

**Genola Town
Planning Commission Meeting Minutes
November 4, 2021**

Planning Commission Present: Chair John Rosenberger, Commissioners: Avery Fitzgerald, Thad Rowley, Calvin Ewell, Norm Beagley, Tami Balzly

Staff Present: Lucinda Thomas, Nicole Preston, Josh Nielsen

Public Present: Alma Bradshaw, Cory Bench, Chris Wilson, Jun Khaysavang, Jake Thompson, Dick York, Norma York, Kent York, Ben Carson, Allen York, Tracie York, Jason Hunsaker, Rich Dresden, Amy Lyman, Lynn Fowers, Sherryl Fowers

7:00 p.m. PLANNING COMMISSION MEETING:

1. Chair Rosenberger called the meeting to order at 7:01pm.

- a. Opening prayer was given by Calvin Ewell
- b. Pledge of allegiance led by John Rosenberger
- c. Public Forum - there was no one signed up for the public forum

AGENDA ITEMS:

2. Approval of the Planning Commission meeting minutes from October 7, 2021.

Commissioner Balzly made a **Motion** to approve the Planning Commission meeting minutes from October 7, 2021. Commissioner Fitzgerald **Seconded** and the motion **Passed** all in favor.

3. Planning Commission Chairman Report – Chairman Rosenberger stated that he would just report during commission comments.

4. Public Hearing: The purpose of this public hearing is to consider a proposed zone change petition from A-1 Agricultural Zone to the I-1 Light industrial Zone for the property owned by Ben Carson Parcel #29.029.0042 and 29.029.0040 located at approximately southwest of intersection 1175 E Hwy 141 in Genola.

- a. Lynn Fowers – He addressed the Commission and said that he was worried about what the plan was for the land. He brought two different apples from their most recent harvest, one from their lake farm and the other from their Genola farm. He showed the difference in size and credited a majority of that to dust and mites that he believes have caused the decline in their product. He continued on stating that because of the dust they also lost part of their crop. He's worried that with a zone change that would allow the use of the land to become detrimental to the farmers in their community. He stated that in some instances there is no way to clean an apple near the stem nearly enough to get all of the dust out and that can hurt their pricing.

- 48 b. Rich Dresden – Told the commission that he has terminal cancer that was
49 caused by contaminants and moved to Genola to be away from those
50 contaminants, which seem to be following him. He mentioned that not only
51 would a truck yard bring dust, but it can also bring the extra pollution, noise,
52 chemicals, etc. into the community as well. He understands the concerns of the
53 farmers and would like to see the planning commission not recommend this
54 zone change.
- 55 c. Sherryl Fowers – She got up and talked about the hit they had to take due to the
56 size of the apples, the bugs that were rampant this season, and price drop that
57 they had to endure. With the influx of the bugs there is still only so much that
58 they are allowed to spray per government regulations. She was worried about
59 the irrigation pond that is on this property and how this business could
60 negatively impact the quality of the pond that is on the property requesting the
61 zone change.
- 62

63 Commissioner Thad Rowley joined the meeting at 7:29pm

64

65 **5. Discussion and possible action regarding a proposed zone change from A-1**
66 **Agricultural Zone to the I-1 Light Industrial Zone for the property owned y Ben**
67 **Carson parcel #29.029.0042 and 29.029.0040 located at approximately southwest**
68 **of intersection 1175 E and hwy 141 in Genola.**

