

**Genola Town
Planning Commission Meeting Minutes
January 7, 2021**

Planning Commission Present: Chair John Rosenberger, Vice-Chair Brad Dinkel,
Commissioners: Avery Fitzgerald, Thad Rowley, Calvin Ewell

Staff Present: Lucinda Thomas, Nicole Preston, Josh Nielsen

Public Present: Marsh Morford, Tyler Theobald, Aaron Davenport

7:00 p.m. PLANNING COMMISSION MEETING:

1. Chair Rosenberger called the meeting to order at 7:07 p.m.

- a. Opening prayer was given by Commissioner Brad Dinkel
- b. Pledge of allegiance led by Commissioner Thad Rowley
- d. Public Forum - No public comment was heard.

AGENDA ITEMS:

2. Approval of the Planning Commission meeting minutes from December 3, 2020.

Commissioner Norm Beagley made a **Motion** to approve the Planning Commission meeting minutes from December 3, 2020. Commissioner Avery Fitzgerald **Seconded** and the motion **Passed** all in favor.

3. Planning Commission Chairman Report – none given

4. Discussion and possible action with Tyler Theobald on a zone change from A-1 Agriculture to R-1 Residential zone for the property owned by Bylund Properties parcel # 29.030.0045 located at approximately 590 N Main in Genola.

It was noted that the adjacent property owned by Gary Brown is already zoned R-1. Chairman John Rosenberger made a **Motion** to approve changing the zone to R-1 **Seconded** by Brad Dinkel – and the motion **Passed** all in favor.

5. Discussion and possible action on a Final Mylar for the Throckmorton Ranch Plat C property is owned by Max and Gaylene Throckmorton and located at approximately 138 S Main Street in Genola.

It was noted that the new road would be completely on the Throckmorton property line.

Commissioner Norm Beagley made a **Motion** to approve the Final Mylar for Throckmorton Ranch Plat C. Commissioner Thad Rowley **Seconded** and the motion **Passed** all in favor.

6. Discussion and possible action with Aaron Davenport for An AG Building Site Plan on property owned by DJD Income trust located at approximately 609 E 800 S parcel #29.035.0173.

Aaron Davenport representing DJD Income Trust was available for questions. The planning commission reviewed the site plan to ensure that it met all requirements. Mr. Davenport stated that the existing structure on the property will be torn down upon the completion of this one. Commissioner Norm Beagley made a **Motion** to approve the AG Building Site Plan owned by DJD Income Trust located at approximately 609 E 800 S in Genola. Brad Dinkel **Seconded** and the motion **Passed** all in favor.

7. Discussion and possible action on a site plan for a new home in the Valley View Point Subdivision Plat A lot 2 for Brian and Sherri Gull and Located at approximately 1645 NB main in Genola parcel #54.216.0002

The Commission reviewed the site plan to ensure that it met all requirements. Commissioner Calvin Ewell made a **Motion** to Approve the Site Plan. Commissioner Thad Rowley **Seconded** the motion **Passed** all in favor.

8. Discussion and possible action on an addition to a home property that is owned by Marsh Morford and located at 718 S. State Street in Genola parcel #46.597.0002.

Marsh Morford was available for comment and was able to answer questions the commission had about the sewer line and its proximity to the addition. Commissioner Brad Dinkel made a **Motion** to approve the site plan. Commissioner Avery Fitzgerald **Seconded** the motion and it **Passed** all in favor

9. Town council recommends that there be a review on the percentage needed for a performance bond in the subdivision ordinance.

City Attorney Josh Nielsen reviewed with the Commission the current ordinance which states that a 25% of the total cost performance bond be held for two years and the current state code which was amended in 2019 at 10%. Mr. Nielsen stated that the council thought our current ordinance detour future developments. City Recorder Lucinda Thomas mentioned that it can be a financial burden for those who are trying to do a one lot split. The Commission agreed that the percentage needed to be the same for everyone to prevent any abuse if special treatment was given for one lot splits. Commissioner Avery Fitzgerald questioned whether it was really in the town's best interest to become developer friendly. Ms. Thomas also mentioned that she had received complaints from the developers, but they did just go ahead and pay the 25% fees. The Commission agreed that they would like to leave the ordinance exactly as it is so as to not encourage exponential growth.

- 94 10. Town Council recommends that there be a review on the policing of grandfathered lots
95 or used in our town.
96

97 The Commission discussed the current definition of legal non-conforming use which
98 City Attorney Josh Nielsen interpreted as the use must stay the same and the
99 structures must stay within the same footprint of the current structure or home. The
100 Commission discussed and felt it prudent that they would like to be able to help these
101 residents be able to expand and better the homes instead of letting the homes either
102 become abandoned because they are not able to be sold or become run down.
103 The commission asked the City Attorney Josh Nielsen to draft an amendment to
104 address this issue as they have had several questions regarding this issue within the
105 last year. They would like the language to include betterment, and that it would not
106 become more detrimental to the non-conforming use than the lot currently is.
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- 108 11. Discussion and possible action on a draft mining ordinance.
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110 The Commission discussed the updated draft of the mining ordinance. The
111 Commission stated that they wanted to make sure that there was no blasting allowed,
112 City Attorney Josh Nielsen asked The Commission to better define what they determine
113 to be blasting to limit possible loopholes. They recommended that the decibel level be
114 updated to a more enforceable level. Mr. Nielsen asked all the commissioners to
115 review the updates and let him know of any more updates that they would like to see
116 made. Chairman Rosenberger noted that he would like to get this ordinance wrapped
117 up and ready to send to the council soon as they have already been working on this for
118 the past nine months.

119 Commissioner Norm Beagley made a **motion** to continue this discussion to the next
120 meeting. Chairman John Rosenberger **Seconded** the motion and the motion **Passed**
121 all in favor.
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124 12. Chairman John Rosenberger made a **Motion** to adjourn. Commissioner Norm Beagley
125 **Seconded** the motion and the motion was **Passed** all in favor. The meeting was
126 adjourned at 8:44 p.m.
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128 Minutes prepared by Deputy Clerk Nicole Preston
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131 Approved on: 2/4/2021
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Lucinda Thomas, City Recorder