

**NOTICE AND AGENDA OF
FAIRVIEW CITY PLANNING COMMISSION MEETING
7:30 p.m. Thursday, August 3rd, 2023
Fairview City Building
85 South State Street
Fairview, Utah 84629**

Notice is hereby given that Fairview City Planning Commission will hold its regular scheduled meeting on the 3rd of August, 2023 at the Fairview City Hall, 85 South State Street, Fairview, Utah, which meeting shall begin at 7:30 p.m. The agenda shall be as follows:

1. Call to Order: Chair Jason Mardell
2. Invocation by Invitation:
3. Approval of Minutes from Previous Meeting
4. Appearances
 - a. Brandon and Lachelle Cook – Canyon Road Cabins
5. Topic of Discussion
 - a. Building Setbacks Ordinance
 - b. Road Cuts Ordinance
 - c. Short-Term Rental Safety Inspections
6. Planning Commission Reports:
 - a. Jason Mardell
 - b. Daniel Madsen
 - c. Talon Peterson
 - d. Davis Glad
 - e. Lindsey Barker
 - f. Councilman Mike MacKay
7. Adjourn

Dated and Posted this 31st of July, 2023

Nathan Kent Nelson

By _____
Nathan Kent Nelson, Planning Commission Secretary

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Nathan Nelson, City Recorder at 435-427-3858 at least 24 hours before the meeting.

CITY OF FAIRVIEW
PLANNING COMMISSION MEETING
85 South State Fairview, Utah
July 6, 2023

7:30 P.M. REGULAR SESSION - COUNCIL CHAMBERS

CONDUCTING	Davis Glad
ELECTED OFFICIALS	Lindsey Barker, Talon Peterson, and Davis Glad
ABSENT	Jason Mardell
APPOINTED STAFF	Nathan Kent Nelson; City Recorder, Steve Gray; Police Chief, Jeff Cox; Assistant Fire Chief

CALL TO ORDER

INVOCATION – Talon Peterson

APPROVAL OF MEETING MINUTES

- June 1, 2023 Meeting Minutes

Mr. Peterson moved to approve the minutes as listed. **Ms. Barker seconded** the motion. The motion **passed unanimously**.

APPEARANCES

Brandon Cook – Canyon Road Cabins

Lachelle Cook stated they have RV hookups and two cabins for rent on their property. She stated they would like to be able to rent the RV spots for more than 29 days. Lachelle asked if they could be allowed to rent these spaces for up to six months?

Mr. MacKay stated the Council suggested setting different regulations on RVs.

Mr. Glad asked Ms. Cook to write up a contract for renters planning to stay more than 29 days. He stated he would like to see this contract outline cleanliness standards, storage standards, etc. Mr. Glad then asked Ms. Cook to bring this to the next Planning Commission Meeting. If the Commission approves of this contract, they will issue a conditional use permit at that point.

TOPICS OF DISCUSSION

Shed Setbacks

Ms. Barker stated the current setbacks for all buildings on properties are at least 8 feet from the fence line. She then went on to introduce changes to this within the new ordinance, many of which allow for smaller setbacks.

Ms. Barker showed examples of what kinds of buildings would and would not be allowed under the new draft ordinance.

Mr. Glad suggested adding a statement into the ordinance which says if a building is within three feet of the property line, snow mitigation measures should be taken.

The Commission suggested maximum sizing limits should be clarified and maintaining a 12 access to the rear of the property would be a good idea.

Ms. Barker stated she will adjust the ordinance and bring it back to the Commission for review at the next meeting.

Airbnb Approval and Inspection Process

Mr. MacKay stated the ordinance passed on ADU's by the Council requires a safety and fire inspection and asked what method of inspection the city should use, and when they should require these inspections. Mr. Cox stated they should just do a standard state inspection. Mr. Glad expressed how he feels properties should be inspected during the process of getting your business license, but not an inspection on a regular basis.

The Planning Commission agreed properties should be inspected and then approved by the Council before having a business license issued. The Commission then agreed to continue the discussion at the next meeting.

ADJOURNMENT

Ms. Barker moved to adjourn. **Mr. Peterson seconded** the motion. The motion **passed unanimously**.

The meeting adjourned at 9:15pm.

TITLE TEN - STREETS AND SIDEWALKS

CHAPTER 1 - IMPROVEMENTS, EXCAVATIONS, ALTERATIONS

10-1-010. Control - Supervision.

All maintenance and upkeep in or on public streets, sidewalks, or other public ways shall be under the supervision and control of the public works director.

10-1-020. Responsibilities.

