

**Genola Town
Planning Commission Meeting
December 5, 2019**

Planning Commission Present: Chair John Rosenberger, Commissioners Norm Beagley, Brad Dinkle, Tammy Balzly, Avery Fitzgerald, Thad Rowley, and Calvin Ewell.

Staff Present: Lucinda Thomas, Cedar Gambling, Bryan Draper, Joshua Nielsen

Public Present: Laura Scholl, Andy Bedingfield, Dale Steele, Grant Lundburg, Michael Vail, Lynn Fowers, Rodney Zohner, Leighann Zohner, Paul Broderick, Todd Cassidy, Andra Stowe,

7:00 p.m. PLANNING COMMISSION MEETING:

Chair Rosenberger called the meeting to order.

- a. Opening prayer was given by Grant Lundburg.
- b. Pledge of allegiance led by Chair Rosenberger.
- c. Swearing in of one new Planning Commission member, Thad Rowley.
- d. Public Forum – No public comment was made during the public forum.

AGENDA ITEMS:

1. Approval of the Planning Commission meeting minutes from November 7, 2019.

Commissioner Fitzgerald made a **Motion** to approve the Planning Commission meeting minutes from November 7, 2019.

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

2. Public hearing to receive public input regarding a proposed zone change from A-1 Agricultural to R-1 Residential at approximately 225 S. 1000 E. for the west portion of the parcel that is approximately 47.6 acres. Property is owned by Chaffin G H Investment Co., Parcel #29.036.0020.

Laura Scholl from Chaffin G H Investment Co. approached the commission and presented the commission with a map showing what they are proposing. Ms. Scholl reported that her grandpa acquired 23 properties as settlements from banks in 1930's in the aftermath of the Great Depression. The 120 acres at issue today is the one properties he retained as his legacy gift to his children and their children. This land has previously been used for farming, ranching and a limestone quarry, and also is the home of Grandpa's Cave. So since Genola was incorporated in 1935, it's zoning ordinances have grown up around the existing uses. Ms. Scholl reported that, to the best of her knowledge, the Chaffin Ranch property has always been zoned A-1, despite its historic mining operation. For many years it provided high calcium limestone, which was used to refine locally grown sugar beets into sugar. Ms. Scholl indicated that she has been working on this project for the past 9 years, since her mother's passing and 3 years ago they received preliminary approval to split the 123 acres into two parcels from the planning

Commissioner Fitzgerald **Seconded** and the motion **Passed** all in favor, thereby opening the public hearing.

Michal Vail addressed the commission and stated that residential properties are very different from industrial properties and encouraged the committee to educate themselves regarding the long term plan of the town and how this could be affected by having residential and industrial zones so close to one another.

Commissioner Dinkle made a **Motion** to close the public hearing regarding the proposed zone change from A-1 Agricultural to R-1 Residential, 225 South 1000 East, Parcel #29.036.0020.

Commissioner Rowley **Seconded** and the motion **Passed** all in favor, thereby closing the public hearing.

3. Public hearing to receive public input regarding a proposed zone change from A-1 Agricultural to I-3 Heavy Industrial at approximately 225 S. 1000 E. for the remaining portion that is approximately 73.39 acres. Property is owned by Chaffin G H Investment Co., Parcel# 29.036.0020.

Commissioner Beagley made a **Motion** to open the public hearing regarding a proposed zone change from A-1 to I-3 at approximately 225 S. 1000 E., Parcel #29.036.0020.

Commissioner Balzly **Seconded** and the motion **Passed** all in favor, thereby opening the public hearing.

Dale Steele addressed the commission and stated that he is concerned with the zone change. Mr. Steele presented a receipt from Staker Paving which every truck leaving receives. Mr. Steele pointed out that there is a warning on the back about hazardous materials being hauled. Mr. Steele voiced concern about putting residents in an unsafe position, which is what the planning commission should be protecting the town from. Mr. Steele stated it would be disastrous to put homes that close to a pit, because of the health issues involved.

Grant Lundburg addressed the commission and commended Ms. Scholl on her well prepared presentation. Mr. Lundburg stated that in principal he's against more gravel pits in the community, but he realizes that people have the right to use their property as they choose. Mr. Lundburg stated that before a zoning change is considered a legitimate mining ordinance needs to be put in place. Mr. Lundburg stated that the mining ordinance should set forth a reasonable amount of space between homes and any pits. Mr. Lundburg reiterated that this kind of zoning change should not be considered until a mining ordinance is put into place.

