

**TOQUERVILLE CITY**  
**PLANNING COMMISSION MEETING AGENDA**  
**June 10, 2026, 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/@toquervillecity>

**A. CALL TO ORDER:**

1. Call to Order – Chair Haymore
2. Pledge of Allegiance – Commissioner Leavitt
3. Statement of Belief/Opening Prayer – Commissioner Christensen
4. 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 May 13, 2026, Planning Commission Meeting.

**D. BUSINESS:**

1. **MPDO Modification Application** submitted by Firelight Development, Inc., proposing a material modification to the Firelight MPDO Plan related to road cross sections.
  - A. Staff/Applicant Report**
  - B. Public Hearing**
  - C. Discussion and Possible Recommendation**
2. **Ordinance 2026.XX** – an ordinance amending Title 10, Chapter 17, Section 4 of the Toquerville City Code regarding the transfer of nightly rental licenses upon change of ownership of a dwelling.
  - A. Staff/Applicant Report**
  - B. Public Hearing**
  - C. Discussion and Possible Recommendation**
3. **Ordinance 2026.XX** – an ordinance amending Title 10, Chapter 19D, Section 12 of the Toquerville City Code related to fencing regulations and permit requirements.
  - A. Staff/Applicant Report**
  - B. Public Hearing**
  - C. Discussion and Possible Recommendation**
4. **Ordinance 2026.XX** – an ordinance amending Title 10, Chapter 16A of the Toquerville City Code to establish standards for trails in hillside areas.
  - A. Staff/Applicant Report**
  - B. Public Hearing**
  - C. Discussion and Possible Recommendation**
5. **Discussion and possible adoption** of the Planning Commission Policies and Procedures Manual.

**E. REPORTS:**

1. Planning Commission Chair
2. Planning Commissioners
3. Planning & Zoning Administrator – Emily Teaters
4. Assistant City Manager – Darrin LeFevre

**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.utah.gov](http://www.toquerville.utah.gov), and at the City Office Building at 212 N Toquer Blvd. Posted June 9, 2026, by Toquerville City Recorder, Emily Teaters.

**TOQUERVILLE CITY**  
**PLANNING COMMISSION MEETING MINUTES**  
**May 13, 2026, at 6:00 pm**  
**212 N. Toquer Blvd, Toquerville Utah**

Present: Chair: Dean Haymore; Commissioners: Glenn Leavitt, Angela Harrison, Mila Allinson, Lonnie Christensen; Commissioner Alternates: Mark Welker; Staff: City Manager Ben Billingsley, Assistant City Manager Darrin LeFevre, City Recorder & Planning/Zoning Administrator Emily Teaters, Attorney Bruce Jenkins.

**A. CALL TO ORDER – 6:00 PM**

<https://www.youtube.com/live/HqR3s67iXcU?si=cfQrVEyRfqDs6-0x&t=7>

Chair Dean Haymore called the meeting to order at 6:00 p.m. Commissioner Christensen led the Pledge of Allegiance. The invocation was led by Commissioner Harrison. There were no declarations of conflicts.

**B. APPROVAL OF AGENDA:**

<https://www.youtube.com/live/HqR3s67iXcU?si=G28U3HWBkwIO6FA-&t=134>

1. Approval of agenda order.

The Commissioners shared their concerns with the Public Hearings and Business items being separated on the agenda. Commissioner Allinson requested to move agenda item #10 to #2. The commissioners discussed the agenda with staff.

*Commissioner Allinson made a motion to adjust the agenda to move the public hearings so that they're individually attached to each of the 10 items, also to move current item #10 in regards to the process of removing a Planning Commissioner to item #2. Commissioner Harrison seconded the motion. Motion carried 5-0. Glenn Leavitt – aye, Angela Harrison – aye, Dean Haymore – aye, Mila Allinson – aye, Lonnie Christensen – aye.*

**C. CONSENT AGENDA:**

<https://www.youtube.com/live/HqR3s67iXcU?si=8kH7zV5Phhtrvie5&t=590>

1. Review and possible approval of meeting minutes from April 8, 2026, Planning Commission Meeting.

*Commissioner Leavitt made a motion to accept the minutes from April 8, 2026. Commissioner Harrison seconded the motion. Motion carried 4-0. Glenn Leavitt – aye, Angela Harrison – aye, Dean Haymore – aye, Mila Allinson – aye, Lonnie Christensen – abstain.*

**D. BUSINESS:**

1. **Discussion and possible approval of a Preliminary Plat Application** submitted by Firelight Development for phases one through three of Residential Planning Area 11 (PA-11) within the Firelight MPDO (Tax IDs T-3-1-11-340, T-3-1-11-342, T-3-1-11-330, T-182-A, T-182-B, and T-1237). The site, located south of Sunset Avenue and west of Mulberry Drive, is currently zoned Single Family Residential (R-1-20).

<https://www.youtube.com/live/HqR3s67iXcU?si=UWSIW6IPWDX9gFTW&t=660>

Emily Teaters introduced this item by summarizing the application and preliminary plat. She noted that any motion should be conditional upon approval of a hillside development permit. The commissioners then moved into the public hearing.

Adam Allen clarified that the lots adjacent to Sunset Avenue will be one-half acre in size. Adam and Stephen Wood answered questions from the commissioners regarding the Westfield Road connection, equipment on city streets, and dust control measures. Attorney Bruce Jenkins provided comments regarding a power easement agreement.

***Commissioner Christensen made a motion that the Planning Commission as the land use authority grant conditional approval of phases one through three of Residential Planning Area 11 within the Firelight MPDO, finding that the application is complete under 10-19-C-3 and the city's subdivision submittal policy that the approval is preconditioned upon a hillside development permit being approved prior to the final plat approval, and the land being purchased by the developer. Commissioner Allinson seconded the motion. Motion carried 5-0. Glenn Leavitt – aye, Angela Harrison – aye, Dean Haymore – aye, Mila Allinson – aye, Lonnie Christensen – aye.***

**A. Public Hearing:** public input is sought on a Preliminary Plat Application for phases one through three of Residential Planning Area 11 (PA 11) within the Firelight MPDO (Tax IDs T-3-1-11-340, T-3-1-11-342, T-3-1-11-330, T-182-A, T-182-B, and T-1237).

Chair Haymore opened the public hearing. Kelly Schroeder spoke during this item regarding what phases will be next to Sunset Ave. Bruce Mackay brought up concerns with equipment on City streets and having secondary access. The Commissioners moved back into discussion.

***Commissioner Christensen made a motion to close the public hearing. Commissioner Leavitt seconded the motion. Motion carried 5-0. Glenn Leavitt – aye, Angela Harrison – aye, Dean Haymore – aye, Mila Allinson – aye, Lonnie Christensen – aye.***

The Commissioners moved on to item #10.

- 2. Discussion and possible recommendation** on a Zone Change Application submitted by All Star Excavating, LLC for the property located at Tax ID: T-125-H. The current zoning is Agricultural (A-1 District), and the proposed zoning is Agricultural (A-0.5 District).

<https://www.youtube.com/live/HqR3s67iXcU?si=wX1bSDFqMPWovBHK&t=3059>

The Planning Commission moved into the public hearing.

Emily Teaters noted that the only change between A-1 and A-0.5 will be the lot size. Darrin LeFevre answered questions from the Commissioners regarding Hunter Lane.

*Commissioner Allinson made a motion to recommend approval of the Zone Change Application submitted by All Star Excavating, LLC, for the property located at Tax ID: T-125-H. Commissioner Christensen seconded the motion. Motion carried 5-0. Glenn Leavitt – aye, Angela Harrison – aye, Dean Haymore – aye, Mila Allinson – aye, Lonnie Christensen – aye.*

**A. Public Hearing:** public input is sought on a Zone Change Application for Tax ID: T-125-H. The current zoning is Agricultural (A-1 District), and the proposed zoning is Agricultural (A-0.5 District).

Chair Haymore opened the public hearing. There were no comments from the public. Chair Haymore closed the public hearing. The Planning Commission moved back into discussion.

*Commissioner Harrison made a motion to close the public hearing.*

*Commissioner Allinson seconded the motion. Motion carried 5-0. Glenn Leavitt – aye, Angela Harrison – aye, Dean Haymore – aye, Mila Allinson – aye, Lonnie Christensen – aye.*

- 3. Discussion and possible recommendation** on a General Plan Amendment Application submitted by Nolan Pearson. The application proposes a Future Land Use Map amendment to change the designation for Tax ID: T-149 from Residential to Agricultural. If approved, the designation would support open space and agricultural uses. This may include zoning such as Agricultural (A-0.5 and A-1), other zones that permit agricultural uses (such as MU-20), open space, large lot residential, and agricultural or open space-related uses.

<https://www.youtube.com/live/HqR3s67iXcU?si=2Nu9rYxxvdxj8nf0&t=3465>

Emily Teaters introduced this item summarizing the submitted application and how it can fit into the General Plan. The Planning Commission moved into the public hearing.

Nolan Pearson spoke during this item regarding his application. Nolan answered questions from Commissioner Christensen about lighting and dust mitigation for a potential riding arena.

*Commissioner Harrison made a motion to recommend approval of the General Plan Amendment submitted by Nolan and Laura Pearson to change the designation of the future land use map for Tax ID: T-149 from Residential to Agricultural.*

*Commissioner Leavitt seconded the motion. Motion carried 5-0. Glenn Leavitt – aye, Angela Harrison – aye, Dean Haymore – aye, Mila Allinson – aye, Lonnie Christensen – aye.*

**A. Public Hearing:** public input is sought on a General Plan Amendment Application proposing a Future Land Use Map amendment to change the designation for Tax ID: T-149 from Residential to Agricultural.

Chair Haymore opened the public hearing. There were no comments from the public. Chair Haymore closed the public hearing. The Planning Commission moved back into discussion.

*Commissioner Harrison made a motion to close the public hearing. Commissioner Leavitt seconded the motion. Motion carried 5-0. Glenn Leavitt – aye, Angela Harrison – aye, Dean Haymore – aye, Mila Allinson – aye, Lonnie Christensen – aye.*

4. **Discussion and possible recommendation** on a Zone Change Application submitted by Nolan Pearson for the property located at Tax ID: T-149. The current zoning is Single-Family residential (R-1-20 District), and the proposed zoning is Agricultural (A-0.5 District).  
<https://www.youtube.com/live/HqR3s67iXcU?si=YuXKzafCwwqSdRKp&t=3802>  
The planning Commission moved into public hearing.

*Commissioner Harrison made a motion to recommend approval of the Zone Change Application submitted by Nolan Pearson for the property located at Tax ID: T-149, preconditioned upon approval of the General Plan Amendment for the same parcel by the City Council. Commissioner Allinson seconded the motion. Motion carried 5-0. Glenn Leavitt – aye, Angela Harrison – aye, Dean Haymore – aye, Mila Allinson – aye, Lonnie Christensen – aye.*

- A. **Public Hearing:** public input is sought on a Zone Change Application for Tax ID: T-149. The current zoning is Single-Family Residential (R-1-20 District), and the proposed zoning is Agricultural (A-0.5 District).  
Chair Haymore opened the public hearing. There were no comments from the public. Chair Haymore closed the public hearing. The Planning Commission moved back into discussion.

*Commissioner Harrison made a motion to close the public hearing. Commissioner Christensen seconded the motion. Motion carried 5-0. Glenn Leavitt – aye, Angela Harrison – aye, Dean Haymore – aye, Mila Allinson – aye, Lonnie Christensen – aye.*

5. **Discussion and possible recommendation** on a Nightly Rental Application for 220 W Old Church Road, submitted by Jared Darger. Tax ID: T-91-B-4, current zoning is Agricultural (A-1 District).  
<https://www.youtube.com/live/HqR3s67iXcU?si=ao7SBEI2VOHIO1zw&t=3901>  
Emily Teaters introduced this item summarizing the submitted application. The Planning Commission moved into the public hearing.

Emily noted the property-owner will be responsible for responding to any complaints received regarding the nightly rental, they have a limit of 10 occupants, and there are no other nightly rentals within 500 feet.

*Commissioner Christensen made a motion to recommend approval of the Nightly Rental Application submitted by Jared Darger for 220 W Old Church Road. Commissioner Harrison seconded the motion. Motion carried 5-0. Glenn Leavitt – aye, Angela Harrison – aye, Dean Haymore – aye, Mila Allinson – aye, Lonnie Christensen – aye.*

**A. Public Hearing:** public input is sought on a Nightly Rental Application for 220 W Old Church Road, submitted by Jared Darger. Tax ID: T-91-B-4, current zoning is Agricultural (A-1 District).

Chair Haymore opened the public hearing. There were no comments from the public. Chair Haymore closed the public hearing. The Planning Commission moved back into discussion.

*Commissioner Allinson made a motion to close the public hearing. Commissioner Harrison seconded the motion. Motion carried 5-0. Glenn Leavitt – aye, Angela Harrison – aye, Dean Haymore – aye, Mila Allinson – aye, Lonnie Christensen – aye.*

**6. Discussion and possible recommendation** on a Pre-Annexation Agreement between Toquerville City and Solara Communities, LLC and RE developers, LLC for tax ID: 3151-A-1-HV, a 200-acre property currently located in unincorporated Washington County, Utah, proposed for residential development.

<https://www.youtube.com/live/HqR3s67iXcU?si=tgZWoblPfqQjaSi9&t=4069>

The Planning Commission moved into the public hearing.

Attorney Jenkins shared a presentation going over the Utah State Code requirements for development and pre-annexation agreements. Attorney Jenkins answered questions from the commissioners regarding access to the development. Darrin LeFevre answered questions from Chair Haymore regarding BLM land next to the Solara development. The Commissioners and staff discussed the review process for pre-annexation and development agreements. Aaron Tilton spoke during this item regarding development and building timelines as well as the public infrastructure district related to the development. The Commissioners discussed making a motion to combine the public hearing for items #6, #7, and #8.

*Commissioner Harrison made a motion to combine #6, #7, and #8 public hearings. Commissioner Allinson seconded the motion. Motion carried 5-0. Glenn Leavitt – aye, Angela Harrison – aye, Dean Haymore – aye, Mila Allinson – aye, Lonnie Christensen – aye.*

The Planning Commission moved back into a public hearing.

The Planning Commission took a recess at 8:31pm and reconvened at 8:45pm.

The Planning Commission continued their discussion on the pre-annexation agreement. Emily clarified some of the comments that were made during the public hearings. Emily listed some of the items the City has control over and can negotiate, and property tax affected by the development. Attorney Jenkins answered questions from Commissioner Allinson about a comment made regarding potential lawsuits from existing developers. Attorney Jenkins elaborated on the LUDMA (Land Use Development Management Act) process for annexations and negotiations that can be made regarding the agreements. Emily noted that if the Planning Commission wants to recommend approval they can also recommend conditions with it. Attorney Jenkins responded to more questions from the commissioners regarding billing for water. Attorney Jenkins stated that if it stays with the county, the county will bill for the water. Attorney Jenkins continued his presentation on the State Code requirements and processes that allow for the pre-annexation and

development agreements. Aaron Tilton answered questions regarding access to the development. Attorney Jenkins continued his presentation. The Commissioners went back to discussing the pre-annexation agreement as well as the checklist review items in City code.

***Commissioner Christensen made a motion to move forward on recommending approval of the Pre-Annexation Agreement for the Solara project between Solara Communities and Toquerville City. Commissioner Leavitt seconded the motion. Motion failed 2-3. Lonnie Christensen – aye, Dean Haymore – nay, Angela Harrison – nay, Glenn Leavitt – aye, Mila Allinson – nay.***

Motion failed. The Commissioners and staff discussed making a second motion.

***Commissioner Allinson made a motion to recommend to city council that we deny the Pre-Annexation Agreement. Commissioner Harrison seconded the motion. Motion carried 3-2. Lonnie Christensen – nay, Mila Allinson – aye, Dean Haymore – aye, Angela Harrison – aye, Glenn Leavitt – nay.***

**A. Public Hearing:** public input is sought on a Pre-Annexation Agreement between Toquerville City and Solara Communities, LLC and RE developers, LLC for tax ID: 3151-A-1-HV, a 200-acre property currently located in unincorporated Washington County, Utah, proposed for residential development.

