

TOQUERVILLE CITY
PLANNING COMMISSION MEETING AGENDA
June 12, 2024, at 6:00 p.m.
212 N. Toquer Blvd, Toquerville Utah

This meeting will also be broadcast via YouTube live on the Toquerville City YouTube channel at
<https://www.youtube.com/channel/UCon3wYhjwc2gKbc91YPRIAA>

A. CALL TO ORDER:

1. Call to Order – Chair Pro-Tempore Preslar
2. Pledge of Allegiance – Commissioner Chamberlain
3. Disclosures and Declaration of conflicts from Commission Members.

B. APPROVAL OF AGENDA:

1. Approval of agenda order

C. CONSENT AGENDA:

1. Review and possible approval of meeting minutes from March 13, 2024 Planning Commission Meeting and April 23, 2024 Planning Commission Meeting.

D. REPORTS:

1. Planning Chair Pro-Tempore Preslar
2. Planning Commissioners
3. Assistant City Manager, Darrin LeFevre
4. City Manager, Afton Moore
5. City Attorney, Matt Ekins

E. BUSINESS ITEM(S):

1. Discussion and possible appointment of Planning Commission Chairperson for 2024.
2. Discussion and possible appointment of Planning Commission Pro Tempore for 2024.
3. Discussion and possible recommendation on Resolution 2024.XX – Modifying the Toquerville City Planning Commission Annual Meeting Schedule to meet once a month.
4. Discussion and possible recommendation on a Final Plat Application submitted by Firelight Development, Inc. for Sun River Firelight – Phase 2. Tax ID #: T-128-PV1.
5. Discussion on the Grading Ordinance.
6. Discussion on the Planning Commission Policies and Procedures Manual.

F. ADJOURN:

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the City Office 435.635.1094, at least 48 hours in advance. This Agenda will be posted on the State website at <http://pmn.utah.gov>, posted on the Toquerville City website at www.toquerville.org, and at the City Office Building at 212 N Toquer Blvd. Posted June 6, 2024, by Toquerville City Recorder, Daisy Fuentes.

TOQUERVILLE CITY
PLANNING COMMISSION MEETING MINUTES
March 13, 2024 at 6:00 pm
212 N. Toquer Blvd, Toquerville Utah

Present: Chairman Stacey Eaton; Commissioners: Val Preslar, Gary Tomsik, Dean Haymore, Angela Harrison, Tyley Perkins; Staff: City Manager Afton Moore, Planning & Zoning Administrator Darrin LeFevre, Planning & Zoning Official Ryker Steglich, City Attorney Matt Ekins, Recorder Daisy Fuentes; Absent: Jenny Chamberlain

A. CALL TO ORDER:

Chairman Stacey Eaton called the meeting to order at 6:01 p.m. Commissioner Harrison led the Pledge of Allegiance.

There were no disclosures or declarations of conflicts from Commission Members.

B. APPROVAL OF AGENDA:

Commissioner Haymore made a motion to approve the agenda. Commissioner Preslar seconded the motion. Motion carried, 5-0. Stacey Eaton – aye, Val Preslar – aye, Gary Tomsik – aye, Angela Harrison – aye, Dean Haymore – aye.

Chairman Eaton asked the commissioners to complete the mandatory online training and addressed a training opportunity.

C. REVIEW OF MINUTES:

1. Review and possible approval of Planning Commission Meeting Minutes from February 13, 2024.

Commissioner Preslar made a motion to approve the minutes from February 13, 2024. Commissioner Harrison seconded the motion. Motion carried, 5-0. Stacey Eaton – aye, Val Preslar – aye, Gary Tomsik – aye, Angela Harrison – aye, Dean Haymore – aye.

D. REPORTS:

<https://www.youtube.com/live/CIhAkOe38No?si=7Fsbaa9uk1IIYLlz&t=1>

1. Planning Chairman, Stacey Eaton
Chairman Eaton continued his report on the training opportunity in Clearfield, UT and encouraged the commissioners to review current ordinances. Staff answered questions from the commissioners.
2. Commissioners
Nothing to report.
3. Planning and Zoning Official, Ryker Steglich
Ryker Steglich reported on current Toquerville City ordinances being modified.

4. Planning and Zoning Administrator, Darrin LeFevre
Darrin gave a report on the planning and zoning department and answered questions from the commissioners.
5. City Manager, Afton Moore
Afton gave a financial report, introduced our new city attorney Matt Ekins, reviewed the community events and a variety of community projects to include the Center Street Park, Toquerville Parkway and the Cholla Creek Turn-Lanes. Afton also updated the public on administrative staff changes and explained the grading ordinance reconsideration made at the city council meeting. She answered questions from the commissioners.

Chairman Eaton asked Attorney Ekins to introduce himself. City Manager Afton Moore was excused from the meeting.

E. BUSINESS ITEM(S):

1. Discussion on Toquerville City Code Title 10, Chapter 9 – Agricultural District and the possible consolidation of the two agricultural zones.
https://www.youtube.com/live/CIhAkOe38No?si=pE_7w1aGOQn5EdZg&t=1815

This item was brought to the commission by Chairman Eaton from a resident. Chairman Eaton explained this business item and possible changes. The commissioners, attorney and staff discussed this item and addressed their concerns with the possible changes. Chairman Eaton directed staff to create an ordinance of what this would look like and provide more information.

2. Discussion on Toquerville City Code Title 10, Chapter 17, Section 3 – Nightly Rental property management requirements.
<https://www.youtube.com/live/CIhAkOe38No?si=Pupl4Tc2CwzU0ujx&t=4300>

This item was brought to the commission by Chairman Eaton. Chairman Eaton explained this business item and possible changes. The commissioners, attorney and staff discussed this item and addressed their concerns with the possible changes. The commissioners agreed not to pursue this item until it becomes a problem.

3. Discussion on Toquerville City Code Title 10, Chapter 19, Article D, Section 8 – Streets and Roads and the number of entrances and exits within subdivisions.
<https://www.youtube.com/live/CIhAkOe38No?si=thsUTjyZU5tdA04l&t=5445>

This item was brought to the commission by Chairman Eaton. Ryker Steglich gave a report on this item. Chairman Eaton explained this business item and possible changes. The commissioners, attorney and staff discussed this item and addressed their concerns with the possible changes. Chairman Eaton directed staff to draft ordinance including research discussed.

4. Discussion on Toquerville City Code Title 10, Chapter 12 – Commercial Districts and the size of buildings in Commercial Zones.
<https://www.youtube.com/live/CIhAkOe38No?si=ljaQN7ma3p4Ekcuy&t=6398>

This item was brought to the commission by Chairman Eaton from a developer. Ryker Steglich gave a report on this item. Chairman Eaton explained this business item and possible changes. The commissioners, attorney and staff discussed this item and addressed their concerns with the possible changes. The commission directed staff proceed with the review of this ordinance and compare it to different municipalities to see if a modification is needed.

F. ADJOURN:

https://www.youtube.com/live/CIhAkOe38No?si=Jfokn2cuKW5x_VA&t=6930

Commissioner Preslar motioned to close the meeting. Commissioner Haymore seconded the motion. Motion carried, 5-0. Stacey Eaton – aye, Val Preslar – aye, Gary Tomsik – aye, Angela Harrison – aye, Dean Haymore – aye.

Chairman Eaton adjourned the meeting at 8:01 pm.

Planning Chairman – Stacey Eaton

Date

Attest: City Recorder – Daisy Fuentes

TOQUERVILLE CITY
PLANNING COMMISSION MEETING MINUTES
April 23, 2024 at 6:00 pm
212 N. Toquer Blvd, Toquerville Utah

Present: Chairman Stacey Eaton; Commissioners: Val Preslar, Dean Haymore, Jenny Chamberlain, Tyley Perkins; Staff: Assistant City Manager Darrin LeFevre, Planning & Zoning Administrator Ryker Steglich, City Recorder Daisy Fuentes; Absent: Gary Tomsik, Angela Harrison, City Manager Afton Moore, City Attorney Matt Ekins,

A. CALL TO ORDER:

Chairman Stacey Eaton called the meeting to order at 6:00 p.m. Commissioner Preslar led the Pledge of Allegiance. No statement of belief/opening prayer was offered or given.

B. APPROVAL OF AGENDA:

<https://www.youtube.com/live/NQoatuwsE80?si=JDy0r-tHo99vKvWe&t=36>

Commissioner Haymore made a motion to approve the agenda as submitted. Commissioner Preslar seconded the motion. Motion carried, 4-0. Stacey Eaton – aye, Val Preslar – aye, Dean Haymore – aye, Tyley Perkins – aye.

There were no disclosures and/or declarations of conflicts from the commissioners.

C. CONSENT AGENDA:

<https://www.youtube.com/live/NQoatuwsE80?si=7pnRnvvvX3ZpEUSg&t=64>

1. Review and possible approval of meeting minutes from April 10th, 2024 Planning Commission Meeting.

Commissioner Preslar made a motion to approve the minutes from the April 10th Planning Commission Meeting. Chairman Eaton seconded the motion. Motion carried, 3-1. Stacey Eaton – aye, Val Preslar – aye, Dean Haymore – abstain, Tyley Perkins – aye.

D. REPORTS:

<https://www.youtube.com/live/adAn4vG6P1g?si=IxYwfxQRmzujrZLL&t=38>

1. Planning Chairman, Stacey Eaton
Nothing to report.
2. Commissioners
Nothing to report.
3. Planning and Zoning Administrator, Ryker Steglich
Ryker Steglich reported on a variety of Toquerville City ordinances currently being updated.
Commissioner Chamberlain joined the meeting at 6:05pm
4. Assistant City Manager, Darrin LeFevre
Darrin updated the commissioners on current projects within the city. Chairman Eaton asked Ryker to reintroduce himself as Planning and Zoning Administrator. Darrin clarified

that he is now the Assistant City Manager/Director of Engineering Services.

5. City Manager, Afton Moore
Excused
6. City Attorney, Matt Ekins
Excused

E. BUSINESS ITEM(S):

1. Discussion and possible recommendation on Ordinance 2024.XX – Amending and restating Toquerville City Code 10-17-3: Nightly Rental to modify the application process.

https://www.youtube.com/live/NQoatuwsE80?si=7D69i-8N_vxeJ5C4&t=1103

Ryker gave a brief report on this item and reviewed the proposed changes within the ordinance.

- A. Public Hearing: Public input is sought on Ordinance 2024.XX – Amending and restating Toquerville City Code 10-17-3: Nightly Rental to modify the application process. *Limit 3 minutes per person; please speak into the microphone and state full name.*

Chairman Eaton opened the public hearing.

<https://www.youtube.com/live/NQoatuwsE80?si=n22TpUwX44jRrNDv&t=1296>

There were no comments from the public.

Chairman Eaton motioned to close the public hearing. Commissioner Chamberlain seconded the motion. Motion carried, 5-0. Stacey Eaton – aye, Val Preslar – aye, Tyley Perkins – aye, Jenny Chamberlain – aye, Dean Haymore – aye.

- B. Possible recommendation to City Council.
The commissioners discussed this item. Staff answered questions from the commissioners.

Commissioner Preslar made a motion to recommend approval of the nightly rental ordinance as it stands and send it on to the city council. Commissioner Haymore seconded the motion. Motion carried, 5-0. Stacey Eaton – aye, Val Preslar – aye, Tyley Perkins – aye, Jenny Chamberlain – aye, Dean Haymore – aye.

2. Discussion and possible recommendation on Ordinance 2024.XX – Amending and restating Toquerville City Code 10-5-4: Penalty to modify the penalty for land use violations.

<https://www.youtube.com/live/NQoatuwsE80?si=rrtR4H1puQdFmw12&t=1692>

Ryker gave a brief report on this item and reviewed the proposed changes within the ordinance.

- A. Public Hearing: Public input is sought on Ordinance 2024.XX – Amending and restating Toquerville City Code 10-5-4: Penalty to modify the penalty for land use violations. *Limit 3 minutes per person; please speak into the microphone and state full name.*

Chairman Eaton opened the public hearing.

<https://www.youtube.com/live/NQoatuwsE80?si=jmH818Rf6-OcZbNN&t=1808>

Wayne Olsen spoke during the public hearing. The council discussed

Chairman Eaton made a motion to close the public hearing portion. Commissioner Haymore seconded the motion. Motion carried, 5-0. Stacey Eaton – aye, Val Preslar – aye, Tyley Perkins – aye, Jenny Chamberlain – aye, Dean Haymore – aye.

B. Possible recommendation to City Council.

<https://www.youtube.com/live/NQoatuwsE80?si=06pjEC1VoIr5MM3s&t=1989>

Commissioner Haymore made a motion to make a recommendation to pass this on to the City Council per the recommendation of city staff and get the changes in the ordinance legally done properly- changing the ‘c’ to a ‘b’. Commissioner Preslar seconded the motion. 5-0. Stacey Eaton – aye, Val Preslar – aye, Tyley Perkins – aye, Jenny Chamberlain – aye, Dean Haymore – aye.

3. Discussion and possible recommendation on Ordinance 2024.XX – Amending and restating Toquerville City Code 10-2-1:General Definitions to establish a definition for the term ‘Tavern’.

<https://www.youtube.com/live/NQoatuwsE80?si=90qd8J4pGFjrRa0W&t=2047>

Ryker gave a brief report on this item and reviewed the proposed changes within the ordinance. He answered questions from the commissioners.

- A. Public Hearing: Public input is sought on Ordinance 2024.XX – Amending and restating Toquerville City Code 10-2-1:General Definitions to establish a definition for the term ‘Tavern’. *Limit 3 minutes per person; please speak into the microphone and state full name.*

Chairman Eaton opened the public hearing.

<https://www.youtube.com/live/NQoatuwsE80?si=NRarRiqw9CrtMwhX&t=2284>

There were no comments from the public.

Chairman Eaton made a motion to close the public hearing. Commissioner Chamberlain seconded the motion. Motion carried, 5-0. Stacey Eaton – aye, Val Preslar – aye, Tyley Perkins – aye, Jenny Chamberlain – aye, Dean Haymore – aye.

B. Possible recommendation to City Council

Commissioner Preslar made a motion to recommend approval of Ordinance 2024.XX for the definition of tavern. Commissioner Chamberlain seconded the motion. Motion carried, 4-1. Stacey Eaton – aye, Val Preslar – aye, Tyley Perkins – aye, Jenny Chamberlain – aye, Dean Haymore – abstain.

4. Discussion of the creation of Planning Commission by-laws and policies.

<https://www.youtube.com/live/NQoatuwsE80?si=3tY7qLp28XdvHBcr&t=2375>

Chairman Eaton introduced this agenda item. The commissioners discussed this item and addressed their concerns. Chairman Eaton described his process of the creation excluding city staff from commenting on the bylaws and policies until they reach the city council meeting. Councilman Haymore expressed his problem with the process. The commissioners are to send their suggestions to Commissioner Chamberlain to begin the creation. The commissioners discussed current policies in other municipalities and continued the discussion.

