

City of Elwood Town

Planning Commission

July 21, 2026 meeting minutes

The Board of the Planning Commission of Elwood Town met at the Elwood Town Hall, 5235 West 8800 North, Elwood, Utah, at 6:00 PM on Tuesday, July 21, 2026.

The following members were present constituting a quorum: Britton Hayden, Erika Bywater, Isaac Walker, and Commissioner Quinn Hamson-absent but had submitted comments in advance.

OTHERS PRESENT: Scott Goodliffe(Town Mayor), Brian Davis(Town Council Rep), Karolina Munns(Planning Commission Secretary), Talsan Schulzke(Zoning Administrator) Jones & Associates, Chris Crockett(Town Attorney), Greg Iverson, Ed Green, Mary LaMont, Linda Brown, Suzann Wardle, Kevin Hansen, Aaron Rasmussen, Randy Moulding, Cody C. Viebell, Garth Day, Brenda Jacques, Ron Jacques, Bonnie Theurer, Jeff & Lisa North, Jared Fronk, Kab, Larsen, Brad Theurer, Ty Rogers, Aaron Taylor, Wyatt Stakley, Derrick Baxter, Jay Johnson, Nancy Johnson, Lynn Hardy, Kathrn Bagshaw, Charles Ford, Christine Laumann, Marilyn Rasmussen, Rue Rasmussen, Micah Capener, Glenn Smith, Ester Mateny, Marc Allred, Deborah Allred, Jeffrey John, Dixie Hirschi, Keenan Nelson, Kate Sills, Ben Sills, Brenda Sills.

Welcome/Prayer/Pledge

Commission Chair Britton Hayden called the meeting to order at 6:00 PM. The meeting opened one hour earlier than the standard 7:00 PM start time to accommodate anticipated public participation. Commissioner Walker delivered the invocation, and Commissioner Bywater led the Pledge of Allegiance.

Public Hearing

Amendment to the Elwood Town Zoning Map & Ordinance 155.126, 155.140-143, 155.155-158, 155.170-174, 155.185-192, 155.205-210, 155.225-235

Motion to open the public hearing was made by Commissioner Bywater and seconded by Commissioner Walker. The motion carried unanimously.

Commission Chair Hayden outlined procedural rules: each speaker was allotted three minutes, comments were directed to the Commission only, the hearing would be recorded and entered into the public record, and written comments

could be submitted via the town website through July 31, 2026. The Commission was noted to be in receive-only mode during the hearing and would not respond to questions during the proceedings.

The following members of the public offered comment:

Mary LaMont (Parcel 519800008) formally objected to the proposed rezoning of her commercial parcel to agriculture, asserting it would cause immediate financial harm and constitute an unconditional loss of property rights. She argued that rezoning decisions of this nature should rest solely with property owners, and that the town faces no imminent health, safety, or welfare concern that would justify the change. She called for an opt-in/opt-out mechanism for all affected owners.

Keenan Nelson expressed support for Ms. LaMont's comments and cautioned that the proposed rezoning could accelerate development pressure, with developers potentially rushing to subdivide, resulting in as many as 500 new homes in a short timeframe.

Lynn Hardy (age 82, lifelong resident) expressed concern that no one had personally consulted him about his property. He noted that his tax assessment values his land far below market, and that his heirs will likely not sell for agricultural use. He questioned whether the proposed ordinance is adequately prepared for the pace and nature of future change in Elwood.

Garth Day (Heritage Land Development) cited Elwood Town Zoning Ordinance Section 155.007, which mandates that land use decisions shall be consistent with the General Plan. He argued the proposed citywide rezoning contradicts the General Plan adopted in October 2024, which contemplated future growth areas for residential and commercial uses. He raised the issue of predictability for landowners who have made investments and estate plans based on adopted zoning.

Brad Theurer (lifelong resident) echoed prior comments and highlighted the impact of large agricultural minimum lot sizes on housing affordability for families and on the retirement security of farmers whose primary financial asset is their land.

