

Erda Planning Commission Minutes

1/27/2026 – 7:00 pm

Erda City Office-Fire Station

Call to Order

1. Roll Call

- a. Kathleen Mallis, Michael Jensen, Nancy Martin, Chase Bawden, Mike Higgins, Mark Gull, Russell Brimley
- b. Rachelle Custer- City Planner, Jennifer Poole- City Recorder, Jessilyn Stagg- Deputy Clerk

2. Pledge and Prayer

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

3. Elect Chair and Vice Chair

- a. We are looking for individuals who we can nominate for chair and vice chair. I think others need a chance to do this.
- b. Michael- I will do it if others don't want to
- c. Russ nominates Michael Jensen as Chair for 2026, Nancy seconded the motion,
- d. ROLL CALL VOTE: Kathy- Yes, Michael-Yes, Nancy-Yes, Mark-Yes, Mike-Yes, Chase-Yes, Russ-Yes
- e. **Michael Jensen is Planning Commission Chair for 2026**
- f. Mark- It's a good opportunity to be a little more engaged. It's not hard and there are people here to help.
- g. Mark nominated Chase to be Vice Chair, Nancy seconded the motion
- h. ROLL CALL VOTE: Kathy- Yes, Michael- Yes, Nancy- Yes, Mark- Yes, Mike- Yes, Chase- Yes, Russ- Yes
- i. **Chase Bawden is Planning Commission Vice Chair for 2026**

4. Approve Minutes from 12-09-25

- a. Nancy moved to approve the meeting minutes, Kathy seconded.
- b. Voting was unanimous
- c. **Minutes from 12-09-25 APPROVED**

5. Approve Meeting Dates for 2026

- a. Russ I've been looking over the proposed minutes and I think we need to look over this and discuss dates.
- b. Nancy- One of the dates in June needs to be corrected, it should be June the 9th.
- c. Michael- I won't be here on Feb 10th, and know others here won't be there.
- d. Rachelle- let's keep it a placeholder if we need it.
- e. Michael- I will be gone on both dates in April, but I can meet online. May 26th is the day after Memorial Day. Let's get rid of May 26th the day after Memorial Day. If there is something pressing that needs to be met over staff can let us know and we can schedule something else.
- f. Russ- Moved to approve this calendar with the proposed changes of removing May 26th, and changing the date in June to the 9th.
- g. Voting was unanimous to approve the meeting dates
- h. Planning Commission 2026 Meeting Schedule Set**

6. Public Comment (3 minute limit per comment)

- a. Randy Salt- I'm not familiar with if we are meeting tonight as the Planning and Zoning. This is just for the Planning and Zoning for Erda correct? The committee confirmed.
- b. Michael moved to close Public Comment, Kathy seconded the motion,
- c. Voting was unanimous to close Public Comment
- d. Public Comment Closed**

7. **CUP 2025-120** Michael Jensen is requesting a conditional use permit to operate an agricultural business at 655 E Bates Canyon Rd. The business will be a landscape business yard and building. Along with limited supply of nursery stock (trees, shrubs, bark and associated landscape materials).

- a. Rachelle- Read from the CUP handout. This property was already a legal nonconforming when the city was created. The property is A-20 and is surrounded by A-20, and RR-5. The only conditions recommended are that hours of operation be limited to M-F 7am to 7pm and Saturday 9-5.
- b. Russ opened Public Comment

a. Public Comment Open

- b. Randy- I live at 704 E Bates Canyon Rd. It's directly across the street from my other home. I am very well aware of this property from the beginning to the end. Some of the concerns I've talked to Mike about are the use of pesticides or fertilizers. He's alleviated many or all of those concerns. Mike has told me he is not planning on drilling a well. I have a commitment from Mike that any of those products used at that location will have a barrier underneath them and covered. We've been through everything, we've been through gravel pits, race tracks, and on and on. Mike and I have talked and had a good discussion and compromise that works for both of

us. They were very concerning to me, he alleviated my concerns and wants to be a good neighbor. We want to be that here in Erda, to lift people up not hold them down. I really don't have any problem with what he's asking to do. We discussed this calmly, intelligently, and together and we came up with some things that will work for both of us. I believe in the future we will be able to work things out between us.

