

TOQUERVILLE CITY
PLANNING COMMISSION MEETING MINUTES
Wednesday - February 21, 2018
Work Meeting 6:30 p.m. - Regular Meeting 7:00 p.m.
Held at 212 N. Toquerville Blvd, Toquerville Utah



Planning Commission Chairperson: Alex Chamberlain, Commissioners: Manning Butterworth, Rebecca Hansen, Greg Turner, Alt-Kris Smedley, Jake Peart-absent; Zoning Official: Mike Vercimak, City Council/PC Liaison: Mike Ruesch, Recorder: Dana McKim Public: Jones & DeMille Representative Kayde Roberts; Public: Shawn Labrum.

6:30 PM WORK MEETING:

The work meeting was called to order at 6:32 p.m. by Chairperson Chamberlain.

1. Discussion on Short-Term Rentals-Bed and Breakfast and Nightly/Short-Term Rentals:
Vercimak stated he had attended building code training in St. George this week where short-term rentals were talked about. There was discussion at the training about the unique concerns all communities have with regulating vacation rentals and bed and breakfast establishments. He commended everyone for their hard work and valuable input with the revisions of the short-term rental code.
The commission was in agreement to omit a two person per room requirement from all short-term rentals, but to keep the 10 person occupancy limit per home. Vercimak had modified the bed and breakfast requirement to state the change, but not the nightly/short-term rental. The commission discussed a desire to require all short-term rentals maintain an active status. The reasoning behind requiring a business to stay active was for an individual to not tie up a conditional use permit when it could be actively exercised by another individual. Nightly/short-term rentals require a 1000 foot proximity separation, otherwise known as a density requirement. The commissioners were in favor of approving permits in active status on a yearly basis, rather than inactive ones. Butterworth thought the concern was primarily geared towards nightly/short-term rentals due to the density requirement. Commissioner Hansen thought the proposed revisions should be widely spread to both bed and breakfast establishments and nightly/short-term rentals. Chamberlain voiced he could see how it may seem unfair to camp on a permit and tie up a use, but was also hesitant to require a business to be active. Chamberlain was not in favor of cities exercising over legislation. He gave examples of where there could be extenuating circumstances prohibiting a business to be active, i.e. an extensive remodeling project. Butterworth believed these conditional use permits are issued to owners of these businesses who essentially enter into a contract between the owner and the city. He believed the contract should be fulfilled by the applicant. He has recently witnessed homes being constructed in his neighborhood and completed within a couple of months. He concluded the applicant should comply with the rules and regulations set forth in the permit. Chamberlain would rather the city take a relaxed approach in creating regulations, rather than with a heavy hand. He suggested if the permit was not active within two years the commission could deny the renewal. Chamberlain asked how prior permits are renewed if the commission adds new rules. Vercimak believed the terms of a conditional use permit may be changed at the renewal time to include new requirements. If an in-active permit had extenuating circumstances the applicant could submit a waiver to the commission of explanation and a time frame of when the obstacles could be remedied. Butterworth suggested legal counsel should weigh in on the brevity of such suggestion or addition to code. Vercimak stated the changes should be done with reverence and suggested any changes should not be done hastily.



2. Discussion of Proposed Resort Zone:

Chamberlain would like the proposed new zone to be almost complete to add into code but would prefer to wait until an applicant comes to the staff with a request. Vercimak would rather speak with an applicant before creating a zone in Toquerville that may or may not occur.

3. Discussion of Flag Lots:

There is a flag lot ordinance allowance in city code. Chamberlain spoke briefly with Fire Department representative, Spendlove regarding staff width and fire hydrant lot proximity requirements. Recorder McKim will provide the fire specifications at the next planning commission meeting to review. Chamberlain will make contact with Commissioner Peart and inquire if he has any proposed flag lot changes for the next upcoming planning commission meeting.

Chairperson Chamberlain adjourned the work meeting at 6:27 p.m.