5. Discussion of possible changes to the Grading Ordinance.

<https://www.youtube.com/live/NQoatuwsE80?si=xRk-TJmpNTxMq5FY&t=3037>

Chairman Eaton introduced this item. Ryker Steglich reviewed the changes made my council pending review. The commissioners and staff discussed this item and addressed concerns.

F. ADJOURN:

<https://www.youtube.com/live/NQoatuwsE80?si=VmOzAEX2eb87xlpu&t=4574>

Commissioner Chamberlain motioned to close. Commissioner Preslar seconded the motion. Motion carried, 5-0. Stacey Eaton – aye, Val Preslar – aye, Tyley Perkins – aye, Jenny Chamberlain – aye, Dean Haymore – aye.

Chairman Eaton adjourned the meeting at 7:17 pm.

Planning Chairman – Stacey Eaton

Date

Attest: City Recorder – Daisy Fuentes

TOQUERVILLE CITY
RESOLUTION 2024.XX
Annual Meeting Schedule

WHEREAS, the Toquerville City Council has approved Ordinance 2024.09 addressing regularly scheduled city meetings.
NOW, THEREFORE, be it resolved by the City Council of Toquerville City, Utah that the annual city meeting schedule has been amended to the following:

2024 ANNUAL MEETING SCHEDULE – TOQUERVILLE CITY, UT

All meetings listed below shall be held at Toquerville City Hall located at 212 N. Toquer Blvd. Toquerville, UT 84774 unless indicated otherwise.

CITY COUNCIL MEETINGS for the 2024 calendar year are scheduled on the 1st Wednesday and 3rd Wednesday of each month at 6:00 p.m. as follows, unless otherwise indicated:

Regular Business Meeting	
January 3	July 3
January 17	July 17
February 7	August 7
February 21	August 21
March 6	September 4
March 20	September 18
April 3	October 2
April 17	October 16
May 1	November 6
May 15	November 20
June 5	December 4
June 20	December 18

PLANNING COMMISSION MEETINGS for the 2024 calendar year are scheduled on the 2nd Wednesday ~~and 4th Wednesday~~ of each month at 6:00 p.m., as follows, unless otherwise indicated:

January 10	~~July 23~~
February 13	August 14
March 13	~~August 28~~
March 27	September 11
April 10	~~September 25~~
April 23	October 9
May 8	~~October 23~~
May 22	November 13
June 12	~~November 27~~
~~June 26~~	December 11
July 10	~~December 24~~

THE PUBLIC IS INVITED TO ATTEND ALL PUBLIC CITY MEETINGS. Anyone needing special accommodations (including auxiliary communicative aids and services) during such meetings should notify the City Recorder at the Toquerville City Office. Contact phone number of 435-635-1094, at least 24 hours in advance.

REPEALER. This resolution shall repeal and supersede all prior ordinances and resolutions governing the same.

SAVINGS CLAUSE: If any provision or clause in this resolution or the application thereof to any person or entity or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses, or applications hereof which can be implemented without the invalid provision, clause, or application hereof, and to this end the provisions and clauses of this resolution are declared to be severable.

EFFECTIVE DATE. This resolution shall take effect immediately upon approved by City Council.
ADOPTED BY THE TOQUERVILLE CITY COUNCIL, STATE OF UTAH, ON THIS ____ DAY OF _____ 2024,
ON THE FOLLOWING VOTE.

Gary Chaves	AYE__	NAE__	ABSTAIN__	ABSENT__
John ‘Chuck’ Williams	AYE__	NAE__	ABSTAIN__	ABSENT__
Joey Campbell	AYE__	NAE__	ABSTAIN__	ABSENT__
Todd Sands	AYE__	NAE__	ABSTAIN__	ABSENT__
Wayne Olsen	AYE__	NAE__	ABSTAIN__	ABSENT__

Approved By: _____
Justin Sip, Mayor

Attested By: _____
Daisy Fuentes, City Recorder

Toquerville City
FINAL PLAT APPLICATION
FEE: \$250.00



Name: Firelight Development, Inc. (Darcy A. Stewart) **Telephone:** [REDACTED]

Address: 1404 Sun River Parkway, St. George, UT 84790 **Fax No.** _____

Email: scott@sunriver.com

Agent (If Applicable): Rosenberg Associates (DSW) **Telephone:** 435-673-8586

Address/Location of Subject Property: Intersection of Firelight Drive & Trailhead Drive

Subdivision Name & Phase: Sun River Firelight - Phase 2

Tax ID of Subject Property: T-128-PV1 **Number of Lots:** 28

Submittal Requirements: 1 Engineer's paper copy, and 1 disk in the latest Auto-Cad format.

1. The final plat shall show:

- ☒ a. The name or designation of the subdivision that is distinct from any plat already recorded in the County Recorder's office, as approved by the Planning Commission.
- ☒ b. The boundaries, course, and dimensions of all of the parcels of ground divided, by their boundaries, course, and extent, whether the owner proposes that any parcel of ground is intended to be used as a street or for another public use, and whether any such area is reserved or proposed for dedication for a public purpose.
- ☒ c. The lot or unit reference, block or building reference, street or site address, street name or coordinate address, acreage or square footage of all parcels, units, lots, and the length and width of the blocks and lots intended for sale.
- ☒ d. Every existing right-of-way and easement grant of record for communications infrastructure, for underground facilities as defined in Section 54-8a-2 of the Utah Code and for other utility facilities. Where the same is granted to a specific entity, that entity must be clearly identified.
- ☒ e. True angles and distances to the nearest established street lines or official monument, which shall be accurately described on the plat and shown by appropriate symbols.
- ☒ f. All street center line data must be shown, together with its relationship to the property lines, corners, etc.
- ☒ g. The accurate location of all monuments shall be shown on the plat, and shall be identified, including all United States, State, County or other official monuments.
- ☒ h. The dedication to the public of all streets and highways included in the proposed subdivision (except approved private streets).
- ☒ i. Street monuments shall be installed by the subdivider in accordance with the requirements of City Standards. Locations of said monuments shall be approved by the City Engineer and indicated on the subdivider's plat by the appropriate symbols.

- ☒ j. Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon, and of any area to be reserved by deed or covenant for common uses by all property owners.
- ☒ k. Where it is proposed that streets be constructed on property controlled by a public agency or utility company, approval for the location, improvement and maintenance of such streets shall be obtained from the public agency or utility company and entered on the final plat in a form approved by the City Attorney.

2. **Required Forms & Certificates:** In addition the final plat shall contain the standard forms for the following:

- ☒ a. A registered professional land surveyor's certificate of survey, together with a statement that: (a) the surveyor holds a license in accordance with the Utah Code Professional Engineers and Professional Land Surveyor's Licensing Act; (b) the surveyor has completed a survey of the property described on the plat in accordance with Section 17-23-17 of the Utah Code and has verified all measurements; (c) has placed monuments as represented on the plat. **Plat must signed and stamped by the licensed surveyor prior to final plat submittal.**
- ☒ b. The owner's certificate of dedication of all streets, roads, rights-of-way or other parcels intended for the use and benefit of the general public.
- ☒ c. Mortgagee or other lien holder's Consent to Record, if applicable.
- ☒ d. A notary public's acknowledgement of the signature of the mortgagee or each owner signing the plat.
- ☒ e. Certificate of approval of Ash Creek Special Service District.
- ☒ f. Certificate of approval of the Planning Commission, as evidenced by the signature of the Planning Commission chairperson.
- ☒ g. Certificate of approval of the City Engineer.
- ☒ h. Certificate of approval of the City Council, as evidenced by the signature of the Mayor attested by the City Recorder.
- ☒ i. Certificate of approval as to form executed by the City Attorney.
- ☒ j. A one and one-half inch by five inch (1 1/2" x 5") space in the lower right-hand corner of the drawing for the use of the County Recorder.
- ☒ k. Certificate of approval of the County Treasurer.

3. **Other Information Required:** The following information or documentation shall be submitted:

- ☒ a. An original copy for Staff review of the proposed deed restrictions or CC&Rs in proposed final form with signature lines for all owners of any interest in the subdivision who would sign the final subdivision plat must be submitted with final plat application. After being approved by staff this document shall be signed, acknowledged by a notary public, and recorded in the office of the County Recorder along with the final plat.
- ☒ b. Title report for the property being subdivided.
- ☒ c. A disk of the final plat prepared in the latest Auto-Cad Format.

Application Process:

- Once construction drawings are approved, a completed application for final plat approval and the required fee of \$250.00 is then submitted to the Planning Department by no later than 12:00 noon on Wednesday two weeks before a Planning Commission meeting. A paper copy of the plat will be submitted to the City Engineer for review. The City Engineer will red line the plat and email the subdivision engineer of required changes that need to be made. If a plat is still not ready for the City Engineer's signature after the second submittal, an additional fee must be paid before the Engineer performs another review.
- Once the City engineer has signed off on the plat, approval of the plat will be placed on the next Planning Commission agenda.
- A recommendation from the Planning Commission is then passed on to City Council. The City Council then considers the plat for final approval at the next regular City Council meeting.
- Once the City Council has given approval of a final plat and adequate financial security is in place, the developer may schedule a pre- construction meeting with the City Public Works Department. Construction of the subdivision may then proceed.
- Once the subdivision infrastructure is built and preliminarily accepted, the subdivision may be recorded.

Recording Requirements:

1. Final plat approval.
2. Financial security in place.
3. Payment of HCP impact fee as required by Washington County Habitat Conservation.
4. Three disks of the final plat prepared in the latest Auto-Cad format or as required by each entity – one for the City, one for the County Recorder, and one for the Washington County Conservancy District.
5. A title report prepared and submitted to the City Attorney.
6. Satisfaction for water impact fee to Washington County Water Conservancy District.
7. All signatures must be on the mylar, including property owners of record according to the title report, City officials and Ash Creek Special Service District Superintendent. The City Attorney is the last signer of the Mylar just prior to recordation.
8. Someone from the City Attorney's office will accompany the developer's representative to the County Recorder's office for recordation. The developer pays recording fees.

Miscellaneous information:

A development with CC&R's should submit a copy of the CC&R's to the Planning Staff and one to the City Attorney for review at the time the final plat is submitted.

Any special easements, pump stations, transformers, etc. can delay approvals.

Building permits are not issued within a subdivision until the plat has been recorded and the Public Works Department has signed off on all the improvements required for the subdivision, whether on or off site, signifying their completion and initial acceptance.

Note: It is important that all applicable information noted above along with the fee is submitted with the application. An incomplete application will not be scheduled for Planning Commission consideration. Planning Commission meetings are held on the third Wednesday of each month at 6:00 p.m. Contact the Planning Department for the deadline date for submissions. Once your application is deemed complete, it will be put on the agenda for the next Planning Commission meeting. A deadline missed or an incomplete application could result in a month's delay.

(Office Use Only)

DATE RECEIVED: 4/29/24 COMPLETE: YES ☒ NO ☐

DATE APPLICATION DEEMED TO BE COMPLETE: 5/15/24

COMPLETION DETERMINATION MADE BY: *Robert Wright*
Signature

Pd \$250 4/4/24
check# [REDACTED]
Emily D...

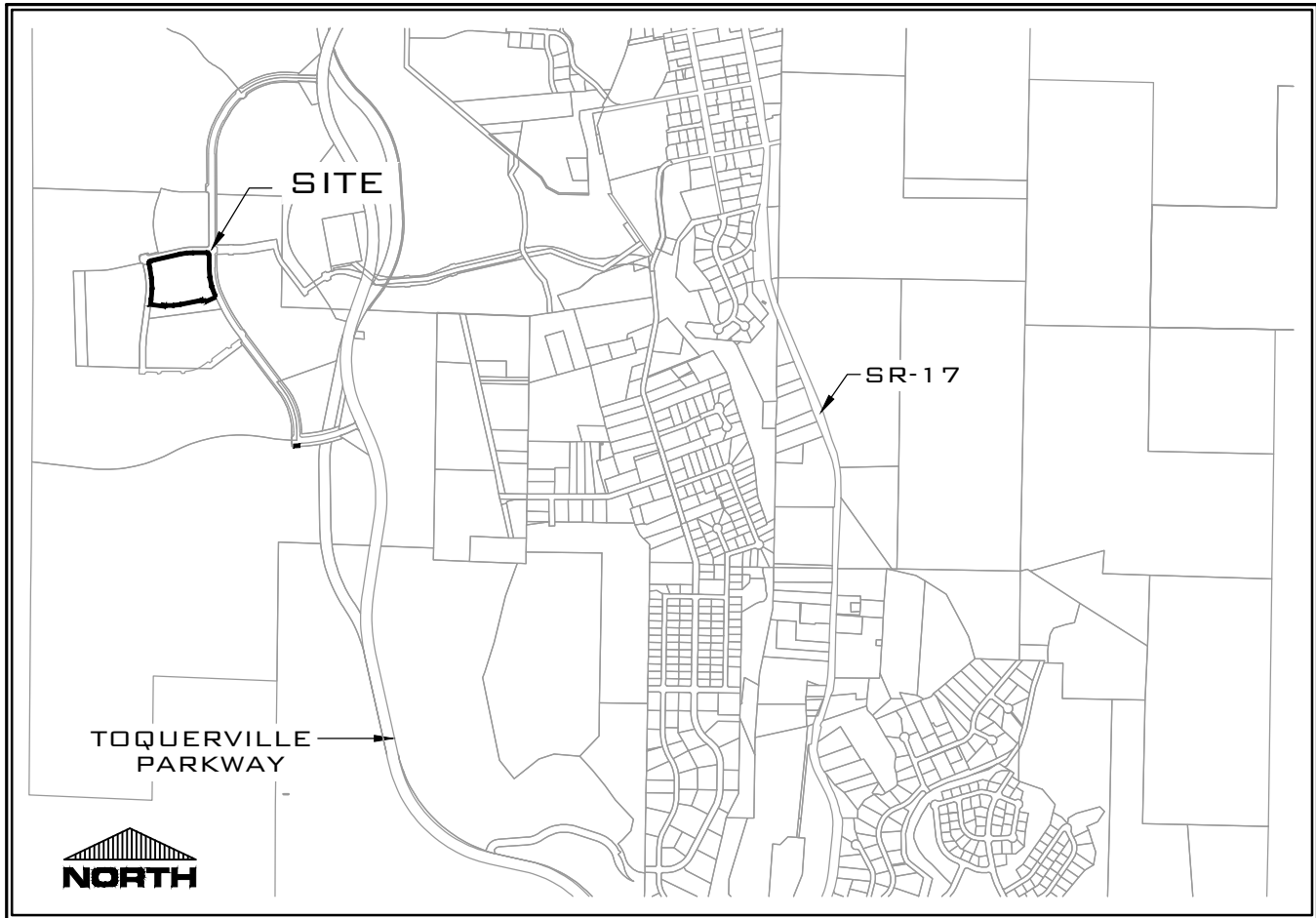
Pd \$250 4/29/24
check# [REDACTED]
Robert Wright