Ed Green (Layton resident and property owner of 45 acres on 10400 North) stated he purchased his property under the existing half-acre lot zoning and would not have done so under agricultural zoning. He noted that zoning directly correlates to land value, and formally stated he had already filed to oppose rezoning of his parcel, with a preliminary conceptual plat on record.

Candy Larsen (9980 North 5200 West) opposed the rezoning of her family's generational property and raised a concern about a discrepancy between the acreage listed in her deed (10.1 acres) and the acreage shown in town records (approximately 9.63 acres). Commission Chair Hayden clarified that the town's records are for zoning purposes only and that the official acreage record is maintained by Box Elder County.

Bonnie Theurer spoke on behalf of generational farming families in Elwood, noting that many farms have been in families for over 100 to 150 years. She described the economic reality that farming is no longer financially sustainable for small operators, and that the land represents retirement security for aging farm families. She expressed opposition to the 5-acre agricultural minimum lot size as impractical for non-farming property owners.

Jeff John (Parcel 05-250-0013) raised concern that the proposed rezoning of a recently subdivided commercial lot to C-2 would prevent certain legitimate business uses, such as a plumbing shop, that he had planned to establish. He objected to the rules being changed within five years of the original subdivision approval.

Carl Petersen expressed general agreement with prior speakers and urged the Commission to carefully weigh the financial burdens its decisions impose on residents.

Aaron Rasmussen (owner of multiple parcels) stated he purchased his properties as investments based on existing zoning, that his properties are in full compliance with current zoning, and that there is no justified basis for rezoning compliant properties. He formally opposed the proposed changes and supported all prior comments.

Marc (M&D Development, Elwood Crossing on Powerline Road) requested that commercial lots in Elwood Crossing retain at minimum a C-3 or conditional use designation. He described substantial infrastructure investments made by his development group, including three-phase power, natural gas looping, and road improvements, all undertaken in reliance on the existing commercial zoning. He noted that getting businesses approved under current conditions has been difficult and urged the Commission to make the commercial zones more user-friendly rather than more restrictive.

Randy Moulding (property owner near JC Diner) expressed support for prior comments and asked the Commission to explain publicly why the rezoning is being pursued. Commission Chair Hayden acknowledged the question but stated that the format of the public hearing, as required by state law, does not permit the Commission to respond during the proceeding. He directed attendees to handouts available at the meeting and offered to speak individually after the hearing.

Jerry Fronk (Tremonton resident with commercial property in Elwood) expressed that commercial properties along State Road 13 and the I-15 interchange represent a valuable and natural revenue source for the town in the form of sales tax, and questioned why the town would seek to alter that commercial designation.

Micah Capener (multiple parcel owner) argued that the proposed citywide down-zoning is contrary to the General Plan, would result in hundreds of millions of dollars in lost property value and future tax base, and would financially harm owners of existing commercial and residential development. He requested that owners be given the ability to choose their zone designation

within applicable categories. He warned that affected property owners would seek legal remedies and potentially petition the legislature if the action proceeds.

Cody Viebell (CCT Holdings, Parcels 05-088-0101 and 05-088-0099) formally objected to the process, stating he received incorrect notice regarding the proposed zoning of one of his parcels, which was not disclosed as going to agriculture until he was contacted by staff the prior evening. He stated the timeline was inadequate for him to formulate a response and requested that all his parcels remain commercial.

Roy Stump compared the rezoning effort to a prior data center controversy and requested that the Commission explain its rationale after the hearing closed.

Greg Iverson (former Mayor, lifelong resident, age 77) stated that he and his family wish to continue farming their generational property and supported the agricultural designation for their land. He also expressed strong support for commercial development along the freeway corridor as a financial asset for the town, and encouraged broader community engagement in the planning process.

Brenda Sills proposed that an additional public meeting be held to allow the Commission to openly explain the background and rationale for the rezoning, in order to reduce community tension and anxiety.

