

**TOQUERVILLE CITY  
SPECIAL PLANNING COMMISSION  
AMENDED MEETING AGENDA**

**Wednesday, August 29, 2018**

**Work Meeting 6:30 p.m. - Business Meeting 7:00 p.m.**

**Held at 212 N. Toquerville Blvd, Toquerville Utah**



**6:30 PM WORK MEETING:**

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

**7:00 PM REGULAR MEETING:**

1. Call to Order by Chairman Pro Tem-Manning Butterworth; Pledge of Allegiance by Greg Turner
2. Disclosures and Declaration of Conflicts from Commission members (if any)

**A. REVIEW OF MINUTES:**

1. Review and Possible Approval of the Planning Commission Meeting Work and Regular Business Meeting Minutes from July 18, 2018.

**B. REPORTS:**

1. Zoning Official Mike Vercimak
2. City Council/Planning Commission Liaison, Alex Chamberlain

**C. BUSINESS/ACTION ITEM(S):**

1. Oath of office for newly appointed Planning Commissioner John C. "Chuck" Williams
2. Discussion and possible election of Planning Chairperson and Pro Tem
3. Discussion and possible action on a lot line adjustment application for property tax ID #'s T-139 and T-138-K-1; Applicants David Hawkins and Jake Peart.
4. Discussion and possible action on a lot line adjustment application for property tax ID #'s T-128-A-2 and T-128-A-11; Applicants John Williams and Gary Chaves.

**D. HO/CUP REVIEW & POSSIBLE RECOMMENDATION:**

1. Home Occupation Business~A to Z Boutique at 942 S Peachtree Drive for Vanessa Haines.
2. Bed and Breakfast Conditional Use Permit~Lundell Family Farm at 149 Sunset Ave for Christer Lundell.
3. Short-Term / Nightly Rental Permit~Ollie's Rentals at 203 N Ash Creek Drive for Wayne and Kaleen Olsen.
4. Short-Term / Nightly Rental Permit~Mountain Charm Retreat at 216 West Mountain Charm Road for Gary Chaves.

**E. ADJOURN:**




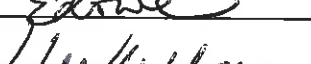
In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Dana McKim at the City Office 435.635.1094, at least 48 hours in advance. This Agenda will be sent to the Spectrum Newspaper, posted on the State website at <http://pmn.utah.gov>, on the Toquerville City website at [www.toquerville.org](http://www.toquerville.org), and in four places at least 24 hours in advance of this meeting. The four places are: (1) City Office Board; (2) Toquerville Post Office Kiosk; (3) Cholla Park Kiosk; (4) Westfield Road Kiosk. Posted amended agenda August 27, 2018 by Toquerville City Recorder, Dana M. McKim.



# Meeting Sign-In Sheet

Planning Commission  
Meeting Date: August 29, 2018

## Attendees

Print Name	Signature
Wayne Olson	
GARY CHAVES	
Joey Campbell	
Emily Lowe	
Bruce Wallace	

**10-17-3: NIGHTLY RENTAL:**

Nightly Rentals shall meet the following requirements:

A. Nightly Rental Permit Application:

The applicant must apply for and obtain a Nightly Rental Permit, which is a special permit and not a conditional use permit and is approved and otherwise regulated by this chapter. The Nightly Rental Permit is non-transferable to another owner or another residence.

The Nightly Rental Permit application must include a site plan for the premises and a floor plan of the building. The site plan must identify the required off-street parking to be used in connection with the Permit.

B. Review: A complete application will be reviewed by staff at the next regularly scheduled staff meeting. Staff shall review the application and forward their recommendation to the Planning Commission. The Planning Commission will hear the application at their next meeting and conduct a public hearing on the matter. After said public hearing the Planning Commission will forward their recommendation to the Toquerville City Council for final determination on the application. The City Council may deny, approve or approve with special conditions the application for a Nightly Rental Permit.

C One Structure: Each Nightly Rental must occur under one roof and not in a temporary structure

D Parking: All Applicant must have sufficient off-street parking for all guests and residents. There shall be no overnight on-street parking. ~~There shall be no on-street parking overnight by guests.~~

E Maximum Guests: The maximum number of occupants per residence shall be the lesser of ten (10) (including the owner and his/her family), ~~This limitation may only be exceeded if the property owner installs or has installed an approved fire suppression/sprinkler system compliant with the applicable international fire code and said fire suppression/sprinkler system has received and passed inspection by the fire district authority having jurisdiction~~ or that which is allowed by safety codes accepted by the city

F Owner Primary Residence Within City: The owner of the residence where the Nightly Rental occurs must have his or her primary residence within the Municipal boundaries of the City. For purposes of this chapter, the term "owner" shall mean:

a. A natural person who is the permit holder and who owns the controlling interest of the residence, or

b. Business entity of which a principal holding at least 51% and controlling interest of business entity shall be a resident of the city.

G. Ownership Limitation: ~~An applicant~~ ~~Neither an applicant, nor a principal of a business entity applying for~~ a Nightly Rental Permit shall have an ownership interest in ~~no~~ more than two Nightly Rentals in the City of Toquerville. ~~of the owner is a business entity.~~

H. Modifications: Modifications to the appearance and size of the structure should be in keeping with the residential character of the neighborhood within which the establishment is located.

I. Penalties: Upon finding a violation under this section, the following penalties shall apply:

a. First violation: ~~Five Hundred dollars (\$500.00)~~ ~~Two Hundred Fifty dollars (\$250.00)~~

b. Second violation: One thousand five hundred dollars (\$1,500.00).

c. Third violation: Four thousand dollars (\$4,000.00).

d. Fourth violation: License automatically revoked.

e. Review: Upon the second or subsequent violation of this section, there shall be a mandatory review conducted before the City's Planning Commission, who shall have the ability and right to revoke the Nightly Rental Permit in its sole and absolute discretion. Revocation of a Nightly Rental Permit, for any reason, shall result in a minimum twelve (12) month waiting period prior to any new application, which revocation shall run with the land. Upon revocation, there is no guarantee of any future issuance of a Nightly Rental Permit and all applications will be processed under the then current ordinances. Failure to pay a fine as required by the previous subsection shall constitute grounds for automatic revocation of the owner's Nightly Rental Permit.

f. Enforcement: In addition to the fines set forth in subsection I of this section, all violations of this chapter shall constitute a Class C misdemeanor and shall be enforced in compliance with chapter 5 of this title. (Ord. 2017.07, 6-8-2017).

J. Revocation Of Permit: The Nightly Rental Permit may be revoked at any time should the use become a public nuisance.

K. Site Approval, Public Hearing; Annual Review: A site approval and public hearing are required. An annual review shall be required.

L. Log: The Owner shall provide upon request the Name, Address and Phone Number of renters.

M. Business License Required; Room Tax: Applicant must apply for and obtain a business license pursuant to title 3, chapter 1 of this Code and pay the current Transient Room Tax applicable to motels and hotels within the City.

