

Erda Planning Commission Minutes

4/26//2022 – 7:00 pm

Tooele County Building - Auditorium

Call to Order 7:02

1. Roll Call Matthew, Kathleen, Diane, Cory, Jerry, Mark (Russ not in attendance)
2. Pledge and Prayer: Jerry, Kathy
3. Approve Minutes from 4/12/2022 Cory motions to approve minutes, Diane 2nds. Vote to approve minutes is unanimous.
4. Administrative Items – No public input
 - a. Proposed Ordinance Creating an Appeal Authority

Cory: We are looking at creating an appeal authority. This was drafted by John Brems Erda City attorney and proofread by Jenn Poole. Discussion on this?

Jerry: I have a question about it. It's on section 9 variances #4. I don't know if the variance will be in the plan or it might be contrary to the public interest. The appeal authority would have 1 person. And that 1 person depending on their feelings would decide what the public interest is. Am I understanding this correctly?

Cory: We had a talk about this earlier. That this appeal authority would come after the people had been through all of the rest of the process.

Jerry: Other than that it is a good document.

Mark: I don't have a comment. It looks good if it was put together by an attorney.

Diane: It looks like good guidelines, Kathy agrees that it looks good.

Mark: Can we recommend this for approval tonight? Or do we need more public input?

Cory: This is an administrative item so it is not open to public comment unless we want it to.

Mark: If we don't need to have the notice for ordinance 22-19 on the site more than it already has been. I suggest we entertain the motion to approve.

Mark: Makes a motion to recommend this Ordinance 22-19 to the city council Matthew 2nds it. Vote is unanimous.

5. Legislative Items – Public input

a. **Proposed Low Impact Business License Ordinance**

- b. Cory: We talked alot about this 2 weeks ago. I think we've gotten it almost done. I don't think we got any feedback from the city council.
- c. Matthew: I had a home business. I didn't want a sign but maybe someone would want a sign. Like if your home was 200 ft back from the road. A sign on the house wouldn't be very effective. Maybe allow a small sign on the mailbox or by the road. I think if someone doesn't then a sign on the mailbox would be okay.
- d. Kathy: I could see if your home was set way back that perhaps an A frame sign that was out by the road would be okay.
- e. Matt: There is the computer guy who has that little sign by the road, if he didn't have it you'd never be able to find him.
- f. Cory: Are you proposing we remove the 5 ft close to the home?
- g. Matt: I just wanted to avoid the large sign but a small sign out by the road would be okay. Perhaps a bigger sign by the house and the smaller sign out by the road.
- h. Mark: I don't think we can restrict what they put on their mailbox. And I don't think we need to.
- i. Cory: Should we strike the portion that says the sign needs to be within 5 ft of the house?
- j. Mark: I think we also need to say that it needs to be on personal property not on the public right of way.
- k. Cory: One name plate or identification sign 36x36 on property, vehicles not allowed to be used as signage.
- l. Diane: I think if you want to wrap your vehicle in your business that you should be allowed to. How can you define the primary purpose of the vehicle?
- m. Mark: It should be allowed within the personal property boundary.
- n. Cory: I don't like using the word personal property, Maybe use the wording of residential property.
- o. Jerry: Motions to recommend this ordinance to the Erda City council with the amendments. It's 2nd by Mark. Roll Call Vote: Mark-yes, Jerry-yes, Cory-yes, Diane-yes, Kathy-yes, Matthew-yes

i. Public Hearing Open

a. Mark motions to put this on the public notice website and open public comment on this issue. Cory 2nd open to public comment.
Voting unanimous

No public comment

ii. Public Hearing Close Mark moves to close this portion of discussion Jerry 2nd. The Commission voted unanimously.

p. Jerry: Motions to recommend this ordinance to the Erda city council with the amendments. It's 2nd by Mark. Roll Call Vote:
Mark-yes, Jerry-yes, Cory-yes, Diane-yes, Kathy-yes, Matthew-yes

6. Proposed NON Low Impact Business License Ordinance

- a. Cory: This is on the agenda because Russ asked it to be. I've posted the one that Tooele County has. I haven't reviewed it as of yet. We are open to reviewing it.
- b. Mark: Has anyone reviewed it? If not, let's table it till the next meeting.
- c. Cory: Motions to table till next meeting, Matt 2nd, The vote is unanimous.
 - i. Public Hearing Open
 - ii. Public Hearing Close

