

Erda Planning Commission Minutes

3/12/2024 – 7:00 pm

Erda City Office-Fire Station

Call to Order 7:00PM

1. Roll Call

- a. Planning Commissioners: Jerry Hansen, Diane Sagers, Cory Warnick, Russ Brimley, Mark Gull, Nancy Martin, Kathleen Mallis
- b. Jennifer Poole- City Recorder, Rachelle Custer - City Planner

2. Pledge and Prayer

- a. Nancy led the pledge of allegiance
- b. Jerry led the prayer

3. Approve Minutes from 2-13-24

- a. Jerry moved to approve the meeting minutes from 2-13-24, Diane seconded the motion
- b. Voting was unanimous to approve the meeting minutes from 2-13-24
- c. **Meeting minutes from 2-13-24 APPROVED**

4. Public Comment (3 minute limit per comment)

- a. Judy Cressel- We live north of Travis and Hallie. They are putting an apartment in their dump truck business. They have a living quarter with a huge window facing our dining room so when we are eating they will be able to see us, when we are watching TV in our living room they'll be able to see us, when we are in our bedroom they'll be able to see us. We will have no privacy in our own home. Don't we matter. I know we are only one person here. This doesn't only affect us but it will affect others in Erda. Right is right and wrong is wrong. Some neighbors don't care about anyone but themselves. I'm talking from my heart. Our privacy is gone. Thank you for listening.
- b. Clare Cressel- I'm Judy's husband. We didn't buy our house 17 years ago to have a diesel repair shop built right next to us. I don't want to have to hear those running in and out all days of the week. We wanted peace and quiet. What's the sense for the rural lifestyle? We hear the trucks all the time, all days of the week. Things banging at all times. You've let this go

too far, how many meetings has this situation been talked about? This is the 4th one we've been to. It's been bouncing back and forth and needs to be resolved. They have these living quarters in that shop. What about our house can we just build another house? You guys need to make up your mind. We are not happy with what's happening.

- c. John Baker- I am at a loss personally I don't know how that thing ended up there. I would like to meet the person who approved that. I think everyone on this board understands exactly what I am saying. I am confused, I've been looking at the conditional use rules and regulations. You can go through every page of the 6 pages. The number one paragraph is that it should have harmony in the neighborhood. This thing is well written, why all of this back and forth with the City guys? There is no wording that you can do to make it appealing to anybody. It's an eyesore, it's an albatross, it shouldn't be in that neighborhood. I know they are not bad people, they are just trying to make a living and run a business. I've got a son who lives across the road here and has a trucking business and runs 30, 40 trucks. He keeps them and rents property with a building that he rents. He doesn't even allow them in the neighborhood where he lives in Erda. Why should we do any different here? We've had a lot of people move, that building is a tribute to the ruination of that neighborhood. It has helped immensely. The only answer I have is to use it as a barn and that's the end of it. No trucking business. If they don't like it they can do what everyone else is doing and move. Thank you for your time.
- d. Terry Martin- I live in Erda in Brookfield estates. First thing on the page I want to read the things out of the code. "Read from Erda City Code purpose of Rural Residential Districts", also "Read from Commercial and Manufacturing districts". In the use tables I found nothing in table 15 indicating that this type of business was okay in this zone at any time. In city code 15-5.15.2 none of these types of things are even allowed. These types of businesses are not permitted in those RR-1 and RR-5 areas. There is a place for this in the commercial areas, not in the Rural Residential neighborhoods. Conditional Use is where the conditions can be mitigated.
- e. Pam Pey- I want to consider this type of impact on your Fire Departments. I work for the Fire Department in Salt Lake. If you have a structure fire they send out resources based on where it's located and zoning ordinances. In Salt Lake if there is a structure fire they send out 2 trucks. I'm sure it's a little different here. Both gasoline and diesel fit the classification of hazardous material. When you add those factors in it'll

take additional resources. I tried to find out what Erda's response is to these types of fires. Most communities have mutual aid agreements. But if you allow these types of business in the RR areas will there be available resources? But you are going to allow a trucking business where the actual resources can only handle Rural Residential fires. I think that's going to be reconsidered. Do you have the resources and the water? It's not only going to affect Erda, it's going to affect the surrounding agencies as well.

