

MINUTES
ENOCH CITY PLANNING COMMISSION
October 13, 2020 at 5:30pm
City Council Chambers
City Offices, 900 E. Midvalley Road

MEMBERS PRESENT:

Commissioner Paul Hardy-Zoom
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

PUBLIC PRESENT: Steve Woolsey, Robert Platt, Matthew & Carolyn Edwards, Karen Wilson, West Harris, Joey Buckles and Austin Strine

1. **CALL TO ORDER OF REGULAR MEETING**-By Chairman Tingey at 5:30 pm.
 - a. **Pledge of Allegiance** –Led by Matthew Edwards
 - b. **Invocation** –Audience invited to participate. Given by Commissioner Meacham
 - b. **Inspirational thought**-Not given
 - c. **Approval of agenda for October 13, 2020**-Commissioner Meacham made a motion to change the order the agenda by moving items #6 & #7-to be after #2 and to move #3 after those items. The motion was seconded by Commissioner Peterson and all voted in favor.
 - d. **Approval of minutes for September 8, 2020**-Commissioner Ley wanted to change a statement she made on page 4 at the bottom to read “it seems it looks like we are making it harder to be part of the whole community” instead of “it seems like we are allowing people to come in and make it harder to be part of the whole community”. Commissioner Meacham made a motion to approve the minutes as revised. Motion was seconded by Commissioner Ley and all voted in favor.
 - e. **Conflict of Interest Declaration**-None stated except Commissioner Ley noted the Bradford Minor Subdivision item is her next door neighbor.
5. **PRELIMINARY PLAT OF IRON MOUNTAIN SUBDIVISION, PHASE 7- Platt & Platt**-The engineer will present the application for the preliminary plat for consideration and a recommendation to the City Council.

Bob Platt came up to represent the owner of Iron Mountain Subdivision, Phase 7 saying this is last phase of Iron Mountain. It extends on Half Mile Road north and it has 12 lots on west side of Half Mile. The lots are all 18,000 SF minimum. The water has been conveyed by the Leavitt's. There will be a collaborative effort with Go Civil Engineering to tie in with Settlers Square Phase 2 on the water and sewer lines. They will work that out together to pay for the water main and sewer. Commissioner Ley asked about drainage. Bob Platt said that is all addressed already. He explained and that is all taken care of by the private parties involved. This has been reviewed and it meets all requirements. Chairman Tingey asked for a motion.

Commissioner Peterson made motion to send a favorable recommendation to the City Council for approval of Iron Mountain Subdivision, Phase 7. The motion was seconded by Commissioner Meacham and all voted in favor.

6. 2020-10-21-B RESOLUTION GRANTING APPROVAL OF THE MINOR SUBDIVISION FOR RED VELVET DEVELOPMENT, LLC-Woolsey
Surveying-The engineer will present the Minor Subdivision application for consideration and a recommendation to the City Council.

Steve Woolsey came up to represent the owner. This is a minor subdivision for Red Velvet, LLC and is where Grimshaw Development used to have their business. They bought that building and now want to separate a six (6) acre parcel from that lot. It is on the SW corner and is Parcel 2 on the plat. Along with this, Red Velvet will create a right-of-way and utility easement and it will be part of a master planned road and dedicated to the City at some time in future. It is private road now but a public utility easement. There is not access for all until it is conveyed at a later date. It will meet up with Grimshaw's easements and roads to the east. He gave details of the utilities and how they will be installed. The sewer and water goes in the roadway easement and the other utilities in the other easement. City Manager Dotson said they match up to our General Plan roads so it all works in the future. City Manager Dotson confirmed it meets all requirements.

Commissioner Peterson made a motion to send a favorable recommendation to the City Council to approve the Resolution for the Minor Subdivision for Red Velvet Development, LLC. The motion was seconded by Commissioner Hardy and all voted in favor.

7. 2020-10-21-C A RESOLUTION GRANTING APPROVAL OF THE MINOR SUBDIVISION FOR BRADFORD TRUST-Woolsey Engineering-
The engineer will present the Minor Subdivision application for consideration and a recommendation to the City Council.

