

MINUTES
ENOCH CITY PLANNING COMMISSION
August 11, 2020 at 5:30pm
City Council Chambers
City Offices, 900 E. Midvalley Road

MEMBERS PRESENT:

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

STAFF PRESENT:

Rob Dotson, City Manager
Katherine Ross, CC Member
Julie Watson, City Recorder
Lynn Nielson-Bldg. Insp.

PUBLIC PRESENT: Leonard Correa, Derek Nelson, Robert Platt, Caroline Howe, Nick Slade, Mimi Nelson, Cynthia & Eric Jackson and Ashley & Ben Howe

1. **CALL TO ORDER OF REGULAR MEETING-By Chairman Tingey at 5:30 pm.**
 - a. **Pledge of Allegiance** –Led by City Manager Dotson
 - b. **Invocation** –Audience invited to participate. Given by Commissioner Ley
 - c. **Inspirational thought**-Given by Chairman Tingey
 - c. **Approval of agenda for August 11, 2020-Commissioner Hardy made a motion to approve the agenda. Motion was seconded by Commissioner Meacham and all voted in favor.**
 - d. **Approval of minutes for July 28, 2020-Commissioner Hardy made a motion to approve the minutes. Motion was seconded by Commissioner Meacham and all voted in favor.**
 - e. **Conflict of Interest Declaration**-none stated

2. **DISCUSS AND MAKE A RECOMMENDATION TO THE CITY COUNCIL ON THE MINOR SUBDIVISION FOR BEN HOWE-Platt & Platt**

Robert Platt came up to say this is off of Hwy. 91 where several Nelson families live. It is on a private farm road that has been there 100 years and the owners would like it to remain a private road. The road is about 50 feet wide and there is room for emergency vehicles to get in there. Ben Howe would like to build on one lot and they need to do a minor subdivision for that to happen. This is one big parcel now. There are three easements going north that are for gas, sewer and water. This action is to create building lots for family members and is four half acre lots. Chairman Tingey asked if it all complies and City Manager Dotson said it does. They will connect onto the Cedar City sewer line and be on the Enoch City water line. The water connection will be figured out in construction of the home. The sewer easement and outfall line is from the other side of freeway so no septic tank is needed. Enoch water is there now and serves the residences there. They know they have to deed 1 AF of water to the City to build. There were no other comments.

Commissioner Hardy made a motion to send a favorable recommendation to the City Council on the Minor Subdivision for Benjamin Howe. The motion was seconded by Commissioner Peterson and all voted in favor.

3. **PUBLIC HEARING ON SETTING A MORATORIUM ON APPLICATIONS FOR PLANNED UNIT DEVELOPMENTS (PUD) FOR SIX MONTHS**

Commissioner Peterson made a motion to close the regular meeting and go to the public hearing on a moratorium for applications for PUD's. Motion was seconded

by Commissioner Ley and all voted in favor.

Chairman Tingey said the Planning Commission has been asked by the City Council to talk about PUD's because the ordinance is so loose now. We thought there should be a moratorium of six months while we work through it although it may not take that much time. Chairman Tingey invited comments. There were none.

Commissioner Meacham made a motion to close the public hearing and return to the regular meeting. Motion was seconded by Commissioner Hardy and all voted in favor.

4. DISCUSS AND MAKE A RECOMMENDATION TO THE CITY COUNCIL ON A SIX MONTH MORATORIUM ON PLANNED UNIT DEVELOPMENTS (PUD)

Chairman Tingey asked if the Planning Commission had any thoughts. City Manager Dotson said we don't use the word "moratorium" anymore. It is called a "temporary land use ordinance" in State code. This will deny any applications for six months while we work through it.

Commissioner Ley made a motion to send a favorable recommendation to the City Council to approve a "temporary land use ordinance" to deny applications for PUD's for a maximum of six month. The motion seconded by Commissioner Hardy and all voted in favor.

5. DISCUSS FENCE HEIGHT REGULATIONS IN ZONING ORDINANCE

City Manager Dotson said we have made some changes on this. Currently if someone builds a fence on their property the ordinance states the fence can be a maximum of six (6) feet high from the front of house to the backyard. From the front of the house to the street it can only be four (4) feet high for reasons of visibility for traffic. If the house is set at a 45 degree angle on the lot instead of going straight back it is allowed to put a fence six (6) foot high and the four (4) feet high around the front. We ran into a situation with a different house placement on the lot that has caused their mutual fence to be out compliance with what is required by Code. The homeowners are here tonight. There are two owners involved and he showed the map of the home layout and the fence that is not compliant with current ordinances. City Manager Dotson explained the fence dilemma was caused by the placement of the home on the one lot recommending we review our ordinance so it will cover situations like this in the future. This is technically a glitch in our code and the City Council could make the change and solve the problem. We did this with the corner lots already. We find we have old codes that don't have good reasons for some of the things they require. When we find that situation we revise the code so people can use their property as they please providing it does not harm anyone else. Commissioner Ley clarified we can write something in the ordinance that will permit this because it is not a problem. Chairman Tingey asked if we anticipate any unintended consequences and City Manager Dotson said no and Lynn Nielson agreed. It will need to be written and a public hearing held before a recommendation can go to the City Council.

Lynn said he understands the front corners for visibility but this particular fence is further back so that the intersection is more visible. This is coming up more and more with house placement in building. Part of it is in code and part is not. We have no reason to have a fence height regulation other than visibility. The question to the Planning Commission is do they want this rewritten and then they can set a public hearing and correct the issue for everyone. Chairman Tingey asked City Manager Dotson to rewrite the ordinance and we will look at it at the next meeting and set a public hearing. City Manager Dotson said he will do some research and get some ideas for wording for next time. No action was taken.