- f. John Benton- I own the first property coming in from SL next to the Adobe rock pit. My property is surrounded all the way around with commercial I would like my property to be rezoned to Commercial property. That's a consideration that I'd like you to do for me. It would make it a lot easier to sell it or to build on it. I'm not sure what we have to do for that.
- g. Travis Horton- I live off of Brookfield Estates. I have a question just listening to the people that have stood up, they are in violation of the Conditional Use permit and they are in violation of the RR-5 where they live. Why is this even a debate? They are in violation of both of those. What is there to debate about? I just want that to be something for you to think about.

5. Administrative Items (Timestamp 24:30)

- a. Proposed Home Based Business Ordinance Change
- b. Rachelle-This is a text amendment request to allow home based business in the RR-5 zone with a Conditional Use Permit. *Read the current definition Part of this text amendment is also to change the definition. Currently the Home based business is allowed in the larger parcels RR-10, A-20, and others. This has been back and forth 3 times to the City Council. Rachelle gave the history of the proposed Ordinance change. As a reminder this will not only apply to RTM trucking it will apply to all of the RR-5 areas in Erda.
- c. Jerry- Was the original conditional use permit with the county?
- d. Rachelle- There was no conditional use permit issued on this business.
- e. Cory- I know that someone said we need to make a decision. But as the Planning Commission we only make a recommendation to the City Council is that correct?
- f. Rachelle- Yes
- g. Cory- There was also a comment about the building being built. We have no jurisdiction over that at this time.

- h. Rachelle-You did have a comment about the hazmat response and that is something important to consider. There are no fire hydrants in an RR-5 and that should be considered.
- i. Kathy- I have a lot of documents on this property but I don't see how this particular property can access Drouby Rd directly?
- j. Rachelle- This property owner can get an easement from the owner behind them to put in a road.
- k. Cory- I firmly believe that everyone can do whatever they want with their own property up until it affects the rights of their neighbors. What if we had a temporary CUP they had to comply with, then readdress it in 6 months when neighbors have had a chance to experience the effects of the business?
- l. Rachelle- That would be a question to John he would let us know if that is a possibility. There are some things that unless it becomes a nuisance you can't do anything about.
- m. Russ- I want the neighbors to have the ability to have their say. I want to give power to the neighborhood as a whole. I would put a mandate on a limit of trucks to two on the premises at a time. I would be more comfortable with that. As well as a temporary CUP. I would leave in, access to a collector rd. I'm not comfortable with trucks rolling down neighborhood roads.
- n. Rachelle-Chairmen can I take you guys through a little exercise that I've done in the past? I don't want you guys to get stuck focusing on this business alone. What are the adverse impacts you think we are trying to mitigate with this code change?
- o. Kathleen-(LISTEN TO THIS)I think we are trying to mitigate the vehicles on the neighborhood roads. I think we are trying to mitigate smog, noise and the amount of activity, as far as the number of trucks and employees. I understand what we are trying to do, but I have a difficult time with this type of thing in this zone at all.
- p. Nancy- I've been appointed from this district. The large number of people that have contacted me say they don't want this. The majority of people that bought into Rural Residential communities wanted space, room for their horses, and that is why they bought what they bought. If we approve this we are ruining their sanctity. The people don't want all of that. Another thing too, is we have to look at what happens to the property value. If the Cressels tried to sell their home, what happens? No one wants to live next to a business that is going every single day.
- q. Rachelle- A legal clarification, that we can not use property value as an adverse impact, unless it can be proved.

