

MINUTES
ENOCH CITY PLANNING COMMISSION
April 12, 2016 at 5:30pm
City Council Chambers
City Offices, 900 E. Midvalley Road

MEMBERS PRESENT:

Commissioner John Horstdaniel
Commissioner Paul Hardy-absent
Commissioner Josh Killian
Commissioner Debra Ley
Commissioner Bob Tingey

STAFF PRESENT:

Julie Watson, City Recorder
Rob Dotson, City Manager
Dave Nelson, Bldg. Inspector-absent
David Harris, Council Member

PUBLIC PRESENT: Ginger & Christian Oviatt, Jolene Lee, Darla Park, Toni LoConte, Rene Mardis, Christopher Johnston, Betty Talbot and Shane Sackett

1. **CALL TO ORDER OF REGULAR MEETING-**By Chairman Tingey at 5:30pm He welcomed the audience and excused Commissioner Hardy.
 - a. **Pledge of Allegiance** –Led by Toni LoConte
 - b. **Invocation** –Audience invited to participate. Given by City Manager Dotson
 - c. **Approval of agenda for April 12, 2016** –Commissioner Horstdaniel made a motion to approve the agenda. Motion was seconded by Commissioner Ley and all voted in favor.
 - d. **Approval of minutes for March 22, 2016**-Commissioner Killian made a motion to approve the minutes. Motion was seconded by Commissioner Horstdaniel and all voted in favor.
 - e. **Conflict of Interest Declaration**-none stated

2. **PUBLIC HEARING ON CHANGE TO THE ENOCH CITY ZONING ORDINANCE CHAPTER 2, SECTION 2-16 REGARDING SIDE YARD FENCES**
Commissioner Horstdaniel made a motion to close the regular meeting and enter the public hearing regarding changes to the Zoning Ordinance, Chapter 2, 2-16. Motion was seconded by Commissioner Killian and all voted in favor.

Chairman Tingey invited public comments asking the public to state name and address for the record and limit comments to two minutes.

Toni LoConte asked if this was for the whole City and asked what they are referring to on fences. *City Manager Dotson said this is for the entire city regarding side yards where a street runs along the back of someone's property. He explained this is for corner lots where they have more than one lot as their yard. The current ordinance does not allow a fence on the side street and this change allows them to use the front of the lots as their backyard fence.* There were no other comments.

Commissioner Killian made a motion to end the public hearing and go back to the regular meeting. Motion was seconded by Commissioner Horstdaniel and all voted in favor.

3. **MAKE RECOMMENDATION TO THE CITY COUNCIL ON CHANGE TO THE ZONING ORDINANCE REGARDING CHAPTER 2, SECTION 2-16 REGARDING SIDE YARD FENCES**

Chairman Tingey said we already made a recommendation to the City Council when this was discussed in a previous meeting. Tonight the public hearing was held as required by State law when a land use ordinance is being changed. There was no other discussion. **Commissioner**

Horstdaniel made a motion to send a favorable recommendation to the City Council on the change to the Enoch City Zoning Ordinance, Chapter 2, Section 2-16. Motion was seconded by Commissioner Killian and all voted in favor.

4. DISCUSS AND MAKE RECOMMENDATION TO THE CITY COUNCIL ON CONDITIONAL USE PERMIT FOR AN AUTO REPAIR BUSINESS IN A RESIDENTIAL ZONE-Shane Sackett

Commissioner Killian said he thinks if we give this conditional use permit the person making the request would not follow the conditions. His concern is he was issued a cease and desist letter and he has been seen continuing to work at the home. Commissioner Ley said in Chapter 5 for approval criteria and standards it includes health, safety and welfare and contributing to general well-being of the community. The conditions go on to say the use must not be detrimental for others and with an auto repair garage there are noises, smells, flammable materials and things that are a detriment to others which she is concerned with. She went on to say there is also the nuisance element and she read from the ordinance that says neighbors have the right to the quiet occupation of their homes. To interfere with that constitutes a nuisance. This business does the opposite of what is allowed and is not a suitable use in a residential neighborhood. Commissioner Ley said we need to look at our ordinance and judge by that. There were other concerns expressed that the applicant had also failed to obtain a building permit before starting to build his garage. Dave Nelson is working with him to get the building permit. Commissioner Horstdaniel said it was all said in the public comments in the previous meeting. Even if he were to support this there are too many things right now that need to be done to even begin to mitigate the compliance. There are an abundance of things that are offensive to everyone that lives around this place and so he could not support this conditional use permit.

