

MINUTES
ENOCH CITY PLANNING COMMISSION
May 10, 2022 at 5:30pm
City Council Chambers
City Offices, 900 E. Midvalley Road
Meeting ID: 871 4020 7063

MEMBERS PRESENT:

Commissioner Leonard Correa
Commissioner Andy Losee
Commissioner Andrew Meacham-excused
Commissioner Debra Ley
Commissioner Bob Tingey-excused

STAFF PRESENT:

Rob Dotson, City Manager
Council Member Ross
Julie Watson, City Recorder-Zoom
Lindsay Hildebrand-Dep. Rec.
Hayden White-Pub. Works Dir.

PUBLIC PRESENT: Ross Chatwin and Robert Cowan **On Zoom-**Jacqueline O'Rourke and Kelvin Smith of Go Civil Eng.

Commissioner Correa made a motion to have Chairman Pro-Tem Ley conduct the meeting in the absence of Chairman Tingey. The motion was seconded by Commissioner Losee and all voted in favor.

1. CALL TO ORDER OF REGULAR MEETING-By Chairman Pro-Tem Ley at 5:30 pm. She excused Chairman Bob Tingey and Commissioner Andrew Meacham who were absent.

- a. **Pledge of Allegiance** –Led by Commissioner Correa
- b. **Invocation (2 min.)** –Audience invited to participate. Given by Commissioner Losee
- c. **Inspirational thought**-Given by Chairman Pro-Tem Ley
- d. **Approval of agenda for May 10, 2022-**Commissioner Losee made a motion to approve the agenda. The motion was seconded by Commissioner Correa and all voted in favor.
- e. **Approval of minutes for April 26, 2022-** Commissioner Correa made a motion to approve the minutes. The motion was seconded by Commissioner Losee and all voted in favor.
- f. **Conflict of Interest Declaration**-none stated

2. PUBLIC HEARING FOR A ZONE CHANGE FOR THE HARDIN-CHATWIN PROPERTY FROM SINGLE FAMILY RESIDENTIAL (R-1-18) TO SINGLE FAMILY RESIDENTIAL (R-1-11)

Commissioner Correa made a motion to close the regular meeting and go to the public hearing for the zone change application for the Hardin-Chatwin property. The motion was seconded by Commissioner Losee and all voted in favor. Chairman Pro-Tem Ley invited public comments instructing the audience to state name and address for the record.

Robert Cowan said he lives near the property and has had a good neighbor in the Hardin's. He said he had no information on what this is about but understands why Hardin's might want to subdivide. He stated concern for the quality of life that will

change with more people living there. He is concerned the access the road will be impacted greatly.

Jacqueline O'Rourke of 420 W. Midvalley Road said she went in some comments but will state them now. She asked if these comments are seen by the City Council. She said she was told the City does not know exactly what the developer has planned yet. She said R-1-11 allows quarter acre lots. Doing the math that could possibly be 1118 homes. Water is scarce and she was told there has to be 1 AF per door given to develop but the big picture in Cedar Valley is a scary proposition for that many homes. She is concerned about the daily increased traffic on Bulldog and Midvalley Roads. She is concerned the impact to infrastructure. She questioned if the City communicates with UDOT and others on roads and how that works with that many more homes. Schools are an issue too. After they discuss and recommend to the City Council when does the community find out the recommendation? She asked if she can she go to the City Council meeting also.

Council Member Katherine Ross said a member of the public stopped her to say smaller lots are easier to take care of and the water is an issue so she is passing that comment along.

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 Losee and all voted in favor.

