

Erda Planning Commission Minutes

4/28/2026 – 7:00 pm

Erda City Office-Fire Station

Call to Order

1. Roll Call

- a. Commissioners: Kathleen Mallis, Michael Jensen, Nancy Martin, Russell Brimley, Mark Gull, Chase Bawden, Mike Higgins
- b. Staff: Jennifer Poole- City Recorder, Jessilyn Stagg- Deputy Recorder, John Brems- City Attorney, Jake Clegg- City Engineer

2. Pledge and Prayer

- a. Nancy led the Pledge of Allegiance
- b. Kathleen led the prayer

3. Approve Minutes from 4-15-26

- a. **Mark moved to approve minutes from 4-15-26, Kathleen seconded**
- b. **Voting was unanimous**
- c. **Meeting minutes from 4-15-26 APPROVED**

Michael Jensen moved to switch Agenda Items 4 and 5. There were no objections.

5. **Copper Cove Preliminary Plat Phase 1:** Derald Anderson is requesting a preliminary plat approval for Copper Cove phase 1. The plat contains 45 lots at the northeast corner of the development. Lots range in size from 5800 sq ft to 10000 sq ft.

- a. Michael Jensen- I'd like to share a few thoughts to help frame our work for tonight. While I couldn't be here at the last meeting, I've spent a significant amount of time catching up. I've carefully read the meeting minutes, the public hearing comments and the emails received from citizens. It's clear how much care and attention this community puts into its future. And we as a committee, truly value that input. To help everyone understand our process tonight, I want to clarify the specific role of the Planning Commission in this phase. Because the City Council has already approved the master development agreement for this PUD our role tonight is strictly administrative. This means we are tasked with ensuring that this specific application follows the roadmap already set by that agreement

and our city standards. Essentially, if the application meets all the established requirements and staff recommendations, we are legally required to move forward. Our role as a planning commission is to study the development agreement against the application for a preliminary plat phase to ensure that the applicant has met the requirements of the application, and their suggestion beyond that was that we define solid surface as it relates to the trail that is to go around the entire residential area of the development.

b. Mike moved to open public hearing, Mark seconded

a. Public Hearing Opened

b. Cory Stewart- As we discussed last time this is pretty well approved. Does each phase have to be approved?

c. Michael- We don't usually engage in back and forth during this time but I will take notes and address your questions during our discussion.

d. Allison Kipp- I was at the Planning Commission for Erda Estates and Tealby Village, I was at the special hearing for 125 citizens against these developments. There were more than a dozen land use ordinances and code that was ignored and this application was accepted without even being reviewed. At the last City Council meeting a moratorium was discussed on all properties that are involved in the disconnection process. I would like the email that was sent to the Planning Commission entered into the record. Written public comment and attachments submitted by Allison Kipp was received and is part of the official record.

e. Marion Deware- I agree with everything she said, and want to validate everything she has said.

f. Nancy moved to close the public hearing, Russ seconded the motion

g. Voting was unanimous to close public hearing

h. Public Hearing Closed

i. Michael- I want to address the question of whether each phase will have to have its own approval. No, this is specifically for phase 1. I don't believe I said we had to vote yes on this, I said we had to move it forward. We are required to vote or table it. None of us like denser development. We have to follow the law, we have to follow code. I read in detail what Allison sent. There is more to that story. It's water under the bridge. Our City Council passed a development agreement so the developer has vested rights to develop. In some ways our hands are tied, but our responsibility is administrative.

j. Mike- I have looked over this and am ready to make a motion.

k. Mike- **I move to approve this with the following conditions. That the required solid surface trail will be clearly identified on the final plans as either asphalt or concrete, that the southern boundary include defined buffer treatment plan addressing trail placement and separation from adjacent rural properties, that the public infrastructure for this phase be installed in accordance with approved plans before vertical construction begins in the phase, and also that the final engineering plans clearly define all dimensions**

improvements and required infrastructure, so there's no ambiguity before construction. Mark seconded the motion.

