

MINUTES
ENOCH CITY PLANNING COMMISSION
November 10, 2020 at 5:30pm
City Council Chambers
City Offices, 900 E. Midvalley Road

MEMBERS PRESENT:

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

STAFF PRESENT:

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

PUBLIC PRESENT: Leonard Correa, Austen Strine, Jolene Lee and West Harris

1. **CALL TO ORDER OF REGULAR MEETING**-By Chairman Tingey at 5:30 pm.
 - a. **Pledge of Allegiance** –Led by Commissioner Peterson
 - b. **Invocation** –Audience invited to participate. Given by Austin Strine
 - c. **Inspirational thought**-Given by Commissioner Peterson
 - d. **Approval of agenda for November 10, 2020**-Commissioner Peterson made a motion to approve the agenda. Motion was seconded by Commissioner Ley and all voted in favor by roll call vote.
 - e. **Approval of minutes for October 27, 2020**-Commissioner Ley pointed out a typo on page 4. Commissioner Ley made a motion to approve the minutes with the correction. Motion was seconded by Commissioner Meacham and all voted in favor by roll call vote. Commissioner Hardy abstained
 - f. **Conflict of Interest Declaration**-none stated

2. **RESOLUTION NO. 2020-11-18, A RESOLUTION APPROVING THE TAPIA MINOR SUBDIVISION**-The Planning Commission will consider the application for a minor subdivision for Tapia Constructions, Inc. and make a recommendation to the City Council.

Chairman Tingey asked for an update from City Manager Dotson. Daryl, of Watson Engineering gave details saying this is at the south end of Enoch. He showed where the StorRight storage units are located saying this is north of the storage units. This has been reviewed by our City Engineer and all City requirements are met. The division of the property is correct. At this point this is all the City has to do with it until development plans come forward. Chairman Tingey asked if there were any questions. Daryl said in the future when they develop they will have to work out access from Hwy. 91. At this time there is a 12 foot access that fronts Hwy. 91 and they have access from the rear that is a private road through the remainder parcel. All of that will come into play at the time of development. The owner from the south is purchasing the property to the north. This minor subdivision is to divide it so that can take place. This is being subdivided this into two pieces. Chairman Tingey said there is no reason not to go ahead as this meets all requirements.

Commissioner Meacham made a motion to send a favorable recommendation to approve the minor lot subdivision for Tapia Construction LLC. The motion was seconded by Commissioner Peterson and all voted in favor by roll call vote.

3. ORDINANCE NO. 2020-12-2, AN ORDINANCE ADOPTING CHANGES TO THE ENOCH CITY ZONING ORDINANCE, CHAPTER 2, FENCE HEIGHTS AND SET A PUBLIC HEARING FOR NOVEMBER 24, 2020-The Planning Commission will discuss draft of language regarding fence heights in different situations on lots in Enoch City and set a public hearing.

Chairman Tingey asked if everyone liked the changes in the wording. Commissioner Peterson said he liked the diagrams and so did Commissioner Meacham. Chairman Tingey asked for questions. City Manager Dotson labeled the figures referring to in the drawings. There was brief discussion about if this fits our situation in figure 4 on "D" regarding heights and if that is in the right place or if we even need it. Commissioner Ley said that is covered in #4.

City Manager Dotson said when that copy was made for the packet there was a formatting change so it looks weird. He showed the original PDF on the screen where it was easier to understand. This would be how it would show in the code. He showed the Code on the screen in the correct format. Chairman Tingey said it makes sense to him now. You can't go over that height except in certain scenarios. There was brief discussion about if we want to regulate #5 at all which refers to fence posts, pillars etc. or let people decide for themselves. Chairman Tingey asked if there is any reason for regulating the height of the posts. Commissioner Meacham said we should let that be that up to the person building the fence. We don't need to say how many gates they have and things like that. It was decided to take #5 out. City Manager Dotson said people could say that the fence posts are the fence height so he thought we should put it in there. We should say gates, posts and decorative post tops are not included in the fence height. Chairman Tingey asked if all feel good about that and they said they did. Commissioner Meacham said on #4 it states you can't have a fence greater than 6 feet in height. What about if they need an 8 foot fence? City Manager Dotson said the Planning Commission may approve the higher fence if it does not change the intent of the current ordinance. That makes it subjective and we could recommend to the City Council on that. Someone could come in to say they want an 8 foot fence and you approve it and then the next guy comes in and wants to do that. Then the next guy is told no for some different reason so it is subjective. It has to be the same for all. We either say this is the rule or not. Commissioner Peterson said we should just say this is the rule and be done with it.

