

**Town of Genola
Planning Commission Meeting
August 1, 2019**

Planning Commission Present: Chair Nancy Baird, Vice-Chair John Rosenberger, Avery Fitzgerald and Blake Draper.

Staff Present: City Recorder Lucinda Thomas, Legal Counsel Josh Nielsen

Public Present: Josh McMullin, Linda Fullmer, Dan Jackson, Mike Fowers, Eric Taylor,

6:00 p.m. WORK SESSION:

The agenda for the work session will be as follows:

1. Discussion and review of Genola General Plan with Mountain land Association of Governments.

Discussion with Genola Town Planning Commission regarding the General Plan for Genola. The questions was asked whether there are any areas in Genola where the Planning Commission would not like to see houses built. City Recorder Thomas reported that the City Center had been discussed in the past and not allowing houses to be built within that area. Discussion was held with the Commission regarding future trails within the Town. Discussion was held on what will be discussed at next month's meeting. The Commission was asked to draw some areas on their maps they'd like to see utilized for economic development and trails.

7:00 p.m. PLANNING COMMISSION MEETING:

Chairperson Baird called the meeting to order at 7:01 p.m.

- a. Opening prayer was given by Blake Draper.
- b. Pledge of allegiance led by Vice-Chair Rosenberger.
- c. Public Forum – No one signed up for the public forum portion of the meeting.

AGENDA ITEMS:

1. Approval of the Planning Commission meeting minutes from June 27, 2019.

Vice-Chair Rosenberger made a **Motion** to approve the Planning Commission meeting minutes from June 27, 2019.

Commissioner Fitzgerald **Seconded** and the motion **Passed** all in favor.

2. Approval of the Planning Commission special meeting minutes from July 10, 2019.

Commissioner Rosenberger made a **Motion** to approve the Planning Commission meeting minutes from July 10, 2019.

Commissioner Fitzgerald **Seconded** and the motion **Passed** all in favor.

3. Discussion and possible action on a site plan for a new home on property owned by Josh McMullin, located at approximately 450 S. 600 W., Genola.

Josh McMullin addressed the Planning Commission. Chair Baird questioned whether this has been recorded with the county and Clerk Thomas indicated it is in the process of being recorded with the county. The Planning Commission reviewed the site plan per current ordinance requirements.

Vice-Chair Rosenberger made a **Motion to approve** the site plan for a new home on property owned by Josh McMullin, located at approximately 450 S. 600 W. in Genola with the contingency that lot is recorded.

Commissioner Draper **Seconded** and the motion **Passed** all in favor.

4. Discussion and possible action on the Final Mylar for F. Mecham Plat E, owned by Fred Mecham Trust Parcel #29.034.0043, located at approximately 650 S. 600 W. in Genola.

Chair Baird pointed out that the Town Council will have the final say on approval of the final mylar and that this is just the preliminary. The Planning Commission reviewed the mylar per current ordinance requirements.

Chair Bair made a **Motion** to recommend for approval to the Town Council the Final Mylar for F. Mecham Plat E, owned by Fred Mecham Trust located at approximately 650 S. 600 W. in Genola.

Commissioner Fitzgerald **Seconded** and the motion **Passed** all in favor.

5. Discussion and possible action on a site plan for a home addition located on property owned by Dan & Sharon Jackson, located at 895 E. 400 N. in Genola.

Dan Jackson addressed the commission and pointed out changes he had made to the site plan since last coming before the commission. The Planning Commission reviewed the site plan per current ordinance requirements.

Vice-Chair Rosenberger made a **Motion** to approve the site plan for a home addition located on property owned by Dan & Sharon Jackson, located at 895 E. 400 N., in Genola.

Commissioner Fitzgerald **Seconded** and the motion **Passed** all in favor.

6. Discussion regarding number of allowed animals in zoning.

Legal Counsel Nielsen indicated that he had spent some time reviewing similar restrictions in other towns. He reported looking at Santaquin, Fountain Green, Fairview, Delta, Beaver, Levan, Spring City and Paradise. He reported that 7/8 had a point system regarding how many animals are allowed in residential zones. Chair Baird questioned if any had a similar lot requirement to Genola, the 2 ½ acres. Legal Counsel Nielsen reported he was not sure about the lot requirements. Vice-Chair questioned whether the point systems were similar from town to town and Legal Counsel Nielsen reported they were all vastly different. Chair Baird

questioned if these addressed smaller animals and Legal Counsel Nielsen stated these mainly address large animals.

Legal Counsel Nielsen indicated that another option would be to revise the nuisance ordinance. Legal Counsel Nielsen pointed out that most towns do not address large animals in the nuisance ordinance but instead do this by the implementation of a point system.

Legal Counsel Nielsen spoke on most entities having a grandfather clause which would allow residents to keep the same number of animals they have on their property before any stipulations were implemented, as long as there is not a lapse for more than a 12 month period. Legal Counsel Nielsen suggested making sure this grandfather clause is included in the ordinance.

