

**TOQUERVILLE PLANNING COMMISSION MINUTES**  
**6:30 P.M. Work Meeting, 7:00 P.M. Regular Meeting Wednesday, March 18, 2015**  
**Held at 212 N. Toquerville Blvd, Toquerville Utah**

**ATTENDANCE:** Planning Commission (PC) Members: Vice-Chair Jerome Gourley, David Hawkins, and Alternate Lonnie Christensen, Zoning/Staff Administrator Mike Vercimak, City Recorder Renee Garner. Others: Danika Dalton

**6:55 PM WORK MEETING:** Vice-Chair Jerome Gourley welcomed everyone. Alex, Mike R and Keen were excused. Renee reminded all that the April meeting would be on the 22nd instead of the 15th in order to allow time for public hearing posting.

Vice-Chair read through the agenda, dismissed the Work Meeting and convened the Regular Meeting.

**7:01 PM REGULAR MEETING:** 1. The Pledge of Allegiance was given by Vice-Chair Jerome Gourley. 2. Vice-Chair asked PC for any disclosures or declarations of conflict with agenda items. Renee disclosed that she is on the agenda requesting an expansion of her livestock permit to include goats, item D-4.

**A. REVIEW OF MINUTES:** Minutes of the February 18, 2015, PC meeting were reviewed and discussed. Chair called for a motion. **Motion** by David Hawkins to approve the minutes was second Lonnie Christensen. Vice-Chair: Minutes were approved unanimously by David Hawkins, Jerome Gourley, and Lonnie Christensen.

**B. PUBLIC HEARING:** Vice-Chair opened the Public Hearing to seek public input on four items.

1. Item: amending Title 10 by Ordinance (2015.XX) (Previously Chapter 6 of the Land Management Code) regarding residential leases, Home Occupation Permits, and other related matters.

2. Item: amending Title 5 by Ordinance (2015.XX), the Animal Ordinance updating section on dogs & licensing.

3. Item: application for Home Occupation Permit for personal maid business, "Clean Freaks", Danika Dalton at 47 E Pecan Lane, Parcel #T-67-C-1.

4. Item: expansion of Livestock permit to include 3 goats for Renee Garner at 124 N Ash Creek Dr, Parcel #T-58-B-1.

Vice-Chair called for comments. No public comments were given. Vice-Chair closed the public hearing.

**C. PUBLIC FORUM:** Vice-Chair asked for comments on any subject. None were given.

**D. ACTION ITEMS:**

1. Item: possible recommendation to Council for approval to amend Title 10 by Ordinance (2015.XX), (Previously Chapter 6 of the Land Management Code) regarding residential leases, Home Occupation Permits, and other related matters. Mike V explained the counsel from Attorney Heath Snow suggesting approval for recommendation to council only section 10-10A-2 adding verbiage "... in excess of 90 consecutive days" to clarify that the original intent was to permit long term rental of property because short term was not in those days even contemplated. He explained that Chair Keen Ellsworth had also wanted to clean up language he felt should be in the Conditional Use section, but Heath was not comfortable with how much Keen was taking out. Vice-Chair called for a motion.

**Motion** was given by David Hawkins to approve for recommendation to Council Ordinance (2015.XX) amending Title 10 Land Use Regulations, and adding clarifying language for rental of property, specifically to Title 10-10A-2 shall read: "Rentals of single-family residences in excess of 90 consecutive days." Motion was second by Lonnie Christensen. Vice-Chair called for a vote after which he stated that the PC recommendation to Council to amend Title 10-10A-2 was passed unanimously by David Hawkins, Jerome Gourley, and Lonnie Christensen.

2. Item: possible recommendation to Council for approval to amend Title 5 by Ordinance (2015.XX), Animal Control especially updating section on dog licensing. Renee reviewed the amendment which removes redundant language, puts all the "unlawful acts" into one section and removes rabies and vaccinations sections since Section 5-1-3 on dog licensing clearly states the requirement to have all vaccinations including rabies vaccinations current before the city will issue the required dog license. Vice-Chair called for a motion.

**Motion** was given by Lonnie Christensen to approve for recommendation to council amendment to Title 5 by Ordinance (2015.XX), Animal Control Code. Second was by David Hawkins. Vice-Chair called for a vote after which he stated that the PC recommendation to Council to amend Title 5 by Ordinance Animal Control Code was passed unanimously by David Hawkins, Jerome Gourley, and Lonnie Christensen.

3. Item: possible approval of Application for Home Occupation Permit for personal maid business, "Clean Freaks", Danika Dalton at 47 E Pecan Lane, Parcel #T-67-C-1. Danika explained that the cleaning chemicals are environmentally safe. She has clients ready to begin as soon as her license is issued. Jerome reviewed staff recommendations and Danika's answers to staff questions. All was in order. Vice-Chair called for a motion.

**Motion** was given by David Hawkins to approve Application of Home Occupation Permit for personal maid business, "Clean Freaks", Danika Dalton at 47 E Pecan Lane 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 Lonnie Christensen. Vice-Chair called for a vote after which he stated that the Application of Home Occupation Permit for personal maid business, "Clean Freaks", Danika Dalton at 47 E Pecan Lane was passed unanimously by David Hawkins, Jerome Gourley, and Lonnie Christensen.

