

Erda Planning Commission Minutes

11/14/2023 – 7:00 pm

Erda City Office-Fire Station

Call to Order

1. Roll Call

- a. Cory Warnick, Mark Gull, Diane Sagers, Jerry Hansen, Russ Brimley, Kathleen Mallis
- b. Jennifer Poole-City Recorder, John Brems-City Attorney, Rachelle Custer-City Planner (via zoom)
- c. Clyde Christensen -absent and excused

2. Pledge and Prayer

- a. Mark led the pledge of allegiance
- b. Diane led the prayer

3. Approve Minutes from 10-10-23

- a. Diane moved to approve the meeting minutes from 10-10-23, Cory Warnick seconded the motion.
- b. Voting was unanimous to approve the meeting minutes
- c. **Meeting Minutes from 10-10-23 Approved**

4. Public Comment (Time limit of 3 minutes per commenter)

- a. Mark Gull mentioned that they needed to solidify their next meeting date. It was decided to keep the 28th as their meeting date.
- b. Mark moved to open public comment
- c. No Comment Made
- d. Diane moved to close public comment, Mark seconded the motion
- e. Voting unanimous to close public comment
- f. **Public Comment closed**

5. Legislative Items

- a. **Proposed Amendment to Land Use Code Table 15-5-3.2 Home Based Business Ordinance.** Travis Matern has submitted a business license application for RTM Trucking LLC to be located at 3050 N Bronzewood Circle in an RR-5 zoning district. This application is for home based business to be allowed as a conditional use in the RR-5 zoning district to accommodate their trucking company. They have constructed a large shop to place their equipment in. Home based business is currently not allowed in an RR-5 zoning district. The definition for home based business is attached along with the proposed redline to the table of uses.
 - a. Cory-So I am clear the only thing before us is to change the definition of the Home based business for the RR-5 zone.
 - b. Jerry- From everything I studied from our last meeting and the code. I really feel like we should leave it the way it is. There are two different types of business: low impact and high impact. I think that's the one we are discussing. I don't think the subdivisions are created with high impact in mind. On the opposite side, I really like the entrepreneurship. I know that you have a business and your husband is a mechanic. I don't know that no matter what you do you'd be in compliance there. To stay in compliance with hazmat and all of the other things that go with that type of stuff. It doesn't belong in a residential community.
 - c. Diane- I feel like there was a significant effort into these ordinances and there was a lot of input put into this.
 - d. Mark- I think this is too big of a broad stroke on what this precedent would do to our communities. It goes against our efforts and what we established.
 - e. Kathleen- I agree it's RR-5 residential, residential is what it needs to be.
 - f. Cory-Moved to recommend that the land use table NOT be changed. Russ seconded the motion
 - g. **ROLL CALL VOTE: Cory-Yes, Mark-Yes, Russ-Yes, Jerry-Yes, Diane-Yes, Kathleen-Yes.**
 - h. **VOTE 6-0 APPROVED to recommend to the City Council to NOT change land use Table 15-5-3.2 Home Based Business Ordinance**

b. **Proposed Zoning Amendment by Development Agreement for Copper Cove Development. (Area Approx 3800 North Hwy 36)**

Derald Anderson is requesting a zoning map amendment by development agreement for Copper Cove zoning district. This amendment allows for 374 residential lots of varying sizes, with commercial uses and open space. Utah Code allows for zoning by development agreement as long as it goes through the same process as a zoning map amendment. The property was previously approved as the Erda Estates and Tealby Village PUD's by Tooele County. The developer has requested to combine both PUD's into one planned community by development agreement.

a. Rachelle- Gave an overview of the request of the developer. This is a rezone that has a lot of flexibility from the state legislature. It does keep the same residential lot count as previously approved. They did take out the lots that were in the land that was sold. It does have some smaller lots that I know is more difficult for this board but it will be something for you to discuss. I did look over the traffic study and I would recommend that a much better traffic study be done to decide if the

a. **Open Public Hearing**

Cory moved open public hearing, Russ seconded the motion
Voting unanimous to open public comment

Public Hearing Open

No Comment Made

b. Cory moved to close the public hearing, Kathleen seconded the motion

c. Voting unanimous to close public hearing

d. Close Public Hearing

e. Derald- From our last meeting I heard 3 items to focus on. 1-To remove the residential units that were on the school site, that was a significant step. 2-To get rid of the buffer zone. It's been hard because I'm hearing two different messages, one from Planning Commission and one from the City Council. So I submitted both options to you. 3-The water retention basin. I heard you wanted it chopped up and spread around but we really think keeping it together is what the engineers say should stay together.

f. Mark-On the water retention, who will own that?

g. Derald- It might have to be done under an HOA, but it might be held by a private entity.

h. Cory-My memory was there was the 4th concern was the small lot size overall. What have you done to address this?

