

Parowan City Planning and Zoning Public Hearing and Meeting Minutes
July 3, 2024 – 6:00 P.M.
35 East 100 North – Parowan City Office

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

MEMBERS ABSENT: Weston Reese, Troy Hoyt, Dan Jessen (City Manager), Mollie Halterman (Mayor)

COUNCIL AND STAFF PRESENT: Keith Naylor (Assistant Zoning Administrator), Judy Schiers (Secretary), John Dean (Council)

PUBLIC PRESENT: Doug Fox, Linda Rowley, Brody Swanson, Jodie Lemon, Bri Hales, Denver Leigh, Mark Smith, Russell Emery, Bob Platt

CALL TO ORDER PUBLIC HEARING TO RECEIVE PUBLIC COMMENT REGARDING ZONE CHANGE FROM COMMERCIAL TO R3 ZONE – 0498325 A-2019-0003-0000 JKL LLC: Larry Zajac called the public hearing to order at 6:00 P.M. Larry introduced Tracy Wheeler, a new member of the Planning and Zoning Commission. He also introduced the rest of the Planning and Zoning Commission to the audience. Larry gave a brief background on the public hearing item.

Brody Swanson said that originally, they were looking for a place to put some of the homes that will be on display for the dealership. He said they found this parcel across the street from an existing R3 Zone and thought it would make sense to rezone that property to R3, like what is across the street.

Larry said tonight we are just looking at the rezone, not the concept plan of the PUD. There will need to be some changes in order to get this density in this area. He said the commission will work with the developer on the plan. For example, there is an open space requirement.

Denver Leigh asked if the land has already been sold and was told yes. Denver said he doesn't like the idea. He lives in Eagle Rock. He asked what they were going to build and if they were going to rent those or sell them. Brody said they were going to sell the homes. Denver said his personal concern is who is going to live there. Larry asked Denver if anyone asked him that question when he purchased his home. Denver said even though he has an accent, he is an American Citizen. He wondered if those coming across the border are going to be living there and said if they are rentals, they very well could be. He said he had to take a test and pay to come to this country and what is bothering him is who is going to be living there. Denver said it could be Californians. People don't like Californians. Denver said there is not water, sewer, electric or gas, etc. Larry said we don't have laws and rules who can buy in any housing unit development, Eagle Rock for that matter, or any other spot in town. As far as water, sewer and electric go, the developer is required to put that in as their expense. He said that built into the price of the homes will be impact fees. The developer will pay the impact fees up front, but that is passed onto the people who buy the homes. When they pay the impact fee, they pay their dues and own part of the roads and the parks, into the future they will be paying taxes. There will be water, power, and sewer. The developer will have to purchase water rights, unless they came with the property. All that will be

taken into account. Denver said if you are going to do this, why don't you take over Eagle Rock. He said why doesn't the town take over take over the PUD. Larry said this is a planned unit development, which typically is a definite unit within a City and they are required to take care of their own streets, etc. This will be the same way. You have CCR's and it would be quite a feat for the City to take over a PUD. Denver said he use to work for the City and he was told definitely no. He said that the City doesn't even clear the snow in the PUD. He said he thinks generally the people there are not happy. Larry said he would recommend that a petition could be taken to the City Council, if all the residents feel that way. Jerry said we are just an advisory board and pass this information onto the City Council. We look at the rules and apply them. Larry said that we don't have the liberty to bend the rules. The City Council is a legislative body and they would ask us to look at something like this. Denver said he just wanted to say that he is not happy.

Linda Rowley said she lives in Eagle Rock and has three concerns. First of all, it was mentioned that this property is now commercial. She asked if commercial take in agricultural. Larry said agricultural is different. She said she is concerned with the increase in traffic and the exits from the PUD. She said Eagle Rock has two roads and it is smaller and hopes that there will be more roads at the new PUD so that they will have not have a bottle neck. Jamie said there are two exits. Another concern is that it is high density residential. She asked if Eagle Rock was high density. She was told yes, they are R3 as well. Linda asked if there was an option for them to build up. Larry said yes, up to two stories. She is concerned with blocking the view of the mountains. Larry said he went to a seminar and said it was mentioned people don't understand that they don't buy the view. They thought they did. He said he told his children, if you buy a space with open space around it, there is no guarantee it will stay that way or that it will develop the way they want it. Linda asked if the roads would meet up with the roads at Eagle Rock. Jamie said it would offset a little bit. Larry said that this plan is not final, it may be pretty close, but we will look at the traffic pattern. This is a concept plan, just something on paper. That they want to do. The preliminary plan will be looking more in depth. There will be other public hearings and another chance to look at this when it gets closer to the final stages. This is just a rezone; this is not an annexation. Linda said she has no opposition to it going from commercial to residential, she was just wondering if the density is the same and lot sizes are similar to Eagle Rock. Larry said Eagle Rock has something like 50 homes and this one is 60 but with the open space requirements that will decrease.

