

Fountain Green Planning Commission Meeting
Fountain Green City Hall
June 9, 2022 7:30 p.m.

Attendance: Bryan Allred, Joseph Papenfuss, Aimee Goble, Stuart Krukiewicz, Alyson Strait, Jerime Ivory, Riley Hansen (arrived at 7:47)

Excuse: Clint Hansen

Bryan calls the meeting to order and asks Heather to read the minutes for the May 12, 2022 meeting. Joseph notices a name that needs corrected (Pozernick, not Olsen). Jerime motions to approve the minutes as corrected. Aimee seconds the motion and all vote in favor. Heather reads the minutes for the June 4, 2022 Work meeting with the Mayor and City Council. Jerime motions to approve the minutes as read. Joseph seconds the motion, but Riley came late to the meeting tonight and suggests that we table the vote until the end of the meeting tonight so he can read the minutes for the Work meeting before voting.

- Gus German has come to request a combination of two lots that he purchased at 560 West Center, serial #18056 (0.76 acre) and serial #18055x (0.20 acre) in the Residential Agriculture Zone and not in the Federal Emergency Management Agency (FEMA) Special Flood Hazard Area (SFHA). He would then like to split the new 0.96-acre corner lot into two lots of 1) 0.4557 acre and 2) 0.502 acre (both meeting the 0.455-acre minimum requirement). Lot #1 would have 185' frontage on Center Street and 107.25' depth (exceeding the 90' frontage and 100' depth minimum requirements). It would have the existing 38.5'x49' house with new setbacks of 40.5' on the west side and 52.75' on the north/rear (exceeding the 12' minimum on the side and 25' minimum on the rear). The existing setbacks for the house are 16' on the front/south and 95.5' on the east side. Lot #2 would become an "L-shaped" corner lot and have 109.5' frontage on Center Street and 154.5' frontage on 600 West (exceeding the 90' frontage and 100' depth minimum requirements). Its depth at the longest part of the "L" would be 214.5' and 47.25' on the short side with an existing 20'x13.25' shed behind the midpoint of the property. There is an irrigation line on the north property line. Culinary water and sewer are both available on Center Street and 600 West. Stuart motions to approve the lot split for Mr. German as described above. Jerime seconds the motion and all vote in favor. Mr. German will probably need a letter of approval from the Planning Commission to submit to the County Recorder with his lot combination and splitting plans. Heather will get that ready for Bryan to sign.

- Jackson Jones has come to request a permit to put in a residential in-ground 16'x40' swimming pool behind his home at 338 South 600 West, serial #18154, in the RA Zone – not in the FEMA SFHA. Water and power will be run from the back of his existing house – he will therefore need to fill out the application for buildings with utilities. The setbacks will be 16'-18' on the east side facing the existing house (exceeding the 12' fire safety minimum), 32'-34' on the west side towards an existing shed (greatly exceeding the 12' fire safety minimum), 12' on the north side (meeting the 12' minimum), and 79' on the south side (greatly exceeding the 12' minimum). The entire back yard with the pool will be fenced with 6' deer fence on the west and 6' chain-link or wood fence on the other three sides. The fence will have a 6' self-latching gate as required in Chapter 7.2-7 B 6 c) (page 12) on the south side of the house. The Commission asks him how and where he would drain the pool if he should ever need to do so and he tells them that he could bring in a pump truck if he needed to. This permit requires a conditional use permit and the Commission decides on four conditions: 1) Pump truck to drain pool if needed, 2) Cannot drain into sewer or onto street, 3) Follow ISPSC (International Swimming Pool and Spa Code)

section 15A-2-103, and 4) no expiration unless violations occur. Mr. Jones agrees to the conditions and will need to attend the City Council meeting next week on Thursday, June 16, at 7:00 pm. They may want to add more conditions before approving the conditional use permit. Jerime motions to approve the permit for Mr. Jones to put in an in-ground swimming pool as described above and recommend approval of the conditional use permit to the City Council. Joseph seconds the motion and all vote in favor. Alyson will get Mr. Jones on the City Council Agenda for his conditional use permit approval. Roger is still checking setbacks until he completely retires. The Commission thanks Mr. Jones for his patience and assistance in updating the City Land Use Ordinances to allow residential swimming pools and reminds him to submit his plans and City permit to the County.