City Manager Dotson said sometimes they want a higher fence between zones like between commercial and residential. A wall, like a seven foot wall has to have a building permit because of footings and that is not this. The point is sometimes it is better for this type of fence between zones. A sight obscuring fence that is 6 feet tall is what the code says now. Chairman Tingey asked what the solution is on #4. City Manager Dotson said we could add that we make an exception between residential and commercial districts for a taller fence. City Manager Dotson said that is covered in fencing between zones in the Zoning Ordinance. City Manager Dotson said in order to make it congruent with this ordinance we could add something about a higher fence between residential and commercial zones. A minimum six foot, sight obscuring fence is required. Chairman Tingey suggested adding an item #7 to cover that. City Manager Dotson wrote the new language in as we went along in the discussion. In some cases an eight foot fence could be necessary but six foot is standard. Commissioner Meacham quoted saying it still does not waive the six foot maximum height. Commissioner Meacham asked if there is a fence height that requires engineering and there is. It would be when a block wall is 7 feet high and requires a building permit due to footings being required. City Manager Dotson said it depends on what it is made out of for different loads regarding footings etc. based on building

code and not our code. Chairman Tingey asked if we are ready to set a public hearing. Council Member Ross brought up that Julie noted the next meeting is in Thanksgiving week and we should be sure we will have a quorum before setting public hearings. Chairman Tingey, Commissioner Peterson and Commissioner Ley said they would be here for sure.

Commissioner Ley made a motion to set a public hearing regarding Ordinance No. 2020-12-2-A, an ordinance adopting changes to the Enoch City Zoning Ordinance, Chapter 2, Fence Heights for 11-24-20. The motion was seconded by Commissioner Hardy and all voted in favor by roll call.

4. DISCUSS ENOCH CITY ZONING ORDINANCE, CHAPTER 2, SECTION 2-20 REGARDING ROOF PITCH AND SET A PUBLIC HEARING FOR NOVEMBER 24, 2020-The Planning Commission will discuss roof pitches on building as written in the Enoch Zoning Ordinance to determine if changes are needed and set a public hearing.

Chairman Tingey asked City Manager Dotson about this on roof pitch. Council Member Ross said this came up in City Council meeting. Someone wanted to build a “barndominium”. It has a lesser roof pitch and maybe we don’t need to regulate the roof pitch because roofs are engineered for the required things such as snow loads and building code covers that. This was written many years ago and was meant to keep out manufactured homes with 4/12 roof pitches. That was the intent back then. What has happened since is they can build manufactured homes with 5/12 roof pitches but it costs more and it did not keep them out. There are other buildings with all different types and styles of roofs now and many do not have any need for roof pitches of 5/12. The roofs are engineered and are fine with a lesser pitch so we no longer need to regulate it. There are styles like Spanish and Native American and the above mentioned “barndominium”. The City Council decided because it is an architectural style, they could do what they want and we should not regulate it. They allowed it in that interpretation at that Council meeting. We need to rewrite our ordinance to allow for this different interpretation we are using now for roof pitches. We are not in compliance with new materials and styles. That was the intention of the City Council so we want to change it. Chairman Tingey added he never understood why we had to regulate roof pitches anyway so it sounds like a good idea to him. Commissioner Peterson said they were required to do the 5/12 roof pitch for their garage and it did not match their house. The reason had nothing to do with snow load. It was to keep out manufactured homes and did not apply in his circumstance with the garage. Commissioner Meacham said if properly engineered, it should be fine with our circumstances here in Enoch and our building inspector sees to that in the process of the building permit. That takes out the subjectivity. City Manager Dotson said this also requires a public hearing since it is a land use ordinance to change the Code.

Commissioner Ley made motion to set a public hearing on Ordinance No. 2020-12-02-B regarding the Enoch City Zoning Ordinance, Chapter 2, Section 2-20 regarding roof pitch. The motion was seconded by Commissioner Peterson and all voted in favor.

5. DISCUSS PUD’S TO FINALIZE LANGUAGE AND SET A PUBLIC HEARING-The Planning Commission will discuss the PUD’s in the Zoning Ordinance and set a public hearing.

