

Fountain Green Planning Commission Meeting
Fountain Green City Hall
August 13, 2020 7:35 p.m.

Attendance: Joseph Papenfuss, Tom Hansen, Stuart Krukiewicz, Bryan Allred, Nate Strait, Shelith Jacobson

Excuse: Riley Hansen

Citizens in attendance: Homer Workman (none invited by decree of the Mayor & Governor)

Bryan calls the meeting to order and asks Heather to read the minutes for the July 9, 2020 meeting. Nate motions to approve the minutes as read. Stuart seconds the motion and all vote in favor.

- Bryan invites Homer to read a "letter to the leaders of Fountain Green" that he wrote as a satire on the desire to insure that our city looks beautiful instead of trashy. He suggests that the City Council should pass a new law that all buildings must be painted gray so that all look a dignified beautiful. He feels like our current statutes are vague.

- Cody Little & Errin Hammond submitted an application for a permit to build a 30'x30' barn at 586 West 300 North, serial 18108. The plat is in the name of Errin Hammond "etal" so the Commission decides that it is probably OK to accept Cody's signature on the application without Errin's signature. The 1.05-acre corner lot is not in the Federal Emergency Management Agency (FEMA) Flood Plain. The proposed barn will not have utilities and the irrigation line runs along the north property line. The setbacks for the 900 sq.ft. barn will be ~114' on the front/south (greatly exceeding the 12' fire safety lane towards the existing house and a shed), 30' on the rear/north (greatly exceeding the 2' minimum behind the midpoint of the property), 63' on the east side (greatly exceeding the 2' minimum behind the midpoint of the property), and 65' on the west side (greatly exceeding the 12' fire safety lane towards an existing shop). The eave height will be 10' (less than the 19' maximum currently under consideration for revision). Stuart motions to approve the permit for Mr. Little & Ms. Hammond to build a barn as described above. Joseph seconds the motion and all vote in favor. Mr. Little will need to take his City permit and building plans to the County.

- 8:30 pm – Amber Wheeler comes to request a permit to build a detached garage on her 0.79-acre property at 256 West 200 North, serial #18098. The property is in the Sensitive Lands Zone and the FEMA Special Flood Hazard Area (SFHA). Ms. Wheeler has a letter from her lender bank stating that FEMA assured them that the property is not in an SFHA and therefore she does not have to pay flood insurance. The Planning Commission cannot issue a building permit unless she has a Letter of Map Amendment (LOMA). They discuss a "waiver of liability" for the City, but it would have to include any future owners and even then FEMA might not honor it. The Commission explains that unless the City pays an engineer to map the whole city, each individual homeowner will have to pay for their own LOMA. Shelith feels that there must be a better way – such as opting out of the FEMA agreement that Mayor Scott Collard signed. She will look into that. The Commission agrees that if Ms. Wheeler can provide an official letter from FEMA (as the bank states that they have), the Planning Commission can reconsider her application next month.

- Bryan reports that at the last City Council meeting Jeff Walker told him that since none of the Planning Commission members was an engineer, they have no need to see engineered

blueprints for the shop that his son, Brady, is requesting a permit for. Bryan had Heather call the County Building Inspector and he told her that he would not even look at an application unless it included blueprints stamped by the Planning Commission Chair. The County has not been consistent on which buildings it requires blueprints for, but it is always required for a home or business. Shelith debates whether the shop is a business or just a home garage/workshop – the Commission assures her that it is a bona fide business. They discuss the proposed conditional use permit to require a house to be built within three years as decided at the City Council meeting. Bryan is concerned about what will happen if the house is not built within the three-year time limit, but Nate points out that the City Council is responsible for enforcement so the Planning Commission shouldn't worry about it. Brady could not get the blueprints in time for this meeting, so he will probably be on the Agenda for next month. Bryan also would like to see the City Council read the pertinent Ordinances before voting on an issue. Shelith agrees and suggests that the Commission cite those Ordinances when they present each situation.