Scott Anderson (Meridian, Idaho, property owner in Elwood) cautioned against down-zoning that could depress land values and attract large institutional investors at the expense of current residents. He expressed support for larger lot sizes but emphasized that current owners should have greater say in how their land is developed.

Deb Allred (M&E Allred Development, commercial property on Powerline Road) strongly criticized the Commission's handling of commercial development approvals, characterizing the process as unnecessarily difficult and obstructive. She formally stated her opposition to the proposed rezoning and expressed the view that the Commission does not adequately represent the wishes of landowners.

Chris Laumann offered support for the Commission's work, thanking the Commission for efforts to preserve farmland and for the installation of a traffic light. She expressed the view that development pressure should be redirected away from Elwood's agricultural lands.

Aaron Taylor made a brief clarifying comment directed to the two speakers who had expressed support for the rezone, noting that changing zoning does not affect a person's ability to farm, as farming can occur across various zone types.

Ben Sills offered brief remarks emphasizing the importance of understanding the distinct character and purpose of Elwood's rural countryside when making planning decisions.

Lisa Hess raised the issue of utility infrastructure capacity, noting that existing electrical substations are already struggling to keep pace with growth, and urged the Commission to consider power infrastructure limitations alongside water concerns when evaluating future development.

Linda Brown (age 74, born and raised in Elwood) spoke in favor of preserving farmland, noting that agricultural land feeds the community and that its conversion to commercial or residential uses diminishes that capacity. She expressed concern that increased commercial activity will not reduce the tax burden on residents.

Following the conclusion of public comment, Town Attorney Christopher Crockett addressed the audience to clarify the role of the public hearing in the legislative process. He explained that public comments on legislative matters such as zoning changes carry real weight, that the Planning Commission's recommendation will be forwarded to the Town Council, and that the public's voice in this process is meaningful and legally significant. He also noted that the Commission had exceeded state law requirements by conducting two open houses prior to the public hearing.

Motion to close the public hearing was made by Commissioner Walker and seconded by Commissioner Bywater. The motion carried unanimously.

Following the close of the public hearing, Commission Chair Hayden provided a summary of the background for the rezoning effort in response to multiple public requests. Key points included:

- Approximately 10–15 years ago, the town was rezoned to a generic "R" (residential) designation, with no formally defined agricultural or differentiated commercial zones in place.
- The town subsequently adopted a new General Plan in October 2024 establishing a projected land use map and future growth areas.
- The existing generic "R" and "C" designations do not correspond to the town's legally defined zone categories (R 1-20, R 1-40, RAD 1-20, RAD 1-40, C-1, C-2, C-3, and Agricultural), making the current code unenforceable and inconsistent.
- The town's prior legal counsel advised that the zoning map needed to be corrected to align with legally defined zone categories.
- A voluntary opt-in rezoning process attempted in the prior year proved logistically unsustainable for the scale of the effort.
- The citywide rezone was undertaken to apply a consistent, objective standard across all parcels rather than to selectively target individual properties.
- Agricultural zoning is intended to protect existing farming operations by ensuring those uses remain permanently permitted in that zone, insulating them from future regulatory changes that could restrict agricultural activities in residential zones.

- Rezoning is not permanent; any property owner may apply for a rezone at any time, and if the request aligns with the General Plan's projected land use, approval is expected to be straightforward.
- Twenty-six properties were identified as requiring map corrections prior to the hearing; some owners were notified as recently as the preceding week, which the Commission acknowledged was later than ideal.
- The online written comment period remains open through July 31, 2026.

Town Attorney Crockett clarified the legal standards applicable to the process, including the definitions of vested rights, nonconforming uses, and regulatory takings, and recommended that residents consult the Utah Property Rights Ombudsman's website for additional information on these topics.

