

**Planning and Zoning Minutes**  
**Parowan City Office – 35 East 100 North**  
**March 16, 2022 – 6:00 P.M.**

**MEMBERS PRESENT:** Larry Zajac, Lily Shurtleff, Jamie Bonnett, Jerry Vesley, Heather Peet (Alternate), David Burton (Council Representative), Cleve Matheson (City Manager), Christian Jones (City Attorney), Stacy Gale (Interim Secretary)

**MEMBERS ABSENT:** Jake Hulet

**PUBLIC AND STAFF PRESENT:** None

**COUNCIL AND MAYOR PRESENT:** Mayor Mollie Halterman, Council - Jim Shurtleff, Matthew Gale, Sharon Downey, Rochell Topham

**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 MINUTES (MARCH 2, 2022):** Jerry Vesley commented on the “Members Present” section of the March 2, 2022 minutes. He said by his name it said “came in at 6:10 P.M.” He wanted to state for the record he notified everyone on the board via email that he would probably be late because he was coming back from out of town; he was not late intentionally.

Jerry Vesley made a motion to approve the minutes from the March 2, 2022. Lily Shurtleff seconded the motion. All members voted in favor of this motion.

**FAMILY DOLLAR EXPANSION 580 NORTH MAIN STREET – RHYAN LUND:** Rhyan Lund was not able to be at the meeting in person; he was present by phone. Cleve Matheson said the Family Dollar is expanding to give them more retail space. He said the retail space proposed will be 8,320 sq. ft.; the expansion will be restrooms, offices, and receiving area. The requirements by ordinance state for every 200 sq. ft. of retail area there must be 1 parking space, and 1 parking space for every 3 employees on the highest employee shift; Rhyan said they typically only have 3 employees per shift. Cleve said he calculated 41 parking spots, plus 1 for the employees.

Cleve asked Rhyan if he had made any progress on the easement. Rhyan said they are in negotiation to get that moved and do not foresee any problems. He said Bob Platt is helping them. Cleve asked how they would add the additional parking spot or where do they intend to move the easement. Rhyan said they are moving the easement north; it will bend to the north with parallel parking spots at the edge of the asphalt. Cleve asked when the agreement for the easement will be done; Rhyan said he hopes to have it done within the month.

Larry asked for some easement issue background. Cleve said in the north parking lot where the in and out arrows from Main Street are, between the curbs there is approximately 40 feet that was built. In the middle of the 40 feet, there is a 25-foot easement that crosses from the west property line to the east property line in favor ingress and egress to the neighboring property on the east, owned by Art Walunas. In pushing that building back, the parking stalls will actually encroach in the described easement as it is written. It will have to be adjusted so it doesn't obstruct that in any way.

Heather Peet asked how the retail space will affect the parking if the expansion is not going to be retail space. Cleve said the expansion will be new restrooms, office, and receiving area; the area where these used to be will be converted to retail space. There was a discussion on parking spaces and it was decided that all the requirements for parking have been met.

Larry said the plans still need to be amended. Cleve said to identify anything the commission could see so that when the amendment is made they would be included. He didn't see anything that causes any concern; it meets all the requirements.

Lily Shurtleff made a motion to table this discussion until we receive the amended plans addressing specifically the easement, expansion and issues discussed tonight, then we can re-access and rediscuss at an additional time.

Larry said we can do it that way, or we can vote to approve or disapprove it based on the city verifying these items are done. Cleve said either way would work, but he would make sure the commission is aware that when it comes back in writing, their approval says the only way he can issue a building permit is if they resolve the easement, or if legal counsel says they have it resolved satisfactorily, he could allow the permit to go forward. Larry said the only thing this group gains by having this item come back is they kick a delay into the system; David said he thinks this committee needs to look at the individual and not cause them any undue delay. Larry said the question he has after this discussion is does Lily want to hold the motion as it stands, or how does she want to modify it.

Lily Shurtleff amended her previous motion.

Lily Shurtleff made a motion to approve the Family Dollar expansion contingent on the grammar being met of the easement being resolved based on clarification from Cleve Matheson and other parties who are responsible for this, and that it meets requirements based on city ordinances. They can move forward once the amendments have been complete and addressed. Jamie Bonnett seconded the motion. All members present voted in favor of the motion. The motion carried.

