

Fountain Green Planning Commission Meeting
Fountain Green City Hall
March 11, 2021 7:30 p.m.

Attendance: Joseph Papenfuss, Bryan Allred, Stuart Krukiewicz, Aimee Goble, Clint Hansen, Riley Hansen (arrived at 7:40), Tom Hansen (arrived at 7:40), Shelith Jacobson (arrived at 7:40)

Excuse: Jerime Ivory

Citizens in attendance: Homer Workman

Bryan calls the meeting to order and asks Heather to read the minutes for the February 11, 2021 meeting. Clint motions to approve the minutes as corrected. Riley seconds the motion and all vote in favor.

- Vern Myer is not on the Agenda, but has come to ask questions concerning his appraisal of the "old school" being remodeled by the Merediths. Mr. Myer is a real estate appraiser and is trying to determine the "highest, best use" of the property. He wants to know if it could be used as a Bed & Breakfast or other commercial use. The Commission explains that it is in the Residential Agriculture (RA) Zone and therefore a Bed & Breakfast would require that it be owner-occupied (see Chapter 7.2-2) – not just managed by a manager. He also asks if the building behind could be used as a "mother-in-law apartment". The Commission responds that the building behind the "old school" was a distillery and might not even meet Fire Code requirements for human habitation. If it could meet those requirements, the lot would have to be split to allow only one residence per lot and the tunnel from the "old school" would have to be abandoned.

- David Hone submitted an application for a permit to build a wood shed at 657 West 100 North, serial #18172x2, in the RA Zone. The property is not in the Federal Emergency Management Agency (FEMA) Special Flood Hazard Area (SFHA). There is an irrigation line running along the south property line. The wood shed will measure 8'x10' (80 sq.ft.) with an eave height of 6' (much less than the 21' maximum allowed). It will not have utilities. Mr. Hone would also like to build a 14'x26' "toy" shed with electricity further south, but did not fill out the application for it. The Commission suggests that he fill out the application and return in a few minutes.

- Kevin Cox submitted an application for a permit to build roofs over his front porch and rear deck on his home at 395 North ~~400~~ West, serial #18204. There is an irrigation line running along the south property line. The front porch roof will measure 7'x25' and attach to the existing house. The rear deck roof will measure 11'x16' and attach to the existing house. The eave heights will be 7' (much less than the existing house or the 21' maximum allowed). The setbacks will be 30' on the front/east (greatly exceeding the 25' minimum towards 600 West), 34' on the rear/west (greatly exceeding the 25' minimum), and not applicable on the north or south sides (because they do not extend beyond the sides of the existing house). Mr. Cox reports that David Bradley is making engineered plans for him to submit to the County on-line. Clint motions to approve the permit for Mr. Cox to build the roofs over his front porch and rear deck as described above. Stuart seconds the motion and all vote in favor.

- David Hone returns to the table with his completed application for a "toy" shed with utilities. The setbacks for the wood shed will be ~70' on the front/north (greatly exceeding the 25' minimum towards 100 North), ~135' on the rear/south (greatly exceeding the 12' minimum),

change the name of the Irrigation Company to avoid the confusion of people assuming that it is part of the City services. He would also like to see the City Council report on the condition of the Irrigation water available clarified so that it points out that the City only has a share in the Irrigation Company. Shelith asks if irrigation heads could be capped off when the property owner does not have the right to use it. Bryan explains that this is not feasible.

- Jacob and Jody Putnam come to request a permit for two rental storage containers on Margaret Hunsaker's property at 750 West 100 South, serial #18175x2. Mrs. Hunsaker is Jody's mother, but the Commission requests that they get a letter of permission from her before they proceed with considering their request. The Commission asks Heather to request a notarized letter of permission before the Commission meeting in these situations in the future.

- The Commission next reviews the updates made to the Citizen's Guide to the Building Permit Process by Riley and Heather. Basically, the changes are 1) all required paperwork needs to be turned into the City Hall no less than one week before the meeting of the Planning Commission. 2) irrigation lines should be marked on the plot plans and signed by the Irrigation Water Master. 3) setbacks are verified with the Superintendent of Water and Sewer (instead of City staff). 4) section 4.4 building plan requirements were clarified for house or barn, stick-built or manufactured, with or without utilities. 5) the eave height maximum was changed to the newly approved 21'. and 6) the front or side setbacks for auxiliary buildings not housing animals was changed to the newly approved 25' from any street rather than requiring them to be behind an existing house. Joseph volunteered to change the diagram and get it to Riley to put on a flash drive to take to the City Hall for addition to the City web site.

- Jacob and Jody Putnam return with a note stating Mrs. Hunsaker's permission to act in all matters concerning her property, including placing storage containers on the property. The property is not in the FEMA SFHA and the irrigation line runs along the north property line. The two storage containers measure 8'x40' (320 sq.ft.) each with a height of ~8'. The setbacks will be 80' on the front/south (greatly exceeding the 12' fire safety minimum towards the existing house), 58' on the rear/north (greatly exceeding the 2' minimum behind the midpoint of the property), ~41' on the east side (greatly exceeding the 2' minimum behind the midpoint of the property), and 69' on the west side (greatly exceeding the 12' fire safety minimum towards the existing house). The Commission explains the requirement for anchors – what would be acceptable. They also stress that the storage containers must be placed abutting each other or the Putnams will need to request a change in setbacks. Clint motions to approve the permit for the Putnams to place two storage containers on Mrs. Hunsaker's property as described above, including anchors and abutment of the containers. Aimee seconds the motion and all vote in favor. The Putnams will need to have Roger verify the setbacks.

- Heather passes out copies of the 2020 Annual Report and Bryan instructs the Commission members to read it as homework and come to the meeting next month prepared to discuss and approve or amend it.

- Shelith asks for suggestions on how to handle the violations for which notices were sent out for the second time. She is concerned about a few people who will probably not cooperate in coming into compliance, but will even go to court over it. Can they be forgiven and forgotten? Joseph doesn't know if there is a statute of limitations and reminds her that it is up to the City Council and Mayor to decide on enforcement or forgiveness. He points out that past violations cannot be fined because there were no fines listed in the Ordinances at the time of the infraction. The Commission feels like we need a work meeting with the City Council and Mayor to discuss this issue and come to an agreement. Shelith will suggest it to the Council.

- Bryan begins discussion of Chapter 4 with reading from the current wording. A quorum is four of the seven members in attendance. In considering the terms of members, the Commission

is concerned that experience, knowledge, and a sense of the history of the City should be a factor in choosing members. Shelith tells the Commission that the City Council and Mayor would like the secretary of the Planning Commission to give two months notice when a current Commission member's term is about to expire so that they can begin planning a replacement or consider retaining the member for another term. Joseph suggests that the Commission terms should be considered in March or April instead of January since January is so busy. Shelith likes that idea. He also feels that we could do away with the alternate position and just have 9 members with staggered terms of 5 years per member. Shelith would also like to see training sessions for the Planning Commission and City Council. This suggests another work meeting should be scheduled with the City Council and Mayor to iron out changes for Chapter 4.

° Clint motions to adjourn the meeting. Stuart seconds the motion and all vote in favor. The meeting adjourns at 10:20 pm.

Heather