Doug Fox said he has no problems with the rezone. He asked the developer to please consider the vehicles turning around and not just put a -U- through the subdivision. Some of the streets in the City are difficult to turn around in.

CLOSE PUBLIC HEARING AND OPEN REGULAR PLANNING AND ZONING MEETING: Jerry Vesely made a motion to close the public hearing and open the regular Planning and Zoning Meeting. Heather Peet seconded the motion. All members present voted in favor of this motion and the regular meeting was opened.

ANY CONFLICT WITH ITEMS ON THE AGENDA: Tracy Wheeler said that she was involved with the development of Heritage Hills and declared a conflict of interest on the Subdivision Plat Amendment and would not vote.

ZONE CHANGE COMMERCIAL TO R3 – 0498325 A-2019-0003-0000 JLK LLC: Jamie said she didn't see any problems with this zone change and felt it would be beneficial to change to R3. She doesn't feel like it will be creating an island. Heather agrees and if changing to a residential zone, R3 would be the most logical. Larry feels it fits in well with the density in that area and said the City will look hard at the development plan for this. Keith is okay with the change. Tracy agrees. David Burton said looking at what has been presented, it follows the evolution of the FLUM and the use of that area, he doesn't see any issue with it. Jerry doesn't have a problem with this.

Heather made a motion to give a positive recommendation to the City Council for a zone change from Commercial to R3 for parcel A-2019-0003-0000. Jamie Bonnett seconded the motion. All members present voted in favor of this motion and the motion passed.

APPROVAL OF MINUTES JUNE 19, 2024: There were several changes noted. Heather Peet made a motion to approve the minutes from the June 19, 2024 meeting with the corrected three items. Jerry Vesely seconded the motion. All members present voted in favor of the motion and the minutes were approved.

SUBDIVISION PLAT AMENDMENT – LOTS 24 & 25 HERITAGE HILLS SUBDIVISION 841 SOUTH AND 859 SOUTH 1600 WEST – WEBSTER: Bob Platt (surveyor on this item) was present on this item. Larry said that the lot numbers on these lots are A-2065-0024-0000 and A-2065-0025-0000. Bob said the Websters are combining these two lots into one lot so they can build across the lot line. The lot will be 24A. Larry asked if the owners were here. Bob said no. Larry said there is a consideration for the water. In 2022 the City passed an ordinance on a lot split, that when a new lot is created you have to bring water to the City for the second lot. He said, in that regard, this is exactly the opposite. It is taking two lots with two water rights and combining them into one lot. He said on February 24, 2022 the ordinance passed that said all have a right or privilege to connect to the City for one home at a ¾" pipe size. The City has no mechanism when taking two lots and combining them. You are creating a lose water privilege. One option is to table this and hold out for the city to change the code and no guarantee that there would be any benefit to that water right. Other option is to proceed tonight and straight out forfeit that water privilege. The advantage is there will be no delay to the process. It is a decision point for the owners on how they want to proceed. Bob said he knows that the owners want to proceed with building a home on the one combined lot and if they build across the lot line, there would be two-meter boxes. Larry said one of those would be forfeited. Bob said he would assume that would be okay. He asked why would the owners oppose that. Larry asked if he has the ability to make that decision for the owners. Bob said no. He said that Iron County Building Department will not look at the plan review for the home until this is taken care of. Jerry said water connection and water rights are two different things, so wouldn't they still have the water right because they own the two lots? Larry, Keith and David all stated no, that is not correct. Keith said we don't have water rights within the City, it is an entitlement to the lot. Larry said it is based on the date. If a lot existed before this date, they have the inherit right to hook up to city water. Anything after that date, you will need to bring water. Larry said the City also has code that you can't have two meters on a single lot, so when you combine a lot each one of those lots can't have water and one has to be forfeited. Bob said that there are no meters there yet, just meter setters. He said he assumes they would be fine with just one connection, because they will be using only one connection. David said what he thinks Larry is saying is if they somehow wanted to retain one of those water connections and use it somewhere else, they would need to wait and have it reviewed by the water board. Keith said we are not dealing with water rights and there is literally no advantage to

them wanting to keep both water rights. Jamie said Councilman Harris build on two lots and only has one water connection, so this has been done. David said we are talking about a mechanism that doesn't exist and would have to go through water board and an ordinance would need to be created. Larry said the example of Harris, may have been built before 2022 and would not have a problem and the rules would not be in effect. Tracy said she wanted to give some background on this development. It was developed prior to 2022 and actually at that point, we did not have to bring water to the City, we had to pay for the infrastructure to be put in. So, the fees were paid so that you have the right to connect to that water. In this case with two lots, combining to one, you are only paying one impact fee, so they don't have the right to that water, because they will only be paying one impact fee. Keith said that on the plat map, there is only one PUE on the front of the property and wants to make sure this is the only one that exists, and there will be no PUE's that have to be vacated. Bob said no there were no PUE's other than the front.

