

TOQUERVILLE CITY
PLANNING COMMISSION MEETING MINUTES
Wednesday - July 18, 2018
Work Meeting 6:30 p.m. and Regular Meeting 7:00 p.m.
Held at 212 N. Toquerville Blvd, Toquerville Utah



Present: Planning Chair-Alex Chamberlain, Planning Commissioners-Greg Turner, Kris Smedley, Manning Butterworth, Jake Peart; Staff: Zoning Official-Mike Vercimak, Recorder-Dana McKim; Public: Lynn Chamberlain, Gary Chaves, Gregg Leiby.

The work meeting was called to order by Chair Chamberlain at 6:31 p.m.

6:30 PM WORK MEETING:

1. Discussion of Short-Term Rentals-Bed and Breakfast and Nightly/Short Term Rentals:

Manning Butterworth discussed the attorney's suggestions on the nightly short-term rental draft. He was expecting to receive a document in ordinance form. He suggested a couple of commissioners, a few councilmembers, the mayor, and the attorney could schedule a meeting to clarify the draft. He would like some direction of a desired rental period. The commission wanted to clarify there shall be no on-street parking by overnight guests. The rest of the paragraph may be omitted.

Chamberlain asked if it would be beneficial to try and meet with the attorney Snow and ask if he has time to sit down with the commission and relay what the changes are needed. Mayor Chamberlain agreed to schedule the meeting.

Paragraph I, Section C the fine for a third violation should be changed to \$4,000.00.

Chamberlain thought it would be best to present the document with a summarization of the past recent meetings.

The Commission and Vercimak spoke about the time frame of a short term and long term rental, and what time period would be classified as a nightly rental.

Peart had a concern about the attorney's comment about the controlling interest of a business and would like to discuss the requirement with the attorney.

Mike Vercimak asked the commission if these rentals would be tied to a conditional use permit, or if they want to classify it as a special permit. The commission would need to clarify what type of permit it will be with the attorney.

Commissioner Turner and Hansen will work on drafting a special permit use and the appeal process for this item.

2. Discussion of Accessory Buildings:

Chair Chamberlain suggested the definition; building attached may need to be removed as a definition in city code. Vercimak believed the definition negates the international building code. The thought was there should not be two detached dwellings on a single parcel within a single-family zoned property.

Chamberlain read the guesthouse definition. The commission decided to keep the guesthouse allowance because it disallows the rental of such structure. There was a discussion about the allowance of guesthouses and the possibility for the structures to become rental properties and how the enforcement would be facilitated.

Mike Vercimak would like to know if the recent resort zone was headed in the right direction. He suggested if the commissioners had any notes or suggestions to submit them now during the drafting phase of the newly proposed zone.



Chair Chamberlain closed the work meeting at 6:59 p.m.

7:00 PM REGULAR MEETING:

The meeting was called to order at 7:00 p.m. by Chairman Alex Chamberlain. The Pledge of Allegiance was led by Commissioner Jake Peart. There were no disclosures, nor conflict declarations from the commission.

A. REVIEW OF MINUTES:

1. Review and Possible Approval of Planning Commission Work and Regular Business Meeting from June 20, 2018.

Commissioner Butterworth in the regular meeting they spoke about the vote recorded to item c-2. Butterworth wanted the motion to include Butterworth's objection to the changes the commission suggestion regarding the land management signatures. The motion will reflect the full comment.

Commissioner Manning Butterworth made a motion to approve the minutes with the recommended changes. Motion was seconded by seconded by Jake Peart. Vote: 4-1 Alex Chamberlain-aye, Manning Butterworth-aye, Greg Turner-aye, Kris Smedley-aye, Jake Peart-abstention.

B. PUBLIC FORUM:

Comments from public and public requests for future agenda items.

Limit three (3) minutes per person; please address the microphone and state full name and address.

Gary Chaves from MT. Charm in Toquerville:

He wondered if the public will be able to see the final document for input. He would like the information disseminated to the bed and breakfast and short-term rental owners before the final codification is done with the attorney.

Chamberlain closed the public forum and opened the public hearing.

C. PUBLIC HEARING:

1. Public input is sought on an ordinance revisiting and restating in its entirety Section 2, Chapter 3, Title 10 of the Toquerville City Code to reorganize and re-name the Toquerville Board of Adjustment to a single member panel known as the Toquerville Appeal Authority.

