

**Parowan City Planning and Zoning Public Hearing and Regular Meeting**  
**May 15, 2024 – 6:00 P.M.**  
**35 East 100 North – Parowan City Office**

**MEMBERS PRESENT:** Larry Zajac (Chair), Jerry Vesely, Jamie Bonnett, Weston Reese, Troy Hoyt (Alternate), David Burton (Council Representative)

**MEMBERS ABSENT:** Heather Peet, Dan Jessen (City Manager)

**COUNCIL AND STAFF PRESENT:** Mollie Halterman, John Dean (City Council), Rochelle Topham (City Council), Judy Schiers (Secretary), Keith Naylor (Zoning Enforcement)

**PUBLIC PRESENT:** Kristine and Reese, Devin Wilson (Jones and DeMille)

**CALL TO ORDER PUBLIC HEARING:** Larry Zajac called the public hearing to order at 6:00 P.M.

**ZONE CHANGE REQUEST FOR A-0388-0000-0000 LOT 1, BLK 42, PLAT B, PAROWAN CITY SURVEY (APPROXIMATELY 181 E 500 N) AND PARCEL 1-0388-0001-0000 Lot 4 Blk 42, PLAT B, PAROWAN CITY SURVEY:** There were no comments.

**PAROWAN CITY MASTER TRANSPORTATION PLAN:** Larry said the last plan was in 2012 and is outdated. He said the new plan shows roads and sizes of roads and building requirements for the roads. The updated Master Transportation Plan will be available on line which was prepared by Jones and DeMille.

Larry said the purpose of this public hearing is for the public to comment before we give recommendations for changes to the City council.

Judy had one comment come to the office, which was submitted in paper form, from James Ipson. “I would like to see no street on the Master Plan at 1200 West between the flood channel and Highway 91. I do not want that to ever be a city street. It is my driveway now. A private road would serve the needs of the parcel owners very well. Please no city streets.”

No other public comment

**ADDITION TO LAND USE CODE 15-08-230 “STRUCTURES AND USES PROHIBITED IN ZONES UNLESS EXPRESSLY PERMITTED”:** There were no public comments.

**INTERNAL ADU DEFINITIONS:** There were no public comments.

**ADDITION TO LAND USE CODE 14.14.105 “WATER CONSERVATION REQUIREMENTS:** There were no public comments.

**CLOSE PUBLIC HEARING AND OPEN REGULAR MEETING:** Jerry Vesely made a motion to close the public hearing at 6:17 P.M. Jamie Bonnett seconded the motion, with all members present voting in favor and the public hearing was closed. Jerry Vesely made a motion to open the regular Planning and Zoning Meeting. Jamie Bonnett seconded the motion. All members present voted in favor and the regular meeting was opened.

**CONFLICTS WITH ITEMS ON THE AGENDA:** Weston Reese said that he had a conflict with item five “Zone Change Request,” and he will not be voting.

**APPROVAL OF MINUTES FROM APRIL 17, 2024 AND MAY 1, 2024:** Troy Hoyt would like the motion from April 17, 2024 under “Conditional Use Permit to Allow Construction Sales and Service at 1141 West 299 South Suite C, Parowan Utah Parcel A-502-0005-0000” on the next agenda. Jamie Bonnett made a motion to approve the minutes from April 17, 2024 and May 1, 2024. Weston Reese seconded the motion. All members present voted in favor of this motion and the motion passed.

**ZONE CHANGE REQUEST FOR A-0388-0000-0000 LOT 1, BLK 42, PLAT B, PAROWAN CITY SURVEY (APPROXIMATELY 181 E 500 N) AND PARCEL 1-0388-0001-0000 Lot 4 Blk 42, PLAT B, PAROWAN CITY SURVEY:** Larry said that this request is consistent with the general plan, consistent with the zoning map and he doesn’t see any reason to challenge it.

Jamie Bonnett made a motion to approve the zone change request for Parcel A-0388-0000-0000 Lot 1, Blk 42, Plat B, Parowan City Survey and Parcel 1-0388-0001-0000 Lot 4 Blk 42, Plat B, Parowan City Survey to R1 and recommend this to the City council. Jerry Vesely seconded the motion. All members present voted in favor of the motion and the motion passed.

**PAROWAN CITY MASTER TRANSPORTATION PLAN:** Jamie said that she does not like 200 South being made into the main road to Brian Head. Weston agreed. Jerry asked if anyone had done the measurements for the minimum width requirements and doesn’t feel it will meet those. Troy said this is part of the 15-year plan. Jamie thinks it was in the 30-year plan. Larry said the language he captured in the meeting was that there was going to be an eighty-two (82) foot wide road going east from the Maverik with 2 feet of space, and he took it to mean 1 foot on each side. The edge of the road would be right up next to any fences theoretically. He thinks this would be a hard sell to the citizens. He said at another time it was mentioned something like four feet, which is not a lot more room.

