

Fountain Green Planning Commission Meeting
Fountain Green City Hall
August 11, 2022

7:31 p.m.

OFFICIAL MINUTES

Attendance: Stuart Krukiewicz, Joseph Papenfuss, Bryan Allred, Riley Hansen, Alyson Strait, Tom Hansen, Jerime Ivory, Clint Hansen (arrived at 7:55 pm)

Excuse: Tyler Smith

Citizens in Attendance: Shelith Jacobson

Bryan calls the meeting to order and asks Heather to read the minutes for the July 14, 2022 meetings. Riley motions to table the reading of the minutes until the end of the meeting. Tom seconds the motion, but Joseph and Stuart vote against the motion. Bryan votes against the motion making a tie vote and therefore the motion dies. Heather reads the minutes for the July 14, 2022 Public Hearing for Kyle Johansen's Preliminary Major Subdivision Plat. Stuart motions to approve the minutes as read. Joseph seconds the motion and all vote in favor with Jerime recusing himself because he was not in attendance at the Public Hearing. Heather reads the minutes for the July 14, 2022 Public Hearing for changes proposed to Chapters 2, 7, and 11 to allow for Internal Accessory Dwelling Units (IADUs). Riley motions to approve the minutes as read. Joseph seconds the motion and all vote in favor with Jerime recusing himself because he was not in attendance at the Public Hearing. Heather reads the minutes for the July 14, 2022 regular meeting of the Planning Commission and adds Kameron Hanson to the list of citizens in attendance. Riley motions to approve the minutes as corrected. Stuart seconds the motion and all vote in favor with Jerime recusing himself because he was not in attendance at the meeting.

- Bryan reports that the City attorney has advised that there be no more discussion with Kyle Johansen about his proposed subdivision until the City has received the letters of resolution for the four property owners disputing the northeast fence line of the proposed subdivision from the Title Company. (Clint arrives at 7:55 pm.)

- Eric Freeman has come to request a permit to build a shed without utilities on his 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 shed will measure 16'x8' (128 sq.ft.) with an eave height of 6' (much less than the 21' maximum). The setbacks will be 63' on the front/south (greatly exceeding the 25' minimum towards 100 South), 143.5' on the rear/north (greatly exceeding the 12' minimum), 12' on the east side (meeting the 12' fire safety minimum towards the existing house), and 21' on the west side (exceeding the 12' minimum). Bryan suggests adding "fire safety to the house" on the application and setback form. Jerime motions to approve the permit for Mr. Freeman to build a shed as described above. Stuart seconds the motion and all vote in favor. He will need to have Curt Nielsen check the setbacks, but will not need to submit the plans to the County since the building is smaller than 200 sq.ft.

- Steve Bills has submitted an application for a permit to build a pole barn without utilities on his 4.72-acre lot at 202 West 500 North, serial #18232, in the RA Zone – not in the FEMA SFHA. The acting Water Master, Greg Johnson, has OKed the distance from the irrigation line to the west. The pole barn will measure 30'x40' (1200 sq.ft.) with a

12'x40' lean-to on the east side and also a 12'x40' lean-to on the west side. The eave height will be 13'1 ½" (much less than the 21' maximum). The setbacks will be 111' on the front/south (much greater than the 12' fire safety minimum towards the existing house), 439.9' on the rear/north (much greater than the 2' minimum behind the prospective midpoint of the property (midpoint of a one-acre lot), 178' on the east side (much greater than the 2' minimum behind the prospective midpoint of the property), and 68' 4 ½" on the west side (much greater than the 12' fire safety minimum towards an existing lean-to). Mr. Bills did not show the existing lean-to on his plot plan, but Heather pulled the plot plan from the previous owner's (Ty Evans) file to calculate the setback. Shelith asks if 200 West is on the Transportation Plan to extend north from 500 North. It is on the Transportation Plan as needing to be 99' wide, but the Omers on the east side have not kept up the easement agreement and also, Ty Evans built his house too close to his property line to allow for 200 West to extend north along his east property line. Jerime motions to approve the permit for Mr. Bills to build a pole barn on his property as described above. Joseph seconds the motion and all vote in favor. Mr. Bills will need to submit his plans and City permit to the County and have Curt check his setbacks.

- Tyler Smith has submitted an application for a permit to build a lean-to hay/horse shelter without utilities on his 1.76-acre lot at 55 West 100 North, serial #18026, in the Business Commercial (BC) Zone and in the FEMA SFHA. Mr. Smith has provided a Letter of Map Amendment (LOMA), but it does not have an attached "map" showing shaded areas referred to as still being in the flood zone. He has not provided a setback for the north/front towards his existing shop/garage or the south/rear. The Commission recommends that Mr. Smith fill out a Flood Plain Development Plan for the City Flood Plain Administrator/Mayor if the proposed lean-to is not outside of the flood zone. Riley looks up the LOMA measurements and thinks that the proposed lean-to is not included in the LOMA, but because of the omitted setback measurements Riley motions to table the application until the Commission receives more information. Mr. Smith will need to resubmit his application to the Planning Commission next month and the Commission will need to make a recommendation to the City Council since the property where the lean-to will be built is in the BC Zone. Clint seconds the motion and all vote in favor.

- Bryan reports that a Mr. Patterson purchased property east of the "Benedict well" property (~355 South 400 West) east of the Casselmans and is interested in subdividing it. The property is long and narrow and may be land-locked. It is definitely greater than 2.25 acres and may require a road to be built.