3. CONSIDER A ZONE CHANGE REQUEST FOR HARDIN-CHATWIN PROPERTY AND MAKE A RECOMMENDATION TO CITY COUNCIL

City Manager Dotson answered the public's questions. Someone asked what R-1-18 and R-1-11 means and he explained the lot sizes. He said quality of life is a concern and is commented on every time a development comes. There will be changes but what does that mean? Enoch Code requires the developer to create road access to the new subdivision. After 80 lots they have to have two access roads. Plans for development come after the zone change. All the zone change does is says you can have smaller lots and more lots. Access also includes roads within the subdivision as well as curb, gutter and sidewalks which take an amount of property that will not be used for lots. Utility easements also take up space so the math calculation cited earlier will be diminished by 30-40% that will be removed for placement of lots. He said the developer could do a residential subdivision right now with the R-1-18 zoning that was put into place at the time the Hardin's annexed the land. This change is to allow for smaller lots only. The use is the same as now. That is the law. Each lot has to bring 1 AF of water 1934 or older and he gave more details of the requirements for the water rights. He noted the agricultural use now in place uses far more water than homes will use. He explained more about the roads that will be required and that the developer will have to work with UDOT, Iron County and Enoch City to work out the required roads for access. It is a private easement on Bulldog now so that will have to be worked out. Iron County and UDOT all communicate and work together on this. Schools are their own entity and Enoch is not involved and has no bearing on that. They consider growth in their plans. The Planning Commission will make a recommendation to the City Council in this item tonight for the public to hear. The City Council decides if they will approve this application. The public hearing is now not then. All of this including public comments goes to the City Council

in the minutes for their review. Anyone can call a Council Member or the Mayor about this application. The public comments portion of the City Council meeting is at the beginning so the public can comment on this again if they choose.

The question was asked where the boundary of Enoch City is. City Manager Dotson said the western boundary is Bulldog Road although there are some jogs in the line. The Hardin property was annexed by petition from the owner into Enoch City a few years ago. There was brief discussion of the notice process for zone changes. That is done by signs and letters to adjacent property owners. The Planning Commission and City Council listen to public comments and also consider property rights, compliance with the General Plan and other factors in their decisions.

Ross Chatwin, the developer explained what he is planning to do in this subdivision. He said many people want to move here because they don't feel safe where they live. They are coming regardless and affordability comes with the lot size. The larger lots are unaffordable to develop in today's market. This zone change allows for a few more homes. He said he is trying to accommodate affordable housing. This property comes with enough water to satisfy the Enoch City requirement. There will be impact undoubtedly and they are mindful of that and want it to look nice and be a great subdivision. People will be attracted to it because it will be nice with a little park and he gave more details. He noted the adjacent subdivisions are already zoned for the smaller lots. This is currently a farm using far more water than homes will. There are two wells on the property that are irrigation wells and are in need of repair. City Manager Dotson said the City is aware of that and we will work with them to acquire the wells with development but that is not required. We require the water rights only. Impact fees go towards acquiring wells and he gave more details.

Chairman Pro-Tem Ley said, our part as the Planning Commission, is in planning for the future. The other things like water and roads are administrative and will be dealt with in later processes. More criteria for development was cited and explained. There was brief discussion of the secondary water system and its current use and expansion plans to reduce the impact on the culinary system. It was noted that large subdivision are typically done in phases and all issues mentions are dealt with in the City code as the development goes through the stages for approval. Chairman Pro-Tem Ley asked for a motion for a recommendation to the City Council.

Commissioner Correa made a motion to send a favorable recommendation to the City Council on the zone change for the Hardin-Chatwin property from Single Family Residential R-1-18 to Single Family Residential R-1-11. The motion was seconded by Commissioner Losee and all voted in favor.

4. CONSIDER PRELIMINARY PLAT FOR HARDCORE INDUSTRIAL PARK AND MAKE A RECOMMENDATION TO CITY COUNCIL – Civil Science-(note: reapplying due to major changes)

Kelvin Smith of Civil Science came in on Zoom representing the owner. He said they are reapplying because they had some significant changes to the previously approve preliminary plat. He said the biggest change is to the drainage aspects of the commercial subdivision. He gave many details regarding the road, water flow and specific lots. It was noted the end use of the lots after they are sold will also be a determining factor in what is required for drainage. There was going to be a retention basin on each property

and that is the big change. He said they cleaned up the design and so are resubmitting the Preliminary Plat for approval. City Manager Dotson pointed things out on the map saying the water will be piped to the north and it will flow with gravity. Kelvin was asked if he talked to UDOT about dumping into their roadside ditch. He said it is not final yet but they are talking and the flow goes there naturally. This fits our plan City Manager Dotson said. They are slowing down the water as much as possible to code. This will go in the road and then to the detention basin. This is a resubmittal for the changes. Kelvin said because of grades and hardscape they engineered this area as a retention basin to store and hold water and then it overflows and goes down roadway. Each lot will be responsible for their own run-off and retaining it when developed except lots 4 and 5 which are accounted for. For lots 4-5 they assumed a worst case scenario and oversized the basin. The basin is not on the property and is on a separate lot or parcel and has been engineered for lots 4-5 as adjacent without additional storage on lots 4-5. The drainage notes are on the plat and will be recorded with final plat. Chairman Pro-Tem Ley asked for a motion.

