

Erda City Planning Commission Minutes

4/12/2022 – 7:00 pm

Tooele County Building - Auditorium

Video call link: <https://meet.google.com/wur-dfxv-zsb>

Call to Order 7:01

1. Roll Call; - Attending Russ Brimley, Jerry Hansen, Cory Warnick, Diane Sagers, Kathleen Mallis, Mark Gull, Matthew Lukar
2. Pledge and Prayer Matt Gull, Cory Warnick
3. Approval of Minutes from 3/29/2022 - Diane had some corrections they've made. No other corrections were done. Russ Brimley seconded the motion made by Jerry Hansen. Vote Unanimous

4. Public Comment on topics not on the agenda-

Diane suggested having a speaker on the podium to hear commenters better.

Diane motioned to end public comment, Cory seconded it. Ending public comment

5. Administrative Items – No public input
6. Legislative Items – Public input

- a. Proposed Business License Ordinance

It sounds like we are considering two fees. We've changed it to a home based business ordinance. It's supposed to be low impact.

We want to create room for people in this situation. For those not making any impact we want to make it as easy as possible.

They will need to comply with county code, fire department code ect.

Mike Jensen put a definition of a junkyard. We've added some business licenses which will be granted to any who fits the requirement of low impact.

Any business that doesn't qualify as low impact will have to apply to Erda and pay the \$25 admin fee. Business licenses will be renewed every year in July.

We will open to public comments and keep them to 3 min or less.

Business hours could be regulated but not business activities. It's different if it's something making a lot of noise. However there are a lot of people who run home based businesses after work.

Could a low impact business have a 4x8 foot sign out front? If it is low impact and does not pay a fee, should we limit the ability to have signage.

We are trying to balance residential vs commercial. Letting people use their home as they want, but have balance. If you have a uniform on and act like a business then you need a license. It's a limit on how you get to affect others.

Do we agree that all businesses need to register?

That's under section F.

If we have a business that is registered with the state but they didn't get a license in Erda what do we do? How do we enforce it? Do we ask them would you be against paying a \$25 impact fee? And at what point is what you are doing considered a business?

The state of Utah has a rule about what would classify what would be considered a business. Why are we starting from zero on defining this? I think Jensen had a point. Are we planning on having conditional use permits for home businesses? I don't see a clear line of delineation. When does it become a nuisance? Maybe we can get an attorney to look up what the state code is.

Cory, some state laws are different from city laws. The intent is to let the good citizens who are not impacting the area have a small or no fee.

For example the Honey Bucket place would pay \$45 a year. Will we also have them have to have their stuff in a shed? I would have just died if they had pulled out 50 outhouses next to me. How would we enforce this? I would need to believe if I didn't follow the rules that the police would come and let me know that I needed to follow the rules.

If people don't want or need a business license then should we make them have it. We are trying to find where the line is for people needing the business license.

Hallie with Proof Positive, called in. When I first came out here I had a \$35 a year license that I paid for. Later I filled out a questionnaire from the city and I ended up being exempt. Let's contact Tooele city and see if we can get what their requirements are.

I am interested in having a permitted ordinance that will set the standard. That will allow people to operate within guidelines. We want to give people the ability to own and operate businesses. Maybe we just have the "junk yard" as the idea. We have a neighbor who is storing tons of AC units that are making a huge mess of the area but might not be considered a "junk yard". My point is we are trying to keep things neat and uniform.

I think we are free and should be able to do whatever we want. We shouldn't have the government detail every single exception. Let's point out all that wouldn't be okay and let people operate however they want within those guidelines.

We had a business come in with all those cars, but they built a fence around it to keep things nice.

If we are going to have a licensing fee based upon their impact on the city. Like if their traffic is wearing out roads faster we charge more for the burden it is placing on the city. The purpose of the administration fee is that it is helping with the maintenance of the business licenses.

