

**MINUTES  
ENOCH CITY PLANNING COMMISSION**

**November 24, 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  
Council Member Ross-Zoom  
Julie Watson, City Recorder-Zoom

**PUBLIC PRESENT:** Leonard Correa, Brad Green, Austen Strine and Jeff Green

1. **CALL TO ORDER OF REGULAR MEETING**-By Chairman Tingey at 6:00pm. He excused Commissioner Hardy who was unable to attend.
  - a. **Pledge of Allegiance** –Led by Leonard Correa
  - b. **Invocation** –Audience invited to participate. Given by Austen Strine
  - c. **Inspirational thought**-Given by Commissioner Meacham
  - c. **Approval of agenda for November 24, 2020**-Commissioner Ley made a motion to approve the agenda. Motion was seconded by Commissioner Meacham and all voted in favor by roll call.
  - d. **Approval of minutes for November 10, 2020**-Commissioner Meacham made a motion to approve the minutes. Motion was seconded by Commissioner Peterson and all voted in favor by roll call.
  - e. **Conflict of Interest Declaration**-none stated

2. **PUBLIC HEARING ON ORDINANCE NO. 2020-12-02-A, AN ORDINANCE ADOPTING CHANGES TO THE ENOCH CITY ZONING ORDINANCE, CHAPTER 2, FENCE HEIGHTS**-The Commission will hold a public hearing on fence heights.

Commissioner Ley made a motion to close the regular meeting and open the public hearing on fence heights. The motion was seconded by Commissioner Meacham and all voted in favor by roll call.

Chairman Tingey invited public comments.

Brad Green asked about the fence heights and what we were doing. *Chairman Tingey explained the current ordinance has conflicts and does not cover all contingencies for different placement of homes on lots. This also protects the safety of residents regarding visibility.* Brad said he thinks we should do this for safety but other than that government should stay out of it. Maybe we are trying to fix an ordinance that was not needed anyway. *Chairman Tingey said we talked about this for three meetings and we put diagrams into the ordinance to help explain what we are doing.*

There were no other comments.

Commissioner Peterson made a motion to close the public hearing and open the regular meeting. Motion was seconded by Commissioner Ley and all voted in favor by roll call.

3. **DISCUSS ORDINANCE ON FENCE HEIGHTS AND MAKE A RECOMMENDATION TO THE CITY COUNCIL**-The Commission will discuss fence heights and comments from the public and make a recommendation to the City Council.

Chairman Tingey asked if there were other comments. Commissioner Ley said this looks like they can build a fence legally where they couldn't before. The diagrams clarify what we are trying to do about safety for clear vision of oncoming traffic, children etc. She noted the public comment is well taken about should there be an ordinance at all. Commissioner Meacham said we've proven that if there is no regulation then we have issues with visibility on many lots for safety. This is mainly for public safety and is warranted.

Commissioner Ley made a motion to send a favorable recommendation to the City Council on Ordinance No. 2020-12-02-A; An ordinance adopting changes to the Enoch City Zoning Ordinance, Chapter 2, Fence Heights. The motion was seconded by Commissioner Peterson and all voted in favor by roll call.

4. **PUBLIC HEARING ON ORDINANCE NO 2020-12-02-B, AN ORDINANCE AMENDING THE ENOCH CITY ZONING ORDINANCE, CHAPTER 2, SECTION 2-20, SINGLE FAMILY AND TWO FAMILY DWELLING STANDARDS**-The Commission will hold a public hearing on changes to the roof pitch ordinance.

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

*Chairman Tingey said, for public information, we eliminated any requirements on roof pitch. Any roof style will be required to meet engineering standards but pitch will not be specified or required to be any particular height. The type of building style will determine that.* Chairman Tingey invited public comments.

Brad Green and Austen Strine said they both liked this one and support it.

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

5. **DISCUSS ORDINANCE ON ROOF PITCH AND MAKE A RECOMMENDATION TO THE CITY COUNCIL**-The Commission will discuss roof pitch changes and comments from the public and make a recommendation to the City Council.

