

Fountain Green Planning Commission **Public Presentation** for Consideration of iWorQ

Fountain Green City Hall

February 8, 2024

7:00 p.m.

PENDING MINUTES

Attendance: Jacob (Jake) Littlefield, Mark Woods, Roger Aagard, Aimee Goble, Jerime Ivory, James (Jim) Beagley, Brent Jakins, Tyler Smith, Curt C. Lund (arrived 7:03 pm), Chandler Malichanh (arrived 7:03 pm)

Citizens in Attendance: Laura Beagley (to Zoom), Todd Robinson (arrived 7:12 pm), Rod Hansen (arrived 7:28 pm)

Mark calls the meeting to order and asks everyone to introduce themselves and introduces Chad Waterson, a Regional Executive for iWorQ. Since Mr. Waterson is in Logan, this meeting will be presented via Zoom.

- Mr. Waterson gives a background of the company: number of customers, where the software is currently being used, etc. He then shows how to use the software: access from anywhere, unlimited users, training and technical support, free updates, priced according to population of the City, on-line public portal, creation of web form(s), 21 templates, etc.'
- The public can make application for a permit with the software, submit plat plans, plot plans, building plans, make changes to the information. The program is searchable, will show history of previous permits and any violations, and any restrictions.
- The company would begin by collecting citizen data – when a citizen begins typing their application, their information automatically shows up. The program can be linked to the County, a GIS map, property information, inspection alerts for setback checks, etc.
- Tyler asks if the Fountain Green Irrigation Company could use the software and share the cost with the City. Mr. Waterson says it is possible.
- The program will list the fee schedule and allow payments to be made and receipts can be printed or emailed to the payee. It will track notes, emails, create reports, auto-generate letters and permits, etc.
- Mark thanks Mr. Waterson for his presentation and tells him that the Planning Commission will discuss the iWorQ software in the regular meeting and with the Mayor and City Council. One of them will let him know what the City decides.
- Mark adjourns the Public Hearing at 7:30 pm.

Fountain Green Planning Commission Meeting
Fountain Green City Hall
February 8, 2024

7:33 p.m.

PENDING MINUTES

Attendance: Jacob (Jake) Littlefield, Mark Woods, Roger Aagard, Aimee Goble, Jerime Ivory, James (Jim) Beagley, Brent Jakins, Tyler Smith, Curt C. Lund, Chandler Malichanh

Citizens in attendance: Laura Beagley (to Zoom), Todd Robinson, Rod Hansen

- Mark calls the meeting to order and asks the Planning Commission members if they have any corrections to make to the minutes for the January 11, 2024 Public Hearing and regular meeting of the Planning Commission that was emailed to them. Jim Beagley has notified Heather that as the minutes are a legal document, legal names must be given. Jerime thinks that last names should be given for the Planning Commission members when they make motions or comments, but the rest of the Commission thinks it is OK to use just the first names or nicknames unless there are other people present at the meeting with the same first name. Jerime motions to approve the minutes as printed/emailed. Tyler seconds the motion and all approve.
- Jessee Johnson has come with an application to request a permit to build a house with a garage in the Johansen Subdivision. The plat is apparently still in Mr. Johansen's name until the paperwork of the sale is finalized. Mr. Johnson has a letter of "agent authorization", but that doesn't really show that he owns the lot. The Mayor instructed Heather to put him on the Planning Commission Agenda and review the rest of the application, plot plan, and building plans. The address of Lot #8 in the Johansen/Big Springs Estate Subdivision is 756 West 200 North, serial #64381, in the Residential Agriculture (RA) Zone – not in the Federal Emergency Management Agency (FEMA) Special Flood Hazard Area (SFHA). The frontage of the vacant lot is 94.62' on 200 North and the depth of the lot is 206.16' for 0.455 acre (exceeding the 90' minimum frontage, 100' depth minimum, and meeting the 0.455-acre minimum). These dimensions are not shown on the plat map, but the "agent authorization" declares that the measurements given on the application are accurate. Culinary water and sewer are available on 200 North and an irrigation line is on the north property line. The stick-built house will measure 42'10" x 51' for 1830 sq.ft. (exceeding the 24' width and 960 sq.ft. minimums). The basement measures the same and the garage measures 33'10" x 25'10" for 874 sq.ft.. The eave height is approximately 9' (much less than the 21' maximum allowed). There is a covered 8'2" x 16' front porch and a covered 16' x 25'10" rear porch. Public Works Supervisor Curt Nielson has already checked off the setbacks (Heather corrected them and showed him the corrections). The setbacks are 30' on the front/south (exceeding the 25' minimum towards 200 North), 119'2" on the rear/south (exceeding the 25' minimum), 19'7" on the west side (exceeding the 12' minimum), and 12' the east side (meeting the 12' minimum). City Recorder Michelle Walker signed the application form for payment of fees, Fire Chief Todd Robinson signed the application form and building plans and Irrigation Master Greg Johnson signed on the application form. Public Works Supervisor Curt Nielson has signed the application form for water and sewer availability on 200 North. Curt Lund motions conditional approval of the permit for Mr. Johnson to build a home and attached garage in the Johansen/Big Springs Estate Subdivision as described above pending proof of ownership. He can bring it to Planning Commission Chair Mark and he will stamp and sign it at that time. Roger seconds the motion

