

ENOCH CITY PLANNING COMMISSION

MINUTES

June 14, 2022 at 5:30pm

City Council Chambers

City Offices, 900 E. Midvalley Road

MEMBERS PRESENT:

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

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: Megan Stead, Alan Wade, Barry Johnson, Kerry Carpenter, Tracy & Jana Hassett, Robert & Haven Hafen, Jorden Barber, Franklin & Joy Grimshaw, Richard Stuart and Worth Grimshaw. John Staples was on Zoom

1. CALL TO ORDER OF REGULAR MEETING-By Chairman Tingey at 5:30 pm.

- a. Pledge of Allegiance** –Led by Commissioner Correa
- b. Invocation (2 min.)** –Audience invited to participate. Given by Haven Hafen
- c. Inspirational thought**–Given by Commissioner Correa
- d. Approval of agenda for June 14, 2022-Commissioner Ley made a motion to approve the agenda. Motion was seconded by Commissioner Correa and all voted in favor.**
- e. Approval of minutes for May 24, 2022-Commissioner Ley made a motion to approve the minutes. Motion was seconded by Commissioner Correa and all voted in favor.**
- f. Conflict of Interest Declaration**–none stated

2. SET THE NEXT PLANNING COMMISSION MEETING FOR 6-28-22 TO 6-29-22 DUE TO VOTING DAY ON 6-28-22

Chairman Tingey noted that because of Election Day falling on our regular Tuesday meeting day we are rescheduling the Planning Commission meeting for the following night, Wednesday June 29, 2022 and need a motion to do so.

Commissioner Correa made a motion to change the next Planning Commission meeting from Tuesday 6-28-22 to Wednesday 6-29-22 to accommodate Election Day. The motion was seconded by Commissioner Ley and all voted in favor.

3. CONSIDER THE FINAL PLAT OF PINEVIEW ESTATES, PHASE 2 AND MAKE A RECOMMENDATION TO CITY COUNCIL

Chairman Tingey recognized John Staples on Zoom to represent Pine View Estates, Phase 2. John said there is nothing new to add but he will be glad to answer questions. Chairman Tingey asked City Manager Dotson if they need to know anything new. He said this subdivision final plat meets all requirements of Code so it is good to go and needs a recommendation to the City Council.

Commissioner Correa made motion to send a favorable recommendation to City Council on the Final Plat of Pine View Estates, Phase 2. The motion was seconded by Commissioner Losee and all voted in favor.

4. PUBLIC HEARING FOR ZONE CHANGE OF LOTS 3A, 3B, & 3C, AMENDED PLAT OF LOT 3, BLK 2, VILLAGE GREEN FARMS FROM R-1-18 TO R-1-11

Commissioner Correa made a motion to close the regular meeting and go into the public hearing for the zone change application for Lots 3A, 3B & 3C Amended Plat of Lot 3, Blk. 2 of Village Green Farms from Single Family Residential R-1-18 to Single Family Residential R-1-11. The motion was seconded by Commissioner Ley and all voted in favor.

Chairman Tingey invited public comments asking the audience members to come to the podium and state name and address for the record.

There were no public comments.

Commissioner Correa made a motion to close the public hearing and go back to the regular meeting. The motion was seconded by Commissioner Ley and all voted in favor

5. CONSIDER ZONE CHANGE OF LOTS 3A, 3B, & 3C, AMENDED PLAT OF LOT 3, BLK 2, VILLAGE GREEN FARMS FROM R-1-18 TO R-1-11 AND MAKE A RECOMMENDATION TO CITY COUNCIL

Chairman Tingey said this action is change the zoning from Single Family Residential R-1-18 to Single Family Residential R-1-11. He added we have discussed this in a prior meeting. There was no further discussion.

Commissioner Ley made a motion to send a favorable recommendation to the City Council for the zone change application for Lots 3A, 3B & 3C Amended Plat of Lot 3, Blk. 2 of Village Green Farms 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.

6. PUBLIC HEARING FOR ZONE CHANGE OF PARCELS A-0916-0002 003A & A-0916-0002-003B FROM R-1-11 TO RECREATIONAL VEHICLE PARK (RVP) CONTINGENT UPON BOUNDARY LINE ADJUSTMENT OF VACATED PARCELS TO CREATE 1.06 ACRES

Commissioner Correa made a motion to close the regular meeting and go to the public hearing for a zone change application to go from Single Family Residential R-1-18 to Single Family Residential R-1-11 and Recreational Vehicle Park-RVP. The motion was seconded by Commissioner Ley and all voted in favor.