- 69 a. The Commission invited Ben Carson to come forward and state his case. There
70 were several questions brought forward, including what the intended use of the
71 land was for, why the need to change to I-1, how he planned to develop the
72 land, what would be the plan for the pond, etc. Mr. Carson stated that he had a
73 excavation company and that his intended use for this land was to level some of
74 the land off, which he would have to do, build a shop, and use it as a yard for his
75 trucks. He stated that he had no long term plans to mine or anything like that
76 but that he would need to level off the land which would require some
77 excavation work. He didn't have a timeline for how long that would take or for
78 how much of the land that would apply to. He mentioned that in the future he
79 would like to bring in some material like wood chips, decorative rock, dirt, to sell
80 for landscaping use. When questioned about what he planned to do about the
81 dust, he stated that just like he has to keep the dust down on his current yard he
82 would put down rotomill, and of course keep it watered down. The Commission
83 questioned him on where he planned to get the water from, as he had previously
84 stated that he didn't have any water on that property. He didn't have an answer
85 for that at the time. He was questioned about what his timeline was for getting
86 the development of the land done, and he said that he didn't know that yet, right
87 now he is just putting together a concept of what he wants to do with the land.
88 He stated that he does own adjacent properties that are actually in the county.
89 He has had several companies contacting him expressing interest in purchasing
90 his county land as it is already zone mining and grazing. Mr. Carson stated that
91 during this meeting he has already learned a lot about dust and how it can affect
92 this community. Commissioner Beagley mentioned to Mr. Carson that it might
93 be beneficial for him to try again in a couple of months with a more detailed plan

of what the land will be used for and how it will be developed. After much discussion Chairman Rosenberger asked for a motion.

- b. Commissioner Balzly made a **Motion** to not recommend to the town council a zone change from A-1 Agricultural Zone to I-1 Light Industrial Zone for the property owned by Ben Carson Parcel #29.029.0042 and 29.029.0040 located approximately Southwest of intersection 1175 E and hwy 141 in Genola. Commissioner Ewell **Second** and the motion **Passed** all in favor.

6. Discussion and possible action regarding a site plan for a new home for Alma Bradshaw in the Valley View Subdivision Plat A Lot 11 Parcel #54.216.0011 located at approximately 1625 N 50 W.

- a. The Commission review the site plan and went through the checklist. They found the site plan to be complete.
- b. Commissioner Beagley made a **Motion** to approve the site plan for a new home for Alma Bradshaw in the Valley View Subdivision Plat A Lot 11 Parcel #54.216.0011 located at approximately 1625 N 50 W. Commissioner Rowley **Second** and the motion **Passed** all in favor.

7. Discussion and possible action regarding a vicinity Map for Buncher Acres Subdivision owned by Cory Bench located at approximately 400 W Center St.

- a. Mr. Bench owns a parcel that is zoned A-1 and is 10 acres. This plat is currently owned by a Mr. Bench and his partner, Mr. Bench stated that their desire is that he wants to build a home and the other partner wants to farm the remaining land. Mr. Bench wants to build a home but is concerned as the way the ordinance reads it would require him to put in the proposed road of 400 west. Mr. Bench feels like putting in the proposed road would be unnecessary and asked the commission if this would really be required. The commission told him If he rezones to R-1 and subdivided that he would have to put in the road, if they split the parcel in half and remain an A-1 zone they would have to put in the road, as the code stated that all subdivisions require that all proposed roads be put in at the time of development. Mr. Bench was told that the only way Mr. Bench would be able to build a house on that lot would be for the lot to remain unchanged and build his home facing center street.
- b. Chairman Rosenberger made a **Motion** to Deny the Vicinity Map for Buncher Acres subdivision owned by Cory Bench located at approximately 400 W Center Street. Commissioner Beagley **Second** and the motion **Passed** all in favor.

8. Discussion and possible action on a Vicinity Map and Preliminary Plat for York Farm Estates owned by TKW Holding LLC, located at approximately 783 W 2400 N Parcel #29.016.0056 & 29.016.0057.

- a. Chairman Rosenberger explained the reason why this preliminary Plat was before them again, as a couple of months ago they already approved one. It was explained that in the last town council meeting there were only three members in attendance, when the vote was taken it was a two to one vote which meant by state law that the subdivision failed. TKW has since gone and modified the plat slightly and submitted a new application.

