

# Town of Leeds

---

## Agenda Town of Leeds Planning Commission Wednesday, September 1, 2021

**PUBLIC NOTICE** is hereby given that the Town of Leeds Planning Commission will hold a **PUBLIC MEETING** on Wednesday, September 1, 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 August 4, 2021
6. Announcements
  - a. Dumpster Days, September 3-5, Dumpsters Located on Cherry Lane
7. Action Items:
  - a. Election of Planning Commission Chairman and Chairman Pro Tem
9. Discussion Items:
  - a. Discussion Regarding Changes to Animal Ordinance
  - b. Discussion Regarding Historical Zoning 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 August 30, 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

---

# Town of Leeds

---

## Planning Commission Meeting for Wednesday, September 01, 2021

1. Call to order:

Chairman Swenson called to order the regular meeting of the Planning Commission at 7 PM on Wednesday, September 01, 2021.

ROLL CALL:

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

2. Invocation by Commissioner Darton

3. Pledge of Allegiance by Chairman Swenson

4. Declaration of Abstentions or Conflicts: None

5. Approval of Agenda

a. Tonight's Agenda: Chairman Swenson Added Mr. Kennedy and Moved up Historical Zoning discussion

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

ROLL CALL VOTE:

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

b. Meeting Minutes of August 4, 2021

Commissioner Hadley moved to approve meeting minutes of August 4, 2021 with the name spelling correction. 2<sup>nd</sup> by Commissioner Darton. Motion passed.

**ROLL CALL VOTE:**

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

6. Announcements: The Chairman pointed out the protection against fraud pamphlets and other resources made available by the Consumer Financial Protection Bureau.

Dumpster Days September 3 -5. Dumpsters will be located again on Cherry Lane.

7. Action Items:

a. Election of Planning Commission Chairman and Chairman Pro-Tem.

Commissioner Darton nominated Danny Swenson to continue as Planning Commission Chairman 2<sup>nd</sup> by Commissioner Hadley. It passed in a Roll Call vote.

**ROLL CALL VOTE:**

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

9. Discussion Items:

Mr. Kennedy: Hello Chairman, Commissioners. I own the property across the highway that is zoned five acres of multi-use and five acres of open space. We don't know if we want to go through the process of getting it rezoned. We want to stay minimal impact. Some ideas that we've come up with, my wife does horses, and we've considered doing a horse arena with some barns and some stables. We want to keep it pretty. We want to keep it nice, and then maybe some small storage. We've thought about going through the process of getting it rezoned Commercial and doing some light storage and some different things. I'm here tonight to ask Planning Commission for some suggestions. Should we go through the process of getting it rezoned? Can we keep current zoning and move some dirt and put a barn on it? We've been here before. We initially considered putting in an RV park. I have two other RV parks one in Idaho, one in

downtown Hurricane. That was our initial plan. We abandoned that idea, but I don't know if I want to sell the piece or continue to use it. My partner Leif Burton has been in contact with the previous Mayor. I think he has mentioned it to the new Mayor. But we're just looking for suggestions. Do we need to go through the process of getting it rezoned Commercial if all we're going to do is put a barn and some light storage on it? I'm not even sure which is five acres of multi-use and which five acres is the open space? So, I guess I'm here asking for help. We let people put their cows on it to keep the weeds down, and we've done a lot better this year at keeping the weeds down. We took the cows off. Now my wife would love to build a barn and have a horse property, but not permanent structure that anybody lives in. We might have a trailer there that people use rarely. That was one of our thoughts.

Commissioner Darton: Are you wanting to have a horse boarding business?

Mr. Kennedy: No. Well, it could eventually become a business with some horse boarding, but my wife boards two horses in St. George right now. She would probably keep her horses there instead. If she had friends that wanted to board the horses there. She may do that.

Commissioner Darton: If you're not going to do something commercial, I'm not sure that you would want to go through the process of getting it rezoned Commercial.