DC Young from Westfield Road:

Stated he is currently a member of the board of adjustments, a board the commission is proposing to eliminate. He read the ordinance and understood what the ordinance needs. He believed the current board of adjustment has a high level of expertise. He asked what the qualifications would require of a one person appeal authority. In theory, the mayor and the council picked those citizens because they have an unbiased decision process. He inquired if the implementation of a single appeal authority would increase the number of appeals practiced?

Lynn Chamberlain N Toquerville Blvd:

Chamberlain believed there were two schools of thought. He asked Mr. Young how many appeals have occurred in the last couple of years. Chamberlain believed the board has met approximately three times in seven years. The board may have made some great decisions, but

asked if it was fair to require the board to attend training for the number of adjustments filed. One board of adjustment member recently passed, with another recently in the hospital and there were no alternates in place. One of the drawbacks of having a one-person appeal authority is, it does take the community involvement out of the process.

DC Young from Westfield Road:

He asked when the appeal authority be exercised. Would it be before the planning commission and city council make a decision or after?

Lynn Chamberlain thought the decision could be either.

Young believed the process by which he was trained was an appeal had to go through the Planning Commission and City Council before appearing before the Board of Adjustments. Young wanted to know what the vetting process would be in choosing a one-person appeal authority.

D. BUSINESS/ACTION ITEM(S):

1. Discussion and Possible Recommendation on ORD 2018.XX Appeal Authority Replacing The Board of Adjustment:

Butterworth reviewed the document and what process stood out to him the most was learning the next step after the board of adjustment was district court. The decision made by a Board of Adjustment or Appeal authority has to withstand a legal challenge. He believed the reason for the new structure was because of the amount of legal knowledge to assess these decisions which reduces liability, and the responsibility of training. It is believed some cities have used sister city attorneys or planning chairs from other towns. Turner suggested the appeal authority could be an outside look to erase collusion and any unbiased opinion. DC Young suggested the best asset to the city would be someone who knows and understands the city code. Lynn Chamberlain said there are pros and cons to each board. Mike Vercimak made a clarifying point, by stating the board of adjustment member does not have to be a resident of Toquerville. Smedley thought about liability a citizen takes on when serving on a board of adjustment. He suggested if someone had more experience making decisions, the less margin for error may occur. Peart asked who would be liable for those decisions made. Peart was in favor of the current boa with Toquerville residents serving as board members.

Commissioner Manning Butterworth made a motion to recommend approval of the ordinance 2018.XX, an ordinance to replace the board of adjustment with an appeal authority. The motion seconded by Commissioner Greg Turner. Peart would like to add to the motion to inquire the city council out who is liable for the decisions made and how the vetting process will be determined. Butterworth amended his motion to include Peart's comment. Amended motion seconded by Commissioner Greg Turner. Motion unanimously carried 5-0. Vote: Alex Chamberlain-aye; Manning Butterworth-aye, Jake Peart-aye, Greg Turner-aye, Kris Smedley-aye.

2. Discussion and Possible Recommendation of Proposed Changes to Land Management Code Title 10. Bed and Breakfast Services Chapter 17-3, Nightly or Short Term Rentals Chapter 17-4, General Definitions Chapter 2-1, Conditional Uses in Agricultural Districts Chapter 9A-3, Conditional Uses in R-1- Single-Family Residential District Chapter 10A-3, Permitted Uses in Planned Commercial Zone Chapter 12C-2, Sign Regulations Chapter 22-7:



Commissioner Manning Butterworth made a motion the draft ordinance be presented to the city attorney office in a meeting with two members of pc and 2 cc meeting at a later date and draft ordinance include the following changes:

The introduction paragraph which states 90 calendar dates to reflect the current state code time frame. Paragraph D be amended to delete all but the first sentence; paragraph I-C for a 3rd violation to be \$4,000.00, not \$3,000.00

The motion seconded by Commissioner Greg Turner.

Turner asked if the item will be up for a public hearing and discussion item at the next month's meeting. The hearing will be determined when the meeting with the attorney will occur.

Motion unanimously carried 5-0. Vote: Manning Butterworth-aye, Alex Chamberlain-aye, Jake Peart-aye, Greg Turner-aye, Kris Smedley-aye.

3. Discussion and Possible Recommendation of Proposed Changes to Land Management Code Title 10-2-1 General Definitions:

The modification would omit building, attached as a definition. It was recommended this change will occur during the next land management ordinance change and will be advertised with a public hearing.

Commissioner Jake Peart made a motion to remove the definition in city code 10-2-1 Building attached to be removed as a definition. Commissioner Manning Butterworth seconded the motion. Motion unanimously carried 5-0. Vote: Manning Butterworth-aye, Alex Chamberlain-aye, Jake Peart-aye, Greg Turner-aye, Kris Smedley-aye.