6. DISCUSS ACCESSORY BUILDINGS ON LOTS

City Manager Dotson said in the Zoning Ordinance we have two different criteria for what amount of a lot can be used for accessory buildings. In Chapter 2 it says 25% and in the other chapters referring to residential zones it says 10%. When someone comes in for a building permit Lynn Nielson, Building Inspector, has a dilemma of which criteria to use? He can't use both. We need to change one or the other. One reference is to 10% of the whole property and one is referring only to the rear yard area. Set-backs and size of the home are factors too. Now that we allow 11,000 SF lots that presents different issues. The point is which one do we go by. We need to decide which criteria to use and then standardize the Zoning Ordinance in all chapters.

Chairman Tingey asked what the purpose is of limiting the size of a building in the back yard. Commissioner Meacham said that is for fire safety distancing. Chairman Tingey asked if there is any reason to have a different amount in different zones. Lynn explained the issues with home size, set-backs and yard size. If the accessory building is more than ten feet behind the house then you can go two feet from the property line. Every time someone builds a big shop in their yard we get calls about blocked views but it fits the code. He gave the example of Commissioner Peterson's yard where problems with our code first came to light and we ended up changing the code for corner lots which can have special issues. In calculating the size of garage Commissioner Peterson could build, Lynn said he used 25% of the entire lot. If he has used 10% the garage would have had to be smaller.

After some discussion, the consensus of the Planning Commission was to use 10% of the entire lot to calculate the size an accessory building could be. That way the size of the house does not matter. Those building big want big but their neighbors don't like it. Lynn said he needs clarification so if it meets criteria there is no basis for complaint. Chairman Tingey said do we care how big the building is? Does it matter? The City Council decides what is best for the community while balancing private property rights. We have to do one or the other. Lynn said to make it fair he thinks counting the whole lot for what the accessory building size can be seems fairer to him. Commissioner Peterson said the size of the lot makes more sense and Commissioner Meacham agreed. It was noted the City Council handles the political side of it regarding neighbor's issues with their neighbor's large buildings.

Chairman Tingey said he would like to assign City Manager Dotson to write something up for the whole lot to be counted and to give them some examples of the range of what the building sizes could be and they all concurred. City Manager Dotson said he would write it up a couple of different ways for the next agenda and they can set a public hearing if they are ready. It was noted our ordinance allows 800 foot guest houses and they can be part of the accessory building. City Manager Dotson said he will give a few examples of language and they can fill in the blanks. No action was taken.

7. DISCUSS CHANGES TO THE ZONING ORDINANCE, CHAPTER 11, PLANNED UNIT DEVELOPMENTS (PUD)

Chairman Tingey asked the Planning Commission how they want to do this. Go line by line? He asked City Manager Dotson what is best for the process. City Manager Dotson said start with picturing what this will look like in Enoch. City Manager Dotson said a PUD is where a developer can do a variety of things. What do we envision for what Enoch looks like and where will it work to be located. Chairman Tingey asked if anyone has a picture forming. Commissioner Meacham said the more detail, the more administrative issues, the more legal issues, the more everything. Less regulation means they can do whatever they want if it is not written down in code. City Manager Dotson said he suggests we design a PUD. Pretend we are a developer. Chairman Tingey said he will continue to ask what benefit is there to this that we don't already have available in Enoch. Is there any downside? Right now we are not protected, Commissioner Hardy said. We could take it out entirely and not have that option for developers.

Chairman Tingey said he wants to see the benefit. Council Member Ross said maybe someone wants to build a senior living area. That would be a benefit for older residents who want to live in Enoch but not have all the maintenance and issues of large yards. Chairman Tingey asked if we can get a piece of paper with a 40 acre plot showing roads and giving us a template to put stuff in. Commissioner Meacham suggested visiting a PUD that exists. Black Rock in Cedar City was given as an example of a PUD that has worked well. Chairman Tingey suggested everyone give thought to this and if City Staff could send a template of the ground across the street which is about 40 acres, we could each start drawing in some features. We need to think what Enoch needs with some clarification. No action was taken.

8. PUBLIC COMMENTS-none

9. COMMISSION/STAFF REPORTS

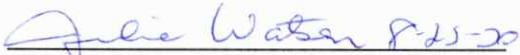
Lynn Nielson said they heard his issues and he appreciates the action to solve problems we find. He reported there are 110 active permits with 50-60 new homes. Building has not slowed at all. He is seeing a lot of building without permits. We need to educate people. He said we closed in the front office for Covid protection and security. Commissioner Meacham asked about building material shortages. Lynn said prices are up and some things like truss building has slowed due to illness but you can still get materials.

City Manager Dotson told about the water situation and the Ravine well being down for repairs. The school, churches and parks are shut off. We are trying to work something out to not water at the same time. Demand is up. We have had had issues every summer. We are working on getting more sources and are in negotiations for some wells. We have an agreement to buy water from the Conservancy District and have a connection which we have had to use for some neighborhoods in this water shortage. We are going to revamp some old irrigation wells and try to use them for big users like the schools and churches and our parks/cemetery. Storage capacity is very good; we need more water sources to fill the tanks we have. He told about some other projects in the works. He said the new Public Works Director is great and the guys enjoy working with him.

Council Member Ross said the City Council appreciates the recommendations the Planning Commission sends them and they look at them in making decisions.

Commissioner Meacham said we have an awesome City Council, Mayor and City Manager. He said we appreciate the City staff.

10. ADJOURN-Motion to adjourn by Commissioner Ley. Motion was seconded by Commissioner Meacham and all voted in favor. The meeting ended at 7:20 pm.


Julie Watson, Recorder Date