

Parowan City Planning and Zoning Public Hearing and Meeting Minutes
April 17, 2024 – 6:00 P.M.
35 East 100 North – Parowan City Office

MEMBERS PRESENT: Larry Zajac (Chair), Jerry Vesely, Jamie Bonnett, Heather Peet, Weston Reese, Troy Hoyt (Alternate)

MEMBERS ABSENT: None

COUNCIL AND STAFF PRESENT: Scott Burns (Attorney), Mollie Halterman (Mayor), Dan Jessen (City Manager), Keith Naylor (Assistant Zoning Administrator), Rochelle Topham (Council Representative), John Dean (Council), Judy Schiers (Secretary)

PUBLIC PRESENT: Tai Weaver

PUBLIC HEARING: Larry Zajac called the Public Hearing at 6:00 P.M.

A. CONDITIONAL USE PERMIT TO ALLOW CONSTRUCTION SALES AND SERVICE AT 1141 WEST 299 SOUTH SUITE C, PAROWAN UTAH PARCEL A-502-0005-0000: No public comments

B. CONDITIONAL USE PERMIT TO ALLOW MANUFACTURED HOMES SALES ON PARCEL A-2021-0001-0000 (APPROXIMATELY 350 SOUTH 2200 WEST PAROWAN UTAH ADDRESS NOT YET ASSIGNED): Applicant has requested that this be tabled until May 1, 2024

CLOSE PUBLIC HEARING AND OPEN REGULAR PLANNING AND ZONING MEETING: Jerry Vesely made a motion to close the Public Hearing, tabling Item B until May 1, 2024. Jamie Bonnett seconded the motion. The public hearing was adjourned. Jerry Vesely made a motion to open the Planning and Zoning Meeting for April 17, 2024. Jamie Bonnett seconded the motion. All members voted in favor and the meeting was opened.

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

CONDITIONAL USE PERMIT TO ALLOW CONSTRUCTION SALES AND SERVICE AT 1141 WEST 299 SOUTH SUITE C, PAROWAN UTAH PARCEL A-502-0005-0000: Tai Weaver was present on this item. He told the commission members that their plans are to put the smaller machines up front, so as not to block the view of the building and people leaving the location. The repairs will be back by the wall behind the building. Tai presented a picture with the type of machines and how many will be stored on the property.

Larry said that he is suggesting as part of the conditional use permit, a restriction to the operating hours. He said this butts up against a residential district, with a six-foot wall and he is concerned about the noise. Jerry said that now we would be restricting any further business that would come in. Larry said just this type of business, "Construction, Sales, Service, and Rental". If another business comes in and has the same type of service, they may want to open earlier and stay later. Jamie thinks the noise ordinance would take care of this. Parowan's noise ordinance says no loud or offensive noise, vehicle noise or loud speech after 10:00 P.M. and before 7:00 A.M. Rochelle said that she feels if it falls within the noise ordinance, it shouldn't be a problem.

Heather Peet made a motion to approve a Conditional Use Permit to allow Construction Sales, Service, and Rentals at 1141 West 200 South, Suite C, Parcel Number A502-0005-0000, not to be effective and contingent on the two shipping containers being moved of the property. Jerry Vesely seconded the motion. All members voted in favor of this motion and the motion passed.

CONDITIONAL USE PERMIT TO ALLOW MANUFACTURED HOMES SALES ON PARCEL A-2021-0001-0000 (APPROXIMATELY 350 SOUTH 2200 WEST PAROWAN UTAH ADDRESS NOT YET ASSIGNED): Heather Peet made a motion to table Item Five pending a public hearing regarding this item. Jerry Vesely seconded the motion. All members voted in favor of the motion and the motion passed.

LANDSCAPING AMENDMENT PROGRAM: Larry said that we don't have enough information at this point and unless Dan comes in, we may want to table this item.