The public works director shall have the following responsibilities with respect to streets and sidewalks:

- A. Enforce provisions of this chapter and all other ordinances relating to the maintenance and use of streets, culverts, drains, ditches, waterways, curbs, gutters, sidewalks, and other public ways.
- B. Inspect the construction and have charge of maintenance and repair of streets, sidewalks, bridges, curbs, gutters, culverts, drains, waterways, and other public ways.
- C. Keep a record of and promptly investigate all complaints of defective streets, culverts, drains, ditches, sidewalks, and other public ways and, when proper, repair, replace, or take such action as deemed best in order to protect the public from injuries due to such defects, and shall record the action taken on each complaint.

10-1-030. Permits required.

- A. No person, firm, partnership, corporation, or entity of any kind shall open up, break, dig, excavate, construct, reconstruct, repair, alter a grade in or upon any public street, sidewalk, curb, curb cut, driveway, or gutter for any purpose or in any manner commence any construction in or upon any public street or sidewalk without first procuring from the city engineer a permit for the specific construction or other work to be undertaken.
- B. Any person, firm, partnership, corporation, or entity of any kind desiring to obtain a permit to construct, reconstruct, repair, alter, or grade any sidewalk, curb, curb cut, driveway, gutter, or street on the public streets of this city shall meet the following requirements in order to obtain said permit, provided, however, that city crews, engaged in any of the above activities while employed by the city, shall be exempt from the permit required herein:
 - 1. Provide the name and address of the party obtaining the permit;
 - 2. Provide the name and address of the party doing the work;
 - 3. Provide the location of the work area;

4. Attach a plan showing the details of the proposed alteration;
5. Provide the estimated cost of the alteration;
- (Ord. No. 2-13-96 – Section 10-1-030(B)(6))
6. Provide a bond in the amount of 125 percent of the City's estimate of the cost of the project;
7. Have the party performing the work pre-qualify, using the forms provided by the city as they may from time to time be changed;
8. Pay a filing fee for the permit to cover the actual expenses incurred by the city in inspecting the work and insuring compliance with the permit, the plans, and any applicable laws, such as the building code, fire code, etc, including compliance with standards to be established by the city in order to insure safe and quality construction;
9. Provide proof of insurance in the minimum amounts set from time to time by the City Council;
10. Contact "Blue Stakes" and comply with their requirements.

- C. It is unlawful for any person having made an excavation in any street or sidewalk, whether by permit or otherwise, to fail, neglect or refuse to restore or replace said street or sidewalk to its normal condition. The replacement of any street or sidewalk must be made to the specification of the city as determined by the public works director or other authorized person. Any restoration or replacement shall be completed within five days of notice from the City to do so.

10-1-040. Barricades.

It is unlawful for any person, by or for whom any excavation, construction, reconstruction, repair, or alteration made in a public street or sidewalk, to fail to cause a barricade, rail or other sufficient fence to be placed so as to enclose such excavation, construction, reconstruction, repair, or alteration made in a public street or sidewalk, together with the dirt, gravel or other material thrown therefrom, and to maintain such barricade during the whole time for which such excavation, construction, reconstruction, repair, or alterations is made in a public street or sidewalk, continues. It is unlawful for any person to fail to have lighted lanterns or some other proper and sufficient lights fixed to parts of such barricade, or in some other proper manner over or near the excavation, construction, reconstruction, repair, or alteration made in a public street or sidewalk, and over and near the dirt, gravel or other material taken therefrom, and so kept from the beginning of twilight through the whole of every night during all time such excavation, construction, reconstruction, repair, or alteration in a public street or sidewalk is ongoing. It is unlawful for any person maliciously or wantonly and without legal cause, to extinguish,

remove or diminish said lights or to tear down or remove any rail, fence or barricade fixed in accordance with the provisions of this section.

10-1-050. Violation - Penalty.

Any person found to be in violation of any of the provisions of this chapter is guilty of an infraction.

CHAPTER 2 - OBSTRUCTIONS

10-2-010. Obstructions Unlawful.

It is unlawful for any person to place or allow any obstruction in, on, or near any street or sidewalk, or other public way.

10-2-020. Sign Restrictions.

No sign, advertisement, or similar object is permitted on, in, or overhanging any street, sidewalk, public property or right of way, nor upon any public structure.

10-2-030. Remedies.

If a person violates the provisions of section 10.2.020, the chief of police or any police officer may:

1. Remove such sign, advertisement, or similar object;
2. Require such person to remove the same;
3. Give written notice to such person to remove such sign, advertisement, or similar object by personal service or by mailing notice to such person by certified mail, return receipt requested, to his/her last known address. If such sign, advertisement, or similar object is not removed within ten (10) days after notice is complete, the city may remove the same at the expense of such person and recover in a civil proceeding the cost and expenses of such action, including attorneys fees, which remedy is in addition to any criminal penalties which may be imposed.

