

**Parowan City Planning and Zoning Public Hearing and Regular Meeting**  
**June 5, 2024 – 6:00 P.M.**  
**35 East 100 North – Parowan City Office**

**MEMBERS PRESENT:** Heather Peet (Chair Pro-Tempore), Jerry Vesely, Jamie Bonnett, Weston Reese, Troy Hoyt (Alternate), David Burton (Council Representative)

Larry Zajac attended the meeting remotely via the phone; however, his vote will not be counted. (\*see explanation on the last page)

**COUNCIL AND STAFF PRESENT:** Mollie Halterman, John Dean (City Council), Scott Burns (City Attorney), Dan Jessen (City Manager), Keith Naylor (Zoning Enforcement), Judy Schiers (Secretary)

**PUBLIC PRESENT:** Devin Wilson (Jones and DeMille), Floyd and Alison McWilliams, Linda Rae Smith

**CALL TO ORDER PUBLIC HEARING:** Heather Peet called the meeting to order at 6:00 P.M.

Jerry Vesely made a motion to go into the Public Hearing. Jamie Bonnett seconded the motion. All members present voted in favor of this motion.

**PUBLIC HEARING TO RECEIVE COMMENTS REGARDING ADDITION TO THE PAROWAN CITY ZONING ORDINANCE WHICH WOULD ALLOW, WITH RESTRICTIONS, INTERNAL ACCESSORY DWELLING UNITS. (THIS WILL BE ADDED TO THE LAND USE AND DEVELOPMENT CODE 15.45 "INTERNAL ACCESSORY DWELLING UNITS"):** There were no public comments

**CLOSE PUBLIC HEARING AND OPEN REGULAR PLANNING AND ZONING MEETING:** Jerry Vesely made a motion to close the public hearing and open the regular Planning and Zoning Meeting. Troy Hoyt seconded the motion. All members present voted in favor of this motion and the motion passed.

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

**ADDITION TO PAROWAN CITY ZONING ORDINANCE 15.45 "INTERNAL ACCESSORY DWELLING UNITS":** David Burton asked legal, "In this case, the City cannot be more stringent than the State Code?" Scott Burns said you cannot circumvent the state to be more restrictive.

Jerry Vesely made a motion to recommend Ordinance 15.45 with a favorable recommendation to the City Council. Jamie Bonnett seconded the motion. All members present voted in favor of this motion.

**APPROVAL OF MINUTES MAY 15, 2024:** Jamie Bonnett made a motion to approve the minutes from May 15, 2024 as written. Jerry Vesely seconded the motion. All members present voted in favor of this motion and the motion passed.

**MOTION FROM APRIL 17, 2024 "CONDITIONAL USE PERMIT TO ALLOW CONSTRUCTION SALES AND SERVICE AT 1141 WEST 299 SOUTH SUTIE C, PAROWAN UTAH PARCEL:** Troy Hoyt would like this item withdrawn.

**CONDITIONAL USE PERMIT FOR A GAZEBO – FLOYD MCWILLIAMS 435 WEST 200 NORTH:** Keith gave some background on this item. Mr. McWilliams wants to build a gazebo on this property, however, according to our code it would put him over the required 25% fee space in the backyard. Keith said when he went to look at compliance, he noticed that a Conex Box had been moved in illegally and when



he did the measurements, he was over the 25% free space. Our code says that it may be granted by conditional use permit, however, in our code, in any residential zone it does not say you can get a conditional use permit for additional accessory buildings.

Heather questioned how much over the 25% free space was he with the gazebo. Keith said he was already over that requirement with the Conex Box and recently built shop, so the gazebo would be quite a bit over. Keith said the gazebo measurements are 12x16. Mr. McWilliams said there is a shed also in the backyard that is falling down, that he would tear down and get rid of, if that would help with this requirement. Keith said that to take the Conex Box out, it would require a crane.

