

**Parowan Planning and Zoning Meeting
35 East 100 North — Parowan City Office
May 3, 2023 – 6:00 P.M.**

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

MEMBERS ABSENT: Jerry Vesely, Jamie Bonnett, Tony Leydsman

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

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

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

APPROVAL OF MINUTES (APRIL 19, 2023): Heather Peet made a motion to approve the minutes as written from the April 19, 2023 meeting. Jake Hulet seconded the motion. All members present voted in favor of this motion and minutes were approved.

ZONE CHANGE REQUEST FROM AGRICULTURAL TO COMMERCIAL AT APPROXIMATELY 300 WEST HIGHWAY 91: Dan said that the next step for Planning and Zoning would be to schedule this item for a public hearing.

Heather said as she looked at this, this lot is amongst Agricultural and R3, which is the next closest zone, and she questions the change to Commercial and if that would create an island. Larry said, and Dan agreed, it would create an island. There are three separate parcels and one owner. One of those parcels has a non-conforming use on the property as it has not been used for a long while.

Heather Peet made a motion to have a public hearing on May 17, 2023 on the Zone Change Request from Agricultural to Commercial at approximately 300 West Highway 91. Jake Hulet seconded the motion. All members present voted in favor of this motion.

PROCESS FOR GETTING APPROVED NEW CODES POSTED ON-LINE: Larry said he put this item on the agenda to discuss the process for getting new codes posted on-line. Dan said that he will check with the City Recorder and have the information ready for the next meeting.

Larry said that when the Legislative session changes land use codes, we need to be in compliance and wants to make sure of the process to change our code. He said for instance, we get a list of codes from the State that has changed and then the Planning and Zoning needs to draft code or we need to subcontract that out, then review the code changes and recommend it to the City Council. He wants to know how those codes get posted on-line to our codes and ordinances. He also was wondering about codes that the Planning and Zoning have recommended for a change to the ordinance and when those codes get posted on-line.

Dan said that he knows of one ordinance change that was approved that Callie has questioned if we actually did what we thought we did. He said that we will need to check with Justin to clarify and

make sure what was actually passed, and if he thinks it is sufficient to update the code. He said specifically this is referring to the update on the grid for conditional uses. Callie said that if we didn't have the table of uses in the ordinance, it will not update that.

Larry said he did not look to see if the water ordinances were updated. Larry and Dan will both look into this. Larry said because of all the changes that need to be made, we have a couple of options. We can write code or we can have a third party look at drafting some of the code that would bring us into compliance. Dan said that at the manager's conference the consensus was that they would like to see some help at the state level, and maybe help with a template code that we can implement the changes that were recently passed. We would have to take the template and make sure that it fits our code. He said that there may be some help coming from the league to help with this. Bigger cities have bigger staff and on-site legal staff and they said they would share their updates.

Heather said she would like to see the City create a planning position, either part-time or full-time. She said the City is growing and that position would be beneficial. She said when the Planning and Zoning looked at changing the hard surface definitions, it took over a year to get that passed and it feels overwhelming. Dan said we definitely need some assistance moving forward and need to look at different options.

TINY HOMES DISCUSSION: Larry said that he recently was out of town, in Pahrump, Nevada and saw a newspaper article that was talking about tiny homes. (See handout). He said that Nevada is requiring rural counties of less than 100,000 population to have one zoning district in which a tiny homes can be placed in a tiny home park. He said he acknowledges that there are independent standards for tiny homes. The State of Utah has increased the housing densities and he said this directs us to lean towards planning for this. Larger lots are not viewed favorably and they want to see the densities increased. We need to have a future land use map that addresses increased densities and our land use code would need to be modified to allow something like this.

Heather compiled a list of varying tiny homes. She handed out information regarding tiny home regulations in Utah, the State ADU code and Heber City's definitions on mobile homes, recreational vehicles and tiny homes. She gave an explanation on different kinds of "tiny homes". She said tiny homes on wheels, not on a permanent foundation, may be clad so you can't see the wheels. Manufactured homes built after 1976 are on wheels, but once set up the wheels are removed and set on a permanent foundation. Park models are the same as travel trailers and recreational vehicles or park models just under 400 square feet have the wheels kept there. They may be elevated but built on a trailer. Campers, pop-ups, motor homes, vans converted into dwellings, are temporary dwellings and for recreational use. Park models have different construction and insulation requirements. She said that the State of Utah does permit tiny homes under 1,000 square feet, but only allows them as ADUS, unless there are zoning areas in code. Park models have very big differences on construction and insulation.