Commissioner Correa made a motion send a favorable recommendation to the City Council for the Hardcore Industrial Park Revised Preliminary Plat. The motion was seconded by Commissioner Losee and all voted in favor.

5. CONSIDER PRELIMINARY PLAT OF DAIRY GLEN SUBDIVISION, PHASE 2 AND MAKE A RECOMMENDATION TO THE CITY COUNCIL-Platt and Platt

Wade Wilcock represented the owners saying the zone change already done for this property for R-1-11. He said this Preliminary Plat follows all requirements and guidelines in City Code and they are ready to move forward with this phase. It was noted they have the required water and it comes at the time of the final plat.

Commissioner Losee made a motion to send a favorable recommendation on the Preliminary Plat of Dairy Glen Subdivision, Phase 2 to the City Council. The motion was seconded by Commissioner Correa and all voted in favor.

6. CONSIDER CHANGES TO WATER ORDINANCES – 3 PARTS AND MAKE A RECOMMENDATION TO THE CITY COUNCIL-See WB Rec.

Chairman Pro-Tem Ley said we will go through discussion of each item and vote as the Water Board did by roll call. Tonight we are considering how we use water and possible rate structures based on the same nine (9) questions the Water Board considered.

#1-Do you agree with accepting younger water rights with dates after July 1934 with the associated fee as proposed in the draft ordinance?

City Manager Dotson said the Groundwater Management Plan (GMP) is now the policy for younger water rights which will be curtailed starting in fifteen (15) years. There is the possibility that policy could change if other efforts to stabilize and recharge the aquifer are successful. Council Member Ross said the City Council set the policy that we will only accept water rights dated July 1934 or older. City Manager Dotson said younger, existing water rights could possibly be used in conjunction with a fee until curtailed. The fees would be used to acquire other water rights or water sources. (WB-All voted yes)

Planning Commission-All voted yes.

#2 Do you agree with acquiring the use of a water right with a fee and no water rights being given to the City? (WB-1-no-1 yes, with condition of one connection and 2-yes)

City Manager Dotson explained the concept in detail. Doug Grimshaw of the Water Board was against it. Alan Miller said this might make sense for one connection but not for an entire Enoch Planning Commission Meeting

subdivision. Chairman Pro-Tem Ley said Cedar City does this now and they are in trouble with their water due to that policy. Chairman Pro-Tem Ley discussed the Water Board votes listed above.

Chairman Pro-Tem Ley-no, require a water right for everything. Commissioner Correa-yes, for one connection only Commissioner Losee-yes, for one connection

#3 Do you agree with the Acquisition Fee Chart as proposed –Planning Commission -all yes
(WB-All yes) Planning Commission –All yes

#4 Do you agree with exemptions for water acquisition for nominally irrigated areas and not subject to an acquisition fee if it requires “X” amount of water for nominally irrigated areas such as planting strips with gravel, trees and shrubs? (WB-3-no 1-yes)

Concerns expressed by the Water Board were this sets up developers to underestimate the usage and they deed less water to the City in accordance. Then they use more and the City has not been deeded the water to cover the over use. Spencer thought it incentivizes developers to xeriscape.

Chairman Pro-Tem Ley-no not needed. Commissioner Correa-no Commissioner Losee-clarified saying this is xeriscaping and not grass so-Yes

#5 –Do you agree with open space exemptions defined as no water rights required?

