

MINUTES
ENOCH CITY PLANNING COMMISSION
May 11, 2021 at 5:30pm
City Council Chambers
City Offices, 900 E. Midvalley Road

MEMBERS PRESENT:

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

STAFF PRESENT:

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

PUBLIC PRESENT: Steve Woolsey, Will Terry and Bob Archibald

1. **CALL TO ORDER OF REGULAR MEETING-**By Chairman Tingey at 5:30 pm.
 - a. **Pledge of Allegiance** –Led by Hayden White
 - b. **Invocation** –Audience invited to participate. Given by City Manager Dotson
 - c. **Inspirational thought**-Given by Commissioner Peterson
 - c. **Approval of agenda for May 11, 2021-Commissioner Ley made a motion to approve the agenda. Motion was seconded by Commissioner Meacham and all voted in favor.**
 - d. **Approval of minutes for April 27, 2021-Commissioner Meacham made a motion to approve the minutes. Motion was seconded by Commissioner Peterson and all voted in favor.**
 - e. **Conflict of Interest Declaration**-none stated
2. **PUBLIC HEARING ON TAPIA CONSTRUCTION ZONE CHANGE FROM MIXED RESIDENTIAL M-R-2 TO COMMUNITY COMMERCIAL C-C-**The Commission will consider public comments on the proposed zone change.
Commissioner Ley made motion to close the regular meeting and go into the public hearing. The motion was seconded by Commissioner Correa and all voted in favor.
Chairman Tingey invited comments and there were none.
Commissioner Ley made a motion to close the public hearing and return to the regular meeting. The motion was seconded by Commissioner Correa and all voted in favor.
3. **CONSIDER TAPIA CONSTRUCTION ZONE CHANGE AND MAKE A RECOMMENDATION TO THE CITY COUNCIL-**The Commission will discuss and make a recommendation to the City Council after hearing public comments.
Chairman Tingey asked for thoughts on this application for a zone change from Mixed Residential-2 (M-R-2) to Community Commercial (C-C). Commissioner Meacham said it makes sense in that area and he sees no reason not to send a favorable recommendation. There was no other discussion. Chairman Tingey asked for a motion.
Commissioner Correa made motion to send a favorable recommendation to the City Council for the zone change from M-R-2 to C-C for Tapia Construction, Inc. The motion was seconded by Commissioner Ley and all voted in favor.

4. **PUBLIC HEARING ON THE ENOCH ZONING ORDINANCE, CHAPTER 12-2802, DESIGN STANDARDS-The Commission will consider public comments on the amendments to the design standards.**

Commissioner Meacham made a motion to close the regular meeting and go into the public hearing for changes to the Zoning Ordinance, Chapter 12-2802. Design Standards. The motion was seconded by Commissioner Ley and all voted in favor.

Chairman Tingey invited public comments and 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.

5. **CONSIDER AMENDMENT OF THE ENOCH ZONING ORDINANCE, CHAPTER 12-2802, DESIGN STANDARDS AND MAKE A RECOMMENDATION TO THE CITY COUNCIL-The Commission will discuss and consider comments and make a recommendation to the City Council.**

