

**Planning and Zoning Minutes**  
**September 21, 2023 – 6:00 P.M.**  
**Parowan City Office – 35 East 100 North**

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

**MEMBERS ABSENT:** Tony Leydsman, Weston Reese

**STAFF AND COUNCIL PRESENT:** Dan Jessen (City Manager), Judy Schiers (Secretary)

**PUBLIC PRESENT:** Micklane Farmer, Lee R. Brown, Merry Dean, John Dean, Kip Stowell, Robin Stowell, Rochell Topham (Council) Trent Staheli, Patti Vesely

**CALL TO ORDER:** Larry Zajac called the meeting to order at 6:03 P.M.

**APPROVAL OF MINUTES (SEPTEMBER 6, 2023):** Jamie Bonnett made a motion to approve September 6, 2023 minutes with changes made by Jerry Vesely. Heather Peet seconded the motion. All members present voted in favor of this motion and the minutes were approved.

**PLANS FOR 1200 WEST AND MASTER TRANSPORTATION PLAN UPDATE:** Dan said that we received a grant from UDOT to update our Master Transportation Plan and Jones and Demille is working on it. It will take about a year to complete. He said that it is important to have this plan up-to-date. Micklane Farmer (Jones and Demille) was present to give an update on the Master Transportation Plan. Micklane said the Transportation Plan that Parowan currently has is over two decades old. He said that they want to make the new map conform to what UDOT has and base new roadways on anticipation of what is needed for future growth as well as what is already in place.

Micklane said that the local and residential collector streets are currently 56 feet and 60 feet, but his initial recommendation is to change both to 60 feet. The minimum pavement width in code is 32 feet with a 10-foot utility right-of-way on both sides of the 32 feet. He said that the 60-foot right-of-way minimum will be an even number for survey purposes. He is recommending collector streets to change to 66 feet, which in survey lingo is two chains, and major collectors to change to 66 feet. The minor arterial would be 80 feet and major arterial 100 feet. Larry asked if this would be in conformance to state code. Micklane said that there is not really a state code, but in line with what surveyors use.

Micklane updated the commission on the traffic counters that were placed in the roadways. He said they are done with the traffic count and are getting the data put into the system, so they can start planning out roadways. Dan said that one thing the commission will need to consider is that 200 South shows a major arterial all the way from the freeway up to Highway 143. Micklane said to keep in mind for future growth it may make sense to have it go all the way through.

Dan said some of the concerns with the Master Transportation Plan is on the west and south side of the City. When the old plan was done, there was not a dedicated flood channel, but just a series of canals. It does not make sense from a planning standpoint to have a major road (500 South) on top of a flood channel. We currently show 10 crossings of the flood channel, with three already in existence, the Main Street Bridge, which we are currently trying to replace, 600 West, a low water crossing and 2200 West with box culverts that are failing, which is to say they do not allow enough water for the theoretical 100-

year flood event. We need to look realistically at how much we can afford and consider not having as many crossings.

Micklane said from a planning perspective, four crossings would be more than enough to keep traffic flowing in this area. The majority of this area would be developed as residential. He said his recommendation is to put one at 1000 West and then another one at just west of KB, which gives a little more distance from the interchange and the intersection. 2000 West is too close, so he would push the road to the east at 1750 West.

Heather said if she understands it correctly, you're favoring 1000 West over 1200 West mainly because the City already owns that property and it is a straight through road, where 1200 West would have a curve to it. Micklane said that 1200 West is more of a residential type neighborhood where 1000 West would more than likely become a collector type road. Dan said another consideration is the spacing between the roadways.

Larry asked if we would be getting a new base map under the overlay. Micklane said yes, it will be a digital copy so it is more interactive. Micklane said he would like to have a conversation with UDOT regarding the interchange and if there are any plans for improvements. Dan said there has been some informal talk about redesigning this interchange within the next ten years. This will be needed because of the growth and possible annexation on the west side of the interchange. The commission talked more about the spacing and where to put the crossings.