- Justin Smith comes representing Sanpete Heritage Builders to request a permit to build a house on a vacant 0.50-acre lot (meeting the 0.455-acre minimum) at 765 West 100 South, serial #18186x3, in the RA Zone – not in the FEMA SFHA. The lot has 104.43' frontage on 100 South and 208.56' depth (exceeding the 90' frontage and 100' depth minimums). An irrigation line runs 7' inside the west property line. Culinary water and sewer are both available on 100 South. The Fire Chief (Todd Robinson) signed the plans and application. The Acting Water Master (Greg Johnson) signed the application and the City Recorder (Michelle Walker) signed the application for payment of fees with a 1" water line. The house will measure 32'x60' (1573 sq.ft.) – greatly exceeding the 24' width and 960 sq.ft. minimums. The basement will measure the same as the main floor and the garage will measure 20'x20' (400 sq.ft.). The eave height will be 8' (much less than the 21' maximum) with a 6" overhang. There will be a 20'x10' roofed patio on the rear/south. The setbacks will be 30' on the front/north (exceeding the 25' minimum), 129'11" on the rear/south (measured from the patio and greatly exceeding the 25' minimum), 20' on the east side (exceeding the 12' minimum), and 24'5" on the west side (exceeding the 12' minimum). Jerime motions to approve the permit for Sanpete Heritage Builders to build a house as described above. Stuart seconds the motion and all vote in favor. Roger will need to check the setbacks and Mr. Smith will need to submit his plans and City permit to the County.

- Jeremy Walker comes representing Skyline Builders for a house/shop/garage they are building for Steve Holt. His County permit has expired and they are requiring him to get a new City permit to renew his County permit. His City permit was issued October 8, 2020 and they need to finish the inside of the building. No changes have been made to the initial plans submitted to the City. Jerime motions to approve a new permit for Steve Holt for a house/shop/garage as described above. Stuart seconds the motion and all vote in favor. Mr. Walker will submit his new City permit to the County. Setbacks will not need to be checked.

- Kyle Johansen and Curtis Blackham have come to request a permit to build a subdivision between 200 and 300 North from 600 West to the west City limit boundary. They submit a plat map showing the 8.92-acre property in the name of Johansen Properties, LLC. They are proposing a compromise from their initial plan of 19 ~½-acre lots. After attending the Work meeting of the City Council and Planning Commission on June 4, 2022, they think that if they leave 5 acres in "greenbelt" where the Transportation Plan calls for 800 West and create four unimproved ½-acre lots on the northwest and four unimproved ½-acre lots on the southeast it will help the City conserve its water resources. Buyers would be responsible for stubbing in utilities when they decide to build. They are calling this proposal an agricultural lot split with two minor subdivisions. Riley and Stuart disagree and explain that Mr. Johansen is still creating a major subdivision and has fulfilled most of the requirements: Initial Contact was made in December 2021 and if they leave their plot plan, it will count as the application. All proposed lots abut City streets and meet building lot requirements. Mr. Johansen has had a professional engineer study the impact of his proposed subdivision and certify that the existing City water and sewer system is