- i. Derald-We had 100 townhomes, we thought that going to single family homes we'd get more home ownership. I think that might have been our ability to meet in the middle. We've done a 7% reduction in lots that's significant.
- j. Diane- Right now Erda has 3100 people. As these subdivisions go in our population is going to change a lot. We need to have moderate sized housing. I think we need to look 10 years into the future and this would help with that.
- k. John-If you want we can put in the development agreement that a certain percentage of these houses have to qualify for moderate housing.
- l. Diane-I like that idea, that is something we need to watch out for and plan for.
- m. Derald- Advantages to going with the development agreement.
1-Additional commercial, 2- Commercial at Erda Way/SR-36,
3-Matches Erda City General Plan, 4-Eliminates Chapter 9. I think if we don't get rid of this all it's going to do is create ongoing litigation. In my mind I get we have our points of view but if we are able to step away and become a neutral person those reasons right there gets a yes vote for this.
- n. Cory-Another advantage is that this would make the PID available to this area.
- o. Derald-Yes it would, but the point would be that it will still connect to that water and sewer that will be put in by the PID and we would have to pay connection fees. This new plan is a whole lot closer to the general plan. The biggest difference is whether or not you want the commercial.
- p. John- It makes sense to me that if we can agree let's agree.
- q. Cory- What type of commercial do you envision going in there?
- r. Derald-If this is residential here we limit the type of commercial that goes in. I think this will be at least a 20-30 year build out in the commercial. The traffic study isn't complete and we understand that because this will take a long time.
- s. Mark- In my mind I would want it to address the residential impact on the current ins and outs. The additional traffic studies will be done when the commercial areas are put in.
- t. Derald- So the original traffic study was done for 500 residential homes, this was for 374.
- u. Mark-I have some comments, when we voted to allow for an extension for this project I think that was our good faith and to work

with Derald and make the best out of a bad situation. I feel like we gave him some comments and I feel like he's addressing our comments. For me the things we asked for were addressed within reason. There isn't a lot to be done to make larger lot sizes. I wish we would have less lots, but I do see that as our compromise to have this better organization and plan for the city. I think if we are providing for water and sewer from SPID, it will help with the impact on water. I would like to see a portion of this be designated as moderate income housing as part of our recommendation. I do not see anyone here from the public. I think that is a tell-tale sign, no one is here, that says a lot. In my mind I don't want to go back, it doesn't make sense to me. But I do think that we need to designate in our General Plan areas for moderate income housing. I don't see why we wouldn't give a favorable recommendation.

- v. Diane- I have no argument with what Mark said, I do think it would be good to get out in front of this.
- w. Jerry- I did have a conversation with a friend today and we talked about this. I like the larger lots with no buffer. He made a comment to me he said those kids need a place to get on and ride their bikes, with a trail that makes sense.
- x. Cory- I've had a lot to think about here the 4th thing that's the most important, lot size. I can't help but think that what we currently have is much better. I get all of the points that Mark makes, but to put 6 homes on 1 acre does not fit Erda. It is going to be hard for me to say yes to this. I think the original plan was better with the larger lots.
- y. Diane-I don't think we are helping people if we don't keep our options open. That first plan was not done well.
- z. Mark-Personally I don't want to reduce the possibility of having the commercial in those areas even if it takes 50 years to build it out. I would argue that nobody on this body likes the size of lots in this development. But I think we are trying to make the best of a bad situation.
- aa. Cory-The only item is there is still commercial it's just half to a third. It's just not worth the trade off to me for the additional commercial.
- bb. Russ- I'm still where I've been the whole time. I still think the original might be better. There are things that I like, but it's not enough for me to say let's cram all of these people in there.

cc. **Cory-Moved to recommend to the city council that they NOT do a zone change by development agreement, Russ seconded the motion**

dd. **ROLL CALL VOTE: Cory-Yes, Mark-No, Diane-No, Jerry-No, Russ-Yes, Kathleen-Yes**

ee. **VOTE 3-3 NO ACTION**

ff. Kathleen- That makes me feel like we are doing this just because they didn't get a vote they wanted.

gg. **Cory - Moved to table this until all 7 of the Planning Commission are there to vote, no second given.**

hh. Derald-I just think we need to get this in front of the city council to have a vote. I would rather that one of those yes votes turn to a no so that it can move on.

ii. Diane-Moved to agree to one of the two Copper Cove development agreements

jj. Mark- I would like to amend the motion to add a requirement for a percent to be set aside as moderate income housing all of the "orange lots" on the proposal.

kk. Mark-I motion that we recommend the Copper Cove development with the recommendations in the staff recommendation without the buffer on the south side of the development, Jerry seconded the motion.

ll. **ROLL CALL VOTE: Kathleen-No, Russ-No, Jerry-Yes, Mark-Yes, Cory-No, Diane-Yes**

mm. **VOTE 3-3 NO ACTION**

nn. Diane- I think one of us should vote the other way just so we can move this forward and not leave it at a stand still. I will do that but only because I feel it's right to get this moved on. I don't agree with the vote but it's time to move this on.

oo. Jerry- I agree I'll change my vote just so we can move it forward even though I don't agree with the decision.

pp. Diane-Motioned to not approve the new development agreement and rezone, Russ seconded the motion.

qq. **ROLL CALL VOTE: Kathleen-Yes, Russ-Yes, Jerry-Yes, Diane-Yes, Mark-No, Cory-Yes**

rr. **VOTE 5-1 Motion to recommend to the City Council NOT to approve the new development agreement and rezone
APPROVED**

6. Comments from Commissioners

a. None

7. Adjournment

a. Russ moved to adjourn the meeting, Kathleen seconded the motion.

b. Voting was unanimous to adjourn the meeting.

c. Meeting adjourned

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 28th day of November, 2023.

ERDA



Diane Sagers, Planning Commission Chair

ATTEST:



Jennifer Poole, City Recorder