

## Erda City Council Minutes

11/30/2023 – 7:00 pm

Tooele County Building - Auditorium

1. Call to Order 7:00PM
2. Roll Call
  - a. Terry Miner, Kael Martin, Jess Bird, Craig Smith, Scott Droubay
  - b. Jennifer Poole-City Recorder, John Brems - Attorney, Rachelle Custer - City Planner
3. Pledge
  - a. Kael led the pledge of allegiance
4. Public Comment
  - a. Derald- I wanted to cover a few things tonight about Copper Cove. It's taking Erda Estates and Tealby Village and combining them into 1 under a development agreement. It seems like I am always asking for approval to do things like a CUP. But tonight I am asking Erda city for a decision to decide what something is going to look like. I realize Erda Estates and Tealby Village isn't something that any one of you would have approved. I am certain it would have been 5-0 NOT in my favor. I recall that you ran on the platform that you didn't want high density. What I'm asking for tonight is what do you want this area to look like? In 2019 It was approved for me to build 328 homes. I will build that no matter what. I believe that Copper Cove is much better than Erda Estates. Copper Cove gives Erda City additional commercial acreage. Commercial is the lifeblood of financing the city. The commercial is in a better place and matches the general plan much better. It also eliminates Tooele County Chapter 9; it's a mess. If we have to proceed under Chap 9 it's going to be a mess of attorney's fees. There is a reduction in residential units. In working with the Planning and Zoning they said that we needed to reduce the amount of units. We took out 38 units. It's a 38% reduction in Tealby Village or a 7% reduction over the whole area. In 2019 Erda Estates was approved. Some major issues with the original plan is that we have the higher density further in the city instead of right by the commercial area. We have single family homes right next to the frontage road. In Copper Cove this is a much better option. It matches the general plan and gives much more commercial space and gets rid of all of the high density housing.
  - b. Cory- Thank you for your service, especially you Jess and Kael. Since we are talking about Copper Cove, I'm on the planning commission and we voted for you guys not to approve it. I wanted to present another plan. As I see it we already have a plan in place. This is another option. It's just which of these two is better. It's between density and commercial. On the original plan there are 100 homes with lots that are under 8,000sq/ft on the new plan there are 271 under 8,000 sq/ft. There is a lot more density in this new plan. The other side of that is there is a lot more commercial in this new

plan. I think the way of the future is online sales. I think a lot of types of places that will go in there will be more doctors offices that don't do sales taxes anyway. One more thing that I think is important is smaller lots means more affordable. There is nothing in here that says that it has to be affordable. Derald has made it clear that his intent is to sell. So whatever they can build and sell they will. As far as fitting the general plan the commercial shape does fit it better. But it goes from high density to super high density, which fits the general plan less. I welcome growth. I just think it should be on regular sized lots.

- c. Sheldon- I actually feel slightly differently from Cory. I think that some higher density along the 36 corridor is smarter for development in the long term. Regarding the commercial property, it's been sold to us as a great value to the city. It's also possible that this wider piece of commercial property sits vacant for a few years and then we get someone wanting to come in and do a high density development. I say that we ought to be considering that if this is what we choose to do, we should have trails and parks going in there and should be completed as part of the agreement.
- d. Hallie-I am co-owner of RTM Trucking. We went before the planning and zoning and they all voted no on having the business there. I wanted to clear up that when we call our place a shop it's not a place where we will do mechanic work, it will just house the trucks. We built it to store the trucks in the garage. So they wouldn't be out in front of the property. It's going to be a nice \$400,000 building. We did that under the impression when we received our business license. It clearly says "commercial" and that we have dump trucks. It's going to look nice, it won't look like a commercial building. Travis left his business of 27 years and invested our future in this. I am asking that you make this a Conditional Use. If you could please think of anything you want to ask us to do or a mutual plan. We don't want our neighbors to hate us, but in that planning meeting our neighbors came up and they were mad and it hurt.
- e. Ms Mart.-I agree with Hallie, I attended that meeting she was talking about. I think there was a lot of confusion about what we are asking to have done. I agree it should be an option as to what would be allowed. It should be done case by case.
- f. Craig moved to close the public comment, Kael seconded the motion
- g. Voting was unanimous to close public comment.
- h. **Public Comment Closed**

5. Approve meeting minutes from 10-26-23

- a. Chair moved to approve meeting minutes from 10-26-23, Craig seconded the motion
- b. Voting unanimous to approve the meeting minutes
- c. **Meeting Minutes from 10-26-23 Approved**

6. Committee Assignments Report and Discussion

- a. Finance (Miner/Droubay)
  - i. Treasurer Report
    - a. Terry- This is the time of year where I am getting hammered with the risk assessment and fraud deals. One of the things that is simple to do is that we write and sign a paper yearly to abide by ethical behavior. The finances from the last meeting until today are \$25,384.02 in deposits. Checks written clerks salary \$4,513.59, accountant \$1,750, legal \$5,000, city planner \$2,750, refund to Energy Savers \$350, clerks salary 1,306.56 Ensign Engineering \$3,108, payroll tax federal \$2,192.02, payroll tax

state \$377, clerks salary \$1,306.55, CVE technologies for October \$309.58, and Tooele County Election services \$3,032 total 25,995.30. On the credit card we had the monthly subscriptions for adobe and microsoft for \$8.82, and \$21.39. There was also \$64.07 for GoDaddy renewal. We did get a check for the first portion of the property tax that we've never gotten before. The bigger one should be next month.

