

Erda Planning Commission Minutes

2/07/2023 – 7:00 pm

Erda Fire Station

Call to Order 7:11

1. Roll Call
 - a. Kathleen Mallis, Jerry Hansen, Diane Sagers, Cory Warnick, Russ Brimley, Mark Gull,
 - b. Jennifer Poole-City Recorder, Craig Smith - City Councilmen, Jacob Clegg- City Engineer
2. Pledge and Prayer
 - a. Kathleen Mallis led the pledge of allegiance
 - b. Cory Warnick led the prayer
3. Approve Minutes from 1/24/23
 - a. Cory motioned to approve the minutes from 1/24/23, Mark seconded the motion.
 - b. Voting was unanimous to approve the minutes from 1/24/23.
 - c. **Minutes from 1/24/23 approved**
4. Administrative Items – No public input
5. Legislative Items – Public input
 - a. **PUBLIC HEARING - CUP (01-2023)** Hunter Hawkes, Aimee Zeller and Chris Zeller are requesting conditional use approval for a 30' x 727' private road (Zeller Lane) to provide access for three lots in the Zeller Subdivision Amended 2. **Parcel ID:** 18-090-0-0201. **Property Address:** 618 W Erda Way.
 - i. Open Public Hearing
 - a. Diane-Opened the meeting to public comment
 - b. Kim Zeller- I'm confused on why they are making our kids do all of this extra stuff. The guys signed off on it, and Ensign is bucking us. They are making us grade it and put gravel it's going to be larger than Erda Way. I'd just like to have you explain the steps.

- c. Hunter Hawks-We are planning on building a house on the property, this private drive is just to give us access to our homes that is the need. I hope you consider it for what it is.
- ii. Close Public Hearing
 - a. Jerry- Motioned to close the public hearing on CUP 01-2023, Cory seconded the motion.
 - b. Voting was unanimous to close public comment.
 - c. **Public Hearing on CUP 01-2023 Closed**
 - d. Jake Clegg-I am here in place of the City Planner Rachelle Custer as she had a previous engagement. This was also sent to the Planning Commission. Jake read the description of the CUP and Plat Application. The properties will access their homes with this private road. Private roads are to be approved by the planning commission by CUP. An issue of concern is the maintenance of the private road. Proposed mitigation may be to require the property owner to create and record a maintenance agreement stating who will be responsible to maintain the road to include snow removal. Another issue of concern is that the private road be left unobstructed for personal and emergency access and swales be left open and maintained for storm water conveyance. A proposed mitigation would be to place a condition that the 30 foot wide private road be left unobstructed at all times and that all swales be left open, except for drive approaches as allowed by Erda City code, and maintained. Another issue of concern could be septic systems on one acre lots and the nitrate issues that may create. Proposed mitigation would be that all septic systems are required to be approved by the Health Department and the required maintenance and inspection schedule for the septic tanks be followed and a copy of each maintenance and inspection report be filed with the Health Department.
 - e. Mark- Kim had a few questions she wanted addressed.
 - f. Jacob-The road issue is that this is what is required by city code. It is for the safety of emergency vehicles and personnel if they ever had to travel down the private lane. The 26 ft has the 2 ft easement on each side, not a 26 ft road plus the easement. The easement is included in the total 26 ft.

- g. Jerry- I think when we talked about this in our last meeting, when we discussed it it was a 26 ft road and at the end of the road it was going to be big enough for a firetruck to turn around. I know that we've talked about the newer style septic system.
- h. Diane- It is for your best good, even if you want to try and get a tractor down there. You will need that gravel as a road base.
- i. Cory-Jake we are talking about the final plat for this subdivision aren't we, isn't this supposed to be minor?
- j. Jake-It normally would be but because it's an amended plat we can't do it as a minor.
- k. Mark-If you look at other roads in subdivision lands, it's 60 ft. When we did our subdivision it was 60 ft of cement and it cost us 80k. You are not being penalized or picked on, it is honestly for the safety of everyone.
- l. Cory- Your recommendation is to come up with a plan for them for the agreement of road maintenance or they do?
- m. Jake- Just that they come up with the plan and record it with the plat.
- n. Diane- I do think there is wisdom in having each lot take responsibility for part of the maintenance of the private road.
- o. Cory- Do we need to have a separate public hearing for the plat?
- p. Jacob-No
- q. Mark-I'm also concerned about the well. I'm concerned that I don't know about the well issues. If at some point you sell and it's not all family. I don't know if you have to have an agreement with having a shared well or not. But I know that there is a canned form that the Health Department has, that can give you some legal abilities and my personal recommendation is to have a well agreement as well for your protection.
- r. Diane- Is that up to the health department?
- s. Zeller-If they decide to dig their own well, does that agreement dissolve?
- t. Mark-Yes it should. This is just my personal recommendation to make sure everything is taken care of.
- u. Mark- Motioned to approve the CUP, Cory amended the motion to include "with the recommendations from the

Planner” and Final Plat for their Subdivision, Jerry seconded the motion.

v. **Roll Call Vote: Russ-Yes, Mark-Yes, Diane-Yes, Jerry-Yes, Kathleen-Yes, Cory- Yes**

w. **CUP (01-2023) and Final Plat Subdivision Application (01-2022) APPROVED**

b. **FINAL PLAT Subdivision Application (01-2022)** - Hunter Hawkes, Aimee Zeller and Chris Zeller are requesting final plat approval for Zeller Subdivision Amended 2. A 4 lot 8.62 acre subdivision consisting of three 1 acre lots and one 5.62 acre remainder lot. **Zoned RR-1. Parcel ID:** 18-090-0-0201. **Property Address:** 618 W Erda Way.

a. Mark- Motioned to approve the CUP, Cory amended the motion to include “with the recommendations from the Planner” and Final Plat for their Subdivision, Jerry seconded the motion.

b. **Roll Call Vote: Russ-Yes, Mark-Yes, Diane-Yes, Jerry- Yes, Kathleen-Yes, Cory- Yes**

c. **Final Plat application APPROVED**

6. Comments from Commissioners

a. Jerry-For me I am excited for the Zeller family, and man I know it's hard. I'll keep you in my prayers. I hate to see that Jim isn't going to be with us as he has resigned. I think he would have made a good addition. Glad to see everyone's face.

b. Mark-The comment I have and what I didn't understand about the road issue. I question how the feasibility of this 5 acre lot is at the end of this private road in the Zeller Subdivision and what the future is for it. It's just more about the future of Erda, when we approve these private roads do we need to think ahead about future connectivity and include that in the plans? I think we should look into this for the future.

7. Adjournment

a. Kathleen motioned to adjourn the meeting, Russ seconded the motion

b. Voting was 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.

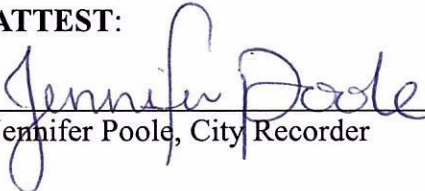
Prepared by: Jennifer Poole, Erda City Recorder

PASSED AND APPROVED by the Planning Commission this 28th day of February, 2023.

ERDA



Diane Sagers, Planning Commission Chair

ATTEST:


Jennifer Poole, City Recorder