

Fountain Green Planning Commission Meeting
Fountain Green City Hall
January 14, 2021 7:31 p.m.

Attendance: Joseph Papenfuss, Bryan Allred, Clint Hansen, Jerime Ivory, Tommie Hansen, Stuart Krukiewicz, Shelith Jacobson

Excuse: Riley Hansen, Nate Strait, Kyle Rowley

Citizens in attendance: Homer Workman

Bryan calls the meeting to order and asks Heather to read the minutes for the December 14, 2020 meeting. Tom motions to approve the minutes as read. Stuart seconds the motion and all vote in favor.

- Tyler Smith comes to request a permit to build a pole barn on his 1.76-acre property (greatly exceeding the 0.455-acre minimum) at 50 West 100 North, serial #18026. This vacant corner lot is partially in the Residential Agriculture (RA) and Business Commercial (BC) Zones and also in the Federal Emergency Management Agency (FEMA) Special Flood Hazard Area (SFHA). The frontage measures 321' along 100 North and 229' depth along 100 West (greatly exceeding the 90' frontage and 100' depth minimums). Mr. Smith has a Letter of Map Amendment (LOMA) and Mayor Scott Collard (the Fountain Green City Flood Plain Administrator at the time of application) signed off on the placement of the pole barn. The Fire Chief (Tod Robinson) and Water Master (Mike Hansen) have signed the application. Culinary water and sewer are both available on 100 North. He is planning to build a house in the Spring and is planning to be on the Agenda for that next month. The pole barn will measure 30'x50' (1500 sq.ft.) with a 24'x30' lean-to on the west side. The eave height will be 10' (much less than the 19' maximum being considered for revision). It will have electricity now and water and sewer later. The setbacks will be 135' on the front/north (greatly exceeding the 25' minimum towards 100 North and 20' from an irrigation line), 95' on the rear/south (greatly exceeding the 2' minimum behind the midpoint of the property), 15' on the east side (exceeding the 2' minimum behind the midpoint of the property), and 45' on the west side (greatly exceeding the 2' minimum behind the midpoint of the property). Joseph motions to approve the permit for Mr. Smith to build a pole barn as described above. Jerime seconds the motion and all vote in favor. Mr. Smith will need to submit his application and plans to the County on-line and have Roger verify his address and setbacks.

- Steve and Amy Oliver have decided to wait until next month to apply for a permit to build a house. Heather had asked Amy if she knew where the 10" north-south irrigation line ran and Bryan reports that the Water Master (Mike Hansen) told him that it is on the other property to the east.

- Tyson and Alisha Rasmussen come to request a permit to build a house on their 0.49-acre property (exceeding the 0.455-acre minimum) at 435 North 100 West, serial #18137, in the RA Zone. This lot is not in the FEMA SFHA. The vacant lot measures 100' frontage on 100 West and 214.5' depth (exceeding the 90' frontage and 100' depth requirements). Water is available on 100 West, but they will have to extend the sewer. There is an irrigation line on the west property line. The house will measure ~46'x68' for 1724 sq.ft. (greatly exceeding the 960 sq.ft. and 24' depth minimums) with a basement of ~1400 sq.ft. (including cold storage under the front porch) and a bonus room of 971 sq.ft.. There will be an open back porch on the west measuring 15'x24'. The garages will measure 47'x22' + 14'x22' for a total of 1186 sq.ft.. The eave height will be 9'

(much less than the 19' maximum being considered for revision). The setbacks will be 25' on the front/east (meeting the 25' minimum towards 100 West), ~149' on the rear/west (greatly exceeding the 25' minimum), 16'5" on the north side (exceeding the 12' minimum), and 16'6" on the south side (exceeding the 12' minimum). The Fire Chief (Tod Robinson) has signed the application and plans. The Water Master (Mike Hansen) has signed the application and the City Recorder's Assistant (Paula Peckham) has signed for payment of impact fees. Stuart motions to approve the permit for the Rasmussens to build a house as described above. Tom seconds the motion and all vote in favor. They will need to submit their application and plans to the County on-line and have Roger verify their setbacks.

- Jenny and Jason James (Shep's Grill) were told to "get on the docket" to discuss signage for their store, but they have corrected their violation and don't know what else they need to do with the Planning Commission or City Council. They are planning to help oversee a Farmers' Market in front of the "Beehive House" in the summer so the Commission reads the rules for seasonal commercial use and gives them a copy of Chapter 7 (page 21). The Commission also recommends getting permission from Susan Monsen or Susan Jacobson.

- Brent Jakins has submitted an application for an addition to his existing house at 250 South 600 West, serial #18156x5. The property is not in the FEMA SFHA. The addition will measure 33'x18' for (594 sq.ft.) and will have utilities for a kitchen. The eave height will be 8 ½' (much less than the 19' maximum being considered for revision). The setbacks will not be applicable on the front/east where it will attach to the existing house, 65' on the rear/west (exceeding the 12' fire safety minimum towards an existing shop), 19'6" on the north side (exceeding the 12' minimum), and not applicable on the south side because it does not go beyond the existing house side. The Fire Chief (Tod Robinson) has signed the application and plans. The Water Master (Mike Hansen) has signed the application. Joseph motions to approve the permit for Mr. Brent Jakins to build an addition to his existing house as described above. Stuart seconds the motion and all vote in favor. He will need to submit his application and plans to the County and have Roger verify his setbacks.

