

Minutes

Elwood Town Planning Commission

Tuesday, February 4, 2025

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, February 4, 2025.

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

OTHERS PRESENT: Bret Cummings, Derek Jensen, Nathan Iverson, DeVere Hansen, Lynae Winkler, Zack Pali, Scott Goodliffe(Town Council Rep), Brandon Green(City Planner) via zoom, Karolina Munns(Planning Commission Secretary)

Welcome

Commissioner Crouch conducted the meeting. The meeting started at 7:00 pm. Commissioner Crouch offered a prayer and Commissioner Hayden led with the pledge.

Minutes

- January 7, 2025 & January 21, 2025 - Commissioner Shimek motioned to accept the minutes with corrections, Commissioner Hall seconded the motion, all in favor, motion passed.

Town Council Update - Scott Goodliffe

- The January town council meeting was not advertised correctly and therefore canceled. Mayor Keenan Nelson and Councilman Scott Goodliffe did stay and take the public comments. There were many residents with comments on storage of commercial vehicles in residential zones.

Zoning Administrator Update -

- Brandon made comment later in the meeting. He has been meeting with Todd Godfrey on the MPC Zone and should have something to present in the first meeting in March.

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.
- Resident(s) are welcome to submit written comments to the Elwood Town Planning Commission via email kmunns@elwoodtown.com.
- No. Comment.

Commission Business

- Action Item A: Recommendation to Town Council - Preliminary Plat Approval - River Bend Subdivision - about 9050 N River Road. Bret Cummings, Hansen & Associates Engineering representing the subdivision spoke for the subdivision stated they were returning for the third time and are ready with funding now. The plans have one correction for a Highland Ditch easement 9 feet on the property line of the subdivision. Commissioner Hayden asked about parcel A on Lot 10 how will this be cared for/who owns it/what’s the plan? Bret Cummings explained this is the retention pond, and it has been discussed with Steve Woerner, who is ok with it. There is an emergency overflow listed, and it has been discussed at length with Steve Woerner. There is a turnaround listed. Sewer is gravity flow sewer, curb, gutter, sidewalk. Comment about whether this is under old subdivision ordinance or new subdivision ordinance. Bret Cummings stated that Brandon said they were under the new subdivision ordinance. Brandon did join via zoom and stated this subdivision is following the new subdivision ordinance. Commissioner Shimek asked what zoning, Answer R1-20. Commissioner Hayden commented on sidewalk and Bret commented that the subdivision does all have sidewalk but it is not shown on this particular plan. Commissioner Hall clarified street right of way width with Bret. Erosion question from when the subdivision has come for review in the past. Bret directed to the additional geotech report the subdivision got on that side of the road, and it found that it was necessary to steepen the bank away from the road so water flows away from the road-prevent any more erosion/fall off. There was discussion of sewer line location. All 13 lots will drain to the retention pond with a storm drain system. Nathan Iverson with Highland Ditch asked to ask one question on the easement for the ditch. Bret stated they found an easement recorded in the 80s and have recorded that easement on the plat. Nathan asked about a 1961 recorded easement at the center of the ditch. Nathan and the engineer discussed that further and it is related to future development area. Brandon Green joined via zoom at this point and clarified that this subdivision is under new ordinance because the plat expired. Commissioner Hayden recommended the River Bend Subdivision for Preliminary Plat Approval, Commissioner Shimek seconded the motion, all in favor, motion passed.
- Commissioner Hayden motioned to closed commission business, Commissioner Hall seconded it, all in favor, motion passed.