Larry asked what happens if the roads are already part way in and are they built to spec, or will they be wider because it is under the new code or is it just the opposite. Micklane said that the right-of-way is not the issue, it would have a right of way jog, but you can keep the full road width the same. The 32 feet of asphalt would not change, it would be 2 feet more on either side of the road.

Dan said why this is important is that the property owners on 1200 West, to some degree, have interest on how this plays out. The Staheli's want to put in some sort of minor lot subdivision and if there is a 1200 West Master Planned Road crossing the flood channel, it will affect how they lay out their lots, and how much right-of-way they will have to give up and how much road they will have to build. There is not a dedicated road there now, it is a private drive owned by the Ipsons. There is an agreement of use for agricultural on one lot, but one of the properties is landlocked. In order for development to happen the road will need to be built and deeded to the City.

Dan said we need to figure out what type of roadway this will be for these property owners to move ahead with building. If we decide this is not going to be a through road, they could take a residential road to a point and put in a turn around and not necessarily back to the property line. Larry asked Micklane how confident he was that the flood channel will not need an east-west road over 1200 West. Micklane said it is up to the City what they want to see happen there, and even though he said there does not need to be a crossing there does not mean you do not have to have one. He said from a traffic standpoint, the City is sufficient with four crossings. He said it would still need to be a roadway with turnaround sufficient for fire protection and access and would recommend a 60-foot right-of-way, even on a residential road. He recommended a 60 foot right of way with 32-foot asphalt. Dan said our engineering standards are wider than state maximum at 32 foot and we will need to change those standards.

Larry said if you take out 500 South, there is not any east-west corridor between 200 South and Highway 91 and it may not be a problem now, but it could be in future years. Micklane said that starting at 1375 West you could put in an east-west roadway.

Dan asked Micklane to explain the process to get rid of it on the general plan. Micklane this is not a deeded right-of-way and it would be updated when the Master Transportation Plan is updated. Larry said that would require us to post it and have public hearings and then we could move forward.

Dan said from an administrative standpoint, and because property owners are wanting some answers, do we feel comfortable enough to move forward with set-backs that are proposed. Larry said we cannot require it until we adopt it. Dan said it really would not come into play until someone comes in for a minor lot subdivision. Dave asked who installs the crossing. Dan said the City usually does not install infrastructure, the developer installs infrastructure and deeds it to the City. The City could and use impact fees with some cost sharing from developers.

Larry said we could move on with a recommendation for a proposed modification to the new Master Transportation Plan for the south side of the canal at 1200 West that would drop the easement to 60 feet. Micklane said if you don't want to decide if you want a crossing at this time, the developer could build as if the crossing was going to go through, put in a turn around and then decide on the crossing later on.

Larry said he feels that to go from six or seven crossings down to four without a public hearing would be a big leap. Dan said we could do a minor amendment to the General Plan in this area with a public hearing to determine the type of roadway at 1200 West.

Larry said an option would be to set a date for a public hearing to update the General Plan for 1200 West on the Master Transportation Map, specifically the south side of 1200 West between Old Highway 91 and the flood channel.

Heather asked at what point we need to figure out where the crossings will be. Larry said when we adopt the new Master Transportation Plan.

Jamie said if we wait until April on determining the 1200 West Street, the people wanting to develop are just in limbo. Dan said if they want to build, they are subject to the current map as it sits.

Dan said when we first started talking about this, we were originally downgrading the road width from 65 to 56 feet, but now if we are considering it a residential street and it would only mean a difference of 5 feet, from 65 to 60 feet. Another challenge is there is a house where the 65-foot road would sit if you split the property lines and the road does not line up to 1200 West on the south side of Highway 91. Our codes says that there can be no less than an eighty-degree angle on that intersection.

Dan said we need to figure this out because the purchase, sale, and trade of land for the property owners in this area is dependent on the width of the roadway. Jamie said we do have the option to abandon the road on the map. Dan said we could, but for development to happen, they would still have to put in a road and dedicate it to the city. There are different property owners and they are trying to figure out how to do this and how to keep the roadways to conform to the City Code. There was more discussion about the spacing of the crossings over the flood channel.