- r. Nancy- Business is not harmonious in a subdivision.
- s. Mark-To me it stems that everything is under the umbrella of the primary function of RR-5 is residential. That counts for nuisance stuff, traffic in and out of the residential areas, parking areas in and around the home that doesn't take away from the neighbors, and that business activities can take place in a way that is non intrusive to their neighbors.
- t. Russ- Impact on the neighborhood and the neighbors and what they would want.
- u. Cory-Commercial vs residential. Commercial is different from business. The second thing is the unforeseen adverse impacts. We've spent a lot of time speaking to the Matern issues, but there could be a hundred businesses that we don't even know what they are and to be able to mitigate all of the possibilities.
- v. Diane- I agree with that. We are not trying to stop people from doing stuff, but it does need to be done in the correct areas. This idea of having temporary to give it a change. I'm not sure I'm on board with that. You give them this permit they put in all of this infrastructure and spend all of this money. Are we really going to go back 6 months later and deny it? We just need to be very very careful with what we allow.
- w. Jerry- It's mostly been said by everyone. We need to keep more in mind than just the applicant.
- x. Rachelle- You are the residents of Erda City and you need to decide what you want this to be. So Commercial vs Business is an issue. So in essence we are saying that any business that uses your outside yard would not be allowed.
- y. Russ- I also don't want any vehicle over a class 6 which is a school bus in a residential neighborhood.
- z. Nancy-I did find other cities and their uses that fit close to Erda. Hurricane, Richfield, Delta, I tried to do something that is really similar to us. None of them had to where they allowed that heavy of an impact in a residential area. Richfield had a major home occupation, shall not create any nuisance to neighbors. Are we opening a door to Erda that we really don't want to. We created Erda City to keep our Rural area, and the lifestyle that we came here for. Are we ruining that?
- aa. Mark- What you are saying is what would be acceptable? If anything? To be consistent with our community identity.
- bb. Cory-I suggest we discuss what the City council sent to us, give it a yeah or nay and then add anything else we think we should have.
- cc. Cory- The business owner is the primary resident of the home on the lot.
- dd. Mark- That is an absolute necessity.

ee. All Planning Commission agrees that the business owner is the Primary Resident of the home on the lot.

ff. Cory-Only have 4 employees on the property at a time?

gg. Russ- What impact would 8 people in a garage sewing do?

hh. Nancy-Your forgetting this should be residential. We are trying to mitigate something we see? Are we doing what the people in the RR-5 want us to do?

ii. Russ- My neighbor across the street has 6 employees. They show up in 4 cars, hop in their 2 trucks and go work.

jj. Nancy- But they aren't working on the property. That is a big difference. I moved out to Erda 3 years ago for the Rural Residential lifestyle. I am looking at how we can mitigate this. You have a lot of RR-5 lots on collector roads already. So if they already have frontage on the collector road that could be allowed but not in the subdivisions.

kk. Cory-If they already have all of those items, then it could just be rezoned to commercial.

ll. Russ-There are those lots on Bates Canyon Rd and 36, they have their house tucked away and the rest is on the hwy. I did like the clarification they made about the residence at one time. To me it's the number of vehicles.

mm. Cory- We got 5 people on the commissioners to agree to only 4 employees on the lot at one time.

nn. Mark- I like the clarification that it is being used by the business. I think this accommodates for the personal use of the land owners. I am in favor of that. I like the way that it sits, with the access off of a collector.

oo. Cory- I like the change from 26,000gvw to class 6 that Russ mentioned.

pp. Rachele-Do you want to issue a limit? The city council was looking to regulate the number more than the weight class.

qq. Russ- Do we want to limit the number in addition to the class?

rr. Commission agrees to limit the number of commercial vehicles to two as well as the collector road condition if over a class 6 vehicle.

ss. Diane-What about the setbacks?

tt. Russ-I think we can rely on the lot standards and building permits.

uu. Nancy-These people bought the property knowing the stipulations on it, why are we allowing these things? I am against this being in a subdivision. I have to go by what they are saying.

vv. Cory-Hours of operation?

ww. Russ- I think that will be done on the CUP.

xx. Cory- That takes us to the end of what the City Council requested. Are there anything else we want to add?