7. Proposed Animal Ordinance

- a. Jerry: Originally you should have gotten an email. My emphasis on that email is that this is what I would see as the way maximum. This would be the max that I would even consider. So the public knows there would be 6 large animals per acre. I broke it down simply: 6 sheep is 1 unit, 4 pigs 1 unit. I left it at that. I also said we need to do away with governing chickens, rabbits and pigeons. That's what I sent out to everyone. To me that was putting it as far out there as I would go. So that way we could come back where it needs to go.
- b. Cory: This is basically the Tooele County ordinance except for a few things. First, instead of 4 large animals we changed the number to 6. Second in the Tooele County ordinance it talks about usable acres, we eliminated the usable language. 3rd we got rid of any limit about fowls or rabbits. And the 4th change is requiring animal shelters, we eliminated that as well.

- c. Jerry: I have another change I'd like to make. Where it lists medium animals, miniature horses should be taken out as well as miniature cows. If you put miniature cows it's still cows even if it's miniature.
- d. Mark: Is there anything specific as to why to take out the limits on rabbits and fowls altogether?
- e. Jerry: I've raised many different types of birds. County says 50 pigeons. If I wanted to do a competition for pigeons there is no way I can compete in things with only 50 pigeons. I would need at least 200 pigeons to start and would have to cull down to 50. Chickens can go up and down, I've raised about 200 chickens for meat and we processed them. Meat chickens they way they are breed, they are only 6-8 weeks and you are killing them. To me rabbits you are really going to only have so many rabbits.
- f. Mark: Tooele has 6 rabbits per acre and 10 fowl per acre.
- g. Cory: I've seen 10-12 chickens for eggs then 10-20 chickens for meat then turkeys for the seasonal. It's part of the lifestyle of the area.
- h. Matthew: How many pigs can a neighbor have?
- i. Jerry: It may come to the point where it becomes a nuisance.
- j. Matthew: If there is a neighbor that wants 4 acres of pigs, it could come out to like 100 pigs.
- k. Jerry: This says that 1 pig is a large animal.
- l. Kathy: Jerry, did you have something when you had those 200 chickens? So you're saying we've taken off the need for a coop?
- m. Jerry: I don't think we have the responsibility to tell people what type of shelter they have to have for their animals.
- n. Matthew: How many people need to vote yes on this? 4 Okay so I can be a no on this. I am always in favor of less.
- o. Mark: So what's the nuisance side of it? It's what's on the other side of it.
- p. Cory: To me in a perfect world it's all about what is the nuisance? But we aren't able to only do the nuisance. We are going to try to manage it before then.
- q. Mark: But we need to protect people's rights on what our people can have. I do like the idea of giving rights to let them have what they have. To give them a document and regulation they can look to and depend on.
- r. Matthew: I also think we can grandfather in something or a way to compromise on those that have already had the animals.

- s. Cory : Jerry talked about miniature horses, what do you think about that? Mark and Matthew are okay to take out the miniature stipulation.
- t. Mark: Are they less impactful? Katy: I think they are.
- u. Cory: I want to specify that this is for rural residential zones. Not agricultural or farming. This is just for RR1 and RR5 zoning.
- i. Public Hearing Open: Kathy moves to open public comment, Diane 2nds, voting is unanimous.
 - a. Troy Kirk,- I live in Erda on Bates Canyon road: One reason the Tooele County ordinance is the way it is today is because of me. My neighbor is the one that had the 80 longhorns. It became an issue. It took the county 2 years and research and this was the concessions. Then the county made them move them. I am okay with the unable acres idea. I am okay if they are actually using those 5 acres for their animals. People have put them in a small corral and then don't clean it up for over a year. There have been some health concerns over the years. If they aren't spreading them out through all of their property it's a concern. My recommendation is to reconsider the 6. Switch it to maybe 2 or 3 or 4 is okay or require them to come in and clean it up regularly. Also the noise, we have to buy industrial fans because of the noise. Calving season is right now, then weaning the mothers. I've got 25 birthing mothers next to my property and soon the herd will be 80. When does it count? When do we count them? Maybe rules and regulations for cleaning up more than 1 time a year. Also who would I call to complain about this to. Put in a procedure for cleaning up after them regularly and a way to notify of a nuisance.
 - b. Michael Jensen- Erda: Thanks for your time and willingness to listen and discuss these topics. I appreciate the time Cory has taken to talk about this as well as others in personal conversations. It keeps hitting home to me, that when all this came to a head the amount of people that were interested in this wouldn't fit into this room. False information was speak that it was okay to have a feedlot for cows in a residential neighborhood. And others led all the people to believe that their animals would be taken away. Once it got out that this was only about residential neighborhoods. We are talking about being good neighbors. But when you introduce a

