

**Parowan City Planning and Zoning Minutes**  
**Joint Meeting with Historical Preservation Committee**  
**November 15, 2023 – 6:00 P.M.**  
**35 East 100 North – Parowan City Office**

**MEMBERS PRESENT:** Larry Zajac (Chair), Jerry Vesely, Heather Peet, Tony Leydsman, Weston Reese, David Burton (Council Representative), Judy Schiers (Secretary)

**MEMBERS ABSENT:** Jamie Bonnett

**STAFF AND COUNCIL PRESENT:** Mollie Halterman (Mayor), Dan Jesson (City Manager), Keith Naylor (Zoning)

**HISTORICAL PRESERVATION COMMITTEE PRESENT:** James Shurtleff, Kristen Robinson, Merry Dean

**PUBLIC PRESENT:** John Dean, Doug Fox, Rick Anderson, Gene Mortensen, Rich Piggott, Richard Hammon, Kyle Hammon, Leilani Wilson, Rob Dalley, Heather Shurtleff

**CALL TO ORDER:** Larry called the meeting to order at 6:01 P.M.

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

Larry read the rules for the public hearing. Dan Jessen went over the reason of the public hearing. He said just so the public is aware, the interchange, although it is not a parcel, needs to be included. Also, on the insistence of Iron County and so as not to create a peninsula, property owned by Rick Anderson is included in the annexation, with Mr. Anderson's approval. He said the Planning and Zoning Commission will make a recommendation to the City Council, and the City Council will make the ultimate decision. Heather Peet made a motion to open the public hearing regarding the proposed annexation. Jerry Vesely seconded the motion. All members present voted in favor of this motion and the motion passed.

**PUBLIC HEARING CONCERNING THE PROPOSED ANNEXATION OF 87.181 ACRES OF REAL PROPERTY, REFERRED TO AS THE HASLEM ANDERSON ANNEXATION, INTO PAROWAN CITY'S INCORPORATED LIMITS. THE PROPOSED 87.181 ACRES OF REAL PROPERTY LOCATED ROUGHLY BETWEEN 2200 WEST (OFF 200 SOUTH) AND THE CURRENT WESTERN CITY LIMITS:** Gene Mortensen said he owns the narrow strip with 10 acres immediately to the north east corner of this piece. He asked if the City is going to provide utilities as part of this annexation. He said for future annexation, this could affect what he does with his property. Dan said there will be an annexation agreement and an annexation policy plan. According to the annexation agreement and as per our plan, the developer will provide the development of utilities if the City Council decides to move forward. The City Council will decide who will be responsible for what. The sewer currently goes down 2200 West, but what is not on that side of the freeway is water and electric, and we would expect them to extend the utilities that are not there currently. Gene asked if there is an additional annexation later, would they have to compensate these owners for the utilities. Dan said there could be a line extension agreement if the property owner requested it. They last usually for ten years. Gene said that when the subdivision to the west of the KB developed, the developer had to compensate for the attachments they made. Dan said that is an effort to have some degree of fairness. Gene said that apparently this is where they are proposing to put in a Maverik and will there be a zone change? Dan said that as part of the annexation process, they will

assign the zone, on the recommendation of the Planning Commission and after looking at the General Plan. He said the General Plan has this designated as Commercial. The City Council will zone it when it is annexed.

Doug Fox asked how this annexation will help our future water issue. He said we are looking at a 3.2 million-dollar water treatment plant. Will this subdivision offset that and, what about our sewer. He said there is a possibility it could over extend what we currently have. He said he wants to know how this annexation is going to benefit the City rather than cost us if they annex into the City.

Dan said that if they tie into our utilities, per our code, they will have to bring water into the City. The water has to be pre-1949, so in that perspective it should not have an impact on the aquifer because those rights are going to be used either by this project or whoever has acquired them. He said he has not seen their civil engineering on the size of their water connection, but doubt if it is over 2 inches. If the City doesn't allow this annexation, they will develop in the County and drill a well. To develop in the City, they will be charged an impact fee to offset the impact to the system. Doug asked if this was strictly a commercial development or does it have residential mixed in with it. Dan said that the proposed development will not take up the entire parcels. The proposed development does take up a lot of that acreage, but there will be open commercial land. Doug said the main reason he is asking is not necessarily yay or nay, he is just worried about the current residents of Parowan and wants to watch out for the residents. He doesn't want Parowan to become another Cedar, St George, or Washington. He said that he is not opposed to Maverik and if the RAP Tax passes this would benefit us more than anyone can imagine.