10-2-040. Exceptions.

Nothing in this chapter shall be construed to make unlawful the setting out of rubbish, branches, garbage, and light materials at such times, and in such places, and such manners as the City Council may designate pursuant to public interest projects such as cleanup day or city beautification projects; provided that such materials may not be placed or allowed to accumulate or remain on the streets, alleys, sidewalks, public ways, or other public property of the city at any time, in any place or any manner other than as determined by resolution of the City Council.

10-2-050. Violation - Penalty.

The person found in violation of this chapter is guilty of an infraction.

CHAPTER 3 - SIDEWALK INSTALLATION

10-3-010. Installation.

- A. All subdivision plats and commercial site plans shall provide curb, gutter, and sidewalk throughout the subdivision or site plan in accordance with the City Construction and Development Standards. (Ordinance #11-07-18)
- B. In the event of a residential dwelling being built on a lot that has no curb, gutter, sidewalk, sidewalk shall be installed along the full frontage of the property or if either of the adjoining properties have existing curb and gutter the property owner shall be required to install curb and gutter and connect to any existing curb and gutter on either end of the property. In the event of residential remodeling involving living space where there is no existing curb, gutter, sidewalk, or asphalt connecting the curb and gutter to existing asphalt, the property owner shall be required to provide sidewalk along the full frontage of the property, plus asphalt from existing street asphalt to the driveway, for the entire width of the driveway, if the cost of remodeling \$25,000.00 or greater. If the cost of remodeling is \$65,000.00 or greater and either of the adjoining properties have existing curb and gutter the property owner shall be required to install curb and gutter and connect to any existing curb and gutter on either end of the property, and provide asphalt, tying the new curb and gutter to existing asphalt. (Ord. No. 8-13-96) (Ord. No. 12-1-99) (Ord. No. 4-18-01) (Ordinance 8-06-08-C) (Ordinance #11-07-18)
- C. Corner lots must provide curb, gutter, and sidewalk along the full frontage on both sides street, unless the council has granted a waiver. (Ordinance #11-07-18)
- D. All new construction of an industrial and commercial business shall provide curb, gutter, and sidewalk along the frontage of their property in accordance with the City Construction and Development Standards. In the event of commercial or industrial remodeling with an expansion of working space or having a cost greater than \$30,000.00, where there is no existing sidewalk, curb, or gutter, the property owner shall be required to provide curb, gutter, and sidewalk along the entire property frontage (including all sides of corner lots.) Agricultural processing plants, slaughter houses, green houses, veterinary clinics, and similar non-traditional agricultural businesses shall also provide curb, gutter, and sidewalk along the frontage of their property in accordance with the City Construction and Development Standards. Traditional agricultural uses are not required to install curb, gutter, and sidewalk if they are located in the A-1 Agricultural Zone (ordinance 71917B) (Ordinance #11-07-18)

10-3-020. Standards.

Curb, gutter, and sidewalk installation required by this chapter shall be in compliance with the specifications and standards set forth in the Salem City Construction and Development Standards.

10-3-030. Survey.

The contractor is to obtain and pay for a survey for the grade and location of the sidewalk, which grade and location must meet the approval of the city.

10-3-040. Bond.

A performance bond in an amount sufficient to cover the cost of curb, gutter, sidewalk, and asphalt, where those improvements are required by §10-3-010, in an amount to be determined in the sole discretion of the Public Works Director, is to be posted by the contractor or by the property owner. This bond is to be valid for a period of one year. When the curb, gutter, sidewalk and/or asphalt are completed within one year, to the satisfaction of the City, the bond may be released. In the event of inclement weather, the time for completion may be extended by the approval of the Council and with an extension of the bond. Any extension for completion may not exceed three months. (Ord. No. 7-25-95C – Section 10-3-040) (Ord. No. 8-16-96 – Section 10-3-040) (Ord. no. 12-1-99 – Section 10-3-040)

10-3-050. Violation-Penalty

- A. Any person found to be in violation of any of the provisions in this chapter is guilty of an infraction.
- B. **In addition to any Police Officer, the City Public Works Director is authorized to issue citations for any violation of this chapter, but not for violation of any other chapter.** (Ord. No. 11-17-04)

CHAPTER 4 – COMMERCIAL LANDSCAPING

10-4-010. Landscaping Required

All commercial establishments shall provide landscaping in accordance with this chapter. For all new buildings, the landscaping shall be installed prior to receiving a certificate of occupancy, unless occupancy is desired between October 1st and April 15th, then a cash bond in the amount of seven cents per square foot of total site area may be posted to guarantee the completion of the landscaping by May 31st following occupancy.