Chair Haymore opened the public hearing. Dave Esquer shared his concerns with the pre-annexation and development agreements, affordable housing, and new development coming into Toquerville. Gary Chaves spoke during this item regarding the pre-annexation agreement and its compliance with City code. Chair Haymore closed the public hearing. The Planning Commission moved back into discussion.

***Commissioner Christensen made a motion to close the public hearing. Commissioner Harrison seconded the motion. Motion carried 5-0. Glenn Leavitt – aye, Angela Harrison – aye, Dean Haymore – aye, Mila Allinson – aye, Lonnie Christensen – aye.***

**B. Public Hearing:** Development Agreement between Toquerville City, Solara Communities, LLC, and RE Developers, LLC for the Solara Project, a proposed 200-acre development including up to 1,500 residential units (single-family homes, townhomes, and multi-family units) located on Tax ID: 3151-A-1-HV.

**C. Public Hearing:** public input is sought on Ordinance 2026.XX – an ordinance amending Title 10, Chapter 17, Section 4, Subsection H of the Toquerville City Code to provide that the City’s standard cap on nightly rental licenses will not apply to developments where nightly rentals are specifically authorized in a development agreement that has been approved by City Council through the required legislative process for land use regulations (Utah Code 10-20-508(20-508(2)(a)(iii)). In such cases, the number and terms of nightly rentals will be governed by the applicable development agreement.

Chair Haymore opened the public hearing. Aaron Tilton answered questions regarding DR Hortons affordable housing. Lynn Williams spoke during this time

sharing his concerns with the commercial benefits of the development and approving the development agreement. Lynda Williams asked questions regarding Solara being annexed. Aaron responded to Lynda's questions stating they planned to stay within Washington County and the annexation was requested by the WCWCD at the request of the City. The Commissioners and staff discussed the annexation request and who will provide water for the development. Kathy Bence spoke during this item sharing her concerns about what benefits the city will gain from annexing the development as well as exemptions being made for developers for nightly rentals. Gary Chaves spoke during this item sharing his concerns with the terms of the development agreement and the nightly rental exemption. Mike Franzese spoke during this item about the developments alignment with the City's General Plan. Dave Esquer requested to know who asked for the annexation. Brian McNary spoke during this item regarding Charter Cities. Kathy Bence spoke about the City Manager requesting annexation. Darrin LeFevre and Emily Teaters clarified that the City Manager did not directly request annexation but said that the City would consider it. Chair Haymore closed the public hearing. The Planning Commission moved back into discussion.

***Commissioner Harrison made a motion to close the public hearing. Commissioner Allinson seconded the motion. Motion carried 5-0. Glenn Leavitt – aye, Angela Harrison – aye, Dean Haymore – aye, Mila Allinson – aye, Lonnie Christensen – aye.***

7. **Discussion and possible recommendation** on a Development Agreement between Toquerville City, Solara Communities, LLC, and RE Developers, LLC for the Solara Project, a proposed 200-acre development including up to 1,500 residential units (single-family homes, townhomes, and multi-family units) located on Tax ID: 3151-A-1-HV. [https://www.youtube.com/live/HqR3s67iXcU?si=nQ1db\\_EFQbG5wLEc&t=13348](https://www.youtube.com/live/HqR3s67iXcU?si=nQ1db_EFQbG5wLEc&t=13348)  
This item was discussed in item #6.

***Commissioner Allinson made a motion to deny recommendation of the Solara Development Agreement between Toquerville City and Solara, a proposed 200-acre development including up to 1,500 residential units, single-family, townhomes, and multi-family units located on Tax ID: 3151-A-1-HV. Commissioner Harrison seconded the motion. Motion carried 4-1. Lonnie Christensen – nay, Mila Allinson – aye, Dean Haymore – aye, Angela Harrison – aye, Glenn Leavitt – aye.***

8. **Discussion and possible recommendation** on Ordinance 2026.XX – an ordinance amending Title 10, Chapter 17, Section 4, Subsection H of the Toquerville City Code to provide that the City's standard cap on nightly rental licenses will not apply to developments where nightly rentals are specifically authorized in a development agreement that has been approved by City Council through the required legislative process for land use regulations (Utah Code 10-20-508(20-508(2)(a)(iii)). In such cases, the number and terms of nightly rentals will be governed by the applicable development agreement.  
<https://www.youtube.com/live/HqR3s67iXcU?si=MHyRtxE-5ZnfuAI8&t=13489>  
This item was discussed in item #6. Emily Teaters and Attorney Jenkins both noted this item was not tied directly to Solara. Attorney Jenkins and the Commissioners discussed making a recommendation.

***Commissioner Harrison made a motion to deny Ordinance 2026.XX, amending Title 10, Chapter 17, Section 4, Subsection H of the Toquerville City Code to provide that the City's standard cap on nightly rental licenses will not apply to developments where nightly rentals are specifically authorized in a development agreement that has been approved by City Council through the required legislative process for land use regulations (Utah Code 10-20-508(20-508(2)(a)(iii)). In such cases, the number and terms of nightly rentals will be governed by the applicable development agreement.***

The Commissioners and staff continued their discussion on the Ordinance and how it will effect development agreements. The Commissioners discussed the motion previously made.

***Commissioner Harrison made a motion to deny Ordinance 2026.XX, amending Title 10, Chapter 17, Section 4, Subsection H of the Toquerville City Code to provide that the City's standard cap on nightly rental licenses will not apply to developments where nightly rentals are specifically authorized in a development agreement that has been approved by City Council through the required legislative process for land use regulations (Utah Code 10-20-508(20-508(2)(a)(iii)). In such cases, the number and terms of nightly rentals will be governed by the applicable development agreement. Commissioner Leavitt seconded the motion. Motion carried 5-0. Glenn Leavitt – aye, Angela Harrison – aye, Dean Haymore – aye, Mila Allinson – aye, Lonnie Christensen – aye.***

- 9. Discussion and possible recommendation** on Ordinance 2026.XX – an ordinance amending and restating Title 10, Chapter 19D, Section 16 of the Toquerville City Code to update improvement completion assurance requirements and clarify installation warranty obligations.

<https://www.youtube.com/live/HqR3s67iXcU?si=4p6EjB9AHHLi06ih&t=14087>

Darrin LeFevre summarized the ordinance noting it's to bring current code into compliance with state code. Attorney Jenkins talked about how the ordinance relates to LUDMA. The Planning Commission moved into public hearing.

***Commissioner Harrison made a motion to recommend approval of Ordinance 2026.XX updating the requirements for assurance bonds and warranty obligations.***

***Commissioner Leavitt seconded the motion. Motion carried 5-0. Glenn Leavitt – aye, Angela Harrison – aye, Dean Haymore – aye, Mila Allinson – aye, Lonnie Christensen – aye.***

- A. Public Hearing:** public input is sought on Ordinance 2026.XX – an ordinance amending and restating Title 10, Chapter 19D, Section 16 of the Toquerville City Code to update improvement completion assurance requirements and clarify installation warranty obligations.

Chair Haymore opened the public hearing. There were no comments from the public. Chair Haymore closed the public hearing. The Planning Commission moved back into discussion.

***Commissioner Harrison made a motion to close the public hearing. Commissioner Leavitt seconded the motion. Motion carried 5-0. Glenn Leavitt – aye, Angela Harrison – aye, Dean Haymore – aye, Mila Allinson – aye, Lonnie Christensen – aye.***

**10. Discussion and possible recommendation** on Ordinance 2026.XX – an ordinance amending Title 10, Chapter 3, Section 1 of the Toquerville City Code to add provisions establishing a process for the removal of any Planning Commission member.

<https://www.youtube.com/live/HqR3s67iXcU?si=hKFVzR2S9eQhnWEn&t=1804>

This item was moved to Item #2 during approval of the agenda. Emily introduced the item, noting that it is primarily a housekeeping measure intended to bring the ordinance into compliance with state code. The Planning Commission opened the public hearing.

The Commissioners discussed the proposed ordinance, and Attorney Jenkins answered questions regarding mayoral authority. The commissioners also discussed requiring City Council approval for the removal of a commission member.

*Commissioner Leavitt made a motion to adopt the removal process with the amendment that it has to be for cause and subject to the approval of the City Council via vote. Commissioner Harrison seconded the motion. Motion carried 4-1. Lonnie Christensen – nay, Mila Allinson – aye, Dean Haymore – aye, Angela Harrison – aye, Glenn Leavitt – aye.*

**A. Public Hearing:** public input is sought on Ordinance 2026.XX – an ordinance amending Title 10, Chapter 3, Section 1 of the Toquerville City Code to add provisions establishing a process for the removal of any Planning Commission member.

Chair Haymore opened the public hearing. Kathy Bence shared her concerns with the ordinance. Commissioner Leavitt noted Planning Commissioners are appointed by the Mayor. Commissioner Harrison requested to change the verbiage in the ordinance. Linda Williams spoke during this item sharing her concerns with commissioners being removed. Brian McNary shared his concern with having no due process for the removal of a member. The Planning Commission moved back into discussion.

*Commissioner Allinson made a motion to close the public hearing. Commissioner Harrison seconded the motion. Motion carried 5-0. Glenn Leavitt – aye, Angela Harrison – aye, Dean Haymore – aye, Mila Allinson – aye, Lonnie Christensen – aye.*

**E. REPORTS:**

<https://www.youtube.com/live/HqR3s67iXcU?si=PeRAsg3ucLaFT5TS&t=14376>

1. Planning Commission Chair  
No reports.
2. Planning Commissioners  
No reports.
3. Planning & Zoning Administrator – Emily Teaters  
Emily reported on development applications that will be before Planning Commission soon.
4. Assistant City Manager, Darrin LeFevre  
No reports.

**F. ADJOURN:**

<https://www.youtube.com/live/HqR3s67iXcU?si=t5Qix1zApuJmz34c&t=14489>

*Commissioner Christensen made a motion to adjourn.*

Chair Haymore adjourned the meeting at 10:00pm.

\_\_\_\_\_  
Planning Chair – Dean Haymore

\_\_\_\_\_  
Date

\_\_\_\_\_  
Attest: City Recorder – Emily Teaters

DRAFT

## Toquerville City Planning Commission Meeting

### Agenda Item Sheet

**Meeting Date:** 06.10.2026

**Department:** Engineering

**Item Title:**

Discussion and possible recommendation on an MPDO Modification Application submitted by Firelight Development, Inc., proposing a material modification to the Firelight MPDO Plan related to road cross sections.

**Presented By:** Darrin LeFevre

**Attachments:**

- Proposed Street Sections – Sheets TS-1 to TS-5
- Toquerville City Standard drawings RD-140A to RD-140E

**Options:**

Recommend Approval/Conditional Approval/Denial/Table

**Possible Motion (Approval):**

*I move to recommend approval of the MPDO Modification for Sun River Firelight*

**Background:**

The proposed cross sections for the Firelight Development are modifications to the standard road cross sections contained in the Toquerville City Standards and Specifications. These modifications are permitted under the Master Planned Development Overlay (MPDO) provisions of the Toquerville City Code, which allow flexibility in design when the proposed improvements meet the intent of the City's standards and provide enhanced community benefits.

The proposed modifications maintain the functional roadway requirements necessary for traffic circulation, emergency vehicle access, utility placement, and public safety while incorporating enhanced pedestrian facilities, landscaping, and streetscape improvements. In addition, many of the proposed amenities will be privately maintained, reducing future maintenance obligations for the City.

As a condition of approval, each final plat for every phase of the development shall provide and preserve public access to all trails located within Public Utility Easements (PUEs) and designated common areas. Appropriate easements, notes, and dedications shall be included on the final plats to ensure perpetual public access to these trail facilities.

The following is a description of each proposed cross-section modification and the rationale for its inclusion within the Sun River Firelight Development.

## ***Page TS-1***

### **Modified 43-foot Standard (Public)**

Nothing is changing in this cross-section that deviates from the Toquerville City Standards and Specifications.

### **Modified 43-foot Standard – 30-foot Option (Private)**

The standard 43-foot right-of-way (ROW) identified in the Toquerville City Standards and Specifications includes 26 feet of pavement, 2.5 feet of curb and gutter on both sides, and 6-foot sidewalks on both sides. All of these improvements are located within the public right-of-way and are owned and maintained by the city.

The Firelight proposal would retain the City's standard roadway section, including 26 feet of pavement and 2.5-foot curb and gutter on both sides within the public ROW. The proposed modification is the replacement of the standard sidewalks with a private streetscape consisting of a 4-foot sidewalk on one side, a 6-foot planter strip on one side, and a 10-foot landscaped area on the side with the sidewalk. The total width of improvements would be 60 feet.

Under this proposal, the asphalt, curbs, trails, planter strips, and sidewalk would be privately owned and maintained, and the city would not assume responsibility for their maintenance.

### **Modified 43-foot Standard – 36-foot Option (Private)**

The standard 43-foot right-of-way (ROW) identified in the Toquerville City Standards and Specifications includes 26 feet of pavement, 2.5 feet of curb and gutter on both sides, and 6-foot sidewalks on both sides. All of these improvements are located within the public right-of-way and are owned and maintained by the city.

The Firelight proposal would retain the City's standard roadway section, including 32 feet of pavement and 2.5-foot curb and gutter on both sides within the public ROW. The proposed modification is the replacement of the standard sidewalks with a private streetscape consisting of a 4-foot sidewalk on one side, a 6-foot planter strip on one side, and a 10-foot landscaped area on the side with the sidewalk. The total width of improvements would be 66 feet.

Under this proposal, the asphalt, curbs, trails, planter strips, and sidewalk would be privately owned and maintained, and the city would not assume responsibility for their maintenance.

## ***Page TS-2***

### **Modified 50-foot Standard (Public)**

Nothing is changing in this cross-section that deviates from the Toquerville City Standards and Specifications.

### **Modified 50-foot Standard – 58-foot Option with Trails (Public)**

The standard 60-foot right-of-way (ROW) identified in the Toquerville City Standards and Specifications includes 33 feet of pavement, 2.5 feet of curb and gutter on both sides, and 6-foot sidewalks on both sides. All of these improvements are located within the public right-of-way and are owned and maintained by the city.

The Firelight proposal would retain the City's standard roadway section, including 33 feet of pavement and 2.5-foot curb and gutter on both sides and one 6-foot sidewalk within the public ROW. The proposed modification is the replacement of the 6-foot standard sidewalk with a 10-foot trail on one side, located in the Public Utility Easement. The total width of improvements would be 74 feet.

Under this proposal, the trail and landscaped areas would be privately owned and maintained, and the city would not assume responsibility for their maintenance.

### ***Page TS-3***

### **Modified 60-foot Standard (Public)**

Nothing is changing in this cross-section that deviates from the Toquerville City Standards and Specifications.

### **Modified 60-foot Standard – 48-foot Option with Trail (Public)**

The standard 60-foot right-of-way (ROW) identified in the Toquerville City Standards and Specifications includes 43 feet of pavement, 2.5 feet of curb and gutter on both sides, and 6-foot sidewalks on both sides. All of these improvements are located within the public right-of-way and are owned and maintained by the city.

The Firelight proposal would retain the City's standard roadway section, including 43 feet of pavement and 2.5-foot curb and gutter on both sides within the public ROW. The proposed modification is the replacement of the standard sidewalks with a private streetscape consisting of a 10-foot trail on one side and a 6-foot sidewalk on the other side, a 6-foot planter strip on both sides, and a 10-foot landscaped area on each side of the roadway. The total width of improvements would be 96 feet.

Under this proposal, the trails, planter strips, and landscaped areas and sidewalk would be privately owned and maintained, and the city would not assume responsibility for their maintenance.

### **Modified 60-foot Standard – 48-foot Option with Trails (Public)**

The standard 66-foot right-of-way (ROW) identified in the Toquerville City Standards and Specifications includes 43 feet of pavement, 2.5 feet of curb and gutter on both sides, and 6-foot sidewalks on both sides. All of these improvements are located within the public right-of-way and are owned and maintained by the city.

The Firelight proposal would retain the City's standard roadway section, including 43 feet of pavement and 2.5-foot curb and gutter on both sides within the public ROW. The proposed modification is the replacement of the standard sidewalks with a private streetscape consisting of a 10-foot trail, a 6-foot planter strip, and a 10-foot landscaped area on each side of the roadway. The total width of improvements would be 96 feet.