Chairman Tingey asked for discussion. Commissioner Ley confirmed we deleted "rural atmosphere" as it was not definable nor were we able to regulate it. That was confirmed by City Manager Dotson. There was discussion of a suggestion an hour before the meeting from a resident regarding older subdivisions with changes to them, such as plat amendments to large lots that they be required to install curb, gutter and sidewalk. The conclusion was that it would cause a hodge-podge of elevations and create drainage issues making it really not a very doable thing to require. There was brief discussion of how curb, gutter and sidewalks can be installed in older areas by the use of SID's where the City bonds and the residents are charged to pay it back through payments or other means. City Manager Dotson said he would have no idea how to word this that makes sense. There is no way to do this with continuity and makes it more complex. It was noted this is referring to new subdivisions that are just being built. There are also ways for exceptions such as for a subdivision with larger lots that is meant to be something like horse property and have that rural feel. It allows for the developer to have flexibility. If this was required in a piecemeal fashion how do you do that in a subdivision with dirt roads? It does not work well with existing infrastructure and current elevations for drainage. It is too messy. We can't just say to residents you have to put this in. City Manager Dotson noted in areas where we have had drainage issues we had some funds to put in curb and gutter to help with flooding control but those funds are limited and for specific problem areas so it is challenging to do this. It is not really feasible but he wanted to present the issue the resident brought up. Commissioner Meacham said would be less conforming to have it piecemeal here and there. City Manager Dotson said as written now this does not require old developments to put in curb and gutter. This is new developments only. We are changing it because some zoning is going on with bigger lots like horse property and they don't want curb and gutter as long as drainage works and they are required to make that work. This is more of allowing for flexibility in subdivision design. This could be dealt with later Chairman Tingey confirmed, if it becomes an issue. Commissioner Correa said we should move forward with this as written now. We have drainage requirements to solve drainage issues if curb and gutter is not used and he elaborated. Chairman Tingey asked for a motion.

Commissioner Meacham made a motion to send a favorable recommendation to the City Council to approve the amendments to the Enoch Zoning Ordinance, Chapter 12-2802 as discussed with revised text as written. The motion was seconded by Commissioner Ley and all voted in favor.

6. **DISCUSS MINOR SUBDIVISION FOR ENOCH CITY AND MARTIN TYNER AND MAKE A RECOMMENDATION TO THE CITY COUNCIL-Woolsey Land**

Surveying-The Commission will discuss and make a recommendation to the City Council.

Steve Woolsey said he is here for two items. This one is for Enoch City and Martin Tyner for a minor subdivision for his Wildlife Foundation. He came to Enoch to talk to City Manager Dotson about leasing a parcel of land by the Animal Shelter for this purpose. This action is to create a parcel of land in the SW corner of the City property. Steve noted the easements are standard and this is all standard routine design for a minor subdivision. There was brief discussion of what the City would get out of it and noted that Martin's foundation for birds of prey is known worldwide and he has donations and funds to build his facility. He will have an eagle flight chamber which is unique and will draw visitors to Enoch. It is a lease and he will build it. City Manager Dotson said we are the owner and he leases it and he has control but we oversee it. Chairman Tingey said this is a good thing for Enoch. He has lots of donors and supporters. It will also be an education center for and about birds of prey. It will be amazing City Manager Dotson said noting Mr. Tyner is also an Enoch resident. City Manager Dotson gave more details of Mr. Tyner's education program and things he does. Chairman Tingey asked if City Manager Dotson knows of any reason not to approve this and he did not. Chairman Tingey asked for a motion.

Commissioner Meacham made a motion to send a favorable recommendation to the City Council regarding the Minor Subdivision and Record of Survey for Enoch City and Martin Tyner for his project. The motion was seconded by Commissioner Correa and all voted in favor.

**7. DISCUSS MINOR SUBDIVISION FOR RANGE 16, LLC- Woolsey Land
Surveying-The Commission will discuss and make a recommendation to the City Council.**

Steve Woolsey said this piece of property is owned by Range 16, LLC and is south of the Animal Shelter with a couple of parcels in between. This is a four lot minor subdivision and is not quite 55 acres once the roads come off, etc. The landowner wants to do an industrial minor subdivision on this land. City Manager Dotson pointed out the location of the property at the curve on Minersville Hwy. and down to 5600 North. Chairman Tingey asked if there is anything about this we need to know. Steve gave more details about the area and location next to Iron County land noting it was County before City and the roads have come to the City already excluding what is still in the County for roads. There was more discussion of the existing roads and areas and roads we want to vacate. He said he tried to be consistent and not have a lot of angles and odd lay outs. He made a 15 foot easement and power lines are just on the east side of the right of way. Eventually we will write a legal description of the road we want closed although utilities are in there and we don't want traffic going through there. The developer is aware of the City's future plans and in concurrence. It was noted the access to the parcels is from Bark Avenue. Chairman Tingey asked if City Manager Dotson had comments and he said this is fine as described and there are no issues. Chairman Tingey asked for motion.