Dan said in the ordinance where it talks about the conditional uses in the zones, it talks about the property in general; the primary use of the property. He feels that we would be within our own code to do a conditional use permit, if grantable, to allow going over the 25% rule. The question is why the code is here in the first place. He said he has heard things such as, it is for fire protection and so that there is space between buildings. It is in the code that it is 25% free space of the rear property, not the side property, but the rear. If we want to grant an exception by conditional use, what is the basis for that. We need to be consistent so that if someone else comes in and applies, there is some reasoning behind the decision.

Larry asked if Dan was implying that the code as written says a conditional use can be granted for the 25% rule. Dan read the City Code 15.08.100 "Area of Accessory Buildings" - No accessory building or group of accessory buildings in any residential zone shall cover more than twenty-five (25) percent of the rear yard. Exceptions to this requirement maybe granted by conditional use permit.

Larry questioned if a conditional use permit can be granted to allow exceptions to that rule, or do we need to modify our residential zoning districts to add as a conditional use. Dan said this is under "Supplementary and Qualifying Regulations" which is a very specific piece of code and we would want to stay with this section of code if we want to grant an exception. This is meant to deal with all residential zones, and has a permission that an exception can be given by conditional use permit. If we want to consider a conditional use permit, it will need a public hearing and then we would decide on the conditions. If not granted he would need to figure out how to comply.

Heather asked if the Conex Box is in compliance now. Keith said no, it is out of compliance and non-permitted. Heather said she feels that is a factor. Mr. McWilliams said that his wife has owned the Conex Box for 16 years and they moved it from her old home to their new home. It is not a new box to the City. Heather said when the Conex Box was first put into place, there wasn't any ordinance to address that, so it was allowed to continue at that property. When the Conex Box was moved, it would need to comply with the new ordinance.

Troy asked if the Conex Box was sided. Mr. McWilliams said it was painted to match the house. The Conex Box is a 20-foot box. Heather read from 15.65.050 (J) Cargo Storage Container(s) must be placed on a level prepared surface (i.e. concrete, compacted soil, gravel, rock or rail road ties) in such a way to prevent rodent habitation under Cargo Storage Container. Troy read 15.65.050 (c) Cargo Storage Containers must be free of graffiti, sided and painted an earth tone color to compliment surrounding structures.

Mr. McWilliams said he would build a frame around the Conex Box if he needed to.



Allison McWilliams said that they own three feet behind the fence in the backyard that she doesn't think was figured into the 25% free space requirement.

Mr. McWilliams said the gazebo is three feet off the property line.

Jerry Vesely made a motion to set this item up for public hearing on June 19, 2024 for a conditional use permit. Jamie Bonnett seconded the motion. All members present voted in favor of this motion and the motion passed.

**MASTER TRANSPORTATION PLAN:** Devin Wilson (Jones and DeMille) said that he sent the maps the Planning Commission requested and is asking for the Planning Commission to make a recommendation to the City Council.

Jamie said she does not like 200 South being a major thoroughfare going through a residential area and bypassing the commercial areas on Main Street.

Jerry asked about timelines on the projects. Devin said the plans on their website shows the map with estimated costs and completion dates. This future roadway network is contingent on funding and other factors to take this through completion of the project.

Larry asked what is the source of the future roads and how to the proposed roads get to be proposed roads. He also asked how a property owner gets notified of the proposed road.

Dan said that Jones and DeMille took our current transportation map and did an overlay rather than recreate a map from scratch. They took the existing map and made changes with things that we knew needed to be done and areas of the city that we knew needed to be improved. In response to the property owners being notified, Dan said through public hearings and open houses. Dan said that the City needs to reserve the road rights-of-way before subdivisions are created, so they are aware of where the roads need to be.

Larry said where he has a problem is that when we rezone a property, we notify the properties within a certain distance of a proposed change. We are not doing that with this plan and we are placing roadways and restrictions that property owners don't necessarily know about maybe for years. He said he is not saying that we didn't follow any process, but if I was a property owner and you say that you are putting a roadway through my property and I am not notified, that could be problematic.