Under this proposal, the trails, planter strips, and landscaped areas would be privately owned and maintained, and the city would not assume responsibility for their maintenance.

## ***Page TS-4***

### **Modified 66-foot Standard (Public)**

Nothing is changing in this cross-section that deviates from the Toquerville City Standards and Specifications.

### **Modified 66-foot Standard – 54-foot Option with Trail (Public)**

The standard 66-foot right-of-way (ROW) identified in the Toquerville City Standards and Specifications includes 49 feet of pavement, 2.5 feet of curb and gutter on both sides, and 6-foot sidewalks on both sides. All of these improvements are located within the public right-of-way and are owned and maintained by the City.

The Firelight proposal would retain the City's standard roadway section, including 49 feet of pavement and 2.5-foot curb and gutter on both sides within the public ROW. The proposed modification is the replacement of the standard sidewalks with a private streetscape consisting of (1) a 10-foot trail on one side and a 6-foot sidewalk on the other side, a 6-foot planter strip on both sides, and a 10-foot landscaped area on each side of the roadway. The total width of improvements would be 102 feet.

Under this proposal, the trails, planter strips, and landscaped areas and sidewalk would be privately owned and maintained, and the city would not assume responsibility for their maintenance.

### **Modified 66-foot Standard – 54-foot Option Temporary Section (Public)**

The standard 66-foot right-of-way (ROW) identified in the Toquerville City Standards and Specifications includes 49 feet of pavement, 2.5 feet of curb and gutter on both sides, and 6-foot sidewalks on both sides. All of these improvements are located within the public right-of-way and are owned and maintained by the City.

The Firelight proposal would retain the City's standard roadway section, including 49 feet of pavement and 2.5-foot curb and gutter on both sides within the public ROW **IN THE FUTURE**. The proposed modification is installing the spine of the road 32-feet of asphalt as per cross section 54-foot Option with Trail (Public). This would be used in an area where there is no development proposed at the time, but will have development in the future. And the road

will be widened at that time. The total width of improvements would be 102 feet in the future.

Under this proposal, the trails, planter strips, and landscaped areas and sidewalk would be privately owned and maintained, and the city would not assume responsibility for their maintenance, but these improvements would be made in the future.

## ***Page TS-5***

### **Modified 66-foot Standard – 54' Option with Trail (Public)**

The standard 66-foot right-of-way (ROW) identified in the Toquerville City Standards and Specifications includes 49 feet of pavement, 2.5 feet of curb and gutter on both sides, and 6-foot sidewalks on both sides. All of these improvements are located within the public right-of-way and are owned and maintained by the City.

The Firelight proposal would retain the City's standard roadway section, including 49 feet of pavement and 2.5-foot curb and gutter on both sides within the public ROW. The proposed modification is the replacement of the standard sidewalks with a private streetscape consisting of a 10-foot trail, a 6-foot planter strip, and a 10-foot landscaped area on each side of the roadway. The total width of improvements would be 96 feet.

Under this proposal, the trails, planter strips, and landscaped areas would be privately owned and maintained, and the city would not assume responsibility for their maintenance.

### **Modified 80-foot Standard (Public)**

The only change from the City Standards and Specifications is the addition of a landscape median in the middle of the road, similar to what is seen on Snow Canyon Parkway in St. George. The asphalt width is 68 feet, with 2.5-foot curbs and 6-foot sidewalks, which the city would own and maintain.

### **Modified 80-foot Standard – 68-foot Option with Trails (Public)**

The only change from the City Standards and Specifications is the addition of a landscape median in the middle of the road, similar to what is seen on Snow Canyon Parkway in St. George. The asphalt width is 68 feet, with 2.5-foot curbs.

The proposed modification is the replacement of the standard sidewalks with a private streetscape consisting of a 10-foot trail, a 6-foot planter strip, and a 10-foot landscaped area on each side of the roadway. The total width of improvements would be 120 feet.

Under this proposal, the trails, planter strips, and landscaped areas would be privately owned and maintained, and the city would not assume responsibility for their maintenance.

## MPDO MODIFICATION APPLICATION

Fee: \$1,000

### Applicant Information

Name: Firelight Development, Inc. Phone Number: [REDACTED]  
Address: 1404 W Sun River Pkwy, Ste 200, St George, UT 84790  
Email: stephen@fieldhousedevelopment.com  
Agent (if applicable): \_\_\_\_\_ Phone Number: \_\_\_\_\_

### Description of Proposed Modification(s)

(Provide a brief description of the modification requested. To be considered non-material, the changes must not materially affect the Maximum Development Area, Residential or Commercial Density, Toquerville City Standards and Specifications, land uses or Public Facilities depicted in the Firelight MPDO Plan.)

Update road cross sections in the MPDO.

### Modification Documents

Please attach the following documents:

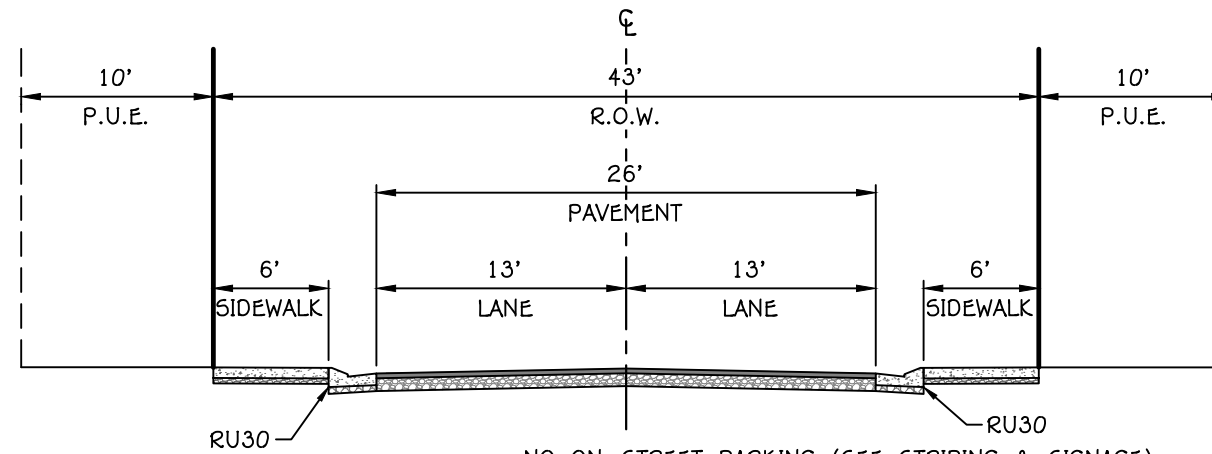
- \_\_\_\_ 1. Modified MPDO Plan (if a site plan is being submitted, it must meet the requirements of Toquerville City's MPDO Clarifications and Applicable Restrictions),
- \_\_\_\_ 2. Supplemental summary of changes detailing the changes made to the modified plan,
- \_\_\_\_ 3. Any other relevant documentation supporting the modification request.

I hereby certify that the information provided in this application and all accompanying documents are true and correct to the best of my knowledge. I acknowledge that the City may request additional information to process this application, and I agree to comply with all relevant ordinances and procedures. I understand that incomplete or inaccurate submissions may delay the review process. I acknowledge that material modifications require the approval process as outlined in the development agreement.

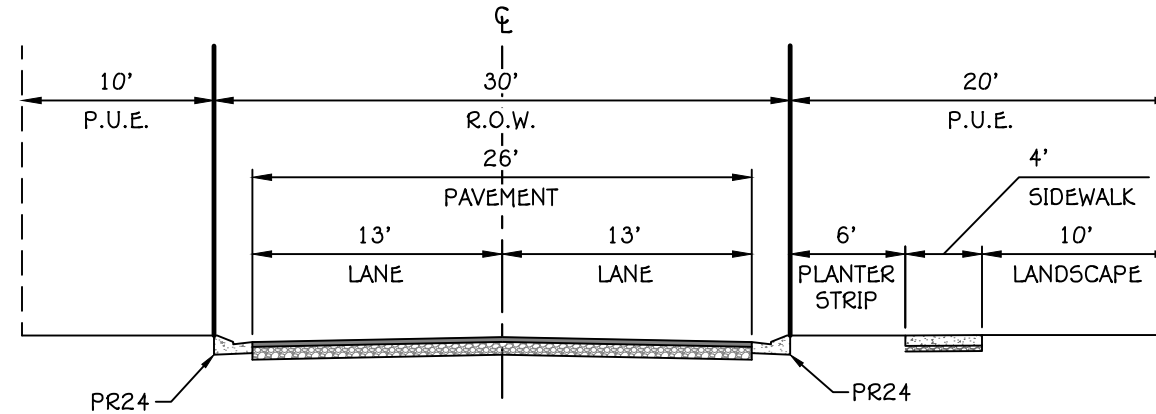
Signature [Signature] Date: 5/11/26

### (Office Use Only)

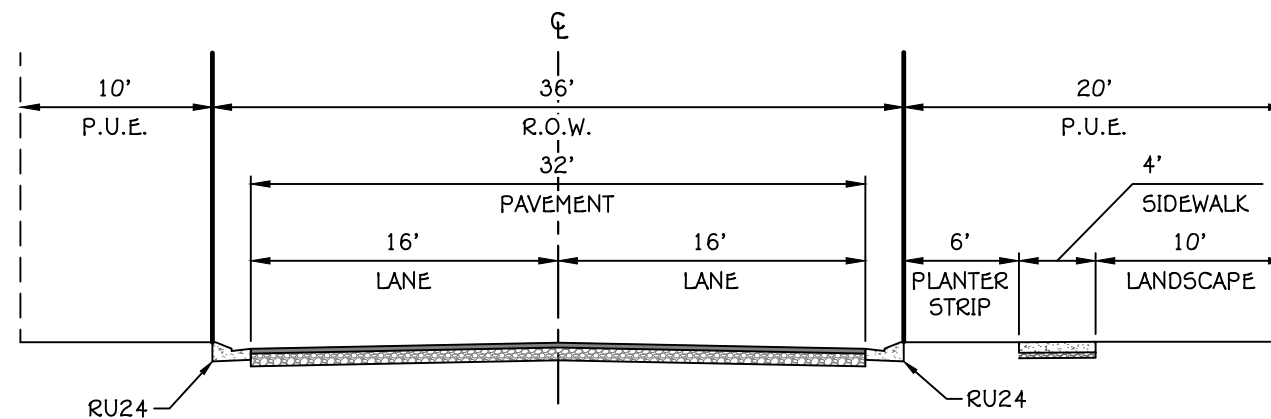
Date Received: 5/14/26 Payment Type: [REDACTED] Received by: MD  
Application Determination:  Non-Material Modification  Material Modification  
Date of Determination: \_\_\_\_\_



\* NO ON-STREET PARKING (SEE STRIPING & SIGNAGE)  
43' STANDARD (PUBLIC)  
 SCALE: 1" = 10'



\* NO ON-STREET PARKING (SEE STRIPING & SIGNAGE)  
FIRELIGHT 30' OPTION (PRIVATE)  
 SCALE: 1" = 10'



\* NO ON-STREET PARKING (SEE STRIPING & SIGNAGE)  
FIRELIGHT 36' OPTION (PRIVATE)  
 SCALE: 1" = 10'

NO.	DATE	DESCRIPTION

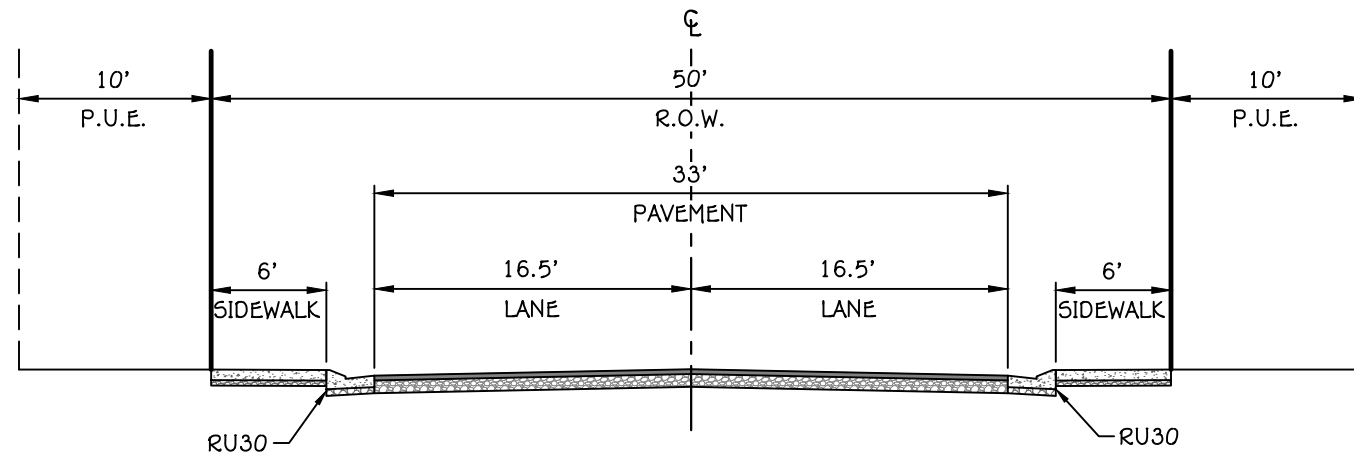
**PRELIMINARY  
 NOT FOR  
 CONSTRUCTION**



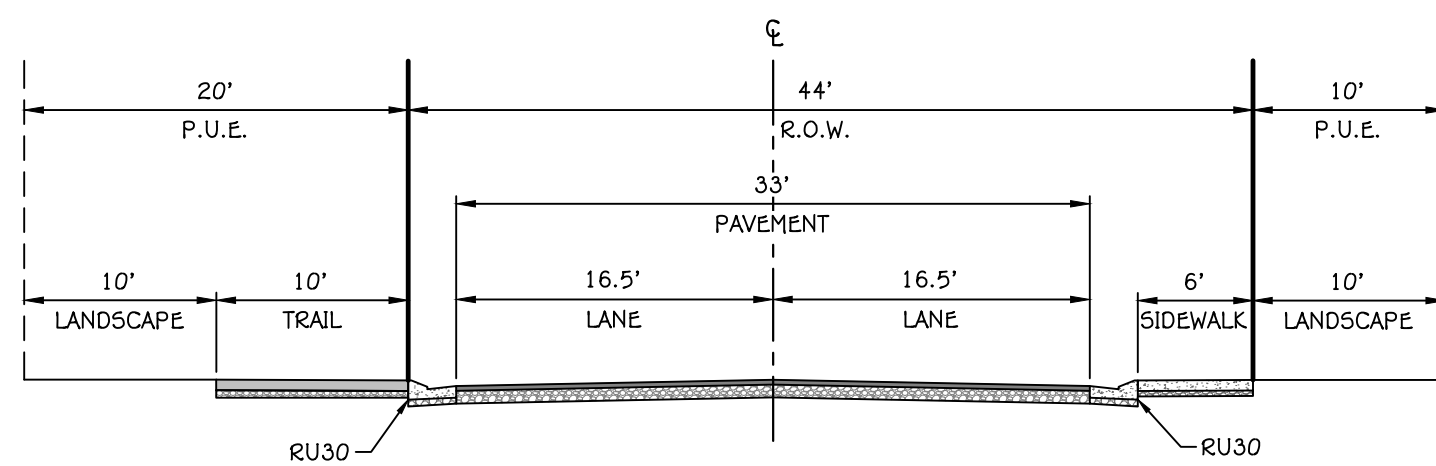
**FIRELIGHT  
 TOQUERVILLE, UTAH  
 PROPOSED STREET SECTIONS I**  
 MPDO AMENDMENT

