

**Genola Town  
Planning Commission Meeting  
March 5, 2020**

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

Staff Present: Lucinda Thomas, Cedar Gambling, Josh Nielsen, Brittany Thornton

Public Present: Sherryl Fowers, Rich Dresden, Dale Jensen, Michael Vail, Rodney Zohner, Leighann Zohner, Sheryll Fowers, Chris Johnson, Grant Lundburg, Randall Ercanbrack, Dale Rowley, Shon Fullmer, Laura Schull, Mike & Lisa Fowers, Gary Bollinger, Boone Bollinger, Dale Steele

**7:00 p.m. PLANNING COMMISSION MEETING:**

Chairman Rosenberger called the meeting to order at 7:02 p.m.

- a. Opening prayer was given by Commissioner Ewell
- b. Pledge of allegiance was led by Chairman Rosenberger
- d. Public Forum

Chairman Rosenberger made a **Motion** to open the public forum.  
Commissioner Fitzgerald **Seconded** the motion **Passed** all in favor.

Rich Dresden addressed the commission and stated he moved to Genola for its rural atmosphere. Mr. Dresden reported that in 2012 he was given a year to live due to cancer. Mr. Dresden reported that his health would be adversely affected by the dust that this type of activity would create. Mr. Dresden stated that his major concern is with the dust particles that would be created. Mr. Dresden commented on a KSL study that was performed in Draper regarding a proposed gravel pit in the area and the major concern was dust there as well.

Dale Jensen addressed the commission and commented on "rock lung" that is caused by being near equipment that's used to crush rocks. Mr. Jensen also commented on the noise that this type of use would create.

Michael Vail, 800 E. 200 S., read a disclaimer regarding crushed rock and the adverse effects it has on people's health. Mr. Vail commented on private land ownership rights. Mr. Vail questioned what allowing this zoning change request will bring into the city. Mr. Vail stated this will require knowledge in explosives, chemistry, meteorology, mitigation, traffic, etcetera. Mr. Vail stated the community would benefit from answering these kind of questions.

47 Rodney Zohner addressed the commission and reported he is right on the corner of the Chaffin  
48 property, approximately 10 feet away. Mr. Zohner commented on a lung condition he has that  
49 would be affected by dust near him. Mr. Zohner also voiced concern over traffic and noise that  
50 this would create in the area. Mr. Zohner commented on school trust dollars being a benefit  
51 but not at the cost of the health and safety of the residents of Genola. Mr. Zohner urged the  
52 commission to not base their decisions on money alone.

53  
54 Leighann Zohner addressed the commission and stated she believes strongly in farming  
55 communities. Ms. Zohner voiced concern with complications this would cause for people with  
56 asthma. Ms. Zohner concluded by stating that this would have a detrimental effect on property  
57 values in the area.

58  
59 Grant Lundburg addressed the commission and stated he is concerned with the location being  
60 an eyesore to the community. Mr. Lundburg also voiced concern for a heavy industrial zone  
61 adjacent to a residential zone. Mr. Lundburg urged the commission to create a mining  
62 ordinance before entertaining these types of requests.

63  
64 Sherryl Fowers stated that West Mountain is critical for the environment it provides for growing  
65 fruit. Ms. Fowers voiced concern on mining that has already taken place in the area and the  
66 mine tailings that are now in the area. Ms. Fowers stated that during the night the wind blows  
67 from east to west, and the dust carried by the wind would affect her crops. Ms. Fowers voiced  
68 concern for the noise this will bring to the area.

69  
70 Chris Johnson addressed the commission and stated he lives on 800 East and his biggest  
71 concern is transportation. Mr. Johnson stated this will be in his back yard and he doesn't feel  
72 the current infrastructure can support this type of operation.

73  
74 Randall Ercanbrack addressed the commission and stated that as a fruit grower he is opposed  
75 to dust that would be created by a gravel pit. Mr. Ercanbrack stated that the dust will also  
76 greatly impact the children and seniors in the area. Mr. Ercanbrack urged the commission to  
77 consider the health and wellbeing of the community.

78  
79 Dale Rowley addressed the commission and stated that he is a fruit grower but also lives in  
80 near proximity to the proposed site. Mr. Rowley commented on the impact this will have to fruit  
81 production in the area.

82  
83 Chairman Rosenberger made a **Motion** to close the public forum.  
84 Commissioner Ewell **Seconded** and the motion **Passed** all in favor.

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86 **AGENDA ITEMS:**

87  
88 1. Oath of Office for John Rosenberger.

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90 Lucinda Thomas swore John Rosenberger in as the Planning Commission Chairman for 2020.

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92 2. Approval of the Planning Commission meeting minutes from February 6, 2020.

Commissioner Rowley a **Motion** to approve the Planning Commission meeting minutes from February 6, 2020.

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

3. Discussion and possible action on a final mylar for Stubbs Estates Subdivision Plat A, property owned by Brad Bylund, located at approximately 1600 N. 350 E. in Genola.

Shon Fullmer was present to answer any questions as the commission reviewed Plat A of the Stubbs Estates Subdivision to ensure that it meets all requirements.

