

Erda Planning Commission Minutes

9/27/2022 – 7:00 pm

Tooele County Building - Auditorium

Call to Order

1. Roll Call

- a. Planning Commissioners -Jerry , Diane, Kathleen, Mark, Russ
Commissioners not present-Cory Warnick, Matthew Luker
- b. Jennifer Poole-City Recorder, Craig Smith-City Councilman

2. Pledge and Prayer

- a. Mark led the pledge of allegiance, Russ said the prayer.

3. Approve Minutes from 9-13-22

- a. Mark-Motioned to approve the meeting minutes from 9-13-22, Kathleen
2nds the motion
- b. Voting unanimous to approve the minutes from 9-13-22
- c. **Meeting minutes from 9-13-22 APPROVED**

4. Legislative Items – Public input

- a. Paul and Kimberly Kunz Re-Zone Application (REZ 01-2022)
524 Bryan Rd, Lot 3 of Painted Acres seeking to be rezoned from RR5 to
RR1
 - a. Paul Kunz- I reside at 524 Bryan Rd. I am asking to rezone my
property from RR5 to RR1. I would like to put some additional lots
on my property. I have 9 acres there, there are several lots in that
area that fit the RR1 zone, there are also a few other non
conforming lots close by that are smaller than the RR1. I feel this
fits the area.
 - b. Kathleen-How much acreage will you retain for you?
 - c. Paul-5 Acres
- i. Public Hearing Open
 - a. Mike Lund- I reside at 585 Bryan Rd just across the street
from Paul. When I first moved here it was rezoned A20. I am
not opposed to the development, but I am opposed to the
road access. I have a verbal agreement with him but I want
this as part of the record. If this is allowed I want him to use
his existing access which is on the west side.

- ii. Close Public Hearing
 - a. Diane- Motioned to close public comment, Mark 2nd the motion to close public comment on the Kunz rezone application.
 - b. Voting was unanimous to close public comment on the Kunz Rezone application.
 - c. **Public Comment Closed on Kunz Rezone Application**
 - d. Diane-Do we have the authority to decide which side the road will be on?
 - e. Mark-No we don't have the ability to decide that.
 - f. Craig-You can make the recommendation to the city council and set some conditions on that recommendation.
 - g. Kathleen-I'm really struggling with this idea. I am thinking about the people who bought their property there because it was 5 acres. I am concerned about the possibility of the run on getting 5 acre lots rezoned. Those are my concerns
 - h. Mark-Kathleen would there be something we could do to limit the number of houses allowed there? Like a CUP?
 - i. Diane- The idea is to divide the remaining lots into 1 acre lots.
 - j. Mark- I would like to see this stay an RR5 but then provide a CUP for the additional houses. I think we need to protect this area.
 - k. Russ-This isn't necessarily a no, for me this is a step in the right direction. I just think he needs more involvement from the surrounding community and neighbors. I like the RR5, having the island concerns me, being on a dead end street doesn't fit what we are going for. It says that we have to be very vigilant of the neighbors. If the neighbors were able to buy into a planned community and have it all rezoned to RR1, then maybe we could look at that. We just need to look at development and the future of that area. It would be in our best interest to look into planned development. I am not against growth and 1 acre lots, or doing something with the property you're not using. But we need to make sure it's good for everyone.
 - l. Jerry-If you look at the general plan, Paul you're looking to do a subdivision, lot 1 is right on the hwy then lot 2 is between that and Paul. Lot 1 is actually slotted to be commercial. I look at the overview of the land around it. If we

have a road that goes through your property now we have to have fire access, emergency access, and snow removal. Thinking of the future and planning for the future. Is there a way to get with your neighbors the Spiveys and make a more general plan. Is it possible to communicate with the neighbors to help with the rezone?

- m. Paul-I've talked about this to many of my neighbors, and some of them have the same idea of making some of their lots RR1.
- n. Mark-I'd like to see a concept of what this would look like, and how this would work with the adjacent area. I don't have a problem with allowing something to happen there for use but I'd like to see a concept plan for what would happen there. I'm not sure what the ramifications would be with being on a "private" street.
- o. Craig-You can have up to 30 homes on a private street.
- p. Mark-I'm not ready to approve a rezone on just this one area. I am not blindly doing RR1 there, it doesn't make much sense.
- q. Russ-It's more about the neighbors, I want to keep them in mind. I think we need better planning, to see if it could become a development. I don't know that a bunch of islands in the middle of nowhere is how we want Erda to grow.
- r. Diane-I think that part of this is zoned commercial, what are they going to do with those lots?
- s. Rep from Ensign Engineering-That's what we do with other cities before they do a rezone they need to submit a concept of what is going to be there.
- t. Russ-I just want some sort of conformity or planning on this before we just go ahead. And neighbor support for the change. I am not saying this is a bad idea, I just think we need to get more people on board.
- u. Kathleen-I agree with what people are saying. This is a unique setting with the amount of land he has. I think people bought their property at 5 acres because that's what they want. I think we need more buy-in from the neighbors for sure.
- v. Jerry-Paul I want you to know Paul that we are on your side. I also think people should be able to do with their property what they would like.