**7. Proposed Ordinance 23-11 An 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.

- a. Rachelle-As the chairman mentioned this is an applicant driven request. Currently we allow for a low-impact. Planning staff recommends that the city consider this request and its effects on the community as a whole. The planning commission gave a 6-0 negative recommendation on this request, the reasoning being that the requested use may have negative impacts on the entire RR-5 community. Another item to keep in mind this is not specific to a trucking business if you have truck routes this would limit where these types of business can be.
- b. Craig- Can you give us an overview of what a Conditional Use Permit is for?
- c. Rachelle-If there are reasonable conditions that can be placed on the site then the CUP can not be denied. But if there aren't reasonable conditions that could be placed then it could be denied. But the purpose of a CUP is to mitigate the negative effects on the area.
- d. Jess-The fear is that the home based business language is so broad that we will have types of business in the RR-5 area that we don't want to have there.
- e. Terry-So I've heard a few things that it was just a leave in the morning and come back at night. Then I heard that they are running during the day.
- f. Hallie-There was a misunderstanding. A neighbor wanted some product and we brought it to them. That was what was happening. We built the shop so that the trucks could be placed in there, get started up in the morning and reduce the noise factor.
- g. Rachelle- One thing you can change in the home based business is that it has to take place inside an enclosed structure. I would recommend that you do it as part of the ordinance not in a Conditional Use Permit.
- h. Terry- What power do we have to create roads?
- i. Rachelle-You can build roads wherever you have the right of way. This is not just for this application, this is a change to the whole city code.
- j. Jess- I have a lot of faith in the Planning Commission and the future City Council to handle the CUPs as they come in. I think it would be reasonable to further restrict the home based business in the RR-5. From my perspective we can table this and talk about what kind of restrictions we want to see in the rr-5

- k. Craig-The way this is written I would have to vote against this. I can not in good faith allow commercial and industrial uses in the subdivisions. I have learned it's hard to deny the conditional use. If we rewrote it I might be able to get on board. I would either say deny it, and start the process over and have the planning commission work on it or we should work on it.
- l. Scott- I am with Jess. We table this with a definite time on it and come up with our terms on this.
- m. Craig-Motioned to table this until our 2nd meeting in December with the modifications to the wording and ordinance recommendations of the attorney and the staff, Jess seconded the motion
- n. **ROLL CALL VOTE: Terry-Yes, Kael-Yes, Jess-Yes, Craig-Yes, Scott-Yes**
- o. **ORDINANCE 23-11 TABLED 5-0**

**8. Proposed Ordinance 23-12 Approving a 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- As you saw in Mr. Anderson's presentation it does combine the housing from both developments into one development and then increase the commercial space. As far as meeting the general plan the commercial does the density is up for personal interpretation what is medium.
- b. Jess- So there are no parks?
- c. Rachelle- No, the open land on the end is intended to be a detention pond and housed on personal properties.
- d. Craig- Just so I understand the 55 height is for multi family residences and there aren't any of those in this plan.
- e. Jess- What about parks? Can we have them built and have an HOA maintain them?
- f. Rachelle- You can make parks as part of the development agreement.
- g. John-If you want to make some conditions I would say let us come back to this.
- h. Craig- I like this, it fixes some problems for us. Something I would like. If you are going to have 374 residents they need a trail and a park. A minimum 2 acre park in the center of this. I would suggest that the park be completed at 50% build out. There is an automatic cap of residential here. Part of the development agreement there is no short term rentals allowed in the commercial area not referring to hotels. I would remove the multi residential standards completely. I would prefer to see a trail going all the way around the entire development.

- i. Jess- Was any part of the items on your list having the parks being taken care of by the HOA.
- j. Craig- To be clear this park in the middle of the area is a retention pond.
- k. Jess- Do you think we could get this passed tonight?
- l. Craig- I would follow the recommendations of the attorney.
- m. Craig- Moved to approve Ordinance 23-12 Zoning Map amendment with a development agreement with the following conditions: 1-There be trails and parks, specifically a trail system that runs around the entire residential area, 2- there be a public 2 acre park in the middle that may be used as storm water retention, 3-an additional minimum 3 acre park on the west end that may be used as stormwater retention basin. 4-The initial center park be completed at 187 units, with the second park be completed before an additional 180 units are completed. 5-The allowed residential units will be capped at 374 with no mixed use in the commercial allowed. 6-There will be no short term rentals, apartments of that type in the commercial areas, 7- Be serviced by public sewer and water, 8- the final concept plan and development agreement be approved by the zoning administrator, attorney, and the city planner, 9 and we removed the multi-residential standards from the table, Jess Seconded the motion.
- n. John-On the short term residential can we say no residential allowed except for a hotel or motel?
- o. Craig-Yes
- p. Jess- What about the parks?
- q. John- We can say that it will be maintained by an HOA but accessed by the public, but can be transferred over to the city without consideration.
- r. **ROLL CALL VOTE: Scott-Yes, Craig-Yes, Jess-Yes, Kael-Yes, Terry-No**
- s. **Ordinance 23-12 PASSED Vote 4-1**