adequate for the additional homes being proposed. They still need to meet with the Fire Chief and City Council to decide where fire hydrants need to be placed and any other fire safety concerns. Mr. Johansen feels like the City is taking too long to consider his proposal and thinks a lawsuit may be his only option! Riley and Jerime remind him that the threat of a lawsuit is not helpful and is definitely not productive – it will take more time and money than working with the City to finish the requirements for a subdivision. Joseph points out that the City's Chapter 10 – Subdivisions is out-of-date because the State has made changes in the last 5 years, including defining a unplatted subdivision as one creating 10 or fewer lots! Mr. Johansen's compromise proposal could help transition toward the changes that need to be made. Jerime agrees with Riley and Stuart that we should follow our current Ordinances until we have updated them. Joseph reads requirements that still need to be met for a major subdivision (see Chapter 10.6 C): noticing to surrounding properties, Public Hearings by the Planning Commission and City Council, Administrative Review, and Final Plat Review. Alyson reminds the Commission that the Mayor and City Council will be declaring a Moratorium on all lot splits and subdivisions next week at their regular meeting, but Mr. Johansen will still be able to proceed with his development because he started the process before the Moratorium was in place. Bryan tells Mr. Johansen that a "greenbelt" must have stock or a crop on it and Aimee reports that the County is getting stricter in inspecting for this. Joseph explains the new State requirements of 50% production compared to other similar properties. Bryan also reports that the State requires 1 acre foot of water/home and the last price he heard for 1 acre foot of water was \$30,000 (up from \$25,000 6 months ago!). He expects the price to continue rising fast. Mr. Blackham asks if they can leave the initial 19-lot plat and the compromise proposal for the City to consider in a joint Planning Commission-City Council work meeting. The Commission agrees and expects that there will be different requirements for the two proposed subdivision plans and Mr. Johansen can then decide which plan he would like to invest in. Alyson will get this issue on the City Council Agenda for June 16. Bryan thanks the Commission members for working together to defuse a tense situation and offer constructive advice.

- Bryan asks Riley to present the proposed Internal Accessory Dwelling Units (IADUs) paperwork for inclusion into the current Land Use Ordinances. He has formatted it for inclusion into Chapter 11.32 and left out any reference to a prohibited zone as instructed at the Work meeting with the City Council. He has also prepared the definitions for inclusion into Chapter 2. Bryan suggests a Public Hearing for Chapter 11.32 and changes to Chapter 2 on July 14 at 7:00 pm (just before our regular meeting). Although this is the beginning of Lamb Day, the Commission members agree that we need to proceed.

- Stuart asks if he will be able to split a lot if the City Council declares a Moratorium at their next meeting. The Commission members feel like we have to follow our rules as we told Mr. Johansen and Mr. Blackham. Jerime suggests a conditional use permit to build a new house on a lot containing a pre-existing house – this could solve Stuart's dilemma.

- Alyson reports that the City Council will be considering vacating 800 West and 300 North by Olsen's newly permitted building site, lot sizes, IADUs, and minimum widths of homes at the City Council meeting next week. She asks if there is anything else that needs attention and the Commission suggests a Work meeting with Mr. Johansen, Mr. Blackham, the Fire Chief, the City Council, Mayor, and Planning Commission. She will ask if Saturday, June 25th, will work for a majority of the people. Joseph reminds them that if they are not in attendance at the Work meeting, any decisions are still binding if there is a quorum of the City Council and Planning Commission members present.

- Heather asks if anyone is prepared to discuss and vote on the 2021 Annual Report that was passed out last month. They discuss the Dawn Allred and Steve Oliver lots splits. The original

splits were done at the County without Planning Commission approval, but no one has built on them yet so the City could still require 600 West to be built. Bryan asks about the notation in the "2021 Notes" that Kyle Johansen and Curtis Blackham made Initial Contact for a Major Subdivision. Joseph checks the definition of "Initial Contact" and the Commission agrees that it meets the requirement. Riley motions to approve the 2021 Annual Report and present it to the City Council next week. Jerime seconds the motion and all vote in favor. Alyson will get it on the City Council Agenda.

- Riley motions to bring back the tabled minutes of the Work meeting to vote on them and he will approve them (he read them during the discussion with Mr. Johansen). Jerime seconds the motion and all vote in favor.

- Jerime motions to adjourn the meeting. Stuart seconds the motion and all vote in favor. The meeting adjourns at 10:33 pm.

Heather