Larry said he did like the idea of going straight through 200 South, rather than making a left at Main Street, then making a right at Center Street and then up to the canyon. He didn’t feel there was much commercial that would be impacted by going straight. Weston said that Main street and Center has commercial and Jamie said you could see the downtown area from Center Street. Weston feels it is a lot more streamlined coming down the canyon going straight on Center Street. Jerry would not like to be a resident on 200 South. David said if you make 200 South a straight thoroughfare, they will take away the stop signs. Weston said from looking at the map, Center Street would go away. Devin Wilson with Jones and DeMille clarified that Center Street will not go away. UDOT will take control of 200 South and the City will take over control of Center Street.

Devin showed the commission the new streets that were going in on the new plan. He said several crossings over the flood channel were removed to reduce the maintenance. There were five crossings left; six with main street. They are Main street, 300 West, 600 West, 1100 West, 1750 West, 2700 West.

Jamie and David felt that the crossings are still excessive. With the new bridge going in, David doesn’t feel a lot of the crossings are necessary. He felt we had discussed and agreed that a lot of these were not going to be implemented. Devin asked which the commission felt could be removed from the plan. Jamie had mentioned 300 South.

Larry said this typically would need to show up on a plan and generally there would be a plot plan that would already have easements shown. He said the only other ways are if they develop the property or worse case, eminent domain. David said this is a proposal, not something set in stone. Larry said once

you have a plan like this and it is approved by the legislative body, it has traction because it is attached to the general plan. David said unless someone develops, nothing will happen.

David asked Devin if the roads were looked at on location. Devin said no, they met with the road officials, the Mayor and Dan Jessen. They looked at county plat maps to look at property boundary lines. David asked if they talked with property owners. Devin said only where there was interest in developing soon.

Keith said that the city is not in the business of building roads, if that land is never developed, a road may never come to fruition but once this is adopted it is a binding authority and we make sure that the proper land is taken to ensure the building of those roads.

Larry said that a person who lives along 200 North, off 600 West, expressed some concerns that there was only one entrance and exit into the Sky Ranch and Mountain Valley Subdivisions. He said looking at the new plan it looks like there are a couple more roads out of the subdivision. These would only be put in when development occurs.

Devin showed the commission the airport roads and planned development. Devin also talked about the Old Paragonah Highway. He said the plan was to abandon that road, but after discussing this with the County, they did not want to abandon the road, so Jones and DeMille is working with the County and City as to what to do at this location.

Weston said he doesn't like that 200 South will take traffic away from the downtown businesses. The commission talked about stacking at the intersection at Maverik, if you use traffic control.

Larry said he is not comfortable making recommendations at first glance on something as complex as this plan, especially since one of the main planners is not present to give contrasting points of view.

Larry asked for copies of this be printed, large enough to see the street numbers. Devin will send the maps to Judy and she will get them printed off.

Larry recommended to the rest of the commissioners to do some homework and make notes to come to the next meeting prepared to make changes.

Jerry made a motion to table this item and to have printed maps available and to put it back on the June 5<sup>th</sup> agenda. Troy Hoyt seconded the motion. All members present voted in favor of this motion.

**ADDITION TO LAND USE CODE 15-08-230 "STRUCTURES AND USES PROHIBITED IN ZONES UNLESS EXPRESSLY PERMITTED.** Larry said that at some the recent American Planners Association Training, this question (meaning Structures and Uses Prohibited in Zones unless Expressly Permitted), was posed to one of the attorneys from the Utah Property Ombudsman's office, and he said yes, this would solve a lot of problems. Larry said he doesn't see any challenges with this code the way it is written.

Troy said to note, we also learned at the training with respect to short-term rentals, the States approach is if it is not prohibited it is allowed. Larry said yes, that is the States approach and the purpose of this clause, because local code prevails. Because if there is no code, it is an automatic yes. This clause puts the City and administrative staff in the position to point at the code and say this clause says if it is not there, it is not allowed. That would slow down some of the things presented to Planning and Zoning because the administrator doesn't know what to do with it.

Jamie made a motion to recommend to the City Council 15-08-230 as presented and written to the City Council. Jerry seconded the motion. Larry and Weston voted in favor of the motion. Troy voted nay. The motion passed.

