

Planning and Zoning Minutes
March 1, 2023 – 6:00 P.M.
35 East 100 North – Parowan City Office

MEMBERS PRESENT: Larry Zajac (Chair), Jamie Bonnett, Heather Peet, Jake Hulet, Jerry Vesely, David Burton (Council Representative)

MEMBERS ABSENT: Weston Reese (Alternate), Tony Leydsman (Alternate)

STAFF AND COUNCIL PRESENT: Mollie Halterman (Mayor), Dan Jessen (City Manager), Judy Schiers (Secretary)

PUBLIC PRESENT: Andy Nelson

CONFLICTS: No conflicts were declared.

APPROVAL OF MINUTES: David said he wasn't listed as being there and wanted it noted. He said he also made a statement about doing a site visit when the Home Occupation Permit was discussed and he would like included. Heather said she wanted to make a clarification that when she was asking about the City Manager's duties, it was not a personal issue with Dan, more she is just trying to understand everyone's roles and just had a question on the roles of Chair and City Manager. Jerry Vesely made motion to approve the minutes with changes. Heather Peet seconded the motion. All members voted in favor of this motion.

BANK GROUP- PRELIMINARY SUBDIVISION DEVELOPMENT LOT 3, PAROWAN PARKWAY

COMMERCIAL: Dan walked the Planning and Zoning members through the process we take on subdivision approvals. He said that once the preliminary plat comes to the Planning and Zoning, the City Council does not see the project until they have the final plat with either a recommendation for approval or disapproval from Planning and Zoning. Dan said that the checklist that Larry prepared was a lot of work on his part. He went through our code and prepared a Parowan City Subdivision Project Checklist in an organized fashion that we can easily go through and check to see if the project meets our requirements. This checklist is what we will be working through.

The project tonight is a commercial subdivision, called the Parowan Parkway Commercial Subdivision. Everyone refers to this as the Ace Hardware Development. This is a three-lot commercial subdivision that has already had a plat prepared, which will not change and will be the final plat, but we are working on the subdivision process. We are not going to record another plat as the ownership boundaries will be the same and easements are already in the final plat. We are just looking at the subdivision process for access roads, etc. Dan asked Larry if he thought we needed another plat recorded with the county recorder. Larry said he thinks that we will probably not need another plat, but every one of these lots that develop need lot outlines and where the utilities are.

Dan said the utility easements that will go underground, are not showing in the private drive. We won't own the road, but we will need utility easements. Larry agreed.

Larry asked about the issue of a drainage plan. It would not be individual buildings and lots, it will need to be a master drainage plan for the whole development. Dan said that this is definitely the biggest bottleneck in the process. The developer will have to have a drainage plan for all of the property for

the 25-year event and show how to deal with the water that comes onto the property as well as where the water will go off the property. Dan said it may be prudent for the developer to participate in this study so it can all tie in together. This is a big issue and needs to be solved, but we are making progress. He said this is a proactive approach for solving the problem. There is also the issue of getting the water under the freeway or out of the area, but the problem is being worked on.

Jake said that a lot of this checklist does not fall under Planning and Zoning, but under the City Engineer. Larry said that he and Dan had that discussion and understand that we are not the subject matter experts, but the purpose of the checklist is for the City to be able to see the progress on developments. He said the administrative process for the City Manager is to ensure that all these things are happening. He will reach out to the City Engineers, Public Works, UDOT and whoever else needs to be weighing in. At the beginning of the checklist under "Content/Activity" there are signatures required by the appropriate people.

Dan said projects have a preliminary approval and a final approval. The reason the commission is seeing this now is two-fold.

1 – So Planning and Zoning can be aware of the project and how it is proceeding and if concerns can be updated.

2 – It gives the public a chance to see what is going on. On the second page of the checklist there is a "Notification of Adjacent Property Owners" section. This is the chance for the surrounding properties owners effected to come and see what is being presented. This is not a public hearing, but if there are concerns, those properties owners could present those and the developer could be in contact with adjacent properties owners of the subdivision. Planning and Zoning would need to hear what the concerns are and if needs to be resolved.

Dan said that the adjacent property owners were notified and he has talked to two of those property owners. He was able to walk them through the development and help them with their concerns. He said that no one else is here which is a good sign, but he wished more people would be interested in this development.