JOB #	506-0
DRAWN BY:	SSA
CHECKED BY:	ARC
DATE:	06/02/2026

**TS-1**



**50' STANDARD (PUBLIC)**  
SCALE: 1" = 10'



**\* MODIFIED 50' STANDARD  
FIRELIGHT 44' OPTION WITH TRAIL (PUBLIC)**  
SCALE: 1" = 10'

REVISIONS	
NO.	DESCRIPTION

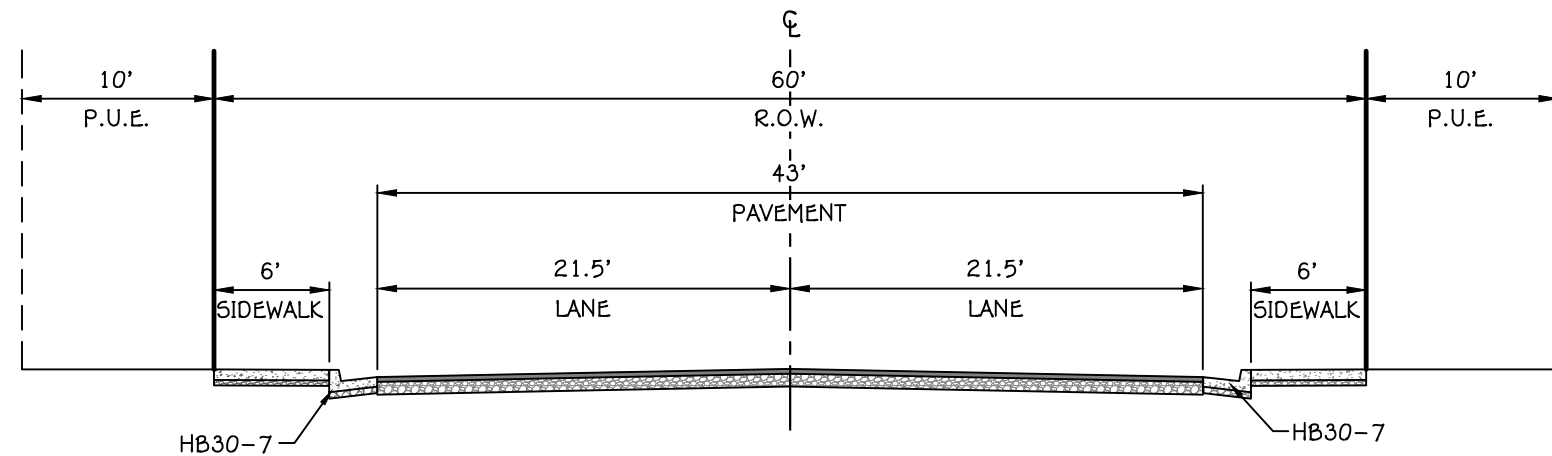
**PRELIMINARY  
NOT FOR  
CONSTRUCTION**



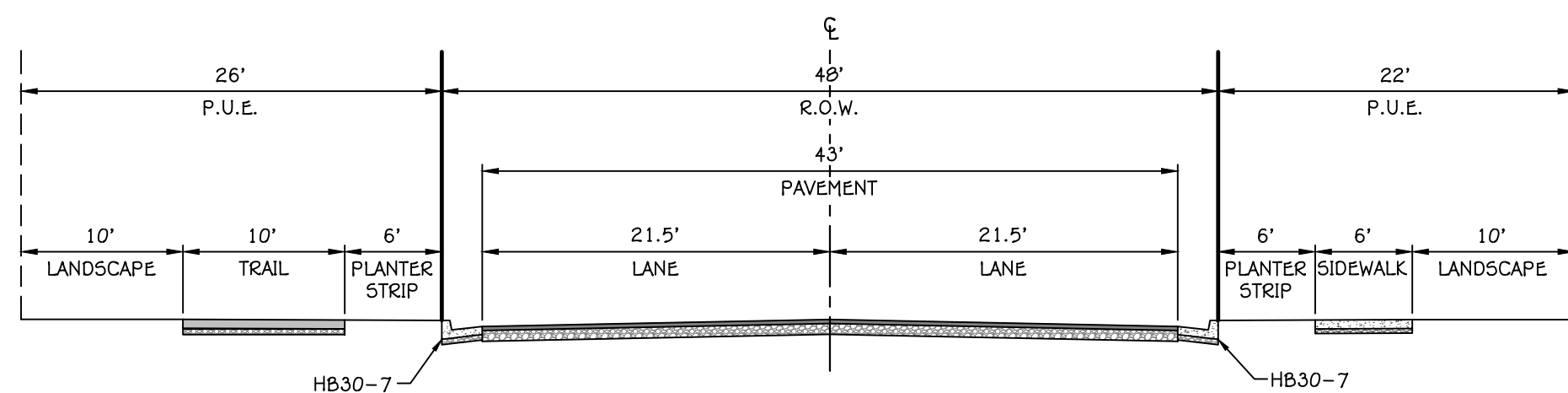
**FIRELIGHT  
TOQUERVILLE, UTAH  
PROPOSED STREET SECTIONS II**  
MPDO AMENDMENT

JOB #	506-0
DRAWN BY:	SSA
CHECKED BY:	ARC
DATE:	06/02/2026

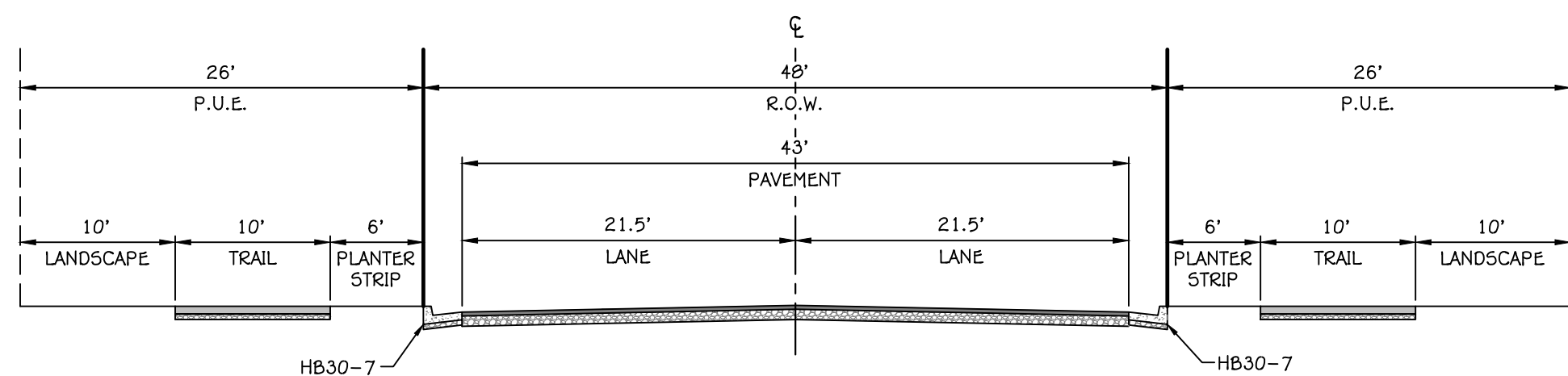
**TS-2**  
SHEET: 2 OF 5



**60' STANDARD (PUBLIC)**  
SCALE: 1" = 10'



**\* MODIFIED 60' STANDARD  
FIRELIGHT 48' OPTION WITH TRAIL (PUBLIC)**  
SCALE: 1" = 10'



**\* MODIFIED 60' STANDARD  
FIRELIGHT 48' OPTION WITH TRAILS (PUBLIC)**  
SCALE: 1" = 10'

REVISIONS	
NO.	DESCRIPTION

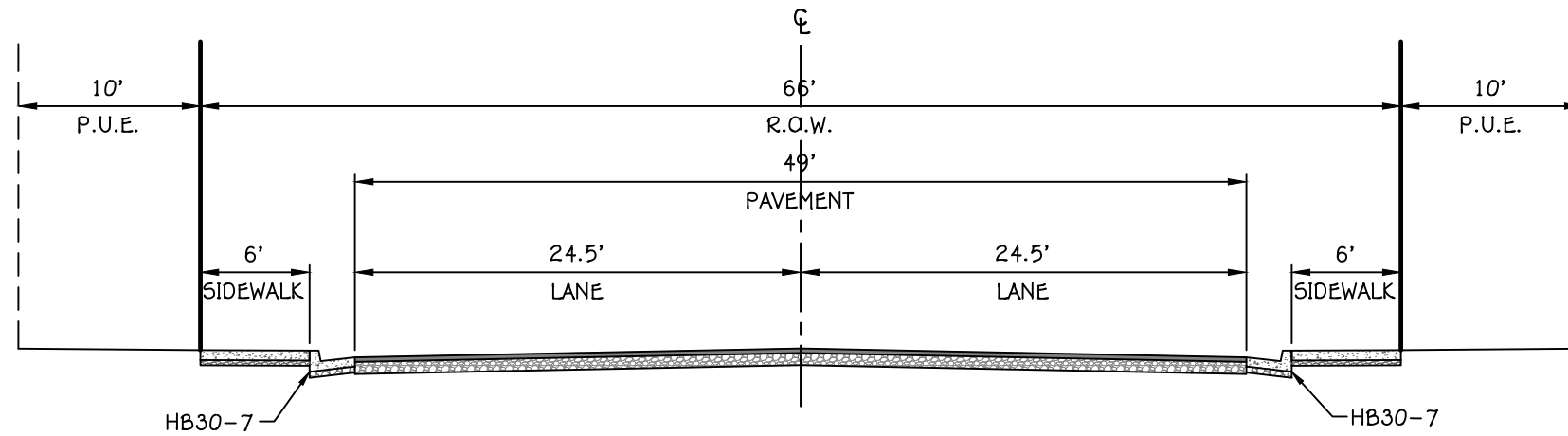
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CONSTRUCTION**



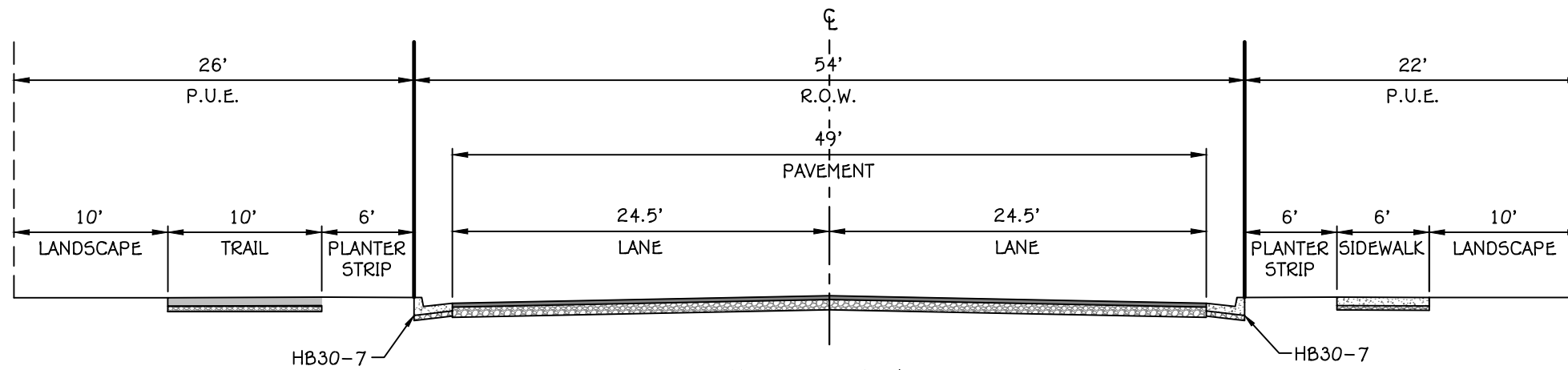
**FIRELIGHT  
TOQUERVILLE, UTAH  
PROPOSED STREET SECTIONS III  
MPDO AMENDMENT**

JOB #	506-0
DRAWN BY:	SSA
CHECKED BY:	ARC
DATE:	06/02/2026

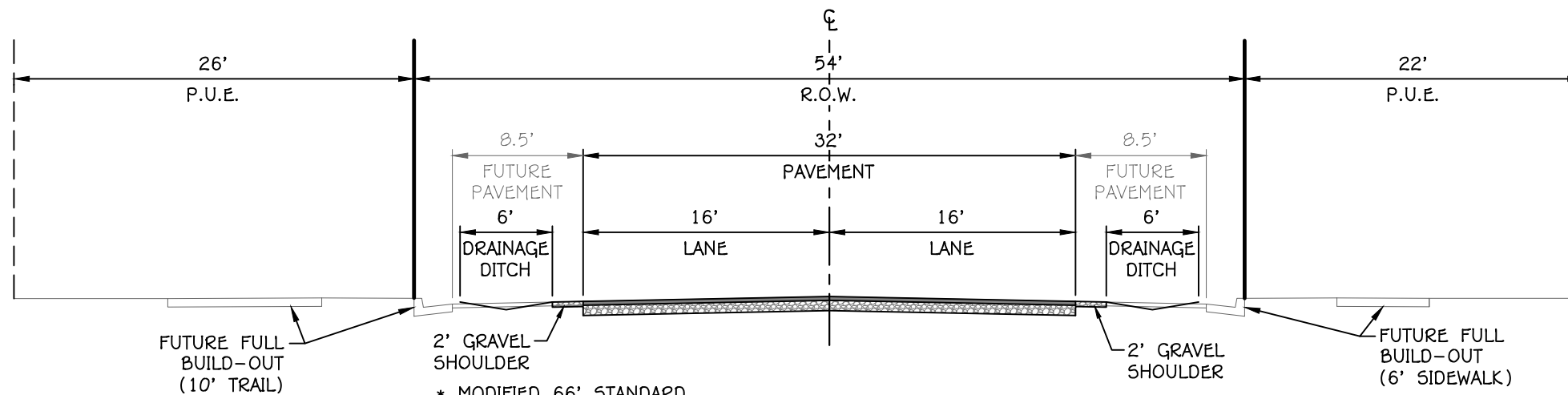
**TS-3**  
SHEET: 3 OF 5



**66" STANDARD (PUBLIC)**  
SCALE: 1" = 10'



**\* MODIFIED 66' STANDARD  
FIRELIGHT 54' OPTION WITH TRAIL (PUBLIC)**  
SCALE: 1" = 10'



**\* MODIFIED 66' STANDARD  
FIRELIGHT 54' OPTION TEMPORARY SECTION (PUBLIC)**  
SCALE: 1" = 10'

NO.	DATE	DESCRIPTION

**PRELIMINARY  
NOT FOR  
CONSTRUCTION**

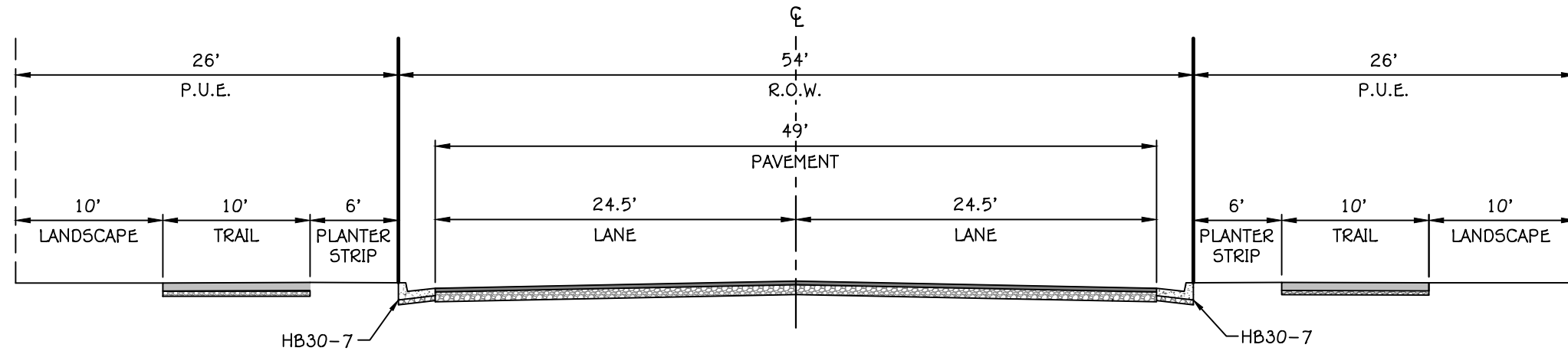


**FIRELIGHT  
TOQUERVILLE, UTAH  
PROPOSED STREET SECTIONS IV  
MPDO AMENDMENT**

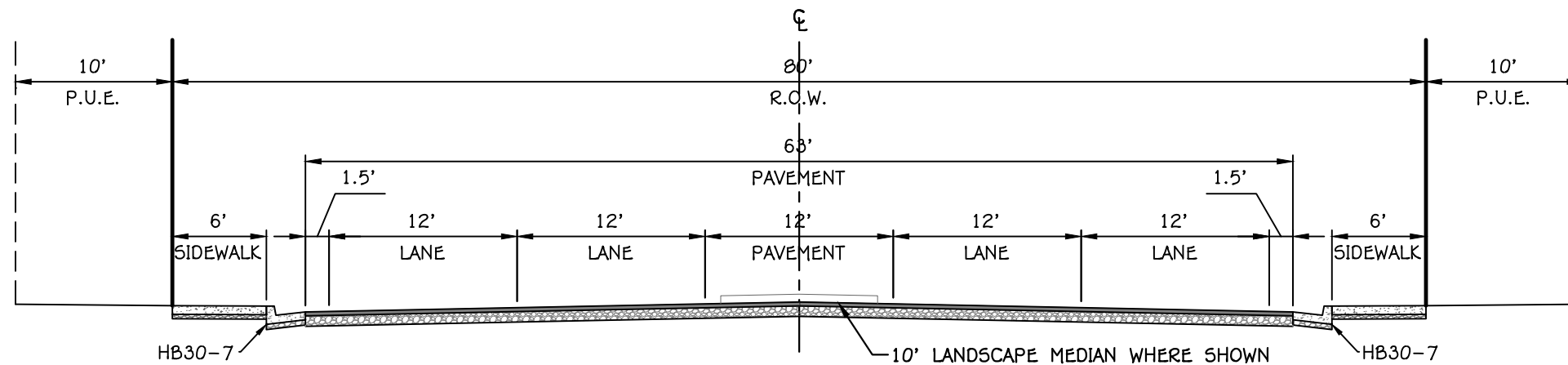
JOB #	506-0
DRAWN BY:	SSA
CHECKED BY:	ARC
DATE:	06/02/2026

