

MINUTES
ENOCH CITY PLANNING COMMISSION
November 28, 2023 at 5:30pm
City Council Chambers
City Offices, 900 E. Midvalley Road

MEMBERS PRESENT:

Chairman Leonard Correa
Commissioner Andy Losee
Commissioner Debra Ley
Commissioner Delaine Finlay
Commissioner Elliot Lake

STAFF PRESENT:

Rob Dotson, City Manager
Lindsay Hildebrand, City Recorder
Hayden White, Pub. Works Dir.
Council Member Katherine Ross

PUBLIC PRESENT: DeLynn Barton, Steve Woolsey, David Tanner, John Kay

1. **CALL TO ORDER OF REGULAR MEETING**-By Chairman Correa
 - a. **Pledge of Allegiance** – Led by DeLynn Barton
 - b. **Invocation (2 min.)** –**Audience invited to participate.** Given by David Tanner
 - c. **Inspirational thought** – Given by Commissioner Finlay / Commissioner Ley will have the thought at the next meeting.
 - d. **Approval of agenda for November 28, 2023** – **Commissioner Ley made a motion to approve the agenda. Commissioner Lake seconded and all voted in favor.**
 - e. **Approval of minutes for November 14, 2023** – **Commissioner Ley made a motion to approve the minutes. Commissioner Finlay seconded and all voted in favor.**
 - f. **Conflict of Interest Declaration** – None stated

2. **PUBLIC COMMENTS –**

John Kay said he was the owner of the property propped to be re-zoned. After speaking with his neighbors, he wanted to note that he had no ill feelings no matter the outcome. He believes it is conducive, especially with the growth pattern that is occurring. The property had previously been zoned commercial and the preceding owner had it rezoned to R-R-1 for tax purposes.

3. **PUBLIC HEARING REGARDING A ZONE CHANGE REQUEST FOR VIRGIN VISTA ENT. LLC, PARCELS #A-0901-0101-0000 AND #A-0901-0100-0000** – John Kay

Commissioner Finlay made a motion to close the regularly scheduled Planning Commission and open a public hearing regarding a zone change request for Virgin Vista Ent, LLC. Commissioner Ley seconded and all voted in favor.

DeLynn Barton said he lived fairly close to the Virgin Vista property. He noted that Mr. Kay went to him pleading for a right-of-way and when he didn't get it, he filed a lawsuit from his property to Minersville Highway. That is a private road and not publicly maintained, which is supposed to be, according to the ordinance. Originally, Mr. Kay told him that it was going to be residential which would fit in nicely with what was already there. As neighbors, they are not pleased with that. He has to maintain that road that goes from his property to Minersville Highway. He was concerned that people would drive up through their subdivision and access Minersville Highway closer to the light. All of the neighbors had moved there because it felt like

a little oasis. They like having it quiet. The other concern is that there is no sewer to this property. He assumed that the new owner would use septic tanks. The sewer is across the road next to the Stake Center. They allowed the right of way and now all of a sudden, things have changed.

David Tanner detailed the history he has had with Enoch City regarding an easement to equalize water pressure. He noted that his neighborhood had trusted the city at that point and yet some of the commitments the city made were not fulfilled for years. One was to snow plow and maintain that portion of their road. They have tried to partner with Enoch City and tried to be good neighbors. He asked if there was a Master Plan for Enoch. He wondered if keeping the frontage on Minersville Highway commercial within that Master Plan. City Manager Dotson said yes. Mr. Tanner asked if they have worked with the UDOT regarding the highway. City Manager Dotson said in the Access Management Plan, 3600 N. will eventually have a stoplight and there will be no other accesses. Mr. Tanner mentioned the Community Commercial ordinance, stating that there aren't a lot of restrictions as to what types of businesses would be allowed. He commented on the commercial business just south of his neighborhood. When the wind blows a certain way, they can smell the paint and fumes all across the community. He noted that it was troubling to them and caused a challenge for what might come their way. They fully understood that this was going to be a residential area. He also noted that they were at the meeting to tell the City Council that Community Commercial does not fit well. They are seeing more and more traffic and most of that isn't an issue, it's that they don't respect the kind of area. People drive on ATVs. He asked that they be cautious about this decision.

Jarom Jolly lives on Maxwell Road and wanted to share that he wasn't happy about what was going on.

Evon Neilson commented about the reasons he had for giving Enoch the right-of-way.

James Thelin commented about what portion was Enoch and County. He noted that he remembered when it was annexed.

John Kay listed his reasons for wanting to change the zone. A set of circumstances came up. Since he originally intended to keep it residential, a lot of things have happened. He is a contractor and realtor. It took him a year and a half and \$10,000 to use the right-of-way. Residential is on its nose and commercial is not so much. He was surprised at the traffic on Minersville Highway. He wouldn't want to live on Minersville Highway because of the traffic noise. We would all like to see green pastures and blue skies, things change and progress. Minersville Highway is getting busy. He went to UDOT to see if he could get a right-of-way and Jeff Bunker told him 3600 N. is to be designated a through-fare from Highway 91 to the frontage road. However, he didn't know when that would happen.

