

**PAROWAN CITY COUNCIL MEETING MINUTES
AUGUST 17, 2026 – 6:30 P.M.
PAROWAN CITY COUNCIL CHAMBERS
35 E. 100 N., PAROWAN, UT 84761**

Elected Officials Present: Mayor Mollie Halterman, Councilmember Lyle Barton, David Burton, John Dean, David Harris, and Rochell Topham

Participating remotely via Zoom: Brett Ludlow (Level Engineering); Ryker Ogden (Ensign Engineering); Jodie Lemon (property owner, Legacy B Estates); Bradyn Swanson; Walt Plumb

City Staff Present: Dan Jessen, City Manager; Callie Bassett, City Recorder

Public Present: Larry and Jennelle Zajac, Ronnie Barton, Heather Peet

1. Call to Order

Mayor Halterman called the Parowan City Council Special Meeting to order at 6:31 PM on Monday, August 17, 2026. Mayor Halterman noted that participants joining via Zoom were asked to ensure their microphones were audible.

2. Discussion and Possible Decision on Proposed Legacy B Estates PUD Development Agreement

Dan Jessen provided an overview of the procedural history of the Legacy B Estates application. He explained that the application was originally submitted as a Planned Unit Development (PUD) conditional use permit, requiring Planning Commission recommendation and City Council approval. The property had been rezoned from General Commercial to R-3, and a residential PUD was treated as a conditional use under the code in effect at the time of application. Dan noted that subsequent code changes — including the removal of PUD as a conditional use in R-3 and the creation of a manufactured home PUD chapter — did not apply due to the application's vesting date. He clarified that no conditional use permit or PUD had yet been approved, and that the purpose of the meeting was to work through remaining issues in order to determine whether a development agreement could be reached.

Dan Jessen proposed that the Council work through each outstanding issue in concept, take notes, and then discuss and vote on which variances they were willing to accept, rather than wordsmithing agreement language item by item. The goal was to conclude the meeting with the developer understanding what terms the Council would support, after which the developer could accept or decline. The Council and developer concurred with this approach.

Road Width

City Manager Jessen asked the developer's engineers to clarify the road typical section in the latest design. Brett Ludlow of Level Engineering confirmed a 50-foot right-of-way with 36 feet of asphalt curb-to-curb, a 2-foot rolled curb and gutter, and a 5-foot sidewalk. Jessen noted that this matched the 50-foot typical section previously under consideration and that the rolled curb design was consistent with the need to accommodate manufactured home delivery. Councilmember Dean asked for clarification on the dotted lines shown on the plan, which City Manager Jessen explained represented a 10-foot public utility easement (PUE) on each side of the road, providing approximately 70 feet of total utility corridor.

Jessen further noted that if the streets remained privately owned, the city would not require the public utility easement except for telecommunications and gas.

Walt Plumb, participating remotely, questioned whether 36 feet of asphalt was excessive for a development of this type, suggesting something closer to 26–28 feet. Jessen explained that the wider road width was directly tied to the parking plan — with on-street parking proposed down both sides of the road, the 36-foot width was necessary to accommodate two travel lanes plus parking.

Parking

City Manager Jessen explained that the developer's proposal included no dedicated additional parking beyond two driveway spaces per unit and on-street parking along the 36-foot roadway. He noted that while the City's subdivision code did not specifically require additional parking, density was significantly higher than a typical subdivision, raising the question of adequacy. He contrasted this with Eagle Rock across the street, where a narrower road and dedicated parking in the rear was enforced by HOA rules prohibiting on-street parking.

Councilmember Topham raised a concern about oversized vehicles and trailers potentially blocking neighboring driveways given the close spacing of units. Bradyn Swanson indicated that an on-site manager would be in place to address such issues, and that HOA rules or management involvement could deter problematic parking behaviors. Councilmember Topham indicated she would like to see language in the agreement addressing how parking conflicts would be handled if they arose.

Open Space / Recreation

City Manager Jessen noted that the R-3 zone (applied after this application) would require 5% dedicated open space — approximately 0.76 acres — while the City's mobile home park code (used as a comparable reference only) would require 10%, or approximately 1.5 acres. He estimated the current proposal provided approximately 1.3% open space, based on the size of the detention/retention pond shown in prior plans, totaling roughly 0.2 acres.

Discussion followed regarding whether common areas surrounding individual units could count toward the open space requirement, particularly under a leased-lot ownership model where residents would not own the surrounding land. Ryker Ogden of Ensign Engineering noted that in a private PUD or condominium-style arrangement, areas outside individual building envelopes could be considered common open space. However, Councilmember Topham expressed reservations about counting individual yard areas as community open space, noting that residents would not want public access to their immediate surroundings.

Councilmember Harris stated directly that he did not consider individual yard areas to be acceptable open space and that the development needed more dedicated open space, period. Jodie Lemon responded that the developer was willing to provide more open space and suggested moving forward rather than continuing to debate the point.