- w. Mark-What's the best solution for this? Do we want to table this and give him time to put together the concept? Or do we recommend denying the rezone? I don't want to make this too hard.
- x. Diane-How does he put together a concept plan?
- y. Ensign-He can write it up on a piece of paper, with roads and water and sewer.
- z. Mark-I think that would be a good starting point, it would be on record for what the plans are.
- aa. Mark-motions to table this rezone application and recommends to Mr. Kunz to make a concept plan for further study, Russ 2nd the motion.
- bb. Roll Call Vote: Kathy-Yes, Diane-Yes, Jerry-Yes, Russ-Yes, Mark-Yes**
- cc. Motion PASSED: Kunz Rezone Application Tabled till further information including a concept plan is provided.**

b. Fackler Re-Zone Application (REZ 02-2022)

5132 Heidi Way, seeking to be rezoned from RR5 to RR1

- a. Summer-Via Zoom- My application had a concept plan of what we were going to be doing if we could get our lot rezoned from RR5 to RR1. We would subdivide it into one 3 acre lot and one 2 acre lot. It would be very similar to an Accessory Dwelling Unit. We only want 1 more house on this. I know that the Salt's have submitted a letter about their support on this.
- i. Public Hearing Open
 - a. Aubrey Smith-We are in the lot next to the Lawsons, I've heard a lot of talk about islands. Across the entire back of the Lawsons is going to be zoned RR1 lots. It seems like it would be a seamless change. I think for their purposes it would work out very well. I want to see them fulfill what they were hoping to do.
- ii. Close Public Hearing
 - a. Jerry- moved to close the public hearing on the Fackler rezone application, Diane 2nd the motion to close the public hearing
 - b. Voting unanimous to close the public hearing.
 - c. Public Hearing on Fackler Rezone Application closed.**
- d. Mark-I think the way it ended last time, I was in favor of or heading that way. To absolutely let the rezone happen. There are good

reasons to do this. There are 1 acre lots adjacent to that parcel. This is an excellent example of a concept plan. I think we could even leave this as an RR5 and give them a CUP.

- e. Craig-We can't do that, RR5 can't be subdivided into something smaller. You could make a condition that only 2 lots would be allowed on that rezoned parcel.
- f. Mark-I think that's a good fit for the area.
- g. Diane-Last time everyone that came spoke was positive and in favor of them. I don't see any reason to not go ahead with what these plans are.
- h. Russ-It's not an island, it's backed right up to 1 acre lots, and it has overwhelming neighbor support.
- i. Kathy- I am okay as long as we do a conditional use of 2 acre lots.
- j. Cory from Ensign Engineering -They would have to apply for a subdivision to split the lots, and they can only do it once.
- k. Mark- Made a motion to recommend to the City Council to approve the rezone from RR5 to RR1 with the zoning condition that there be only 2 lots. Russ 2nd the motion.
- l. **Roll Call Vote- Diane-Yes, Kathy-Yes, Mark-Yes, Russ-Yes Jerry-Yes**
- m. **Motion PASSED: to Recommend the Fackler Rezone from RR5 to RR1 with the condition that there only be 2 lots created to the City Council for approval.**

c. Zeller MINOR Subdivision Application (SUB 01-2022)

618 Erda Way, Current Parcel Subdivided into 1- 5.6 acre lot and 3- 1 acre lots.

- a. Jerry-This says a minor subdivision it's just a standard subdivision application. It's also my understanding that we (the planning commission) make the decision on this. We don't recommend, we make the decision on this.
- b. Cory-The difference in the application from minor to standard is roads and anything over 4 lots.
- c. Mark-Regarding the road dedication and easements, is that a private road as well?
- d. Cory from Ensign Engineering-Not if they are dedicating that to the city. It can stay a minor if they aren't dedicating roads to the city.
- e. Jerry-Jake wasn't sure where the water was supposed to be coming from. He thought that it might be Erda Acres.

