

Erda City Council Minutes

7/14/2022 – 7:00 pm

Deseret Peak - Auditorium

View-Only Live Stream on Youtube: <https://tinyurl.com/2p8fjfnx>

1. Call to Order 7:04pm
2. Roll Call
 - a. Scott, Craig, Jess, Terry, Kael
 - b. City Attorney John Brems: City Recorder Jennifer Poole
3. Pledge
 - a. Jess Bird led the pledge
4. Public Comment Craig moves Scott 2nds to close
5. Approve meeting minutes from 6-30-22
 - a. Jess moves to accept minutes Kael 2nd
 - b. Voting was unanimous
6. Sheriff's Report
 - a. Sheriff- 6 arrests 32 citations significant incidents listed on the paper. You have some thefts of catalytic converters and a domestic assault where an arrest was made, we also had an intoxicated driver in your city. I am working with Allison to get you billed in the future. The week of the 27th is the Country fan fest is going to make traffic challenging.
 - b. Kael-Is there an increase of DUI with that event?
 - c. Sheriff-We do a lot of enforcement within the venue itself. We try to keep them from leaving. We try to get them all but we don't sometimes. It's not a huge swing, but with every event we run the risk of people drinking a little too much and trying to drive home.
7. Committee Assignments Report and Discussion
 - a. Finance (Miner/Droubay)
 - i. Treasurer Report
 - a. Terry- I wrote 7 checks, one to Civic Review for \$2,750 for business licensing, State treasurer 643.72 for social security and medicare and CVE Technologies \$286.38, Legal \$5,000, Clerk Recorder salary \$520. Then the last check to PSOMAS of \$925 to make it a total of 25k. We also have 169.02 on the credit card. As of today we have \$417,907.81 in checking, and \$25,001.12 in savings. In the PTIF account there was an interest deposit of \$412.56. giving us a total of \$446,825.80 Also I would like it if the chair and co chair would make it okay on the credit card purchases that anyone is authorized to make purchases for office supplies. **City Council members all approved this action.** Terry- That's all I have for this one.
 - b. Jess- I move that we move to section e and get back to the next section later.
 - b. Land Use/Zoning (Bird/Smith)

- i. Erda Land Use Code Discussion
 - a. Jess-Let's look at changes that the council members have suggested and go from there.
 - b. John-Do you want me to lead the questions? Okay, Planning commission made a suggestion for a low impact business.
 - c. Craig- Do we want to say that a low impact business can have more than 3 employees outside the home? Should it still qualify as low impact if they have more than 3 employees outside the home? There isn't a limit on how many people are inside the home.
 - d. Craig-Mike Jensen is a good example. He has more than 3 employees but they don't go to his house.
 - e. Scott-What's the point of being low impact?
 - f. John-They aren't required to have a business license.
 - g. Craig- That was really the biggest thing I had an issue with. Just having 3 outside employees.
 - h. John- It's not outside, it's 3 additional employees even if they don't work inside the house.
 - i. Craig-I think the intent was 3 outside the home that are there and are working onsite.
 - j. Cory-That was the intent.
 - k. Craig-I may be in the minority but I think if you have more than 1 outside employee you don't qualify as a low impact business.
 - l. Scott- What if we split the difference and do 2?
 - m. Cory-I think when we did the voting it was almost unanimous to approve the 3. We felt that the number 3 didn't really affect the neighbors and would still be low impact.
 - n. Terry-I like the idea of 2 employees.
 - o. Craig-I think 2 is a good compromise.
 - p. Kael-I like the number 2 as well.
 - q. Jess-**The majority of the council wants to change the language to 2 employees outside the home.**
 - r. Terry- We had an issue with the table 4A in chapter 15. The one that said that RR5 should be 5 acres.
 - s. John- Which one is the right one, table 4a doesn't fit Chapter 15, which is the correct table.
 - t. Cory-There are 2 conflicting 4a defines 4-5 acres lots as a RR5. And in chap 15 the table says RR1.
 - u. Craig- This is under lot standards, I think this is just talking about what lot standard you have to use for setbacks and building standards.
 - v. Jess- So which is better, to make a 3 acre lot an RR1 or an RR5? You get less restrictions on RR1 for building but RR5 has less restrictions on animals.
 - w. Terry-It's hard to merge the 2 different codes, some of the Erda stuff and some of the Tooele County stuff.
 - x. Jess-Where does a 3 acre lot fall in our codes?
 - y. Craig- This is the definition of what we meant on the general plan. A 3 acre lot could be considered a legal non conforming, but which table do they use for their lot standards? If you had a 3 acre lot in an MU40 zone, then do they have to use those codes?

