

# Minutes

## Elwood Town Planning Commission Work Meeting

Tuesday, May 17, 2022

The Board of the Planning Commission of Elwood Town met at the Elwood Town Hall at 7:00 pm, on Tuesday, May 17, 2022.

Present: William Call, Curtis Crouch, Phil Shimek, Quinn Hamson,

Others Present: Amy Hugie, Shane Taggart, Dan Kmiecik via Zoom, Sam Sanders via Zoom, Kortnie Burton, Steffanie Burton, Kelli Shimek, April & Trevor Jones, Erika Bywater, Bryan Bywater, May Lay, Britton & Amber Hayden, Carl & Lorna Petersen, Kim Fannesbeck, Dave Bingham, Aaron Whitaker, DeVere E Hansen, Stuart Murray, Kym VanDyke, Mike Pace, Clayton Sherman, Stevi Sherman, Gina Marble, Karolina Munns

## Work Meeting

- Discussion Item A: Question and answer session with Dan Kmiecik and Sam Sanders – Ambrose Property Group – Love’s Retread and Distribution – rezone from C-2 to Industrial/Manufacturing. They provided this fact sheet.

### **Love’s Elwood – Fact Sheet**

#### Zoning (Uses)

Property is currently zoned Commercial, list of “by right”, permitted uses shown below:

#### Other Permitted C-2 Zoning Uses

- Automobile/Trailer sales or rental and service (traffic generator)
- **Car wash with gas station (traffic generator, heavy water)**
- **Restaurant (heavy water and septic)**

#### Other Permitted C-3 Zoning Uses

- Public utility substation
- Public essential service facility
- Automobile/Trailer sales or rental and service
- **Service station**
- Air conditioning service/sales
- **Restaurant (heavy water and septic)**
- **Car wash with gas station (traffic generator, heavy water)**
- **Bottling works (heavy water user)**
- Electric appliances or electronic instrument assembling
- **Ice manufacturing and storage (heavy water)**
- Honey extraction
- **Laboratory (heavy water)**
- **Laundry (heavy water)**
- **Machine shop (noise, pollution)**

- **Manufacturing - cellophane, canvas, cloth, cork, felt, shell, straw, textile, wood, yarn (noise, pollution)**
- Monument work

Only 2 parcels are zoned I/M on current zoning map (NW side of town)

- One is developed (+/-4 acres)
- One is undeveloped (+/-2 acres)

#### Building Specifics

- 20 anticipated dock doors
- Approximately 20% of building space will be for tire retread operation
- Approximately 5,000 sf of office space
- 38' anticipated maximum building height – which is 6'-10' taller than a traditional two-story home with attic

#### Elwood General Plan

- General plan land use plan shows this site as “highway commercial” with highway commercial to south and east.

#### Taxes

- Parcel currently generates \$128.00 annually
- Development tax revenue to generate approximately \$204,000 per year (\$2M over a 10-year period). Additionally, there are personal property taxes that will be paid.

#### Utilities

##### Water

- Domestic water only
- No production water used for operations
- Total demand will be for two bathrooms (2900 gpd peak) – equivalent of 3.5 residential houses

##### Septic

- Water table identified 4.5'-5' below grade based on initial soil borings
- System is being design now to accommodate the water table depth
- Infiltration rates of soils were identified, and these will be submitted to Bear County Health Dept for review to ensure that there will be no adverse effects
- Sanitary discharge is primarily limited to only bathroom wastewater
- Septic field size is projected to be the same size as 3.5 residential private systems

##### Stormwater

- Onsite stormwater will be collected and stored within a detention pond per ordinance

#### Traffic

- Coordination with UDOT is ongoing
- Traffic memo was submitted for 60 employee cars and 12 daily trucks
  - Hours of operation will be 7a-6p
  - Approximately 1 truck per hour
- Will coordinate with UDOT on future Powerline Road and facilitate roadway realignment

