

# Minutes

## Elwood Town Planning Commission

Tuesday, March 25, 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, March 25, 2025.

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

OTHERS PRESENT: Brandon Green(City Planner/Zoning Administrator), Gina Marble(Town Recorder), Todd Godfrey(Town Attorney), and Karolina Munns(Planning Commission Secretary), Art & Heather Bingham, and Zack Pali.

### Welcome

Commissioner Hamson conducted the meeting. The meeting started at 7:00 pm.

### 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.

### Commission Business

- Action Item A: Recommendation to Town Council - Preliminary Commercial Site Plan and Master Development Agreement - Aardvark RV Park - Art Bingham. Brandon Green, Zoning Administrator presented this development next to Maverick; zoned commercial; this use is not permitted in the schedule of uses; limited stay not permanent stay; proposal is a good use of the ground; Art Bingham, developer has done a lot of footwork and has support from neighbors; Jones and Associates recommends this development with a Master Development Agreement.
  - Commissioner Hayden asked questions about cabins on the west border? Art Bingham said this is proposed future possibilities, it will not be on a permanent foundation, rather a temporary structure, no more infrastructure would be needed and it would have the same ERUs as a trailer unit. It was stated that when this is

added it would require an amendment to the MDA. It was emphasized that the proposed development is intended for limited stay uses, not permanent housing, with detailed limits outlined in the development agreement. Art explained the online reservation system for booking RV spaces. There was a query regarding whether the maximum booking period should be 14 days or 30 days. The explanation clarified that the online system limits reservations to 14 days, while any extension (up to 30 days) would require in-person or phone arrangements. The rationale is to ensure that the site remains available for short-term use without encouraging excessive long-term occupancy. Art referenced South Weber RV Park, City Manager Dave Larsen being open to talking to Elwood Town about the process and South Weber City's experience.

- Commissioner Crouch inquired about the fence dividing the park and Maverick and safety aspects. Art defined it as a 3 to 4 ft fence to match and what the Maverick agrees with also. Art also defined the 8 ft chain link fence on the freeway side. Comment was made to address safety while also allowing for visibility to get out on the 9600 North Street. Also a gate opening for pedestrian traffic going between Maverick and RV Park.
- Commissioner Hamson inquired about paving vs dirt. Art answered that the plans are still at chip and road base to start. The future could be asphalt and would need approval for the upgrade.
- Commissioner Hayden motioned to recommend to Town Council - Preliminary Commercial Site Plan and Master Development Agreement - Aardvark RV Park, Commissioner Crouch seconded the motion, no further discussion, all in favor, motion passed.

## Work Meeting

- Discussion Item A: Training with Attorney, Todd Godfrey, Utah League of Cities and Towns, rezoning Elwood. Attorney Todd Godfrey stated that the state requires for Town Council and Planning Commission, 4 hours of training each year by video or live training. Todd opened up the discussion for any and everything the commissioners wanted to talk about.
  - The state requires that each city/town have a town council and a planning commission. There is no stated number to have on the planning commission but an odd number; it is normal in our state to work by committee. Two defined lanes Recommendation and Decision. Recommendation is for legislative law which is for the council; broader policy and administrative i.e subdivision, site plans, conditional use permit, street width, particular zone, occupancy rate per acre. Decision is the other one. The Planning Commission handled the application

positively tonight. There can be some healthy tension between the planning commission and town council. Commissioner Hamson commented that he has asked the Town Council to express differences of opinion and concerns with the Planning Commission as we are working through changes rather than after the work is done.

- Commissioners spoke of zoning of the town which is largely a generic ‘R’ residential zoning. Todd Godfrey called this unusual, and difficult when so general. The city can initiate rezones on property, and it can be called down zoning; this does not require approval from the property owner. To tackle some suggestions include send someone from the town to landowners stating what the Land Use Map in the General Plan is, zone to current use, if there are issue ask “why” talk about it, down zoning is not a ‘taking’ and is legal, the broad zoning is an issue in updating/enforcing code ordinance, the city will do the rezone at no cost to you, if there are ag that are against then at least move to R1-40 (largest lot possible) to be confirming. An approach could be to do a notice then have a meeting, but the attorney likes the personal touch. An approach could be to address the largest property owners first. The Planning Commission can recommend it to the Town Council. Suggestion to talk to town council first, we want them onboard. The general ‘R’ zone is Inhibiting regulations, and would like to fix it, and here are some steps to do so.... There are still the steps to complete application; to the planning commission then to the town council.
- Annexations-Commissioner Hamson asked how to handle annexations: cannot annex and create an island; cannot say no then later say yes; there are ways to get developer to pay for extension of services; Elwood citizens should not pay for new development; annexation cannot happen without property owners consent unless there is adjacent property that is annexing and do with so no island is created; annexations can be resubmitted/revisited. This is a fundamental issue. The town wants to regulate borders reasonably.
- Commissioner Shimek asked about MPC Zones. Todd Godfrey wants to know the changes/concerns with the current code: it is vague, it is out of order; administration and planning commission need to be on the same page. A negotiated zone always needs to bring a concept plan with a rezone. With a recent application, the plan didn’t follow the general plan and the developer wasn’t able/willing to provide details. Master Planned Community Zones are designed to be process intensive in the front end and also in the back end. Another issue with our current ordinance is the density issue. The challenge is balancing density between developer and citizens and town administration. MPC zone ordinance can get a defined process, putting top end on density is common. The town citizens have stated specific density preferences in the survey. Growth with small town expectations is so hard. In order to grow, we need to collect

more impact fees to handle improvements to infrastructure. There is pressure from the state for small towns to participate in the solution of growth in the state. Elwood is not ready to grow at a massive density rate immediately, but Elwood can look at some growth as we go. Noncomplying applications can be sent to town council with reasonable explanation. What does more density in Elwood look like? It may have to look a little different, can your kids build on the back 10 acres? Can density look like 4 units to the acre, or 6 or 8? Commissioner Hayden brought up the fact that until the town fixes the issue of all residential as 'R', meaning that any residential zoning could be used anywhere, then density location is largely unregulated. There are some areas in town that could be more dense, but not open book style. Changing zoning is encouraged, and also can write R1-10 with certain regulations to guide location.

- There was discussion/clarification on PID, Public Infrastructure District; does have to have city approval; does not influence land use authority; if a development goes belly up the investors have the burden not the town; the development agreement still stands with the property for whoever picks it up.
- Commissioner Hayden asked about owner occupancy requirements. The attorney said this is a huge concern and there is no good law to drive owner occupancy requirement; and the state and nation has a radar on it.
- The goal of the Planning Commission is to be proactive instead of reactive.
- Discussion Item B: Review ordinance draft on extending the time to get subdivision recorded with the county from 90 to 365 days(1 year). Elwood Town Ordinance Title XV: Land Use Chapter 150.050(c). The discussion included talk about timing and funding. There is no downside to the town. Brandon Green said the standard is 365 days, that is what he sees most everywhere else. 150.050(f) needs to be changed also with changing from 90 to 365 days.
- Discussion Item C: Review ordinance draft 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. The discussion included a new ordinance over revising the current ordinance. It was revisited and the commissioners decided to red line the existing ordinance at the next meeting. The duplication needs to be repealed; also the appeal authority is in the next section and needs to be changed.

## **Adjourn Meeting**

Commissioner Hayden motioned to adjourn the meeting at 9:10pm, and Commissioner Shimek seconded, all in favor, motion passed.