Commissioner Dinkel made a **Motion** to approve the final mylar for Stubbs Estates Subdivision Plat A, property owned by Brad Bylund, located at approximately 1600 N. 350 E. in Genola.

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

4. Discussion and possible action on a final mylar for Stubbs Estates Subdivision Plat B, property owned by Brad Bylund, located at approximately 1600 N. 350 E. in Genola.

Shon Fullmer was present to answer any questions as the commission reviewed Plat B of the Stubbs Estates Subdivision to ensure that it meets all requirements.

Commissioner Beagley made a **Motion** to approve the final mylar for Stubbs Estates Subdivision Plat B, property owned by Brad Bylund, located at approximately 1600 N. 350 E.

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

5. Discussion and possible action on a proposed zone change from A-1 Agriculture to R-1 Residential at approximately 225 S. 1000 E., for the west portion of this parcel that is approximately 47.36 acres, property owned by Chaffin G H Investment Co., Parcel #29.036.0020.

Laura Schull addressed the commission as a representative of the property owners. Ms. Schull requested approval of a zone change from A-1 Agricultural to R-1 Residential. Ms. Schull pointed out that at this time they are only asking for a zone change, and the concerns of the citizens would be addressed as part of the conditional use permit process. Ms. Schull introduced Boone Bollinger. Chairman Rosenberger pointed out that these are two items on the agenda and at this time just the residential portion is being discussed.

Commissioner Balzly commented on the immense growth happening in the area and how this affects the agriculture in the area.

Commissioner Beagley voiced concern with the proximity of the residential to the proposed heavy industrial and stated there needs to be some sort of buffer between the two zones.

Commissioner Fitzgerald commented on there being no public comment heard on the residential portion of the proposal.

Commissioner Balzly stated that as property owners we all should have the right to do what we need to do with our own property, but also realizes that once an agricultural zone is lost it's very difficult to get it back.

Chairman Rosenberger made a **Motion** to recommend approval to the Council for a proposed zone change from A-1 Agricultural to R-1 Residential at approximately 225 S. 1000 E. for the west portion of this parcel that is approximately 47.36 acres, property owned by Chaffin G H Investment Co., Parcel #29.036.0020.

Legal Counsel Josh Nielsen suggested that an alternative motion be made, and that the Planning Commission either recommends approval or denial to the City Council.

Chairman Rosenberger recommended making a motion to the Council to leave the zoning as it is. Ms. Schull pointed out that a lot of these questions and concerns are addressed in Mr. Bollinger's presentation and stated that this additional information will be helpful in making a recommendation to the Council.

Commissioner Beagley made a **Motion** to table this item until after the presentation. Commissioner Fitzgerald **Seconded** and the motion **Passed** all in favor.

6. Discussion and possible action on 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.

Gary Bollinger suggested that a public discussion take place and that they be allowed to answer any questions from the public in attendance. Chairman Rosenberger suggested seeing the presentation first.

Boone Bollinger addressed the commission with a slide presentation regarding the proposed zone change from A-1 Agricultural to I-3 Heavy Industrial. Mr. Bollinger pointed out that the property is not currently generating any value for the community or the family. Mr. Bollinger stated that the property does not add to the natural beauty of the area nor does it add to the tax base of the community. Mr. Bollinger pointed out that the highest and best use would be producing rock products in the hills and agricultural on the lower portions. Mr. Bollinger stated that the benefits to the community would be enhancing the visual appeal of the community, bringing more jobs to the community and added impact fees and royalty revenues. Mr. Bollinger stated that their vision would be to construct a berm to the east of the canal, to block sight and sound. Mr. Bollinger commented on the issues and concerns voiced in December's meeting: traffic, dust, water, gas pipeline in the area and reclamation of the property. Mr. Bollinger indicated that this does meet the general plan, which states that heavy industrial should remain in the east area of the town, which this property is. Mr. Bollinger stated this will provide economic sustainability. Mr. Bollinger reported that access would be given through a newly constructed road on the property, and would connect to 800 East. Mr. Bollinger addressed concerns regarding dust and pointed out that EPA already has very strict guidelines regarding mining operations which would be adhered to. Mr. Bollinger commented on prevailing winds being from the south, which would take all dust onto the BLM land or towards

186 Quigley Quarry. Mr. Bollinger stated it would be essential to come up with a plan that works for  
187 everyone. Mr. Bollinger reported that there is adequate water for the requested use and that a  
188 storm water prevention plan would be adhered to on site. Mr. Bollinger presented a letter from  
189 Questar Gas which outlines guidelines for blasting in the proximity of the pipeline. Mr. Bollinger  
190 stated that quarries are required to have a detailed reclamation plan approved by the state.  
191 Mr. Bollinger reported that a reclamation bond will also be in place, to ensure that the property  
192 is properly reclaimed after any mining activities have taken place. Mr. Bollinger concluded by  
193 stating that the goal is for the property to be used to its highest use for both the community and  
194 the family.

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196 Commissioner Rowley commented on the existing pit in Santaquin and the significant impact  
197 dust has created on those orchards.

