

MINUTES
ENOCH CITY PLANNING COMMISSION
May 28, 2019 at 5:30pm
City Council Chambers
City Offices, 900 E. Midvalley Road

MEMBERS PRESENT:

Commissioner Paul Hardy
Commissioner Greg Peterson
Commissioner Andrew Meacham
Commissioner Debra Ley
Commissioner Bob Tingey

STAFF PRESENT:

Rob Dotson, City Manager
Katherine Ross, Council Member
Julie Watson, City Recorder

PUBLIC PRESENT: none

1. **CALL TO ORDER OF REGULAR MEETING**-By Chairman Tingey at 5:30 pm. He excused Commissioner Ley who was not in attendance.
 - a. **Pledge of Allegiance**-Led by Commissioner Hardy
 - b. **Invocation**-Audience invited to participate. Given by Commissioner Peterson
 - c. **Inspirational thought**-not given
 - c. **Approval of agenda for May 28, 2019**-Commissioner Hardy made a motion to approve the agenda. Motion was seconded by Commissioner Meacham and all voted in favor.
 - d. **Approval of minutes for May 14, 2019**-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. **REVIEW AND MAKE A RECOMMENDATION TO THE CITY COUNCIL ON REVISED ORDINANCE NO. 2019-05-01-B, AN ORDINANCE AMENDING THE ENOCH CITY ZONING ORDINANCE, CHAPTER 10, SECTION 10-4, CARGO STORAGE CONTAINERS**

Chairman Tingey said he had a few questions. He said to City Manager Dotson regarding the "Purpose" statement, that he does not like the word "punishment" and would like it to say instead "provide enforcement for violations of the ordinance." The Commissioners agreed the word "punishment" would be rephrased. Chairman Tingey asked if we could capitalize or underline "temporary" in Section 3 in the title. It was decided to remove "Application, Location and Use of" from the title of item 3 to read "Temporary Storage Containers for Construction" as the title of item 3.

Chairman Tingey referred to item 3(b.) where it lists the conditions they must abide by and four things you can't do, noting they are not standards. We should say the following items are not required and list them as foundation, ventilation, electricity and tie downs for less confusion. Or say, for temporary construction, the following items are not required and then list the four things.

Chairman Tingey asked if we decided we would allow containers to be stacked in commercial zones. City Manager Dotson said we wanted to limit that and he gave the example of what that would look like if it was done across the street from the City Office in the commercial zone adding, we don't want that. Commissioner Meacham said when containers are for sale or rent in a storage yard they can stack them.

City Manager Dotson said the issue with the ordinance as written is, it does not have the correct final version in the body. The REVISED VERSION in the packet is correct. He asked the Commissioners to refer to that version adding the revised version has all the changes and it is correct. It should say containers can't be stacked. There was more discussion of the language which uses many double negatives and is unclear in areas.

The discussion went to cargo storage containers for human habitation and it was clarified that if that is the intent then the applicant must get a permit and comply with all building codes to get a Certificate of Occupancy before a unit could be inhabited. The ordinance will state clearly that a "Certificate of Occupancy" must be obtained after compliance with all codes. Currently it does not say you have to get a building permit. It is the "Certificate of Occupancy" that counts City Manager Dotson said.

Chairman Tingey had one more concern in 5.(e). He stated he thought we should remove the first part of the sentence that says "All Cargo Storage Containers must be used for personal home storage". We can't regulate that. We should just say "No Cargo Storage Container can be used to store hazardous materials." Commissioner Meacham said if we have a certain quantity of hazardous materials we want to specify. City Manager Dotson said state and federally regulated hazardous material is what is being referred to. There is a list. Commissioner Meacham said it kicks in at a certain quantity to be clear.

Commissioner Meacham had a question under 3 (iv.) regarding granting more than one extension. It says only one may be granted. What if they have a situation and need more time. City Manager Dotson said that is a political question. Let the City Council decide. There was more discussion of limiting City Manager Dotson in his flexibility. Commissioner Ley came into the meeting at this point. Chairman Tingey said it is ok as is. This allows for 18 months of extensions and that is for temporary uses. There was more discussion of various circumstances that could cause delays and it was decided to leave it as is.

