

Erda City Planning Commission Minutes

3/15/2022 at 7 pm

Tooele County Building- Auditorium

View-Only Live Stream on YouTube: <https://tinyurl.com/2p8ffjfnx>

Call to Order

1. Roll Call

Cory Warnick, Kathleen Mallis, Jerry Hansen, Diane Sagers, Matt Luker, Russ Brimley, Mark Gull

2. Pledge & Prayer

3. Approve Planning Commission minutes from March 1, 2022, Motion approved

4. Public Comment

Michael Jensen- Agenda, # 7 question on timing of Simultaneous Applications, there needs to be a 10 day notice, is a public requirement, comments, we can't rush this and we have to get it right. The animal ordinance and why are we taking in to consideration the time effort with the current ordinance that exists with the county. Councilman's Smith said there was yet to be a complaint that 50% more animals. 2 applications and there are not at all. makes no sense. Why are we going to discount this? What happened to ordinance discussion?

Gwen Young- We seem to want to rush a lot of things without reason for rushing, not licensing and registering business licenses we need to take time and encourage committee to slow down and do it right. We set the foundation for the new city. Self-governance doesn't work. Make it logical for the new city. Look out for the majority of the committee and look at why you are doing things. You have a duty to do it right. There are ordinances for a reason having no registration for businesses doesn't make sense. Encourage committee to slow down. Look out for the majority of the city. You have a solemn duty and look out for the majority.

Brock- Animal ordinance, majority don't have the animals this doesn't apply to them and we are trying to do the right thing. Does it need to be done right now or do we take the time to do it right? 5 acres is not a ranch for a farm, its place to have a home. It's not a place to have a large amount of cattle and those who want a herd of cattle need large piece of land. No animal ordinance at all is not a good thing. Not everyone governs themselves and is taking care of the problem. It doesn't affect most people

they can take care of themselves. Having no ordinance is not good for Erda.

Jeff Neil-Thanks to the council for serving and willingness to do the job. Satisfied with the council, has concerns over stop signs and need a balance and to have enforcement for the rules and laws, are we willing to enforce the ordinances and what will we do? Is the city ready to enforce those laws and how do we go about it, are we willing to enforce them? Consider them as you go along.

Troy Kirk- Business Licensing-No regulations on homes businesses wants to have a trailer park, homeless shelter and food kitchen etc. Animal Ordinances - He has a neighbor who has 100 head of cows and problem with flies, stench and they were threatened to change the ordinances and regulate the animals and how many they can have. Neighbors can be a problem and he is tired of hearing that he should have stayed where they lived before. The neighbor has tons of cattle and dogs and other animals that are causing problems. We need to be reasonable to consider the changes.

Shelly Dahl- Self-policing doesn't work, consider the Tooele County ordinance please, she said she was told that if you don't like the neighbor to sue the neighbor. Keep people in check, people need to be able to grow their own food, however having a feed lot and pig farm are not reasonable or the area. Look at zoning, large scale animal operations are not appropriate for residential zones, it best to be reasonable and disallow businesses that are in this type of business. There are always going to be a few that.

Motion to close public comment by Cory, 2nd by Diane and Jerry

5. Direction from City Council

- i. General Planning- Councilman Terry Miner in attendance
 - 1. Somas General planning still being worked on they are moving forward as planned and Diane and Jerry will be in attendance, there's a meeting on 3/16/2022 for that plan.

6. Administrative Items

Update meeting schedule- Planning Commission

4th Tuesday's are available at the office space here in the Tooele County Building.

Do we start in April or go in 2 weeks? Agreed by the commission, March 29th will be the next meeting. City Council needs to approve the dates for meetings. Motion to send meeting schedule for council members to approve, all planning commission members approved to move forward.

Proposed Land-Use and Appeal Authority (See Agenda Chart)
Document Posted Online, group is designated. Sample cart provided online.

7. Legislative Items

Discussion

Zoning and development agreements have caused heartache in the community, Cory Warnick initially suggested getting rid of PC zoning says they can get something smoother that would work better.

Proposal to City Council and Why don't you want city Engineer to review it? Engineers are the specialists.

