

Fountain Green Planning Commission Meeting
Fountain Green City Hall
March 10, 2022 7:34 p.m.

Attendance: Bryan Allred, Joseph Papenfuss, Aimee Goble, Shelith Jacobson (substituting for Alyson Strait), Stuart Krukiewicz, Clint Hansen, Riley Hansen (arrived at 7:37)

Excuse: Tom Hansen, Jerime Ivory, Alyson Strait

Bryan calls the meeting to order and asks Heather to read the minutes for the February 10, 2022 meeting. Joseph motions to approve the minutes as read. Aimee seconds the motion and all vote in favor with Riley recusing himself because he did not hear all of the minutes read.

- Dylan and Tanya Pace have come for a permit to build a detached shop/garage on their 0.96-acre lot at 650 West 300 North, serial #18185, in the Residential Agriculture (RA) Zone – not in the Federal Emergency Management Agency (FEMA) Special Flood Hazard Area (SFHA). Todd Robinson (Fire Chief), Greg Johnson (Acting Water Master), and Roger Aagard (superintendent of water and sewer) have signed the application and the Fire Chief signed the building plans. The shop/garage will measure 42'x56' (2352 sq.ft.). The eave height of the shop/garage will be 15'8" (less than the 21' maximum). It will not have utilities and the setbacks will be ~80' on the front/south (much greater than the 12' fire safety minimum towards the existing house &/or 300 North), 14' on the rear/north (greater than the 7' minimum towards the irrigation line on the north property line), 18' on the east side (greater than the 2' minimum behind the midpoint of the property), and ~121' on the west side (much greater than the 2' minimum behind the midpoint of the property). There is an irrigation line on the north property line. Clint motions to approve the permit for Mr. & Mrs. Pace to build the shop/garage as described above. Riley seconds the motion and all vote in favor. Mr. & Mrs. Pace will need to submit their plans and City permit to the County and have Roger check the setbacks.

- Cal and Kim Nielson have come for a permit to build a house on their 1.57-acre lot at 560 South 250 West, serial #18314, in the RA Zone – not in the FEMA SFHA. The currently vacant lot measures 207.74' frontage on 250 West and 283.80' depth (greatly exceeding the 90' frontage and 100' depth minimums) and the 1.57-acre lot exceeds the 0.455-acre minimum. Culinary water and sewer are both available on 250 West. The house will measure 30'x~73.9' (~2184.9 sq.ft.) and the garage will measure ~32'x32' (~704 sq.ft.). The basement will measure the same as the main floor. The eave height will be 9'1" (much less than the 21' maximum). There will be a 22'x10' rear deck with a roof and an 18'8"x~6'6" front porch. There is an irrigation line ~12' north of the proposed house (exceeding the 7' minimum requirement). The setbacks will be 25' on the front/east (meeting the 25' minimum towards 250 West), 205.8' on the rear/west (much greater than the 25' minimum), 122.54' on the north side (much greater than the 12' minimum), and 16' on the south side (greater than the 12' minimum). Todd Robinson (Fire Chief), Greg Johnson (Acting Water Master), and Roger Aagard (superintendent of water and sewer) have signed the application and the Fire Chief signed the building plans. Stuart motions to approve the permit for Mr. & Mrs. Nielson to build a house as described above. Joseph seconds the motion and all vote in favor. Mr. & Mrs. Nielson will need to submit their plans and City permit to the County and have Roger check the setbacks. There is a question of whether the County will require engineered plans, but Joseph remembers that Todd Alder (building contractor) told the Planning Commission that they are not required unless the building has a second story.

Internal

- Kyle Thompson has come for a permit to build a 25'x45' (1236 sq.ft.) garage with a living area on the second story attached to his existing house on his 0.58-acre lot at 550 West 200 South, serial #17975 – in the RA Zone and not in the FEMA SFHA. The garage with second story will have utilities and the eave height will be ~17'9" (less than the 21' maximum). The Commission asks him if he is planning to rent out the second story of the garage and he agrees that he is. Riley looks up the rules for an accessory dwelling unit (ADU) and reads them to Mr. Thompson. His plans appear to meet all requirements for an ADU. The Commission explains that if/when he decides to rent out the accessory dwelling unit, he will need to return to the Planning Commission for a separate permit for that. Todd Robinson (Fire Chief), Greg Johnson (Acting Water Master), and Roger Aagard (superintendent of water and sewer) have signed the application and the Fire Chief signed the building plans. The setbacks will be 51' on the front/south (much greater than the 25' minimum towards 200 South), 128.5' on the rear/north (greater than the 25' minimum), 38' on the west side (greater than the 12' minimum), and not applicable on the east side where it will attach to the existing house. An irrigation line runs along the north property line. Clint motions to approve the permit for Mr. Thompson to put build a garage with a living area on the second story attached to his existing house as described above. Riley seconds the motion and all vote in favor. Mr. Thompson will need to submit his plans and City permit to the County have Roger check the setbacks.