Larry said we can change nothing and the property owners can still proceed, or opt to wait until the Master Transportation Plan has gone through and adopted and then plan in accordance to that. Jamie said that is a long time for those property owners to have to wait and postpone their development. Heather and Jerry agree. Heather said she is more concerned for the property owner that wants to put a house in on the corner of Highway 91. Larry said the property owners could come in and place an application tomorrow, they would just need comply with existing code. We just know that we have a project in the works that would affect their easements, but beyond that there is no compelling reason to push it through the system. We can, but we don't have to.

David asked if the bridge crossing at 1200 West is set in stone as to location. He feels that maybe we could consider 1300 West that will not impact those houses. Larry said that right now we are just considering 1200 West and what we want to do with that roadway, and if we want to change it to a residential roadway. Jamie asked if the public here could get up and talk. Larry said if we do that, we have to listen to everybody and it turns into a public hearing, but we can. Jamie, Heather, and Jerry all wanted to hear from the public present.

Larry said the public could speak, specifically about 1200 west, not the Master Transportation Plan in general and to hold comments to two minutes.

Trent Staheli said he owns 7 acres on 1200 West and his preference would be that 1200 West on the south side of the flood channel to Highway 91 be residential and let property owners decide how to put in the roadway, after the City decides the width.

James Ipson one thing that didn't seem to be clear is how the development burden of the cost to build the road for the City falls to the developer. One thing that has kept from building on the Staheli property, is the cost. Several have bought this property intending on building and because of the Master Plan requiring a crossing, they have abandoned their plans to build. All the people bought property here without understanding the implications of the Master Street Plan. All the property owners on the south side of the channel would love for the City to abandon the idea of having a crossing there and running the road through to Highway 91. A part of that is also because of the kind of traffic that would come through if 1200 West went all the way through from Highway 91 to 200 South. The trucks that come down to the transfer station would potentially come down through the neighborhood. That is another reason for the bridge crossing to go away. I think if that bridge stays and it continues to be a collector and the city wants a crossing, and the cost falls to the developer not the City, it would make building prohibitive on that side. None of the property owners have enough property to spread that cost around.

Lee Brown said he is the one that wants to build the house on the corner. I have told people in the meetings, and Dan has done a good job of pointing out, that the Brian Head sewer line runs right down the private driveway, 30 feet across at 1200 West. He said it is cost prohibitive to try and build a 30-foot bridge across the channel.

James Ipson said where the road crosses our property, how do we decide the cost of building the road. Larry said we can't answer that. James said out of the City code, if this road goes from a major collector and gets downgraded, the developers need to accommodate the road and build it. I own 16 feet that I use for a driveway to my house, but for more houses, it is not enough width. Where the City is requiring the roadway width, people wanting to develop will need to pay for the road to their property. He said

that a house recently built on a corner lot and they had to build the road to their property, but the side road did not get built and was wondering how that happened. Larry said that is for another meeting.

Larry said it is the buyer's responsibility, when buying an undeveloped piece of property, at the point of purchase, to do their due diligence and negotiate the price for what developments need to be made to the property. He thanked them for their comments.

Heather Peet made a motion that we schedule a public hearing for October 18, 2023 to address amending the General Plan regarding the Transportation Map for 1200 West south of the flood channel and north of Old Highway 91. Jerry Vesely seconded the motion. All members voted in favor of this motion and the motion passed.

**CANCEL OUTDATED EASEMENT – 465 N 100 WEST / KIP AND ROBIN STOWELL:** Kip Stowell said that they purchased this property from Robin's family. They own the lot to the south of their house that has power lines down the property. There is not power to the lines, just telephone lines at this point. This lot was purchased from Parowan City in the early 90's when there were irrigation ditches that ran down 200 West and terminated into this pond and then continued down to the north fields. He said there is a utility easement for this line and Century Link is willing to abandon and move the line if he is willing to pay to have it moved. He was ready to do that, but thought he better check with the City and see if there was something else that needed to be done. He is wanting to build a shop on this vacant property.

Dan said there is a 33-foot utility easement that goes across the front of the property and then goes along the south side of the vacant lot. He said the poles are on the north side of the easement. Dan said as he was researching, he found that a utility easement is not owned by any one utility but an easement is granted for all utilities in a municipality. He said that along the fence line there is an ingress/egress and utility easement. That is the way it is recorded on the deed. It extends down the north side of the poles and to the property line.

