

**Genola Town
Planning Commission Meeting Minutes
September 5, 2024**

Planning Commission Present: Chairman John Rosenberger, Vice Chair Daron Hughes, Commissioners: Bruce Nieveen, Avery Fitzgerald, Late: Brent Carter, Norm Beagley Absent: Melissa Scott

Staff Present: City Recorder Lucinda Thomas, Deputy Clerk Nicole Preston, City Attorney Josh Nielsen

Public Present: Mike Maughan, Stuart Bagley, Joseph Stubbs, Joshua Stubbs, Terry Rymer, Rowena Rymer, Lisa Fowers, Mike Fowers, Kelly Beckstrom, Gaylyn Beckstrom, Linda Fullmer, Lonnie Fullmer, Jacob Hansen, David Byers, Jenny Bylund, Laurel Bishop, Joel Bishop, Ben Carson, Tess Nielsen, Kyle Nielsen, Eric Hazelet

1. Chairman John Rosenberger called the meeting to order at 7:00pm.

- a. Eric Hazelet gave the opening prayer
- b. Chairman John Rosenberger led the pledge of allegiance.
- c. Public Forum – There was no one signed up for the public forum

AGENDA ITEMS:

2. Approval of the planning commission meeting minutes from August 1, 2024.

- a. Chairman John Rosenberger made a **Motion** to approve the minutes of August 1, 2024. Commissioner Avery Fitzgerald **Second** and the motion **Passed** all in favor.
 - i. John Rosenberger – yes
 - ii. Norm Beagley – absent
 - iii. Brent Carter – absent
 - iv. Daron Hughes – yes
 - v. Avery Fitzgerald – yes
 - vi. Bruce Nieveen – yes
 - vii. Melissa Scott - absent

Commissioner Brent Carter joined the meeting

PUBLIC HEARING

3. Public Hearing – Land Use Appendix

- a. The Purpose of this public hearing is to consider an amendment to the Land Use Table.
- b. Commissioner Avery Fitzgerald made a **motion** to open the public hearing. Vice Chairman Daron Hughes **Second** and the motion **Passed** all in favor.
 - i. John Rosenberger – yes
 - ii. Norm Beagley – absent
 - iii. Brent Carter – yes
 - iv. Daron Hughes – yes
 - v. Avery Fitzgerald – yes

- vi. Bruce Nieveen – yes
- vii. Melissa Scott - absent
- c. Chairman John Rosenberger made a **Motion** to close the public hearing. Commissioner Avery Fitzgerald **Second** and the motion **Passed** all in favor.
 - i. John Rosenberger – yes
 - ii. Norm Beagley – absent
 - iii. Brent Carter – yes
 - iv. Daron Hughes – yes
 - v. Avery Fitzgerald – yes
 - vi. Bruce Nieveen – yes
 - vii. Melissa Scott - absent

4. PUBLIC HEARING – Eric Hazelet proposed ReZone

- a. The purpose of this public hearing is to consider a proposed zone change petition from A-1 Agricultural to R-1 Residential for the property owned by Eric Hazelet located at 1520 N Hillside Drive in Genola Parcel #29.018.0102.
- b. Commissioner Avery Fitzgerald made a **Motion** to open the public hearing. Commissioner Bruce Nieveen **Second** and the motion **Passed** all in favor.
 - i. John Rosenberger – yes
 - ii. Norm Beagley – absent
 - iii. Brent Carter – yes
 - iv. Daron Hughes – yes
 - v. Avery Fitzgerald – yes
 - vi. Bruce Nieveen – yes
 - vii. Melissa Scott - absent
- c. Chairman John Rosenberger made a **Motion** to Close the public hearing. Commissioner Avery Fitzgerald **Second** and the motion **Passed** all in favor.
 - i. John Rosenberger – yes
 - ii. Norm Beagley – absent
 - iii. Brent Carter – yes
 - iv. Daron Hughes – yes
 - v. Avery Fitzgerald – yes
 - vi. Bruce Nieveen – yes
 - vii. Melissa Scott - absent

Commissioner Norm Beagley joined the meeting

5. Discussion and possible action on a proposed final Mylar for the Meham Meadows Subdivision located at approximately 460 West 600 South Parcel #29.034.0107.

- a. The commission went through the Final Mylar checklist. There was question on whether there was adequate frontage on one of the cul-de-sac lot. It was determined that because the plat matched the preliminary plat that it would need to be approved.

