

Fountain Green Planning Commission Meeting
Fountain Green City Hall
September 10, 2020 7:32 p.m.

Attendance: Joseph Papenfuss, Bryan Allred, Stuart Krukiewicz, Tom Hansen, Riley Hansen (arrived at 7:34 pm), Nate Strait (arrived at 7:37 pm)

Excuse: Kyle Rowley, Shelith Jacobson (Larry Woodcox substituting for her)

Citizens in attendance: Amy Goble (left at 8:40 pm), Mark Bailey, Tod Robinson, Clint Hansen (arrived at 9:35 pm)

Bryan calls the meeting to order and asks Heather to read the minutes for the August 13, 2020 meeting, but Heather forgot to print them and the Commission decides to begin the meeting while Joseph goes to get them to be read later on in the meeting.

- Martín Apodaca submitted an application for a permit to build an 8'x10' (80 sq.ft.) storage shed on his property at 565 West Center, serial #17980. The property is not in a Federal Emergency Management Agency (FEMA) Special Flood Hazard Area (SFHA). The eave height will be 8' (much less than the 19' maximum currently under consideration for revision) and will not have utilities. The setbacks will be 41'9" on the front/north (greatly exceeding the 12' fire safety minimum towards the existing house), 105'10 ½" on the rear/south (greatly exceeding the 2' minimum behind the midpoint of the property), 41'10 ½" on the east side (greatly exceeding the 2' minimum behind the midpoint of the property), and 59'5" on the west side (greatly exceeding the 2' minimum behind the midpoint of the property). Stuart motions to approve the permit for Mr. Apodaca to build a storage shed as described above. Riley seconds the motion and all vote in favor (Joseph has not returned yet). Mr. Apodaca will not have to take his plans or permit to the County.
- Brian Casselman submitted an application for a permit to build a 50'x100' (5000 sq.ft.) barn with utilities on his property at ~100 North State Street, serial #18244, in the Business Commercial (BC) Zone. The 2.67-acre lot is currently an alfalfa field with 214.5' frontage on State Street and 732.6' depth along 100 North. The southwest corner of the lot is in the FEMA SFHA, but without actual measurements of the SFHA, the Commission cannot tell if Mr. Casselman's proposed barn will be in the Flood Zone. There is also an 18" irrigation line, a sewer line, and an overhead power line crossing diagonally across the property from north to south. Signatures from the Fire Chief, Irrigation Master, and City Recorder are on the application and/or building plans as required. The eave height will be 15' (less than the 19' maximum currently under consideration for revision) and the barn will have utilities. The setbacks will be 77'8" on the front/west (greatly exceeding the 25' minimum towards State Street), 28' on the rear/east (exceeding the 25' minimum towards the overhead power line – "minimum" information given by Fire Chief Tod Robinson in attendance), 64'6" on the north side (greatly exceeding the 25' minimum towards 100 North), and 50' on the south side (greatly exceeding the 12' minimum). The Commission suggests that if Mr. Casselman would shift his barn at least 40' further north and rotate the building 90° he would not have to worry about the FEMA SFHA. Heather provides Stuart (Mr. Casselman's contractor) with contact information for Kathy Holder (the regional FEMA Flood Plain Coordinator). Riley motions that the Commission recommend against Mr. Casselman's plans to build a barn as described above to the City Council unless he moves the

building or FEMA OKs his plans. Nate seconds the motion and all vote in favor. Heather gives the application packet to Stuart to pursue further information from FEMA and/or Mr. Casselman.

- 8:00 pm – Dawn Allred and Steve and Amy Oliver come to discuss an agricultural lot split (see Chapter 10.4) of ~10 acres at 400 South 500 West. Ms. Allred would like to split her property into 4 pieces of ~2.3 acres each to leave as an inheritance for her children. She would also sell one of the pieces to the Olivers. Mr. Oliver reports that there would be ~166' frontage on 400 South for each of the lots. If the owners of the lots decide to build at a later date, they would need to come to the Planning Commission for a conditional use permit to be approved by the City Council. A possible condition of the permit might be to prohibit any further subdivision development of the lot under consideration. Mr. Oliver is planning to have the 10-acre field surveyed if the Planning Commission has no objections to the proposed splits. He is also working on a FEMA Letter Of Map Amendment (LOMA) because the southwest tip of the 10-acre field is in the FEMA SFHA. The Planning Commission has no objections.

- Scott Collard submitted an application for a permit to build a 40'x80' (3200 sq.ft.) storage/work shop/tack shed on his 0.70-acre property at 401 South 100 East, serial #18267. The property is not in the FEMA SFHA and does not have irrigation lines. The building eave height will be 16' (less than the 19' maximum currently under consideration for revision) and the building will not have utilities. The setbacks will be 81' on the front/south (greatly exceeding the 12' fire safety minimum towards an existing garage), 10' on the rear/north (exceeding the 2' minimum behind the midpoint of the property), 6' on the east side (exceeding the 2' minimum behind the midpoint of the property), and ~40' on the west side (exceeding the 2' minimum behind the midpoint of the property). Nate motions to approve the permit for Mr. Collard to build a storage/tack shed as described above. Joseph seconds the motion and all vote in favor. Mr. Collard will need to take his plans and City permit to the County.