Devin said that the proposed roads are not solidified with the adoption of this plan. We are trying to preserve and understand how the major roadways will connect and flow traffic on what the anticipated traffic will be. Many of the roads on this plan may not be developed for fifty plus years, but if a development were to occur in that area, we could show that we have a plan what needs to be in this area once development starts to occur. Before that happens, we don't work with the property owners because things could change. These maps are not legally binding but illustrative maps as far as legal goes. The report that has documentation to preserve and construct new roads has legal information.

Larry asked if there was anything in writing that says that. Devin said the report will state this, but it is not on-line at this time. Larry said how are we expected to make a recommendation before we see this report. Devin said he can send the report that has been completed at this time, but it will not be the final report until all comments are in the report.



Troy said it was his understanding that we need a planned map in order to be in state compliance and receive certain grants. If we agree on this plan, we are not authorizing anything to be done, just that we are okay with this plan. Dan said this is a guiding document that would help preserve the city rights-of-way. Troy said that in terms of city or county financed projects, this plan doesn't authorize any funding.

Troy asked if Jones and DeMille used population growth models in proposing this map. Devin said that population growth and population growth in surrounding areas helped them determine traffic growth and current functionality of each road and the projection functionality with the projected traffic number in tandem of 20 years.

Troy asked if Jones and DeMille have a particular expertise in traffic pattern. Devin said that Jones and DeMille have completed 15 transportation plans in the last three years for cities and counties throughout Utah and a couple started in Colorado. He said that we are also engineer of record and have created code for some of those cities as well.

Troy said as he understands it, our role here is not to make specific recommendations in terms of whether this road should be put here or there, but by us approving this plan we are not approving this project to begin. If there is a proposal to begin a project that effects this plan, that would go through Planning and Zoning and City Council in order for the financing to be approved. He said I think our job is to determine conceptually whether the Jones and DeMille maps seems to reflect that Jones and DeMille made good assumptions and has proper expertise and this master plan reflects that.

Larry said that the Master Transportation Plan will become an attachment to the General Plan, so we are putting some weight behind this. He said personally, he doesn't feel comfortable making a recommendation to the City Council that they approve or adopt this plan without seeing the report associated with this plan.

Devin said that the report is complete as of now, but it is not adopted or accepted so is still open to changes and suggestions. Larry feels like that would be the appropriate time that we see this report. Dan asked Devin to send a copy to the planning commission and we could talk about it at the next planning and zoning meeting.

Dan said because our scope with Jones and DeMille can only go so far, we may need to do a zoom call with them from this point on. Larry feels this would be okay.

Jamie said that by just recommending this the way it is, and not being able to make comments on what we want to see changed, is not the way we should be looking at this. In regards to Troy's comment, that by moving forward does not necessarily mean we have to build roads where they are placed on the map, she said she thinks we are liable if they are in our plan and we have approved this.

Devin said that the public is not going to read the report of what is legal and not legal in regards to this plan, but it will be the Planning and Zoning that will explain that to them. Jamie said we she feels we need to look at this as what we want and not looking at this as we are not bound by this.



Dan said he thinks that is a smart way to look at it and it does carry some weight. It does impact future development. Developers may buy land based on this map and may not, but it does affect people for sure. By having roadways on the map, we are able to work with developers to show them where roadways have been planned for the flow of traffic in those areas. Not having these roadways on the map, make it more difficult to work with the developers.

Devin said that all projects are contingent on design and construction and work with property owners. At this planning stage, it is about preparing to aid you once the time comes for construction in a specific area and work on existing roads needs to be completed and you need to go after funding, this plan backs our reasoning why fixing or building a new road makes sense for the city.

Dan said that one of the most important things to consider is what is changing. We have had a Master Transportation Map for a long time but we need to update our plan and look at the new map for what the changes are.

Heather said regarding comments, do you want those comments now or in writing. Dan said a copy of those comments coming from the public should be sent to the Planning and Zoning. Heather asked if there was an alternative to 200 South as the main thoroughfare or a second flow up to the canyon. Devin said that this section was the most talked about and most controversial. He said the reason we stuck to the old plan, was as traffic grows, Main and Center will continue to back up during main traffic times and could cause traffic problems. There is not room to the south to make a good connection due to terrain and steepness. There was talk about blocking 200 south, but that would cause them to go up 300 east by the pool, so from a traffic engineering prospective, 200 south is clearly the best option for traffic flow.