**TS-4**

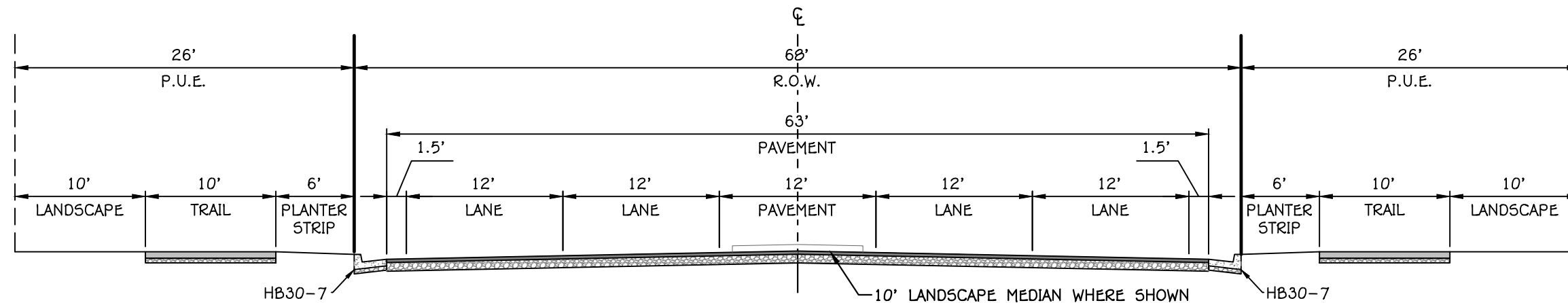
SHEET:	4	OF	5
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\* MODIFIED 66' STANDARD  
FIRELIGHT 54' OPTION WITH TRAIL (PUBLIC)  
 SCALE: 1" = 10'



80' STANDARD (PUBLIC)  
 SCALE: 1" = 10'



\* MODIFIED 80' STANDARD  
FIRELIGHT 68' OPTION WITH TRAILS (PUBLIC)  
 SCALE: 1" = 10'

NO.	DATE	DESCRIPTION

**PRELIMINARY  
 NOT FOR  
 CONSTRUCTION**



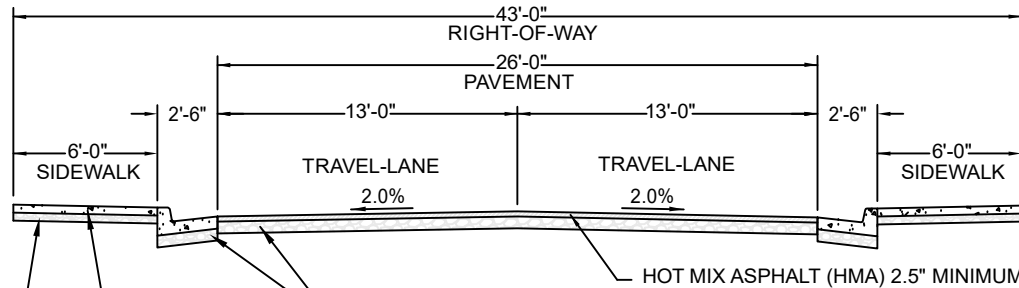
**FIRELIGHT**  
 TOQUERVILLE, UTAH  
**PROPOSED STREET SECTIONS V**  
 MPDO AMENDMENT

JOB #	506-0
DRAWN BY:	SSA
CHECKED BY:	ARC
DATE:	06/02/2026

**TS-5**

SHEET: 5 OF 5

LOCAL ROAD  
43' RIGHT-OF-WAY



UNTREATED ROADBASE  
4" THICKNESS MINIMUM  
UNDER SIDEWALK  
6" THICKNESS MINIMUM  
UNDER DRIVEWAYS  
SEE STANDARD DRAWING 100

CONCRETE SIDEWALK  
4" THICKNESS MINIMUM  
6" THICKNESS MINIMUM IN  
DRIVEWAYS  
SEE STANDARD DRAWING  
120

UNTREATED ROADBASE (UTBC) 6" MINIMUM

HOT MIX ASPHALT (HMA) 2.5" MINIMUM

NOTES:

1. MINIMUM THICKNESSES ARE SHOWN. THICKNESS SHALL BE BASED UPON ACTUAL GEOTECHNICAL REPORT, BUT IN NO CASE SHALL IT BE LESS THAN THE MINIMUM.
2. MINIMUM CROSS SLOPE ON PAVEMENT SHALL BE 2%. MAXIMUM ALLOWABLE DIFFERENCE IN CURB ELEVATION SHALL BE 12 INCHES AND MUST HAVE CITY ENGINEER APPROVAL PRIOR TO ITS USE.
3. THIS ROAD CROSS SECTION IS NOT PERMITTED IN INDUSTRIAL AREAS. THIS SECTION IS ONLY FOR USE IN RESIDENTIAL ZONES AND CAN ONLY SERVE 15 HOMES WITHOUT A SECOND ACCESS OR INTERSECTION.
4. NON-STANDARD ROAD CROSS SECTIONS MAY BE ALLOWED UPON APPROVAL OF TOQUERVILLE CITY ENGINEERING.
5. ON-STREET PARKING NOT PERMITTED.

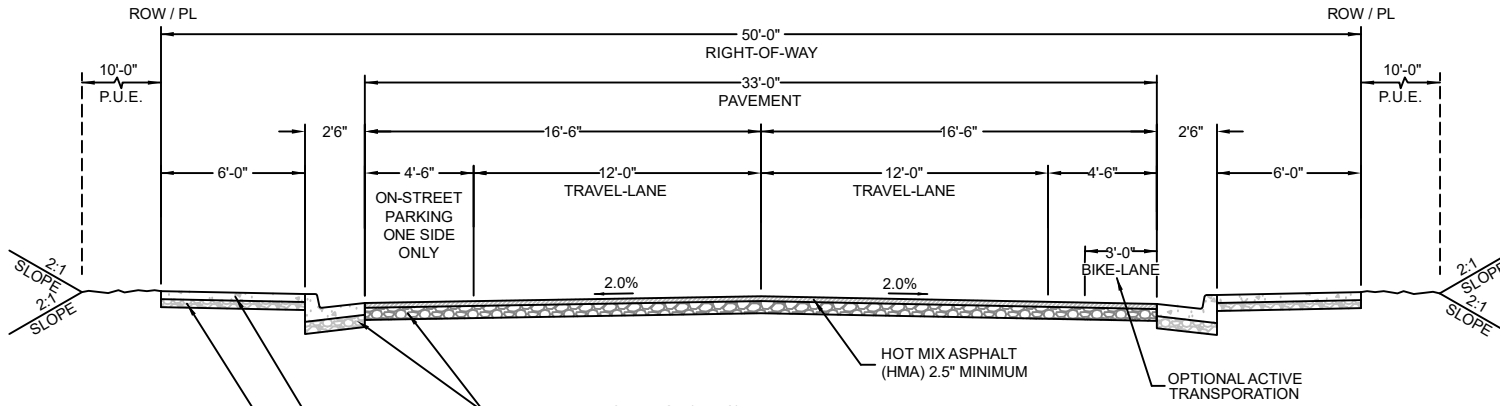
TOQUERVILLE CITY

STANDARD DWG. NO.	RD - 140A	1 OF 1
APPROVED: YES	SCALE: NTS	BY: T.C.E.
DATE: 6/4/2025		

**43' LOCAL ROAD CROSS SECTION**

REVISIONS		BY
DATE	DESCRIPTION	

LOCAL ROAD  
50'  
RIGHT-OF-WAY



CONCRETE SIDEWALK | 4" THICKNESS MINIMUM  
6" THICKNESS MINIMUM IN DRIVEWAYS  
SEE STANDARD DRAWING 120

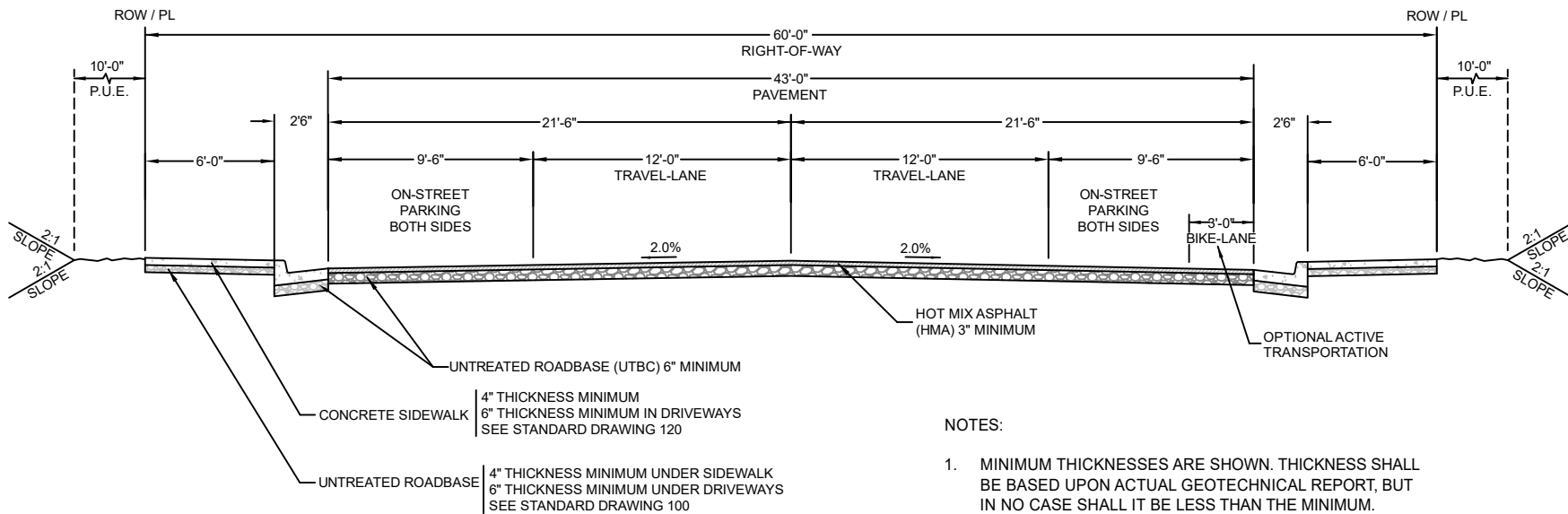
UNTREATED ROADBASE | 4" THICKNESS MINIMUM UNDER SIDEWALK  
6" THICKNESS MINIMUM UNDER DRIVEWAYS  
SEE STANDARD DRAWING 100

- NOTES:
1. MINIMUM THICKNESSES ARE SHOWN. THICKNESS SHALL BE BASED UPON ACTUAL GEOTECHNICAL REPORT, BUT IN NO CASE SHALL IT BE LESS THAN THE MINIMUM.
  2. MINIMUM CROSS SLOPE ON PAVEMENT SHALL BE 2%. MAXIMUM ALLOWABLE DIFFERENCE IN CURB ELEVATION SHALL BE 12 INCHES AND MUST HAVE CITY ENGINEER APPROVAL PRIOR TO ITS USE.
  3. FOR ROADS IN OR SERVING INDUSTRIAL AREAS, ASPHALT AND BASE THICKNESS SHALL BE INCREASED ACCORDING TO PROVISIONS FOR HEAVY TRUCK TRAFFIC.
  4. NON-STANDARD ROAD CROSS SECTIONS MAY BE ALLOWED UPON APPROVAL OF TOQUERVILLE CITY COUNCIL.
  5. ON-STREET PARKING PERMITTED ON ONE SIDE OF STREET ONLY.



TOQUERVILLE CITY		STANDARD DWG. NO.	
		RD - 140B	1 OF 1
		APPROVED: YES	SCALE: NTS
		DATE: 6/4/2025	BY: M.D.L.
<b>50' LOCAL ROAD CROSS SECTION</b>			
REVISIONS	DESCRIPTION	BY	

COLLECTOR ROAD  
60' RIGHT-OF-WAY



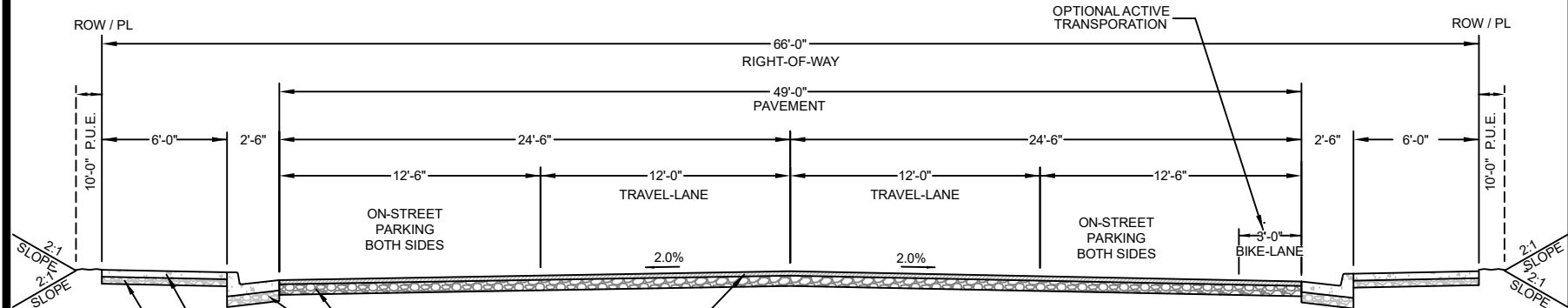
NOTES:

1. MINIMUM THICKNESSES ARE SHOWN. THICKNESS SHALL BE BASED UPON ACTUAL GEOTECHNICAL REPORT, BUT IN NO CASE SHALL IT BE LESS THAN THE MINIMUM.
2. MINIMUM CROSS SLOPE ON PAVEMENT SHALL BE 2%. MAXIMUM ALLOWABLE DIFFERENCE IN CURB ELEVATION SHALL BE 12 INCHES AND MUST HAVE CITY ENGINEER APPROVAL PRIOR TO ITS USE.
3. FOR ROADS IN OR SERVING INDUSTRIAL AREAS, ASPHALT AND BASE THICKNESS SHALL BE INCREASED ACCORDING TO PROVISIONS FOR HEAVY TRUCK TRAFFIC.
4. NON-STANDARD ROAD CROSS SECTIONS MAY BE ALLOWED UPON APPROVAL OF TOQUERVILLE CITY COUNCIL.
5. ON-STREET PARKING PERMITTED ON BOTH SIDES OF STREET.



