

TOQUERVILLE PLANNING COMMISSION MINUTES

6:30 P.M. Work Meeting, 7:00 P.M. Regular Meeting Wednesday, January 21, 2015

Held at 212 N. Toquerville Blvd, Toquerville Utah

ATTENDANCE: Planning Commission Members: Chair Keen Ellsworth, Vice-Chair Jerome Gourley, Alex Chamberlain, David Hawkins, and Mike Ruesch, Zoning/Staff Administrator Mike Vercimak, City Recorder Renee Garner. Others: Councilman Mark Fahrenkamp, Tom Harmon, Joseph Campbell, Susan McEntire, Larry McEntire, and Stefanie Ericksen.

6:30 pm – WORK MEETING: Chair Keen Ellsworth acknowledged and welcomed the new commission member, Mike Ruesch recently appointed by Mayor LeFevre. It was noted that Lonnie Christensen will continue as an alternate. Keen directed members to observe that each received a certificate of office, and a summary of the duties of the Planning Commission for review. He also asked members to fill out the conflict disclosure forms that have to be done every year.

1 & 2 Reviewed items on agenda & assignments given to Planning Commission (PC), from City Council (CC):

A) Keen mentioned the two items up for a public hearing and action today: an application for Conditional Use Permit or expansion of current Conditional Use Permit for Expansion of a bed and breakfast (BnB) business to two (2) rooms: Thomas B Harmon at 108 N Toquerville Blvd, and B) an application for Home Occupation Permit for yard care / landscaping business: Joseph Campbell at 604 S Westfield Rd. He stated that not all items were reviewed by PC for approval, but these types were.

Alex asked if the BnB was for three rooms or two. Tom responded that he changed his request to two due to expenses. He mentioned he has parking for seven vehicles off the street. Keen talked about whether this was an expansion of Tom's current permit or a new permit. Mike thought we should refund him the new permit fee. Keen said the City might need legal counsel on it and needs to look into it.

Mike V informed us he just completed a webinar for conditional use permits which taught that those permits are administrative issues only. Discussion included the need to inform citizens when someone wishes to start a business in a residential neighborhood, the public hearing process, the fact that cities are allowed to make the law more strict than the State requires, but not less so.

B) Regarding ordinance #ORD.2015.XX, Vacation Rentals, Chair Ellsworth said he still hadn't gotten feedback from Attorney Heath Snow to make some changes. He reminded us that at a previous discussion PC had hoped to add a local citizen as manager to section 4. This would allow people not residents of Toquerville to operate short term/vacation rentals here under the care of a local person. He asked that PC table that item again pending Heath's input.

Keen stated that January is the month to elect a new chair and vice chair. He stated that the duties of the chair include presiding at PC and attending CC meeting to report and to be given direction from Council.

Alex Chamberlain nominated Keen Ellsworth as Chair, and 2nd by Mike Ruesch. Chair called for a vote. Jerome Gourley, Alex Chamberlain, David Hawkins, and Mike Ruesch, all agreed and nomination was approved. Keen abstained from the vote.

David Hawkins nominated Jerome Gourley as Vice Chair, and 2nd by Alex Chamberlain. Chair called for a vote. Keen Ellsworth, Jerome Gourley, Alex Chamberlain, David Hawkins, and Mike Ruesch, all agreed and nomination was approved.

Mark Fahrenkamp informed us that he'd like to open a BnB but the Land Management Code (LMC) does not mention if this use is permitted or conditional in the Agricultural zoning in which he lives. Discussion included the process to amend the LMC Chapter 6.3.3 to state this use. Mark mentioned that paragraph H seems to allow a process for consideration by Council that would not require LMC amendment. All agreed that could be the best avenue for petition. Keen and Mike advised Mark F to get paperwork in for a business license and conditional use permit and get on the Staff agenda for February. They judged that he could theoretically have it as a public hearing and action item at the next PC and get CC approval in March.

Chair noted that there was no annual review for conditional use permits this month.

Chair dismissed the Work Meeting and convened the Regular Meeting.

7:04 pm – REGULAR MEETING: 1. The Pledge of Allegiance was given by Jerome Gourley. 2. Chair asked PC for any disclosures or declarations of conflict with agenda items. None were given.

A. REVIEW OF MINUTES: Minutes of the December 17, 2014, PC meeting were reviewed and discussed. Chair called for a motion.

