

City of Elwood Town

Planning Commission

August 4, 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 7:00 PM on Tuesday, August 4, 2026.

The following members were present constituting a quorum: Britton Hayden, Erika Bywater, Isaac Walker, Quinn Hamson and Keenan Haramoto.

OTHERS PRESENT: Talsan Schulske(Zoning Administrator) Jones & Associates, Phil Shimek(Town Council Rep), Karolina Munns(Planning Commission Secretary), Chris Crockett, town attorney(via Google Meet), Brenda Jacques, Ron Jacques, Kelli Shimek, Zack Pali, Mary LaMont, Micah Capener, Garth Day.

Welcome/Prayer/Pledge

Commission Chair Britton Hayden called the meeting to order and welcomed those in attendance. The opening prayer was offered by Commissioner Hamson. The Pledge of Allegiance was led by Commissioner Haramoto.

Minutes

The Commission reviewed the minutes from July 7 and July 21, 2026. Commission Chair Hayden noted one administrative correction to the July 21 minutes: on page 5, zone designation references "R-120" and "R-140" contained formatting errors introduced by automated transcription and were to be corrected to reflect proper code designations under the proposed ordinance.

Commissioner Hamson moved to adopt the minutes for July 7, 2026 and July 21, 2026 as presented, amended to incorporate the correction identified by Commission Chair Hayden. The motion was seconded by Commissioner Walker. Motion passed unanimously.

Town Council Update

Town Councilman Phil Shimek reported that no Town Council meeting had been held in July, and therefore there were no formal updates. He noted that the Council would be holding a work meeting the following day (Wednesday, August 5) to discuss the matters being considered by the Planning Commission. Councilman Shimek confirmed that the transient tax code submitted by the Commission was scheduled for review at the next Council meeting.

Zoning Administrator Update

Zoning Administrator Talsan Schulske briefly noted that the primary business of the evening would be the deliberation on public comments received at the July 21 public hearing. He noted that several late-submitted written comments — received prior to the deadline — had required additional research to ensure fair and equal treatment of all objections. He also mentioned that concept plans had been submitted and would be reviewed at an upcoming Elwood meeting on Thursday, August 6.

Public Comment

Commission Chair Hayden opened the public comment period, reminding attendees that comments were limited to three minutes on matters not on the agenda, and that no action would be taken.

Micah Capener, a property owner with multiple properties and buildings in Elwood, addressed the Commission regarding prior statements made at previous meetings suggesting that a rezone is a simple or "rubber stamp" process. Mr. Capener respectfully corrected this characterization for the record, noting from his experience that rezones are substantive processes requiring significant effort, and encouraged commissioners to consult with those who have navigated the process firsthand.

Commission Chair Hayden closed the public comment period with no further comments offered.

Work Meeting

Discussion Item A: Discuss Need for Separate Public Notice and Public Hearing for 27 Parcels discussed at 7 July 2026 Planning Commission Meeting

Before proceeding to the agenda action items, Commission Chair Hayden addressed several procedural and administrative matters arising from the ongoing rezoning process.

Re-Noticing of 26 Properties: Commission Chair Hayden informed the Commission that 26 properties previously reviewed on July 7 had not been formally noticed and would be re-processed under a proper public notice and hearing procedure. Legal counsel had concurred with this approach. The goal was to mail notices by the end of the week (Friday, August 7), which would allow a public hearing to be held on August 18, 2026. If notices could not be mailed by that Friday, the public hearing would be rescheduled to September 1, 2026. The Commission confirmed a quorum would be available for August 18. Any written or verbal objections already received regarding these 26 properties were noted and would be carried forward.

Addition of Item 27 — Carl Petersen Property: Commission Chair Hayden noted that a 5-acre parcel sold by Carl Petersen to Valley Implement had not

appeared on the proposed zoning map because Box Elder County had not yet updated its records. This parcel would be added as item number 27 to the public hearing.

Riverbend Subdivision (3 Lots): Commission Chair Hayden presented a question regarding three lots in the Riverbend Subdivision adjacent to Hanson Park, for which a preliminary plan had previously been approved. Zoning Administrator Schulske advised that these lots represent a clear case of vested rights, meaning the property owners are entitled to be considered under the zoning in effect at the time of their application. The Commission concurred that no further rezoning action or public notice was required for these three parcels.

Interpretation of C2 vs. C3 and "Trades": Commission Chair Hayden raised a concern that had emerged from reviewing public comments — specifically, whether "light industrial uses and trades" listed under the C3 district in the current code meant that skilled trades (e.g., plumbing shops, electrical contractors) were excluded from C2. Zoning Administrator Schulske provided research indicating that "light industrial trades" in the context of the code refers to light manufacturing activities (e.g., small electronics assembly, warehouse logistics), not to skilled trade businesses. He further noted that the Town's code definitions under "business" broadly encompass trades, professions, and licensed activities, supporting the interpretation that skilled commercial trades are permitted in C2. Commissioner Haramoto suggested that future code language could look to the DOPL licensing categories to provide clearer definitions and recommended benchmarking against neighboring municipalities for consistency and competitiveness. The Commission reached general consensus that C2 supports professional and skilled trade uses, and that C3 is reserved for light industrial and large-scale commercial uses. The Commission noted that formal clarifying language could be added to the ordinance through a future code amendment process with proper public notice.