7:00 PM REGULAR MEETING:

Chairperson Chamberlain called the meeting to order at 7:00 p.m. The Pledge of Allegiance was led by Chairperson Chamberlain since Commissioner Peart was not present.

1. Disclosures and Declaration of Conflicts from Commission members (if any):

Greg Turner would like to declare a conflict and will not vote on business item D4, where he is the applicant for a bed and breakfast conditional use application. Rebecca Hansen, a new commissioner would like to disclose she owns a bed and breakfast establishment in Toquerville, but will vote on item D4.

Commissioner Manning Butterworth made a motion modify the agenda and move to commence with item D1- Introduction of the new planning Commissioner members. The motion was seconded by Alex Chamberlain. Motion carried 5-0. Commissioner Greg Turner-aye, Rebecca Hansen-aye, Kris Smedley-aye, Manning Butterworth-aye, Chamberlain-aye.

D1-Introduction of Planning Commissioners:

Mayor Lynn Chamberlain appointed three new replacement commissioners for vacancies on the Planning Commission. An appointment was made for Planning Commissioner Alternate, Manning Butterworth, to replace Commissioner David Hawkins, whose term will expire in 2020. Rebecca Hansen will replace Commissioner Jerome Gourley, whose term will expire in 2021. Greg Turner will replace Commissioner Mike Ruesch, whose term will expire in 2021. Kris Smedley was appointed to fulfill the Planning Commissioner Alternate position.

A. PRESENTATION:

1. Jones and DeMille Presentation of Master Transportation Plan-Kayde Roberts:

Roberts explained how the Dixie MPO assisted Toquerville in paying for a transportation plan. Toquerville did not have to use any city funds to pay for the plan creation. He spoke about the past mayor and the council's desire to not only plan for the bypass corridor, but for future transportation planning, like an increase of tourism. The plan may be adjusted in the future and should be modified every 10 years. Roberts spoke about growth projections in Toquerville's future and how tourism



affects Toquerville transportation. He showed two different vehicle traffic projection scenarios with the bypass corridor, and one without the corridor.

Roberts explained to the commission all the roads were classified and done so for future funding opportunities. SR17 was classified as an arterial road. Westfield Road, Sunset, and Old Church were classified as collector roads. Cholla Drive could be classified as a collector road in the future. He pointed out to the commission for future development they added guidelines and policies for the city to require developers provide traffic studies for future development. Butterworth asked if the most recent document could be updated with recent suggestions from planning commissioners and city council members. Butterworth asked if Zion's Parkway or Shangri-La could be classified as collector roads. Roberts believed the traffic numbers on the roads would not qualify them as collector roads and believed that Shangri-La was landlocked but could be modified. Butterworth stated the functions of the roads were described but no numerical numbers were established. He suggested the definitions should be further clarified. Mike Ruesch suggested if the planning commission needed to be trail ridge as a collector to modify the plan prior to the city council's adoption.

B. REVIEW OF MINUTES:

1. Review and Possible Approval of Planning Commission Meeting Minutes from the Regular Work and Business Meeting on January 17, 2018.

Commissioner Manning Butterworth made a motion to approve the meeting minutes with two revisions which were updated prior to the meeting. A hard copy of the revisions was reviewed during the meeting and agreed upon for approval. The motion was seconded by Commissioner Greg Turner. Motion unanimously carried 5-0. Turner-aye, Hansen-aye, Butterworth-aye, Smedley-aye, Chamberlain-aye.

C. PUBLIC HEARING:

Chairperson Chamberlain opened the public hearing and explained the guidelines the public must adhere to during the public hearing portion of the meeting.

1. Public input is sought on a Conditional Use Permit for a Bed and Breakfast Establishment submitted by Greg and Jodi Turner, located at 263 North Toquerville Boulevard in Toquerville, UT 84774. Property Tax ID# T-78. Zoning is R-1-12:

No comments were made.