feedlot and calf/cow business into a neighborhood, you are opening a pandora box. If you want to talk about opening a can of worms, there is already a start of chicken farms on a 5 acre lot. I have 15 chickens on my lot and it's more than I need. I get that it's as easy to feed 2 cows as it is 1. It's as easy to feed and take care of 15 chickens as 5, and my neighbors can benefit from it. Where are all the people begging to bump it up to 6 animals? The county's ordinance works as it should. There is no need to change it. I don't live on 1 acre so i can't speak to it, but I can imagine it. And perhaps consider a variance for them. If we don't change the ordinance and there are a handful of people out there that are doing good with it then we can perhaps have people apply for an exception. I will stand by 2 animals per acre. I can see perhaps 4 horses per acre. But do we really want to go beyond that? How will that affect your neighborhood? I don't know. I live in a 5 acre lot. Cows are cows, horses are horses. We shouldn't have unlimited bunnies or fowls. Grandfathering, that's a term we need to be very careful with. Define grandfathering. Grandfathering is a term for leagal nonconforming. Having unlimited animals was never a legal thing in Tooele county. We need to have the people legal with the previous rules to begin with. I would implore you to see where is the clamor to change this? I am surprised that there aren't more here to talk about it. Let's leave it alone and make yours and our lives easy.

- c. Terry Stone: I appreciate what you're doing. I want to comment on what Jerry said and to calculate the use of acres. If we want to increase the animals then we need to leave the wording of usable acres. But there are people that will use this as an issue with having too many animals on the property. I had to go through this through the green belt builders. I had to calculate it out and see how much of my 5 acres was usable for agriculture. That would be problematic finding that out for everyone in the city. We should leave that 4 number as it is. That's 20 animals per place and that's plenty. I've worked with animals all my life, if you want a lot of animals don't do it in a residential area period. Do the best you can do.

- d. Camielle: I want to agree with Mr. Kirk. Just because you have the acreage doesn't mean you should be able to have that many animals. It would be nice to have an ordinance to show those not following it. The home takes up space, the animals can't take up space in the home. Miniature animals don't make miniature waste. Good rules and ordinances are there to help people and give good guidelines. We have people who are moving here who haven't dealt with animals and these good guidelines will help them. I think just because it has Tooele County on it it doesn't mean we should not use it. There aren't people here opposing the current one so let's keep it the same.
- e. Christine Kirk : 6 horses or cows on an acre seems nice. But then it gets to be 20. Then calving season and it gets to 80 real fast. We are having serious fly issues, I mean of biblical proportion. Having a reasonable number makes good neighbors. Keep it 4. Horses are for hobbies. 20 animals is a good number. I know they spent a lot of time on those numbers. Like if you are only using 1/2 of your property then it really reduces the area and it's more crowded.
- f. Craig: I've been here for 20 years. I've driven all over and I don't recall a 5 acre ground with 60 animals, other than the farm that started out there. It looks to me like, if they have 60 animals on 5 acres then that is a business. It wouldn't be for personal use. Would the ordinance take that into account. That they would have to obey the concept of running a business on their property. I've never seen it until this big problem came up. A 5 acre lot will only sustain a few animals grazing. If I have 20 horses can I ride all of them? Or am I running a business in a rural area? That makes no sense. Someone said you'd taken out the portion that you should have shelter for the animals? I think that the council needs to see what's the purpose we are trying to do. We didn't have problems till the feedlot. I have 4 horses and I can not take care of them all. I could sell or run a business. If people want to run a business, go find a business place to do it. It makes no sense to blow things up for people to do things that have never been done. It took us 2 years to get all of those rules with Tooele county to get it done. Can't we just adopt them as it is. People want fewer and people want more. It doesn't

make sense to change it at all. Consider the concept of why people would want that many animals in the first place. It would be a business and this isn't the palace.