- Jared Jakins has submitted an application to build a metal shed/shop without utilities on his 0.52-acre property at 186 South 500 West, serial #17974. The property is not in the FEMA SFHA. An irrigation line runs along the north property line and south into the middle of the property. The shed/shop will measure 24'x50' for 1200 sq.ft. and the eave height will be 12' (much less than the 19' maximum being considered for revision). The setbacks will be 79' on the front/east (greatly exceeding the 25' minimum towards 500 West and also ~40' from an irrigation line), 4' on the rear/west (exceeding the 2' minimum behind the midpoint of the property), 26' on the north side (exceeding the 7' minimum easement towards the irrigation line), and ~138' on the south side (greatly exceeding the 12' fire safety minimum towards the existing house). The Fire Chief (Tod Robinson) has signed the application and digital picture of the shed/shop, but the Jakins will not have the detailed plans until January 24th. As the County will require detailed plans the Commission is not comfortable approving the permit until they see the detailed plans. Heather will inform the Jakins and suggest that they reapply next month.

- Heather asks Stuart (contractor for Brian Casselman) for the paperwork for the file to be kept at City Hall for the large barn at ~100 North State Street. He and Heather will check with Brian and Scott Collard (the previous Mayor).

- Bryan reports that Greg Johnson (President of the Big Springs Irrigation Company) gave him a partial copy of their rules for irrigation water usage and would like the Planning Commission to add it to their Quick Reference. Since the Irrigation Company is not owned by the City, the Planning Commission does not feel that it should add their paper to the City's Quick Reference, but it could be passed out along with the Quick Reference and the Welcome Letter.

This paper will explain when people are allowed to use irrigation water. Shelith suggests that the rules are legally worded and they should be preceded by a summary preamble paragraph with contact information for the Irrigation Company to answer questions. The Commission agrees and Bryan will return it to Greg for modification.

- Bryan next reports that he had a long talk with the new Mayor, Mark Coombs, who is very supportive of the Planning Commission and a firm believer in applying the rules of the Land Use Ordinances equally to everyone. He is adamant that the Commission needs to update the Ordinances on a regular basis.

- Heather asks Shelith if the previous Mayor, Scott Collard, began preparations for a survey of the city citizens as planned. The City is supposed to conduct a survey every 5 years and update the Ordinances as well. Shelith doesn't think so and is concerned that survey questions should be worded so that they do not lead to answers that the Commission or the City prefer. The Commission discusses requirements for shipping containers ("CONEX" is an acronym) and decides that they already know that many citizens want them to be allowed and they could be considered like any other auxiliary building needing setbacks except that they should have appropriate anchors. If they are planned for use as a human habitation, they would have to have engineered plans. Joseph refers to the 2007 survey and explains that information is provided to address a problem and options are offered for the citizens to choose from. He cautions that just because the citizens ask for something does not mean that they can necessarily get what they want – this is not voting. Viable options must consider the ability of the City to provide what is wanted. Shelith points out that the City needs more taxable revenue; more businesses would have to be low water users – more growth requires more water for Fountain Green. She also asks if we need to expand the 1-block section of State Street with grandfathered setbacks of 0' frontage, etc. to allow for more businesses. The Commission does not see that as a viable change because most of the property along State Street is already occupied by residential houses and if the City annexes property north it would have to provide infrastructure support – which it cannot do. Small fabrication businesses could do well here – these would be home occupation businesses. The Planning Commission had proposed zoning for industrial parks north of the City in a buffer zone, but the County has decided to drop those plans. If the City annexes property for industrial purposes it must provide infrastructure. Clint points out that Fountain Green is a "bedroom community" and as such it does not have the location that would entice businesses to set up here. New house impact fees and property taxes do not pay for more infrastructure. The Commission discusses turning irrigation water over to culinary water – there are a lot of negatives. Jerime proposes owner-occupied duplexes like Genola allows, but the Commission is concerned about having enough water and sewer services for everyone if we allow duplexes or apartment buildings. The Ordinances would have to be worded carefully – it looks like a home, the owner lives in the home, only allowed on a 1-acre lot, etc. A "50 and above" community area? Amy leaves at 9:10 pm.

- Joseph suggests that the Commission could at least hold a Public Hearing for the setback changes that have been requested by the City for the new Public Safety building on State Street (chapter 7.3-3). Chapter 2 – Definitions has some things ready to amend. Chapter 4 – Planning Commission terms and ex officio member vote needs further discussion. The Commission feels that we could also include revisions for allowing shipping containers (ex: CONEX) and auxiliary buildings anywhere on a property as long as they meet setback and fire lane requirements for other buildings on similar property. In other words, no corner lot requirements (or lots with houses at the back of a property) to have auxiliary buildings behind the house – they would only require 25' setbacks from streets, 12' (or 2' behind property midpoints) side and rear setbacks, and fire safety setbacks from other buildings. Auxiliary buildings < 200 sq.ft. would still need to meet

setback requirements, but would not be required to have anchors, footings, or a foundation. Auxiliary buildings ≥ 200 sq.ft. would have to have footings, foundation or appropriate anchors as well as meeting setback requirements. We should still keep the 2' setback behind the midpoint of the property. Stuart thinks that the Health Department requires buildings housing animals to be at least 30' from buildings used for human habitation. We need to check on that. We should consider setback and fire lane requirements for "yurts" (canvas-covered carports) at a later date – it should be considered as a structure. Shelith suggests that the Commission should meet with the Fire Chief before changing the eave height requirement as he may have other suggestions as well. Heather will prepare Chapters 7 and 2 for a Public Hearing to be held 30 minutes before the next Planning Commission meeting with notice posted 10 days in advance of the Hearing.

• Stuart motions to adjourn the meeting. Jerime seconds the motion and all vote in favor. The meeting adjourns at 10:00 pm.

Heather