LEGAL DESCRIPTION:

BEGINNING AT THE NORTHEAST CORNER OF LOT 36 OF SUN RIVER FIRELIGHT PHASE 1, SAID POINT BEING NORTH 87°55'14" WEST 722.97 FEET ALONG THE SECTION LINE AND NORTH 69°19 FEET FROM THE NORTH 1/4 CORNER OF SECTION 10, TOWNSHIP 41 SOUTH, RANGE 13 WEST, SALT LAKE BASE & MERIDIAN, AND RUNNING;

THENCE THE FOLLOWING DESCRIPTION BEING BOUNDED BY SUN RIVER FIRELIGHT PHASE 1, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THENCE SOUTH 66°21'59" WEST 107.00 FEET;
THENCE NORTHWEST 22.72 FEET ALONG AN ARC OF A 2,162.00 FOOT RADIUS CURVE TO THE RIGHT (CENTER BEARS NORTH 66°21'59" EAST, LONG CHORD BEARS NORTH 23°19'57" WEST 22.72 FEET WITH A CENTRAL ANGLE OF 00°36'08");
THENCE NORTHWEST 7.93 FEET ALONG AN ARC OF A 892.00 FOOT RADIUS CURVE TO THE RIGHT (CENTER BEARS NORTH 66°58'07" EAST, LONG CHORD BEARS NORTH 22°46'37" WEST 7.93 FEET WITH A CENTRAL ANGLE OF 00°30'34");
THENCE SOUTH 67°28'40" WEST 30.00 FEET;
THENCE SOUTH 79°06'51" WEST 226.09 FEET;
THENCE SOUTH 82°25'14" WEST 69.72 FEET;
THENCE SOUTH 88°03'47" WEST 77.32 FEET;
THENCE NORTH 82°30'23" WEST 30.00 FEET;
THENCE SOUTH 07°29'37" WEST 11.32 FEET;
THENCE NORTH 82°30'23" WEST 107.00 FEET;
THENCE NORTH 07°29'37" EAST 58.52 FEET;
THENCE NORTH 342.81 FEET ALONG AN ARC OF A 988.00 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS NORTH 82°29'10" WEST, LONG CHORD BEARS NORTH 02°25'35" WEST 341.09 FEET WITH A CENTRAL ANGLE OF 19°52'48");
THENCE NORTH 12°20'46" WEST 40.75 FEET;
THENCE NORTH 32°34'53" EAST 28.32 FEET;
THENCE NORTH 77°30'33" EAST 177.26 FEET;
THENCE NORTH 64°46'33" EAST 59.55 FEET;
THENCE NORTH 65°52'09" EAST 22.46 FEET;
THENCE NORTH 78°00'43" EAST 41.00 FEET;
THENCE NORTH 88°14'49" EAST 22.39 FEET;
THENCE NORTH 75°07'11" EAST 59.24 FEET;
THENCE EAST 48.36 FEET ALONG AN ARC OF A 582.00 FOOT RADIUS CURVE TO THE RIGHT (CENTER BEARS SOUTH 04°55'42" EAST, LONG CHORD BEARS NORTH 87°27'07" EAST 48.34 FEET WITH A CENTRAL ANGLE OF 04°45'35");
THENCE NORTH 89°49'55" EAST 131.35 FEET;
THENCE SOUTH 45°10'05" EAST 28.28 FEET;
THENCE SOUTH 00°10'05" EAST 123.70 FEET;
THENCE SOUTH 313.25 FEET ALONG AN ARC OF A 785.00 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS NORTH 89°49'55" EAST, LONG CHORD BEARS SOUTH 11°35'59" EAST 311.18 FEET WITH A CENTRAL ANGLE OF 22°51'49");
THENCE SOUTHEAST 21.60 FEET ALONG AN ARC OF A 2,055.00 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS NORTH 66°58'07" EAST, LONG CHORD BEARS SOUTH 23°19'57" EAST 21.60 FEET WITH A CENTRAL ANGLE OF 00°36'08") TO THE POINT OF BEGINNING.



VICINITY MAP - TOQUERVILLE
WASHINGTON COUNTY, UTAH:

SCALE: NTS

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	31.21'	20.00'	89°24'38"
C2	30.25'	20.00'	86°39'05"
C3	8.63'	285.00'	1°44'08"
C4	11.31'	315.00'	2°03'27"
C5	83.94'	922.00'	5°12'58"
C6	79.23'	922.00'	4°55'25"
C7	55.64'	35.00'	91°06'06"
C8	53.55'	445.00'	6°53'40"
C9	66.36'	475.00'	8°00'16"
C10	11.12'	50.00'	12°44'16"
C11	6.01'	50.00'	6°53'04"
C12	42.88'	37.00'	66°23'48"
C13	27.16'	37.00'	42°03'39"
C14	14.02'	37.00'	21°43'01"
C15	17.30'	50.00'	19°49'09"
C16	38.52'	892.00'	2°28'27"
C17	79.68'	892.00'	5°07'05"
C18	79.68'	892.00'	5°07'05"
C19	79.68'	892.00'	5°07'05"
C20	47.34'	892.00'	3°02'28"

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C61	61.01'	795.00'	4°23'50"
C62	33.09'	882.00'	2°08'58"
C63	13.84'	40.00'	19°49'09"
C64	13.89'	47.00'	16°55'57"
C65	68.64'	795.00'	4°56'48"
C66	24.40'	47.00'	29°44'52"
C67	13.43'	572.00'	1°20'42"
C70	23.11'	572.00'	2°18'52"
C71	4.35'	40.00'	6°13'47"
C72	58.11'	485.00'	6°51'55"
C73	47.68'	47.00'	58°07'47"
C74	17.77'	40.00'	25°27'34"
C75	37.71'	47.00'	45°58'20"
C76	24.42'	47.00'	29°45'49"
C77	34.03'	998.00'	1°57'14"
C78	71.11'	998.00'	4°04'58"
C79	26.30'	47.00'	32°03'36"
C80	15.43'	40.00'	22°05'45"
C81	22.30'	1075.00'	1°11'19"
C82	67.17'	1075.00'	3°34'48"

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C21	100.26'	922.00'	6°13'49"
C22	23.92'	315.00'	4°21'01"
C23	49.98'	315.00'	9°05'25"
C24	30.80'	20.00'	88°13'58"
C25	61.72'	1115.00'	3°10'18"
C26	18.78'	1085.00'	0°59'31"
C27	77.92'	1085.00'	4°06'52"
C28	77.88'	1085.00'	4°06'46"
C29	77.88'	1085.00'	4°06'46"
C30	27.63'	1085.00'	1°27'32"
C31	19.28'	50.00'	22°05'45"
C32	26.16'	37.00'	40°30'46"
C33	25.68'	37.00'	39°46'12"
C34	33.63'	37.00'	52°04'45"
C35	22.22'	50.00'	25°27'34"
C36	31.42'	20.00'	90°00'00"
C37	30.79'	20.00'	88°12'57"
C38	2.62'	475.00'	0°19'00"
C39	51.78'	34.99'	84°46'09"
C40	81.59'	1115.04'	4°11'32"

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C41	75.03'	1115.04'	3°51'19"
C42	30.80'	20.00'	88°13'58"
C43	50.24'	285.00'	10°06'04"
C44	12.36'	1109.58'	0°38'18"
C45	70.32'	1011.34'	3°59'02"
C46	70.32'	1031.13'	3°54'26"
C47	70.35'	1035.73'	3°53'30"
C48	82.21'	987.98'	4°46'04"
C49	37.25'	987.90'	2°09'37"
C50	62.83'	1135.00'	3°10'18"
C51	47.88'	335.00'	8°11'19"
C52	20.71'	335.00'	3°32'29"
C53	88.12'	942.00'	5°21'36"
C54	12.03'	335.00'	2°03'27"
C55	67.27'	916.57'	4°12'18"
C56	61.01'	795.00'	4°23'50"
C57	68.79'	882.00'	4°28'06"
C58	61.01'	795.00'	4°23'50"
C59	68.79'	882.00'	4°28'06"
C60	68.79'	882.00'	4°28'06"

LINE TABLE		
LINE	LENGTH	DIRECTION
L1	45.01'	N 76°37'39" E
L2	43.52'	S 1°44'19" E
L3	46.29'	N 88°24'51" W
L4	14.67'	N 6°18'42" W
L5	14.79'	N 77°30'33" E
L6	60.56'	N 83°41'18" E
L7	5.74'	N 83°41'18" E
L8	22.45'	N 38°11'23" E
L9	34.09'	N 38°11'23" E
L10	26.18'	N 38°11'23" E

OWNER'S DEDICATION:

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNER OF ALL THE SAID DESCRIBED TRACT OF LAND HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, COMMON AREAS PRIVATE STREETS & PUBLIC STREETS, TO BE HEREINAFTER KNOWN AS:

SUN RIVER FIRELIGHT - PHASE 2

DOES HEREBY DEDICATE AND CONVEY TO SRF HOMEOWNERS ASSOCIATION FOR THE COMMON USE AND ENJOYMENT OF ITS MEMBERS, BUT NOT FOR THE USE OF THE GENERAL PUBLIC, ALL SUN RIVER FIRELIGHT - LIMITED COMMON AREAS AND ALL SUN RIVER FIRELIGHT - COMMON AREAS (INCLUDING PRIVATE STREETS) SHOWN ON THIS PLAT, IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF DEDICATION OF SAID COMMON AREAS AS MORE FULLY PROVIDED IN THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR SUN RIVER FIRELIGHT" RECORDED CONCURRENTLY WITH THIS PLAT, AS SUPPLEMENTED OR AMENDED, WHICH ARE HEREBY INCORPORATED AND MADE PART OF THIS PLAT. FOR GOOD AND VALUABLE CONSIDERATION RECEIVED, THE UNDERSIGNED OWNER HEREBY DEDICATES AND CONVEYS TO TOQUERVILLE CITY, PUBLIC UTILITY EASEMENTS OVER, ON UNDER AND ACROSS ALL COMMON AND LIMITED COMMON AREAS FOR THE INSTALLATION AND MAINTENANCE OF MUNICIPAL UTILITIES. THE UNDERSIGNED OWNER DOES HEREBY WARRANT TO TOQUERVILLE CITY AND ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO USE ALL DEDICATIONS AND CONVEYANCES GRANTED HEREIN AGAINST THE CLAIMS OF ALL PERSONS.

FIRELIGHT DEVELOPMENT, INC.

DARCY A. STEWART, PRESIDENT

ACKNOWLEDGMENT:

STATE OF _____ } S.S.
COUNTY OF _____

ON THIS _____ DAY OF _____ IN THE YEAR _____, BEFORE ME _____, A NOTARY PUBLIC, PERSONALLY APPEARED _____ PROVED ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO IN THIS DOCUMENT, AND ACKNOWLEDGED SHE EXECUTED THE SAME.

FULL NAME SIGNATURE: _____

FULL NAME PRINT: _____

COMMISSION NO.: _____

EXPIRATION DATE: _____

A NOTARY PUBLIC COMMISSIONED
IN THE STATE OF _____

(STAMP NOT REQUIRED PER UTAH CODE 46-1-16 (6) IF ABOVE INFORMATION IS FILLED IN)

GENERAL NOTES AND RESTRICTIONS:

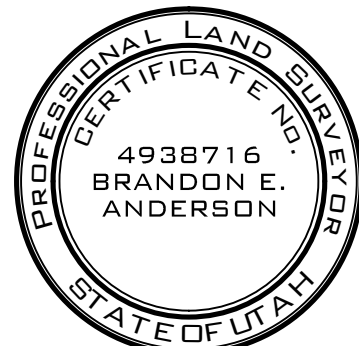
- THIS SUBDIVISION CONTAINS PRIVATE STREETS AS LABELED. PRIVATE STREETS ARE NOT OWNED, MAINTAINED, OR REPAIRED BY THE TOQUERVILLE CITY. THE ASSOCIATION SHALL BE RESPONSIBLE FOR THE MAINTENANCE AND REPAIR OF ALL PRIVATE STREETS WITHIN THIS SUBDIVISION.
- BY RECORDING THIS SUBDIVISION PLAT, PUBLIC EASEMENTS ARE HEREBY GRANTED WITHIN ALL COMMON AND LIMITED COMMON AREAS WITHIN THIS SUBDIVISION FOR INSTALLATION, ACCESS, MAINTENANCE, AND REPAIR OF ALL UTILITIES INCLUDING NATURAL GAS, CABLE TV, TELEPHONE, WATER, POWER, SEWER AND DRAINAGE IMPROVEMENTS.
- ALL LOTS HAVE A 10.0 FOOT GARAGE SETBACK AS SHOWN AS A DASHED LINE WITHIN EACH PRIVATE AREA.

SURVEYOR'S CERTIFICATE:

I, BRANDON E. ANDERSON, PROFESSIONAL LAND SURVEYOR NUMBER 4938716, HOLD A LICENSE IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING ACT AND HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED HEREON IN ACCORDANCE WITH SECTION 17-23-17 AND HEREBY CERTIFY ALL MEASUREMENTS AND DESCRIPTIONS ARE CORRECT. MONUMENTS WILL BE SET AS REPRESENTED ON THIS PLAT I FURTHER CERTIFY THAT BY AUTHORITY OF THE HEREON OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND HAVE SUBDIVIDED THE SAME TRACT INTO LOTS, COMMON AREA & PUBLIC STREETS TO BE HEREINAFTER KNOWN AS:

SUN RIVER FIRELIGHT - PHASE 2

THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND POINTS ESTABLISHED ON THE GROUND IN ACCORDANCE WITH THE HEREON LEGAL DESCRIPTION.



DATE: _____

BRANDON E. ANDERSON

CERTIFICATE NO. 4938716

MORTGAGEE CONSENT TO RECORD:

J. SCOTT LEWIS & ASSOCIATES, INC., A MORTGAGEE OF THE ABOVE TRACT OF LAND DOES HEREBY GIVE CONSENT OF SAID TRACT OF LAND TO BE USED FOR THE USES AND PURPOSES DESCRIBED IN THE PLAT, TO RECORDING PLAT, RECORDING OF COVENANTS, CONDITIONS AND RESTRICTIONS AND JOINS IN ALL DEDICATIONS AND CONVEYANCES.

J. SCOTT LEWIS - PRESIDENT

CORPORATION ACKNOWLEDGMENT:

STATE OF UTAH } S.S.
COUNTY OF WASHINGTON

ON THE _____ DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME J. SCOTT LEWIS, WHO BEING BY ME DULY SWORN DID SAY THAT HE IS THE PRESIDENT OF J. SCOTT LEWIS & ASSOCIATES, INC., A UTAH CORPORATION, AND THAT HE EXECUTED THE FOREGOING MORTGAGEE CONSENT ON BEHALF OF SAID CORPORATION BY AUTHORITY OF A RESOLUTION OF ITS BOARD OF DIRECTORS AND HE DID ACKNOWLEDGE TO ME THAT THE CORPORATION EXECUTED THE SAME FOR THE PURPOSES STATED THEREIN.