Chairman Tingey invited public comments asking the audience members to come to the podium and state name and address for the record.

Alan Wade said he does not see how this fits and will bring lots of dust, dirt, and traffic on Green Acres Circle where Enoch does not maintain the road and he doesn't like it. His second concern is the water rights and what do they need there? He said he doesn't like park models being allowed in there. Then it is not an RV park but permanent living. It says 120 days and that is a long time. He looked at other cities requirements and who is going to enforce all that? The ordinance does not address any landscaping. He said the Ordinance is really vague. They can do anything they want and he doesn't like it. He went on about water and that the ordinance should be changed because it is too vague. He said he is worried and irritated and is stating the views of others who agree with him. He cited other points like fencing and asked if the 11,000 SF lot is enough to build a home on. He said it doesn't fit with the other homes in the neighborhood the City needs to address his issues. The ordinance has too many holes and too much room to go bad. He went on with requirements he'd like to see regarding water, sewer, landscaping, park models,

excess traffic, and nuisance ATV use by those staying in the RVP. He said he would like this addressed before approving this.

Megan Stead, property owner, came up to address concerns. She said this will be an RV resort for RV's only. A six month stay is allowed but no permanent situation will be allowed, such as park models, installing decks or anything of a permanent nature. This is for nightly stays for travelers. She said the entrance will be addressed in the design process and there will be 17 sites. They could exit out onto the unpaved road if they have to. The State Engineer made the water right requirements and they are following that for the required water to be deeded. The site is sufficient for the restrooms and there will be little water use compared to regular homes. They will make it nice for the entrance because that is in the best interests of doing business. It will be fenced. Every little thing is not detailed within the ordinance and doesn't need to be. As part of their property rights as owners they have the right to make decisions about how their property will look as long as it meets City requirements for this use. This is a vacation place so it will be nice and quiet and will not be trashy. They will be living onsite to maintain it and make sure of that. If it does not look good no one would come to stay there.

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.

7. CONSIDER ZONE CHANGE OF PARCELS A-0916-0002-003A & A-0916-0002-003B FROM R-1-11 TO RVP (RECREATIONAL VEHICLE PARK) CONTINGENT UPON BOUNDARY LINE ADJUSTMENT OF VACATED PARCELS TO CREATE 1.06 ACRES AND MAKE A RECOMMENDATION TO CITY COUNCIL

Chairman Tingey asked for comments from the Commissioners. Commissioner Correa said the acreage was clarified. They calculated the space needed and he trusts that was done right. Commissioner Ley said Highway 91 is designated for commercial uses and this meets the General Plan goals. The zone is right for Highway 91 and is appropriate in this location. Two entrances are able to be made but based on the ordinance it is not required here. Chairman Tingey said he would prefer them pulling out the other way and not onto Highway 91. Things have to be wide enough to allow for maneuvering and a second ingress/egress could be an option in this location although that decision comes at the time of the design work phase.

Chairman Tingey asked City Manager Dotson to explain the water rights required and he did so. Standards are set by the State of Utah and our Code for this. He explained the calculations by the engineers noting two AF is appearing to be adequate. There was brief discussion of the length of stay and noted it is partly due to snowbirds and accommodating them. Commissioner Correa asked about park models. Megan said they are like a tiny home and are not allowed. They have to be set up and this is for pull-thru only RV's. City Manager Dotson said a park model is different and has a foundation and skirting. You don't take those out on vacation. They are permanent dwellings and not allowed here. City Manager Dotson said to move along, the applicant has asked for a zone change and not to change the ordinance on the books. That is not the issue. This applicant meets the requirements of this code and is applying for a zone change only. They do not have to give other details of their proposed development in this application. People's property rights are also in play here as long as they meet the requirements. Chairman Tingey said regarding zone changes they consider the good of the community and requirements of the General Plan and the zone in their recommendation to the City Council.

Commissioner Ley made a motion to send a favorable recommendation to the City Council for the zone change from Single Family Residential R-1-18 to Single Family Residential R-1-11 and Recreational Vehicle Park-RVP, contingent upon the boundary line adjustments. The motion was seconded by Commissioner Correa and a roll call vote was held with all voting yes.

8. PUBLIC HEARING FOR NEW WATER ORDINANCE, WATER ACQUISITION, CONSERVATION TIER STRUCTURE, AND WATER UNITS

Commissioner Correa made a motion to close the regular meeting and go into the public hearing on the water ordinance, water acquisition, conservation tier structure and water units. The motion was seconded by Commissioner Losee and all voted in favor.

