

Erda Planning Commission Minutes

6/23/2026 – 7:00 pm

Erda City Office-Fire Station

Call to Order

1. Roll Call

- a. Commissioners: Kathleen Mallis, Nancy Martin, Russel Brimley, Mark Gull, Michael Jensen. Online: Mike Higgins. Absent and excused: Chase Bawden
- b. Staff: Rachelle Custer- City Planner, Jessilyn Stagg- Deputy Recorder

2. Pledge and Prayer

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

3. Approve Minutes from 4-28-26 and 5-26-26

- a. **Russ moved to approve Minutes from 4-28-26 and 5-26-26, Mark seconded**
- b. **Voting was unanimous**
- c. **Minutes from 4-28-26 and 5-26-26 APPROVED**

4. Public Comment (3 minute limit per comment)

- a. **Kathleen moved to open public comment, Nancy seconded**
- b. **Public Comment opened**
- c. **Michael moved to close public comment**
- d. **Public Comment closed**

5. **Consideration of Conditional Use Permit 2026-76** Ashley Morrill owner of "The Ugly Duckling Baking & Co" The Ugly Duckling Baking & Co. is a small, home-based food operation run under Utah's home consumption and Homemade Food Act.

- a. Rachelle- Ms. Morrill is requesting a Conditional Use Permit for Bite Me Truck, a portable trailer on her property that sells baked goods, ice cream, and drinks. The business is already operating without city permits but has obtained state permits. A fire inspection found the electrical system is not up to code. Staff recommends approval subject to adequate off-street

parking, hours limited to Monday–Saturday, 8:00 a.m.–7:00 p.m., obtaining a building permit, and bringing the electrical system up to code before operation.

b. Michael moved to close the meeting, Nancy seconded

c. Meeting Closed

d. Michael- Opened public hearing

a. Public Hearing Opened

b. Michael moved to close the public hearing, Mark seconded.

c. Public Hearing Closed

d. Michael moved to open the Planning Commission meeting, Russel seconded.

e. Meeting opened

f. Michael- Asked whether the City could impose restrictions beyond state requirements.

g. Rachelle- State regulates food preparation and sales requirements while the City regulates zoning, parking, and operating hours.

h. Michael- Electrical compliance, operating hours, and neighborhood impacts are the primary issues before the Commission.

i. Rachelle- Site plan meets City requirements and adequate parking is available. Customer traffic and operating hours are the primary considerations.

j. Ashley- Requested approval to operate seven days per week from 8:00 a.m. to 8:00 p.m. Sunday is one of the busiest days for the business. Electrical improvements are being completed to bring the operation into compliance.

k. Mark- Asked whether another day could be designated as a closure day instead of Sunday.

l. Ashley- Customers have expressed a preference for the business being available every day, even if inventory varies.

m. Nancy- Asked about lighting on the property and expressed concerns regarding activity after dark.

n. Michael- City prefers down-lighting. Any additional lighting should be directed downward to minimize impacts on neighboring properties.

o. Ashley- Existing lighting is directed toward the residence and not toward neighboring properties or the roadway.

p. Russel- Asked questions regarding business licensing, trailer operation, customer traffic, and whether the trailer would be treated similarly to a food truck.