City Manager Dotson explained saying if a private HOA has a park that is private they must provide water rights to water it. If a development gives a public park to the City, we are exempt. This is so we as a City are not the hook to provide water for open spaces that are not defined as dedicated parks. There was more discussion noting this could be referring to an open space requirement in a subdivision that has nothing in it that needs watering so they don't have to bring water for that open space. To Doug's (WB) point they would be exempt for the open space requirement anyway. If they build a public park that is different so that needs to be specified, Chairman Pro-Tem Ley said she concurs with Doug's point in the Water Board minutes. She inquired as to if the City ever says no to a park being deeded noting added watering is not something the City should take on right now. City Manager Dotson said we have not refused parks to date but we could. To Doug's point the question was why exempt something that needs no water to begin with? (WB-3 no and 1 yes to exempt it)

Chairman Pro-Tem Ley-no Commissioner Correa-yes with conditions Commissioner Losee-no

#6 Do you agree with public lands and City exemption for water rights?

(WB-All yes)

City Manager Dotson said we currently do not have any public lands in Enoch. There is legislation pending with the State regarding BLM and SITLA land that could be sold to developers for affordable housing to be built on that land. State code will allow us to cooperate with them to dispose of their property for affordable housing. Federal legislation changes will have to occur for this to happen so this is a “future” case scenario. City Manager Dotson explained when this type of land is disposed of it becomes private land and then a developer brings the water to develop it. **Planning Commission- All voted yes.**

#7 Do you agree with a conservation tier system?

(Water Board-all yes with concerns)

City Manager Dotson explained for a certain lot size a developer decides what tier they want to be on and that is tied to the water rights required to be deeded for those properties. The expected water use gets the lower accompanying rate. Chairman Pro-Tem Ley gave the example of her large property that is fully developed saying this gives her concerns. It was noted the current rate

structure does not cover expenses to run the Water Company on delivery of the one acre foot of water. Those who use less subsidize those who use more and it should be the opposite. There was discussion of various scenarios and it was noted this is mostly for new development but existing property owners could commit to conserve, remove turf and get a lower rate tier assigned to their lot. The Water Board discussion was Alan said the concept is fine but someone else is committing for others to have to conserve. Doug expressed concerns of the City having to enforce this conceding someone may pay more to use more but they did not give the full 1 AF to begin with so they are using water that does not exist as a deeded water right.

Planning Commission-All voted yes

#8 Do you agree with a water right “unit” principle for a lot with a water “unit” assigned to that lot and the ability to transfer “units” to other lots for others in the City? (WB voted two yes and two no)

City Manager Dotson explained the concept saying if you use only a 1/2 AF as calculated by your historical use the you have access to sell or dispose of the other half AF to someone else. This is an agreement by both parties to do this. You sign a legal document that is recorded to transfer the water to someone else’s lot. You can only do this once per year. This is only for SFR lots.

Planning Commission-All voted yes

#9 Do you agree with water unit transfers as with an agreement between two property owners to change the tiers and assignment of rights? (WB 2-yes and 2-no)

The Water Board concerns were recapped. Issues were cited with the complicated process to track transactions, new owners not being informed and/or not understanding their water is limited due to the previous sale of some portion of it. A new owner may want to create a different landscape and does not have sufficient water to do that. Limited water could make it harder to sell the property. It was noted the City can track this with a spreadsheet and this will not be a common transaction. It was noted Doug and Alan were completely opposed to this. It was stated this would be disclosed at the time of sale that the property is in a conservation unit in a tiered system. Commissioner Correa can see this getting lost in the paperwork and people not understanding it. Commissioner Losee said he can see this concept for new development but not current users. The Planning Commission felt there was not any urgency for this part of the water ordinance. Chairman Pro-Tem Ley said she does not like it and suggested leaving this question for the future noting the other items discussion will cover the pressing circumstances we are in.

Chairman Pro-Tem Ley-no Commissioner Correa-no Commissioner Losee-yes

City Manager Dotson said the Water Board also had issues about making a recommendation on these questions to the City Council as it is shown. He suggested the City Council could decide from all input from both bodies. City Manager Dotson said he, a water rights attorney and some developers weighed in on this so there was a lot of input. The Conservancy District does some of these water items but not this water unit part. Chairman Pro-Tem Ley said things like this may work in CA but it is different here in a rural society. Homeowners don’t know about or understand this complex water law. Commissioner Losee said most growth is in new development. Much of these concepts will be a rare thing in the older parts of the City. He noted the WB-Doug said some concepts will work in new developments but would not be a good or practical thing for the older properties. Chairman Pro-Tem Ley said the person developing says how much water will be used and they set it up that way. You choose to buy where you want knowing what it is. The developer engineers the use for water per lot so maybe they don’t have to bring as much water to the city. City Manager Dotson said this spreads out the water allowing others to use it to build.