Steve Woolsey is representing the owner. He said this is Commissioner Ley's next door neighbor who is the property owner. The property is located on Midvalley Road. The property owner owns the entire piece and they want to separate the house from the parcel to the north which creates a flag lot to access the north parcel. The private ingress/egress easement will be conveyed to the parcel for access to the back portion that is being divided off from the front parcel. Chairman Tingey confirmed it is one lot and it has to be a flag lot to get to the back parcel. The access is off of Midvalley Road. One thing to note, Steve said, is in the Subdivision Ordinance the flag lot staff cannot be more than 250 feet and this is 362 feet. Because the house parcel is one acre, that made the staff (road) longer. The standards allow for an exception to be granted by the City Council. The Planning Commission would recommend approval of that exception in the motion. City Manager Dotson confirmed this is not a variance but is an exception written in our Code. The Minor Subdivision meets all requirements and has been reviewed completely. The width of the flag lot road is 25 feet which is wider than the 20 feet required in the ordinance. They may be required to put a fire hydrant in when they build at a later date. The Fire Marshal makes that call and the City is not involved. Chairman Tingey asked for a motion.

Commissioner Meacham made a motion to send a favorable recommendation to the City Council for the Resolution to approve the Minor Subdivision for the Bradford Trust with the special exception for the length of the staff as written in the Enoch Subdivision Ordinance. Motion was seconded by Commissioner Peterson and all voted in favor.

2. **2020-10-21-A ARESOLUTION GRANTING APPROVAL OF THE MINOR SUBDIVISION FOR CREAMER 5, LLC- LOCATED ON PARCEL #A-0566-0001-0005 (4200 N.)-Woolsey Engineering-The engineer will present a Minor Subdivision application for consideration and recommendation to the City Council.**

Steve Woolsey came up to represent the owner. This is for Creamer 5, LLC and is on 4200 North which was recently annexed into Enoch. They are dividing the lot into two pieces. The rights-of-way have been acquired through owner agreements and now we have the full roadway. This is on the south side of 4200 North. There is 2 ½ acres in each parcel and both parcels are accessed from 4200 North. City Manager Dotson said it meets all requirements. We have the water for one parcel. The other owner of the new parcel will have to obtain a water right and deed it to the City at the time of building. This is zoned R-1-18. Chairman Tingey asked for a motion.

Commissioner Peterson made a motion to send a favorable recommendation to the City Council for approval of the Resolution to approve the Creamer 5, LLC Minor Subdivision. The motion was seconded by Commissioner Meacham and all voted in favor.

3. **PUBLIC HEARING ON A ZONE CHANGE FOR APPROXIMATELY 15 ACRES OF PROPERTY OWNED BY SUNVIEW DEVELOPMENT FROM SINGLE FAMILY RESIDENTIAL (R-R-18) TO MIXED RESIDENTIAL (M-R-2)-The public will be invited to comment on the proposed zone change.** Commissioner Peterson made a motion to close the regular meeting and go into public hearing. Motion was seconded by Commissioner Meacham and all voted in favor.

Chairman Tingey invited public comments. He clarified the public hearing is for the Planning Commission to listen unless clarification is needed. He explained they are a recommending body to the City Council.

Matthew Edwards of 1585 Southern Homestead said his concern is that it allows for higher density. *City Manager Dotson clarified to say this allows two doors per 22,000 SF lot. That can be twin homes, town homes, duplexes or single family homes.* Mr. Edwards said that increases traffic on roads that funnel to Hwy. 91. The traffic increase has been huge lately without any more growth. If higher density comes in and it goes to Hwy. 91, that is not good. He went on about the bottleneck problem we already have to a bad extent by Maverik. To add to that, traffic is already overwhelming on Homestead and Hwy. 91 both. He said he has other selfish concerns and understands that duplexes and mean you get a lot of renters. They already get a lot of PD traffic. When people rent and have no investment in the property crime goes up. He added that is anecdotal but it is what he sees. He has seen the crime rise because they don't own the property. He sympathizes and has been there as a young person starting out and renting but he has

concerns for the neighborhood. Just the few duplexes we have now have created problems and that is his concern. Our little neighborhood is about maxed out. Higher density makes for more trouble. ***Chairman Tingey said if this subdivision up for the zone change was maxed out, it would be maybe 20+ lots or forty homes allowing for roadways, sidewalks etc. Chairman Tingey thanked him.***

Karen Wilson of 4217 Wagon Wheel Drive said she owns duplexes in that area now. Her question is she thought they are putting Tomahawk through to Hwy. 91. ***City Manager Dotson said he thinks it will go into Hwy. 91. So far, the developer is doing the plan as it was originally set up years ago. By changing to the M-R-2 zone, it allows him more flexibility to work around the easements required for the high tension power lines that go above this area.*** She said not knowing the intent of what they plan to do, anything can happen and she is concerned we don't know. ***Chairman Tingey said at this stage they don't need to disclose any designs or say what they are planning. They may not even know yet as it is contingent on getting the zone change. This is just the zone change first. Then they come back when they get a plan for approval. The part behind her is 18,000 SF lots and Chairman Tingey confirmed it is not required for us to know any other plans at this stage.***

Austin Strang of 4278 N Wagon Wheel said he is in a rental and he would love it if there were more rentals in Enoch. They are so hard to find and harder to afford or to buy. He would love more rentals on the market to help drive the market down. He is from CA and came here to get away from that environment. He likes the freedom here and to be by good people. Kids grow up and move away because of jobs and housing. There are complications like traffic but he would like to have more opportunity here and he encourages them to consider this to help keep people here where they can afford housing. There were no other comments.