**CHANGE IN ORDINANCE 15.36 AND 15.38 TO REQUIRE CURB, GUTTER, SIDEWALK AND LANDSCAPING IN THE COMMERCIAL AND HIGHWAY SERVICE ZONES – CITY COUNCILMAN MATTHEW GALE:** Matt Gale said he would like to work with the commission to propose that new businesses in the commercial and highway services zones be required to put in curb, gutter and landscaping. Matt said that what brought his attention to this was the new buildings put in by Jim Jense; the buildings look great except for lack of the curb and gutter and sidewalk.

Matt said he doesn't feel that Parowan City should have to pay for curb and gutter and sidewalks for new businesses; they should have to do that as an established business. There is nothing in the city ordinances that say they are required to, it only says they "may" require it.

Matt said by requiring that, it did bring up the potential problem of where all the water will go if curb and gutter is all along 200 South. Right now, the water drainage is going into the fields. Matt pointed out that by KB Express and the freeway exit is where all the water is going now and there is a mud puddle; the freeway stops it.

Matt said he has met with UDOT; once on-site, and again at the city office with Mayor Halterman and Susan Sepe. UDOT is willing to join with the city on a 50% matching grant to get the Master Drainage

Plan in place. Matt said this will not stop changing the ordinance. The requirement UDOT has is to adapt the wording to match to UDOT standards. There was a discussion about meeting UDOT regulations on the curb and gutter being put in because it is a state highway.

Matt said that another project to keep in mind for down the road is UDOT's safe sidewalk. The sidewalk would run from the Grace Christian Church to KB Express.

Jamie Bonnett asked who would maintain it once it is put in. Cleve said that back of curb to back of curb on Main Street is UDOT's responsibility; the park strips are their right of way. Sidewalks fall to the city and/or the property owner. Cleve said 200 South, because it's Highway 143, would mirror what we have on Main Street; it's 99 feet wide in most sections, but would require park strips so there won't be a sidewalk out against the curb. Cleve said this will be better for us because the sidewalk lays on the water line.

Mollie Halterman said something to keep in mind is at the meeting with UDOT they were told if we are going to do curb and gutter there, a sidewalk would have to be done at the same time. Heather asked about incorporating a bike lane. Cleve said that would be UDOT; if we are doing a Transportation Master Plan that is one of the key elements we listed as active transportation. UDOT is willing to help, and there are funding resources. Matt said they are working with UDOT on the Transportation Master plan.

Jim Shurtleff wanted to inform the committee that prior to 20 years ago, 200 South from Main Street to the freeway was in the Historical District, then the City Council removed everything from 600 West to the freeway because they didn't want to restrict that commercial area. That is why part of 200 South has sidewalk and curb and gutter, and some doesn't. When it was in the Historical District landscaping, curb and gutter, and sidewalk were required, that is why the Grace Christian Church has it, and the Foothills RV Park has the block wall and landscaping around the outside. Lily asked if we decided to require it again to the freeway, would the way it is now be grandfathered in; it was said that would be up to UDOT. There was a discussion about if it was changed or improved, it would need to be brought to today's standards, and meet City and UDOT requirements. Also discussed was the Safe Sidewalk grant not replacing existing sidewalks even if they are unsafe.

Larry Zajac asked why would we stop at just commercial business and not include new residential construction. Matt said the city does not have a thorough Master Drainage Plan. The problem with that is it will direct the water to the neighbor's property. Larry asked Christian Jones, legal counsel for the city, how the law reads when it comes to water draining off property with regards to curb and gutter. Christian said it doesn't necessarily say anything about curb and gutter, it just says that you have a duty to prevent water on your property from going to your neighbor's property. There was a discussion on how this would affect a subdivision.

Cleve said this is a great starting point; our plan, if nothing else, identified the problems that were created with curb and gutter being required with no outlet or destination planned yet. Cleve said some key elements are the storm drain master plan, and the transportation master plan, and they need to work together.

Cleve said if UDOT is willing to identify and plan that specific area on either end, that's going to give us a great destination for the rest of our town, for potential more curb and gutter.