City Manager Dotson said this water ordinance will require a public hearing be held by the Planning Commission because it is a land use action. The agenda tonight does not say to set a

public hearing so he suggested sending a recommendation to the City Council so they can start the conversation and then set the public hearing in the next meeting.

Commissioner Losee made a motion to send the Planning Commission responses on the water ordinance to be considered by the City Council noting the Planning Commission will set a public hearing in the next meeting. The motion was seconded by Commissioner Correa and all voted in favor.

7. CONSIDER PROCESS FOR AMENDING THE ENOCH CITY GENERAL PLAN

Chairman Pro-Tem Ley said when Cedar City did this it cost them a lot of money because they hired an outside consultant to review all elements of the plan and to bring it all together. City Manager Dotson asked if they want him to do an RFP to get outside help or do we want to set up a process ourselves using what others have done to start a review and public hearings on the General Plan. For Commissioner Losee's benefit he explained the General Plan is our policy and sets a tone for development and what we promote as guidelines on the different areas of consideration within the General Plan. It tells developers what we want for Enoch City. The Planning Commission is the body who does the planning so we need public input and we need to explain things to them so they understand it. City Manager Dotson said we have been through this process before and we can do this without outside help. He went through the various elements contained in the General Plan. He noted we recently reviewed and made changes to our Annexation Declaration Boundary Lines so that part is done. He said we don't rewrite the whole thing but we may tweak it for clarity. The question to consider is what do we want the City to look like? Commissioner Correa elaborated on what people said when he campaigned and talked with regular folks. They wanted more services out here. City Manager Dotson the point is well taken but it is not up to the City to bring in tax revenue. We don't do that. We don't grow businesses or draw them in. We do try to encourage an atmosphere where commercial growth is welcome and can happen. The private businesses decide when and where they will build. He noted this process will educate people on what we do or do not do as a City. Chairman Pro-Tem Ley suggested we start with looking at what we already have in the next meeting. It was noted the General Plan is available online. City Manager Dotson said if they want a paper copy to let him know. He said Lindsay or Julie will send an email with the General Plan and the maps to Planning Commission. Discussion will begin on the next agenda.

8. PUBLIC COMMENTS-none

9. COMMISSION/STAFF REPORTS

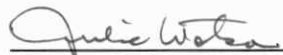
Hayden White reported they have been working on the Iron Mountain Park retention basin, working on roads and beginning the regular good weather jobs.

Council Member Ross said the RV ordinance passed all the same except changing the stay time to 180 days which is a six month stay. The original change was to allow for one acre for the RV Park. The Minor/major subdivision ordinance had some issues with retention basins due to concerns from Spencer Jones so they passed it all except for that part which will be revisited in the next meeting. They talked about possibly closing the dump due to the high cost to run it. We need to replace a truck and the roll offs and that is costly. The discussion was how to cover costs. Options were charge a fee maybe. Most want to keep it open. They could charge all residents \$3 on the utility bill because this is for the public good to curb illegal dumping and clean up the City. Hayden said at last count 1022 residents had picked up dump passes. That is over half the population. It is also cheaper than getting a second trash can Chairman Pro-Tem Ley said. Council Member Ross said they will continue to consider different options because the City has costs to cover. Commissioner Losee said maybe it could be open more hours if we charge for this.

Council Member Ross said we want to get the community response to this so there may be a public hearing held.

Commissioner Correa had nothing more on roundabout but talked to Commissioner Losee Funderburk about lights and has not heard back.

10. ADJOURN-Motion to adjourn by Commissioner Correa. Motion seconded by Commissioner Losee and all voted in favor. The meeting ended at 8:15.

 5-24-22
Julie Watson, City Recorder Date

Meeting ID: 871 4020 7063