

TOQUERVILLE PLANNING COMMISSION MINUTES

6:30 P.M. Work Meeting, 7:00 P.M. Regular Meeting Wednesday, February 18, 2015

Held at 212 N. Toquerville Blvd, Toquerville Utah

ATTENDANCE: Planning Commission Members: Chair Keen Ellsworth, Alex Chamberlain, David Hawkins, and Mike Ruesch, Zoning/Staff Administrator Mike Vercimak, City Recorder Renee Garner. Others: Councilman Mark Fahrenkamp, Mayor M. Darrin LeFevre, Caleen Olsen, Wayne Olsen, Rebecca Goodman, Scott Goodman, Brigham Darger, and Darren Prince.

6:30 pm – WORK MEETING: Chair Keen Ellsworth welcomed everyone.

1 & 2 Reviewed items on agenda & assignments given to Planning Commission (PC), from City Council (CC): D-2, Chair invited Alex to describe the home occupation he was applying for. Alex explained that he did landscape and portrait photography and his wife quilted. They described their home business as "multimedia". D-1, Mike R asked if Staff recommendation number 2 for Fahrenkamp's bed & breakfast (B&B), limiting the number of occupants in the residence to 10 would include the home owner and family. Mike V responded affirmatively. He stated the Fire Chief had done his research and communicated that restriction. When more customers are desired then the facility will require Fire sprinklers. D-4, Regarding the Short-term Rentals ordinance, Chair informed us that we still didn't have the attorney's revisions we'd asked to be included. Chair stated that he'd asked CC if PC could amend Title 10, formerly known as the Land Management Code (LMC), to more clearly state it's prohibition to short-term rentals before continuing with an ordinance to allow and monitor them. He cited LMC chapter 6.1.2 as the paragraph to be amended. All agreed. A public hearing and action item for this will be on the next month's agenda. Mike R asked if an age limit on the renters could be enforced, or a "good neighbor policy requiring noise/music to be kept low, and pool use could be under curfew. Alex asked if we would have the recourse of revocation at an annual renewal. Mike V responded on the difficulty of monitoring and enforcing too cumbersome a code for so few staff. Chair stated that it would be important to give the city a right to immediately revoke when necessary. The idea of insisting that the owner or an appointed manager of the rental be a resident of Toquerville was discussed. Chair wanted the commission to decide if we wanted to be a bed & breakfast community and let La Verkin be the short term rental community. He remarked that the reason we interpret that short term rentals are forbidden is because we have a provision for bed & breakfasts and separate that from the rental section of the code. Renee related the story that Sergeant Bentley of the sheriff's department told of his latest experiences with short-term rentals being used as weekend meth labs and mushroom farms. Mushroom farms cause air-borne spores which damage health. All officers on that call are now being monitored. If the situation had not been discovered, the home would have been rented again to others who would never have known of the poor health conditions as these spores have no smell.

3. Review for HOCU Permits for the month of February, 2015: Chair reviewed the three home occupations and affirmed that they all had current business licenses and no complaints against them. They are Paul Heideman of Heideman Family Investments; Lisa VanValkenburg of Forever Friends Cremation, and Ray McQuivey of Eagle Courier Service, all are home occupations.

Chair dismissed the Work Meeting and convened the Regular Meeting.

7:00 pm – REGULAR MEETING: 1. The Pledge of Allegiance was given by David Hawkins. 2. Chair asked PC for any disclosures or declarations of conflict. Alex Chamberlain declared a conflict with item D-2. He is on the agenda requesting a home occupation permit.

A. REVIEW OF MINUTES: Minutes of the January 21, 2015, PC meeting were reviewed and discussed. Chair called for a motion.

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

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

1. Item: Application for Conditional Use Permit of a bed and breakfast business, "Phoenix House Bed and Breakfast": Mark & Toni Fahrenkamp at 325 W. Old Church Rd, Parcel #T-ACM-1-A. Chair asked for comments.

a) Brig Darger wondered if opening a B&B on his street would affect zoning. He worried that more of these facilities would open in future and that would affect his home quality of life.

b) Wayne Olsen asked how many B&Bs would be allowed. Chair Ellsworth said it would be as many as meet the code requirements.

2. Item: Application for Home Occupation Permit for multimedia business, "Blue Desert Rhapsody, LLC", DBA "Blue Desert Digital": Alex & Jenny Chamberlain at 61 W. Old Church Rd, Parcel #T-63-A. Chair called for comments. No public comments were given. Chair closed the public hearing.

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

1. Wayne Olsen asked about the progress on the short term rental code. Chair replied that no recommendation by PC had yet been made to CC. He explained that once Planning Commission had hammered out the verbiage it would then go to City Council for approval. Wayne confided that the delay was causing him a financial burden because he would like to use the home he just purchased for that purpose in a residential neighborhood. Chair stated it was more complicated than first thought. He thanked Wayne for his comments.

