

MINUTES

ELWOOD TOWN PLANNING COMMISSION

Tuesday, June 7, 2022

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, June 7, 2022.

The following members were present constituting a quorum: William Call, Phil Shimek, Dakota Nelson, Curtis Crouch, Quinn Hamson

OTHERS PRESENT: Matt Tingey, Lunn Hardy, Kelli Shimek, DeVere E Hansen, Lynae Winkler, Lorna Petersen, Carl Petersen, Scott Goodliffe, Wade Sandall, Marc Allred, Shane Taggart, Amy Hugie, Gina Marble, Dan Kmiecik, Tommy Newman, Ben Johnson, Karolina Munns

Welcome

The meeting started at 7 pm. Commissioner Call offered a prayer and Commissioner Nelson led with the pledge.

Minutes

- May 3, 2022, & May 17, 2022 - Commissioner Nelson made a motion to accept minutes with spelling corrections, Commissioner Crouch seconded, all in favor, motion passed.

Town Council Update - Scott Goodliffe

- The town budget was amended and proposed budget was presented \$1 million dollars

Zoning Administrator Update – Shane Taggart

- Not here yet. He will update through the meeting at each action item and discussion item.

Commission Business

- Action Item A: Recommendation to Town Council on rezone from C-2 to Industrial/Manufacturing for Prospective Project at UT-13 and I-84/15. Commissioner Hamson posed the question to Amy through email and Amy answered in the meeting. *The question was Amy, one question that came up when we discussed the possibility of allowing a re-zone of the Peterson commercial property to industrial; was the ability to just re-zone that one parcel to industrial without affecting the rest of the commercial zoning. In that same line of thought and as we consider this proposed re-zone, can we get a clarification that if we were to allow them to re-zone, that we could limit the*

proposed industrial use to the current business proposed in and that they wouldn't be able to change or add any other work allowed in our industrial zoned areas without council approval? Also, what are your thoughts regarding allowing a re-zone to industrial opening us up for liability if we have other requests for this same zoning change in the future which we don't really want to allow in this area of town? Thanks much for your help, Quinn

Amy answered 1. Where the property sits on your map is at the end of the commercial corridor. It sits right next to the tractor place (Valley Implement). It is joining another commercial site, she doesn't see you needing to rezone other property around it to industrial or give precedence since it is already developed in the area. Amy-future, can a zone change bring any industrial schedule of uses if another business came in? Yes. We can possibly enter into a development agreement with Love's, but we don't have a mechanism to have a say in what would go in there if the Love's discontinued business there. The town needs to talk to the developer/business up front and with negotiations and using a development agreement. Dan commented that Love's would want to see the language in order to decide if they are willing to negotiate. Commissioner Hamson discussed that he sees it as a more advantageous position for the town to change the schedule of uses to add C-3 as conditional use for "Retread".

Commissioner Shimek agreed. Shane Taggart, town engineer, majority of the building is warehouse, and the challenge is that the schedule of uses specifically lists "retread" as Industrial/Manufacturing. Commissioner Hamson, says that the retread process is different than he had imagined, after viewing the virtual video of Love's. It is a clean process and that technically does fit in C-3 zoning. It is very similar to the cabinet shop we allowed and ag. service that is next door. Amy suggested with the discussion, to deny the rezone, then ask them to resubmit as C-3 and change the schedule of uses ordinances to allow conditional use for retread. Public Hearings can happen concurrently. Commissioner Shimek made a motion to deny the rezone from C-2 to Industrial/Manufacturing for Prospective Project at Ut-13 and I-84/15, Commissioner Nelson seconded it, all in favor, motion passed. The planning commission requests that Love's resubmit an application for the C-3 rezone so the planning commission knows what they could do in changing the schedule of uses and public hearing, there is time involved.

- Action Item B: Love's Industrial Project Powerline Road – Preliminary Plan. Commissioner Shimek moved to table Action Item B, Commissioner Nelson seconded, all in favor, motion passed.
- Action Item C: Tommy Ray Newman Subdivision 4400 West – Preliminary Plan approval. Shane Taggart stated that they are looking to divide large lots and not planning to build on it. Ben Johnson, engineer, stated that there are 3 existing parcels and they are wanting to divide it more. There is an annexation line through the property and so it will need to be annexed in or work with the county through the property division. Tonight they are asking for approval of 3 existing parcels to 7 agricultural parcels. Amy suggested that you can only work on property that is in the town. We need county approval to work alongside. Parcel D is split by the annex line. With it being an agricultural lot it falls under minor subdivision, so the concept is approved through town

engineer, which has been done with Shane Taggart. You can come back and have it be final approval. The next step is the owner working with Scott Wadman, County Planner. Commissioner Shimek, moved to table the Action Item C, because we don't have authority to work on county property, Commissioner Crouch seconded it, all in favor, motion passed. Tommy Newman asked if this would require another meeting.

Clarification was made that land is under two different government entities. The owners can either annex into Elwood, or work with the two different government entities.