10-04-020. Plans

Landscape plans shall be submitted with a site plan for every commercial establishment. The landscape plan shall be submitted showing natural landscape with low water usage plants, shrubs, grasses, trees, and/or other approved landscape materials. The plans shall be consistent with this chapter. The plan will be approved by the Development Review Committee and the Planning and Zoning Commission. The approved plan shall be followed in order to obtain a certificate of occupancy.

10-04-030. Requirements

- a. The minimum setback requirements for the various zones shall be landscaped. Where overhead electric, communication, or telecommunication distribution lines are existing on public rights of way, appropriate landscape elements shall be chosen to minimize conflict with said lines.
- b. The frontages on arterial streets or state highways shall be planted with trees. Thirty foot intervals are recommended. The approved trees include Shade Master honey Locust, Sunburst Honey Locust, Little Leaf Linden, and Norway Maple. Other trees maybe approved by the Planning and Zoning Commission. All trees shall be one and one half inch caliper measured three feet from the ground. Frontages along SR-198 shall include a sidewalk and six foot minimum planter strip where feasible.
- c. Side yard setback areas that are open to view form public areas or residential properties need not have trees but should provide an aesthetic appearance using natural and low water usage plants, shrubs, and/or other approved landscape materials. Trees, may be used if desired.
- d. All landscaping shall include an automatic sprinkler system timed to provide no more water than what is needed for the type of foliage used in the landscaping.

10-4-040. Parking

No parking is allowed in the setback areas where landscaping is required.

10-4-050. Exceptions

The Planning and Zoning Commission may grant exceptions to the requirements of this chapter for existing structures where the setbacks, or existing sidewalks or other barriers physically make the requirements of this chapter impossible or very difficult. To the extent permitted by the layout, any exceptions should include some landscaping requirements. (Ord. No. 10-1-03)

EXCAVATION AND BACK FILL FOR TRENCHES

SECTION 1 – GENERAL. These specifications govern excavation and back fill or trenches for installation of storm sewer, irrigation pipe, sanitary sewer, gas, telephone, power, cable TV and water lines within the City. All company's/individuals must submit proof of insurance and license to work in city right of ways.

SECTION 2 – TRENCH SAFETY. All construction shall be done in accordance with the provisions of the Utah State Industrial Commission and OSHA regulations. Trenches shall not be left open at any time unless guarded with adequate barricades, warning lights and signs.

When required, excavation shall be braced and shored to support the walls of the excavation to eliminate sliding and settling and as may be required to protect workers, the work in progress and existing utilities and improvements. All such sheeting, bracing and shoring shall comply with the requirements of the Utah State Industrial Commission and OSHA.

Any injury or damage resulting from lack of adequate bracing and shoring shall be the responsibility of the developer/contractor shall, at his own expense, effect all necessary repairs or reconstruction resulting from such damage.

SECTION 3 – DE-WATERING EXCAVATION AREA. Any water that flows into any excavation during the process of work shall be removed. Any quick condition occurring in the soil within the trenching area shall be dried to an acceptable condition or removed and replaced with acceptable material.

SECTION 4 – STORAGE OF EXCAVATED MATERIAL. Any excavated material shall not endanger the work and shall not obstruct streets, sidewalks and driveways. Gutters and irrigation ditches shall be kept clear of all excavated material.

SECTION 5 – DISPOSAL OF MATERIAL. All excavated material in roadway shall immediately be removed from the site by the developer or contractor. Fountain Green City maintains 100% commercial spec roadbase for backfill on city streets or flowable fill. Digging in the shoulders of the road, excavated material may be used if it is suitable backfill, which shall be determined by the city manager.

SECTION 6 – TRENCH BACKFILL AND BEDDING. Backfill material shall be approved by the city. When necessary to dig a trench in the city roadway, all materials excavated must be replaced with $\frac{3}{4}$ " commercial spec road base. Road base or flowable fill must extend 3' beyond the edge of the roadway. Road base must be compacted at 8" intervals, with 3 tests taken, one in the middle and one at each end. If the trench exceeds 100 feet a test will be required each 50 feet. A compaction test of 96% + at half the depth of the trench and another compaction test done at asphalt grade must be submitted to the city before pavement can begin. As stated in Section 5, the homeowner/contractor may prefer to use flowable fill at which no compaction test is required.

SECTION 7 – HORIZONTAL BORING OR MISSILING. Fountain Green City requires that all public utilities be bored across any road. A missile can be used at your own risk. In the event that the missile does not work, the contractor/homeowner is required to directional drill bore. In the unlikely event that boring is not an option you must first seek approval from Fountain Green City to cut any street!

