

Parowan City Planning and Zoning Minutes
May 17, 2023 – 6:00 P.M.
35 East 100 North – Parowan City Office

MEMBERS PRESENT: Larry Zajac (Chair), Jerry Vesely, Jake Hulet, Heather Peet, Weston Reese (Alternate), David Burton (Council Representative)

MEMBERS ABSENT: Jamie Bonnett, Tony Leydsman (Alternate)

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

PUBLIC PRESENT: Ron Clayton, William Koenig, Jennelle Zajac, Dallas Buckner (Go-Civil), Patti Vesley, Larry Lanier, Zane Lanier, Barbara Barrick, Ray Vanderweerd

CALL TO ORDER: Larry Zajac called the meeting to order at 6:00 P.M.

ANY CONFLICTS WITH ITEMS ON THE AGENDA: No Conflicts were declared.

APPROVAL OF THE MINUTES: Heather Peet made a motion to approve the minutes from the May 3, 2023 Planning and Zoning Meeting as written. Jake Hulet seconded the motion. All members present voted in favor of the motion.

Larry Zajac made a motion to enter the public hearing and read the public hearing items - Dawson Property Zone Change from Agricultural to Commercial, Changes to Land Use Code to include Access Requirements, Management of Parking Lots and Definitions, and then last item for the public hearing is Billboard. He said the guidelines for the public hearing are 2 minutes per comment, no character slurs or off-color language and if a comment has already been presented and you also wanted to present the same thought, please consider refraining, He said all questions will be addressed after all three public hearing sessions. He reminded those in attendance that the Planning and Zoning is an administrative body, not a legislative body and the purpose of the public hearing is to hear comments to decide whether to make a positive or negative recommendation of these three topics to the City Council, who will make the final decision. All members voted to enter the public hearing. Larry opened the floor for comments.

Dall Buckner (Go-Civil) said that he prepared the zone change for the owner of the Crimson Hills. They have four parcels, but this change would only take in three parcels, which are shown with hash marks on the Highway 91 Frontage. He said it is currently zoned A1 but it has a motel on it. They are requesting a zone change for the three parcels. He said that when listing it for sell, the lenders and buyers want to know the current use and zone, and a hotel in an Agricultural Zone is a red flag and hard to find lenders. He said that basically the existing use falls into the commercial zone and that is why they are requesting to rezone to commercial. This property has not historically been used as Agriculture. He said that he has been working with Dan in regards to the Future Land Use Map and they are not requesting a change

in the map, as they want any new owners to retain the right to change the zone to high density if desired.

Larry Lanier said he lives along Highway 91 directly across from the Crimson Hills. He is very opposed to the property zone change. He said properties have developed in this area as residential with the knowledge that there are not any commercial lots on Highway 91, also expecting that the properties would remain agricultural and not be converted to commercial use. The existing traffic is substantial, due to the growth and access to the landfill and a thoroughfare to Highway 91. He said that the traffic is unbelievable. Any commercial zone would negatively impact the neighborhood, since they would not have to abide by the current agricultural zoning.

William Koenig said he is here representing him and his wife, Maureen. He said they own a single-family residence approximately 300 yards from the subject property. He and other property owners bought along Highway 91 with the indication that it would not change to another zone. The commercial zones in Parowan are on Main Street and Center Street and 200 South and the City should keep commercial in these areas. He read from Parowan City Code 15.36.30, items that could be in a commercial zone. He said we do not support this proposal and urge the commission to deny it.

Barbara Barrick said that she lives directly east of the Crimson Hills Hotel. She feels that this is overkill in changing the zone. If they want to sell, they should keep the non-conforming use and if she understands it correctly, the non-conforming use would stay with the property when it sells. If they sell it, it can still be maintained as a hotel as the zone stands now. It is not fair to have commercial in the middle of a residential area with all the possible impacts a commercial zone could bring. There is a 10 acre piece of property close to this motel and if the hotel is zoned commercial, you would be setting a precedence for that piece of property to be zoned commercial. Most lots along this area zoned R3 have single family residences on them. She said I understand the property owners want to get the most out of their property, but not if it negatively impacts the neighboring property.

Ray Vandeweerd said that a couple of years ago, nine tenths of a mile to the south, the big reception center realized they could not have anything rezoned that would negatively be detrimental to the neighborhood. They went from R1 to Agricultural.

Larry asked if there were any comments regarding the change to the Land Use Code for Access Requirements, Management of Parking Lots and Definitions. Ray Vanderweerd asked Larry to go over this. Larry read through the impact statement that was presented with the public hearing. He said there would be no impact to the residents of Parowan City if this code was changed. There were no comments.