TOQUERVILLE CITY		STANDARD DWG. NO. RD - 140C	1 OF 1
<b>60' MINOR COLLECTOR CROSS SECTION</b>		APPROVED: YES	SCALE: NTS
DATE: 6/4/2025		BY: M.D.L.	
REVISIONS	DESCRIPTION	DATE	BY

MAJOR COLLECTOR ROAD  
66' RIGHT-OF-WAY



HOT MIX ASPHALT (HMA) 3" MINIMUM

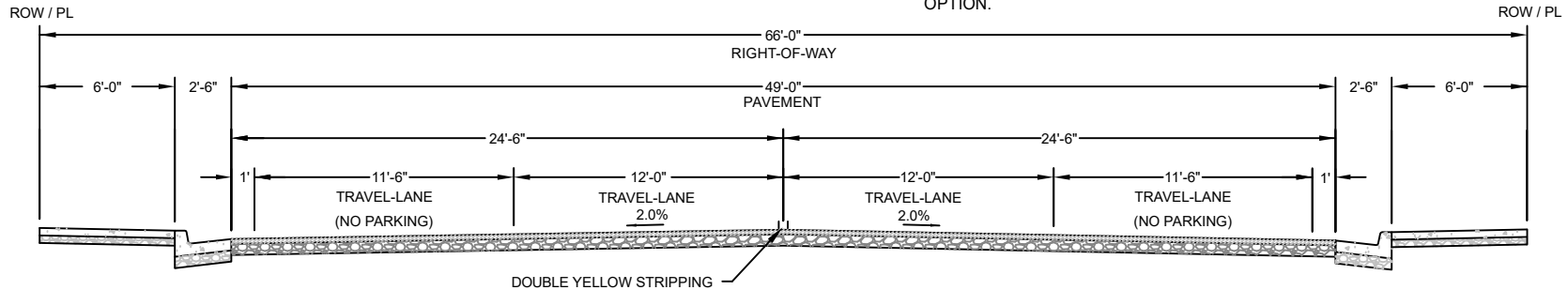
UNTREATED ROADBASE (UTBC) 6" MINIMUM

CONCRETE SIDEWALK | 4" THICKNESS MINIMUM  
6" THICKNESS MINIMUM IN DRIVEWAYS  
SEE STANDARD DRAWING 120

UNTREATED ROADBASE | 4" THICKNESS MINIMUM UNDER SIDEWALK  
6" THICKNESS MINIMUM UNDER DRIVEWAYS  
SEE STANDARD DRAWING 100

NOTES:

1. MINIMUM THICKNESSES ARE SHOWN. THICKNESS SHALL BE BASED UPON ACTUAL GEOTECHNICAL REPORT, BUT IN NO CASE SHALL IT BE LESS THAN THE MINIMUM.
2. MINIMUM CROSS SLOPE ON PAVEMENT SHALL BE 2%. MAXIMUM ALLOWABLE DIFFERENCE IN CURB ELEVATION SHALL BE 12 INCHES AND MUST HAVE CITY ENGINEER APPROVAL PRIOR TO ITS USE.
3. FOR ROADS IN OR SERVING INDUSTRIAL AREAS, ASPHALT AND BASE THICKNESS SHALL BE INCREASED ACCORDING TO PROVISIONS FOR HEAVY TRUCK TRAFFIC.
4. NON-STANDARD ROAD CROSS SECTIONS MAY BE ALLOWED UPON APPROVAL OF TOQUERVILLE CITY COUNCIL.
5. ON-STREET PARKING PERMITTED ON BOTH SIDES OF TWO LANE STREET. ON-STREET PARKING NOT PERMITTED ON 4-LANE OPTION.



4-LANE CONFIGURATION

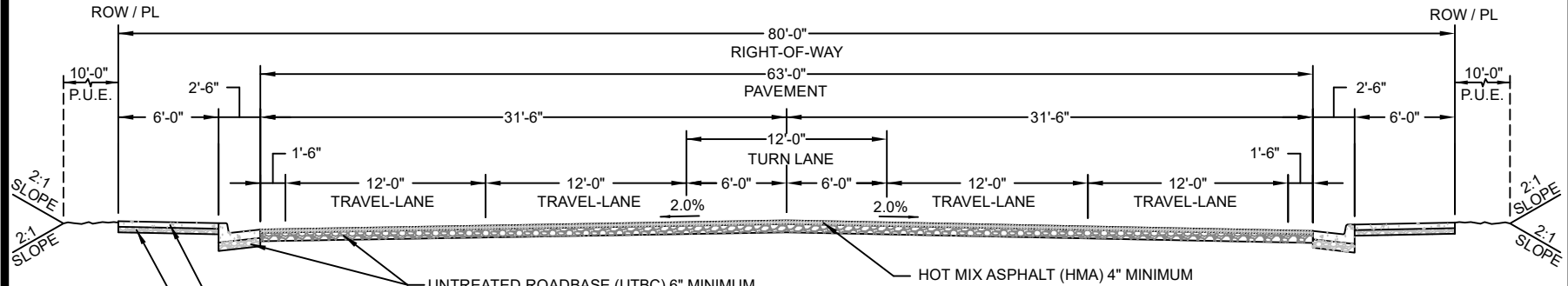


STANDARD DWG. NO.	RD - 140D	1 OF 1
APPROVED: YES	SCALE: NTS	BY: M.D.L.
DATE: 6/4/2025		

TOQUERVILLE CITY  
**66' COLLECTOR CROSS SECTION**

REVISIONS		DATE	DESCRIPTION	BY

## ARTERIAL ROADWAY 80' RIGHT-OF-WAY



UNTREATED ROADBASE (UTBC) 6" MINIMUM  
 CONCRETE SIDEWALK 4" THICKNESS MINIMUM  
 6" THICKNESS MINIMUM IN DRIVEWAYS  
 SEE STANDARD DRAWING 120  
 UNTREATED ROADBASE 4" THICKNESS MINIMUM UNDER SIDEWALK  
 6" THICKNESS MINIMUM UNDER DRIVEWAYS  
 SEE STANDARD DRAWING 100

HOT MIX ASPHALT (HMA) 4" MINIMUM

**NOTES:**

1. MINIMUM THICKNESSES ARE SHOWN. THICKNESS SHALL BE BASED UPON ACTUAL GEOTECHNICAL REPORT, BUT IN NO CASE SHALL IT BE LESS THAN THE MINIMUM.
2. MINIMUM CROSS SLOPE ON PAVEMENT SHALL BE 2%. MAXIMUM ALLOWABLE DIFFERENCE IN CURB ELEVATION SHALL BE 12 INCHES AND MUST HAVE CITY ENGINEER APPROVAL PRIOR TO ITS USE.
3. FOR ROADS IN OR SERVING INDUSTRIAL AREAS, ASPHALT AND BASE THICKNESS SHALL BE INCREASED ACCORDING TO PROVISIONS FOR HEAVY TRUCK TRAFFIC.
4. NON-STANDARD ROAD CROSS SECTIONS MAY BE ALLOWED UPON APPROVAL OF TOQUERVILLE CITY COUNCIL.

STANDARD DWG. NO.	
RD - 140E	1 OF 1
APPROVED: YES	SCALE: NTS
DATE: 6/4/2025	BY: M.D.L.

TOQUERVILLE CITY

### 80' ARTERIAL COLLECTOR CROSS SECTION

REVISIONS	
DATE	DESCRIPTION



## Toquerville City Planning Commission Meeting

### Agenda Item Sheet

**Meeting Date:** 06.10.2026

**Department:** Planning & Zoning

**Item Title:**

Discussion and possible recommendation on Ordinance 2026.XX – an ordinance amending Title 10, Chapter 17, Section 4 of the Toquerville City Code regarding the transfer of nightly rental licenses upon change of ownership of a dwelling.

**Presented By:** Emily Teaters

**Attachments:**

- Ordinance 2026.XX

**Options:**

Recommend Approval/Denial/Table

**Possible Motion (Approval):**

*I move to recommend approval of Ordinance 2026.XX amending Title 10, Chapter 17, Section 4 of the Toquerville City Code regarding the transfer of nightly rental licenses upon change of ownership of a dwelling.*

**Background:**

The City Council directed staff to prepare an amendment to the Nightly Rental regulations to allow for the transfer of a Nightly Rental License when ownership of a dwelling changes. Under the current code, Nightly Rental Licenses are non-transferable to another owner or dwelling.

The proposed amendment establishes a process that allows a Nightly Rental License to be transferred to a new owner of the same dwelling through the business licensing process. The amendment does not allow a Nightly Rental License to be transferred from one dwelling to another.

The amendment was discussed by the City Council following comments from a nightly rental owner that a Nightly Rental License should be treated more like a business and be allowed to continue with the sale or transfer of a licensed property. Council also expressed a desire to assist business owners and their families during ownership transitions, including the sale, inheritance, or transfer of a property following the death of an owner, while maintaining the City's licensing, inspection, and enforcement requirements.

**TOQUERVILLE CITY  
ORDINANCE 2026.XX**

AN ORDINANCE AMENDING TITLE 10, CHAPTER 17, SECTION 4 OF THE TOQUERVILLE CITY CODE REGARDING THE TRANSFER OF NIGHTLY RENTAL LICENSES UPON CHANGE OF OWNERSHIP OF A DWELLING

RECITALS

WHEREAS, Toquerville City (“City”) is an incorporated municipality duly organized under the laws of the State of Utah; and

WHEREAS, the Toquerville City Council (“City Council”), as the legislative body of the City, is authorized under Utah Code Title 10, Chapter 20 (Land Use and Development Management Act) and Title 10, Chapter 8 of the Utah Code to enact and amend land use regulations and business licensing requirements to protect the health, safety, and welfare of the community; and

WHEREAS, Section 10-17-4 of the Toquerville City Code governs Nightly Rental Licenses within the City; and

WHEREAS, the City Council finds it necessary and appropriate to amend Section 10-17-4 to establish a process for handling a Nightly Rental License upon the sale or transfer of a dwelling with an existing license;

ORDINANCE

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

TITLE 10, CHAPTER 17, SECTION 4 OF THE TOQUERVILLE CITY CODE IS HEREBY AMENDED AS FOLLOWS:

10-17-4: NIGHTLY RENTAL:

Nightly rentals shall occur only within the City upon the meeting of the following requirements:

A. Nightly Rental License Application:

1. An applicant must apply for and obtain a “Nightly Rental License”, which is a special license and not a conditional use permit and is approved and otherwise regulated by this Section. The Nightly Rental License is non-transferable to ~~another owner or~~ another Dwelling. [A Nightly Rental License may be transferred to a new owner in accordance with the requirements of Section 10-17-4\(H\).](#)

2. The Nightly Rental License application shall include the name, address and phone number of the owner and/or other person designated by the owner as the property

manager/emergency contact who shall be responsible for ensuring compliance with the rules and regulations specified in this section.

3. The Nightly Rental License application must include a detailed drawing to standard engineering scale, a site plan for the lot showing additional parking stalls, existing and proposed buildings, existing streets, and a floor plan of the dwelling. The site plan must identify the required off-street parking to be used in connection with the Nightly Rental License.

4. The Nightly Rental License application must include the property tax ID number for the parcel upon which the Nightly Rental will occur.

5. Fire Inspection: To receive an initial license, the nightly rental must pass a fire inspection. The Fire inspection shall be scheduled with the Hurricane Valley Fire District and be performed within forty-five (45) days of submitting a complete application. Zoning Administrator may extend the deadline to complete the fire inspection based on inspector availability. Failure to do so will result in the denial of the Nightly Rental License application and the license will become available to the next applicant on the waiting list.

6. All structures on the property that are used for nightly rental purposes must have a Certificate of Occupancy. An application will not be considered complete without a Certificate of Occupancy.

7. Notification: Applicant must pay for and provide notification to neighboring property owners within three hundred feet (300') from all exterior boundaries of the lot on which the nightly rental is to be located. This notice shall indicate, and the City's Planning Commission shall conduct, a public hearing on the application. To comply with this requirement the applicant must submit self-addressed, stamped envelopes for the required notification along with a printed list of the lot owners in the designated notification area.

B. Nightly Rental License Application Review Process: A complete Nightly Rental License application will be reviewed by City staff at the next regularly scheduled City staff meeting. City staff shall review the application and forward their recommendation to the Planning Commission. The Planning Commission will hear the application at their next regularly scheduled meeting where adequate notice is appropriate and conduct a public hearing on the same. After said public hearing the Planning Commission will forward their recommendation to the City Council for a final determination on the Nightly Rental License application. The City Council may deny, approve or approve with special conditions the Nightly Rental License application.

C. One Structure: Each nightly rental must occur within and under one roof of a dwelling and not in a structure that is temporary. Accessory structures can create multi-family zoning and shall not be used as nightly rentals. More specifically, a detached casita, garage, workshop, mother-in-law building, etc. cannot be used exclusively as a nightly rental without the simultaneous use of part or all of the dwelling as well.

D. Parking: A minimum of four (4) nine feet by 18 feet (9' x 18') parking spaces are required. Two of those spaces must be available exclusively for nightly rental use. There shall be no overnight on-street parking by guests or residents.

E. Maximum Guests: The maximum number of occupants per dwelling being used for nightly rental shall be the lesser of ten (10) (including the owner and his/her family), or that which is allowed by any Safety Code adopted by the City.

F. Response Time: The owner or other person designated as the property manager/emergency contact shall respond to complaints and/or concerns within thirty (30) minutes of any phone call or other notification and be on site within one (1) hour if necessary. Failure of the owner or property manager to respond may result in a violation and possible fines to the business license holder and property owner.

G. Nightly Rental Ownership Limitation: Neither a natural person applicant nor a principal of a business entity applying for a Nightly Rental License shall have an ownership interest in more than one (1) dwelling wherein nightly rentals occur within the City. One person residing in the same dwelling shall not have ownership interest in more than one (1) dwelling wherein nightly rentals occur within the City.

H. Transfer of Ownership of a Licensed Nightly Rental: In the event of a sale or other transfer of a Dwelling with a current and valid Nightly Rental License, transfer of the Nightly Rental License to the new owner requires submission of a complete business license application within forty-five (45) days of the transfer, along with proof of ownership and current property manager/emergency contact information required for the Nightly Rental License. The business license application must be fully completed and approved, including payment of all fees, completion of required inspections, and receipt of all required City approvals, within ninety (90) days of the date of application. The Planning and Zoning Administrator may grant an extension for inspections or other administrative processes. If these requirements are not met, a new Nightly Rental License application shall be required prior to any continued nightly rental use, subject to the requirements and procedures in effect at that time.

H.I. Limit on Total number of Nightly Rental Licenses:

1. The maximum number of nightly rental business licenses issued will be set at five percent (5%) of the total number of “Eligible Culinary Connections” within Toquerville City limits. For purposes of this Subsection, the term “Eligible Culinary Connections” is defined as all residential culinary connections within the City except for those residential culinary connections located within a development in an MPDO Zone where the developer has elected to allow a Nightly Rental Development in their commercial planning areas.

2. The total number of Nightly Rental Licenses available shall be continually updated as the number of new culinary connections increase.

3. Once the maximum number of Nightly Rental Licenses have been issued, any new application that meets all of the application requirements shall be placed on a waiting list in order of the date of receipt. The waiting list shall be capped at ten (10)

applications. No fees will be due until a license becomes available. When a license becomes available, the first applicant on the waiting list shall be notified of the license availability. From the date of notification, the applicant shall have fifteen (15) days to resubmit a complete application and pay the required application fee. The applicant must complete the licensing process within sixty (60) days thereafter. If the applicant fails to resubmit a complete application within fifteen (15) days, or fails to complete the licensing process within sixty (60) days, the application will be deemed expired. The next applicant will then be notified of the license availability and shall then follow the same procedure.

IJ. Minimum Distance: Properties used for nightly rentals shall have a minimum separation of five hundred feet (500'). This will be measured in a straight line from the closest point of one nightly rental Dwelling to the closest point of the other.