#### Environmental

- Clean operation (no fumes, smokestacks, etc.)
- No noise pollution

#### Fire Protection

- Early Suppression Fast Response (ESFR) system in accordance with NFPA allow for any fire event to be extinguished immediately
- System is fully self-sufficient and will operate without fire department presence

#### Jobs

- Creation of 60 new full-time positions as the facility comes online that will target local workforce

- Commissioner Crouch asked about traffic going southbound and semis making u-turns to Powerline Road? Loves will make the needed improvements to make it safe. Tile drains are all over, have you checked into these? The answer we are and well will direct to our detention pond. Commissioner Call asked if Loves would put in a bridge across canal to extend the Powerline Road on the south of the property. With traffic, such a problem is this something Love's would fund. Love's will cooperate with UDOT. Answer-Love's would have to analyze the cost and overcome the barriers with the residents that will remain.
- Discussion Item B: Amendment to Elwood Ordinance Chapter 10.10 Zoning Districts. Amy Hugie, RD-1, and RD-2 were not assigned chapter numbers, this needs to be changed. If you are going to have quarter-acre lots on the map then need to write up a district for them just like RD-1 and RD-2.
- Discussion Item C: Discussion of proposed Elwood Zoning Ordinance Title 10 Chapter 10.15 Master Planned Community District. This was originally something we would look at back in July 2021 when Lacy Richards. RD-2 you can get down to a 1/3 acre lot with multiple acres, but will still average out to half-acre lots. If we want to ever allow for less than half-acre lot, we don't have an ordinance that allows that. The smaller acre lot is so Elwood can get some desirable things like parks, trails, etc. This option gives more control with a development agreement between developer and town along with the rezone request. 10.15.180 states the timeframe for rezone and development agreement complete or will revert. It is explained that in this ordinance there are specific instructions on enforcement steps in helping the town move forward with a clear process. There are specific ways the town council can be involved with the developer to be part of the decision-making process. 10.15.140 has a requirement to agree with two of the items listed in order for the town council to pass it. The town can negotiate for what they want, whereas in regular zoning, ordinances are already set and no further discussion is given to the town. This can be used for commercial and residential developments. Affordable Housing, is not required right now because we don't have enough population. But it is on the horizon for all towns to have affordable housing. This is coming, probably in the next couple of years. The general plan addresses multi-family dwellings but we have no ordinance in place to deal with it. This would put that in place. Commissioners would like to look at a couple of other cities' ordinances for this. Amy will email them to commissioners. We can ask questions and we will discuss them at our next meeting.
- Back to Discussion Item A: Commissioner Shimek has concerns about the General Plan and the Map. This rezone doesn't match to Map. The plan talks of decision-making with an eye forward to future development, and the plan talks of updating the General Plan every 5 years with annual reviews. The two biggest concerns are 1. If we rezone as industrial then what does that open us up to. Commissioner Shimek offered the idea of amending the schedule of uses to fit Loves rather than rezoning. Another concern is the possible backup of semis making u-turns and taking up a lot of the highway. Commissioner Crouch stated there are a lot of good points with less impact. Traffic is an

issue, with seven accidents on the overpass in the last year. If rezone to industrial then what does that open us up to for future industrial asking for rezones. Discussion included that other commercial businesses would generate more traffic, than this. Could we look at getting traffic off the frontage road, and move to an alternate plan of the entrance at Powerline Road? Commissioner Call asked the current land owners about the land adjacent to Powerline Road connection, the Petersen's. This is their residence location. Commissioners asked Shane Taggart, town engineer, if we can change the schedule of uses. It can be, but do we want to get into the habit of changing at every point. Discussion about change to the schedule of uses. Love's is reputable and we should at least consider all pros and cons before making a decision. A point was brought up about having buffering between commercial and residential in order to have a better-looking community. What do we want our 'downtown' area of Elwood to look like? To smell like? They are asking for a rezone, what does the town get from this arrangement of changing zones? It is not property taxes because that goes mostly to education and to the county, with very little going to the town. What value would it bring to our town? Commissioner Call requested everyone to continue to do their homework and be ready to vote on a recommendation to the town council at the first June meeting. A community member added that there are two types of recapping of tires, cold cap or hot cap. Looks like it is a cold capping process.

