

**TOQUERVILLE CITY**  
**PLANNING COMMISSION MEETING MINUTES**  
**Wednesday December 20, 2017**  
**Work Meeting 6:30 p.m. - Regular Meeting 7:00 p.m.**  
**Held at 212 N. Toquerville Blvd, Toquerville Utah**



Present: Planning Chairman: Mike Ruesch, Commissioners: Jake Peart, Alex Chamberlain, Alt-Manning Butterworth, Jerome Gourley; Other: Zoning Official Mike Vercimak, Recorder Dana McKim; Public: Russ Larsen, David Lundell, Rebecca Hansen, Darrin LeFevre, Dennise Lesko, Leslie Campbell, Hunter Prince, Camille Christensen, Ethan Jepsen, Debbie Taylor.

**6:30 PM WORK MEETING:**

Chairman Ruesch called work meeting to order at 6:31 p.m.

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

Ruesch stated that Mike Vercimak sent out a short term rental questionnaire last month to members of Planning Commission and City Council to determine what the commission would like to see differently for these types of rentals. After Vercimak received the input, he drafted a new ordinance with some proposed revisions. Vercimak decided to propose a new ordinance since there were many drafts and modifications from prior meetings. He wanted to start with a clean version of a new ordinance. After obtaining the data Vercimak believed the common consensus was to institute a density requirement for bed and breakfast establishments. Vercimak suggested the removal of the blanket prohibition from the code.

Russ Larsen, a Toquerville resident asked how density requirements will be measured. The distance will be measured from the edge of the property parcel, and not from the center of the home. Vercimak stated the commission could add into the code how the requirement would be measured. Gourley thought the new ordinance with the suggested density requirements provided a reasonable compromise. Butterworth and Chamberlain were in favor of adding some sort of density requirement. Peart was against the restrictions. He suggested the criteria should be no closer than 300 feet. He also suggested if the business is not active the conditional use permit is revoked. There was brief discussion about applicants holding onto an inactive conditional use permit and how the city would determine "active use" upon their yearly review. Vercimak wondered if the owners could provide proof of the state transient room tax to continue the use. Chamberlain suggested if the CUP (Conditional Use Permit) is not used within one year they would get a one-time six month extension. Discussion of reasonable city involvement and revenue obtained through taxes ensued. Peart thought a commercial business is to create revenue for the city. Vercimak believed the conditional use permits on these types of businesses were to create conditions for the businesses and to not create revenue. The goal is to preserve the health, safety, and welfare of the community. The fee collected when the application is submitted is to off-set the administrative time and professional services. It is not to create revenue for the city. Gourley reiterated all conditional use permits are reviewed on a yearly basis. He suggested if the business is not active, the permit be denied. Butterworth suggested code should reflect some type of proof presented during the yearly inspection. Chamberlain cautioned the commission, the city's goal is not to expect these types of businesses to require a certain amount of sales during the year. There was brief discussion about conditional use permits and the revocation process. Chamberlain suggested it may benefit the city to review bed and breakfast establishments every six months rather than annually.



Gary Chaves spoke with the commission regarding the occupancy requirements with the fire department. He suggested they revise the occupancy to allow for more than two people per room and no more than 10 per residence. Chaves and Peart agreed separate entrances to bed and breakfast establishments should be allowed.

2. Discussion of Master Transportation Plan:

Item not discussed due to time constraints.

3. Discussion on Proposed Resort Zone:

Item not discussed due to time constraints.

4. Discussion on Flag Lots:

Item not discussed due to time constraints.

**7:00 PM REGULAR MEETING:**

Meeting call to order at 7:06 p.m. by Chairman Ruesch. The Pledge of Allegiance was led by Jerome Gourley. There were no disclosures, nor declaration of conflicts from commission members.

**A. REVIEW OF MINUTES:**

1. Review and Possible Approval of Planning Commission Meeting Minutes from the Special Work Meeting, Regular Work and Business Meeting on November 15, 2017:

*Commissioner Alex Chamberlain made a motion to approve the meeting minutes. Motion seconded by Commissioner Jerome Gourley. Motion unanimously carried 5-0. Gourley-aye, Butterworth-aye, Ruesch-aye, Chamberlain-aye, Peart-aye.*

**B. PUBLIC HEARING:**

1. Public input is sought on a Home Occupation Permit submitted by David Lundell, for an in-home handyman office located at 140 West Sunset Avenue in Toquerville, UT 84774. Property Tax ID# T-142-A-7. Zoning is A-1.

David Lundel from 140 West Sunset Ave:

He requested to withdraw the application. He no longer wants to pursue the home occupation and will reapply for a home furniture business.

2. Public input is sought on a Home Occupation Permit submitted by Camille Christensen for an in-home online resale office at 1186 S Grand Canyon Parkway in Toquerville, UT 84774. Property Tax ID# T-TRES-1-42. Zoning is R-1-20.

Camille Christensen from 1185 S Grand Canyon Parkway spoke with the Commission per Butterworth's request. He asked if she could elaborate on her application. Christensen purchases items and sells the items to Amazon.com. All inventory is stored in Amazon warehouses. Christensen rarely receives items directly to her home. She essentially treats Amazon as a second party seller.



3. Public input is sought on a Home Occupation Permit submitted by Dennise Lesko for a home-based bakery located at 715 S Peachtree Drive in Toquerville, UT 84774. Property Tax ID# T-AHP-11. Zoning is R-1-12.

No comments were voiced.

4. Public input is sought on the final draft of the Master Transportation Plan. Copies of this proposal are available at the City Office located at 212 North Toquerville Blvd. Toquerville, UT 84774.