David asked if the easement down the front of the property was where the water used to flow into the pond. Dan said he is wondering if they were using this for access to the pond and if the channel was diverted here into the pond, which would explain why it is so wide.

Dan said that the recorded plat shows that parcel two, which is the vacant parcel, is subject to an irrigation easement over the east 33 feet and south 33 feet of said parcel. Parcel One, which is the house, shows an irrigation easement on the east 33 feet.

Larry said there are a few things we need to consider. To abandon a utility easement there is specific state code for that. It requires a public hearing be held, a signed release letter from all the utilities, which would be gas, city, phone, and internet and there could be interest in this from the irrigation company so they will need to be notified. Those notifications have to go out and come back with signatures. All the adjoining adjacent property owners would need to be notified and given the opportunity to speak if they want. Then we take those comments and will make a decision. Dan said that the City may not be using that power line poles down the middle, but we may not want to give up all that easement. Most properties, not all, have a public utility easement that splits that property line 7.5 feet and 7.5 feet on each side. We may want to consider shrinking that easement down. The Stowell's were okay with that. They just want to utilize more of their property.

Larry went through State Code 10-9a-609.5 “A petition to vacate some or all of a public street or utility easement shall include the name and address of each owner of record of land which is adjacent to the public street or the easement between the two nearest public street intersections or accessed exclusively by or within 300 feet of the public street or municipal utility easement, proof of written notice to operators of utility and culinary water or sanitary sewer facilities located within the bounds of the public street or municipal utility easement sought to be vacated; and the signature of each owner under Subsection (2) (a) who consents to the vacation.”

Dan said on the recorded deed it says ingress/egress, so it is possible that property owners that touch that easement may have something to say about losing some access. He said he is not sure if this is a public easement or easement for the utilities. Kip said there is a deeded easement that runs down the side of the lot, which is about 10 feet, that the property owners to the south have access to their property. They wouldn’t lose their easement if we don’t have a utility easement. Larry thinks it would go through the same process to shrink the utility easement and abandon the easement.

Larry said another thing to think about is the west end of the property that doesn’t have an exclusive easement, but has the right to use the 33-foot easement. You may hear from those property owners, because they would still have to be noticed. Larry said the option is to shrink or vacate it entirely. Kip is okay to just shrink the easement. Dan said he would work with the Stowell’s to identify the property owners. Larry is okay to set a tentative date for a public hearing, realizing that if not all property owners receive notice, it may be taken off the agenda.

Dan said you can mail the letters, certified, or bring in stamped envelopes to the City and we will send them out. David asked if we could we do this public hearing in conjunction with the other public hearings on October 18<sup>th</sup>. Larry said we could set it and then pull it from the agenda if not all property owners received their mail.

Kip and Robyn both want to shrink the easement. They want to make sure the neighbors know their easement is not going away, it is the utility easement they are talking about. Dan said they will need to get new legals to adopt and go with the deed. It will need to come from a surveyor

Heather Peet made a motion that we have a second public hearing on October 18<sup>th</sup>, 2023 regarding reducing the size of the easement at property 465 North 100 West, Parcel A-0021-0002-0000, .52 acres. Jerry Vesely seconded the motion. All members voted in favor of this motion. The motion passed.

**FINANCIAL CONSIDERATION FOR SEWER – 1176 WEST OLD HWY 91:** Lee Brown said that in 2008, he bought this property from Jeff Hunter. When a title search was done, it did not show a sewer line running through the property and he did not have a survey done before he bought it. Justin Wayment and Iron Ridge Surveyors came in to straighten out the property line and found that there was no easement for the sewer line. This line runs along the north side of his property and hooks into the Brian Head Sewer Line. This is an 8-inch line with manhole covers. He thinks that Jeff Hunter originally planned to develop a subdivision on this lot.

