

Erda Planning and Zoning Commission Meeting Minutes
February 15, 2022
Tooele County Auditorium

Call to Order - Jess Bird

1. Roll Call - Jess Bird, Erda City Councilman, (leading meeting until chair is elected) Kathleen Mallis, Mark Gull, Diane Sagers, Matt Luker, Jerry Hansen, Cory Warnick, Russ Brimley

2. Pledge and Prayer given by Diane Sagers

3. Direction from City Council:

Craig Smith, Erda City Councilman: Thanks commissioners and see the planning and zoning commission as a great help to the city council for land use and zoning recommendations. It will be a heavy weight to be questioned by friends for your decisions. Training videos are about 2 hours. State law requires 4 hours per year. The commission needs to set a schedule for the State Ombudsmen to give them training. Open public meetings act training is a priority, and every commissioner needs to send their certificate to the city recorder. You can't vote until that is on file. You will be in favor of or opposed to the issues that come before you, but your job is to make sure it is legal. You are a deciding body, for a subdivision that meet the legal requirements, you have to allow it. You can't deny without a legal requirement not being met. You are an advisory board and send recommendations to city council. The commissions job is to see if it is legally conforming. The city council's job is to see if it is good for the city. They can allow things that are good for the city. Or vice-versa. Largely you have to look at the legal definition for subdivisions and CUPs. When you have a chair and a date set, there will be trainings.

4. Oath of Office:

Cory Warnick is a public notary and has already done his oath at the County. He administered the oaths of office.

Kathleen Mallis: Complete

Mark Gull: Complete

Diane Sagers: Complete

Matt Luker: Complete

Jerry Hansen: Complete

Russ Brimley: Complete

5. Election of Chair & Vice Chair:

Nominations open for chair.

Jerry Hansen nominates Cory Warnick to serve as Commission Chair. Diane seconded.

Roll Call Vote: aye all around

Cory Warnick says thanks.

Cory Warnick nominates Jerry Hansen for Commission Vice-chair. Mark seconded

Roll call: aye all around

Cory Warnick thanks Craig for serving on the Tooele County Planning and Zoning Commission.

6. Public Comment on Topics Not on the Agenda

Craig Smith: The commission is not to have public hearing on different items without proper public notice for those. Discussion can only be had tonight because there wasn't any notice. Public comment is now or never during this meeting.

Shannon Lawson, Erda Resident: Grew up in Erda. Has a specific need he hopes to bring to the commission. I live on 5 acres on Heidi Way. I figured that 5 acres would give me space. My wife has been diagnosed with illness and so I need to change our living arrangements and have family nearby. There are some needs that I need to discuss with the board soon and wants the commission to be ready to hear his application.

David Barrett, Erda Resident (online): My situation is along the same lines. I just bought in October before the switch. We love the land & people. We spoke with Jim Parks & Building & Jeff in Zoning. I live on Rowberry Lane RR-5 zoning. We want to build an accessory dwelling under a CUP - to have family. Process has been started & now there is a moratorium. The builder is ready, contractor paid, plans done & now it will be June before we can get started. Want the council to realize our situation and hope they will take care of it in a timely manner. Who do I keep in touch with? You were going to adopt all the same land ordinances from Tooele County for CUPs. I didn't see it in today's discussion, so I joined online to get the info out.

Jess Bird, Erda City Councilman: All Erda City residents have been calling Jess. A daily or more call about ADUs. Suggest that as a first item of business, let's get a permanent ordinance taken care of. Jess would want it to be a permitted use. The state requires it to be a CUP. Make sure code fits code & make it liberal where we can. Get these CUPs ready lightening quick. I'm speaking for myself, not the council.

Todd Hinton, property owner within Erda City: My son Joshua is with me. We have bought a lot on Cimmarron Way behind the motorsports store. We want to put a dance studio there. It is zoned commercial, so we are not trying to change the Tooele County zoning. We want to know what the steps are required by the city. We are building in Erda, but we want to have a commercial building built.

Jerry Hansen motioned to close public comment. Diane Sagers second.

Roll call: aye all around

7. Administrative Items - No public input

Administrative doesn't require public hearing. But legislative does.