Chairman Tingey said this is an administrative issue. We are not changing the law but administering what is already the law. Was the application done properly? It was and the next question would be is this a proper use in a residential zone? It is irrelevant to the discussion regarding some bad things that were cited as being done in the past. Does an auto repair business fit in a residential zone? Chairman Tingey said he concludes it does not fit into the R-1-18 zone.

Chairman Tingey asked for a recommendation to the City Council. Commissioner Horstdaniel made a motion to send a negative recommendation for the approval of the conditional use permit to the City Council for Shane Sackett for an auto repair business in a residential zone. Motion was seconded by Commissioner Killian and a roll call was held as follows:

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| Commissioner Killian –yes | Commissioner Horstdaniel-yes |
| Chairman Tingey-yes | Commissioner Ley yes. |

It was noted they were voting “yes” for a negative recommendation.

5. DISCUSS CHANGES TO DRAINAGE REQUIREMENTS IN THE ENOCH SUBDIVISION ORDINANCE AND SET A PUBLIC HEARING FOR APRIL 26, 2016

Chairman Tingey turned the time to City Manager Dotson to explain the changes. City Manager Dotson said we have had issues in the past with storm water drainage. In our current ordinance it says the developer will create a drainage plan however they were not required to actually build anything based on the drainage plan. Our engineering standards are also vague and confusing. The underlined portions are things that are being added and the “strike-throughs” are being eliminated. All of section 3.2 is new language. We need to make this a law and not just a standard. The requirement will be to detain the water on the property to an amount that is in excess of what would have flowed off when undeveloped. There is a design standard and

mathematical formula that engineers use to calculate this. The design submitted will be reviewed by our City Engineer. A detention basin shall be constructed with post development 100-year flood capacity. It was noted this is for new development and some developers are already complying without being required to do so by law. We used some of Cedar City's policy for these changes. There was more discussion of the details and that developers would be required to purchase easements if necessary to move the excess water into the City drainage system without overwhelming it in big storms. Council Member Harris noted that if it rains hard the water is already flowing and post development they can't allow more than was already running off their property to flow into the system. Water would have to be detained on the property where it would soak in or be metered out slowly. When the developer makes the plan it will be approved by the City and they have to build it. Commissioner Ley asked about the detention basins who would keep them up. City Manager Dotson said it will be case-by-case. In some cases the City may want to develop a park in the detention basin so it can be used when not filled with water. In some cases an HOA would be responsible for the maintenance.

City Manager Dotson said the other changes are housekeeping things like the number of paper copies required and references to floppy discs and other outdated technology. We want things submitted electronically so they can be integrated into our GIS system although we still require paper copies of the "as built". The design review committee has been an optional step and it should be required. They have to come in and sit down with us and get the rules so they know the standards in advance of design work taking place. Another change being implemented is that the Planning Commission Chairman will have a signature line on the deed of each lot in a subdivision that says when the final plat was approved. This is so that when someone builds we can look at the deed and see that it was approved instead of searching through old documents for verification. City Manager Dotson said our design standards on road widths refer in some places to 62 feet wide but we have never had that width. It has always been 66 feet for streets. Another housekeeping correction will remove the old appendixes that we don't use anymore.

