

**TOQUERVILLE CITY**  
**PLANNING COMMISSION MEETING MINUTES**  
**Wednesday - January 16, 2019**  
**Work Meeting 6:30 p.m. - Regular Meeting 7:00 p.m.**  
**Held at 212 N. Toquerville Blvd, Toquerville Utah**



Present: Planning Chair Manning Butterworth; Commissioners: Greg Turner, Rebecca Hansen, Joey Campbell; Staff: Zoning Official Mike Vercimak, Planning Commissioner/City Councilmember Liaison Alex Chamberlain, Recorder Dana McKim; Public: Justin Nuckles, Lynn Chamberlain, Wayne Olsen, Mark Fahrenkamp, Brig Darger, Randy Scott, Jane Scott, Kaesha Fry, Jeff Fry, Tiffany Douglas, Justin Douglas; Absent: Commissioners Chuck Williams and Jake Peart.

**6:30 PM WORK MEETING:**

Planning Chair Butterworth called the work meeting to order at 6:30 p.m.

1. Discussion of the procedures, paperwork, and personnel involved in the of Business Licenses, Conditional Use Permits, and Home Occupation Permits issued by the City with consideration for simplification and clarification to reduce administrative workload, expedite the process, and make requirements more understandable for citizens while maintaining and promoting legal compliance and protections for both the City and residents:

Butterworth presented the commissioners with a flow chart to aid in the discussion of the processes involved in obtaining a home occupation permit, a conditional use permit, and a business license. The chart gave directions for basic decision factors. The commission discussed the difference between obtaining a business license and a home occupation and conditional use permit. Pursuant to the Business License-Chapter 3, it states the Planning Commission grants all business licenses, which is not included in Chapter 10. Hansen would like to expedite the business license process by allowing staff to issue a business license. The commission discussed what the legal implications of allowing staff to issue a business license or a permitted use in the zone would be. Vercimak suggested it would preferable for the staff to issue a business license. If a home occupation or conditional use permit is needed the applicant would follow the process of attending a staff meeting, then a planning commission meeting, and possibly a city council meeting. Currently, the majority of Toquerville businesses are in residential neighborhoods, which require conditional use permit or a home occupation permit. It was suggested there are several items lacking in the Business License Chapter and it was recommended that Attorney Snow rewrite the chapter to exclude the Planning Commission from granting a business license. Commissioner Hansen suggested if there is a business within a residential neighborhood and does not have an impact on the neighborhood, could the commission create a list of permitted uses in agriculture and residential zones.

Lynn Chamberlain contacted St. George and they told him their city does not require a business license for a home-based business. He suggested the applicant fills out the Home Occupation Permit Questionnaire form, and all the answered in the negative, a business license could be issued by staff if the applicant shows the business follows all state and local requirements. The record would then be filed until a nuisance complaint was reported wherein the business would be evaluated and may require the owner to apply for a conditional use permit. It was suggested Home Occupations could be reviewed by development staff and granted without a ruling from



the Planning Commission. Hansen would like to come up with a list of permitted uses in residential and agriculture zoned property. She also asked if the Commission would not review home occupations on a yearly basis. If there wasn't a review, how would that affect the home occupation accountability process? Vercimak suggested business licenses should be issued by staff. Lynn Chamberlain suggested complaints would spark a review of the business license or Home Occupation Permit. Alex Chamberlain brought up the questionnaire should be bear an attesting statement the use will not exceed the requirements of the questionnaire, and if it does, it would require a home occupation or a conditional use permit.

**7:00 PM REGULAR MEETING:**

The regular business meeting was called to order by Chair Manning Butterworth at 7:00 p.m. The Pledge of Allegiance was led by Commissioner Rebecca Hansen. There were no disclosures, nor Declarations of Conflict from Commission members.

**A. REVIEW OF MINUTES:**

1. Review and Possible Approval of Planning Commission Meeting Minutes from the Work and Regular Business Meeting on December 19, 2018:

*Commissioner Greg Turner made a motion to approve the meeting minutes from December 19, 2018. The motion was seconded by Commissioner Rebecca Hansen. Commission Vote: Greg Turner-aye, Rebecca Hansen, Manning Butterworth-aye, Joey Campbell-aye. Motion unanimously carried 4-0.*

**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.*

Justin Douglas from Old Church Road:

There was damage done to a fence during a water break repair near his property. He asked if the upcoming zone change application and preliminary plat would require them to hook up to the Ash Creek Special Service District system. They are building a home and have planned for a septic system. He also had a concern on the installation of the lines, or installation of a city sidewalk or path may disturb some rocks with petroglyphs. The rocks are fractured already and if moved the petroglyphs would be destroyed.

Wayne Olsen from Old Church Road:

Mr. Olsen doesn't believe the Douglas family would have to pay the impact fee since they have a grandfathered piece of land. He spoke with the neighbors in the area and none of them plan on hooking into the future system.

Mr. Olsen inquired if the Commission had given any more thought about the Public Hearing Process. He would like the public hearing to be held and not voted on during the same meeting. He didn't believe to vote on an item the same night would allow for the comments to be fully digested by the commission. He would prefer the decision of the item wait until the next subsequent meeting. He suggested if the agenda could clearly state the public forum would be the time to discuss the item with public input.