Larry read *Ordinance 15.08.190 Curbs, Gutters And Sidewalks: The installation of curb, gutter and sidewalks of a type approved by the Parowan City Council may be required on any existing or proposed street adjoining a lot on which a building is to be constructed or remodeled, or on which a new use is to be established. Such curbs, gutters, and sidewalks may be required as a condition of building or use permit approval.*

Larry asked what we want to change. He said in his opinion this applies to both commercial and residential. It was discussed to take out 'may' in 'may be required' in this ordinance. Cleve suggested inserting a specific sentence addressing this on state highways.

Larry asked if the plan was to tunnel under the highway and dumping water into the irrigation canal; Matt said it is already there. Cleve said a cement ditch was in existence and when the freeway came through, they made a culvert for it and it continued out to the cell tower on the other side of the interstate to an old pond and as far as we can tell, that is where the surface water actually terminated. Matt said UDOT was going to check on that pond.

Larry asked if this would be for both sides of 200 South; Matt said right now, they are just talking about the south side. Larry said an item to consider is there is an RV park being put in, and there is a sign for an Ace Hardware Store coming on the north side. Cleve said this is where the proposal to address that street should be contingent on the irrigation canal being put into a pipe. The city and UDOT do not own that property so it would up to the property owner to do that. Cleve said the very end of the north side would be a good place to start. He said this is a problem the commission will get to solve if and when some type of new development comes in on the end parcel. There are some options they can put in; that could be the beginning of curb and gutter. Cleve said the reason he can say that is all along the boundary of the freeway fence, that property has a 15-foot irrigation easement which was intended to convey the water to the very spot we looked at. As the contingent of the development, that might be a good spot. Cleve said the canal on the north side is a major factor right now.

Larry asked what ordinance would be amended, 15.36, 15.38 or 15.08.190. Cleve said in looking at all the ordinances, 15.08.190 should be the one. He suggested adding 15.08.191 that specifically addresses State Highway 143.

There was a discussion about building permits issued, curb and gutter in residential areas, and having the Master Drainage Plan done before we require new homes to put them in.

Larry asked if this committee is ready to make a modification to a city ordinance and make a recommendation to the City Council.

Heather Peet made a motion to recommend to change the wording to amend or modify Ordinance 15.08.190 to require curb, gutter, sidewalks, and landscaping in Commercial District and Highway Service Districts. Lily Shurtleff seconded the motion. All members voted in favor of the motion.

**MEMBER REPORTS:** Heather Peet said she attended the Vision Iron County affordable housing committee meeting. She said they talked about the different obstacles in zoning and how zoning right now doesn't match up with the density it says that can be built because it says it has a higher density, but when it comes down to actually configuring streets and everything you end up with a lower amount of density. They talked about maybe modifying that. They also talked about a variety of what is making home issues. She said will send the committee the link and encouraged them to watch it. She thought

it was exciting to see that they are addressing the concern and are trying to make steps toward some solutions.

Mayor Halterman said she talked to Nate at Five County and he gave her the definition of affordable housing, which is: 30% of income for either a house payment or rent, plus utilities, and does not include taxes and insurance. She thought it was good for them to know that formula. Heather said the sad thing was that one of the gentlemen presenting showed how the average cost of a home in Iron County is \$363,000; with that average and their salary and utilities it put the income at over 40% so they were housed poor.

Larry asked for 2-3 volunteers of the committee to work together to draft the language for the action item made tonight and bring it to the next meeting to be discussed. Heather Peet and Jerry Vesley volunteered. Larry asked them to work together to draft up some language and to call him if they have any questions. Once the draft is ready, he asked them to email it to him and he will put it out to the group.

Cleve suggested the committee do some training. He asked them to study Sections 12, 13, 14, and 15 of the city ordinances which this commission deals with and has the biggest impact on. He also suggested online land use training, Land Use 101, with the Utah League of Cities and Towns that the city will pay for. Judy can help them set up an account.

Larry said that as the committee studies those sections of the ordinances, there are gentle references all throughout that code, for example, the curb and gutter section was in a different ordinance where some would expect it to be. He said in exercising their due diligence, they really have to comb through it. Larry said he thinks as a group, it would be really helpful to smarten each other up. When we find things, bring it to the group so it can be talked about.

**ADJOURN:** Jerry Vesley made a motion to adjourn the meeting at 7:45 p.m. Heather Peet seconded the motion. All members present voted to adjourn the meeting.