

**ENOCH CITY PLANNING COMMISSION NOTICE AND AGENDA**

**May 27, 2025, at 5:30 pm City Council Chambers,  
City Offices, 900 E. Midvalley Road**

**Join Zoom Meeting:**

**<https://us02web.zoom.us/j/86753469971>**

**Meeting ID: 867 5346 9971**

- 1. CALL TO ORDER OF REGULAR MEETING-By**
  - a. Pledge of Allegiance –**
  - b. Invocation (2 min.) –Audience invited to participate. –**
  - c. Inspirational thought –**
  - d. Approval of agenda for May 27, 2025 –**
  - e. Approval of minutes for April 22, 2025 –**
  - f. Conflict of Interest Declaration –**
- 2. PUBLIC COMMENTS**
- 3. PUBLIC HEARING FOR A ZONE CHANGE REQUEST BY MCM ENGINEERING II INC. FOR PARCELS A-0794-0005-0000 and A-0794-0006-0000 FROM RURAL RESIDENTIAL (R-R-1) & SINGLE FAMILY RESIDENTIAL (R-1-18) TO RESEARCH INDUSTRIAL PARK (R/I-P) – THIS HAS BEEN POSTPONED AND IS CANCELED**
- 4. RESCHEDULE PUBLIC HEARING FOR A ZONE CHANGE REQUEST BY MCM ENGINEERING II INC. FOR PARCELS A-0794-0005-0000 AND A-0794-0006-0000 FROM RURAL RESIDENTIAL (R-R-1) & SINGLE FAMILY RESIDENTIAL (R-1-18) TO RESEARCH INDUSTRIAL PARK (R/I-P) - SET THE PUBLIC HEARING FOR JUNE 10, 2025**
- 5. PUBLIC HEARING REGARDING THE AMENDMENT OF ENOCH CITY ORDINANCE 12.2400.2413 WATER RIGHTS**
- 6. CONSIDER AMENDING ENOCH CITY ORDINANCE 12.2400.2413 WATER RIGHTS AND MAKE A RECOMMENDATION TO THE CITY COUNCIL**
- 7. PUBLIC HEARING REGARDING THE PROPOSED AMENDMENT OF ENOCH CITY LAND USE ORDINANCE TO INCORPORATE MANDATES OF H.B. 368 (2025)**
- 8. CONSIDER AMENDING ENOCH CITY LAND USE ORDINANCE TO INCORPORATE MANDATES OF H.B. 368 (2025) AND MAKE A RECOMMENDATION TO THE CITY COUNCIL**
- 9. PUBLIC HEARING REGARDING THE PROPOSED AMENDMENT OF ENOCH CITY ORDINANCES – TITLE 12 BY ADDING SECTION 12.300.324 – FOUNDATION ELEVATION REQUIREMENTS**
- 10. CONSIDER AMENDING ENOCH CITY ORDINANCES – TITLE 12 BY ADDING SECTION 12.300.324 – FOUNDATION ELEVATION REQUIREMENTS AND MAKE A RECOMMENDATION TO THE CITY COUNCIL**

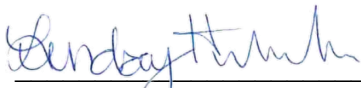
**13. COMMISSION/STAFF REPORTS**

**14. ADJOURN**

In compliance with the Americans with Disabilities Act, persons needing auxiliary communicative aids and services for these meetings should call the City Offices at 586-1119, giving at least 48 hours advance notice. Meetings of the Enoch City Planning Commission may be conducted by electronic means pursuant to Utah Code Annotated, Section 52-4-207. In such circumstances, contact will be established and maintained by telephone or other electronic means and the meeting will be conducted pursuant to the Enoch City Code of Revised Ordinances, Chapter 3-500, regarding meeting procedures including electronic meetings.

**CERTIFICATE OF DELIVERY**

I certify that a copy of the forgoing "Notice and Agenda" was delivered to each member of the Planning Commission, posted on the Enoch City website, on the City Office door, and published on the Utah Public Meeting Notice website on May 23, 2025.



**Lindsay Hildebrand, City Recorder**

05/23/2025

**Date**

**MINUTES**  
**ENOCH CITY PLANNING COMMISSION**  
**May 13, 2025 at 5:30pm**  
**City Council Chambers**  
**City Offices, 900 E. Midvalley Road**

**MEMBERS PRESENT:**

**Chairman Leonard Correa**  
**Commission Andy Losee**  
**Commissioner Elliot Lake**  
**Commissioner Delaine Finlay**  
**Commissioner Bryce Poulson**

**STAFF PRESENT:**

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

**Public Present: Carlynn Barton, Matt Barton, Julie MacKay, Kaylene Zobell, Matt & Loni Pace, and Su Wells**

1. **CALL TO ORDER OF REGULAR MEETING-By Chairman Correa**
  - a. **Pledge of Allegiance – Led by Chairman Correa**
  - b. **Invocation (2 min.) –Audience invited to participate. – Given by Commissioner Poulson**
  - c. **Inspirational thought – None**
  - d. **Approval of agenda for May 13, 2025 – Commissioner Finlay made a motion to approve the agenda. Commissioner Poulson seconded and all voted in favor.**
  - e. **Approval of minutes for April 22, 2025 – Commissioner Poulson 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**

There were no public comments.