City Manager Dotson said when someone comes in to subdivide they have questions and we spend a lot of time answering. There should be standards so we developed a booklet in a format with checklists and applications to explain processes and requirements in advance. When these changes are approved we will put that booklet into service. **Commissioner Horstdaniel made a motion to set a public hearing for April 26, 2016 for the changes to the Enoch Subdivision Ordinance. Motion seconded by Commissioner Killian and all voted in favor.**

6. PUBLIC COMMENTS

Commissioner Tingey said based on what happened two weeks ago he wants to make it plain we will not have disparaging comments and will be civil. This public comment period is for things not on the agenda so the comments are off limits regarding Shane Sackett and the other things already discussed.

Darla Park pointed out that the recommendation does not have to go to the City Council per City ordinance. *It was clarified to her that applies to everything other than an auto repair business. Chairman Tingey said we dealt with that and it is going to the City Council.* Darla said she appreciates them and she learned a lot in this process. She is happy with the outcome of the meeting. She said she lives behind Shane and he is still working on vehicles and needs to cease and desist. *Chairman Tingey said after Mr. Sackett has had his due process with the City Council then Darla can call the PD on violations.* Darla pressed on with questions about the lack of a building permit and business license, asking how to stop that? *City Manager Dotson said we let him go through due process and then the neighbors can pursue it with law enforcement after that if need be. His due process ends in City Council meeting when they make a decision. There was more discussion of conversations City Manager Dotson and Commissioner Horstdaniel had with Shane Sackett where they got a positive response when*

they were not being negative with him. When you push on someone you get pushed back. If he is in the wrong then lets correct it with civility like we all would expect. He has the right to due process.

Toni LoConte thanked the Planning Commission and has a concern. At the last meeting Shane stood up and stomped around and made threats. She feels threatened. *Chairman Tingey said this is not the place for this.* She said again he threatened all of us and she does not appreciate threats. Shane Sackett said he did not threaten anyone. *Chairman Tingey stopped the meeting and the discussion.* Shane left the meeting.

Chairman Tingey said again we dealt with this in the framework of the ordinances we have. This Planning Commission has done all they can do.

Darla Park asked about due process and about Shane being made to follow the law. Why is it ok to brush this under the rug that he still is doing business? *City Manager Dotson said we were wrong. We are trying to correct it through due process and we will correct it. He said due process is going on right now and Shane has the opportunity to have that first. Chairman Tingey stopped Darla saying City Manager Dotson will meet with her afterwards. There is nothing else to do until due process is done and completed.*

Betty Talbot said she represents her husband too. They thank the Planning Commission that they could voice their opinion on this. They like living here and try to abide by the laws and they appreciate them listening.

7. COMMISSION/STAFF REPORTS

Council Member Harris said the changes to the drainage requirements are good and we will discuss changes to zoning soon. He said the M-R-2 zone change passed in City Council meeting.

City Manager Dotson said Arbor Day is on April 23rd at Garden Park. He invited Council Member Jolene Lee to tell the Planning Commission what is planned. She said the event starts at 10:00am at Garden Park. Enoch City received a forestry grant and a grant from Rocky Mountain Power as well as donations. They will have tree planting instruction by Daniel Allen, Urban Forester and those attending will help plant trees. The volunteer time goes to fulfill the 50/50 match for the grant. Participants will also help with assembling tables and benches and spreading gravel. Holding an Arbor Day celebration helps the City qualify for the Tree City USA award.

Julie Watson reported on the next agenda.

Commissioner Killian thanked the public for coming and commenting.

Commissioner Horstdaniel said there has been work done by public works on the Ravine Road pond which had been flooding his property. It now looks like the flood water will flow through the ravine as it should. Also for the public we are going to be looking at the M-R-2 zone and other zones. He encouraged the public to learn what goes on.

Chairman Tingey asked the Planning Commission members to read through the handout he gave them saying we may have further training on administrative and legislative duties next time.

8. ADJOURN- Commissioner Killian made a motion to adjourn. Motion was seconded by Commissioner Horstdaniel and all voted in favor. The meeting ended at 6:50pm.

Julie Watson, Recorder **Date**