

Fountain Green Planning Commission Meeting
Fountain Green City Hall
July 8, 2021 7:33 p.m.

Attendance: Joseph Papenfuss, Bryan Allred, Aimee Goble, Jerime Ivory, Stuart Krukiewicz, Riley Hansen, Clint Hansen (arrived 7:49)

Excuse: Shelith Jacobson, Tom Hansen

Citizens in attendance: Homer Workman, Mrs. Casselman, Jene Omer, Deon Evans

Bryan calls the meeting to order and asks Heather to read the minutes for the June 10, 2021 Public Hearing and regular meeting. Riley motions to approve the minutes as read. Aimee seconds the motion and all vote in favor.

- Brian Casselman comes to request a lot split of his property at 80 East 100 North, serial #18244. He would like to split off 1.09 acre on the west where his shop/garage has been built and use the remaining 3.6-acre field for his cows. This property is not in the Federal Emergency Management Agency (FEMA) Special Flood Hazard Area (SFHA), but it is in the City Sensitive Lands (SL) Zone. He is aware that there may be special conditions attached to the use of his land in the SL Zone. Jerime motions to approve the lot split requested by Mr. Casselman. Stuart seconds the motion and all vote in favor. Mr. Casselman next presents an application for a permit to build a 12'x16' (192 sq.ft.) loafing shed for his cows to calve in. There will be no foundation, floor or utilities and his plans are satisfactory for the Planning Commission – since the shed measures less than 200 sq.ft., he will not need to take plans or permits to the County. The eave height will be 10'7½" (much less than the 21' maximum allowed). The setbacks will be 50' on the front/north (exceeding the 25' minimum towards 100 North), 154' on the rear/south (greatly exceeding the 12' minimum), 446' on the east side (greatly exceeding the 12' minimum), and 50' on the west side (exceeding the 12' minimum). The Commission checks the animal units allowed in the SL Zone and explains that Mr. Casselman may only have a maximum of 14 cows on his property. He only has 5 at this time and doesn't see any problem with this limit. The Planning Commission chairman, Bryan Allred, fills out the conditional use permit with the only condition being to limit Mr. Casselman to a maximum of 14 cows on this property. Calves are counted as ½ of an animal unit until they are 2 years old unless they are transients (held for ≤ 90 days). The Commission decides that there needs to be no expiration date. Mr. Casselman will need to attend the next City Council meeting (July 22nd) to find out if they have any other conditions that they want to add to the conditional use permit. Clint motions to recommend approval of the conditional use and building permits for Mr. Casselman as described above. Jerime seconds the motion and all vote in favor.

- Krystal Lloyd and her parents, Dick and Kathy, come to discuss how best to split her lot at the corner of 100 West and 400 North. Water and sewer are both available on 400 North. The Commission explains that she will need to leave both lots with at least 0.455 acre, 90' frontage, and 100' depth to allow for any new home to be built. The City does not require a permit – all she needs to do is go to the County and request the change. The Commission advises her to do some measuring to make sure that all current buildings on her lot will have at least a 12' setback from the proposed new property line.

- Lance Zobell comes to request a permit to attach a shed to his existing garage on his 0.636-acre lot at 374 North 100 West, serial #18130. The property is not in the FEMA SFHA and the shed will not have utilities. It is behind the midpoint of the property and will measure 7'x14'

for 98 sq.ft.. The eave height will be 9' (much less than the 21' maximum allowed). The setbacks will be not applicable on the front/west because it will not extend beyond the existing garage, 11.5' on the rear/east (exceeding the 2' minimum behind the midpoint of the property), not applicable on the north side where it will attach to the existing garage, and 3.5' on the south side (exceeding the 2' minimum behind the midpoint of the property). An irrigation line runs in front/west of the existing garage. Jerime motions to approve the permit for Mr. Zobell to attach a lean-to to his existing garage as described above. Stuart seconds the motion and all vote in favor. Mr. Zobell will need to submit his City permit and structural plans showing attachments, etc. to the County – the plans need not be engineered, but should be more specific than what he brought to the Planning Commission. He will also need to have Roger check his setbacks.