FULL NAME SIGNATURE: _____

FULL NAME PRINT: _____

COMMISSION NO.: _____

EXPIRATION DATE: _____

A NOTARY PUBLIC COMMISSIONED
IN THE STATE OF _____

(STAMP NOT REQUIRED PER UTAH CODE 46-1-16 (6) IF ABOVE INFORMATION IS FILLED IN)

LEGEND:

- NOTHING SET OR FOUND
 - ◆ FOUND SECTION MONUMENTATION AS SHOWN AND DESCRIBED
 - SET CORNER - 5/8" X 20" REBAR & PLASTIC CAP - ROSENBERG ASSOCIATES
 - ⊕ SET STANDARD CITY SURVEY MONUMENT - CLASS I
 - ⊕ SET STANDARD CITY SURVEY MONUMENT - CLASS II
 - ⊕ FOUND SURVEY CONTROL MONUMENT - CLASS II
 - ▲ SET NAIL & WASHER AT THE EXTENSION OF THE LOT LINE IN CURB
 - ⊕ FOUND SURVEY CONTROL MONUMENT - CLASS I
- SUN RIVER FIRELIGHT - LIMITED COMMON AREAS
 - SUN RIVER FIRELIGHT - COMMON AREAS
 - PRIVATE AREA

THE FINAL PLAT FOR
SUN RIVER FIRELIGHT
- P H A S E 2 -

LOCATED IN SECTION 3, & SECTION 10,
TOWNSHIP 41 SOUTH, RANGE 13 WEST,
SALT LAKE BASE AND MERIDIAN
TOQUERVILLE | WASHINGTON COUNTY | UTAH

SHEET 1 OF 2



352 EAST RIVERSIDE DRIVE, SUITE A-2, ST. GEORGE, UTAH 84790
PH (435) 673-8586 FX (435) 673-8397 • WWW.RACIVIL.COM

SURVEY-FLAT-PH-2 FILE NUMBER:	7/29/2022 DATE:	C.G.A. DRAWN:
11573-22-010 JOB NUMBER:	SCALE:	B.E.A. CHECKED:

APPROVAL ASH CREEK
SPECIAL SERVICE DISTRICT

I HEREBY VERIFY THAT THIS OFFICE EXAMINED THIS FINAL PLAT AND HEREBY RECOMMENDS APPROVAL ON THIS _____ DAY OF _____, 20____.

SUPERINTENDENT

APPROVAL OF THE
PLANNING COMMISSION

THE COMMISSION, HAVING REVIEWED THIS FINAL PLAT, HEREBY RECOMMENDS APPROVAL ON THIS _____ DAY OF _____, 20____.

PLANNING COMMISSION CHAIRMAN
TOQUERVILLE CITY

CITY ENGINEER APPROVAL

I HEREBY VERIFY THAT THIS OFFICE EXAMINED THIS FINAL PLAT AND HEREBY RECOMMENDS APPROVAL ON THIS _____ DAY OF _____, 20____.

CITY ENGINEER
TOQUERVILLE CITY

CITY ATTORNEY APPROVAL

APPROVED AS TO FORM, THIS THE _____ DAY OF _____, 20____.

CITY ATTORNEY
TOQUERVILLE CITY

APPROVAL AND ACCEPTANCE
BY TOQUERVILLE CITY, UTAH

WE THE CITY OF TOQUERVILLE HAVE REVIEWED THIS FINAL PLAT AND APPROVED IT ON THIS THE _____ DAY OF _____, 20____ WITH ALL COMMITMENTS AND OBLIGATIONS PERTAINING THERETO.

ATTEST: CITY RECORDER
TOQUERVILLE, UTAH

MAYOR
TOQUERVILLE, UTAH

TREASURER APPROVAL

I, WASHINGTON COUNTY TREASURER, CERTIFY ON THIS _____ DAY OF _____, A.D., 20____, THAT ALL TAXES, SPECIAL ASSESSMENTS, AND FEES DUE AND OWING ON THIS SUBDIVISION FINAL PLAT HAVE BEEN PAID IN FULL.

WASHINGTON COUNTY TREASURER

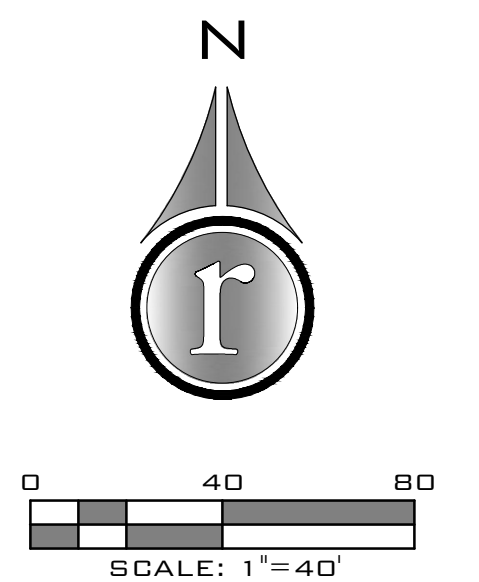
RECORDED NUMBER

WASHINGTON COUNTY RECORDER

SURVEY-FPLAT-PH-2	7/29/2022	C.G.A.
FILE NUMBER:	DATE:	DRAWN:
11573-22-010	1" = 40'	B.E.A.
JOB NUMBER:	SCALE:	CHECKED:

LEGEND:

- NOTHING SET OR FOUND
- ◆ FOUND SECTION MONUMENTATION AS SHOWN AND DESCRIBED
- SET CORNER - 5/8" X 20" REBAR & PLASTIC CAP - ROSENBERG ASSOCIATES
- ⊕ SET STANDARD CITY SURVEY MONUMENT - CLASS I
- ⊕ SET STANDARD CITY SURVEY MONUMENT - CLASS II
- ⊕ FOUND SURVEY CONTROL MONUMENT - CLASS II
- ⊕ SET NAIL & WASHER AT THE EXTENSION OF THE LOT LINE IN CURB
- ⊕ FOUND SURVEY CONTROL MONUMENT - CLASS I
- ▨ SUN RIVER FIRELIGHT - LIMITED COMMON AREAS
- SUN RIVER FIRELIGHT - COMMON AREAS
- ▨ PRIVATE AREA



SRC LAND HOLDINGS LLC
PARCEL NO. T-129-PV1

NORTHWEST CORNER
SECTION 10, T41S, R13W, SLB&M
(FOUND 1978 3" BLM BRASS CAP)

BASIS OF BEARING

N 87°55'14" W 2653.16' (COR. TO COR.)

N 7°29'37" E 58.52'

1930.19' (TIE)

(COR. TO COR.)

N 82°30'23" W 107.00'

S 7°29'37" W 11.32'

N 82°30'23" W 30.00'

S 88°03'47" W 69.72'

S 82°25'14" W 69.72'

S 79°06'51" W 226.09'

S 67°28'40" W 30.00'

L=7.93', R=892.00', D=0°30'34"

L=22.72', R=2162.00', D=0°36'08"

L=21.60', R=2055.00', D=0°36'08"

L=30.25', R=785.00', D=22°51'49"

L=30.25', R=785.00', D=22°51'49"

L=30.25', R=785.00', D=22°51'49"

L=30.25', R=785.00', D=22°51'49"

L=30.25', R=785.00', D=22°51'49"

L=30.25', R=785.00', D=22°51'49"

L=30.25', R=785.00', D=22°51'49"

L=30.25', R=785.00', D=22°51'49"

L=30.25', R=785.00', D=22°51'49"

L=30.25', R=785.00', D=22°51'49"

L=30.25', R=785.00', D=22°51'49"

L=30.25', R=785.00', D=22°51'49"

L=30.25', R=785.00', D=22°51'49"

L=30.25', R=785.00', D=22°51'49"

L=30.25', R=785.00', D=22°51'49"

L=30.25', R=785.00', D=22°51'49"

FOUND CLASS I SURVEY MONUMENT AT INTERSECTION OF MESA AVENUE & COTTONWOOD DRIVE

THESE LINES SEPARATE LIMITED COMMON AREAS AND DO NOT REPRESENT FEE SIMPLE LOT LINES (TYP.)

P.O.B.

722.97' (TIE)

NORTH 1/4 CORNER
SECTION 10, T41S, R13W, SLB&M
(FOUND 1979 3" BLM BRASS CAP)

THE FINAL PLAT FOR
SUN RIVER FIRELIGHT
- P H A S E 2 -

LOCATED IN SECTION 3, & SECTION 10,
TOWNSHIP 41 SOUTH, RANGE 13 WEST,
SALT LAKE BASE AND MERIDIAN
TOQUERVILLE | WASHINGTON COUNTY | UTAH

Exhibit "A"

Beginning at the Northeast corner of Lot 46 of Sun River Firelight Phase 1, said point being North 87°55'14" West 722.97 feet along the section line and North 69.19 feet from the North 1/4 Corner of Section 10, Township 41 South, Range 13 West, Salt Lake Base & Meridian, and running;

thence the following description being bounded by Sun River Firelight Phase 1, being more particularly described as follows:

thence South 66°21'59" West 107.00 feet;
thence Northwest 22.72 feet along an arc of a 2,162.00 foot radius curve to the right (center bears North 66°21'59" East, long chord bears North 23°19'57" West 22.72 feet with a central angle of 00°36'08");
thence Northwest 7.93 feet along an arc of a 892.00 foot radius curve to the right (center bears North 66°58'07" East, long chord bears North 22°46'37" West 7.93 feet with a central angle of 00°30'34");
thence South 67°28'40" West 30.00 feet;
thence South 79°06'51" West 226.09 feet;
thence South 82°25'14" West 69.72 feet;
thence South 88°03'47" West 77.32 feet;
thence North 82°30'23" West 30.00 feet;
thence South 07°29'37" West 11.32 feet;
thence North 82°30'23" West 107.00 feet;
thence North 07°29'37" East 58.52 feet;
thence North 342.81 feet along an arc of a 988.00 foot radius curve to the left (center bears North 82°29'10" West, long chord bears North 02°25'35" West 341.09 feet with a central angle of 19°52'48");
thence North 12°20'46" West 40.75 feet;
thence North 32°34'53" East 28.32 feet;
thence North 77°30'33" East 177.26 feet;
thence North 84°46'33" East 59.55 feet;
thence North 65°52'09" East 22.46 feet;
thence North 78°00'43" East 41.00 feet;
thence North 88°14'49" East 22.39 feet;
thence North 75°07'11" East 59.24 feet;
thence East 48.36 feet along an arc of a 582.00 foot radius curve to the right (center bears South 04°55'42" East, long chord bears North 87°27'07" East 48.34 feet with a central angle of 04°45'38");
thence North 89°49'55" East 131.35 feet;
thence South 45°10'05" East 28.28 feet;
thence South 00°10'05" East 123.70 feet;
thence South 313.25 feet along an arc of a 785.00 foot radius curve to the left (center bears North 89°49'55" East, long chord bears South 11°35'59" East 311.18 feet with a central angle of 22°51'49");
thence Southeast 21.60 feet along an arc of a 2,055.00 foot radius curve to the left (center bears North 66°58'07" East, long chord bears South 23°19'57" East 21.60 feet with a central angle of 00°36'08") to the Point of Beginning.



August 1, 2022

PROPERTY OWNER
AFFIDAVIT & AGENT AUTHORIZATION

STATE OF UTAH)
)ss:
COUNTY OF _____)

AFFIDAVIT

I (we), DARCY STEWART, being duly sworn, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements therein contained and the information provided identified in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I (we) also acknowledge that I have received adequate instructions regarding the process for which I (we) am (are) applying and the Toquerville City Planning Staff has advised me that they are available to answer questions should I need assistance.

SUN RIVER FIRELIGHT Ph. 2

AGENT AUTHORIZATION

(Note: Do not complete if you will be representing yourself(vcs))

I (we), DARCY STEWART, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) SCOTT C. MCCALL to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body of the City considering this application and to act in all respects as our agent in matters pertaining to the attached application.

Darcey Stewart
(Property Owner)

(Property Owner)

ACKNOWLEDGEMENT

Subscribed and sworn to me this 20 day of May 2024 by the above-reference Property Owner(s).

Shawnee Cardinal
(Notary Public)



PROFESSIONAL SERVICES AGREEMENT
WITH TOQUERVILLE CITYThis agreement is entered into this 20 day of May, 2024 betweenFirelight Development Inc

(Applicant's Name)

1404 West Sun River Pkwy St. George UT 84790

(Applicant's Address)

(hereinafter referred to as "Professional Services Agreement"), and the City of Toquerville, a municipal corporation of the State of Utah, located in Washington County (hereinafter referred to as the "City"). Applicant(s), on behalf of it/himself, its/his heirs, successors and assigns, hereby acknowledges covenants and agrees that:

- 1) Applicant(s) has received and read a copy of the Toquerville City Code, _____ and shall in all respects comply with the provisions contained therein and pay for all additional professional fees.
- 2) In the event that legal action is required to be taken by Toquerville to enforce the terms of this agreement, Applicant(s) agrees that it/he shall be liable to pay all such legal costs and expenses incurred by Toquerville, including, court costs, and a reasonable attorney's fee.
- 3) Applicant(s) agrees to pay all fees associated with this application as outlined in the current Land Use Fee Schedule.

DATED this 20 day of May, 2024.Scott C. McCall

Applicant

Applicant

City Representative,

Title

STATE OF UTAH)

: ss.

COUNTY OF WASHINGTON)

On the 20 day of May 2024, Scott C. McCall, personally appeared before me, the signer(s) of the above instrument, who duly acknowledged to me that he/she executed the same on behalf of the applicant.

Shawnee Cardinal
NOTARY PUBLIC

(Office Use:)

Received by: _____



TOQUERVILLE CITY

ORDINANCE 2024.03

AN ORDINANCE AMENDING AND RESTATING IN ITS ENTIRETY OF ARTICLE B, CHAPTER 18, OF TITLE 10 OF THE TOQUERVILLE CITY CODE ELIMINATING THE MULTIPLE USE ZONING DISTRICT AS A POSSIBLE ZONING DISTRICT WHERE AN EXTRACTION INDUSTRIES OVERLAY ZONING DESIGNATION COULD BE APPLIED FOR AND PERMITTED.

RECITALS

WHEREAS Toquerville City ("the City") is a Utah municipal corporation and political subdivision of the State of Utah and as such, holds the delegated police powers under the Utah Constitution to act as the Land Use Authority within its municipal boundaries - with the power to regulate those items set forth in Utah Code Ann. § 10-9a-102(2).

WHEREAS the City, by and through its legislative body, the Toquerville City Council ("City Council"), is required to enact all necessary land use regulations as required by Utah Code Ann. § 10-9a-501.