Larry asked Troy if he wanted to give reasoning for his nay vote. Troy said that his nay vote comes from his belief that as the code was drafted, the drafters didn't have in mind that they were going to list all the appropriate uses, or allowed uses, rather when they listed uses, they were meant to be demonstrative or instructive, and not the only uses that could be used. He said he also feels like the remedy proposed at the last meeting, in which the solution if someone wants to add a new use, is that they have to go through the process of changing the statute every time including recommending it to the Council and the Council to decide on that. He said that seems to be an inefficient fix for the issue of being able to allow all the permitted uses.

Larry said permitted uses are already permitted. This says any use that is not permitted, can only become permitted by amendment to the Land Use Code. That would be the case even without this statement. It has to be a use that is not preapproved by the legislative body and listed in code. The only way to get approval is to make recommendation to modify land use code and take it to the legislative body. Scott said if there is some board of adjustments or other safety valves in place, so that the legislative branch to make some alterations based on just cause without completely modifying the ordinance, unless it is permitted in that zone, it is the intent of the city that everything else is precluded.

Troy said if this language is adopted, he would like to see that we do have that valve that can make the process not so cumbersome to change the code. Larry said that anyone can appeal the decision by the council to the board of adjustments, but there are 3 or 5 very specific criteria that has to be met to allow exceptions to the code. He said there is another section in our Land Use Code, that says the Planning and Zoning and City Council, if there is a parcel or development where stringent adherence to the city code causes a hardship, can make an exception. But it doesn't seem that would address something that is allowed or not allowed in a zone. Larry said he would sit down with Troy to figure out a process that he feels would work.

**INTERNAL ADU DEFINITIONS:** Larry said that these have been discussed and we didn't receive any positive or negative comment in the public hearing. He said the short-term rental definition and rental dwelling definitions are word for word out of state code. The others tend to be bits and pieces of language from a couple other places that already have short-term and ADU code. His intent is to put these in a tracking file and those will go to the City Council with recommendation at the same time. Larry said as this code is being developed, he will lean on some of these definitions. In the end if some of these are not used, we can delete those. In the training it was emphasized that habitable structure definition is critically important in the ADU and short-term rental code.

Keith said in our code under definitions 15.04.30 under habitable structure after "excludes recreation vehicles," to include "tent and coach." He said this would align better with our current definitions under dwellings.

Keith said our current code doesn't have a definition for site. He suggested we insert lot or parcel instead of site.

Troy Hoyt motioned to approve the Internal ADU definitions for recommendation to the City Council as written, but with respect to accessory use including the words lot or parcel instead of site and as to habitable structures includes, after recreation vehicles, tent, and coach. Jerry Vesely seconded the motion. All members present voted in favor of the motion and the motion passed.

**ADDITION TO LAND USE CODE 14.14.105 “WATER CONSERVATION REQUIREMENTS”:** Troy Hoyt made a motion to recommend Land Use Code 14.14.105 “Water Conservation Requirements” to the City Council for adoption. Jamie Bonnett seconded the motion. All members present voted in favor and the motion passed.

**DISCUSSION OF CONFLICTING PMC 15.50.010 AND 15.60.030(d):** Keith said this item came across his desk recently. He is asking the commission’s recommendation on rectifying 15.50.10 which reads “Home occupation signs in residential areas are to be no larger than three (3) feet by four (4) feet in area and may be attached to the house or posted within 2 feet of the homes main structure 15.60.030 (d) “No business signs are used with the exception of one sign not to exceed one (1) square foot in area which shall be attached to the building”. He said there is a conflict and he did not have a best answer. Larry said standing rules require us to go with the least restrictive., so in this case that is a three (3) foot by four (4) foot sign.

Larry read through another city’s “Conflicting Provision Statement” and went through 15.02.040, 15.08.020 of Parowan City’s Code. He said he thinks the correct approach to this would be to make some decisions and recommendations to the City Council to fix the code because it is ambiguous.

Troy feels that this all relates to code interpretation rather than enforcement. He said we are not in a position that someone is in front of us asking for code interpretation, so he thinks the best thing would be to revise it and send a recommendation to the city council.

Keith said there is an area of concern that by trying to resolve one conflict we have opened pandora’s box

Jamie said she thinks we are making it harder than it is and could just take out letter “D” and it should fix the problem.

Larry asked Keith if he would take a crack at fixing the code. Keith said he would have something ready for the June 5<sup>th</sup> meeting. The commission was in favor of the 3X4 sign and something in there that talked about the height restrictions.

**TRAINING UPDATES:** Larry asked the Planning and Zoning members that went to training to give some updates to the commission. Larry, Jamie, and Troy all gave updates.

**EXTERNAL ACCESSORY DWELLING UNIT CODE DEVELOPMENT:** Larry said he sent the commission the code at the last meeting and has since written more code. He wants to know the commissions input on where they feel this code is headed. He said he highlighted some things in yellow. He went through his handout.