In reality I think we have a lot of good things that we have here. If you really want to specifically carve out the offensive things we can try that. I think that's what those conditional permits are for. I am interested in trying to help those other low risk or exempt people. I feel we are in a good spot. I just want to know how we would challenge people's assertion of being low impact.

Maybe it's as simple as what you will have on the outside of your home. If it's a lot of items, or is it something like too many light's, noise, ect. We want to try and find something that will work.

If it produces offensive noises it would not be considered low impact.

Meeting attendee- In the situation of a conditional permit, would it be brought before you guys or who decides that?

It hasn't been decided for sure, it could be us or perhaps the city council. The city council is working on the specifics of that.

I think we need to do something with signage. If you are low impact, why would you put up such a large sign? If you are low impact then you are low impact. If they don't have to have a license and are low impact then why would you have a sign.

I left this open so we could discuss it.

I think we need to have some level of restriction that has some common sense to it. At least for low impact business. There should be a limit.

If it's 2x2 like a realtor sign that is okay, I'd even consider a 4x4.

If you put up a big sign then your business is evolving and licensing needs to be changed.

What would we want the size to be? Let's suggest a 3x3 for low impact?

In item 5 what do we want to consider hours of operations for them?

If it's truly low impact then it shouldn't matter. Like a stock trader who does it all hours of the day.

I don't want to restrict people's business hours. But what business would specifically fall under this non impact category? I have a neighbor who operates in the back of his yard and you'd never know he operates it at all. I am asking, do we even need a requirement of business hours?

What if you have a dump truck that has to come pick up your larger garbage at 4am. We want to avoid the disruption of neighbors. Would that be considered an offensive noise?

I am in favor of crossing out #5, all members agreed.

We have plenty of business owners in Erda that are truckers. Is there anything in here that would classify them as low impact?

If they are noisy then it would be covered by the restrictions. Maybe we add something about added wear and tear on roads. I like that as it would also include other heavy equipment.

If someone has their own personal semi and trailer would that be different. Where is the defining line of low impact or not.

We can carve out specific things covered and those not. Such as commercial trucks, semis, dump trucks, vehicles over 1 ton.

They have more impact on the roads. But people really won't be looking out to get business licenses for them so does it matter?

Should we add a class 3 vehicle ordinance that would classify it as not low impact.

We will add if it does operate as part of the business a class 3 vehicle or above 26000 lbs it is not low impact.

All members agreed.

In B2 Mike made a great point, we don't have an occupancy limit on our properties. There are occupancy limits on business. But if it's out of a home do we limit the amount of employees?

Let's come up with a number of employees that would then make it no longer low impact. It would add to the noise, and street congestion.

We need to be reasonable enough to set that limit, maybe we should look at what is currently being done. It speaks to onsite employees right now, but we also need to allow them to operate

Maybe for those that have more employees it would increase the license by having a fee per employee. It would help us set the limit of what would be considered low impact.

We can't think about the 1 we need to think about the 400 businesses that each have 1 employee. It would add up.

I see 1-2 employees being low impact. Let's make those individuals in the low impact and let them.

Mark proposed 3 employee limit, Russ thinks 2, Jerry 3, Cory 3, Kathleen 3, Diane 3, Matt 2. It's a 5 to 2 vote.

Anything more than 3 employees that come to that business classifies it as no longer low impact.

Maximum number of onsite employees is up to 3 not including current residents. They can exceed that limit no more than 2 times a month.

We are going to let the homeowners next to the business decide if the business are having offensive noise or other offensive factors. If that occurs then the business would have to be required to obtain a business license. And pay any fees associated with that license.

There are a lot of changes made to D,E,F,G, are there any comments or questions about those changes.

What does Tooele require for an entry level license? \$35'ish?

I am just asking about the dollar amount. Do we like the \$25? If the typical going rate for that license is \$35 we should keep it that way.

From what I understand, any admin fees do not fully cover the cost for the upkeep of licenses in the city.