Lee said he built his house in 2010 and confirmed with Justin Wayment and Iron Ridge that he did in fact own the sewer line. He said at that time two other homes were hooked to the line, Gibelerras (A-2046-0000-0000) and Carlsons (A-2041-0001-0000). These homes have both changed property owners. He said he went to them and asked them to help pay for the survey and legal costs. The Carlson paid and

Lee said he gave them an easement for the line that crosses his property. The other property owner has not. It has changed hands and is now Lion's Gate Recovery. He said he sent them a letter telling them they could use the line until they could not any longer and gave them a prescriptive easement. He is not happy that they will not pay their share of the costs.

He said he is here today to give the City 1320 feet of sewer line that runs out to the Brian Head line, in consideration of impact and connection fees for the house he wants to build on the corner. He would have it appraised and accept fair market value. He would then give the line to the city to have them inspect, operate, and maintain. He has the deeded easement already prepared.

He said that the 15-foot easement across the property encumbers the property and prevents it from ever being built on. He said he wants whatever the appraisal value is deducted from fees to build the house. Dan said he would like a legal opinion on this situation.

Jerry asked who installed the sewer line. Lee said that Jeff Hunter did. Dan said that the City doesn't typically buy sewer lines or easements. Lee said each house has a six-inch line that hooks onto the 8-inch line and that is a lateral that hooks into it. Dan said an 8-inch line that has a manhole is considered a main line. Dan said ownership and maintenance of sewer lines is unclear unlike water where it is clear, in that the point of ownership is at the meter.

Lee said that all three houses go into that first manhole. He said if the City doesn't take the easement and ownership, he is in the sewer business and will have to charge the other homes for maintenance and if there are any problems. He said he does not want to compete with the City regarding sewer.

Larry said that this body is not in the position to make that decision. That is a legislative decision up to the City Council. Dan said depending on what we are going to do or legal recommendation, and if we are talking about exchange of money, then yes, this is not something that the Planning and Zoning can decide on.

David said some of it would be based on agreements with Justin Wayment and Iron Ridge. Dan said that Justin had a conflict of interest at the time this was discussed. Dan will get with legal for an opinion.

**PROPOSED LANGUAGE TO DEFINE RECREATIONAL COURTS IN THE LAND USE CODE:** Jamie Bonnett handed out a paper "Recreational Uses Definitions Ideas." She said that Parowan does not have code that addresses this at all. She has looked and cannot find any other Utah cities that have adopted recreational facilities language. She did find some language from municipalities in California. She asked the commission if they feel this is something Parowan needs, where most of the state is not adopting something like this.

Larry said that part of the discussion at the last meeting was we were looking at pickleball courts and bike pump tracks and if bike pump tracks fit under the definition of recreational courts. He said we need to look at this, because we don't have a definition of recreational courts.

Jamie said that the recommendation from legal at that time was to consider changing code to say recreational facilities instead of recreational courts and adding "excluding motorized vehicles" in the definition. She said on the handout there are four different definitions and she thinks we can take something from all of these and make our own. They read:

“Recreational Court” means any planked, paved, or otherwise hard-surfaced outdoor area used primarily for athletic activities, other than swimming pools, and including but not limited to, courts for tennis, racquetball, paddle ball, squash, basketball, and similar activities

Recreational Uses means the use of land for parks, playgrounds, tennis courts, lawn bowling greens, indoor or outdoor skating rinks, athletic fields, golf courses, picnic areas, swimming pools, day camps, community centers and similar uses to the foregoing, together with necessary and accessory buildings and structures, but not including a track for the racing of animals, or any form of motorized vehicles.

Recreational uses mean tennis, basketball or volleyball courts, and other similar private outdoor recreation uses enclosed with fencing.

Recreational uses shall mean establishments providing active or passive recreational activities and their incidental support facilities. Typical uses would include, but not be limited to athletic clubs, health clubs, dance studios, game courts, golf driving ranges, gymnasiums, swimming pools, private or public recreational facilities and parks.

Heather said she would not want to include golf courses from a water stand point. Driving ranges would be different because it could be artificial turf, but hopes we would not include golf courses.

Dan said that Parowan’s PUD code defines active recreational areas to mean usable common space which is developed into active recreational facilities such as swimming pools, tennis, handball courts, golf courses recreational buildings, club houses and other similar facilities. Golf courses are conditional uses in R1A and R1. There are already things in R1 that are approved with conditional uses.

