

**Genola Town
Planning Commission Meeting Minutes
October 3, 2024**

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

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

Public Present: Shon Fullmer, Ben Carson, Joel Bishop

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

- a. Commissioner Brent Carter gave the opening prayer
- b. Vice-Chair Daron Hughes 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 September 5, 2024.

- a. Commissioner Norm Beagley made a **Motion** to approve the minutes of September 5, 2024. 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 – absent
 - vi. Bruce Nieveen – yes
 - vii. Melissa Scott - yes

The Chairman made the decision to the put the public hearing within Discussion item #9 so that those that wish to speak know what the commission is considering.

3. Discussion and possible action on a proposed site plan for an accessory building for Jake Lundell located at 645 N 350 E in the Our Heritage subdivision lot #4 Parcel #48.316.0004

- a. The commission went through the site plan checklist and found that it met all requirements.
- b. Vice-Chair Daron Hughes made a Motion to approve the site plan for Jake Lundell located at 645 N 350 E in the Our Heritage Subdivision. 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 – absent

- 48 vi. Bruce Nieveen – yes
49 vii. Melissa Scott - yes
50

51 **4. Discussion and possible action on a proposed subdivision Plat B for Mike**
52 **Washburn located at approximately 962 N main Street Parcel #'s 55.871.0006 and**
53 **55.871.0007.**

- 54 a. Commissioner Norm Beagley made a declaration that Mr. Washburn had
55 contacted him several weeks ago at his place of employment to discuss this
56 subdivision. Commissioner Beagley after the meeting asked Deputy Clerk
57 Nicole Preston to correct his declaration that it wasn't Mr. Washburn that he
58 spoke to but Jake Ellsworth who is helping Mr. Washburn with the development,
59 and that he doesn't see that this proposed subdivision meets code.
- 60 b. City Attorney Josh Nielsen clarified that this subdivision had come before the
61 commission several months earlier and it was tabled because of the question of
62 whether proposed lot 103 would be legal because of the land that has been
63 dedicated but not installed as a road back in 2017 and in a previous subdivision,
64 and they are asking to use that land/road as the frontage for this proposed
65 subdivision. Mr. Nielsen stated that he went through the audio and the minutes
66 from the Town Council meeting back in in 2017. He stated that the minutes
67 were not helpful, but he listening to the audio, they talked about frontage he
68 didn't feel that it was clear. He stated that he was swayed a little bit because
69 the lot that the road was used for frontage (that is not included in this proposed
70 subdivision that they are reviewing right now) was the original plat that was
71 approved 7 years ago. He showed a map of that subdivision and stated that lot
72 5 wouldn't have been allowed had they not counted that road to be frontage,
73 unless the counted the dedicated unpaved road. He felt that if it counted across
74 the street there then maybe it needed to count across the street on the other
75 side now.
- 76 c. Commissioner Beagley stated that he talked to the Mayor Larson and to
77 Councilmember Brown who were part of the Town Council then when they
78 accepted this roadway dedication 7 years ago they stated that they never had
79 an intention that the original lot 5 would have been a buildable lot. Chairman
80 Rosenberger stated though that either way this proposed lot doesn't have
81 frontage, and he really doesn't like the idea of having an easement from another
82 lot.
- 83 d. The applicant then asked for permission to address the commission. Mr.
84 Washburn was then granted permission. He stated that if this issue was only
85 the access, he would make sure that there was an easement letter recorded
86 showing the access to the existing house the way they have been accessing it
87 for the last 24 years. Chairman Rosenberger, said that is one issue but the
88 second was having actual frontage on the 1000 North which is dedicated but
89 unpaved is not there for the proposed lot 103. Mr. Washburn stated that he
90 would be speaking with Councilman Brown because he felt that it would be
91 counting as frontage for the old lots 104 and 105. Mr. Washburn asked for a
92 vote and he would take this issue to the Town Council.

- e. Commissioner Norm Beagley made a **Motion** to recommend that the Town Council DENY the preliminary plat for the Washburn Subdivision plat B. Chairman John Rosenberger **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 – absent
 - vi. Bruce Nieveen – yes
 - vii. Melissa Scott - yes

5. Discussion on Burningham Building Permit

- a. This agenda item was not discussed as Mayor Marty Larson had determined that he had taken care and addressed this situation.