3. **PUBLIC HEARING FOR A ZONE CHANGE REQUEST PARCEL A-0794-0002-0000, AND PARCELS A-0794-0004-0000 AND A-0794-0003-0000 FROM PROFESSIONAL OFFICE (P-O) TO COMMUNITY COMMERCIAL (C-C)**

**Commissioner Finlay made a motion to close the regularly scheduled Planning Commission meeting and open a public hearing for the zone change request. Commissioner Poulson seconded and all voted in favor.**

Lacy Alton is married to Aaron Alton, who owns Grimshaw Drilling. They have lived here for 23 + years. They loved this area because its rural. Mr. Alton developed the subdivision that they are in now, Legacy Estates. There was nothing between the Enoch yard and east. They were established before the building behind them (MCM Engineering) and Salt City. Enoch allowed that building to be built up against their residential area. Since then recently, in the last year, they have added on to MCM. She is on the corner of that building, along with the Bergs and Holmes. She noted that she understood that MCM purchased the 16 acres to the east and wanted to expand. She mentioned the community in what Enoch stands for. However, she personally knows a lot of people on the committee, and not one person came to her house to give her a heads

up. As a business owner, they have the right to build what they want, but because it butts up against residential, she felt that we should have some sort of code that they both retain rights. She passed around pictures of their backyard. Workers stand outside, smoke, and gather. She didn't know if there were any cameras pointed into her backyard. She was sure that her home or her name wasn't brought up in a meeting. She doesn't know the people who work there and was concerned. They planned on getting a pool, but she had to tell her daughter that she can't lay out. When the building was being built, not one person asked about the hours, the noise, or what they made. Not only has it made an impact on the sale of their home, but they don't want 16 acres behind their home to be added to this building. Their neighbor, the Bergs, were denied access to the building's plans. They didn't know how high it was going to be the pitch of the roof. Maybe if the board had said something about putting in trees or made the fence higher to protect the homeowner's rights, things would be different. She can't build a garden because it's shaded most of the day. She feels like the community doesn't care about her rights. Her home has decreased in value. She's been in that home for 17 years. She no longer feels like her kids are safe outside. The employees walk up and down the street when they have breaks. When this new part comes in, how many more employees, traffic, and semis will go down that street? Their bus stop is on the same street. She doesn't want her concerns to be void. No one would want to live where they live. The Bergs feel like they are in a prison. She feels like she doesn't have any respect from anyone she knows. She would have given someone a heads-up. She doesn't want those 16 acres going in as commercial. She doesn't think we should go further east. She suggested going parallel to the freeway or going way north. She thought it was silly for a city to put commercial buildings in the middle of residential.

City Manager Dotson said this item being talked about is next on the agenda. He explained the zone change for Juan Ortega and Trent Gleave.

Matt Barton wanted to know to what end this zone change would make sense. City Manager Dotson explained the history and why they are requesting the change. Mr. Barton said that without knowing, they've gone to Hollywood film-making in China. He has had someone try to break into his home. Aesthetics, extra traffic, home value, etc., are a challenge. They designed that neighborhood with an HOA and CCNRs to have good property values. City Manager Dotson noted this application is for the particular businesses. Nowell Wells said he was concerned that the city is getting itself into something they don't want. He gave an example of an experience he had regarding an airport near a residential. That 30-foot red building coming up leaves the city in a very awkward position. He is worried about serious legal repercussions.

Carlyn Barton is a resident of Legacy Estates. She asked if this was zoned for office, but they are doing commercial stuff. She wondered if it was a gateway to do industrial things. City Manager Dotson said these businesses are already acting as commercial, one had a conditional use to do what they are doing years ago, which were never written down. This is a correction to change the zone to comply with what they are already doing. Mrs. Barton said they were the first home in Legacy Estates. They are very invested in this area, and they have watched growth all around. To have the industry, she is concerned. She talked about kids coming home from school and the bus stop. She thought it would bring in the risk of other types of people. Industrial would be better out by Cedar Equipment Rental.

**Commissioner Finlay made a motion to close the public hearing and reconvene the regularly scheduled planning commission meeting. Commissioner Poulson seconded and all voted in favor.**

**4. CONSIDER A ZONE CHANGE REQUEST, PARCEL A-0794-0002-0000, AND PARCELS A-0794-0004-0000 AND A-0794-0003-0000 AND MAKE A RECOMMENDATION TO THE CITY COUNCIL.**

City Manager Dotson explained that the city council had approved a conditional use permit years ago, requiring Mr. Ortega to move vehicles into the first building each night and back out each morning. He said that with the proposed zone change, they would continue that same routine. Commissioner Finlay asked about the purpose of the original conditional use. City Manager Dotson responded that the requirements had changed over time and used to be very subjective. He mentioned that the state legislature stepped in and required clearer regulations through ordinances. He gave an example involving adult treatment centers and noted that under the current community commercial (C-C) zoning, Mr. Ortega could continue operations without needing a conditional use permit. Finlay pointed out that C-C zoning allows a wide variety of uses, some more contained and less bothersome, while others could be more disruptive. She questioned whether it was wise to lump all of those uses into one zone. Dotson said the Planning Commission and City Council had revised the list, and it wasn't meant to be all-inclusive. He added that the list represents general commercial types, noting that something like an airport wouldn't be allowed in community commercial. Finlay commented that zoning could potentially change what the area becomes.

**Commissioner Poulson made a motion to send a favorable recommendation for parcels A-0794-0002-0000, A-0794-0004-0000 and A-0794-0003-0000 to change the zone from Professional Office (P-O) to Community Commercial (C-C). Commissioner Lake seconded and all voted in favor.**

---

**5. CONSIDER A ZONE CHANGE REQUEST BY MCM ENGINEERING II INC., FOR A PORTION OF PARCEL A-0794-0005-0000 FROM RURAL RESIDENTIAL (R-R-1) TO RESEARCH INDUSTRIAL PARK (R/I-P) AND SET A PUBLIC HEARING FOR MAY 27, 2025.**

Byron Black, a Cedar City resident and general manager at MCM Engineering since 2009, spoke to the Planning Commission about a property they purchased north of ET Land and Investments. He shared that he felt lucky to hear from neighbors who may be affected by future plans for the property and wanted to get as much feedback as possible before moving forward. In his role, he said he has influence over things like where employees take smoke breaks and where security cameras are placed. He also expressed interest in expanding the business further and mentioned looking at Enoch City's General Plan, specifically items A2, A3, and A6, with hopes of collaborating with city staff. He had read the General Plan and saw potential opportunities, especially after hearing the concerns from nearby residents. He wanted to address issues like traffic flow around current and future developments and referenced Grimshaw Lane, where kids catch the school bus.