Commission Business

Action Item A: Review and Discuss Written and Verbal Objections to the Proposed Zoning Map and Ordinances

Commission Chair Hayden explained that the Commission would work through categorized public comments and objections using a structured evaluation rubric developed in consultation with legal counsel. The rubric considered the following criteria: (1) vested property rights, (2) alignment with the General Plan's projected land use, (3) existence of historical agreements with town officials, (4) administrative errors or viability considerations, and (5) documentation of financial loss, and (6) substantiating claimed commercial development. Chair Hayden clarified that the Commission's ultimate recommendations — on the zoning map and related ordinances — would be forwarded to the Town Council, who would receive the full record.

The Commission worked through the following categories and individual objections:

General Comments (Objections 208, 218, 220, 223, 224, 225, 226): Seven general comments were reviewed. These consisted of general expressions of support or concern without specific parcel references or actionable requests. The Commission noted these comments for the record and determined no specific action was warranted. Outcome: Noted; no action recommended.

Requests for Explanation (Objections 213, 217, 219): Three submissions sought explanation as to why the rezoning effort was being undertaken. The Commission noted that an explanation had been provided at the close of the July 21 public hearing. Outcome: Noted; no action recommended.

General Support (1 submission, 222): One submission expressing general support was noted. Outcome: Noted; no action recommended.

Question Regarding Compliance with General Plan (Section 155.307): One submission, 204, raised a concern that the proposed rezone did not follow the mandate of the General Plan. Zoning Administrator Schulske presented a detailed response, noting that the Elwood General Plan itself states that projected land use recommendations "are general in nature and will be subject to refinement by the city as proposed changes in land use or zoning are made." He further argued that the proposed amendment actually brings the Town into greater alignment with the General Plan by replacing generic R and C designations with properly defined zoning districts. Town legal counsel concurred with this assessment. The Commission agreed with the zoning administrator's analysis and recommendation to move forward. Outcome: Commission concurs with zoning administrator's recommendation; no violation of General Plan mandate found.

General Opposition (7 submissions: 205, 210, 211, 212, 214, 215, 221): Seven submissions expressing general opposition were reviewed. Several commissioners noted the recurring theme of concern about the potential financial impact of rezoning on property values and investment portfolios. Commission Chair Hayden acknowledged this concern would be addressed substantively when the Commission reached property-specific objections. Outcome: Noted; no action recommended.

Property-Specific Verbal Objections (from public hearing): Five property-specific verbal objections, 201, 206, 209, 216 were reviewed. Four of these were cross-referenced to written submissions and would be considered jointly with those submissions. One verbal objection, 207, from Candy Larsen (property at approximately 9980 North 5200 West), referenced a general concern about property value without providing specific documentation or meeting any of the five evaluation criteria. The Commission voted 3–1 to retain the original proposed zoning for that property. Outcome: Noted; none of the five evaluation criteria were addressed; original proposed zoning retained.

Written Objection 101 — Stanger Property: The submission contained parcel numbers as the primary documentation. Only three of the five referenced

parcels fell within Town jurisdiction. The Commission found that the objection did not substantively address the evaluation criteria. Outcome: Original proposed zoning retained. 3-1 pass

Written Objection 105 — Ed Green Property: The subject property is currently in the generic R zone and is proposed to be rezoned to Agricultural. The property owner submitted a concept plan for residential development, which, while not constituting a complete vested application, demonstrated meaningful intent and investment. Zoning Administrator Schulske noted that the lot sizes in the concept plan were consistent with an R-120 designation. The Commission voted unanimously to accept the objection in substance and recommend rezoning the property to R-120 rather than Agricultural, consistent with the concept plan submitted. Outcome: Objection upheld; rezoning to R-120 recommended.

Written Objection 106 — Moulding Property: This property is located in an area that was annexed into the Town and, at the time of annexation, was designated R-120 and R-140 — reflecting the residential designations then in effect rather than any specific formal agreement. The Commission discussed whether this dual designation implied a commitment to residential zoning; the majority view was that the annexation simply conformed the property to the Town's existing zoning and did not represent a formal residential intent distinct from the broader process. The Commission voted 3-1 to retain the original proposed zoning. Outcome: Original proposed zoning retained.

Written Objection 107 — John's Plumbing (Jeff John): The property owner sought a C3 designation in order to operate a plumbing shop, expressing concern that C2 would not permit trades uses. Given the Commission's earlier determination that C2 supports skilled commercial trades, the Commission voted unanimously to retain the C2 designation and recommended that clarification be provided to the property owner explaining that his intended use is permitted within C2. The Commission also noted the intent to further clarify trade language in the ordinance. Outcome: C2 designation retained; communication to property owner recommended.