- z. Jess-I think it makes sense to use for lot standards only.
- aa. Scott-Can we say this table if used for only legal non conforming lots. And it will be what they use for building purposes only?
- bb. John- Table 4a is if you have a problem lot, or a special exception from the city. There are the setback rules it would need to follow. So if you have a lot that is between 3-7 acres you use the RR5 set back requirements. It's not talking about you having to have 5 acres.
- cc. Craig- There are a lot of legal non conforming lots. This just states what they are required to follow when they build.
- dd. John-It's confusing but not in conflict. You have to read up on the ordinance to see what it's for.
- ee. Kael-Can we put the language this if for legal non conforming lots right above it?
- ff. Jess- In the definitions section you need to remove 181.
- gg. Craig-181 is just double paragraphed there. We just need to take that out; it's a duplicate.
- hh. Craig-Chap 7 3-H. It was just the way it was typed out. In chap 8 there was something. It was chap 8-13-10. I think it was supposed to be 15 days.
- ii. Scott-Are we saying that people can't have those Christmas lights on all year round? I have a neighbor who has those lights on with different types of colors.
- jj. Craig-I think those should be exempt from those lighting conditions. Council agrees. The next one I had was in Chap 15. 15-3-2-1 This is talking about lot size reductions. Why would we give them a 6% lot size reduction and 15 years to complete the road?
- kk. Scott-I think we could change it to 15 months for the construction of the road.
- ll. Craig-15 years just doesn't seem right.
- mm. Scott- I have one of those lots, I bought 5 acres from my mother then they built the road on my property.
- nn. John-Should we change the language?
- oo. Jess-I think 2 years is good. Kael likes it.
- pp. Craig-I think we should do 12 months or a bond.
- qq. Jess-How do we specify the amount with inflation the way it is.
- rr. John-It's your best guess and the city's best protection on the road. Do you even want to give them the 6% reduction?
- ss. Terry-So do we say 12 months or an appropriate bond?
- tt. John-**So we change the language to 12 months or an appropriate bond? Council agrees, change is made.**
- uu. Craig- Table-15-5-3-1 is missing the 5 and 10 columns were removed. I think they should be the same as the 1. Can we add the columns for the RR5 and RR10. Can we add them and they will follow the same rules as RR1.
- vv. Jess-15-5-3-1 Starting with K-for the life of me I don't know why a fruit or vegetable stand needs a conditional use permit? What makes this different from other businesses? Like why is that needful? I would like to change that to a permitted use. **Council agrees to change that to a permitted use**
- ww. Jess-On part L household pets, we talked about how many pets were allowed but was it 3 or 4 dogs that was allowed. Regardless of the lot size it was all 3. I think it was an idea to allow 4 unless they were hound dogs. I don't have a personal preference. I think we should discuss it.

xx. Scott-So it doesn't matter how many if it's an RR you can only have 3. It seems like a lot of dogs on 1 acre.

yy. Terry- Isn't there something that says that if you have more than 3 you have to have a kennel license?

zz. Craig-Maybe we can do 3-4-4 so 3 on RR1 and 4 on RR5 and 4 on RR10

aaa. Jess- It says that you can only apply for a kennel license if you have 4.7 acres. I want to change that to .7 acres.

bbb. Craig-I would vote that down.

ccc. Jess- This would be a conditional use permit option, and then let it follow those rules.

ddd. Scott-I couldn't support kennel licenses on 1 acre.

eee. Jess-15-5-3-1 T Temporary animal housing. I would be in favor of removing the word temporary. This is another conditional use permit. I think this allows the neighbors to get involved and decide. You can apply to have 50% more animals. You can go and ask your neighbors in an official way and they have the time to object. And if the neighbors don't object then it can be approved.

fff. Craig-That isn't how they work. Most people can get a conditional use permit if they meet the conditions, you almost always have to approve the permit. This doesn't fit this situation very well. It's not easy to deny a conditional use permit.

ggg. Jess-How does this make sense if this is just going to be temporary and people have to reapply 2 times each year.

hhh. Craig-This is more for those extensions of need and not a permanent use.

iii. Kael- So you want to adjust the time limit to 2 years?

jjj. Terry-No I think 2 years is not temporary.

kkk. Scott- I don't think we should change the limit.

lll. John-So three people say to leave it in?

mmm. Jess- I have stuff on 15-5-3-2-G There are 2 sections that are almost the same. One is child care and the other is daycare. Child care residents must meet the conditions of the state laws and requirements. There are hours in the day you can operate. I see it's a C1, I would like to see that be permitted.

nnn. Craig- If it's permitted then there is nothing you can do about it, but if it's conditional and they are not meeting their conditions we can have them fix the problem. Or revoke the permit.

ooo. Jess-I don't think anyone agrees with me on this. Moving on to the J cottage industry that's already permitted.

ppp. John-This is different from a low-impact business.

qqq. Jess- This is saying you can apply for a permit that allows up to 10.

