

**Genola Town
Planning Commission Meeting Minutes
September 5, 2019**

Planning Commission Present: Vice-Chair John Rosenberger, Avery Fitzgerald, Norm Beagley, Tami Balzly, Brad Dinkle and City Councilman Bryan Draper

Staff Present: Lucinda Thomas, Cedar Gamble, Brittany Thornton, Legal Counsel Josh Nielsen, Elizabeth from MAG and Sarah from MAG

Public Present: Mike & Lisa Fowers, Rowena Rymer, Bill & Sandy Morin, Marsh Morford, Todd Scott, Judy Dudley, Vance & Suzanne Baxter, Amelia Wetsel, Ali Strasburg, Grant & Danielle Lundburg, Karl & LeeAnne Crowton, Jeremy & Auzlynn Jensen, Cheryl Fowers, Thad Rowley, Rowena Rymer, Ron & Marianne Hawkins, Darren Grant, Beverly Kraut, Brandi Fitzgerald and Julie Smith

6:00 p.m. WORK SESSION:

The work session was called to order by Vice-Chair Rosenberger at 6:10 p.m.

The agenda for the work session will be as follows:

1. Discussion and Review of Genola General Plan with Mountainland Association of Governments.

A discussion was held between the members of the Planning Commission and Elizabeth and Sarah from MAG regarding the General Plan. Possible locations within the town for a bike/horse trail were discussed among the members in attendance. Possible locations for any commercial uses was discussed. Elizabeth with MAG presented a new Genola Town General Plan and asked for some input from the commissioners regarding the goals set forth in the plan. The Moderate Income Housing Section was discussed and changes that were made to the plan were pointed out to the members of the Planning Commission.

The work session concluded at 6:51 p.m.

7:00 p.m. PLANNING COMMISSION MEETING:

Vice-Chair Rosenberger called the meeting to order at 7:00 p.m.

- a. Opening prayer was given by Commissioner Dinkle.
- b. Pledge of Allegiance led by Commissioner Beagley.
- c. Public Forum – (moved to later in the meeting to accommodate those in attendance.)

AGENDA ITEMS:

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

Vice-Chair Rosenberger made a **Motion** to approve the Planning Commission meeting minutes from August 1, 2019.

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

2. Discussion and possible action on a site plan for a detached garage owned by Karl & LeeAnne Crowton. Parcel #55:871:000, located at approximately 1016 N. Main Street in Genola.

Karl Crowton approached the planning commission regarding the proposed detached garage he is wanting to build on his property. The Planning Commission reviewed the site plan per current ordinance requirements.

Commissioner Beagley made a **Motion** to approve the site plan for a detached garage located at approximately 1016 N. Main Street with the contingency that a fire hydrant is shown on the plan.

Commissioner Dinkle **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 Jeremy & Auzlynn Jensen Parcel #55:87:000 located at approximately 988 N. Main Street.

Jeremy and Auzlynn Jensen approached the Commission with their proposed site plan which was reviewed by the Planning Commission per current ordinance requirements.

Commissioner Dinkle made a **Motion** to approve the site plan for a new home located at approximately 988 N. Main Street.

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

Public Forum: Vice-Chair Rosenberger opened up the public forum session of the meeting, by reminding those who wished to address the Commission to keep their comments brief and civil.

Grant Lundburg addressed the Planning Commission regarding the proposed zone change on the agenda. Mr. Lundburg pointed out that this use is prohibited in Genola statutes because of the location, the adjoining properties, the distance from a school, as well as violations to the zoning ordinance. Mr. Lundburg spoke on the impact this would have to the town and the hazards it would pose. Mr. Lundburg questioned where the sand would come from and how it would get to the proposed plant. Mr. Lundburg pointed out what the current ordinance now allows in the Light Industrial Zone and how this would not allow for the proposed use. Mr. Lundburg spoke on how this zoning would be attached to the property and future owners could have a different ideas for how to use the property. Mr. Lundburg pointed out that concrete or plaster products, mining services and asphalt services are not allowed in Light Industrial, as per the town ordinances. Mr. Lundburg concluded by urging the Commission to think of the future of the town when considering these kind of requests.