Heather Peet made a motion to table item 6 on the agenda until a later date unless Dan shows up tonight. Jerry Vesely seconded the motion. All members voted in favor of this motion and the motion passed. *(Dan did come in later and this item was discussed)*

Dan said he has some citizens interested in this and they cannot move forward until Planning and Zoning drafts some code. He said most of this applies to new development and would go into the Subdivision Code, Title 14. Dan said the Water Board is also looking at this and will be drafting new code to be put into Title Seven. Larry asked if another Chapter should be made for water conservation. Dan said Title Seven does talk about water conversation. We just want all codes to be consistent with each other. Dan said that the Water Board wanted a month to review, then they will recommend what they come up with to City Council. Dan will work on writing language to amend Title Seven for the Water Board to review. Larry said he will work on writing something for Title 14, that will point back towards Title 7.12 Water Conservation Plan and bring it back to the next meeting.

SUBDIVISION ADMINISTRATIVE LAND USE AUTHORITY: Larry said this was discussed last week. This will need a public hearing, but what we need to do is determine what the body will look like and the positions that will fill the body. He said from the last meeting it was determined it would be a three-person panel, because two doesn't work in a tie. He said from what he remembers it would be the Parowan Zoning Administrator, the Planning and Zoning Commission Chair, but he didn't hear a discussion on the third person. Jerry said in his notes it says Dan, Keith and a member of the Planning and Zoning Commission, most likely the chair.

Larry said it should be position, not specific names in case of employee turn-over. Also, because right now Dan is the City Manager and Zoning Administrator, we need to distinguish which position to appoint to the Administrative Land Use Authority. Heather and that she thought the discussion was for the City Manager, Chairman of Planning and Zoning Commission and the Assistant Zoning Administrator, and if positions or titles change in the future, we could change who is on the authority.

Larry said once we make this decision, we will need a public hearing at the point and time we put this into code. Hansen and Associates is writing our subdivision code, so they need this decision to include in the new code.

Heather Peet made a motion that our Administrative Land Use Authority for Subdivisions will be a three-person committee consisting of the City Manager, Chairman of the Planning and Zoning Commission and the Assistant Zoning Administrator.

Larry stopped the motion and asked for clarification on the three-person committee. Larry said he is uncomfortable with the position “City Manager” and more comfortable with City Zoning Administrator, Planning and Zoning Chair and City Engineer. Heather said that the discussion was that would be more cost to have the engineer on the committee, and the plans would go to them for review. Larry said he thinks there shouldn’t be any more incremental cost as they will be looking at the subdivision plans anyway. Heather said that any way we choose, in the future if the city grows, it will need to be amended, but as is right sits now, she is leaning towards the City Manager. Mayor Halterman asked if the debate is either between the Zoning Administrator or City Manager, couldn’t you just use both titles – “City Manager/Zoning administrator”. *(Dan came into the meeting)*

Dan said he thinks the best thing would be Zoning Administrator, and as the city evolves, it could be a separate position. He said the City Engineer is not a title, but a subcontracted company and they will be involved with the subdivision plats anyway. He said we can set this up now and tweak it later.

Heather Peet made a motion that the Administrative Land Use Authority for Subdivisions be a three-person committee consisting of the City Manager, Chairman of Planning and Zoning and the Assistant Zoning Administrator. Jerry Vesely seconded the motion. All members present voted in favor of the motion and the motion passed.

Larry reminded the commission this will not become effective until code is written by Hansen and associates and won’t go forward to City Council until we get the body of code from Hansen and Associates. Larry asked Dan to call Hansen and Associates to determine when to have this on the agenda.

LAND USE CODE DEFINITIONS: Larry handed out a copy of definitions that the Planning and Zoning has been working on. These recommendations won’t be forthcoming until we have the Internal ADU, External ADU and Short-Term Rental drafts ready for recommendation to the City Council. He said there will probably be other definitions and asked Judy to keep it updated. He asked the members to look at it and bring it to meetings. He said the definitions have what meeting it was discussed in and the outcome.