9. **Proposed Ordinance 23-10 Restating Title 16 Erda Subdivision Code** The proposed changes to Title 16 Subdivisions is to bring the ordinance into compliance with the State requirements. Concept plans are no longer required, preliminary plat to be approved by the Planning Commission acting as the Administrative Land Use Authority and final plat to be approved by staff. The Planning Commission has recommended that the preliminary plat have a public hearing. State code allows for one public hearing on a subdivision. The proposed changes also clarify the financial assurance bond as being 110%. Eliminated Major subdivisions and are recommending a minor and a standard subdivision. In our code the standard and major subdivision had some different requirements. However, with the state code changes all subdivisions besides minor subdivisions must follow the same procedure.

- a. Rachelle- We have until next december to change this. Right now this changes the process for subdivision approval. This is to help streamline the process. John has several other items that we would like to change that should be before you in the future. All we have done in the code is reference the changes in the state code. The way this is written

is that the preliminary plat approval would be seen by the Planning and Zoning and Final would be approved by staff.

- b. Scott-motioned to approve Ordinance 23-10, Craig seconded the motion
- c. **ROLL CALL VOTE: Terry-Yes, Kael-Yes, Jess-Yes, Craig-Yes, Scott-Yes**
- d. **Ordinance 23-10 PASSED 5-0**

#### 10. Council Representative Reports

- a. Terry- One of our requirements is for our contractors to be licensed or to have insurance. According to the accountant both the attorney and the city planner need to have insurance. Workers Comp is another thing, the 5 of us are considered volunteers as we don't get paid at all. But it does ask for approximate work. If you could each give me an approximate of how many hours you do in a month I can put this on the forms.
- b. Craig-How do we want to deal with the problem of public infrastructure? When we build roads we have to have an inspector there. They give us 4% of the fee but we have to have someone on site watching the construction of the roads.
- c. Terry-We need to go over all of our contracts in one of these next meetings a lot of our interlocal agreements as they come up in June.
- d. Scott-It sounds like the person supervising the roads should know what they are doing.
- e. Craig- Jake needs some guidance on this, as to who you want to do the overseeing.
- f. Jess- I think we hire someone on a contract basis.
- g. Terry-I agree
- h. Craig- The airport has reached out to me to meet with two of us and two of the new ones before December is over.
- i. Terry-It's in my district I'll go.
- j. Terry-Scott what resolutions do we have on any of the city complaints given to us.
- k. Scott-I checked into the area where a few building permits were, we have an issue with some dogs. One person's story is different from the others, I'm working on that. There are a lot fewer people who are living in the basement ADU. So that's been resolved.
- l. Craig-Moved to authorize the council to make an administrative name change on the estoppel agreement, Kael seconded the motion
- m. **ROLL CALL VOTE: Scott-Yes, Craig-Yes, Jess-Yes, Kael-Yes, Terry-Yes**
- n. Scott- Do we have any options on proposed roads that were proposed before we became a city? If we don't want that road?
- o. Rachelle-The county has a lot of funds invested in this project. UDOT and feds are already in this project.
- p. Scott- There is a home being constructed. They are bringing lots of gravel, sludge and dirt onto the road. Do we have control on that?
- q. John-They have to have a track cleaner.
- r. Rachelle- It's state code that anything over 1 acre has to have a track cleaner.
- s. Scott-What about the ordinance of prohibiting jake breaks, can we work on that?
- t. John-Yes we can get to work on that.

11. Comments from Council Members

- a. Terry-I want to remind everyone that December 5th is our canvass meeting at the fire station.

12. Adjournment

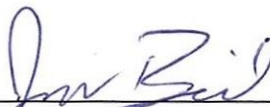
- a. Craig moved, to adjourn the meeting Scott seconded the motion
- b. Voting unanimous to adjourn the meeting.
- c. **Meeting adjourned.**

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

Prepared by: Jennifer Poole, Erda City Recorder

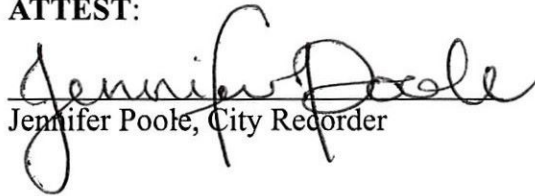
**PASSED AND APPROVED** by the Council this 28th day of December, 2023.

**ERDA**



Jess Bird, Chair

**ATTEST:**



Jennifer Poole, City Recorder