N. Fees: Applicant must pay all applicable fees including an annual fee to maintain the Permit. The amount of said fee shall be determined by the City in accordance with administrative costs set forth in the City Uniform Fee Schedule.

O Health Requirements: All local and State health requirements must be met.

P. Notification: Applicant must pay for and provide notification to neighboring property owners within three hundred (300) feet from all exterior boundaries of the property on which the Nightly Rental is to be located. This notice shall indicate, and the City's Planning Commission shall conduct, a public hearing on the application. To comply with this requirement the applicant must submit self-addressed, stamped envelopes for the required notification along with a printed list of the property owners in the designated notification area.

~~Seventy five percent (75%) of the property owners within the required notification area must not object to the application. Failure of property owner within three hundred feet (300') to submit an objection (either vocally at the public hearing or in writing prior to the start of the public hearing) to the application will be deemed consent thereto. Applicant shall be required to obtain signatures for each property owner indicating "for" or "against" the application. Holders of Nightly Rental Permits within the designated notification area will be precluded from the requirement.~~

Q. Signage: Signs for Nightly Rentals shall conform to the requirements of Chapter 22 of this code.

**10-17-4: RESERVED.**

Here are other changes to the code:

**4-3-2: PROHIBITIONS:**

A. Specified: Smoking is hereby prohibited in:

1. All indoor places of public access, subject to all limitation set forth in Utah Code Annotated section [26-38-1](#) et seq.;
2. All city parks;
3. Within one hundred feet (100') of bus stops; and within one hundred feet (100') of mass gatherings;
4. Within one hundred feet (100') of any school, daycare, care facility or place of worship.

B. Exceptions: Subsection A of this section does not apply to:

1. Areas not commonly open to the public of owner operated businesses having no employees other than the owner-operator;
2. Guestrooms in hotels, motels, Nightly Rental lodging facilities, and other similar lodging facilities, but smoking is prohibited under subsection A of this section in the common areas of these facilities, including dining areas and lobby areas. (Ord. 2010.06, 9-9-2010; amd. 2014 Code)

**10-2-1: GENERAL DEFINITIONS:**

~~BED AND BREAKFAST: A transient lodging facility with the provision of the breakfast meal included in the rental fee. A bed and breakfast shall comply with all appropriate construction codes, zoning requirements or any other ordinances or codes adopted by the city. A bed and breakfast does not qualify as a "home occupation".~~

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 thirty (30) calendar days or less in exchange for direct or indirect remuneration.

TRANSIENT LODGING FACILITY: Any establishment that receives payment in any form of exchange for the use of any dwelling for thirty (30) days or less, including any hotel, motel, Nightly Rental boarding house, hostel or the like.

**ARTICLE A. A AGRICULTURAL DISTRICT**

**10-9A-3: CONDITIONAL USES:**

~~Bed and breakfast rentals.~~

**ARTICLE A. R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT**

**10-10A-3: CONDITIONAL USES:**

~~Bed and Breakfast Rentals.~~

**ARTICLE C. PC PLANNED COMMERCIAL ZONE**

**10-12C-2: PERMITTED USES:**

Agricultural sales and service.

Animal hospital.

Bank.

~~Bed and Breakfast~~

**SIGN REGULATIONS**

**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 board 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 3<sup>rd</sup> 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

\_\_\_\_\_  
Date

Attest:

\_\_\_\_\_  
Toquerville City Recorder-Dana M. McKim

Toquerville City  
SUBDIVISION LOT LINE ADJUSTMENT APPLICATION  
Fee: \$200.00



Owner(s) of Lot 1: Name(s): Hawkins Family Trust & Jake Peart

Telephone: \_\_\_\_\_ Fax No. \_\_\_\_\_

Mailing Address: 271 West Peach Tree drive

Email: \_\_\_\_\_

Owner(s) of Lot 2: Name(s): Jake Peart

Telephone: \_\_\_\_\_ Fax No. \_\_\_\_\_

Mailing Address: 986 Toquer Blvd Toquerville, UT 84774

Email: \_\_\_\_\_

Subdivision Name & Phase: Almond Heights Sub.

Subject Property Address: 271 W and 261 W peach tree Dr

Parcel #s of Subject Property: Parcel 3 & 1 Lot numbers: T-139 & T-138-K-1

\*\*\*\*\*  
Submittal Requirements: 1 - large paper copy, and 1 - 11 X 17

1. Submittal requirements:
- a. A description of the property to be deeded.
  - b. A drawing of the existing configuration of the lots with accurate dimensions and the locations of any buildings or other structures.
  - c. A drawing of the proposed new configuration of the lots with accurate dimensions and the locations of any buildings or other structures.

\*\*\*\*\*  
(Office Use Only)

DATE RECEIVED: 6-25-18 COMPLETE: YES  NO \_\_\_\_\_

DATE APPLICATION DEEMED TO BE COMPLETE: July 2, 2018

COMPLETION DETERMINATION MADE BY: Mick Venezia  
Signature

**AFFIDAVIT  
PROPERTY OWNER**



STATE OF UTAH )  
 )  
COUNTY OF )

I (we), W. Jake Peart, being duly sworn, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided identified in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I (we) also acknowledge that I have received written instructions regarding the process for which I am applying and the Toquerville City Planning staff have indicated they are available to assist me in making this application.

W. Jake Peart  
(Property Owner)

(Property Owner)

Subscribed and sworn to me this July day of 18 2018.

[Signature]  
(Notary Public)



Residing in: Washington Utah

My Commission Expires: 11-28-2020

**Agent Authorization**

I (we), \_\_\_\_\_, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) \_\_\_\_\_ to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the City considering this application and to act in all respects as our agent in matters pertaining to the attached application.

(Property Owner)

(Property Owner)

Subscribed and sworn to me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

(Notary Public)

Residing in: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

**AFFIDAVIT  
PROPERTY OWNER**



STATE OF UTAH )  
 )  
COUNTY OF )

I (we), David W. Hawkins, being duly sworn, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided identified in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I (we) also acknowledge that I have received written instructions regarding the process for which I am applying and the Toquerville City Planning staff have indicated they are available to assist me in making this application.

David W. Hawkins  
(Property Owner)

(Property Owner)

Subscribed and sworn to me this 10<sup>th</sup> day of July 2018

[Signature]  
(Notary Public)



Residing in: Washington County

My Commission Expires: 11-28-2020

**Agent Authorization**

I (we), \_\_\_\_\_, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) \_\_\_\_\_ to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the City considering this application and to act in all respects as our agent in matters pertaining to the attached application.