D. ACTION ITEMS:

1. Item: Application for a Conditional Use permit of a bed and breakfast business, "Phoenix House Bed and Breakfast": Mark & Toni Fahrenkamp at 325 W. Old Church Rd, Parcel #T-ACM-1-A. Chair called for a motion.

Motion was given by David Hawkins to recommend to council for approval of Application for a conditional use permit of a bed and breakfast business, "Phoenix House Bed and Breakfast": Mark & Toni Fahrenkamp at 325 W. Old Church Rd, Parcel #T-ACM-1-A with conditions as recommended by Staff which are:

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1. Applicant will secure all required federal, state, county and local licenses and pay all associated fees and taxes including the Toquerville bed tax.
2. Applicant will limit the number of occupants in the residence to no more than ten (10), total when being utilized as a "bed and breakfast".
3. Applicant will not expand, enlarge or change otherwise the parameter of this permit without express written consent of the Toquerville City Council.
4. Applicant will provide adequate off-street parking so as not to create undue congestion on the street.
5. This permit will receive an annual review by the Toquerville Planning Commission (a current Toquerville Business License is required to maintain a current conditional use permit).

Motion was second by Mike Ruesch. Chair: Conditional Use Permit of a bed and breakfast business, "Phoenix House Bed and Breakfast": Mark & Toni Fahrenkamp passed unanimously by Alex Chamberlain, David Hawkins, Mike Ruesch, and Keen Ellsworth.

2. Item: Application for a Home Occupation permit for multimedia business, "Blue Desert Rhapsody, LLC", DBA "Blue Desert Digital": Alex & Jenny Chamberlain at 61 W. Old Church Rd, Parcel #T-63-A. Chair called for a motion.

Motion was given by Mike Ruesch to approve application for home occupation permit for multimedia business, "Blue Desert Rhapsody, LLC", DBA "Blue Desert Digital": Alex & Jenny Chamberlain at 61 W. Old Church Rd, Parcel #T-63-A with all conditions recommended by Staff which are:

1. This permit cannot be enlarged, expanded or otherwise changed without the express written permission of the Toquerville Planning Commission.
2. This permit will receive an annual review by the Toquerville Planning Commission.
3. Permit holder shall maintain a current Toquerville Business License.

Motion was second by David Hawkins. Chair: Application for Home Occupation Permit for multimedia business, "Blue Desert Rhapsody, LLC", DBA "Blue Desert Digital": Alex & Jenny Chamberlain was passed by David Hawkins, Mike Ruesch, and Keen Ellsworth. Alex Chamberlain abstained from voting.

3. Item: signage at Ash Creek Ranch Academy at 642 N Toquerville Blvd, Parcel #T-4: Tammy Behrmann & Darren Prince. Chair called for a motion.

Motion was given by David Hawkins to approve signage at Ash Creek Ranch Academy at 642 N Toquerville Blvd with all installation requirements as stated by code and given here by Staff which are:

1. Limit of one primary and one secondary sign for each business.
2. Freestanding signs and their supports shall be constructed as to compliment surrounding architecture and landscaping.
 - a) Not to exceed 12 ft, nor 40 square ft in area.
 - b) Base of sign shall be incorporated into landscaping design or planter box.
 - c) No portion may be closer than 3 ft from any public right-of-way and sign shall be no closer than 25 ft from adjoining commercial properties.
 - d) Requires written permission from property owner for sign installation.

Motion was second by Mike Ruesch. Chair asked for comment, none given. Chair: signage at Ash Creek Ranch Academy at 642 N Toquerville Blvd passed unanimously by Alex Chamberlain, David Hawkins, Mike Ruesch, and Keen Ellsworth.

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

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

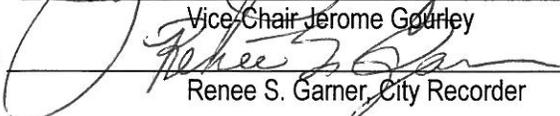
5. Review and Possible Approval of Home Occupation & Conditional Use Permits for the month of February, 2015.

Motion: Mike Ruesch moved to approve the annual review of the February Home Occupations that were in compliance and/ or had current business licensing with all conditions continued: Paul Heideman of Heideman Family Investments, Business License; Lisa VanValkenburg of Forever Friends Cremation, Business License; Ray McQuivey of Eagle Courier Service, Business License. Motion was second by Alex Chamberlain. Chair: Motion to approve the February HOCUP is passed unanimously. Lions Gate Recovery does not receive a review from Planning Commission.

ADJOURNMENT: Chair Ellsworth declared the meeting adjourned.

Minutes of the Toquerville Planning Commission meeting of February 18, 2015, will be presented for review and approval in the March meeting.

Approved: 
 Vice-Chair Jerome Gourley

Attested: 
 Renee S. Garner, City Recorder

Date: 3/19/15

