

Minutes

Elwood Town Planning Commission

Tuesday, October 1, 2024

The Board of the Planning Commission of Elwood Town met at the Elwood Town Hall, 5235 West 8800 North, Elwood, Utah, at 7:00 P.M. on Tuesday, October 1, 2024.

The following members were present constituting a quorum: Quinn Hamson, Curtis Crouch, Phil Shimek, Britton Hayden, and Kevin Hall.

OTHERS PRESENT: Brandon Green(Zoning Administrator), Scott Goodliffe(Town Council Rep), Karolina Munns(Planning Commission Secretary), Stuart Murray, Kristin Arnold, Rhett & Bre Roylance, Trey & Heather Mortenson, Bart & Bridgette Braegger, Mike Pace, Curt & Shannon West, Sam Einzinger, Paige Einzinger, Tsiel Elliot, Anthony & Allison Woods, Amber Hayden, Jan Sorenson, Gary & Raylene Van Loeawen, Erika Bywater, Rue Rasmussen, Jerica Williams, Larry Westmoreland, Christine Lauman, Bob Lauman,Wendy Lewis, Julie Montgomery, Shawn Barfuss, Mark Lay, Aaron Whitaker, Eric Trey, Dave Nielsen,....., Tyler Allen.

Welcome

Commissioner Hamson conducted the meeting. The meeting started at 7:00 pm. Commissioner Hall offered a prayer and Commissioner Shimek led with the pledge.

Minutes

- September 3, 2024 & September 17, 2024 - Commissioner Shimek made a motion to accept minutes, Commissioner Hayden seconded, all in favor, motion passed.

Town Council Update -

- No report

Zoning Administrator Update - Brandon Green

- The General Plan Maps are correct and ready for the Town Council's next meeting.

Public Comments

- “Resident(s) attending this meeting will be allotted 3(three) minutes to express a concern or ask a question about any issue that is **NOT ON THE AGENDA**. No action can or will be taken on any issue(s) presented.” stated by Commissioner Hamson.
- No comment.

Public Hearing

- Elwood Town Code Subdivision Ordinance Amendment Chapter 150.001-150.128. Commissioner Crouch moved to open the public hearing, Commissioner Hall seconded the motion, all in favor, motion passed. Brandon Green explained the amendments being made to be congruent with the state mandate for Subdivision approvals. No comment. Commissioner Hall motioned to close the public hearing, Commissioner Crouch seconded the motion, all in favor, motion passed.
- Rezone Application Elwood Acres LLC Commercial/Residential Zones to MPC Zone, 4700 W 9600 N Commissioner Hayden motioned to open the public hearing, Commissioner Shimek seconded the motion, all in favor, motion passed. Brandon Green explained the MPC Zone that Elwood Town adopted a few years back, and it allows for mixed use development and variable density. We are looking at the concept plan tonight and the development has not decided on density, and the concept plan does show some general layout with open space arrangement and streets listed. Brandon Green has worked with the developer, Garth Day a number of times. The concept plan meets requirements of Elwood Town ordinance. This is the beginning step and it will go through preliminary and final approval. The planning commission is asked to review the concept plan and verify that it meets the ordinance requirements. There may be some comments tonight that can be addressed with the developer. Rezone will occur at some point in the future based on the action of the town. Brandon Green stated that the developer has the right to develop his land, and the meeting needs to proceed in a civil manner. Garth Day, Heritage Land Development, addressed the commission and public outlining his plan to develop the land as noted on the public hearing. He is in partnership with the property between Heritage Land Development and Elwood Acres LLC, south and east of the Chevron, known as the Red Barn Property. A very high profile property in Elwood, and will accommodate some commercial development and some mixed use development. Garth is applying for a MPC zone, and pointed out the layout on the map and screen. The development outside of commercial accommodates near 300 residential units. The developer is planning open space to coordinate with the land that the city owns and is planned for a park. Garth said that we have talked about this development about three times, and the last time the talk was around a PID, which will help with the infrastructure needs of the city. Commissioner Hayden asked on the application about the parcel listed and inquired that only one parcel was listed. There are 3 landowners working together, Rupps, Heritage Land Development, Elwood Acres LLC, 50+ acres.

