

MINUTES
ENOCH CITY PLANNING COMMISSION
July 26, 2016 at 5:30pm
City Council Chambers
City Offices, 900 E. Midvalley Road

MEMBERS PRESENT:

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

STAFF PRESENT:

Julie Watson, City Recorder
Rob Dotson, City Manager
David Harris, Council Member

PUBLIC PRESENT: Jolene Lee

1. CALL TO ORDER OF REGULAR MEETING-By Chairman Tingey at 5:30pm. He thanked Commissioner Hardy for conducting the last meeting when he was out of town.

- a. **Pledge of Allegiance** –Led by Jolene Lee
- b. **Invocation** –Audience invited to participate. Given by Commissioner Hardy
- c. **Approval of agenda for July 26, 2016** –**Motion to approve agenda by Commissioner Hardy. Motion seconded by Commissioner Ley and all voted in favor.**
- d. **Approval of minutes for July 12, 2016-** Commissioner Hardy suggested that we add that Darla Park asked for a copy of the rough draft of Chapter 5 revisions and was told twice it was not ready for the public at this time. **Motion to approve the minutes with that addition by Commissioner Hardy. Motion seconded by Commissioner Ley and all voted in favor.**
- e. **Conflict of Interest Declaration**-none stated

2. PUBLIC HEARING ON PLAT AMENDMENT TO VACATE LOT 69 OUT OF SADDLEBACK VIEW SUBDIVISION AND PUT LOT 69 IN NICHOLS LANDING SUBDIVISION

Motion to close the regular meeting and enter the public hearing by Commissioner Hardy. Motion seconded by Commissioner Ley and all voted in favor.

There were no public comments.

Motion to end the public hearing and return to the regular meeting by Commissioner Hardy. Motion seconded by Commissioner Ley and all voted in favor.

3. RECOMMENDATION TO THE CITY COUNCIL ON THE ABOVE PLAT VACATION AND PLAT AMENDMENT

Chairman Tingey asked for discussion or any reason not to do this. All agreed this action has no effect on others and they see no issues with the request from the property owner.

Commissioner Ley made a motion to send a favorable recommendation on the plat amendment to remove Lot 69 from Saddleback View Subdivision and put Lot 69 in Nichols Landing Subdivision. Motion was seconded by Commissioner Hardy and all voted in favor.

4. DISCUSS CHANGES TO CHAPTER 5 OF THE ZONING ORDINANCE IN REGARD TO LAND USE AND HOME OCCUPATION CONDITIONAL USE PERMITS

Chairman Tingey asked City Manager Dotson to lead the discussion. Commissioner Ley said we need to discuss the changes in 5-5 and to add a fee in 5-4. Some have claimed not to have received the notices so it protects the City if registered mail is used although that does cost more. There was a discussion of what adjacent means in relation to who is notified. That means property that is touching the subject property. It was noted that this chapter has been rewritten to separate the Land Use Conditional Use Permits from the Home Occupation Conditional Use Permits. There was more discussion of renumbering the paragraphs to put the process into the correct order from start to finish. It was noted that a Land Use CUP stays with the land forever unless revoked or changed through the process. Approval is based upon the criteria in 5-10. It is to be approved based upon the demand on municipal services, roads etc. Conditions would only be to change the property for the use application. It is necessary to review drainage, roads and utilities to be sure they work for what the applicant wants to do. Public clamor is not a consideration in the land use CUP.

Commissioner Ley had questions about the land use vs. home occupation criteria. The nuisance portion does not apply in land use and she thinks it is still quite general **leading to perhaps some problems with home occupation CUP's**. City Manager Dotson said they need to decide what the approval criteria will be for a land use CUP. If it is written to be very specific it reduces the problems of interpretation for everybody. We also need to make it objective so we can measure it. Council Member Harris said being more specific creates more problems and creates more loopholes by not mentioning every single little thing. It is a paradox because we need to be detailed and ambiguous at the same time. Commissioner Ley said again **based on past experience** we have to be able to measure it. Unless we are completely specific on every little thing it leaves it open. Commissioner Ley said she does not want that level of control in government.

