

Fountain Green Planning Commission Meeting  
Fountain Green City Hall  
October 8, 2020 7:32 p.m.

Attendance: Joseph Papenfuss, Bryan Allred, Riley Hansen, Tom Hansen, Nate Strait, Shelith Jacobson, Kyle Rowley, Nate Strait

Citizens in attendance: Homer Workman, Clint Hansen (arrived at 8 pm), Gary & Teresa Larsen (8:27-8:35), Tod Robinson (8:15-8:30), Jody Beck (8:45-9:15)

Bryan calls the meeting to order and asks Heather to read the minutes for the September 10, 2020 meeting. Tom motions to approve the minutes as read. Riley seconds the motion and all vote in favor.

- Gary Larsen submitted an application for a permit to build a 12.5'x16' roof extension onto an existing 16'x24' shed on his 0.43-acre lot at 366 South State, serial #17902, in the Business Commercial (BC) Zone. The lot is not in the Federal Emergency Management Area (FEMA) Special Flood Hazard Area (SFHA). The shed and carport will not have utilities and the eave height will be 8' (much less than the 19' maximum currently under consideration for revision). The setbacks will be 19.9' on the front/east (exceeding the 12' fire safety minimum to an existing carport), not applicable on the rear/west where it will attach to the existing shed, 35.11' on the north side (greatly exceeding the 2' minimum behind the midpoint of the property), and 35.8' on the south side (greatly exceeding the 2' minimum behind the midpoint of the property). An irrigation line runs along the west property line. As the total of the two structures will equal 584 sq.ft. (exceeding the 200 sq.ft. maximum allowed without a County permit), Mr. Larsen will need to take his plans and City permit to the County. Tom motions to recommend approval of the permit for Mr. Larsen's roof extension to the City Council since it is in the BC Zone. Joseph seconds the motion and all vote in favor. When Mr. & Mrs. Larsen come to pick up their papers, they report that they have already talked to the County Building Inspector and were told that they did not need to bring any paperwork to the County for the roof extension. Shelith explained that they will still need to have the City Council approve the permit next week and the Mayor will sign it at that time.

- Steve Holt submitted an application for a permit to build a house/shop/garage with utilities on his vacant 1.06-acre lot (greater than the 0.455-acre minimum) in the Residential Agriculture (RA) Zone at 829 West 100 North, serial #18172x3. The lot measures 214.5' frontage on 100 North and 214.54' depth (greatly exceeding the 90' frontage and 100' depth minimums) and is not in the FEMA SFHA. The application form has signatures from Michelle for payment of fees, Roger (for sewer and water), and Mike (Irrigation Master). Tod (Fire Chief) agrees to come check the plans and sign them at the meeting tonight. The metal building will measure 40'x80'. The house will measure 31'x40' for 1240 sq.ft. (exceeding the 24' depth and the 960 sq.ft. minimums) with a loft of the same measurements. The shop/garage will measure 40'x49' for 1960 sq.ft.. The building will have a 10' deep wrap-around porch along the front/north and the east and west sides for 20'. The eave height will be 17' (less than the 19' maximum currently under consideration for revision). There are several irrigation lines running diagonally across the property from west to south. The setbacks will be ~80' on the front/north (greatly exceeding the 25' minimum towards 100 North), 40' on the rear/south (exceeding the 25' minimum), ~110' on the east side (greatly exceeding the 12' minimum), and ~40' on the west side (exceeding the 12' easement towards the nearest irrigation line). The Commission notes that Mr. Holt will need to

have engineered plans for the County since he is planning on having a loft. Bryan makes a note to that effect on the bottom of the application. The Commission notes that as the Ordinances currently read, Mr. Holt will not be able to build any other buildings in front of the house. They discuss whether the Ordinances could be changed to allow auxiliary buildings in front of a house as long as they meet regular setback requirements. No decision is made at this time because Riley suggests that residents of the City should be allowed to express their desires in the upcoming survey. Nate motions to approve the permit for Mr. Holt to build a house/shop/garage as described above. Kyle seconds the motion and all vote in favor.

- LeiAnn Schmith submitted an application to build a 10'x19' (190 sq.ft.) hay barn on her 0.53-acre lot at 575 West Center, serial #17980x, in the RA Zone. The property is not in a FEMA SFHA. There is an irrigation line running along the south property line on the other side of her fence. The hay shed will not have utilities and the eave height will be  $\leq 8'$  (much less than the 19' maximum currently under consideration for revision). The setbacks will be 135' on the front/north (greatly exceeding the 12' fire safety minimum towards the existing house), 2' on the rear/south (meeting the 2' minimum behind the midpoint of the property and  $\geq 7'$  from the irrigation line), 2' on the east side (meeting the 2' minimum behind the midpoint of the property), and 85.25' on the west side (greatly exceeding the 25' minimum towards 600 West). Riley motions to approve the permit for Ms. Schmith to build a hay shed as described above. Kyle seconds the motion and all vote in favor. She will not need to take her permit or plans to the County since the hay shed is less than the 200 sq.ft. maximum allowed without a County permit.