Mr. Kennedy: We may in the future. I mean, at some point, we were thinking we may do Commercial with it. I guess the number one question would be, what can we do at this point with current zoning. I read all the multi-use. It isn't even close to what we want to do.

Chairman Swenson: What do you want to do, you've looked at multiple use commercial properties and spaces?

Mr. Kennedy: Neither one really fit. Especially, if at some point, we do; we've also had somebody that's asked to store fences on the property and without going through the commercial process we can't make any money, obviously, off the property. I'd rather not sell the property, because I know that anybody that's going to want to buy that piece of property is going to want to have more heavy use than probably what I would even do with it. I'm totally open to light impact. Just want to keep it as light impact as possible.

Chairman Swenson: Well, you've already looked and see that if there's any uses that are in the commercial area of the codes, you would need to rezone it. Right? Part of the issue is when you were here before and you were talking about a trailer park, did we bring up before that there's wetlands there?

Mr. Kennedy: Yes

Chairman Swenson: I don't know how that fits in your plans. I understand they're still wetlands. I don't know whether things have been divided. It gets wet, and if it's classified as wetlands, I can't tell you. I think of all the things that you did before the trailer park idea was a good one. Storage? There is storage right across the street from it. Some of that would have to be zone changed. I don't think you can go wrong with what you want to do and what you're talking about now.

Mr. Kennedy: Okay. What's the process if I put a trailer and then started building a small barn? What's the process that I would need to go through for those two things?

Chairman Swenson: Come over and speak to the lady right over here in this office and get a building permit?

Mr. Kennedy: Okay Can I start moving dirt? One of the things I wanted to do is just make an oval so I could get my car in and out of there. Can I move dirt without a permit?

Chairman Swenson agreed because both zones on the property included wetlands the town planner and building inspectors should be consulted. Commissioner Darton asked Susan Savage if animals could be ran on the designated Wetlands.

Susan Savage: I question about wetlands because I've heard people say that through the years, but four or five years ago I researched that and there's nothing in this area that was designated wetlands. I don't know if it would have been designated recently, it would have been recent.

Chairman Swenson explained that had been researched by an individual looking at buying the property prior to the present owners and Planning Commission approached decisions from that standpoint, but Scott would be the one to verify the wetland classification as valid. He said that even if the property was dry parts of the year, the underground water aquifer would still need to be considered in the choice of development. He voiced support for the ideas of development that were presented so far and was not clear what had held up progress in the past, but perhaps the wetlands had been the issue. Mr. Kennedy said he lived close. He was almost a neighbor. He would like to do something with the land and would rather not sell it.

#### 9b. Discussion Regarding Historical Zoning Ordinance

Chairman Swenson acknowledged Doris Brown McNally. He thanked her for coming and said he and Doris had discussions.

Chairman Swenson: Doris and I have talked a couple times and that's been good. My proposal is this. You have some names of interested people that would like to meet as a committee. I told you that was a desire of mine. What I would like to do before we even discuss this, I would like to get those names from you, if you would, and their phone numbers, as well as anybody that is interested. And I would like to call a meeting together with everybody and address every single issue.

Doris McNally said she had given the names and numbers to Aseneth at Town Hall over a month and a half earlier. She provided them again.

Chairman Swenson: I would like to address each and every issue. I'd like to personally call them and invite them. I am going to invite the President of the Silver Reef Museum, Ron Cundick. I would like to get a volunteer from the board here. I can only get one. I would like Ken Hadley to do it because he is the owner of the Tithing House down here, he's involved with the historical part.

Doris McNally: Okay, have you considered having a separate group of people to deal with that area? Because of course, we are going to be representing the concerns of the museum.

Chairman Swenson: We are combining it all. We are combining that issue and all historical concerns. We got three different historical things.

Doris McNally: Are we inviting people from that area to try to join us too?  
I am just inviting Ken Hadley and possibly the attorney assigned with Washington County. If they can schedule it.

Doris McNally: Where is the process right now. I know it came to Planning.

Chairman Swenson: It hasn't been anywhere different than when the last time we talked.