Mr. Black mentioned that many MCM employees live in Enoch and that they've been lucky to hire some of their engineering team from SUU, creating a tight-knit, professional culture. He acknowledged the challenges that come with his job but said the strong relationships at MCM make a big difference. He believed they could be more considerate of nearby homeowners and asked to be connected with city staff who manage the General Plan standards. Commissioner Finlay noted that it was mentioned during the previous City Council meeting that MCM had been quiet and hadn't received complaints from neighbors. Mr. Black added that a Council member once described them as a "good neighbor." He explained that their manufacturing work involves mostly quiet processes like assembling metal boxes and wiring panels. He said they took steps to minimize noise and privacy concerns, such as putting offices on the north side and leaving out windows facing homes. According to him, none of the complaints from neighbors had reached him directly, but he's open to hearing anything residents want to share and even gave out his phone number.

Chairman Correa brought up the idea of a buffer zone and said the city still needed to figure out where catch basins would go. Commissioner Losee mentioned that he's friends with people at the public hearing and noted that many decisions had already been made before a lot of the Planning Commissioners were on the board. He tried to see things from both sides and appreciated Mr. Black showing up. He pointed out how the state had taken away some local decision-making powers but said it was important to keep having these conversations. Mr. Black admitted that trying to fix things now might feel like "too little, too late," but he still wanted to talk and see how they could lessen the impact. Chairman Correa wrapped things up by saying this was a rare opportunity to be able to connect with the property owner, who would listen to the public and act on their input.

**Commissioner Finlay made a motion to set a public hearing for May 27, 2025 for the zone change Request by MCM Engineering Inc., Parcels A-0794-0005-0000 and A-0794-0006-0000 from Rural Residential (R-R-1) to Research Industrial Park (R/I-P)... Commissioner Poulson seconded and all voted in favor.**

**6. CONSIDER AMENDING ENOCH CITY ORDINANCE 12.2400.2413 WATER RIGHTS AND SET A PUBLIC HEARING**

We've had individuals who are confused by the wording. The City Council reviewed and passed Chapter 14 of our ordinance. This is the same thing in the subdivision ordinance. Because of its land use, it has to go to the Planning Commission for a public hearing. Commissioner Finlay noted that we aren't changing anything except the wording.

**Commissioner Lake made a motion to set a public hearing for May 27, 2025. Chairman Correa seconded and all voted in favor.**

**7. CONSIDER AMENDING ENOCH CITY LAND USE ORDINANCE TO INCORPORATE MANDATES OF H.B. 368 (2025) AND SET A PUBLIC HEARING**

City Manager Dotson spoke about House Bill 368. This new section is basically for an appeal authority. They don't have to have a public hearing. It is a quasi-judicial group that interprets the law and makes a decision based on certain criteria. He went over all of the changes. For example, when a subdivision is being built and the homes are identical, there can be an expedited review of the building permit. We cannot require landscaping plans to anything but safety and health concerns. We are working on the new water conservation plan right now, which was going to include those requirements. It was going to include landscaping requirements for conservation to limit 50% of front and side yards of sod. They talked about townhomes. Commissioner Lake asked if these were changes made at the state level. City Manager Dotson said changes needed to be made to incorporate changes in HB368. Because these are land use ordinances, there needed to be a public hearing.

**Commissioner Poulson made a motion to set a public hearing regarding the proposed amendment of the Enoch City Land Use Ordinance to incorporate mandates of HB 368 on May 27, 2025. Commissioner Losee seconded and all voted in favor.**

**8. CONSIDER AMENDING ENOCH CITY ORDINANCES – TITLE 12 BY ADDING SECTION 12.300.324 – FOUNDATION ELEVATION REQUIREMENTS AND SET A PUBLIC HEARING**

City Manager Dotson said this is not mandated by state code. We have always required the top of the foundation be 18 inches from the crown of the road. It has never been in our ordinance. It's a different number in the building code. This is moving into the floodplain management ordinance. We potentially create ordinances that require other construction

envelopes. This puts us into compliance with what we have been doing for years. Commissioner Finlay asked if it isn't like that already, can we go back? City Manager Dotson said no. We are a part of the National Flood Insurance Program. Parowan is, too, and they were audited. Now they have to force people to raise their houses. Their City Manager and the public are upset about it. It's based on new information that they didn't have when they built the house. Chairman Correa asked in regards to construction envelope, is it costly to the city? City Manager Dotson said it is for the home buyer. This is a good idea. Some were not done that way, and we've seen the disaster that has occurred because of it. Valley Gate Estates, in their CCNRS, require it.

**Commissioner Finlay made a motion to set a public hearing for May 27, 2025 regarding the proposed amendment to Enoch City Ordinances, Title 12 by adding Section 12.300.324, Foundation Elevation Requirements. Commissioner Poulson seconded and all voted in favor.**

**9. CONSIDER AMENDING ENOCH CITY ORDINANCE 12.700.706 – LOCATIONS FOR ENFORCEMENT OF PERFORMANCE STANDARDS – Manufacturing Districts AND SET A PUBLIC HEARING**

City Manager Dotson said that this narrows the scope. This came up as we were discussing law enforcement. The City Council had removed a portion of the noise ordinance because it was subjective. We made it more restrictive by saying these are exactly what the nuisances are. This used to say that if it's noisy, it's basically against the law. In residential, it's at the lot line; in manufacturing, it's further. We have a noise meter and a light meter, and if it fits within the decibel levels allowed, then it's not subjective. It would be objective to have a measurement taken at a point 500 feet away. Chairman Correa asked why 500 feet. City Manager Dotson said it works, and we don't reinvent the wheel. There was a cabinet shop in a commercial area, and next to it was a home. He thought the commercial zone was built first. He has a paint spraying booth in it and an exhaust fan points into the neighbor's backyard. Those neighbors have complained about the smell. We measured it, and he wasn't in compliance, so he spent \$10,000 to fix it. Chairman Correa would like to know what other cities do. He gave an example.