There was a detailed conversation between John Kay's neighbors regarding the history of the Maxwell Minifarms Subdivision and 3600 N. They explained that they had done a lot of work to make it an Agricultural Protection area.

**To listen to the recording, it can be accessed at <https://www.cityofenoch.org/planning-commission.html>.

4. CONSIDER A ZONE CHANGE REQUEST FOR VIRGIN VISTA ENT. LLC, PARCELS #A-0901-0101-0000 AND #A-0901-0100-0000 FROM RURAL-RESIDENTIAL (R-R-1) TO COMMUNITY-COMMERCIAL (C-C) AND MAKE A RECOMMENDATION TO THE CITY COUNCIL

Commissioner Ley made a motion to close the public hearing and return to the regularly scheduled Planning Commission meeting. Commissioner Losee seconded and all voted in favor.

Chairman Correa said this Planning Commission has always had a history to accommodate the property owner and their rights to do what they want with their property. He felt like he needed more facts about the private road and public road. City Manager Dotson asked Mr.

Kay if he had a right-of-way to his property. Mr. Kay said yes. City Manager Dotson said that negates any argument. It's still a private road. It's not dedicated as a public road and it still gives property owner access to the property. The city cannot deny people access to their property. Commissioner Ley asked if they could fence off where the right-of-way ends. City Manager Dotson said yes. There is a process to close it though. They have to notify the authorities. That property owner and whoever is in the deed has access to the property that they own.

Mr. Barton noted that he and his neighbors are still responsible for the maintenance. There was an agreement for payment. City Manager Dotson said an Agriculture Protection area is not a zoning issue but it prevents a county or city from unreasonably restricting and it increases protection from eminent domain. There was a conversation about the Paster plan. County property vs. City property is complex and regulating it is an issue. City Manager Dotson pulled up the commercial business ordinance.

This is a balancing act and it's challenging. Enoch City has historically been less regulatory than others. "Preferably" and "consider" are words we use in our codes to allow people to do what they want to certain standards. It's a legislative issue.

Commissioner Losee said he understood that part of their issue was the fear of the unknown. Traffic, less farmland, and type of business are some of the concerns and we can't predict those. With that, we try to be sensitive to land owners and we don't want to tell people what they can do. How does my decision impact those around me? As long as it follows the parameters, we can't tell them what to do. Our concern is that all rules are being followed. Commissioner Finlay felt that when someone buys the land, they buy it knowing what the zoning is. When things are changed it becomes an issue. Commissioner Ley asked if they knew about the original zone change from Community Commercial to R-R-1 as it is now. Mr. Nielson said back then, there was a sign but they didn't know it had been annexed into Enoch City for a year and a half because the sign had fallen into a ditch. Commissioner Finlay asked if these parcels could be subdivided. City Manager Dotson said it has already been subdivided. The minimum lot size for a commercial zone is 18,000 square feet. Commissioner Ley said she thinks that private road needs to be taken care of. You need an agreement to pay more. Commissioner Lake asked the county residents if they would still be at the meeting if Mr. Kay had his own access, and the road wasn't an issue. The county residents all agreed that they would still be in attendance protesting the zone change.

Commissioner Ley made a motion to send a favorable recommendation to the City Council regarding a zone change request for Virgin Vista Ent. LLC, Parcels #A-0901-0101-0000 and #A-0901-0100-0000 from Rural-Residential (R-R-1) to Community-Commercial (C-C). Commissioner Lake seconded and a roll call vote was held as follows:

Commissioner Ley: Yea	Commissioner Losee: Yea
Commissioner Lake: Yea	Commissioner Finlay: Nay
Chairman Correa: Yea	Motion Passed

**To listen to the recording, it can be accessed at
<https://www.cityofenoch.org/planning-commission.html>.

5. PUBLIC HEARING REGARDING AN AMENDMENT TO ENOCH CITY CODE 12.3100.3102 DESIGN STANDARDS, D. EASEMENT STANDARDS – City Manager Dotson

Commissioner Ley made a motion to close the regularly scheduled Planning Commission meeting and open a public hearing regarding an amendment to Enoch City Code 12.3100.3102 Design Standards, D. Easement Standards. Commissioner Losee seconded and all voted in favor.

Steve Woolsey said typically the only easement you should ever need is against the road right-of-way. When Cedar City made that change, they got away with it. He petitioned the city to vacate those easements that weren't being utilized and it went all the way to City Council. He thought this was a wonderful thing that helps when surveying property. Commissioner Ley asked if Natural Channels were in Enoch City code or if they needed to be incorporated. City Manager Dotson said the natural channels are not dedicated. Steve was in favor of this.

Commissioner Ley made a motion to close the public hearing and reconvene the regularly scheduled Planning Commission meeting. Commissioner Finlay seconded and all voted in favor.

6. CONSIDER AN AMENDMENT TO ENOCH CITY CODE 12.3100.3102 DESIGN STANDARDS, D. EASEMENT STANDARDS AND MAKE A RECOMMENDATION TO THE CITY COUNCIL

Commissioner Ley made a motion to send a favorable recommendation to the City Council to amend Enoch City Code 12.3100.3102 Design Standards, D. Easement Standards. Chairman Correa seconded and all voted in favor.