- Curtis Blackham/Gentry Homes submitted an application for a permit to build a house on a 0.75-acre vacant lot (exceeding the 0.455-acre minimum) at 682 West 400 North, serial #18149x2 (not in the FEMA Flood Plain). The lot measures 120.86' frontage on 400 North and 272.77' depth (exceeding the 90' frontage and 100' depth minimums). Water, sewer, and power are available on 400 North. The house will measure ~52'x36' (1308 sq.ft.) with an attached, roofed rear porch on the north. The basement will measure the same as the house and the garage will measure ~22'x22' for 506 sq.ft.. The eave height will be ~9' (less than the 19' maximum currently under consideration for revision). The setbacks will be 30' on the front/south (exceeding the 25' minimum towards 400 North), 190' on the rear/north (greatly exceeding the 25' minimum), 36' on the east side (exceeding the 12' minimum), and 32' on the west side (exceeding the 12' minimum). Signatures from the Fire Chief, Irrigation Master, and City Recorder are on the application and/or house plans as required. Nate motions to approve the permit for Mr. Blackham to build a house as described above. Stuart seconds the motion and all vote in favor. Mr. Blackham will need to take his City permit and house plans to the County.

- Andrea Jay submitted an application for a permit to build an addition onto the rear/north of her existing house at 510 West 400 North, serial #17146. The rear/north of her property is in the FEMA Flood Plain, but do not impact where she plans to build the addition. The addition will measure 25'x44' with a basement of the same dimensions. It will have utilities. The eave height will be ~9' (less than the 19' maximum currently under consideration for revision). The setbacks will be not applicable on the front/south where it will attach to the existing house, 261' on the rear/north (greatly exceeding the 25' minimum), 100'+ on the east side (greatly exceeding the 12' minimum), and 33' on the west side (exceeding the 12' minimum). Signatures from the Fire Chief and Irrigation Master are on the application and house plans as required. Stuart motions to approve the permit for Ms. Jay to build the addition to her house as described above. Tom seconds the motion and all vote in favor. Ms. Jay will need to take her City permit and house plans to the County.

- Tom Hansen submitted an application for a permit to build storage units on his 0.5-acre vacant lot in the BC Zone (not in the FEMA Flood Plain) at 50 East 200 South, serial #18260x. The lot measures 105.11' frontage on 200 South and 203.84' depth (greatly exceeding the 35' frontage and 100' depth minimums). The combined storage units will measure 15'3" x 160'3" (2400 sq.ft.). The eave height will be 9'5" at the low end and 10'8" at the high end (less than the 19' maximum currently under consideration for revision). No impact fees are required since he is not installing any utilities at this time. Signatures from the Fire Chief and the Irrigation Master are on the application and/or plans as required. The setbacks will be 33' on the front/north (exceeding the 25' minimum towards 200 South), 12' on the rear/south (meeting the fire safety

lane minimum towards neighboring turkey sheds), 2' on the east side (meeting the 2' minimum), and 88'7" on the west side (greatly exceeding the 10' irrigation easement requirement). Nate motions to recommend approval of the permit for Mr. Tom Hansen to build storage units as described above to the City Council. Stuart seconds the motion, Tom recuses himself, and Bryan votes to maintain the quorum. The motion passes. Tom will need to come to the City Council meeting next week for final approval. He will also need to take his City permit and building plans to the County.

- Shelith reports that the Merediths did not come to the Planning Commission for a building permit because the Quick Reference says no permit is required if the remodeling is not changing the footprint of the building! They have removed the storage containers that were in violation and the County has been conducting inspections. Shelith suggests that this violation situation is solved and asks for an update from Heather for other current violations.

- Heather passes out copies of the 2019 Annual Report. After review and discussion, Nate motions to approve the 2019 Annual Report as written and present it to the City Council. Stuart seconds the motion and all vote in favor.

- Heather passes out the list of proposed Ordinance changes and encourages the Commission members to add to the list. Due to the time, Nate suggests that the Commission members take this as homework. All agree.

- Heather presents a request from Ariel Begay to discover if there are any requirements/restrictions for a "catio" patio (a cage attached by a tunnel to a window of a house). The Commission members can think of none.

- Bryan reports that Morris Allred is in the process of selling property to Jed ^{Allred} Bailey, but they have a question about a building roof eave that extends over the proposed new property line. Joseph explains that it cannot be "grandfathered" because that right is lost when the situation is changed. Nate suggests that the new property line could be moved further away from the building so as to meet requirements of the State and City Ordinances. Shelith suggests a "gentleman's agreement", but the State probably would not accept that. The property has been surveyed.

- Tom motions to adjourn the meeting. Stuart seconds the motion and all vote in favor. The meeting adjourns at 9:45 pm.