- g. Mike Higgins: I am listening to this animal ordinance stuff. I haven't heard anyone say what is a nuisance or not? I like seeing people and their animals. But I don't want to see a foot and a half of manure that can lead to sickness. I think there should be some time spent on that idea as well.
- ii. Public Hearing Close- Mark motions to close public hearing, Kathy 2nds, voting was unanimous.
 - a. Diane: The state has a law that says you have to have so much water to have the animals and that applies to the residential acres too. I am super sympathetic about the flies, we don't want to wait till it becomes that type of nuisance. I am concerned about the crowding of too many animals and they won't thrive. Utah State says 2 acres per horse for grazing. I think that for the fowls there could be an allowance or variance on it as long as it doesn't bug the neighbors. I am a little leary these are residential places not farms. I hear what they are saying. We need to be very careful about upping those numbers.
 - b. Mark: I had written down about some kind of variance permit if perhaps we don't alter what 's there. That would be something they can apply for. I think for those that want to be outside the ordinance itself. I do think it's key that it's in a residential area. I do see that it should be for personal use. I like not having to calculate usable space. I agree that the nuisance issue is there. I think we need to discuss this more before we raise the animal limit. I like a mix between if you have a larger parcel and those that don't. What is actually used for land use and what is home. Is an acre sized piece of property if we can allow that to be non judged as usable space. Maybe with the 5 acre there are going to have larger animals and larger herds. Perhaps we can calculate those parcels. I appreciate everything that has been said. I don't think we need to tell people what type of shelter they have to have. What about the new people? They wouldn't have had the time to get the proper things set up and are we not going to allow them to have the animal?

- c. Jerry: About usable space. I've had up to 9 horses with no issues. I've downsized, I ride a lot and I ride 3 horses. I've been here for a long time and I have friends who will take my 2 cows for the summer and then they come back. My usable space thing, grazing vs feeding. I pay for my grazing. Nuisances how to handle them. I don't know how to give a clear definition of that. I have a neighbor that has 3 dogs and now suddenly one of his dogs is digging under the fence. It's not a problem for me but it's causing other neighbors and animals an issue. If our neighbor isn't being a good neighbor and there are times where things will be stinky and noisy. There isn't much we are able to do about that. I have the Walters behind me who bring the calves in and it doesn't bother me. Different people have different feelings. Did we have something written in here about nuisances? If it's a nuisance and the neighbors make a complaint it's investigated and it's proven to be a nuisance then it needs to be handled. If they don't handle it then they could lose their animal rights. That's how you handle those. I am okay with the variance or application idea. I know a few people would be out of compliance. Personal use is important, if it's a business use then it needs to be handled differently.
- d. Cory: Most people that have been commenting have 5 acre lots. I think those that want more animals are those that have the smaller lots. I think the problem happens when you carry it over to their entire 5 acres. It should be for personal use. There is a lot of sense for the 5 acre lots, it's those that have the smaller lots that want the more animals. Maybe we need to consider perhaps using different standards for 1 acre lots than 5 acre lots and stay with the county code.
- e. Kathy: I am wondering how many nuisances we have? I am guessing they are all talking about the same business. Why is this continuing? Why isn't it addressed and why is it going on? It's been there for a good long time. Someone has got to have some teeth to deal with this. Audience member-To define a nuisance in a court of law is an uphill battle that is impossible to define. But numbers are definable.
- f. Cory: Tooele County does have a definition for a nuisance. Reads the definition. We do have a definition, but it doesn't say anything about flies.