4. Discussion of a Proposed Resort Zone:

Butterworth asked if the proposed zone created would be implemented as an overlay zone. Vercimak explained how an overlay is done and the pros of creating a new zone with its own specificity. Chamberlain asked if the zone would need to meet a minimum requirement. Vercimak explained an applicant approached a councilmember and Vercimak with a development idea of creating a mixed zone with residential and commercial areas, an RV Park, and vacation rentals all in one zone. Butterworth would like the property to be designated acreage requirement. His preference was to require larger areas of land, rather than smaller. Peart didn't think the resort would have to be large. A smaller resort could be created and still fulfill the resort purpose. He viewed the zone as a PUD zone.

Butterworth spoke about future development in the Anderson Junction area and suggested rather than think small Toquerville should require larger development, rather than several smaller resorts. He suggested a large impressive resort would make Toquerville a more pleasing area, rather than a smaller resort where developers may want to cut corners and save money. Peart suggested if the city had design standards those obstacles could be eliminated.

Vercimak suggested the commissioners read the proposed zone and ask questions. He explained how the conceptual plan process works. Butterworth believed the ordinance should be cautious and carefully planned out prior to adoption.

The proposed ordinance came from several different cities. Chamberlain asked if Vercimak could look at Springdale's code. Peart suggested the commission should investigate Virgin's requirements. Butterworth made an excellent recommendation the ordinance should make reference to the general plan.

5. Discussion on Definition of a Minimum Setback:

Under the direction of the City Attorney and the City Council, it was suggested Toquerville’s code for setbacks should be further clarified as a minimum setback. Chamberlain briefed the council about the change. Any confusion for future development can be cleared up by adding the word “at minimum” to the setback requirement diagram.

E. HO/CUP REVIEW & POSSIBLE RECOMMENDATION:

1. Livestock Conditional Use Permit-Kris & Jessie Hansen for the keeping of two horses at 1500 Cholla Drive.
2. Home Occupation Conditional Use Permit-My Nephew’s Photos for Kate Kirkham at 1661 S Chaparell Drive.
3. Home Occupation Conditional Use Permit-Naomi Fern Wright Certified Rolfer, LMT for Naomi Fern Wright at 959 S Peachtree Drive.
4. Home Occupation Conditional Use Permit-Majestic Massage Therapy for Kathryn Paredes at 1219 South Grand Canyon Parkway.
5. Home Occupation Conditional Use Permit-Zion Locksmith for Carl Westegaard at 932 South Peachtree Drive.
6. Conditional Use Permit-The Young Home Bed & Breakfast for Gary & Karlene Young at 460 N Toquerville Boulevard.
7. Conditional Use Permit-TQ-2-Zion Bed and Breakfast for Kalleen & Roger Campbell at 350 S Ash Creek Drive.
8. Conditional Use Permit-Rockin’ G Bed and Breakfast for Bill and Lucy Gillingham at 654 S Westfield Road.
9. Conditional Use Permit-Windsong (Wind Energy Facility) for Jerry Eves at the property bordering Grand Circle Ranch, on the west side of I-15.
10. Conditional Use Permit-Bowse Energy (Solar Energy Facility) for Jerry Eves at the property bordering Grand Circle Ranch on the west side of I-15.
11. Conditional Use Permit-Extraction Permit for the Washington County Water Conservancy District, Tax ID# T-3-0-27-132, the area of the Anderson Junction/Toquerville Exchange near I-15.

Commissioner Jake Peart made a motion to approve the yearly renewal permits 1, 2, 4, 5, 6, 8, 9, 10, and 11 as listed on the agenda contingent on any inspections and fees to be paid. The home occupation permit for Naomi Fern Wright at 959 S Peachtree Drive, and the Bed and Breakfast for TQ-2-Zion at 350 S Ash Creek Drive owned by Roger and Kalleen Campbell are both no longer valid per their request. The motion was seconded Commissioner Manning Butterworth. Motion unanimously carried 5-0. Vote: Manning Butterworth-aye, Alex Chamberlain-aye, Jake Peart-aye, Greg Turner-aye, Kris Smedley-aye.


F. ADJOURN:

The meeting was adjourned by the Planning Chair, Alex Chamberlain at 8:07 p.m.



Planning Commissioner Pro Tem-Manning Butterworth

8/29/18
Date

Attest:


Toquerville City Recorder-Dana M. McKim



