

Fountain Green Planning Commission Meeting

Fountain Green City Hall

April 13, 2023

7:34 p.m.

OFFICIAL MINUTES

Attendance: Mark Woods, Bryan Allred, Clint Hansen, Tyler Smith, Jerime Ivory, Riley Hansen, Mayor Mark Coombs (substituting for Alyson)

Excuse: Curt C. Lund, Alyson Strait

Citizens in Attendance: Joseph Papenfuss

- Bryan calls the meeting to order and asks the Planning Commission members if they have any corrections to make to the minutes for the March 9, 2023 Public Hearing that was emailed to them. Jerime motions to approve the minutes as written. Tyler seconds the motion and all approve. Bryan asks if there are any corrections to the minutes for the March 9, 2023 regular meeting of the Planning Commission that was emailed to them. Clint motions to approve the minutes as written. Jerime seconds the motion and all approve.
- Mason McNeill (and Amber Myers, his fiancée) have submitted an application for a permit to place a Conex shipping container on his grandfathered 0.24-acre corner lot at 28 West 600 South, serial #18303x, in the Business Commercial (BC) Zone. It is not in the Federal Emergency Management Agency (FEMA) Special Flood Hazard Area (SFHA). Greg Johnson, Acting Irrigation Water Master, has told Mr. McNeill that there are no irrigation lines on the property. Mr. McNeill will be cutting the 8'x40' Conex in half and setting the halves side by side to make a container measuring 16'x20'. He is also planning to demolish the existing garage behind/north of the existing house. Mr. McNeill has drawn his plot plan on a plat map – the Planning Commission has a difficult time figuring the measurements for setbacks and determines that the numbers given for the north and south setbacks do not add up to the given east property line! The Commission discusses whether this is because the property line may be in the middle of the street in that area of the City. The east side setback will be 2' (meeting the 2' minimum behind the midpoint of the property) and the west side setback will be 51' (greatly exceeding the 12' fire safety minimum towards the existing house). The Commission instructs Heather to contact Mr. McNeill and request that he redraw the plot plan (not on a plat map) and correct the setback measurements. They would also like Curt Nielson to check the setbacks before submitting the application to the City Council for their approval. Clint motions to recommend approval to the City Council of Mr. McNeill's application for placement of the Conex as described above IF he redraws the plot plan and corrects the north and south setbacks for Curt Nielson to verify. Jerime seconds the motion and all vote in favor. Heather will contact him with the requested corrections and get him on the City Council Agenda for next week.
- Dennis May has submitted an application for a permit to have roof-top solar panels added to his existing house at 186 South 200 West, serial #17963, in the Residential Agriculture (RA) Zone and not in the FEMA SFHA. The Fire Chief, Todd Robinson, told Heather that he does not need to approve the application or plans – the County will address that. The Commission notes that the house was built in 1916 and the roof will not support the weight of the solar panels, but the contractor plans to reinforce the roof to support the solar panels. Setbacks are not applicable. Jerime motions to approve the application for Mr. May to have solar panels installed on the roof of his existing house as described above. Clint seconds the motion and all vote in favor.

- Joseph Papenfuss has come to request a conditional use permit to allow he and his family to continue living in their existing house at 750 West 100 North while they build a new house at 776 West 100 North on the same property. The conditions are "1. Build new house within one year, 2. Abate existing house when new house is finished, and 3. May be renewed again." The Commission discusses the first condition and note that as long as Mr. Papenfuss is making progress with the construction, he is meeting the condition and the conditional use permit expires in one year. Clint motions to recommend approval to the City Council of the conditional use permit for Mr. Papenfuss as described above. Tyler seconds the motion and all vote in favor. Heather will get Mr. Papenfuss on the City Council Agenda for approval of the conditional use permit.

- Bryan asks if the Commission members have reviewed the 2022 Annual Report which was passed out last month. Heather reports that Jeff Nielson should be removed from the list of violations since the Ordinance Enforcement Officer has talked to him and he is planning to move the offending shed to Moroni as soon as possible. Heather also hands around the list of 2022 City Building Permits Requiring County Permits (for additions, sheds, etc.). The Commission asks if Kyle Thompson has been building the attached garage with an Internal Accessory Dwelling Unit that he received a City Permit for, but no permit was issued by the County. Heather has not seen any sign of the construction that was planned. The Commission asks about the in-ground swimming pool built by Jackson Jones – several assert that it is finished, but there is no indication of a County Permit. They ask Heather to check with the County to see if his permit was issued in the name of the contractor. The Commission notices that Wade Beck has put in one of the storage buildings that he received a City Permit for, but no County permit was issued. Heather suspects that Mr. Beck's building was built after she checked the County website for the permit.

