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Town of Genola

Planning Commission Regular Meeting

September 2, 2021

City Officials Present: Chairman John Rosenberger, Vice-Chair Brad Dinkel, Commissioners Thad Rowley, Avery Fitzgerald, Calvin Ewell, Norm Beagley

Staff Present: City Recorder Lucinda Thomas, City Deputy Clerk Nicole Preston, Mayor Marty Larson

Public Present: Kamn Jackman, Emilie Jackman, Justin Faulkner, Ben Carson, Haylee Frohlich, Rod Ekins, Mark Davis, Giala Murdoch, Grant Lundberg

1. **Call to Order** – Chairman John Rosenberger called the meeting to order at 7:00pm
 - a. Commissioner Ewell gave the opening prayer
 - b. Chairman Rosenberger led the Pledge of Allegiance
 2. **Approval of Minutes for August 19, 2021**
 - a. Commissioner Ewell made a **Motion** to approve the minutes from August 19, 2021. Commissioner Rowley **Second** and the motion **Passed** all in favor.
 3. **Planning Commission Chairman Report**
 - a. Chairman Rosenberger stated that one of the big things that they needed to address is the mining ordinance and the possibility of adding a rock crushing to the ordinance. He mentioned that this topic will be discussed more but probably at a different meeting as the City Attorney was not able to attend this meeting.
- There was no one signed up for the Public Forum**
4. **Discussion and possible action regarding a new site plan for a pole barn in the 4B subdivision Plat A Lot 2 located at approximately 625 N 800 E Parcel #39.284.0002 owned by Lisa Park.**
 - a. The property owners were not in attendance at this meeting. The commission went through the checklist and found that the site plan would need to show existing structures north of the property line with measurements.
 - b. Commissioner Fitzgerald made a **Motion** to approve a new site plan for a pole barn in the 4B subdivision Plat A Lot 2 owned by Lisa Park with the contingency that they add all existing structures and measurements to the property line within 200 feet. Commissioner Rowley **Second** and the motion **Passed** all in favor.
 5. **Discussion and possible action of a new home remodel from a barn to a residential home. Property owned by Kristine A. Chabries located at 214 S Main St. Parcel #29.034.0025**
 - a. Mr. Kamn Jackman was present and available to answer questions that the commission might have. Chairman Rosenberger made the clarification that they are planning on demolishing the current residence that is on the property and that they would like to make the current barn into a new residence. Commissioner Beagley asked Mayor Larson if our current code allows for this change to take place since this lot is only 1.3 acres and is non-conforming lot. Mayor Larson felt that our current code doesn't consider barns. Mayor felt that this lot is probably legal non-conforming and felt that this could remodel this as the Barn is not being expanded on it should be just fine. The intent of the code is to let people improve their property and it be beneficial to the town. The Commission continued and went through the checklist and found that the site plan is missing the scale, some property dimensions, they need to show PI. Commissioner Beagley brought up another point that if this was approved then technically there would be two residences on the same property which goes against the Town's code. Mayor Larson interjected and stated that when this type of situation had happened before they made the building permit contingent

upon a demolition permit being obtained and the demolition being completed before the building permit could be given. He understands that most people won't want to just tear down a house until they know that they can get the building permit to remodel/rebuild a new one. Commissioner Beagley stated that he felt that this should be a contingency for the building permit.

- b. Commissioner Fitzgerald made a **Motion** to approve the site plan for a site plan of a new home remodel from a barn to a residential home with the following contingencies:
 - i. Adding a scale to the site plan
 - ii. Show your irrigation
 - iii. Apply for the demolition permit for the existing residence currently located on the propertyCommissioner Beagley **Second** and the motion **Passed** all in Favor.

Commissioner Brad Dinkel joined the meeting at 7:25pm.

6. Discussion and possible action regarding a site plan for a new home located at approximately 712 N 470 E in the 4B subdivision Lot 15 Parcel #39.284.0015 owned by Ben and Haylee Frohlich.

- a. Haylee Frohlich was in attendance and available to answer any questions that the commission had. The commission went through the checklist to see if the site plan met all criteria. They found the site was missing the scale. The site plan needed to have the easements added to the site plan. The site plan needs to have added Power, Water, PI markings.
- b. Commissioner Fitzgerald made a **Motion** to approve the site plan for a new home located at approximately 712 N 470 E in the 4B subdivision Lot 15 parcel #39.284.0015 with the following contingencies:
 - i. The scale is added to the site plan
 - ii. Easements added to the site plan
 - iii. Utilities be added to the site plan including Power, Water, and Pressurized IrrigationCommissioner Dinkel **Second** and the motion **Passed** all in favor.

7. Discussion and possible action on a site plan for a patio for Rod Ekins located at 854 S Anna Ekins Memorial Lane.

- a. Mr. Ekins was present and available to answer any questions that the commission might have. The commission went through the checklist and found that the site plan needed to have a scale.
- b. Chairman Rosenberger made a **Motion** to approve the site for a patio for Rod Ekins located at 854 S Anna Ekins Memorial Lane with the contingency that they add a scale to the site plan. Commissioner Beagley **Second** and the motion **Passed** all in Favor.

8. Discussion and possible action regarding a lot line adjustment and amended plat for the Elmwood Subdivision owned by the Donna Davis Trust for property located at approximately 400 S and 600 W parcel Number 29.034.0045, 38.540.0001, 38.540.0002, 38.540.0006, and 29.034.0102.