Chairman Tingey put together some “pros and cons” about PUD’s that were emailed out to each Commissioner before the meeting. Chairman Tingey said his question is, are there

benefits to having PUD's that would make a difference with what we already have in place with other zones such as the M-R-2. One other choice is we could not have PUD's at all or leave it alone and not regulate it. Chairman Tingey asked for discussion. Commissioner Meacham said just because it benefits the developer. It does not necessarily benefit the City. The "pros" that matter are that the developer could develop land he might not be able to build on otherwise. Is that a good enough reason for the City to become involved with it? Commissioner Hardy said he does not think it is good to even have PUDS. There is no advantage to them for the City and they could cause other problems and issues we would not otherwise have.

City Manager Dotson asked what are our goals? Looking at the General Plan we are not adversarial to landowners. They have to meet our criteria to make their land work within our parameters. We want to help them accomplish what they want to do within the regulations of the City. If our goal is to help someone develop their land to use it to the best and highest use, it is good to have this option so they can do something with what may be unusable land otherwise. If the goal is to make it reduce the amount of growth then obviously that is not what we want to do. The City Council has to grapple with that in planning for future growth. All the PUD ordinance does is it sets a standard with what you can do within certain parameters. There is still the ability to plan the infrastructure and that is why we have zoning and limitations on density. 20 years down the road do we want to have 1000 acres in apartment buildings? Maybe that is not the City's goal. Are we here to hurt the landowner and make it harder or make it a way so they can do something while protecting the City's interests. Commissioner Ley said the General Plan says plan growth while maintaining the rural small town atmosphere. Apartment buildings do not fit into that goal. Commissioner Hardy said M-R-2 allows for townhomes, twin homes and duplexes already which is about all we want on density of residential units so why even have PUD's. Chairman Tingey said we can leave it as is, make it wide open or take it out completely. Commissioner Meacham said he is not convinced we are hurting any landowners by not having this option for them. We want them to maximize profits by condensing the development and leaving undevelopable land as open space. Chairman Tingey said we are preserving the landowner's ability to make money off the land they have. Is that the purpose of the City? Commissioner Hardy said by Maverik there are PUDS already and more being built south of Love's Truck Stop. Why not have it be enough to have them there nearby Enoch and leave Enoch as it is. That is mostly single family residential homes. Chairman Tingey said M-R-2 allows for a variety and that covers it well enough without having PUD's in the Zoning Ordinance. If we designate specific places this type of development could be and where they could not be we do not change the overall density. We are not adding to anything above and beyond what would already come into Enoch.

Commissioner Hardy said with all of the development in progress right now it is mostly single family homes and more coming. He does not see the need for a PUD option with all we already have going. He said someone commented saying having less expensive housing keeps more people here and being able to afford to live here so they don't move away. PUD's do not make the land or homes less expensive. The City does not set the price of homes or the cost of materials to build them. Chairman Tingey asked Commissioner Peterson what he thought. Chairman Tingey said if we leave this in the Zoning Ordinance there would need to be changes like saying where they could be located. It could also be anywhere at the discretion of the City Council. Commissioner Peterson said his question is what areas of Enoch exist that can't be developed now and how do we have them set up or designated right now that they can't be used. We don't have any that he knows of. Where would this even apply? If a developer comes in and

can get a plan to develop his land then we would have done this PUD work in vain unless there are places that we already have now that someone may want to develop and can't because we don't have PUD's. We don't have this problem anywhere he can see. He agrees with Commissioner Hardy. The PUD zone is not really needed.

Commissioner Meacham said this opens it up City wide. Any zone could be a PUD under the current law with it (PUD) being an overlay. The question is should that be more restrictive. Are there any benefits to the City as opposed to the benefits to the developer? When we talk about open space he could build in open space and make it a parking lot. It is wide open right now. Chairman Tingey said his original concern was when the HOA governing the PUD goes under. Who inherits the problem? Commissioner Meacham said if the HOA goes under so what. They are stuck with no governing body for themselves. Any issues revert to City ordinances. Commissioner Meacham said he agrees with Commissioner Peterson on the idea of where would this even be needed that we don't now allow for? The M-R-2 zone fixed that for the one area with power lines that created a problem. Commissioner Ley said she does not see how it helps financially. The builder still has the cost he would probably charge the residents for maintaining the unbuildable land in the area. There is no lower cost for residents without higher density. There was more discussion of the costs of maintenance versus density and other issues in PUD's that regular neighborhoods don't have. City Manager Dotson said the HOA does not maintain the infrastructure for the utilities; just the roads and yards. City Manager Dotson said PUD's don't do public utilities. The City will not allow utilities to be installed unless they are maintained by the City for water and sewer. There are too many risks with responsibility for municipal systems. Chairman Tingey said he can't get a sense that we have any agreement at all on this. City Manager Dotson said we have time to keep talking about it. Commissioner Meacham asked how much we want to specify on this with rules and complexities. Chairman Tingey said we are still having issues with no progress. We don't have the vision yet Commissioner Ley said. Commissioner Meacham agreed saying it is starting to feel like we are confused on what a PUD looks like and how it functions. Even after we had Tim Watson give us an overview and explanation, we still have too much confusion about how this would impact the City. City Manager Dotson said he would get someone from Cedar City who knows about these things to come to a meeting and help us get a better view of what this can look like and how it functions. He will get something together for the next meeting on the 24th or maybe a later date since that is Thanksgiving week. No action was taken.