(Property Owner)

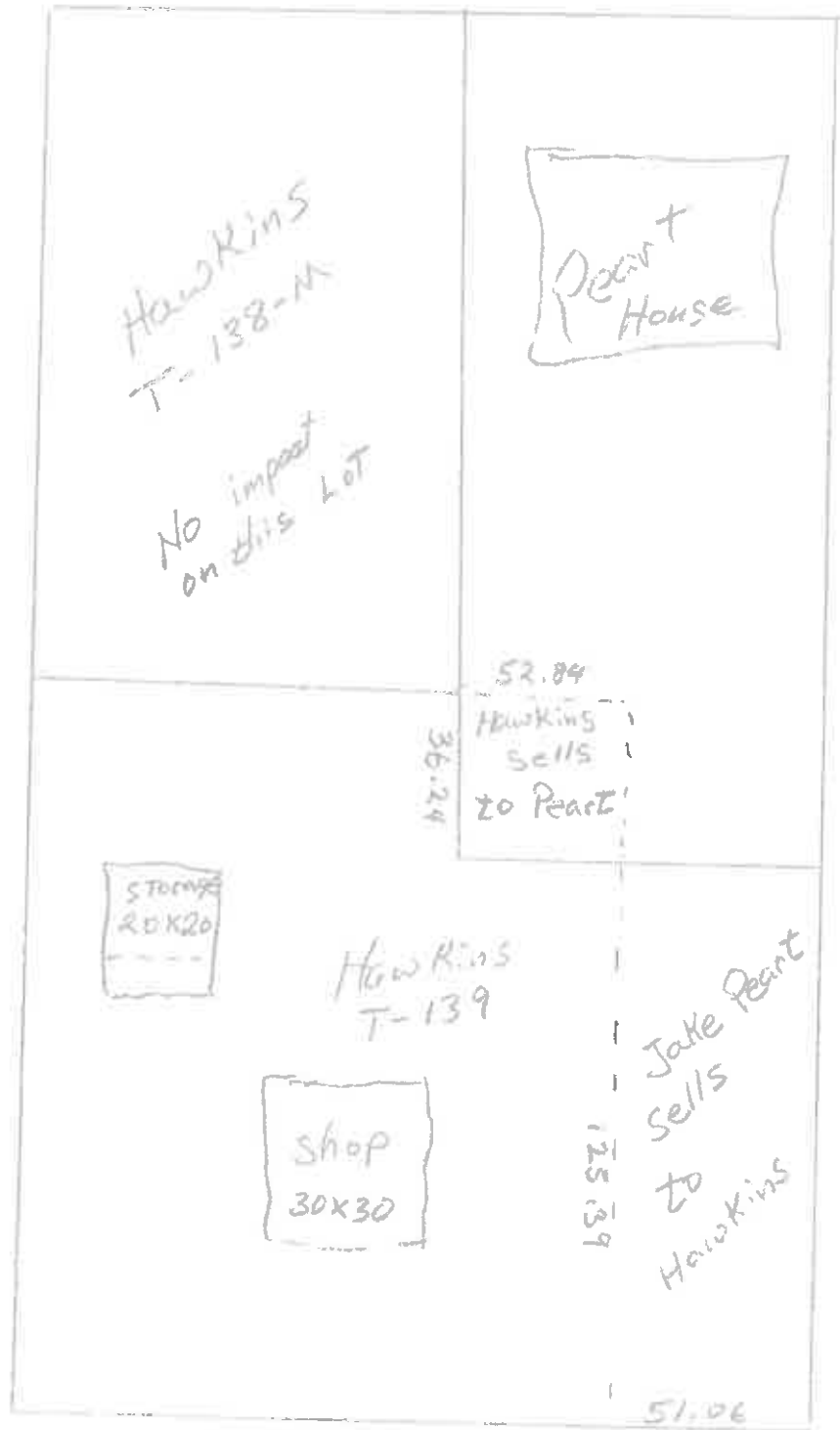
(Property Owner)

Subscribed and sworn to me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

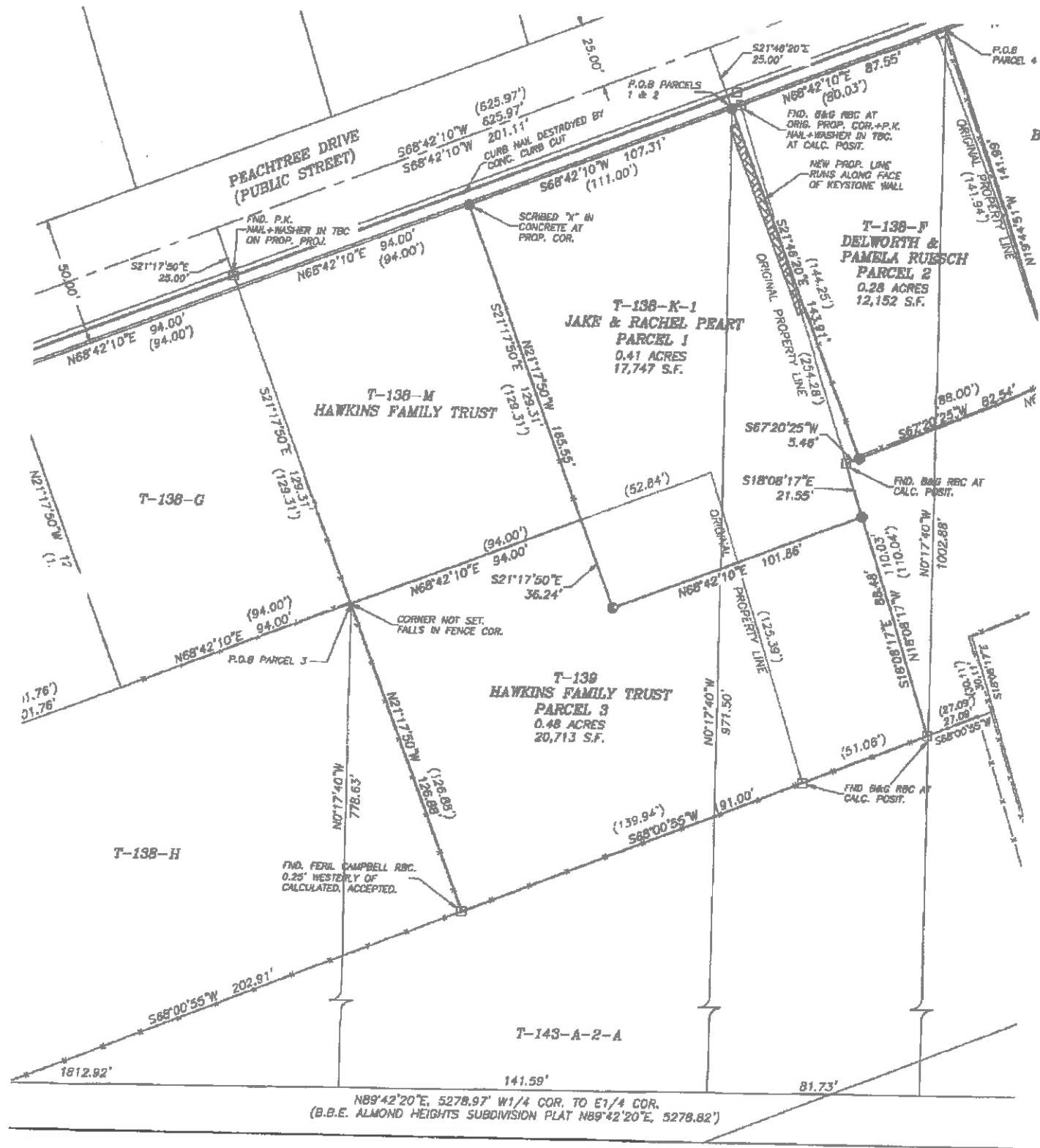
(Notary Public)

Residing in: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_



Open with





DEEDS WILL BE PREPARED BY A TITLE COMPANY AND RECORDED BETWEEN THE PEART, RUESCH AND HAWKINS PARCELS TO UPDATE THEIR PARCELS TO MATCH THIS SURVEY.

