

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

Attendance: Joseph Papenfuss, Tom Hansen, Riley Hansen, Clint Hansen, Aimee Goble, Bryan Allred, Jerime Ivory, Stuart Krukiewicz, Shelith Jacobson (arrived at 7:52)

Citizens in attendance: Homer Workman

Bryan calls the meeting to order and asks Heather to read the minutes for the September 9, 2021 meeting. Jerime motions to approve the minutes as read. Riley seconds the motion and all vote in favor.

- Brent and Keith Yorgason come to discuss the requirements for splitting their 6.13-acre lot at 700 West 600 North into 3 lots of 1.75 acre, 2.25 acre, and 2.0 acre. Each lot would have between 150'-200' frontage on the Big Springs Road (700 West). Bryan has brought a map showing where the irrigation and city water lines are on that property. There are so many around the property that they would make it difficult to build on, but Riley also points out that the 6.13-acre lot is currently in the Public Facilities (PF) Zone! We assume that is because the Fish Hatchery was intending to expand to the south on that property. Riley is proposing that this property in the PF Zone be changed to Residential Agriculture (RA). This would allow the property to be developed as a major subdivision. Joseph reads through Chapter 10.6 to let the Yorgason brothers know what is required. (Shelith arrives at 7:52). They ask about dividing another property that they own on 400 North ~800 West with 2.3 acres. This would also be considered a major subdivision and they would need to extend the sewer if the lots are within 300' of the nearest sewer line or put in a septic system. Another possibility would be to divide the lot by an agricultural subdivision and put at least 0.455 acre with the adjacent agricultural property which they own while leaving the other portion for a buildable lot subject to a conditional use permit approval.

- Jackson Jones submitted an application for a permit to build a Tuff Shed on his 0.53-acre lot at ~350 South 600 West, serial #18154, in the RA Zone (not in the Federal Emergency Management Agency (FEMA) Special Flood Hazard Area (SFHA)). The shed will measure 10'x16' for 160 sq.ft. and will not have utilities. The eave height will be 8' (much less than the 21' maximum). The irrigation line runs along the south property line. The setbacks will be ≥90' on the front/east (greatly exceeding the 12' fire safety minimum towards the existing house), 25' on the rear/west (exceeding the 2' minimum behind the midpoint of the property), 12' on the north side (exceeding the 2' minimum behind the midpoint of the property), and 79' on the south side (greatly exceeding the 2' minimum behind the midpoint of the property). Jerime motions to approve the permit for Mr. Jones to build a Tuff Shed as described above. Stuart seconds the motion and all vote in favor.

- Deon Evans submitted an application for a permit to build a carport on his 1.05-acre corner lot at 385 North 500 West. He is not present and Heather reports that the proposed north setback would be 18' when the requirement is 25' towards 400 North. Heather talked to him and he planned to measure again to see if he could move the carport further south, but he did not report back to Heather on those results. Joseph motions to table Mr. Evans' application. Clint seconds the motion and all vote in favor.

- LeiAnn Schmith submitted an application for a permit to build a porch addition onto their existing house at 575 West Center, serial #17980x, in the RA Zone (not in the FEMA SFHA). The irrigation line runs along the south property line. The addition would measure 19'x8'10" for

167.8 sq.ft. and would not have utilities. The eave height would be 6'8" (much less than the 21' maximum) with an overhang of 1'8". The setbacks would be 46' on the front/north (much greater than the 25' minimum towards Center Street), not applicable on the rear/south where it will attach to the existing porch, 36'6" on the east side (much greater than the 12' minimum), and not applicable on the west side where it will attach to the existing house. Riley motions to approve the permit for Ms. Schmith to build a porch addition as described above. Jerime seconds the motion and all vote in favor. Since the porch addition attaches to the existing house, Ms. Schmith will need to submit the plans and City permit to the County on-line.

- Mark Coombs submitted an application for a permit to put solar panels on the roof of his existing house at 761 West 100 South, serial #18156x4, in the RA Zone, (not in the FEMA SFHA). No setbacks will be changed. Clint motions to approve the permit for Mr. Coombs to place solar panels on the roof of his existing house and submit the plans and City permit to the County. Stuart seconds the motion and all vote in favor.

