

MINUTES
ENOCH CITY PLANNING COMMISSION
March 26, 2019 at 5:30pm
City Council Chambers
City Offices, 900 E. Midvalley Road

MEMBERS PRESENT:

Commissioner Paul Hardy
Commissioner Greg Peterson
Commissioner Josh Killian-absent
Commissioner Debra Ley-absent
Commissioner Bob Tingey

STAFF PRESENT:

Rob Dotson, City Mgr.
Katherine Ross, Council Member
Julie Watson, City Recorder

PUBLIC PRESENT: Bob Platt and Doug Nelson

1. **CALL TO ORDER OF REGULAR MEETING**-By Chairman Tingey at 5:30 pm.
 - a. **Pledge of Allegiance** –Led by Bob Platt
 - b. **Invocation** –Audience invited to participate. Given by City Manager Dotson
 - c. **Inspirational thought**-Given by Chairman Tingey
 - d. **Approval of agenda for March 26, 2019**-Commissioner Hardy made a motion to approve the agenda. Motion was seconded by Commissioner Peterson and all voted in favor.
 - e. **Approval of minutes for March 12, 2019**- Commissioner Peterson made a motion to approve the minutes. Motion was seconded by Commissioner Hardy and all voted in favor.
 - f. **Conflict of Interest Declaration**-none stated
2. **REQUEST FROM RESIDENT TO CHANGE THE ZONING ORDINANCE, CHAPTER 1-6 REGARDING LANGUAGE FOR GUEST HOUSES TO ALLOW A RESIDENCE IN AN EXISTING BUILDING**

Chairman Tingey said City Manager Dotson provided the ordinance language. City Manager Dotson gave some background information saying Mr. Nelson came to the City Council to ask for consideration of his request to convert an 800 SF portion of an existing shop building into living quarters. City Manager Dotson gave the Planning Commission the provisions for a guest house and he read the definition and other definitions involved. Mr. Nelson requested that his shop, which meets all building codes, be allowed to be converted to a guest house meeting the requirements of the Code. Although he is requesting to use a portion of the building for a dwelling the rest remains a shop. City Manager Dotson said this is for the Planning Commission to discuss if they want to allow it or not. Because it is in our Zoning Ordinance it is a legislative act. There was brief discussion of administrative actions vs. legislative actions. This is zoning and is a legislative action.

Chairman Tingey said that is critical to understand. He clarified the shop is larger than 800 SF but it does have the utilities through the main house. Doug Nelson said it has gas and electric now and the water is nearby and would run through the main house. Doug said the sewer is not a problem because they can put a pump in for that. The building is 1350 SF and he proposes to use 800 SF for the living quarters. It is cheaper than to build a separate building. It was built to the same building code as the house. It matches the house and he wants to use 800 SF for a living area. He is happy to have the Building Inspector mark it out and check it and the remainder part is the shop.

Commissioner Hardy asked if there is any other way to go about this without changing the ordinance. City Manager Dotson said yes. #62 says a guest house must be 800 SF so what we have now works but is not in the spirit of why we wrote it the way we did. It would fit but it is not clear in the ordinance as written. We said 800 SF only because of the underlying density question. He said he would like it clarified so this is not misconstrued later. This language is already there. The guest house limits it to 800 SF. We need to clarify "not a portion thereof" or make it that this can be done with "a portion thereof" of an existing building. Others may want to do this and we want it clear. He said he talked to our City Attorney about it and he was under the impression that a guest house is not to be rented but is for relatives. We do allow for rentals. Our Attorney also asked if we want to enforce this. How would you, the way we are doing it now? Chairman Tingey said we have not been able to enforce many things. City Manager Dotson suggests we take out "more or less" from the language as a further move to make it clear.