Chairman Tingey asked if all read the revised ordinance and had any comments or concerns. City Manager Dotson clarified this isn't just about roof pitch. It lists that there could be any type of roof surface typical of stick frame dwellings. It keeps a standard but does not specify it. Chairman Tingey asked for a motion.

Commissioner Ley made a motion to send a favorable recommendation to the City Council on Ordinance No. 2020-12-02-B, An ordinance amending the Enoch City Zoning Ordinance, Chapter 2, Section 2-20, single family and two family dwelling standards. The motion was seconded by Commissioner Meacham and all voted in favor by roll call.

6. **DISCUSS ZONE CHANGE FOR TAPIA CONSTRUCTION/CROWTHER ZONE CHANGE FROM MULTIPLE RESIDENTIAL 2 (M-R-2) TO COMMUNITY COMMERCIAL (C-C) AND SET A PUBLIC HEARING FOR DECEMBER 8, 2020**-The Commission will discuss zone change and set a public hearing.

Chairman Tingey asked City Manager Dotson about this. City Manager Dotson said we have Daryl Brown with Watson Engineering to represent the owner. Daryl said they want to do a zone change after doing the minor lot subdivision recently. They want to change from Multiple

Residential 2 (M-R-2) to Community Commercial (C-C) which matches the existing StorRight facilities zone. The owners of StorRight are going to purchase a parcel from Tapia Construction to develop and add on to the storage units. City Manager Dotson said there is nothing else the Planning Commission needs to know at this time. They complied with all ordinances and it is straightforward. It fits the General Plan, Commissioner Ley said.

**Commissioner Meacham made a motion to set a public hearing for the zone change from M-R-2 to C-C for Tapia Construction for December 8, 2020. The motion was seconded by Commissioner Peterson and all voted in favor by roll call.**

**7. DISCUSS AND MAKE A RECOMMENDATION TO THE CITY COUNCIL ON THE FINAL PLAT OF SETTLERS SQUARE, PHASE 2-Go Civil Engineering-The Commission will consider the Final Plat of Settlers Square, Phase 2 and make a recommendation to the City Council.**

Chairman Tingey asked who was there to represent the owner. Dallas Buckner of Go Civil Engineering said this is the final plat for Settlers Square, Phase 2. The preliminary plat was approved awhile back. They have all the technical studies done and are bringing it for approval of the final plat. This is zoned R-1-11. Chairman Tingey asked for questions or comments. He asked City Manager Dotson if all was in order. City Manager Dotson said the final plat construction drawings were approved by the City Engineer. They are bringing the water rights, bonding and other fees next week and that will be done before they can start construction. It will go to the City Council next week for approval after all the other requirements are met. There was some discussion of the private irrigation line that runs through the subdivision and that the property owner and the irrigation company owner are working that out privately on the private easement, pipe size and other details that do not involve the City nor do they have any regulation by the City. Commissioner Ley had concerns about the handling of the irrigation system because she had seen the damage done to irrigation systems in CA and was concerned that we are treating our farmer's right and respecting their rights to irrigate. She was reassured by City Manager Dotson that it is being handled by the private parties involved and that the City has no say or involvement in it. Our City Attorney advised the City to stay out of it and let the private parties deal with it. Chairman Tingey asked if all is done and in order for this to be approved and a recommendation sent to the City Council. City Manager Dotson confirmed all is in order.

