

City of Elwood Town

Planning Commission

September 1, 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, September 1, 2026.

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

OTHERS PRESENT: Talsan Schulske(Zoning Administrator) Jones & Associates, Chris Crockett(Town Attorney), Phil Shimek(Town Council Rep), Karolina Munns(Planning Commission Secretary), Rue Rasmussen, Cody Viebell, Mary LaMont, LeeAnn Lungreen, Joyce Cox, Micah Capener, Aaron Taylor, Stevi Sherman, Clayton Sherman

Welcome/Prayer/Pledge

Commission Chair Hayden called the meeting to order and welcomed those in attendance. The invocation was offered by Commissioner Hamson. The Pledge of Allegiance followed by Commissioner Walker.

Chair Hayden provided an overview of the evening's three-part agenda: administrative items, a public hearing on 27 specific properties, and commission discussion of previously submitted objections. He noted that no action on the 27 public hearing properties would occur that evening, as state law requires an additional 11-day written comment period following the hearing. He also reminded attendees that the Planning Commission makes recommendations only — final decisions rest with the Town Council, which would take the matter up no sooner than October.

Minutes

August 4, 2026 & August 18, 2026

Minutes were not available for review. Chair Hayden indicated they would be tabled to the September 15, 2026 meeting.

Town Council Update

Town Councilman Phil Shimek reported that the Town Council voted to approve a transient tax applicable to short-term lodging. He noted that a draft read-only version of the rezoning work is publicly available for review on the town website.

Zoning Administrator Update

Zoning Administrator Talsan Schulzke reported that he is working with staff to update the preliminary subdivision application form. The current form contains references to outdated code numbering. The updated form is near the final draft and does not require Planning Commission action, as it is an administrative staff document.

Public Comment

Commission Chair Hayden opened the public comment period. One member of the public, Micah Capener, addressed the Commission, citing language from page 8 of Elwood's General Plan directing that decisions should reflect the "highest and best use" of land. He expressed concern that the proposed rezoning effort was instead reducing properties to lower-use designations — such as agricultural — rather than maximizing the potential of commercially or residentially situated parcels.

The public comment period was closed.

Public Hearing

Zoning Ordinance Amendment to consider an additional 27 specific properties on the Elwood Zoning Map

A motion to open the Public Hearing was made by Commissioner Hamson and seconded by Commissioner Haramoto. Motion carried unanimously.

Chair Hayden reiterated that the hearing was limited in scope to the 27 properties listed in the public notice and that the Commission would be in receive-only mode. The following members of the public offered comment:

Eric Stevenson (KJE Green Acres) requested that two partial lots (approximately 0.75 acres each) remain zoned residential, citing prior investment in a fire hydrant and secondary water infrastructure already paid for in anticipation of future residential development.

Joyce Cox stated that she received a notification letter and sought clarification about how the rezoning affected her property. She was directed to speak with staff following the meeting.

Cody Craig Viebell (CCT Holdings) stated that his property received unanimous final plat approval and a conditional use permit for a storage facility prior to any rezoning discussion. He argued that his development rights have vested under Utah law due to substantial reliance on that approval, including significant expenditures on engineering and design. He requested his property be excluded from the rezoning.

LeeAnn Lundgren spoke as a local business owner who made a substantial personal investment — including selling a rental property — to purchase land

intended for a permanent business location. She expressed concern that proposed rezoning would eliminate the intended commercial use of her land and asked the Commission to consider the financial hardship imposed on property owners who have already invested.

Micah Capener (speaking as a property stakeholder) addressed the Commission regarding the last parcel on the list, noting that all owners in that project area have requested C-3 zoning. He questioned why the proposal designated only one parcel C-3 while the remainder were proposed as C-2, given that neighboring uses — including a truck shop and a body shop — are characteristic of C-3.

Jared Frank stated that his 5.5-acre parcel, currently zoned commercial, appraised at \$1,100,000 as commercial but would be worth only \$50,000–\$66,000 if rezoned to agricultural — a swing of over \$1,000,000. He also disclosed that the parcel serves as collateral for a bank loan obtained when it was commercially zoned. He submitted a letter from the lending institution (DL Evans Bank) warning that a rezoning to agricultural use would cause the collateral to fall below the required loan-to-value threshold, potentially triggering a call of the note or requiring a substantial principal paydown.

Mary LaMont raised a procedural question, asking whether property owners who object to the proposed rezoning could simply be offered the option to retain their prior zoning designation, as had been discussed during the 2025 rezone effort.

A motion to close the Public Hearing was made by Commissioner Hamson and seconded by Commissioner Haramoto. Motion carried unanimously.

Commission Business

Action Item A: Review and discuss written and verbal objections to the proposed zoning map and ordinances

The Commission reviewed written objections and Zoning Administrator recommendations for the following objection IDs. Commissioner Keenan recused himself from items related to certain parcels where a conflict of interest existed and rejoined the Commission for subsequent items.

Objection ID 1-21 — Parcel ending in 102 (Residential to Agricultural)

Zoning Administrator Schulzke explained that the objection referenced a master planned community (MPC) zoning classification that no longer exists in the current zoning ordinance and for which no formal agreement was ever entered into. The narrative of the objection focused exclusively on parcel ending in 102; the remaining three parcels were addressed under Objection ID 1-29. The recommendation was to rezone from residential to agricultural, citing lack of evidence of active residential development and insufficient municipal infrastructure capacity to support further development. Commissioner Keenan dissented, expressing concern about unforeseen financial hardship to property owners — particularly in cases involving a downzone from commercial to

agricultural — but acknowledged this instance involved residential to agricultural. The Commission voted 2–1 to uphold the Zoning Administrator's recommendation.