When it comes down to it that is the history of the guest house. Do we want to change it so it is clarified better or use this as it is? City Manager Dotson said we haven't allowed this so that is why he came to ask for the change. He added he did not think this was the intent. Chairman Tingey asked for thoughts. Council Member Ross said if we are worried about density this makes sense rather than to build another building. We already have the 25% rule for land that can be built on. We could change the guest house definition to say "not to exceed 800 SF". Only change guest house, City Manager Dotson said because the definition of a dwelling already says "a portion thereof", they get the intent. We want it clear. Chairman Tingey said "or a portion thereof" addresses this. By definition this use complies. We could say we don't need to change it and go with how it reads. They all thought that made sense. Adding words won't help, Chairman Tingey said. He added this would let him do that as long as he stays within 800 SF and meters utilities through the house. They see no problem with it happening as it is now written. City Manager Dotson said when asked, the more he thinks about it, this does work and as an administrator he gets that, but now as more talk goes on it is not a big deal. We have made other changes to allow for more uses and increase density. City Manager Dotson said he is comfortable with it as is.

Chairman Tingey said this is getting more complicated than it needs to be. City Manager Dotson said the only thing is maybe say "guest dwelling" rather than "guest house" and it may be "more clear" than it is now. That would require a public hearing to do that. Chairman Tingey asked if that changes it and City Manager Dotson said it does to him. He is trying to be less subjective. The Planning Commission needs to decide and we will go with it. Chairman Tingey said as we have been going through this, "dwelling" in quotes does not accomplish anything. It is fine the way it is now. City Manager Dotson said legislative actions are based on intent. That is why we have the "whereas" clauses in our ordinances and resolutions. Our attorney said if this goes to court the judge will almost always side with the landowner on property rights. They all felt fine with the wording how it is now.

Commissioner Peterson made a motion that we do not change the Zoning Ordinance, Chapter 1-6 and leave the wording as it is currently written. The motion was seconded by Commissioner Hardy and all voted in favor.

3. DISCUSS ZONE CHANGE FROM SINGLE FAMILY RESIDENTIAL R-1-18 TO SINGLE FAMILY RESIDENTIAL R-1-11 FOR PROPERTY OWNED BY ENTRADA HOMES-Platt & Platt

Bob Platt said basically the client wants to do a zone change to R-1-11 from R-1-18. He wants to subdivide into single family lots and the R-1-11 zone allows for a few more lots. About 2-3 more homes would be able to be included with the smaller lot size. He noted this area is west of SR-130 and west of Three Peaks Subdivision. The City Engineer has looked at this and reviewed it

and it meets all City requirements. City Manager Dotson confirmed that asking, does it fit what we want in Enoch? This was originally part of Three Peaks Subdivision. It was never developed when the housing market crashed in 2007-08 so they are starting over. Chairman Tingey said this is to talk about a zone change. The issue is smaller lots and it keeps coming up. He added there will always be people who don't want smaller lots and those who do want smaller lots. Chairman Tingey asked for discussion. They did not see any issues with this. The agenda did not say to set a public hearing so that will be on the next agenda to set it for April 23, 2019. The Planning Commission is positive for this zone change but need to set public hearing at the next meeting. There was no action taken.

4. PUBLIC COMMENTS-none

5. COMMISSION/STAFF REPORTS

Council Member Ross said at last City Council meeting they approved Iron Mountain Subdivision, Phases 3 & 4, Preliminary Plats. There were two lots that were less than 11,000 SF and that will be corrected. Council Member Harris caught that error.

City Manager Dotson there may be potentially a new ordinance coming to Planning Commission about cargo storage containers as a land use issue instead of a nuisance issue. It will contain things such as set-backs, placement and the like. We have nothing now in our Code because these are not permanent structures. All agreed we need that. City Manager Dotson said Foster's store is going up. The owner Neil Foster is excited and wants to hold a grand opening. There is a lot of interest in this development. We also received the civil plans for Settler's Square, Phase 1. This is what they will call the Rollo property that was recently rezoned to R-1-11. The City Engineer is going through it now.

6. ADJOURN-Commissioner Hardy made a motion to adjourn. Motion was seconded by Commissioner Peterson and all voted in favor. The meeting ended at 6:07pm.

Julie Watson, Recorder

Date