6. Discussion and possible action on a proposed site plan for Kevin Lasson located at approximately 2284 N York Lane in the York Farm Estate Subdivision Lot #2 Parcel #56.047.0002

- a. The commission went through the site plan checklist and found that the site plan was missing showing the existing easements.
- b. Commissioner Daron Hughes made a Motion to approve the site plan with the contingency that they add existing easements to the site plan. Commissioner Norm Beagley 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 – absent
 - vi. Bruce Nieveen – yes
 - vii. Melissa Scott - yes

7. Discussion on a proposed amendment to the conditional use ordinance

- a. They sent the proposed changes from the commission members. Mr. Nielsen stated that they would like to make sure that they get this right. He stated that this draft is updated, and he would like the commission to review it again this month and come next month with more proposed changes. Commissioner Beagley stated that during some of his discussions and trainings it was discussed that the PUE could lead to possible loopholes, due to the nature of the Utah state code, and he feels that it critical that the Town consider utility a conditional use as well. Mr. Nielsen stated that this would probably be more in our land use table, but that it could go in both, and maybe it would be good if it was. Commissioner Beagley then stated that he feels that it is imperative that the town protects itself. They instructed Mr. Nielsen to look into that further.

8. Discussion and possible action on a proposed amendment to the land Use Table

- a. The commission discussed the differences between high pressure gas lines and low pressure and they discussed the differences and wanted to have definitions

140 to make it clear what options are available. They also talked about electrical
141 transmission right away, and not allow those in residential and agricultural, but
142 also splitting it up just like the the gas lines. They talked about what the
143 definition is for all of these items. They also discussed other items on the list
144 and whether they need definitions and do it next time.

145 9. Discussion on a possible amendment to the R-1 Zoning Ordinance

- 146 a. Previously there has been discussions on resident's use of the PUE easements
147 on their property. There were suggestions that only certain kinds of buildings be
148 allowed including those with only spot footings. Commissioner Norm Beagley
149 stated that he felt that this section of the ordinance has effectively made it so
150 that residents don't have use of almost a 1/3 acre of their property other than
151 farming. He feels that it would be beneficial, but there are many other options and
152 the commission would have to work through some of those issues including, a
153 maybe a document that the resident would sign and it would need to be
154 recorded showing that they take full responsibility if at any time the
155 easement needs to be accessed the damage would then be at the owners
156 expense. There were questions about if there are already utilities running
157 through the easements then should that be allowed? Is that too big a risk to take.
- 158 b. **Public Hearing – R-1 Zoning Amendment**
- 159 c. The Purpose of this public hearing is to get public input on an amendment to the
160 R-1 Residential Zone 2013.07. The amendment is for accessory buildings and
161 the reequipment for the setback for utility easements.
- 162 d. Chairman John Rosenberger made a **Motion** to open the public hearing to
163 discuss proposed changes to the R-1 Zoning Ordinance. Commissioner Daron
164 Hughes **Second** and the motion **Passed** all in favor.
- 165 i. John Rosenberger – yes
- 166 ii. Norm Beagley – yes
- 167 iii. Brent Carter – yes
- 168 iv. Daron Hughes – yes
- 169 v. Avery Fitzgerald – absent
- 170 vi. Bruce Nieveen – yes
- 171 vii. Melissa Scott – yes
- 172 e. Shon Fullmer – He wants to build a new accessory building over an existing
173 easement that holds an existing main irrigation line. He feels that often
174 buildings can be engineered to not compromise the structural integrity of the
175 pipelines. He wonders what the difference would be to put a driveway over it
176 versus necessarily a building. He feels that this would be a change that would
177 be good for the people of Genola.
- 178 f. Ben Carson – He feels that it doesn't matter if there is an utility in the easement
179 or not, but he feels that the structures should be designed around it. He feels
180 that a pipe fence (which doesn't require a building permit) is put in an easement
181 and he feels that there is not much difference between the pipe fence and a pole
182 barn.
- 183 g. Commissioner Norm Beagley made a **Motion** to close the public hearing.
184 Commissioner Brent Carter **Second** and the motion **Passed** all in favor.
185

