

Fountain Green Planning Commission Meeting
Fountain Green City Hall
March 9, 2023 7:47 p.m.

PENDING MINUTES

Attendance: Curt C. Lund, Bryan Allred, Aimee Goble, Stuart Krukiewicz, Mark Woods, Tyler Smith, Jerime Ivory, Clint Hansen

Excuse: Riley Hansen

Citizens in Attendance: Dan and Helen Naylor, Kyle Johansen, Curt Blackham, Gary Hurst

- Bryan calls the meeting to order and asks the Planning Commission members if they have any corrections to make to the minutes for the February 9, 2023 meeting that was emailed to them. Heather reports that at the bottom of page 2 and the top of page 3, "Michael Oliver" should be "Peter Michaels". She tells the Commission that Bryan told her that he did not make that report and she asks if anyone remembers who did. The Commission members think Riley did. Jerime motions to approve the minutes as corrected. Clint seconds the motion and all approve.

- Tyler Smith has submitted an application for a permit to build a 12'x16' (192 sq.ft.) pole barn for hay storage on his 1.76-acre corner lot at 55 West 100 North, serial #18026, in the Residential Agriculture (RA) Zone. It is in the Federal Emergency Management Agency (FEMA) Special Flood Hazard Area (SFHA), but was partially excluded in a Letter of Map Amendment (LOMA). Mr. Smith has already had Curt Nielsen check his setbacks. Heather asks if he has read the Citizen's Guide which requires application to the Planning Commission before requesting a check of setbacks. She points out several mistakes in minimum setback requirements that were made because Mr. Nielsen doesn't know them yet. The setbacks will be 75' on the front/north toward the existing house (greatly exceeding the 12' fire safety minimum), 50' on the rear/south towards the existing irrigation line (greatly exceeding the 14' minimum), 33' on the rear/south (exceeding the 2' minimum behind the midpoint of the property), 28'4" on the east side towards the existing shop (exceeding the 12' fire safety minimum), and 212'3" on the west side towards 100 West (greatly exceeding the 25' minimum). The eave height will be 9' at the low end with a 2' overhang at the front/north (much less than the 21' maximum allowed). The barn will not have utilities. Clint motions to approve the permit for Mr. Smith's pole barn as described above. Jerime seconds the motion and all vote in favor with Tyler recusing himself.

- Dan and Helen Naylor have come to discuss a problem they are having with the County Recorder about their 0.19-acre lot, serial #17986, at 445 West Center in the RA Zone. It is currently listed as owned by "Symes Agriculture, Inc." which is against tax law. The Naylor's would like to change the title to their names, but the County won't let them because it doesn't meet the City's minimum building lot size of 0.455 acre. Mr. Naylor explains that the lot was created in 1986 when they split off the part of the lot where they built the shop. There is a house on the 0.19-acre lot that was built in 1930 that is not part of the business (Symes Agriculture, Inc.). Since the Planning Commission wasn't established until 1995 and the Land Use Ordinances requiring ½-acre building lots wasn't adopted until 1996, the lot should be considered "grandfathered". The Planning Commission agrees and Bryan directs Heather to draft a letter stating this explanation for the County Recorder. He will sign it and deliver it to the Naylor's.

- Kyle Johansen and Curtis Blackham leave.