Commissioner Ley made a motion to send a favorable recommendation to the City Council on the Range 16, LLC Minor Subdivision. The motion was seconded by Commissioner Correa and all voted in favor.

8. CONSIDER THE PRELIMINARY PLAT OF POWER DRIVEN INDUSTRIAL PARK AND MAKE A RECOMMENDATION TO THE CITY COUNCIL-Platt & Platt Eng.-The Commission will consider the preliminary plat.

Robert Archibald represented the owners. He said he did not draw this. Platt & Platt did the engineering for it and it is complete, City Manager Dotson said. Watson Engineering has sent their final review of the preliminary plat and it meets all requirements. City Manager Dotson

showed where it is located in the vicinity of the project we just discussed. Chairman Tingey asked if these will all be commercial lots and it was noted it is zoned Research/Industrial Park (RIP), City Manager Dotson said. It is north of our sewer outfall line area and the owner is making arrangements for grinder pumps to move the sewage to our line since gravity will not work in this area due to being a lower elevation. No one has to build a lift station as there is a solution that will make this work. The pumps are owned by the owners not the City. Mr. Archibald said there is a huge demand for this type of project for businesses and he expects the lots to sell fast. City Manager Dotson said he gets 2-3 calls a week from businesses needing places to work in and they don't exist. There are no buildings to rent, lease or buy. Commissioner Ley said depending on what they want to do it could require more water than we require. City Manager Dotson said we require one AF now and if their type business will use more we will require it. Chairman Tingey asked for questions or a motion.

Commissioner Correa made a motion to send a favorable recommendation to the City Council for the Preliminary Plat of Power Driven Industrial Park. The motion was seconded by Commissioner Ley and all voted in favor.

9. CONTINUE DISCUSSION OF THE ENOCH ZONING ORDINANCE, CHAPTER 12-1100, RECREATIONAL VEHICLES/TRAVEL TRAILERS-TEMPORARY AND SET A PUBLIC HEARING IF READY- City Mgr. Dotson-The Commission will continue the discussion of the above item and set a public hearing if ready.

Chairman Tingey asked for new thoughts on this subject for RV living outside of RV parks. Commissioner Ley said the way she reads it this is to live in an RV on a lot while building a new home. We have an issue with others living on the lots of other people because of financial hardship. Chairman Tingey said that is not how he reads it. He read that it is allowed under certain conditions. It says in #“c” for one-year when a building is being constructed. Items “a & b. are other conditions. Commissioner Ley said she is concerned about renters in RV's. City Manager Dotson said there are three conditions they can use RV's in listed in “a., b. and c”. The three conditions confirm it is for temporary use. They went through the conditions. Commissioner Ley expressed her concerns about the hardship issue some are having because she doesn't think this addresses that. City Manager Dotson said we could add “AND” after each one of the items to cover other uses. City Manager Dotson said if you put “and” after a. and b. it can only be used as living quarters and only when constructing a home; that makes #”b. and c.” mean “no rentals”. Chairman Tingey said in this case you could only do this when building a new home. We have had other circumstances for those needing to live in RV's on the property of others. Adding “AND” would clarify it. Commissioner Ley thought the public who spoke about it in other meetings have issues and need to do this. Is that valid and do we want to allow it? After some discussion the thought was that allowing this by meeting the conditions would allow for hardships. City Manager Dotson said Commissioner Ley is interpreting it differently than he wrote it. He wrote it so people can live in RV's under these conditions. They have to comply with zoning set-backs and they can live in the RV for hardship or while building house. If you add “OR” then you can let someone live in an RV on someone else's lot for hardship. Chairman Tingey said financial hardship is one reason but we do not want to deal with determining that or having someone have to prove it to be considered. All agreed we do not want to deal with proving hardship by financial records. Chairman Tingey says it means both ways. We can clarify with adding AND or OR. An RV is not considered a house that can be a rental which we do not regulate. It could be abused. In regard to hardship cases this is out of the kindness of the heart to do this. It is fine to require they comply with set-backs but the question came up if it is necessary for us to regulate how they hook to utilities like electric and sewer. It was noted there are no regulations about dumping into sewer hook-ups on private property. There was considerable discussion about different safety issues for RV's and no real decisions on if it is necessary for the City to be involved in what they do to get services to the RV.