- q. Rachelle- Operation does not meet the definition of a food truck because customers enter the trailer and serve themselves. Application presents a unique situation because the structure is portable but remains on-site.
- r. Ashley- Trailer contains refrigeration and seasonal heating. Work is being completed with the fire marshal and electrician to address code requirements.
- s. Russel- Asked about customer volume and future complaints from neighboring property owners.
- t. Rachelle- If traffic becomes excessive or conditions of approval are not met, the permit could be brought back before the Commission.
- u. Michael- Sunday operations are a primary concern. Many residents view weekends as time to enjoy their property and spend time with family. The corner-lot location reduces some concerns because traffic would not travel through the entire neighborhood.
- v. Ashley- Neighboring property owners are aware of the business and have not expressed concerns. The fire marshal preferred the trailer remain in its current location.
- w. Michael- Suggested seasonal operating hours and discussed increasing the customer limit if business activity grows over time.
- x. Mark- The commission is attempting to balance the applicant's success with consideration for neighboring property owners.
- y. Nancy- Weekend traffic and activity levels should be considered. Approval of the application could influence future home-based business requests.
- z. Russel- Future applications should be considered, but anticipated customer volume appears relatively low.
- aa. Michael- Location, parking availability, and low customer volume distinguish the application from more intensive commercial uses.
- bb. Nancy- Asked whether approving Sunday operations could create expectations for future applicants.
- cc. Michael- Each conditional use permit should be evaluated individually based on location, traffic, and surrounding circumstances.
- dd. Russel- Suggested allowing Sunday operations with reduced hours to minimize impacts on neighboring properties.
- ee. Mark- Limited Sunday hours appear reasonable, but the Commission should avoid becoming overly restrictive.
- ff. Mike Higgins- Commission is getting into unnecessary details regarding operating hours and should focus on reasonable conditions.
- gg. Ashley- Requested consideration of Sunday hours from 10:00 a.m. to 7:00 p.m. if Sunday limitations are imposed.

- hh. Nancy- Neighborhood impacts should still be considered, although customer visits would likely be brief.
- ii. Michael- Anticipated traffic impacts appear minimal. Permit can be revisited if complaints arise.
- jj. **Russel- Moved to approve Conditional Use Permit 2026-76, with hours of operation from 8:00 a.m. to 8:00 p.m., Sunday through Saturday, and reduced hours from 8:00 a.m. to 7:00 p.m. beginning Labor Day through Memorial Day. Conditions include that all lighting be downward-directed, adequate off-street parking be provided for all customers, and customers shall not be permitted to exit onto Erda Way. Mark seconded the motion.**
- kk. **Roll Call Vote: Kathleen- Yes, Nancy- Yes, Michael- Yes, Russ- Yes, Mark- Yes, Mike- Yes.**
- ll. **Conditional Use Permit 2026-76 Approved.**

6. **Consideration of Conditional Use Permit 2026-102** Tynley Bean is seeking to have small group art lessons up to 8 people at a time.

- a. Rachele- Mrs. Bean is requesting a Conditional Use Permit to operate an art studio from her home at 3866 Rose Springs Drive, offering one-hour art classes for up to eight students at a time, four days per week. Adequate off-street parking is available, and the site plan has been reviewed. Staff recommends approval with the condition that classes be limited to one per day, four days per week, and end by 7:00 p.m., rather than the applicant's requested 9:00 p.m. closing time.
- b. Mark moved to open public hearing, Kathleen seconded
- a. Public Hearing Opened
- b. Mark moved to close public hearing, Michael seconded
- c. Public Hearing Closed
- d. Tynley Bean- I have a degree in Art Education. I have a lot of adults ask for later classes. I don't need to do that every day, just an option on some days. I would like to request more than 1 class per day. Depending on what I teach, an hour may not be long enough. I would need 2 hours for some classes. The most classes I could accommodate per day is 2-4. It depends on how much interest there is. I don't intend to use it every day. I try to work around customers' schedules. I would like a lot of hours to choose from. I can only accommodate 8 students at one time. I do have a pottery wheel in my garage for ADA accommodations.
- e. Michael- Asked how long classes would typically last and how many classes could occur in a day.

