

Fountain Green Planning Commission Meeting
Fountain Green City Hall
July 14, 2022 7:32 p.m.

Attendance: Bryan Allred, Joseph Papenfuss, Aimee Goble, Stuart Krukiewicz, Clint Hansen, Tyler Smith, Riley Hansen, Rod Hansen (substituting for Alyson)

Excuse: Alyson Strait, Jerime Ivory, Tom Hansen

Citizens in Attendance: Amber Emerick, Shelith Jacobson, Christian Lee *Kameron Hanson*

Bryan calls the meeting to order and asks Christian Lee to come up to the table to discuss his plans to create an Internal Accessory Dwelling Unit (IADU). Mr. Lee is not on the Planning Commission Agenda, but Bryan is trying to help him create his IADU without complications. Mr. Lee explains that he has remodeled an existing salon to meet the requirements of an IADU, but didn't realize that he needed to work with the County and City. The Commission explains that subchapter 11.32 will be considered by the City Council next week and Mr. Lee will need to wait for them to approve or change it before applying for a permit to operate an IADU. Meanwhile, he should request that the County inspect his remodel and approve it. Then he can get on the Planning Commission Agenda for next month to begin the process for operating an IADU. He will need to get the affidavit from the City Office and proceed from there. Subchapter 11.32 will be available to help him with the process if approved by the City Council next week.

- Bryan asks Heather to read the minutes for the June 18, 2022 work meeting with Kyle Johansen for his major subdivision. Aimee reminds Bryan that she asked to be excused and Heather adds her to that line. Joseph motions to approve the minutes as amended. Tyler seconds the motion and all who were present at the meeting (Joseph, Riley, Stuart, and Tyler) vote in favor with Aimee and Clint abstaining. Heather reads the minutes for the June 9, 2022 meeting. Bryan asks if the self-latching gate latch is at 5' or 6'. Joseph checks the reference to Chapter 7.2-7 B 6 c) and reports that the latch is at 5', but the gate itself is 6' high. Aimee motions to approve the minutes as read. Riley seconds the motion and all who were present at the meeting (Joseph, Aimee, Stuart, and Riley) vote in favor with Clint and Tyler abstaining.

- Eric and Catherine Freeman come to request a permit to build a chicken coop on their 0.52-acre lot at 156 West 100 South, serial #17996, in the Residential Agriculture (RA) Zone – not in the Federal Emergency Management Agency Special Flood Hazard Area (FEMA SFHA). An irrigation line is on the north property line. The coop will measure 7'x12' (84 sq.ft.) with an eave height of 6' (much less than the 21' maximum). It will not have utilities and is behind the midpoint of the property. The setbacks will be 75' on the front/south (greatly exceeding the 12' fire safety minimum towards the existing house), 69.5' on the rear/north (greatly exceeding the 2' minimum behind the midpoint of the property), 2' on the east side (meeting the 2' minimum behind the midpoint of the property), and 93.25' on the west side (greatly exceeding the 2' minimum behind the midpoint of the property). Stuart motions to approve the permit for the Freemans to build a chicken coop as described above. Tyler seconds the motion and all vote in favor. They will need to have the new Public Works Director (Curt Nielsen) check their setbacks, *but* *and* will not need to submit their plans to the County since the building is smaller than 200 sq.ft.

- Dennis May has come to request a permit to add a 30'x30' (900 sq.ft.) carport to the north side of his existing house at 186 South 200 West, a 0.53-acre corner lot, serial #17963, in the RA Zone – not in the FEMA SFHA. The eave height will be 9' and attach under the roof of the existing house. It will have a 3'5" overhang on the north side, but will not have utilities. There is an irrigation line on the west property line. The setbacks will be ≥50' on the front/east (greatly exceeding the 25' minimum towards 200 West), 25' on the rear/west (greatly exceeding the 12' minimum after he removes the existing shed), ~130' on the north side (greatly exceeding the 12' safety minimum towards a semi trailer), and not applicable on the south side where it will attach to the house. He is considering placing the shed that he is planning to remove from the driveway (to the carport) next to the carport and the Commission reminds him to come for a permit before proceeding with that project. Clint motions to approve the permit for Mr. May to build a carport attached to his existing house as described above. Stuart seconds the motion and all vote in favor. He will need to have Curt check the setbacks and submit his City permit and plans to the County since it is attaching to his house.