Development agreements- involved in water and land of the owner, comment from Darald Anderson, there are some elements that need to be in the development agreement, Traffic studies.

Agreement with the City and developer and to keep the PC re-zone, Oquirrh Point, perimeters and goes in from the engineer and planning commission. He doesn't want to see the PC go away. You may want to have planning and a PC zone for the city.

Comment, Development agreement side, some of the things you can do with the development agreement, water is a big issue in Tooele County and what can the developer do to conserve water? Suggest some proactive ways to benefit the city, something as simple as have them pay for a road and add some value to the community. Come to some agreement that goes beyond the elected officials and have the long-term agreement for the planning approval with the development agreement. Think about the open spaces and add value overall.

Where will they get water from?

Where will the sewer be and go to?

Engineering review will add some additional information and insight.

Are we rushing through this as a planning group?

Motion Jerry Moves to forward to the city council with amendments made tonight, motion to be made, approved to move the documents to the council and roll call vote.

2nd by Kathy with a roll call vote starting with Kathy, Cory, Russ, Mark, Jerry, Matt & Diane, unanimously passes commission

Public hearing on the Animal Ordinance not to be voted on tonight. 6 months deadline for the city. No vote on animal ordinance today, there is only a rush if the city wants to change the ordinance from what Tooele County has in place.

Proposed- ADU (See documents posted online)

Detached ADU ordinance & Internal ADU ordinance

Change – is there allowed only 1 Detached ADU on the property
Detached or Internal? Does the property owner need to reside there?

Utilities

Comments, concerns about not having the property owner there and can there be exceptions made? Can they have a variance and who does it impact, the neighbors and owner?

Utility meters

Why would they want an ADU? For Rental and other purposes what is the intent of the property owner, is it permitted and do they need a conditional use permit?

Intent verses outcome, addressing issues of acceptable ordinances we need to be reasonable and fair. Would we allow a family member or some other person in the ADU?

Conditional use can but put to use, anyone can build.

Open Public Hearing

Likes the ADU's and appreciates the council to allow it be, but to be careful to require the owner to be there, what if in the case of a mission or temporary leave of the owner? There is no way to require an internal meter for utilities on Internal ADU's.

Close public Hearing

Talk about the Internal ADU, and can they have an external ADU and Internal, can they have them both?

Mark- permitted Internal ADU, can this potentially turn into a multi-unit issue, how do you do this on 1 acre lots, parking Addressed in the state statute, renters not invested in the property.

Proposed language:

What if someone buys 10-1 acres and puts up 20 homes and needs to care for the place? It's all rentals, we can't just let them do whatever they want. Neighborhoods have covenants and there are some rules to comply. Certain circumstances happen and people need to have a way to cover the costs and home.

Discussion to wait 2 weeks to decide how to move forward. Russ says to leave the ordinance as is, but to have some investment from the property owner and needs more from public comment on this. Do we need something to motivate the property owner? And is intent of the ordinance to leave it to the owner if they need to rent it out?

Property management is another issue and needs to address that. Parking with the business and the size of the property is another issue to address, the neighborhood becomes an issue.

Property Owner Shall Be Responsible- Externally may need meters for utilities.

Motion

Table until the meeting March 29, 2022, Motion Second, PC will table the discussion until the meeting, all agreed to table the item.

8. Comments From Commission

Detached ADU (see Posted Documents online)

Concerns:

Sugarhouse has 7000 sq. ft. lots and are building Detached ADU's and there is no parking. Overcome this issue with sufficient parking and setbacks provided in the ordinance, they can be the size described in the state code. Section 7, doesn't want to have one built right next to the other.

How do you define backyard? Be covered under engineer review and space, how do we make it fair and those that need access to and from the unit. Are worrying about something that doesn't exist? #4 May only be rented long term, take out the RB and B (Residential Bed & Breakfast) potential from coming in.

Some council members like the RB & B (Residential Bed & Breakfast) concept, suggest public hearing and input.

Public Comments, HOA's covers this if they exist on the property. They can be beneficial for short term rentals. Utilities co. regulate the metering and the owner of the land.

Off street parking, Erda can set the regulations and the enforcement by the police and other enforcement.

Size of the Detached ADU is, recommended to move forward to the council for passing.