Work Meeting

- Discussion Item A: Discussion on extending the time to get subdivision recorded with the county from 90 days to 365 days(1 year). Elwood Town Ordinance Title XV: Land Use Chapter 150.050(c). Brandon Green explained that a developer currently has 90 days from when the town approves a subdivision to when it needs to be recorded. This is an extremely short amount of time. Usual ordinances allow one year. Extending to a year allows the developer to start development prior to having to escrow for improvements. This way the developer can get most improvements done before recording the plat with the county, and when recorded, the developer then posts a bond on any remainder of improvements to be done(15% as one year warranty). Brandon Green made this recommendation to the city. The developer can not sell any lots until it is recorded with the county. Commissioner Shimek commented that Brandon explained the benefit for the develop, and asked for any downside to the city. Brandon stated there is no downside to the city. Commissioner Hayden asked about the history of the 90 day ordinance, and no one knew of the history of it. After discussion, the planning commission agreed to extending this time frame from 90 days to 365 days for any application moving forward.
- Discussion Item B: Discussion of annexation of property into Elwood. Elwood Town Ordinance references: 32.45, 155.021, and Table II: Annexations. Brandon Green commented about ongoing issues of people coming in because the county requires individuals to acquire a letter from our town(the adjacent city) stating whether the city will allow them to annex in or not. The property owners in many cases don't want to be annexed because they don't want to pay the fees(sewer/water/etc) the city requires for them to be part of the city. We have an annexation plan and need to follow it. Brandon is bringing this to the city's attention, because we need to follow our annexation agreement. Commissioner Hayden inquired about it according to the annexation boundary map, and Brandon Green agreed that any area in the city's annexation boundary map applies to annexing them in. This is a problem because currently, Elwood Town cannot actually provide the services to them but would still access the fees. The county does not have fees and requirements that the city has. The process to annex them in at a future date is difficult when the city has already sent a letter to the property owners saying the town won't annex. Brandon Green doesn't totally understand the process the county goes through. The county has told Brandon of this issue. Commissioner Hall requested that we invite a county representative to a planning commission meeting to discuss the issue fully, then make a plan moving forward. Brandon Green will ask a county representative to attend a future meeting with pros and cons..
- Discussion Item C: Discussion on Planning Commission 1)service time, 2)who appoints the vice chair 3)how many members 5 or 7 Elwood Town Ordinance Title III: Administration Chapter 30. Commissioner Crouch stated Brandon Green stated a standard of 4 years, with every 2 years replacing a planning commission member.

Brandon doesn't think 7 members is needed. Brandon suggests that the planning commission proposes a plan to present to town council. Commissioner Shimek commented of code conflicts in Title III Chapter 30 and also 155.055(c). There was discussion between the commission and Brandon. Brandon recommended to follow the standard. The commission would like the following. The commission discussed changes to the Title III Chapter 30 ordinance changes, the planning commission discussed and agreed to recommend the following:

- 1) 5 commission members, 1 alternate, service 5 years with the same language as before on serving additional terms and rotation.
- 2) allow the commission to elect (within our body) a commission chair and vice-chair (as we have done in the past 4 years or more). If Brandon could provide legal backing to why this is not a good idea, the commissioners are open to looking at that.
- 3) change public comment from 5 minutes to 3 minutes
- 4) Repeal conflicting code. The duplicate and in some cases conflicting code is in 155.055(c) and also .056 (appeal authority). Please take out any conflicting code. It is suggested that all administrative ordinance be held in Title III, Chapter 30 for Planning Commission.
- Commissioner Hayden requested/recommended that the planning commission pull Title III Chapter 30 and Title XV Chapter 155.055(c), set them side by side and decide what needs to be where as to not duplicate/confuse code. Also there is conflict in appeal authority 155.056. He questioned what Amy Hugie changed with this right at the end of her time working with Elwood.
- Discussion Item D: Discussion on change of 2nd March meeting from the 3rd Tuesday to the 4th Tuesday, March 25, 2025. Training by City Attorney, Todd Godfrey. After some discussion all commissioners will plan to attend. The alternate, Tyler Pugsley will also be invited to attend. Town Council is having a similar training meeting on March 11th.

Adjourn Meeting

Commissioner Hall motioned to adjourn the meeting at 8:25pm, and Commissioner Shimek seconded, all in favor, motion passed.