**PEART PARCEL 1 DESCRIPTION T-138-K-1**

COMMENCING AT THE WEST QUARTER CORNER OF SECTION 11, TOWNSHIP 41 SOUTH, RANGE 13 WEST, OF THE SALT LAKE BASE AND MERIDIAN; THENCE N89°42'20"E, ALONG THE EAST-WEST CENTER SECTION LINE, 1,954.51 FEET; THENCE N00°17'40"W, 971.50 FEET TO THE POINT OF BEGINNING, SAID POINT BEING LOCATED ON THE SOUTH LINE OF PEACHTREE DRIVE; THENCE DEPARTING SAID LINE AND RUNNING S21°46'20"E, 143.91 FEET; THENCE S67°20'25"W, 5.46 FEET; THENCE S18°08'17"E, 21.55 FEET; THENCE S68°42'10"W, 101.86 FEET; THENCE N21°17'50"W, 165.55 FEET TO A POINT LOCATED ON THE SOUTH LINE OF SAID PEACHTREE DRIVE; THENCE N68°42'10"E, ALONG SAID LINE, 107.31 FEET TO THE POINT OF BEGINNING, CONTAINING 0.41 ACRES.

**RUESCH PARCEL 2 DESCRIPTION T-138-F**

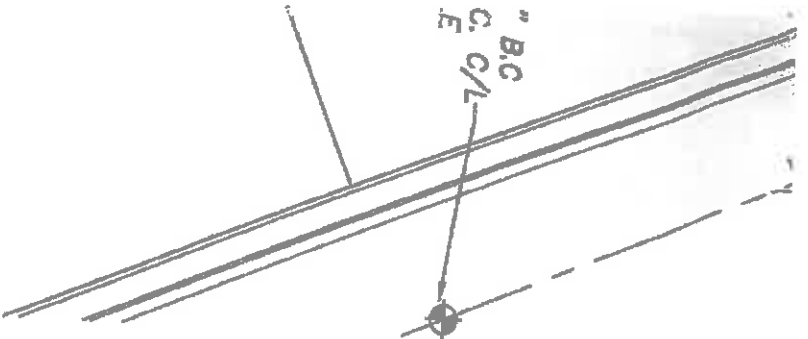
COMMENCING AT THE WEST QUARTER CORNER OF SECTION 11, TOWNSHIP 41 SOUTH, RANGE 13 WEST, OF THE SALT LAKE BASE AND MERIDIAN; THENCE N89°42'20"E, ALONG THE EAST-WEST CENTER SECTION LINE, 1,954.51 FEET; THENCE N00°17'40"W, 971.50 FEET TO THE POINT OF BEGINNING, SAID POINT BEING LOCATED ON THE SOUTH LINE OF PEACHTREE DRIVE; THENCE N68°42'10"E, ALONG SAID LINE, 87.55 FEET; THENCE DEPARTING SAID LINE AND RUNNING S19°44'51"E, 141.99 FEET; THENCE S67°20'25"W, 82.54 FEET; THENCE N21°46'20"W, 143.91 FEET TO THE POINT OF BEGINNING, CONTAINING 0.28 ACRES.

**HAWKINS PARCEL 3 DESCRIPTION T-139**

COMMENCING AT THE WEST QUARTER CORNER OF SECTION 11, TOWNSHIP 41 SOUTH, RANGE 13 WEST, OF THE SALT LAKE BASE AND MERIDIAN; THENCE N89°42'20"E, ALONG THE EAST-WEST CENTER SECTION LINE, 1,812.92 FEET; THENCE N00°17'40"W, 778.63 FEET TO THE POINT OF BEGINNING; THENCE N68°42'10"E, 94.00 FEET; THENCE S21°17'50"E, 36.24 FEET; THENCE N68°42'10"E, 101.86 FEET; THENCE S18°08'17"E, 88.48 FEET; THENCE S68°00'55"W, 191.00 FEET; THENCE N21°17'50"W, 126.88 FEET TO THE POINT OF BEGINNING, CONTAINING 0.48 ACRES.

**EWELL PARCEL 4 DESCRIPTION T-138-F-2**

COMMENCING AT THE WEST QUARTER CORNER OF SECTION 11, TOWNSHIP 41 SOUTH, RANGE 13 WEST, OF THE SALT LAKE BASE AND MERIDIAN; THENCE N89°42'20"E, ALONG THE EAST-WEST CENTER SECTION LINE, 2,036.24 FEET; THENCE N00°17'40"W, 1,002.88 FEET TO THE POINT OF BEGINNING, SAID POINT BEING LOCATED ON THE SOUTH LINE OF PEACHTREE DRIVE; THENCE N68°42'10"E, ALONG SAID LINE, 80.88 FEET TO A CURVE TO THE RIGHT, HAVING A RADIUS OF 20.00 FEET, AND A CENTRAL ANGLE OF 88°38'15"; THENCE SOUTHEASTERLY ALONG SAID CURVE, 30.94 FEET TO A POINT LOCATED ON THE



PARCEL LINE ADJUSTMENT/RECORD OF SURV

DATE: 5  
SCALE: 1

JOB NO.  
1388

54E

1978 BLM.B.C.  
4 COR. SEC. 11,  
R13W, S18.84N  
11-12

**STAFF COMMENTS**

**Agenda:** Staff Meeting: July 2, 2018  
**Applicant:** Jake Peart  
**Type of Application:** Lot Line Adjustment  
**Request:** Hawkins-Peart requesting lot line adjustment  
**Location:** 271 West Peach Tree Drive  
**Current Zoning:** R-1-12

\*\*\*\*\*

**Discussion:**

Jake Peart and David Hawkins are requesting a lot line adjustment on lots T-139 and T-138-K-1 located at 261West and 271West Peach Tree Drive. The property is currently zoned R-1-12.

Pursuant to Toquerville Code 10-19G two adjoining property owners may exchange parcels of property providing the exchange meets the requirements of the chapter.

The application has been reviewed and each property owner will need to submit a signed affidavit of ownership. *-done*

This matter is scheduled to be heard at the July 2, 2018 staff meeting for review and comment.

**STAFF COMMENTS**

**Agenda:** Planning Commission: July 18, 2018

**Applicant:** Jake Peart

**Type of Application:** Lot Line Adjustment

**Request:** Hawkins-Peart requesting lot line adjustment

**Location:** 271 West Peach Tree Drive

**Current Zoning:** R-1-12

\*\*\*\*\*

**Discussion:**

Jake Peart and David Hawkins are requesting a lot line adjustment on lots T-139 and T-138-K-1 located at 261West and 271West Peach Tree Drive. The property is currently zoned R-1-12.

