

Fountain Green Planning Commission Public Hearing
Fountain Green City Hall
February 11, 2021 7:00 p.m.

Attendance: Joseph Papenfuss, Bryan Allred, Stuart Krukiewicz, Riley Hansen, Jerime Ivory, Aimee Goble, Clint Hansen (7:10), Shelith Jacobson (7:30)

Excuse: Nate Strait

Citizens in attendance: David Bradley, Homer Workman, Tod Robinson, Eddie & Elise Hanson, Russ Green (7:30), George Billings (7:30), Justin Smith (7:30), and Tyler & Murnie Smith (7:30)

Bryan calls the meeting to order and begins discussion of the proposed changes to Chapter 7 of the Land Use Ordinances.

- The Fire Chief (Tod Robinson) agrees that the maximum eave height should be the same for all buildings throughout the City – 21'.

- The Commission notes that changing solar panels from "conditional use" to "allowed" should be throughout Chapter 7.

- After discussion of auxiliary building setbacks, the Commission decides to allow sheds without animals anywhere on a lot with a 25' setback from any street and any other setback requirements as appropriate (fire lanes, property lines behind the midpoint, etc.). Buildings housing animals will still remain behind the midpoint of the property and Joseph will check the State Health Department web site to see if they have restrictions for how close they can be to buildings housing humans. Heather checked with the County Health Department and they did not have any restrictions.

- The Commission decided to leave "cats" on the "Pet Boarding, Breeding, Training, and Grooming" conditional use criteria on the premise that commercial kennels will need to restrict roaming. Private kennels do not have this restriction.

- Chapter 2 of the Land Use Ordinances – Defining a "building" revealed that not all buildings have "walls" and therefore the Commission changed the definition to "A structure at least partially enclosed with "walls" and a "roof" (including geodesic domes, Quonset huts, carports, and other odd-shaped structures). The definition also includes porches, patios, decks, bay windows, etc.

- Bryan closed the Public Hearing at 7:45 pm.

Heather

Fountain Green Planning Commission Meeting
Fountain Green City Hall
February 11, 2021 7:45 p.m.

Attendance: Joseph Papenfuss, Bryan Allred, Stuart Krukiewicz, Riley Hansen, Jerime Ivory, Aimee Goble, Clint Hansen, Shelith Jacobson

Excuse: Nate Strait

Citizens in attendance: David Bradley, Homer Workman, Jackson Jones (& son), Eddie & Elise Hanson, Russ Green

Bryan calls the meeting to order and asks Heather to read the minutes for the January 14, 2020 meeting. Joseph motions to approve the minutes as read. Stuart seconds the motion and all vote in favor with Riley abstaining because he was not in attendance at that meeting.

- Eddie Hanson comes representing the Fountain Green City Lamb Day Committee to request a permit to build two new barbeque pits at ~150 West 100 North, serial #18077 (where the well house was built). The City Council recommended this site as the current pits are on private property and need to be moved to City property. Roger checked with the State and told Eddie that it would not be a problem near the well house. Bryan was concerned about how it would affect the neighbors and invited David Bradley and Russ Green to attend and express their concerns. Mr. Bradley had two concerns: 1) holes in the ground which children might fall/play in (the pit has always been covered when not in use), and 2) if there is peat in the soil it will continue to burn underground. Mr. Bradley suggested that the pit could be lined to prevent peat burning if that proves to be a soil problem. After he had talked to Mr. Green, he had another concern: smoke – Mr. Green's wife is on oxygen 24x7 and smoke would be extremely harmful to her. Mr. Bradley suggested that the pits could be moved to 1) the top/west of the undeveloped "street" right-of-way for 300 North at 300 West (this could still be a health concern for neighbors) OR 2) out at the "dump" east of the City. The "dump" is another privately owned property by Wes Ivory and the City would like to avoid another situation like that. Another suggestion is to move the pit to the northeast corner of the well house property – no decision is reached. Riley motions that Shelith report to the City Council that the Commission finds no violations of Land Use Ordinances in the proposed placement of the barbeque pits, but recommends consideration of the neighbors' health concerns. Jerime seconds the motion and all vote in favor. (Mr. Bradley and Mr. Green leave at 8:40). Shelith will present this to the City Council.

