's a beautiful sight, and I love it. I think in a lot of ways, it's been good to air this out. And if we can get residential protected and look then at the distribution of rural residential, and come up with ways to rework the numbers, so that the people, you know, like the Roberts who want animals can have them and they have a right to have them. And I support that.

Chairman Swenson: Thank you. There's a lot more of you that haven't come up, be brave. That was nice of you to come and see the process too. I'm not saying you shouldn't be here. If you're not speaking, you should be here for sure. Yeah. I'm going to give it a couple more

minutes. Feel free. You're here. This isn't the end. We're going to be doing this a few more times. So, I'm counting I'm taking a picture, I better see these faces in these seats again. Anybody else?

Chairman Swenson Call for nominations for Pro Tem. Tom Darton nominated Mark Rosenthal for Pro Tem. 2<sup>nd</sup> by Commissioner Robins. Commissioner Rosenthal accepted. Passed in a roll call vote:

ROLL CALL VOTE:

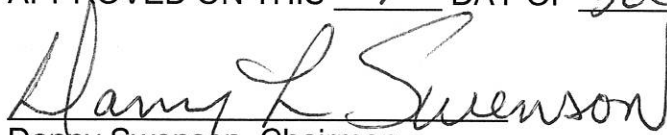
	Yea	Nay	Abstain	Absent
CHAIRMAN: DANNY SWENSON	<u>X</u>	—	—	—
COMMISSIONER: BRAD ROBBINS	<u>X</u>	—	—	—
COMMISSIONER: KEN HADLEY	<u>X</u>	—	—	—
COMMISSIONER: TOM DARTON	<u>X</u>	—	—	—
COMMISSIONER: MARK ROSENTHAL	<u>X</u>	—	—	—

9. Staff Reports:

Chairman Swenson announced Trunk or Treat, Saturday, October 30 at 5pm along Babylon Mill Road as well as the Leeds Chili Cookoff, Saturday, October 30, 4pm-6pm in the Peach Pit Pavilion He reminded all that Election Day was Tuesday, November 2, 2021. Leeds is Vote-By-Mail Only. Ballots must be postmarked by Monday, November 1, 2021

10. The meeting was adjourned at 8:43 pm.

APPROVED ON THIS 1<sup>ST</sup> DAY OF Dec, 2021

  
Danny Swenson, Chairman

ATTEST:

  
Aseneth Steed, Town Clerk/Recorder