Pursuant to Toquerville Code 10-19G two adjoining property owners may exchange parcels of property providing the exchange meets the requirements of the chapter.

The application has been reviewed and each property owner will need to submit a signed affidavit of ownership.

This matter is scheduled to be heard at the July 2, 2018 staff meeting for review and comment.

---

This matter was heard at the July 2, 2018 staff meeting. David Hawkins was present and responded to questions by the group. The Fire District is OK with this application. Public Works, Planning and Building Departments are OK as well.

**Staff recommends approval of this application with the following conditions:**

- 1. Each property owner must sign an affidavit of ownership.**
- 2. Owners must prepare a "Notice of Approval" as specified in Section 19G-2-C of the Toquerville Code.**
- 3. The "Notice of Approval" must be signed by each owner and the Planning Commission Chairperson and recorded.**
- 4. Each owner must complete an appropriate "Quit-Claim" deed for their respective properties and have them recorded.**



August 27, 2018

Toquerville Planning Commission  
212 N Toquerville Blvd  
Toquerville, UT 84774

**Subject:** Lot Line Adjustment concerns

Dear Planning Commissioners,

The Ash Creek Special Service District has several concerns regarding two proposed lot line adjustments on the Business portion of your August 29<sup>th</sup> agenda.

Item #3 on your proposed agenda references a proposed lot line adjustment for parcel # T-139 and #T-138-K-1. Based on our conversation with staff the intent of this item is to split lot #T-139, not necessarily perform a simple lot line adjustment. Our concern is that this creates two parcels with no frontage. Without easements onto the two proposed lots there is no possible way to install utilities to the lots. Unless the lots are intended to be absorbed in the future by adjacent lots, the purpose of this subdivision is unclear and we would request additional information so as to be able to make recommendations about our ability to service the proposed lot in the future.

Item #4 on your proposed agenda references a lot line adjustment between parcels #T-128-A-2 and T-128-A-11. The regional sewer pipeline runs parallel to the proposed lot line adjustment. We would ask that as the boundary for the new lot line is drawn the sewer easement is noted and recorded as a part of the lot line adjustment to ensure that both properties adjusted descriptions acknowledge the easement as future potential buyers will typically only review the most recent recorded documents when researching property for purchase.

We hope that if the planning commission has any concerns about our recommendations or requires further clarification that you will contact us and we will gladly discuss the proposed changes at your convenience.

Sincerely,

Mike Chandler, PE  
Superintendent  
Ash Creek Special Service District

1350 South Sandhollow Road, Hurricane, UT 84737  
phone: 435.635.2348  
email: ashcreek@infowest.com

Toquerville City  
SUBDIVISION LOT LINE ADJUSTMENT APPLICATION  
Fee: \$200.00



Owner(s) of Lot 1: Name(s): John Charles Williams / Stefani Ann Williams

Telephone: \_\_\_\_\_ Fax No. NA

Mailing Address: 589 S. Westfield Rd, Toquerville, UT 84774

Email: \_\_\_\_\_

Owner(s) of Lot 2: Name(s): Gary & Susan Chaves T-128-A-11

Telephone: \_\_\_\_\_ Fax No. NA

Mailing Address: 226 W Mt Charm, Toquerville, UT 84774

Email: \_\_\_\_\_

Subdivision Name & Phase: \_\_\_\_\_

Subject Property Address: 589 S Westfield Rd, Toquerville, UT 84774

Parcel #s of Subject Property: T-128-A-2 Lot numbers: \_\_\_\_\_

\*\*\*\*\*  
Submittal Requirements: 1 - large paper copy, and 1 - 11 X 17

1. Submittal requirements:

- a. A description of the property to be deeded.
- b. A drawing of the existing configuration of the lots with accurate dimensions and the locations of any buildings or other structures.
- c. A drawing of the proposed new configuration of the lots with accurate dimensions and the locations of any buildings or other structures.

\*\*\*\*\*  
(Office Use Only)

DATE RECEIVED: 7-18-18 COMPLETE: YES  NO \_\_\_\_\_

DATE APPLICATION DEEMED TO BE COMPLETE: \_\_\_\_\_

COMPLETION DETERMINATION MADE BY: \_\_\_\_\_

Signature

*Paid 8-27-18 - Ckt*



**EXHIBIT "A" - LEGAL DESCRIPTION**

**Page No. 2**

**Commencing at the Northwest Corner of Section 11, Township 41 South, Range 13 West, Salt Lake Base and Meridian, and running thence North 80°10'44" East, along the Section Line, 958.76 feet; thence South 17°51'01" East, 1118.23 feet to the true point of Beginning; thence North 67°26'35" East, 891.00 feet; thence South 18°24'38" East, 125.92 feet; thence South 67°26'35" West, 892.94 feet to a point on the Easterly right-of-way line of the West Field Road Dedication; thence North 18°22'46" West, along said right-of-way line, 125.93 feet; thence North 67°26'35" East, 1.87 feet to the true point of beginning.**

**\*\*\***

**AFFIDAVIT  
PROPERTY OWNER**



STATE OF UTAH )  
 )  
COUNTY OF )

I (we), Gary Croves, being duly sworn, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided identified in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I (we) also acknowledge that I have received written instructions regarding the process for which I am applying and the Toquerville City Planning staff have indicated they are available to assist me in making this application.

[Signature]  
\_\_\_\_\_  
(Property Owner)

\_\_\_\_\_  
(Property Owner)

Subscribed and sworn to me this 7<sup>th</sup> day of August 2018.  
[Signature]  
(Notary Public)



Residing in: Washington County  
My Commission Expires: 11-28-2020

**Agent Authorization**

I (we), \_\_\_\_\_, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) \_\_\_\_\_ to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the City considering this application and to act in all respects as our agent in matters pertaining to the attached application.

\_\_\_\_\_  
(Property Owner)

\_\_\_\_\_  
(Property Owner)

Subscribed and sworn to me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
(Notary Public)

Residing in: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_



**AFFIDAVIT**  
**PROPERTY OWNER**



STATE OF UTAH )  
 )  
COUNTY OF ) :ss  
 )

I (we), John C Williams, being duly sworn, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided identified in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I (we) also acknowledge that I have received written instructions regarding the process for which I am applying and the Toquerville City Planning staff have indicated they are available to assist me in making this application.

John C Williams  
\_\_\_\_\_  
(Property Owner)

\_\_\_\_\_  
(Property Owner)

Subscribed and sworn to me this 19th day of July 2018.

Diana M McKim  
\_\_\_\_\_  
(Notary Public)



Residing in: Washington County

My Commission Expires: 11-28-2020

**Agent Authorization**

I (we), \_\_\_\_\_, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) \_\_\_\_\_ to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the City considering this application and to act in all respects as our agent in matters pertaining to the attached application.

