

Fountain Green Planning Commission Meeting
Fountain Green City Hall
April 14, 2022 7:30 p.m.

Attendance: Bryan Allred, Joseph Papenfuss, Aimee Goble, Alyson Strait, Riley Hansen, Stuart Krukiewicz (arrived at 7:18), Jerime Ivory (arrived at 7:25)

Excuse: Clint Hansen

Citizens in Attendance: Lloyd Beichner, Gadon & Peggy Olsen, Tyler & Derrick Clarson

Bryan calls the meeting to order and asks Heather to read the minutes for the March 10, 2022 meeting. Joseph notes that the "accessory dwelling units (ADUs)" which were discussed with Kyle Thompson should be referred to as "Internal Accessory Dwelling Units (IADUs)". Riley motions to approve the minutes as corrected. Aimee seconds the motion and all vote in favor with Jerime recusing himself because he was not in attendance at that meeting.

- Jay and Pam Stephens have submitted a request to split their 1.05-acre lot at 489 North 100 West, serial #18135, in the Residential Agriculture (RA) Zone – not in the Federal Emergency Management Agency (FEMA) Special Flood Hazard Area (SFHA). They would like to split the lot from north to south, leaving 102' frontage on 500 North for the east lot and 112.5' frontage on 500 North for the west lot with the existing house. Culinary water is available on 500 North and 100 West, sewer is available on 500 North and Roger checked the sewer line running through the east lot and OKed it. There is an irrigation line on the east property line. The new east/rear setback for the existing house will be 26'8" (exceeding the 25' minimum). Jerime motions to approve the lot split for Mr. & Mrs. Stephens as described above. Joseph seconds the motion and all vote in favor. Mr. & Mrs. Stephens will need to submit their lot split request to the County Recorder.

- Lloyd Beichner has come for a permit to build a 10'x10' (100 sq.ft.) wood shed on his 1.91-acre lot at 765 West Center, serial #18175x, in the RA Zone – not in the FEMA SFHA. The shed will have a peaked roof with 2' overhangs on the north and south sides. There is an irrigation line on the south property line. The setbacks will be 110' on the front/south (greatly exceeding the 2' minimum behind the property midpoint), 191' on the rear/north (greatly exceeding the 25' minimum towards Center Street), 12' on the east side (meeting the 12' minimum towards an existing wood shed), and 46' on the west side (much greater than the 12' minimum towards the existing house). Jerime motions to approve the permit for Mr. Beichner to build a wood shed as described above. Riley seconds the motion and all vote in favor. Mr. Beichner will not need to submit his plans and City permit to the County, but he will need to have Roger check the setbacks.

- Jessica and Brad Wilson have come for a permit to build a pole barn home on their 0.5-acre lot at 240 West 400 South, serial #17912x – in the RA Zone and not in the FEMA SFHA. The vacant lot has 86.47' frontage on 400 South (NOT meeting the 90' minimum requirement) and 24' frontage on 200 West. An irrigation line runs along the north property line. Bryan reads from the Planning Commission minutes of May 28, 2008 when Wade Beck came to the Commission to request a lot split to create the lot in question. At that time, Mr. Beck had planned to "Quit Claim 4'-6' to the neighbor to the west to match the fence line." This should have left the new lot "with 90.23' frontage on 400 South." Both lots had been surveyed. The Planning Commission cannot issue a permit for their house because the lot does not meet the minimum

frontage requirement, but the Wilsons are encouraged to seek redress from their Title Company or neighbors. They are given a copy of the May 28, 2008 minutes that were read to them.

- Gadon and Peggy Olsen have come with their builders (Tyler and Derrick Clarson) to request a permit to build a "barndominium" home on their 1.06-acre lot at 265 North 200 West, serial #18098x, in the Sensitive Lands (SL) Zone and the FEMA SFHA. They have a Letter of Map Amendment (LOMA) describing the parcel to be removed from the floodplain. The plat shows the property still in Robert Hansen's name, but they are buying it from him. We need to ask for proof of ownership! They submitted their preliminary house plans (they are waiting for engineered plans) by e-mail to the City Hall and Michelle printed them off on 8 ½" x 11" paper – impossible to read! Michelle e-mailed them to Joseph and they were still impossible to read even when enlarged and printed. Riley and Mr. Olsen pulled them up on the big screen and the Commission was able to read the questioned eave height as 18⁵/₈' at the highest eave point. The Fire Chief (Todd Robinson) signed the plans and application. The Olsens are sharing the cost of extending the culinary water with a fire hydrant to the area with the Sopers who are building across the street. Before examining the rest of the building plans, Riley notes that another requirement for building in the SL Zone (see Chapter 7.5-4 A) is "a Letter of Certification and Report from a Utah-licensed, Professional Engineer (PE) which addresses each of the geotechnical elements enumerated within this Chapter." Bryan asks them to resubmit their application again next month if they are able to get the geological testing done by then. The Clarsons report that 24"x36" building plans are only ~\$25/set and recommend that the Commission revise their Citizen's Guide to require the large plans rather than the e-mail or pdf. thumb drive versions, which the County will accept. The Commission agrees that they can proceed with the extension of the culinary water as planned with the Sopers.

- Alyson will discuss with the City Council: revision of the Citizen's Guide to accept only 24"x36" architectural plans in the future – no more e-mail or pdf. thumb drives at this time. The Planning Commission does not feel that they are technologically prepared to deal with them yet.

- The Commission next considers the remodel plans to the basement of the new City Public Safety Building. Alyson explains what the plans are and the Commission agrees that she should fill out an application for a permit from the City although they already have a permit from the County and have started the remodel work. George Billings and Justin Smith are the contractors. Alyson will need to get the signature of the Fire Chief (Todd Robinson) on the application and plans and apply again next month.