- 140 b. TKW representative Chris Wilson went through the changes individually,
141 Commissioner Beagley then asked a couple of questions, regarding what the
142 proposed easement going east west was for. TKW and Mr. Nielsen the town
143 attorney explained that this was done at the request of the town council to help
144 with future planning for connectivity. It was only listed as an easement and
145 Commissioner Beagley requested that it actually be dedicated to the Town so
146 that later down the road the city didn't then have to go through a purchase
147 agreement. It was agreed that this change needed to happen. They also
148 wanted the surveyor to put a pin in all four corners (8 pins all together) to mark
149 the road dedication to prevent other from enjoying the property. They then
150 began the checklist and found that the plat was missing a road name for the
151 main road and where they had written proposed water main and proposed
152 power conduit etc. the entire plat should be updated to take out the word
153 proposed. This would eliminate any possible confusion as to what would be
154 installed and what wouldn't. It was also noted that the main road running North
155 and South was not dedicated to the town and it would need to be.
156 Commissioner Beagley made the clarification that this subdivision would still be
157 leaving the little 100 ft by 100 ft parcel owned by Jeannette Parker as it is, TKW
158 responded that yes it would be left as is
159 c. Commissioner Balzly made a **Motion** to approve the preliminary plat with the
160 following contingencies
161 i. The Main road that runs North and South needs a name
162 ii. The Main Road and the undeveloped east west road need to be marked
163 as dedicated to the town.
164 iii. Surveyor pins will need to be placed at all 8 corners or the east west
165 road.
166 iv. Remove all the words proposed

167 Commissioner Fitzgerald **Second** and the motion **Passed** in a five to one vote.

168 The voting was as follows:

169 Yay

170 John Rosenberger

171 Tami Balzly

172 Avery Fitzgerald

173 Calvin Ewell

174 Thad Rowley

Nay

Norm Beagley

175
176 **9. Discussion and possible action regarding a proposed amendment to the**
177 **subdivision ordinance.**

- 178 a. City Attorney Josh Nielsen got up and stated that he had brought the wrong set
179 of documents so he did not have the actual draft of subdivision ordinance. He
180 verbally went over the changes that had been drafted and asked if there were
181 other changes that they felt needed to go in the document. The Commission
182 had no other change requests. Mr. Nielsen stated that he would email out those
183 drafts the following day and recommended that the commission request that a
184 public hearing be scheduled for the next meeting on these changes. Chairman
185 Rosenberger then asked City Recorder Lucinda Thomas to file that public
186 notice.

- 187 b. Commissioner Beagley made a motion to table this discussion till the next
188 meeting. Chairman Rosenberger Second and the motion Passed all in favor.
189

190 **10. Discussion about upcoming planning commission members terms.**

191 The commission discussed about whose terms would be coming up in the coming year
192 and what their intention might be. The Commission members who are up are Norm
193 Beagley, Tami Balzly, and Brad Dinkel. Chairman Rosenberger asked those members
194 to report back to him before the next meeting what their intentions were. Ms. Thomas
195 then spoke up and stated that there was a resident in the audience named Amy Lyman
196 who came to the meeting to express her interest in possibly serving on the planning
197 commission. The commission spoke with her for a bit and thanked her for taking an
198 interest in serving her community. Chairman Rosenberger told her that they would
199 have more information about possible vacancies in the coming months.
200

201 **11. Commission Comments**

- 202 a. Chairman Rosenberger reported that the Town Council passed the mining
203 ordinance.
204 b. Commissioner Rowley asked about the water situation and expectations for the
205 next year. Chairman Rosenberger stated that the town council keeps telling him
206 that the water situation is fine, but that the well does keep going down.
207 Commissioner Rowley then asked if there was anything that the commission
208 could do that would deter people from using their culinary water to water
209 orchards and lawns. It was explained to him that it would require the town
210 council to raise the water rates and use a usage tier, but the town council has
211 been reluctant to do that because there are dairy farmers in town who use the
212 culinary water year round.
213

214 Chairman Rosenberger made a **Motion** to adjourn. Commissioner Beagley **Seconded**
215 the motion and the motion was **Passed** all in favor. The meeting was adjourned at
216 8:57pm.
217

218 Minutes prepared by Deputy Clerk Nicole Preston
219
220

221 Approved on: December 2, 2021

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