- Riley would like to discuss changing the procedure for reading and approving the minutes. He admits that Roberts Rules of Order recommends reading them early in the meeting, but also allows for pending minutes to be e-mailed to members of the Commission before the meeting for review. The City Council is currently having its members read the e-mailed minutes before the meeting and having the vote to approve or correct at the meeting without reading them aloud. The Utah League of Cities and Towns recommends this procedure. Joseph notes that "pending" minutes are public documents and should be put on the public web site. Joseph, Bryan, Clint, Jerime, and Stuart point out that reading the minutes at the beginning of the meeting educates the public who may be present even though it may be time-consuming. They ask Heather to post the pending minutes at the same time as posting the Agenda.

- Riley next suggests that the Commission could process applications faster and better if the members of the Commission received a packet for each application to preview before the meeting. He has made a list of 10 bullets from the Citizens' Guide that could be checked off for each application and will e-mail it to Heather to forward to the members of the Planning Commission. Since the City does not accept on-line submission of applications at this time, the

Commission decides that e-mailing the packets to the Commission members before the meeting is not a viable option at this time.

- Riley has been comparing Subdivision Ordinances from other cities to help us in updating our Subdivision Ordinance. He puts his power points up on the big screen and leads a discussion comparing Fountain Green's Subdivision Ordinance with those of Nephi, Ephraim, and Mt. Pleasant. The Commission feels like some of our Ordinance requirements are confusing or unnecessary. In considering Kyle Johansen's proposed subdivision, the Commission feels like we are still on the Administrative Review before moving on to a Preliminary Review. All like the idea of a "subdivider agreement" wherein the subdivider signs that he has read and understands the Subdivision Ordinances and will comply with the requirements. The Commission discusses requiring an "existing infrastructure study" and "cost estimates" to be paid for by the developer with appropriate reports delivered to the City. The City's engineer should also make the same studies and submit reports to the City – also paid for by the developer. The City should probably require fees at different points along the development process: application fee, initial fee, recording fee (the City would do the official recording), preliminary plat fee, engineer fee, etc. These would need to be decided by the City Council. State Law states that any lot split is a subdivision. After each discussion with the developer, the Commission should write a report (maybe a copy of the minutes?) detailing the decisions made and requirements still needed. The Commission members also like the Agriculture Exemption requirements based on the Farmland Assessment Act [see Utah Code 59 - 2 (page 5)]. Stuart would like to see the City create a strictly Agricultural Zone, but the rest of the Commission feels like the City does not have enough land within City limits that is strictly agricultural to justify this. If agricultural use is changed to residential, subdivision requirements would apply. Riley volunteers to prepare a rough draft of the proposed Subdivision Ordinance as discussed tonight and e-mail it to Heather to forward to the Commission members. Clint motions to table further discussion of the Subdivision Ordinance to next month and all agree. We will need a work meeting with the City Council to finalize this work.

- Joseph reports that in 2021 the State changed noticing requirements to require a Public Hearing before any changes are discussed for the General Plan. Noticing must be posted in three places 10 days before the Public Hearing stating the Planning Commission's intent to modify the General Plan. It must also be posted on the State web site. He points out that we need to work on the General Plan (which will help develop the Subdivision Ordinance and Transportation Plan). Bryan directs Heather to post this Public Hearing for 7 pm before the next regular meeting of the Planning Commission in September.

- Clint is concerned that Kyle Johansen's subdivision proposal was voted on at the City Council meeting without a recommendation from the Planning Commission and Ordinances were not followed. Shelith feels like the City Council can make decisions not following the recommendation of the Planning Commission, which they can. The Commission discusses the road situation with Shelith. 700 West would connect 200 North and 300 North, but 800 West cannot connect those streets without buying more property or the City using eminent domain. Shelith is adamantly against the City using eminent domain. Connecting 700 West to the Big Springs Road would require acquiring property from the Horrocks, but not necessarily at this time. Shelith discusses the pros and cons of putting in 700 West with the Commission – safety and traffic circulation versus emotions against. Stuart reads "a motion to reconsider" and explains what it means. There is confusion about whether voting can be carried out at a work meeting. Kyle has been lobbying multiple members of the Planning Commission, the City Council, and citizens of the neighborhood. All agree that we need to update the Transportation Plan.

- Bryan reads a letter received from Lewis Rasmussen withdrawing his offer to accept the position of Ordinance Enforcement Officer because of the lack of support from the City Council. He assumed that because it took so long to offer the contract to him that they did not want him for the position. The contract was being drafted by the City Attorney, but there was a lack of communication with Mr. Rasmussen during this process.
- Alyson wants to discuss how to appease all neighbors affected by the proposed 700 West. Joseph and Jerime admit that there is a problem of speeding since 900 West was put in. Alyson feels that her job is to listen to the citizens and wants to know if there is another possible place to put another road further west. Joseph agrees that the City Council can be more flexible than the Planning Commission in implementing the Ordinances. The Planning Commission is an administrative body and must follow the Ordinances – the City Council is a legislative body. The City Council has more information than the general public and may need to make decisions that the citizens may not appreciate. Bryan reads the "report on the Public Hearing for the Kyle Johansen Subdivision" that was read at the last City Council meeting – it was not a recommendation. Quit Claims have been made on unmarked properties in city rights-of-way by individuals for building which has made it impossible for the City to build a road that should have been put in as the City grew.
- Jerime motions to adjourn the meeting. Tom seconds the motion and all vote in favor. The meeting adjourns at 11:20 pm.

Heather