- f. Cory from Ensign Engineering-I am not sure where the water is going to come from. The road on this application will be a private road.
- g. Mark-What is our city stipulation on private vs public? What triggers it from being able to be a private road to having it move to a public road?
- h. Craig-Typically a builder wants to get away from the road, they will build it then give it to the city so they don't have to maintain it. Even a private road has to meet city standards.
- i. Mark-In a planned community where we want to have roads and access points, I am wondering where that change is. Having done 2 subdivisions myself and we were required to put in roads and deed it over.
- j. Cory from Ensign Engineering- If you have to put public utilities in there then they will make you deed those roads to the city.
- k. Mark-Part of this discussion or reasons I'm making these comments, what happens in the future if that 5 acre lot in the back decides to subdivide will all of them also be on this private road?
- l. Jerry-To the north it's all 1 acre lots.
- m. Mark-I'm not concerned about the 1 acre lots. It does make sense in the future for the other lots that will be being built out there. In the future if you're going to make a condition on the lots being built in the future where the public road would be. To have them make it a wider easement for future access. I am not opposed to this, we need to have something in place here for future considerations.
- n. Russ-I agree with the idea of needing better connectivity to what will be developed in the future.
- o. Diane- I agree that you don't need a bunch of little roads here and here and here that's not good planning.
- p. Mark-I would have to know if this road is within the permitted process. That's the clarification we would need.
- q. Mark- Made a motion to table this till next meeting until further information or requirements on a standard subdivision can be provided, Russ 2nd the motion.
- r. Roll Call Vote: Kathy-Yes, Diane-Yes, Mark-Yes, Russ-Yes, Jerry-Yes
- s. **Motion to table the Zeller Standard Subdivision Application until further information and requirements on standard subdivisions can be provided PASSED**

- d. Sunset Acres Subdivision Application (SUB 02-2022)
Area West of the Droubay Rd and Clayton St intersection. An 80 lot subdivision, made up of 1 to 5 acre lots.
 - a. Joe-It was zoned RR1 several years ago. We submitted for an 80 acre lot subdivision, it's been reviewed by aqua engineering. Water and sewer will be coming from Stansbury Water Improvement District. There is a road on the south side on the property for connectivity on Church road. The two 5 acre lots are a place for the storm water. We just had a residual area, we had an 80 lot maximum.
 - b. Russ-What are the access points?
 - c. Joe- There will be one on Clayton and two seperate access onto Droubay rd, then another one through the Majestic View subdivision that is going in.
 - i. Open Public Hearing-
 - a. Kathleen- Motioned to open up public comment, Diane 2nd the motion.
 - b. Voting Unanimous to open Public Comment on the Sunset Acres Subdivision Application
 - c. No Public Comments were made
 - ii. Close Public Hearing-
 - a. Russ-Moved to close public comment, Mark 2nd the motion
 - b. Voting was unanimous to close public comment.
 - c. **Public Comment on Sunset Acres Subdivision is Closed**
 - a. Russ-It meets the criteria for what it's been zoned for.
 - b. Mark-The one question I have, the cross section of the road has a gravel portion. I am guessing this is for pedestrian access. I know my son, who is in a wheelchair, and he wouldn't be able to access this. I know the subdivision on Church Rd has sidewalks. I am not sure what the requirements are for ADA, or if we even have anything like that.
 - c. Joe-I am fine with the hard surface trail, I prefer them. The dilemma that we run into is people with horses. I am in favor of a hard surface, but this is what we were thinking for this subdivision. People think that not having the sidewalks makes it feel and look more rural. We are also trying to make sure that horses have access. But I don't think those paths are ever maintained.

- d. Cory from Ensign Engineering-If you look at the newer subdivision in Lake Point, those trails are already overrun with weeds.
 - e. Diane-I remember in those meetings at the beginning of the year that a lot of people wanted to have horse access. But I do understand the point of having access for everyone.
 - f. Mark-I don't own horses, but I don't think that people are going to use this trail like you'd walk your dog? It doesn't seem to fit that area, or perhaps find a way to have both? Have a smaller sidewalk and then have gravel as well?
 - g. Cory from Ensign Engineering-A lot of people aren't in favor of the sidewalk because it doesn't look rural.
 - h. Craig-In RR zones 1 or 5, there are no requirements for sidewalks or trails.
 - i. Russ-Motioned to APPROVE the Sunset Acres Subdivision preliminary plan, Mark 2nd the motion
 - j. **Roll Call Vote: Jerry-Yes, Diane-Yes, Kathleen-Yes, Mark-Yes Russ-Yes**
 - k. **MOTION PASSES: To APPROVE Sunset Acres Subdivision Application Preliminary Plan**
- e. Majestic View Subdivision Application (SUB 03-2022)
Area West of Droubay Rd, north of proposed Sunset Acres Subdivision, a 40 lot subdivision made up of 1 acre lots.
- a. Derald- Obviously ours is next to Joes, the sewer and water will be connected to Joe's development. Trails I am glad and impressed that you are having those discussions. Why are you doing gravel surfaces instead of hard surfaces? Historically we've allowed a smaller group to control the narrative in the community. I've had horses growing up, I love horses, but we have such a small percentage of people that have horses. They probably don't ride them in the neighborhoods. I think it is important to take steps back and look at what are the resources in the community and what resources will be used in the community. We have Oquirrh Point with 90 acres of open space dedicated to agriculture and 1,260 homes being added in our community and no parks or fields for kids to play on? We need to think about what is the best planning for this community.
 - i. Open Public Hearing
 - a. Jerry-Moved to open public comment, Diane 2nd the motion.

