

MINUTES
ENOCH CITY PLANNING COMMISSION
January 12, 2021 at 5:30pm
City Council Chambers
City Offices, 900 E. Midvalley Road

MEMBERS PRESENT:

Commissioner Leonard Correa
Commissioner Greg Peterson-absent
Commissioner Andrew Meacham-Zoom
Commissioner Debra Ley
Commissioner Bob Tingey

STAFF PRESENT:

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

PUBLIC PRESENT: Spencer Jones, Chris Jaussi, Jesse Carter, Shawn Orton and Melissa Pack

1. **CALL TO ORDER OF REGULAR MEETING**-By Chairman Tingey at 5:30
 - a. **Pledge of Allegiance** –unknown
 - b. **Invocation** –Audience invited to participate. Given by Spencer Jones
 - c. **Inspirational thought**-Given by Commissioner Ley
 - c. **Approval of agenda for January 12, 2021-Motion to approve the agenda by Commissioner Correa. Motion seconded by Commissioner Meacham and all voted in favor.**
 - d. **Approval of minutes for December 22, 2020-Motion to approve the minutes by Commissioner Ley. Motion seconded Commissioner Correa and all voted in favor.**
 - e. **Conflict of Interest Declaration**-none stated
2. **PUBLIC HEARING ON A ZONE CHANGE APPLICATION FOR APPROXIMATELY 57 ACRES OF PROPERTY OWNED BY THE RICHARDSON'S LOCATED ON THE NORTH SIDE OF MIDVALLEY ROAD FROM SINGLE FAMILY RESIDENTIAL 18,000 SF LOTS TO SINGLE FAMILY RESIDENTIAL 11,000 SF LOTS-RICHARDSON/JAUSSI-The Commission will hear public comments on a zone change application.**

Commissioner Ley made a motion to close the regular meeting and go into the public hearing on the zone change application for approximately 57 acres of property owned by the Richardson's located on the north side of Midvalley Road. The motion was seconded by Commissioner Meacham and all voted in favor.

Chris Jaussi, the applicant said he is working with the Richardson's to change the zoning from Single Family Residential R-1-18 to Single Family Residential R-1-11. The reason is to get more out of it have smaller lots which are in demand and to cover some costs of infrastructure installation. He showed on the map where it was located to the north across from Boebert Park and the LDS Church on Midvalley Road. He said there is a big demand for affordable housing and he owns Zip Kit Homes which are more affordable. The smaller lot size also makes the lots more affordable. He said this area is close to what will become the center of town soon. It is a good location for this use and is by other Single Family Residential neighborhoods.

Melissa Pack said they moved here six months ago and live near this area. She asked how far back the neighborhood would go. Chris said it goes back to what is shown on the map however he will start near Midvalley Road and do the development in phases so it will be sometime before it gets to the far north area. She asked about the existing easement or road and Chris said it will stay the same as will the utility easements. She asked if it will all be single family residential

homes. Chris said he can't promise he wouldn't to sell to another builder and could not guarantee what they would choose to do. He said it could hold about 140 homes. He is not doing that right away as the development will be done in phases.

City Manager Dotson stopped the public hearing to remind the audience and Commissioners that the public talks now and no other comments come in here from others. The next item is the question and answer period for the record. The public hearing is for the public to comment and not the applicant; just the public. The next item is where details are discussed and questions answered. It was noted the developer does not have to say what he plans to do at this stage of the process. This is only the zone change and not the discussion of the proposed project. This is the process according to State law and should be followed.

Chairman Tingey asked for other comments.

Melissa Pack said they live on a 5-acre lot and they want it to stay that way. They know eventually the area will grow with other things but many live here now because they want to be out of the city and she is concerned about this high density now.

Jesse Carter said he is a local real estate agent. He said the demand for housing is pretty scary with the inventory level in the valley. People don't have homes or rentals they can afford. This is a major need that our valley has. We have a lot of people moving in. In his personal opinion it doesn't make sense to develop big lots with costs through the roof. We need smaller lots and not ½ acre lots. We need affordable lots. There are no rentals and no affordable places to buy. The need is desperate and he supports Chris Jaussi in this idea. He agrees with Melissa to a degree said but Enoch is a place that has a rural atmosphere but the time has come and that close to Midvalley Road and SR-130 is a great start for smaller lots. Inventory is low and is expensive. It would take at least a year or more to put inventory in this area. Many people can't qualify for the \$250,000 plus that homes are going for now. There is a great need for smaller lots for many demographics, both young and old.