and all vote in favor. The Commission reminds Mr. Johnson to submit his City permit and plans to the County on-line for their permit.

- Kyle Johansen has come with an application for a permit to build a house with garage on lot #16 in the Big Springs Estate Subdivision at 803 West 300 North, serial #64389, in the RA Zone – not in the FEMA SFHA. The frontage of the lot is 90' on 300 North and the depth of the lot is 224' for 0.455 acre (meeting the 90' frontage and 0.455-acre minimums and greatly exceeding the 100' depth minimum). The house will measure (34' x 32') + (21'5" x 18') for 1448 sq.ft. (exceeding the 24' width and 960 sq.ft. minimums). The basement measures the same. The garage measures 22' x 21'8 1/2" for 479 sq.ft. The eave height is approximately 8' (much less than the 21' maximum allowed). There is an 8' x 6'9" covered front porch and an 18' x 10' rear patio which may be covered. Public Works Supervisor Curt Nielson has already checked off the setbacks (Heather corrected them and showed him the corrections). The setbacks are 25' on the front/north (meeting the 25' minimum towards 300 North), 155' 6" on the rear/south (greatly exceeding the 25' minimum), 20' 5" on the east side (exceeding the 12' minimum), and 12' 6" on the west side (meeting the 12' minimum). City Recorder Michelle Walker has signed the application form for payment of fees, Fire Chief Todd Robinson and Irrigation Master Greg Johnson have signed the application form and building plans. Public Works Supervisor Curt Nielson has signed the application form for water and sewer availability on 300 North. Jerime motions to approve the application for Mr. Johansen to build a house with attached garage in the Big Springs Estate Subdivision as described above. Chandler seconds the motion and all vote in favor. The Commission reminds Mr. Johansen to submit his City permit and plans to the County on-line for their permit.

- Jordan Jones (contractor with Jones Homes) has come with an application for a permit to build a house with a garage at 265 West 500 North, serial #18142, in the RA Zone – not in the FEMA SFHA. The plat shows the property in the name of Nathan Paxman and Mr. Jones explains that he will be listed on the plat map when the application (and construction loan) is approved. The Mayor instructed Heather to put him on the Planning Commission Agenda and review the rest of the application, plot plan, and building plans. The property drops off sharply to the creek, but Mr. Jones is planning on building a walk-out basement. He is also planning to put in a septic system since they would have to pump up and extend to reach the sewer line on 500 North – Curt Nielsen (Public Works Supervisor) did not know the City was not going to allow any more septic systems and had told the prospective buyers it would be OK to put in a septic system. The Mayor told Heather to have the Planning Commission forward the application to the City Council for approval of the septic system if everything else passes the requirements. The vacant, "corner" lot measures 214.5' frontage on 500 North, 214.5' depth on "300 West" (as shown on the Transportation Map), and 1.06 acre (greatly exceeding the 90' frontage, 100' depth, and 0.455-acre minimums). There is an irrigation line on the north property line. Culinary water is available on 500 North, but the sewer is greater than 300' away from the property and uphill. The house will measure (20' x 24') + (23' x 43') for 2010 sq.ft. on the main floor. The basement will measure (54' x 17'4") + (23'1" x 24'8") + (10' x 12'?) for 1080 sq.ft. finished and 890 sq.ft. unfinished (total = 1970 sq.ft.). The garage will measure 35' x 24' for 840 sq.ft.). There will be a covered rear deck measuring 23' x 10' and a covered front porch measuring ~10' x 8'. The eave height will be 9' (much less than the 21' maximum). The setbacks will be 35' on the front/north (exceeding the 25' minimum towards 500 North), 53' on the rear/south (exceeding the 25' minimum), 35' on the east side (exceeding the 12' minimum), and 72' on the west side (greatly exceeding the 12' minimum). Even if "300 West" is built and

