

MINUTES
ENOCH CITY PLANNING COMMISSION
August 24, 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
Commissioner Debra Ley-absent
Commissioner Bob Tingey

STAFF PRESENT:

Rob Dotson, City Manager
Council Member Ross
Julie Watson, City Recorder-Zoom
Lindsay Hildebrand-Deputy Rec.
Lynn Nielson-Bld. Insp.

PUBLIC PRESENT: none

1. **CALL TO ORDER OF REGULAR MEETING**-By Chairman Tingey at 5:30 pm. He excused Commissioner Ley who was out of town and Commissioner Peterson who had to resign from the Planning Commission and will be replaced.

- a. **Pledge of Allegiance** –Led by Lynn Nielson
- b. **Invocation** –Audience invited to participate. Given by Commissioner Meacham
- c. **Inspirational thought**-Given by Commissioner Correa
- c. **Approval of agenda for August 24, 2021-Commissioner Meacham made a motion to approve the agenda. Motion was seconded by Commissioner Correa and all voted in favor.**
- d. **Approval of minutes for August 10, 2021-Commissioner Correa made a motion to approve the minutes. Motion was seconded by Commissioner Meacham and all voted in favor.**
- e. **Conflict of Interest Declaration**-none stated

2. **CONSIDER REQUIRING BACKFLOW PREVENTORS IN THE PLUMBING AND MECHANICAL CODE, 9.500.561 AND IN THE ENOCH ZONING ORDINANCE, 12.300.317, WATER AND SEWAGE REQUIREMENTS AND 12.300.321, SINGLE FAMILY AND TWO-FAMILY DWELLING STANDARDS**

Chairman Tingey asked City Manager Dotson about this item. City Manager Dotson said this is coming from the City Council due to the recent storms and flooding. He asked Lynn Nielson, the City Building Inspector, to explain what is in the International Building Code. Lynn said we are receiving lots of calls about sewer flooding in homes and how to protect against it. A backflow preventer could help prevent sewer back up into homes but would not be necessary for every home. Lynn explained when homes are downhill from manholes and have basements that is most likely where the sewer line enters the home. That is also where the sewer will back up into the basement. He showed a basic model of a backflow preventer and explained how it works to block the sewer from coming into the home. The backflow preventer can also be installed outside the home but it requires a three foot diameter cylinder into the ground for access. Backflow preventers are not a guarantee and can fail and some did. If something sticks it open it does not function. Commissioner Correa asked if there are any issues with homes that are slab on grade. Lynn said he did not know of any. Most that flooded from the sewer had basements. Council Member Ross asked if a city can go above and beyond the International Code in its requirements. Lynn said he can't enforce anything more than what is in the International Building Code. City Manager Dotson asked if the City can produce a code requirement that is stricter. Right now this is a choice but we are talking about forcing them to do this on new homes. Commissioner Correa

asked, regarding inspections, if we were to require this would it be across the board or depend on where you are located like only for lower areas in the town. City Manager Dotson said it would be a challenge to say where and where not to require this. Chairman Tingey said that invites for future trouble.

