

Fountain Green Planning Commission Meeting
Fountain Green City Hall (basement, Room A)
June 8, 2023 7:33 p.m.

PENDING MINUTES

Attendance: Bryan Allred, Riley Hansen, Jerime Ivory, Curt C. Lund, Alyson Strait, Clint Hansen, Stuart Krukiewicz, Mark Woods

Excuse: Tyler Smith

Citizens in Attendance: none

- Bryan calls the meeting to order and asks the Planning Commission members if they have any corrections to make to the minutes for the May 11, 2023 regular meeting of the Planning Commission that was emailed to them. Riley notes that the Stegelitz daughter's name is Catherine – not Kathleen. Clint motions to approve the minutes as corrected. Stuart seconds the motion and all approve with Jerime abstaining because he was not in attendance at that meeting.
- David Bradley has come with an application for a permit for three different structures: 1) rebuild a pre-existing, grandfathered garage on the same footprint, 2) add porches onto his existing house, and 3) build a barn on his 1.06-acre lot at 166 North 200 West, serial #18079, in the Sensitive Lands (SL) Zone. It is also in the Federal Emergency Management Agency (FEMA) Special Flood Hazard Area (SFHA), but he has a Letter of Map Amendment (LOMA) for the portion of his property where the house and garage are currently built. The Planning Commission decides to address each proposed structure separately. Mr. Bradley previously had a permit to rebuild the grandfathered garage, but it has expired. The garage does not meet current setback requirements, but they were pre-existing. The south setback towards the house is ~42". Riley checks Chapter 8.6 A – Noncomplying Structures and the Commission agrees that the proposal to rebuild the garage meets the requirements. The garage will not have utilities. Riley motions to approve extension of the permit for Mr. Bradley to rebuild his garage on the same footprint as described above. Clint seconds the motion and all vote in favor. The Commission next reviews the plans for the several porches proposed for the existing house. They will be added on the south, west, and east. The setbacks will be 29'6" on the front/west (exceeding the 25' minimum towards 200 West), 15' on the rear/east (exceeding the 12' fire safety towards an existing hoop house), not applicable on the north where they will attach to the existing house, and 45' on the south (greatly exceeding the 12' minimum). Riley realizes that Mr. Bradley's property is in the SL Zone and motions to rescind his previous motion to approve the permit for the garage. Jerime seconds the motion and all vote in favor. Riley then revises his motion to recommend approval to the City Council of the permit for Mr. Bradley to rebuild his garage as described above. Jerime seconds the motion and all vote in favor. Clint motions to recommend approval to the City Council of the permit for Mr. Bradley to build the proposed porches around his existing house as described above. Jerime seconds the motion and all vote in favor. Apparently, the proposed barn is not included in the LOMA and Mr. Bradley agrees to work with the Floodplain Administrator/Mayor before returning to the Planning Commission to apply for a permit to build the barn.
- Dell Davis has come to request a permit to remodel the roof of his mobile home on his small, grandfathered lot at 80 West 500 North, serial #18234x, in the Residential Agriculture (RA) Zone. It is not in the FEMA SFHA and no setbacks will be affected. He

would like to build an 8" peaked roof over the existing roof to encourage snow and rain shedding off. The eave height will be ~9' (much less than the 21' maximum allowed). The Planning Commission does not deal with remodels, but the County will require a City permit to proceed with a County permit and inspections. Clint is concerned that Mr. Davis' building plans will not meet County requirements, but the Commission encourages Mr. Davis to talk to the County to work out those details. Clint motions to approve the permit for Mr. Davis to remodel the roof over his mobile home as described above. Curt seconds the motion and all vote in favor.

- Justin Parkes comes with an application for a permit to add an awning onto the rear/west of his existing home at 12 South 600 West, serial #18159x2, in the RA Zone. It is not in the FEMA SFHA, but there is an irrigation line on the south property line. The 16'x34' (544 sq.ft.) awning will not have utilities or footings, but will be anchored onto a 4" cement slab. When Mr. Parkes asked the Company installing the awning for building plans, they sent a hand-drawn sketch! Hopefully, this will satisfy the County. Stuart motions to approve the permit for Mr. Parkes to have an awning attached to his existing home as described above. Jerime seconds the motion and all vote in favor.