**Commissioner Meacham made a motion to send a favorable recommendation to the City Council for approval of the final plat for Settlers Square, Phase 2. The motion was seconded by Commissioner Peterson and all voted in favor by roll call.**

**8. DISCUSS PUD'S AND SET A PUBLIC HEARING-The Commission will continue the discussion of PUD's and set a public hearing if ready.**

City Manager Dotson cited information sent to the Planning Commission by Leonard Correa on a specific PUD development in Cedar City that is a good example of a PUD. He showed information from Cedar City regarding master planned developments which are similar. Ours is an overlay and they do something different in Cedar because they have larger areas. There was discussion about the different types of PUD's and similar developments. This is one solution for land that is hard to build on which can be left for open space. He cited Black Rock as one successful PUD in Cedar City. City Manager Dotson asked Leonard to talk about what he brought as an example and there was brief discussion about that. There was discussion of the M-R-2 zone which allows for a similar idea with open space and mixed types of housing. They are not always affordable although that is a goal and could happen in a PUD or the M-R-2 zone. That is up to the developer and not the City. Leonard said he thought his example could fit in Enoch and our rural life style if it was done right.

Chairman Tingey said a lot of what has been shown would not fit into M-R-2 because the density would be too high for much of what we are seeing in Cedar City. City Manager Dotson

cited Ashdown Forest saying it is a typical PUD and is inventive due to the landscape of the area however it is not what would be considered affordable. He said the point he is making is we have had this discussion because there are potential developers talking about doing this. One backed out on what he was thinking and so it is not in our sites right now like it was recently. Another question is do we want to regulate PUD's so we could adapt to what we want for Enoch. Another option is we leave it like it is and work with a developer when one comes in with a plan to make sure the density stays the same. PUD's are as variable as there are cities and those with more regulations have less of them.

Commissioner Peterson said he looked at several city's PUD's and regulations and his bigger issue is he does not feel qualified to make the decision of what is good and acceptable. Chairman Tingey asked for other comments. Commissioner Meacham said it is more the location of the PUDS. He thinks having those restricted to certain zones is where he wants to go with it. It should be in what could become higher density areas such as would be suited to transportation corridors. We don't want any higher density than R-1-11 and M-R-2 in the other residential neighborhoods. We don't really even have a big area where this could fit except maybe on Minersville Highway where farm fields are now located. Chairman Tingey said he has yet to hear a compelling argument that the City will benefit from having PUD's. Commissioner Ley said she is back to the General Plan and what people expected when coming to live here. They expected that this was a rural small town and would stay that way. Commissioner Meacham agreed with that. Commissioner Ley said in talking to community members about this PUD concept she does not hear good things. She thinks we should drop it now and have only M-R-2 and not do this. We should remove the PUD chapter from the Zoning Ordinance and not have that as an option. M-R-2 covers the need for flexibility, open space and multiple family housing.

Chairman Tingey said how about having a public hearing and City Manager Dotson said you will get as many ideas of what a PUD is as there are people. The only ones that understand this concept are the ones building them. Most individuals would not know what they are or are meant to be for. Chairman Tingey said that is what we want to hear from the public. Chairman Tingey said typically we have preconceived ideas as to what we are putting out there. Commissioner Peterson asked what is wrong with what we have that needs to be fixed. It needs to be taken out completely. Commissioner Ley said again. Chairman Tingey asked if we have any liability if we remove it and City Manager Dotson said no. Chairman Tingey said as discussed before if the HOA fails then the City has to get involved and that is a liability. The City can take action against the HOA and that is a problem to have to do that, Chairman Tingey said. Commissioner Peterson said most communities have CC&R's that are not enforced. How would the City enforce an HOA and collect fees for upkeep and all that people are charged for when they choose to live in a community with an HOA. Chairman Tingey said the City would have to do that. Commissioner Ley said within a PUD they could change street widths and how close homes are together. We would have more people living in a home together than we used to. She said this is more of a European multiple family living style community that you find in Europe due to the high cost of living mostly. That also causes more parking problems so we need wider streets not narrower streets as would be their option to do in a PUD. Right now she thinks we should take out this PUD chapter and work with what we have. We are not like Cedar City and that is what makes Enoch special. They need student housing and different things than we do in a rural community. She does not see any beneficial cost enhancements for the City that we need to encourage by offering a PUD option. Some developers meet the minimum standards to make more money. She said she has seen what can go wrong when you let developers do what they want to with no regulations.