Water Rights

City Manager Jessen provided a detailed explanation of the City's water rights requirements. Under the City's code, a standard 0.75-inch meter per home (per door) corresponds to 0.5 acre-feet of water rights. For 78 units, after subtracting the one acre-foot already grandfathered for the two existing parcels, the standard requirement would be approximately 38–39 acre-feet. He explained that the developer had proposed using master meters rather than individual meters — specifically, six 1.5-inch

master meters, each serving no more than 15 units — in order to reduce the water rights exaction by basing it on indoor-only water use with no outdoor irrigation (zero-scape design).

Mr. Ogden explained the engineering methodology behind this proposal, citing use of 800 gallons per day per unit per RWMI standards, a 1.5 peaking factor, and a 40% peak-hour concentration, resulting in approximately 75 gallons per minute per master meter — within the efficient operating range of a 1.5-inch meter. City Manager Jessen noted he had forwarded this analysis to the City Engineer for review and had not yet received a response. He indicated that if the City Engineer found the assumptions insufficient, upsizing to 2-inch meters may be required, which would affect the water rights exaction accordingly.

City Manager Jessen explained that the proposed configuration would result in a requirement to dedicate approximately 9.02 acre-feet of water rights to the City (factoring out the grandfathered acre-foot), significantly less than the standard requirement. He emphasized that this approach was only feasible under a privately owned infrastructure model, as running multiple parallel laterals under a public right-of-way would not meet City engineering standards. He also clarified that the City had no surplus water rights to sell or assign, given anticipated state curtailments of approximately 86% of underground water rights in the Parowan Valley.

Councilmember Harris expressed reservations about the master meter approach, stating his preference for individual metering and his concern that the impact fees associated with six 1.5-inch meters — at \$24,280 each versus \$7,284 per standard 0.75-inch meter times 78 doors — represented a substantially lower total contribution toward system improvements.

Regarding timing of the water rights transfer, Jessen proposed that the developer be permitted to begin site development work (grading, utilities, roads) after demonstrating that the change order application process had been initiated and that the water rights appeared to qualify. However, no building permits for individual homes would be issued until the water rights transfer was fully and successfully completed. Jodie Lemon and Bradyn Swanson indicated agreement with this approach.

The priority date requirement was also noted: City code requires a 1949 priority date on underground Parowan Valley water rights, while the developer's prior counter-proposal had suggested 1951. Council members generally affirmed that the City's 1949 requirement should stand.

Connection and Impact Fees

Jessen explained that impact fees would be assessed per the size of the master meters rather than per individual door, consistent with the City's code methodology tied to AWWA flow capacity standards. Six 1.5-inch meters at \$24,280 each would result in significantly lower total impact fees compared to 78 individual 0.75-inch connections at \$7,284 each. All other standard per-home fees — police, fire, parks, sewer, and electric — would still apply to each unit.

Fencing

Jessen explained that both the City's current code and the code in effect at the time of the application required fencing between commercial and residential zones and between differing residential densities, though the prior code was less specific in its definitions, which was part of the reason it was subsequently revised. The developer had requested a full variance from the fencing requirement, arguing that proposed storage units along the rear of the property and those belonging to the adjacent Red Fox Storage facility would provide sufficient visual and sound buffering along the commercial boundary.

Jessen noted that granting a variance would not eliminate the eventual requirement for a fence — rather, whoever developed the adjacent commercial property in the future would bear that obligation. Councilmember Harris indicated his preference for applying the current, more specific fencing code. The Council did not reach a firm agreement on this point during discussion.

Phasing

Jessen explained that phasing was a critical issue in the absence of a subdivision platting process, since the traditional leverage point of the final plat would not apply. He referenced the mobile home park code's requirement that no less than 50% of a development be completed before first occupancy, offered as a general comparable.

Bradyn Swanson proposed a phasing approach organized by master meter, beginning with the 375 South street, which would be fully improved with asphalt and sidewalk on both sides, and with the initial units developed along that road. The rear 5-acre parcel would serve as the staging area for construction equipment. A secondary access road — graded but not initially paved — would be maintained for emergency ingress and egress. Ryker Ogden confirmed that the stormwater drainage system could function independently for either road, though 375 South was identified as the preferred primary phase. Jessen indicated that technical phasing requirements, including looped water lines for fire flow, and an all-weather secondary emergency access road per the International Fire Code, would need to be confirmed by the City Engineer and reviewed by the subdivision review committee once a concept was approved.

Foundation Requirements

Jessen noted that the City's code requires a continuous permanent masonry foundation for manufactured homes in residential zones, which is a higher standard than what the International Building Code, HUD, or industry practice requires. The developer proposed using a pier system with aesthetic skirting, consistent with HUD standards. Jessen observed that this code provision may no longer be necessary given that building code requirements regulate this independently, but a variance would nonetheless be required.