Work Meeting

Discussion Item A: Discuss and Finalize Rezone Objection Consideration Criteria for Use at Aug 4, 2026 Planning Commission Meeting

Commission Chair Hayden presented two draft versions of a flowchart outlining a six-step criteria framework for evaluating rezone objections at the August 4, 2026 meeting. The six criteria are: (1) alignment with the General Plan; (2) documented vesting with the town; (3) historical agreements or precedents; (4) technical errors or physical incompatibilities; (5) property owner financial loss review; and (6) public benefit and infrastructure review.

The distinction between the two versions was whether General Plan alignment would trigger an automatic recommendation of approval (Version 1) or would instead be folded into a broader Commission judgment considering all six criteria collectively (Version 2).

Town Attorney Crockett clarified the legal standard for vesting under state law: a property owner is vested upon submission of a complete application, and is thereafter entitled to review under the law as it existed at the time of filing. Existing conditional use permits, business licenses tied to existing uses, and preliminary development plans were identified as likely qualifying instruments. He further clarified that a legal nonconforming use, once established, may be continued subject to certain restrictions, but does not vest in perpetuity if the use is abandoned.

Regarding the financial loss criterion, it was noted that while independent appraisals and market studies represent strong data, they are not required. Any documentation substantiating a claim of financial loss will be considered, and the absence of data will inform, but not automatically disqualify, a claim.

Town Attorney Crockett confirmed that the flowchart is an internal guideline rather than a legal requirement, intended to promote consistency and objectivity in the Commission's deliberations. He emphasized that the Commission retains discretion in weighing all submitted comments, and that the standard for a successful legal challenge to a legislative zoning decision is

whether the decision was "reasonably debatable" after a thorough public process.

The Commission adopted Version 2 of the criteria flowchart, under which General Plan alignment is one factor among several considered collectively, rather than serving as an automatic approval pathway.

Zoning Administrator Talsan Schulzke noted that the projected land use designations in the General Plan will require reconciliation with the amended zoning ordinance categories going forward, and that a General Plan map update will need to be addressed in a future planning cycle.

A map error was identified regarding a recently recorded 5.5-acre parcel subdivided from Carl Petersen's property and purchased by Valley Implement. Because the subdivision was recorded approximately 45 days prior to the meeting, it had not appeared on the town's zoning map at the time the public hearing materials were prepared. The Commission determined that this parcel will be addressed as part of the August 4 deliberations consistent with the same criteria applied to all other parcels, with the default going-in position being agricultural, subject to review of the owner's submitted request.

Discussion Item B: Final Discussion of Section 150 Ordinances Stating Timely Completion of Developments, Commissioner Hamson

This item was not discussed due to time constraints and the volume of business conducted under Discussion Item A.

Commission Business

Review and Discuss Written and Verbal Objection to the Proposed Zoning Map and Ordinances

Commission Chair Hayden reported that approximately seven to nine written submissions had been received through the town website and from Gina's office prior to the meeting. The Commission directed Zoning Administrator Schulzke and administrative staff to compile all public hearing comments and written submissions into a unified spreadsheet to be used for deliberations at the August 4 meeting. Commissioners were instructed to review submissions in advance and flag any items requiring legal analysis so that Town Attorney Crockett could be prepared to advise at the August 4 meeting.

Town Attorney Crockett clarified that written comments submitted through the official channels become part of the formal public record. At the opening of the August 4 meeting, the Commission will need to formally state that it is accepting all written comments submitted during the public comment period as part of the record. He noted that in the event of a legal appeal, the record — including minutes, recordings, and accepted written comments — would be transmitted to the court.

This item cannot be finalized until the conclusion of the state-mandated 10-day written objections period ending July 31, 2026.

Commissioner Walker motioned to table Commission Business and Commissioner Bywater seconded. The motion carried unanimously.

Adjourn Meeting

Commissioner Bywater motioned to adjourn and Commissioner Walker seconded. The motion carried unanimously.

The meeting was adjourned at approximately 8:30 PM.