Chairman Tingey said he is not sure how to proceed. We are not getting anywhere. City Manager Dotson suggested they could send it to the City Council and say they did not get anywhere. Council Member Ross said the City Council would accept that. You can send it to the City Council and they may have the same response. Chairman Tingey noted again, we do not tell

developers what they can charge for homes. A PUD would not solve housing affordability problems. In theory they could build affordable homes if they wanted to but that is not necessarily true and the City has no say in what they build or charge. Also with building products at all-time highs and shortages abounding, the term "affordable housing" is an almost an oxymoron. Commissioner Ley said again we don't need PUD's. We have the M-R-2 zone which does everything a PUD would do without an HOA being involved or causing the City future headaches.

Commissioner Meacham said we are at loggerheads. One comment was to turn it over to expert developers and he does not see them that way. They are in it to make money. Unless we have stringent rules to monitor them, they will cut costs wherever they can. Then we are stuck with it. Chairman Tingey asked how they want to proceed. Commissioner Meacham said we can't get there and maybe it is because we don't need this and that is why we can't move on with it. Chairman Tingey asked each member in turn how they felt about it.

Commissioner Ley said we should take the PUD chapter out of the Zoning Ordinance and let other zones cover the need for this type of land use.

Commissioner Peterson said his first thought is he agrees with Council Member Ross. Send it to the City Council and say we are stuck and don't know what to do. He says we send it back or leave it as it is now and do nothing.

Chairman Tingey said he does not like it as it is now and would rather not have it or fix it a bit with some regulations like where they can be located. He did not think about telling the City Council we give up. He said we should have the public hearing but he defers to the Planning Commission on their preferences.

Council Member Ross said either way, with work or sending it with no recommendation the Council may add guidelines. She added we could hold the public hearing first and then have that to go with whatever recommendation they choose to make to the City Council.

City Manager Dotson said if you have a public hearing you need to have something to give the public of what you are talking about like suggesting removing the PUD ordinance chapter. That would be what you are setting the public hearing to discuss. The other is put changes in the ordinance and have a public hearing on the changes. Also you could just recommend we leave it as is for now and wait until someone comes in with a specific proposal and work through it then. Chairman Tingey recapped saying we can't come to a consensus to drop it, leave it, or make changes. He suggests we say we are going to drop it and have the public hearing on that. At least we are taking a stand.

**Commissioner Ley made a motion to set a public hearing for January 12, 2021 on the Enoch City Zoning Ordinance, Chapter 11, Planned Unit Development (PUD) and that we as a City want to eliminate that chapter on PUD's from the Zoning Ordinance. Commissioner Meacham seconded the motion to eliminate the PUD ordinance, Chapter 11. All voted in favor by roll call except Commissioner Hardy who was absent. It was noted Commissioner Hardy has made his feelings known in previous meetings agreeing with this conclusion.**

**9. DISCUSS ACCESSORY BUILDINGS AND SET A PUBLIC HEARING- The Commission will continue the discussion of accessory buildings and set a public hearing if ready.**

Chairman Tingey said we need to come to consensus on accessory buildings. Right now we are at 10% of the total lot and we were leaning to 15% or more or nothing at all in the regulations. City Manager Dotson was sketching a diagram of what building sizes would look like at 15%, 20%, and larger on 18,000 SF lots. He showed what a 4000 SF shop on an 18,000 SF lot would look like and that is about 25% of the lot. The drawings were with average home sizes. It was noted we are talking about using the entire lot to figure the percentage. Chairman Tingey asked if anyone has strong feelings on this. Commissioner Meacham said on set-backs they

would be mainly for fire safety to keep some distance between buildings so fire doesn't spread rapidly from building to building. The set-backs could infringe on what folks want to do with a shed because a lot want to have it tucked far enough away to maximize backyard space.