- 186 h. The commission then continued their discussion. Mr. Nielsen cautioned to
187 make sure that they aren't opening a slippery slope to other problems or the law
188 of unintended consequences. Vice-Chair Daron Hughes stated that he feels
189 that any utility that is already there has a chance of failure, regardless of what it
190 is. He feels that it could be problematic to allow building to be put over existing
191 utilities that are already there. He made an example that he has a main irrigation
192 lane on the back of his property and in the 8 years that he had lived there it has
193 failed 3 times. Commissioner Scott stated that we need to be careful to protect
194 other who would be affected by the inability to fix something because there is a
195 building over it. Commissioner Carter stated that he agreed that he wouldn't
196 want anything built over an existing line. There was questions about how this
197 would extend to the next property owner, how would town for instance recoup
198 the costs if we had to take out someone's barn, are we willing to have to file a
199 lawsuit to do that. The commission asked Mr. Nielsen to come prepared next
200 week with language that would allow for a building to be built within the
201 easement as long as there are no known utilities already in it, and conditions on
202 what type of buildings could go in it. It was also suggested that the chairman
203 report on this to the council and make sure that the council is on board as well,
204 so that time and effort is not wasted on something that the council will not pass.
205 i. Chairman John Rosenberger mad ea motion to Table this discussion item.
206 Commissioner Norm Beagley Second and the motion Passed all in favor.
207 i. John Rosenberger – yes
208 ii. Norm Beagley – yes
209 iii. Brent Carter – yes
210 iv. Daron Hughes – yes
211 v. Avery Fitzgerald – absent
212 vi. Bruce Nieveen – yes
213 vii. Melissa Scott – yes
214

215 **10. Discussion on a possible amendment to the Developmental Standards Ordinance**

- 216 a. The purpose of this discussion is to specifically discuss the 20.05.23.11
217 exemption to the amount of water requirement. The current ordinance reads:
218 EXEMPTION TO AMOUNT OF WATER REQUIREMENT. The Town Council
219 MAY exempt from the water requirement above a parcel being developed if:
220 i. a. the parcel is zoned in the Agricultural (A-1) Zone
221 ii. b. the parcel is not larger than 10 acres, and
222 iii. c. the parcel was already existing prior to, and has not had any boundary
223 modifications since, January 1, 2023.
224 b. The commission discussed different ways to make this exemption to still work to
225 the spirit in which the commission had desired when this exemption was put into
226 place. It was decided to change the language to be that it could be A-1 or R-1
227 but could only be for up to maximum 2 lots.
228 c. The Commission asked the Chairman to discuss this item with Town Council as
229 well.
230

231 **11. Discussion and possible action on a proposed amendment to the subdivision** 232 **ordnance**

- 233 a. The Commission had questions regarding who they are going to have be the
234 Development Review Committee and who would be on that committee they
235 discussed having Town Clerks, town attorney, public works, fire chief, and a
236 couple of planning commission members. They discussed that they need to
237 hold a public hearing on this in November so that it can go to the Town Council.
238 They also discussed that there was a possibility that they would need to
239 continue to make changes in the future, because they might miss a state
240 requirement.
- 241 b. Commissioner Norm Beagley made a **Motion** to table this item until next month.
242 Chairman John Rosenberger **Second** and the motion **Passed** all in favor.
- 243 i. John Rosenberger – yes
 - 244 ii. Norm Beagley – yes
 - 245 iii. Brent Carter – yes
 - 246 iv. Daron Hughes – yes
 - 247 v. Avery Fitzgerald – absent
 - 248 vi. Bruce Nieveen – yes
 - 249 vii. Melissa Scott – yes
- 250

251 **12. Commission Comments**

- 252 a. There were no comments
- 253

254 **13. Motion to Adjourn**

- 255 a. Commissioner Norm Beagley made a **Motion** to adjourn the meeting. Chairman
256 John Rosenberger **Second** and the motion **Passed** all in favor.
- 257 i. John Rosenberger – yes
 - 258 ii. Norm Beagley – yes
 - 259 iii. Brent Carter – yes
 - 260 iv. Daron Hughes – yes
 - 261 v. Avery Fitzgerald – absent
 - 262 vi. Bruce Nieveen – yes
 - 263 vii. Melissa Scott – yes
- 264
- 265 b. The meeting was then adjourned at 8:39pm
- 266

267 Minutes prepared by Deputy Clerk Nicole Preston

268

269

270 Approved on: November 7, 2024

Lucinda Thomas

Lucinda Thomas, City Recorder