

MINUTES
ENOCH CITY PLANNING COMMISSION
October 27, 2020 at 5:30pm
City Council Chambers
City Offices, 900 E. Midvalley Road

MEMBERS PRESENT:

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

STAFF PRESENT:

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

PUBLIC PRESENT: No public present. All Planning Commission Members and City staff were on Zoom.

1. **CALL TO ORDER OF REGULAR MEETING**-By Chairman Tingey at 5:35 pm on Zoom only. He excused Commissioner Hardy who could not attend the meeting.
 - a. **Pledge of Allegiance** –Led by City Manager Dotson
 - b. **Invocation** –Audience invited to participate. Given by Commissioner Peterson
 - c. **Inspirational thought**-Given by Commissioner Ley
 - c. **Approval of agenda for October 27, 2020**-Commissioner Peterson made a motion to approve the agenda. Motion was seconded by Commissioner Ley and a roll call vote was held: all voted yes
 - d. **Approval of minutes for October 13, 2020**-Commissioner Ley made a motion to approve the minutes. Motion was seconded by Commissioner Meacham and a roll call vote was held: all voted yes
 - e. **Conflict of Interest Declaration**-none stated
2. **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 we have talked several times and keep getting bogged down. Commissioner Peterson sent some information to everyone with options from other cities he organized. Commissioner Peterson said he looked through different ordinances and there is no standard for this. He liked Alpine City's ordinance and used some of that. They listed the interior side yard fence not to exceed 3 feet and then 6 feet from there on it is if ten feet back from the front property line. A property line is a definitive place to measure from. Some cities had 15 feet on that part. That was simple. Lehi City used some illustrations in their ordinance. They showed typical scenarios. 10 feet or 25 feet back seems to be the most common on the side yards. He liked the asterisk language shown on the bottom of the illustration. That says the fence can be 4 feet if it is within 10 feet from the fence. If we set a setback from the property line or drive approach it is ten feet. We could do one or both and that covers safety all around. Chairman Tingey said that is the main thing we want to accomplish. There was more discussion of the diagrams Commissioner Peterson found when researching this. There was more discussion of the differences between Enoch and cities up north where sidewalks with planter strips are typical.

City Manager Dotson said typically in cities you have a planter strip and then the sidewalk. The property line is in back of the planter strip. We do not have that situation in Enoch. 60 feet would be too much in that circumstance. City Manager Dotson showed another example that clears it all up and changes 60 feet to 35 feet. 35 feet makes more sense here due to no planter strips and no sidewalk, curb

and gutter in many areas. City Manager Dotson said the interesting thing is this gives us exactly what we need to describe; side, and front yards. Many cities include illustrations in their ordinances. Chairman Tingey asked if Commissioner Meacham had comments. He said he likes this and likes the diagram in the ordinance. This clear view zone is within ten feet of the driveway and this solves that problem that brought this up originally. We only need to change the footage a bit to fit Enoch. They referred to the typical corner lot scenario in #2. Commissioner Meacham said this does not solve the issue we started with.

There was more discussion of driveways and if we say ten feet away then the problem is solved City Manager Dotson said. Chairman Tingey wanted to go back to where we started and asked if the text covers what we want if we make it 35 feet. It was confirmed that would do it. Commissioner Peterson said this is typical of what he saw and he looked at 30-40 cities. In #2 in the side yard setback that fronts on a street, a height up to six feet shall be allowed beyond 60 feet from the intersection measured. The front yard shall not exceed 3 feet or 4 feet for lots that are not corner lots. City Manager Dotson said we still have an issue with the original problem lots. Commissioner Peterson said to go back to #2 and add that in. The Commissioners liked the format shown and all agreed. After more discussion the Commissioners seemed to think this language covers most situations noting driveways are placed all over the place and we can't cover every situation.

Chairman Tingey asked what all think. Commissioner Meacham asked for a draft so they can approve it before setting a public hearing. City Manager Dotson said he would do that in ordinance form for approval next time and add the illustrations. People will be more compliant if it is clear and simple. There were elevation issues and retaining walls to figure in to the fence height issue. Some fences may have to be engineered for footings such as for block walls. We could say a wall is not to exceed ten feet high when a retaining wall is required for stability. In that case it would require a building permit.

Chairman Tingey recapped saying we are clear and can set the public hearing after reviewing and approving the final draft at the next meeting. That gives the public two weeks to see it in the final draft form before we hold a public hearing. No action was taken.

