

TOQUERVILLE CITY COUNCIL
City Council Special Work Meeting Minutes
May 10, 2018 from 4:00 p.m. to 5:45 p.m.
212 N. Toquerville Blvd, Toquerville Utah



Present: Mayor Lynn Chamberlain; Councilmembers: Justin Sip, Ty Bringham, Keen Ellsworth, Paul Heideman, Mike Ruesch; Planning Chair Alex Chamberlain; Planning Commissioners: Jake Peart, Rebecca Hansen, Manning Butterworth; Moderator-Chris Butterworth, Recorder Dana McKim, Attorney Heath Snow; Public: Wayne Olsen, Carylee Heideman, Wayne Olsen, Gary Chaves.

A. CALL TO ORDER:

Meeting called to order by Mayor Chamberlain at 4:07 p.m. The Pledge of Allegiance was given by Councilmember Justin Sip. There were no belief statements.

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:

Commissioner Jake Peart wanted to clarify the vision for the ordinance change. He believed one of the biggest values of living in America was free enterprise and equal rights. He assumed most of the citizens hold those values dear, and thought those ideas should play a part in the decision-making process. Councilmember Ruesch thought the ordinance should strike a balance between the rights of both property owners, and surrounding neighbors. He would like an addition to the ordinance to allow the surrounding property owners of a nightly rental to either support or object the proposed use.

Commissioner Hansen requested to discuss density requirements. She asked if they needed to make a differentiation between unoccupied rentals and occupied homes. Councilmember Paul Heideman believed there is a difference between owner-occupied rentals and vacation rentals. The two businesses have different impacts on the neighborhood. Alex Chamberlain suggested they could require a density requirement for unoccupied rentals and no requirement for occupied establishments. Peart thought the eventual success of an establishment would be remedied by the free-market. There was a discussion about non-conforming secondary structures. Commissioner Butterworth thought there were several non-conforming properties and the ordinance should not call them out, but create the standard and hold true to the standards.

Carylee Heideman was supportive of requiring a short-term rental owner reside in Toquerville. Ellsworth sympathetic to Peart's opinion but believed the business is inclusive of a single-family residential neighborhood and the ordinance should be empathetic to the neighborhood. He suggested these rentals would be better served in a commercial or resort zone. Peart asked if Ellsworth supported a cap on these establishments and if so, where the line should be drawn. The county recorder's website allows the ability to select a property with a radius derived from the outside property line. There was a discussion if the city should require signed consent or opposition from surrounding residential property owners within a 300-foot radius notification. The suggestion was favored by several members. If contact is not made with the residential owner, someone suggested a notification could be sent certified mail to the property owner. They were in favor of requiring 75% of residential property owners within a 300-foot radius must approve of the use via signature and current short-term rental owners are excluded from the percentage calculation.



There was a brief discussion about the historical district requirements differing from the rest of Toquerville. Ellsworth asked if the group wanted to only allow detached short-term rentals within the historical district. Ruesch suggested detached guest homes built in Toquerville should be addressed by the planning commission and city council.

There was a discussion about implementing a yearly fee for these types of establishments to offset enforcement and inspection fees. Paul Heideman suggested the city staff should approximate how much time is spent on enforcement and inspections and derive a fee from services rendered.

Commissioner Peart suggested no on-street parking overnight should be allowed. Peart suggested there should not be any special noise or sound requirements attached to these types of rentals. Those items will be discussed at the next planning commission meeting.

C. ADJOURN:

The meeting was adjourned by Mayor Chamberlain at 5:50 p.m.



Mayor Pro Tem-Keen Ellsworth

6-20-18

Date



Attest: City Recorder - Dana M. McKim