Right now the set back is two (2) feet. Commissioner Ley said she would like a bigger set back because you can't get in there to get weeds out. She said if we change set-backs then they can do anything they want if they can get around it to keep weeds cleaned out for fire hazard. That is a new idea we haven't talked about Chairman Tingey said. Commissioner Ley said Commissioner Meacham mentions fire hazards over and over and this does not do that. We need bigger set-backs for buildings between lots. Commissioner Meacham said looking at this on the illustrations, people want buildings on the lot line almost. People don't take care of weeds and buildings that are clustered close together and are the problem. He defaulted back to the building code which requires ten (10) feet from the property line. He wanted to clarify he was referring to the building code. City Manager Dotson was looking up the set-back requirements in modifying regulations in the residential zones. Commissioner Peterson said he thought it was ten feet from the property line. Council Member Ross said these are for backyards in residential areas and we expect backyards are not to be full of buildings. This is not for commercial areas.

Chairman Tingey wanted to narrow it down. He asked, does anyone feel we should not regulate this at all. The Planning Commission agreed it was necessary for safety from fire spreading between buildings that are too close together. Chairman Tingey said he is hearing two options. We talked about we all agree that we like the idea of using the entire lot as the basis and that the accessory building can cover 10% of the entire lot. The City Council passed that ordinance and then when they got push back from the public they sent it back to the Planning Commission to reconsider the area an accessory building can cover. One option is to change the 10% to a larger area. Another option is to have no regulation at all. Commissioner Ley wanted to consider creating set-backs for buildings that would regulate where they can be placed and that would determine how big they could be. Commissioner Peterson said the set-backs already exist. Because of the shape of his backyard on a corner lot he had to come to the Planning Commission to get the ordinance changed or his garage would have been in the middle of his backyard. On a corner lot he has a two foot set back and has no trouble keeping the weeds controlled. City Manager Dotson read from the Zoning Ordinance in residential zones under modifying regulations.

- (1) Side yards - Main buildings, other than dwellings, shall have a minimum side yard of ten (10) feet and the total of the two side yards shall be twenty (20) feet. Private garages and accessory buildings, located at least ten (10) feet behind the main building, may have a side yard of two (2) feet with no ingress/egress from a side street. If ingress/egress is to be at the side street, set back shall be 20 feet.
- (2) Rear yards - Private garages and accessory buildings, located at least ten (10) feet behind the main building, may have a rear yard of two (2) feet; provided that on corner lots, rearing on the side of another lot, the minimum rear yard for all buildings shall be the same as the minimum side yard requirements of the zoning district.

Chairman Tingey said taking it all into account he feels most comfortable with setting a percentage of the total lot. It affects a few that want bigger buildings than that. He asked for comments. Commissioner Meacham agreed that those with small yards can still have a storage building unless we increase the set-back too much then we eliminate that for a smaller backyard. Commissioner Peterson said he votes for 15%. Chairman Tingey said 15% or 20% is fine for him. Commissioner Ley said 20% for all of it is what she likes. Commissioner Peterson said he is fine with 20% and Commissioner Meacham agreed. All agreed they would go with 20% and set a public hearing on that. It was discussed the public hearing would also be set for the first meeting in January as there is no rush right now.

Commissioner Ley made a motion to set a public hearing for 1-12-21 for accessory buildings to occupy 20% of the total lot in residential zones. The motion was seconded by Commissioner Meacham and all voted in favor by roll call.

**10. PUBLIC COMMENTS**-none

**11. COMMISSION/STAFF REPORTS**

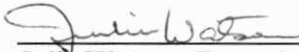
City Manager Dotson said Happy Thanksgiving.

Council Member Ross said the same.

Commissioner Peterson thanked City Manager Dotson and public works for raising the manholes. They are a lot better and a big improvement to Midvalley Road.

There were no other comments.

**12. ADJOURN**-Motion to adjourn by Commissioner Ley. Motion was seconded by Commissioner Peterson and all voted in favor by roll call vote. The meeting ended at 7:10pm.

 12-8-20  
Julie Watson, Recorder Date

Zoom Meeting ID: 844 1999 2717