There were no other comments.

Commissioner Correa 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.

3. CONSIDER AND MAKE RECOMMENDATION TO THE CITY COUNCIL ON ABOVE ZONE CHANGE-The Commission will consider the zone change application and make a recommendation to the City Council.

Chairman Tingey asked for thoughts saying since this is a zone change this is a legislative function by this body. In light of what we heard we consider what is best for Enoch City as a whole and not just for a few. Commissioner Correa said we have the need for affordable housing and that is in smaller lots. We are here with that now and not out into the future. This is a better option. It would be nice to see the homes a similar style but that is not to be addressed now. Chris Jaussi said he does not like it where all the homes are identical. These are similar but different styles. The housing crisis it is everywhere in the country. Commissioner Correa said he does not know how much responsibility the Planning Commission has over market forces but we are limited in housing inventory that is affordable and this is a good compromise. Chairman Tingey asked for other comments. Commissioner Meacham said he has thought about it a lot. There is still community members with a high desire to maintain the rural feel of the area. Many bought here believing that it would stay that way. Chairman Tingey noted that going from larger lots to smaller lots of a quarter acre does not make that much visual impact. City Manager Dotson said we have discussed this before and R-1-18 vs. R-1-11 does not change the feel of the area much. It is still single family residential and not apartments or townhomes, twin homes or duplexes. Commissioner Meacham said he thinks cramming more in a small space is opposite of the sentiment of the folks he talks to. It was noted we have this same thing in Settlers Square and the smaller lots are very nice and you really can't tell much difference. Chairman Tingey said this

is not high density. City Manager Dotson said most people he spoke to asked about sewer, water and roads. No letters came back that he knows of with comments. Chairman Tingey said there was a time when this was hot topic but we have evolved since then and there is not a major outcry on doing this R-1-11 zone. There are about three families involved in the area of this change. Chris said with fences this will not impact anyone really. He is not sure yet on accesses and does not have to say at this point in the process. Chairman Tingey asked Commissioner Ley what she thought. She said she lives on five acres and she has half acre lots all around her and understands the need. Enoch needs to look forward for growth and close to Midvalley Road with access to Minersville Highway makes sense. We have to consider the demand and affordability which is mandated by the State for cities to encourage and so she is for it. We've already done this and it works. Chairman Tingey said he does no objection but wants to do what the community wants. People he talks to are not as adamant as they used to be and many want smaller lots and not big ones.

Commissioner Ley made a motion to send a favorable recommendation to the City Council for the zone change application for approximately 57 acres of property owned by the Richardson's located on the north side of Midvalley Road from Single Family Residential R-1-18 to Single Family Residential R-1-11. The motion was seconded by Commissioner Correa and all voted in favor except Commissioner Meacham who voted no. The vote was 3 to 1 for a favorable recommendation.

4. PUBLIC HEARING ON THE ENOCH CITY ZONING ORDINANCE, CHAPTER 11, PLANNED UNIT DEVELOPMENTS (PUD's)-The Commission will hear public comments on Planned Unit Developments for regulation or removal from the Zoning Ordinance.

Commissioner Ley made a motion to open the public hearing on Planned Unit Developments (PUD's), Chapter 11 of the Enoch City Zoning Ordinance. The motion was seconded by Commissioner Meacham and all voted in favor.

Chairman Tingey invited comments.

Spencer Jones said he has no plans for a PUD and he is not aware we have any pending but he is not in favor of removing it. Right now it is his understanding that this is an overlay so the zone it overlays dictates the density. Enoch does not have anything smaller than R-1-11 so having a PUD would not increase density. That limits the amount of homes allowed in the PUD. There is always the risk of an HOA going out of business and he can see the City having PUDs where the roads are private and the HOA goes away then the City could have an issue and have to take over the roads etc. He likes the open space concept it allows for and if you take it away then you lose that. He said in other zones the roads are dedicated to the City. The key element in his opinion is he would like it left on the books with the requirement that the roads have to be built to City specs just in case the City has to take it over.