- Mike and Valerie Long have submitted an application for a permit to add a porch onto the front/east of their existing modular home at 15 North 500 West, serial #18055, in the RA Zone. It is not in the FEMA SFHA and will not have utilities. The proposed porch would measure 6'x48' with 22" of steps on the north and east (or south). This would violate setbacks on the east and probably on the south unless the porch is shortened to allow the steps to be set in from the end of the house. Mr. Long told Bryan that he is willing to move the steps on the east to the north end of the house, but this would still leave the east setback at 23' (not meeting the 25' minimum towards 500 West). Mr. Long asked Bryan how his neighbor, Calvin Baird, was able to build a new porch onto the front/east of his house (obviously not meeting the 25' east setback towards 500 West). Heather checked the Baird's porch and verified that the new porch was built over the pre-existing, non-compliant porch thereby satisfying the requirement of not exceeding the footprint of the grandfathered porch. Clint motions to deny the application for a permit to add a porch to the front of Mr. Long's existing house as described above. Mark seconds the motion and all vote in favor. Bryan offers to talk to Mr. Long who apparently is already expecting this ruling and is prepared to request a variance from the Board of Adjustment.

- Russ Ferré has submitted an application for a permit in response to a notice of violation that he received for a woodshed that he has already built (without a permit) on his 0.70-acre lot at 145 North 400 West, serial #18067, in the RA Zone. It is not in the FEMA SFHA, but may have an irrigation line on the west end of the property. The setbacks are 120' on the front/east (greatly exceeding the 12' fire safety minimum towards the existing house), 2' on the rear/west (meeting the 2' minimum behind the midpoint of the property), 2' on the north side (meeting the 2' minimum behind the midpoint of the property), and 7' on the south side (NOT meeting the 12' fire safety minimum towards the garage that he previously built). Heather was told that he built the woodshed to replace the one that was blown down by the wind, but Mr. Ferré's contractor, Stuart Krukiewicz, explains that when he replaced the one that blew down he did not build the new one on the same footprint, but moved and turned it 90 degrees to the west – thereby creating the setback violation. Clint motions to deny the application for a permit for the woodshed that Mr. Ferré built without a permit. Curt seconds the motion and all vote in favor. Heather will notify Amy Morgan, the Ordinance Enforcement Officer (OEO), that Mr. Ferré's application for a permit for the woodshed built without a permit was denied because of the fire safety setback violation.

- The Ferré's application, denied on the basis of a fire safety setback violation, leads to a discussion of the fire safety lane minimum. This also leads to a discussion of the actions of the Fire Chief and OEO in signing off on a fire safety setback violation in contradiction of the City Land Use Ordinances. Alyson will bring this up with the Mayor and City Council – Clint left at 8:45 pm. Many people in the City would like to see the fire safety lane minimum decreased since insurance will cover losses due to fire even for a neighbor's structure. This change would also allow for less wasted space around structures. The Commission is open to suggestions from the current Fire Chief. Alyson will ask Shay Morrison, City Administrator from the Six-County Association of Governments, for his input on the fire safety lane minimums in the different cities in Sanpete County.