**Commissioner Poulson made a motion to table number 9 until they get more information. Chairman Correa seconded and all voted in favor**

**6. COMMISSION/STAFF REPORTS**

Hayden White

- His department had been fixing a road in the Dairy Glen subdivision.
- He had been working on the Little Eden well house. They are waiting for electricity. Could start it soon.
- They have been getting the cemetery ready for Memorial Weekend. They have had a lot of calls all weekend.
- Chairman Correa asked how potholes were going. Hayden noted that on Magnolia and east, they did 7 tons of pothole patching.

Council Member Ross

- At City Council, they made a couple of ordinance changes; they passed the amended plat in Spanish Trails.
- The city scored well in the fraud risk assessment.
- The budget should be posted to see the tentative budget.

City Manager Dotson

- The Old Highway 91 improvements are still in process. We hoped they could do construction this fall, but it might be next spring.

- The Enoch and Cedar feasibility study for the south side, where Enoch and Cedar connect, has a firm that is reviewing all of those issues. Where the roads connect down through Love's will be reviewed. There is potential for 2200 residential units to be proposed north of Second East.
- The Utah Trail network is working on plans for an active transportation trail into Cedar City.
- The Cedar re-use project is ongoing.
- The Red Cross blood drive is on May 21<sup>st</sup> at the Enoch church on Midvalley. There has been some miscommunication. There is no one available to host that. The Enoch City is sponsoring it. It will be pretty much all day. The blood has been committed to hospitals. We need someone to be there all the time. It'd be nice to have 5 or 6 people to volunteer.

Lindsay Hildebrand

- She has been working on packets and regular office duties.

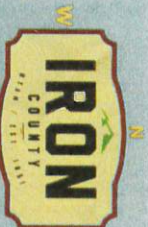
Andy Losee

- Registration is closed for baseball. So, we have ordered shirts and hats. We will start in June. We have T-ball and machine pitch. Parents and kids love it.

**7. ADJOURN – Commissioner Poulson made a motion to adjourn. Commissioner Finlay seconded and all voted in favor.**

\_\_\_\_\_  
**Lindsay Hildebrand, City Recorder**

\_\_\_\_\_  
**Date**

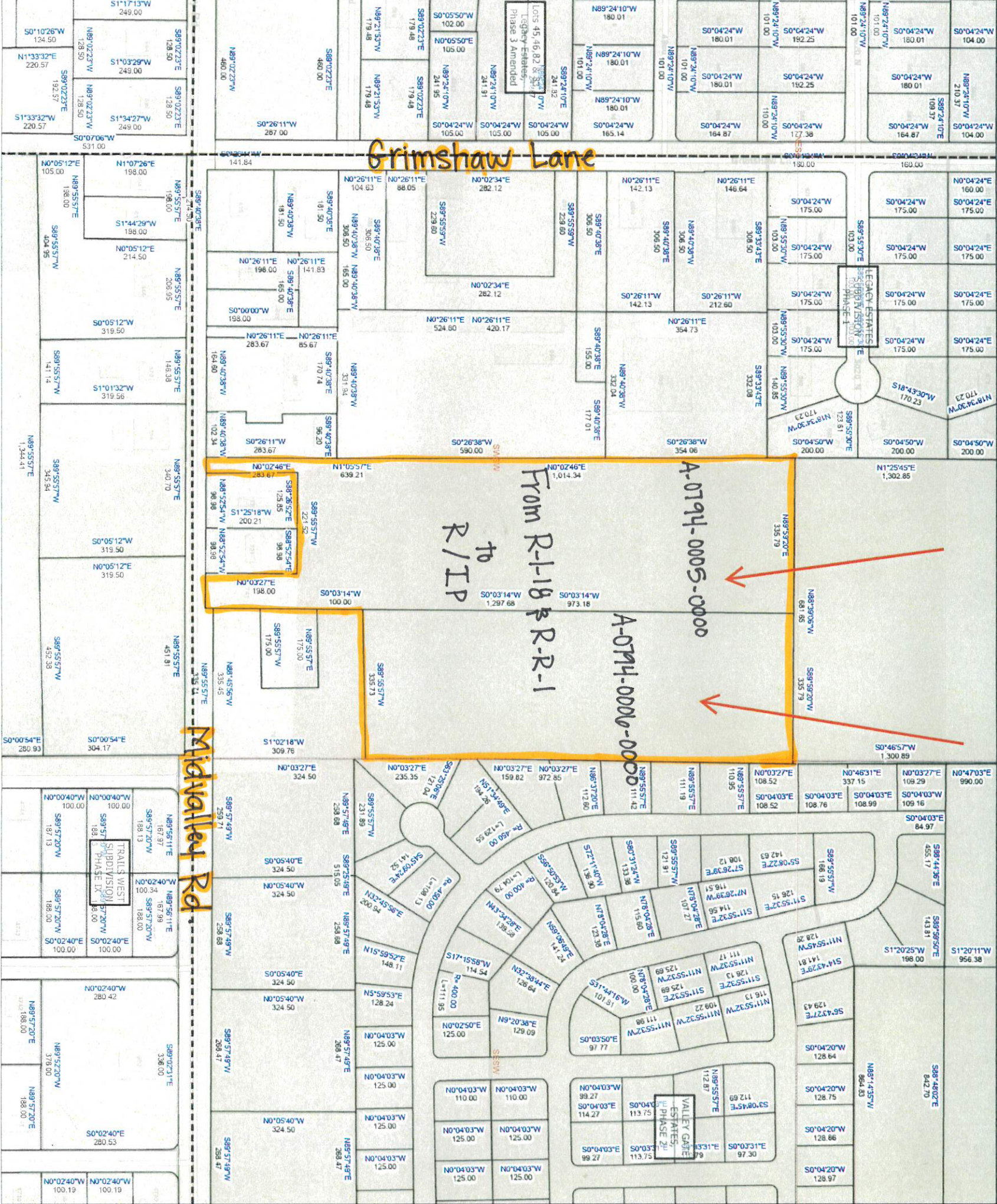


# IRON COUNTY

For taxing purposes only

SEC 12 T355 R11W | SEC 13 T355 R11W | SEC 14 T355 R11W | SEC 11 T355 R11W

Lots 45, 46, 82 & 83, Legacy Estates, Phase 3 Amended Valley Gate Estates Phase 1 | LEGACY ESTATES SUBDIVISION PHASE 1 | LEGACY ESTATES SUBDIVISION PHASE 2 | LEGACY ESTATES SUBDIVISION PHASE 3 | TRAILS WEST SUBDIVISION PHASE VI | TRAILS WEST SUBDIVISION PHASE