Dan wanted to clarify a statement he made. He said that someone on Facebook said the city manager is only interested in revenue. Dan said he made a comment in a meeting that Maverik brings in a lot of sales tax, and Dan said he doesn't back away from that comment. The RAP Tax is 0.1% and sales tax is 6%, so the impact of this project is good for the city. This is like a voluntary toll booth. People get off the freeway, buy their stuff, and then get back on the freeway without a lot of impact to our city services. We have a high tax rate and are always looking to find ways to bring in revenue so we don't have a lot higher taxes. Dan said he was in Enoch as the city treasurer when Maverik proposed to build in Enoch. Enoch said no, Cedar City said yes. They collect a lot of property tax and sales tax on the Maverik. He said, I don't like getting into policy, but I made that comment and clarify that yes revenue is a good thing when we try to lower taxes. More businesses bring in more revenue.

Heather made a motion to close the public hearing and resume the regular meeting. Jerry Vesely seconded the motion. The motion passed with all in favor.

Larry Zajac proposed that the agenda be adjusted to talk about item five "Discussion regarding the Public Hearing," before item four "Joint Discussion with Historic Preservation regarding Appendix A." Heather Peet seconded the motion and the motion passed with all in favor.

**DISCUSSION REGARDING THE PUBLIC HEARING:** Heather Peet asked what level of truck stop this was going to be. Rick Piggot (Maverik Representative) said that Maverik isn't a traditional truck stop, just a convenience store that will have canopies for truckers to fuel. They don't have facilities to accommodate truckers. There will be six fueling stations under the canopies. He said it is similar to the north Cedar Maverik and the new Nephi Maverik.

Dan said that Sam Haslam owns the property to the north and wants to annex both parcels, but there are no plans to develop the north parcel at this point. The original petition didn't include the northeast part of the interchange and when the survey was completed, the annexation included more of that interchange. Larry said it is approximately 10 acres of freeway in this annexation.

Rick Piggot said to answer Mr. Fox's question, Maverik uses basically 8-10 ERU (equivalent residential units), something close to ten, once acre lots.

Dan said that the last annexation we did was an abbreviated version, just fixing a parcel from a prior annexation. Per our annexation policy plan, the annexation has to meet a few criteria for the commission to consider the annexation. He read through a few of the annexation criteria.

Must be contiguous to corporate area of Parowan City at time of submission.

Must avoid gaps between or overlays with expansion areas of other municipalities.

Proposed annexation will not be approved if it creates an island or peninsula – this is why Rick Anderson was brought into this annexation.

Has to be within our annexation map and is within the Future Land Use Map Future Annexation boundaries. Larry said to clarify the Future Land Use Map is part of the General Plan and if adopted in the General Plan an annexation needs to agree with the General Plan.

Has to conform to the General Plan in a zoning perspective – Dan said this was designated as commercial. You will need to make a recommendation to the City Council with either commercial or highway services.

Larry said that potentially there could be a lot split here that would impact the water calculations. Dan said that there are two parcels right now and they will either have to do a subdivision of the one parcel or adjust the boundary line with a parcel boundary adjustment. Rick said they are buying the whole parcel, so this conversation is probably mute. Dan continued with criteria:

It shall not be Parowan City's intent to annex just for the sole purpose of revenue. The property owner has to approach the City rather than the other way around.

Urban Development – You don't annex an area just for property.

The annexation agreement potentially can have other things in it if the City Council insists. It is a draft right now and checks the boxes that it has to. It will be done by ordinance if approved by City Council.

Larry said that item four on the policy plan says "Financial Implications" on page four. Dan said that the developer needs to put in the development rather than City residents needing to pony up for their development. It protects the existing citizens from paying for this development. The City said we would allow them to utilize the conduit to the power. The City did put that in for future expansion of utilities.

Larry said that item eight in the plan "Environmental issues" is something we don't run into unless the property is in excess of 6,000 square feet.

Jerry asked what would happen if we didn't recommend it to City Council. Dan said it would still go forward to the City Council. This body looks at it from an administrative standpoint. Dan said the City Council can decline it because they don't want it, but this body looks at it administratively. If this body has concerns with impact on our traffic, that would be a valid reason for Planning and Zoning to consider not approving the application.

David wanted to mention that the north interchange is annexed into the city with the Travel Center. We do have the north section interchange annexed.

Heather asked what would be the zone differences of highway service vs commercial. Larry said highway services there are no residential units allowed. Also, commercial districts created after 2016 will not allow residential units either, but the highway service zone is not as lenient as the commercial district for some things. Larry said his recommendation is commercial.

Dan said this will impact the other parcels also. Highway Services is meant to be a commercial district to serve the traveling public and a gas station is that. David said we need to be cautious and look at the whole parcel being annexed. A convenience store is allowed in both zones. Commercial is a little more permissive than Highway Services.

Heather Peet made a motion of a positive recommendation to the City Council to annex the 87.181 acres of real property, referred to as the Haslem/Anderson Annexation, into Parowan City's incorporation limits. The proposed 87.181 acres of real property are located roughly between 2200 west (off 200 south) and the current west city limits with a proposed zone of General Commercial. Jerry Vesely seconded the motion. All members voted in favor and the motion passed.