198  
199 Commissioner Ewell stated that he believes the citizens of Genola do not want another mine in  
200 the town. Commissioner Ewell stated it his opinion that Quigley Quarry would not be approved,  
201 if coming before the city at this time.

202  
203 Commissioner Dinkel commented on negative comments he has received from citizens not  
204 being able to attend this meeting. Commissioner Dinkel stated the community has spoken and  
205 they do not want this in Genola.

206  
207 Chairman Rosenberger commented on the visual impact this would have. Chairman  
208 Rosenberger voiced concern for the proximity to residential zones and stated more of a buffer  
209 would need to be in place.

210  
211 Mike Fowers stated he would benefit financially from a pit in Genola but he also acknowledges  
212 the impact this would have on fruit in the area. Mr. Fowers commended the Bollingers for the  
213 excellent job they do in running gravel pits throughout the state.

214  
215 Dale Steele also echoed Mr. Fowers sentiments about the Bollinger's and the great job they do  
216 in their current mines. Mr. Steele stated that he would not be in favor of a gravel pit and that  
217 the monetary benefit would only be for a handful of people.

218  
219 Gary Bollinger commented on the conditional use process that would take place before any  
220 mining operation could take place on the property.

221  
222 Randall Ercanbrack commented on houses being built in the proposed residential area and  
223 how those houses would not want mining that close to their houses.

224  
225 Commissioner Balzly commented on the oath of office she took, which stated she would  
226 adhere to the general plan of the community, which she does not feel this would meet.  
227 Commissioner Balzly commented on the citizen's health that this would impact. Commissioner  
228 Balzly stated the dust would be detrimental to the fruit growers in the area. Commissioner  
229 Balzly commented on the hazard these trucks would pose on 800 East. Commissioner Balzly  
230 stated that the beauty of the mountain is in the eye of the beholder.

Commissioner Dinkel commented on the uniqueness of Genola and the importance of maintaining it as a community people want to come to.

Laura Schull concluded by thanking the commission for the time they've spent on this proposal. Ms. Schull pointed out that the change to residential is consistent with the general plan for that area and no public comment was heard against it becoming residential. Ms. Schull pointed out that the zoning change was approved in December and it was voted on, and then legal counsel pointed out that it wasn't noticed properly. Ms. Schull questioned what has changed in the interim and why they are now against this proposal. Ms. Schull stated that at this point she is just requesting approval of the agricultural to residential portion.

Chairman Rosenberger asked for a motion on Item 6, A-1 to I-3.

Ms. Schull stated she would like to withdraw the petition to rezone from A-1 to I-3. Mr. Nielsen stated that they commission can either table the item. Ms. Schull stated the commission should proceed.

Commissioner Dinkel made a **Motion** to recommend the town council deny the 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 Rowley **Seconded** and the motion **Passed** all in favor.

Chairman Rosenberger asked for a motion on Item 5, the rezone from A-1 to R-1, which is in the master plan.

Commissioner Beagley stated that he is concerned with the residential abutting a proposed I-3 zone.

Commissioner Balzly stated she feels that all the cards have not been dealt.

Commissioner Rowley made a **Motion** to table the proposed zone change from A-1 Agricultural to R-1 Residential for 1 month.

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

7. Discussion with Derek Jessee concerning a rezone and possible subdivision for the property at 1590 S. State Street, Parcel #32.011.0001.

Derek Jessee approached the commission regarding a possible zone change and subdivision at 1590 S. State Street. Commissioner Beagley pointed out that it would be up to UDOT to determine what could be done with the highway. Mr. Jessee stated he is just getting a feel for what can be done on this property. The commission directed Mr. Jessee to contact UDOT regarding whether access will be given.

8. Discussion and possible action on integrating a review process for house elevations and exteriors.

Chairman Rosenberger reported that he presented this to the town council who were not in support of this moving forward.

9. Discussion on drafting a Mining Ordinance.

Josh Nielsen presented a draft of the proposed mining ordinance, which he took from Highland City. Mr. Nielsen reported that Santaquin now has a majority of their ordinance drafted and he can integrate it with Highland's ordinance, if the commission desires. Commissioner Beagley stated that currently mining is only allowed as a conditional use in I-3. Mr. Nielsen will combine the two ordinances and bring it back to the commission. Mr. Nielsen asked the commission to review what they've been given tonight, in preparation for next month's meeting.

10. Discussion on drafting a Migrant Housing Ordinance.

Commissioner Rowley suggested getting rid of the term migrant. Josh Nielsen stated that single family dwellings are the only things allowed in the ordinance. Commissioner Balzly reported on farmers being held to a standard, in order to bring workers in for the season and suggested using these standards to draft an ordinance. Commissioner Beagley suggested getting the town council's opinions on this before moving forward.

Commissioner Beagley made a **Motion** to adjourn.

Commissioner Dinkel **Seconded** and the motion passed all in favor.

The meeting was adjourned at 9:22 p.m.

Minutes prepared by Minutes Secretary Brittany Thornton

Approved on: 4/2/2020

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Lucinda Thomas, City Recorder