

Planning Commission Meeting
June 19, 2008

Planning Commission members present: Chairman Marty Larson Nikki Anderson Danny Lundell Rex Barney, Seth Orton, Mark Davis, and James Bertschi. Those in attendance: Mark Gheen, Melissa Thomas, Bob Stowe, Emily Clinger, Rory Nielsen, Steve Painter, G. Troy Wright, Mae Ewell, and Sam Henstra.

Meeting was opened at 7:33P.M.

Mark Gheen offered the prayer. Chairman Larson led the Pledge of Allegiance.

Mr. Barney made a motion to open the public hearing regarding the proposed annexation policy. Mr. Bertschi made the second. No further discussion was made. All voted aye. Motion carried. Public hearing was opened at 7:36 P.M. Emily Clinger asked if this was a general plan for anyone who wished to annex. Chairman Larson stated that this is a new policy and a general policy had not existed prior to this policy. Mr. Lundell made a motion to close the public hearing regarding the annexation policy. Chairman Larson made the second. No further discussion was made. All voted aye. Motion carried. Public hearing was closed at 7: 38 P.M.

Chairman Larson made a motion to open a public hearing regarding nonconforming lots. Mr. Orton made the second. Public hearing opened at 7:38 P.M. Emily Clinger wanted to know what the details are regarding nonconforming lots. Mr. Larson stated that it offers guidelines to maintain the safety and integrity of adjacent properties to the nonconforming lot. Mrs. Clinger wanted to know if buildable defined only homes. If legal discription was beyond an owner's control, the lot may remain a nonconforming lot of record. Should this issue arise, it may be directed to the board of adjustments or Planning Commission. The inspector in Santaquin reviews ordinances to enforce setbacks, land use, etc. in order to enforce the ordinance to better assure health, safety, welfare, etc. of the town. People currently can build on a nonconforming lot, and should this ordinance go into effect it should help enforce safety and welfare. Previously, lawsuits have been filed against towns and people were allowed to build anyway, but this ordinance should help clarify. Chairman Larson made a motion to close the public hearing. Mrs. Anderson made the second. No further discussion was made. All voted aye. Motion carried. Public hearing closed at 7:50 P.M.

Discussion was made regarding the Annexation Policy. Chairman Larson stated he had one concern about recommending the Annexation Policy to the Town Council. He stated that at one point a citizen told him that the town should not annex to gain money. The Annexation Policy states that the sole purpose of annexation is not for money. Mr. Lundell made a motion to recommend for Town Council approval the annexation policy. Mrs. Anderson made the second. No further discussion was made. All voted aye. Motion carried.

Chairman Larson stated it is a concern of a citizen on how emergency vehicles can have adequate access to non conforming lots. Seth Orton stated that legal right-of-way areas must be considered as frontage (recorded easements). Mark Davis questioned the frontage for roads on conforming lots. The county records state that right-of-ways are not frontage. Some people in

Genola still own to the middle of the road. What happens when people own to the middle of the road? Is there road frontage in this situation? Mr. Larson would like to table this issue. Mr. Davis and Mr. Orton will both research this issue and report at the next meeting. Please put this issue on the next agenda! Mr. Barney doesn't see the point of restricting the 30 percent area for accessory buildings. Number 6 on the yard requirements will be removed.

The Scott Peterson/ Genola Heights Subdivision was reviewed. The Planning Commission is reviewing the final plat of the subdivision. Chairman Larson reviewed and read the final plat map requirements (20-13-04 #3). Mr. Peterson needs a mylar of the final plat. Nikki Anderson stated that the final plat is nonconforming and inconsistent with drawings and plats seen previously. She states that the lots go to the middle of an easement rather than a dedicated road. She will not vote to recommend for approval the final plat for this reason. Mr. Orton recommends that they recommend this contingent upon the Town Council reviewing this final plat directly concerning the issue regarding the ordinance defining the lot size (to the middle or edge of the road?). The cul-de-sac width needs to be 60' instead of the written 56'. Mr. Bertschi wanted to know if the Town Council has a list of contingencies to ensure that they are seen and completed prior to the signing of the mylar. Mr. Peterson stated that he could move part of a proposed dedicated road. Land had to be dedicated to the state along Highway 6 (0.5 acre). Mrs. Anderson stated that she understood the lots were 2.5 acres after the road or easement was removed. She feels that his excuse for not knowing his property was across HWY 6 is unacceptable. Mr. Orton made a motion to recommend the Town Council review and approve the Genola Heights Subdivision contingent upon it meeting the subdivision ordinance requirements and previous contingencies (letters from UDOT for subdivision access form HWY6, 60' entrance to cul-de-sac). Chairman Larson made the second. Chairman Larson stated that a road on a plat is recorded, it dedicates the road. Mr. Orton and Chairman Larson for. Mrs. Anderson, Mr. Lundell, Mr. Davis, and Mr. Bertschi against. Mr. Barney abstained. Motion died. Mr. Peterson wishes to withdraw and bring his petition back next month with changes made.