- yy. Nancy- I don't think you can do a temporary CUP because it would allow people to spend their time and money to do their business then we come back and say no?
- zz. Cory- We are to mitigate the adverse impacts to the neighbors in a CUP. But on some of these issues we just can't mitigate it. At the end of the day it's still commercial.
- aaa. Nancy- The only additional condition would be that the lot had to have frontage on a collector road.
- bbb. Cory- We can add that in there and let the City Council debate it.
- ccc. Rachele- So if I have it correct if a RR-5 lot has frontage on a collector rd.
- ddd. Mark- I think it has a stiffer line on this and is smart to put in there and could be beneficial overall. I think it makes sense.
- eee. Commission gave 4 head nods to add that to the recommendation that the lot must have frontage on a collector road.**
- fff. Rachele- Any other changes you'd like to make? Thank you for going through this exercise. If you'd like to hear from the applicant at this time you may but that is up to you.
- ggg. Cory- Mr. Chair I would recommend giving the applicant 3 minutes like we have in public comment.
- hhh. Russ- We will allow the applicant to come up and have 3 minutes.
- iii. Hallie- I gave you each copies of our application. I think a lot of misunderstanding with our neighbors is that we did this illegally. That is not the case. We got these permits and tried to follow the rules. We were given these permits from the beginning. The business license says commercial. It is not my job to know the codes. It's your job to know the codes. We've done this and invested hundreds of thousands of dollars. We've done everything that we are supposed to do. I'm upset. How can this be taken away legally? Are we not grandfathered in?
- jjj. Russ- I do hear what you are saying, it is something that we will have to look at legally and refer to the attorneys.
- kkk. Russ- I would make a motion to send this to the City Council as Rachele will draft up with our recommendations we have for them to review and approve if they see fit. I motion to send this as favorable.
- lll. Cory- I would motion to amend this table 15-5-3.2 the home based business to include the following amendments- number 1- to accept the condition of the city council on the occupancy, number 2- to limit number of employees or contractors and their vehicles, number 3- vehicles used in the operation of the business over class 6 shall not be allowed and the max number of vehicles over class 6 is 2. Then to add additional number

4-That they must have frontage access on a collector road for vehicles over class 6, Diane seconded the motion.

(Timestamp 1:51:25)

mmm.ROLL CALL VOTE :Kathy-Yes, Nancy-Yes, Diane-Yes, Jerry -Yes, Mark-Yes, Russ-Yes, Cory-Yes

nnn. VOTE 7-0 to Amendments to Table APPROVED

ooo. Russ motioned to favorably send this to the city council with the changes stated and approved and that Rachelle will make, Jerry seconded the motion.

ppp. Jerry-Yes, Diane-Yes, Cory- No, Russ-Yes, Mark-Yes, Nancy-No, Kathleen-No

qqq. Motion PASSED 4-3

6. Comments from Commissioners

- a. Jerry-We are going to be moving in probably a month, and my seat is an at large.
- b. Cory-Rachelle I talked to one member of the City Council about how we have 4 people who's commission expires in June.
- c. Kathleen- I went to the airport open house. I found that to me it was engineer oriented.It was hard for me to understand their charts and things. What I did notice was that there are different overlay zones. There was an overlay zone all the way up to golden gardens that is an A which means airspace and it's very very restrictive. Their proposal is to get the three airports working together, the Salt Lake, West Jordan and Tooele. The whole overlay issue has to do with the FAA and that will determine what they will be allowed to do. Just to let you know he did say they would be coming with their proposal and to work with them on it. It looks like it will take a bit to work on it.
- d. Rachelle- There is a Rocky Mountain power meeting tomorrow from 5-7

7. Adjournment

- a. Cory moved to adjourn the meeting, Russ 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

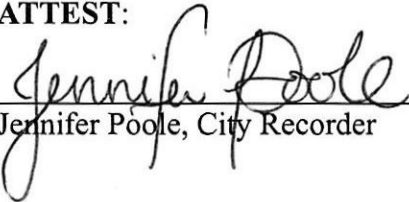
Note: these minutes represent a summary of the meeting and are not intended to be verbatim.

Prepared by: Jennifer Poole, Erda City Recorder

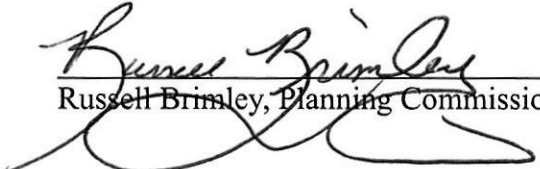
PASSED AND APPROVED by the Planning Commission this 23rd day of April, 2024.

ERDA

ATTEST:



Jennifer Poole, City Recorder



Russell Brimley, Planning Commission Chair