Heather asked if most of the Brian Head traffic comes from the south, or is there considerable traffic coming from the north. Devin said that their perspective was that the traffic coming from the north would still take Center Street. From their discussions with staff, most of the traffic did come from the south. He said that they did a traffic count on 200 South, meaning 200 South between Main Street and SR-143, and it was one of the highest road counts that wasn't a state road route. In discussions with UDOT, they expressed interest in having the route from 200 South to SR-143 in their jurisdiction.

Dan said that he has heard the comments about traffic being directed going down Main Street and supporting the businesses. He said that there will come a point in the future that the stacking and congestion goes from a positive to a negative on the businesses. We are not at that point, but he asked if this is something you want to take off this plan. We would need to have something else that is forwarded looking. If we leave 200 south on there, we don't have to change a single thing, but there is a point that traffic will get bad enough that future councils may feel we were not forward thinking. The elected officials at that time will work with UDOT for jurisdictional transfers.

Heather said that she is concerned because she has seen the same thing happening at Park City, one way in and one way out. She asked if there was some way to come up with multiple roads because of the traffic flow.

Devin said that they have looked at options of a belt route from the north interchange along the canyon. The south interchange would be difficult because of the flood channel. There is a way to route traffic



from the north. Dan said any way you look at it, it will affect property owners. Heather asked about a shuttle going up the canyon. Devin said that they have talked about that option.

Jamie asked about the crossing on 300 West. Dan said that has been identified as an improved forge, but not a bridge.

David asked Devin about the Old Paragonah Road. He said he understands that the County is still deciding whether to abandon it or keep it. He said that road does not exist. Devin said he was confused about this as well. Dan said that the county will usually adopt the City's Transportation Plan. We have a friendly working relationship with the County and once we adopt a plan, they adopt the plan on being consistent with their plan. The County Engineer looked at this proposed plan and asked where the Paragonah Road was on the plan. Dan said that this is more the County saying you need to show something is there on the plan. David said that the properties are back together and legally it does not exist.

Jamie asked why Center Street and 600 West is not showing as going through. Dan said if we choose to put a dotted line there, we are saying at some point we want a road there and it would go right through the house. Jamie said if you want to preserve Center Street, we may need to look at connecting Center street somewhere.

Heather said we are going to ask for the report to discuss at the next meeting. Dan said if we don't get it until right before the next meeting we will move it to the first meeting in July.

**DISCUSSION OF CONFLICTING CODE IN PMC 15.50.010 AND 15.60.030 (D):** Keith showed the commission what he is proposing to amend the code so we can have a public hearing for the next meeting. He said there is a myriad of conflicts with these codes, which is why we are trying to clean up these conflicting codes.

The commission talked about having the signs attached or detached. Weston doesn't see the problem with having the sign detached.

Heather said that five feet seems a little too short. Jamie said this is in the home occupation code and she doesn't want a large sign next to her property. Weston said that the expectation shouldn't be maximum commercial exposure as if you were in a commercial zone, but a subtle non-offensive way to run a business in a residential zone. Weston and Jamie are ok with the five feet. Weston doesn't see any problem with it being detached.

Jamie made a motion that the proposed revision to the sign ordinance be moved to a public hearing. Weston Reese seconded the motion. All members present voted in favor of this motion.

**EXTERNAL ACCESSORY DWELLING UNIT CODE DEVELOPMENT:** Larry said that this discussion will be If everyone is comfortable of not having a listed maximum size of an EADU, and comfortable with the setback requirements and the 25% rule for back yards.

Heather asked if an applicant has most of their property in the front yard, are they not able to have an EADU. Larry said he feels EADU's were meant to be in a rear yard. Dan said it would be open for debate. This is uncharted territory. They would still need to meet the setbacks and that might prohibit a lot of front yard EADU's.



Heather said regarding square footage of an EADU's, some cities have done a percentage, and limiting an EADU to not exceed 800 square feet. She said we could have it say, "cannot exceed the primary developed house that exists," or use a percentage.