Jesse Carter said he agrees with Spencer on this. To take away this option moving forward is not forward thinking. This could be something the City may need in the future. If it is not what the City wants it may not be approved when a plat comes in. He knows of PUDs in Cedar City and there are pros and cons vs other zones. There are CC&R's and HOA documents that ensure the PUD stays well kept. The larger lots and need for yard work in Enoch are too much to handle for many, especially elderly. He gave an example of a home he sold on Tumbleweed on the lack of upkeep. People can't do it and that creates an eyesore in the whole community that is evident everywhere in Enoch. You still honor the overlay for density. He said he thinks it would be a shame to eliminate this option in case it is needed in the future.

Shawn Orton said he moved here a couple years ago from Summit County and was on the Planning Commission there. They had a minimum lot size of one acre and they worked hard to get to be able to have options for kids to stay in the area with prices being reasonable so they could afford to do something with the land they own. For many farmers that is their future. They

fought to get smaller zones in Summit County. The PUD is another tool for that in certain circumstances. The smaller lots size does two things. IT does preserve the rural feel because it single family residential and there is no urban sprawl that people hate. As they got down the road and got overlay zones they accomplished the same and had overlays with amenities like open space, trails and things people want. In PUD's it can be common space if the City requires that. He said he thinks we should keep the PUD option because if you have it that is a good tool. He had to fight for it up there. No kids could afford to stay there with high prices. Cities like Coalville haven't had any growth in 40 years due to lack of options. With responsible development and this should be kept.

Chris Jaussi said they did a townhome project and he agrees keep the tool in case you need it. The plat has to be approved so you have control on what goes in there. Generational changes want different things.

Spencer Jones said one thing is you can regulate things you don't want. If you are worried about apartments you can keep them out. It is a permitted or conditional use. A PUD can still have flexibility. You can say what is permitted and not.

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

5. CONSIDER AND MAKE RECOMMENDATION TO THE CITY COUNCIL ON ABOVE REGARDING PLANNED UNIT DEVELOPMENTS IN CHAPTER 11, ENOCH ZONING ORDINANCE-The Commission will consider regulating or deleting Planned Unit Developments from the Enoch Zoning Ordinance, Chapter 11 and make a recommendation to the City Council.

Chairman Tingey said the public was all in favor of leaving Chapter 11 on Planned Unit Developments (PUD's) in the Zoning Ordinance. We have talked this in many meetings and could not see many benefits beyond what we already have with the M-R-2 zone which permits townhomes, twin homes, duplexes and single family residential with open space mixed in. The most negative item was the fear an HOA went out of business and the City would have headaches and maybe liability with having to take over the PUD. He asked with what we heard from public, what does the Commission think? Commissioner Meacham said his argument was the attitude of most was feedback that we like the rural feel and while a PUD could either be a beautiful development it could also look like an eastern block zone in Russia. Spencer's argument that we list permitted things for esthetics is an arduous task. It goes back to the same argument he thinks that the control is still not with the city but with the developer. Most have been great so far. Going back to the feedback he gets people want things to stay as it is now. Chairman Tingey said we have to anticipate all that can go wrong and get it in the ordinance and that is not easy.

Commissioner Ley said she feels what we have now covers what we need to keep the rural feel. M-R-2 allows for smaller lots and open space areas. She does not see a good reason for keeping PUDs. It could be higher density. Chairman Tingey said how about using areas of land you could not use otherwise. No one could think of anywhere that would be an issue. We are too wide open in Enoch for that to be a problem Commissioner Ley said. Take it out and use what we have now. If we keep this in the ordinance we have to rewrite the ordinance with conditions and permitted uses which could be a cumbersome process. City Manager Dotson showed the 19 page ordinance to cover that kind of thing from another city for control and regulation. He noted the public hear did not hear this part of the discussions in the past. Chairman Tingey said we could not see any compelling reason to keep this and he still feels that way. Commissioner Correa asked what the zone is by Hwy. 91 that was recently changed. City Manager Dotson said it is M-R-2, Multiple Residential, allowing for townhomes, twin homes and duplexes with open space. That developer also intends to add in some single family residential lots mixed in so that covers it. Commissioner Correa said with that zone we have many options and R-1-11 allowing for

smaller lots is a good fit for Enoch. We do not need PUD's. These other zones fit our town better. Chairman Tingey said if we don't keep it, it could come back later if a need arises. Commissioner Correa added we have talked for months and he gave input as a resident before being put on the Planning Commission. Chairman Tingey asked if this is an issue if this was misleading on how this was advertised. City Manager Dotson disagreed saying it was not misleading and the other meetings where it was discussed are all available to anyone. All agreed we have the tools we need for now.