Larry asked about the street light locations and the specs. Dan said that he has been talking with the power superintendent and there was a discussion about who would be paying for the lighting and because of the separate properties, if it would be all on the first developer and how to put in that lighting. Dan said that he is waiting for Kelly Stones (Public Works Supervisor) to get back from vacation and then have a meeting with the developer's engineer and our engineer and public works. He said that there is a follow-up meeting next week to tweak some of these issues, like street lighting. The developers are working on a preliminary title and soils report, along with the prairie dog clearance. He said the biggest concern is the drainage. Our engineer sent a letter with eleven (11) items, and a lot of them had to do with the flood and drainage issue. Dan said as a result of the traffic study, the developer will need to adjust some drawings, with cross sections of the street and what signage will need to be in place.

Larry said that an executed document (checklist) that is in process will show if there are any questions with certain things, that we can look at and see if it needs to be talked about.

Dan said normally when coming to this meeting we would have the checklist filled out and we could react to questions that arise. Larry said the intent of the checklist is for the city to be able to work through the process. If there are some things already signed off, it will be easy to ask questions on how it was decided or if there are some things we want to look at and how it would be addressed.

Dan said he has a draft version of the checklist for this subdivision and that he would be happy to email out to everyone so they have it for a reference. He said in other scenarios, this is going to be the first time Planning and Zoning will be exposed to a development and where the City is at with the checklist. Even though Planning and Zoning is aware of this Parkway development, in a lot of situations, this checklist would be the first you would see developments.

Jerry said he thought this checklist is very beneficial for the development and keeps us in the loop of how things are progressing.

Dan refreshed the commission on the line adjustment that was done at this property. He said tonight we are looking at draft plans of the subdivision. There have been some changes done that are not showing up on the plans you are seeing tonight. He said there will be more changes before the final plat.

Dan said that he also was thinking about the shared private drives. He said if you go to some of the developments in Cedar where there are shared private drives, for example by Wal-Mart and Home Depot, and there are issues with the streets, the City cannot go in and fix those. The pot-holes and street maintenance are the responsibility of the developer or however their agreement was. The City has no jurisdiction over the private drives at the Parowan Parkway Development. We do need to consider a way to have some type of agreement with the property owners that share maintenance of the road, so 20 years down the road the City can show that the developers agreed to take care of the private drives. For example, in a PUD, the homeowner's association would be responsible for the streets, but in a commercial development, most cities don't think that through if there are problems with private drives. He said this is just food for thought for the Planning Commission. Jerry thought this was an excellent point that we need to keep in the back of our mind. Dan said if the City were to ever want to take over those streets, there would be the issue of building to City standards and then it would be the City responsibility, but this has never been discussed. Andy said that he has talked with the other property owners for agreements for this type of thing.

Larry said that this commission has the authority to add requirements for the developers. They can't say how it will get done, but can add requirements that says the developer will need to submit some sort of agreement on how they will maintain the streets. Jerry said he thinks they should build the streets to city standards. Larry said that would be an administrative decision.

Dan said other issues to consider are the common landscaping that needs water and whose water meter that needs to come off of. This would pertain to street lighting as well. There would not be city paid street lights down the private drive, but there needs to be enough lighting to make it work. Dan said that Jeremy still needs to see the lighting plans on this. When it is all built out, you probably won't need street lighting, but what if the Ace Hardware is the only development for five years and only Ace is paying for the lighting for that time, then when other developments progress, how will that be split up. This are all conversations that need to be had with the property owners.

Larry said before we get to far down that path, we need to make sure with legal counsel that we are not overstepping our bounds conceptually.

The commission went through the set of plans provided. Dan said not to worry to much about the storm drainage as that is all going to change. Dan said he is feeling a lot better about the progress we are making. Andy said on the plans it shows an IFA building. That is not an actual IFA facility, but just a storage building.

Dan said the elevation may need to adjusted dependent on the drainage plan for ADA accessibility. He said that the street lights along 200 South will also need to be moved. On the plans it shows an acceleration lane, and Andy said that UDOT will not allow that and plans will need to be modified. Dan said all utilities are across the street and will need to be bored under 200 South. Utilities will be underground. These plans don't show gas and telecommunication, and developers are aware that we will need to see that on the final plat.

