

Parowan City Planning and Zoning Minutes
February 21, 2024 – 6:00 P.M.
35 East 100 North – Parowan City Office

MEMBERS PRESENT: Larry Zajac (Chair), Heather Peet, Weston Reese, John Dean (Acting City Council Representative)

MEMBERS ABSENT: Jerry Vesely, Jamie Bonnett, Tony Leydsman, David Burton (Council Representative)

STAFF PRESENT: Dan Jessen (City Manager), Keith Naylor (Zoning), Scott Burns (City Attorney), Mollie Halterman (Mayor), Judy Schiers (Secretary)

PUBLIC PRESENT: None

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 FEBURARY 7, 2024: Heather Peet made a motion to approve the minutes from the February 7, 2024 meeting. Weston Reese seconded the motion. All members present voted in favor of the motion and the motion passed.

DISCUSSION TO UPDATE THE TABLE OF USES IN THE COMMERCIAL ZONE (IN REFERENCE TO PARCEL A-2021-0001-0000) AND CONSIDERATION OF A PUD IN PARCEL A-2019-0003-0000 AND A-2019-0002-0000: Dan said that due east of the Eagle Rock subdivision are two parcels that are owned by Russell Emery. An investor wants to buy those pieces and put in a PUD. This would require a zone change. The other parcel down the road, that they want to put in a park model and run a business from there. We would either need a zone change to industrial manufacturing or adjust our table of uses that it is a conditional use for sales.

Larry said just to note that a request for a zone change needs to be submitted by the property owner. Dan said yes, they are wanting to show us their concept and get some feedback.

IADU CODE DISCUSSION: Larry said that the purpose of this discussion is to reach a consensus on a path forward to take on the Internal Accessory Dwelling Unit Code that was put out with the agenda and agree that part of the code is okay, and the changes that need to be made.

Larry read through the “Internal Dwelling Units” sheet that he sent. He said he got the definitions and requirements from State Code 10-9a-530. After he read the handout, he opened for discussion on the City options.

Allow or prohibit separate utility meters for IADU: Dan said that on the agenda for City Council is an update to the water code that would say there is a single meter per parcel, unless the owner gets special permission from Planning Commission. Larry asked if this would also be for a duplex. Dan said

yes, in our code a duplex has to be owned by one owner. He said that he is looking to propose a R2-2 Zone that would allow one common wall, same parcel, but you can bifurcate the lot and have separate ownership. Weston said that is kind of what a townhome is, a common wall but separate ownership. Dan said right now it is just water meters they are talking about. Electric meters have not been discussed. The water code is written this way on purpose because the water rights is sized per meter and the size of meter is per door. If you have a multi-family dwelling such as an apartment building with one parcel and twenty units, we don't charge as if you have 20 different parcels. We would determine what size of meter and amount of water that is needed and then the developers would need to bring us water based on that. It is all tied to logics of water rights and water impact fees. Larry asked about the condos across from Lion's Park. Judy said they are all on one meter. Heather said when she rented, water was always included in the rent. Weston said that owners could have a meter after our meter that would figure the amount of water used per unit. Dan said regarding electric meters, he would like to talk it over with staff and the power supervisor and think it through from a billing standpoint and come up with a recommendation from an administrative standpoint.

Larry said from what he is hearing at this point, we are going to prohibit separate meters for water and would allow separate meters for power, pending talking with administrative staff. Dan said we could stay silent on this and let our water and electric code dictate what is required. Larry said if you feel comfortable with that and administrators are comfortable looking in different codes, we won't address this in the IADU code.

Larry said that on the second page, fifth sentence he will strike "with the addition of 'Unit B'" from that sentence.

Require IADU be designed to not change the appearance of a single-family dwelling unit: The commission discussed the possibility of owners using different types of siding, if adding on to a current residence. Dan said this code is already restricting them to a single IADU and dictating appearance is getting into the subjective. He said I understand what this would be trying to accomplish, but how would we even do this. Weston said the style now is to mix different mediums on homes.

Mayor Halterman asked how accessible do we want to make this for people or how many requirements for things they have to overcome. If that is the goal then they will need to have the extra expense for meter and some materials.

Heather said if she were going to speculate, IADU's are more likely to be in the original dwelling and if someone is going to the expense of expanding, they are probably going to do an external ADU, such as a mother-in-law suite. It would potentially be easier. Dan said if we don't allow external ADUS, that is when people will add onto their home.

Larry said we are not here to second guess what people are going to do, but put together a piece of code that steers things in the direction that as a municipality we would like things to go. There will always be challenges, but from what he hears is that we don't want to put this in the code. Mayor Halterman said she was trying to get across that she doesn't know how you interpret the use of something and this

section of the document is making it more difficult to do this. Larry said if they come in and say they are building an IADU we have something in code with guardrails.