\_\_\_\_\_  
(Property Owner)

\_\_\_\_\_  
(Property Owner)

Subscribed and sworn to me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
(Notary Public)

Residing in: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

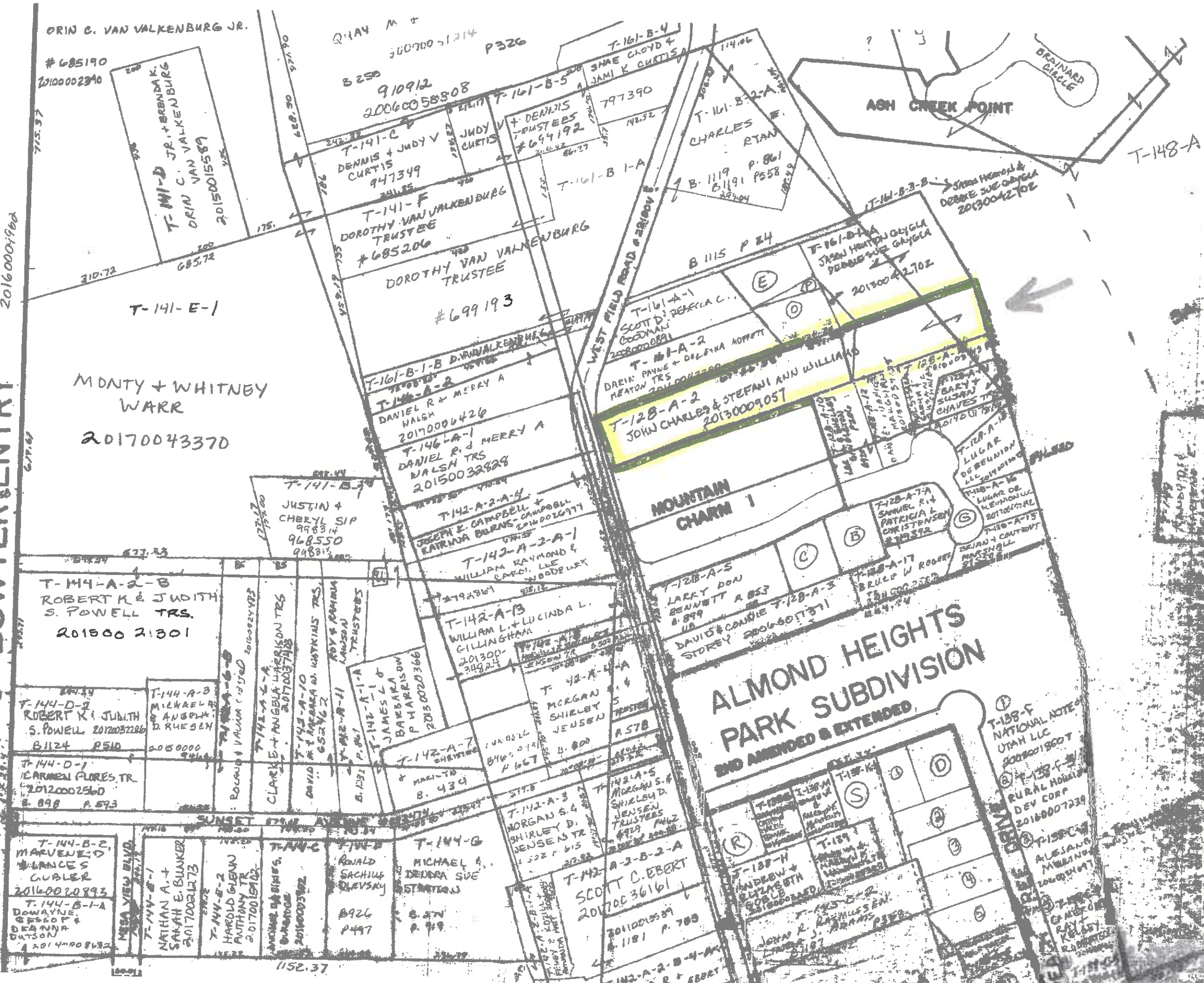
This plat is furnished for information only. No liability is assumed by Assessor's or Recorder's Office as to correctness of such data.

Washington County Recorder

⑤ T-138-K-1 W. JAKE & RACHEL PEART 20150011508  
① T-138-C RURAL HOUSING DEV CORP 20160004960

# BOWYER ENTRY

T-144-B-3  
TOWN OF TOQUEVILLE  
B. 1152 A. 787  
T-144-B-3  
00010999



# ALMOND HEIGHTS PARK SUBDIVISION

2ND AMENDED & EXTENDED

① T-138-F NATIONAL NOTES  
UTAH LLC  
20080019607  
② T-138-F-1  
RURAL HOUSING  
DEV CORP  
20180007239  
③ T-138-F-2  
ALEXANDER  
MILLENBACH  
20100010407  
④ T-138-F-3  
GAMBON  
RAY  
20100010407  
⑤ T-138-F-4  
RAY  
20100010407  
⑥ T-138-F-5  
RAY  
20100010407

**STAFF COMMENTS**

**Agenda:** Staff Meeting: August 7, 2018

**Applicant:** John Williams

**Type of Application:** Lot Line Adjustment

**Request:** Obtain a lot line adjustment with adjoining neighbors

**Location:** 589 S Westfield Road

**Current Zoning:** R-1-20

\*\*\*\*\*

**Discussion:**

Mr. Williams would like to accomplish two (2) lot splits with his neighbors, Mr. Chaves and Mr. Maughan. the current zoning is R-1-20 for all parcels.

Parcel 1 which belongs to Mr. Williams has its frontage on Westfield Road while parcel 2 which belongs to Mr. Maughan and parcel 3 which belongs to Mr. Chaves both front on Mt. Charm.

These lot lines, when adjusted have the simple effect of enlarging parcel 2 and 3 and shrinking parcel 1 in size. Road frontage to all lots remain the same and no new lots are being created.

This application has been reviewed and except for Affidavit's from the three property owners is deemed completed.

This matter will be heard at the August 7, 2018 staff meeting for review and comment.

Staff heard the application at the August 7, 2018 meeting. Mr. Williams and Mr. Chaves were present for the discussion. Mr. Williams stated that Mr. Maughan wished to withdraw his application.

Staff reviewed the plat maps and descriptions. Mike stated that since Mr. Maughan withdrew his application the plat map and legal descriptions would need to be changed to accommodate the change. The Fire District representative asked if Mr. Chaves was going to split his lot. Mr. Chaves answered that at this time he was not.

The matter was set to be heard on the August 29, 2018 Planning Commission meeting.

Staff recommends this application be approved pursuant to section 10-19G of the Toquerville Code with the following conditions.