Let's start at \$35 for each license?

Council Vote is 5-2

We will do \$35 for a starting license.

I like D, and E the way it's written. Except for the housekeeping that Dianne has done.

We have a lot of businesses that are low impact that I have nothing to do with. But what if there is a business that I can support? I was brought up to support local businesses. We want to support local businesses so that their business will stay here and not move to Salt Lake. If we don't have a record of them somewhere how can the community support the businesses?

Maybe we can do something on a website where they are listed. And each business can select if they want to be listed or not.

The idea behind G is the cost is more if they do the licenses throughout the year instead of having them all due in July.

i. Public Hearing is currently open-

Tyler Mangum- This is my first meeting. I don't think I qualify for a low impact license. What's next for me and those who wouldn't qualify. Right now I want to know what's next.

Right now we are following the Tooele county regulations, and we are working to figure out what your situation will be.

Michael Jensen, Erda- Glad to hear we are working toward low impact to more impact. I came with the intent to talk about operation times. I hope they won't have them with low impact. I am concerned about a buildup of cars in neighborhoods and traffic coming and going. What if my neighbor runs a business fulfillment center? What happens with the traffic? I don't think that would classify as low impact. Lastly It seems to me we are working well with Tooele county land ordinance. Why aren't we just using theirs? Is there a problem? Why are we reinventing the wheel? Why are we opening a Pandora's box that might open up a bunch of loopholes. For example what if there is an electrician with a work truck. How would we classify that? Right now as it is that would be a simple fix. Let's do that instead of rewriting the whole idea.

ii. Close Public Hearing :

Mark proposes close of hearing, Second by Cory. Voting unanimous.

7. Comments from Commissioners:

I am trying to figure out which business won't qualify for this. Other than having a fenced in area, or a noise portion to add to it. What will be needed?

That's why they have an individual use permit. That way we can adjust it. Then when people are making more noise we can address it and adjust it. That way we can word it anyway we want for each situation.

I thought a low impact was for them to pay less of a fee. Or have others exempt like for kids mowing lawns or IFA selling pigs. People making more than 100k should pay a larger fee. Could we have an exemption for those businesses.

The point is to help neighbors to get along. We have different types of business licenses. Exempt doesn't have to pay a fee, low impact will pay the \$25 fee. I wonder if we can say that these are some specific things that are not allowed.

What are those defining items? We want to include those in any of our low or high impact licenses.

Mark motioned to table this. He wants the changes to be written up and posted with the intent of the public seeing it and then voting on it at the next meeting.

Cory 2nd to table it for the next meeting.

Motion passes

Closing comments from commissioners-

Jerry- Next time on the agenda we need to have animal ordinances on there, we need to address that. I have some ideas, I want to share them with everyone. I've lived here 40 years and I think we really need to closely look at that and that we need to get started on it. I think our city is headed in a good direction.

Cory- Jerry did a great thing. If you want to add something to the agenda please just ask and we'll do it. We just need to give the public 10 days notice.

Jerry- I want it on the agenda so we can open it up for comment.

Cory- I met with John the Erda city attorney. He said "I hope that it's on our mind that we have adopted a temporary city ordinance. You need to adopt something as things are getting ready to expire in June." We just need to adopt something then we can adjust it as we need.

Diane- So if we put it in at the end of April we would be able to cover it by May. I think that will be reasonable.

It was motioned to adjourn the meeting.

Motion seconded.

8. Adjournment 8:38

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

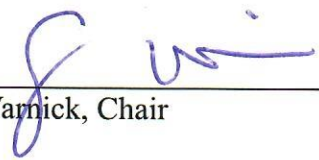
Prepared by: Jennifer Poole, Erda City Recorder

PASSED AND APPROVED by the Council this 26st day of April, 2022.

ERDA

ATTEST:


Jennifer Poole, City Recorder


Cory Warnick, Chair