- Action Item D: Mark Hirschi JC Minor Subdivision Hwy 13. Mark was not able to be here tonight, but Shane Taggart addressed the commission about the project splitting into two lots. Concept Plan has been approved with minor changes. Tonight is a request for final approval. Commissioner Hamson motioned to approve Mark Hirschi JC Minor Subdivision as proposed for final approval, Commissioner Nelson seconded, all in favor, motion passed.
- Action Item E: Recommendation to Town Council on Red Barn Property/PID – Heritage Land Development. Garth Day is not present tonight. Commissioner Shimek has tons of concerns about this development. Amy Hugie, addressed the planning commission about how we talk about development in general; how a subdivision comes into play/financing 101. Developer first buys property/owns property; secures property with bank loan(secured with property); next developer gets loan for land improvements; bank will do own assessment on improvements and decide if they will approve loan; loan is attached to the property; interest only payments in first months while they are working; next comes to town planning commission for plan approval; with town they sign an improvement agreement and supply an escrow account (110% of cost) (xx amount of money for improvements); the improvements list has costs attached and is planned/approved with their engineer and town engineer; they have two years to complete; our subdivision ordinance 11.12 spells out improvement agreements; then pre-construction agreement with our town engineer; our town engineer checks it before the money is released with lien checks and all; every time they complete an improvement the developer gets 90%; once time is proven and not failure in improvements then developer gets remaining 10%; then developer can sale lots; town issues building permits; developer uses lot sales to pay the bank loan. PID is the same kind of concept. The town is responsible for bringing sewer and utilities to the development. The developer is responsible for improving(sewer/utilities) the property. Amy discussed the importance of keeping straight on what you are for and against: density or PID/financing mechanism. Commissioner Call discussed that he is against the density because of the public comment at recent public hearings. Our residents don't want the density. The planning commission discussed PID financing further with Amy. Commissioner Nelson agreed that the public is more against the higher density. Commissioner Call stated that there are some positives in the development, commercial

and retirement housing. Commissioner Hamson asked to clarify are we acting on PID or on this potential project? He asked to act on PID, and stated that PIDs are not well known in Utah. Commissioner Shimek stated that this development is dead in the water because we don't have a mechanism to handle the project development. Point was brought up that depending on where you build will determine what the parameters are; extra property tax, sewer/no sewer, county/town. Amy was asked how many PIDs are currently in process in Utah. Commissioner Hamson motioned that we do not recommend the PID to the town council, Commissioner Shimek seconded, all in favor, motion passed.

Work Meeting

- Discussion Item B: Discussion of Amendment to Elwood Zoning Ordinance Title 10 Chapter 10.10 Zoning District. Amy asked if we got the updated changes with RD-1 and RD-2 included. Commissioner did and they are good with it.
- Discussion Item A: Discussion of proposed Elwood Zoning Ordinance Title 10 Chapter 10.15 Master Planned Community District. Commissioners and Amy discussed and Amy talked of including more processes to aid in helping with execution. Discussion on the fee included for open space which will be a future problem, too much open space is expensive to maintain; this is the town's responsibility. It is good for the town to have the option. This ordinance is linked to the rezone and to a development agreement. Town can define uses, town can use to protect town desires. Commissioners want to take another two weeks to look through the ordinance, it is no rush. Let's make sure we are clear. 10.15.140 findings required for approval. Amy suggests we want them specific but not too specific, she took these from another town's ordinance and she felt she had been researched. Amy can be emailed any questions to be addressed in a future meeting. Can the commission state where on the map the MPCD is allowed? Amy answered that there are specific criteria to even allow it, so this is not something the town would put on the map. The town does have full control in that there is agreement to be determined at the point of the project.
- Discussion Item C: Mary Lamont – Elwood Storage Buildings & Office Building Project 9724 N 5200 W. Shane Taggart explained that this is a continuation from the Phase 1 project, so piecing together what is required. Mary Lamont stated that she is only here for a building permit. She is not subdividing, all the land is owned and operated by the owners. Commissioner Call stated that improvements(paving bridge entrance) have not been made so no further improvements were allowed: paved bridge, drainage, fire truck accessibility. Mary updated the commission: the asphalt paving is a UDOT permit and it is in the works; no date is established; will be done before building permit but she preferred done before occupancy. Drainage-providing ponds on site. Fire marshall has

approved the plan now. Shane Taggart looked at Hansen's comments and owners have addressed their comments. There is a 13 acre lot with different buildings being built on it. The town code states anything over 3 acres needs a site plan for the whole acreage. Second point is what is the outlook for the future adjoining lots and their access. This property is a private drive, they are not subdividing so do not need to provide adjoining access. Commercial businesses in the spaces provide important services, and the public is welcome on an invited basis. The road is private: water, sewer, utilities are maintained by property owners. The road is up to code and can be turned over to the town. There are different standards between private road and private drive. Shane said that the site plan needs to come to the planning commission for preliminary plan approval. Mary said that all she needs is a building permit. The commission is wanting clarification on what action is needed, and requested that Gina research some minutes on the original agreement with the town years ago, private/public drive and pavement of entrance. Owner wants it to be considered as a one lot site, not subdividing, not needing to do things to adjoining property.

- Discussion Item D: General Plan Map – Elwood Zoning Map. The commission needs to discuss town council requests as stated in the body of email. Commissioner Hamson proposed that everyone look at the map as homework and return with ideas of how to change the map. The discussion on what is affordable housing. Government subsidized housing south of Harris Intermediate School in Tremonton. What is the density requirement for affordable housing? duplex, townhomes, quarter acre lots, smaller lot sizes.

Adjourn Meeting

Commissioner Crouch motioned to adjourn the meeting at 8:55 pm, Commissioner Shimek, seconded, all in favor, motion passed.