- c. Cindy- Where will the building be placed? How big will it be?
- d. Brett Brockmeyer- I've lived next to Mike for 20 plus years. This can be written in stone, if there has ever been a problem with anything in his business Mike is on top of it. All of his employees are very respectful. All of his supplies are properly stored. If he feels like there is an issue or one is brought to him he is on top of what is going on. I have never really had a problem. The only time I said anything is when one of your guys was boogieing down 36 the other day and he was right on top of it. You couldn't ask for anyone better to mentor or have a business next to you.
- e. Russ moved to close Public Comment, Mike seconded.
- f. **Public Comment Closed**
- g. Michael Jensen (as applicant)- Some of the questions asked were where is the shop? It will be in the back east corner, on purpose. We don't want it on the front of the road or near neighbors properties. As for people coming to purchase items that are not currently in the plans. But I don't want to close the door on that option in the future. I do fully want to give Randy credit. If you have an issue go talk to your neighbor and he did that. He came over and knocked on my door and I wasn't home but left his number. We had a good conversation and a lot of anxieties were resolved. I know we have spoken as a board about being good neighbors, and being able to speak to each other about issues before they get out of hand. I want my property of business to be a place where someone drives by and they think that is a guy I want to do my landscaping. We aren't drilling a well, the property is annexed into SPID. That had to be done to get water and sewer to the place. I purchased water. At some point in time I may build a bigger building.
- h. Russ- What about the hours of operation? Do those work for you?
- i. Michael- Yes those hours are fine.
- j. Chase- Will this drive be paved?
- k. Michael- At some point it will, it's gravel and based right now and in the future it probably will be.
- l. Nancy- Will the lighting be an issue?
- m. Michael- No, we will work with them. Also as for fertilizer, if we have any we will store properly as we don't want it contaminating any wells.
- n. Nancy- I think it's a good use of that land.
- o. Rachele- May I make two more conditions that you may impose with the comments that were made today. 1-That all fertilizer be stored according to industry standard, 2- That all lighting be directed in a downward direction. This way if Mike sells the business that condition is placed on the property.

- p. Mike H. moved to approve the proposed CUP with the following conditions hours of operation M-F 7AM-7PM, Saturday 8AM-5PM, No parking on Bates but onsite, any fertilizer or pesticide per product requirement to avoid any potential water or air pollution, all lighting onsite must be directed down onto the site. Mark seconded.
 - q. ROLL CALL VOTE: Chase- Yes, Mike- Yes, Mark- Yes, Nancy- Yes, Kathleen- Yes, Russ- Yes.
 - r. **CUP 2025-120 conditional use permit to operate an agricultural business at 655 E Bates Canyon Rd. APPROVED**
 - s.
8. **CUP 2025-121** Devore Automotive is requesting conditional use approval for a home based automotive repair business. Parcel ID: 13-001-0-0002. Property Address: 2342 W Erda Way.
- a. Rachelle- This is a business that you are aware of. We just did a text amendment to make this a conditional use. Rachelle read from the CUP handout. Planning Staff recommends that the Erda City Planning Commission makes a motion to approve the proposed conditional use for a home based automotive repair facility for Devore Automotive with the following conditions: Hours of operation to be Monday – Friday 8am – 8pm and Saturday 9am – 5pm No parking allowed on Erda Way. All customer and employee parking shall be onsite. Appropriate fire and building inspections completed and approved. The owner of the business must occupy the residence. May be permitted to have no more than 1 employee or contractor that resides outside of the dwelling at the residence at any one time provided there is off-street parking available on the property for each employee and contractor. All work shall be performed inside an enclosed detached structure with a concrete floor. The structure shall be set behind the primary dwelling, Any leaks and drips shall be contained utilizing pans or methods such as absorbing pads and cardboard. The automotive repair shop and awaiting vehicles shall be enclosed within a 6 foot solid fence and may not exceed 15% of the parcel. No outdoor storage of equipment or supplies. All equipment, storage and repair shall be accomplished in an enclosed structure. Shall be limited to six customer vehicles at one time. All vehicles shall be registered. No vehicles over 26,000 GVW No auto body work or metal fabrication
 - b. **Russ opened Public Comment**
 - a. Susan Devore- I am protesting being called Devore Automotive, they do not own that name, it's in my name it was filed January 25, 2005. I also have Devore towing in my name. That was filed in October 2025. I would appreciate it if they would not use my name.
 - b. Mark moved to close the public comment, Russ seconded.
 - c. **Public Comment Closed**
 - d. Russ- We still don't have any way to enforce these things.
 - e. Michael- In the last City Council meeting one of the NTFD firefighters Buck Peck proposed that the city entertain an interlocal agreement with them to provide code enforcement. It would be at the discretion of staff and City