- Gary Hurst has come to discuss options for remediation of setback, fire safety, and permit violations of a shed that he built in 2014. Bryan explains that once his name has been turned over to the Ordinance Enforcement Officer, the Planning Commission cannot help him until Amy reports that she has completed her assessment. Mr. Hurst is directed to call Amy (as she had requested him to do) for her to meet him at the site to complete her assessment.
- The Commission members ask why Kyle and Curtis were here at the meeting and then left. Bryan assumes they were wanting to know if he had signed their Mylar plat. He reports that they have not finished the requirements for the Final Plat: a certificate from the County Recorder showing that the subdivision has been recorded with the County and a Tax Record showing that he has paid all taxes on the property. The Tax Record that he submitted showed Suzanne Anderson Farley as the owner of record!
- Heather passes out copies of the 2022 Annual Report. Clint motions to table consideration of the Report until the members of the Commission have had time to study it. Stuart seconds the motion and all vote in favor.
- The Commission next returns to discussion of the rewording of Chapter 3.2 A. and finally agree on "All structures greater than or equal to 200 sq.ft. (with or without utilities) require a building permit approved by the Planning Commission or recommended by the Planning Commission to the City Council for approval before installation. This applies to houses, barns, sheds, shipping containers, carports, etc." Jerime motions to recommend approval of this change to Chapter 3.2 A. to the City Council. Curt seconds the motion and all vote in favor. Heather asks about any requirements for structures less than 200 sq.ft. and the Commission decides to add the following statement to 3.2 A.: "Although structures less than 200 sq.ft. do not require a building permit, they must meet all setback and City Ordinance requirements." Clint motions to recommend approval of this addition to 3.2 A. Tyler seconds the motion and all vote in favor. Heather will get these updates of Chapter 3 on the City Council Agenda for next month. The Commission would like to see this change noticed in the City Quarterly Newsletter and on the City web site after the City Council approval.
- Aimee leaves at 8:42 pm.
- In reviewing Chapter 3.15 D. and E., Stuart motions to recommend approval of it with the correction made in the Public Hearing. Tyler seconds the motion and all vote in favor. There is no further discussion of Chapter 5. Tyler motions to recommend approval of the rewording of Chapter 5.4 and 5.10 to the City Council. Stuart seconds the motion and all vote in favor. Heather will get these updates of Chapter 5 on the City Council Agenda for next month.
- A discussion ensues concerning questions from citizens about why some people are allowed to break the City rules and they are not. Clint reports that some people tell him that they will follow the rules when everyone else does. Tyler feels that employees and volunteers of the City should be held to a higher standard and set a good example of obeying the rules and they should be prosecuted more severely when they break the rules. Bryan has always stated that all people in the City are equal – no one is better than another. Clint gives detached accessory dwelling units as an example of some abuse of position by City employees creating these prohibited structures without consequences. Jerime and Tyler think detached ADUs are OK for visitors as long as no rent is charged and the visitors only stay less than 29 days as is allowed for recreational vehicles. Clint thinks the Commission should review the definition of "dwelling" before agreeing with that allowance. Jerime points out that this is a gray area and Stuart reminds the Commission that a mistake does not constitute

setting precedent. Heather reports that detached ADUs are not currently listed on the list of Violations.

- Heather passes out copies of the survey questions that Shay Morrison (Six County Association of Governments) helped the Committee draft. He said he had never worked with a City that assigned a committee to come up with survey questions, but thought it was working well. He told the Committee that surveys are not required; only recommended. Several of the Commission members ask why there should be a question for something that the City is not willing or able to provide. They also feel like some questions would be better answered if the question contained some relevant information at the beginning. Tyler notes that Fountain Green is "resource constrained" and suggests that "If funds become available" could be added as an introduction to the question asking for ranking of improvements desired. The Commission decides to combine the two questions about changing zoning in the BC Zone and throughout the City to just a general zoning change throughout the City. There are already procedures in place to pursue requesting smaller lots in the BC Zone that were a concern to some of the Committee members. There are a few grammatical and typographical changes suggested. Clint thought that we should add a question asking if the participants would be willing to pay higher taxes to fund any of the desired changes, but the Commission pointed out that "If funds become available" suggests grants, etc. for funding those items. The Commission felt like the City could thank the participants for their input, but not for shaping updates to the General Plan. Tyler motions to accept the changes discussed at the Commission meeting to night and pass them on to the City Council at their meeting next week. Stuart seconds the motion and all vote in favor. Tyler, Mark, and Jerime were on the Committee that met last week. No further meetings of the Committee were scheduled until after the survey is completed. Heather will get this on their Agenda.

- The Commission next begins discussion of an Annexation Policy. Most of the Commission members have a copy of the Annexation Policy for Mt. Pleasant City. Tyler asks if Heather will email a copy to him. Jerime motions to table discussion of an Annexation Policy until Heather emails copies of Mt. Pleasant's Policy again. Clint seconds the motion and all vote in favor.

- Stuart motions to table discussion of requiring a secondary egress from subdivisions until next month since it is getting late. Bryan points out that there would be no question of following the Transportation Plan if a secondary egress were required. He explains how fire trucks unroll their hoses and other vehicles (including ambulance or secondary fire trucks) would not be able to use the street. Jerime seconds Stuart's motion and all vote in favor.

- Tyler motions to table review of the updated maps due to the late hour. Clint seconds the motion and all vote in favor.

- Bryan asks if there are any new violations to report. Heather notes that Jeff Nielson has a shed in front of his garage violating setbacks and fire safety and without a permit. Tyler asks if it is a recently dropped off pre-built shed, but Heather noticed that there was a lot of snow on it.

- Although the Commission is ready to adjourn, Heather points out that the Commission didn't follow the Ordinance requirements for approving the lot line adjustment last month. She directs the Commission members to Chapter 10.8 which they were supposed to read before considering the application. The Commission members read Chapter 10.8 and agree that they made a mistake. Heather suggests that the Commission could consider changing 10.8 to allow less stringent requirements for major subdivision lot line adjustments that leave the same or fewer lots than the original lots being redrawn. Bryan directs Heather to put this on the Agenda for next month.

- Jerime motions to adjourn the meeting. Stuart seconds the motion and all vote in favor. The meeting adjourns at 10:24 pm.