A. Training

Do we have concerns? Are they completed? **Cory Warnick:** Everyone's certificates are in, but we can't vote until next time.

B. Conflict Check Form

1. Powers and Duties Training

Notarize with Cory Warnick before you leave if you haven't completed this.

2. OPMA Training

8. Brief Intro of Each Member

Russell Brimley: Lives on Rose Springs Road. Moved here 5 years ago. Loves the environment we have here.

Jerry Hansen: Has lived in Erda since 1983. We've raised kids here. This is our home. I just retired. I was on the Tooele County Planning and Zoning years ago, but things have changed

Cory Warnick: I been here just under 5 years. I love it out here. Moved out here from West Valley. Looking forward to serving. I have been serving as an interim recorder since the city was started in November.

Matt Luker: Resided 5 years in Tooele. Now 20 years in Erda. I drive around Erda and know the homes and roads of Erda. My biggest concern is keeping the roads wide enough and keep ahead of that. Watching SLC we can take some lessons from that.

Diane Sagers: Has been living in Erda since 1979. Raised 6 kids here. I served on the advisory board with the county master plan. We had no authority, but the County listened to us.

Mark Gull: Born & raised in Erda. Both my mom & dad's families called Erda home. Interested in maintaining the Erda we loved. It's not the same as when we grew up.

Kathleen Mallis: Has lived in Erda 46 years. I was the base transition coordinator, and my job was to work with the communities and mayors in the surrounding areas to advise and help them. Interested in local politics, boards, ordinances. I've enjoyed learning.

9. Discussion and Adoption of Procedural Rules

Cory Warnick: We must have some type of rules to go by for meetings. I left a packet for you that is exactly what the city council does with the mayor information, etc. removed. Rules of debate and allowing everyone to speak. Are there changes or suggestions?

Diane Sagers motioned to adopt the rules of procedure as written. Kathleen Mallis second. Motion carried.
cu.

10. Discussion on Dates, Frequency and Location of Meetings

Cory Warnick: Tooele County & Grantsville City Planning and Zoning meet twice a month. Some have said once a month. **Craig Smith:** State law says you have a years' worth of meetings booked. Which means at least once a month. If you want to do twice, that's fine. It has to be a regular schedule. Four times a month would be a waste. Do twice a month and then you can cancel within a week to 24 hours' notice. You will have longer meetings at once-a-month **Russ Brimley:** Can we amend the schedule if we don't have items? **Mark Gull:** We should do two short meetings and then we can get to know each other how we will function as a group.

Diane Sagers: We have a lot to decide right now so two meets per month would be good. **Cory Warnick:** What day of the week? Tuesday is the consensus. **Mark Gull:** The 1st & 3rd Tuesday?

Cory Warnick motioned to regularly meet the 1st & 3rd Tuesday of the month in the Tooele County auditorium. **Mark Gull** second. *Motion Carried. CH.*

11. Designation of Land Use Authority and Appeal Authority, Recommendation for Delegation of Administrative Role.

Cory Warnick: Do we need to do these each separate or lump this into the permanent land ordinance? We should wait until we have more instruction as these are not pressing right now.

Jerry Hansen: This should be after the ombudsman training.

12. Future meeting assignments

Cory Warnick: This falls to the city council. We should take this off Jess Bird's plate if we can. There needs to be delegation.

A. Record/Take Minutes

Cory Warnick: Camille & Mike Higgins have been doing that tonight. The city council will be assigning a permanent person to do that. Camille & Mike Higgins can do this for now.

B. IT/Broadcast Setup

Mike Higgins can continue to do that.

C. Reserve Room

Cory Warnick: Had to set up this room. Jess set it up with the County. Has city council set the room for the year, Jess? **Jess Bird:** The city council has it set it out for several months. When we know where we are having our offices, you can use that space. **Mark Gull:** I will set up the room for our meetings. **Craig Smith:** All land use needs 7-10 days before it can be voted on so if you are changing the meeting date/time, make sure you are giving proper time for notice.