- In response to a citizen complaint, Shelith reports that she and Roger examined Ms. Schmith's chain link fence with privacy slats at the corner of 600 West Center and determined that it is not in violation since there is a STOP sign on the east and west sides of the intersection. Roger moved the east STOP sign closer to the intersection and feels that as long as drivers obey the speed limit and STOP signs the privacy fence does not obstruct the sight of any oncoming vehicles.

- Bryan suggests that the Commission table consideration of a remodeling permit until Stuart is present and all agree.

- Shelith invites the Planning Commission to join the City Council for a training meeting with someone from the State on Thursday, October 15<sup>th</sup>, at 6 pm. Riley regrets that he will not be able to attend, but would like to participate via his phone if that can be arranged. Heather will talk to Michelle about that option.

- Bryan reads the notes from a phone call that Heather had with Meg Ryan, consultant for the League of Cities & Towns, on October 1<sup>st</sup>. She advised that the ex officio member of the Planning Commission does not have a vote in the Planning Commission – only in the City Council. She also noted that if the Planning Commission operates by Robert's Rules of Order it must: 1) include the whole set of Rules in its Ordinances, 2) post the Rules in the room where it meets, and 3) operate by ALL the Rules! She advised that most cities do not use Robert's Rules of Order – they make rules to meet their needs. In the 22 years that she has been consulting for the League of Cities & Towns, she has never heard of the ex officio member voting in the Planning Commission. She also has not seen this written in any Ordinances, but she will research to see if she can find anything more definite to explain this.

- The Commission begins discussion of the proposed Ordinance changes. The Planning Commission has never used the terms and replacement terms as described in Chapter 4 and has always used the alternate position as a training term with automatic advancement when a regular member of the Commission needs replaced. They agree that Fountain Green probably has more turnover than a larger city and they will discuss this more in a work meeting.

- Jody Beck comes with questions about splitting her 2.8-acre lot south of town. She has 3 different people interested in buying some of it for various uses. The County told her that it is in the Buffer RA 1 Zone and that she should apply for a mini subdivision permit. As the County has told the City that it no longer will allow buffer zones, the Commission is slightly confused. The County told Ms. Beck that the RA 1 Zone allows for a minimum of ½-acre lots, but she only wants to split into 2 or 3 lots at most. The County also requires access to a County-maintained or improved road. The Commission explains that no City services (water, sewer, or electricity) would be available and advise her to look for a water right and drill one or more wells. Bryan explains the difference between culinary and irrigation water rights – culinary is used for 12 months and irrigation is used for 9 months (March 15<sup>th</sup> – November 15<sup>th</sup>). Ms. Beck would need to obtain a permit for a well from the State office in Richfield, but will have to find an available water right on her own. The Commission suggests that she talk to Aaron Copple or Ryan Rindinsbacher for advice in finding a water right. She should also make sure that she is not in a FEMA SFHA in the County.
- The Commission next discusses the need for two new alternates. They suggest Amy Goble, Ryan Hauter, or Clint Hansen. Shelith tells the Commission that they also have other names that they have been considering.
- The Commission continues with voting for a new Vice Chairman using the two members nominated last month: Riley and Nate. In voting, Riley received 3 votes and Nate received 2 votes. Bryan could make it a tie and table the voting until next month, but decides not to and Riley becomes the new Vice Chairman.
- In discussing Ordinance changes proposed for Chapter 7, the Commission decides that they should involve the new Fire Chief in deciding the maximum eave height since they are considering buying new, taller ladders. They also would like his input on concerns about a maximum building height and/or roof pitch. In February, the City Council requested that the Planning Commission consider new setbacks for Government Offices and Public Service buildings in the Business Commercial (BC) Zone to accommodate the new City Public Safety building. When City meetings were cancelled and curtailed by the Coronavirus pandemic restrictions, the Planning Commission was unable to address this request. Since it involves so much time and effort (and expense), the Commission would like to see all changes to Chapter 7 completed at the same time. Joseph thinks that we could also make the needed changes to Chapter 4 before holding the Public Hearing. They also discuss accommodating corner lots by allowing auxiliary buildings in front of or next to a house as long as they meet all other setback and building requirements. Riley cautions that some might expect to put animal sheds in that position and advises including this question in the upcoming survey. In considering shipping containers, Joseph suggests that we treat them as a building. Tom reports that the County does not inspect shipping containers unless they have an addition attached to them and then they require engineered plans. Joseph explains that we could still require anchors and setbacks applicable to any other building. Heather asks what would be required for someone who wanted to stack shipping containers and the Commission feels that would be considered an addition and would require engineered plans.
- Joseph motions to adjourn the meeting. Kyle seconds the motion and all vote in favor. The meeting adjourns at 10:15 pm.

Heather