John Dean said he reads it “not to change the appearance of a single-family dwelling unit” and someone comes in that has an attached garage and then they want to add an IADU on top of that, that is changing the appearance of a dwelling unit.

Weston said he thinks we should stay out of this one. Larry said he would strike this section.

Require one additional parking space for an IADU (unless there are four existing spaces): Dan said he thought this was already mandated, and took it to mean that was an optional thing. Larry said if there are already four spaces, you don’t have to require an additional one. Dan said we really don’t have the parking restraints as they do in the cities. Heather said that the streets are pretty wide. Judy said she doesn’t feel they should be allowed to park on city streets. Larry said if we don’t require off-street parking, you end up with on-street parking and they will park wherever anyway. It becomes an issue if we want them to have the spaces so they can park off-street or allow street parking.

Weston feels we should require additional parking spaces. Larry said he will leave this one.

Prohibit IADU in mobile homes: Heather wanted clarification on what constitutes a mobile home. Larry said if he remembers right, the real difference is if there is a HUD sticker. A mobile home doesn’t have a HUD sticker and modular homes would. There was a discussion on what constituted a mobile home. Parowan City Code has a definition under 15.04.69 and 15.46.020 which are not the same. Dan said he thinks the idea behind this, is if you are in a mobile home park which is a small space it would be difficult to add an IADU. Heather said she feels if it were in a park such as foothills, no it shouldn’t be allowed but if it is on a private lot, that would make a difference.

Heather asked if we can prohibit IADU in mobile home parks, and Scott said you can. Keith asked how an IADU is different than renting out a room in your home. Larry read through the state definition of an IADU “Internal accessory dwelling unit (IADU) (10-9a-530) means an accessory dwelling unit created: Within a primary dwelling; Within the footprint of the primary dwelling at the time the IADU is created and; for the purpose of offering a long-term rental of 30 consecutive days or longer.

Larry said that he hears the commission wants to prohibit IADU’s in mobile home parks and he will make that notation.

Require permit or license for renting IADU (suggest only in the event the IADU is occupied by someone other than a related family member): Larry said that family members are typically defined in the state code. Weston feels this will be hard to enforce this. Larry said codes are always hard to enforce and can be enforced when need be. He said it is not the intent to inspect all these places, but these are general guidelines. Weston said people don’t even have to mention they are renting out rooms and we don’t make apartment units have a special permit from the city.

Larry said there are three pieces of code to consider and we are not going to be considering them all tonight, but these codes all need to work together. In this piece of code, the state is interested in controlling short-term rentals. IADU's are used a lot these days as short-term rentals as well as are external ADUS. External ADUS can be the same thing. You build one and then turn it into a business, and that is where the state gets involved.

Weston asked if you need a license to rent out your house. Larry said you would if it was an Air B&B, but he doesn't believe you do if it is a long-term rental. Weston asked what the difference would be in renting a room in a house and renting the whole house. Larry said where we are going to be challenged the most is when people are engaged in a commercial business short-term. That is why the state is trying to address it with the ADU and IADU codes.

Dan said the concept of what it was supposed to be designed to do is to force cities to allow people to rent out part of their house. Scott said to address the housing shortage. Dan said they are saying we have to allow them even in the R1 zone. The point of the law is to allow rentals in part of your home. Larry said then we are back to this document and what do we want to allow people to do this. If they are allowing people to rent out part of this house, but claim it is an IADU you have a different case on your hands. If they follow the law they couldn't do a short-term rental in an IADU, and in that case maybe we don't need a license.

Larry will strike this line.

Prohibit IADU in certain areas (10-9a-530 4 (c) (i) and (ii) for details): Larry said he referenced the state code. He read from the Land Use interpretation of some of the code.

1. A Municipality may prohibit creation of an internal accessory dwelling unit altogether in zoning districts that are not primarily for residence use or in other words when the primary use is for commercial, industrial, or agricultural.
2. In a primary dwelling already containing an internal accessory dwelling unit
3. Attached homes, mobile homes, detached garages
4. Within Zoning Districts that
 - a. Geographically covers 25% or less than the total area zoned primarily for residential use.
 - b. Geographically covers 67% or less than the total area zone primarily for residential use if the main campus of a state- or privately-owned university with a student population of 10,000 or less is located within the county or municipality.

Larry said he proposes that we strike this section. Weston agrees as it is already laid out by the state.