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

- 4. ORDINANCE NO. 2019-10-07 AN ORDINANCE AMENDING THE GENERAL PLAN LAND USE MAP AND THE ENOCH ZONING ORDINANCE ZONING MAP BY CHANGING THE ZONING OF APPROXIMATELY 15 ACRES OF PROPERTY OWNED BY SUNVIEW DEVELOPMENT, LLC FROM SINGLE FAMILY RESIDENTIAL R-1-18 TO MULTIPLE RESIDENTIAL M-R-2-The Planning Commission will consider a recommendation to the City Council on the proposed zone change.**

Chairman Tingey asked if there was discussion. Commissioner Meacham said we heard some good comments both ways. Commissioner Ley said with the roads we will have the same problem anyway you look at it. There was brief discussion about if there were plans to widen Hwy. 91. City Manager Dotson said the Master Transportation Plan will be done sometime in April 2021 and will include traffic in and out of Enoch. This is a combined effort with Cedar City and Iron County. The SR-130 project is happening next spring. It was going to make two left turn lanes at the Maverik and the new plan will probably put that back in. Whether any more people move in or not this is an issue and will remain an issue. The question is relevant to growth but this zone change would probably put more traffic onto Hwy. 91 but not so much in the neighborhoods. The City

tells them where to put the roads in accordance with our General Plan Road Master Plan. Hwy. 91 is not a State road so no traffic analysis is required for a subdivision of this size. Depending on the number of homes two ingress/egresses may be required when they settle on a design but not now. They are landlocked to the north and south. They would have to make private agreements with adjacent farmers regarding accesses if they need them. The Subdivision Ordinance covers that. There was more discussion of existing homes in the area and some duplexes that already exist. City Manager Dotson asked Arlo Fawson of Go Civil Engineering, who was on Zoom, if he had any comments. He said he has seen a couple of iterations of possible plans and one does go out to Hwy. 91. The best way into this area is from Hwy. 91 and was the original intent of the former developer. The type of homes is for flexibility and it will be mix of home types most likely. There is a high tension power line that goes overhead and requires easements on each side of it per Rocky Mountain Power so this zone gives more flexibility to work around that. It was noted there is an M-R-2 zoned area to the south of this. The boundary of Enoch goes down the west side of this land along the property line of the adjacent farm.

Commissioner Meacham said the need for flexibility due to the power corridor and working around that is understandable and M-R-2 is a good zone to allow home placement in a beneficial manner to use the land to its best use. Commissioner Ley said due to the power line this is to let them be ingenious to work around that. City Manager Dotson showed it on the map and there was brief discussion of easements required by Rocky Mountain Power. Arlo added you need at least 15 feet on each side. City Manager Dotson said that is the width of a 50 foot road so the subdivision will not be all in homes. There will be open space under the lines. Commissioner Ley said let them be artistic. Commissioner Peterson confirmed young folks starting out do need places to live that are reasonably priced. Building costs are way up so they may already be getting close to unaffordable. Commissioner Meacham said as you bring in more rentals the potential for issues does go up. The choice of affordability with this type of housing is still there. City Manager Dotson asked Arlo to take the concerns back to the owner and City Manager Dotson said he would also be working with them on the design process.

Chairman Tingey asked for a motion. **Commissioner Ley made a motion to send a favorable recommendation to the City Council for the Ordinance to approve the zone change from R-1-18 to M-R-2. The motion was seconded by Commissioner Peterson and all voted in favor.**

8. DISCUSS WORDING FOR CHAPTER 2, SECTION 2-16 MAXIMUM HEIGHT OF FENCES, WALLS AND HEDGES AND SET A PUBLIC HEARING IF READY-The Planning Commission will consider clarification of the ordinance on fence heights to accommodate various situations.