---

---

ENOCH CITY COUNCIL MEMORANDUM

---

---

**TO:** PLANNING COMMISSION

**FROM:** ADMINISTRATION

**DATE:** MAY 13, 2025

**SUBJECT:** AMENDMENT TO SECTION 12.1400.2413 – WATER RIGHTS

---



**Overview:**

The proposed amendment to Section 12.1400.2413 of the Enoch City Code updates and replaces the existing water rights ordinance to reflect current water resource conditions, legal obligations under the State Engineer's Groundwater Management Plan, and municipal development practices.

**Proposal:**

1. **Comprehensive Revision and Clarification:**

The ordinance repeals and replaces the previous language to better define the standards and procedures for dedicating water rights to the City, including updated requirements for priority dates and curtailment timelines.

2. **Alignment with State Requirements:**

The revised ordinance incorporates thresholds related to the State Engineer's curtailment schedule, ensuring that any transferred water rights provide meaningful and lasting benefit to the City's water portfolio.

3. **Improved Administrative Process:**

The amendment enhances clarity regarding valuation, documentation, and the legal status of accepted water rights, streamlining the review and approval process for staff and applicants.

**Conclusion:**

This ordinance improves water rights policy by clarifying expectations, protecting long-term water supply interests, and supporting responsible development in accordance with state water planning.



## 12.2400.2413 WATER RIGHTS

- A. Water Acquisition Fee. An applicant seeking approval of a development application for single-family dwelling units, and to secure new privileges to use the Enoch City water system, must pay a Water Acquisition Fee, based upon the property acreage and expected water use. An Applicant may pay the Water Acquisition Fee in one of two ways:
  - 1. By transferring a Priority Water Right as detailed herein, or;
  - 2. Transfer of acceptable water rights as shown in the following chart labeled Water Rights Acquisition Fee Chart 2022 with the remaining value in cash.
- B. The Water Acquisition Fee does not fulfill the requirement nor obviate the need to otherwise pay water connection fees. The Applicant shall submit a Subdivision Water Schedule, with each Subdivision Application, designating the selected Conservation Tier for each lot, which determines the Water Acquisition Fee and resulting water rates for each lot.
- C. Cash. Applicants paying the remaining value of the transferred water right in cash will pay the amount corresponding to the required water use as per the Acquisition Fee Schedule, which values the required water right based upon a percentage of the appraised value of a one (1) acre-foot Priority Water Right in the Cedar City Valley on the north side of Highway 56 with a water right prefix of 73, and a priority date no later than July 25, 1934 ("Priority Water Right").
  - 1. As often as deemed prudent by Enoch City Council, but typically every six months, Enoch City will contract for and obtain an appraisal of the current fair market value of a Priority Water Right as described in this subsection. These appraisals assist the City in its own purchase of acceptable water rights and are the basis for the Water Acquisition Fees levied by the City.
- D. Water Right Transfer. Applicants paying the Fee with the transfer of water rights shall do so with proof of recent beneficial use, proof of ownership through a chain of title, and will pay all costs incurred for deeding and transferring the water right. When deeding water rights to Enoch City, the water right must be in the Cedar City Valley on the north side of Highway 56 with a water right prefix of 73. The water right must conform with one of the following:
  - 1. A priority date equal to or prior to July 25, 1934 ("Priority Water Right"); or
  - 2. A priority date after July 25, 1934, which at the time of transfer to Enoch City must have at least 10 years before curtailment under the State Engineer's Groundwater Management Plan for the Cedar City Valley.

- E. For purposes of payment of the Water Acquisition Fee, these post-July 25, 1934, water rights are deemed to have a fair market value equal to 1% of a Priority Water Right (per subsection 2(a) above, for each full year remaining at the time of delivery to and acceptance by Enoch City before curtailment under the State Engineer's Groundwater Management Plan for the Cedar City Valley. The following Water Right Valuation Schedule illustrates the value of each water right as of 2022, quantified as a percentage of a Priority Water Right.

| Water Rights Acquisition Fee Chart 2022 |                 |         |
|-----------------------------------------|-----------------|---------|
| Water Priority Date                     | Suspension Date | % Value |
| Jan 10, 1966 - Dec 31, 1957             | January 1, 2035 | 13%     |
| Dec 30, 1957 - Dec 31, 1954             | January 1, 2050 | 28%     |
| Dec 30, 1954 - Dec 31, 1951             | January 1, 2060 | 38%     |
| Dec 30, 1951 - Dec 31, 1935             | January 1, 2070 | 48%     |
| Dec 30, 1935 - Jul 25, 1934             | January 1, 2080 | 58%     |
| July 25, 1934 - & Earlier               | Not Suspended   | 100%    |

- F. Process to Transfer Water Rights. The following process shall be followed for a person developing land within the City to transfer water rights to Enoch City:
1. The Applicant proposing the transfer shall submit a title report showing the type of water right, ownership of the right, and any liens or encumbrances. The Applicant shall also provide a title insurance policy in a sum adequate to cover the appraised value of the water right(s) the policy is covering.
  2. An acceptably complete Application for Permanent Change of Water ("change application") shall be completed and properly filed with the Utah State Engineer at the expense of the Applicant. Information to be included in the change application will be provided by Enoch City including the new points of diversion to be proposed. The change application must be approved by the State Engineer and all statutory periods for reconsideration or court appeal passed prior to conveyance by duly-recorded Deed (and Deed Addendum) the said documentation enabling the State Engineer to amend the Division of Water Rights records to reflect the acquisition by the City. This transfer of ownership may also be conditioned on approval of the subdivision application pending before the City that caused the Applicant to propose the change application and conveyance of the water rights.
  3. An acceptable Deed (and Deed Addendum) conveying ownership of the water rights to Enoch City shall be completed and held prior to the subdivision application approval. The deed conveying ownership may be held either by the City or in an escrow account paid for by the Applicant. Once the subdivision application has been approved and the change application receives approval as detailed above, the Deed (and Deed Addendum) will be recorded by the City.
  4. If the Division of Water Rights has not made a final decision on the change application prior to the subdivision approval, then the Applicant shall post a cash bond with the City in the amount of the acquisition fee.
  5. If at any point in this process, the change application is denied by the State Engineer, or approved with limiting conditions that are not acceptable to the City, the Applicant must forfeit the bond to Enoch City for the purpose of acquiring necessary water right(s) for Applicant's proposed development.

