



TOQUERVILLE PLANNING COMMISSION MINUTES

6:30 P.M. Work Meeting & 7:00 P.M. Regular Meeting

Wednesday, August 19, 2015

Held at 212 N. Toquerville Blvd, Toquerville Utah

6:30 pm – WORK MEETING:

ATTENDANCE: Planning Commission (PC) Members: Chair Keen Ellsworth, David Hawkins, Jerome Gourley, Mike Ruesch, and Jake Peart; Zoning/Staff Administrator: Mike Vercimak, City Recorder: Renee Garner, Others: Lynn Williams, Gary Young, Heather Jones, and Chayce Jones.

Chair Ellsworth welcomed the newly appointed PC alternate Jake Peart. Everyone greeted him and accepted him as a new member. City Council will ratify Peart's appointment at the next council meeting.

2. Chair reviewed information on the home occupation/ conditional use permits of August: (1) Stephen Doughty, Livestock – Standard CUP, (2) Kate Kirkham of My Nephew's Photos, Home Occupation, and (3) Naomi Wright of Naomi Fern Wright Certified Rolfer R, LMT, Home Occupation. All fees are paid and everything is current.

1. Review of assignments given to PC from CC. Vacation Rentals/Short Term Rentals (VRB), are again before PC. Chair gave a brief history of the city's work on VRBs for the benefit of the new member. PC worked on an ordinance that they narrowly passed on with a recommendation to council. Council had a tie vote where Mayor broke the tie with a denial. It has come up again due to a few residents asking for a second look. We had a joint work meeting with council last month wherein all but Chair Ellsworth expressed willingness to revisit this issue with an open mind. While doing research on the subject Chair discovered four new VRBs in town which are illegally operating. They are in Trail Ridge, Cholla Creek, Toquerville Heights, and Westfield areas. Chair remarked that we can enforce our ban of them through our Administrative Code Enforcement program. Garner asked him to give her the list. She mentioned that the one she found last spring was sent a "cease and desist" letter from the attorney. That property has since been sold to a family. She remarked that the ordinance needed to give penalties for violations. Chair emphasized the need to protect the neighbor's property rights as well as the applicant's.

Vercimak remarked that Hurricane's recent passage to allow VRBs has led to so many problems that they have now passed a moratorium on them until they can have time to sort through the mess. Vercimak added that new construction stating their status as VRBs must submit as commercial. He encouraged PC to add a separate zoning area away from single family residential (R-1), zoning. They must have off-street parking, and fire suppression measures and signs in place.

Chair stated that instruction from council is to amend the current draft, vote yay or nay on it. No matter what the vote, it will then be sent on to council for their decision. From suggestions made by member of PC and council, Chair drew up a list of things to consider for addition to the ordinance:

1. Create a special zone,
 2. Review every 6 months,
 3. 100% ownership as resident of Toquerville,
 4. Notice to neighbors within 300 feet,
 5. Make it a license not a conditional use,
 6. Off street parking,
 7. Make the initial fee a steep one,
 8. One complaint would trigger a review,
 9. Two complaints would trigger a revocation of license.
10. Violations should have a stiff penalty; shut down for 24 months, that penalty would follow the property so they can't sell it and have a new owner do it.
11. Other considerations are that we would give neighbors the right to vote yes or no to allow them, nightly rental license or bed tax – which is required for bed and breakfasts (BnB), require a personal check in with the owner to review city rules for VRBs, and attorney Heath Snow wanted it make sure it was known that they can't have a separate building and rent it out on R-1.

Chair reminded us of the story he told us in the last meeting about Bend Oregon, which had 10 illegal VRBs in the community and then decided to allow them. Now they have over 500 VRBs. It has completely changed the tenure of the whole town. He felt that we are the in a prime area for VRBs since we are so close to Zion Park. The park had almost 3 million people visiting this year.

PC and Vercimak discussed the concept of special zoning. We would have to figure out criteria and make it separate and away from any R-1 zoning. It would need to be multi-family area. We could designate an area along the by-pass road. Vercimak felt that special zoning would be much better than an overlay zone. He strongly expressed his concern against rushing this through. He recommended that members take a copy of the drafted ordinance home, study and make notes, then come back next month and have a special meeting to hash out changes to be made. PC agreed to meet at 5:30 pm on September 16th instead of the normal work meeting time of 6:30. Chair asked Renee to email everyone a word document copy of the short term rental ordinance draft.

Chair dismissed the work meeting.

7:00 pm – REGULAR MEETING:

ADDITIONAL ATTENDANCE: Wayne Olsen (came in as Chair was closing the meeting).

Chair Keen Ellsworth called the meeting to order.

1. The pledge was led by David Hawkins. Scout Chayce Jones was welcomed. He came to work on his citizenship merit badge.
2. Chair asked for any disclosures or declarations of conflict with agenda items. None were mentioned.

A. REVIEW OF MINUTES: Minutes of the July 22, 2015, PC meeting were reviewed. Chair called for a motion.

Motion by Mike Ruesch to approve the minutes was second by David Hawkins. Chair stated minutes were approved unanimously by David Hawkins, Keen Ellsworth, Jerome Gourley, Mike Ruesch and Jake Peart.