Weston said he thinks that the 25% rule is fine for the back yard. If someone has a big yard and 25% allows them a larger EADU, they should be able to do that. They could build a detached garage and as long as it doesn't go over the 25%, that garage can be larger than 800 square feet. Why would we discriminate.

Jamie is fine with the percentage and doesn't want to limit it to 800 square feet or 1200 square feet.

Heather is okay with the percentage, as long as we are covered for special properties.

Dan said he thinks the reason that cities will put a limit on the size is that you are changing the character of a neighborhood by not limiting the size that could be built.

Weston said again back to the percentage, you could build a different type of building in the back yard as long as you don't reach the 25% percentage.

Troy said there is a difference in putting in a barn or garage or in putting in something that is going to be inhabited because that increases density.

Dan said we have a few instances already where someone has wanted to build a garage or a barn and then put living space in it. It now becomes an EADU. So then, do we care what size it is. It is a garage with living space, but its major function is a garage. This goes into the weeds when you start limiting size. Weston said that most city lots at this time would limit how big the EADU is anyway by going with a percentage.

Larry said some cities, when considering the character of the neighborhood, look at the expectations of what could be built next to existing properties. A neighbor may think that a garage is okay, but doesn't want an EADU built next to them. There are a lot of things to consider with this. Jamie said even if you limit by size, they are still going to have an EADU next to them. Weston said why not adopt the same percentage as what the original dwelling had to meet, as long as they meet the setbacks.

Mayor Halterman said, in regards to building in the front yard, we have several in town. Weston said and he doesn't think they are hurting anything or anyone.

Troy said he wants to stick with "not exceeding 800 feet", but that it does not matter where on the lot it sits.

Dand said do you want to control the character of the unit, or are you okay with a second house being built on the property. That is ultimately what you are defining.

Troy asked Larry, as he looked at other cities code, was the 800 feet universal. Larry said he has looked at probably eight to ten cities codes, and 800 square feet was the predominate number, while some allow 1,200 if it was on a larger lot.

Jerry feels that lot size should dictate the size of the EADU.

Dan said would you define it as living space. For example, if they are going to build a garage and they want to have an apartment above it, would you count the entire garage as part of that. Jerry and Jamie said not the entire garage.

Jamie Bonnett made a motion to approve that EADU's should not exceed more than 25% of the front, side, or back proposed buildable lot size for the draft document. Weston seconded the motion. Troy voted nay, the rest of the commission present voted in favor and the motion passed.

**REPORTS:** Larry said he spoke to the Hansen Group and they had a problem with the preliminary audit of the subdivision code. They did promise if for next week. He asked Judy to put that on the next week's agenda.

Jamie will not be to the next meeting.

Dan said there has been a lot of discussion and concerns with what is going on with the Alex Meisner's annexation. He said the City has not yet received a petition to annex. Dan explained the process. David said he saw a notice of intent which was sent to property owners within the required distance of the annexation. Dan asked David to see the notice. Troy asked if there are time limits on annexations. Dan said there are time limits with the petition, but not with the annexation itself. We need good documentation and what services we need to allow for them to annex. Heather asked what percentage of increase this would be to the City. Dan said somewhere between 25-30% increase. Dan said he just wanted to dispel the thought that something is moving forward, when as far as the City is concerned, we have not received anything.

Keith said administratively:

A fence permit was issued at 1605 West 200 South.

A building permit was issued for a shop/garage at 445 North 100 West

State bank went to historic preservation for approval of replacing a wire fence with a block wall

A carport went to historic preservation for approval for 37 West Pioneer Avenue

**ADJOURN:** Jerry Vesely made a motion to adjourn the meeting at 8:37 P.M. Jamie Bonnett seconded the motion. The meeting was adjourned.

(It should be noted that Troy Hoyt, who is an alternate member, was asked to sit on the stand and participate in the meeting. Larry then called into the meeting and participated, but because there were five members physically present at the meeting, Larry's vote will not be considered in the voting process.)