ORDINANCE

NOW THEREFORE, be it ordained by the City Council of Toquerville City, State of Utah as follows:

1. AMENDMENT AND RESTATEMENT OF ARTICLE B, CHAPTER 18, TITLE 10 OF THE TOQUERVILLE CITY CODE. Article B (Grading Permit) of Chapter 18 (Permits Required) of Title 10 (Land Use Regulations) of the Toquerville City Code is hereby amended and restated in its entirety as follows:

ARTICLE B. GRADING PERMIT SECTION:

- 10-18B-1: Permit Required; Exceptions***
- 10-18B-2: Review Process***
- 10-18B-3: Standards For Review***
- 10-18B-4: Discharge Prohibitions***
- 10-18B-5: Dust Control***
- 10-18B-6: Disposal Of Cleared Vegetation***
- 10-18B-7: Nonconstruction Areas Protected***
- 10-18B-8: Underground Public Utilities Protected***
- 10-18B-9: Grading Operations***
- 10-18B-10: Historic Or Prehistoric Ruins***
- 10-18B-11: Expiration/Annual Review***
- 10-18B-12: Enforcement***

10-18B-1: PERMIT REQUIRED; EXCEPTIONS:

A. General Requirement: No person shall commence or perform any grading, excavation, filling or clearing of land without first having obtained a permit from

the Zoning Administrator or City Designee and ascertaining the existence and location of any underground utilities. No grading permit shall be issued except in connection with a permitted use allowed within the zoning district in which the property that is to be graded, filled or cleared is located. Any such permitted use that requires a building permit or other approval as provided by this Title, such as home construction or a commercial site or a subdivision, must obtain approval as provided under this Title before a grading permit may be issued. All grading plans submitted for approval must be prepared by a professional engineer licensed in the State of Utah.

B. Exemptions:

1. Agricultural: Grading, excavation, filling or clearing for agricultural purposes within an agricultural zone, that does not negatively impact adjacent property in regards to drainage, shall be exempt from a grading permit. Grading, excavation, etc., associated with nonagricultural uses or construction, in an agricultural zone, shall require a grading permit.

2. Residential Landscaping: Minor grading or clearing associated with landscaping projects for single-family residential uses, that do not negatively impact adjacent property in regards to drainage, shall be exempt from a permit requirement.

3. Non-disturbance of Natural Grade: Minor Grading (residential), excavation, filling or clearing that does not disturb the natural grade of more than two thousand (2,000) square feet or result in a change to the natural grade, shall be exempt from permit requirements.

4. Public Facility Projects: Grading required to construct Public Facilities including roadways and utility improvements approved by the City Council shall be exempt from permit requirements.

C. Scope of Permit: A grading permit and the approved grading plan is intended to be utilized for grading purposes only and is not to be used for the purpose of constructing on-site or off-site improvements. Issuance of a grading permit based on an approved grading plan does not constitute approval of driveway locations or sizes, parking lot structural sections or layout of any structure, ADA-related requirements, building locations or foundations, walls, curbing, off-site drainage facilities or other items not related directly to the basic grading operation. On-site and off-site improvements shall be constructed from construction plans and drawings approved by the City.

D. Stockpiling of material is prohibited under the exclusive use of this Article.

10-18B-2: REVIEW PROCESS:

A. Application and Review Process: Grading permit application forms may be obtained from the City and shall be submitted to the Zoning Administrator or City Designee. Applications must be signed by the property owner. If an agent is applying for the grading permit, an Affidavit from the owner that gives the agent the authority to apply for the grading permit is required. The following must be included in the grading permit application:

1. Minor Grading: "Minor Grading" is defined as grading, excavation, filling, or clearing that disturbs the natural grade of more than two thousand (2,000) square feet but not more than one thousand (1,000) cubic yards. Prior to the commencement of any Minor Grading, an applicant will submit a "Minor Grading Plan and Drainage Plan" consisting of the following:

- a. *Location of the site.*
 - b. *Name of the owner/applicant.*
 - c. *A statement of the credentials of the person who prepared the plan.*
 - d. *Date the plan was prepared.*
 - e. *A general vicinity of the proposed site.*
 - f. *Limiting dimensions and depth of cut and fill.*
 - g. *Location of any buildings or structures where work is to be performed and the location of any buildings or structures within 30 feet of the proposed grading.*
 - h. *Typical cross-section of the cuts/fills resulting from excavation and grading work.*
 - i. *Retaining walls greater than 4 ft in height or creating slopes steeper than 2 horizontal to 1 vertical must be engineered.*
 - j. *Additional items as required by the city.*
2. *Engineered Grading: "Engineered Grading" is defined as grading, excavation, filling, or clearing that disturbs the natural grade of more than one thousand (1,000) cubic yards. Prior to the commencement of any Engineered Grading, an applicant must submit an "Engineered Grading Plan and Drainage Plan" consisting of the following:*
- a. *All submitted plans and specifications must be stamped and signed by a professional civil engineer licensed in the State of Utah.*
 - b. *Anticipated schedule of commencement of proposed excavation and grading.*
 - c. *Plans shall indicate the nature and extent of the work to be performed and that the work will conform to the most current version of the Uniform Building Code, the details outlined in the most current version of the International Building Code, and all relevant laws, ordinances, rules, and regulations and shall contain the following:*
 - i. *The first sheet of each set of the plans shall indicate the location of the work, name and address of the owner, a statement of the credentials of the engineer who prepared the plans and the date the plan was prepared including revision dates.*
 - ii. *General vicinity of the proposed site.*
 - iii. *Property limits and accurate contours of existing ground and details of terrain.*
 - iv. *Existing Ground Slope Map for the proposed site.*
 - v. *Limiting dimensions, elevations, or finish contours to be achieved by the grading and proposed drainage channels and related construction.*
 - vi. *Typical cross-sections of cuts/fills resulting from excavation and grading work.*
 - vii. *Details of surface and subsurface drainage devices, retaining walls, cribbing, dams, etc. to be constructed with or as a part of the proposed work.*
 - viii. *A Drainage Study.*
 - ix. *Location of any existing buildings or structures on the site and the location of any buildings or structures on adjacent property which is within 30 feet of the site or which may be affected by the proposed grading.*

- x. *A soils engineering report with the recommendations incorporated in the plans and specifications. Soils engineer shall acknowledge that plans are in accordance with the soils report by stamping and signing the plan or by letter.*
- xi. *An erosion control plan stamped and signed by a professional civil engineer licensed in the State of Utah.*
- xii. *SWPPP prepared by a stormwater inspector certified in the State of Utah.*
- xiii. *A permanent erosion control plan addressing the final conditions of the site in accordance with the current maintenance policy.*
- xiv. *State of Utah – NOI.*
- xv. *A fugitive dust plan implementing best management practices for permanent and ongoing dust control including the installation of an air quality index monitor whose data is readily accessible to the City.*
- xvi. *A detailed narrative containing:*
 - A. *An estimate of the volumes, in cubic yards, of cut and/or fill and the area of the site to be graded.*
 - B. *A statement regarding the phasing and timing of any grading activities. If the applicant/permittee needs to grade materially out of sequence, or fails to grade in sequence, as identified in the narrative and the Engineered Grading Plan, the City reserves the ability to invoke its enforcement rights as set forth in 10-18B-12.*
 - C. *A statement concerning the ultimate disposition of any excess dirt that shall remain within City limits. Any location within the City limits used for the disposal of excess dirt shall require a separate grading permit application and issuance of a separate grading permit for the receiving site.*
 - D. *A description of equipment and methods to be employed in the grading process.*
- xvii. *Any additional information reasonably deemed necessary by the City.*
- d. *In addition, the grading plan shall contain an estimate of the volumes, in cubic yards, of cut and/or fill and area of site to be graded.*
- e. *Any location within the city limits used for import of excess dirt shall require a separate grading permit application and issuance of a separate grading permit for the receiving site.*
- 3. *Proof of land ownership in the form of a recorded deed or grant, recorded plat or title insurance policy not older than sixty (60) days at time of application.*
- 4. *Payment of the required grading plan review and permit fees in accordance with the City's Consolidated Uniform Fee Schedule.*
 - B. *Multiple Engineered Grading Sites: For any grading which shall require export or import of materials from or to other non-contiguous sites within City limits, a grading permit shall be obtained for each grading site.*
 - C. *City Review: The Zoning Administrator or City Designee shall determine the adequacy of the application and may require the submission of further information where necessary.*
 - D. *Inspections: All construction or work for which a permit is required shall be subject to inspection at all reasonable times by the Zoning Administrator and*

Public Works inspector. The Zoning Administrator and Public Works Inspector may make any inspections of any construction work deemed necessary to ascertain compliance with the provisions of this article and other ordinances which are applicable. The permittee shall notify the Zoning Administrator and Public Works inspector when grading reaches completion and prior to being covered or concealed by additional work. Whenever any work on which inspections are required is covered or concealed by additional work without first having been inspected, the Zoning Administrator or City Designee may require, through written notice, that such work be exposed for examination. The work of exposing and recovering shall be an expense of the permittee requiring the inspection.

E. Grading Bond: In reviewing a grading permit application, the Zoning Administrator or City Designee may require the applicant/permittee to post a grading bond, in the form of (i) a cash deposit or (ii) an irrevocable letter of credit, from a licensed and insured financial institution in favor of the City in an amount sufficient to cover ten percent (10%) of the cost to perform the grading identified in the grading and drainage plan. The cost of grading shall be determined by either an approved engineer's estimate of cost or an accepted bid from a licensed and bonded contractor who will be performing the grading work. The purpose of the grading bond is to ensure that the graded area maintains a level of appearance and stability as determined by the City. The City will approve the cost breakdown for the proposed bond prior to the City accepting said bond. Once the City approves the cost breakdown, the applicant will be required to provide the bond in the amount shown. Said bond must also comply with any applicable provisions in Section 10-5-3, "Security For Completion" of this Title. Further, if one or more of the following instances are present, a grading bond in the form described above shall be mandatory:

- 1. Grading that is to occur within any area that is designated as part of the City's Hillside Development Overlay Zone will need to comply with (10-16A-1 et seq of this Title);*
- 2. Any off-site grading will require the written permission of one or more adjacent property owners;*
- 3. Any project in which on-site drainage structures/storm drain system connects to a City storm drain and drainage facilities are constructed in concurrence with grading plan;*
- 4. Any grading plan in which the scope of work increases the potential to transport silt/sediment into a public right of way and/or the City's storm drain system;*
- 5. Any grading plan in which the scope of work would create a public safety risk in event of work stoppage;*
- 6. Any grading plan in which the Zoning Administrator or City Designee reasonably determines would create an increased risk of possible damage or injury to residents or Public Facilities of the City; and/or*
- 7. Grading that shall require any export or import of materials from any source.*

10-18B-3: STANDARDS FOR REVIEW:

All grading, filling and clearing operations which are allowed under this Article shall be consistent with Section 10-21-9 of this Title, and shall be designed to:

- A. Minimize cuts and fills on steep or hazardous terrain.*
- B. Eliminate scars from cuts and fills, and preserve the natural scenic beauty of the area, such as by rounding off sharp angles at the top, toe and sides of cut and fill slopes to preserve, match or blend with the natural contours and undulation of the land, and by retaining trees, brush and other native vegetation where possible.*
- C. Limit clearing of vegetation or disturbances of the soil to those areas of proven stability, taking into consideration geologic hazards and soil conditions.*
- D. Assure that the natural runoff capacity of hillsides, slopes, graded areas, cleared areas, filled areas or streams will not be exceeded, causing flooding, erosion or silting greater than that which would have occurred if the land had been left in its natural state.*
- E. Whether or not the proposed grading will occur within a designated flood plain which will require a separate permit from the City's Certified Flood Plain Administrator.*

10-18B-4: DISCHARGE PROHIBITIONS:

- A. Scope: No solid or liquid waste materials, including soil, silt, clay, sand and other organic or earthen materials shall be discharged, either during the course of the grading process or as a result of changes created by the grading process covered under the permit into any creeks or streams, onto lands below the high water level of the same, or onto adjoining property.*
- B. Control Devices: In order to prevent such discharges from occurring, approved erosion and siltation control devices may be required by the Zoning Administrator or City Designee for all grading and filling.*

10-18B-5: DUST CONTROL:

Whenever the native ground cover is removed or disturbed, or whenever fill material is placed on the site, the exposed surface shall be treated to eliminate dust arising from the exposed material. The Zoning Administrator or City Designee must approve dust control methods. All dust control measures must meet local, state, and federal standards.

10-18B-6: DISPOSAL OF CLEARED VEGETATION:

Vegetation removed during clearing operations shall be disposed of in a manner approved by the Zoning Administrator or City Designee.

10-18B-7: NONCONSTRUCTION AREAS PROTECTED:

- A. There shall be no excavation on the site before the Zoning Administrator or City Designee has approved the location (stakeout) of the drives, parking sites, building sites and other areas to be graded or filled.*
- B. Construction equipment shall be limited to the actual area to be graded according to the approved plans. No vehicle of any kind shall pass over areas to be left in their natural state according to the approved plans.*
- C. Appropriate barriers around all native vegetation proposed for retention may be required to be erected during construction.*
- D. The permittee shall be fully responsible for any damage caused to existing trees or other vegetation. The permittee shall carry the responsibility both for his own employees and for any and all subcontractors from the first day of*

construction until the notice of completion is filed.

10-18B-8: UNDERGROUND PUBLIC UTILITIES PROTECTED:

The contractor shall ascertain and verify the location of any public underground utilities that may be on the property before doing any grading excavation, and once located, he shall take reasonable care to protect and avoid damage to any such underground utilities by allowing forty eight (48) hours for such utilities to be located. Any and all damage caused to public utilities by any act or negligence of the contractor's employees shall be repaired at the contractor's expense to the satisfaction of the utility company and/or the City.

10-18B-9: GRADING OPERATIONS:

A. Hours of operation shall not begin before seven (7:00) AM, and shall not continue after the hour of seven (7:00) PM. No operations shall take place on Sunday or holidays recognized by the State of Utah. Upon request, the Zoning Administrator or City Designee may approve modifications to the date and hours of operation.

B. All grading shall comply with standard engineering specifications for slope stabilization in accordance with the geotechnical recommendations included with the application, and all other applicable City ordinances. Slopes shall be maintained in a manner that will prevent erosion damage on adjacent properties.

C. The grading operation cannot exceed the boundary of the approved Minor Grading Plan or Engineered Grading Plan (as applicable). No grading may occur on any site for which there is no approved Minor Grading Plan, Engineered Grading Plan, or qualified exemption.

10-18B-10: HISTORIC OR PREHISTORIC RUINS:

A. No grading, filling, clearing of vegetation, operation of equipment or disturbance of the soil shall take place in areas where any historic, prehistoric ruins, monuments or objects of antiquity are present.

B. The grading plan shall indicate all such historic or prehistoric areas on the site and shall indicate the measures that will be taken to protect such areas. Should excavation uncover or discover any historic or prehistoric ruins or monuments or object of antiquity which were not known at the time of the submittal of the grading plan, all work in the immediate area shall cease until the building department shall determine what precautions should be taken to preserve the historic artifacts.