Lynn Fowers addressed the commission and reported that he has been growing fruit on a nearby orchard for over 50 years. Mr. Fowers reported that dust is a huge concern for fruit being grown and would be detrimental to his family's business. Mr. Fowers also commented on health issues that the dust would cause. Mr. Fowers reported on someone he knows that is dying from dust inhaled while living near a gravel pit.

Cheryl Flowers addressed the commission and spoke on her relationship with the Chaffin family. Ms. Fowers voiced concern whether or not all the facts have been given on what impact this could have to the community. Ms. Fowers questioned whether the commissioners had researched the impacts this could have since the last meeting. Ms. Fowers distributed some

Chair Rosenberger made a **Motion** to open the public hearing for a proposed zone change from A-1 Agricultural to R-1 Residential for the property owned by JL's Genola Farms at 400 N. 800 E.

Commissioner Beagley **Seconded** and the motion **Passed** all in favor, thereby opening the public hearing.

No public comment was heard.

Commissioner Fitzgerald made a **Motion** to close the public hearing regarding a zone change for property located at 400 N. 800 E.

Chair Rosenberger **Seconded** and the motion **Passed** all in favor, thereby closing the public hearing.

Joshua Nielsen, legal counsel, suggested that discussion and possible action was not listed on the agenda for tonight, however this was listed on the state's website that a recommendation would be given for the town council to act on next week. Mr. Nielsen suggested not making a recommendation at this time and instead have a discussion and make recommendations next month.

Chair Rosenberger suggested giving time for the commission to look into these issues. Chair Rosenberger suggested tabling this to next month.

Commissioner Beagley urged the public to remain involved.

Mr. Nielsen stated that if the planning commission chooses to they can hold another public hearing on these items.

Chair Rosenberger made a **Motion** to table the action and recommendations; A-1 to R-1, A-1 to I-3 and A-1 to R-1 to next month.

Commissioner Beagley **Seconded** and the motion **Passed** all in favor, these three items will be tabled until next month.

Discussion was held between the commissioners on the possibility of going up to the property and having a discussion.

5. Discussion and possible action on a site plan for an Accessory Building on property owned by Vernon & Lisa Wagner. Parcel #38.305.0004, located at approximately 984 S. Anna Ekins Lane in the Ekins Subdivision Plat C, Lot 4.

City Recorder Thomas handed out a site plan to the commission. The commission reviewed the site plan to ensure that it meets all of the city's requirements.

Commissioner Balzly made a **Motion** to approve the proposed site plan for an accessory building on property owned by Vernon & Lisa Wagner, located at approximately 984 S. Anna Ekins Lane.

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

Beagley reminded the commission that rezones can be denied easier than a conditional use permit. Commissioner Balzly questioned how long the commission can take to decide on a rezone and Mr. Nielsen replied he was unsure on a zone change, but typically you can tell them no and then they can reapply when they're ready. Commissioner Beagley clarified that the planning commission makes a recommendation and the city council has the final say on rezones. A question was asked whether the Utah County ordinance could be used as a model and Commissioner Beagley replied that the Utah County ordinance is too vague. A discussion was held with a resident in attendance regarding water and what developers are required to do with regards to water when they propose a new development. Mr. Nielsen clarified that mining operations and uses are conditional uses in an I-3 zone. Chair Rosenberger suggested that the members of the commission start looking at the Highland ordinance and make any changes that they feel are necessary.

Ms. Thomas reported that before next month's meeting they will get together and redo the books the commissioners keep their information in. A discussion was held regarding the schedule for January and it was decided that the planning commission will meet on January 9th instead of January 2nd.

Chair Rosenberger questioned whether the commission wants to review house elevations and exteriors from now on. Ms. Thomas reported that she does not think that the council would be on board with this.

Chair Rosenberger made a **Motion** to adjourn.

Commissioner Beagley **Seconded** and the motion **Passed** all in favor and the meeting was adjourned.

Minutes prepared by Minutes Secretary Brittany Thornton

Approved on: 1/9/2020


Lucinda Thomas, City Recorder