Adjoining Property Setbacks

Jessen identified a setback issue introduced by the reconfigured layout. The City's PUD code requires that setbacks match those of adjoining properties. The residential subdivision to one side has a 25-foot setback, requiring a matching 25-foot setback along that boundary. The agricultural parcels to the rear have a 20-foot rear setback, requiring a matching setback accordingly. The revised plan showed units with approximately 10-foot setbacks against these boundaries, creating a variance need that did not exist in prior designs. The flipping of unit orientations to avoid homes facing the rear of other homes — as required by the PUD code — created the new setback problem on the perimeter.

Jessen also noted that the revised layout placed some interior units back-to-back with zero setback between them, which was contemplated as a potential twin home or duplex arrangement. The developer confirmed those centrally located, longer units were designed with the possibility of duplex use in mind.

Street Lighting

Jessen raised street lighting as a requirement under the subdivision code — one light per intersection plus one every 500 feet — that had not previously been explicitly discussed in the context of this project. The developer indicated no variance was being requested on street lighting, and it was noted accordingly.

Snow Storage

Jessen noted that snow must be stored on the property per City requirements, and asked whether the developer had a specific plan. Swanson indicated that snow would be stored in the area between the residential units and the proposed storage structures, and in the open areas of the 5-acre parcel. Jessen identified a potential conflict between designating the retention/detention pond as open space while also using it for snow storage, which would need to be addressed.

Infrastructure Ownership and Maintenance

Jessen summarized that under the privately-owned infrastructure model being discussed, the City would not take ownership of or maintain interior roads, utilities, or snow plowing. The City's trash service could access the development given the 50-foot right-of-way, subject to a provision in the development agreement indemnifying the City for any road damage caused by trash trucks. A fire bypass meter at 2200 West would serve as the point of delineation between City-owned and developer-owned infrastructure, consistent with how similar projects elsewhere in Parowan had been handled. All private utility installations would require inspection and approval by the City's Public Works Director and power supervisors prior to connection.

PRV Cost Sharing

Jessen referenced a prior agreement to split the cost of a pressure reducing valve (PRV) installation, with the developer contributing \$50,000 — the same amount charged to Maverick — and the City covering costs above \$100,000. The vault infrastructure had already been installed. This cost-sharing arrangement was referenced as an existing term of the prior draft agreement.

Roof Pitch

Jessen noted that the City's code specifies a minimum 4:12 roof pitch, which is more prescriptive than what is required under the International Building Code or HUD for this climate zone. He indicated this provision should likely be removed from the code and replaced with a reference to applicable building codes, and that a variance would be required in the interim.

Other Items

Additional items acknowledged as standard requirements not requiring significant variance discussion included: utility easements for telecommunications and gas, a first right of refusal for homeowners in the event the project is sold, floodplain development standards requiring home pads to be constructed one foot above the base flood elevation, and mandatory utility inspections by City staff prior to connection acceptance.

Council Discussion and Motion

Following the item-by-item review, Council members offered their individual assessments. Councilmember Dean stated that of the sixteen items discussed, he was comfortable approving only two as proposed: the 5-foot sidewalk and street lighting at 500-foot intervals, expressing skepticism about the overall number of variances being requested. Councilmember Barton echoed those concerns, stating he did not favor a development requiring so many variances and that he would prefer to see the property developed within the parameters of the existing R-3 zoning without a PUD. Councilmember Harris expressed a more conditional openness, indicating comfort with the road width, the on-street parking management approach, and the leased-lot ownership model, but objecting to the master meter water rights and impact fee methodology and maintaining that fencing requirements should align with current code. Councilmember Topham expressed sympathy for the developer's extensive efforts and indicated a belief that some form of agreement could potentially be reached. Councilmember Burton stated there were too many variables for him to feel comfortable and that he did not believe the City

should be making substantial concessions on a conditional use permit, adding that the Council's general direction had trended away from PUDs.

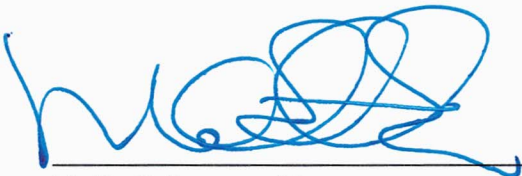
Councilmember Barton moved to deny the application for PUD and conditional use permit, with the property to remain subject to standard R-3 zoning requirements. Councilmember Dean seconded the motion.

Motion to deny the Legacy B Estates application for a Planned Unit Development (PUD) conditional use permit, with the property to remain zoned R-3 and subject to standard R-3 subdivision requirements, was made by Councilmember Barton and seconded by Councilmember Dean. The motion carried 3–2, with Councilmember Burton, Councilmember Dean, and Councilmember Barton voting aye, and Councilmember Harris and Councilmember Topham voting nay.

Jessen confirmed that the effect of the motion was that a PUD path was no longer available, and that the developer would need to pursue a standard R-3 subdivision, which carries a 60-foot right-of-way requirement and full code compliance without PUD-related variances.

3. Adjourn

Motion to adjourn was made by Councilmember Barton and seconded by Councilmember Dean. The motion carried unanimously. The meeting was adjourned at 8:54 p.m.



Mollie Halterman, Mayor



Callie Bassett, CMC, City Recorder

Date Approved: 9/10/2026