- 93 b. Commissioner Norm Beagley made a **Motion** to approve the Final plat for the
94 Mecham Meadows subdivision. Commissioner Avery Fitzgerald **Second** and
95 the motion **Passed** all in favor.
96 i. John Rosenberger – yes
97 ii. Norm Beagley – yes
98 iii. Brent Carter – absent
99 iv. Daron Hughes – yes
100 v. Avery Fitzgerald – yes
101 vi. Bruce Nieveen – yes
102 vii. Melissa Scott - absent
103

104 **6. Discussion and possible action on a proposed 2 lot preliminary subdivision plat**
105 **for the Bagley Subdivision located at 1220 N Hillside Drive Parcel #29.018.0017.**

- 106 a. The commission went through the preliminary subdivision checklist they found
107 that it was missing the power plans and natural gas plans. It was determined
108 that it would need to be added before it could go to the Town Council.
109 b. Vice-Chairman Daron Hughes made a **Motion** to approve the preliminary plat
110 for the Bagley Subdivision with the condition that they add the power and natural
111 gas plans. Commissioner Norm Beagley **Second** and the motion **Passed** all in
112 favor.
113 i. John Rosenberger – yes
114 ii. Norm Beagley – yes
115 iii. Brent Carter – yes
116 iv. Daron Hughes – yes
117 v. Avery Fitzgerald – yes
118 vi. Bruce Nieveen – yes
119 vii. Melissa Scott - absent
120

121 **Commissioner Norm Beagley stepped out of the meeting.**

122 **7. Discussion and possible action on a proposed zone change from A-1 Agricultural**
123 **to R-1 Residential located at 400 S Main Street owned by the Fowers Family Trust**
124 **Parcel #29.034.0110.**

- 125 a. The commission noted that there has now been an Agricultural Exemption put in
126 place and this parcel is now recognized by the town as a conforming lot. The
127 commission found that it met the town's zoning plan.
128 b. Commissioner Avery Fitzgerald made a **Motion** to recommend a zone change
129 from A-1 Agricultural to R-1 Residential for the Parcel #29.034.0110 at 400 S
130 Main Street owned by the Fowers Family Trust. Commissioner Daron Hughes
131 **Second** and the motion **Passed** all in favor.
132 i. John Rosenberger – yes
133 ii. Norm Beagley – absent
134 iii. Brent Carter – yes
135 iv. Daron Hughes – yes
136 v. Avery Fitzgerald – yes
137 vi. Bruce Nieveen – yes
138 vii. Melissa Scott – absent

139 It was brought to the Chairman's attention that a gentleman had showed up late but was
140 requesting to be on the public forum. Chairman Rosenberger stated that he wanted to
141 finish the pressing business and then they could look at it.
142

143 **8. Discussion and possible action on a proposed zone change petition from A-1**
144 **Agricultural to R-1 Residential for the property owned by Eric Hazelet located at**
145 **1520 N Hillside Drive in Genola Parcel #29.018.0102.**

- 146 a. Vice-Chair Daron Hughes made a **Motion** to recommend the zone change to
147 the Town Council. Commissioner Brent Carter **Second** and the motion **Passed**
148 all in favor.
- 149 i. John Rosenberger – yes
 - 150 ii. Norm Beagley – absent
 - 151 iii. Brent Carter – yes
 - 152 iv. Daron Hughes – yes
 - 153 v. Avery Fitzgerald – yes
 - 154 vi. Bruce Nieveen – yes
 - 155 vii. Melissa Scott - absent
- 156

157 **Commissioner Norm Beagley rejoined the meeting**
158

159 **9. Discussion and possible action on a proposed site plan for a new home owned**
160 **by Kyle and Tess Nielsen located at approximately 1573 North Hillside Drive in**
161 **the Genola Hillside Estates Subdivision Lot 12.**

- 162 a. The commission went through the site plan checklist and found that it met all the
163 requirements.
- 164 b. Vice-Chair Daron Hughes made a Motion to approve the site plan.
165 Commissioner Avery Fitzgerald Second and the motion Passed all in favor.
- 166 i. John Rosenberger – yes
 - 167 ii. Norm Beagley – yes
 - 168 iii. Brent Carter – yes
 - 169 iv. Daron Hughes – yes
 - 170 v. Avery Fitzgerald – yes
 - 171 vi. Bruce Nieveen – yes
 - 172 vii. Melissa Scott - absent
- 173

174 **10. Discussion and possible action with Ben Carson regarding a proposed accessory**
175 **building and place within the PUE.**

- 176 a. There was a discussion on if the rule that the planning commission had been
177 operating under that no accessory buildings were allowed in the public utility
178 easement. There was discussion on whether it was necessary to eliminate
179 buildings that don't have spread footings from being within the PUE. The
180 commission asked about the water drainage, size of footings, the commission
181 was unable to find the code during the meeting to clarify this. It was determined
182 to table the meeting until next month so that adequate time would be available
183 to research the ordinances and make sure that they are properly applied.
- 184 b. Commissioner Norm Beagley made a **Motion** to table the agenda item until next
185 month. Commissioner Brent Carter **Second** and the motion **Passed** all in favor.