There was more discussion of site obstructions to other properties regarding placement of containers. Chairman Tingey asked what does 3(c) mean. City Manager Dotson said that scenario has already happened. A neighbor put a container on a fence line and it obstructed their neighbor's view from their back deck. Chairman Tingey asked if the attorney could come up with something more coherent. This is very subjective. If the container is placed back behind the house there is no site obstruction. Commissioner Ley said we require set-backs with other accessory buildings and containers are the same thing. Why does this case have to be 8 feet in back and not on the property line like other accessory buildings. City Manager Dotson did not know why this is in there and will strike that. In discussion it was decided to use the same set-backs as any accessory building would have. Commissioner Ley noted this is listed as temporary use. The intent was someone pulling out couldn't see past the building unless it was at least 8 feet from the front property line for temporary use. Looking at 4-b which is permanent use, City Manager Dotson said we will use the same set-backs when behind the house with the same set-backs as any shed. That is two (2) feet from the property line, City Manager Dotson said. City Manager Dotson said in the accessory buildings code anything 200 SF and above is required to get a building permit. 46' x 8' is almost 400 SF but you are not building it. It is already built unless it will be used as a habitat. You can only cover so much property with accessory buildings in the Code.

City Manager Dotson said the Planning Commission could review this tonight and he recapped the changes as discussed which would be in the motion to send a recommendation to the City Council.

City Manager Dotson recapped the changes looking at the revised version.

1. Section 10-4 at the top to read CARGO STORAGE CONTAINERS.

2. Remove the word "punishment" and substitute "provide enforcement for violations of the ordinance."
3. Definitions stay the same.
4. #3 is temporary for construction and nothing else changed except for b. which says the following are not required and list them.
5. #3 c would have placement requirements which are at least 8 feet from the front property line or any property line adjoining a street like a corner lot.
6. Change title on #4 to read "Permanent Storage Containers in Commercial Zones.
7. 4(a). To read cannot be stacked.
8. 4(b). Add at the end of sentence "for an accessory building."
9. Add in all clauses where needed, if used for human habitation they must meet all building codes and receive a Certificate of Occupancy.
10. Must be behind the main building as an accessory building for permanent use.
11. Not to be used for hazardous materials storage.

Commissioner Peterson made a motion to send a favorable recommendation on Ordinance No. 2019-05-01-B, an ordinance amending the Enoch City Zoning Ordinance, Chapter 10, Section 10-4, Cargo Storage Containers with changes as noted. The motion was seconded by Commissioner Hardy and all voted in favor.

3. PUBLIC COMMENTS-none

Chairman Tingey said we want to recognize Commissioner Hardy who has turned 80 years young this past weekend. The Commissioners and staff sang Happy Birthday to him.

4. COMMISSION/STAFF REPORTS

Council Member Ross said at the last City Council meeting all the business that came from Planning Commission was passed.

City Manager Dotson noted he emailed the new nuisance ordinance to everyone. On the City Council agenda for June 5th a public hearing will be held. Settlers Square is finishing up the bonding and other requirement. We are doing a drainage project at the same time in that area which they will build and we will pay for. Staff has been really busy even with the rain. Three wells are being worked on. The trail is being built to Highway 91 down Midvalley Road. Chairman Tingey noted the grade of the trail is partly covering up "Enoch" on the wall by the Rec Complex. He hopes that grade can be adjusted.

Commissioner Peterson said in June he will be coaching coach pitch so he may have to leave meetings early to do that.

Commissioner Ley said she will be traveling abroad for the whole month of June.

Commissioner Hardy asked about Shane Sackett. City Manager Dotson said he got notice and today was the day the PD was going to cite him if not everything was not moved off the front yard. He has a shop in town now and has moved almost everything there. City Manager Dotson said Foster's Market is moving along now.

5. ADJOURN-Motion to adjourn by Commissioner Hardy. Motion seconded by Commissioner Peterson and all voted in favor. The meeting ended at:6:25 pm.

Julie Watson 6-17-19
 Julie Watson, Recorder Date