

Genola Town
Planning Commission Meeting Minutes
January 2, 2025

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

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

Public Present: David Gellner, Patricia Peterson, Gary Fusselman, Tyler Mitchell, Terry Rymer, Roweena Rymer, Tami Moody

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

- a. Commissioner Melissa Scott gave the opening prayer
- b. Commissioner 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 November 7, 2024.

- a. Commissioner Norm Beagley noted a few typo errors and clerical changes that needed to be made to the minutes.
- b. Commissioner Norm Beagley made a **Motion** to approve the minutes of November 7, 2024 with the condition that the changes be made. Commissioner Avery Fitzgerald **Second** and the motion **Passed** all in favor.
 - i. John Rosenberger – yes
 - ii. Norm Beagley – yes
 - iii. Brent Carter – absent
 - iv. Daron Hughes – yes
 - v. Avery Fitzgerald – yes
 - vi. Bruce Nieveen – yes
 - vii. Melissa Scott - yes

3. Discussion and possible action on a Final Mylar for the Rustic Roots subdivision owned by Gary and Lynell Fusselman located at approximately 206 N Main Street Parcel #29.030.0071.

- a. The commission went through the plat map checklist and found that it met all requirements.
- b. Chairman John Rosenberger made a motion to approve the final Mylar for the Rustic Roots Subdivision. Commissioner Norm Beagley Second and the motion Passed all in favor.
 - i. John Rosenberger – yes
 - ii. Norm Beagley – yes
 - iii. Brent Carter – absent
 - iv. Daron Hughes – yes
 - v. Avery Fitzgerald – yes
 - vi. Bruce Nieveen – yes

48 vii. Melissa Scott – yes

49
50 **4. Discussion on a proposed amendment to the subdivision ordinance – including**
51 **cul-de-sac frontage requirements and the removal of the formation of the DRC**
52 **Committee from the ordinance.**

- 53 a. The commission talked about putting in some requirements that would require
54 frontage requirements for Cul-de-sacs. The commission noted that there aren't
55 very many cul-de-sacs but that they feel that they should have one. The
56 commission determined that they needed to look at the existing cul-de-sacs and
57 also look at requirements for surrounding communities and come back next
58 month to discuss the further.
- 59 b. Commissioner Norm Beagley made a **Motion** to table this discussion item until
60 the next meeting. Commissioner Daron Hughes **Second** and the motion
61 **Passed** all in favor.
- 62 i. John Rosenberger – yes
63 ii. Norm Beagley – yes
64 iii. Brent Carter – absent
65 iv. Daron Hughes – yes
66 v. Avery Fitzgerald – yes
67 vi. Bruce Nieveen – yes
68 vii. Melissa Scott - yes

69
70 **5. Discussion on the addition of a new ordinance organizing the Development**
71 **Review Committee.**

- 72 a. The city attorney stated that he wasn't quite ready to discuss this ordinance and
73 asked that it be tabled till the next meeting.
- 74 b. Commissioner Avery Fitzgerald made a **Motion** to table this discussion until the
75 next meeting. Commissioner Norm Beagley **Second** and the motion **Passed** all
76 in favor.
- 77 i. John Rosenberger – yes
78 ii. Norm Beagley – yes
79 iii. Brent Carter – absent
80 iv. Daron Hughes – yes
81 v. Avery Fitzgerald – yes
82 vi. Bruce Nieveen – yes
83 vii. Melissa Scott - yes

84
85 **6. Discussion and possible action on the development Standards Ordinance**
86 **including the discussion on an exemption to the water requirements.**

- 87 a. The commission discussed the limit of how many lots could be created and how
88 many acres are available. Ultimately the commission decided on only allowing
89 two total parcels or lots regardless of zoning and only allowing up to 10 acres
90 being.
- 91 b. Commissioner Norm Beagley made a **Motion** to recommend to the Town
92 Council the amendment to development standards ordinance as amended "the
93 parcel is being subdivided to a maximum of two total lots or parcels." Chairman
94 John Rosenberger **Second** and the motion **Passed** all in favor.

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

7. Discussion and possible action on the R-1 Zoning Amendment discussing the possibility of allowing building in the public utility easement.

- a. City Attorney Josh Nielsen reported that he was recently on a conference call with about 20 other city attorneys all discussing this same issue, and the consensus was that this is a bad idea and to not do it. He recognizes that the Town of Genola is unique and that there may be more of a reason to allow it here because of the size of the lots in Genola. He stated that there was a 2nd option that might be viable is to have the public utility easement vacated, but what the requirements to have that done he wasn't sure. There were ideas of a document that was recorded stating that the property owners know and understand that they are building in a public utility easement and that they take all responsibility for anything that could happen there. But the conflict could be does that apply to the future property owners. Another idea was to have the plat vacate the easement through the amended plat, but they would have to get all the utility companies to sign off on the plat.
- b. The commission talked about requiring multiple different layers including vacating the PUE on the plat, having a letter signed by the homeowner that is recorded with the plat, and having letters from the utility companies or having the utility companies sign the mylar. They discussed whether this needs to be applying only to R-1 or A-1 zoning as well. The commission determined that this item would need more discussion. City Attorney Nielsen stated that he will work on the draft as to vacating the PUE.
- c. Commissioner Norm Beagley made a **Motion** to table this discussion until the next meeting. Chairman John Rosenberger **Second** and the motion **Passed** all in favor.
 - i. John Rosenberger – yes
 - ii. Norm Beagley – yes
 - iii. Brent Carter – absent
 - iv. Daron Hughes – yes
 - v. Avery Fitzgerald – yes
 - vi. Bruce Nieveen – yes
 - vii. Melissa Scott - yes

8. The Commission did agenda items 8 and 9 out of order.

9. Discussion and possible action on a proposed amendment to the Land Use Table

- a. The commission discussed making changes to the High-Pressure gas pipeline in R-1 zones and not allowing High Voltage Transmission lines in only R-1 zones.