City Manager Dotson said there are very few land use CUP applications. Chairman Tingey asked Commissioner Ley what her idea is. She said she wanted more criteria for approval in the land use CUP. City Manager Dotson said they can decide to leave it as is and when a problem comes up like an application for a land use CUP it says the City Council shall approve, approve with conditions or deny. They can just deny it if it looks problematic and that is possible rather than being specific and setting exact criteria.

Moving on to Home Occupation CUPs City Manager Dotson said he went to the extreme in his editing of this section. The Planning Commission needs to discuss how they want to go. One option is if anything is outside of the criteria that City staff can approve the answer is no. That solves most potential problems. He wrote it that way with that in mind so the Planning Commission can scale it back or not. Council Member Harris said some home based businesses would not be approved with those criteria. Most are perfectly fine and don't bother their neighbors. Do they want to go somewhere in the middle and be more subjective on certain things. Some things are just not permitted in certain zones. You can do that with home occupation CUPs too if the Planning Commission so chooses.

Commissioner Ley said you can do more things on larger lots than you can on smaller lots. City Manager Dotson said acreage doesn't matter if the neighbors don't like the business use. Council Member Harris said he would prefer to err on the side of being more lenient.

There was more discussion of the criteria upon which the City staff can approve a business license. Those items are listed on the business license application as questions for the applicant to answer. The Planning Commission concurred if they do not meet the criteria they will not be approved for a business license. Our current ordinance allowed an avenue for approval for certain businesses such as auto repair business. That avenue could be removed from the rewritten ordinance thereby eliminating the situation that precipitated this discussion. Chairman Tingey said he tends to be in favor of eliminating the option for approval of a CUP for certain businesses in residential areas which solves the problem. Chairman Tingey asked City Manager Dotson how he feels about this. City Manager Dotson said he wished people could get along and do what they want on their property without hurting their neighbors. Enforcement is the problem with subjective language. Council Member Harris said this will not fix every problem but saying no upfront will help some of the issues. Chairman Tingey agreed with the conditions and staff approving businesses that meet the listed criteria and rejecting applications that do not meet criteria.

Chairman Tingey clarified to say the City staff will approve business licenses based on criteria outlined. If outside of that criteria, the answer is no. That is an administrative action. An applicant could still come to the City Council for recourse. The Planning Commission would still be the appeal authority over staff decisions and the City Council over Planning Commission decisions. Staff will prepare a final draft for review at the next meeting at which time a public hearing will be set. No other action was taken.

5. PUBLIC COMMENTS-Council Member Jolene Lee said she commends the Planning Commission for their hard work adding it is good to have things defined and clarified. She has a concern going forward with enforcement. Her feeling is the code should be written in a way that it can be enforced which requires funding to do that. She had questions regarding boarding houses. There was a brief discussion of the term and City Manager Dotson said that with a boarding house the concept is a person lives there in a room and gets meals in the package. It is legal in our Zoning Ordinance to rent out a room as long as the owner lives onsite. City Manager Dotson told about vacation rentals being discussed in the legislature and the County Commission. The State may legislate to regulate that type of business.

6. COMMISSION/STAFF REPORTS

Council Member Harris said there was no City Council meeting last week so he has nothing to report.

City Manager Dotson said the Renewed Hope Ranch grand opening will be in mid-August with a ribbon cutting and tours. He thanked those who helped with the 4th adding the 24th was good too. He said the situation with our water is not an emergency but it is hot and people are watering a lot and perhaps too much. Our wells are pumping 24-7 to keep fire flows up and the wells are stressed. We are cutting back City watering and

churches and schools are cutting back also. The commercial zone change public hearing will be on 8-9-16. He said he has had a couple of phone calls with some questions from the notification letters that were sent out.

Commissioner Hardy asked who patrols at night. City Manager Dotson said we have an officer on duty. He asks because the aerial fireworks were terribly loud and wondered why they were allowed adding he wonders if they are legal. City Manager Dotson said aerial fireworks that shoot less than 150 feet in the air are legal. By state law municipalities cannot make it more restrictive. You can restrict the places fireworks can be discharged however. He told Commissioner Hardy to call non-emergency dispatch when the fireworks are being discharged and then an officer can investigate.

7. ADJOURN-Motion to adjourn by Commissioner Hardy. Motion seconded by Commissioner Ley and all voted in favor. The meeting end 7:23pm.

Julie Watson, Recorder **Date**