Danielle Lundburg addressed the Planning Commission and spoke on how this could affect adjoining residents and the children trying to learn in the nearby vicinity. Ms. Lundburg pointed

95 out that there is a classroom in the near vicinity and the negative impact this would have on
96 children trying to learn. Ms. Lundburg commented on how this would affect the young children
97 that live in the area and the hazard the large trucks could pose to those children. Ms. Lundburg
98 spoke on how this could negatively impact the alfalfa being grown on her property, which could
99 be killed by the dust and sand. Ms. Lundburg pointed out effects this could have on people with
100 compromised immune systems or breathing problems, she has three grandchildren that were
101 premature and this would negatively impact them. Ms. Lundburg concluding by pointing out the
102 negative impact this would have on the property value of homes in the area.

103
104 Cheryl Fowers addressed the Planning Commission and spoke on gravel pits currently located
105 within the county. Ms. Fowers read the following from the county's handbook: "Mineral
106 extraction operations, which would adversely affect agricultural activities or remove agricultural
107 lands from production, should not be permitted when feasible alternatives exist." Ms. Fowers
108 went on to read a second statement from the county's handbook, "Clays can settle during the
109 extraction process over an aquifer, this in turn can cause the water table to lower, which will
110 cause drought and problems for the surrounding lands." Ms. Fowers commented on policing
111 that would not take place at this type of facility, and that most inspections are only yearly and
112 the facility would know it was coming. Ms. Fowers spoke on a similar circumstance in Highland
113 City and how it was heavily policed at first, and now they fly under the radar. Ms. Fowers
114 commented on the noise this would bring at all hours of the day and night. Ms. Fowers
115 commented on the tart cherries and how the pollutants could harm the crops and livestock. Ms.
116 Fowers spoke on studies conducted by doctors regarding damage this could pose. Ms. Fowers
117 urged the members of the Planning Commission to look into health hazards this could pose to
118 the residents of Genola. Ms. Fowers urged the commission to research this for themselves and
119 learn about the adverse effects this could have to the community. Ms. Fowers then spoke on
120 Genola being a place of promise and that the beauty of Genola is what brings people to our
121 town. Ms. Fowers questioned on how many of the people that own or work at this facility would
122 actually live in Genola.

123
124 Thad Rowley addressed the Planning Commission and spoke on the history that orchards have
125 with being near a batch plant. He spoke on the economic damage this had on their crops and
126 how they had to remedy this with the help of lawyers. Mr. Rowley spoke on the Staker plant
127 located within the town and how orchards in the area are affected by the chemicals and dust
128 caused by the plant.

129
130 Mrs. Rowley seconded what had already been said.

131
132 Rowena Rymer addressed the Planning Commission and spoke on the growth within the town
133 and how this brings contention. Ms. Rymer seconded what has already been said tonight.

134
135 Bill Morin addressed the Planning Commission and agreed with what has been said. He stated
136 that if the owner lived in the town he wouldn't be making this proposal.

137
138 Vice-Chair Rosenberger thanked those that spoke for the cordial manner in which they did so
139 and closed the public forum.

140 4. Discussion and possible action on a Preliminary Rezone Application from C1
141 Commercial to L1 Light Industrial for Ekins Industrial, property owned by Martin White Inv. LLC,
142 located at 410 E. 800 S., 4.26 acres.

143
144 Julie Smith addressed the commission and reported they had spoken with the mayor and he
145 suggested they take this course of action. Ms. Smith stated that this will not be an asphalt plant,
146 only a small batch concrete plant and all access would come off of Highway 6 . Vice-Chair
147 Rosenberger asked how the concrete would be stored, and Ms. Smith replied that this has yet
148 to be decided and would take place with the site plan. Commissioner Balzly questioned why this
149 location, and Ms. Smith replied that this was due to the proximity of Highway 6 and the
150 accessibility. Commissioner Dinkle pointed out that this use would only be allowed in a heavy
151 industrial zone and not light industrial, and is only conditionally allowed in heavy industrial.
152 Vice-Chair Rosenberger pointed out that heavy industrial would have to have at least 5 acres,
153 and Ms. Smith reported they are on 4 ¼ acres. Commissioner Balzly on this being a conditional
154 use allowed in the heavy industrial, and how this isn't likely due to the location of homes and the
155 school. Vice-Chair Rosenberger suggested not making a decision on this tonight, as further
156 discussion needs to take place. Commissioner Balzly questioned what benefit this would have
157 and Ms. Smith replied a tax benefit and discounted product. Commissioner Dinkle reiterated
158 that this does not meet the ordinances. Commissioner Beagley questioned what was being
159 asked of the commission. Legal Counsel Nielson stated a recommendation to approve or deny
160 should be made to the Town Council.