Prohibit IADU if lot size is less than 6,000 sq ft: Heather said our town already has a 10,000-lot size minimum. Dan said there are some instances, such as a PUD, this would be addressed but it would be rare. Larry said after reading the code we could allow an IADU in a lot less than 6,000 square, which is a pretty small lot. He asked "Do we care about this if they have the parking?" Dan said that the parking is the biggest thing and if they have the parking figured out, we could allow it. Larry said that back on

page one of the document, under requirements it says “One IADU is a permitted use within a primary dwelling unit located in any area zoned primarily for residential use and is located on a lot greater than 6,000 square feet.” He said if no one had any objections, he would strike from “and is located on a lot greater than 6,000 square feet.” The commission agreed.

Prohibit rental less than 30 consecutive days: Larry said that this is an option for us. If we are going to allow these for 30 consecutive days, what would you do about the license requirement. We are not going to require a permit or license for an IADU, but as soon as we go down to a short-term rental we are in a different space. Weston said we are already going to require a business license. Larry said the challenge is you are not addressing the affordable housing issue if you are creating a short-term rental. Heather said the purpose of why this is created was to provide more housing options. Weston said he doesn’t believe it should be at the expense of the property owner’s right and if someone wants to rent their property short term, they should be allowed to. Larry said to remember where we are headed and what the intent of this was, whether you support this or not. The lack of affordable housing, short term rental is what is causing the availability of housing. This fun discussion will be less fun when it becomes stand alone accessory dwelling unit.

Dan said he thinks we shouldn’t address it here at all, but address it when we are talking about the short-term rental code. Larry will strike this sentence.

Prohibit rental if no primary owner in residence: Heather agrees with this. Weston said maybe this is where it draws the line between an IADU and a duplex. Larry said he will take these comments and rewrite this and bring it to the next Planning and Zoning. At that point, we will decide if we are ready for a public hearing. Larry wished to leave this section. Weston and Heather also agree with this.

City can hold a lien against the property with IADU 10-9a-530 (5) for details: Larry said this is pretty specific language in the state code. He recommends that the members look at this for the next meeting. The code is 10-9a-530(5). Dan – remembers this being contentious and wouldn’t be surprised if this is stricken at the state level. Larry said if you review it and decide not to do something like this, we can take it out.

City can record a notice of IADU on property with County Recorder 10-9a-530 (6) for details. Notice advises owners and buyers that the IADU can only be used IAW City Land Use: Larry said this is the same as above.

City can record a notice of IADU on property with County Recorder 10-9a-530(6) for details: Larry said that if you buy a home with an IADU on it, you don’t know the options or restrictions on the home until you check with the City. This is a protection for buyers that will show up in a title search. He said a similar thing happened in Iron County with water rights. Iron County was not going to allow a building permit if the water right was not of a specific date. They have since rescinded that and allow

people to build, but recorded against the title that they have a substandard water right and may be subject to future limitation.

Dan said he is okay with this if it says "City may record a notice" and not shall. Larry said his opinion it should be shall. Dan said the reason he said may is that we are not aware of all the IADUs and someone could come back to us and say our ordinances says the City shall record against the title and we haven't done that. A notice would apply to an external IADU, not internal. A room could be rented in and IADU once and never again, but external you should probably make note of it.

Dan thinks we should stay away from this. Larry will strike this. He will take these suggestions and make a new document. Larry asked for this to be put on the next agenda.

EXTERNAL ADU DISCUSSION: Larry said as we start this discussion remember that external ADU's are being addressed for the housing shortage and affordable housing. Things to consider are what zones to allow them in, what size lots, how many on a parcel, how big in relation to the size of the lot or size of the dwelling.

Weston said he thinks it should be to the size of the lot. Dan said we should definitely consider ADU's in the R2 and R3 Zones, as we are already considering multiple families in those zones. He said we need to consider some R1 zones. Heather said we should also consider whether they need to be on a permanent foundation or not. Dan said along those lines, ADU's are typically smaller than 1,000 square feet and we could put constraints on size. Weston asked if we are considering camp trailer and tiny homes. Heather said camp trailers, no; tiny homes yes. We just need to define what is allowed.

Larry said another thing we need to consider is barndominiums. He said it is hard to say what a barndomimum is. If you look on line you will get pages of ads with steel building with living quarters. What does that turn out to be in a neighborhood. You have custom homes in a neighborhood and someone wants to build a steel building and live in it. There are some nice-looking ones. The person who wanted to build one on Highway 91, probably wouldn't have been turned away if he had not wanted to use Conex boxes for the structure. But what if the plot plans come in and it shows that steel building in the front of the property. There are very attractive barns and some not so much. Weston said one of the prices that we pay to live in a village is we may not like what everyone's house looks like or how they utilize their property. Larry said to be thinking about that. He said "The very nature of the zoning code in a 'village' is to regulate certain aspects of how property is utilize".

MEMBER COMMENTS: None

ADJOURN: Heather Peet made a motion to adjourn the meeting at 7:50 P.M. Weston Reese seconded the motion. The meeting was adjourned.