- 1. Each property owner must sign an affidavit of ownership.**
- 2. Owners must prepare a "Notice of Approval" as specified in Section 19G-2-C of the Toquerville Code.**

- 3. The "Notice of Approval" must be signed by each owner and the Planning Commission Chairperson and recorded.**
- 4. Mr. Williams provides a Quit claim deed in favor of Mr. Chaves for the property included in this lot line adjustment.**

**LOT SPLIT FOR:  
CHUCK WILLIAMS**

LOCATED IN THE NW 1/4 OF THE NW 1/4 OF SECTION 11, T4N, R21W, S12E, 1/4  
TOWNSHIP 4 NORTH, RANGE 21 WEST, COUNTY, UTAH

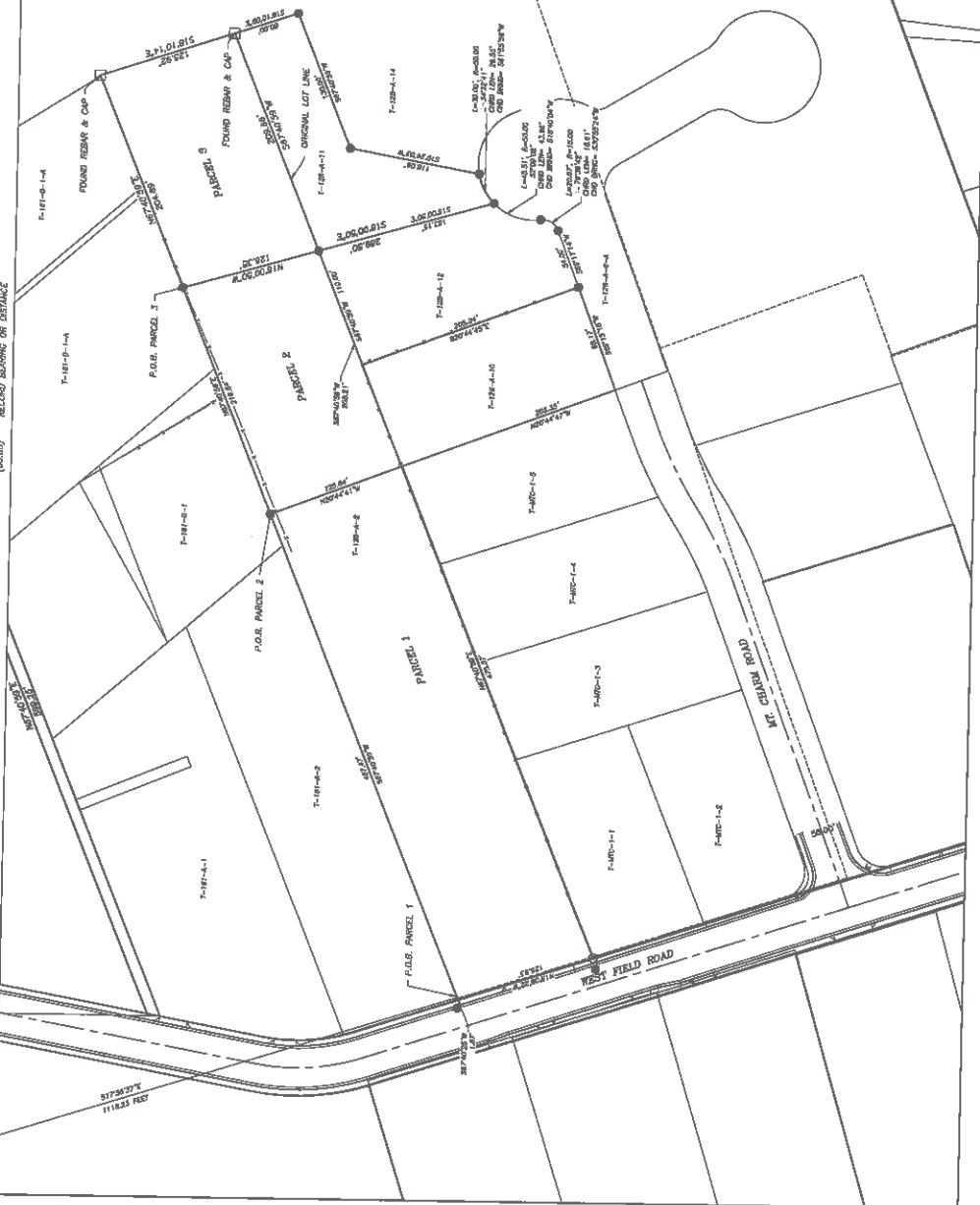
**LEGEND**

- PROPERTY LINE
- ADJACENT PROPERTY LINE
- SECTION LINE
- EXISTING FENCE
- SECTION CORNER AS DESCRIBED
- P.L.S. WILLIAMS ENGINEERING REMAR & CO P
- FOUND MONUMENT AS DESCRIBED
- RECORD BEARING OR DISTANCE

NO. MARKED STONE 1/4 COR. SEC. 11, T4N, R21W, S12E, 1/4

NO. MARKED STONE 1/4 COR. SEC. 11, T4N, R21W, S12E, 1/4

SCALE IN FEET



**SURVEYOR'S CERTIFICATE**

I, CHUCK WILLIAMS, ENGINEER, being duly sworn, do hereby certify that I have personally supervised the execution of the above described survey and that the same is true and correct. I have also personally examined the original field notes and computations and find them to be correct and in accordance with the laws of the State of Utah. I have also personally examined the original field notes and computations and find them to be correct and in accordance with the laws of the State of Utah.



CHUCK WILLIAMS  
12345  
12345  
12345

**NARRATIVE**  
THIS SURVEY WAS DONE AT THE REQUEST OF CHUCK WILLIAMS TO SUBDIVIDE TWO LOT LINE ADJUSTMENTS, & RECORD OF SURVEY OF PARCELS T-128-A-1, T-128-A-11 & T-128-A-15. THE SURVEY WAS DONE ALONG THE NORTH SECTION LINE FROM THE NW CORNER TO THE NORTH EAST CORNER OF SECTION 11, TOWNSHIP 4 NORTH, RANGE 21 WEST, SALT LAKE RANGE & MERIDIAN.

**PARCEL 1 DESCRIPTION AFTER EAST LOT LINE ADJUSTMENT**  
COMMENCING AT THE NORTHWEST CORNER OF SECTION 11, TOWNSHIP 4 NORTH, RANGE 21 WEST, SALT LAKE RANGE AND MERIDIAN AND RUNNING THENCE NORTH 89° 15' 00\"/>

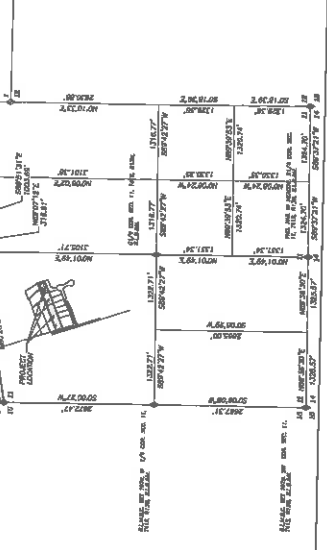
**PARCEL 2 DEED TO PARCEL T-28-A-10 DESCRIPTION**  
COMMENCING AT THE NORTHWEST CORNER OF SECTION 11, TOWNSHIP 4 NORTH, RANGE 21 WEST, SALT LAKE RANGE AND MERIDIAN AND RUNNING THENCE NORTH 89° 15' 00\"/>

