

Fountain Green Planning Commission Meeting
Fountain Green City Hall
December 14, 2023

7:31 p.m.

OFFICIAL MINUTES

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

Citizens in attendance: Jim & Laura Beagley (to Zoom), Amy Morgan, Clint Hansen (left early)

- Bryan calls the meeting to order and asks the Planning Commission members if they have any corrections to make to the minutes for the November 9, 2023 regular meeting of the Planning Commission that was emailed to them. Jerime asks what GIS means and Tyler and Curt tell him that it stands for Geographical Information System. Heather will add that name to the minutes with the abbreviation. Jerime also asks about the 2' setback between an auxiliary building and the property line behind the midpoint of the property – should that refer to a fire wall requirement? Heather explains that the reference to the 2' setback between an auxiliary building and the property line behind the midpoint of the property is currently in our Land Use Ordinance, but the fire wall requirement is a proposed change. All agree that no change is needed in the November minutes for that item. Curt motions to approve the minutes as corrected. Stuart seconds the motion and all approve.

- Tony Ferguson has come with questions concerning his plans to build in the Big Springs Estate Subdivision. He has bought lot #4, address 676 West 200 North and would like to know if he will be able to get a conditional use permit to live in an RV while he builds a house. He doesn't want to buy an RV if he won't be able to do this. He has built two other homes and plans to be the owner/builder/contractor for this house. He is retired and will be able to devote more time to building this house than he could when he was still working and building the other two homes. The Commission explains the requirements for the requested conditional use permit and agrees that it could be renewed each year if progress is being made. Mr. Ferguson expects to finish the house in a year or year and a half. He expects to have power to his lot within a week and water and sewer hookups as soon as possible. He would also like to build a detached shop/garage before starting the building of the house so he would have a sheltered place to store building materials. The Commission details the setback requirements for the proposed detached shop/garage. Mr. Ferguson doesn't plan to begin building until Spring and the Commission tells him to be sure to get on the Agenda for his conditional use permit and building plans at that time.

- Janette Vogt has sent her daughter, Stephanie (and husband, Allen Lemon) to request a conditional use permit to allow them to live temporarily in an RV on Ms. Vogt's property at 520 North State while they recover from some financial setbacks. They have brought a plat plan showing the property in Mr. Mike Vogt's name, but no plot plan showing where they have put the RV in relation to other buildings and property lines. They have been living in the RV for a little over a month as visitors, but would like to stay until Summer. The Commission asks Mr. Lemon to sketch a plot plan with distances noted to other buildings, etc. The RV is ~30-40 feet northeast of the existing house and 2 ½ feet from the north property line. The neighbor has told them that it is OK there because there are no other structures on the neighbor's property nearby. The Lemons explain that they are only hooked up to electricity from the existing house – they shower, etc. in the house rather than hook up

to sewer and water. The Commission suggests two conditions: 1) maintain the current setbacks and 2) the RV can stay until October 1, 2024 at which time the conditional use permit will expire. The Lemons agree and the Commission explains that they will need to attend the next City Council meeting on January 18, 2024 to finalize the conditional use permit. Heather will prepare the conditional use permit for the Planning Commission to review at the next Planning Commission meeting and vote to recommend it to the City Council.

- Bryan suggests voting for a new Chair and Vice Chair of the Planning Commission since he has been released from serving on the Planning Commission. The Commission members feel that it would be better to wait until the new members of the Planning Commission are in attendance. Curt points out that there is no mention of a "Vice Chair" in the current Ordinances! After discussion, they decide that they can still have a Vice Chair without changing the Ordinance – it is a policy decision. Tyler asks what the definition and duties of an "alternate" are. The Commission explains that an alternate is expected to attend all meetings and read the Ordinances. They can vote to make a quorum. They ask Alyson which of the four new members should be considered as "alternates" since Chapter 4 stipulates only two alternates. Alyson decides that the last two of the list that she read at City Council will be the alternates – Brent Jakins and Chandler Malichahn will be the regular members with Jim Beagley and Roger Aagard the alternates. Bryan reads the procedure for confirming willingness to continue to serve on the Planning Commission from Chapter 4.2 and the Commission discusses whether they need to change the wording to require a written submission to the City Recorder. They decide that this is another policy decision and doesn't require an Ordinance change. Tyler and Alyson recommend that a page of Standard Operating Procedures (SOP) be added to the end of the Ordinances to include the application procedure and conduct of meetings (since we do not operate by exact Roberts Rules of Order). This would not be considered as part of the Ordinances.