- f. Tynley- Some classes require up to two hours. Flexibility is needed to schedule multiple classes based on demand.
- g. Michael- Asked which days of the week classes would be offered.
- h. Tynley- Preferred flexibility and would schedule classes based on participant availability. Does not intend to teach on Sundays.
- i. Nancy- Asked about class size.
- j. Tynley- Attendance is generally limited to eight participants and many participants arrive in shared vehicles.
- k. Michael- Asked about ADA accessibility requirements.
- l. Tynley- Could provide instruction in the garage for some participants, although restroom accessibility could still be an issue.
- m. Rachelle- Building inspection will address accessibility concerns. City has addressed similar situations by requiring applicants to accommodate participants at alternate locations when necessary.
- n. Michael- Asked whether an affidavit addressing ADA accommodations should be included as a condition of approval.
- o. Rachelle- ADA accommodation condition should be included.
- p. Tynley- Discussed the proposal with neighboring property owners and received positive feedback.
- q. Mike Higgins- Proposed use appears low impact and extensive restrictions do not appear necessary.
- r. Mark- Supports providing flexibility while ensuring the use remains compatible with the neighborhood. Vehicle activity later in the evening is the primary concern.
- s. Michael- Compared the proposal to larger operations such as dance studios. Proposed class sizes would create substantially less traffic.
- t. Nancy- Participants remain on-site during classes and traffic is limited compared to a business with continuous customer turnover.
- u. Kathleen- Proposal appears reasonable and supports reducing restrictions.
- v. Mark- The nature of the activity naturally limits traffic and neighborhood impacts.
- w. Michael- Proposed use differs from a retail business because activity occurs at scheduled times rather than through continuous customer visits.
- x. Nancy- Asked whether restrictions on class length or frequency are necessary.
- y. Michael- Excessive restrictions are likely unnecessary. Flexibility should be maintained while applicants remain good neighbors.
- z. **Mark moved to approve Conditional Use Permit 2026-102, allowing the applicant to operate an art studio Monday through Saturday from**

10:00 a.m. to 7:00 p.m., with up to two evenings per week extended by an additional two hours at the applicant's discretion. Conditions include providing adequate off-street parking, ensuring all lighting is downward-directed, and submitting an affidavit stating that the applicant will provide services at a client's home when ADA accessibility accommodations are needed. Seconded by Michael

aa. Roll Call Vote: Kathleen- Yes, Nancy- Yes, Michael- Yes, Russ- Yes, Mark- Yes, Mike- Yes.

bb. Conditional Use Permit 2026-102 Approved

7. Comments from Commissioners

- a. Michael- I would like to thank the applicants for putting up with our discussions and for participating in the process. I think it is great that our community is growing and that people are finding creative ways to support and serve the community. I am excited about the opportunities these businesses bring to Erda residents and appreciate the unique talents and contributions each applicant provides. We are fortunate to have such a great community.

8. Adjournment

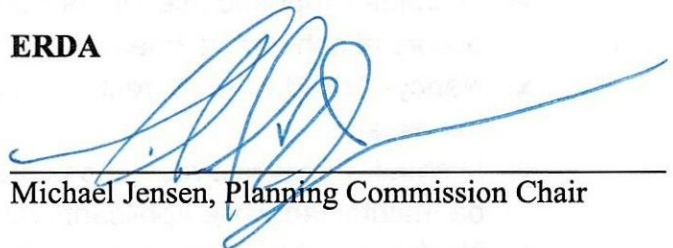
- a. Kathleen moved to adjourn the meeting, Mark seconded.
- b. Voting was unanimous to adjourn the meeting
- c. Meeting adjourned

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

Prepared by: Jennifer Poole, Erda City Recorder, and Jessilyn Stagg, Deputy Recorder

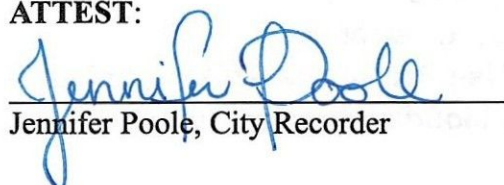
PASSED AND APPROVED by the Planning Commission this 14th day of July, 2026.

ERDA



Michael Jensen, Planning Commission Chair

ATTEST:



Jennifer Poole, City Recorder