- l. Kathleen- As we were asked I reviewed the agreement there are some things that are disturbing to me before we approve anything. I believe if there are changes made we have to be notified. They took out the school parcel that should be there. Is John online? What does this potential moratorium mean in this case?
- m. John- A moratorium would be set by the City Council and could range from pausing inspections to stopping new land use applications. That moratorium would apply to the entire city unless it was specifically identified to an area, and I'm not sure we could really do that as well as I thought we could. It must also be based on a "compelling countervailing public interest." The city's development agreement allows vesting to be paused or voided if the Council determines such a public purpose exists. A disconnection application may qualify as that type of interest while the City evaluates next steps. I have received direction from two members of the City Council, so I'm going to prepare a moratorium and a compelling countervailing public interest exception to the development agreement for the next City Council meeting.
- n. Michael- If the City imposes a moratorium during a disconnection process and the area is later disconnected, development rights would still remain. Jurisdiction would shift to the county, meaning the county—not the city—would control approvals, and the city would lose any input on the project.
- o. John- I don't know if the disconnect will go through. I don't think they have been vested with the county.
- p. Michael- regardless of what we do tonight, if the City Council decides to do a moratorium, any applications we receive after tonight will not be looked at if there is a moratorium.
- q. Kathleen-I had a concern based on this process we talked about. If we were denied this that a lawsuit could be filed. Would that be a breach of contract if we voted to deny this phase 1 tonight.
- r. John- I think there would be a breach of contract if you never made a decision. If you made a decision of no there would be a lawsuit because you didn't follow the rules that were set forth in the development agreement. If you vote yes they will be happy. If you table it and wait for the council to make a decision on the development agreement they might bring a lawsuit but the development agreement includes a provision that there are no monetary damages.
- s. Kathleen- I am appalled at this whole situation with the disconnect and everything that is going on with Erda. It's like covering our bases then if we don't get what we want from Erda we'll go somewhere else. I don't believe this is okay for us to move forward with the looming disconnect, I can't get past this.
- t. Mike- How would you feel if the disconnect wasn't going on? Would you be willing to move forward with this?

- u. Kathleen- I wouldn't have as much of a problem, I still don't like this, I am a one acre gal. I see other developers have come in and built 1 acre development, why can't all of the developers follow this rule? It's a hard deal for me to swallow.
- v. Chase- I have a follow up question for John. If this was approved can a moratorium still be applied to this by the City Council after?
- w. John- I want to discuss the difference between vacating the development agreement and a moratorium. Vacating the developing agreement is a much narrower shot at the problem. A moratorium would stop anything moving forward, nothing currently being built. Depending on what the moratorium states will determine what it can stop.
- x. Nancy- I went over all of this information and I am just sick at what has happened with this application. I am sick with what happened at Tooele County. I just don't think this was done lawfully. I just don't like how this is done. Don't we have right and wrong anymore? I don't think two wrongs make a right. I don't think this was ever done in a way that was lawful. What happened with the school lot. Where are all of the landowners rights? What happens when they have horses, cows and chickens and all of the new home owners throw a fit because of all of the flies and stink that come with it. We need to make them coincide with the existing ground and uses. I think we are spinning our tires here if we think they are going to place a moratorium on these. I think we should wait till the disconnect is done. It is too uncertain for me to move forward on this.
- y. Michael- Was there a portion in the development agreement that was listed for a school?
- z. Jessilyn- In 5.5 of the Development agreement it states that there was a parcel set aside for school. It is marked on the map that you have.
- aa. Michael- I just want to make sure that the parcel for the school wasn't left out.
- bb. Mike- In listening to the conversation, Allison thank you for your email with the history of this. I didn't know some of that. This Development agreement exists today because they did follow the rules. They believed in this enough to give push back on the referendum. It was voted on 4-1.
- cc. Nancy- The council members did this with the idea that there would be two parks, and I don't see those listed.
- dd. Jessilyn- The Development agreement in 14.1 and 14.2, it states that there are 2 parks required, that also may be used as a retention pond.
- ee. Michael- Those are future phases that we can do what we are doing with the trails on this phase. One of the things City Council pushed for was a trail to provide a buffer around existing homes. What we could do is spend time on asking staff to develop city code that requires trails and buffers on new development. I think if we kick this can down the road, we will have less input and things typically get worse.
- ff. Chase- I am of the opinion that if they don't want to be in Erda then why are we voting on this? Why not table this?