MASTER TRANSPORTATION PLAN PROCESS DISCUSSION: Larry wanted clarification on the April 30th Open House for this item. He said this has been advertised as an Open House and Public Hearing. Because this will be adopted into the General Plan, the Planning and Zoning has to have a public hearing to revise the General Plan and asked if this is the public hearing for that. Dan said the main reason for the April 30th meeting is that it has been tradition and best practice when we are going to amend the General Plan that affects property owners, to have a separate dedicated evening meeting to give the public a chance to voice their opinions. This meeting is not intended to by-pass the normal public hearing with this body. Assuming no large changes, this will be brought to Planning and Zoning for review and then a public hearing. Dan said the plan was for the open house, then the next day to present to the Planning and Zoning and then a Public Hearing on May 15th. Rochelle said that the revised notice for April 30th, just is listed as an open house, not a public hearing.

Dan will get the Planning Commission whatever deliverable is available so they have time to review and think about it.

MEMBER REPORTS: The minutes from April 3rd will be approved at the next meeting.

Jerry will not be to the meeting on May 1st. Larry introduced Troy Hoyt, newly appointed alternate for Planning and Zoning. Larry said he has asked the alternates to attend all meetings. He asked the members if they are late and the alternates have taken the chair, to not replace them on the stand.

Larry said the City Manager introduced to the City Council the short-term rentals and IADUs. That puts application for short-term rentals on hold for six months while we develop that code. He said the plan for the next meeting is for more definitions and draft code to consider. Heather asked what kind of restrictions do we consider or what have other cities done? Dan said he has some ideas with what other cities have done and will share those. Larry asked for the commission to do some research and bring back their suggestions. He will work up a rough draft that will be open for discussion. He said it might have limits on the number of short-term rentals that can be within a certain distance from hotels/motels and limiting the distance from other short-term rentals.

Dan said that he is working with subjects on two large lots within an existing subdivision. This body should be seeing those soon. He reminded the Commission that we approved the commercial subdivision where Ace Hardware and the hotel are on the condition on the storm drain being solved. This has been quite a complex project with UDOT but Dan said he thinks it has finally broken free with forward progress.

Dan also reported that there are two zone changes being looked at. He said in reviewing State Code it says there has to be a public hearing and property owners that are impacted need to be notified meaning those that have property within the area to be changed. If a single proper owner approaches us, we need to know the reason and justification for the change, then hold a public hearing in Planning Commission. We do not have to notice all property owners around subject property. State Code says it is not required, some Cities do require it and it has been a past practice for us to notice, but it is not in our code. He said we will still notice people by putting a sign on the property.

Heather said she was curious if the hotel construction has been stopped. Dan said no, it has moved mostly internal for now. She also asked about the space being leveled south of the where the Maverik annexation is. Dan said that they have a building permit from the County. This was part of the annexation that has not been finished. Part of this was because of the storm drain plan he mentioned. He said that at the last minute UDOT said that the Maverik proposal is going to require an alteration to the north-bound off ramp, which messed with the storm drain design. The storm drain couldn't be approved until they knew what the Maverik was doing. All parties involved were not on the same page.

Dan said the triangle piece Heather is talking about got a building permit from the County to move forward. It is an equipment dealership. This should be coming up for the City Council to vote on this annexation.

Dan said that another annexation went through the last City Council. It is for property just to the east of the Ace Hardware. They went through the County process and came with a petition for the City Council to consider. Next is legal review and then noticing to property owners, then to Planning and Zoning for review.

Larry said back to noticing requirements, we should be careful as a City on how we notice because rezones can be touchy. If you bought into a big subdivision and it was zoned Rural Estates and now there is a change to R1, to not notice people, to him, is something we should be really transparent about. He

said he knows we are dealing with developers, but it is important that the public has the chance to weigh in. Dan asked Larry if he wanted to make it a city requirement to notify people within so many feet of a zone change. Larry said yes. He would like the City Council to weigh-in on this, as they are the ones held accountable for those decisions. Dan said it is property rights vs transparency.

Larry said on another subject, when we get an application, he wants to see dimensions on the plat plan.

ADJOURN: Heather Peet made a motion to adjourn the meeting at 7:32 P.M. Jerry Vesely seconded the motion. The meeting was adjourned.