- Steve and Amy Oliver submitted an application for a permit to build a house on their vacant 1.32-acre lot (exceeding the 0.455-acre minimum) at 725 West 400 South, serial #18217, in the Residential/Agriculture (RA) Zone and the Federal Emergency Management Agency (FEMA) Special Flood Hazard Area (SFHA). They have a Letter of Map Amendment (LOMA). The lot measures 113.7' frontage on 400 South and 525' depth (exceeding the 90' frontage and 100' depth minimums). Culinary water and sewer are both available on 400 South. There is a notation on Heather's paper saying to "make sure they have a 1" line" – the Commission was under the impression that all lines were to be ¾" lines and direct Heather to ask Roger about the note on her paper. There is an irrigation line running along the north property line and also the west side of the property. The house will measure ~35'x50' (1517 sq.ft.) on the main floor with cold storage under the porch in the basement (1715 sq.ft.). The garage will measure 23'8"x 22'6" (534 sq.ft.). There is a covered 32'6"x 18' patio at the rear of the house. The eave height will be

9'1" (much less than the 21' maximum being submitted for revision). The setbacks will be 25' on the front/north (meeting the 25' minimum towards 400 South), ~444' on the rear/south (greatly exceeding the 25' minimum), 15' on the east side (exceeding the 12' minimum), and 43.7' on the west side (greatly exceeding the 12' minimum and 8.5' from the irrigation line on that side).

Signatures of the Fire Chief (Tod Robinson) are on the plans and application. Signatures of the Irrigation Water Master (Mike Hansen) and the City Recorder (Michelle Walker) for payment of fees are on the application. Stuart motions to approve the permit for the Olivers to build a house as described above. Jerime seconds the motion and all vote in favor. They will need to submit their application and plans to the County and have Roger verify the setbacks.

- Justin Smith comes to request a change of setbacks for the house he is building for the Bezzants on their 0.527-acre property at 290 West 400 North, serial #18141. There is an irrigation line on the property running diagonally from east to west. Mr. Smith has convinced them to allow the house to be built behind the irrigation line to avoid potential flooding if the old line fails. The new setbacks will be 96' on the front/south (greatly exceeding the 25' minimum towards 400 North and 13' from the irrigation line), 83' on the rear/north (greatly exceeding the 25' minimum), 15' on the east side (exceeding the 12' minimum), and 31' on the west side (exceeding the 25' minimum towards 300 West). The Fire Chief (Tod Robinson) has signed the application and plans. The Water Master (Mike Hansen) has signed the application. Stuart motions to approve the change of setbacks for Mr. Smith to build a house as described above. Riley seconds the motion and all vote in favor.

- Jared Jakins submitted an application to build a metal shed/shop without utilities on his 0.52-acre property at 186 South 500 West, serial #17974 last month. All requirements had been met except for the submission of detailed plans and the Commission asked them to reapply this month with detailed plans. After the Commission examines the plans, Riley motions to approve the permit for Mr. Jakins to build a metal shed/shop as described last month. Stuart seconds the motion and all vote in favor. Now Mr. Jakins will need to send his permit and plans to the County and have Roger verify the setbacks.

- Questar Gas Company/Dominion Energy Utah submitted an application for a permit to replace a small shed with a slightly larger one on their property at ~100 East 400 South, serial #18275x, on a grandfathered 0.048-acre land-locked lot without utilities. The lot is in the RA Zone and not in the FEMA SFHA and measures 40'x 49'. The new shed will measure 9'x9' (81 sq.ft.) and have an eave height of 9' (much less than the 21' maximum being submitted for revision). The setbacks were reported as 6' on the front/west and 15' on the northwest – on the same footprint of the shed being replaced. Clint motions to approve the permit for Questar Gas Company to replace their shed as described above. Jerime seconds the motion and all vote in favor. They will not need to take their permit or plans to the County.

- Jackson Jones (George Billings contractor) comes to request a permit to build a house on a vacant .053-acre lot (exceeding the 0.455-acre minimum) at 338 South 600 West, serial #18154, in the RA Zone and not in the FEMA SFHA. The lot measures 107' frontage on 600 West and 214' depth (exceeding the 90' frontage and 100' depth minimums). Culinary water and sewer are both available on 600 West. There is an irrigation line running along the south property line. The house will measure ~35'x 67' on the main floor and the basement (1980 sq.ft. each). The garage will measure 24'x 22' (575 sq.ft.). There is a covered 30'x 12' patio at the rear of the house. The eave height will be 9' (much less than the 21' maximum being submitted for revision). The setbacks will be 25' on the front/east (meeting the 25' minimum towards 600 West), 125' on the rear/west (much greater than the 25' minimum), 12' on the north side (meeting the 12' minimum), and 21' on the south side (exceeding the 12' minimum). Signatures of the Fire Chief (Tod Robinson) are on the plans and application. Signatures of the Irrigation Water Master (Mike

Jones

Hansen) and the City Recorder (Michelle Walker) for payment of fees are on the application. Stuart motions to approve the permit for the ~~Olivers~~ to build a house as described above. Joseph seconds the motion and all vote in favor. They will need to submit their application and plans to the County and have Roger verify the setbacks.