B. PUBLIC HEARING: Chair declared the Public Hearing open for public comment.

1. Chair asked for comment on ordinance (2015.XX) to amend Title 10 to allow under condition certain short term leases or rentals of properties in residential, agricultural and other zones. No comment.
2. Chair asked for comment on Application for Conditional Use Permit of a bed and breakfast business, "The Young Home Bed & Breakfast": Gary and Karlene Young at to 460 N Toquerville Blvd, Parcel #T-96-B-N.

(1) Gary Young gave some details regarding his application for a BnB. Due to the sewer district requiring about \$750.00 per room they're planning three rooms eventually. Chair advised that when he did that he would need to apply for an expansion of his permit. Chair reminded him that the total occupation of the house must not exceed 10 people which included the family members. Gary asked about fire suppression measures and signage. He was advised to talk to the fire district. He asked about signage. Chair told him there is regulation on signage. Vercimak told him it was in chapter 22. Renee told him there is a permit to fill out for signage. Chair reminded him that if his BnB passes PC today it will be reviewed by council on September 3rd.

No further comments, Chair closed the public hearing.

C. PUBLIC FORUM: Comments & requests for future agenda items. Chair asked for comments. None were given.

D. ACTION ITEM:

1. Review and possible approval of application for Conditional Use Permit of a bed and breakfast business, "The Young Home Bed & Breakfast, LLC": Gary and Karlene Young at to 460 N Toquerville Blvd, Parcel #T-96-B-N.

Chair called for a motion.

Motion by Jerome Gourley to approve for recommendation to Council subject to recommendations from Staff the Conditional Use Permit of a bed and breakfast business, "The Young Home Bed & Breakfast": Gary and Karlene Young at to 460 N Toquerville Blvd, Parcel #T-96-B-N was second by Davis Hawkins. Recommendations are:

1. The owner shall limit total occupancy on the dwelling to no more than 10 persons.
2. The applicant shall obtain all Local, State and Federal licenses required and agrees to abide by all rules and regulations of each such jurisdiction.
3. This permit shall not be enlarged, expanded or changed otherwise without express written permission from Toquerville City.
4. This permit shall receive an annual review by the Toquerville Planning Commission.

Chair stated the item was approved unanimously by David Hawkins, Keen Ellsworth, Jerome Gourley, Mike Ruesch and Jake Peart.

2. Review and possible recommendation to Council for approval on application for conditional use permit for renewable energy or natural gas power generation. Applicant: Jerry Eves, et al DBA Strata Blue Energy, LLC. Location of proposed use: Property tax ID#: SITLA #70824, Federal tax ID#: 27-1874929, Parcel-T-3-0-22-322 and T-3-0-22- 3211, on Property leased from SITLA and private entities, (west side of I-15-Anderson Junction). Proposed use of property: renewable energy or natural gas power generation. This item was discussed with item D-3. Commission wished that a representative were present so questions could be answered. Chair advised to table both items and send staff's review and questions to the applicant so they may be prepared to address the next PC.

Motion: See item 3.

3. Review and possible recommendation to Council for approval on application for conditional use permit for a wind farm. Applicant: Jerry Eves, et al DBA Southwest Wind Energy LLC. Location of proposed use: north by northeast of Anderson Junction straddling both sides of Interstate 15 past but not including Pintura. Proposed use of property: wind powered electric utility. Chair called for a motion on both items together.

Motion by Mike Ruesch to table recommendation to Council for approval on application for conditional use permit for renewable energy or natural gas power generation Applicant: Jerry Eves, et al DBA Strata Blue Energy, LLC, and for a wind farm. Applicant: Jerry Eves, et al DBA Southwest Wind Energy LLC was second by Jerome Gourley. Chair stated the motion to table both items carried unanimously by David Hawkins, Keen Ellsworth, Jerome Gourley, Mike Ruesch and Jake Peart.

4. Review and possible recommendation to Council for approval to amend Title 10 by ordinance (2015.XX) to allow under condition certain short term leases or rentals of properties in residential, agricultural and other zones.

Chair called for a motion.

Motion by Mike Ruesch to table recommendation to Council for approval to amend Title 10 by ordinance (2015.XX) to allow under condition certain short term leases or rentals of properties was second by David Hawkins. Chair stated the motion to table carried unanimously by David Hawkins, Keen Ellsworth, Jerome Gourley, Mike Ruesch and Jake Peart.

5. Review and possible approval of home occupation & conditional use permit(s) for the month of August, 2015.

Chair called for a motion.

Motion was given by Davie Hawkins to approve the annual review of the August HOCUPs with all conditions continued. 1) Stephen Doughty, Livestock – Standard CUP, 2) Kate Kirkham of My Nephew's Photos, Home Occupation, and 3) Naomi Wright of Naomi Fern Wright Certified Rolfer R, LMT, Home Occupation. Second was given by Mike Ruesch. Chair stated the motion to approve the August HOCUPs passed unanimously by David Hawkins, Keen Ellsworth, Jerome Gourley, Mike Ruesch and Jake Peart.

ADJOURNMENT: Meeting was adjourned by Chair Keen Ellsworth at 7:21 pm.

Minutes of the Toquerville Planning Commission meeting of August 19, 2015, will be presented for review and approval in the September meeting.

Approved: _____
 Planning Commission Chair Keen Ellsworth

Date: 8/16/15

Attested: _____
 Renee S. Garner, City Recorder/ Clerk