10-18B-11: ANNUAL REVIEW/EXPIRATION:

A. The Zoning Administrator or City designee shall review approved grading permits annually from the date of approval.

B. Approval of a grading permit shall be valid for one (1) year from the date of approval. If the approved grading on the site is not completed within one (1) year of the date of approval, the City reserves the ability to invoke its enforcement rights as set forth in 10-18B-12.

C. An applicant may request a one (1) year extension prior to the expiration of the grading permit approval. The grading permit approval cannot be extended beyond a total of (5) years.

10-18B-12: ENFORCEMENT:

A. If an applicant/permittee fails to comply with any requirement of the approved grading plan, the Zoning Administrator or City designee shall have the right to:

- 1. Order the applicant/permittee to cease and desist from all further grading activities.**
- 2. Require applicant/permittee to submit a new Engineered Grading Plan or any element thereof before they are allowed to recommence grading activities.**
- 3. Call upon the Grading Bond to accomplish completion or reclamation of the grading activities or the grading site.**

B. A violation of this Article shall constitute a land use violation and shall be enforced according to Section 10-5-4 of this Title.

2. **REPEALER.** All ordinances, resolutions and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency and only for the period of time this Ordinance remains effective. This Repealer shall not be construed as reviving any law, order, resolution or ordinance or part thereof.

3. **SEVERABILITY.** Should any provision, clause or paragraph of this Ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this Ordinance or the Toquerville City Code to which these amendments apply. The valid part of any provision, clause or paragraph of this Ordinance shall be given independence from the invalid provisions or applications and to this end the parts, sections and subsections of this Ordinance, together with the regulations contained therein, are hereby declared to be severable.

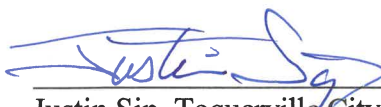
4. **EFFECTIVENESS.** This Ordinance shall become effective immediately upon approval by the City Council.

ADOPTED AND APPROVED BY THE TOQUERVILLE CITY COUNCIL this 6th day of March 2024, based upon the following vote:

Councilmember:

Gary Chaves	AYE	✓	NAE	_____	ABSTAIN	_____	ABSENT	_____
John 'Chuck' Williams	AYE	✓	NAE	_____	ABSTAIN	_____	ABSENT	_____
Joey Campbell	AYE	_____	NAE	✓	ABSTAIN	_____	ABSENT	_____
Todd Sands	AYE	✓	NAE	_____	ABSTAIN	_____	ABSENT	_____
Wayne Olsen	AYE	_____	NAE	✓	ABSTAIN	_____	ABSENT	_____

TOQUERVILLE CITY
a Utah Municipal Corporation


Justin Sip, Toquerville City Mayor

Attest:


Daisy Fuentes, Toquerville City Recorder

EST. 1858



TOQUERVILLE CITY

Planning Commission Policies and Procedures Manual

April 2024

FOREWORD

In the course of serving as a public official, you will be involved with numerous issues. This Handbook attempts to centralize information on common issues related to Toquerville City's form of government and your role as an Appointed Official.

The issues addressed are often complex and sometimes subjective. Thus, this Handbook is intended only as a guide and is not a substitute for the counsel, guidance, or opinion of City Staff or the City Attorney, nor is it intended to supersede any City ordinance or other applicable law. Any failure to follow a procedure described in this Handbook shall not invalidate any action taken by the Commission, except as may be otherwise provided by law.

TABLE OF CONTENTS

1.	Toquerville City's Form of Government	
1.1	Power and Authority	1
1.2	The Form of Municipal Government	1
1.3	Fifth Class City	1
2.	The Planning Commission and Chairman	
2.1	Appointing of the Chairman	
2.2	Appointing of Commission Members	3
2.3	Commission Integrity	3
2.4	Commission Members Represent the City and Act as a Body	4
2.5	Powers and Duties	5
	2.5.1 Planning Commission Chairman	7
	2.5.2 Planning Commission Members	7
2.6	Relationship to City Staff	8
2.7	Relationship with the City Attorney	
2.8	Compensation	8
3.	Social Media, Electronics, & GRAMA	
3.1	Application	
3.2	Email Policy	9
3.3	Records	10
3.4	GRAMA	10
3.5	Social Media Policy	10
3.6	Electronics	10
4.	Development Process Policy	
4.1	Establishment	11
4.2	Development Meeting Schedule	11
4.3	Proper Procedures	11
5.	Ethics Rules	
5.1	Compliance	12
5.2	Withdrawal Due to Conflict of Interest	12
5.3	Ethics Review Commission	13
5.4	Standards of Conduct	13
5.5	Disclosure of Requirements	14
6.	Vehicle Policy	
7.	Public Meetings	
7.1	Public Meetings	15
7.2	Location	15

7.3	Quorum	15
7.4	Recognition by the Chairman	15
8.	Types of Meetings	
8.1	Regular Meetings	15
8.2	Special Meetings	16
8.3	Record of Proceedings	16
8.4	Conduct of Meetings and Order of Business	16
8.5	Electronic Meetings	16
8.6	Force Majeure Exception	18
9.	Order of Business	
9.1	Order of Business	18
9.2	Emergency Meetings	20
9.3	Work Meetings	20
9.4	Items for the Agenda Deadline	21
10.	Presiding Officer and Duties	
10.1	Chairman as the Presiding Officer	21
10.2	Call to Order	21
10.3	Preservation of Order	21
10.4	Points of Order	22
10.5	Time Limits	22
10.6	Substitution for the Chairman	22
10.7	Motion to be Clear	22
10.8	Call for Vote	22
10.9	Input from Public in Absence of Public Hearing	22
11.	Types of Motions and Reconsideration	
11.1	Motions Require a Second	22
11.2	Motions Requiring a Two-Thirds Vote	23
11.3	Motion to Approve	23
11.4	Amendments to Pending Motion	23
11.5	Motions to Continue	23
11.6	Motions to Table	24
11.7	Motions which do not receive at least three votes on either side	24
11.8	Motions to Reconsider a Decision	24
11.9	Question on the Motion	25
11.10	Withdrawal or Substitution of Motion	25
11.11	Minutes of Action on Motion	25
12.	Public Hearings	
12.1	Purpose of Public Hearings	25
12.2	Before the Public Hearing	25

12.3	Order of Public Hearings	26
12.4	Manner of Addressing the Planning Commission	26
12.5	Questions from Planning Commission Members	27
13.	Rules of Conduct During Public Meetings	
13.1	Disorderly Citizens	27
13.2	Disorderly Planning Commission Members or Chairman	27
	City Organizational Flow Chart	28

1. Toquerville City's Form of Government

1.1 Power and Authority

As a political subdivision of the state, the powers of the City spring from the Utah Constitution and from powers specifically given it by the State Legislature. The State of Utah's enabling acts are generally found in Title 10 (the Utah Municipal Code) of the Utah Code (UCA). One of those powers, commonly known as the "police power" is the power to "pass all ordinances and rules . . . as are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the city and its inhabitants, and for the protection of property in the city." See UCA 10-8-84. The Utah Supreme Court has held that this power is to be broadly interpreted unless specifically preempted or limited by state law. *State v. Hutchinson*, 624 P.2d 1116 (Utah Sup.Ct. 1980).

1.2 Form of Municipal Government

Toquerville City operates under the six (6) member Council, one of whom is the Mayor, with all the powers, authority, duties, functions, and responsibilities provided for said offices by the Utah Constitution and Title 10 of the Utah Code Annotated (including, but not limited to, Sections 10-3b-101 et seq., and 10-3b-301 et seq., Utah Code Annotated, except as otherwise provided herein.) Toquerville City Code 1-7-2.

1.3 Fifth Class City

With a population greater than 1,000 and less than 10,000 residents, Toquerville City is classified by state law as a city of the fifth class.

2. The Planning Commission and Chairman

2.1 Appointing of the Chairman

The Planning Commission Chairman is appointed for terms of one year. Appointment by the Planning Commission will take place at the last meeting of the calendar year to take effect January 1 of the following year in accordance with Toquerville City Code 10-3-1.

2.2 Appointing of Planning Commission Members

Planning Commission members are appointed for terms of five years, which are staggered. One term expires each year on December 31st. One seat is appointed each year in accordance with Toquerville City Code 10-3-1.

2.3 Commission Integrity

All Commission Members should abide by the following standards:

- Demonstrate honesty, integrity, and courtesy in every action, statement, and meeting.
- Remarks made should only apply to the item under debate.
- Avoid reference to personalities, and refrain from questing motives of other members of staff or personnel.
- Comply with both the letter and spirit of the laws and policies affecting the operations of government.
- Serve as a model of leadership and civility to the community.
- Inspire public confidence in City government.
- Work for the common good, not personal interest.
- Prepare in advance of Commission meetings and be familiar with issues on the agenda.
- Fully participate in Commission meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others.
- Review the Planning Commission Policy & Procedures at least annually.
- Be responsible for the highest standards of respect, civility, and honesty in ensuring the effective maintenance of intergovernmental relations.
- Respect the proper roles of Elected and Appointed officials and City staff in ensuring open and effective government.
- Provide contact information to the City Recorder in case an emergency or urgent situation arises.

2.4 Commission Members Represent the City and Act as a Body

Planning Commission members represent the Commission and may represent the City through public appearances, speaking engagements, and through media communications. Commission members should always clarify whether they are acting in a Commission capacity or as private individuals. Official Commission positions should be communicated by the Commission Chair after they have been approved by a majority of the Commission.

In addition, when a Commission member is responding to a question, it is important to publicly note that a Commission majority is required for any Commission action. When discussing the enforcement or interpretation of an existing City ordinance, good judgment would include a referral to the appropriate administrative staff for the final word.

No individual Commission member may occupy or use an office within city facilities. Commission Members wishing to utilize other spaces on city property must have that space scheduled prior to its utilization.

2.5 Powers and Duties

2.5.1 Planning Commission Chairman

In addition to the stated in Toquerville City Code 10-3-1 and Utah State Code 10-9a-302 the Planning Commission Chairman's powers and duties are:

- Preside at all meetings of the Planning Commission.
- Review and make recommendations to the legislative body.
- Keep the peace and enforce the laws of the municipality.
- Execute the policies adopted by the City Council.
- Maintain the dignity of Commission meetings.
- Call the meeting to order and confine the discussion to the agenda.
- Recognize Commission members for motions and statements and may allow audience and staff participation at appropriate times.
- Ensure the Utah Open and Public Meetings Act is complied with.
- Know how to courteously discourage Commission members who talk too much or too often.
- Know now to courteously ensure those who have the floor are not interrupted and to rule out of order those not following meeting procedures.
- Recognize the Commission member offering in the motion, restates the motions, presents it to the Commission for consideration, calls for the vote, announces the vote, and then announces the next order of business.

2.5.2 Planning Commission Members

Utah Code 10-9a-302 describes the role of the Planning Commission and, as of this writing, states that the Commission:

- Elect one of its members to be the Chair of the Commission;
- Review and make recommendations to the legislative body for
 - General Plan and amendments to the General Plan
 - land use regulations
 - an appropriate delegations of power to at least one designated land use authority to hear and act on land use applications
 - an appropriate delegation of power to at least one appeal authority to hear and act on an appeal from decision of the land use authority
- Hold a public hearing in accordance with section 10-9a-404 before making a recommendation to a legislative body

Toquerville City Code Section 10-3-1 also sets forth powers and responsibilities of the Commission and states:

"The Planning Commission shall have all necessary powers conferred on Planning Commission pursuant to Utah Code Annotated title 10, chapter 9a as amended."

2.6 Relationship to City Staff

Every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community. Staff will

respond to requests from Commissioners in consideration of Office priorities. Commission member requests that could require extensive research or extensive staff time should be made to the City Manager who will decide how to best facilitate the Commission member's request.

Questions of City staff should be directed only to the City Manager, City Attorney, or Department Heads. The City Manager should be copied on any request to Department Heads. Commission Members should not set up meetings with department staff directly but work through Department Heads. When in doubt about what staff contact is appropriate, Commission Members should ask the City Manager for direction.

Commission Members should not get involved in administrative functions. Avoid any staff interactions that may be construed as trying to shape staff recommendations. Commission Members shall refrain from coercing staff in making recommendations to the Commission as a whole.

Never publicly criticize an individual employee, including fellow Commissioners, Elected Officials, or Appointed Officers. Criticism is different from questioning facts or the opinion of Staff. All critical comments about staff performance should only be made to the City Manager through private correspondence or conversation.

2.7 Relationship with the City Attorney

Toquerville City Code 1-7-1 establishes the office of a City Attorney which is responsible for the proper administration of the legal affairs of the respective executive and legislative branches of City government. The City Attorney serves as counsel for the City to:

- furnish legal advice, counsel and assistance to the Planning Commission in relation to their duties and the business of the City;
- direct and/or coordinate as determined by the Planning Commission respectively all legal services performed by special counsel for the City who may be employed from time to time to provide legal services for the City;

When articulated to the City Attorney, Commission Members have a right to request and expect attorney/client confidentiality, unless said confidentiality violates legal and ethical standards as determined by the City Attorney.

2.8 Compensation

Planning Commission Members and Chairman are classified as volunteers and receive no compensation.

3. Social Media, Electronics & GRAMA

3.1 Application

This policy applies to all information technology resources, including electronic media, social media accounts, and services which are: a) accessed on or from City premises, b) accessed from remote locations using City computer equipment, or via City-paid access methods, and/or c) used in a manner which can fairly be said to associate elected officials with the City as representatives of the City.

Any messages or information sent via the City's informational technology resources through an electronic network (i.e., bulletin board, online service or Internet) are statements that may be identifiable and attributable to the City. Use of personal disclaimers in an electronic communication will not relieve any user under this policy and users shall be held responsible for any communication which they initiate. All communications sent via a network must comply with this and other City policies and shall not disclose any confidential or proprietary City information or other information protected by law or policy.

3.2 Email Policy

All Appointed Officials are required to use a Toquerville.org email address while conducting official City business. As part of the onboarding process, a toquerville.org email will be provided, and every Appointed Official will be expected to use this email for all City business.

3.2 Records

The Commission must preserve records for the required retention period in a format that preserves the integrity of the original record and is easily accessible. Any removal or deletion of comments or posts by the public must be considered public records and must be preserved pursuant to GRAMA. The Commission must also work with the City Recorder to ensure the records are properly retained.

Planning Commission packets will be uploaded to Sharepoint for the current month only. Previous months records can be found either on the Utah Public Notice website or by written request made through the City Recorder's Office. All public records can be viewed at the City Offices during regular business hours. If a Commissioner makes a records request, all members of the Commission will be notified of the request.

3.3 GRAMA

The Government Records Access and Management Act (GRAMA) provides every person the right to request records from any governmental entity in Utah (Utah Code Section 63 G-2-201(1)).

All Appointed Officials are subject to GRAMA when conducting city business on any electronic device (whether city owned or personally owned) including open meetings law and accessibility to information required to be searched.