- 142 b. Commissioner Norm Beagley made a **Motion** to recommend to the Town
143 Council the changes to the Land Use Table as amended. Commissioner Daron
144 Hughes **Second** and the motion **Passed** all in favor.
145 i. John Rosenberger – yes
146 ii. Norm Beagley – yes
147 iii. Brent Carter – absent
148 iv. Daron Hughes – yes
149 v. Avery Fitzgerald – yes
150 vi. Bruce Nieveen – yes
151 vii. Melissa Scott - yes
152

153 **10. Discussion and possible action on a proposed amendment to the conditional Use**
154 **Ordinance.**

- 155 a. Mr. Nielsen reported that the moratorium ends at the town council meeting in
156 February, he stated that there is one option to take one more month to review it
157 and then send it to the council in February or they can pass it now and send it to
158 the council and allow the council the two months to review it.
159 b. Mr. Nielsen went through the document and reviewed the changes that were
160 going to be taken care of. The commission discussed what the council had
161 discussed in a previous meeting. The commission decided to recommend that it
162 only allow two lots total. They discussed that they wanted a change to the
163 footage of noticing adjacent property owners being more than just adjacent.
164 They decided that they wanted it to be at least 1000 feet. They wanted the
165 Public Hearing to say Public Hearing(s). 20.20.09 they want to have the change
166 say building inspector and/or zoning enforcement officer that way if we are
167 missing one, we can have the other do it.
168 c. Chairman John Rosenberger made a **Motion** to recommend to the Town council
169 the proposed changes to the Conditional Use Ordinance as amended.
170 Commissioner Norm Beagley **Second** and the motion **Passed** all in favor.
171 i. John Rosenberger – yes
172 ii. Norm Beagley – yes
173 iii. Brent Carter – absent
174 iv. Daron Hughes – yes
175 v. Avery Fitzgerald – yes
176 vi. Bruce Nieveen – yes
177 vii. Melissa Scott - yes
178

179 **11. Discussion and possible action on setting the meeting schedule for the Year 2025**

- 180 a. The commission set their schedule will remain as the 1st Thursday of each
181 month with the exemption of July when it will be held July 10, 2025 and move
182 the January 2026 meeting to the 2nd Thursday as well. Mr. Nielsen stated that
183 he will include this meeting schedule with the Town Council's resolution that will
184 be done at their next meeting. They discussed that the Development Review
185 Committee will meet when needed at 6pm on the Planning Commission dates.
186 Mr. Nielsen stated that they would need to inform Public Works and the Fire
187 Department of these meetings.

- 188 b. Commissioner Norm Beagley made a **Motion** that the meeting schedule for the
189 Planning Commission be set for the 1st Thursday of the month except for July
190 2025 and January 2026 which will be moved to the 2nd Thursday.
191 Commissioner Avery Fitzgerald **Second** and the motion **Passed** all in favor.
192 i. John Rosenberger – yes
193 ii. Norm Beagley – yes
194 iii. Brent Carter – absent
195 iv. Daron Hughes – yes
196 v. Avery Fitzgerald – yes
197 vi. Bruce Nieveen – yes
198 vii. Melissa Scott - yes
199

200 12. Commission Comments

- 201 a. Chairman Rosenberger reported that he will probably be leaving in May, he
202 asked the rest of the commissioners if they were planning on staying. The
203 remaining commissioners all reported that they planned on remaining on the
204 commission.
205 b. Commissioner Nieveen noted that he went to the training that was provided and
206 he talked about how he feels the state is going to put the pressure on the Town
207 to allow for low income housing. He stated that right now the rules are for town
208 with a population that is larger than 5000, which does exempt Genola right now,
209 but he feels that further down the line they will lower the population
210 requirements, and we will have to conform with these requirements. He feels
211 that the state will be pushing the Town to allow smaller lot sizes.
212

213 13. Motion to Adjourn

- 214 a. Chairman John Rosenberger made a **Motion** to adjourn the meeting.
215 Commissioner Norm Beagley **Second** and the motion **Passed** all in favor.
216 i. John Rosenberger – yes
217 ii. Norm Beagley – yes
218 iii. Brent Carter – yes
219 iv. Daron Hughes – yes
220 v. Avery Fitzgerald – yes
221 vi. Bruce Nieveen – yes
222 vii. Melissa Scott – absent
223

- 224 b. The meeting was then adjourned at 8:19pm
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226 Minutes prepared by Deputy Clerk Nicole Preston
227
228

229 Approved on: February 6, 2025
230

Lucinda Thomas

Lucinda Thomas, City Recorder