- Stephen and Katy Stoker submitted an application for a permit to build a fence/rail on the existing rear deck of their house. The City does not require a permit for this as it does not change the footprint of the deck, but the County does have certain requirements that they should call to find out about. They would also like to pour footings for a roof over the deck at some time in the future, but Clint motions to table the application for lack of building plans. Stuart seconds the motion and all vote in favor. The County will want to inspect any attachment to the house.

- Ty Evans comes to discuss an unwritten complaint by Jene Omer against his equine training clinic held last week on his property at 202 West 500 North. Evidently, the complaint was due to the placement of a "porta potty" by the neighbor's property line. Mr. Evans was advised to get a business license or home occupation permit, but felt that he didn't need to do either because of the 2018 Farm Bill. This bill actually applies to unincorporated areas – not within a City. The City can require a license or conditional use permit to control dust, provide insurance, etc. Mr. Evans has 7 acres with 9 mules, 5 cows, and a few sheep. He already moved the "porta potty" and had controlled dust at his clinic. He had 6 rigs parked on his property for 4 days with a total of 17 people – no loud noise was complained of. He plans to hold 3 – 4 clinics each year. Aimee encourages him to get a business license because it can be obtained immediately whereas a home occupation permit would require getting approval from the City Council in two weeks. Also, the business license is renewable each year for \$25. Ms. Omer wants more information about future plans, notification to neighbors, etc. The Commission reads from Chapter 7.2 B4 to explain that Mr. Evans is in compliance and within his rights. They encourage her to work with Mr. Evans if she has further complaints.

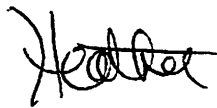
- David and Bobbi Hughes-Millman come to discuss what they need to do to repair/remodel their home that was damaged by prospective buyers living in it for 6 years. They are currently living in Spanish Fork, but would like to live in the upstairs main floor of the home in Fountain Green and rent out the basement to help pay the repair bills. The Commission explains that the City is still learning what they can require in this type of rental because of the recent passage of HB 82. Off-street parking must be provided for the homeowner and the rental and the owner must live in the home as their primary residence for at least ½ of the year. The Hughes-Millmans are advised to retain a general contractor or become their own general contractor and hire certified subcontractors. They will also need to get a permit from the City if they change the footprint of the house and permits and inspections from the County. The Hughes-Millmans ask to be put on the Agenda for next month for a permit to extend the peaked roof over the front porch and are directed to pick up the necessary paperwork from the City Hall.

- Bryan next asks for discussion of a request made by Roger and Mayor Coombs to prohibit the drilling of wells for culinary use within the City limits. There is concern about how more wells might affect the ability of the Big Springs to supply the needs of the current residents. The question of the legality of prohibiting drilling a well is also raised because water rights are controlled by the State, not the City. Since payment of water bills

is the major source of revenue for the City, discussion of metering, cross-connecting, water quality of wells, charging for sewer service, back flow prevention, etc. is lengthy. In the end, Joseph notes that the City is already covered by Chapter 11.29 B, which states that "All residences, businesses, public facilities, etc shall be required to have their culinary water supplied by the Fountain Green City culinary water system." The Commission is also concerned about the secondary well source – if it is ever needed for use as the primary water source – is it connected to the treatment center above the City? Joseph would like to see the City maximize its use of the existing storage tank by aerating water stored there – thereby allowing for more water to be stored.

- The Commission is reminded that the State requires review of the General Plan and Land Use Ordinances every 5 years. Fountain Green is behind in fulfilling this requirement and should therefore begin with a new survey of the residents of the City. The Commission members are encouraged to review the old surveys (Appendices II and III) and come up with questions for a new survey.

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

A handwritten signature in black ink, appearing to read "Hedder", is centered on the page.