3.4 Social Media Policy

The Social Media Policy of the City shall include but not be limited to:

- Always conduct yourself as a representative of the City and in accordance with all appropriate City policies and standards.
- Avoid making posts related to your official duties or governmental bodies.
- Redirect political dialogue requests to an alternative means of communication.
- Avoid making posts and/or comments on behalf of the City.
- Use a clarifier such as: "These comments and opinions reflect my position as one member of the Planning Commission."
- Avoid responding to inappropriate comments or personal attacks on social media.
- If your account is deemed public, do not block accounts, delete, or hide comments.
- Do not use social media to carry out your duties.
- Do not use public assets or staff to run your account(s).
- Do not use social media to make announcements about your official responsibilities, action, activities or views on organizational matters, ordinances, or policies.
- Do not solicit the public's views on political issues you may be engaged in.
- Include a social media policy on your page.

3.5 Electronics

Appointed Officials wishing to use city owned computers, laptops, or other electronic devices to conduct city business must agree to the following:

- The device(s) will be used only at the City Office building and may not be taken off the premises.
- The device(s) will be checked out from and returned to the City Recorder.
- The device(s) will be used for city business only, and not for personal use.
- No inappropriate, illegal, obscene, pornographic, or sexually explicitly material shall be accessed, stored, or viewed on City owned computer equipment.
- All activity will be monitored by the City's IT Department.

4. Development Process Policy

4.1 Establishment

Under the advice, direction, and counsel of the City Attorney, this Development Process Policy and Procedure for current and future development is hereby established:

It shall be the policy of Toquerville City that all development will follow an established meeting order of first, PSR (Planning Staff Review); second, JUC (Joint Utility Commission); third, Planning Commission; and fourth, City Council.

This policy further establishes PSR (Planning Staff Review) as the first step in the development process in Toquerville City and will be comprised of the City Manager, the Planning & Zoning Administrator, and the Planning Commission Chairman. Those who wish to develop in the City or apply for any type of land use will need to schedule a PSR meeting through the Planning & Zoning Administrator.

4.2 Development Meeting Schedule

The meeting schedule will be as follows:

- PSR meetings are held on Thursdays as needed.
- JUC meetings are held on the 2nd and 4th Wednesday or as needed.
- Planning Commission Meetings are held the 2nd and 4th Wednesdays of the month.
- City Council Meetings are held the 1st and 3rd Wednesdays of the month.

4.3 Proper Procedures

In order for the City to maintain proper and professional procedures and to avoid perceived favoritism or bias, it is imperative all elected and appointed officials follow the Development Process Policy and Procedure as outlined above.

If any elected or appointed official of the City is contacted by any person(s) wishing to develop in the City, they shall refer the developer back to the City Office so they may schedule a PSR meeting, thereby following the established order of approval for development.

Elected and Appointed Officials must adhere to the Municipal Officers' and Employees' Ethics Act to avoid misconduct or conflicts of interest.

5. Ethics Rules

The Ethics Act (Utah State Code 10-3-13) applies to all Elected and Appointed City Officers and employees (both full and part-time). This includes persons serving on special, regular, or full-time committees, agencies, or boards whether or not they are compensated for their services. This state law does two things. It establishes standards of conduct for municipal officers and employees and it requires disclosure of certain actual or potential conflicts of interest between one's public duties and personal interests.

5.1 Compliance

Elected or appointed officers and employees are required to comply with the disclosure requirements of the Municipal Officers' and Employees' Ethics Act (the Ethics Act) with regard to actual and potential conflicts of interest. (The requirements of the Ethics Act are discussed in more detail below.) To facilitate this compliance, the

City has required annual completion of a Conflict-of-Interest Disclosure Form. The purpose of this procedure is to avoid conflict of interest problems.

The Municipal Officers' and Employees' Ethics Act (Utah Code §10-3-1301 et seq.), applies to appointed officers, elected officers, and municipal employees of the city. The City Council considers it a best practice to revisit and remind the Councilors, Commissioners and City staff of the limits and responsibilities of our unique positions. It is the policy of Toquerville City that the Mayor, every Council member, Commission member, the City Manager, Assistant City Manager, all City Officers, and all full-time employees of the City to complete and retain on file annually the Conflict-of-Interest Disclosure forms provided by the Administration.

While the City seeks to assist its officers and employees in disclosing actual or potential conflicts of interest, the duty of disclosure falls on the individual. If an actual or potential conflict of interest arises during the year, a Commission Member should use the Disclosure Form to disclose the matter in accordance with the Act's requirements as soon as possible and not wait for the City's annual disclosure process to occur.

5.2 Withdrawal Due to Conflict of Interest

In addition to meeting disclosure requirements, in certain circumstances a Commission Member may also be required to recuse (or disqualify) himself or herself from deliberating, deciding, and/or voting on an issue where a conflict of interest exists.

Other instances may not require recusal, but a Commission Member may elect to recuse himself or herself from deliberating, deciding, or voting on an item whenever this seems appropriate to avoid any appearance of impropriety.

However, another section of state law does allow the Commission to expel a member from a meeting if the member has a direct or indirect financial conflict of interest with the matter at issue. Utah Code 10-3-607.

5.3 Ethics Review Commission

Toquerville City will refer all complaints of violations of the Ethics Act to the Political Subdivisions Ethics Review Commission as provided for in Utah Code Section 10-3-1311(2)(b)(ii).

5.4 Standards of Conduct

The Ethics Act makes it a crime for an Elected or Appointed Official to do any of the following:

- Disclose or improperly use private, controlled, or protected information acquired as the result of your official position or duties in order to substantially further your personal economic interest or to secure special privileges or exemptions for

yourself or others. Private, controlled or protected information is information classified as such under the Government Records Access and Management Act;

- Use or attempt to use your official position to substantially further your personal economic interest or secure special privileges for yourself or others;
- Knowingly receive, accept, take, seek, or solicit, directly or indirectly, for yourself or another, a gift of substantial value, or a substantial economic benefit tantamount to a gift
 - (i) that would tend to improperly influence a reasonable person holding your position to depart from the faithful and impartial discharge of your public duties; or
 - (ii) that you know, or a reasonable person in your position should know under the circumstances, is primarily for the purpose of rewarding you for official action taken.
- Receive compensation for assisting any person or entity in any transaction with the City without making a written and oral disclosure to the Chairman and the public. This rule does not apply to an occasional nonpecuniary gift having a value of less than \$50, an award publicly presented in recognition of public service, a loan made in the ordinary course of business, or a political campaign contribution actually used in a political campaign. An economic benefit tantamount to a gift includes loans at substantially less than commercial rates and compensation for services at a rate substantially higher than fair market value.

In addition to any penalty contained in any other provision of law, a person who knowingly and intentionally engages in any of the above must be removed from office and is guilty of:

- A second degree felony if the total value of the compensation, conflict of interest, or assistance exceeds \$1,000.
- A third degree felony if (i) the total value of the compensation, conflict of interest, or assistance is more than \$250 but less than \$1,000, or (ii) the elected or appointed officer or municipal employee has been convicted twice before of violating the Ethics Act and the value of the conflict of interest, compensation or assistance was \$250 or less.
- A class A misdemeanor if the value of the compensation or assistance was more than \$100 but less than \$250.
- A class B misdemeanor if the value of the compensation or assistance was \$100 or less.

5.5 Disclosure Requirements

The Ethics Act requires that a Commission Member disclose any of the following:

- Receiving or agreeing to receive compensation for assisting any person or business entity in any transaction involving the City. Disclosure must be provided by filing a sworn statement with the Chairman giving your name and address, the name and address of the person being assisted, and a brief description of the transaction and

service to be performed. The statement must be filed 10 days before the date of agreement or receipt of compensation. Commission members must make the disclosure in an open Commission meeting before the matter is discussed. City staff must make the disclosure to his or her immediate supervisor and any other person who may evaluate or approve the activity.

- Being an officer, director, agent, employee, or owner of a substantial interest of a business entity regulated by Toquerville City. A "substantial interest" means legal or equitable ownership by an individual, spouse, or minor children, of at least 10% of the outstanding shares of a corporation or a 10% interest in any other business entity. Disclosure must be provided upon election, appointment, or employment by filing a sworn statement with the Mayor disclosing the position held, and the nature and value of the interest. Disclosure is required again if the position changes or the interest value increases significantly. Within 30 days of receipt, the Mayor must report the substance of the disclosure to the Council or give the Council a copy of it. Two exceptions apply. First, an interest valued at less than \$2,000 is not required to be disclosed. Second, life insurance policies or annuities do not need to be considered in determining the value of an interest.
- Being an officer, director, agent, employee, or owner of a substantial interest of a business doing business with Toquerville City. Disclosure must be made to the Commission in a public meeting prior to any discussion involving the entity and must be entered into the meeting minutes.
- Any personal interest or investment which creates a conflict between your personal interest and your public duties. Disclosure must be made to the Commission in a public meeting in the manner described above.

The Ethics Act requires that a person who knowingly and intentionally violates any of the above-listed activities be removed from office. A related contract or transaction may be voided.

6. City Vehicle Policy

Planning Commissioners do not have approval for use or access to City owned or leased vehicles.

7. Public Meetings

7.1 Public Meetings

All official meetings of the Commission (except where State or local law allows for closed sessions) shall be open to the public "Open and Public Meetings Act" pursuant to Section 52-4-101 of Utah Code Ann. The Commission shall give at least twenty-four (24) hours advanced notice of its meetings unless an exception for shorter notice is provided under state law. The approved and corrected minutes of the proceedings of these open meetings shall be available for public inspection.

7.2 Location

The location of all regular, special, emergency and work session meetings, unless publicly noticed differently, shall be in the Municipal Chambers in the Toquerville City Hall located at 212 North Toquer Boulevard, Toquerville, Utah 84774.

7.3 Quorum

Three members of the Commission shall constitute a quorum. A minimum of three votes shall be necessary to take any action, except where more votes are required by Section 11.2.

8. Types Of Meetings

8.1 Regular Meetings

The Planning Commission shall conduct at least one regular meeting per month. Regular meetings will be held the 2nd and 4th Wednesdays of each month.

8.2 Special Meetings

The Chairman or Planning and Zoning Official or any two (2) members of the Planning Commission may order a special meeting of the Planning Commission by delivering a written notice of the special meeting signed by him or them to each member who did not join in the order, leaving a copy of the notice at the member's usual place of abode at least three (3) hours prior to such meeting. The personal appearance by a member of the Planning Commission at any specially called meeting constitutes a waiver of the notice required by this subsection. The written notice required in this subsection shall state the time and place the special meeting is to be held and the purpose for which the special meeting is being called, and shall comply with all applicable provisions of the Utah Open and Public Meetings Act, Utah Code Annotated section 52-4-101 et seq.

8.3 Record Of Proceedings

The City Recorder shall keep a record of the proceedings of the meetings of the Planning Commission, except that minutes of the executive session shall not be available to the public until such time as the Planning Commission, shall make them public or by an order of court.

8.4 Conduct Of Meetings And Order Of Business

All meetings will follow the current policy and procedure practices adopted by resolution.

8.5 Electronic Meetings

The Planning Commission may conduct Electronic Meetings pursuant to the requirements of Utah Code Annotated § 52-4-207, as such may be amended from time to time. As required by the Utah law, the following shall apply to Electronic Meetings.

1. Definitions. For purposes of conducting Electronic Meetings, the following are defined terms:

a. “Anchor Location” means the physical location from which the electronic meeting originates and where interested persons and the public may attend, monitor and participate in open portions of a Planning Commission meeting.

b. “Electronic Meeting” means a public meeting of the Planning Commission, convened and conducted by means of a telephonic, telecommunications or computer device or other electronic means, allowing each member of the Planning Commission, to be in contact with the anchor location and participate concurrently with all other members of the Planning Commission, in the conduct of such meeting.

2. Anchor Location: The only Anchor Location for Electronic Meetings of the Planning Commission shall be the Meeting Chambers in the City offices at 212 N. Toquer Boulevard, Toquerville, Utah. Other Anchor Locations for an electronic meeting may be approved as required by circumstances. Public participation in an Electronic Meeting is limited to an Anchor Location.

3. Facilities at Anchor Location. Space and facilities must be provided at the Anchor Location so that all interested persons may attend and monitor the open portions of the meeting. In addition, if comments from the public will be accepted during the Electronic Meeting, space and facilities must be provided at the Anchor Location so that interested persons and the public may attend, monitor and participate in the open portions of the meeting.

4. Member Arrangements for Electronic Participation. A member of the Planning Commission, must give the City Recorder notice of his or her intent to attend a Planning Commission, meeting electronically at least forty-eight (48) hours prior to the meeting to allow for arrangements to be made for the Electronic Meeting. Such notice by the Planning Commission, member must include the electronic means the Planning Commission member intends to utilize to attend the meeting.

5. General Requirements. A quorum of the Planning Commission need not be present at the Anchor Location, so long as all other requirements of this Utah Code Annotated § 52-4-207 for an Electronic Meeting is satisfied. No meeting of the Planning Commission may be held electronically unless at least one member of the Planning Commission is present at the Anchor Location. The meeting shall be conducted from the Anchor Location by the Chairman or the Pro Tempore. If

neither the Chairman or the Pro Tempore is present at the Anchor Location, the Planning Commission shall select from its membership present at the Anchor Location a Pro Tempore for the sole purpose of conducting the Electronic Meeting.

6. Attendance and Participation. Any member of the Planning Commission participating in a meeting of the Planning Commission by electronic means shall be considered present at the meeting for all purposes, including counting toward a quorum. A member of the Planning Commission participating in a meeting via electronic means shall be afforded every opportunity to participate in the discussion of the items on the agenda and may make, second and vote on all motions.

7. Notice of Electronic Meeting. Public notice of an Electronic Meeting of the Planning Commission shall be given not less than twenty-four (24) hours prior to the meeting by: (i) posting written notice of the meeting at the Anchor Location, (ii) by providing written or electronic notice to at least one newspaper of general circulation in Washington County or a local media correspondent, and (iii) by posting the notice on the Utah Public Notice Website created under Utah Code Annotated § 63F-1-701. In addition, the City Recorder shall provide notice of the Electronic Meeting to members of the Planning Commission at least twenty-four (24) hours before the meeting so that they may participate in and be counted as present for all purposes, including the determination that a quorum is present. The notices of the Electronic Meeting shall describe how the members of the Planning Commission will be connected to the Electronic Meeting.

8. Communication. For each Electronic Meeting of the Planning Commission, a speakerphone, or similar amplifying electronic device with or without video capabilities will be connected in such a manner that comments made by the members participating electronically will be broadcast at the Anchor Location. Opportunities for each member present at that Anchor Location and those participating electronically will be given to make inquiries and participate in the discussion. Discussion of motions will take place in accordance with the usual procedures of the Planning Commission with the exception that those present electronically must declare their intent verbally with their accompanying name(s). Votes taken in Electronic Meetings shall be roll call methods, with each member audibly verbalizing their vote. If a member participating in a meeting electronically withdraws from the meeting, the rest of the meeting may be completed provided there is still a quorum present, counting all members still participating in the meeting whether at the Anchor Location or participating electronically.

