

Planning and Zoning Minutes
August 2, 2023 – 6:00 P.M.
35 East 100 North – City Office

MEMBERS PRESENT: Larry Zajac (Chair), Jamie Bonnett, Heather Peet, Tony Leydsman, David Burton (Council Representative)

MEMBERS ABSENT: Jerry Vesely, Weston Reese (Alternate), Keith Naylor (Zoning)

STAFF AND COUNCIL PRESENT: Heather Shurtleff (Acting Secretary), Dan Jessen (City Manager), Mollie Halterman (Mayor)

PUBLIC PRESENT: Lance Duffield

CALL TO ORDER: Larry Zajac called the meeting to order at 6:02 P.M.

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

APPROVAL OF MINUTES (JULY 19, 2023): Jamie Bonnett made a motion to approve the minutes from the July 19, 2023 meeting. Heather Peet seconded the motion. All members present voted in favor of this motion.

REVIEW LAND PLAN RELATED TO CONDITIONAL USE PERMIT – 400 NORTH 575 WEST: Larry said that this is a review of the Falcon Ridge Conditional Use Permit. Lance Duffield was present on this subject. He said this was previously approved with a conditional use permit for two, 12-unit institutional style apartment buildings with a massive parking lot on the north side. It has since change hands and the new owners at this location want to propose four, 6-unit townhomes. They will have 3 bedrooms, 2.5 baths, with a two car garage a road down the center of the units. They will be individual homes with front yards, back yards and more consistent with what should be built in Parowan. (*David Burton arrived at 6:04 P.M.*) They will be rental units, with a single ownership by a local resident. Lance feels that the new proposal should meet the requirements of the current conditional use permit at this property. Larry asked if the fencing was addressed. Lance said that yes, the property would be fully fenced.

Dan said he would like to review the conditional use permit, which is specific. He said with the change from the two-unit apartment style buildings to the four, six-unit townhomes, it falls within the spirit of the conditional use permit; it is in effect the same thing with changes to the layout. He said the plan refers to it as a PUD (Planned Unit Development), which is not a typical PUD. This is a single parcel project, with one owner. In the conditional use permit it does use apartments in parenthesis. Heather asked if the current layout has the same size units in regards to how many bedrooms there are. Lance said it has the same 3 bedrooms as proposed in the previous plan. He said that part of the discussion with the owner was that they are looking for long term rentals for families.

Dan said that the conditional use permit is specific as to how many parking stalls and the width and length, culinary water use and maintenance issues. The City wanted to make sure there was one owner with one water line, one billing, fire protection, solid waste, etc. The conditional use permit runs with the land and the current proposed project follows the permit. He said this is really an administrative approval, but he wanted to bring it before the planning commission so that they could see the changes and review if they are staying within the bounds of the conditional use permit. This is a complex project with utilities, streets, and roadways which the city will not be taking ownership for. But from this point we can move forward from an administrative perspective, but wanted to make sure the Planning Commission was comfortable with the design changes.

Larry said he tends to agree with Dan that this is an administrative issue, but if the commission has any specific concerns to address them now. Heather said she wanted to clarify her comment about number of bedrooms and thought different sizes could be beneficial to Parowan. Lance said no, if fact with no hallways and common spaces, there is just about the same gross footage. Heather asked if the new plan would still require 64 parking spots. Lance said that the parking for the units and the small rental office, that will be built on-site, will be four spaces per unit, with two inside the garage and two outside each unit with ten additional spaces. It will have about 40 more spaces that what was originally proposed and a little less overall paving. There is a planned retention pond and some there has been some serious consideration about the drainage.

Dan said the question was brought up what was to keep them from subdividing in the future. He said they would have to come to the city with a proposal to subdivide this. This is not a way to sneak something through. There is not a way to legally have different owners without going through the subdivision process. Lance said that the current owners have no intentions to subdivide. They are already planning their retirement in Parowan and currently have a home in Parowan. This is part of their retirement plan.

David said he had not heard about this project for a while and thought it was dead and gone, but glad to see if coming back. It looks like a nice project. Lance said this project is nice from a design standpoint because typically we are struggling to get as many units on the property as we possible can. But this project allows for common areas, maintenance building, community garden and pavilion. One of the goals is to have long-term renters that will live here. Dan said renters are not typically known for taking care of the property, but if it is long-term that will give them some pride in the property.

Heather asked if the conditional use permit addressed short-term rentals. Dan said it was not addressed in the conditional use permit. Short term rental is something that does need to be addressed city wide. Larry asked David to see what the council felt about starting the process for drafting code for short-term rentals. He said that now would be a good time to look at short-term rentals because we are considering codes for tiny homes and those two could tie together, in that tiny homes could turn into short-term rentals.