Council. For example there are different properties that don't have CUPs or business licenses. I really appreciate that it sounds like the fire department has been listening and if we can come up with an agreement with them or the sheriff's office. I would say that based on what I heard was that the message was received. I believe that based on them recommending that zoning change that they are looking to move in the direction of getting that code enforcement officer done. I think making the element where it has to be in a separate garage not attached to the home. This will help so they can't pop up everywhere. I feel we fleshed this out well and I feel good about this.

- f. Rachelle- Commissioners we do also have ways if they are violating their Conditional Use Permit we send them a letter of what they are violating and give them 30 days to fix it. If they don't then it is brought before this board and it can be revoked, if it's revoked we would also revoke their business license at that time. There are safeguards in place before it gets to code enforcement.
- g. Russ- Have we added everything to the CUP that we want?
- h. Mark- When we discussed this before we laid out everything we wanted all it was missing was code enforcement.
- i. Rachelle- The only item that is not addressed is lighting.
- j. Michael- If they have lighting it has to be downlighting. So anything associated with the garage, storage area, it must be down lit. Any future lighting associated with the shop and storage area must be downlighting.
- k. Michael- Moved that we approve the CUP with the following stipulations: Hours of operation M-F 8am to 8pm Saturday 9am to 5pm. No parking on Erda Way or any streets adjacent to property, No parking allowed on Erda Way. All customer and employee parking shall be onsite. Appropriate fire and building inspections completed and approved. The owner of the business must occupy the residence. May be permitted to have no more than 1 employee or contractor that resides outside of the dwelling at the residence at any one time provided there is off-street parking available on the property for each employee and contractor. All work shall be performed inside an enclosed detached structure with a concrete floor. The structure shall be set behind the primary dwelling, Any leaks and drips shall be contained utilizing pans or methods such as absorbing pads and cardboard. The automotive repair shop and awaiting vehicles shall be enclosed within a 6 foot solid fence and may not exceed 15% of the parcel. No outdoor storage of equipment or supplies. All equipment, storage and repair shall be accomplished in an enclosed structure. Exterior lighting on the shop and/or storage areas shall be down lighting. Mark seconded.
- l. **ROLL CALL VOTE: Chase- Yes, Mike- Yes, Mark- Yes, Nancy- Yes, Kathleen- Yes, Russ- Yes.**
- m. **CUP 2025-121 Devore Automotive is requesting conditional use approval for a home based automotive repair business - APPROVED**

9. Comments from Commissioners

- a. Michael- Just wanted to recognize Kyle Mathews as our new councilmember who is here.
- b. Rachelle- Councilmember Mathews and Christensen are the two assigned to land use.
- c. Kathleen- I needed to state that Jenny Devore is my daughter.

10. Adjournment

- a. Mike moved to adjourn the meeting, Russ seconded.
- b. Voting was 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 Planning Commission this 24th day of February 2026.

ERDA



Michael Jensen, Planning Commission Chair

ATTEST:



Jennifer Poole, City Recorder