

Fountain Green Planning Commission Meeting
Fountain Green City Hall (basement, Room A)
July 13, 2023 7:31 p.m.

OFFICIAL MINUTES

Attendance: Bryan Allred, Stuart Krukiewicz, Mark Woods, Shelith Jacobson (substituting for Alyson Strait), Aimee Goble

Excuse: Riley Hansen (resigned), Jerime Ivory, Curt C. Lund, Clint Hansen, Tyler Smith

Citizens in Attendance: none

- Bryan calls the meeting to order and asks the Planning Commission members if they have any corrections to make to the minutes for the June 8, 2023 regular meeting of the Planning Commission that was emailed to them. Stuart motions to approve the minutes as written. Aimee seconds the motion and all approve.
- Eddie and Elise Hanson have come with an application for a permit to build a house on their 1.05-acre lot (exceeding the 0.455-acre minimum) at 134 West 300 North, serial #18122, in the Residential Agriculture (RA) Zone – not in the Federal Emergency Management Agency (FEMA) Special Flood Hazard Area (SFHA). The corner lot has 214.5' frontage on 300 North (greatly exceeding the 90' minimum) and 214.5' depth along 100 West (greatly exceeding the 100' minimum). Culinary water and sewer are both available on 100 West, but Mr. Hanson will hook into the lines running to the existing garage. There is an irrigation line running along the west property line 9' in from the fence line. The house will measure 54'x54' (2916 sq.ft.) on the main floor (greatly exceeding the 24' width and 960 sq.ft. minimums) and the basement will measure the same. The attached garage will measure 26'x38' (988 sq.ft.) and the eave height will be 9' (much less than the 21' maximum allowed) with a standard eave overhang. There will be a wrap-around, covered porch on the southwest side measuring 30'x8' on the south/front and 15'x8' on the west side. There will also be a covered patio on the north/rear measuring 14'x10'. The setbacks will be 25' on the front/south from the porch (meeting the 25' minimum), ~82.8' on the rear/north towards an existing cabin (greatly exceeding the 12' fire safety minimum), 14.5' on the east side towards the existing garage (exceeding the 12' fire safety minimum), 25' on the west side (exceeding the 12' minimum), and 16' from the irrigation line on the west (exceeding the 7' easement minimum). Signatures for the Fire Chief are on the application and the plans as required. Signatures for the Irrigation Water Master and the City Recorder (for payment of fees previously paid) are on the application as required. Stuart motions to approve the application for the Hansons to build a house on their property as described above. Mark seconds the motion and all vote in favor. Although Kurt Nielson already signed off on their setbacks, the Hansons will need to have him measure their setbacks again once they have staked out the area for the building's foundation. They will also need to submit their application and plans to the County on-line.
- Laura and Jim Beagley have come with a notarized statement from Mike Green authorizing them to speak for him in requesting a lot line adjustment between his 1.27-acre lot at 487 South 250 West, serial #18313x2 and his 0.412-acre grandfathered lot at 477 South 250 West, serial #18313x3. Basically, they are requesting permission to move the property line further south away from Itha Green's house at 477 South 250 West, serial #18313x3 (currently only 5' from the property line) and allowing the sewer line to run on her property

instead of the neighbor's property. The Beagleys draw the existing buildings on the plat maps (current and proposed) which helps the Planning Commission to see how this will affect the buildings. The resulting lots will measure 0.81 acre with 318' frontage (serial #18313x3) and 0.92 acre with 234' frontage (serial #18313x2) exceeding the 90' frontage and 0.455-acre minimums. The shortest depth of the new 0.81-acre lot (serial #18313x3) will remain the same at 76.61' (grandfathered) and the shortest depth of the new 0.92-acre lot (serial #18313x2) will increase from 117.22' to 144.0' (exceeding the 90' frontage requirement). Resulting setbacks for existing buildings will also meet or exceed Ordinance requirements. Stuart motions to approve the application for Mr. Green's lot line adjustment as described above. Aimee seconds the motion and all vote in favor. Heather will write a letter to the Sanpete County Recorder approving the request by Mr. Green for the lot line adjustment. Shelith wants to know why the Planning Commission is involved in a lot line adjustment – where in the Ordinances does it require Commission permission. Heather offers to look it up later (see Chapter 10.7 of the Land Use Ordinance).

- In response to a Notice of Violation, Marvin Bills submitted an application for a permit to add a covered patio onto the rear/west of his existing modular home on a corner lot at 120 South 500 West, serial #17977, in the RA Zone. It is not in the FEMA SFHA and will not have utilities. The porch has already been built and measures 12'x60' (720 sq.ft.). The setbacks are not applicable on the front/east where it attaches to the existing house, ~123.5' on the rear/west (greatly exceeding the 25' minimum), 29' on the north side towards 100 South (exceeding the 25' minimum), and 125.5' on the south side (greatly exceeding the 12' minimum). There are irrigation lines on the south and west property lines. Stuart is concerned that the patio was built by a contractor without a permit (required by the State) and suggests that the City Council should send the contractor a letter of reprimand. He is also worried about the strength of the attachment to the existing modular home – the County definitely needs to inspect this. After further discussion, Stuart motions to approve the application for a permit for the patio that was added to the rear of Mr. Bill's existing house as described above with a letter recommending a reprimand be sent by the City Council to the contractor and possibly to the owner as well. Aimee seconds the motion and all vote in favor. Heather will write a letter of recommendation as discussed above to the City Council.