161
162 Commissioner Beagley made a **Motion** to leave the zoning as it currently is, because this
163 request doesn't meet the ordinances.

164 Vice-Chair Rosenberger made a **Motion** motioned to deny the application for a zone change
165 from C1 to LI.

166 Commissioner Dinkle **Seconded** and the motion passed all in favor.

167
168 5. Discussion and review regarding the Nuisance Ordinance 2007-06-27.

169
170 Legal Counsel Nielson addressed the commission. Vice-Chair Rosenberger on limiting this to
171 R1. Commissioner Beagley asked whether the current ordinance is sufficient and Legal
172 Counsel Nielson stated that there could be situations where the current ordinance would be
173 difficult to prosecute. Commissioner Dinkle questioned what brought this about and
174 Councilmember Draper responded that this is to protect current and future residents. Vice-
175 Chair Rosenberger spoke on enforcing number of animals allowed versus a nuisance.
176 Commissioner Dinkle questioned whether the town wants to make these decisions or do we
177 want to let a judge decide for us.

178
179 Mr. Lundburg on who would handle complaints regarding animals and Legal Counsel Nielson
180 reported that the Town Council has deferred these types of positions to the newly appointed
181 Code Enforcement Officer. If the Code Enforcement Officer feels someone is in violation then it
182 would then come to the city's legal representation to decide how best to proceed.

183
184 Mike Fowers stated that even one pig stinks and that an ordinance needs to be written stating
185 that residents will maintain all animal enclosures and that the ordinance should address those
186 that are not taking care of their animals.

187 Commissioner Dinkle questioned what course of action should be taken moving forward.
188 Commissioner Fitzgerald commented on a situation he had been in the past and the burden it
189 places on the homeowner. Legal Counsel Nielson suggested a new nuisance category could
190 be created to address these types of situations. Legal Counsel Nielson once again commented
191 on counting animals being easier to enforce than someone's interpretation of a nuisance.
192
193 Mr. Lundburg spoke on arbitration.
194
195 Commissioner Beagley spoke on the difficulties in agreeing upon what the number of allowed
196 animals should be. Commissioner Beagley reported that his recommendation would be to
197 enforce the ordinance as it's currently written. Commissioner Fitzgerald spoke on how there's
198 never been a code enforcement officer before now. Commissioner Balzly pointed out that the
199 Code Enforcement Officer will not be out looking for violations, but will only investigate
200 complaints made by residents.
201
202 Brandi Fitzgerald commented on the agreement that gets signed when a new home gets built in
203 the town, which points out that this is a rural community and people have animals.
204 Commissioner Beagley pointed out there is no way to have this type of document signed when
205 an existing home is sold within the town.
206
207 Commissioner Beagley recommended that the members bring back some bulleted points on
208 how they'd like the nuisance ordinance written.
209
210 Lisa Fowers spoke on how she as an animal owner feels threatened by the possibility of
211 something like this being approved. Lisa suggested having a number of complaints being
212 allowed before the Code Enforcement Officer gets involved.
213
214 Beverly Krout voiced concerns about the number of animals allowed getting lower and lower as
215 time goes on.
216
217 Legal Counsel Nielsen went over the current ordinance and what changes could be made.
218 Commissioner Beagley suggested bringing this back after all members have had a chance to go
219 out and determine what things they would like addressed in the ordinance.
220
221 Darren Grant pointed out that animals in the agricultural zone can be more detrimental than
222 those in a residential zone.
223
224 Ron Hawkins addressed the planning commission and voiced his desire to be able to put
225 livestock on his property in the future, and the commission assured him he would be able to do
226 so.
227
228 Commissioner Balzly brought to the attention of the commission another proposed gravel pit.
229 Vice Chair Rosenberger requested that a mining ordinance be discussed at the next meeting.
230
231 Vice-Chair Rosenberger made a **Motion** to adjourn.
232 Commissioner Beagley **Seconded** and the motion **Passed** all in favor.
233 The meeting was adjourned at 8:41 p.m.

234 Minutes prepared by Minutes Secretary Brittany Thornton

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236

237 Approved on: 10/3/2019

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Lucinda Thomas, City Recorder

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