Chairman Tingey invited public comments.

Alan Wade said he didn't see this and asked what it is. Chairman Tingey said this is posted on the website. He asked some questions and commented about the cost of an AF of water these days.

Barry Johnson said he has lived here for many years and has fully developed his property and irrigates it all. He would pay a little more to keep his yard nice but if not rates are hiked up so much that he can't keep his yard as it is he would not be happy. A large rate hike is not fair to residents. He has lived here 43 years and developed his property with grass and trees. He objects to the changes.

Chairman Tingey said point is the Planning Commission recommends to the City Council and is not approving this. They are holding the public hearing because it is a land use issue and the City Council asked them to consider it and recommend to them. Any changes to Code will come from the City Council.

City Manager Dotson reviewed the new ordinance for the audience. He explained the current requirements and the new changes. New homes bring one AF of water in order to build. We do need more wells but new homes are not taking from others for their use. He explained the pending curtailment of younger rights in the Groundwater Management Plan (GMP). He said in the proposed new ordinance, younger rights could be given with a fee in lieu of the 1934 water right. He explained the fee plus the younger right. He covered more details of the changes such as BLM land, the graduated tier system, conservation tier schedule, etc. Any money paid to the City will be used to acquire water. That is the basis of it, City Manager Dotson said.

Kerry Carpenter talked about the GMP and said it is often misunderstood. He told about surface rights and Coal Creek water explaining how irrigation works and what the GMP will do. He said the rule is "first in time, first in right" on the water use. This valley can't support all the rights allocated out to people. Water rights are real property just like land is. They are bought and sold on the open market and supply and demand is in place for the prices. He clarified what all this means and gave details of reactivating water rights that are not in use. They can be put into use and proved up on to make them valid again through a process. It was noted only a judge in a court of law can "take" away water rights. He gave more details of past Utah history and droughts and how the water rights in wells came about with supplemental rights and shares etc.

Worth Grimshaw said his question is for original residents who put in the infrastructure and gave the water. What happens to them with large lots? The thought back in the day was to have what they needed for irrigating a large lots and he gave the history of the 1 AF of water required per lot. His thought is the City should reimburse those who put the water in originally or keep the rate down for them. He added Enoch did not have a water volume problem until Cedar was allowed to go upstream and put in a big well that pumps our water to Cedar. His theory is they overallocated that water and they should be forced to pay Enoch for it. The springs are dried up now because it is over-pumped from Cedar's well. He told about his property and gave more details. This area was settled here due to the large meadows and streams being here. He gave a great amount of detail. Worth asked if there will be a public hearing on the final ordinance and was told there will be one because it is required for a rate change to take place.

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

9. CONSIDER NEW WATER ORDINANCE, WATER ACQUISITION, CONSERVATION TIER STRUCTURE, AND WATER UNITS AND MAKE A RECOMMENDATION TO CITY COUNCIL

Chairman Tingey asked for thoughts from the Commissioners. Commissioner Ley asked about the State Engineer and the GMP. It was stated the plan has declared the aquifer is over-pumped at 28,000 AF because the safe yield is only 21,000 AF and we are in trouble. Chairman Tingey confirmed we knew about this for awhile and we are now reclaiming water and other measures to recharge the aquifer and mediate the over use of water. Kerry Carpenter, who is retired from the Division of Water Rights, added that is why the GMP came to be in order to balance the aquifer. Chairman Tingey said conservation of water will come with higher costs. Commissioner Ley expressed why she moved here saying they had the water to do their landscaping and should not be charged more. If we are already in the hole, why do we allow more homes? Commissioner Correa said we can't "not" allow property rights in the form of new homes if they meet our requirements to develop and they bring the water rights. That is in State law. Chairman Tingey said we can't assume anything on the rates. This discussion is not about that issue tonight. This is complex and it will be refined with another public hearing held before rates are changed. Worth added at this point the first thing to consider is to bring the water back that is reclaimed from the sewer plant for use in this valley and pipe it back to here. Water flows from south to north. It goes north of sewer plant now. Council Member Ross said Cedar owns the sewer plant and we have been putting pressure on them in discussions to get this reclaimed water. There was more discussion of that issue. Cedar should have to make us whole, Worth said, for taking our water. We need to address that issue with our State representatives. There was more discussion of history and details of water in this valley. Chairman Tingey said we need to make a recommendation to the City Council tonight. He added he is not feeling good about making one right now. Commissioner Ley said on page 2 of item #3-a, in the new ordinance emailed yesterday, she does not like the language that says "prudent by city staff" adding that is vague language and not good. Chairman Tingey said he thinks the same thing. It makes no sense.