- Stuart Krukiewicz presents an application for a permit to build a house with garage on his 0.53-acre corner lot in the RA Zone (not in the FEMA SFHA), at 189 North 500 West, serial #18063x. The lot previously had a modular home that burned down, but is currently vacant. The 0.53-acre lot measures 107.25' frontage on 500 West and 214.54' depth along 200 North (exceeding the 0.455-acre, 90' frontage, and 100' depth minimums). There is no irrigation on the property and city water and sewer are both available on both streets. The stick built house will measure ~51'x34' for 1416 sq.ft. and the basement will measure the same. The garage will measure ~22'x23'8" for 520 sq.ft.. The eave height will be 9' (much less than the 21' maximum) and the house will have an 8'x19'2" patio on the rear without a roof. The setbacks will be 25' on the front/east (meeting the 25' minimum towards 500 West), 138'2" on the rear/west (greatly exceeding the 25' minimum), 26'4" on the north side (exceeding the 25' minimum towards 200 North), and 30' on the south side (exceeding the 12' minimum). The signature of the Fire Chief (Todd Robinson) is on the application and building plans. The signature of the Acting Water Master (Greg Johnson) is on the application. The signature of the City Recorder for payment of fees is not applicable because water and sewer service were already in place for the modular home that burned on that property. Jerime motions to approve the permit for Mr. Krukiewicz to build a house as described above. Aimee seconds the motion and all vote in favor with Mr. Krukiewicz recusing himself. He is reminded to submit his plans and City permit to the County.

- Mike Oliver and his wife, and Rhett Larsen and his mother (Teresa) come with questions about splitting a 2.25-acre lot at 400 South ~500 West, currently owned by Dawn Allred, into a ¾-acre lot and a 1.5-acre lot. Their main concerns are if City water and sewer are available for the proposed lots. Both water and sewer are available on 400 South, but the 1.5-acre lot would need to extend the water from 400 South and either put in a septic system or also extend the sewer from 400 South. There is some question about the feasibility of extending the sewer from 400 South because it might require running uphill (not possible) and the Commission recommends that they talk to Roger. Another possible consideration is hooking into the sewer in Adobe Fields, but Joseph thinks that is too far away. The Commission stresses that both parties will need to have the properties in their name before they can apply for a permit to build on them. Since the 2.25-acre lot was previously created by an Agricultural Lot Split, the proposed split would also require a conditional use permit approved by the City Council. Bryan instructs Heather to put Dawn Allred on the November 11 Planning Commission Agenda for the proposed lot split with a conditional use permit to allow building. Mrs. Allred would then request approval of the conditional use permit from the City Council on November 18.

- Riley presents maps and explanations for proposed rezoning of the new City Hall from BC to PF, the old City Hall from PF to RA, and the property south of the old Fish Hatchery from PF

w/out cond.
use

to RA. He also points out that the SL Use Table currently ~~does not allow~~^s "Child Care" and suggests that it should be allowed with a conditional use permit like in the other residential zones. Shelith suggests that this would be a good time to rezone the Well House property from RA to PF as well. Heather reminds the Commission that Block 30 was inadvertently left out of the SL Zone and the Commission feels that they should propose rectifying this, but it is not as critical as the other rezoning proposals. Riley motions to present these rezoning proposals to the City Council next week. Tom seconds the motion and all vote in favor. Shelith will get this item on the City Council Agenda.

- Riley next presents information that he has researched about HB 82, requiring all municipalities within the State to allow Internal Accessory Dwelling Units (IADUs). This information was gathered from the Utah State web site, Moab city, Bluffdale, etc. He provides a summary of HB 82, a definition, development standards, an affidavit, restrictions allowed, and how to deal with violations. There are many questions discussed. He then presents a map proposing a restricted area (Single Family Residential-Agriculture) where IADUs are not allowed based on mitigating any potential risks to the youth of our city posed by transient renters. The Commission discusses writing a new chapter or subchapter 7.6 for a Single Family Residential-Agriculture (SFRA) Zone detailing the standards of development for Internal Accessory Dwelling Units. Shelith will include this proposal with the other rezoning proposals and ask the City Council if they want to be involved in writing the new chapter. Joseph reminds the Commission members that nearly all the city residents must be notified by mail of the proposed rezoning changes before holding a Public Hearing.

- Heather reports that the City Council and Mayor want the Planning Commission to review their proposed Class B Misdemeanor Crimes for Violations of the City's Land Use Ordinances before the scheduled Public Hearing for the new City Ordinance establishing penalties for ordinance violations. After discussion, the Commission notes that Chapter 3.15 D will need to be removed or modified with an exception clause for other penalties established in other parts of the Ordinances. Riley and Joseph also discovered an error in the 3.2 Reviewing Bodies table – "General Plan" and "Variance" should be separated and their authorities listed appropriately. The statute of limitation appears to be two years from the time that a person receives notification that they are in violation of the Land Use Ordinance. The City will need to verify this.

- Jerime motions to adjourn the meeting. Clint seconds the motion and all vote in favor. The meeting adjourns at 11:00 pm.

Heather