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

Chairman Tingey said we have been thinking about this in relation to our community. Commissioner Peterson asked if the CC&R's fail or become defunct then does it go back to the City ordinances. Chairman Tingey said the other option is to not have PUD's at all. City Manager Dotson said they could also leave it as it is and not add any requirements. That allows a PUD zone but does not put the City into the position of managing the CC&R's. It lets the developer deal with it if he chooses to have CC&R's. The City just manages the density as it is an overlay of the zone it is in. If the HOA goes defunct it goes back to City ordinances and that is what is enforced only. Chairman Tingey said the City does not want heavy duty regulations on this. Chairman Tingey said the question for him is what the benefit is to having a PUD zone with the other zones we already have now. M-R-2 allows for a variety of home types, lot sizes and densities. Commissioner Peterson asked why this came up anyway. City Manager Dotson said there are developers interested in PUD's. This allows developers to be inventive and do things that could perhaps even help with affordable housing. It also allows the Planning Commission and City Council to decide where the PUD zones would best fit into Enoch. The preferred areas would be along transportation corridors. This does not open a Pandora's box of high density because the City sees it as an overlay so they have to keep same density as the zone in which they are overlaying the PUD. Homes may be closer together but the density is the same. Then we can plan for the same traffic, infrastructure and other plans we already have in place such as for impact fees. Planning becomes challenging if we open it up too much. We plan for density and they will stay with that plan. There would be no increased infrastructure that is not in their subdivision already. That protects the rest of the City from over extending. The City Council can say no if it doesn't work in a particular area. Chairman Tingey confirmed Chapter 11 is the existing ordinance and City Manager Dotson said yes it is.

There was more discussion of processes for development such as development agreements regarding what will be done, what is required and all processes before anything can be brought for approval to any public bodies. There was still concern over HOA's failing and the City having responsibilities due to that. It was acceptable for homes to be grouped closer together with more open space. One concern expressed by all was if apartment buildings would be allowed in Enoch. All agreed that was never our desire to allow that in this rural area of mostly single family homes and larger lots. City Manager Dotson said they could have up to 40 homes in the PUD area. An apartment building could have 40 doors. They could do that. The idea behind the PUD is they can put smaller lots and put in duplexes, twin homes or town homes with single family residential homes mixed. Commissioner Ley said isn't that what we have in M-R-2 now. She said she does not understand the difference between a PUD and M-R-2. Commissioner Meacham said the difference is how they can configure the structures. City Manager Dotson said they can do what they want as long as the density stays the same. Other zones are restrictive on lot sizes and PUDs are not although they require the same density as the underlying zone. Chairman Tingey asked if this really makes a difference to Enoch. He did not think it would. Does it stifle building. City Manager Dotson said a PUD is an enhancement for the developer as a tool to make more revenue off of the property and cut development costs even though the overall density stays the same. Does Enoch want apartments or condos? How do we see the City developing? PUDs would allow that.

Commissioner Peterson said maybe a piece of land that could not be developed could be developed with this concept. In some areas a subdivision does not make sense unless they could do something like this. That is the compelling argument, Chairman Tingey said. It benefits the developer. Commissioner Ley said we do that with M-R-2 now. Commissioner Meacham said M-R-2 does not allow apartments or condos with eight units in one structure. Commissioner Peterson added mixed residential (M-R-2) does not allow structures on an 8000 SF lot and this would allow that. He said we could limit it to certain areas if we don't want more rural zones to have this type of structure allowed near it such as an apartment building in there. We should limit where it can go in and specifically designate it for that type of building. Chairman Tingey said we need to do that if we allow PUD's. Commissioner Meacham said he gets comments from those who talk about it. No one wants higher density in Enoch and they are against that. Commissioner Ley said she hears that too. People moved here to get away from higher density and to be in a rural setting.

Chairman Tingey suggested we each make a list of things to put in an ordinance for PUD's. The other Commissioners were fine with that idea. They will come next time with a list to discuss. We don't want higher density but we do want landowners to be able to use property in a way that works for them to best advantage. Can we have both? Chairman Tingey made the assignment for next time. There was no action taken.

4. CONSIDER ACCESSORY BUILDINGS IN RESIDENTIAL ZONES -The City Council has sent this back to the Planning Commission who will consider the need for more clarification in the Zoning Ordinance, Chapter 2, regarding the 10% of the lot allowed for an accessory building.

Chairman Tingey said the history in this is we talked about it and sent it to the City Council with a recommendation that 10% of the entire lot be allowed to determine the size of an accessory building. The City Council approved the ordinance. Then at the last City Council meeting there was public outcry against that 10% and the City Council sent it back to the Planning Commission to look at it again. Chairman Tingey said in reading the City Council minutes two things came through. One was eliminate the requirements altogether and have no rules on accessory buildings and the other was to bump the 10% and allow a larger percentage of the entire lot to be considered in determining the size of the building. Chairman Tingey asked for ideas. Commissioner Meacham said why did we regulate it? The real issue is safety and fire jumping to other homes or buildings due them being closed together. He thinks that is paramount over everything else as a reason to limit the size of structures. Chairman Tingey said the

building codes say it has to be safe so he is not sure that is an issue. The biggest issue he heard is blocking the view of others with a large building. Commissioner Meacham said when we made the change the only other comment was on the side of they don't want big structures. Now there seem to be many voices to the contrary. Is it a good practice for the City to regulate this at all? It is our business for safety and then esthetics for the neighbors.