SECTION 8 – CUTTING AND REPLACING ASPHALT. When excavation is made in a paved street, t-cuts are required on all excavation projects. A minimum of 8" on each side of existing cut. All cutting of city streets will be done by a saw to provide vertical joints in the surface. All asphalt in city streets shall be a minimum 4" laid in 2" lifts or at current depth of asphalt; not be less than 4". The contractor/homeowner will guarantee a minimum of one year on any asphalt projects on city streets. From the start date of a project the homeowner/contractor will have the necessary repairs made to the asphalt within 10 business working days unless otherwise approved by Fountain Green City. Asphalt mix design must be approved by Fountain Green City. No cold mix is allowed without prior approval. Asphalt must be placed and rolled in uniform manner to asphalt guidelines. No plate compactors are allowed for finish of asphalt. Self-propelled roller with its own water system must be used, no exceptions. A compaction test of 96% may be required as deemed necessary by Fountain Green City. Asphalt must be tested the day it is placed.

SECTION 9 – WARRANTY. The contractor shall be responsible for the backfill, compaction and cleanup for 1 year after the completion of the job.

SECTION 10 – CUTTING INTO HALF THE ROAD. In the event that a contractor has to cut into the road to pick the sewer mains, they will be expected to bore the other half of the road to pick up water or other utilities.

SECTION 11 – WINTER CONSTRUCTION. If asphalt is unavailable due to winter shutdown of asphalt plants, cold mix must be used at a 3" depth until permanent asphalt can be acquired.

11A – Owner's deposit will be retained until permanent asphalt can be done. All replacement of winter cold mix will be done by July 1st.



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Utah Department of Public Safety

JESS L. ANDERSON
Commissioner

Utah State Fire Marshal

COY D. PORTER
State Fire Marshal

Final Fire Safety Inspection Self-Check Guide

The following list is intended to help provide you with an idea of the items that will be evaluated during a final inspection for a Fire Safety Clearance Certificate. ***This is NOT a comprehensive list.*** We recommend that you contact the Deputy State Fire Marshal in your area for specific requirements based on the type of construction and occupancy type.

Fire Sprinklers System:

- ☐ Main Drain Test: To record the static and residual pressures available at the sprinkler riser.
- ☐ Inspector's Test: To evaluate the time delay for activation of the fire alarm system and verify the activation of the water motor gong or electric bell upon water flow
- ☐ Test the tamper switches on the riser
- ☐ Evaluate the sprinkler head coverage throughout building
- ☐ Provide documentation of the "Underground" test, the "Above ground" test and materials certificates
- ☐ Verify that there is a box with the correct number and type of spare sprinkler heads and a wrench available
- ☐ Verify that the FDC Cap(s) are in place
- ☐ Verify that the hydraulic calculation sticker is attached to the system riser and that the main drain test values fall within the hydraulic calculations of the system
- ☐ Verify that the Main Drain and Inspector test valves are labeled

Electrical:

- ☐ Verify that all electrical panels are labeled and have no open spaces
- ☐ Verify the emergency lighting coverage throughout areas of egress and areas of assembly over 50
- ☐ Verify generator operation within 10 seconds of power failure if required
- ☐ Verify smoke detector placement *{NO detectors within 3 feet of any HVAC diffuser}*
- ☐ Verify that magnetic hold open devices allow doors to close on alarm activation
- ☐ Verify that magnetic locking or security devices fail open on alarm or loss of power

Fire Alarm Panel:

- ☐ Conduct a 24-hour battery test *{Power to the fire alarm panel MUST be disconnected 24 hours prior to this test unless otherwise indicated}* Test requires that batteries are able to carry the full current load of the alarm system for at least 5 minutes after being disconnected from power for 24 hours Test all horn/strobe units and pull stations
- ☐ Test for open circuit and ground fault problems within the system
- ☐ Verify that devices are labeled and that a map of devices is posted at the alarm panel
- ☐ Verify that a monitoring company monitors the alarm system if required

HVAC:

- ☐ Verify that systems over 2,000 CFM have air return duct detectors and shutdown on alarm activation
- ☐ Verify operation of all fire and smoke dampers including access panels to these devices

General:

- ☐ Verify that all exits provide egress to a public way
- ☐ Inspect and verify function of kitchen hood extinguishing systems
- ☐ Verify fire extinguisher coverage including a type "K" extinguisher in commercial kitchens where required
- ☐ Verify location and operation of exit signs
- ☐ You should also have your approved plans onsite for review