- a. The commission went through the subdivision checklist. Mr. Mark Davis was present and available to answer questions and clarified that these changes were simply being made to clean up the property lines for a future development. Commissioner Beagley recommended that Mr. Davis provide the city with a clean copy of the plans to include utilities from original plat on to the amended plat so that the city had the combined plan for future reference if needed. Most of the road dedication had already been dedicated, but because of some property line changes the road dedication had never been dedicated to completing the road dedications from an older lot created in 1945. The commission asked that the distances between lot 1 and 2 and the distance between 2 and 3 be labeled. They need to add the power to the plat. They need to add names of all property owners and the surveyor's address and phone number to the plat.
- b. Chairman Rosenberger made a **Recommendation** to approve the lot line adjustment and amended plat for the Elmwood Subdivision owned by the Donna Davis Trust with the following contingencies:
 - i. Add the irrigation, existing power,
 - ii. Distances between lot 1 and 2 and distances between 2 and 3

- 111 iii. They provide the city with a combined set of plans to include all utilities from the
112 previously recorded plat to this amended plat for the convenience of the Public Works
113 department,
114 iv. Add the surveyors address and phone number,
115 v. Add all property owners name to the plat.
116 Commissioner Beagley **Second** and the motion **Passed** all in favor.
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118 **9. Discussion and possible action on a draft of the mining ordinance**

- 119 a. Commissioner Dinkel asked what the reason was that caused the Council to send this back
120 to the commission. Chairman Rosenberger clarified that it was brought up that if a resident
121 wanted to crush on their property either zoned A-1 or R-1 that this ordinance could be a
122 problem. Commissioner Beagley felt like people were trying to apply this ordinance to
123 situations where it wouldn't apply as this ordinance would only apply to parcels that are
124 zoned I-3 and looking to actually create a long term mine. Ben Carson spoke up and said
125 that he has read the proposed ordinance and does see that there are conditions stated that
126 this shall not apply in a lot of different circumstances. He spoke about his own situation
127 where he has a property that is part of a mountain, and he is wanting to make an industrial
128 yard, probably zoned I-1. He would like to see the language changed from leveling of land
129 for residential or agricultural purposes to leveling of land to construction purposes not just for
130 residential or agricultural but to also include commercial and or industrial purposes to make
131 sure that his particular plans wouldn't be subject to this mining ordinance. Several
132 commissioners expressed concern that to just blanket it as construction purposes becomes
133 to broad because if you are doing a gravel pit then that could be argued that it is all
134 construction purposes. Mr. Carson would like to see that the intent was for a mine.
135 Commissioner Beagley clarified that Mining is blasting and crushing and blasting and
136 crushing is mining which is what this ordinance was developed for. Justin Faulkner then
137 spoke up and said that the intent is always muddled and would like to see the planning
138 commission simplify this ordinance more, because he doesn't feel like the town should be
139 regulating the land use this much. He feels like the restriction on blasting crushing and
140 enforcing noise ordinance etc. just because someone maybe doesn't like somebody else or
141 their intents. Commissioner Fitzgerald said that they as a commission have to look at the
142 residents want and why they live here to begin with. Mr. Carson would like to see what the
143 intent is for is developing not for a permanent mine. Commissioner Beagley recommended
144 that they address the town council to find out exactly what they would really like to see.
145 Commissioner Dinkel did bring up that either way this ordinance is going to have to be
146 changed because the council sent it back, so it looks like we are going to have a serious a
147 discussion on what needs to be put in and what may need to be taken out. Mr. Carson asked
148 for some clarification on how the ordinance gets changed. It was explained that during these
149 kinds of meetings they discuss and then instruct the legal council to put together the wording
150 for changes that the commission would like to see changed. When the commission is
151 comfortable with it, then they will take a vote and if the recommendation passes it is then sent
152 to the council for their approval. The Commission reminded Mr. Faulkner that the purpose of
153 this ordinance is because we have no protections again mines or gravel pits in the town and
154 they want to prevent another one from coming to the community, which is the real reason
155 why this ordinance started in the first place. The Commission encouraged Mr. Faulkner and
156 Mr. Carson to take the current draft of the mining ordinance and mark any changes that they
157 would like to see made, and then come back and present them to the Commission. The
158 commission wanted to hear and see what they really wanted changed. The Commission
159 feels like Genola has enough gravel pits already. It was determined that the commission
160 needs to have the City Attorney here to help with the intent of the Town Council and with the
161 wording.
162 b. Commissioner Beagley made a **Motion** to table this discussion to the next meeting.
163 Commissioner Fitzgerald **Second** and the motion **Passed** all in favor.
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165 **10. Discussion and possible action on a subdivision ordinance amendment.**

166 a. Chairman Rosenberger made a **Motion** to table this discussion till the next meeting. Chairperson
167 Beagley **Second** and the motion **Passed** all in favor
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169 **11. Motion to Adjourn**

170 a. Commissioner Beagley made a **Motion** to Adjourn. Commissioner Fitzgerald **Second** and the
171 motion **Passed** all in favor. The meeting was then adjourned at 8:23pm.
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173 Minutes prepared by Deputy Clerk Nicole Preston
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175 Minutes Approved on 10/7/2021

To see the signed copy please visit the town office
Lucinda Thomas City Recorder
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