Commissioner Shimek asked Brandon Green about the purpose of tonight. Brandon said the purpose is to look at a concept plan with the understanding that it will come back for a rezone at some point. Commissioner Shimek stated that concept plan approval and rezone application are two separate items. Brandon Green is wanting the public hearing to be able to give the public a chance to comment. Garth Day said that his application is for a rezone. He is required to submit a concept plan with it. Garth Day believes that the agenda item is correct. Commissioner Hamson stated that we may need some legal counsel to verify that the steps to do a rezone at this point are met. In looking more closely at it, there are some additional steps required for the rezone application to be complete. In the MPC Zone ordinance steps: 1) pre application- concept plan with Zoning Administrator, 2) concept plan presented, 3) review & approval concept plan by zoning administrator and city engineer 4) engineer recommends to planning commission concept plan 5) then MPC rezone application to be with Commercial Site Plan. Garth Day says that he can't do any engineering on it until he knows the zoning. Brandon Green says they have sewer/water in the area. Garth Day said he is asking for a legislative action that looks at the rezone and concept plan together. 155.460 says looking at land use. Commissioner Hamson moved forward to hear from the public even when there is some misinterpretation of ordinance. Garth Day said that all the requirements of the MPC Zone are addressed in his proposed concept plan. Garth Day said that getting public input from the community is important to them. Commissioner Hamson said the concept plan is not on the agenda so there will be no action on the concept plan tonight. The public hearing for the rezone will continue tonight.

- Darwin Nielsen-inquired about patio homes-age restricted age 55 and old; 6 homes per acre. The old general plan showed this development in this area, and the general plan update shows this development in another area. Also the general plan says there can only be so much density.
- Jan Sorensen-a vision of Elwood is half acre single family lots. People came to Elwood to have less density to have farm life. Tremonton has so much density. Do we want this density in the heart of Elwood?
- Thayne Travenion-end of 9120 N. Our sewer doesn't work. The city needs to fix it. By adding these homes it is going to make it into a 'shituation' we don't want to have.
- Erika Bywater-Maverick corner is dangerous; suggest resolving with UDOT first; concerns-busy intersection: need efficient traffic flow for safety, need alternative road route. Prevent flooding: make sure the fixing to flooding actually works. Road width: project solutions for roads. Proposes to look at the situation now with Maverick and hold off to get ducks in a row.
- Kristin Arnold-4900 W 9600 N lot. Not residents yet. Large impact fee equals a small town. From Plain City and witnessed overdeveloped and schooled overloaded, utilities, transportation, crime with small lots and multi-family, near town sheriffs not willing to cover. Need its own police force. Not wanting it to be approved.

- Aaron Whitaker-Concern with 20 years ago subdivisions; developers built/made their money then moved on leaving residents/town with extra costs; ‘hold the bag’. Wants Elwood Town to require developers to cover the costs to manage 1500 more residents.
- Stuart Murray-4800 West. Speak to rezone. What does zoning now permit and what with rezone permit?
- Amber Hayden-3 things-less density, high quality, make it beautiful.
- Clayton Sherman-For rezoning there has to be a plan. Can this even really be a public hearing? We need an improved concept plan to even have a public hearing. We need another public hearing. Planning is necessary for growth. At an earlier meeting, Garth ‘scolded’ the planning in this town saying we had poor planning. How is adding this many homes(300 doors) good planning when we only have a few water taps?
- Garth Day commented-The developers are trying to improve the water tap situation. The property owners have resources to help the town expand water systems. This was proposed with the PID a few years ago.
- Jones-2-3 years ago he was told an impact study was being done. Has that happened? How often does that happen? We have the adoption of the General Plan, then the impact study can be done.
- Commissioner Hamson commented-The impact study is the next step after the adoption of the General Plan, so it should be done shortly.
- Troy Mortensen-4800 West Pointing to map, this is already zoned commercial, and this is already zoned residential, so build. Build to current zoning. We are not trying to stop people moving in. We don’t want apartments. Garth commented that he is not building apartments, he is building to the city ordinance.
- Ron Thompson-Every 10 years there is a flood, everyone knows it. What plan for flooding in the area.
- Stevie Sherman-General Plan Committee for a year. Interviewed developers, we interviewed Garth. We did a survey, and told you what we wanted, so a slap in the face to say, ‘what do you want?’ because we told you. We made the plan accordingly. This doesn’t reflect what we have in the general plan; we don’t have water, it doesn’t match. People don’t want it, why are we ‘beating a dead horse’?
- Ralene Van Doolen-4800 West. We bought this land because we wanted the country, now there are proposed, 1500 people in our backyard. Why do we have to have this big plan, can’t we have single family on half acre lots, and not have people crowded.
- Tom Shimek-1991 moved here. Happy to move here. A lot of us moved here. Needs 1)fix intersection first, double the people it will even be more dangerous, 2)too dense.
- Christine Lauman- spent the day taking the flyer around to residents. Intersection needs attention first. Someone is going to be killed. She started recording and called the state, there are alot. If the overpass was switched then the limited sight restriction would be fixed. She grew up here. The overpass was not always here. The overpass was changed so many times and it never fixed the problems. It’s not the state’s problem, it’s ‘our’