2. Public input is sought on a Home Occupation Permit for a home office submitted by Shawn Labrum-Wild Mountain Outfitters located at 1235 South Crater Lake Way in Toquerville, UT 84774. Property Tax ID# T-TRES-1-53. Zoning is R-1-20:

No comments were made.

Chairperson Chamberlain closed the public hearing and moved into business/action items.

D. BUSINESS/ACTION ITEM(S):

1. Introduction of New Planning Commissioners:



Item discussed earlier.

2. Discussion and Possible Appointment of Planning Commissioner Pro Tem:

Chamberlain explained the responsibilities of a Pro Tem position. A pro tem will need to lead a meeting when the chairperson is unable to attend. Pro tem may have to fill in for the chairperson at a development staff meeting, or at either of the city council monthly meetings.

Commissioner Hansen made a motion to nominate Jake Peart as the Planning Commissioner Pro Tem. Commissioner Peart was not present at the meeting and the commission discussed whether or not the nominee should be present to agree in becoming a pro tem. Hansen withdrew the nomination and made a motion to table the item until next month. Commissioner Turner seconded the motion. Chamberlain would rather the item not be tabled until next month, as he needs a pro tem to assist with some responsibilities next month. Motion unanimously failed 0-5. Smedley-ney, Hansen-ney, Chamberlain-ney, Turner-ney, Butterworth-ney.

Mike Vercimak explained the Pro Tem person would need to attend the monthly development staff, which is the first Tuesday of each month if the chairperson is unable to attend, as well as the city council work meeting and regular business meeting.

Chairperson Alex Chamberlain made a motion to nominate Commissioner Butterworth as the Planning Commission Pro Tem. Butterworth accepted the nomination and would like to serve. Commissioner Rebecca Hansen seconded the motion. Motion unanimously carried 4 – 1 abstention. Chamberlain-aye, Hansen-aye, Turner-aye, Smedley-aye, Butterworth-abstained.

3. Discussion and Possible Action on the Final Draft of the Master Transportation Plan:

Commissioner Manning Butterworth made a motion to table the recommendation of the Master Transportation Plan until the modifications can be made by Jones and DeMille. The motion was seconded by Commissioner Greg Turner. Motion unanimously carried 5-0. Chamberlain-aye, Smedley-aye, Turner-aye, Butterworth-aye, Hansen-aye.

4. Discussion and Possible Action on a Conditional Use Permit for a Bed and Breakfast Establishment submitted by Greg and Jodi Turner, located at 263 North Toquerville Boulevard in Toquerville, UT 84774. Property Tax ID# T-78. Zoning is R-1-12:

Butterworth asked for clarification on the staff recommendation to abandon the kitchen. He asked how the applicant would comply with the condition. Vercimak stated the applicant agreed to decommission the kitchen and would be determined as such during the inspection done by the building inspector or fire department. Chamberlain believed the applicant the kitchen by disabling the kitchen breakers and would be contingent on the inspection. Turner stated the breakers are located in a locked outside utility closet. All the appliances electric and none are gas fueled. The microwave will be removed.

Motion to approve the Conditional Use Permit application for Greg and Jodi Turner bed and breakfast located at 263 North Toquerville Boulevard with staff recommendations by Commissioner Rebecca Hansen. The motion was seconded Commissioner Manning Butterworth.



Motion approved 4-1 abstention. Butterworth-aye, Chamberlain-aye, Hansen-aye, Smedley-aye, Turner abstained.

5. Discussion and Possible Action on a Home Occupation Permit for a Home Office submitted by Shawn Labrum-Wild Mountain Outfitters located at 1235 South Crater Lake Way in Toquerville, UT 84774. Property Tax ID# T-TRES-1-53. Zoning is R-1-20:

Commissioner Butterworth asked the applicant about the scope of his business. Labrum facilitates outfitting and guided hunts through US Forest Service and BLM permits. No clients come to his house and there will be no signage. He applied for a home office to conduct paperwork and schedule appointments.