would require a 25' minimum the 72' west side setback would still meet the requirement. The application (and building plans where applicable) needs the signatures of Fire Chief Todd Robinson, Irrigation Master Greg Johnson, and City Recorder Michelle Walker for payment of fees. Mr. Robinson is at the meeting and signs the plans and application. Laura takes Mr. Jones to the Office to pay his impact fees and get Michelle's or Laura's signature. Mr. Jones will need to contact Greg Johnson for his signature. Jerime motions conditional approval of the permit for Mr. Jones to build a house with attached garage as described above pending proof of ownership and Greg Johnson's signature. The Planning Commission will then forward the application, plat map, plot plan, and building plans to the City Council for their decision regarding allowing them to put in a septic system. If the City Council approves, Mr. Jones will need to submit his City permit and building plans to the County on-line.

- Fire Chief Todd Robinson next addresses the Planning Commission. He points out that the definition in Chapter 2 of "Fire Lane" should only be applied to the Business Commercial and Public Facilities Zones – not Residential Agriculture. The NFPA and IBC both define a "Fire Lane" as being able to allow the passage of a fire truck. Rather than site a fire safety minimum in the RA Zone, we should just refer to a side setback giving the distance between a structure and another structure or property line. Mr. Robinson next asks that there be no required setbacks for any structures (including a single family dwelling) on an individuals property! Jerime would still like to see 12' required between a residence and an auxiliary structure, but Mr. Robinson believes that the individual property owner should make that decision – they should have house insurance. He advises that the setback requirement for structures on adjoining properties should be 6' for both sides. If there is a previous structure on the property line or 2' from the property line, he still feels that a 6' setback requirement is sufficient. He suggests that for structures housing animals, the midpoint requirement is excessive. He cites other cities as requiring 75' from the owner's residence and 150' from a neighbor's residence. This might be beneficial to owners of corner lots. Mark asks Heather to put discussion of the midpoint requirement on the next Planning Commission Agenda. After discussion of measuring setbacks from the wall of the structure versus from the eave of the structure, Mr. Robinson agrees that setbacks should be measured from the eave of the structure.

- Ordinance Enforcement Officer Amy Morgan next addresses the Planning Commission via Zoom. She reports that the City Attorney has stressed that an Ordinance must not be subject to interpretation – if it can be read differently by two or more people, it needs to be rewritten. Mark asks for examples and Amy will get back to the Commission with those. At the last Planning Commission meeting, the Mayor had explained the procedure for reporting violations, but Amy has talked to him since and he agrees that violations should be reported directly to Amy and if a ticket is warranted she will talk to the City Council for their decision.

- Public Works Supervisor Curt Nielsen is not in attendance, but Roger reports that he has talked to Mr. Nielsen and can present his concerns. Basically, the question is concerning how to use the setback verification form. It isn't Mr. Nielsen's job to know the setback requirements – it is the job of the Planning Commission. If the setback verification form is not handed out to the applicant, Heather can fill in the setback requirements when she previews the packet and the Planning Commission can review them before they are passed on to the applicant and then to Mr. Nielsen. The Commission agrees that this should avoid the confusion that we have been seeing. Heather will talk to the City Office staff about the recommended procedure.