Dan said that more and more states are taking away the local authorities' ability to regulate densities, for instance the ADU. He said that the legislature said that cities have to allow internal ADUS, even in an R1 zone. He said there is a lot of pressure because of affordable housing. Larger cities have to have affordable housing codes. Larry said we may need to revisit the future land use map. Dan said there are a few lots in town that never have been built on and do not meet the 10,000 square foot standard, but could be built on if we relax our standards. We could look at our

goal of affordable housing. Does the public want to maintain a rural setting with larger city lots or have smaller lots and larger densities.

Heather said that affordable housing is not based on the lot size but based on what type of house is built on the lot size. She said it is not about poor vs wealthy. Think about everyone being on the same level where 30% of their income goes towards housing.

Larry said we need to start somewhere, but with something that is manageable. Parowan is not large enough for the State to require us to have an affordable housing plan, but it may be something to look at. Dan asked Jake for his input. Jake said to make it affordable, the lot size is a big part of that. You need to get your lot minimums smaller and need to look at R3. He said he has worked on a few projects where the buildings share a common wall and the property line goes down the middle of the connecting wall. He said there are two separate parcels, each side owns their own property, but it is separated at the property line at the common wall. The lot minimum is 9,000 square feet in Cedar with each side having 4,500 square feet. This allows them to get conventional financing for the homes. Dan asked for a price range on something like this. Jake said high two hundreds. If they were detached, they could be up to \$400,000.

Larry said we may need to talk about increasing density in places in Parowan. One of the first steps is we need to figure out where we would do that before we get too deep in new ordinances and zones. Dan said the R-1 code says that the ground floor shall not be less than 1,000 square feet, R-2 and R-3 zones it is silent. He said just because it isn't addressed does not mean it is allowed or isn't allowed.

PUBLIC HEARING PROCESS DISCUSSION: Larry said that our City code is not in compliance with State Code. It does not state that Planning and Zoning will hold a public hearing. Judy reached out to the League of Cities and Towns and got a response from Meg Ryan. She said "Under State law the Planning commission is required to hold a public hearing on a zone change. You need to check your own code to see if you require another public hearing at the Council level – if not it is just a public meeting where they decide any final action after a recommendation from the Planning Commission after their hearing". Dan said our code 15-02-150 states that the City Council shall hold a public hearing. According to State Code we could take that out, or do we want to leave it there. Larry said we could amend the code to replace City Council "shall" to "may" have a public hearing and then amend code to say Planning and Zoning shall have a public hearing, to match State Code. Larry will work on this and asked David to report to the City Council on this change.

MEMBER REPORTS: Dan reported that the subdivision on 200 South by the freeway has been waiting for a storm drain plan and access from UDOT. They do have the east access approved and close to having the west access approved. He is hoping to put this on the next agenda for final subdivision approval. He said he has had people ask about the dirt moving at this location before approval. He told them that the risk is on them to move dirt around. They have to have prairie dog clearance. Even after the subdivision is approved, the building permit has not been approved yet.

Dan said that we need to have a discussion on the next agenda to recommend to City Council our recommendations for a Land Use Authority. It cannot be the City Council or Planning and Zoning that do final approval of subdivisions. It could be one person from each of these, but not the entire commission or council. Larry said we would probably want the City Engineer on this committee, someone from Planning and Zoning and the City Manager. There may be a little bit of

pressure on this committee because of public clamor and new State Code will not allow you to have public hearing on the final approval. Dan and Larry will do some research on this new committee. Dan said right now the process we are doing is fine. A City of our size doesn't need the committee in place until 2024.

Heather asked about the bike park in front of the Heritage Park. Dan said it is a privately owned lot that the owner moved dirt to create a bike track for his personal use. The question is, did he have to get permission or get a permit. Dan has a call into Justin, but wished they had not surprised everyone, but is that in the realm of property rights and should they have to ask permission. Larry said his question was regarding the spring that wanders through the property and how that impacts the water protection zone. David said that the water runs from Heap Springs through this property. Dan said that could be something, but the State would need to get involved with this.

Dan said that Mollie was able to obtain a recreation grant for the bike park the City was approached in building. They now need to find a place for it.

Larry handed out the 2023 update to the Land Use Ground Rules Handbook. Larry said that the billboard ordinance came back from legal ready for a public hearing. We could do that at the same time, potentially, as the zone change. Dan said that if we can combine all the changes with the zone change, it would save money. Larry said he thinks we may be ready with the hard surface and the billboard ordinances to go with the zone change.

Mollie said most rural cities don't have staff to update and codify ordinances. We should look at something like Rural Associates to help us with this, and make it a priority. Dan said at the manager's conference they talked about this and even talked about creating templates that would help with all the changes needing to be made.

ADJOURN: Heather Peet made a motion to adjourn the meeting at 7:30 pm. Jake Hulet seconded the motion. All members voted in favor of this motion. The meeting was adjourned.