How strict are we going to be? Electrical cords could be a problem. Generators are a noisy thing and neighbors would have an issue with noise. Commissioner Meacham said in his opinion, under #2 "c" we do the opposite. It should be prohibited to have an RV used as a rental unit agreeing with Commissioner Ley. Excluding use for rentals could be a real mess. How do we know or verify it and how do we regulate that if we do regulate it. We don't regulate other rentals. Chairman Tingey agreed.

Commissioner Correa said he found some things in looking through other city's rules. After listening to Jennifer Davis who spoke, he came back to our goal of not just doing something for one person but considering the good of the entire community. We need something on the books to prevent RV rentals on private property. We could set a time limit and have it take effect as of 2022. Whatever date we set this will be in effect for getting a permit to live in an RV to build a home or for hardship. They will follow set-backs and not be on the road or in the driveway. He said he has seen the City Council lean towards letting people do what they want to do with their property. It is up to them but people are also looking to the City Council to protect the integrity of our communities. We should consider that going forward. He said he looked at other cities. In Hurricane no RV shall be occupied other than in an RV park. Cedar City allows RV living only in a mobile home park or while a new home is building built and with getting a permit. No other use is allowed. LaVerkin allows no more than 30 days in an RV park. We would be falling into line to preserve the integrity of our neighborhoods. He would like to see us have a grace period before this is enforced. As far as enforcement it is not our job to worry about that other than it will be enforced at some point that the City Council designates.

Chairman Tingey asked City Manager Dotson if that is true regarding enforcement. City Manager Dotson said it is supposed to be enforced if it is on the books as law. Commissioner Ley said how we enforce one year to build a home. City Manager Dotson said that is up to the Building Inspector and he can handle that if an extension is needed. If we put egregious things on people and they can't hook to power or services who enforces that and what does that look like? Does the PD do it? What about those who are already doing this. Chairman Tingey thinks there are 20 at least. There was dickering about the number of people doing this but the outcome was do we regulate other things like their utilities or not. City Manager Dotson said his point is if it goes on the books it is not the call of the Planning Commission. The City Council has to figure out how to enforce it. That is why this is so tough to essentially take away property rights by getting involved in those things with rules. Due process and the courts and judges they have to say if the City can go onto property to deal with certain things. You can require a conditional use permit and if you don't do that then you go to court and it is whatever the City Council sets as the law. If there are violations then the violator gets fined and if he ignores it then it goes to court after a process of citations and fines and so on. Are we willing to put people in jail for having this use on their lot? One alternative is to delete #3 Chairman Tingey said.

City Manager Dotson said, going back to the number of those living in RV's, they have counted and contacted many and most claim they are not being lived in. We have two on Midvalley Road. We contacted six that are being lived in; the rest are not lived in. If we make it a conditional use (CUP) we make it easy to comply with. If you make it egregious they won't come in for a CUP. There was more discussion of situations where people set up RV's, like nice Airstreams, and rent them out Airbnb style in their yards. It was agreed there are many circumstances and we need to not allow that type of rental except in a regular RV park which we just created a new zone for. No one wanted that use allowed in neighborhoods. There was a discussion of relatives coming to visit in their RV's and noted we do not regulate, nor do we want to regulate people having company visit. This, as written now, says you can only have one RV on your property. Chairman Tingey said it never ends on the possibilities of what may or may not be regulated and how far we take this. City Manager Dotson said he found out there is no code about dumping in the sewer

clean out on private property so that is no longer an issue. He gave more details saying it is different for dump stations at gas stations and RV parks. They are regulated.