Larry went through the impact statement for the Billboard Ordinance. He said there is no code right now that regulates Billboards. There is a sign ordinance, but this piece of code specifically targets Billboard along Interstate 15. UDOT is the primary permitting authority for billboards along the interstate, but they will not allow the billboards unless the municipality issues a permit or a sign-off. They are also the primary enforcement for billboard code or rules. Larry read the impact statement. He said this will not impact billboards that are already grandfathered in. There are already a number of billboards along I15

and a few are inside the city limits. This document will describe joint jurisdiction between UDOT and Parowan City. Primary enforcement along I15 corridor is UDOT. This code describes maintenance required for new and existing billboards and unlawful acts and penalties, new or existing. If this ordinance is approved, billboards could increase. There is nothing in the code that prevents billboards increasing in the County along the I15 corridor. Permitting requirements do not impact existing billboards unless they request modifications and then they would have to come into conformance with the code. The ordinance may generate a small amount of revenue for the City and there is no impact to the Parowan City residents. Larry went through a slide show regarding billboards and the new ordinance.

Dan read a letter from Ben Pacheco regarding the Billboard Ordinance, who is in favor of the ordinance.

Larry Lanier asked that the committee look at the lighted signs that change. He said you should make sure not to let the lighting be so bad that it affects the traffic.

Dan also read a letter from Keith Bacon that should have been read on the zone change request, asking for it to be denied.

Ray Vandeweerd said that he used to be an engineer with the highway department and asked that whatever is built primarily benefits our town and does not advertise something 200 miles away and that it is not obnoxious.

Larry said revenue generated for the City is not a large amount of money, and is determined by the permit price. Larry said the code proposed would generate about \$100.00 per year. Dan said that the property tax would increase when the sign is built, but not a lot of value after that.

Larry called for a motion to close the public hearing at 6:45 p.m. Heather Peet made a motion to close the public hearing and go back to the regular Planning and Zoning Meeting. Jerry Vesely seconded the motion. All members present in favor.

RECOMMENDATION TO THE CITY COUNCIL ON ZONE CHANGE ON APPROXIMATELY 277 WEST HIGHWAY 91 FOR THE PURPOSE OF REZONING THE PROPERTY FROM AGRICULTURAL A1- TO COMMERCIAL GC-1: Larry opened the discussion to the commission for comments. Jerry said that about a month ago, he and Larry had this discussion and that his first thought was in 1960 there was a hotel at this property and he was wondering the zone at that time. This was the only thoroughfare to get to Salt Lake from Southern Utah and the only thing in the vicinity to get something to eat after ten o'clock at night. He is questioning how could that have been built if it was zoned residential or agricultural. David said that in the 50's and 60's it was called the Bel-Air.

Dan said that when the General Plan is generated and the zoning map gets put into effect, it is a forward-looking planning device. If something is non-conforming, it is allowed to continue. Highway 91 was a main thoroughfare until the freeway was put in, then it was dropped from a UDOT road and became a City major collector. Larry said that happened in 1974.

Dan said in our traffic plan it is listed as a major arterial roadway, which is the largest non-highway, non-freeway in the City plan. When a zone is changed, we don't carve out certain properties and say what each separate property is zoned. The General Plan shows this area designated as R3 – high density, just like the property next to it. The current zoning map and associated code is what we use to either approve or deny a zone change.

Jerry asked how the property is currently taxed. Dan said it is currently taxed as apartments.

Dallas said that the owner fluctuates between short term or long-term dependent on the market. Larry said it should be noted that the business license says hotel/apartments. Dallas said he realizes that this would be a big ask if the property was vacant, but a hotel does not fit into the A1 zone, and they are just requesting to bring it into compliance. Larry said it is very hard and unusual to backward zone a piece of property to make it conform. Larry read from the General Plan 3.63. He said we have to make our recommendations on the codes and that they are in compliance with the future land use map. We would have to go back and amend the entire future land use map. Dallas said he has seen other cities just amend the General Plan and zone change request at the same time. He said he has also seen just zoning changes, but not a change to the General Plan. Larry said because our code flows out of the vision of the General Plan, the intent is for Agricultural zones to transition from A1 to high density. There is no mention of Commercial, so then that would be not a General Plan change but a code change.

Heather asked why they are asking for Commercial instead of R3. Dallas said they felt that from a lending perspective and buyers' perspective, R3 doesn't fit the current use. They felt Commercial is more appropriate. They did weigh both options and felt Commercial was a better fit based on the existing use.

Dan said if a Commercial zone were to be recommended to the City Council and approved, there are certain uses that could be put on this location, based on the table of uses in the code. You could have things such as a pawn shop if there was enough room and space. Another thing permitted in a commercial zone is apartment houses. If townhouses were to be built, they would have to request a change to an R3 zone.

Larry said that we do not rezone based on someone wanting to sell a property. We don't rezone for one at the expense of the many.