- Tyler and Murnie Smith (George Billings contractor) come to request a permit to build a house on a vacant, corner 1.76-acre lot in the RA Zone and partially in the FEMA SFHA at 55 West 100 North. They have a partial LOMA and the previous City Flood Plain Administrator signed their application. The lot exceeded the minimum requirements last month when they came for a permit to build a pole barn. Culinary water and sewer are both available on 100 North. The house will measure ~40'x 63' (2263 sq.ft.) on the main floor, 47'x 63' (2554 sq.ft.) in the basement, 12'x 27' (353 sq.ft.) in the bonus room, and ~(20'x 16') + (11'8"x 28') in the garages (total of 838 sq.ft.). The eave height will be 9' (much less than the 21' maximum being submitted for revision) and the eave overhang will be 16" with a roofed deck on the rear/south of the house. The setbacks will be 25' on the front/north (meeting the 25' minimum towards 100 North), ~163' on the rear/south (towards the planned pole barn and ~38' from the irrigation line), 107' on the east side (exceeding the 12' minimum), and 139' on the west side (greatly exceeding the 25' minimum towards 100 West). Signatures of the Fire Chief (Tod Robinson) are on the plans and application. Signatures of the Irrigation Water Master (Mike Hansen) and the City Recorder (Michelle Walker) for payment of fees are on the application. Riley motions to approve the permit for the Smiths to build a house as described above. Clint seconds the motion and all vote in favor. They will need to submit their application and plans to the County and have Roger verify the setbacks.

- Eddie and Elise Hanson are not on the Agenda because their proposed garage with a loft for living space did not meet the minimum living space requirements, but they would like to discuss their options. Basically, they need to increase the width of the living space from 20' to 24' to bring the total living space from 880 sq.ft. to at least 960 sq.ft.. They are reluctant to do this because they would need to pay to have their engineered plans redone and they are planning to build a house in the future. This would also be in violation of the Land Use Ordinances because only one residence is allowed per lot. They point out that several people in the City already have garages with living space above and a house on the same lot. The Commission knows this, but unless the City changes the Ordinances or enforces them all they can say is that two wrongs do not make a right. If they can live with their conscience, they can apply for a garage with storage space above like the others have done. Bryan suggests that the Hansons could split their 1.05-acre lot to avoid having two residences on the same lot, but they would still need to increase the size of the garage loft to meet the Ordinance requirements. Setbacks and fire lanes for existing and proposed buildings are discussed for a possible lot split. The Hansons will think about their options. Homer suggests that the City should allow "tiny homes" (much less than 960 sq.ft.) and let people do what they want on their own property. He does not think the City has the authority to restrict house sizes. The Commission explains that the City does not have enough water available to accommodate duplexes, apartments, mother-in-law cottages, etc.. Joseph suggests that the City might be able to increase impact fees to save for buying more water, but they would need to talk to the City attorney to see if this would be legal. Joseph also suggests that the City could aerate the million-gallon tank, which is currently under-utilized because water goes stale when stored for long periods of time. Aerating the tank would allow the City to store more water for use during peak usage periods.

- Bryan reads a letter from Kyle Rowley submitting his resignation due to many other time and responsibility commitments. He would like to serve on the Planning Commission in the future.

- Aimee motions to recommend the proposed Ordinance changes presented at the Public Hearing prior to this meeting to the City Council and Mayor. Clint seconds the motion and all vote in favor. Heather will make sure this is put on the City Council Agenda for next week.
- The Commission discusses the need to update the Quick Reference to reflect the change in procedure made last February – all required paperwork needs to be turned into the City Hall no less than one week before the meeting of the Planning Commission. Heather also suggests that irrigation lines should be marked on the plot plans and signed by the Irrigation Water Master. Bryan notes that there will be a new Water Master and Riley will try to get that information to add to the Quick Reference. Heather gives Riley her Quick Reference with other suggested changes noted in the margins. He will call her tomorrow to discuss them and prepare the revised Quick Reference to present to the City Council next week. Heather will make sure this is on the City Council Agenda also.
- Heather asks if the new City Hall, old City Hall, and the well house should have a zone change. Joseph explains how complicated changing a zone is and offers to research the State Code to see if there is an easier way and if a zone change is really required. Possibly, the City might be able to change the Use Table in Chapter 7 to allow Public Services/Utilities in the RA Zone.
- Bryan suggests that the Commission table discussion of changes for Chapter 4 until next month and all agree.
- Jerime motions to adjourn the meeting. Stuart seconds the motion and all vote in favor. The meeting adjourns at 10:05 pm.

Heather