Chair Baird pointed out this would only affect people going forward, and would not affect most of the current people in town. Legal Counsel Nielsen spoke on the difficulties of residents proving what they had before the ordinance was established. Chair Baird questioned who the burden of proof is on and Legal Counsel Nielsen stated it would depend on the situation.

Vice-Chair Rosenberger voiced concern on having all members present when discussing this. Vice-Chair Rosenberger suggested looking at the nuisance ordinance to determine how to proceed.

Commissioner Fitzgerald questioned what happens when a property is sold and Legal Counsel Nielsen responded that it's based on the land and it's historical usage, as long as within the time allowed in the grandfather clause.

Mike Fowers addressed the commission and questioned what would happen if he has 5 horses on his property and would like to sale his property to someone that has 10 horses and how this has thereby limited the value of his property and who he is able to sale to. Mr. Fowers pointed out that sometimes numbers can fluctuate, such as by having a litter of puppies. Chair Baird pointed out that this ordinance will not address dogs and cats. Mr. Fowers questioned what would happen if he has two sow pigs that both have litters at the same time. Legal Counsel Nielsen stated that newborn animals aren't counted until they are weaned from their mothers. Mike Fowers spoke on how this is taking away the freedoms of the residents of Genola. Commissioner Fitzgerald spoke on how the goal is to protect what the residents have now and not make them feel like they're freedoms are being taken from them.

A resident questioned what is considered a nuisance, is it horses getting out, dogs barking, stinky cows. If a nuisance ordinance is already in place why change it?

Chair Baird recommended that a point system be drafted and public input be taken.

Eric Taylor addressed the commission and reported that he chose Genola to raise his family because there wasn't a point system in place and he knew he wanted to have animals on his property. Legal Counsel Nielsen pointed out that no numbers have been discussed yet and any numbers are just being used theoretical. Mr. Taylor urged the commission to be realistic and not place restrictions that will hurt the residents of the town.

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143 Vice-Chair pointed out that eventually the lot sizes will be smaller in Genola.

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145 Legal Counsel Nielsen spoke on the complications involved in a nuisance lawsuit and how a
146 points system would be easier to defend.

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148 An unknown resident voiced concern over the idea of this ordinance and suggested that instead
149 an ordinance should be passed protecting animals within the town.

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151 Discussion was held between the members of the commission and the residents in attendance
152 regarding what could be considered a nuisance in somebody's opinion and how another
153 resident may feel different.

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155 Vice-Chair Rosenberger reported that this request to look into this was handed down from the
156 council after receiving complaints.

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158 A resident questioned if the grandfather clause could be put on hold for special circumstances,
159 such as service in the military.

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161 Legal Counsel Nielsen spoke on the process that will be taken and how residents will have
162 opportunities to voice their concerns and make suggestions on what they'd like the ordinance to
163 be.

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165 A resident questioned why more people in the town aren't aware that this is being talked about.

166 Legal Counsel Nielsen reported that it's not to that point yet, and the commission let those
167 attendance speak tonight only out of courtesy. Once an ordinance is drafted there will be
168 opportunity for the public to come and voice their opinions. Mike Fowers spoke on those that
169 may be afraid to come voice their concerns, not wanting to draw attention to how many animals
170 they have on their property.

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172 Legal Counsel Nielsen reported that this was instigated to help put complaints to bed quickly.

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174 A resident spoke about how most residents care about their animals, and thus would never
175 have 300 head of cattle on 2 ½ acres of property, so this ordinance only would encourage
176 people to have more animals then they should on their property.

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178 Legal Counsel Nielsen spoke on the soon to be appointed Code Enforcement Officer and that
179 this position will only reply to complaints and will not be out looking for violations.

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181 Reporter Taylor spoke on how residents can be notified of meetings and how they can sign up
182 to have the agendas emailed to them. Reporter Taylor also reported that everyone that builds a
183 home in the town signs a disclosure that they acknowledge this is a rural community that has
184 smells and farming equipment running at all hours of the day.

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186 Chair Baird suggested ending the discussion and stated that anyone is welcome to stay and talk
187 to members of the commission after the meeting has adjourned. Chair Baird recommended
188 starting to look at actual numbers that may be acceptable for a possible new ordinance. Chair

189 Baird also recommended that the nuisance law also be put on an agenda in the future. Legal
190 Counsel Nielsen recommended that the commission come up with some numbers, as they will
191 have a better idea than he will.

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193 Legal Counsel Nielsen pointed out that the Planning Commission will only make a
194 recommendation to the Town Council, who will then modify as they see fit. Legal Counsel
195 Nielsen spoke briefly about how the Town Council could decide to place this on a ballot or a
196 referendum could be started by citizens, after obtaining signatures on a petition, in order for it to
197 be placed on a ballot.

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199 Chair Baird thanked those in attendance for coming.

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201 Commissioner Fitzgerald made a **Motion** to adjourn.
202 Vice-Chair Rosenberger **Seconded** and the motion passed all in favor.
203 The meeting was adjourned at 8:29 p.m.

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206 Minutes prepared by Minutes Secretary Brittany Thornton

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208 Adopted: September 5, 2019

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Lucinda Thomas/City Recorder