rrr. Craig- There is a lady on 5 acres who does a greenhouse, and she had large trucks moving in there. It was important for them to regulate that.

sss. Craig-On letter N we want to remove #2 and #3. On G #2 should be gone as well.

ttt. Jess- Moving onto Q-So those old dussen half trucks are popular items and it says you can't have one.

uuu. Craig-You just need to get it licensed then it becomes a vehicle.

vvv. Terry-Did you clear up in 8-10 and 9? John- yes.

www. Jess-15-53-C we just need to add an O, and in E I don't think you need a special permit to run a bed and breakfast in your home. I think that should just be a P. It should be permitted, and they have to have a business license. I just don't want them to be told no. **3 vote to change that to Permitted.**

xxx. Jess- Same table letter K - It says that you can't do multifamily use building. I think we should permit it if made from an existing ADU.

yyy. Craig- We need to go back and fix it. The state made it perfectly clear that an ADU the owner has to be a resident while it is being built.

zzz. Jess-I'd be in favor of making duplexes legal as long as they started as a legal ADU.

aaaa. Craig- We should send that to the planning commission and have them work on it.

bbbb. Scott-Wouldn't that create a way for a lot of duplexes to be made.

cccc. John-I'd send it to the planning to work on it.

dddd. Jess- 15-5-3-6 letter E(2) PPP, I want those to be permitted all the way across. That's all I have in Chap 15.

eeee. Kael-15 The maximum number of animals allowed is 20 no matter how big the lot is.

ffff. Craig-We need to get rid of line D limiting the number of animals on how many animals on the lot. John- **All vote to get rid of D.**

gggg. Craig- On 1 acre you can have 6 large animals and 30 small animals. That's too many for 1 acre. I was a big supporter of 6 large animals on 1 acre and not another 2 small animal units.

hhhh. Craig-I think people need to make a choice, they can't have everything. We have to draw a line. It should be 6 animal units on 1 acre. 6 animal units plus an additional 2 small animal units. There are 15 small animals. I think we should cap it at 6 animal units total.

iiii. Scott- I can't envision an Acre lot with 6 horses and 30 chickens.

jjjj. Craig-Let's give them the flexibility but it needs to fit within the table. I just think that's too many.

kkkk. Cory- If you have 6 horses then 15 chickens running around that's nothing.

llll. Kael-Cory what did people think of this when you put it together?

mmmm. Cory-There was a lot of discussion on this and a lot of back and forth and this was the compromise.

nnnn. Craig-We want to eliminate #D and the first sentence in E saying that those birds won't count against the total number of animal units. **Council Agrees to remove that language.**

oooo. Cory- John we didn't define small animals they are -chicken rabbits, turkeys and other fowl.

pppp. Craig-While we are looking at animals let's look at 16-4-4. The farm animal units per acre. This mirrors what we just went through, we need to change it to fit what we just discussed. It talked about animals in an R1-21 zone. It references the table. I think if you have an R-1-21 zone you shouldn't have any large farm animals on it. That would become a real problem.

qqqq. Cory-I grew up with 2 horses on a ½ acre lot.

rrrr. Craig- This is if they change it from RR1 to just a residential zone you should not be able to have those large animals if you change it to just residential.

ssss. Scott-Cory where did you grow up and how did that work?

tttt. Cory- The planned development was sold as a horse property and we rode in open fields.

uuuu. Jess-16-4-3.2E It's the same table we dealt with in 15 it's not Rural Residential it's just residential. We removed #2 I think we should do the same.

And K likewise is remove #2 & 3 if we are making it the same. I have issues in chapters 4 and 10. In chapter 10-2 references 4-26 there is no 4-26 I think it should be 4-25. While in Chapter 4-4n If the temporary dwelling is an existing structure a CUP may be issued. Under no circumstances can a mobile home or manufactured home become an ADU. I think we should take that out.

vvvv. Scott-So when they say that, does that mean those homes that come in pieces?

www. Jess- It would still have to fit all of the requirements that we have on those types of homes.

xxxx. Craig-I am okay with removing manufactured homes. **Council agrees on removing the language of manufactured homes.**

yyyy. Jess-How do you feel about mobile homes?

zzzz. Kael-I am okay with leaving it in, It's like the animals. Some people do well and others do not. I'm okay with taking them out.

aaaa. Scott-I think if they put it on a foundation then it's okay.

bbbbb. Jess-I am just saying that if we allow a mobile home to be someone's primary residence then we should allow it to be a secondary ADU. **Council agrees to take out, mobile home.**

cccc. Jess-4-22 It seems to exclude goats. You can't have a goat in Erda without a Conditional Use Permit.