- Fountain Green City submitted an application to rectify its violation of building a 20'x20' (400 sq.ft.) well house without a permit at ~100 West 100 North, serial #18077, in the Residential Agriculture (RA) and Sensitive Lands (SL) Zones. The 1.26-acre lot was previously vacant and is partially in the FEMA SFHA on its east side. Jones & DeMille Engineering submitted a letter of mitigating factors, which should reduce any possible flooding, and the County agrees that there is no danger to human life since it is not a residential building. There is also an irrigation line on the north property line. The eave height of the building is 8' (much less than the 19' maximum currently under consideration for revision) with a ~4' overhang on the south/front. The building does have utilities. The setbacks are 84' on the front/south (greatly exceeding the 25' minimum towards 100 North), 105' on the rear/north (greatly exceeding the 12' minimum), 205' on the east side (greatly exceeding the 12' minimum), and 65' on the west side (greatly exceeding the 12' minimum). The Fire Chief and Irrigation Master have signed the application form as required. Riley motions to give a positive recommendation and thanks to the City Council for the submission of the permit application for the well house as described above. Stuart seconds the motion and all vote in favor. Heather will get the well house permit application on the next City Council Agenda for their approval.

- 8:30 pm – Tyson and Alisha Rasmussen come to discuss a proposed lot split of a 4.88-acre field at ~400 West 400 South. They have a lot of questions about extending 400 West, creating a cul-de-sac or tying into 500 South at a later date, hooking into the sewer serving Adobe Fields Subdivision, road requirements, lot size minimums, etc. Joseph refers them to the Fountain Green City Land Use Ordinances Chapter 10 – Subdivisions, Chapter 11 – General Design Standards for Construction and Development in Fountain Green City, and Chapter 7.2 – Residential Agriculture Zone. As this is a proposed Major Subdivision, Joseph explains the procedure for working with the Planning Commission, City Council, and Roger (the City Superintendent of Water & Sewer).

The Rasmussens have a survey scheduled and the property is not in the FEMA SFHA. They expect to begin the process of developing a major subdivision next month.

- 9:00 pm – Justin Smith (contractor) and Jake Orton come to request a permit to build a house on Mr. Smith's 1.05-acre (exceeding the 0.455-acre minimum) vacant corner lot at ~290 West 400 North, serial #18141. Mr. Smith has a LOMA from FEMA and has worked with the Irrigation Master to determine the most likely location of the 18" irrigation line (which crosses the property diagonally from south to north) in relation to the proposed house. He reports that Roger told him that he would have to put in a septic system because he could not hook up to the sewer line from that lot. He will also have to extend the culinary water line from the block south. The lot has 107.25' frontage on 400 North and 213' depth along 300 West (not currently developed) (exceeding the 90' frontage and 100' depth minimums). The house will measure 28.5'x38'6" + 21'6"x10' for 1312 sq.ft. on the main floor (exceeding the 24' depth minimum and 960 sq.ft. minimum) and 21'6"x20'9" for 446 sq.ft. in the garage. The basement will measure 30'x38'6" + 20'10"x9'1" for 1335 sq.ft.. The eave height will be ~9' (much less than the 19' maximum currently under consideration for revision) with an overhang of 16" in some areas. The setbacks will be 45' on the front/south (exceeding the 25' minimum towards 400 North), ~20' on the rear/north (exceeding the 10' minimum towards the irrigation line), 122' on the east side (greatly exceeding the 12' minimum), and 47' on the west side (exceeding the 25' minimum towards 300 West). Mr. Smith has split the lot from north to south, but the plat map does not reflect this change yet. When the split is official, each lot will measure 0.527 acre (still exceeding the 0.455-acre minimum) and the east side setback for the house will be 15' (still exceeding the 12' minimum). Signatures from the Fire Chief, Irrigation Master, and City Recorder are on the application and/or house plans as required. Tom motions to approve the permit for Mr. Smith to build a house as described above. Nate seconds the motion and all vote in favor. Mr. Smith will need to take his plans and City permit to the County. Heather gives them to him at the meeting.

- Fountain Green City submitted an application to rectify its violation of building a 44'x36' (1584 sq.ft.) concession/restroom building at ~400 West Center without a permit on its 1.05-acre lot at the City Park, serial #17988, in the Public Facilities (PF) Zone. The lot is not in the FEMA SFHA and has an irrigation line on the south property line. The eave height is 7'10" (much less than the 19' maximum currently under consideration for revision) and has a 6' overhang on the south. The building has utilities and the setbacks are 42' on the front/west (greatly exceeding the 25' minimum towards 400 West), 75' on the rear/east (greatly exceeding the 25' minimum towards the existing pavilion), 125' on the north side (greatly exceeding the 25' minimum towards Center Street), and 70' on the south side (greatly exceeding the 12' minimum). The Fire Chief and Irrigation Master have signed the application form as required. Nate motions to give a positive recommendation and thanks to the City Council for the submission of the permit application for the concession/restroom building as described above. Riley seconds the motion and all vote in favor. Heather will get the concession/restroom building permit application on the next City Council Agenda for their approval.