Commissioner Ley made a motion that we send a favorable recommendation to the City Council to remove the Chapter 11 on Planned Unit Developments (PUD's) from the Zoning Ordinance and if needed in future bring it back. The motion was seconded by Commissioner Correa and all voted in favor by roll call.

- 6. PUBLIC HEARING ON THE ENOCH CITY ZONING ORDINANCE, CHAPTERS 12-2, 13-2, 14-2, 15-2, 16-2 & 17-3 REGARDING ACCESSORY BUILDINGS-The Commission will hear public comments on regulating the area of land an accessory building can occupy on a residential lot.**

Commissioner Ley made motion to close the regular meeting and go into the public hearing on accessory buildings. The motion was seconded by Commissioner Meacham and all voted in favor.

Chairman Tingey invited comments. There were none.

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

- 7. CONSIDER AND MAKE RECOMMENDATION TO THE CITY COUNCIL ON THE ENOCH CITY ZONING ORDINANCE, CHAPTERS 13,14 15,16,17, REGARDING ACCESSORY BUILDINGS-The Commission will consider regulating the area of land an accessory building can occupy on a residential lot.**

Chairman Tingey said in previous discussions we settled on changing the area allowed to 20%. It was noted the chapters were listed incorrectly and referred to the old ordinance that said 10% of the lot area can be covered by an accessory building but we have discussed it for so long it is not an issue. All agreed that 20% of the entire lot size was decided upon in the discussions.

Chairman Tingey asked if all agreed that since there were no other comments from the public that we are agreed on 20% of the entire lot for the area of an accessory building. Chairman Tingey said there were a lot of comments in other meetings. Commissioner Correa said he felt like the reason this came up is Jeff Green said he wanted to request to put a 3500 SF building on an empty lot next to his home. Since there is no home taking up space on the lot would that be allowed? The space the home takes up dictates the size of the accessory building. By saying 20% he could put a 3600 SF building on the lot with no house. Commissioner Ley said we should specify "with existing house on the property". Spencer said most CC&Rs do not allow that. Most say a house has to be built first. It was noted there may be no CC&Rs where he lives. Spencer said if they are recorded with the plat even though there is no homeowners association enforcing things a neighbor could bring a civil issue in court. Spencer said most would not allow that. Chairman Tingey said we voted for 10% and the City Council sent it back to consider a larger area. He added we are not considering this for one person. Many made comments in earlier meetings. Commissioner Meacham said not to disagree with Commissioner Correa but thinking of the community as a whole having that being contingent on a house being on a property first that is not always what property is used for. Many own livestock property and never intend to build a house but need a building for the livestock or whatever. Also many store RV's seasonally on property they own never intending to build a home there. If it is contingent on a residence

there it hampers the rest of the community based on just a few. As a whole we need to leave that open. The accessory building has to conform to all other building codes. We can't restrict it to a primary residence. Chairman Tingey agreed. Spencer Jones said the place on Utah Trail does have CC&Rs although there is no homeowners association to enforce them. Those CC&R's say a single family house has to be on every lot. Even though they are old they are recorded with the final plat so anyone can bring a civil suit against the building being on an empty lot with no home. It is good to have a limit Spencer said. He gave other examples of larger accessory buildings that can look very nice and should be allowed. If CC&R's are stricter than City Code that is what they can do. City Manager Dotson said it is not our purview to make decisions based on CC&R's. Commissioner Meacham said we are setting an upper limit if the CC&R's in a subdivision restrict it to smaller that is fine. Commissioner Ley said do we still have in place where it says the building has to be 10 feet beyond the structure behind the house. It was noted that is in all the building code so that stays the same. Commissioner Correa said he understands better now and did not want a loophole for one person so he is good with it. Chairman Tingey said we will go with 20% then if all agree. City Manager Dotson said all discussions have led to here.

Commissioner Meacham made motion to send a favorable recommendation to the City Council regarding the Zoning Ordinance Chapters 12-2, 13-2, 14-2, 15-2, 16-2 and 17-3 that the allowable accessory building sizes be 20% of the total lot size. The motion was seconded by Commissioner Correa and all voted in favor by roll call except Commissioner Ley who abstained.