JK. Dwelling Modifications: Any modifications to the appearance and size of a Dwelling to accommodate and facilitate a nightly rental should be in keeping with the residential character of the neighborhood within which the Dwelling is located.

~~KL~~. Penalties: Upon finding a violation under this Chapter and Section, the following penalties and requirements shall apply:

1. First Violation: Two Hundred Fifty Dollars (\$250.00).
2. Second Violation: One Thousand Dollars (\$1,000.00).
3. Third Violation: Two Thousand Dollars (\$2,000.00).
4. Fourth Violation: Nightly rental license automatically revoked.

5. Review: Upon the second or subsequent violation of this Section, there shall be a mandatory review conducted before the City's Planning Commission, who shall have the ability and right to revoke the Nightly Rental License in its sole and absolute discretion. Revocation of a Nightly Rental License, for any reason shall result in a minimum twelve (12) month waiting period before any new application. Revocation shall run with the land. Upon revocation, there is no guarantee of any future issuance of a Nightly Rental License and all applications will be processed under the then current ordinances. Failure to pay the fine within thirty (30) days of its issuance shall constitute grounds for automatic revocation of the owner's Nightly Rental License.

6. Enforcement: In addition to the fines set forth in this subsection, all violations of this chapter and section may constitute a misdemeanor as per 1-4-1 of the Toquerville City Code and may be enforced in compliance with Chapter 5 of this Title.

~~LM~~. Revocation of License: The Nightly Rental License may be revoked at any time, upon notice and a hearing conducted by the Planning Commission, should the use of a dwelling for nightly rental become a nuisance per Title 4, Chapter 1 of this Code.

MN. Annual Renewal of Nightly Rental License:

1. Application: A Nightly Rental License has a duration of one year and must be renewed annually. For renewal, an applicant must submit a renewal application in a form set by the city staff.

2. Fire Inspection: To receive an annual renewal, the nightly rental must pass an annual fire inspection. The Fire inspection shall be scheduled with the Hurricane Valley Fire District and be performed within forty-five (45) days prior to the renewal. Zoning Administrator may extend the deadline to complete the fire inspection based on inspector availability.

~~N~~O. Action on Renewal Application: Each renewal application shall be approved, approved with additional conditions, or denied by the city's zoning administrator. If the city has received more than two (2) complaints from neighbors or others regarding a nightly rental during the previous twelve (12) months, the Zoning Administrator shall defer the decision of renewal to the Planning Commission who shall hear the matter at their next regularly scheduled meeting where adequate notice is appropriate, allowing the applicant/license holder to be present and speak in defense of why the Nightly Rental License should be renewed.

~~O~~P. Log: The holder of the Nightly Rental License shall maintain and provide, upon request, the name, and phone number of all renters.

~~P~~Q. Business License Required; Room Tax: Applicant must apply for and obtain a business license pursuant to Title 3, Chapter 1 of this Code and pay the current Transient Room Tax applicable to motels and hotels within the City.

1. The business license must be displayed in a prominent location within the nightly rental.

2. Operating a nightly rental without a business license shall constitute a Class B misdemeanor and shall be enforced in compliance with chapter 5 of this Title.

~~O~~R. Fees: Applicant must pay all applicable fees including an annual Nightly Rental License fee to maintain their license. The amount of said annual Nightly Rental License fee shall be set and adjusted by the City and set forth in the City's Uniform Fee Schedule.

~~R~~S. Health Requirements: Applicants/license holders shall ensure that the dwellings in which nightly rentals occurs complies with all local, State and Federal Health Codes, regulations, and requirements.

~~S~~T. Signage: Signs for nightly rentals shall conform to the requirements of Chapter 22 of this Title.

~~T~~U. Exclusions: Hotels, Motels and RV Parks shall not be held to the requirements of this section. RV Parks shall conform to the requirements of Section 10-29-1 (RV Parks).

~~U~~V. Exceptions: The Nightly Rental of model homes located within a subdivision or which sales will be made, will be allowed with the following conditions:

1. The subdivision shall be planned for more than one hundred (100) dwellings.

2. No more than ten (10) model homes used as a Nightly Rentals shall be allowed per subdivision. Once the development has been sold out at 90% then the exception shall be voided within two (2) years.

3. All other requirements of this Section 10-17-3 shall be met except for 10-17-3(G), (H) and (J).

4. A conditional use permit is issued by the Planning Commission.

1. 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 this Ordinance remains effective. This Repealer shall not be construed as reviving any law, order, resolution or ordinance or part thereof.

2. 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.

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

ADOPTED AND APPROVED BY THE TOQUERVILLE CITY COUNCIL this \_\_\_\_ day of \_\_\_\_ 2026, based upon the following vote:

Councilmember:

Joey Campbell	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Todd Sands	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Wayne Olsen	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Valerie Preslar	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Jenny Chamberlain	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____

TOQUERVILLE CITY  
a Utah Municipal Corporation

Attest:

\_\_\_\_\_  
Dan Catlin, Toquerville City Mayor

\_\_\_\_\_  
Emily Teaters, Toquerville City Recorder

## Toquerville City Planning Commission Meeting

### Agenda Item Sheet

**Meeting Date:** 06.10.2026

**Department:** Planning & Zoning

**Item Title:**

Discussion and possible recommendation on Ordinance 2026.XX – an ordinance amending Title 10, Chapter 19D, Section 12 of the Toquerville City Code related to fencing regulations and permit requirements.

**Presented By:** Emily Teaters

**Attachments:**

- Ordinance 2026.XX

**Options:**

Recommend Approval/Denial/Table

**Possible Motion (Approval):**

*I move to recommend approval of Ordinance 2026.XX amending Title 10, Chapter 19D, Section 12 of the Toquerville City Code related to fencing regulations and permit requirements.*

**Background:**

Staff reviewed the City's fencing regulations and identified opportunities to simplify the review process and clarify existing standards. The proposed amendment removes the building permit requirement for fences and replaces it with an alternate administrative review process done by the Planning & Zoning Administrator. The current permit process requires additional documentation and submittal requirements that may be more extensive than necessary for this type of improvement. This amendment also reorganizes portions of the existing code and clarifies standards that were missing or unclear.

The proposed amendment does not change the existing fence height limitations, setback requirements, or other development standards. Instead, it maintains the current requirements while changing the review process. In addition to the review process changes, the proposed amendment updates and clarifies several fence regulations, including:

- Clarifying that the fencing standards apply to all fences, rather than only fences associated with development applications.
- Clarifying that the regulations apply to fences as defined by the City Code, including masonry and block walls, but do not apply to retaining walls.
- Adding standards for sport court fencing.
- Clarifying fence requirements within street side yard setbacks.
- Adding sight triangle standards to help maintain visibility and safety at intersections and driveways.
- Adding limitations on artificially increasing grade for the purpose of exceeding maximum fence height requirements.
- Adding requirements to maintain access to water meters, utility boxes, and similar

facilities.

- Adding standards for barbed wire fencing.
- Clarifying visual break requirements for long fence or wall segments.
- Adding maintenance requirements for areas located between a fence and adjacent public sidewalks or rights-of-way.
- Clarifying the exception process by providing that exceptions to the fence standards are reviewed by the Planning Commission rather than by either the Planning Commission or Building Official.

These changes are intended to provide clearer direction to property owners, reduce ambiguity in the code, and improve administration and enforcement of the fencing regulations.

The proposed administrative review process is intended to help ensure compliance with fence regulations before construction occurs, while providing a simpler and less formal way to review fence proposals. Staff review would be limited to verifying basic code requirements, including fence height, location within required setbacks, and visibility within sight triangles.

Property owners would remain responsible for determining property lines and ensuring the fence is constructed on their property. The review process is not intended to verify property boundaries or establish responsibility for fence placement.

Another option to consider is to eliminate City review entirely and address fence issues through code enforcement after construction. Staff's concern with that approach is that it may be difficult to require the removal or modification of a noncompliant fence after it has been constructed. The proposed administrative review process allows staff and property owners to have a conversation about the applicable requirements before construction occurs while avoiding the additional documentation and review associated with a building permit.

**TOQUERVILLE CITY  
ORDINANCE 2026.XX**

AN ORDINANCE OF TOQUERVILLE CITY AMENDING TITLE 10, CHAPTER 19D, SECTION 12 OF THE TOQUERVILLE CITY CODE RELATED TO FENCING REGULATIONS AND PERMIT REQUIREMENTS.

**RECITALS**

WHEREAS, Toquerville City (“City”) is a Utah municipal corporation with authority under Utah law to adopt and amend land use regulations to protect the public health, safety, and welfare; and

WHEREAS, the City has adopted regulations governing fencing within the City and has determined that certain amendments to Title 10, Chapter 19D, Section 12 are necessary to clarify and improve the administration of those regulations; and

WHEREAS, the City desires to streamline the fencing process by eliminating permit requirements while maintaining administrative review to ensure compliance with applicable standards; and

WHEREAS, the Planning Commission has reviewed the proposed amendment and forwarded a recommendation to the City Council; and

WHEREAS, the City Council finds that the amendment is in the best interest of the health, safety, and welfare of the residents of Toquerville City;

**ORDINANCE**

NOW, THEREFORE, BE IT ORDAINED by the City Council of Toquerville City, Utah, that Title 10, Chapter 19D, Section 12 of the Toquerville City Code is hereby amended as follows:

10-19D-12: FENCING:

A. Purpose: Fencing may be used to provide privacy to property owners, buffer conflicting uses or to provide a architectural/design element to a development project. Fencing is encouraged to be as low profile and open as possible to protect scenic vistas from public streets and discourage separation from the community. The materials, location, height and all elements of fencing shall comply with the [applicable](#) design guidelines.

B. Applicability: The standards of this section apply to all fencing within the City, including block or masonry walls, unless regulated by an approved development agreement or other adopted design standard. This section does not apply to retaining walls, which are subject to the provisions of Section 10-21-9 of this Code.

BC. General Requirements: ~~Any~~ ~~All permanent~~ fencing shall [comply with this section and meet the following requirements](#): ~~be incorporated into the development design and implemented by the developer in compliance with any other applicable ordinances and meet the following general requirements:~~

~~1. All fencing designed and installed by the developer shall be approved by the City and shall be considered part of the project improvements for purposes of security and occupancy. All fencing shall be reviewed and approved by the City prior to installation as required in Section 10-19D-12(D).~~

2. All applicable zoning and building code requirements pertaining to fencing shall be met.

~~3. All fencing installed by the developer shall be maintained in good condition by the property owners after the improvements guarantee is released, unless maintenance responsibility is assigned to an owners association or other entity pursuant to a recorded agreement or declaration. said fencing is accepted by the City for maintenance~~

#### D. Administrative Review:

1. All fencing subject to this section shall be reviewed and approved by the Planning and Zoning Administrator prior to installation to ensure compliance with the requirements set forth in this section, including without limitation, height, setback, design, and visibility triangle requirements. No fence governed by this section may be installed until written administrative approval has been issued.

2. All fencing designed and installed as part of a development project shall be incorporated into the approved development design.

3. The Planning and Zoning Administrator may require fence plans, drawings or other information necessary to verify compliance with applicable standards.

4. Installed fencing may be subject to inspection by the City for compliance with the approved submittal and applicable standards of this Section.

~~EC. Fencing Design Standards: The following design requirements pertaining to fencing shall be incorporated into the development design and implemented by the developer. The developer shall install fencing at his/her expense as follows:~~

1. Fence height shall be measured from the natural grade to the top of the fence and shall not exceed six feet (6'). Berms shall not be used to artificially increase the maximum allowed fence height.

2. In the front and street-side yard setbacks, no fence shall exceed four feet (4') in height. On corner lots, no fence or other obstruction exceeding three feet (3') in height shall be located within the visibility triangle. Any fencing erected within the ten foot (10') public utility easement is subject to removal by a public utility company for any purpose it deems necessary. Removal and replacement shall be at the expense of the property owner.

3. Fencing shall not obstruct access to water meters, utility boxes, or other public utility service connections and shall be designed to allow reasonable access for installation, maintenance, and reading.

4. —1. An fence may be required between a property the development and any and adjacent incompatible uses, zones, or other conditions identified by the City, including such

~~as canals, ditches, flood channels or other~~, waterways ~~or other~~ hazardous areas, or unsightly uses.

5. Barbed wire, razor ribbon and similar fencing material is prohibited in all zones except agricultural, multiple-use and commercial districts. In commercial districts, straight strands of barbed wire and similar material on top of fences or walls shall not exceed a combined fence and barbed-wire height of seven feet (7') and shall not be used along any common lot line with a residential zone or residential development.

6. On interior side and rear property lines, chain link or mesh fencing may be permitted up to twelve feet (12') in height for tennis courts or similar recreational court areas. Such fencing shall not be located within a front yard or street-side yard setback.

~~—2. An approved fence between the development and incompatible zones.~~

~~7. 3. An approved~~ fence between public streets and rear and side yards of single-family, multi-family, or agricultural residential lots or parcels in agricultural and residential zones developments may be required.

8. Fences and walls along public streets may be required to incorporate visual breaks, changes in alignment, landscaping, or other design elements during administrative review to reduce visual mass and avoid long, uninterrupted surfaces.

9. No fence approved under this Chapter shall be erected beyond a property line or in the public right-of-way. If a fence is installed within one foot (1') of a public sidewalk, concrete or gravel shall be installed between the fence and the sidewalk to prevent weeds from growing in this area. Maintenance of the area between the back of sidewalk and the property line shall be the responsibility of the property owner or other association, as applicable.

~~—4. Concept drawings must be submitted to the City staff for review prior to construction.~~

~~—5. Building permits are required for fences.~~

~~6. Fence height shall be measured from the natural grade to the top of the fence and shall not exceed six feet (6').~~

~~7. Fences along public streets over four feet (4') in height shall not be built within the minimum required zoning setback of twenty-five feet (25'). Any fencing erected within the ten-foot (10') public utility easement is subject to removal by a public utility company for any purpose it deems necessary. Removal and replacement shall be at the expense of the property owner.~~

~~8. Fences and walls shall not exceed forty feet (40') of unbroken lengths to reduce visual mass. Walls and fences that exceed forty feet (40') in length shall be designed to vary in height and be stepped in an offset manner.~~

~~9. When a fence or wall on a public street creates a continuous surface greater than twenty feet (20') in length, it shall be softened visually with acceptable vegetation.~~

~~10. Desired exceptions to this section shall be subject to review by the building official or the planning commission.~~

F. Exceptions: Exceptions to the standards of this section may be granted by the Planning Commission. The Planning Commission may approve an exception upon finding that the proposed fencing is consistent with the extent of this section and does not adversely impact public safety, sight distance, adjacent properties or overall design intent. Conditions may be applied to any approved exceptions.

Notes:

1 An additional thirty-six inches (36") of open design fence, such as wrought iron, may be added to the top of any fence along rear property boundaries for safety purposes.

1. 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 this Ordinance remains effective. This Repealer shall not be construed as reviving any law, order, resolution or ordinance or part thereof.

2. 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.

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

ADOPTED AND APPROVED BY THE TOQUERVILLE CITY COUNCIL this \_\_\_\_ day of \_\_\_\_\_ 2026, based upon the following vote:

Councilmember:

Joey Campbell	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Todd Sands	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Wayne Olsen	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Valerie Preslar	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Jenny Chamberlain	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____

TOQUERVILLE CITY  
a Utah Municipal Corporation

Attest:

\_\_\_\_\_  
Dan Catlin, Toquerville City Mayor

\_\_\_\_\_  
Emily Teaters, Toquerville City Recorder

## Toquerville City Planning Commission Meeting

### Agenda Item Sheet

**Meeting Date:** 06.10.2026

**Department:** Planning & Zoning

**Item Title:**

Discussion and possible recommendation on Ordinance 2026.XX – an ordinance amending Title 10, Chapter 16A of the Toquerville City Code to establish standards for trails in hillside areas.