**PARCEL 1-28-A-10 COMBINED WITH PARCEL 2 DESCRIPTION**  
COMMENCING AT THE NORTHWEST CORNER OF SECTION 11, TOWNSHIP 4 NORTH, RANGE 21 WEST, SALT LAKE RANGE AND MERIDIAN AND RUNNING THENCE NORTH 89° 15' 00\"/>

**PARCEL 3 DEED TO PARCEL T-28-A-11 DESCRIPTION**  
COMMENCING AT THE NORTHWEST CORNER OF SECTION 11, TOWNSHIP 4 NORTH, RANGE 21 WEST, SALT LAKE RANGE AND MERIDIAN AND RUNNING THENCE NORTH 89° 15' 00\"/>

**PARCEL 1-28-A-11 COMBINED WITH PARCEL 3 DESCRIPTION**  
COMMENCING AT THE NORTHWEST CORNER OF SECTION 11, TOWNSHIP 4 NORTH, RANGE 21 WEST, SALT LAKE RANGE AND MERIDIAN AND RUNNING THENCE NORTH 89° 15' 00\"/>

**VICINITY MAP**



LOT SPLIT FOR  
CHUCK WILLIAMS  
TOWNSHIP 4 NORTH, RANGE 21 WEST, COUNTY, UTAH

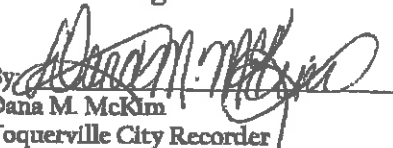


## Toquerville City Nightly/Short Term Rental Permit

This Permit was granted to Wayne and Kaleen Olsen at 203 N Ash Creek Drive for a nightly/short term rental located at 203 N Ash Creek Drive by the Toquerville City Council on March 9, 2017.

The conditions under which this Permit has been approved are as follows:

1. Applicant must not receive objections from more than 25% of the surrounding neighbors within 300 feet of the subject property.
2. The Applicant must provide (1) one off street parking stall for each bedroom in the home.
3. The Applicant must keep a log with the information required in section 10-17-4 subsection C-4.
4. Applicant agrees that not more than (2) two occupants per bedroom or more that (10) ten occupants total will be allowed in the residence.
5. The amplified noise restriction shall be in place from 8:00 pm to 9:00 am.
6. Applicant agrees to keep the residence in compliance with all applicable safety regulations, laws, rules and ordinances.
7. Applicant must have an inspection performed by the Hurricane Valley Fire District and be in compliance before a permit can be issued.
8. Applicant acknowledges that an inspection of the premises is required every 6 months by a designee of the City of Toquerville.
9. Applicant agrees to keep and maintain current contact information for the owner with the City of Toquerville.
10. Applicant acknowledges the rules and regulation pertaining to Nightly and Short Term rentals and understands the penalties for violation of such rules and regulations.

By:   
Dana M. McKim  
Toquerville City Recorder

Date: March 10, 2017





**TOQUERVILLE CITY  
HOME OCCUPATION CONDITIONAL  
USE PERMIT**

**Date of issuance: September 17, 2014**

**This permit is issued to Vanessa Haines for the property located at 942 S Peachtree Drive, Toquerville, Utah. Business Name: "A to Z Boutique, LLC."**

**Purpose of Permit: Selling Clothing mostly on-line.**

**The conditions under which this Permit has been approved are as follows:**

- 1. The permit shall not be enlarged, expanded or modified without express written permission by the Toquerville Planning Commission.**
- 2. This permit shall receive an annual review by the Toquerville Planning Commission.**
- 3. Permit holder shall maintain a current Toquerville Business License.**

**City Seal**

By: *Renee S Garner*  
**Renee Garner, Recorder**



Date: 9-24-14

Home Occupation Conditional Use Permit



## Toquerville City Conditional Use Permit

This Conditional Use Permit was granted to Gary Chaves for a Nightly or Short Term Rental located at 216 Mountian Charm Road by the Toquerville City Council on March 9, 2017.

The conditions under which this Permit has been approved are as follows:

1. Applicant must provide (1) off street Parking stall for each bedroom in the home.
2. Applicant must keep a log compliant with section 10-17-4, subsection C-4.
3. Applicant agrees to no more than 2 occupants per bedroom, or more than 10 occupants in the residence.
4. Applicant agrees to require occupants to adhere to the amplified noise restriction between the hours of 8:00 pm and 9:00 am each day.
5. Applicant agrees to keep the residence in compliance with all applicable laws, rules, regulations and ordinances.
6. Maintain compliancy with the Hurricane Valley Fire District.
7. Applicant acknowledges that a semi-annual inspection will be performed by a designee of Toquerville City.
8. Applicant agrees to keep and maintain current contact information for the Owner with City of Toquerville.
9. Applicant acknowledges the rules and regulations pertaining to Nightly or Short Term Rentals and understands the penalties for violation of such rules and regulations.

By:   
Dana M. McKim  
Toquerville City Recorder

Date: 3-28-2017







## Toquerville City Conditional Use Permit

This Conditional Use Permit was granted to Christer Lundell for a Bed and Breakfast located at 149 Sunset Ave by the Toquerville City Council on September 7, 2017.

The conditions under which this Permit has been approved are as follows:

1. The required off-street parking be provided and verified.
2. Maximum number of guests is 2 per room and not to exceed 10 excluding the owner and family.
3. No cooking facilities are allowed in the guest rooms.
4. All local, state and federal health requirements are met.
5. An inspection by Hurricane Valley Fire District and Toquerville Building Official be completed and any deficiencies are to be corrected.
6. Applicant must obtain all local, state and federal licenses including a business license from the City of Toquerville and a sales tax license from State of Utah.
7. The premises will receive an annual inspection by a designee of the City.
8. This permit shall not be enlarged, expanded or changed otherwise without express written consent from City of Toquerville.
9. This permit shall receive an annual review by the Toquerville Planning Commission.

By:   
Dana M. McKim  
Toquerville City Recorder

Date: Sept 14, 2017



**10-22-7: SPECIFIC REGULATIONS FOR EACH ZONE:**

Nightly Rentals: A Nightly Rental established under section 10-17 of this code may have a sign not to exceed more than four (4) square feet: a) attached to the building and not extending above the roofline; or b) incorporated into the landscaping design or planter box, so long as such sign is a minimum of six feet (6') from the public right of way and not more than four feet (4') in height.

B. Agricultural, Multiple Use, Planned Commercial, Commercial And Manufacturing Zones: In the agricultural (A), multiple use (MU-20), planned commercial (PC), commercial and manufacturing (N-C, H-C, BMP and M-1) zones:

7. Off Premises Signs: For businesses without frontage on SR 17, including Nightly Rentals without frontage on SR 17, one freestanding directional sign may be permitted at the closest intersection with SR 17, providing such sign shall:
- a. Not exceed eight (8) square feet in area nor four feet (4') in height;
  - b. Be located entirely on private property with the permission of the property owner;
  - c. Not be located nearer than three feet (3') of any public rights of way;
  - d. In no way interfere with traffic visibility triangles.