D. Public Notification

Craig Smith: The chairman of the commission is responsible for making sure public notifications are on the website. You can't delegate that responsibility.

E. Upload Minutes/Recordings

Cory Warnick: We are required to upload to the public minutes and recordings. Who would like to do that? **Russ Brimley:** I can do that. Jess can train me. **Mark Gull:** Will bring an extra recorder

D. Create Agenda

Cory Warnick: Even though I create it; input comes from everybody. We need to have everyone suggest things for the agenda. **Shannon Lawson,** resident: How do we get on the agenda? **Cory Warnick:** Contact me.

13. Recommendation to Engage PSOMAS to Make a General Plan

Cory Warnick: PSOMAS is a firm who creates general plans for entities. They made a very expensive plan for the county. The city council has not decided to engage them to make a general plan. So, everything we do will be weighed against the general plan. We need to get that moving as quickly as possible. They have already done a lot of work for Erda & could just incorporate that into Erda City. **Mark Gull:** Is that just a recommendation? **Craig Smith:** They have been working on this for a year and a half. It has come through Tooele County Planning and Zoning. You can see on the plan and boundaries for Erda on the website. They have talked about doing one just for Erda city, but we would need to come up with the funding. There are three different options in there. Then when we do engage PSOMAS - we have some idea to meet the 180-day moratorium. **Mark Gull:** We are required to have certain elements in our plan. Where do we find those requirements? **Craig Smith:** You can pull up a final plan on the website. The city of Erda is there and has commercial, road, etc. components. **Diane Sagers:** There aren't two choices? **Craig Smith:** There are three options there. Also remember, you can't have a quorum of four commissioners talking about Erda business without being in an open public meeting. **Jerry Hansen:** If we are less than four, we can talk. If we are three or less, we can have discussions? **Cory Warnick:** We have seven so three or less can meet. **Craig Smith:** Communicate most of your items through your email. It's a good resource to communicate. **Cory Warnick:** A local non-profit donated the books that we have here. The public should know we are being transparent, and we should work to be transparent. **Terry Miner,** Erda City Councilman: you can go to community events. Just not talk about Erda business. **Cory Warnick:** City council meets on Thursday & we have the Erda Ordinance meeting coming up on Friday. We need to engage as soon as possible with the public to get input. **Matt Luker:** Do we need a motion? **Jerry Hansen:** We need to be engaged with them but not until we look through things. **Diane Sagers:** Can we listen to the public and then talk to PSOMAS about what we've heard? **Mark Gull:** Anything we can do to get in front of this and get out there with discussion and opinions both public and with the commission will be helpful. Once you adopt something, it's harder to change.

Cory Warnick motioned to recommend to the city council the hiring of PSOMAS as soon as possible and invite them to the discussion series. Matt Luker second.

Roll call: aye all around

Cory Warnick: How do we present these recommendations to the City Council.

Jess Bird: Email at minimum and then come present if it is detailed and requires a map.

14. Clarification on Mistakes on Current Map, Jerry Hansen

Jerry Hansen: I have access to a hunting app. There is a P2 zoning down by the airport. The Palmer family owned all that near Evan's Way. On the zoning map of the county the airport owns that. Jess says we should wait to make a change until we have the authority to do so. Around me there is property owned by Walters ranch that is marked as owned by someone else. People need to know whose property they are looking at. We need to get with the landowner and ask is this your property. **Matt Luker:** When Disney bought land for Disney World, they didn't want anyone to know who was buying it. **Mark Gull:** Who do we consult so this is done legally? **Jerry Hansen:** Ensign Engineering has surveyed all the property. **Craig Smith:** We would

be better to take all the names off the map. What is important to this commission is what the zoning is, not who owns the property. The GIS is not perfect. A small map doesn't show ownership well, but the zoning is correct & the most important element.

15. Legislative Items - Public input

Cory Warnick: We learned tonight that we cannot vote on any of these items. Every item in legislative will have public input and notice for each item.