**Presented By:** Emily Teaters

**Attachments:**

- Ordinance 2026.XX

**Options:**

Recommend Approval/Denial/Table

**Possible Motion (Approval):**

*I move to recommend approval of Ordinance 2026.XX amending Title 10, Chapter 16A of the Toquerville City Code to establish standards for trails in hillside areas.*

**Background:**

This amendment to the Hillside Development Overlay Zone is being proposed to support the City's goals of improving recreational opportunities and connectivity of public trails.

A large portion of land within Toquerville is hillside or sloped terrain. As the City continues to grow, these areas will likely play an important role in providing future trail connections and recreational access. At the same time, hillside areas have unique geologic and environmental constraints that need to be managed to avoid erosion, instability, and unnecessary disturbance to natural terrain.

The proposed amendment creates a clear process and standards for allowing public trails in hillside areas. This includes trails that may be part of future development as well as City projects such as those near the reservoir. The intent is to allow trails where appropriate while making sure they are properly designed and reviewed so they do not create uncontrolled or excessive impacts to hillside areas.

The standards are intended to balance increased recreational opportunities and connectivity of public trails with the need to protect sensitive slopes, limit scarring and erosion, and maintain long-term hillside stability. All proposed trails will still go through the hillside development permit process and will be evaluated for compliance by the City Engineer, Planning and Zoning Administrator, Hillside Review Board (Planning Commission), and City Council.

**TOQUERVILLE CITY**  
**ORDINANCE 2026.XX**

AN ORDINANCE OF THE CITY OF TOQUERVILLE, UTAH, AMENDING TITLE 10, CHAPTER 16A TO ESTABLISH STANDARDS AND PERMIT REQUIREMENTS FOR TRAILS WITHIN THE HILLSIDE OVERLAY

**RECITALS**

WHEREAS, Toquerville City (“City”) has adopted regulations governing development within hillside and slope areas to protect public health, safety, and welfare, including the reduction of erosion, slope instability, and excessive grading impacts; and

WHEREAS, the City finds it necessary to clarify the applicability of hillside regulations to trails and to establish appropriate standards for trail development on steep slopes; and

WHEREAS, the City recognizes that publicly accessible trails provide recreational access and connectivity through natural areas and may be appropriately located within hillside areas when designed and constructed to minimize impacts to sensitive slopes;

WHEREAS, the City desires to allow limited trail development in a manner that minimizes disturbance to natural terrain, reduces scarring of hillsides, and preserves slope stability;

**ORDINANCE**

NOW, THEREFORE, BE IT ORDAINED by the City Council of Toquerville City, Utah, that Title 10, Chapter 16A, Section 5 of the Toquerville City Code is hereby amended as follows:

10-16A-5: DENSITY STANDARDS:

A. In furtherance of the purposes set forth in this article, lot size and density within the hillside development overlay zone shall comply with the following schedule. Except as permitted by subsection 10-16A-5.C. below, Any portion of a development parcel having a slope greater than thirty percent (30%) shall not be included in the calculation of the area of such parcel for the purposes of determining conformity with the minimum lot parcel size and density requirements below:

Percent Natural Slope	Minimum Lot Size For Single-Family Residential And Commercial	Maximum Number Of Dwelling Units Per Acre In Zones R-1-12, R-1-20, <a href="#">R-1-15</a> , <a href="#">A-0.5</a> And A-1
0 - 10	See existing zone	
11 - 16	20,000 square feet	2 if zoning permits
17 - 23	40,000 square feet	1 if zoning permits
24 - 30	5 acres	1 per 5 acres if permitted
30+	Development not permitted, <a href="#">except approved trails pursuant to subsection 10-16A-7(D) of this Chapter.</a>	

B. The contour intervals, maps and calculations required in section 10-16A-6 of this article shall be prepared in a report by a professional civil engineer, which shall be submitted with applications for permits or subdivision approvals. Each report shall bear said engineer's verification as to the accuracy of the report.

C. If MPDO Overlay Zoning is applied for pursuant to section 10-15C-1 of this Title and the proposed MPDO plan: a) contains gross total acreage in excess of 400 acres, and b) proposes open space 75% or more in addition to that which is minimally required by section 10-15C-5.I., then base density for the area shall be calculated using the gross total acreage regardless of whether any portion of the area contains slopes greater than 30%.

#### 10-16A-6: SLOPE AND SLOPE AREAS DETERMINED:

A. Applicability: Slope shall be determined on an individual development parcel basis as an average percent natural slope for purposes of density limitations. Except as permitted by subsection 10-16A-5.C. of this Title, all property with a slope greater than thirty percent (30%) shall be excluded from the calculation of the development parcel area for purposes of determining density limitations.

B. Procedure: The location of the natural ten percent (10%), sixteen percent (16%), twenty four percent (24%) and thirty percent (30%) slopes for the purposes of this article shall be determined using the following procedure:

1. Preparation Of Contour Maps: Current contour maps shall be prepared and certified by a licensed professional engineer or surveyor showing contours at intervals no greater than five feet (5') (the "contour map") drawn at one inch equals two hundred feet (1" = 200') scale maximum.

2. Verification Through Field Surveys: Field surveys may be required of the applicant by the city engineer to verify the accuracy of the contour lines shown on the contour map. The contour map shall identify profile lines, which shall be used for performing the field survey. Profile lines shall be perpendicular to contour lines and in no case occur at intervals greater than one hundred fifty feet (150') apart or seventy five feet (75') from a property line.

3. Determination Of Slope Areas For Density Calculations: Using the contour maps, slopes shall be calculated in intervals no greater than forty feet (40') along profile lines. Points identified as slopes of ten percent (10%), sixteen percent (16%), twenty four percent (24%) and thirty percent (30%) shall be located on the contour map and connected by a continuous line. That area bounded by said lines and intersecting property lines shall be used for determining dwelling unit density.

#### 10-16A-7: PERMIT REQUIREMENTS:

A. Permit Required: All major development [and trail development](#) on [existing ground](#) slopes in excess of ten percent (10%) or within a geologic hazard area shall require a hillside development permit granted by the city council prior to any excavation or construction activity. The hillside review board shall first review all proposed major development for compliance with this and other city ordinances and standards, including appendix J of the international building code, and make a recommendation to the planning commission and city council for approval, conditional approval or denial of the proposed development.

B. Included Major Development: Major development shall include subdivision platting, including townhomes and condominiums, multi-family residential projects, commercial, industrial buildings or excavation which involves a vertical cut greater than four feet (4') or involves excavating a surface area larger than one acre.

C. Minor Excavation: Minor excavation involves vertical cuts of four feet (4') or less and also disturbs less than one acre of surface area.

D. Trails: Trail development in hillside areas shall comply with the following standards:

1. Trails shall be designed and constructed to minimize erosion and shall include appropriate drainage measures to prevent concentrated runoff and protect the trail and surrounding slopes from erosion.

2. Trails shall be designed to maintain slope stability and shall not create or contribute to landslides, rockfall, excessive erosion, or other geologic hazards.

3. Disturbed areas resulting from trail construction shall be stabilized and revegetated, where appropriate, to minimize erosion and restore natural site conditions.

4. Trail alignments shall avoid slopes greater than thirty percent (30%) where feasible. Where slopes greater than thirty percent (30%) are proposed to be used, the applicant shall demonstrate that avoidance is not reasonably practicable due to topography, safety, connectivity, or environmental constraints.

5. Trails shall not exceed six feet (6') in width within areas exceeding thirty percent (30%) slope, unless otherwise approved by the City Engineer based on site-specific conditions.

6. Trails shall be located on public property or within a recorded public access easement.

7. The applicant shall submit application reports applicable to the proposed trail, as determined by the City Engineer, in accordance with Section 10-16A-8 of this Chapter.

~~D. Exceptions: Permit approval under this section shall not be required for projects which have received an excavation permit, or for preliminary plats which have been approved by the city council prior to the adoption date hereof, and permitting as required under the prior chapter shall continue to have application.~~

1. 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 this Ordinance remains effective. This Repealer shall not be construed as reviving any law, order, resolution or ordinance or part thereof.

2. 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.

3. EFFECTIVENESS. This Ordinance shall become effective immediately upon approval

by the City Council.

ADOPTED AND APPROVED BY THE TOQUERVILLE CITY COUNCIL this \_\_\_\_ day of \_\_\_\_\_ 2026, based upon the following vote:

Councilmember:

Joey Campbell	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Todd Sands	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Wayne Olsen	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Valerie Preslar	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Jenny Chamberlain	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____

TOQUERVILLE CITY  
a Utah Municipal Corporation

Attest:

\_\_\_\_\_  
Dan Catlin, Toquerville City Mayor

\_\_\_\_\_  
Emily Teaters, Toquerville City Recorder

DRAFT

## Toquerville City Planning Commission Meeting

### Agenda Item Sheet

**Meeting Date:** 06.10.2026

**Department:** Planning & Zoning

**Item Title:**

Discussion and possible adoption of the Planning Commission Policies and Procedures Manual.

**Presented By:** Emily Teaters

**Attachments:**

- Policies and Procedures Manual Draft

**Options:**

Adopt/Adopt with changes/Table

**Possible Motion (Approval):**

*I move to adopt the Policies and Procedures Manual for Planning Commission.*

**Background:**

The Planning Commission's Policies and Procedures Manual has been previously developed and reviewed by the Planning Commission but was not formally adopted.

The Planning Commission has authority to adopt rules of procedure under Toquerville City Code 10-3-1(H).

Commissioners are encouraged to review the manual and bring any questions or proposed changes to the meeting.

# Policies and Procedures Manual

Toquerville Utah Planning Commission

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.

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# 1. Toquerville City's Form of Government

## 1.1 Power and Authority

As a political subdivision of the state, the powers of the City derive 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 Chair

## 2.1 Appointing of the Chair

The Planning Commission Chair is appointed for a term 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 four years, which are staggered. One term expires each year on December 31<sup>st</sup>. 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 questioning motives of other commissioners, 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 use other spaces on city property must have that space scheduled prior to its use.

## 2.5 Powers and Duties

### 2.5.1 Planning Commission Chair and Vice Chair

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

- Preside at all meetings of the Planning Commission. If the Chair is absent or unable to preside, the Vice Chair shall preside.
- Interface with the Mayor in the conduct and affairs of the Commission.
- Review and make recommendations to the legislative body.
- 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 compliance with the Utah Open and Public Meetings Act.
- Courteously discourage Commission members who talk too much or too often.

- Courteously ensure those who have the floor are not interrupted and to rule out of order those not following meeting procedures.
- Recognizes the Commission member offering the motion, restates the motion, presents each motion to the Commission for consideration, calls for the vote, announces the vote, and then announces the next order of business.

In the absence of the Chair, the Vice Chair will assume the responsibilities outlined in this section and the bylaws.

### 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:

- Elects one of its members to be the Chair of the Commission;
- Reviews and makes recommendations to the legislative body for
  - General Plan and amendments to the General Plan
  - land use regulations
  - an appropriate delegation 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
- Holds 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 between the planning commission and city staff 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.

Commissioners should not get involved in administrative functions. Commissioners should avoid any staff interactions that may be construed as trying to shape staff recommendations and 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 fill the following duties:

- 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 Chair 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 the Utah Public Notice Website. Previous 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 use social media to 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 explicit 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 encourages PSR (Planning Staff Review) as the first step in the development process in Toquerville City. The PSR meeting will be comprised of the planning staff. Those who wish to develop in the City or apply for any type of land use are recommended 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 2<sup>nd</sup> and 4<sup>th</sup> Wednesday or as needed.
- Planning Commission Meetings are held the 2<sup>nd</sup> Wednesday of the month.
- City Council Meetings are held the 1<sup>st</sup> and 3<sup>rd</sup> 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. UtahCode 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 interests to 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 Mayor, City Recorder and the public. This rule does not apply to an occasional non pecuniary 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 of 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 Mayor or City Recorder 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 or City Recorder 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 interests 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 UtahCode 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 NorthToquer 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 2<sup>nd</sup> Wednesday of each month at 6:00 p.m. at the Toquerville City Offices.

### 8.2 Special Meetings

The Chair or Planning and Zoning Official or any two (2) members of the Planning Commission may order a special meeting of the Planning Commission by serving notice to the City Recorder. The City Recorder shall deliver a written notice of the special meeting to each member who did not join in the order, leaving a copy of the notice at the member's usual place of abode or texting 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.

## 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 are 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 Chair or the Pro Tempore. If neither the Chair 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, and (iii) by posting the notice on the UtahPublic 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 §§ 52-4-201(2)(b) and 52-4-202(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 Chair.
- B. OPENING CEREMONY - Opening Comments and Pledge of Allegiance:
- Opening Comments - as assigned by the Chair from the members of the Planning Commission or any Toquerville resident who has submitted a request in writing prior to the meeting.
  - Pledge of Allegiance - as assigned by the Chair from the members of the Planning Commission.
  - Call for Statement of Beliefs/Prayer from the public present – made by the Chair. Statement of belief may include but is not limited to prayer.
- C. APPROVAL OF AGENDA - The Chair 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 Chair will then follow the approved agenda as outlined.
- The Agenda shall consist of:
- Public Hearing(s) and/or
  - General Business.
  - During public hearings, public comments will be limited to 3 minutes.
- 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 Chair
- 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 Chair 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 Chair 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 Chair 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. The Planning and Zoning Administrator will draft the agenda and coordinate agenda items with the chair's discretion.

### 9.4 Items for the Agenda Deadline

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

## 10. Presiding Officer And Duties

### 10.1 Chair as the Presiding Officer

The Chair, if present, shall act as Presiding Officer at all meetings of the Commission. In the absence of the Chair the Chair Pro Tempore shall preside. In the absence of both the Chair and the Pro Tempore the Commission shall elect a temporary Pro Tempore who will then preside at that meeting. All references to the Chair 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 Chair, or in the Chair'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 Chair 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 Chair shall determine all points of order.

#### 10.5 Time Limits

The Chair shall have the power to set time limits on input and discussions at the Chair's discretion. Public Comment during public hearings shall be limited to 3 minutes per speaker.

#### 10.6 Substitution for Chair

The Commission shall elect a member of the Commission to serve as Pro Tempore to preside at meetings and perform the duties of the Chair in the event that the Chair 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 one year. Should the Pro Tempore not be present, any other member of the Commission 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 planning commission shall, while conducting any meeting, continue to act as a voting member of the Commission.

#### 10.7 Motion to be Clear

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

#### 10.8 Call for Vote

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

#### 10.9 Input from Public in Absence of Public Hearing

The Chair may, of his or her 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 Chair shall have no obligation to request such public

input. The Chair 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 Chair'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 Table

The Commission may approve a motion to table any item for further discussion or consideration. Public Hearings and Show Cause Hearings must be tabled to a specific date and time and may not be tabled 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 table 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. This should be done through the Planning and Zoning Administrator to ensure proper noticing requirements are met.
- 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, Chair and/or the Pro Tempore or their designees, will determine whether or not there is good cause to table the item.
  1. If the Commission determines that there is not good cause to table 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 table 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 Planning 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. This should be done through the Planning and Zoning Administrator to ensure proper noticing requirements are met.
- 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 table the item to a later date.

- D. If the applicant requests a continuation and it is determined that there is not good cause to table 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 Chair will then vote to cast the tie-breaking vote. However, should the Chair not be present to break the tied vote, or should the Chair'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 Chair 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 Chair shall call for a vote on the motion.

#### 11.10 Withdrawal or Substitution of Motion

At any time prior to the Chair'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 Chair or Pro Tempore shall conduct all Public Hearings. The Chair 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 Chair 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 Chair shall open the hearing to the public for comments. The Chair must first recognize any person desiring to address the Commission. The Chair shall try to provide equal time to those favoring and opposing the issue.
- E. The Chair should courteously limit repetition. The Chair should retain flexibility for additional comments but only on new information.
- F. At the Chair'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 Chair, 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) table a public hearing, also continuing consideration of and action on the issue to another specific date and time. A public hearing may

not be tabledd 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 Chair. No questions will be asked of the Commission Members except through the Chair.

#### 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 majority vote of the Commission as pursuant to Section 10-3-608 of Utah State Code, as amended. The chair may also at their discretion call to adjourn or recess the meeting early.

## 13.2 Disorderly Planning Commission members or Chair

Any member of the Commission, or the Chair, 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 majority vote of the Commission as pursuant to Section 10-3-607 of Utah State Code, as amended.

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