- Bonnie and Devon Falkner have submitted an application for a permit to have Stuart Krukiewicz (contractor), remodel the attic of their existing house at 118 South State, serial #17954, in the Business Commercial (BC) Zone – not in the FEMA SFHA. Shelith asks why construction has already commenced without a permit and where in the Ordinances does it require permission from the Planning Commission for a remodel? Heather again offers to look it up later (see Chapters 4.5, 5.6, and 7.1). The Citizens' Guide explains that the City does not require a permit for remodeling, but the County does – the Citizens' Guide is not Ordinance! The Commission wonders if the City is liable for damages if a citizen remodels without a permit or inspections and a tragedy occurs? Shelith suggests asking the attorney(s) at the July 21-scheduled training meeting, but thinks liability would be on the homeowner. Mr. Krukiewicz explains that the County requires an approved application for a permit from the City before they will issue a County permit. Existing setbacks and eave heights will not be changed and Mr. Krukiewicz has engineered plans. He will be adding three dormers, framing rooms, and running electrical wiring, etc. There is no signature on the application or plans by the Fire Chief, but Mr. Krukiewicz explains that it is not necessary because the County is responsible for enforcing the Fire Code – not the Fire Chief. He will offer more details later in the meeting tonight. A discussion ensues on whether there will be a quorum to vote on this application when Mr. Krukiewicz recuses himself. Shelith says that he is still

counted as part of the quorum even though he is recusing himself. Mark motions to recommend approval to the City Council for the application for a permit by the Falkners to remodel their attic as described above. Stuart recuses himself. Aimee seconds the motion and all vote in favor (including Bryan to make the quorum). Heather will get this application on the City Council Agenda for next week.

- Heather passes out copies of the 1st Draft of the Annexation Policy that Mark and Stuart have been working on. They are still waiting for a report from the study by Jones & DeMille which should provide documentation for water availability and sewer capacity. They have left blanks to be filled in later for the water and sewer information. The results from the General Plan Survey should also provide information to include in the Annexation Policy. Stuart stresses that a “Policy” is not an “Ordinance”. Mark reports that none of the existing City maps will meet the requirements for the Annexation Policy Map. He also is still considering deleting #1 on page 2 in part or whole. He would like more information to add to #4 on page 3 and a work meeting with the City Council to finish the Annexation Policy. Mark asks if the City Attorney should also review the Policy, especially where it refers to the State Code (on pages 1 and 4 #9) – he did not look those up. Shelith agrees that it would be a good idea to have the City Attorney look it over. Bryan motions to send the 1st Draft of the Annexation Policy to the City Council for their review and request them to schedule a work meeting with the Planning Commission to finish the Policy after that. Heather objects that the Chair of the Planning Commission cannot make motions, but Stuart disagrees and says that he can and the motion can be seconded or not. Mark seconds the motion and all vote in favor.

- Stuart explains that the Fire Code is set by the International Residential Code (IRC) and the County is responsible for enforcing the Code! The Fire Chief can only offer his opinion. Stuart gives details about requirements for auxiliary building setbacks from property lines: they must drain onto the owner’s property, they can be as little as 2’ from the property line with a fire wall or 5’ from the property line without a fire wall. Stuart does not want to define “fire wall” – he feels that the citizen should research that himself. He reads the opening paragraph from the Eagle Mountain City Ordinance: “The City Council of Eagle Mountain City finds that it is in the interest of public health and safety to establish specific standards that are not adopted by the State with specific exceptions to fit the special circumstances present in Eagle Mountain City.” Stuart feels that Fountain Green should adopt similar language and reduce the current 12’ fire safety “lane” to 2’. He objects to the use of the word “lane” because it confuses people, but that is the exact word used in the Fire Code. Bryan would like to table this discussion until we have more members of the Planning Commission in attendance. He asks Heather to put this discussion on the August Agenda.

- Stuart reports that his friend, Arnie in Lehi, says there is a Bill under consideration in the State legislature allowing apartment buildings on properties greater than 1 acre! They would be allowed to be 5’ from each other without a fire wall! Shelith suggests that we should ask the attorney(s) at the training meeting if they have heard of this. She notes that most State legislatures consist of lawyers, but Utah’s is made up of realtors except for one!

- Bryan reads Riley’s letter of resignation due to a change of career and relocation for his family. He was an asset to the community and the Planning Commission and will be sorely missed.

- Stuart reports that the State Health Code requires barns housing animals to be 60’ from any residence and 12’ from property lines! Cities are allowed to be more strict than State Code, but not less strict. We need to research State Code, but we are not able to keep

up with all the changes the Legislature makes each session. It would be helpful if the 6-County Association of Governments and/or the Utah League of Cities and Towns would alert us to any changes that apply to us.

- Mark motions to adjourn the meeting. Stuart seconds the motion and all vote in favor. The meeting adjourns at 9:25 pm.