Note: Chair Hayden directed that the infrastructure capacity rationale in Objection ID 1-05 (Ed Green) be updated to align with the rationale applied in 1-21.

Objection ID 1-22 — Three Parcels (Residential, R-120 / R-140)

These three parcels were annexed into Elwood Town under a state mandate eliminating county-land islands within town boundaries. At annexation, they were zoned R-120 and R-140 in good faith. The recommendation supported retaining residential zoning, not because the parcels aligned with standard general plan criteria, but because of the town's good-faith commitment made at annexation. The Commission voted 3–0 to retain parcels ending in 005 and 006 as R-120, and parcel ending in 004 as R-140, based on its greater distance from the main highway and alignment with lower-density planning principles.

Objection ID 1-23 — Riverview Estates Parcels (Residential to R-120)

These parcels relate to an active subdivision development (Riverview Estates / Estates Riverview) along 5600 West, south of Main Street. Phase 1 of the development is approximately 50% built out with three to four homes completed. The Commission found the active development to be self-evident indication of planned continued residential use. The Commission voted 3–0 to align with the Zoning Administrator's recommendation to retain/rezone to R-120.

Objection ID 1-24 — Rupp Property (Commercial to Agricultural)

This parcel is adjacent to the Chevron station and has carried a commercial sign for approximately ten years. The Zoning Administrator's recommendation was to rezone from commercial to agricultural, as the parcel lacks vested rights and has not been actively developed commercially. Some commissioners noted the property's historical commercial appearance and discussed whether a C-1 or C-2 designation might serve as a buffer given the neighboring semi-truck traffic and commercial activity. However, it was noted that assigning the legacy generic "C" designation is not possible under the updated ordinance. The Commission voted 2–1 to uphold the Zoning Administrator's recommendation to rezone to agricultural.

Objection IDs 1-25 & 1-27 — Parcel ending in 009 (Commercial to C-2)

This parcel contains a constructed building where a dog daycare business ("For the Love of Paws") has received a letter of approval to occupy. The objection requested C-3 zoning; the Zoning Administrator recommended C-2, noting that 67% of C-3 uses are also conditionally permitted under C-2. Chair Hayden circulated a list of uses permitted in C-3 but not C-2. The Commission discussed the pending code clarification for professional trades under C-2, which would expand the effective scope of that designation. It was noted that the neighboring Lewis Cabinet Shop is proposed for C-3 due to a pre-existing

light manufacturing conditional use arrangement. The Commission voted 3–1 to uphold the C-2 recommendation, with the dissenting commissioner favoring C-3 given the fully commercial character of the surrounding area and a desire to reduce ambiguity about permissible uses. Objection IDs 1-25 and 1-27 were treated as the same property and decided together.

Objection IDs 1-26 & 1-28 — Neighboring Parcel (Unbuilt, Commercial to C-2)

This adjacent parcel is unbuilt but intended for a similar commercial spec building. The same recommendation as 1-25/1-27 applied. The Commission voted 3–1 to uphold the C-2 recommendation, with the same dissent noted above.

Objection ID 1-29 — Four Parcels (ending in 062, 066, 067, 096)

Zoning Administrator Schulzke presented the more complex analysis for this objection. Parcels 062, 066, and the western portion of 067 were found not to align with the General Plan's projected land use for that area (town/civic center district). However, parcel 096 was found to align with the General Plan. The objection referenced "Phase 1 of Cottonwood Landing Subdivision" as evidence of planned phased development; however, Zoning Administrator Schulzke noted this is not supported by Elwood Code Section 150.024 (Phasing), which requires all anticipated phases to be submitted with the preliminary plat. No such phased plan was submitted, and "Phase 1" does not appear in the recorded subdivision name. Additionally, a question arose regarding whether the reference should have been to Elwood Acres rather than Cottonwood Landing, a distinction requiring further research.

The Commission voted to table Objection ID 1-29 pending additional research by the Zoning Administrator on the subdivision naming discrepancy, to be revisited at the September 15, 2026 meeting.

Action Item B: Recommend to Town Council — 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

No formal recommendation to Town Council was made at this meeting.

A motion to table Action Item B until the conclusion of the full objection review was made by Commissioner Hamson and seconded by Erika Bywater. Motion carried unanimously.

Work Meeting

Chair Hayden noted two items: 1) He offered to attend the Town Council meeting the following week to provide a progress update on the rezoning effort. 2) He announced the 3rd Annual Box Elder Summit, scheduled for Thursday, September 24, 2026, at the USU building in Brigham City, running from 9:00 AM to 2:00 PM. The registration fee is \$15, and the Mayor indicated the town would cover the cost for any commissioner wishing to attend. Chair Hayden agreed to forward event details to all commissioners.

The Commission also noted that the written comment period for the 27 public hearing properties closes on Friday, September 11, 2026. Commissioners were asked to review any submissions received prior to the September 15 meeting.

Adjourn Meeting

A motion to adjourn was made by Commissioner Haramoto and seconded by Commissioner Walker. Motion carried unanimously.

The meeting was adjourned at 8:25pm.