Heather Peet made a motion to recommend to the City Council to deny the zone change on approximately 277 West Old Highway 91 from Agricultural A1 to General Commercial GC1. Jake Hulet seconded the motion. All members present voted in favor of this motion.

Dan said that the date this recommendation will be going to the City Council will be June 8th.

Recommendation to City Council on Changes to Land Use Code 15.52.030 Access Requirements, Recommendation to City Council on Changes to Land Use Code 15.52.050 Maintenance of Parking Lots, Recommendation to City Council on Changes to Land Use Code 15.04.020 – Dan said he has

Lots, Recommendation to City Council on Changes to Land Use Code 15.04.020 – Dan said he has fielded several comments and concerns about some property recently built that the parking lots do not have hard surfaces. The concern is the ADA compliance. He has talked with the City Attorney and he said we need to confer with the County Building department and see if they are holding up to the IBC (International Building Code). Larry said we have adopted the IBC and IRC (International Residential Code), so things that are not actually in our code are covered under these.

Heather said she remembers Jamie brought some information regarding the ADA regulations and according to their wording the buildings in question are in compliance. She read from the information, “While the ADA guidelines do not set forth the required material for your parking lot, they do require parking surfaces within the accessible parking spaces to be stable, firm and slip resistant”.

Dan asked, is loose gravel, stable, firm and slip resistant? Larry said that becomes pretty subjective on who you ask. Jerry said if he was a business owner, he would put something in that would make it accessible for anyone who came to his business.

Heather Peet made a motion to recommend to the City Council to approve the changes to the Land Use Code 15.52.303 Access requirements and 15.52.050 Maintenance of Parking lots and 15.04.020 inserting the definition of Hard Surfaces. Jake Hulet seconded the motion. Heather Peet, Jake Hulet, Jerry Vesely and Larry Zajac voted in favor of this motion. Weston Reese voted nay. This will go to the City Council on June 8th, 2023.

Recommendation to City Council on Changes to Land Use Code 15-50-060 Billboards: Heather said she wanted to clarify that it was approved for lighted signs. Dan said message boards are not permitted unless they are digital. Heather said there is no indication on how bright they can be. She asked if anyone recalls if UDOT has any regulations regarding this. Larry said he can’t answer that question without doing a search on State Code.

Jake Hulet made a motion to recommend to the City Council the Billboard Code 15.59.060 as presented. Jerry Vesely seconded the motion. Jake Hulet, Jerry Vesely, Weston Reese voted in favor of the motion. Larry Zajac and Heather Peet voted nay. The motion passed.

INFORMATION REGARDING PART-TIME ZONING ADMINISTRATIVE STAFF: Dan said that the City Officials have been discussing the need for a part-time Zoning Administrator for some time. He said that at one point the City Manager and Zoning Administrator were two separate positions. When Cleve was appointed City Manager, that position was combined with the Zoning Administrator. Dan said when he was hired, it was to do both positions. He said he is fine with doing both, but it has been a big-time consideration and there is a lot going on in the City right now. He said that it may take a while to make call backs and he would like to be more responsive. He said that an idea was presented by a City Council member that had some merit. He explained that we currently have a full-time Court Clerk who is basically administrating a part-time court. The thought was to have the clerk part-time at the court and then part-time as an Assistant Zoning Administrator. This would be administrative and budgetary neutral. He said the court hours would be reduced to 9:00 A.M. – Noon and then Keith would be

available the rest of the day to help with basic zoning issues, under Dan's supervision. He said it would provide a back-up for the office on zoning issues if he is unable to be in the office.

Dan introduced Keith Naylor (Court Clerk, Part-time Assistant Zoning Administrator). He said that he is very intelligent and has a Masters Degree in Public Administration. Keith said he is excited for this new position and to work with the Planning and Zoning. He said if you need something researched or need any help, he is ready. Larry thanked him and said he looks forward to working with him.

Heather said that she has been saying for some time that these should be two separate positions. She said she is glad to see some efforts being made in that direction. She said she also understands why the City Council has decided to use someone that will not cost any more money, but if this position ever opens up, she would be interested in applying. She said that she has some background in zoning and hopes to apply for the job if it is ever opened to the public.

Dan said that code enforcement has become a hot button issue and the more we have growth, we will have these growing pains. People have different ideas about code enforcement and what our ideal City should look like and what code enforcement should look like. The point is that as we move forward there are more and more calls for code enforcement and those duties are split between him, law enforcement and the Mayor. He said he thinks the part-time Zoning Administrator can help relieve some of these issues. He said the next couple of years will be a determining factor where this position goes. David said that the City Council supports this move and thinks it is a good use of our resources and in the best interest of the City.