- Michael Oliver has come to request a permit to build a garage with an apartment on the second floor on his vacant 1.87-acre lot (greatly exceeding the 0.455-acre minimum) at 533 South 500 West, serial #18211x3, in the RA Zone. The property is in the FEMA SFHA, but has previously received a Letter of Map Amendment (LOMA). The lot has 484' frontage on County Road 117 and 170.15' depth (greatly exceeding the 90' frontage and 100' depth minimums). There are no irrigation lines. Culinary water will be extended from 400 South and since any existing sewer line is more than 300' away he will put in a septic system. 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. The garage will measure 38'x31' (1178 sq.ft.) and the apartment above will measure 45'10"x31' (1269 sq.ft.); greatly exceeding the 24' width and 960 sq.ft. minimums. The eave height will be 9'2" (much less than the 21' maximum). The setbacks will be >50' on the front/east (exceeding the 25' minimum towards County Road 117), >60' on the rear/west (greatly exceeding the 25' minimum), >100' on the north side (exceeding the 12' minimum), and ~300' on the south side (exceeding the 12' minimum). Mr. Oliver plans to build a "real" house attached by a breezeway to the garage/apartment in ~5 years and has included the plans for the combined buildings. IF he were planning to use the apartment as an IADU, he would need to revise his plans for the breezeway, but he does not plan to use the apartment as an IADU. This can be considered when he applies for the addition of the "real" house. Since this lot was created from an agricultural lot split, the Commission asks Heather to pull the conditional use permit that was required. The first condition required a perc. test to make sure a septic system could function there. Mr. Oliver checks on his phone since there is no copy of the perc. test with his application. He finds it and sends it to Heather's e-mail for her to print out. The Commission checks it on his phone and decides that it is OK, but does not include a percolation rate. The Commission advises him to request that from the company that did the test. Clint motions to approve the permit for Mr. Oliver to build a garage with an apartment on the second floor as described above. Tyler seconds the motion and all vote in favor. Curt will need to check the setbacks and Mr. Oliver will need to submit his plans and City permit to the County.

- Kyle Johansen and Curtis Blackham have come to discuss the remaining requirements for the proposed subdivision between 200 and 300 North from 600 West to the west City limit boundary. They sketch the proposed road on the plat map. Kyle reports that Rocky Mountain Power (RMP) does not require any easements since the power lines are already in place on 200 North and 300 North. Stuart has also talked to RMP and adds that they would like the City to

submit a letter of policy requiring all new construction to connect to power lines via underground lines. If the existing power line is across the street from the new construction, they would install a pole and run the line down to a trench to connect to the house. Stuart reports that they would require a 10' easement. RMP would also need an official subdivision plat map that has been recorded with the County. Dominion Energy (gas) requires underground connections as does Centra Com. The Commission reminds Mr. Johansen that all irrigation lines, fire hydrants, light poles and utility easements need to be shown on the subdivision plat map. Buyers would be responsible for stubbing in utilities when they decide to build. Stuart explains that all buildings within 200' of the proposed subdivision should also be shown on the perimeter of the subdivision boundaries. Due to Abby Ivory's concern about the discrepancy of the surveys at the fence line, the Commission is requesting a letter of resolution from Mr. Johansen when the disagreement is settled. Mr. Johansen discusses bonding in phases for the development of the building lots, but also realizes that he must submit the whole subdivision plat proposal to the County to be recorded.