ddddd. Craig- How about replacing mink with goat? There are **3 votes to change the language.**

eeee. Jess-4-24 It says that you can't have Airbnb. It says it's unlawful to rent any part of your property for less than 30 days. I think we should remove residential and multi use from that language. Or strike 4-24 all together **3 votes to remove it all together.**

ffff. Jess-4-22 I would suggest corner lots from the 40 ft street requirements. It's really hard for them to fit it in. I tested my other neighbor from the edge of the road and it was exactly 40 ft. It's not hard on a normal lot but on corner lots it's really difficult to do.

ggggg. Craig-Maybe add in the language of the zoning administrator being able to give them a permit.

hhhhh. Jess- I would like it if they didn't have to have any oversight. **3 votes affirm to give corner lots an exemption.**

iiiii. Terry- Which code trumps the other? We have a criminal and a land use code and sometimes they conflict. Which one takes precedence?

jjjjj. John- I will make a reference to the other code.

kkkkk. Jess-I think that's all of the issues we have to discuss for tonight. Let's move on.

c. Roads (Droubay/Miner)

a. Terry-We have a meeting on Monday about mid-valley highway.

b. Scott-We have a meeting on Tuesday with the county.

c. Craig-They want to talk about all the contracts that we have with Tooele County. He did invite me to come and talk about contracts.

d. Economic Development (Martin/Smith)

a. Kael-Nothing to report at this time.

e. IT (Martin/Bird)

i. Erda Office Phone Number Discussion

- a. Jess- So the number that Jenn has is 801-382-7401, it is not a local number and that could be an issue. I did a little research on that and you will see our google number account go up on that. 435-243-5577. Is the other number that I picked. We have 3 options and we can toss out the 435 number, option 2 is to keep both numbers or option is to get rid of the 801 and keep the 435.
 - b. Scott-I like the idea of keeping both of those numbers for a couple of months then getting rid of the 801 number.
 - c. Council members agree to keep both numbers for a few months.
 - d. Jess-Let's talk about the meeting schedule. I think we've gotten past the bulk of the meetings and needs of starting a city. I think we should move to a 2 a month meeting schedule. We can either do week 1 and 3 or week 2 and 4.
 - e. Craig-I think we should do the same week as the planning commission meeting.
 - f. Jess-Will we need a resolution to change the meeting? John-yes
 - g. Craig- the 2nd and 4th might not fall on the same week as the planning commission. Should we put the language in that it should be the meeting after the 2nd tuesday.
 - h. Terry-I think we should just keep it the 2nd and 4th weeks.
 - i. Kael-I agree in keeping it the 2nd and 4th.
 - j. Jess-John will you get us a resolution for the 2nd and 4th Thursdays Starting August.
 - k. John-State law says you need to have a consistent place, if you go somewhere else you need to notify people.
 - l. Jess-I want to circle back to the land use discussion.
- f. Office (Martin/Bird)
 - a. Jess- We have a good looking mailbox. It's been installed. Kael donated the mailbox . Terry you mentioned about when the Firehouse would be ready?
 - b. Terry-They said they are still working on the ballot box by the handicap parking spot and they are still putting on the WIFI.
- 8. Meeting Schedule Discussion
- 9. Council Representative Reports
 - a. Scott-Do we have any control over the fire department and their requirements? I've had 2 people come talk to me. He wants to build an ADU, he wants to put it in the right place. The firestation says the road has to be widened and improved in order for him to build anything on it. On a private road with 3 houses I don't know if we have any say on that. So we need to have a discussion with the fire department. Or at least that guy needs to talk to them. I have another citizen who owns 70 acres on Bates Canyon road. He was told he needs a 60 ft right of way road in order for him to get a building permit.
 - b. Kael-I guess it comes down to State Law and whether or not they can adjust it.
 - c. Scott-The one by my brother said he has to have a 16 ft wide road, maybe it's a clerical error. They'll have to look more into it.
 - d. Terry-On another topic we have 4 people who wanted to be on the disaster mitigation committee, and I emailed all 4 of them and I've only heard back from 2 of them.
 - e. Scott-I'll call the other 2 and see what they want to do. What time are we thinking of meeting?
 - f. Terry-So far it's a couple of nights in the evening that the volunteers are available.

10. Comments from Council Members

- a. No comments

11. Adjournment

- a. Scott-moves to adjourn Craig 2nds the motion
- b. Voting was unanimous.

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

Prepared by: Jennifer Poole, Erda City Recorder

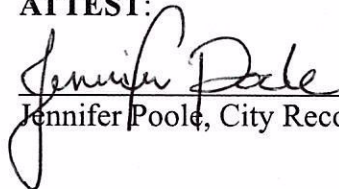
PASSED AND APPROVED by the Council this 21st day of July, 2022.

ERDA



Jess Bird, Chair

ATTEST:



Jennifer Poole, City Recorder