Chairman Tingey said he remembered we were in agreement but wanted all to think about it more. Commissioner Ley said we discussed final wording but did not set a public hearing. The items in the packet are different options to choose from. The maximum height exists in the ordinance now. City Manager Dotson reminded the Planning Commission the discussion is to put language into the Code to clarify and to allow for different home placement that can make a backyard into a side yard changing the height allowed. We need to work around situations that are already in existence with more to come in the future. We don't want to have existing conditions going against the

written Code. Chairman Tingey asked if there is anything new here we have not talked about. City Manager Dotson said just the fence heights for discussion. You can take some of all or any of the language and write it into Code. The problem is the way homes can be faced for what is the front of the house or the side yard of the house. Corner lot requirements could be put in instead, City Manager Dotson said.

There was more discussion of the language that could be considered to solve the problems and clarify the Code for residents and the building inspector who is called upon to consult on fences all the time even though they don't require a building permit. One item that all agreed on was the placement of the driveway. That is in the mix because of the need for clear visibility when backing out. A fence or hedge can't block the view of oncoming traffic or children playing. They agreed the language regarding corner lots is fine as written. If you go by the property line where it is on a corner and the 25 foot set back is where you can go to six (6) foot fence instead of where the house is located then you clear up the whole issue. Chairman Tingey asked which options the Commissioners preferred. He added he likes #3 but it is a bit confusing although it covers all contingencies. Commissioner Ley drew a picture on the board saying the problem is where the driveway is and the way the house is faced. Do we want to say anything about driveway placement to where the fence is? Commissioner Meacham said where the driveway is you have to have a visibility triangle of 30 feet so nothing taller than 3 feet can be allowed to obscure the roadway. Commissioner Peterson said if the driveway is 40 feet off the corner they could have a 6 foot fence. Commissioner Meacham said the portion that abuts the street, referring to the driveway, has to have that clear 30 foot sight line. That was agreed to by all. Commissioner Meacham said next is what counts as the front yard due to house placement. That does not work for the intent of the front yard stipulation. Emergency services have to have a clear sight line to the house. In this case the side yard is the back yard. Commissioner Peterson said his issue is if you throw in driveways how do you define driveway with no curb and gutter? Some is just drive in on the dirt where they want to and that is hard to measure. With curb and gutter it is clear. By current definition, on 4600 North in their case, their side yard is the front yard and by definition they can have a 3 foot fence. That doesn't solve the problem. Maybe a 25 foot set-back is not enough. Commissioner Meacham said for prospective, a radius is 15 to 20 feet. If you apply code as it is now on a corner lot, the one person's fence on a corner lot is within the ordinance now but the person next door's side is the rear of the other lot and they built a 6 foot fence which does not fit the Code. The idea is to fix the code for EMS so there is visibility. It is the semantics that is the challenge. Commissioner Peterson suggested we should say to the corner of the building rather than the property. City Manager Dotson said the intent is it has to be very specific or we have problems like now. Commissioner Peterson said you may not be able to use the driveway as a measurement. It needs to be the main structure and define where the fence can be from that. Some side yards are different than others. Some are not in compliance now. We will have sight problems on corner lots if we take it all out completely. We have looked at other cities and that is why City Manager Dotson stuck it in here because they have dealt with it. Commissioner Ley said they don't like #2 for sure. Chairman Tingey does like #3 if we could define it better. 25 feet is not enough on a corner lot. It boils down to what Commissioner Meacham said. We have to define what the front yard entails and it has to be off of the structure. City Manager Dotson said we have to define what a front yard is

in relation to the structure. We are saying "primary access to the residence". The Zoning Ordinance has a frontage definition and he read it. It does not specify any part of a building. We need a definition for the front yard. Commissioner Ley said maybe we need to change the Zoning Ordinance. Definition #3 feet is for a corner lot. Commissioner Meacham said it boils down to what is the front yard. Define front as a buffer of "whatever" off of the building instead of a straight line. That takes care of the sight line in every situation and it works for corner lots also. Commissioner Meacham said come off of the structure and come out on the other side the same and that is now the front yard. If we design it in light of the structure the sight line is covered for EMS. You can only build a six foot fence within clear sight distance to the structure.