Larry asked about item 19 in the conditional use permit "validity of conditional use permit not valid until city gets a submitted and approved copy of the PUD. Dan said he looked at that also, but the conditional use permit was granted and allowed to be recorded by the county, which tells him that the city must

have deemed them to have gone through the process. He is not sure if there is a recorded copy of the PUD. Larry said he does not think it is a negotiable document except at the administrative level. Lance said in his years of doing this, the PUD process is a mapping of units. He said if we were going by my definition, we would be proposing a plat map that has basically 24 individual units that have separate titles. Dan said in concept, once we have a building plan with an approved permit, it is valid. Larry agreed. He said I think what was submitted to us would constitute the documents needed.

Dan said there are still some administrative things to work through and has talked with Kelly Stones, with Parowan Public works and the next step will be a scope meeting with him. Dan said one of the things that will be required is the improvement of asphalt on 400 north. Larry asked about traffic control and signs. Dan said that will be addressed.

Larry said one thing that was mentioned was maintenance. Lance said that the intent is to have a storage/maintenance shed on the property and owners plan on having good maintenance at this property.

David said it was mentioned about a community garden, which brings up the question on if we are good on the water. Dan said that is something that needs to be discussed. The property is grandfathered for the lot with one acre foot of water. Based on the number of units we will need to look at water rights. There will not be pressurized irrigation available so when talking about a garden, it will be treated the same as irrigatable space, whether a lawn or garden. David said then we are talking about ERC, and you would have to equate that. Dan said, according to our current water code, they will probably have to bring in more water than will be required in October under the new code. Right now, it is based on a formula of .45-acre foot per residential dwelling unit, plus irrigatable space. The old code vs the new code would require more water. Dan said that the conditional use permit does not address water, but does specify that there will only be one connection.

(Mayor Halterman came in at 6:30 pm)

Larry said back when this first was brought through, the code has since changed. The reality is when you deal with water, is at the point of time you get the building permit. That will be the big difference. Dan said that the engineer working on the water master plan is updating the city with statistical information that is required by Utah law to do the correct source sizing. It will have to be based on an equivalent residential connection. You cannot exact more water than what the average residence is using for a single family. We will be changing our water code again once this plan is done. It will most likely be .5-acre foot per a single-family residence, which is half of what we have been doing in the past. We are waiting for the formula for a multi-family residence.

TINY HOMES – ACCESSORY DWELLING UNITS: Larry handed out an article from AARP magazine that is interesting and explains the challenges of Accessory Dwelling Units, and explores why people want them. Larry said that tiny homes was mentioned in the last City Council meeting. They proposed that we present something to them on tiny homes. Larry feels that a solid approach would be to come up with a short presentation on the subject and ask Heather to give them an introduction to tiny homes. Heather said she never considered tiny homes as short-term rentals. Larry said that is okay, that it may not be your view, but the global view. David said he thinks this would be considered by some as short-

term rentals. Larry said the video he watched on tiny homes is long, so maybe consider a power point or even a shorter video as we approach this topic. He said as he watched the video, he put together a handout. He encouraged the members to go through it and put their thoughts down and then bring it back for discussion and try and reach some common ground on what the solutions may be. He said remember it is just not Planning and Zoning that would be going through this, but also the City Council and public hearings to change this code. All those people will have their chance to voice their opinions.

Heather asked if when they are talking about tiny homes, if they could differentiate between tiny homes on wheels or tiny homes on a permanent foundation.

Dan said he has seen two scenarios already coming into play. We have a few small lots in town that we would call nonconforming or substandard lots with less than 10,000 square feet. One of the only ways to fit a residence on these lots would be a tiny home. Another scenario is that our R2 code says it can be a single-family dwelling or a two-family dwelling. If the lot is 13,000 square feet and can meet the setbacks, they should be able to put another dwelling unit on the lot. The R2 code says "The minimum lot shall be ten thousand (10,000) square feet for each one-family dwelling, with three thousand (3,000) square feet for each additional dwelling unit". Larry would like legal council to give some interpretation on this. He said if the lot is 13,000 square feet, but is already built out with a larger home and garage, would another dwelling be allowed. Dan said we are talking lot size not use of the lot. Dan said setbacks still must be maintained. If your lot is small enough you would not be able to put in two units. Dan said that he thinks there maybe a lot of opportunity for tiny homes in an R2 zone.

Larry said we need to also consider that this would change the character of the community. We need to talk about this objectively or subjectively as we approach those topics. We need to remember the citizens of the city is all the citizens. We need to consider what the nature of the neighborhood will look like. If we change the code and say everyone with correct lot size can put in a tiny home and then say those can be short-term rentals, how do you feel about the neighborhood now. David said it will change the integrity of the community. Tony said another thing to consider is the additional impact on the community, through schools, roads, and other things and how it affects everyone. Dan said that is hard to balance out with affordability. Tony said we need to remember not to just think about this year and the affordability and not just make decisions as of today. Things are not the same way they were three years ago and will not be the same three years from now. Dan said another factor to consider is the development at Brian Head and with us being an entrance to Brian Head, what our property values will look like and how we will be affected. He said to look at Park City and how it has grown and how that has affected the nearby communities. Our zoning is going to dictate on what we are going to allow. Larry discussed the inland port project and that this may affect our community also. We just need to be prepared.

