

MINUTES
ENOCH CITY PLANNING COMMISSION
September 24, 2019 at 5:30pm
City Council Chambers
City Offices, 900 E. Midvalley Road

MEMBERS PRESENT:

Commissioner Paul Hardy
Commissioner Greg Peterson
Commissioner Andrew Meacham-absent
Commissioner Debra Ley
Commissioner Bob Tingey

STAFF PRESENT:

Rob Dotson, City Manager
Katherine Ross, CC Member
Julie Watson, City Recorder

PUBLIC PRESENT: Robert Platt

1. **CALL TO ORDER OF REGULAR MEETING**-By Chairman Tingey at 5:30pm.
 - a. **Pledge of Allegiance** –Led by Chairman Peterson
 - b. **Invocation** –Audience invited to participate. Given by City Manager Dotson
 - c. **Inspirational thought**-Given by Julie Watson
 - c. **Approval of agenda for September 24, 2019-Chairman Peterson made a motion to approve the agenda. Motion was seconded by Chairman Hardy and all voted in favor.**
 - d. **Approval of minutes for August 13, 2019-Chairman Hardy made a motion to approve the minutes. Motion was seconded by Chairman Peterson and all voted in favor.**
 - e. **Conflict of Interest Declaration**-none stated

2. **DISCUSS/MAKE RECOMMENDATION TO THE CITY COUNCIL ON THE PRELIMINARY PLAT OF EAGLE VALLEY ESTATES, PHASE 1**

Chairman Tingey invited Bob Platt of Platt & Platt Engineering to tell them about this. He pointed out where the subdivision is located behind Three Peaks Subdivision. They rezoned it to R-1-1 earlier. Phase one is eight lots and a retention pond.

Chairman Tingey noted two typos lot 3 and lot 6 where the lot size should be is showing five digit lot sizes of 11,000 SF or more and these appear to be four digits. After scrutiny it was discovered that the land layering drawing is covering the missing digit. Bob Platt said he would correct that so it shows clearly what each lot size is. It is a layer issue rather than an error.

City Manager Dotson confirmed it meets all City requirements and has been reviewed by the City Engineer. Chairman Ley was concerned about water. They have to bring one AF of water per door at the time of final plat Bob Platt said. Chairman Hardy said what happens if the Planning Commission and City Council approve this and then the City runs out of water. Are we liable? Can we be sued? City Manager Dotson said we have the water. We can't be sued if availability goes away. They have to give us the rights to pull it out of the ground. We are working on acquiring three or four wells to purchase so we can put the water rights we receive in the wells and pump them. It was confirmed the date we require is 1934 or older on water rights. City Manager Dotson said the Groundwater Management Plan public meeting is on October 15th at 6:00 pm at Cedar High School. The 1934 cut-off date has been agreed to by the State Engineer due to the water rights that are actually available for pumping in this valley. Chairman Ley said she is still concerned about water.

There was more discussion of what the Boards are responsible for and of the City's efforts to purchase the new wells after test pumping them. City Manager Dotson said as administration we are out seeking new sources of water to bring into our system. That is part of the requirements for the water business. We have the funds to make the purchases and upgrade the wells. This is expected to happen before next summer. It was noted this discussion is not part of the current request and he will elaborate more about water later in the meeting.

Chairman Tingey asked about the retention pond and the rules about that. Bob Platt said the theory is hardscape makes more runoff. They do a drainage analysis to prevent overloading the streets and the retention pond holds the water in a heavy storm. Then it can be released slowly and soak into the ground so it does not impact other properties. It is called a retention pond because it is meant to hold water for a short period of time. Chairman Ley asked who takes care of the pond after the subdivision is built. We haven't discussed that, City Manager Dotson said. He said in other subdivisions we own the property so we keep the ponds up. There was more brief discussion about maintenance of the ponds. Bob Platt said he thought the developer would want to give the pond to the City. There will be 18 to 20 more lots coming later in the other phases and this pond is for the whole subdivision.

Chairman Tingey asked for a motion. Chairman Hardy made a motion to send a favorable recommendation to the City Council for approval of the preliminary plat of Eagle Valley Estates, Phase 1, with making the lot sizes more visible on the plat map as discussed. The motion was seconded by Chairman Peterson and all voted in favor.

3. PUBLIC COMMENTS-none

4. COMMISSION/STAFF REPORTS

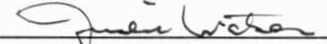
City Manager Dotson said tomorrow night is the Land Use Appeal Authority hearing that the Planning Commission members received a letter about. State law requires they be informed because it is a land use issue. He gave details about the issue. The home is in Legacy Estates and the house does not meet set back requirements by a few inches on each side. There was discussion of this being missed by the Building Inspector or is it the fault of the designer of the house or the builder of the house. Our attorney has spent many hours looking through the situation and finding a way to resolve it other than tearing the home down. He suggested the builder request the variance and he believes we can justify it. The Land Use Appeal Authority is a quasi-judicial board. The City Council or Planning Commission has no say. Only a judge can change any decision they make. They are bound by very strict requirements in State law of what can be granted as a variance. The board is made up of residents of Enoch. Our ordinance requires a board of five people. Our attorney checked case law for who is responsible and thinks our Building Inspector is not required to measure set-backs. He approves plans and the builder meets the plan. His responsibility is to inspect the building process. Chairman Hardy asked who this bothers or harms. City Manager Dotson said the owner wants it resolved. The question is, is there any danger in being off by a few inches or so. Our attorney says there is no danger. The Board has to determine that in this hearing.

City Manager Dotson said he knows Chairman Ley is concerned about water. He explained what the City has decided to do to fix the problem of air in the water and low pressure from the Anderson well that serves Commissioner Ley's home and others nearby. They will be connected to a water line higher up to the east to increase pressure. Also a water tank will be built by the well for that neighborhood so the water is fed from the bottom of the tank and has no air in it. The air vacs on the water lines have not worked to solve the problem and this will be a permanent fix that will allow us to run the well at full capacity as needed. This will happen before next summer. He reported the trail on Midvalley Road to the Rec Complex will be completed by the end of the week per the grant requirements. The City Council will be talking about Dark Sky requirements.

Changes to the Subdivision Ordinance and Zoning Ordinance regarding that may come to the Planning Commission if sent by the City Council. The bigger dilemma is getting residents on board for their own outdoor lighting.

Chairman Hardy asked about UDOT on Midvalley and SR-130 and what was going on with the roundabout. City Manager Dotson said he would show them a video of how the flow will work. He said he and Jolene met with UDOT last week and their plan is for the design work to be done this winter and hope to have it built by the end of next summer.

5. ADJOURN-Chairman Peterson made a motion to adjourn the meeting. Motion was seconded by Chairman Ley and all voted in favor. The meeting ended at 6:10 pm.

 10-8-19

Julie Watson, Recorder Date