Commissioner Correa said his big concern is just to get them off the street. His experience has been many park RV's on the side of the house or in back. He was concerned if we set firm dates for how long a person could live in an RV then we may get more homeless people as a result. Chairman Tingey asked Commissioner Meacham for his thoughts. He said he did think it should not even happen except in an RV park other than when building a home. He is now with Commissioner Correa as he sees the compassionate side and he does now see the need. There was more discussion of anecdotal incidents and relatives visiting. As far as RV living to build a home, the Inspector could refuse to issue the Certificate of Occupancy until the RV can be inspected to prove it is not being lived in so that solves that. We can easily add that in.

Commissioner Correa said again we have to protect the integrity of the neighborhoods. Chairman Tingey said the options are to allow this for building only or go to an RV park. This puts those on notice to work it out in a set time period. Perhaps it could be enacted as of next January to allow time to make arrangements. That is up to the City Council to set the date it will take effect. Commissioner Meacham said at some point the RV's become an auxiliary building when placed in the back yard and maybe we need to focus on that. City Manager Dotson said codes throughout Utah are almost identical. Council Member Ross said it is not a problem until a neighbor complains. If it is in the Code you have to enforce it. Some say it is our "discretion" to choose if you need to enforce. There are two political values here. Equity and fairness have to be included and if not then don't put it in the Code, City Manager Dotson said.

Commissioner Peterson said he has some thoughts. He too, looked at other cities and did not find any that allowed this compassionate use. RV's can only be lived in in RV parks. Item "c" for building a home could be better served if you put one-year per application no matter what the reason. No reason need be stated. To do with utilities we could say that it needs to be appropriate hookups for some way to deal with that if any Commissioners find that a sticking point. In #2 "c" what if we said an RV permit may be applied for with the "written consent" of the property owner. That is not too much to ask for the owner to be responsible no matter if they rent or not. Chairman Tingey, Commissioner Meacham and Commissioner Ley agreed except for the rental thing. Commissioner Peterson said you only have one RV and what does it matter if you charge them or not. This is a temporary permit that can be renewed yearly if need be. Commissioner Peterson said his thoughts are if it is the main point not to have renters then don't do it at all. There is no way to know or to regulate it. If the owner takes care of the permit each year then that is their thing. If we don't want renters then make them go to an RV park. Chairman Tingey said we don't have any way to know for sure. If we go with the honor system then don't allow it outside of RV parks. Chairman Tingey said we need to get this rewritten again with the new suggestions and he asked if Commissioner Peterson could do that. Commissioner Peterson said he would write it up and get it to City Manager Dotson. Commissioner Ley said make it no rentals and if they lie, then they lie. Commissioner Peterson said if we allow this use at all then just allow it or not; period. If we stay all stuck on rentals then just don't allow it.

There was more discussion and examples of horror stories and bad outcomes with trailers being lived in on private property. It was decided Commissioner Peterson would write up his suggestions and City Manager Dotson would email that out to all for review and consideration for another two weeks. No action was taken.