- The Commission next considers the application submitted by Greg Johnson (Fountain Green City Irrigation President) to place a 20'x40' (800 sq.ft.) CONEX shipping container on the 0.40-acre City property behind the old fire house at 10 South State Street, serial #18333, in the Public Facilities and Business Commercial Zones and the FEMA SFHA! He provided a notarized letter of permission from the City Mayor and Bryan has stressed to him that the CONEX needs to be anchored. It will not have utilities, as it will only be used for storage of irrigation supplies. There is an irrigation line on the east property line. The setbacks will be ≥78' on the front/west (much greater than the 12' fire safety minimum towards the existing lean-to of the old fire house), 25' on the rear/east (greater than the 2' minimum behind the midpoint of the property), ≥15' on the north side (greater than the 12' fire safety minimum towards an existing "dog house"), and 25' on the south side (greater than the 2' minimum behind the midpoint of the property). As this involves a "building" in the FEMA SFHA, the Mayor (Floodplain Administrator) will need to decide whether to approve the application and the City Council will need to approve it as well since it is in the BC Zone. Heather will contact the Mayor/Floodplain Administrator and get it on the next City Council Agenda.

- Joseph Papenfuss has requested an extension of his Conditional Use Permit allowing his family to live in an existing house while building a new house on the same property. The conditions are: 1) "Build new house within one year, 2) Abate existing house when new house is finished, 3) May be renewed again." Riley notes that he has heard complaints about "the piled dirt on the City street right-of-way", but Joseph explains that it is actually on his property. Jerime motions to approve the Conditional Use Permit for Mr. Papenfuss as described above. Riley seconds the motion and all vote in favor with Joseph recusing himself for conflict of interest. Heather will get it on the next City Council Agenda.

- Bryan is concerned about who will do the setback checks on new buildings in the City since Roger is retiring. Heather reports that Roger's official title is "Public Works Official". Bryan wants his replacement to continue the setback checks, but Joseph thinks he will be too busy. The Commission has asked about hiring a Code Enforcement Officer, but Stuart suggests that a more appropriate title might be "Land Use Ordinance Compliance Administrator". Joseph suggests that this should be a contracted job position as is the Pound Master. Whoever is hired should be trained with Chapter 3 and check before concrete is poured and after concrete is poured. They would also be responsible to deliver Notices of Violation. If a violator didn't respond as directed, the Sheriff's Office would then be responsible for enforcement since it is a Class B Misdemeanor.

- The Commission next considers the results of the Public Hearing for proposed changes to Chapters 7.2, 7.3, and 2. Riley motions to recommend the updates to the City Council and Mayor. Jerime seconds the motion and all vote in favor. Heather will write up a letter detailing the proposed changes for the City Council and get it on their next Agenda.

- Kyle Johansen was on the Agenda to request a lot split of (2) 1-acre lots from his ~8.7-acre field, but did not come. Alyson reports that he is considering just going down to the County to make the lot splits without Planning Commission approval. Joseph points out that the Planning Commission has made some mistakes in the past that could cause problems with his situation. When Dawn Allred and Steve Oliver split 4 lots from an ~7-acre field, the Transportation Plan shows 600 West should go through there and the Commission did not consider it. Those lot splits were an Agricultural Subdivision, but no conditional use permit was drafted as called for in Chapter 10 because the splits were done at the County and the City Planning Commission was not consulted until applications for more lot splits were presented. 600 West could still be required if needed because no houses have been built on the lots yet. Heather reports that Mr. Johansen made a Records Request for the Planning Commission to provide information on the Barney and Dawn Allred/Steve Oliver lot splits of the last couple of years. The Commission has asked for Mr. Johansen to put in 800 West if he plans to put in 19 houses as he first told the Commission – it is on the Transportation Plan. The City is within its rights since this would be a safety and circulation problem. Roger has told Joseph that if a street is not used much it is harder and more expensive to maintain. Riley thinks the Johansen "Subdivision" is the perfect place to allow 19 lots with 800 West because services are available on both streets. Stuart is concerned about distribution of culinary water and feels that an engineering study should be required of Mr. Johansen. Joseph points out that impact fees need to be increased, but an engineering study must be done first and the City is responsible for this – maybe Mr. Johansen would share the cost. He suggests that the City should negotiate with Mr. Johansen: allow 3 or 4 agricultural lot splits of less than 1-acre each (conditional use permit at the time of lot splitting) so that they could not be divided again and drop the 800 West requirement. Alyson reports that some of the neighbors have asked to buy pastureland from Mr. Johansen (which would remain agricultural). Alyson will talk to Mr. Johansen and see if he would like to work with the Planning Commission to resolve his problems – he doesn't want to pay for putting in 800 West.

- Heather presents papers from Michelle about capital assets which need to be filled out by the Planning Commission. Joseph suggests that it should be put on the May Agenda and the Commission agrees.
- Joseph reminds the Commission that the Internal Accessory Dwelling Units rules were put in as an emergency measure back in October. The City needs to be working on making a permanent set of rules within 6 months. Does the City Council and Mayor want a work meeting to accomplish this or would they rather have the Planning Commission come up with the rules and present them to the City Council and Mayor for approval or revision? Alyson will ask them, but thinks they would prefer the Planning Commission do the initial work at this time.
- Heather passes out the papers noticing a Regional Growth Summit – this would count as "training" required by the State as of this year.
- Jerime motions to adjourn the meeting. Riley seconds the motion and all vote in favor. The meeting adjourns at 10:36 pm.

Heather