Heather Peet made a motion to approve the Subdivision Plat Amendment to combine Lots 24 & 25 into one Lot 24A in Heritage Hills Subdivision. Jamie Bonnett seconded the motion. Larry said one thing to think of, once this entitlement of a second water connection for this now one lot is forfeited, lets say the house gets built as planned and a year after that there is an application for an External ADU. If it is not ran off the existing meter, there would be another impact fee and a request to furnish water for this External ADU. That is really the issue at stake. Heather said she thought with Internal and External ADU's you can't have two separate water meters. She thought it was code you can only have one meter. Larry said we do not have code right now for ADU's, so by the time we get ADU codes approved, potentially you could have a separate meter for the ADU. He asked this to be considered when you take this to water board. Tracy said she was trying to think of the CCR's in the subdivision and how that would be prohibited. She said she thinks that the CCR's will not allow for multiple dwellings on one lot. Tracy asked if there is a way for the City to have that water setter removed. Larry Zajac, Jerry Vesely, Heather Peet, and Jamie Bonnett all voted in favor of this motion. Tracey Wheeler abstained.

Doug Fox said he is on the water board and will have this item put on the agenda.

Larry said in light of the holiday, he recommends that we table this item.

EXTERNAL ACCESSORY DWELLING UNIT CODE DEVELOPMENT: Jerry Vesely made a motion to table Item Number 7, External Accessory Dwelling Unit Code Development. Jamie Bonnett seconded this motion, with all members present voting in favor of the motion and the motion passed.

REPORTS: Councilman Burton wanted to remind everyone about the Open House on July 10 at 6:00 P.M. in the council room on the Meisner Annexation. If there is not enough room for everyone, they might have a zoom into the conference room. If it looks like it will not work, they might have to reschedule. Heather thought there was some properties between Parowan City and the proposed annexation and that would create an island. Larry said those properties would be forced into the annexation. David said there was some discussion on those properties, but that won't affect the meeting. Larry highly recommends that the commission show up and ask a few questions. Tracey said she was excited to be here.

Keith recapped the administrative permits issued since the last meeting. He said at 156 N 600 W a residential permit was issued. At 1661 W 200 S a permit was issued to replace the existing sign and at

176 West Center Street an administrative permit was issued for a shed. Larry said he appreciates those updates.

Larry said he handed out a 2023 update that is to go with the Land Use 101 Handbook. He said there are a few reporting requirements, and a couple other items you may want to look at.

Larry said, because he owns property in this area, the County has sent a notice of annexation to him for 20 acres immediately west of 600 West and north of 200 North and it extends across I-15, just across, and does not take in any properties, just the freeway. Jamie said this is across the street north from Sky Ranch and Mountain Valley Subdivision. Larry said the total petition encompasses 20 acres but actual property developable is just over 8 acres because of the freeway. Keith said one of the properties that is not owned by DaveCo LLE is being forced into the annexation. Larry said he thought it was already in the City. Keith said no, it is County and Larry said yes, it would likely be forced into the annexation. He just wanted the commission to be aware that is coming up. Heather said to clarify, it doesn't take in any property on the other side of the freeway. Larry said it just takes in I-15, no other property on the other side. Larry said at the last meeting we talked about the subdivision code development from the Hansen Group and what process we wanted to use, and there were three proposals. This will be on the next meeting agenda. He said the commission picked the combined approach. He said that he met with Keith and Dan and went over this and felt that would be the best approach. Also, on the next agenda, July 17th, we will have the Master Transportation Plan. The engineer asked that any comments be sent to them in the next week. We will need to be prepared for a recommendation at the next meeting. Heather said at the end of the last meeting, we talked about minimum and maximum sizes of external ADU's. Larry said he thinks we have determined what to do with maximums, but need to address the minimum while trying to figure out how to stay out of the tiny homes space.

ADJOURN: Heather Peet made a motion to adjourn the meeting at 6:55 P.M. Jerry Vesely seconded the motion. The meeting was adjourned.