- Mark next opens discussion of the iWorQ presentation. Roger feels that the program is not necessary for the City at this time. Tyler agrees that our current system is adequate, but

iWorQ would modernize the system and be more professional. Curt does not feel that the expense is justified for the needs of the Planning Commission, but if other entities of the City are going to use it maybe the Commission could use it as well. Jake points out that all members of the Planning Commission could preview the applications and plans, but Brent reminds the Commission that these items could already be emailed to members of the Commission. Laura feels that the younger generation is more familiar with digital submissions and Chandler thinks that iWorQ would reduce confusion. Tyler and Roger believe that the City should look around for more affordable options that smaller cities use. Many of the things offered by iWorQ are not things that we would need. Mark sums up the discussion for Jake to report to the City Council – if the Planning Commission would be the primary user of iWorQ, the program is not necessary, but we could use it if it was available.

- Mark next reports that the Mayor wants the City to go digital versus paper Ordinance books. He is willing to provide tablets or laptops and Office 365 to those on the Planning Commission who do not currently have these tools. Roger and Jerime are the only two members of the Commission who do not have a tablet or laptop at present, but admit that they could acquire them. Mark and Brent are the only two members of the Commission who do not have Office 365, but Laura points out that you don't need Office 365 to read the Ordinances – only to edit them if you make your own copy. Roger still prefers a printed paper copy of the Ordinances and Laura tells him that she can print them off for anyone who wants a paper copy. Laura also reports that the City Attorney is researching the possibility of being able to vote if you have a digital presence at a meeting. This might require another change to the Ordinances.

- Mark then asks the Commission members how they feel about having a flag ceremony and prayer before each meeting of the Commission. All are favorable so Jerime motions to begin Planning Commission meetings with a flag ceremony and prayer. Aimee seconds the motion and all vote in favor. Mark directs Heather to add these to the Agenda procedure. He next reports that Planning Commission members cannot vote on approval of the minutes if they were not present at that meeting.

- Tyler reports that he talked to two attorneys (6 County and State) about whether an auxiliary structure could be built on a property without having a residence previously built on the property. Both attorneys agreed that unless it is specifically prohibited in the City Ordinances, it is allowed.

- The City Attorney has ruled that Brady Walker is not running a business out of his shop/garage and therefor the conditional use permit is a dead issue. No customers come to the structure and Mr. Walker is not selling anything from the structure.

- Jerime proposes a hypothetical situation of whether he could build an auxiliary structure on a lot of less than 0.455 acre. Roger asks if the lot is grandfathered or has a variance and Jerime says no. Curt suggests that if the lot was split off to be smaller than 0.455 acre after 1986 it would be an illegal lot split. Jim looks in the Ordinances and reports that 0.455 acre is required for building an auxiliary structure. Jerime thinks we should consider changing this requirement and Rod Hansen agrees.

- The question arises of whether a quorum is necessary at a Public Hearing. Jim reports that a quorum is not necessary, but it would be better if Commission members were in attendance. Mark asks if the Commission members would be willing to change the meeting time of the Planning Commission meetings from 7:30 pm to 7:00 pm. Heather asks if they are also willing to hold their Public Hearings at 6:30 pm when those are needed. After some discussion,

Roger motions to change the meeting time of the Planning Commission meetings from 7:30 pm to 7:00 pm. Tyler seconds the motion and all vote in favor.

- Laura asks if the Planning Commission would like her to update the Citizen's Guides per the Ordinance changes that have been approved by the City Council. All agree that this would be helpful. She also reports that she has found different line-of-sight measurements throughout the Ordinances from 25', 50', up to 90'! Roger checks the definition in Chapter 2 and finds that it is inaccurate as well. He says that Curt Nielsen has a good map in the office. Mark directs Heather to research this issue and put it on the Agenda for the next meeting.

- Jerime motions to adjourn the meeting. Jim seconds the motion and all vote in favor. The meeting adjourns at 9:55 pm.