- Jackson Jones has come to discuss rules for building a residential swimming pool on his property and has supplied the rules from Nephi. Heather passes out copies of the proposed changes to the RA and BC Zones adding proposed rules for residential swimming pools and the rules from Nephi for comparison. The Commission discusses whether they need to add a rule for back-flow prevention, but decide that it is covered in the International Swimming Pool and Spa Code (ISPSC) adopted by the State and referred to by the Fountain Green City Land Use Ordinance in the proposed changes to Chapter 7. They discuss and define cross-connections which are already prohibited by the City (see Chapter 11.29 sections A & B). These have been illegally used for sprinkler systems within the City. Stuart and Riley suggest rewording the proposed Chapter 7.2-7 A 6. e) to change the 12' setback requirement for pool equipment/structures inside the exterior barrier to 2' from the inside of the barrier "and satisfy all other setback requirements". In discussing the other rules used by Nephi, the Commission decides to use the required conditional use permit for swimming pools to address any other issues not covered by the proposed rules for Fountain Green City. Clint motions to hold a Public Hearing before the regular meeting of the Planning Commission in April for public consideration of the proposed swimming pool rules to be added to Chapter 7. Stuart seconds the motion and all vote in favor.

- The Commission next considers conditional use permits for the City Well House and Public Safety Building as suggested at the Public Hearing on December 9, 2021. Riley points out that the **Well House** is actually in the Sensitive Lands Zone! As a utility station, it will still require a conditional use permit. **Conditions** proposed by the Planning Commission include 1) "comply with development standards established in Chapter 7.5-3 E". Riley motions to recommend approval of the proposed conditional use permit for the Well House to the City Council and Mayor at the meeting next week. Joseph seconds the motion and all vote in favor. Heather reminds them that an expiration date for the permit should not be required unless more development is made that might annoy neighbors. The Commission decides to add another condition to the permit: 2) "no annual renewal required unless more development might annoy neighbors." Riley motions to recommend approval of the amended conditional use permit for the Well House to the City Council and Mayor. Joseph seconds the motion and all vote in favor. **Conditions** proposed for the Fountain Green City **Public Safety Building** include 1) "allow 12'

front/east setback on State Street, 2) allow 10' north side setback on 400 North, 3) any future Public Facility buildings must meet standards in Chapter 7.4, and 4) no annual renewal of conditional use permit." Clint motions to recommend approval of the proposed conditional use permit for the City Public Safety Building to the City Council and Mayor at the meeting next week. Aimee seconds the motion and all vote in favor. Heather will get these proposed conditional use permits on the City Council Agenda for the March 17 meeting.

- Riley has researched the rules for "residential facilities for the elderly" and found that in 2005, the Utah Code defined them exactly as they are in the Fountain Green City Land Use Ordinances Chapter 2. In 2013, the State removed the definition for "residential facilities for the elderly" and used the Utah Fair Housing Act to include the elderly with those who have a disability. In other words, a "residential facility for the elderly is a "not for profit" business and can only charge for expenses incurred in their care. Riley suggests that the simplest fix for our Land Use Ordinances is to delete the definition of "residential facilities for the elderly" from Chapter 2 – they are still covered as group homes in Chapters 7 and 9. Clint motions to delete the definition of "residential facilities for the elderly" from Chapter 2 and submit this change at the Public Hearing before the regular meeting of the Planning Commission in April. Aimee seconds the motion and all vote in favor.

- Bryan reports that Mayor Mark Coombs asked him if the City Council and Planning Commission still feel the need for a work meeting on Saturday, March 12. Since we are not currently dealing with a proposed subdivision, the Commission decided that we don't need a work meeting. Joseph reports that Kyle Johansen talked to him and Joseph stressed that he could only talk as a private individual – not representing the Planning Commission. He explained that the Planning Commission cannot act on anything for a subdivision until Mr. Johansen presents a plan. Joseph also learned that 1000 West is not feasible because part of that proposed street is owned by Cody Allred and 900 West is not feasible because part of that proposed street is owned by Cameron Hanson. Joseph still feels that the City needs to upgrade their Impact Fees to increased costs for sewer and water infrastructure and to cover repaving the roads cut by new home builders.

- Riley asks if revising the Fountain Green City Zoning Maps should be preceded by a survey to establish the zones accurately. The Commission agrees that a survey would have been required if Block 30 had been changed to the Sensitive Lands Zone, but since we decided to leave it as is the changes to the map are simple and shouldn't require a survey.

- The Commission briefly discusses animal units in the RA Zone. Bryan gives as an example: the pig operation east of Anna Lee Perry. The man has 2 or 3 sows and 1 boar; piglets each year could number as high as 30 or more. **If the man has ½ acre, he is allowed 3 Animal Units (AU) and 0.5 AU per pig so 2 pigs = 1 AU.** (See Chapter 7.2-3) For porcines, offspring up to one year old would be 0.25 AU. IF he has 3 sows (1.5 AU), 1 boar (0.5 AU), and 30 (7.5 AU) piglets, that would equate to a total of 9.5 AU! In other words, he is in violation and if the neighbor files a complaint the City could ask him to reduce the number of pigs on his property. Does the offspring AU start at birth or after weaning? Joseph points out that this is difficult to enforce. Chapter 7.2-3 also requires good husbandry practices to control animal wastes, water pollution, disease susceptibility, pests and nuisance problems, etc. which is enforceable.

- Clint motions to adjourn the meeting. Stuart seconds the motion and all vote in favor. The meeting adjourns at 9:53 pm.

Heather