- Discussion Item D: Discussion of PID; Garth Day–Heritage Land Development: Is the proposed development of Red Barn Property and other surrounding property something we would consider? Commissioner Shimek referred to the General Plan pointing out that developers will be required to pay their share of the development, not PID paid. Also, the General Plan states design services so it is not a heavy financial or operational burden on the town. There is an extra tax which is a burden to the residents. Also, growth is outpacing the limited resources. Right now this development is proposing 320 units and the General Plan for multi-dwelling areas at 8 units per acre would allow this development to have 178 units. Commissioner Crouch is totally against this. We don't have the resources, don't have the infrastructure, and don't have any way to get more water, concluding that it should not even be considered. Commissioner Hamson states that they can be advantageous, but doesn't always work. The first homeowner knows about the extra tax, but later homeowners are not aware and this can cause problems. It is a new mechanism in Utah.
  - Erika Bywater-number of houses around various neighborhoods is 293 homes. This new development is 320 homes all in that little area. Is this working with General Plan and our limited resources? Commissioner Shimek shared General Plan and development keeping limited resources in mind.
  - Aaron Whitaker-Resources limited in water. Is a study being done? Yes, done. Years ago a development went in the town didn't have enough water pressure so had to get a loan to fix the problem created by the development. Now all residents paying increased fees to solve the developer problem. Development

needs to front the money in an escrow to protect. Discussion on Utah residents' growth vs migration residents.

- Bryan Bywater-all this development, and kids. Will the town require that ditches be fenced for safety in our community? Answer, this is part of the plan approval process.
- Clayton Sherman-Why are we jumping too fast to traditional ways of development vs. non-traditional ways. Force developers to upfront the money in escrow, there are developers that will do that.
- Garth Day-Cottonwood Landing subdivision is going now. It is completely traditional, with half-acre lots, sidewalk/gutter, storm drain, and drylines for secondary water. A 100% escrow development with the town. The goal of PID is to get infrastructure built so you don't need to worry about that. Our town needs to catch up on infrastructure, and help the development pay for itself and help the town. Sierra Homes and Heritage Land Development own land in Elwood and we want to have a long-term partner in the town.
- Britton Hayden-Master Plan is positive. 1. Water is an issue no matter whether this development goes in or not. 2. Water use for a half-acre lot, uses a lot of water. He wants to look at the 40-year water plan. Also, he wants a plan for affordable housing rather than unplanned.
- Dave Bingham-Previous planning commission member. We did have a plan for affordable housing in the northwest corner of Elwood. Limitations on sewer. Need to resolve. This new development coming in as residential has no tax advantage to the town. Suggestion to zone that land commercial so there can be a tax advantage.
- Mike Pace-town councilman addressed the 40-year water plan, and that the town is working on a secondary water system in phases. Phase 1 will add 300+ taps. Phase 1 10400 N to 4800 West. Work on Phase 2 and Phase 3. Across the freeway also?
- Community Member-is there not a place for affordable housing currently? Answer-northwest corner could still be except there is no sewer there to plan that.
- Amber Hayden-no more cookie-cutter homes. The town needs a standard to have a beautiful neighborhood, that fits into current Elwood. Elwood Town Inspector, Steve Bench, contracted service. Where is the accountability? Commissioner Call stated that Steve Bench knows ordinances and follows them. Town Council is enforcement.
- Discussion Item E: General Plan Map - Elwood Zoning Map - address town council requests. Be ready at the next meeting to vote on Loves, and PID development requests, and hold a discussion on a zoning map for the next meeting.
- The meeting was adjourned at 9:00 pm.