4. Item: possible approval for expansion of Livestock permit for Renee Garner at 124 N Ash Creek Drive Parcel #T-58-B-1. Renee stated that she would have up to three goats. They were for milk. Her daughter would be caring for them. She had over the 9000 square feet required. Vice-Chair called for a motion.

**Motion** was given by Lonnie Christensen to approve expansion of Livestock permit for Renee Garner at 124 N Ash Creek Drive continuing the same conditions of her permit that were recommended by Staff which are:

1. Applicant must meet all conditions of the Toquerville City Animal Ordinance with regard to the keeping of Livestock.
2. This permit cannot be enlarged, expanded or otherwise changed without written consent of the Toquerville Planning Commission.
3. This permit will receive an annual review by the Toquerville Planning Commission.

Motion was second by David Hawkins. Vice-Chair called for a vote after which he stated that the Expansion of Livestock permit for Renee Garner at 124 N Ash Creek Drive was passed unanimously by David Hawkins, Jerome Gourley, and Lonnie Christensen.

5. Item: possible recommendation to Council for approval of Ordinance (2015.XX), previously designated #ORD.2014.07 to Prohibit Short Term Leases or Rentals of Properties in Residential, Agricultural and other zones. This short term rental ordinance would allow a resident to rent a second property as a short term rental. This ordinance draft was not amended as planning commission had asked. Heath explained in an email that he had understood from a discussion in council work meeting that council would not like the addition of a manager as an alternative to a resident owner in managing the short term rental. Heath stated that to be a licensed property management company in the state of Utah you have to be actively supervised by a licensed real estate broker. To do something other than require the property management company be licensed would open up the possibility of mismanagement and chaos. David remarked that he felt we should prohibit all short term rentals due to the fire district's concerns about fire safety. Vice-Chair called for a motion.

**Motion** was given by David Hawkins to table Ordinance (2015.XX), to Prohibit Short Term Leases or Rentals of Properties in Residential, Agricultural and other zones. Motion was second by Lonnie Christensen. Vice-Chair called for a vote after which he stated that Ordinance #ORD.2015.XX, Prohibiting Short Term Leases or Rentals of Properties was tabled unanimously by David Hawkins, Jerome Gourley, and Lonnie Christensen.

6. Item: Review and possible Approval of Home Occupation & Conditional Use Permit(s) for the month of March, 2015. Chair reviewed information on the home occupation and/or conditional use permits of March. Lynn Olds Construction, conditional use/business; Justin Sip Custom Guns Inc, home occupation/business; Pearson's Meat, Conditional Use/business; and Linda Holdaway, Livestock; Southwest Wind Energy, two Conditional Use permits for a wind farm. Lynn Olds, Justin Sip, and Randy Pearson, are current and have paid for their 2015 Business Licenses. PC asked about specific issues:

The Lynn Olds Construction had a complaint against it in the past for having vehicles and equipment in the street. Currently it has a trailer parked on the street. PC agreed that a letter should be sent to request Lynn Olds to comply with the conditions of his permit and remove vehicles and equipment from the street.

Linda Holdaway livestock permit had recently had a citation from code enforcement. The complaint had been that she was not removing the poop every three days as her conditions state, and that the yard was filled with junk. By the end of January she had brought the property into compliance.

Jerry Eves of Southwest Wind Energy is still moving forward with his business plan and is now petitioning the city for annexation of land he'll be using for his wind farm. Vice-Chair asked for a motion.

**Motion** was given by David Hawkins to approve the annual review of the following March Home Occupations/ Conditional Use Permits that were in compliance and/or had current business licensing with all conditions continued: Justin Sip Custom Guns Inc., Home Occupation/Business; Pearson's Meat, Randy Pearson, Conditional Use/Business; Linda Holdaway Livestock/ Conditional Use; and Jerry Eves Southwest Wind Energy two Conditional Use permits. Lynn Olds Construction was purposely excluded from this list. Second was by Lonnie Christensen. Vice-Chair called for a vote after which he stated that the Home Occupation/ Conditional Use permits listed for annual review passed unanimously by David Hawkins, Jerome Gourley, and Lonnie Christensen.

Vice-Chair asked for a motion on Lynn Olds Construction.

**Motion** was given by David Hawkins to table the annual review for Lynn Olds Construction Conditional Use/Business until next month, giving the business time to come into compliance of conditions which Lynn had agreed to for his permit. The city will send a letter stating the non-compliance issue(s). Second was by Lonnie Christensen. Vice-Chair called for a vote after which he stated that the Permit review for Lynn Olds Construction will be tabled until next month

ADJOURNMENT: Vice-Chair Gourley declared the meeting adjourned.

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

Approved: \_\_\_\_\_

Chair Keen Ellsworth

Date: 4/22/15

Attested: \_\_\_\_\_

Renee S. Garner, City Recorder