No comments were voiced.

Chairman Ruesch closed the public hearing and entered into business action items.

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

Chairman Ruesch asked the commission if item C1 could be moved as the last action item of business. The commission agreed.

***Commissioner Manning Butterworth made a motion to move item C1 to follow item C6. Motion was seconded by Commissioner Jake Peart. Motion carried unanimously 5-0. Ruesch-aye, Chamberlain-aye, Peart-aye, Butterworth-aye, Gourley-aye.***

1. Discussion and Appointment of New Planning Commission Chairman:

Jerome Gourley nominated Alex Chamberlain to be the new Planning Commission Chairman. Nomination was seconded by Chairman Ruesch. Gourley moved to cease nomination discussion and move to a vote. Butterworth seconded Gourley.

***Commissioner Gourley made a motion to nominate Commissioner Alex Chamberlain as the new Planning Commission Chairman. Motion seconded by Chairman Ruesch. Motion unanimously carried 5-0. Peart-aye, Chamberlain-aye, Ruesch-aye, Butterworth-aye, Gourley-aye.***

2. Discussion and Possible Action on a Home Occupation Permit submitted by David Lundell, for an in-home handyman office located at 140 West Sunset Avenue in Toquerville, UT 84774. Property Tax ID# T-142-A-7. Zoning is A-1:

The application was withdrawn per the application. No action or discussion occurred.

3. Discussion and Possible Action on a Home Occupation Permit submitted by Camille Christensen for an in-home online resale office at 1186 S Grand Canyon Parkway in Toquerville, UT 84774. Property Tax ID# T-TRES-1-42. Zoning is R-1-20:

Commissioner Gourley asked if the applicant could elaborate on her business. Christensen explained the business is called a FBA program through Amazon. FBA stands for "Fulfillment By Amazon." When a customer purchases an item through Amazon they may be purchasing the item originally sent to them by her. Peart asked if the business meets the requirement of the zone, which happened to be a residential zone. Ruesch stated the application met the requirements of a home occupation permit but not a conditional use permit. A home occupation permits have less of an impact on



neighborhoods. Home Occupation permits are reviewed on an annual basis. Butterworth asked if the shipment goes to an Amazon warehouse. Christensen ships items via Fed-Ex or UPS directly to Amazon.

**Commissioner Jerome Gourley made a motion to approve the home occupation permit with staff recommendations. Motion seconded by Commissioner Manning Butterworth. Motion carried unanimously 5-0. Chamberlain-aye, Ruesch-aye, Peart-aye, Butterworth-aye, Gourley-aye.**

4. Discussion and Possible Action on a Home Occupation Permit submitted by Dennise Lesko for a home-based bakery located at 715 S Peachtree Drive in Toquerville, UT 84774. Property Tax ID# T-AHP-11. Zoning is R-1-12:

Commissioner Gourley asked the applicant questions regarding her bakery. Lesko explained her business to the commission. Her bakery would sell gluten free, dairy free, sugar free items that would be made to order, and delivered either the date of the purchase or the following day.

**Commissioner Alex Chamberlain made a motion to approve the home occupation application with staff recommendations. Motion was seconded by Commissioner Manning Butterworth. Motion carried 4-1. Gourley-ney, Chamberlain-aye, Peart-aye, Butterworth-aye.**

5. Discussion and Possible Action on the final draft of the Master Transportation Plan.

During the review of the plan it was discovered the Master Transportation Plan had been revised and was not disseminated to the city recorder. There was brief discussion regarding the by-pass road and when UDOT will start on the project.

**Commissioner Alex Chamberlain made a motion to table the item. Motion seconded by Manning Butterworth. Motion unanimously carried 5-0. Gourley-aye, Butterworth-aye, Peart-aye, Ruesch-aye, Chamberlain-aye.**

6. Discussion and Possible Action on a Lot Line Adjustment Application submitted by Steve and Debbie Taylor to combine Tax ID# T-85-A-1 and T-85-B-3. Zoning is R-1-12:

Taylor purchased property located at 279 N Hillside Drive. There were two property parcels in which the property owner would like to combine them to create one parcel and build a garage on the smaller parcel. The smaller parcel does not have the required frontage to build a secondary structure.

**Commissioner Jake Peart made a motion to approve the lot line adjustment application, subject to the staff recommendations. Motion was seconded by Commissioner Jerome Gourley. Motion unanimously carried 5-0. Butterworth-aye, Gourley-aye, Peart-aye, Chamberlain-aye, Ruesch-aye.**

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

1. Home Occupation Permit Review for Joseph Campbell at 604 S Westfield Road-A Star Yard Care

Recorder McKim advised the commission the business had an active business license and there have been no recorded complaints.

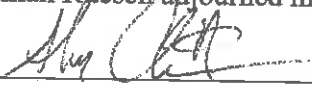


*Commissioner Chamberlain made a motion to approve the HOCUP-A Star Yard Care. Motion seconded by Commissioner Jake Peart. Motion unanimously carried 5-0. Peart-aye, Chamberlain-aye, Ruesch-aye, Butterworth-aye, Gourley-aye.*

Commissioner Gourley wanted to recognize Boy Scouts Ethan Jepsen and Hunter Prince from Scout Troop #1755. The scouts were present at the Planning Commission meeting to observe a government meeting in efforts to obtain their citizenship in the community merit badge.

**E. ADJOURN:**

Chairman Ruesch adjourned meeting at 7:35 p.m.


  
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Planning Commissioner – Alex Chamberlain

Jan 17, 2018

Date

Attest:

  
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Toquerville City Recorder – Dana M. McKim