Council Member Ross said that came up because if there is a sudden spike in water costs the Council needs to be able to move and the current wording has us stuck waiting for a year to reevaluate which does not work in an emergency. Chairman Tingey said he would prefer an annual evaluation or if the City Council deems an emergency they act accordingly. There was more discussion of possible language. Staff determines if this needs to be done and recommends to the City Council. Commissioner Ley said she does not like the word "prudent". "As deemed necessary" is better and at least annually. Commissioner Ley said she also doesn't like the parks portion on page 4 #b-1-exemptions to give water. There was discussion of undeveloped open space and that regular parks within subdivisions should bring the water rights to irrigate the grass. She said she is not happy with small parks in subdivisions because the City has to maintain them and water them. We need larger areas and not little dinky parks in subdivisions. The developer should have to bring water for their irrigation. Neighborhoods should take care of their own areas. It is too late on that for what we have now but it could be changed for the future. Commissioner Correa defended Iron Mtn. Park and explained it is for the use of several subdivisions in the area. Worth Grimshaw explained how the small parks came about originally in Garden Park and Spanish Trails. Their old water tanks were on the sites of the parks existing now. Enoch had to annex those areas due to bad high-nitrate water. That stopped the use of the old bad wells that are now on the secondary system water. Those subdivisions went onto good culinary water for the good of all concerned. Chairman Tingey said he wants to think about this more and asked if we all agree to postpone a recommendation on this. Commissioner Ley expressed concerns about page 5 regarding conservation tiers and multi-family development. She said she wants some changes before a recommendation is made. This is better but is not there yet. Chairman Tingey said we need to modernize but this has issues. Council Member Ross said this came up from

Water Board and the tiers are complicated. Most people use less than allocated. Chairman Tingey said let's think about this for two more weeks before a recommendation is made. Council Member Ross said sooner rather than later is needed on this and concerns can be brought to the City Council tomorrow night.

Commissioner Correa made a motion to table this item and bring it back on 6-29-22. The motion was seconded by Commissioner Ley and all voted in favor.

10. DISCUSS SECTIONS 1 AND 2 OF THE GENERAL PLAN

Council Member Ross said she asked the City Council if they had a time frame on completion of the task and they said January 2023 is fine for this to come to them. Chairman Tingey said we were going to look at Sections 1 and 2 of the General Plan (GP) for tonight. He said the word that comes to mind for him is this is too "wordy". We need to simplify it. He asked if the 2020 census numbers are available for us to use in working on this plan. He suggested we table this to get the census information. He also noted we are still looking for a new member to replace Andrew Meacham. It was suggested any names be given to Mayor Chesnut and Council Member Ross for the appointment of a new member to the Planning Commission. No further discussion was held.

11. PUBLIC COMMENTS- none

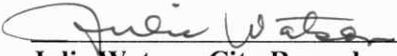
12. COMMISSION/STAFF REPORTS

Hayden White reported regarding water and wells saying when the City obtains an irrigation well, the water is cut by 40%. That is typically called the "haircut". They give the full number of acre feet of water but we only get 60% in actuality. There was brief discussion of this concept.

Council Member Ross reported she inquired about the time frame on the GP. She said the Council is talking about water and going through the questions as the Water Board and Planning Commission did already. She asked if we really need another meeting to keep talking about this because the Council may act tonight. The Planning Commission expressed concerns of the different points of view being so varied and because this is so complex. They maintained they did not want to make a recommendation tonight.

Commissioner Correa commented on the "xeriscape" concept. He accessed some information on Facebook for Southern Utah gardeners. He gave more details saying green spaces are actually noticeably cooler and help to retain water in the ground. If lawns are left taller then there are less weeds and the lawn roots don't die when watered less. Greenspaces produce the coolness that generates into the environment. He said he can feel that coolness coming off of the field by his home. He questioned whether xeriscaping is the way to go. Maybe a prairie type landscape with grasses instead would be good for the environment. Hardscape makes it hotter. He quoted a study from Phoenix saying with all the cement it causes much higher temperatures. Maybe we are shooting ourselves in the foot with taking out grass which may be of more benefit in the long run.

13. ADJOURN-Motion to adjourn by Commissioner Ley. Motion seconded by Commissioner Correa and all voted in favor. The meeting ended at 7:55 pm.


Julie Watson, City Recorder

6-30-22
Date