He said that the habitable structure definition may need to be revisited.

Item two will determine if the City will allow EADU's to be used as short-term rentals. He said a lot of the code doesn't allow that. If you have an ADU, the owner has to live on the property somewhere. To be able to develop the code, we need to make that decision.

Utilities will require a separate connection (highlight=meters are prohibited). When we did the IADU code, we took this out of the code so the City could make that decision. He said that one line says it is prohibited and then there is a highlighted alternative to that statement.

EADU will be a separate address from the primary residence. Larry said based on our discussion for IADU's they will have a separate address, with possible "A" or "B" after the address to differentiate. Judy said that would be consistent with how we address right now. The discussion was that would be helpful for emergency response situations.

Lot coverage is consistent with our existing code. Weston asked how does this apply if someone wants the unit next to the house and not behind the main residence? Keith said page 2 under "A", ADU's front set back is 30 feet from the front property line and then they have to meet the setbacks which would be 12-foot side yard from ADU and 10 feet from primary structure. On the primary structure the front yard setback is 25 feet. It can still work and still be consistent. Troy asked if setback requirements also encompass sides and rear. Larry said yes and explained the setbacks.

Larry said on page 1, the language would go into the permitted uses for those zones. In the R1 and R1A Zone, he said he put in language that says an EADU will not exceed 800 square feet. In the R2 Zone, which means likely a duplex could go in, he said he put in there you can't have an ADU and a duplex and this may need to be revisited. In the Rural Estate Zone, an EADU is not to exceed 1,200 square feet. The last page, Item A "A detached ADU shall not exceed gross floor area of 800 square feet, and 1,200 in Rural Estates and in no case shall a detached dwelling unit exceed 50% square footage of the primary dwelling unit on the property. Jamie asked why we are putting a limit on the square feet. Larry said he would think that is the best practice and pulled this from several other cities. If the commission doesn't like this, we can have a discussion. Larry is strongly is strongly in favor of 50% of primary dwelling. Jamie agrees with the 50%.

Keith said on page 2 (a) – "AEDU's are considered to be primary dwelling units when they are the only permanent dwelling units on a site or lot". This will need to be addressed. Weston doesn't think it makes sense to dictate smaller EADU's. He thinks we could just say "not to exceed the primary residence." The commission discussed this further. Larry asked for the commission to address their concerns and send it to him in an email.

**SHORT-TERM RENTAL CODE DEVELOPMENT:** Larry said that he added a lot to this and he intends to keep working on this and the EADU until it is done. He would like comments. He said to focus on the yellow highlighted parts.

In other cities the licensing of STR's (short-term rentals) are not in land-use code. While we could have recommendations, that would not be for this commission to write that language. There are licensing regulations and requirements and he is looking at those. There was a discussion regarding primary residences and STR's and if owners would need to live in the primary residence. Troy noted that at a recent training, every example was that you had to live in the primary residence. Larry said another important piece of ADU code, is where there is an ADU or property involved, other Cities require STR's to

have on-site or in town managers that responds to complaints. He said something else to think about is if you have more than one unit in town, do you have separate licenses, or are they part of the initial application and would we allow EADU's to be used as STR's. Most cities are saying no.

Another thing to consider is how do we address illegal nonconforming STRs. Also, noise and nuisance, which could probably be handled in our nuisance code, but we want to make sure it is robust enough to handle this.

He asked the commission to look through this and come up with suggestions and send him those comments in an email. Councilman Burton asked if you could have a short-term and long-term rental at the same time. Attorney Burns said that long-term rental would be more consistent with an owner leasing his property, but not sure there are any restrictions, but need to comply with code. Short-term rentals we would be looking at being more restrictive and closely regulated. Larry asked the commission to get him comments before the next meeting.

**REPORTS:** Keith reported four new permits since the last meeting. A carport at 461 City View Drive, 246 East 400 North a new deck, 1362 W 375 S new residential, 435 W 200 N new front steps. Keith said Falcon Ridge is going forward. They have started grading, but still need to finalize some things.

Jamie asked about Alex Meisner's subdivision annexation, is that going forward. Keith said we haven't received any paper work. Larry said there is a map floating around, based on the notice of annexation petition.

Larry said that there was a kick off meeting with Mike Hansen's Group on the subdivision code rewrite. He said our City is headed in the right direction and we should get their audit report at the end of the month and should be ready for the first meeting in June. He asked Judy to put that on the next agenda. He said we need to put the IADU code on the next meeting as a public hearing.

**ADJOURN:** Jamie Bonnett made a motion to adjourn the meeting at 8:53 P.M. Weston Reese seconded the motion. The meeting was adjourned.