- g. Kathy: I am interested in your 1 acre idea. My neighbor down the street has 6 horses and they are very well kept. He does use the other neighbor to help with it. I can't think of another nuisance in our area.
- h. Jerry: I think there are about 20% of the people that do have larger animals. Realistically our animal ordinance is for the 2-3 percent of that 20 percent that have animals. Most people have animals.
- i. Mark: We do have people in Erda that do have animals that are a problem. If we are going to allow 6, it's the people who care for the animals that don't have the issues. They can get a variance for those that want to go over and their neighbors can approve it. No one is going to complain if your neighbor is out of compliance if your neighbor is out of compliance. It's the person who is the problem that could say well I can have six animals. I like to control it through nuisance. Maybe we could do an exception guide for those who want to apply.
- j. Jerry: If we did lower it to the 4 or left it at that. And apply for a conditional use permit for those that want to do more. That's an option.
- k. Cory: What are the things we want to address? Numbers of animals? Do we want to put a cap and mandate the fowls and rabbits, what about miniature horses and requiring shelters?
- l. Kathy: When we moved here we raised rabbits, we had 200 meat rabbits and we processed them too. We had them in a barn. And they never got out.
- m. Diane: People that do the studies say a 3 sided structure for the animals is good, not necessarily an entire barn.
Audience- Livestock will be happy with a simple windbreak.
- n. Cory: Shelter, how do we feel? Should we require them?
Cory-no, Matthew-undecided, Diane-not required, Kathy no regulation, Jerry-no regulation, Mark-no regulation.
- o. Cory: Miniature animals? Matthew: a horse is a horse, Diana- agrees, Jerry-agrees, Kathy-agrees, Mark-I think it needs to be based on impact base. I am not opposed or for it. It's written with the weight limits.
- p. Craig: The county does have a standard of 36in at the shoulder is a miniature and anything other than that is a horse.

- q. Cory: I think if I vote today I think a horse is a horse, Diane- I agree unless it's a real miniature, leaning towards county ordinance on that. There was a public comment that you might have 5 acres but people are penning them up on a quarter of an acre.
- r. Mark: We need to put something together on not letting these things be abused.
- s. Cory: I would like to hear some suggestions on that idea of what to do with this issue. I am leaning on making this a nuisance problem.
- t. Cory: Where are we on fowls and rabbits? Mark is for putting a ceiling on those and then putting a conditional variance on it. Matthew- there should be a ceiling on the fowls. Kathy I don't know I'm thinking about it. Diane is in favor of a limit. Jerry: I used to have a fowl business where we sold quails. I was self regulating it and I had to decide if I wanted to make it a business. I ended up not doing it. My neighbors didn't even know they were there. I had it cleaned up daily. It goes back to being a good neighbor. Cory: I am in favor of a ceiling and perhaps come up with some numbers. Let's discuss a number via email.
- u. Cory: What do we think about doing a number per acre?
Mark: I think that discussion deals with all of those sub categories items as well. I don't think we can discount it. I am not ready to vote against it. I am still clinging to that conditional use to let people do what they want to do as long as they are being good neighbors about it. Jerry: If my neighbor was out of compliance and there wasn't a problem I wouldn't say anything. Cory it comes down to being a good neighbor, but that goes both ways. Let's say I am out of compliance and taking care of my animals but my neighbor doesn't like me...and they complain about it.
- v. Jerry moves to table this discussion to the next meeting. It's 2nd by Matt the vote is unanimous.

Cory for those who don't look at their emails very often please look at them more so you can stay up on this discussion.

Also the Erda City attorney John Brems says we have till August 17th to come up with these agenda items. I know it seems like a lot

of time but it's really not and it will come quickly. Jerry: Our city mayor asked us to have these done by June. Cory: that is true

- b. FUTURE ITEMS (no decisions today)
 - i. General Plan Adoption (Future public hearing) Craig: SOMAS said they are putting the finishing touches on the doc and will have it to us soon. We are meeting with them next week and will hopefully have it soon.
 - ii. Zoning Map (Future public hearing)
 - iii. Permanent Land Use Ordinance (Future public hearing)
- 8. Comments from Commissioners
- 9. Jerry: I want to thank the people who come here every night. We do like your input. Diane: I agree it's important to have the perspectives of others that you aren't familiar with.
- 10. Adjournment Cory motions to close the meeting, Mark 2nds voting is unanimous 8:59

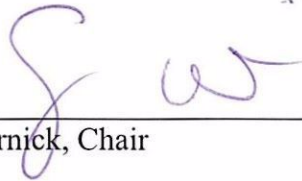
Pursuant to the Americans with Disabilities Act, Individuals needing special accommodations should contact Jerry Hansen @ 435-830-1244

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

Prepared by: Jennifer Poole, Erda City Recorder

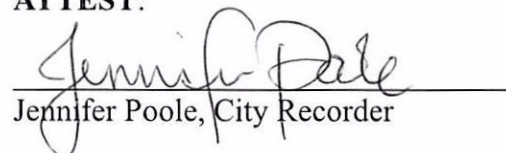
PASSED AND APPROVED by the Planning Commission this 10th day of May, 2022.

ERDA



Cory Warnick, Chair

ATTEST:



Jennifer Poole, City Recorder