Commissioner Meacham asked what liability the City would have if we forced this and it malfunctions. City Manager Dotson said there would be no liability. City Manager Dotson said people have come to the City Council and said we should require people to put these in and have more restrictive building codes. Lynn pointed out set-backs are not in the International Code but are in the City Code and that is enforceable. City Manager Dotson showed three places in our Code where a requirement like this might fit if we wanted to require it. He referred to the material in the packet. This is specific to single family residential homes. Commissioner Meacham said as much grief as the City got maybe this is cheap insurance against sewage coming into a home and is not expensive to do compared to damage caused by sewage. Chairman Tingey asked about failure rates. It was noted this is required to be installed by a licensed plumber in order not to void the warranty. Chairman Tingey wanted to know how reliable they are and if we have data on that and we don't. It was noted we did hear a few stories from those who said this saved their homes. Another person suggested the City should provide a public information campaign to teach people about this option. That would be doable and then residents could choose for themselves. We could at least educate them and let them decide. Chairman Tingey said that sounds like a good idea but he would like more information from manufacturers about the product. Commissioner Meacham suggested making it a recommendation rather than compulsory. That would be more in keeping with our basic policy of less government interference. It is not required but recommended. We have no fault liability in our insurance, City Manager Dotson said. People can file a claim and can get up to \$5,000 and the City is at no fault due to certain things outside of the City's ability to manage it such as these extreme storms. He said he thinks our insurance company would not recommend we put this into our Code as any failure of the device might give us some liability. Chairman Tingey asked if there was anything that would have prevented sewer problems with that much water. City Manager Dotson said no; only having this backflow preventer could have helped a homeowner. People took off manhole covers and made it worse. It was too much water for any sewer to handle. Hayden said some homes by the treatment plant were flooded in a more recent storm because there was more rain than that facility could handle. It was agreed this is a reasonable fix and is a common sense solution but it is a question of if mandating it is the right thing to do. Commissioner Correa said he would like to research it more and wondered if this is a common requirement in other cities. Lynn said we had more flooding here in Enoch than anywhere else. Commissioner Meacham said we have more questions to answer before get too deep into making a decision. Chairman Tingey asked if we want City Manager Dotson to check out the laws. Maybe it would be helpful to talk to contractors. It was noted when we make a decision we will hold a public hearing and then make a recommendation to the City Council. Chairman Tingey said we will bring this back on the agenda next time. Lynn said he would get more data too. The challenge is that some should have it and we can't mandate it to be retroactive on existing homes. Education of the public is best whether we mandate this or not. This is a consideration for every building that has a sewer lateral no matter the elevation. More research will be done and it will be discussed again at the next meeting.

3. REVIEW MODULE 3 OF LAND USE TRAINING-City Mgr. Dotson

Chairman Tingey asked City Manager Dotson to recap this module. City Manager Dotson said this talked about the people in the organization that do the land use work. That is the Planning Commission where all land use things start before it goes to the City Council. The Planning Commission gets the information, considers it and then makes a recommendation to the City Council. In Enoch they are advisors and don't have a constituency as elected officials do.

He gave a list of the things they recommend on to the City Council. One is the General Plan noting it is time to review that again. We have a lot of growth and that is why we need to update the General Plan because almost everything correlates with it. The Planning Commission holds most public hearings on land use applications and changes to the Code with the exception of annexations that go straight to the City Council. The Planning Commission can listen to the public and in some things, like zoning, if they feel a zone change does not fit the General Plan they can say no. In many land use applications if an applicant follows the requirements we have to approve it. City Manager Dotson suggested things we could change when we review the ordinances. Some functions are redundant and unnecessary or could be done by administrative staff. The Planning Commission is about public service and about planning for the future. The City Council sets the laws and the Planning Commission goes through the steps to make sure the processes in the law are followed. People are developing property and they are who we serve by doing all we can to make their projects happen. We serve them and it is our goal to help them accomplish what they want to do within the parameters of the Code. It is the goal to help people and for them to know that is our intentions. We don't say no to say no. We are continually working on developing our water resources to allow for being able to serve more development. City Manager Dotson said water is the choke point right now in his opinion. There is a cap to that resource so we require them to give us the water. Right now it is an issue when they don't have water with the property.

4. PUBLIC COMMENTS-none

5. COMMISSION/STAFF REPORTS

Council Member Ross reported many came to the City Council meeting who had been here last time and the Planning Commission prepared them to have a better discussion by listening and informing them. She thanked the Planning Commission for taking the brunt of it after the flood. Chairman Tingey said he felt it was important to let people tell them what happened to them so they knew we heard what they had to say. She thanked them for doing a wonderful job.

City Manager Dotson reported a lot of miracles are happening in our community with all the goodness that is coming our way. We are getting some drywall to give to people through the Churches who will help to get it distributed. There are lots of other supplies too. He reported he had a meeting with the National Flood Insurance program people today and you have to be a member as a City. If the City Council wants to do that then residents can purchase flood insurance at a more reasonable rate. He gave more details saying we are not in a FEMA flood plain. If we were, mortgage companies would require flood insurance. If you declare it a flood area, then people have to get insurance in order to get financing. There was more discussion of the issues of insurance.

6. ADJOURN-Motion to adjourn by Commissioner Correa. Motion was seconded by Commissioner Meacham and all voted in favor. The meeting ended at 6:45 pm.

 9-14-21
Julie Watson, Recorder Date

Meeting ID: 840 4251 1518