Larry said if we extend all these activities to all other R1 developments in the City, it means potentially we could get a lot more requests for conditional use considerations for all those things.

Dan said that the commission may want to think about addressing ebikes. Larry is not in favor of anything that is not human powered. Heather and Jamie are okay with ebikes. Dan said that because we are addressing these with a conditional use permit, it would be handled that way.

The commission talked through some of the items listed under example two and what to be included in the definition for Parowan Code. The commission talked about taking out day camps and David questioned why. Heather said the commission concluded it was more of a business.

After discussion, Jamie read the following as a definition:

“Recreational facilities means the use of land for parks, playgrounds, tennis, pickleball, basketball or volleyball courts or other similar private outdoor recreation uses enclosed with fencing, lawn bowling greens, indoor or outdoor skating rinks, athletic fields, bicycle tracks, skate parks, picnic area, swimming pools, community centers and similar uses to the foregoing, together with necessary and accessory buildings and structures, but not including a track for the racing of animals, or any form of motorized vehicles.”

Jerry asked if we needed to address ebikes. Heather said If we had an issue, we could put up a sign that says no ebikes. Heather and Jamie said that they vote not to restrict ebikes. Dan said remember it is a conditional use permit and can be addressed in the permit.



Larry said when we approve this definitional of recreational facilities, we need to figure out where to put it in the code. He said anywhere we use recreational courts, we would replace it with recreational facilities. Dan said we have to put it in the definitions. Jamie said that when the commission worked on the hard surface ordinance, it referred to the definition.

The commission talked about conditional uses and permitted uses and where recreational facilities would fall. Larry said maybe change the use to conditional in all zones and be consistent. Dan asked if they wanted to limit recreational facilities in a commercial property. That is where it is permitted now. It was decided to replace recreational courts with recreational facilities everywhere it appears. Dan said he will write up this ordinance to have ready for review before the public hearing.

Jamie again read the definition drafted - "Recreational facilities means the use of land for parks, playgrounds, tennis, pickleball, basketball or volleyball courts or other similar private outdoor recreation uses enclosed with fencing, lawn bowling greens, indoor or outdoor skating rinks, athletic fields, bicycle tracks, skate parks, picnic area, swimming pools, community centers and similar uses to the foregoing, together with necessary and accessory buildings and structures, but not including a track for the racing of animals, or any form of motorized vehicles."

Heather Peet made a motion that we approve the definition of recreational facilities as drafted and inserted into the Land Use Code Chapter 15.04 and change wording of Recreational Courts to Recreational Facilities in all cases encountered in the municipal code and set the date for the public hearing for October 18, 2023. Jamie Bonnett seconded the motion. All members present voted in favor of this motion. Motion passed.

Heather Peet made a motion to move Item 9 "Growth Presentation" until the next meeting. Jerry Vesely seconded the motion. All members voted in favor of this motion and motion passed.

**HISTORIC PRESERVATION – APPENDIX A DISCUSSION:** Larry said that at the last City council meeting they discussed adding Appendix A to the Historic Preservation Code and the discussion really needs to be where we put that in the code. He said that there are some restrictions and codes that everyone in the Historic District should get when they are buying or thinking of buying in that zone.

Larry said If we pull up our Historic Preservation Code in our Land Use Code, we already reference Appendix A. He said my position is that Appendix A should reside on-line under administration. There should be a button to link for Historic Preservation Committee and who they are and how to contact them. With that presence on the web, this Appendix should be linked to that. If there is a reason that can't happen then it should be under the Administration tab. (15.42.100 Development Standards Appendix A)

Heather would like to see a form for the appeals to the Historic Preservation on-line as well. Dan said that a general appeal application form would be appropriate on the website.

Dan said although it refers to Appendix A, it was never formally adopted. The question is if this Land Use Code and does it need a public hearing.

Larry said from his general understanding of the format of these kinds of things, when you link a document, it becomes part of it and the purpose to link the document is so you could swap out and make changes to the document. But to Dan's point it does change land use code.