gg. Mark- I have been here since the beginning. I remember when this first came in we didn't like it, but we did what we could to make it the best for Erda. I am not in favor of denying a law-abiding person who has followed the rules.

hh. **ROLL CALL VOTE: Kathy-No, Russ-No, Nancy-No, Chase-No, Mike-YES, Mark-YES, Michael-YES,**

ii. **Vote to approve Copper Cove Preliminary Plat Phase 1 FAIL**

4. Public Comment (3 minute limit per comment)

a. Derald Anderson- Thank you for your service. What I heard tonight was the preliminary plat was denied because a group of landowners filed two disconnects in your city. You just handed us the disconnect. That is clear retaliation. The hardest part to prove is justice and equity, you just handed us that. Your responsibility tonight was to take this plat and compare it against the ordinances you have in place and the state statutes. You have had your planner tell you it is in compliance. One of the most difficult things to prove in a disconnect is justice and equity. It's easy to prove services and financials, but justice and equity comes down to a judgement call by the judge. Tonight you just handed us justice and equity. If any of you can explain to me how it's just to vote against a person using their State rights then lets have a conversation. A lot of what you heard tonight is untrue and not the full facts. For example, a moratorium in the State of Utah can only be in place for 180 days and you are not allowed to stack them. John talks about justice and equity. Countervailing and compelling public interest are life, safety, and health issues. If you as a city think that us filing a disconnect application, that we are legally allowed to do, is countervailing public interest then good luck.

b. Cory- I want to say thank you. I feel like Derald's talk there is threatening. I appreciate you guys. I hope we as a community can come together to figure out how to make this community better. I appreciate you guys.

c. **Michael moved to close public comment, Chase seconded**

d. **Public Comment Closed**

6. Comments from Commissioners

a. Russ- I don't want to be talked for, I said no because I don't have all of the facts. It's not retaliation. I don't know where this is going. I would have been open to tabling this, to keep it on our radar. It's a no for the unknown.

b. Nancy- If they do a moratorium I would like to have some work meetings where we get our ordinances fixed the way we want to have them. So when a development comes in and they check all of the boxes then okay. They know beforehand what they are expected to have.

- c. Chase- It was not retaliation at all. I would have liked more information. I was forced into a vote and so that is why I said no. No retaliation at all and I want that on the record.
- d. Mike- I didn't mean to force this into a vote that we weren't ready for. I have been to a lot of meetings and realized that we make a motion and lots of discussion. If there are any apologies in order I give them. This is the first time we haven't all voted unanimously. It is important to me to remain objective.
- e. Mark- We've been the rounds on this, for years. I feel like from a planning perspective this is very organized and put together. I feel like from my perspective I fulfilled my role.
- f. Michael- I value the difference of opinion of this body. I feel we respect each other and value each other's opinions. The applicant can reapply. This development doesn't stop. Just because we voted no, doesn't mean it's done. Expect to see this again.

7. Adjournment

- a. **Michael Jensen motioned to adjourn the meeting, Mike Higgins 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, Jessilyn Stagg- Deputy Recorder

PASSED AND APPROVED by the Planning Commission this 23rd day of June, 2026.

ERDA


Michael Jensen, Planning Commission Chair

ATTEST:


Jennifer Poole, City Recorder