Chairman Tingey said it did not seem 10% or 15 % was that big a deal. We thought 10% allowed a big enough accessory building for most. He is not opposed to making it bigger. The question is do we need to regulate this like we need zoning ordinances for various reasons some being for safety. Commissioner Meacham said the safety of the structure and density are issues. Commissioner Ley said looking at the set-backs for the property it is only two feet from the property line. It was noted that is two feet from the property line in the back yard behind the main structure. City Manager Dotson confirmed that is right. Chairman Tingey asked Commissioner Ley and she said the issue is how much we allow freedom or not. What can we do with our own property? She said she is in a quandary because she believes in freedom to use one's property as one sees fit and also she has had the experience of having a very large building placed right in her sight line that makes her yard less desirable. She can't see allowing two feet from the property line which creates only four feet between buildings with a fence in between. City Manager Dotson said there is fire code too. Accessory buildings, depending on use, have to have special construction codes in place if close to another building based on fire code. Materials may have to change due to fire code. Commissioner Meacham said this is pretty standard. Chairman Tingey asked Commissioner Peterson and he said he researched other cities. There again, it is like fences. The ordinances are all over the board. There is no standard. He saw everything from A to Z. Commissioner Ley said she moved here for the freedom to do what she wanted with less regulation. Chairman Tingey said he likes freedom and has no issue with raising the percentage but it does need to be regulated. We do allow two stories in sheds too, it was noted. There was some discussion of the City Council brouhaha from residents due to the comments on Facebook from one property owner who wanted to put a huge shed on an empty lot he bought next door to his home. There was more discussion of using a percentage and of safety and fire codes in regard to buildings being closer to each other causing the possibility of fire spreading. Commissioner Meacham said again there is consideration of what is best for the neighborhood and the individual. Chairman Tingey asked if we should even regulate this. Does anyone think we should not regulate it? No one answered. Across the board the City Council said they want it relooked at. All wanted more than 10% to be considered. There has to be something in the thought process for what is best for the neighborhood and safety and consideration for others hoping people think of that. We could go to using only the back lot and give a bigger number but using only the backyard limits smaller lots. Using the total lot is a better way to go and all agreed on that. Chairman Tingey asked what number they like. Council Member Ross said with a percentage you can have more than one building but they are smaller buildings. Chairman Tingey said he likes a percentage if we regulate it at all. Commissioner Meacham came back to fire code with fire spread between structures. Location of buildings matters in that. They discussed any fire code for where to put the building and if I should be two feet from the fence and four feet between buildings. Commissioner Peterson agreed with perhaps looking at set-backs instead if we are going to regulate this. The location of the main structure set-backs makes fire access adequate. If all were considerate this would not be an issue Commissioner Meacham said, but that is not human nature or what really happens. We do need to regulate it and how to do that is the hard part. Chairman Tingey said we were not really set firmly on the 1-%. We were just clarifying the issue for the building inspector when he found two standards and didn't know which to follow. We just clarified the code as it was written in one part Chairman Tingey said. He said he does not have a problem raising it to 20% but would that make the residents happy. Mr. Green wants a much larger structure and whatever we do may not cover what he wants to do. Commissioner Peterson said he understands people want to do with their yards what they want to do. He said he thinks 20% is good for him. He said what does that mean for a building size on paper? He would like to see that. We could make some drawing for next time of different sizes. Chairman Tingey asked if the City Council wants this from them tonight. No, City Manager Dotson said.

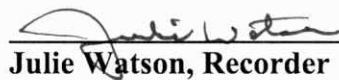
The want a recommendation soon but there is not a big rush. Chairman Tingey asked if they all want to see drawings and they indicated they did. There was more brief discussion and some drawings were diagrammed. City Manager Dotson said accessory buildings have to be behind the main structure. Finding a balance is the tough thing. The City exists to bring some structure to the community and is that part of it. Commissioner Meacham thought 20% is good. Chairman Tingey asked Commissioner Ley. She said big shops cost a lot of money. Many won't do it because of that. Some can build smaller shops and have more than one. 20% could take up the whole backyard so what does it matter. She does not think we need to put a number on it at all. Let the person decide what they can afford. Some would put a bunch of little dinky buildings in back of the house. Commissioner Meacham said he would like to see some comparisons at the next meeting. He said he continues to worry about public safety like the fires that move through buildings like CA is having now. They need space between structures. Go farther from the property line. Chairman Tingey said let's think about it for next time and see some comparisons. No action was taken.

5. PUBLIC COMMENTS-None

6. COMMISSION/STAFF REPORTS

City Manager Dotson reported one resident was frustrated regarding this meeting saying it is illegal and immoral due to the public not being able to attend. The Mayor stopped by his house and his wife said he was at work. He could not get online to attend it and he was frustrated. The electronic meetings are legal and now mandated by the Governor for the time being. The 2020 Affordable Housing Plan was sent to state. He told more about that. We can't force anyone to make it affordable.

7. ADJOURN-Motion to adjourn by Commissioner Peterson. Motion seconded by Commissioner Meacham and all voted in favor. The meeting ended at 7:15 pm.

	<u>11-10-20</u>
Julie Watson, Recorder	Date