Business license for Lawrence Lavery Equipment Repair was reviewed. Mr. Barney made a motion to approve the Lavery Farms Service business license. Mr. Bertschi made the second. No further discussion was made. Motion carried.

Business license for Andra Stowe configuring scrapbook and storage containers was reviewed. All products are stored in a warehouse. She is responsible for drop shipping to the purchaser. Mr. Lundell made a motion to approve business license application for Andra Stowe. Mr. Larson made the second. No further discussion was made. Motion carried.

Discussion was made regarding alternative energy and wind turbines. Mr. Bertschi reported his research. South Jordan city has an ordinance. Information was taken from South Jordan, Rocky Mountain Power, and the actual product producers. Information was gathered that is designed to protect the company and the homeowner with the metering system. San Bernardino restricts the number of windmills by acreage, other places restrict by number of kilowatts. Credit expires every calendar year. He restricted height of the tower to 50' and solar panels to the size of the house roof. Rocky Mountain Power states that all electrical code requirements must be met. The landscape of the community should not be affected. Leeway was given for trackers on a freestanding mass, but a building permit will be required. If the homeowner will not net meter,

they do not need to meet the requirements of Rocky Mountain Power, but do need to do it legally with a building permit and proper inspections. Mr. Bertschi is open to discussion regarding the setback distance for the tower. Mr. Bertschi read codes and regulations. Only output was restricted. Mr. Bertschi tried to keep the ordinance the least restrictive as possible. Chairman Larson had some questions that Mr. Bertschi researched. The average house uses 22-23 kW per day, and these alternative systems produce roughly 25kW per hour. Do neighbors need to be notified when a person applies for a building permit regarding alternative energy? As long as there is a policy and its legal, neighbors should not be notified because it is considered a right. This is not considered conditional use. This needs to be a simple set of standards people need to meet prior to obtaining the building permit. Height requirement for buildings is 35'. Net metering and inspection requirements should be left in the ordinance, more for informational purposes, because Rocky Mountain Power rather than the Town of Genola controls and monitors the grid. Rocky Mountain Power is allowed to rewrite their requirements without the town having to change their ordinance. Direction of the windmills is for the safety of the windmills and the electrical system. Override protection system is written in the ordinance to control blade rotation at wind speeds in excess of 40 mph. Should a brake be required on windmills at a certain wind speed? These systems should be done by a licensed electrician (anything over \$1,000 should be done by a licensed electrician). Is agricultural or residential zoning going to determine agricultural or residential use? Planning Commission would need to be consulted for alternative energy sources other than wind or solar. The Setback distance was discussed. 25' from the property line was the general consensus on a reasonable setback. Homeowners' liability insurance was discussed. Mr. Bertschi will email this to all Planning Commission members within 5 days. This issue needs to be on the agenda next month (3rd Thursday in July) with a public hearing.

Planning Commission term length was discussed. Mr. Davis made a motion that the term for commission members to be changed from six years to four years. Mr. Lundell made the second. No further discussion was made. All voted aye. Motion carried. There must be a public hearing for this next month.

Approval of minutes was moved to the next meeting.

Mr. Barney made a motion to adjourn. Mr. Davis made the second. No further discussion was made. All voted aye. Motion carried.

Meeting adjourned at 9:53 P.M.

Approved by _____ Date _____