A. Discussion of Temporary Zoning Ordinance and Erda Ordinance Discussion Series

Cory Warnick: The city council has approved a 180-day moratorium and has adopted a temporary zoning ordinance. They can't adopt a permanent one until planning and zoning recommends one. We need to get on this because people are stuck trying to build and move forward but can't until we make these recommendations. We can scrap it all and start new. It's a lot of work but we can look at other cities, Morgan, Delta - finding towns that are like ours. There has been a lot of heat about accepting Tooele County's land use and zoning; both for & against. **Mark Gull:** Are we going to have legal guidance on these things? **Cory Warnick:** We have a city attorney **Jess Bird:** We need to decide how using the attorney gets filtered. Put it to one person to keep from redundant requests. Every time we talk to him, it's taxpayer dollars. **Diane Sagers:** Will he be in meetings? **Craig Smith:** It depends on what you are looking at. ADU/Subdivision he won't be here. Ordinances will have to go through him to make sure it is legally not defective. Fencing, building, animals, junk cars, there's a big net for what the land use ordinances covers. **Cory Warnick:** Its more than two meetings. Its work. **Kathleen Mallis:** Why can some people get things done & some can't. With the building permits. What is the hold up? **Cory Warnick:** Applications submitted before Jan 5th can proceed but any after that cannot. **Jess Bird:** Anything permitted use can go through Ensign Engineering. CUPs cannot move forward. **Craig Smith:** There was a backlog of a month with the county because they were no longer accepting ADUs Now people can go and submit. They can make an application. One was a rezone - which is a no right now. Building permits can start going ahead. CUPs can start coming to you. **Mark Gull:** Maybe review some options through email to get info on what we need to review? **Cory Warnick:** A referendum has been filed, but until the signatures are gathered, we continue as normal. **Mark Gull:** What is the process with the ADU? **Cory Warnick:** They can submit it to Ensign and then bring it to us. **Mark Gull:** We can get lost in the acronyms. We should probably clarify those for the public. **Cory Warnick:** Erda Ordinance discussion series. It has been put together by the city council to get input from everybody on both sides and then come up with a proposal. Every Friday until they get the input they need. Our commission should be there to listen. **Jerry Hansen:** RSVP to Kael Martin so that we know the room is big enough. **Craig Smith:** No open public hearing on this issue tonight as there was not enough public notice.

B. Recommendation of Ordinance Prohibiting PC, P-2 and R1-10 Zone Starting at a Certain Date

Cory Warnick: The public believes that having these PC zones is a camel's nose in the tent. **Mark Gull:** What are these? **Cory Warnick:** They are Oquirrh Point and Skywalk developments. The county zoning, we have adopted has those two agreements. There is also an R1-10 basically 1/4 acre lots coming off from Stansbury Park. **Craig Smith:** The P2 was repealed years ago by the county so we didn't adopt it. **Cory Warnick:** It's on the map. Why? This is what we want to do. Create an ordinance that states 'as of this date, we won't allow those types of zoning anymore'. **Diane Sagers:** It needs to come up in public discussion for people to understand what these codes mean. **Jerry Hansen:** What I understand is that we talk about recommending that we don't have that type of zone in Erda. **Cory Warnick:** We can't do anything about things that have that zoning. I was looking at Morgan County code. **Mark Gull:** The R1-10 was approved because it was next to Stansbury? **Camille Higgins,** interim clerk: Yes, no negative public comments were made over this rezone, in fact there were comments for it. **Mark Gull:** What happens to the person who had that zoned? You can't terminate that? Just no more in the future? **Cory Warnick:** That is why I have written that this can't happen in the future. **Mark Gull:** What if there is a stipulation where if this zoning would be good for our community and city, it is allowed? If we strike everything out, we can't be open to variety. We are required to meet federal mandates for things even though they will cramp Erda's style. We are required to be open and aware enough to be reasonable. We need to have a public discussion. **Matt Luker:** It will become city living. Welcome to downtown Erda. **Kathleen Mallis:** We need to know what the community wants. **Cory Warnick:** We may have to create our own ordinances. We need to create peace, and this might be able to break us from the Tooele County problem. **Mark Gull:** We need more info and training before we just start eliminating things right from the start. The public needs to have input and understand we are doing the appropriate training. **Craig Smith:** We have much smaller zoning in the code. I would suggest you look at all the zones and remember just because a zone exists doesn't mean it has to be approved. The R1-10 had no one oppose it. Keith Toone even spoke in favor of it. Look at it in a comprehensive approach with the general plan. There are at least 15-20 different zones. You need to see not just what the zone is but what is allowed in a zone. **Mark Gull:** It boils down to utilities and other things that make it a potential, but we should establish which ones the community is in favor of, and which ones want to adopt. **Jerry Hansen:** We need to get more input and meetings. **Cory Warnick:** Haven't heard anyone excited for PC zones. So, we need to look over these. **Mark Gull:** Cory Warnick is prepared and the rest of us need to be prepared.