Can a ADU have a basement or a cellar only? Is the maximum of the total feet 1500 or .75% of existing home?

Summer Fackler-Putting an ADU on a 5-acre lot, she wants to have her ADU next to the home near her parents for convenience and use of the utilities and access roads.

#8 says 1500 is the smallest that can be built we need clarification the Size of the units.

Public Hearing Open

Michael Jensen-Comment to planning commission, he says they need more time to think through this and not rush it. Consider unintended consequences that may come from the size in ordinance.

Why are we limiting how many ADU's we can have on the property? Why is it ok to not govern animals?

Clyde Christensen- Flower business in east Erda. Cut flower business and a separate building and 2 big homes for the workers, they wanted to have 2 big ADU's on the lot, is that another zone change now that we have some existing issues? Parking for larger lots not an issue especially the 5 acres lots.

Terry- The issue on ADU's, he disagrees with the requirement for the ADU to be at the back of the lot. If the lot doesn't allow for the ADU at the back, it's not going to look good. Think about the setbacks on the property.

Mother-in-law apartments and use of wording in the ordinance especially internal ADU's needs to be addressed.

Motion to Close Public Hearing. All agreed.

Suggestions from Commission

- Wording on INTERNAL ADU left intact.
- Open for next meeting
- Utilities left out
- Leave as is
- Re-word

If you have a house, you can choose either, 1500 sq ft. minimum or 75% maximum. Maximum feet of a Detached ADU may be either 75% of primary residence square footage or 1500 sq feet. Set a maximum up to a certain square footage, Set-backs will control some of this issue. Consider an upper limit.

Motion to discuss External ADU tabled for the next planning commission meeting. All commission members agreed.

Input needed for the Businesses discussion for the public.

Motion by Cory to open a public hearing on Business Licenses. Approved

Business Licenses

Public Hearing Open

John Stout- Fire Marshall, He watched what happened to the business license Issues, self-rules, doesn't work and we need to license these businesses, needs to be defined as a City, the state statues say they don't have to do it.

The fire department has an obligation to inspect the home business as required by law. There are state regulated businesses that have to be inspected and he wants the council to consider these types of commercial businesses that are not permitted to operate out of a home.

Businesses should have to have an EIN and registered with the State of Utah to run the business.

Michael Jensen- Great input on the fire dept. and cannot rush the issues, he thought about a conditional use permit, keep residences in check and that the owner of the business needs to be the property owner. The purpose of where he lives is residential. Same principal for all the animals and home businesses. He said it will run wild if we don't set boundaries and ordinances, businesses are being run now in the city without conditional use permits. Mentioned City council Bird doesn't have a conditional use permit to operate his business. Why are we not collecting taxes on home-based businesses run in our city?

Concerns that the business Complies with State Tax law, Files taxes, concerns about the property owner doing whatever they want to do. Neighbors can see all

of the business goings on and does that really make it for the purpose of the community? We need to regulate this so that taxes are not missed on the businesses that are being operated.

Unknown person- (didn't provide name) Business owner, he has a transmission business and wants to store the goods and oil in his back yard no one will see what he is doing, is that ok, what is the city going to do? There will be property owners who will do it.

Public Hearing left open until 2 weeks from now.

Notice of a Public Hearing regarding simultaneous applications County zoning, must be posted for 10 days, asked to move the item to the next meeting, city council added a land use application.

Says there cannot be 2 applications at the same time. Motion to table until the next meeting, agreed by commission until the next meeting. All in favor to table for 2 weeks until next meeting.

Council comment on Animal Ordinances for the city. Located in Tooele County Chapter 15. Need to review Tooele County ordinance online.

Matt Luker- 5-acre neighborhoods, address the subdividing of lots and have the neighborhood in which the subdividing is taking place, have a certain percentage of neighbors agree to subdividing of the lots. Property owners want to subdivide lots needs to have rules.

Motion to close the meeting, all commission members agreed 9:37 pm.

Note: these minutes represent a summary of the meeting and are not intended to be verbatim.

Prepared by: Mariann Camomile



Cory Warnick, Planning Commission Chair

Approved on 3/29/2022

Mariann Camomile, Erda City Resident