Heather asked about the left-hand turn onto 200 South. She is wondering if something like a curbing could be installed which wouldn't allow a turn. Andy said that UDOT's civil engineer will not allow curb because of snow removal. They want to see signage and paint. Dan said that the developer will present their plans to UDOT and then they will either approve or disapprove.

Judy asked if they had talked about lowering the speed limit at this location. Dan said there has been nothing about modifying the speed limit. Jamie thanked Dan for providing this information.

Heather Peet made a motion to approve the Preliminary Subdivision Development, Lot 3, Parowan Parkway Commercial Subdivision. Jerry Vesely seconded the motion. All members present voted in favor of this motion.

Dan said if you ever have any questions, he has an open-door policy and to come talk to him. Andy said you can also call him and he will be glad to answer any questions.

Larry said that there are two things that were not on this checklist. One was a block to check if they are inside the Historical Preservation District. He said in theory, if they are within the district, the developer would go to the Preservation Committee first. He said that helps so that before the developer gets too far down the path, a lot of questions could be answered beforehand.

He said another thing left off was off street parking. That gets picked up in the process, but again in small places they want to develop, off street parking may be a problem.

Dan went over how our code applies to less than 10 lots. Our code says that less than 10 lots we can suspend the subdivision process. He said technically this is only three lots, but because this is a fairly complex development and a commercial vs a residential split, that is why we are going through this process. He said that State Code also says less than 10 lots are considered a minor lot and specifically skips some of the requirements and encourages municipalities to do the same.

BILLBOARD ORDINANCE DRAFT CODE: Larry said the he took the suggestions from the last time the commission looked at this and has highlighted in yellow the changes. He said it might merit discussion or could be just an FYI. He said he went through and changed all references to signs to say billboard signs.

There was a discussion on the changes on page four "Lighting/Illumination (C)" which reads "Digital/Electronic Billboard Signs are permitted along the I-15 corridor. The conversion of existing billboard signs to digital/electronic billboards is permitted along the I-15 corridor". Larry said he was unsure if he remembered correctly and digital was allowed. Jamie said that three voted yes and two voted no, so they are permitted. Jerry asked if item Eight (8) above which reads "Changeable message signs are not permitted", is redundant. Jake said he thinks eight is talking about the signs that flip messages every so often. Jamie said if you put "unless digital on the end of that sentence of "changeable message signs are not permitted", it would read "Changeable messages signs are not permitted unless digital", and would make it clearer. Larry will make that change.

Larry said that legal looked at the draft and asked why are we doing this if UDOT manages the billboard signs along I-15. Legal said that there is an Outdoor Advertising Act that is extensive and UDOT is the enforcer for this. He asked why we wanted to rewrite UDOT's code. Legal did add a section which is on page 6 "Unlawful Billboards Item 2". – "Utah State Code shall prevail except in instances where the Parowan City Code is more restrictive". Larry said an example of this is on page four, item seven (7). UDOT allows embellishments, but our code will say Embellishments are prohibited.

David asked if the committee agreed on the size of the sign. Heather said yes, we voted and agreed on the size of signs permitted. David said what he is inferring to is are we being too restrictive. Heather said the typical signs you see along the highway in Cedar City are comparable to what you are seeing along the freeway now and what we are allowing.

Larry said the statement on the bottom of page six "Utah State Code shall prevail except in instances where the Parowan City Code is more restrictive ", that throws it back to UDOT. In theory, someone could come into the City to get a permit for a sign and they would look through our code and pay the fee that the City Council has determined, administration would manage location of the sign and then UDOT would take over and make sure the sign is put up in accordance with State Code.

Jamie likes all the changes. Larry said he will make the changes discussed and send the digital copy onto Judy to forward to legal counsel for another round.

Jerry Vesely made a motion to approve the rough draft from 2/25/2023 with changes discussed and send to legal counsel for approval. Jamie Bonnett second the motion. All members present voted in favor of this motion.

(Jamie Bonnett left the meeting at 7:20 P.M.)

MEMBER REPORTS: Heather said she has had two people question if there is a retirement community coming to town. Dan said not that he has heard. Heather said she thinks there was a misunderstanding from the hiking, biking, trail meeting last week. She will let those concerned know.