problem. It's a small road. We need to focus on this project before we start another project.

- Commissioner Hayden commented-Google public notice website and get added for Elwood's public notices. You will get all the notifications of any meeting.
- Susie Davis-Southend Pelican Point. Not opposed to growth. Appreciate growth, but want larger lots. The plan doesn't match the General plan. We want good people, we also want space.
- Jennifer Richardson-Want growth-Does not want influx-enormous people. We came from Stocking's first development-promises were not kept, we left. She would hate to see that happen again.
- Rue Rasmussen-9600 North Watched fields go and people move in. There are rights of developers to build, yes and there are also rights of existing land owners to live how we want.
- Scott Starn-good community to show up because they care. Two suggestions: keep larger lots, 2 lots per acre. Put signs up that say 'cross traffic at 55 mph, traffic does not slow down'
- Commissioner Hamson thanked attendees for their comments. He encouraged the people to support and comment and keep this town a good place to live. He welcomed a motion.
- Commissioner Hall made a motion to close the public hearing, Commissioner Shimek seconded the motion, all in favor, motion passed.

Commission Business

- Action Item A: Recommend to Town Council -Elwood Town Code Subdivision Ordinance Amendment Chapter 150.001-150.128. Commissioner Shimek motioned to approve the Subdivision Ordinance with Brandon checking on nuisance reference, Commissioner Crouch seconded the motion, all in favor, motion passed.
- Action Item B: -Recommend to Town Council - Rezone Elwood Acres LLC Commercial/Residential Zones to MPC Zone, 4700 W 9600 N. Commissioner Shimek motioned to recommend disapproval, Commissioner Hall seconded the motion. Commissioner Hamson asked for discussion on the motion. Commissioner Hayden stated a procedural regardless if it's passed or not. There is only one parcel referenced and with different people are involved i.e. Gina, Brandon. He wants to make sure all the legal parcel references are listed and owners are listed. Commissioner Hamson also agreed that the application appears to be incomplete. Garth Day commented that he did submit all parcel units. Garth also stated that if the planning commission recommends denial then it moves to the city council and then it moves the rezone petition forward. He suggested that we continue the dialogue here in the planning commission by tabling it. Garth said the comments tonight were valuable and he wants to work through some of the issues. Garth said that he learned some things tonight that he wants to incorporate in his