- Tyler asks if the City has an Ordinance dealing with overgrown lawns and what can be done about them if they are in violation. His example is the furthest northeast house on State Street. The Mayor reports that the old City Hall is also on the list for an overgrown lawn violation and the City Council will be watching them this year and dealing with them if they become a problem. No one has seen evidence of anyone living at the house on the northeast end of State Street.

- The Commission next discusses the issue of Buffer Zones/Future Annexation Corridors as assigned by the County. They cite the Mt. Pleasant Annexation Policy, but the Mayor reports that it is not approved yet and the County is still discussing the issue of Buffer Zones. They have not come to a decision yet.

- The Commission discusses the Citizen's Guide for building structures less than 200 sq.ft. without utilities and make a few minor changes. Tyler reports that Saratoga Springs allows structures that do not "exceed" 200 sq.ft. without utilities to be built without a permit. Fountain Green will still require setback verification.

- Heather reports that someone from the Central Valley Medical Clinic asked if they could put up a larger sign on the property of Angie Hoenicke – she has given permission. The Mayor would like Brent Davis (CFO) to bring the sign request to the City Council with more details about the sign. He does not think it should be placed on private property, but may be OK on the City street right-of-way. Heather will pass the information on to the caller from the Clinic.

- The Commission is concerned that too many septic systems are being installed within City limits. Currently, they are allowed if the house is greater than 300' from an existing sewer line (the State allows this), but the Mayor reports that the City is planning on changing

that to require lift stations where possible. The City will need to change Chapter 11 of the Land Use Ordinance if they change the 300' exemption.

- The Commission finishes review of the 2022 Annual Report and discuss the current population as compared to how much more growth the City can supply water for. The Mayor reports that the Utah Rural Water Resource Board has suggested that the City can accommodate 200 more homes, but the City reduced that estimate to 150 to allow for the State-mandated Internal Accessory Dwelling Units. Clint motions to recommend approval of the 2022 Annual Report as amended to the City Council. Jerime seconds the motion and all vote in favor.

- Heather passes out copies of the Citizen's Guide for building structures greater than or equal to 200 sq. ft. (with or without utilities). The Commission discusses how to measure when large overhangs are part of the structure. They decide that the Ordinance should be changed to allow for 2' or 3' overhangs, but still measure from the footings. If the overhang is larger than 2' or 3', measurements for setbacks should be measured from the footings plus the overhang. We should check what the industry standard is for overhang allowance. Tyler motions to recommend approval of both Citizen's Guides (with the changes discussed) to the City Council. Clint seconds the motion and all vote in favor. Heather will get these on the Council Agenda for next week.

- In reviewing Chapter 10.8, Riley interprets this section to apply to Major Subdivisions that have already been platted and now want lot lines adjusted. This would mean that the Commission was correct in handling Steve Bills' requested lot line adjustment. The Commission members agree.

- Heather asks if the Commission would like to look at the City Transportation Plan to make sure it is OK, but the Mayor reports that it is out-dated and not defensible for requiring new streets. He advises that it should be updated along with the General Plan.

- Jerime opens discussion of annexation by pointing out that growth around the outside of the City limits will happen and we need to accept it and be prepared with an Annexation Policy. The County has assigned the City ½-acre lots for the first half mile around the City limits and 1-acre lots for the second half mile. Joseph interjects that this would increase Fountain Green's population by three times! Even if we could supply water by requiring annexed areas to provide their own water, the City sewer lagoons cannot support that many new homes. The State will no longer allow the building of sewer ponds. The Commission wonders if the City would be allowed to charge a sewer impact fee to annexed properties to go toward upgrading the sewer treatment system. Would the City be allowed to build just one more sewer pond (making four)? Joseph asks if the City would be able to apply selective annexation. The Mayor tells the Commission that the number one concern of the City is to protect the sewer ponds.

- Jerime encourages the Planning Commission to work with the City Council and accept their rulings with good grace. Disagreements should not continue to be issues which are continually brought up. The Mayor notes that the Planning Commission is necessary for reminding the City Council of what the Land Use Ordinances require and allow.

- Heather passes out copies of the approved changes to Chapters 3 and 5 of the Land Use Ordinances for the Commission members to update their Ordinance books.

- Clint motions to adjourn the meeting. Tyler seconds the motion and all vote in favor. The meeting adjourns at 10:52 pm.