- i. John Rosenberger – yes
- ii. Norm Beagley – yes
- iii. Brent Carter – yes
- iv. Daron Hughes – yes
- v. Avery Fitzgerald – yes
- vi. Bruce Nieveen – yes
- vii. Melissa Scott - absent

11. Concept Review for Rustic Roots Subdivision located at approximately 206 N Main Street Parcel #29.030.0071

- a. The commission reviewed the subdivision found that it was missing the Power and Gas plans and recommended that those get added to the plat before it is brought before the planning commission again. They also show the need to update the road dedication to match the 80 ft roadway for Main Street. This agenda item was a review and there was no action taken on this agenda item.

Re-opened up the public forum again

Commissioner Norm Beagley made a Motion to reopen the public forum. Commissioner Avery Fitzgerald Second and the motion Passed all in favor.

- i. John Rosenberger – yes
- ii. Norm Beagley – yes
- iii. Brent Carter – yes
- iv. Daron Hughes – yes
- v. Avery Fitzgerald – yes
- vi. Bruce Nieveen – yes
- vii. Melissa Scott – absent

Mike Maughn spoke about his concerns with minerals rights and that most landowners don't know if they own their minerals rights or if there are other easements like dust easements on their property. He found his own property had a dust easement by Kiegley Quarry that was never disclosed to him during purchase and the title report didn't disclose this either and they don't insure those type of the disclosures. He is offering to volunteer his time to find split estate title issues. He doesn't feel that it is sufficient to just require the deed, he feels that the town should require more. He would like the town to require these to be disclosed at the time a building permit is issued. Commissioner Beagley questioned whether the town could even fit in their process, where he's not sure the town has the staff and ability to take on that kind of responsibility.

12. Discussion on an amendment for the subdivision ordinance with Hansen Planning Group.

- a. Mr. Jacob Hansen from Hansen Planning Group went through the draft ordinance that they sent out to the planning commission earlier in the month. There were several points that the commission had questions on and a couple of proposed changes. including:
- b. Commissioner Beagley would like to make sure that it is not the developer who records the plat but that it is the Town who records the plat.

- 233 c. Attorney Josh Nielsen was worried about the section that states that we need to
234 know at the time of application the use of the subdivision. But he is worried that
235 it wouldn't be allowed. He feels that their zone change needs to be taken care
236 of before it comes for a subdivision application. The soils report and traffic study.
237 d. The commission was given the assignment to thoroughly read the proposed
238 subdivision ordinance and provide feedback.
239 e. Commissioner Beagley mentioned that we need to have an updated checklist to
240 put on the website the same time that this ordinance is updated. Mr. Hansen
241 stated that it is part of their plan to get this taken care of.
242 f. Mr. Hansen stated that he would work on updating the changes that were
243 already discussed during this meeting and will send out the updated file as soon
244 as possible.
245

246 **13. Discussion on a proposed amendment to the conditional use ordinance**

- 247 a. Mr. Nielsen went over a few of the changes that was proposed to the conditional
248 use amendment. He was wanting to have some feedback. It was clarified that
249 the commission has a couple of months to get this taken care of because of a
250 moratorium on conditional use applications that the council put in place. He
251 talked about the addition that the planning commission must make the following
252 findings when considering a conditional use permit including is it in harmony
253 with the surrounding area, it is in harmony with the general plan, that it isn't
254 injurious to the adjacent properties, inspections, revocation, and time limits. The
255 Commission was asked to take a hard look at this proposal and come back and
256 talk about it next month.
257

258 **14. Discussion on a proposed amendment to the Land Use Table.**

- 259 a. There was a lot of discussion on the table and what changes needed to be
260 changed including not allowing high pressure gas line or high voltage power
261 lines in Agricultural or Residential Zones. Several of the commission members
262 felt that these uses are not appropriate for those zones and feel that it would be
263 in the best interest of the town to not allow these uses in these areas. They
264 instructed Attorney Josh Nielsen to add these changes to the draft to be
265 reviewed next month and asked all the commissioners to continue looking at the
266 table to see if there was anything that needed to be changed and be prepared to
267 talk about it next month. It was recommended that the these items come back
268 as action items next month.
269

270 **15. Commission Comments**

- 271 a. There were no comments
272

273 **16. Motion to Adjourn**

- 274 a. Commissioner Avery Fitzgerald made a **Motion** to adjourn. Commissioner
275 Brent Carter **Second** and the motion **Passed** all in favor.
276 i. John Rosenberger – yes
277 ii. Norm Beagley – yes
278 iii. Brent Carter – yes
279 iv. Daron Hughes – yes

- 280 **v.** Avery Fitzgerald – yes
281 **vi.** Bruce Nieveen – yes
282 **vii.** Melissa Scott – absent
283 b. The meeting was then adjourned at 8:59pm

284
285 Minutes prepared by Deputy Clerk Nicole Preston

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287

288 Approved on: October 3, 2024

289

Lucinda Thomas
Lucinda Thomas, City Recorder