6. If the water rights proposed to be transferred are supplemental, recharge/recovery, recovery or something other than from a conventional underground water well, prior to the City approving the subdivision application the Applicant shall be required to obtain an approved change application with an Order of the State Engineer clearly defining the sole supply and established diversion and depletion limitations of the water right.

**G. Exemptions.** The following are exempt from the Water Acquisition Fee.

1. Open space exemptions. If at the time of final plat approval, or pulling of a building permit, land is deeded to Enoch City as a dedicated street or for undeveloped open space, parks and recreation, or placed in a conservation easement that complies with the provisions of Title 57, Chapter 18, Sections 1 through 7, Utah Code Annotated, 1953 as amended, then that acreage is not subject to the requirements of this ordinance that mandate the deeding of water rights or payment of fees. Additionally, if land in a subdivision is to be held as common area and is undeveloped and/or unirrigated, then that land is not subject to the requirements of this ordinance that mandate the payment of Water Acquisition Fees.
2. Public lands exemption. If at the time of annexation, the annexed property is owned by the Bureau of Land Management or the U.S. Forest Service then that acreage is not subject to the requirements of this ordinance that mandate the deeding of water rights. This exception only applies to annexation and not when the property is platted as a residential subdivision or receives a building permit.
3. City Exemption. Enoch City is not required to deed water or pay a fee if the City develops land. A purchaser of property from the City will have to pay the Water Acquisition Fee to the City consistent with this ordinance.

**H. Water Acquisition Fee Schedule and Tier System.** An Applicant seeking approval of a single-family lot development must first designate a Conservation Tier and pay the corresponding Water Acquisition Fee with 88/1000 (.88) AF of Agriculture water right or 50/100 (.50) AF of Municipal & Industrial water right for each single-family lot. The selected Conservation Tier will establish the lot owner's expected water use, and the corresponding Water Acquisition Fee, and the resulting water rates.

1. The Water Acquisition Fee Schedule indicates the Water Acquisition Fee for each Conservation Tier that could be selected, as a percentage of a full, one-acre-foot, Priority Water Right, and the corresponding water use.
2. The Conservation Tier Schedule indicates the lot owner's expected water use and resulting water rate. Enoch City will, from time to time, change such water rates and penalties for each Tier.
3. Properties with Both Culinary & Secondary Water. Applicants seeking to approve properties with a single-family unit and with both Culinary and Secondary water meters are subject to the following. The Water Acquisition Fee for a new water connection on such properties shall be equal to the value of a full, one acre, Priority Water Right. However, the Enoch City Water Rights assigned to such a property shall be as follows: 30% of the AF of Enoch City Water Right, corresponding to the culinary water, which are not transferable and shall remain with the property, and 70% of the AF of Enoch City Water Right, corresponding to the Secondary Water, which are not transferable and shall remain with the property. The Conservation Tier Schedule for such properties shall be permanently assigned as follows: The 30% AF of Culinary water shall be set at the Conservation Tier of "CUL," and subject to the corresponding "CUL" water rates. The Secondary water shall be set at the Conservation Tier of "SEC," and shall be subject to the corresponding SEC water rates. Properties in Enoch City with both a Culinary water meter and a Secondary water meter, will receive an Enoch City water bill separately designating the rates for each water meter.

- I. **Multi-Residential Developments.** Applicants seeking approval of a Multi-Residential Development must provide an engineered Annual Water Estimate, illustrating the total annual, acre-feet of water estimated to be used by the Development ("Annual Water Estimate"), to be reviewed and approved by Enoch City. The initial Water Acquisition Fee and Water Right and the subsequent water rate will be calculated based on this determination. For purposes of this Annual Water Estimate, the number of Multi-Residential Units should be multiplied by .3 acre-feet of water, and each sq/ft of proposed grass should be divided by 10,057, to derive the Development's Annual Water Estimate, in terms of Acre Feet (i.e.: a twenty-unit subdivision (20 units x .3 = 6AF) with 10,000 square feet of grass (10,000 sq/ft grass / 10,057 = .994AF) would have a 6.994AF Annual Water Estimate). The Water Acquisition Fee and Water Right will be determined by multiplying the Annual Water Estimate by the priority Water Right Value (i.e.: a Development with a 6.994AF Annual Water Estimate will pay 6.995 multiplied by the Conservation MFD Tier, which is 100% of the appraisal Priority Water Right). The Development would subsequently pay for water at a rate of 6.994AF multiplied by the Tier 1 Rate (i.e. a MRD that is estimated to use 6.994AF of water annually will pay 6.994 times the Tier 1 Rate).
1. The Water Rights assigned to a Multi-Family Development will be assigned under the "MFD" Conservation Tier. These Water Rights are not transferable and must remain assigned to the Development. If any Multi-Family Development is ever found to use more water or have more square footage of grass than the Annual Water Estimate, that property will be required to pay an additional Water Acquisition Fee to address the extra water used.
- J. **Commercial, Industrial, and Manufacturing Developments.** Applicants seeking approval for commercial, industrial, or manufacturing developments must provide an engineered Annual Water Estimate, illustrating the total, annual, acre feet of water estimated to be used for each lot, to be reviewed and approved by Enoch City. The initial Water Acquisition Fee with Water Right and the subsequent water rate will be calculated based on this determination. For purposes of this Annual Water Estimate, the engineer must determine the various uses and estimate the amount of water to be used for the property, including the proposed square footage of grass, which should be divided by 10,057, to derive the total annual, number of acre feet of water used for grass areas. The Water Acquisition Fee and Water Right will be determined by multiplying the Annual Water Estimate by the appraised Priority Water Right. The subsequent water rate will likewise be determined by multiplying the Annual Water Estimate by the Tier 1 Rate. The Water Rights assigned to a Commercial, Industrial, or Manufacturing lot will be assigned under the "Com" Conservation Tier. These Water Units are not transferable and must remain assigned to the property. If any Commercial, Industrial, or Manufacturing property is ever found to use more water or have more square footage of grass than the Annual Water Estimate, that property will be required to pay an additional Water Acquisition Fee with Water Right(s) to address the extra water used.