Doris McNally: Okay, so there's no marching orders of time or anything like that?

Chairman Swenson: Nope.

Doris McNally: Thank you for the opportunity.

Chairman Swenson: I think it's a good idea. I'm here to serve. Let's get together and do it. Thanks for coming. We will make sure that you can get the names and phone numbers to me, and I will get back to you and come up with a date or two. Okay, Doris?

Doris McNally: Thank you.

Chairman Swenson: By the way Doris, I met with a different attorney. Victoria Hales, she is a land use expert in the Washington County office now. She will be representing Washington County for all properties. She will be our contact attorney as far as land use.

Doris McNally: Okay. I didn't know we were involving a lawyer.

Chairman Swenson: It's not our lawyer. It is the representative from Washington County involving land use. It is Washington County's property given to the management of The Historical Society. I'll bring all that paperwork along so you can see the history of the last 20, 30, 40 years.

#### 9a. Discussion Regarding Changes to Animal Ordinance

Chairman Swenson: The animal ordinance. I commend everybody that was a part of that. Tom, thank you for taking that assignment. It looks good. I think most of us will be pleased and so let's discuss it and see what changes there might be.

Commissioner Darton asked if any citizen wanted to comment on the proposed draft before Commissioners discussed it. No comments.

Chairman Swenson referred to section 1.2. Aggressive Animal and requested the word "worries" be reconsidered as the term is too subjective. People often worry unnecessarily. He gave the instance of his 15 lb. barking dog that is not capable of harming someone, but the bark may cause worry. Commissioner Darton offered to replace the word "worries" with "threatened or chased" as they are directive, not objective. It was agreed to remove the term "worries".

Chairman Swenson continued to section 1.10b, Dangerous Animal. He asked where the specification that a 10-foot snake was to be considered a large and dangerous animal originated from, and wondered if a 10-foot rattlesnake had its rattles removed, if it then classified as small animal and not dangerous?

Commissioner Darton said he used searches from other communities' animal statutes and that was where the specifications came from. If it was 10' 1", it classified as exotic animals. He said people have boa constrictors that get even 20 feet and very dangerous. Ten foot was a standard. Chairman Swenson said I'm sure you brought it up from somebody's statute because if somebody's got it, there will be a little history on why. They may say, hey, everywhere else allows me to have 12 feet. He said I'm just trying to avoid something down the line if something like that comes up.

Commissioner Darton: Boa constrictor or constrictor snakes can sometimes get larger than that and could be very dangerous. It could probably take out a full-grown individual, but a child, definitely. While we want people to be able to have the animals of their choice and the pets of their choice, we have to also worry about some safety issues. So, 10 foot is an arbitrary number. It wasn't the number that I came up with, somebody else did, and it sounded reasonable to me. So that's why it's in there.

Commissioner Darton pointed out that the reason the large and small game birds were not addressed at the same time was the classification was in alphabetical order.

Chairman Swenson: Section 2.3. I just want to make sure this is correct. Law enforcement officer. Do you mean a sheriff without the aid of a warrant? Now, I know several years ago in Los Angeles, the only person that could make entry for game purposes when not without a warrant was Fish and Game board. Are you sure? Because law enforcement could not in California, it's been a few years ago.

Commissioner Darton: Well, again, I was mixing and matching from different ordinances. I think it may be the one I took from law enforcement, but we may need to check on that.

Chairman Swenson: We need to check on that because I think the only officer that has that kind of powers is Fish and Game officers.

Commissioner Darton: Okay. Let me make a note. Because we don't have a lot of enforcement entities in the Leeds area we were trying to be as broad as possible. I will check on that.

Chairman Swenson: 6.6 under roosters?

Commissioner Darton: I fixed that. I changed that to "Notwithstanding anything in 6.2 to the contrary, not more than one rooster for every 20 chickens authorized under 6.2, may be owned, possessed, harbored, or maintained." And that reads a little better than it did.