- Lloyd Beichner has submitted an application for a permit to have a solar system installed on the roof of his existing house at 765 West Center, serial #18175x, in the RA Zone – not in the FEMA SFHA. As no setbacks will be changed, no setbacks are required. Clint motions to approve the permit for Mr. Beichner to have a solar system installed on the roof of his existing house as described above. Riley seconds the motion and all vote in favor. Mr. Beichner will need to submit his plans and City permit to the County.

- In discussing the Public Hearing for the allowance of Internal Accessory Dwelling Units (IADUs) in the current Land Use Ordinances, the Commission decided that the current definition for "short-term rental" was more definitive than the new proposal. That was the only change for the proposed additions to Chapter 2 – Definitions. For Chapter 7, the Commission decided to remove "Child Care" "Allowed" in the Chapter 7.5-2 Use Table and add "Child Care for Business" allowed with a "Conditional Use Permit" and "Business License or Home Occupation" as in the other residential zones. They discussed reducing the number of children allowed, but decided to leave a "Center" with ≤ 8 children and a "Facility" with 9 or more children as in the other residential zones. No changes were suggested after the Public Hearing for the addition of Subchapter 11.32 – Accessory Dwelling Units. Tyler motions to recommend approval to the City Council and Mayor of the changes to Chapter 2, Chapter 7, and Chapter 11 as proposed. Aimee seconds the motion and all vote in favor. Heather will draft the recommendation and get it on the City Council Agenda for next week.

- Bryan reports that Rocky Mountain Power wants a letter from Fountain Green City stating their policy for connecting new constructions to the power network. They would prefer that all new connections be via underground. Bryan asks Rod if he will recommend that the City Council state this policy in a letter to Rocky Mountain Power and have Curt sign and send it to them.

- Kameron has stayed since the Public Hearing for the proposed subdivision to further discuss the proposed 700 West. He feels this would be a safety hazard since it would end at Ken and Laurie Hansen's house. He is shown the Transportation Plan. He notices that 600 West is supposed to extend further south and the Commission explains that this is still a possibility since no one has come to develop that particular lot yet. He asks if a road could be put in further west than 700 West and the Commission tells him that it is up to the City Council.

- The Commission discusses when Animal Units begin to count as adult animals – at birth or at weaning. Bryan tells the Commission that the Forest Service counts them when weaned and the Commission feels that the current explanations for Animal Units are OK.

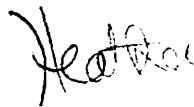
- The Commission next discusses agricultural fencing as allowed in Chapter 7.2-4. The current Ordinance allows a maximum of 6', but several people have asked if they could put up

deer fence around their gardens, which would need to higher than 6'. If you also want to keep elk out of a garden, you might need a fence as high as 10'! This, of course, would be see-thru. The Commission decides that we need to reword allowed fencing for wildlife in Chapter 7.2-4, Chapter 7.3-5, and Chapter 7.5-5. The Citizen's Guide would also need to be changed to allow for $\leq 10'$ fencing for agricultural use.

- Rod tells the Planning Commission that the City Council would like us to work on the Subdivision Ordinances and be able to remove the Moratorium as soon as possible. The Commission discusses the likelihood that the Jacobsons will develop the Workman's property that they have purchased. This might lead to an opportunity to tender irrigation water for culinary water use as well as proposing an extension of 900 West. Since the County rejected the City's proposed Buffer Zone, they have declared a 1/2-acre lot requirement for the first mile around the entire City! This could double the demands on our City water and services! Rod suggests that we should join with the other cities of Sanpete to make a proposal that the lot requirement for the first mile around each city should be ≥ 5 acres. Joseph suggests writing a letter to State Senator Derrin Owens and Governor Spencer Cox to apprise them of our situation. Tyler suggests that Buffer Zones could be turned into conservation easements or wildlife corridors.

- Joseph suggests that it is too late to begin working on survey questions – we should have clear minds.

- Tyler motions to adjourn the meeting. Clint seconds the motion and all vote in favor. The meeting adjourns at 10:28 pm.

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