Written Objection 111 — Integrity Auto (Marc Allred): The property owner requested a C3 designation for an auto repair use. The Commission noted that auto repair is permitted in C2 (conditionally) and C3, and that a Conditional Use Permit (CUP) for this use in the C2 zone had been approved on April 15, 2025. Zoning Administrator Schulske noted that CUPs run with the land and that the existing use would continue to be protected. The Commission voted unanimously to retain the C2 designation. Outcome: C2 designation retained; existing CUP remains in effect.

Written Objection 112 — Spec Building Property: The property owner sought a C3 designation for a planned spec building development. The Commission found no current vested development activity and noted the property was proposed as C2, which is appropriate given its adjacency to residential uses. The Commission unanimously retained the C2 designation, noting the owner

may apply for a C3 rezone in the future when a specific development plan is established. Outcome: C2 designation retained.

Written Objection 113 — Large Spec Building Property: The subject property abuts residential uses on its western side. The Commission discussed the appropriateness of C3 adjacent to residential areas and unanimously agreed that C2 should be retained for this property, particularly given the residential buffer consideration. Outcome: C2 designation retained.

Written Objection 115 — Rasmussen Property: The property owner requested R-120 or R-140 designation, preferring R-120. The owner had submitted a concept plan, documentation on residential vs. agricultural land values in Box Elder County, and a written objection. While no completed formal application had been filed, the Commission recognized the owner's demonstrated intent and financial investment toward residential development. Zoning Administrator Schulske recommended accepting the objection and rezoning to R-120, consistent with the lot sizes shown in the concept plan. The Commission noted that the General Plan did not designate this parcel as future residential, but several commissioners found the concept plan and financial documentation persuasive. The Commission voted unanimously to accept the objection and recommend an R-120 designation. Outcome: Objection upheld; rezoning to R-120 recommended.

Written Objections 116, 117, 118 — Mary LaMont Property (three parcels): These three parcels were considered together. Objection 116 concerns an undeveloped parcel proposed to be rezoned to Agricultural; Objection 117 covers the large parcel with existing commercial buildings, storage units, and active business licenses; Objection 118 covers a small contiguous sliver parcel.

Regarding the active commercial parcel (117 and 118), the Commission discussed at length the existing uses, which include auto AC sales and service, auto repair, trailer sales, printing, and warehouse distribution. Zoning Administrator Schulske noted that printing and warehouse distribution are permitted only in C3 under the current proposed code. Town legal counsel confirmed via remote participation that existing lawfully established uses carry non-conforming status regardless of zone, and would be protected under Section 155.112. However, commissioners noted that if a C3-type business vacated and was replaced by a new business of the same category, the non-conforming protection would not extend to the new tenant. Following discussion, the Commission voted 3–2 to designate the active commercial parcels (117 and 118) as C3, given the existing C3-category uses operating on the property. Regarding the undeveloped parcel (116), the Commission voted 3–2 to change the designation from Agricultural to C2, with the rationale that the property had been purchased and maintained as commercial, that associated infrastructure (including a bridge and utilities) had been installed in support of future commercial use, that the owner had historically been told by Town representatives that the parcel should remain commercial, and that the owner had been paying commercial-rate property taxes without claiming greenbelt status. The pathway for a future C3 application was noted as

available. Outcome: Parcels 117 and 118 rezoned to C3; Parcel 116 rezoned to C2.

Written Objection 119 — Lundgren Property (Insulation Shop): The property owner expressed concern about the C2 designation and the ability to operate an insulation/trades business. Consistent with the Commission's earlier determination regarding trades in C2, and paralleling the reasoning applied to Objection 107 (John's Plumbing), the Commission unanimously voted to retain the C2 designation and recommended that clarification be provided to the property owner. Outcome: C2 designation retained; communication to property owner recommended.

Written Objection 121 — Garth Day Property: Commission Chair Hayden noted that parcel 5088-0102 (the upper large parcel) was the subject of this objection, with the remaining parcels to be considered jointly under Objection 129. The property had previously been considered for an MPC designation; however, Zoning Administrator Schulske confirmed with town staff that no formal MPC application had ever been completed or approved, and that no ongoing work with city staff had occurred for over a year. Property owner Mr. Day addressed the Commission briefly to note that the property had a split commercial/residential zoning under the current map and that it had been purchased under commercial expectations, raising concern about potential financial and lending implications of a full agricultural rezone. Commission Chair Hayden acknowledged the comment and asked that the audience refrain from further interruption while the Commission deliberated, and requested this three times. Discussion of this item was not completed before the meeting was adjourned.

Action Item B: Recommend to Town Council — Amendment to the Elwood Town Zoning Map & Ordinance

This item was not separately acted upon during the meeting, as deliberations under Action Item A were ongoing at the time of adjournment. The matter will be continued at the next meeting.

Adjourn Meeting

At approximately 9:30 PM, a motion was made to close the meeting, as a substantial number of objections remained to be reviewed and it was agreed that the remaining items should be addressed at the next scheduled meeting.

A motion to adjourn was made by Commissioner Hamson and seconded by Commissioner Walker. Motion passed unanimously.

Commission Chair Hayden announced that the Commission would reconvene on August 18, 2026 to continue review of the remaining written objections (approximately seven parcels remaining).. Chair Hayden thanked all commissioners and attendees for their participation.