If we could go back to 6.2.1. We've got in Section 6.2. A point system. How many different types of animals can be on different sizes of properties. Dogs and cats are specifically not included in this point system. This is for later. And the way I have that written right now it says to see section 7.7.6 and 7.8.2 for limitations on the number of dogs or cats authorized on property zoned residential and/or rural residential. My question is, do we want to have a cap on the number of dogs and cats on any property and require them, if they have more than the cap, get a kennel license?

Chairmen Swenson: I'm glad you bring that up as that is my next one. 7.7.6 talks about that, and limited dogs at three. I didn't know why three dogs and six cats. Why not six dogs, three cats?

Commissioner Darton: The cats don't bark nearly as loud.

Chairmen Swenson: I think I've seen somebody walking all the time with four dogs, little ones.

Commissioner Darton: Right. This was at our committee meeting; we had a big discussion. There were

varying opinions on how many dogs is too many dogs. Three was the number that everybody could get behind. I think my original number was 17. And people didn't think that was reasonable.

Chairman Swenson: Well, let me give you a little story that happened. Maybe one is too many in some places, right? Depends on a lot of things. So recently, I had a phone call from somebody who had a goat in their yard, eating their ornamentals, like as fast as a goat could do. And he wondered if I knew whose goat it was? I thought I knew a couple people. I made a couple calls. No, it's not their goats. By the time I got back to him, I said, hey, I even called the ranch down here and talked to the Joneses. I know they had sheep, but do they look like this? And did they get away? Nobody knew who's it was. Turned out to be the very next-door neighbor. Okay, the very next-door neighbor. Now what's neat was, that's what we want animals to be. That you don't even know your neighbor has it. Right? You can't see it. You can't smell it. You can't hear it. Even if that situation was not in compliance. That's what you want with an animal ordinance. That it's not bothering somebody, but they want it for the milk, the raising, the whatever the case may be. So, if somebody has one dog or six dogs, or horses or whatever, I like your point system, but we're talking about the dogs and cats. I don't know what the limit should be because somebody could have four or five dogs and you'd never know it.

There was citizen comment and discussion about classifications and what was considered feral cats and nuisance dogs. Ange Rohr was present on Zoom and contributed to discussion and classification on roosters and appropriate roosters' to chickens' ratio. Commissioner Darton verified that the noise would necessitate a definition of nuisance in the ordinance. When an animal became a nuisance, it would be addressed. He said noise is one of the reason peacocks are outlawed in Leeds. It was brought up that all this could be by passed if there was a complaint method and an enforcer that worked on a warning or strike system and penalties would increase with strikes. The question of animal license was brought up and Commissioner Darton said that if the ordinance is passed the unlicensed animals would be picked up and or ticketed because this ordinance would have some teeth to it so law enforcement would penalize for noncompliance.

Chairmen Swenson: What I've been hearing with comments is it almost doesn't particularly matter with the number that a person has, it is unrelated to whether they're having a commercial kennel license?

Commissioner Darton: At some point it becomes a problem.

Chairmen Swenson: We are addressing that and maybe this is appropriate maybe it's not to go from one animal to another. I'm just thinking out loud. If you're not a kennel, and you just have four animals, and it's not a commercial kennel for you, then go get a commercial kennel license just so you can have an extra animal.

Commissioner Darton: What we have here in Section 6.3. To own, possess, harvest, or maintain animals, not listed in Section 6.2 above or in excess of the authorized number of animals. The property owner must obtain a conditional use permit. If we didn't want to force them into the kennel license and make them go through the whole commercial process. We could say okay, here's a number that you can have but beyond that, you need to come and get permission.

Chairmen Swenson. I like that. Force licensing to a commercial entity just to have another pet, didn't seem right to me.

Commissioner Darton: Okay. Let's go with four. And then if you want more than four, you must get a conditional use permit.

Chairman Swenson asked about section 9.2 A stud horse cannot have a rider under the age of 18.

Commissioner Darton: A stud horse is used for breeding. Now this was one lifted out of another town's ordinance. I'm guessing that the age was because a stud horse can be a little spirited. And it could be a safety issue that you want somebody if they're going to be riding it to be someone who can handle it. And who will not get hurt or not hurt somebody else. That's my guess. So, age limitation and who can ride it.