Chairman Tingey said there are a lot of fences in this in town that don't comply. There was much back and forth about what is in the ordinance and all the other circumstances that exist with farms and regular homes and different home placement. We do have big lots in town that are in agricultural use. EMS still needs a clear sight of the structure with no six foot fence to deal with. Commissioner Meacham asked are we are talking about allowing it on corner lots and nowhere else? City Manager Dotson said we don't regulate agricultural lots. Commissioner Meacham said much of this does not make sense. Commissioner Meacham said if we expand for one person but not for others then that does not work. We have to say only corner lots to make that work; wall hedge, wood or whatever. If you can see through the fence it still is a fence. Chairman Tingey said Commissioner Meacham said we have good points but we have to identify where cars come in and out and that is impossible in this town. You need the sight distance no matter where you enter your property. Chairman Tingey said we have to define it. Chairman Tingey said if we just write what it says in item #2, no one would understand it. Or we could just say deal with a four foot fence which works for most people. Where do we limit people? It can't be nebulous. It has to be written in Code to regulate it which we don't really do anyway. This is very hard to enforce. Chairman Tingey asked how we should handle this. Commissioner Meacham said hash out what is a front yard and define it that way. Corner lot, side yard is the big problem. Chairman Tingey agreed we need to define a front yard on a corner lot. Does the front include the driveway, Commissioner Peterson asked? Then we are back to what is a driveway and do they self declare where it is. Chairman Tingey said the most important thing is safety for ingress/egress. Corner lots are a done deal on the sight line. Chairman Tingey said driveways are important too. Commissioner Meacham said we are not any closer. City Manager Dotson said they can't build on side yards because their side yard is their back yard. Just say they can build on the side yard extending through to the front yard. City Manager Dotson said change the Code extending from the side yard away from the front yard but only on a corner lots. Chairman Tingey suggested maybe it would be best not to worry about this one property and worry about a good ordinance and let this go. Others are doing it too, City Manager Dotson said. Commissioner Hardy said table it. Commissioner Peterson agreed.

Commissioner Hardy made a motion to table this item until the next meeting. The motion was seconded by Commissioner Peterson and all voted in favor. No action was taken.

9. DISCUSS PUD's –The Planning Commission will continue to discuss PUD's.

City Manager Dotson said a PUD is an overlay so developers can't change the density of the underlying zone. Chairman Tingey said we don't want the City to be responsible if an HOA fails adding if they go defunct we want something to stand behind. We want to enforce our own rules and laws and not theirs. City Manager Dotson said we could write a lot of definition and requirements or we could put nothing in writing and let the HOA put in their CC&Rs. Maybe you leave the PUD open ended and require them to create their own HOA and CC&R's. Chairman Tingey said we should define areas of Enoch where this overlay would be allowed. They would be required to comply with all regular City ordinances as well as their own CC&R's but we do not have to mandate them to have CC&R's. City Manager Dotson said we could make it super complex if you want to control what a PUD does entirely or it could be simple and follow our Subdivision Ordinance. If an HOA goes defunct then it is controlled by City ordinances. It makes sense to define what area of town a PUD would be allowed. Or we could say they are fine anywhere and we will not regulate them beyond density and engineering standards. Chairman Tingey said he understood a PUD had to have an HOA and CC&R's and now he is hearing something different. To clarify, they don't have to have those things. Chairman Tingey said there are lots of bad things in CC&Rs. City Manager Dotson said we would have to require them only if we put it in Code. Chairman Tingey said he did not understand it that way. That makes it easier and that is another thing we need to determine. What do we want to regulate above and beyond City ordinances. Chairman Tingey said he would rather not write our own Code from scratch. He suggested we study what others have done and think about it more for the next meeting. Chairman Tingey said this information sheds a different light on it.

Commissioner Peterson made a motion to table the PUD discussion until the next meeting. The motion was seconded by Commissioner Meacham and all voted in favor. No action was taken.

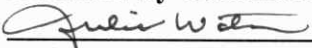
10. PUBLIC COMMENTS-non

11. COMMISSION/STAFF REPORTS

Council Member Ross said at the last City Council meeting there was a great deal of controversy and discussion about accessory buildings. The general consensus was that 10% is too restrictive. There were a lot of public comments. It will be on the next Planning Commission agenda. The City Council wants them to relook at changing the 10% or get rid of the whole ordinance. She reported the next "Wreaths Across America" meeting will be on the 22nd at 6:00 pm and they still need volunteers.

City Manager Dotson reported Governor Herbert changed the regulations for masks due to the uptick in cases and hospitalizations. Masks are required in all public places and the public will not be in the room but on Zoom. Gatherings can only have ten (10) people in attendance. This goes into effect Thursday the 15th. We will do what the Governor mandates. You will have to wear a mask until it is changed when cases go down.

12. ADJOURN-Motion to adjourn by Commissioner Peterson. Motion was seconded by Commissioner Ley. The meeting ended at 8:12 pm.

 10-27-20
Julie Watson, Recorder **Date**