- Bryan and Stuart report on the things they learned at the Risk Management classes in Richfield last month. #1 All librarians (including volunteers) must have background checks at the City's expense! It is illegal to pay volunteers except to reimburse them for expenses for which they submit a receipt. A stipend of 20% less than the regular wage may be paid in certain situations. #2 The City is not allowed to contract with groups that boycott Winchester, etc. (political activists) (see Senate Bill 364). #3 The public must be allowed to speak at a Public Hearing, but not necessarily at a regular meeting. #4 Alyson reports that she received notice that subdivision applications now have a "start clock" of 20 days! This would require review by the City Planning Commission within only 20 days! Stuart points out that Fountain Green City's Planning Commission only meets once per month and thus cannot be required to conduct a review in only 20 days. Alyson will check with Shay on this new State rule. Meanwhile, she suggests that Heather could check that all requirements are met before she puts the developer on the Planning Commission Agenda – this could take several previews by Heather. Bryan reports that he was told at the Risk Management class that the City Council is not to be involved in any of the reviews of a subdivision application – only the Planning Commission and the Planning Commission is not to be involved in the final review. A subset of the Planning Commission may be involved in the final review, but the City Engineer makes the final review and the Mayor signs off on the final review (see Utah Code 17-27a-604.1). The standard for roads in a subdivision within the City must be at least 25' wide (asphalt to asphalt). #5 Anybody can challenge a violation of the City Land Use Ordinances! #6 The City Council and Planning Commission do not use Robert's Rules of Order – therefore they need to write the rules and procedures that they do use. #7 Cameron Deal (spelling?) of the Utah League of Cities and Towns and the Ombudsman.utah.gov. said to contact them anytime if we have any questions.

- Heather passes out copies of the proposed Chapter 10.2 D change to require a second egress from all subdivisions where possible. After discussion, the Commission decides to reword the proposed wording: "In an effort to avoid the overuse of cul-de-sacs and dead-end streets, all planned streets within a new subdivision must connect in more than one location to existing platted streets where possible." Curt motions to approve the wording change as noted above. Riley seconds the motion and all vote in favor. The Commission decides to hold off on a Public Hearing for this change until they have more Ordinance updates to submit.

- Heather passes out copies of the changes that OEO Amy has proposed for the Citizen's Guide for structures less than 200 sq.ft. without utilities: #1 add "temporary structures" (like greenhouses) unless they have a permanent foundation or anchors and #2 require only one plat map and one plot plan before setback verification. The Commission debated whether or not a plot plan was necessary and decided that it would provide written proof of setbacks as opposed to relying on a verbal assurance of only a physical

measurement. The Commission doesn't like the term "temporary", but they cannot come up with another term. Alyson will ask Shay for suggestions.

- The Commission now turns to Chapter 2 – Definitions, page 12, "temporary". After discussion, they decide to reword the definition: "Any structure designed or intended to be used without permanent anchors or a foundation. This applies to shipping containers, sheds, tarp-covered carports, greenhouses, etc.". The definition will no longer refer to a time limit.

- Alyson asks Heather for an updated List of Violations. Several of the Commission members ask to see it and Alyson requests that Heather e-mail copies of the List to the Commission members each month. She suggests that the individuals should be referred to by number to avoid mentioning their names or addresses in a public meeting. Heather has reported one new violation to OEO Amy and she has already contacted the individual and told them that they need a permit to build a porch addition.

- Mark and Stuart report that they are waiting for documentation before making statements in an Annexation Policy. The study by Jones & DeMille should provide documentation for water availability and sewer capacity. Mark suggests that he could just write the Annexation Policy and leave blanks to be filled in later for the water and sewer information. They expect to have the Policy ready for review by the Commission next month. Bryan asks what the policy is for out-of-City-limits culinary water availability. Alyson reports that it is not allowed and those who are currently allowed this use are not allowed to expand their use. They will also be cut off if the water supply becomes too low to supply the needs of the people within the City limits. Riley reports that he did some research recently on water usage by category within the City. He was surprised to see that water usage in the RA Zone has decreased over the last few years!

- Jerime points out that the next Planning Commission meeting on the second Thursday of July is scheduled during Lamb Day! He and Curt will not be able to attend the Commission meeting. Bryan and Alyson remind the Commission members that we cannot change the date of the meeting at this late date. Jerime and Curt will be excused.

- Jerime motions to adjourn the meeting. Curt seconds the motion and all vote in favor. The meeting adjourns at 10:25 pm.