8. CONSIDER THE PRELIMINARY PLAT OF PINNACLE RIDGE SUBDIVISION, PHASE 1-VELOCITY DEV., LLC-The Commission will consider the preliminary plat and make a recommendation to the City Council.

Chairman Tingey said this is new and he invited Spencer Jones to tell them about his plans. Spencer said this is the Pinnacle Point Subdivision that he designed in 2006 and is part of The Ridge Phases 4 through 12 and under the same application. It has a cluster overlay for the whole thing. As he and City Manager Dotson talked there were changes since he came for the final plat in 2006 so he had to go back to the preliminary plat due to changes to the laws and also he moved lots over. State law allows for changes between preliminary plat and final plat and to avoid any questions he is bringing this back as a preliminary plat and then coming with the final plat later. This is R-1-18. Spencer pointed out where it is located north of the Stake Center ballfield and going north. City Manager Dotson said he appreciates Spencer redoing this and coming back with minor changes. It will require some changes in the construction drawings and is necessary due to the changes. Most likely no other preliminary plats will need to come back unless substantial changes are made. City Manager Dotson clarified how cluster zones works. 75 acres are required for the overlay and Phase 4 through 12 and Pinnacle Point has that many acres in the cluster zone. That allows for clustering lots to smaller lot sizes with the same density and reserves open space for parks, trails or churches or whatever is desired. This is all residential and no commercial is allowed. This development in phases is called Pinnacle Ridge, Phase 1 now. Spencer said most lots are 1/3 acre or so. Many want that smaller lot and it is less than half acre. Chairman Tingey asked if there is anything else they need to know. City Manager Dotson said no, as we go through the process this is all administrative. For Commissioner Correa's information this is an administrative function. We don't say "I don't like this". We have to do this if the landowner complies with ordinances. This plat does that so we have to approve it and send it to the City Council with a favorable recommendation. The work was done by Platt & Platt who are very up to speed on Enoch City ordinances and do a wonderful job. Chairman Tingey asked for a motion.

Commissioner Meacham made a motion to send a favorable recommendation to the City Council for the Preliminary Plat of Pinnacle Ridge, Phase 1. The motion was seconded by Commissioner Ley and all voted in favor.

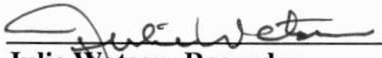
9. PUBLIC COMMENTS-none

10. COMMISSION/STAFF REPORTS

Council Member Ross said she is out of quarantine tomorrow and will be able to attend the next meeting in person.

City Manager Dotson reported we are putting together a report of our Moderate Income Housing Plan using the State's format. Part of the process is to report things we do and our goals and strategies for affordable rentals, mixed uses etc. to meet needs; not just housing provisions. The State Legislature will begin meeting soon and law enforcement reforms, requiring affordable moderate income housing, building inspection reforms that would allow consumers to hire their own building inspector and not use the City inspector in the town they are building in, removing city regulation of rentals which takes away municipal rights to make requirements on internal things like basement rentals, taking away other municipal rights regarding subdivisions and things that are very anti-local control. The ULCT is really concerned about the push by newly elected legislators to basically gut cities ability to enforce housing things. He gave more details on the building inspections such as the time it take for plan review which is not even really a problem in the State and Enoch is one of the best. Our Building Inspector is very good and even takes calls on Saturdays which he does not have to do. The legislature is changing and the loudest cry is for police reform and moderate income housing reform. We changed our water well usage plan. He told about the Woolsey well becoming high in nitrates and is going to be used to for irrigation for the school and church. We will upgrade the Little Eden well to culinary standards and also the Grimshaw well. We are still in talks with other well owners so we added to what we had and are doing better than we thought. We will have about a million gallons extra per day. He told about agreement with Iron County on building inspections where we will help them and they will help us as needed for vacations, illness or even proximity for simple things. There is no charge for this good partnership. The next Planning Commission meeting is on the 26th and we will discuss accessory dwelling units with a 20 foot width to change it since we require 25 foot width and that is limiting uses of cargo storage containers for instance. There will be other applications for processes coming in.

11. ADJOURN-Motion to adjourn by Commissioner Correa. Motion seconded by Commissioner Ley and all voted in favor. The meeting ended at 7:23 pm.

 1-26-21
Julie Watson, Recorder Date

Topic: Enoch City Planning Commission
Time: Jan 12, 2021 05:30 PM Mountain Time (US and Canada)

Join Zoom Meeting
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