plan. Commissioner Shimek stated that there are other things that are not in accordance with your concept plan. One is that the minimum open space requirement is not met, three is a 20% minimum requirement for the MPC Zone. Another is there are certain requirements that need to be addressed with infrastructure impact. Brandon Green commented that Garth's plan does meet the open space requirement. Commissioner Shimek stated that by his math and counting it at 70.83 acres. He has 5.5 acres of open space. There was a comment that it's 50 acres. Commissioner Shimek commented that even if it is 50 acres, he still does not meet the minimum open space requirement. There are various things with process and with current ordinance that are not being met in his view of reading this map/plan. Garth stated that his goal is to do a MPC Zone, and not to fight. The MPC is a unit and some are not happy about some parts. Garth feels that he can address some of the negative comments. Brandon Green stated that is a valid request. Commissioner Hall inquired about the impact of denial. He said that there were a lot of comments, not negative comments, rather a lot of positive comments about what this community wants. The denial gives the citizens a chance to talk to their town council members about what the community wants. The town council can approve or deny the action item. Garth Day apologized if that sounded like a threat. He is interested in planning, and it is the commission's job to plan. The developer needs a plan to work for him. If it goes to town council he will work through it with town council, if they deny it I will be back to plan with the planning commission with a new plan. Commissioner Hayden commented that MPC don't have to equal a part of this town. MPC may do that, it just depends on the agreement between the developer and the city. We already have a MPC going, its a small one. We have had public hearings and have not had problems with it. We are not against it, and he would like to see the commission continue to work through it with the developer rather than to start over. Commissioner Hayden thinks that we can start from where we are at and work through the things that are missing, and if we come to a bottle neck then we disapprove of it at that point. Commissioner Hamson asked for an additional motion. Commissioner Hayden motioned at table the rezone application and use some work meetings to work through with the developer items that can kickstart that can more align with the General Plan. Commissioner Crouch stated that he has seen this plan before, we have a General Plan and we follow the General Plan and deny this. Commissioner Hamson asked for a second on the table plan, Commissioner Shimek seconded the motion. Commissioner Shimek commented that we have seen the plan before and it has not changed much. The town has voiced their opinions. An MPC Zone is to be a mutual benefit to the developer and to the town. He does not see a benefit to the town. Commissioner Hamson asked for any more discussion. Commissioner Hamson asked for all in favor of tabling, Commissioner Hayden Aye, Commissioner Shimek Nay, Commissioner Crouch Nay, Commissioner Hall-Nay. Commissioner Hamson stated motion dies. Commissioner Hamson asked for all in favor of recommending to deny, all in favor, motion passed.

Work Meeting

- Discussion Item A: Ordinance Draft - Final Traffic Code(on-street parking)
Commissioner Hamson asked for review comments on the final draft that commissioners do have. Karolina Munns, secretary is forwarding the final draft now, so everyone can review it and in two weeks we can discuss it again. Commissioner Hamson and Commissioner Hall will be gone in two weeks.
- Discussion Item B: Ordinance Draft - Commercial Vehicles in Residential Zones.
Commissioner Hamson asked Brandon Green if he had a cleaned up copy from Commissioner Hamson's notes from the last work session. Brandon stated that he was out of the office all last week and had not had a chance to review. Brandon state that he will have it ready for the next meeting.
- Commissioner Hamson asked the commissioners to review for the next meeting.
Commissioner Hamson asked for any volunteers to attend the Town Council meeting next week. Commissioner Hayden requested that we work through the MPC Zone. Discussion on changing it or making a list of orders to be followed so all parties can follow and know the order. Brandon Green said that the way it is written is not the way he used to, it causes confusion, and makes it look to the public like we don't know what we are doing. Commissioner Shimek wants to work through it at a work meeting and decide how we want to work through it with administration, developer, planning commission, and town council. Commissioner Hall stated to Brandon that when the developer tells what we have to do, and Brandon Green said it is not what the developer is telling us what to do, it is what the state has mandated. Commissioner Hall is saying to find a community that has adopted it and see what they have done. He wants to see thought into traffic first. Brandon said that resources are going to limit this development, water and sewer. There are things that have to be resolved for development to occur. Impact fees need to be applied that say when development is made that impact fees are collected to manage the infrastructure. The city has a responsibility to see that infrastructure is keeping up with the demands of development. This a challenge and Elwood is in the throes of it. Commissioner Shimek clarified that the recent increase in water rates was for maintaining the system that we have, not to accommodate growth. Commissioner Hayden stated that we need the Commercial to come and need the water for that also, so that the residents don't have the burden of raising taxes to cover infrastructure needs. Brandon Green said that growth is hard and we have to determine what is best for the community as a whole. Roads and utilities have to be something that is planned for, yet the development has to occur to make the infrastructure needed. It is a vicious cycle.

Adjourn Meeting

Commissioner Shimek motioned to adjourn the meeting at 9:01 pm, and Commissioner Crouch seconded, all in favor, motion passed.