15. Discussion of Erda Estates

Cory Warnick: It has been requested by Derald Anderson to get this in front of the commission. Erda Estates is a subdivision that will potentially go in. Check your handout. North of Cimarron and South of Excelsior. 200 + lots with additional retirement community on 156 acres. **Craig Smith:** The applicant is here to present and answer questions. No public input or vote in any way. **Derald Anderson:** Here are larger maps. I requested to come and touch base. This plan was approved by Tooele County in 2019 but before we move forward, we wanted to ask planning and zoning for suggestions. This is the layout that was approved, but I think we can do better. If you have any suggestions and input, this is the time to make them so we can make changes. If not, we are fine to go ahead with this as and as it has been approved. I wanted to give us a

chance to come up with some things that will work for Erda. On the map the parent parcel (12-13 acres approx.) is not part of Erda Estates PUD. Total is 156 acres minus 12 acres in parent parcel so 143 acres with agricultural preservation next to Cochran Lane. **Jerry Hansen:** Because of that parent parcel there can't be businesses there? **Derald Anderson:** It's not zoned for commercial but in the future, we will be asking to rezone that commercial as it sits on HWY 36. It makes sense for Erda City to have commercial. **Kathleen Mallis:** You said you could do better, what's better? **Diane Sagers:** Most of these lots are 1/4 acre? **Derald Anderson:** 27 lots are at or under about an acre. Park - everything toward the highway is about a 1/4 acre. Down the north boundary is in 1/4-acre size. Middle is 1/3 acre toward the 100-unit townhomes. We could take the density in the west & move it toward Hwy 36. This move would be related to sewer services because the access problem for sewer has been solved. We are open to suggestions and thoughts and ideas, but we do want to get moving quickly. Our priority is to present this and work with the city. **Cory Warnick:** What is the zoning here currently? **Derald Anderson:** It is RR-5 with a PUD overlay. So, we are working within the PUD. **Craig Smith:** This was approved under a county ordinance that has since been repealed. That is why you don't see the PUD on the map. This is what we have until an attorney or judge says otherwise. **Russ Brimley:** I don't know what to say. This is exactly what we didn't want. This is why all the signatures; this is way we lost the temple. I don't know what our laws are, but I do agree that if this is what we have to have. I would prefer with commercial on the Hwy-36 space. Then move into your smaller houses, affordable housing. I have sons that can't live in Erda, and I love Erda. I don't have a problem with them living in Tooele/Stansbury, but if they want to live in Erda, that is not feasible. But if we have to agree to that - move the smaller lots out toward the hwy. We like our one acre lots and our room. Don't impede on the city as it sits. I'd like to see more of the bigger lots. We don't want to lose our identity. Moratorium 1-5 acre lots. Will the city have to widen roads or add a stoplight? We have to consider all this. We have to make sure we are taking care of Erda. **Derald Anderson:** Your points are well taken. Moving the density east toward the highway is a good suggestion. **Matt Luker:** This will be on sewer & water lines? **Derald Anderson:** SPID with supply that. **Matt Luker:** Will there be sidewalks, curbs, gutter? **Derald Anderson:** Under the Tooele County ordinances that are currently adopted, yes, curb and gutter would be required. **Kathleen Mallis:** Traffic is a concern. The road is not adequate with Excelsior School. Erda City is responsible to make sure the roads are adequate. **Derald Anderson:** The lots that are shaded on the map are Tealby Village which is a sister development. You will be looking at that soon. Traffic study has been done. With current roads and some in planning, the traffic study said is adequate. **Matt Luker:** Rainwater will go into ponds that are parks? **Derald Anderson:** Ag fields will get the runoff water. **Matt Luker:** The 33rd Pkwy is going where? **Derald Anderson:** It's south of Cimarron which is out of the Erda City boundary and some of it will be back in Erda, and we will be back to talk to you about that. **Cory Warnick:** This switches us from rural to city. Curb and gutter are something we don't want. It makes me sick to even consider it. I love that my kids can ride down the street without curb and gutter. My group of friends don't want this for Erda. It makes me sick to even consider it. **Matt Luker:** We can't say no without the attorney. We need a big movable map to be able to see how it all lays out. We need seven attorneys and not volunteers to make sure this is done right. **Cory Warnick:** We are thankful for what the developers are doing, and we do want to work together. We just want you to see what we want moving forward. **Matt Luker:** Will Erda ever have density? This is a lot of density. **Russ Brimley:** This is just the start. They will be seeing us about this one and then this one. And it will just keep going. **Derald Anderson:** Erda Estates is approximately 2.3 units per acre this does not include commercial. **Cory Warnick:** Shoshone village 80% of the county didn't want. I can imagine a higher percentage of Erda would vote against it. **Derald Anderson:** Shoshone Village