- b. Voting was unanimous to open public comment,
 - a. No Comment is made
 - ii. Close Public Hearing
 - a. Russ-Moved to close the public hearing on the Majestic View subdivision application. Mark 2nd the motion
 - b. Voting Unanimous to close public comment
 - c. **Public Comment on Majestic View Subdivision Application Closed.**
 - a. Russ- This is similar to Sunset Acres, they meet all of the requirements, they've been vetted by both Ensign Engineering, and Aqua Engineering.
 - b. Diane- Moved to APPROVE the plan/application for the Majestic View Subdivision as outlined, Mark 2nd the motion.
 - c. **Roll Call Vote: Russ-Yes, Mark-Yes, Kathleen-Yes, Jerry-Yes, Diane-Yes**
 - d. **MOTION PASSES To APPROVE the application for the Majestic View Subdivision as outlined.**
5. Adopt a Planning Commission policy for public notice, including which documents should be uploaded to the public website, as well as how long before the meeting
- a. Jerry-We made a few mistakes last week and we'd like to correct those and do better. We want to make recommendations for what documents we want to require with the application and how long we need to have it before the public.
 - b. Mark-I would lean back on the process, the application has a list of items that are required to be with it. That should be sufficient for what is needed. I also think we should follow the state statute of notifications on what is required. I think if we follow the state statutes. I just think we need to be more organized and do what is required.
 - c. Jerry-We need to have something that says when we want to have these items published to the city.
 - d. Cory from Ensign Engineering- There are some applications that have people's personal information on it that shouldn't be out there. Like Developers and Contractors personal information.
 - e. Jennifer- I can redact the information and get it posted, but there does need to be time from when I get it to when it needs to be posted. If we require 14 days for the application and supporting documents then I have

time to get that done and properly noticed. Also it would be good to have a brief description of what is on the application.

- f. Mark- I don't want to charge Erda for more fees on items that maybe we don't need.
- g. Cory from Ensign Engineering-Ensign is going to be looking into hiring a city planner that can help with these things.
- h. Jerry- We can Recommend to the city council that all documents be submitted to Erda City 14 days before the next meeting and then noticed properly.
- i. Mark- I think that we can also say that those items should be submitted to the public.
- j. Craig-For the record the county publishes 7 days before the meeting.
- k. Jerry- Moved to make the recommendation to the city council that the Planning Commission's Policy for Public Notice is All documents should be submitted for review 14 days prior to our meeting and should be published to the public 7 days prior to our meeting. Russ 2nd the motion for the recommendation.

l. Voting was unanimous for the recommendation.

m. Planning Commission Policy Approved to be recommended to the City Council.

6. Comments from Commissioners

- a. Mark-This week went a lot better than last week. Review and processes went much better.
- b.

7. Adjournment

- a. Kathleen- Motioned to adjourn the meeting, Diane 2nd the motion.
- b. Voting 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

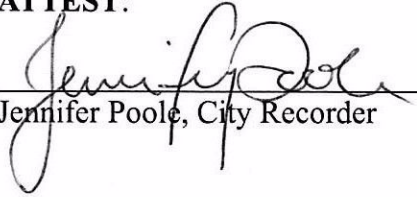
Note: these minutes represent a summary of the meeting and are not intended to be verbatim.

Prepared by: Jennifer Poole, Erda City Recorder

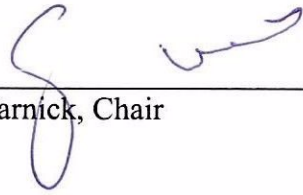
PASSED AND APPROVED by the Planning Commission this ²⁵~~11~~th day of October, 2022.

ERDA

ATTEST:



Jennifer Poole, City Recorder



Cory Warnick, Chair