

TOQUERVILLE PLANNING COMMISSION MINUTES

6:30 P.M. Work Meeting, 7:00 P.M. Regular Meeting Wednesday, November 19, 2014

Held at 212 N. Toquerville Blvd, Toquerville Utah

ATTENDANCE: Planning Commission Members: Chair Keen Ellsworth, Vice-Chair Jerome Gourley, David Hawkins, and Alex Chamberlain, Zoning/Staff Administrator Mike Vercimak, City Recorder Renee Garner. Others: Alan Howard, Ron Cundick and Manning Butterworth.

6:35 pm – WORK MEETING: Chair Keen Ellsworth called the meeting to order and excused Lonnie Christensen.

1 & 2 Reviewed items on agenda & assignments given to Planning Commission (PC), from City Council (CC). Keen announced that Attorney Heath Snow had gone through the two ordinances reviewed last month as asked and made the requested changes. Those two ordinances are again up for review and possible recommendation to CC.

a) Ordinance #ORD.2014.07 Prohibiting Short Term Leases or Rentals of Properties in Residential, Agricultural and other zones. This would still prohibit short term rentals except if the owner of the property is a resident of Toquerville. Then prohibition can be waived under conditions. Mike objected that this version did not have the language he added clarifying that it would not prohibit Bed & Breakfasts. Renee wondered if the conditional use/home occupation spoken of in the ordinance was on the property owner's home property so that they would have a business license and home occupation permit from that address in order to establish a short term rental at a separate property where a waiver would be given under conditions established by PC. Mike clarified that this would not be a conditional use permit but simply a home occupation permit.

b) Ordinance #ORD.2014.05 providing for the Good Repair of City Sidewalks, Curbs, & Gutters and assuring costs are charged to Parties Responsible for Damage. Keen explained the changes made to this ordinance as requested by PC.

3. Chair reviewed information on the conditional use permit for November, 2014: Sandy Lenois; Conditional Use Permit/Business License, Color Country Appliance - Ben DeMille; Home Occupation/Business License, Betty Sanchez; Conditional Use for Livestock, Fahrenkamp INC - Mark Fahrenkamp; Home Occupation/Business License, Renee Layne Design – Renee Garner; Home Occupation/Business License. All fees are paid and everything is current.

Chair dismissed the Work Meeting and convened the Regular Meeting.

7:00 pm – REGULAR MEETING: 1. The Pledge of Allegiance was given by Alex Chamberlain. 2. Chair asked PC for any disclosures or declarations of conflict with agenda items. None were given.

A. REVIEW OF MINUTES: Minutes of the October 22, 2014, PC meeting were reviewed and discussed. Chair called for a motion.

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

B. PUBLIC HEARING: Chair declared the opening of the Public Hearing to seek public input on the three items stated. Chairman Ellsworth noted that 3. the Simple Subdivision located west side of SR-17 at Hunter Lane would be stricken from the hearing and as an action item until further notice.

1. Item: Title 10 of the proposed Codified Toquerville City Code (the City's Land Management Code) pursuant to Utah Code Ann. § 10-9a-502. Chair mentioned Sterling Codifiers would soon have all our code on line in a more searchable format. He called for public comment but none given.

2. Item: Ordinance #ORD 2014.08 Amended Annexation Policy Plan with an enlarged future expansion area pursuant to Utah Code Ann. § 10-2-401.5(2)(a)(v). Chair called for comments.

a) Alan Howard, resident of County area near Leeds and member of the Leeds Fire District, worried that annexation to the north would change the fire district boundaries. Alex reasoned that since the Leeds Fire District serviced the Anderson Junction area of Toquerville as first responder it would follow that other areas within City limits would continue under the current district boundaries.

b) Ron Cundick, Councilman from Leeds Township expressed his love for Toquerville and felt that both municipalities would benefit from talks to minimize conflicts regarding any planned annexations.

Chair explained that this was simply the process to establish areas of interest and that it was common for neighboring communities to have overlapping areas of interest. He thanked all and closed the public hearing.

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

D. ACTION ITEMS:

1. Item: Ordinance #ORD.2014.05 providing good repair of City sidewalks, curbs, & gutters. Chair called for a motion.

Motion given by Alex Chamberlain to approve for recommendation to Council Ordinance #ORD.2014.05 providing for the good repair of City sidewalks, curbs & gutters was second by David Hawkins. Chair: Ordinance 2014.05 passed to City Council unanimously by Alex Chamberlain, David Hawkins, Jerome Gourley, and Keen Ellsworth.

2. Item: Ordinance #ORD.2014.07 to Prohibit Short Term Leases or Rentals of Properties in Residential, Agricultural and other zones. Discussion included that, 1 – this should not be designated a conditional use permit but a waiver only, 2 – Bed and Breakfasts should be exempt, 3 – an annual review at PC level, 4 – PC should have the power to revoke the waiver, and 5 – must require a home occupation permit and business license for the home property not the rental property. David was concerned with limitation placed on property owners not resident to Toquerville. Alex wondered if a local person could be designated to represent the homeowner in disputes. Jerome and Keen gave first hand anecdotal accounts of extreme cases where renters were nuisances. Chair suggested tabling for further clarification from the attorney on some of those issues. Jerome began a motion to pass but it was rescinded.

Motion given by Jerome Gourley to table Ordinance #ORD.2014.07 to Prohibit Short Term Leases or Rentals of Properties was second by Alex Chamberlain. Chair: Ordinance 2014.07 tabled unanimously by Alex Chamberlain, David Hawkins, Jerome Gourley, and Keen Ellsworth.

3. Item: Title 10 of the proposed Toquerville City Code (Land Management Code). Chair called for a motion

Motion given by Alex Chamberlain to approve for recommendation to Council Title 10 of the proposed Toquerville City Code (LMC) as codified was second by Jerome Gourley. Chair: Title 10 of the Code passed to City Council unanimously by Alex Chamberlain, David Hawkins, Jerome Gourley, and Keen Ellsworth.

4. Item: Ordinance #ORD 2014.08 containing an Amended Annexation Policy Plan with an enlarged future expansion area. Discussion included comments and questions about the Southwest Wind Energy Farm that originally requested this annexation. Mike clarified that the fire districts all have given boundaries that do not follow city boundaries. Chair called for a motion.

Motion given by Jerome Gourley to approve for recommendation to Council Ordinance #ORD 2014.08 containing an Amended Annexation Policy Plan with an enlarged future expansion area was second by David Hawkins. Chair: Ordinance 2014.08 passed unanimously by Alex Chamberlain, David Hawkins, Jerome Gourley, and Keen Ellsworth.

5. Review and possible Approval of Home Occupation & Conditional Use Permits for the month of November, 2014. Chair called for a motion.

Motion by Jerome Gourley to approve the annual review of the November HOCUPs with all conditions continued was second by David Hawkins. Sandy Lenois; Conditional Use Permit/Business License, Color Country Appliance - Ben DeMille; Home Occupation/Business License, Betty Sanchez; Conditional Use for Livestock, Fahrenkamp INC - Mark Fahrenkamp; Home Occupation/Business License, Renee Layne Design – Renee Garner; Home Occupation/Business License. All permits were found current and in compliance. Chair: The November HOCUPs passed unanimously by David Hawkins, Alex Chamberlain, Jerome Gourley, and Keen Ellsworth.

ADJOURNMENT: Chair Ellsworth declared the meeting adjourned.

Minutes of the Toquerville Planning Commission meeting of November, 2014, will be presented for review and approval in the December meeting.

Approved: _____
Chair Keen Ellsworth

Date: 10/17/14

Attested: _____
Renee S. Garner, City Recorder