was smaller more like 1/3 acre lots. To sum up what I am hearing, there is some desire to move density down to the highway with larger number of larger lots on the west side. Is it worth the time to draw that up to bring to you or should we just get started with what we have? **Kathleen Mallis:** Are you moving things around or reducing the density? **Derald Anderson:** We won't decrease the density. We will work with you to move things around. We won't move away from 328 units. **Cory Warnick:** I don't have an answer for your question. **Russ Brimley:** You're saying it's a done deal. **Matt Luker:** The say vested which means we can't afford to get sued. The councilmen have to decide. **Cory Warnick:** If there is zero we can do, then yes its worth moving things around. But if it's not a done deal, then we should look at our options. **Matt Luker:** I wrote a letter to the county once asking them to keep large lots together and then working down in layers to smaller lots. Keeping things laid out in a manner where things are dense where is should be dense and not where it made sense. There needs to be a certain system. It's nice to see bigger lots. **Cory Warnick:** What are the residents on Cimmarron saying? **Derald Anderson:** One person came to a meeting to speak against it. I have a few friends there that I know are comfortable with it. It is a mix of opinions. **Russ Brimley:** We need more information **Diane Sagers:** How much is work is done on the condition of the ground and substructure? **Derald Anderson:** The geo-tech has not been done because we are not at that phase yet. We've done enough in Erda that we have a general idea. If the tests come back bad, then we deal with it. Gravel, no basements, etc. **Mark Gull:** There are general maps available to give a general idea of what's there. It just depends on water table, what's buildable. Usually done by the health department. **Kathleen Mallis:** There is some litigation on this, correct? **Derald Anderson:** Erda Community Association has sued Tooele County for approving these PUDs. Judge denied the motion to dismiss. Tooele County has appealed dismissal to the court of appeals. We are comfortable enough with the outcome of that to get going. Most likely a summer hearing and a fall ruling. **Mark Gull:** It would be interesting to know the legal need to proceed. **Matt Luker:** We have to find out what is required of us. As a city we are required to have certain things. We need a map. **Mark Gull:** This is a great thing to start with so we know what we are up against as a council. **Derald Anderson:** I'll be here quite regularly. **Mark Gull:** We need to understand the ramifications & then get a response from Mr. Anderson.

16. Comments from Commissioners

Mark Gull: I'm excited to get to know everyone. It's good to know that we can have differing opinions and ideas and make good decisions for Erda.

Cory Warnick: We are all a team, and we can love even though there are differences.

17. Adjournment

Cory Warnick motioned to adjourn. Kathleen Mallis second.

Respectfully Submitted:

Camille Higgins

Interim Clerk

Camille Higgins
Interim Clerk

Cory Warnick
CORY WARNICK
COMMISSION CHAIR