It was suggested to remove and strike that section completely.



The discussion revisited the rooster to chicken count, and the final decision was to leave it at one rooster to 20 chickens and let the noise nuisance ordinance manage complaints through a strike system.

Ange Rohr: Okay. This one is in 1.2. Public Nuisance. One of the aspects was lunging at fences. I was thinking in terms of if the dog is provoked, or whatever the animal is, and lunging at fences, but not endangering the person because there is the fence, is that .... I mean, in 7.4.1.1 d and c it does say, provoked. If the animal's provoked or protecting its owners. If they're at a trial, that would be an excuse. But if the animal is picked up for lunging at a fence, and you must go to a trial to figure out that no, you can have your animal back. Lunging at a fence does seem like a kind of overkill.

Commissioner Darton: Have you ever seen a vicious, almost rabid dog behind a fence as you're walking by? If you have, then you know what that's talking about. And I would hope that an animal control officer or another officer who was called to deal with that would be able to distinguish between an animal that just is just hyperactive running around versus one that is vicious. That's why in every one of these, where you have vicious, dangerous, or aggressive animals, all of them have the defense that the animal was provoked, that someone was there harassing the animal, that's a defense. Animals should be able to protect themselves too, not just people.

Ange Rohr: Yes. And then this is just a housekeeping comment. Sections 7.4.7 and 7.5.6 and 7.6.4 are basically duplicates, or triplicates. They could be combined. All those terms: attacking, vicious, dangerous, and aggressive could all go into one line, instead of three different lines.

Commissioner Darton: You're suggesting, instead of having separate sections for vicious animals, for dangerous animals, for aggressive animals, or for attacking animals, to have them combined into a single section?

Ange Rohr: Yes.

Commissioner Darton: Basically, they say that any person may kill or injure an attacking animal while it's in the process of attacking or biting someone, or a domestic animal or a livestock animal. It's the same thing in all of those, whether it's vicious animal, dangerous, or aggressive animal or an attacking animal. The final section says that anyone can kill that animal to stop the attack.

Chairmen Swenson: Okay, but that right there is only for 7.4. So, you'd have to say that in each one, unless you put all those in this little one, but in a format set system like this. Each one of the subsections need that statement if it pertains to that subsection. Does that make sense, Angela? Because they are different subsections even though that one statement says the same.

Ange Rohr: Okay, it was just a housekeeping comment. I understand.

Commissioner Darton: Vicious animal and dangerous or aggressive animal can be a Class C misdemeanor. But the attacking animal there's not. It doesn't say it's a Class C misdemeanor. So, those are a little bit different. But I was just looking to see, could we combine them.

Chairmen Swenson: Not if it is a separate subsection. Just leave it like it is.

Commissioner Darton: Angela, anything else?

Angela Rohr: No. That's pretty much it. Thank you. Oh, and thank you for the wonderful job that you do. And for your humor?

Commissioner Darton: Well, I would say that it was a pleasure. But I would be lying, and everyone

would know it.

It was agreed to make the changes to the ordinance draft and conduct a Public Hearing next month. The whole draft would be made available on the website before the Public Hearing.

10. Staff Reports: None

11. Adjournment

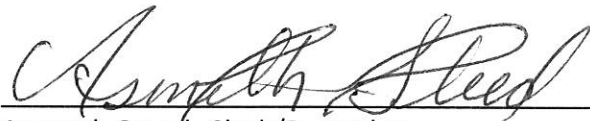
Meeting was adjourned at 8:16 PM

APPROVED ON THIS 6<sup>TH</sup> DAY OF OCTOBER, 2021

A handwritten signature in cursive script, reading "Danny Swenson", written over a horizontal line.

Danny Swenson, Chair

ATTEST:

A handwritten signature in cursive script, reading "Aseneth Steed", written over a horizontal line.

Aseneth Steed, Clerk/Recorder