**10. CONSIDER THE ENOCH CITY ANNEXATION BOUNDARY LINE CHANGES-
The Commission will continue the discussion of the annexation boundary lines and
possible changes.**

There was a discussion and marking on the map about the annexation declaration boundary lines. Commissioner Ley asked about where the beltway will go in and City Manager

Dotson clarified. City Manager Dotson pointed out the legend and the current Enoch boundaries. The County does not want to develop more than 20 acres worth of property. They suggest people come to the city if they want to do smaller lots. If they are within the annexation boundary lines an annexation can be considered. City Manager Dotson pointed that out the BLM land on the east side of I-15 saying Enoch just went with the section lines when we created our original lines. It was decided to remove BLM land and continue with only private property adding area to the south that could become commercial developments or residential. Reed Erickson, the County Planner had made suggestions at a previous meeting to that effect encouraging Enoch to coordinate with the County and move our lines. Commissioner Correa had concerns with keeping commercial areas in Enoch within our lines. There was more discussion about 3000 North and the overlap with Cedar City. City Manager Dotson told about a few property owners he has talked to. Roundy's are as far south as we go now and if we could provide services and are considering annexing. Carl Nelson is upset because his pond was annexed into Cedar and he was not asked but he owns it and they don't get the water. He pays their taxes however. We could go right to Cedar City's border on the south on the east side of I-15 if we choose to. That way property owners could choose to they annex into Enoch or Cedar City. He noted Enoch does not promote annexations. It has to be proposed by the property owner and applied for. Council Member Ross noted it could start a bidding war where companies dicker with Enoch and Cedar to get tax benefits and other perks to come in. That is why we don't like overlapping lines. We could negotiate with Cedar City on the southern boundary. Enoch is desirable and we don't have to give away the farm like Spanish Fork did Chairman Tingey said. Hayden got in the discussion to tell about utility services and what would work for us to expand our service area to cover or not. There was brief discussion of the property owners on the border and City Manager Dotson said he is talking to some and will continue conversations about their thoughts referring to the Maxwell Mini Farms folks. They could annex if they want and are still in our declaration area but they have to apply to be annexed. They could also still go into Cedar if they chose to. Islands used to be against the law but are no longer if the County agrees to it. City Manager Dotson said you have to annex property that is contiguous to the City already. No islands within the city are allowed. He gave more details about islands and peninsulas with regard to the law. There was brief discussion of the fact that areas can be forced in if they are a minority landowner. He cited the Chamberlain Subdivision forced in by the Salzano-Monarch annexation against their will. There was discussion of the belt route and interchange which is many years off. They are acquiring some properties now for easements and the like for the solar farm. Commissioner Meacham said it looks good except the south end. City Manager Dotson confirmed the bigger deal is Cedar's overlapping area. We intend to talk to property owners first and then go to Cedar City to talk about our boundary. We will ask them to move their line if the on the edge want to come into Enoch to accommodate landowners who we spoke to first. Just because a boundary line is there does not mean you can't do things. We say this is where we can provide services to. City Manager Dotson asked if they are comfortable with this drawing tonight. Providing services is the biggest thing. Chairman Tingey asked for questions. Next is to talk to landowners. City Manager Dotson said he would send out letters about this discussion.

11. PUBLIC COMMENTS-none

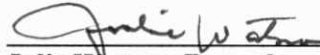
12. COMMISSION/STAFF REPORTS

Council Member Ross said at City Council meeting they passed a resolution for odd and even watering days. Even numbered addresses water on M-W-F and odd numbered addresses water on Tu.-Th.-S. All take Sunday off. They are always looking for ideas to save water and are using a lot of public education to get people used to this system. City Manager Dotson said there is an active marketing campaign now by the Conservancy District to educate the public on the issues

and reasons to conserve water. Chairman Tingey said we need more statistics and less fear. There was very little runoff this year and farmers are already struggling.

City Manager Dotson gave an update on the roundabout which is marked off and is bigger than we imagined but will reduce accidents and fatalities. It will be great when people get used to it. There were no other comments.

13. ADJOURN-Motion to adjourn by Commissioner Ley. Motion seconded by Commissioner Meacham and all voted in favor. The meeting ended at 8:05pm.

 5-25-21
Julie Watson, Recorder Date

Topic: Enoch City Planning Commission

Time: May 11, 2021 05:30 PM Mountain Time (US and Canada)

Join Zoom Meeting

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Meeting ID: 884 9690 6500