Heather asked, “Isn’t the committee made up of subjective opinions?” She thinks that it can be changed, and it is not set in stone. Larry said it is one of the few places in the code that the committee can be subjective.

Jerry Vesely made a motion to table this item and move it to the next meeting. Jamie Bonnett seconded the motion. All members voted in favor of this motion and the motion passed.

**ALLOWING HELICOPTER LANDINGS NEAR RESIDENCES VIA A CONDITIONAL USE PERMIT:** Larry said that this item is about proposing adding a legislative action to allow helicopter landings near residences as an approved conditional use. Dan said that there is nothing pending, but he did have someone ask recently. Mick Lauer (Airport Manager) said it is not doable. Dan said technically it is, but what you have to do to make it safely doable, would preclude most to do it. You would have to have enough of an approach area to have it done.

Dan said there are three things that we could consider.

- 1 - Do nothing and put the burden back on the Planning and Zoning
- 2 - Prohibit by Ordinance
- 3 - Conditional Use Permit

Dan said you could be dealing with noise complaints from surrounding property owners, but those could be mitigated with a conditional use permit. You could do that by zone, or just say it is not allowed. You could also add something into the Supplementary and Qualifying Code.

Larry said he would be in favor of adding some verbiage that a conditional use permit would require a public hearing. Dan read from 15-18-020 “A condition use permit shall be required for all uses listed as conditional uses in the respective zoning districts or elsewhere in this Ordinance and shall be recorded against the property. A conditional use permit may be revoked upon failure to comply with conditions precedent to the original approval of the certificate period. No building permit or other permit or license shall be issued for a use requiring conditional use without first being reviewed and approved by the Parowan City Planning Commission.” Larry said it doesn’t mention public hearing. Dan said it does mention it later under the process, “after a hearing Planning Commission shall approve or modify and approve the conditional use application if reasonable conditions are proposed.” Dan thinks it is covered there under the Land Use when getting a building permit.

David asked how they landed helicopters at the fairgrounds. Dan said that is a different situation regulated by FAA that allows the City to grant someone to land a helicopter for a special event. That is not for a permanent landing use on private property.

Larry asked what zones this would go in. Heather said she would say none. Dan said A1, maybe Rural Estates and Industrial and Manufacturing. He said essentially if someone wanted to build a hangar and land a helicopter, what conditional use would you have placed on that property. Larry said not General Commercial or the R1, R2, or R3 zones.

Jamie said she would like to restrict it in all zones. Jerry said he doesn't think you can restrict in general, but would need to apply for a conditional use permit. Heather said they already have somewhere where they could land, at the airport.

Dan wouldn't be surprised if this comes up and he would like something in the code to address it, either banning it or a conditional use to go through that process to make sure it doesn't negatively affect the neighbors.

Heather made a motion to send to City Council to not permit helicopter landings near residences. Dan asked how would you go about that and how would that look in our code. Larry said maybe under the nuisance code. Dan said once you state it is a conditional use, it is permitted as long as you can mitigate any conditions that come up. Larry said if it is approved as a conditional use permit, it should be shown why it should be permitted as opposed to why we shouldn't permit this, and mitigate any problems that are identified.

Dan said maybe it could be put under "Supplementary and Qualifying Regulations." Larry agrees with Dan that whatever we decide, it could go into this section of the code.

Dan said he would suggest it says something about residential landing and not special permit landing. He said he would like to see something in the code before this issue comes up and there is an emotional and heated argument about this. The FAA is very clear that you have to look at municipal code. If something is omitted it is deemed not approved.

Larry said for example, there was nothing in the code regarding billboards because we didn't have it in the code, so we addressed that and said no billboards.

David feels the airport can service this need.

Heather Peet made a motion that we do not take any action on Item Ten on the agenda. Jamie Bonnett seconded the motion. All members present voted in favor of this motion and the motion passed.

**MEMBER REPORTS:** Jerry said he will not be to the meeting on October 4<sup>th</sup>.

**ADJOURN:** Heather Peet made a motion to adjourn the meeting at 9:33 p.m. Jerry Vesely seconded the motion. All members were in favor. The meeting was adjourned.