

Fountain Green Planning Commission Meeting
Fountain Green City Hall
September 9, 2021 7:31 p.m.

Attendance: Joseph Papenfuss, Bryan Allred, Riley Hansen, Stuart Krukiewicz, Shelith Jacobson (arrived at 7:32), Tom Hansen (arrived at 7:34), Jerime Ivory (arrived at 7:35)

Excuse: Clint Hansen, Aimee Goble

Citizens in attendance: Homer Workman, Matt Brown & wife

Bryan calls the meeting to order and asks Heather to read the minutes for the August 12, 2021 meeting. Stuart motions to approve the minutes as read. Joseph seconds the motion and all vote in favor.

- Quinn & Darlene McFarland come to request a permit to build a 12'x30' (360 sq.ft.) lean-to addition onto their existing 11.5'x30' (345 sq.ft.) shed on their 0.70-acre property at 790 West 400 South, serial #18181x, in the Residential Agriculture (RA) Zone. They bought the property from the Auxiers and the shed was already existing, but since the Auxiers put in the shed the Federal Emergency Management Agency (FEMA) has ruled their property to be in the Special Flood Hazard Area (SFHA). The Commission considers their application, but cannot approve the building permit until the FEMA Administrator/Mayor signs off on the application. The setbacks will be ~111' on the front/south towards the existing house (greatly exceeding the 12' fire safety minimum), 12' on the rear/north (exceeding the 2' minimum behind the midpoint of the property), ~109' on the east side (exceeding the 2' minimum behind the midpoint of the property), and not applicable on the west side where it will attach to the existing shed. There is no irrigation on the property. The lean-to addition will not have utilities and the eave height will be less than that of the existing shed (much less than the 21' maximum). Jerime motioned to conditionally approve the permit for the McFarlands to build a lean-to addition as described above if the Mayor/FEMA Administrator signs off on their application. Stuart seconds the motion and all vote in favor. They will also need to submit their City permit and more detailed plans to the County – their contractor, Jim Nielson, can help them with that procedure. Roger will then need to check their setbacks.

- Brian and Nikki Casselman submitted an application for a larger lean-to loafing shed than the one that was approved last month. Their 3.67-acre property at 80 East 100 North, serial #18244, is in the Sensitive Land (SL) Zone. The shed will measure 12'x36' for 432 sq.ft. and will therefore need to have the City permit and plans submitted to the County if approved by the City Council and Mayor at their next meeting (September 16). There are large irrigation lines cutting diagonally through the property, but the Acting Irrigation Master (Greg Johnson) told Heather that the proposed shed is far from the lines. The new setbacks will be 50' on the front/north (exceeding the 25' minimum towards 100 North), ~130' on the rear/south (exceeding the 12' minimum), ~450' on the east side (greatly exceeding the 12' minimum), and 50' on the west side (exceeding the 12' minimum). The eave height will be 8' (much less than the 21' maximum) and the shed will not have utilities. Bryan writes up a new conditional use permit for the City Council and Mayor to consider with two conditions: 1) 14 head maximum animal units on 4 acres and 2) a 12'x36' shed. Riley motions to recommend approval to the City Council of the permit for the Casselmans to build a lean-to shed as described above. Stuart seconds the motion and all vote in favor. Bryan will be out of town the night of the City Council meeting and asks Riley to attend as

the Vice Chair of the Planning Commission. The Casselmans should also attend to sign the new conditional use permit. Heather will get them on the City Council Agenda for next week.

- Cal & Kim Nielson are not on the Agenda because they had not paid their impact fees before Heather posted the Agenda, but they would like to build a 30'x40' shop with power, water, and sewer on their 1.57-acre property at 560 South 250 West, serial #18314, in the RA Zone (not in the FEMA SFHA). After looking at their plat, plot, irrigation line, and plans Bryan told them that they will need to get on the Agenda for next month.