- The Commission begins reviewing the proposed Ordinance changes. Chapter 3.6 G: strike out the "Conditional use permits for dog kennel licenses...." Chapter 4.3 L: strike out "The Planning Commission or its authorized agents may enter upon any land...." Chapter 7.2-2 and 7.3-2 and 7.5-2 Use Table: add "Temporary Buildings" as "Allowed". Heather asks Laura what to do about the footnotes referring to page numbers rather than specific ordinance sections and Laura says we can't just strike out the page numbers, but should look up the specific ordinance references. Page numbers change with changes to the Ordinances and any changes to the font size, etc. Chapter 7.2-3a and 7.3-3 and 7.5-3a Table: change side and rear setbacks for auxiliary buildings from "12 feet between the back edge of the house to the property midpoints" to "6 feet". Add "Side & rear setbacks for buildings greater than 200 square feet may be as close as 2 feet if a fire wall is used." Strike out "Fire lanes require 12 feet between any unattached structures." Strike out "There are 2 foot setbacks for auxiliary buildings behind property midpoints." Strike out "on adjoining properties" from "Fire lanes must be 12 feet between auxiliary buildings on adjoining properties and any house." Chapter 7.2-4 and 7.3-5 and 7.5-5 Fencing: change the max height for agriculture use from "6 feet" to "7 feet" to follow the County's lead. Chapter 7.4-2 Use Table: add "Accessory Structures" and "Temporary Buildings" as "Allowed". Chapter 7.4-3 Table: change rear setbacks for all listed buildings from "25 ft." to "12 ft." Laura suggests that a page should be left "intentionally blank" at the end of each chapter to allow for changes without having to change the whole Ordinance. Chapter 10.2 D: add "SECOND EGRESS FROM SUBDIVISIONS. 1. All subdivisions must connect to existing platted streets and where possible allow for two points of exit from the subdivision. If a second egress is not

feasible, a cul-de-sac shall be required in accordance with Chapter 11.7 A 6.” Chapter 11.6 A: Add “All buildings greater than 200 sq.ft. must conform to the International Building Code (IBC). Information about the IBC requirements is available from the Sanpete County Building Inspectors office.” Chapter 11.6 C: change “UBC” to “IBC”.

- The Commission agrees to hold the Public Hearing for the proposed Ordinance changes at 7 pm on January 11, 2024 before the regular meeting of the Commission. Bryan reminds the Commission that Mark will be conducting the meeting as the Vice Chair until voting occurs for a new Chair and Vice Chair.
- Bryan opens discussion on the topic of consequences for violations of conditional use permits. Stuart points out that the Planning Commission recommends actions and the City Council decides whether to follow those recommendations or not. Tyler feels that tiered consequences are appropriate – a warning first. Alyson explains that the Ordinance Enforcement Officer, Amy Morgan uses that approach. After a warning, a Class B misdemeanor may be declared with fines as previously determined. The Commission notes that “Code” is not the same as a “conditional use permit violation”, but Heather reminds them that our current Ordinances allow revocation of a conditional use permit upon a violation. Then “violation” becomes a violation of the Ordinance (Code). The City Attorney has recommended that the City avoid the use of conditional use permits. Tyler suggests that listing the consequence(s) of violating the terms of a conditional use permit should be listed as one of the conditions. Stuart directs the Commission members to Chapter 3.6 H and I for details on revocation of a conditional use permit and appeal of that decision.
- As their last statement to the Planning Commission members, Bryan and Stuart advise the Commission members to READ and FOLLOW the Ordinances! They stress that failure to follow the Ordinances will always bring trouble! The Commission members all thank Bryan and Stuart for their service on the Planning Commission. They express their appreciation for all their time and effort. They will be missed!
- Heather reminds the Commission members that one their first duties is to rewrite the General Plan (Chapter 1). She asks Alyson if the Commission can get a copy of the survey results to assist in that task. Stuart points out that the Commission needs to finish Chapter 6 with information from the survey as well. Alyson or Laura will get the survey results for the Commission.
- Curt asks if the City will provide the handbook: “Ground Rules: Your Handbook to Utah Land Use Regulation” by Craig M. Call, J.D.. Alyson or Laura will take care of that as well.
- Tyler reports that the Mayor asked him if each member of the Planning Commission would like a laptop, but Tyler didn’t think it necessary. Alyson and Laura point out that it would make it easier to search the Ordinances, but most of the Commission members prefer hard copy paper Ordinance books. Laura reminds them that she can print copies of the Ordinances from laptops.
- Curt motions to adjourn the meeting. Jerime seconds the motion and all vote in favor. The meeting adjourns at 9:48 pm.