Commissioner Manning Butterworth made a motion to approve the Home Occupation Permit submitted by Shawn Labrum, Wild Mountain Outfitters located at 1235 South Crater Lake Way in Toquerville UT, 84774 with staff recommendations. The motion was seconded by Commissioner Greg Turner. Motion unanimously carried 5-0. Chamberlain-aye, Hansen-aye, Smedley-aye, Butterworth-aye, Turner-aye.

E. HO/CUP REVIEW & POSSIBLE RECOMMENDATION:

1. Conditional Use Permit at 490 S Westfield Rd. for Angel VanValkenburg/Forever Friends Cremation
2. Conditional Use Permit at 47 S Ashcreek Dr. for Lynn Olds/Lynn Olds Construction.
3. Conditional Use Permit at 590 S Toquerville Blvd. for Randy Pearson/Pearson Meats.
4. Conditional Use Permit at 108 N Toquerville Blvd. for Thomas Harmon/Toquerville BnB.
5. Home Occupation Conditional Use Permit at 152 W Sunset Ave. for Justin Sip/Justin Sip Custom Guns.
6. Conditional Use Permit at 325 W Old Church Rd. for Mark & Toni Fahrenkamp/Phoenix House Bed & Breakfast.
7. Nightly/Short-Term Rental at 203 N Ashcreek Dr. for Wayne and Caleen Olsen/Olie's Rental.
8. Conditional Use Permit at 945 S Westfield Rd. for Ernest and Rebecca Olsen/Becca's Mesa View B&B.
9. Nightly/Short-Term Rental at 216 W Mountain Charm Rd. for Gary Chaves/Mountain Charm Retreat.

Chairperson Chamberlain asked if all the conditional use permits were current and if any official complaints have been filed with the city. McKim stated all permits were current and no official complaints were filed. Chamberlain briefly spoke about the Conditional Use Permit of Forever Friends Cremation. The permit was tabled from last month's meeting after Commissioner Peart received information from someone asking about the businesses requirements for odor control. The permit was researched and the applicant provided EPA standards for the incinerator. Chamberlain suggested the application could not be denied unless the complaint is officially filed with the city and investigated. He thought the hearsay could not be used in the evaluation of the permit. Recorder McKim asked if the hours of operation could be defined since the permit stated the applicant could only burn during nighttime hours. Ruesch suggested if there have been no official complaints the permit could be renewed without the need for clarification.

The commissioners briefly discussed the renewal process of conditional use permits. McKim was requested by the commission last month to provide certificates for all conditional use permits. The request resulted in the research of each conditional use permit and to locate the original certificate. If a certificate was unable to locate, a certificate was created for the permit with the original conditions at the time of the approval of the permit. Butterworth questioned if the certificate for permit 42 has



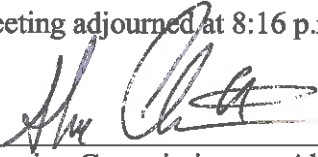
been obtained. McKim has been unable to find the certificate and will create a certificate in the future. The permit could be approved since there have been no complaints and the permit holder holds an active Toquerville business license.

Turner asked if permit E7 should be renewed since the permit is not in active use. Chamberlain stated the permit has an active business license and there are no requirements in the land management code chapter to require the business to be active.

Commissioner Rebecca Hansen made a motion to approve the conditional use permits listed 1-9 on the agenda. The motion was seconded by Commissioner Kris Smedley. The motion unanimously carried 5-0. Butterworth-aye, Chamberlain-aye, Hansen-aye, Turner-aye, Smedley-aye.

F. ADJOURN:

Meeting adjourned at 8:16 p.m. by Chairman Chamberlain.



Planning Commissioner – Alex Chamberlain

March 21, 2018

Date

Attest:



Toquerville City Recorder – Dana M. McKim

