

Fountain Green Planning Commission Meeting
Fountain Green City Hall
October 12, 2023

7:30 p.m.

OFFICIAL MINUTES

Attendance: Bryan Allred, Mark Woods, Aimee Goble, Stuart Krukiewicz, Clint Hansen, Tyler Smith, Alyson Strait, Jerime Ivory, Curt Lund

Citizens in Attendance: Laura & Jim Beagley (for Zooming), Willard Wood

- Bryan calls the meeting to order and asks the Planning Commission members if they have any corrections to make to the minutes for the September 14, 2023 regular meeting of the Planning Commission that was emailed to them. Mark motions to approve the minutes as written. Tyler seconds the motion and all approve.
- Tyson and Alisha Rasmussen have submitted an application for a storage shed on their 0.49-acre lot at 435 North 100 West, serial #18137, in the Residential Agriculture (RA) Zone – not in the Federal Emergency Management Agency (FEMA) Special Flood Hazard Area (SFHA). The shed will not have utilities. The shed will measure 12'x20' (240 sq.ft.) with a ridge height of 13' (much less than the 21' maximum eave height). The setbacks will be 70' on the front/east towards the existing house (greatly exceeding the 12' fire safety minimum), 54' on the rear/west (greatly exceeding the 2' minimum behind the midpoint of the property), 81'6" on the south side (greatly exceeding the 2' minimum behind the midpoint of the property), and 16'6" on the north side (exceeding the 2' minimum behind the midpoint of the property). Curt Nielson has already measured the setbacks. Jerime motions to approve the permit application for the Rasmussens to build a shed as described above. Stuart seconds the motion and all vote in favor. The Rasmussens will need to submit their City permit application and plans to the County on-line.
- Tiffany Taylor has come with an application for a permit to build a house on her 0.57-acre corner lot at 285 North 300 West, serial #18101, in the RA Zone – not in the FEMA SFHA. She is in the process of tearing down the existing old house on the property and will use the existing water and sewer hookups. There is an irrigation line on the south property line. The house plans are incomplete – they are a Housing & Urban Development (HUD) house plan with no basement or garage. The house measurements are 26'8"x56' (1492 sq.ft.). No eave height or eave overhang information is available. The setbacks will be 40' on the front/east towards 300 West (exceeding the 25' minimum), 48'8" on the rear/west (exceeding the 25' minimum), 50' on the north side towards 300 North (exceeding the 25' minimum), and 85'10" on the south side (exceeding the 12' minimum). The Fire Chief has signed the application and house plans. The Irrigation Water Master has signed the application and the City Recorder has stated that Ms. Taylor does not need to pay impact fees. Curt Nielson has already measured the setbacks. Clint motions to approve the permit application for Ms. Taylor to build a house as described above. Curt seconds the motion and all vote in favor. Ms. Taylor will need to submit her City permit application and plans to the County on-line.
- Curt C. Lund has come with an application for a permit to put up a carport on his 1.0-acre corner lot at 175 South 600 West, serial #17975x1, in the RA Zone – not in the FEMA SFHA. The carport will measure 20'x22' (440 sq.ft.) and will not have utilities. The eave height will be 8' (much less than the 21' maximum). There is an irrigation line in the northeast corner of the lot. The setbacks will be 25' on the front/south towards 200 South

(meeting the 25' minimum), 12' on the rear/north towards an existing shed (meeting the 12' fire safety minimum), 54.8' on the east side (greatly exceeding the 2' minimum behind the midpoint of the property), and 126.7' on the west side towards the existing house (greatly exceeding the 12' fire safety minimum). Tyler motions to approve the application as described above. Clint seconds the motion and all vote in favor with Curt Lund recusing himself for a conflict of interest. Mr. Lund will need to have Curt Nielson check his setbacks and submit his City permit application and plans to the County on-line.

- The Commission next discusses the necessity of having the International Building Code (IBC) referenced in the City Land Use Ordinances. The IBC also includes the International Fire Code. Bryan refers the Commission members to Chapter 11.30 – this section deals with water availability requirements for fire-fighting, but it doesn't refer to the IBC – not exactly what the Commission is looking for. Bryan and Stuart had proposed last month, letting the County oversee fire safety lane requirements in accordance with the IBC. Heather talked to the County Building Inspector and he said that they do not check fire safety minimums between buildings – that is up to the City Fire Chief. Our Fire Chief proposed, at the last City Council meeting, that there doesn't need to be any fire safety minimum between auxiliary buildings on the same lot. He still wants 12' between auxiliary buildings and a residence or property lines. Currently, our Ordinances allow 2' between an auxiliary building and the property line behind the midpoint of the property as long as there is no other auxiliary building on the other side of the property line. If the neighbor decides to build an auxiliary building next to the previous one on the other side of the property line, he would need to be 10' from the first building or put in a fire wall. Our Ordinances do not specify anything about fire walls. There have been a few complaints that this Ordinance is not fair and the Ordinance Enforcement Officer has recommended changing the Ordinance to require 6' from the property line for any auxiliary building. The City Council is also considering this issue. The Commission wonders where the 12' fire safety minimum number came from. Curt refers the Commission members to Chapter 7.2 – 3. As far as Bryan can remember, the fire safety minimum has always been 12' because the City has a volunteer fire department and felt like response time dictated 12' to slow the spread of a fire.

- The Commission next discusses why roof-top solar panels need a City permit. They agree that solar panels that are placed on the ground should have a City permit to make sure setbacks are observed. Stuart points out that the County has usually required a City permit before someone can apply for a County permit. The Commission asks Heather to check with the County to see if this is still the recommended procedure for roof-top solar panels.

- Mayor Mark Coombs arrives at 8:39 pm. Willard Wood leaves at 8:47 pm.

- The Commission again discusses the definition of “temporary” and decides that the current definition in Chapter 2 is adequate. It follows the dictionary in setting a time limit as well as defining intent by the presence or absence of anchors or a foundation. As Tyler reported last month, it is the intent which determines if a structure is temporary or permanent. If a structure is attached to utilities or anchored with cement footings, that implies that it is permanent rather than temporary. Tyler asks where 6 months came from and Heather suggests a seasonal use. Stuart points out that each case should be considered on a case-by-case basis. Clint motions to leave the current definition of “temporary” as is – no change needed. Jerime seconds the motion and all vote in favor.

- Jerime motions to adjourn the meeting. Stuart seconds the motion and all vote in favor. The meeting adjourns at 8:55 pm.