**JOINT DISCUSSION WITH HISTORIC PRESERVATION REGARDING APPENDIX A:** Larry welcomed the Historic Preservation Committee, Jim Shurtleff, Kristen Robinson, and Merry Dean. Jim said that one person was absent and one still needs to be appointed. Larry suggested ground rules to keep everything friendly and to stay on topic. He said this is just an orientation and we will not be rewriting anything. He said this is not going to be an easy task, but at this meeting we will limit this item to an hour. He is hoping to work together as joint committees to avoid looping things. He said the real purpose and end goal is to review Appendix A (referenced in 15.42).

Larry talked through the different committees' roles and hopes to work together to modify and implement the land use code as needed. He said he has looked at other City's codes and suggested the committees both look at Logan's code and the Utah State Code 19-A-527 (2) and (3).

**APPROVAL OF MINUTES (OCTOBER 4, AND OCTOBER 18, 2023):** Heather Peet made a motion to approve the minutes from the October 4th and October 18, 2023 Planning and Zoning meetings. Jerry Vesely seconded the motion. All members voted in favor of this motion and the motion passed.

**RECREATION FACILITY DEFINITION:** Heather said that the last time the committee was working on this, she thought that if you built a house and put a pickleball court in your backyard, you had to get a conditional use permit. Larry said that you should, but Dan said it has not been enforced.

Larry said that the reason we are having this discussion is that we have public facilities in a residential zone. At the last meeting during a public hearing a member of the audience thought we should just leave it as recreational facility and not define it.

Larry said he looked up the meaning of Recreational Facility and recreational means “connected with ways of a person enjoying themselves when not working” and facilities means “any real property including buildings, fixtures, or other improvements located there on.”

He said that administratively there are going to be some questions asked about what is permitted and a definition would help with answering some of the questions. Our code translates to any district that allows recreational courts, to expand to facilities which includes courts or any recreational thing you can think of.

Heather said she thinks the hang-up and why we couldn’t come to a decision, was the word “private.” Private meaning is it for a sole person or business where you have to be a member.

The committee read through definitions of recreational facilities and read the Utah State Code.

Tony Leydsman made a motion to table the definition of recreational facilities until the next meeting. Weston Reese seconded the motion. All members voted in favor of the motion and the motion passed. (Tony left the meeting at 8:20 P.M.).

Larry suggested that the members bring something to the next meeting and what they think would be the purpose of the definition. David asked Larry to update Jamie Bonnett (who was absent) on what was discussed.

**PAROWAN’S SUBDIVISION ORDINANCE UPDATE PARTNERSHIP:** Larry said that the State revised Utah Code with senate bill 174.406, and for a City of our class, we have to comply with this new revision by December of next year. The State has provided funding to have professional consulting firms help with this. Larry said we can sign a MOU with a company to help us with this and The Hansen Planning Group has reached out offering their services. They helped us with our General Plan and have some idea on our City Code and we won’t be starting from scratch.

Dan said the first available opening is February 2024, if we miss that opportunity, it would be later in the year. David asked if Ryan Robinson still worked for the Hansen Group. Mayor Halterman said no, he is the Assistant City Manager at a city in Utah.

Heather made a motion of a positive recommendation to City Council to utilize one of the approved Utah State consulting firms to update Parowan Subdivision Ordinance in accordance to State law. Jerry Vesely seconded that. All members present voted in favor of this motion and the motion passed.

**LETTER OF SUPPORT FOR RURAL COMMUNITY GRANT FOR INDUSTRIAL PARK MASTER PLAN.** Dan said he has been working on a grant for a master plan for the industrial park around the airport. If we have a master plan, we can apply for grants to help with funding. He said 95% of our industrial and manufacturing land is raw land that is not served by utilities or road out past the airport. Most of it is in the greenbelt and doing the City no good. If we can designate an industrial park, we can incentivize businesses to come in. Our airport runs in the red and does not pay for itself or benefit the citizens.

David asked if the master plan would include the infrastructure. Dan said this doesn’t replace any General Plan documents, it is similar to the active transportation plan and is a document that will help with going after grants.

Mollie said this master plan would give a lot of maturity and credibility to our applications.

Heather Peet made a motion for Larry Zajac to write a letter of support for the application for a Rural Community Grant for the Industrial Park Master Plan. Jerry Vesely seconded the motion and the motion passed with all in favor.

Larry said that a second draft of the Parowan City Active Transportation plan was sent and any comments need to go directly back to the Mayor before December 1<sup>st</sup>.

**ADJOURN:** Heather Peet made a motion to adjourn the meeting at 8:56 P.M. Jerry Vesely seconded the motion. The meeting was adjourned.