- Tom Hansen presents his application for a permit to build another storage unit on his property at 50 East 200 South, serial #18260x, in the BC Zone. The property is not in the FEMA SFHA. The storage unit will measure 30'x140' for 4200sq.ft. and will not have utilities. The eave height will be 9 ½' (much less than the 21' maximum). The setbacks will be 30'8" on the front/north (greatly exceeding the 25' minimum towards 200 South), 19' on the rear/south (exceeding the 2' minimum behind the midpoint of the property), 24'8" on the west side towards an irrigation line easement (exceeding the 2' minimum behind the midpoint of the property and 14' to the irrigation line easement), and 24'9" on the east side (exceeding the 12' fire safety minimum towards the existing storage units). The Fire Chief (Todd Robinson) and the Acting Water Master (Greg Johnson) have signed the application and plans. Bryan writes up a new Conditional Use Permit with four conditions: 1) fencing will be chain link, the building wall is 10' on the east side with drainage sloping to the east side, 2) the proposed building on the west side of the lot will slope to both sides of the building going east and west onto the owner's property, 3) the nature of the business is storage units with access providing adequate parking, and 4) all drainage will be onto the owner's property. Jerime motions to recommend approval to the City Council and Mayor of the permit for Mr. Hansen to build more storage units on his property as described above. Stuart seconds the motion and all vote in favor with Tom and Riley recusing themselves. Heather will get Mr. Hansen on the City Council Agenda for next week.

- The Commission next asks Heather to report on the rules for in-ground swimming pools. She quoted from the Ordinances of Mt. Pleasant City, Nephi City, Draper City, and Utah State for pools of permanent construction not enclosed within a building. They all had some similar requirements and a couple had extra prohibitions. The Commission is considering the following rules:

- 1) Any property with a pool must have a primary residence on the property as well.
- 2) A 12' setback from all property lines and the eaves of other buildings is required.
- 3) A fence or wall is required and must be at least 6' high with no openings that would allow a 4" diameter sphere to pass through it. Gates must also be the same height as the accompanying fence and be equipped with self-closing and self-latching devices mounted on the inside of the gate at a minimum of 5' above the ground.
- 4) Any direct connection for drainage of a pool to the sewer system of the City is prohibited.
- 5) There must be a 12' setback between the exterior of the barrier and any permanent structures or equipment (such as pumps, filters, and heaters) that could be used to climb the barrier. If this equipment is on the inside of the barrier, the setback should be at least 2' from the edge of the pool and 12' from the inside of the barrier.
- 6) The pool side of the required barrier shall be at least 12' from the water's edge.
- 7) Any natural topography used to form a barrier must meet the same requirements as those for a fence or wall barrier.
- 8) Pools must not be located within the front yard of residences. Corner lots may use a secondary front yard if all other setback requirements are met.

- 9) The State has adopted the International Swimming Pool and Spa Code (ISPSC) under Section 15A-2-103 and Fountain Green City should cite the State Code and web site.
- 10) On-ground (above ground) pools must have walls at least 48" above grade for the entire perimeter of the pool and meet the requirements of the manufacturer to serve as a barrier.
 - a) Ladders or steps used as access to the pool must be capable of being secured, locked or removed to prevent access except where they are surrounded by a barrier.

Riley noted that the International Building Code (IBC) called for back-flow prevention. There was some concern that a 6' fence was not tall enough to prevent deer from jumping into the pool accidentally, but the Commission finally decided that it was not the City's duty to prevent that – it is up to the homeowner. The Commission asks Heather to check with the County to see if they have any rules governing swimming pools of any kind.

- Heather reported that the Planning Commission service term of Joseph will be coming to an end this year and she has been tasked with reporting this to the City Council every September. Nate has said that he will retire if his wife, Alyson, is elected to the City Council. The Mayor &/or City Council may wish to discuss the wishes of the Commission members up for retirement with them.
- Shelith suggested that one of the new survey questions should address mother-in-law apartments such as living space above detached garages. Joseph points out that this would increase the density of the population and water/sewer usage. The Commission members are encouraged to review the old surveys and come up with questions for a new survey.
- Riley feels that rezoning of the old City Hall (from Public Facility (PF) to Residential Agriculture (RA)) should be addressed as soon as possible. This would be a good time to rezone the new City Hall and the Well House property (from RA to PF) as well. Heather will put these on the next Planning Commission Agenda.
- Riley motions to adjourn the meeting. Joseph seconds the motion and all vote in favor. The meeting adjourns at 9:55 pm.

Heather