Larry said that tiny homes fall outside of the norm, so what do we envision tiny homes as. Tony and Jamie both said they few them as permanent residences.

The members went through the handout that Larry had made. (see attached).

Building Code - Heather said in regards to the building code standards, the IRC does have Appendix Q, which has stipulations for building codes for tiny homes.

Financing - Jamie and Tony both said it is hard to get financing on accessory tiny homes. Banks do not want to take that risk.

1,000 SF minimum size requirement - Larry asked the members to also consider the 1,000 square foot minimum and if we want to allow smaller homes. We would need to change the zoning definitions for residential to include tiny homes. Also consider the area requirements for a tiny home. Some definitions consider tiny homes anywhere between 300 and 1,000 square feet. Another thing to consider is where in the City we would allow tiny homes. If we are built-out, then do we allow infill development and/or consider annexation.

Architectural styles - Larry mentioned the development at Yuba Lake and that is not something he would like to see in this town. Larry would like to see some comments on aesthetic compatibility.

PUD might work – Larry wants to talk with Foothills regarding their business model. He said right now in Parowan you would need 2/12 acres to have a mobile home park. Is it fair to have a tiny home community of some sort to allow RVs also. PUD would make their own rules and are supposed to police themselves.

Transient lifestyle – Tiny homes and RV's can lend to a transient lifestyle. Smaller lots can tend to create clutter outside the residence. Transient lifestyle can impact home values and community identity.

Pocket Community – Larry said maybe Foothills would qualify as a pocket community. Heather said pocket communities could be a small subdivision or development.

Tiny Home Demographic - Tony said that the 2023 statistics show that out of every 5 people who own tiny homes, one is under 30, two are between the ages of 30-50 and 2 are over 50. Tiny homes on average have more families.

Tiny Homes – Advantages – Larry said there could be issues with utilities, impact fees, permits. Also, what does public works need to make it work and how does billing and metering work.

Skirting, Fencing, Size - Larry said he like the concept from the movie that showed tiny homes on wheels were required to have decks. He thinks it enhanced the appearance of the tiny homes. Also skirting is an issue and fencing is something we need to look at. He said we need to look at the minimum and maximum size and his preference is the upper limit not being anywhere near 1,000 square feet.

Larry said he was also wondering If you have a tiny home on wheels and stay for a period of time, what happens to the certification if that home is remodeled. Would we require a building permit.

PUD - In a tiny home PUD, the owner of the development cares for the common ground.

Cost - The cost of the tiny home is the land, fees, infrastructure, building materials, labor.

Planning for services – road width, fire protection - How many fire hydrants would be required, what about garbage pickup and the plowing of roads.

Entertainment - Tiny homes as with any RV park, and given the population that uses those, the entertainment that goes on, can that be disturbing to the adjacent neighbors.

Larry asked the members to consider how to regulate if a tiny home becomes a rental unit. Heather said we just need to define everything. Larry said that at the end of the video is showed there was a 10% return on the investment of a tiny homes. It showed him that tiny homes appreciate.

David said it would be prudent to mention that big cities are different than small towns. In small towns, the community identity is easily impacted by changes in the codes. We need to consider this very, very seriously.

Larry said this was a good starting point and asked the members to continue to look at this, write down their comments and bring it back. Heather said she emailed Heather Shurtleff three different websites to look at, that shows what other cities codes and regulations are. Larry said the members could look at these and highlight those codes they thought were beneficial.

Heather said she also looked into the water catchment code for Utah. She looked at the Code from 2013 which was passed saying you could do water catchment, but there were stipulations and you must register with a state agency.

MEMBER REPORTS: Larry said at a previous meeting, we had asked if Keith could give us several years of data regarding building permits issued per year. Mollie said she has requested that from the County and has all but 2023.

Heather asked if it has been discussed for lots smaller than 10,000 square feet, to use a percentage of how off it is and then permit that much smaller percentage size of house. Dan said he is not sure if this has been discussed.

Jamie said in regards to landing a helicopter in a residential neighborhood, Mick at the airport said that the FAA does not allow this.

Tony asked if the city manager would provide numbers for the requests for tiny homes. He said he keeps hearing “a lot” but how much is “a lot”? He would like to see actual numbers to quantify how serious we need to get about this. Dan said he would keep track going forward. Tony said that he has talked with the Brian Head City Manager about this and they are just addressing the high-level issues without going into the details. He said he has had questions about building on parcels that are odd size and that has gone up as we have had less of buildable lots available. Parcels that are smaller than 10,000 square feet are popular lately. He said there are more and more requests that people are trying to get creative on how to use their property.

ADJOURN: Jamie Bonnett moved to adjourn the meeting at 8:01 P.M. Tony Leydsman second the motion. All members voted in favor of this motion. The meeting was adjourned.