**C. REPORTS:**

1. Planning Chair, Manning Butterworth:  
No report was given.



2. Commissioner Reports:  
Commissioner Hansen has looked at the petroglyphs Mr. Douglas spoke about and just recently found out the rock formations are on city property, and not on privately owned property. She would like to GPS the location of the rocks and provide some sort of protection plan before they are broken during a city sidewalk project. They discussed whether it would be beneficial to fence the rocks off.
3. Zoning Official, Mike Vercimak:  
No report was given.
4. City Council/Planning Commission Liaison, Alex Chamberlain:  
No report was given.

**D. PUBLIC HEARING:**

1. Ordinance 2019.XX-An ordinance amending Title 10, Chapter 14, Article A: M-1 Light Industrial Zone, Section 3 - Conditional Uses to include RV, boat, and self-storage facilities and remove automobile wrecking yard and junk or salvage yard as a conditional use:

No public comments were made.

2. Preliminary Plat Application submitted by Jeffrey Fry for the development of a three-lot subdivision "The Terraces at Cholla Creek" located at approximately 1180 Cholla Drive. Tax ID# T-110-A-1. Property is zoned R-1-20.

Jeff Fry from 1180 Cholla Drive:

They purchased the agriculture zoned property three years ago. The process involved to rezone the property to residential and fix the non-conforming uses on the property has been a process and believed this would be another step in the right direction to approve the preliminary plat for future use. The lot would be split into three lots, two of which would be accessed via a private drive. The division would create a better curb appeal for the community

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

1. Discussion and possible recommendation on Ordinance 2019.XX-An ordinance amending Title 10, Chapter 14, Article A: M-1 Light Industrial Zone, Section 3 - Conditional Uses to include RV, boat, and self-storage facilities and remove automobile wrecking yard and junk or salvage yard as a conditional use:

*Commissioner Rebecca Hansen made a motion to recommend approval of the ordinance to City Council. The motion was seconded by Commissioner Greg Turner. Commission Vote: Greg Turner-aye, Rebecca Hansen-aye, Manning Butterworth-aye, Joey Campbell-aye. Vote unanimously carried 4-0.*

2. Discussion and possible recommendation on a Preliminary Plat Application submitted by Jeffrey Fry for the development of a three-lot subdivision "The Terraces at Cholla Creek" located at approximately 1180 Cholla Drive. Tax ID# T-110-A-1. Property is zoned R-1-20:

Alpha Engineering reviewed the plat and there was a small section of the property where it was unknown who owned the property and there were no utilities shown on the map. Pro-Value Engineering submitted the construction plans with the preliminary plat. Staff is reviewing the construction plans at the current time. The private street accessing the two back properties are not flag lots. Vercimak explained how the sewer and water mains will be tied to the properties.



Jeff Fry explained the small section of the unknown property was a 13-foot piece of property purchased from the adjacent owner and is a piece of the Fry property. In that section of the property, there are power easements. The construction drawings are not needed to approve the preliminary plat application. Campbell asked if the construction drawings could include curb, gutter, and sidewalk requirements to mitigate drainage. Hansen had concern for the addition of private drives in Toquerville. Private drives eventually become problematic and include maintenance, the line of sight for traffic, and drainage. Councilmember Chamberlain suggested two of the homes are already on the lot and would fix a non-conforming property. Fry stated the CC&R's would clarify those problems. The city doesn't get involved with the enforcement of CC&R's.

***Commissioner Greg Turner made a motion to recommend approval of the Preliminary Plat application with staff recommendations. The motion was seconded by Commissioner Joey Campbell. Commissioner Vote: Manning Butterworth-aye, Greg Turner-aye, Joey Campbell-aye, Rebecca Hansen-aye. Motion carried 3-1.***

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

1. Conditional Use Permit at 490 South Westfield Road for a Pet Crematorium~Forever Friends/Angel Vanvalkenburg.
2. Home Occupation Permit at 720 South Toquerville Boulevard for a home office ~ Heideman Family Investments/Paul Heideman.
3. Home Occupation Permit at 61 West Old church Road for a multimedia production home office ~ Blue Desert Rhapsody LLC/Alex and Jenny Chamberlain.
4. Home Occupation Permit at 1235 S Crater Lake Way for a home office ~ Wild Mountain Outfitters/Shawn Labrum.
5. Conditional Use Permit at 1245 South Toquerville Boulevard for a bed and breakfast establishment ~ Monkey Ridge B&B/Curtis and Renae Biggs.

No complaints were filed with city staff regarding the businesses listed. All businesses hold current business licenses. There was a brief discussion of last year's review concerning the pet crematorium, Forever Friends. Angel Vanvalkenburg submitted the required paperwork for the file. No official complaints were filed with the city.

***Commissioner Rebecca Hansen made a motion to approve the home occupation and conditional use permits listed on the agenda as items F1-F5. The motion was seconded by Commissioner Greg Turner. Commissioner Vote: Manning Butterworth-aye, Rebecca Hansen-aye, Greg Turner-aye, Joey Campbell-aye. Motion unanimously carried 4-0.***

**G. ADJOURN:**

Chair Butterworth adjourned the meeting at 7:35 p.m.

  
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Planning Chair – Manning Butterworth

3/20/19  
Date

Attest:

  
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Toquerville City Recorder – Dana M. McKim