- K. **Institutional Properties.** Applicants seeking approval of Institutional Developments, including schools, religious buildings, and other properties of nonprofit organizations, must present an engineered Annual Water Estimate, illustrating the total, annual acre feet of water estimated to be used for such property, to be reviewed and approved by Enoch City. The initial Water Acquisition Fee & Water Right and the subsequent water rate will be based upon this determination. For purposes of this Annual Water Estimate, the engineer must determine the various uses and estimate the amount of water to be used for the property, including the proposed square footage of grass, which should be divided by 10,057, to derive the total annual, number of acre feet of water used for grass areas. The Water Acquisition Fee & Water Right will be determined by multiplying the Annual Water Estimate by the appraised Priority Water Right. The subsequent water rate will likewise be determined by multiplying the Annual Water Estimate by the Tier 1 Rate. The Water Rights assigned to an Institutional property will be assigned under "INS" Conservation Tier. These Water Rights are not transferable and must remain assigned to the property. If any Institutional property is ever found to use more water or have more square footage of grass than the Annual Water Estimate, that property will be required to pay an additional Water Acquisition Fee with Water Right(s) to address the extra water used.

---

## ENOCH CITY COUNCIL MEMORANDUM

---

**TO:** PLANNING COMMISSION

**FROM:** ADMINISTRATION

**DATE:** MAY 13, 2025

**SUBJECT:** 2025 LAND USE ORDINANCE AMENDMENTS – COMPLIANCE WITH H.B. 368 AND S.B. 181

---



**Overview:** The proposed amendments to the Enoch City Land Use Ordinance are necessary to comply with mandates set forth in House Bill 368 and Senate Bill 181 (2025 General Session). These legislative changes require cities to update land use procedures and residential parking regulations to improve consistency, reduce administrative burdens, and support housing affordability.

**Proposal:**

1. 1. Variance and Appeal Procedures (Section 12.100.125): Clarifies that a public meeting—not a public hearing—is sufficient for most land use appeals, unless otherwise required by law.
2. 2. Annexation Policy Plan (New Section 12.100.150): Outlines procedures and criteria for annexation policy planning, requiring public input and coordination with affected entities.
3. 3. HOA and Community Association Obligations (Section 12.100.114): Prevents the City from imposing permanent maintenance of public amenities on private associations without a formal, recorded agreement.
4. 4. Building Permit Reforms (Section 12.100.130): Allows expedited review for previously approved residential floor plans, restricts permit denials to applicable zoning/code violations, and limits landscaping plan requirements to health and safety concerns.
5. 5. Fee Standards for Appeals and Zoning Changes (Sections 12.100.125.J and 12.100.143): Mandates that all fees reflect actual administrative costs only, prohibiting excessive or punitive charges.
6. 6. Residential Parking Reforms (Chapter 12.500): Amends parking space dimensions, tandem parking allowances, and garage requirements to comply with Senate Bill 181. Specifically:
  - Limits required parking dimensions for one- and two-family dwellings and townhomes.
  - Allows tandem parking spaces to count as two required spaces.
  - Prohibits garage requirements for owner-occupied affordable housing.
  - Counts garage spaces toward minimum requirements.
  - Adds definitions to clarify terms such as 'unobstructed,' 'affordable housing,' and 'owner-occupied.'

**Conclusion:** Repealing this section eliminates legal ambiguity, reduces redundancy, and ensures that enforcement resources are focused on clear, objective standards already outlined elsewhere in the municipal code. This action improves code clarity and aligns enforcement with best practices.

## **ENOC CITY CORPORATION**

ORDINANCE NO. 2025-XX-XX

### **AN ORDINANCE AMENDING ENOC CITY LAND USE ORDINANCE TO INCORPORATE MANDATES OF H.B. 368 (2025)**

WHEREAS, the Utah State Legislature enacted House Bill 368 (2025 General Session), imposing updates and limitations on municipal land use procedures, including variance appeals, landscaping mandates, annexation processes, and transferable development rights; and

WHEREAS, Enoch City desires to conform its Land Use Ordinance to the new statutory provisions, protect individual property rights, and promote administrative efficiency and fairness; and

WHEREAS, the Enoch City Planning Commission reviewed and recommended these amendments, and the City Council has considered them in open session;

NOW THEREFORE, BE IT ORDAINED by the Mayor and City Council of Enoch City that the Enoch City Land Use Ordinance is amended as follows:

#### **1. AMEND SECTION 12.100.125 - Appeals**

Subsection I shall read:

"Before making its decision, the Appeal Authority may hold a public meeting upon the appeal. A public hearing is not required for variances or land use appeals unless specifically mandated by other provisions of law."

#### **2. ADD NEW SECTION 12.100.150 - Annexation Policy Plan Requirements**

A. The Planning Commission shall prepare and recommend an annexation policy plan before any annexation may occur.

B. The plan shall include:

1. A map of the proposed expansion area;
2. Specific criteria to guide annexation decisions;
3. Justification for excluding urban areas within 1/2 mile;
4. A statement addressing comments from affected entities.

C. The Commission shall:

1. Hold a public meeting with notice (Class A) to affected entities at least 14 days prior;
2. Accept public input and make modifications as appropriate;
3. Hold a public hearing with required notice;
4. Submit the final plan to the City Council.