6. DISCUSS ACCESSORY BUILDINGS TO REGULATE THEM BY CHANGING THE AMOUNT OF THE LOT THAT DETERMINES THE SIZE OF THE ACCESSORY BUILDING OR DECIDE ON ELIMINATING THE ORDINANCE COMPLETELY -The Planning Commission will discuss accessory buildings and set a public hearing.

Chairman Tingey said there was not strong feeling either way on this that he could hear from the discussion. We talked about what the different percentages would look like. Chairman Tingey asked how the Commissioners felt about if we need to regulate this at all. The options are to recommend a higher percentage of the lot or no regulations at all. All wanted more than 10% to be considered. Chairman Tingey said he has no problem with 20%. Commissioner Peterson said he would like to see what it would look like on paper for using 20% of the lot for a building. Commissioner Meacham wanted comparisons also. City Manager Dotson said no one is in a rush for this decision. Council Member Ross said she thinks we should limit it to about 15%. We live

in neighborhoods and should be considerate of our neighbors. 15% is plenty big in her opinion. Chairman Tingey asked for other thoughts. Commissioner Meacham said his hang up is at what point is it beyond a nuisance and becomes a public safety issue for fire spreading. It has to be safe. A public nuisance is very subjective. It has to be in code and have a reason. Chairman Tingey suggested we wait two more weeks to see some diagrams and Commissioner Peterson agreed. No one was opposed. City Manager Dotson will make some diagrams. No action was taken.

7. PUBLIC COMMENTS

Leonard Correa said PUD's will not happen quickly. He is thinking again of affordability. In Iron Mtn. there are great builders but costs have gone up considerably. Parking is an issue with condos and town homes which tends to cause vehicles to have to park out on the roads. He pointed out the issue with vehicles parked all over the road down from the Maverik at those townhomes. That comes up in the design work. Ponderosa builds beautiful twin homes and if the intention is to provide affordable housing then you have to protect against speculators. The units were \$150,000 to \$155,000 each. Someone bought ten to rent out. Do we want that coming into Enoch?

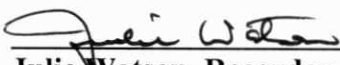
Jolene Lee said she appreciates the work on this on these hard issues. She is concerned about the height of front yard fencing. Regarding PUD's, her attitude on this is that we don't have to please everyone by changing things to make it work out for what they want to do. She asked if it is our place to help developers develop their land. Is that our responsibility? She appreciated Commissioner Ley bringing up the City's mission statement. She wants us to stay more rural as a community. We don't need to create PUD's because some developer is interested in that. We are not required to do that. Regarding accessory buildings she looked at the sizes that would be good and thought 15% would be fine too. To be a nuisance becomes a speculative call. Fire hazards would qualify for regulation.

Austin Strine said it is his strongly held belief that it is the governments' only capacity is to protect people from hurting each other. That has to be clear harm and not a nuisance. We should leave each other alone. PUD's sound like current law is lax and not restrictive and there have been no problems with it. What if an HOA collapses? So what? It makes more sense to handle when it falls apart than to regulate it in advance. Austin said it is good to keep things more rural. In terms of restricting where builders can build and where they can lower the cost of homes the better it will be for those buying from them. It is fine to let cheaper development come in. In terms of accessory buildings he thinks no limit is good but we should be safe from fire hazards.

8. COMMISSION/STAFF REPORTS

Council Member Ross thanked the public for coming and commenting.

9. ADJOURN-Motion to adjourn by Commissioner Ley. Motion was seconded by Commissioner Peterson and all voted in favor. The meeting ended at 7:30 pm.

 11-24-20
Julie Watson, Recorder Date