7. CONSIDER A PLAT AMENDMENT FOR SPANISH TRAIL ESTATES - UNIT 2 AND MAKE A RECOMMENDATION TO THE CITY COUNCIL

Steve Woolsey represented himself under SBW Family Trust. He wanted to split his lot in Spanish Trails. He has a shop on the west and property on the east. He wanted to create parcels 2a and 2b. Commissioner Ley asked what the benefit of that would be. Mr. Woolsey replied that he was preparing himself for his future. He pulled up the property on a map and detailed the property. He also explained the difference between a plat amendment and a minor subdivision. Mr. Woolsey detailed the state requirements for plat amendments and included some of the history of when those requirements changed.

Commissioner Ley made a motion to send a favorable recommendation to the City Council regarding a plat amendment for Spanish Trails Estates – Unit 2. Commissioner Losee seconded and all voted in favor.

8. CONSIDER AN AMENDED SUBDIVISION PLAT AND MINOR LOT SUBDIVISION FOR THE HOMESTEAD SUB., LOT 7 AND MAKE A RECOMMENDATION TO THE CITY COUNCIL - James Thelin

Mat Edwards lives on Southern Homestead and showed his property on the map. He asked about property protection and there was a conversation. He detailed the request by James Thelin as he was not in attendance when this item came up. This was a joint request between neighbors. However, it was determined that Mr. Edward's property (lot 31) was not included in the agenda item, so the Planning Commission would not consider his portion. Later, James returned to the Planning Commission meeting and ultimately decided to push his portion forward.

Commissioner Losee made a motion to send a favorable recommendation to the City Council to amend the subdivision plat and minor lot subdivision for the Homestead Subdivision., Lot 7. Commissioner Finlay seconded and all voted in favor.

9. CONSIDER PRELIMINARY PLAT FOR HAWK'S LANDING P.U.D. - Watson Engineering

City Manager Dotson said this is the first planned unit development for the PUD. The Master Community plan was approved by the city council. It is the Nelson farm. It only allows 615 residential units. The underlying zone is R-1-11 so they can only have 614 units. The PUD allows them to congregate those units. City Manager Dotson showed the property on the map. The intent was to keep the density from becoming more than that can handle. The owner is taking these parcels and moving boundaries and the major roads are being dedicated. This developer's plan is to build the Hawks Landing which fits within the PUD ordinance. The number of units would get subtracted from the total of units allowed in the PUD. Commissioner Ley wondered about 1/8 acres. The minimum is 4,000 square feet. City Manager Dotson said those are townhomes. Commissioner Finlay asked about parking. City Manager Dotson said they have to adhere to standards. The property owner will own that townhome. There will be 24 townhomes. Those units will be subtracted from the total 614 allowed. Chairman Correa said the single-family units will be a buffer for the existing homes. City Manager Dotson said they will be required to build roads. They will have to have CCNRs and HOAs. Chairman Correa wanted to encourage the City Council. Some of these are in favor of low to moderate-income housing with deed restrictions. Someone could come in and buy four of these and use them as short-term rentals. Commissioner Ley asked how the acre-foot of water worked for the townhomes. City Manager Dotson said in multi-family housing they have to give .3-acre feet per unit and the outside irrigation is based on a formula depending on how much lawn they put in.

Commissioner Lake made a motion to send a favorable recommendation to the City Council regarding the Preliminary Plat for Hawks Landing P.U.D. Commissioner Losee seconded and all voted in favor except Commissioner Ley who abstained.

10. COMMISSION/STAFF REPORTS

Council Member Ross

- The Pinnacle Point Subdivision zone change was passed by the City Council. She wanted to make sure that the Commissioners knew that the Council members appreciated what they said. She voted for it because the City Council has done a lot to mitigate some of the concerns that were brought up, such as the dark sky ordinance. Regarding the traffic issues, there may be an access road to Cedar City that connects Highway 91 to Canyon Ranch Road in the future.

City Manager Dotson

- The State has hired a planning group to help cities change their codes regarding subdivisions. He received the initial review of the subdivision code that they are working on updating. He got a list of major issues. He will go through the proposed code changes to make those updates.
- The next City Council meeting will be long.

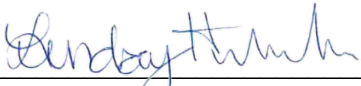
Lindsay Hildebrand

- She renewed 15 business licenses this month. Two of them were commercial.
- She has also been working on the packet for the City Council.
- The staff put together a "workspace decorating contest" to spread Christmas cheer.

Commission Correa

- He talked with City Manager Dotson about getting updated training for the Planning Commission. There had been some confusion about their roles. Some of them went through online training provided by the League of Cities. He proposed taking some time at the end of a meeting to go over topics. City Manager Dotson noted that the State required a certain amount of training.

11. ADJOURN – Commissioner Ley made a motion to adjourn. Commissioner Losee seconded and all voted in favor.

	12/12/2023
<u>Lindsay Hildebrand, City Recorder</u>	<u>Date</u>