FOLLOW UP DISCUSSION ON THE LAND USE AUTHORITY COMMITTEE – Larry said that this has been talked about at several meetings and wants to remind everyone that this is applicable for single family multi dwellings.

Heather asked for a date when the committee needs to be designated. Larry said not until the end of 2024, but we should still be thinking about how the committee will be formed. David said he remembers that it cannot be a member of the City Council that sits on the committee. Dan said in reference to the preliminary approval of a subdivision the Land Use Authority can be an individual or panel of individuals. For the final approval of the subdivision, it is the Administrative Land Use Authority unless the Land Use Authority is the Planning and Zoning and if that is the case the Planning and Zoning may not review the final plat. The Land Use Authority Committee cannot be the legislative body or member of the legislative body. They also strongly suggest that the Mayor is not a member of the Land Use Authority Committee. The Mayor can sign the final plat, but not sit on the Land Use Authority Committee.

Larry said it is only applicable to certain things. Dan said it is for single family, duplex, townhomes subdivisions. Multi-family, industrial and commercial subdivision may be approved by whatever means the jurisdiction has in the ordinances. He said townhomes is not technically multi-family. They are single units with a shared wall with different parcels.

Dan said that the Planning Commission can review the preliminary plat. Larry said the preliminary plat is really where all the work is done. Dan said the Administrative Land Use Authority cannot include the

Planning and Zoning that reviews the final plat. It seems contradicting. We designate an Administrative Land Use Authority for purpose of final review. The preliminary is the Planning and Zoning.

Dan said we would have to update our code and decide if we will have a public hearing each time or make it optional. We would have to make that decision every time a plat is submitted. Larry said he is not in favor of deciding each time. It could be viewed unfavorably if we are discretionary. If we have a public hearing all the time, we will have hearings that we may not have to have. Dan said that when you have a public hearing on an administrative action, you are giving the public the idea that their clamor matters and saying to the Planning and Zoning that it is your job to ignore the clamor and look at the technical application of the code. Larry said as a point for the commission members, we are bound by the business of evidence. If the public comes in and renders an opinion and its only opinion until they say the lawyer says something that shows evidence, then that is a fact and we have to pay attention to facts. That does not mean we have to change our minds, but we have to consider the facts.

Heather said she thinks the committee should be at least three or more people. Dan said the committee can be staff, appointed citizens, but not members of the legislative body. Dan said this committee would be looking at roads, fire hydrants, drainage, and does it fit our design standard. Dan said it could be him, someone from public works and the City Engineer. Dan said he would like to see the Land Use Authority to go down the subdivision checklist and confer with the City Engineer to make sure everything is good to go. Heather asked if there is any benefit to have, besides the manager, public works director and the engineer, three other people look at the plats. Larry said he would not feel comfortable signing a final plat if he has not reviewed it. Jake said that the City Engineer would make sure everything is okay. Larry said the Planning and Zoning would look at a preliminary plat and decide if they can proceed with the final plat. Dan said we could designate the City Engineer as final approval. The City Engineer does not live in our City and we hire them for their expertise and they are able to keep it subjective. There could be a lot of pressure on this person if it is a contested submittal.

Dan would like to wait and see what other cities are going to do and follow some of their lead.

MEMBER COMMENTS: Jake said our R3 code doesn't allow townhouses to be its own separate unit that can get its own financing, on separate lots. Dan said we will need to start thinking about this.

Jake said he has some concerns regarding the access requirements on the approaches to the driveways in the code we are recommending to the Council. There are a lot of driveways that do not meet or come in compliance to the City code. Larry said that this is going into City Council for another public hearing and would be an easy change. He asked Dan to mention it in the meeting and he will put it in the recommendation that they consider changing the access requirements.

Jake said our code does not allow for an approach for say a three-car garage. Cedar City's code says 34 feet from the bottom of the curb, when you start the cut. We also need to look at the wings and need to make those ADA compliant, which is six-foot wings.

Larry said he thinks this would be an easy fix. Larry said we could also just put in the code to meet ADA compliance so if that code changes, so does our code.

Larry said he will write the three recommendations that came from this meeting and have them sent to the City Council for their meeting.

David said Ray Venderweerd made a statement regarding the mansion, and thought he understood that he said we did not address that. That home is in the County. He wanted to make sure it was known that they made a petition to the council to annex it and that was not entertained. Dan said that house is still in the County. David said the access to it, is in the city but the house is in the County.

David said he was glad to see the Court Clerk and Assistant Zoning Administrator position brought about. He thinks that it is a good use of our resources and it meets the two department needs and the needs of the citizens. It was great common sense. He thanked Keith for being willing to tackle this.

ADJOURN: Heather Peet made a motion adjourn the meeting at 8:20 P.M. Jake Hulet seconded the motion. The meeting was adjourned.