- Bryan asks Heather to read the minutes for the August 13, 2020 meeting of the Planning Commission. He corrects "Jed Bailey" to "Jed Allred". Joseph motions to approve the minutes as corrected. Stuart seconds the motion and all vote in favor.

- Bryan asks for nominations for election of a new vice chair since Scott Evans moved. Nate nominates Riley and Riley nominates Nate. Joseph motions to close the nominations and Stuart seconds the motion. Nate motions to postpone voting for a new vice chair at this time since he is seriously considering resigning from the Planning Commission because of the actions of some City officials. Tom seconds the motion and all vote in favor.

- 9:30 pm – Brady Walker comes to request a permit to build a 50'x80' (4,000 sq.ft.) shop with electricity in the Residential Agriculture (RA) Zone on his 0.76-acre (exceeding the 0.455-acre minimum) vacant corner lot at ~290 South 100 West, serial #17937. The lot is not in the FEMA SFHA and has 225.5' frontage on 300 South with 139' depth along 100 West (exceeding the 90' frontage and 100' depth minimums). There is an irrigation line along the east property line. Since there is no house on the lot at this time, Mr. Walker will need a conditional use permit as suggested by the City Council. The condition is that he will be in the process of building a house within 3 years of the date the City Council approves the conditional use permit. Nate motions to recommend approval of the conditional use permit for Mr. Walker to the City Council. Riley seconds the motion and all vote in favor (with Joseph abstaining since he was talking to Larry). The City Council will meet next week and Heather will get Mr. Walker on the Agenda for the conditional use permit. The eave height of the shop will be 18'8" (less than the 19' maximum currently under consideration for revision). The setbacks will be ~169.5' on the front/east (greatly exceeding the 25' minimum towards 100 West), 14' on the rear/west (exceeding the 10' minimum towards the irrigation line), 109' on the north side (greatly exceeding the 2' minimum behind the midpoint of the property), and 25' on the south side (meeting the 25' minimum towards 300 South). The Irrigation Master has signed the application form as required and the Fire Chief was in attendance to sign at the meeting. Riley motions to approve the permit for Mr. Walker to build a shop as described above. Tom seconds the motion and all vote in favor (with Joseph abstaining since he was talking to Larry).
- Colby Jorgenson signed up on the Planning Commission Agenda to put up a sign/banner on his property at 653 West Center for his business, but he did not answer Heather's calls for more information. The Commission decides that if his sign/banner cannot meet the requirements listed in Chapter 7.2-8 he needs to come talk to the Planning Commission.
- Tom Hansen reports that when he took his permit to build storage units on his 0.5-acre vacant lot in the BC Zone at 50 East 200 South, serial #18260x, the County wanted him to put in a fire wall on the east side if he wanted to have a 2' setback. His other option was to increase the east setback to 10'. This will change his west side setback to 80', but will also allow him to change the direction of the roof pitch to the rear of the building. He will need to talk to the City Council about changing the conditional use permit to allow that.
- Heather passes out copies of the "white paper" written by attorney David L. Church (The Planning Commission – One Attorney's Opinion). Mr. Church was the Fountain Green City Attorney at one time and Joseph had a copy of his paper. Due to the late hour, the Planning Commission members will read it as homework. Bryan asks Heather to get Mr. Church's "white paper" on the next City Council Agenda.
- The Commission discusses the need for a new alternate since Tamara Bailey resigned. Bryan suggests Matt or Amy Goble and Nate suggests Tammy (Jed) Bailey, but the Commission decides to wait and see what the City Council decides to do after the "concerned citizens' letter" recommending that the current Planning Commission be released and replaced.
- Clint Hansen asks if he can address the Commission. He has read the "concerned citizens' letter" and wants to express his sorrow about the way that some City officials have been treating the volunteers in the City. He asks the members of the Planning Commission to try to "weather the storm – please stay – don't quit!" He feels like the Planning Commission is necessary and only follows the rules and applies them to everyone equally. He points out that the only people complaining about the Planning Commission are those who don't want to follow the rules. He is ashamed of the underhanded, borderline improper actions of some City officials and expects things to straighten out within 14 months (the next election). He closes with THANKS for the

work that the volunteers of the Planning Commission have done and appreciates the experience of the members that have served longer than some.

- Tod Robinson (the new Fire Chief) explains that he was one of the "concerned citizens" that signed the letter to the City leaders. He admits that he doesn't know everything that has been going on, but would like to see the City Council, Mayor, and Planning Commission work together. He suggests several strategies which have already been tried, but encourages the Commission to keep trying to work with the City Council and Mayor. He is given a copy of the David Church "white paper".

- Heather asks if the Commission should hold a work meeting to work on the list of proposed Ordinance changes, but again the Commission decides to wait and see what the City Council decides to do with the current Planning Commission.

- Joseph motions to adjourn the meeting. Tom seconds the motion and all vote in favor. The meeting adjourns at 10:20 pm.

Heather