D. The City Council shall adopt, modify, or reject the plan in a public hearing with proper notice.

E. A copy of the adopted policy shall be submitted to each affected county within 30 days.

### **3. AMEND SECTION 12.100.114 - Planning Commission Powers and Duties**

Add subsection:

"The City shall not require a private individual or entity, including a community association or homeowners association, to permanently maintain a public access amenity or water utility unless explicitly agreed upon in a recorded agreement or development contract."

### **4. AMEND SECTION 12.100.130 - Building Permits**

Add subsections:

A. "Identical residential floor plans previously approved by the City may be submitted for expedited review, provided there are no changes to the structural, zoning, or design requirements."

B. "The Building Inspector may withhold a permit only when the proposed structure fails to comply with current zoning or building codes. Permits shall not be withheld to compel compliance with unrelated ordinances or agreements."

C. "Submission or approval of landscaping plans shall not be required as a condition of permit issuance, except when necessary to address public health or safety."

### **5. AMEND SECTION 12.100.125.J - Appeal Fees**

"All filing and processing fees must reflect the actual administrative cost to the City. No fee shall be imposed in excess of what is necessary to process the specific application or appeal."

### **6. AMEND SECTION 12.100.143 - Zoning Change Filing Fees**

"The zoning change filing fee shall be based solely on the administrative cost to process the petition. Excessive or punitive fees are prohibited."

This Ordinance was voted upon and passed by the Enoch City Council at a regular City Council meeting held on the \_\_\_ day of \_\_\_\_\_, 2025. It shall take effect immediately after signing by the Mayor and City Recorder.

DATED this \_\_ day of \_\_\_\_\_, 2025.

ENOCH CITY CORPORATION

VOTING:

Katherine Ross    Yea\_\_

Nay\_\_

Shawn Stoor        Yea\_\_ Nay\_\_

David Harris       Yea\_\_ Nay\_\_

Bob Tingey        Yea\_\_ Nay\_\_

Debra Ley          Yea\_\_ Nay\_\_

\_\_\_\_\_  
Geoffrey L. Chesnut, Mayor

ATTEST:

\_\_\_\_\_  
Lindsay Hildebrand, City Recorder

(SEAL)

---

---

ENOCH CITY COUNCIL MEMORANDUM

---

---

**TO:** PLANNING COMMISSION

**FROM:** ADMINISTRATION

**DATE:** MAY 13, 2025

**SUBJECT:** LAND USE ORDINANCE AMENDMENT – FOUNDATION ELEVATION REQUIREMENTS

---



**Overview:**

The proposed amendment to the Enoch City Land Use Ordinance establishes minimum foundation elevation standards for new construction of principal structures. This requirement is intended to improve drainage, reduce the risk of stormwater-related damage, and promote resilient site development practices.

**Proposal:**

**Section 12.300.324 – Foundation Elevation Requirements**

- Requires that the top of the foundation for all new principal structures—including single-family and two-family dwellings—be constructed at least eighteen inches (18") above the crown of the highest adjacent or abutting street or access road.
- Does not apply to additions or remodels of existing buildings.
- Authorizes the Building Official to approve alternative designs if supported by a stamped engineering report demonstrating equivalent or superior performance.
- The intent of the section is to ensure adequate drainage and reduce the risk of stormwater-related impacts.

**Conclusion:**

This amendment provides a clear and enforceable standard that enhances public safety and infrastructure resilience. It also allows flexibility for site-specific conditions through the option of approved engineering alternatives.

**ENOCH CITY CORPORATION**  
**ORDINANCE NO. 2025-\_\_\_\_\_**

**AN ORDINANCE AMENDING TITLE 12 OF ENOCH CITY  
ORDINANCE TO ADD SECTION 12.300.324 – FOUNDATION  
ELEVATION REQUIREMENTS**

**WHEREAS**, the City Council finds that proper elevation of building foundations is essential for effective site drainage and for reducing the risk of structural damage due to stormwater accumulation; and

**WHEREAS**, the City seeks to establish uniform development standards that improve the resilience and safety of newly constructed homes and minimize long-term maintenance burdens on property owners and the City; and

**WHEREAS**, the City Council desires to allow flexibility using engineered alternatives that demonstrate equivalent or superior performance, while maintaining the intent of the drainage protection requirement; and

**WHEREAS**, the Enoch City Council has held further discussion of the language and now proposes it be approved as follows:

**12.300.324 – Foundation Elevation Requirements**

- A. The top of the foundation for all new construction of principal structures, including single-family and two-family dwellings, shall be constructed at least eighteen (18) inches above the crown of the highest adjacent or abutting street or access road.
- B. This requirement does not apply to additions or remodels of existing buildings.
- C. The purpose of this section is to ensure adequate drainage and reduce the risk of stormwater-related impacts.
- D. Alternative designs may be approved by the Building Official if accompanied by a stamped engineering report demonstrating equivalent or superior performance.

**NOW THEREFORE, BE IT ORDAINED**, by the Mayor and City Council of Enoch City that the Enoch City Code of Revised Ordinances, Section 12.300.324 – Foundation Elevation Requirements is amended as recommended above. This Ordinance was voted upon and passed by the Enoch City Council at a regular City Council meeting held on the \_\_\_\_<sup>th</sup> day of \_\_\_\_\_ 2025. It shall take effect immediately after signing by the Mayor and City Recorder.

**DATED this \_\_\_\_ day of \_\_\_\_\_ 2025**  
**ENOCH CITY CORPORATION**

\_\_\_\_\_  
Geoffrey L. Chesnut, Mayor

**VOTING:**

|                |             |
|----------------|-------------|
| Katherine Ross | Yea__ Nay__ |
| Shawn Stoor    | Yea__ Nay__ |
| David Harris   | Yea__ Nay__ |
| Bob Tingey     | Yea__ Nay__ |
| Debra Ley      | Yea__ Nay__ |

**ATTEST:**

**SEAL:**

---

Lindsay Hildebrand, City Recorder