

TOQUERVILLE CITY COUNCIL
City Council Special Work Meeting Minutes
May 3, 2018 from 4:00 p.m. to 5:45 p.m.
212 N. Toquerville Blvd, Toquerville Utah



Present: Mayor Lynn Chamberlain; Councilmembers: Keen Ellsworth, Paul Heideman, Ty Bringhurst, Mike Ruesch; Planning Chair Alex Chamberlain; Planning Commissioners: Greg Turner, Rebecca Hansen, Manning Butterworth, Jake Peart; Recorder Dana McKim; Moderator Chris Butterworth; Public: Gary Chaves.

A. CALL TO ORDER:

Mayor Chamberlain called the special work meeting of City Councilmembers and Toquerville Planning Commissioners to order at 4:01 p.m. An invocation was offered by Councilmember Ty Bringhurst. There were no statements of belief.

B. BUSINESS:

1. Chris Butterworth facilitating a discussion between City Councilmembers and Planning Commissioners regarding Land Management Code Title 10-17-3: Bed and Breakfast Services, and Title 10-17-4: Nightly or Short-Term Rentals.

Chris Butterworth explained the ground rules and norms for the meeting discussion. Ellsworth believed the goal of the ordinance change was to assure public safety while simultaneously allowing the use of a nightly rental in an unoccupied and occupied home. Alex Chamberlain would like to preserve the character of the neighborhood when the changes are made. Peart asked if the group was in favor of promoting business in Toquerville or restricting it. Mayor Chamberlain was in favor of business activity in the city but believed there should be restrictions imposed in a residential neighborhood.

A consensus was derived to combine bed and breakfast establishments and nightly/short-term rentals in one definition. The definition agreed upon was: "The Nightly Rental is the act of leasing a residence, or any part thereof, by a person or entity to another for a consecutive period of ninety (90) calendar days or less in exchange for direct or indirect remuneration.

There was a brief discussion about whether the business could be allowed to have separate kitchen facilities would make the structure a vacation rental or not. The group conversed about fire code requirements. They agreed the establishment should not allow more than ten people, including the residents of the home. Hansen asked if the homeowners have family members staying for the weekend visit and the rental is booked, the establishment would not be in violation of the fire occupancy regulation. Alex Chamberlain said the family members staying for the weekend would be excluded because they aren't renting. The discussed the difference between zoning and fire code requirements.

The group discussed detached casitas/guest homes and if the structures should be permitted nightly rentals. They conversed about the high probability of those structures in the future become rentals, which negates single-family residential zoned property. Heideman thought detached structures would be one of the best uses of nightly rentals because of the close proximity and response time in case infractions occur, rather than a rental located across town. There are a few approved detached rentals in Toquerville at the current time. Mayor Chamberlain would like to deter future detached structures to be built in residential zones as short-term rentals. He would rather create a specific zone for these businesses. There was no decision made on the item.



Ruesch would like the majority owner of the rental to reside in Toquerville. They discussed how the city would facilitate the permit, whether it would be a special permit or a conditional use permit. Attorney Snow earlier suggested to council the permits for the rentals not be a conditional use permit because the approved use runs with the land until it is abandoned for a period of one year. The majority decided to require the responsible party, or permit owner must reside in Toquerville as their primary residence. The majority of the members were against the allowance of a separate property management company to manage the rentals. They also agreed all establishments should require a business license. Manning Butterworth suggested the property permit shall not be transferable. Once the owner moves out of Toquerville the permit would be canceled.

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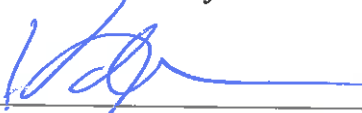
Discussion ensued both for and against a logging requirement. The majority decided the owner shall provide upon request to city staff, the name, address, and phone number of the renter. They agreed a yearly review should be required. Peart suggested an annual permit should be collected with the establishment's annual review.

The group discussed if they wanted to implement density requirements. There was a suggestion the historic district should have an overlay zone with different rental requirements. Hansen would like the group to discuss density requirements at the next meeting.

A second special work meeting was scheduled for May 10th, 2018 at 4:00 p.m. to continue the discussion.

C. ADJOURN:

Mayor Chamberlain adjourned the meeting at 5:50 p.m.



Mayor Pro Tem-Keen Ellsworth

6.15.18

Date



Attest: City Recorder - Dana M. McKim