Motion by Alex Chamberlain to approve the minutes was second David Hawkins. Chair: Minutes were approved unanimously by David Hawkins, Alex Chamberlain, Jerome Gourley, and Keen Ellsworth, and Mike Ruesch.

B. PUBLIC HEARING: Chair opened the Public Hearing to seek public input on the two items stated.

1. Item: Application for Conditional Use Permit or expansion of current Conditional Use Permit for Expansion of a bed and breakfast business to two (2) rooms: Thomas B Harmon at 108 N Toquerville Blvd. Chair asked for comments. No public comments were given.

1-21-15 PC Minutes Continued

2. Item: Application for Application for Home Occupation Permit for yard care / landscaping business: Joseph Campbell at 604 S Westfield Rd. Joseph Campbell explained he has one dump truck, and trailer and a dumpster that would be on the property. PC asked him about accumulation of equipment on the property. He stated just the three items. Chair called for comments. No public comments were given.

Chair closed the public hearing.

C. PUBLIC FORUM: Chair asked for comments on any subject.

1. Larry McEntire stated he has property at 325 S Ash Creek Drive that they'd like to use as a vacation rental while they are on a mission. He said he can have a Toquerville resident, Stefanie Ericksen, manage the property on their behalf. He stated they would be good neighbors and that he has a vested interest in making sure that the property is well maintained. Keen thanked him.

D. ACTION ITEMS:

1. Item: Application for Conditional Use Permit or expansion of current Conditional Use Permit for Expansion of a bed and breakfast business to two (2) rooms: Thomas B Harmon at 108 N Toquerville Blvd. Chair called for a motion.

Motion was given by David Hawkins to approve Conditional Use Permit or expansion of current Conditional Use Permit for Expansion of a bed and breakfast business to two (2) rooms: Thomas B Harmon at 108 N Toquerville Blvd with all conditions from the original permit continuing as recommended by Staff. Alex asked for clarification if it is an expansion or a new permit. Keen stated it was not a part of the action at this time to decide and said he'd find out. If it's just an expansion then we should return his fee. Motion was second by Alex Chamberlain. Chair: Conditional Use Permit or expansion of current Conditional Use Permit for Expansion of a bed and breakfast business to two (2) rooms: Thomas B Harmon at 108 N Toquerville Blvd passed unanimously by Alex Chamberlain, David Hawkins, Jerome Gourley, Mike Ruesch, and Keen Ellsworth.

2. Item: Application for Home Occupation Permit for yard care / landscaping business: Joseph Campbell at 604 S Westfield Rd. Chair called for a motion.

Motion was given by Mike Ruesch to approve Application for Home Occupation Permit for yard care/ landscaping business: Joseph Campbell at 604 S Westfield Rd with all conditions recommended by Staff which are:

1. This permit cannot be enlarged, expanded or otherwise changed without the express written permission of the Toquerville Planning Commission.
2. This permit will receive an annual review by the Toquerville Planning Commission.
3. No yard refuse can be stored or piled at this residence.
4. Permit holder shall maintain a current Toquerville Business License.

Motion was second by Jerome Gourley. Chair: Application for Home Occupation Permit for yard care/ landscaping business for Joseph Campbell passed unanimously by Alex Chamberlain, David Hawkins, Jerome Gourley, Mike Ruesch, and Keen Ellsworth.

3. Item: Ordinance #ORD.2015.XX, Previously designated #ORD.2014.07, to Prohibit Short Term Leases or Rentals of Properties in Residential, Agricultural and other zones. Chair asked if someone would like to table this item.

Motion was given by Alex Chamberlain to table Ordinance #ORD.2015.XX, Prohibiting Short Term Leases or Rentals of Properties in Residential, Agricultural and other zones. Motion was second by Jerome Gourley. Chair: Ordinance #ORD.2015.XX, Prohibiting Short Term Leases or Rentals of Properties passed unanimously by Alex Chamberlain, David Hawkins, Jerome Gourley, Mike Ruesch, and Keen Ellsworth.

ADJOURNMENT: Chair Ellsworth declared the meeting adjourned.

Minutes of the Toquerville Planning Commission meeting of January 21, 2015, will be presented for review and approval in the February meeting.

Approved: _____

Date: 2/11/15

Chair Keen Ellsworth

Attested: _____

Renee S. Gamer, City Recorder