David said that one of the points talked about at the last meeting on the home occupation was about a fence on the south side of the property. He thinks there needs to be clarification that it was just required against the one complainant's property. Our ordinance will not allow a six-foot fence be constructed clear to the street. He said we can't require things that are against our ordinance. Jamie said that she has talked with Laura Fernandez about the fence and she plans on putting the fence to the street, but knows she has to taper it down to four feet.

Larry said that we were not that specific in language but we would never allow anything that would violate code.

Dan said he has talked with a couple of people since the time the permit was approved. They are wondering if they can appeal this decision to the City Council. Dan said he told them the time to bring concerns was when the Planning and Zoning was hearing the issue. He told them that there are set terms and the applicant knows what needs to be done to come into compliance to receive their permit and the City will ensure that they follow the steps to get that done and get an approved permit. Dan said he read through our code and there is nothing that said there is a next step for appealing this decision at the council level. Dan said he will make sure that the proper steps are done before a permit is issued.

David said point of information Mr. Chairman. What is the height on a corner lot in regards to fencing. Dan said that in 15.08/170 (C) it talks about corner lot requirements. He said a sight-obscuring fence can be constructed in the yard setback provided it does not exceed twenty-four (24) inches or a non-obscuring fence not to exceed twenty-four (24) inches. There is also a triangular area formed when property lines abut and the fence can be constructed twenty-five feet from the intersection of the property line.

Larry said that on April 6th the Utah Property Ombudsman will be holding another seminar that is the exact same class we had here on January 11th. They are having a two-day seminar on April 6th and 7th that is free, but you need to preregister. He said that the classes on Friday the 7th have some interesting topics that we will very likely be dealing with in the future. Judy said there is also a virtual option available if you are unable to attend in person. Larry said he likes the on-site classes because of the interaction. He asked the members to look at the email sent.

Dan said this year there have been a lot of legislative issues dealing with the land use code. He has been unable to keep up with them all, but at this training they will be updating everyone on the legislative changes to the land use code.

Larry mentioned the Aspen Meadows Development in Brian Head. He said that they had a public hearing a few weeks ago and he tuned in and listened. A couple of things that he took away from this is that citizens here in Parowan are not excited for a developer to get a free ride on the backs of Parowan. They want the developer to pay their own way. Another issue was water. The developer of Aspen Hills bringing water rights and not using Parowan water for that development was also mentioned. He said that there are on-going negotiations on how to manage the sewer. Parowan processes Brian Head sewer and that is their intent to keep doing this with the developer contributing a lot to manage the sewage.

Dan said that this new development will put us beyond the scope of our current facility. We are actively meeting with Brian Head and negotiating updating our capital improvement. There is also a discussion regarding a large annexation and development coming to Parowan and they will be held to the same standard and participate in the infrastructure upgrade. Parowan is not going to be taken advantage of in this situation. We are just trying to figure out how to save the City money and be fair to the developer.

Larry said that the Mayor mentioned that they are in negotiations with the developer and Brian Head and it is a good thing to keep that dialog going. There is also the issue of transportation up and down the mountain, Highway 143 and UDOT is working with the developer and the cities on this.

Larry said that they are approaching this as a 10, 20 and 30 year plan. In that regard, the developer themselves has to have a 10, 20 and 30 year plan for development. He said that they could get the developments approved and a ten-year plan could jump out to five years and then just slow down.

Dan said there is a lot of reactionary responses based on what may or may not happen. Unfortunately, or fortunately depending on how you look at it, the traffic to Brian Head goes right through the heart of our city. But fortunately, all the routes through the City are also UDOT roads. Traffic is getting marginally more congested, and we are working with UDOT to make the necessary upgrades. We don't want to put in a big two-lane road and stoplights because of the potential of a subdivision, but as the traffic grows, we have a good partner. Dan said we do need to do something now for our current traffic and safety issues.

Larry said that the development plan of Aspen Meadows is a 200-page plan. That was part of the public hearing and if you are interested, you can get a copy from the City Office in Brian Head. David Burton said that phase one went public today at 5:00 P.M.

Dan said one thing that is good that is happening is the developers have to bring actual water rights to the City. They have to buy water rights from someone else and use that. They wouldn't be able to pump more than they have. They can transfer water from Parowan Valley to Brian Head because it is in the same basin. David said there is a line and that is questionable.

ADJOURN: Jake Hulet made a motion to adjourn the meeting at 7:30 P.M. Heather Peet seconded the motion and the meeting was adjourned.