9. Minutes. Minutes of an Electronic Meeting shall designate the name of each Planning Commission member who participated electronically, the nature of the electronic communication and the duration of the member's participation in the meeting. The roll call for members present will be taken verbally and recorded, during the meeting.

10. Limitations. Electronic Meetings may be prohibited or limited based on budget, public policy or logistical circumstances.

8.6 Force Majeure Exception

In instances where conducting a regular meeting, workshop or executive session is not practicable or reasonable due to causes outside of the control of the Planning Commission, including: acts of God, civil commotion, war, terrorism, governmental regulations or control and health pandemics the Planning Commission may cancel the meeting, close the meeting, or conduct it in an alternative location or choose to conduct the meeting, workshop or executive session as an Electronic Meeting without the requisite advanced notice due to the emergency or extraordinary circumstances pursuant to Utah Code Annotated §§ 54-2-201(2)(b) and 54-2-202(5).

9. Order Of Business

9.1 Order of business

The general rule as to the order of business in regular and special meetings shall be as follows:

- A. CALL TO ORDER - by the Chairman.
- B. OPENING CEREMONY - Opening Comments and Pledge of Allegiance:
 - Opening Comments - as assigned by the Chairman from the members of Planning Commission or any Enterprise resident who has submitted a request in writing prior to the meeting.
 - Pledge of Allegiance - as assigned by the Chairman from the members of the Planning Commission.
 - Call for Statement of Beliefs from the public present – made by the Chairman.
- C. APPROVAL OF AGENDA - The Chairman can revise the order of the agenda items during this time in order to accommodate the Commission or to more efficiently handle the business at hand. During this part of the Agenda, members of the Commission shall declare any conflicts of interest, and the nature of the conflict of interest, in relation to any matter which is before the Commission for action, prior to any discussion of that matter. If a member of the Commission realizes a conflict of interest, they may abstain from voting on the matter. If the conflict of interest is in the nature of a financial or economic interest, members of the Commission are encouraged to abstain from voting on the matter. No action shall be taken on any items, not on the published agenda.
- D. APPROVAL OF MINUTES – The Commission shall consider for approval any preceding meetings' minutes through the date of the meeting. The

Commission may make any such adoption conditional upon corrections being made to the minutes.

- E. STAFF REPORTS – Reports from Staff Personnel and other various entities involved with Toquerville City Government.
- F. PROCEED WITH THE APPROVED AGENDA – The Chairman will then follow the approved agenda as outlined.

The Agenda shall consist of:

- A. Public Hearing(s) and/or
- B. General Business.

- G. ADJOURNMENT – The Commission shall adjourn the meeting by motion, requiring a second and a majority of affirmative votes.

9.2 Emergency Meetings

Emergency Meetings may be called, and notice given pursuant to Section 52-4-202, subsection (5), of the Utah Code. The general rule as to the order of business in Emergency Meetings shall be as follows:

- A. Call to order - by the Chairman
- B. Opening Comments
- C. Vote by Commission members present to approve the Emergency Meeting
- D. Meeting Items
- E. Adjournment

In the event that fewer than three (3) of the Commission members vote to approve the Emergency Meeting, the Chairman or the Pro Tempore shall immediately close the meeting without further discussion or action.

9.3 Placing Items on the Agenda

The Planning and Zoning Administrator is responsible for the Planning Commission Agenda. The general rule as to when to place an item on the agenda for consideration is as follows:

- A. The Chairman may request items on the agenda for consideration, discussion, or action subject to approval of the Planning & Zoning Administrator.
- B. Any Commission Member may request items on the agenda for consideration, discussion, or action subject to approval of the Planning & Zoning Administrator.
- C. The Planning and Zoning Official, City Recorder, City Manager, or other City Staff may place items on the agenda for consideration, discussion, or action, subject to approval of the Planning & Zoning Administrator.
- D. Residents, vendors, suppliers, partners, governmental entities, and service providers may request an item be placed on the agenda, provided they identify

relevance, pertinence, or timeliness of the topic, subject to approval by the Planning and Zoning Administrator.

- E. Non-residents may request items be placed on the agenda, such requests shall be in writing, and they shall identify relevance, pertinence, or timeliness of the topic, subject to approval by the Planning and Zoning Administrator.

The Planning & Zoning Administrator shall have broad discretion in determining when to schedule any item, both in terms of agenda order and meeting date, to ensure timely and efficient use of meeting time and to avoid overloading meeting agendas.

9.4 Items for the Agenda Deadline

Persons requesting items be placed on the agenda shall submit their request to the City Recorder, with any related supporting documentation, by 4:30 pm the Thursday prior to the Planning Commission Meeting. Requests made after the deadline may be considered on a subsequent agenda, as determined the Planning & Zoning Administrator.

10. Presiding Officer And Duties

10.1 Chairman as the Presiding Officer

The Chairman, if present, shall act as Presiding Officer at all meetings of the Commission. In the absence of the Chairman the Chairman Pro Tempore shall preside. In the absence of both the Chairman and the Pro Tempore the Commission shall elect a temporary Pro Tempore who will then preside at that meeting. All references to the Chairman, in these Policies and Procedures shall also generally mean and refer to the Pro Tempore duly elected by the Commission and serving pursuant to section 10.6 below.

10.2 Call to Order

Meetings of the Commission shall be called to order by the Chairman, or in the Chairman's, absence, by the Pro Tempore. In the absence of both the meeting shall be called to order and the attending Commission members will elect a temporary Pro Tempore.

10.3 Preservation of Order

The Chairman shall preserve order and decorum; prevent attacks on personalities or the impugning of member's motives and confine any debate to the question under discussion.

10.4 Points of Order

The Chairman shall determine all points of order.

10.5 Time Limits

The Chairman shall have the power to set time limits on input and discussions at the Chairman's discretion.

10.6 Substitution for Chairman

The Commission shall elect a member of the Commission to serve as Pro Tempore to preside at meetings and perform the duties of the Chairman in the event that the Chairman is unable, through absence, disability, or refusal to act, to fulfill his or her duties as set forth herein and in applicable state and local law. The Pro Tempore term will be for two years. Should the Pro Tempore not be present, any other member of the Pro Tempore will be elected to temporarily preside at the meeting in order to cover an absence of the Pro Tempore. The Pro Tempore, as a member of the Pro Tempore shall, while conducting any meeting, continue to act as a voting member of the Commission.

10.7 Motion to be Clear

The Chairman shall ensure that all motions submitted for a vote are clearly understood.

10.8 Call for Vote

The Chairman shall call for a vote. The Chairman shall announce the result of the vote.

10.9 Input from Public in Absence of Public Hearing

The Chairman may, of his own volition or at the request of any Commission member, request input from members of the public present on any item before the Commission for discussion or consideration, even in the absence of a scheduled public hearing as set forth in section 12 below. The Chairman shall have no obligation to request such public input. The Chairman shall only receive such input in a manner consistent with the other provisions of this section.

11. Types Of Motions And Reconsideration

11.1 Motions Require a Second

All motions require a second before they can be discussed or acted upon. In the Chairman's discretion, questions for clarification of a motion may be allowed of the non-moving members present, prior to a second on the motion.

11.2 Motions Requiring A Two-thirds Vote

A motion to adjourn to a closed meeting shall require a motion, a second, and a two-

thirds (2/3) vote of the ~~Commission~~ members present, or as otherwise required by state law.

11.3 Motion to Approve

All motions shall require a second and majority affirmative votes to be approved.

11.4 Amendments to Pending Motion

Any motion being considered by the ~~Commission~~ may be amended by permission of the maker of the motion and concurrence of the second.

11.5 Motions to Continue

The Commission may approve a motion to continue any item for further discussion or consideration. Public Hearings and Show Cause Hearings must be continued to a specific date and time and may not be continued beyond forty-five (45) days from the date for which it was first noticed without resetting and re-noticing the hearing.

When the applicant for an agenda item makes a request for a continuance, the following policy will be used:

- A. A request to continue the agenda item will be granted if the applicant makes the request at least seven (7) days in advance of the meeting, in which the item was scheduled to be heard. The applicant has the responsibility to notify the affected property owners (those who are required by State law, City ordinance, or City noticing policy to be notified) of the continuance and the date and, if applicable, the time when the item is scheduled to be on the City Commission agenda.
- B. If the request is made less than seven (7) days in advance of the meeting in which the item was scheduled to be heard, the ~~Planning and Zoning~~ Official, Chairman and/or the Pro Tempore or their designees, will determine whether or not there is good cause to continue the item.
 1. If the Commission determines that there is not good cause to continue the item, the item will remain on the agenda and be considered by the Planning Commission.
 2. If the ~~Commission~~ determines that there is good cause to continue the item to a future agenda, staff will notify the applicant of the decision. During the meeting in which the item was scheduled to be heard the City Commission, by motion, will select the date, and if applicable, the time to which the item is to be rescheduled. The applicant shall have the responsibility to notify the affected residents (those who are required by City ordinance to be notified) of the

continuance and the date and, if applicable, the time when the item is scheduled to be on the Commission agenda.

- C. If the applicant requests a continuation during the meeting for which the item is scheduled, the Commission will make the determination if there is good cause to continue the item to a later date.
- D. If the applicant requests a continuation and it is determined that there is not good cause to continue the item, and the applicant withdraws the application in lieu of proceeding, the application will not be considered by the Planning Commission until the applicant files a new application and pays the required fees. The new application must follow the same process as any new application.

11.6 Motions to Table

Not including Public Hearings and Good Cause Hearings, the Commission may table an issue, without scheduling it for future consideration, with a motion, second and a majority of affirmative votes.

11.7 Motions which do not receive at least three votes on either side

Motions which do not receive at least three votes for or against the proposition being voted upon are considered to be a tied vote. The Chairman will then vote to cast the tie-breaking vote. However, should the Chairman not be present to break the tied vote, or should the Chairman's vote not serve to break the tie (such as when there are two votes on one side, and one on the other, and the Chairman votes with the side having only one vote) the applicant or any Planning Commission member may request that the item be brought back to the Commission at a subsequent meeting to be decided by sufficient members to get three votes one way or the other. The subsequent action is not considered a reconsideration. In the event that neither the applicant nor a Commission member requests a subsequent vote, then the item shall be considered to have been voted down.

11.8 Motions to Reconsider a Decision

Any two Commission members who voted in the majority on a motion approved or denied may request a reconsideration of the action. The request may be made by making a motion to reconsider at the same meeting in which the original motion was approved or denied or by requesting within seven days of that meeting that there be a motion to reconsider being heard at the next regularly scheduled Commission meeting. If a properly made motion to reconsider passes, the actual reconsideration of the item shall take place only after appropriate legal notice is given. After a motion for reconsideration has been acted on, no other motion for reconsideration on that issue shall be allowed within a twelve (12) month period without unanimous consent of the entire Commission. Following the twelve (12) months, the item may be considered as a new item.

11.9 Question on the Motion

After a motion and a second, any member of the Commission may request a discussion on the motion. Once a question has been answered and discussion is completed, the Chairman shall call for a vote on the motion.

11.10 Withdrawal or Substitution of Motion

At any time prior to the Chairman's call for a vote on the Motion, the moving Commission member may voluntarily withdraw the motion or make a new motion which shall be considered to have superseded his or her prior motion. A new motion shall require a new second.

11.11 Minutes of Action on Motion

Unless a vote of the Commission is unanimous, the minutes of each action taken on any motion shall reflect the vote of each individual Commission member.

12. Public Hearings

12.1 Purpose of Public Hearings

The purpose of public hearings is to provide for public input to the Planning Commission on issues on a specific day and time in order for the Planning Commission to be better informed prior to making a decision on the issue.

12.2 Before the Public Hearing

- A. Notification will be given well in advance and comply with applicable state and local law.

12.3 Order of Public Hearings

- A. The Chairman or Pro Tempore shall conduct all Public Hearings. The Chairman should review the rules and procedures for conducting public hearings at the start of the public hearing.
- B. The public hearing shall first be opened to the appropriate staff member who will present and discuss with the Commission the issue at hand.
- C. Upon completion of the staff member's report, and questions from the Commission, the Chairman invites the applicant to discuss with the Commission the issue at hand and present additional or more specific information.
- D. Following staff and the applicant's discussion and any questions from the

Commission, the Chairman shall open the hearing to the public for comments. The Chairman must first recognize any person desiring to address the Commission. The Chairman shall try to provide equal time to those favoring and opposing the issue.

- E. The Chairman should courteously limit repetition. The Chairman should retain flexibility for additional comments but only on new information.
- F. At the Chairman's discretion, staff and/or the applicant may address any questions or clarify any matter raised during the comment period.
- G. At the discretion of the Chairman, the public hearing shall be closed once the applicant has the opportunity to clarify any concerns, which had been previously discussed. No further remarks by the public will be heard.
- H. The Commission may by motion: (i) close a public hearing in order to consider and take action on the issue; (ii) re-open a public hearing during the same meeting at which the public hearing was originally closed, and prior to taking action on the issue; or (iii) continue a public hearing, also continuing consideration of and action on the issue to another specific date and time. A public hearing may not be continued for longer than forty-five (45) days from the date for which it was first noticed without re-noticing and reconvening the hearing.
- I. Upon completion of the public hearing and of any further discussion and/or deliberation of the Commission, the Commission shall take appropriate action on the issue.

12.4 Manner of Addressing the Planning Commission

Each person addressing the Commission shall use the microphone and shall state their name and address of residence in an audible tone of voice for the record. All remarks shall be addressed to the Commission as a body, and not to any member thereof. Commission members should be addressed using their formal title followed by the individual's last name. No person shall be permitted to enter into any discussion, either directly or through the members of the Commission unless first recognized by the Chairman. No questions will be asked of the Commission Members except through the Chairman.

12.5 Questions from Planning Commission members

The Commission members may at any time during a public hearing request clarification or additional input from the staff members, applicants, or the general public.

13. Rules Of Conduct During Public Meetings

13.1 Disorderly Citizens

Any person, including staff, making personal, impertinent, or slanderous remarks, or who shall become boisterous, while addressing the Commission, or who otherwise continues to violate the decorum, order, or procedure of any meeting after a reasonable warning or admonishment, may be considered disorderly by the Commission and may be expelled by a two-thirds vote of the Commission as pursuant to Section 10-3-608 of Utah State Code, as amended.

12.2 Disorderly Planning Commission members or Chairman

Any member of the Commission, or the Chairman, making personal, impertinent, or slanderous remarks, or who shall become boisterous, while addressing the Commission, or who otherwise continues to violate the decorum, order, or procedure of any meeting after a reasonable warning or admonishment, may be considered disorderly by the Commission and may be expelled by a two-thirds vote of the Commission as pursuant to Section 10-3-607 of Utah State Code, as amended.

Toquerville City Flow Chart

