

**TOQUERVILLE CITY**  
**PLANNING COMMISSION MEETING MINUTES**  
**Wednesday - December 19, 2018**  
**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, Jake Peart, Chuck Williams; Staff: Recorder Dana McKim, City Council/Planning Commission Liaison Alex Chamberlain; Zoning Official Mike Vercimak; Public: Lynn Chamberlain, Justin Nuckles, Peter VanValkenburg, Tiffany Douglas, Justin Douglas, Clarissa Nuckles.

**6:30 PM WORK MEETING:**

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

1. Discussion of Possible Changes to Zoning Ordinance for Light Industrial Including Storage of Recreation Vehicles and Other Matters:

The commission reviewed the draft of the ordinance. One of the recitals, “Whereas, the majority of the light industrial zone is currently located alongside 1-15; and” will need to be taken off the ordinance. This statement is not true and will be stricken. The commission would like to include RV, Boat, and self-storage as a conditional use in the light-industrial zone. Butterworth stated while reading through the light industrial zone, he was surprised to see automobile wrecking yards and junk or salvage yards as conditional uses in the zone. Peart and Butterworth would like to remove those uses in the code. Vercimak explained why the uses would be appropriate to be included in the light-industrial zone. Butterworth explained he travels SR9 quite frequently, and noticed the large wrecking yard on the east side of the road. He viewed the area as an eyesore, even with the added chain link fencing and slats to hide the yard. He was hesitant to allow the use in Toquerville. Vercimak explained that in the future, someone will make a request for the use and if removed, it would not be permitted in Toquerville. There was brief discussion on whether or not to allow an automobile wrecking yard and junk or salvage yard in the light industrial zone. The consensus of the commission was to add RV, boat, and self-storage facilities and remove automobile wrecking yard and junk or salvage yards as conditional uses in the light-industrial zone. The reason to omit the uses would be on the basis these conditional uses do not fit the rural feel of Toquerville City. The commission discussed the process involved to obtain a conditional use. Commissioner Hansen asked if removing specific conditional uses may cause more work in the future. If a use is not permitted or conditional, it is a prohibited use. Vercimak stated a conditional use permit may be denied if the application does not meet all the the review standards listed in city code 10-20-4. Peart would like to move forward with omitting the discussed conditional uses. McKim asked what a transitional-housing facility was and if they could get a definition of what the use would include. Commissioner Hansen offered to research the issue and task the commission with coming up with a definition for the use.

The work meeting was closed by Chair Butterworth at 6:59 p.m.

**7:00 PM REGULAR MEETING:**

The regular Planning Commission meeting was called to order by Chair Manning Butterworth at 7:00 p.m. The Pledge of Allegiance was led by Commissioner Greg Turner. There were no disclosures or declaration of conflicts 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 November 21, 2018:

*Commissioner Chuck Williams made a motion to approve the meeting minutes from November 21, 2018. Commissioner Rebecca Hansen seconded the motion. Motion carried 4-1. Greg Turner-aye, Rebecca Hansen-aye, Manning Butterworth-aye, Chuck Williams-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.*

No public comments were voiced.

**C. REPORTS**

1. Planning Chair, Manning Butterworth:  
No report was given.
2. Commissioner Reports:  
Hansen was asked by a citizen if the city hall bell could be rang on various holidays by a staff member, councilmember, or appointed commissioner to foster community involvement. Lynn Chamberlain suggested the item could be discussed at the next city council meeting.  
The Dominguez-Escalante trail was discussed at the last city council meeting. The trails committee met and discussed how to hook up a trail into the Dominguez-Escalante trail.
3. Zoning Official, Mike Vercimak:  
No report was given.
4. City Council/Planning Commission Liaison, Alex Chamberlain:  
The zone change application at the end of Old Church Road was tabled with direction given to the application to modify the zone change request and resubmit the application to the Planning Commission.

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

1. Discussion on Ordinance 2018.XX M-1 Light Industrial Zone-An Ordinance Amending Title 10, Chapter 14, Article A, Section 3 Conditional Uses to Include RV, Boat, and Self-Storage Facilities:

The item was discussed during the work meeting. No further conversation regarding the item occurred.

2. Discussion on Title 10, Chapter 23 Home Occupation Permit Process:

The item was brought up because a person came into the office wanting to obtain a business license within a residential neighborhood where no impact to the neighborhood would occur. He would like to apply for a business license only without a home occupation permit. The Toquerville city code home occupation definition requires any business, transaction or activity for which consideration of any nature is received within any permitted zoning district require a home occupation permit. Discussion on whether or not a business license requires a home occupation license. Vercimak stated home occupation permits and business licenses are different licenses. The commission discussed

recent legislative changes regarding the exemption of a home occupation fee. Hansen had researched different news articles with quantified data of the future of obtaining a business license. One article suggested cities and towns should streamline the process to encourage commerce. Councilmember Chamberlain suggested to streamline the process would eliminate businesses conducting businesses without a business license.

Justin Nuckles inquired the commission about the home occupation permit process. He gave full disclosure that his father-in-law is Mayor Lynn Chamberlain, his sister is Commissioner Rebecca Hansen, and his brother-in-law is Councilmember Alex Chamberlain. He recently moved to Toquerville to pursue an internet-based business. He prides himself as being a rule-follower. When he tried to obtain a business license, he was notified of the requirements to obtain a home occupation permit. He believed his business would not have any impact on the neighborhood and thought the requirements were quite laborious. He researched the Hurricane City home based business chapter where home occupations are permitted.

The commission discussed if the home occupation permit could be streamlined. Vercimak suggested all home based businesses should be reviewed by staff and granted by the Planning Commission. It all boils down to if the city wants to know some cursory knowledge of the business or not. Hansen suggested the commission should streamline the process of home occupations, conditional use permits, and livestock permits. If regulation or over-regulation occurs it sometimes curtails compliancy. The city should encourage people to obtain the required permits, specifically home occupation permits and conditional use permits because it creates sales tax and revenue for the city. Permits also give knowledge to the city of what different business is occurring within the city.

Lynn Chamberlain and Mike Vercimak discussed the Hurricane City home based occupation permit process.

Butterworth summarized the item of discussion and suggested to have reference material provided at the next commission meeting to identify possible pros and cons of the steps required to obtain a home occupation and conditional use permits, as well as a business license. Once the steps are discussed maybe the commission should look at refining those steps. Peart believed these permits should be required by two findings. One, if the city will receive sales tax on the proposed business and two, if the business will create a nuisance to the neighborhood. Vercimak said these home occupations permits are to foster the health, safety, and welfare of the community and not geared towards revenue. Butterworth volunteered to put together an outline to identify the problems the commission discussed. Hansen suggested businesses are now moving out of brick and mortar buildings and moving into agriculture and residential areas and how some regulations is needed with some light-handedness. She suggested the council should be involved in the suggested changes. Chamberlain suggested the commission should obtain more information regarding home occupations, conditional use permits, and business licenses and why a city needs to require them. Hansen offered to provide the council with literature on the items discussed.

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

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

The home occupation permit at 604 South Westfield Road should be modified to remove the purpose of the permit: "Off-site window washing services for commercial and residential." The purpose was incorrect and needed to be removed from the home occupation permit certificate. The original application was pulled during the meeting. The application did not reference window washing services.

***Commissioner Rebecca Hansen made a motion to approve the home occupation permit, F1 listed on the agenda with the proposed use modification. Commissioner Chuck Williams seconded the***

*motion. Motion unanimously carried 5-0. Commission Vote: Chuck Williams-aye, Jake Peart-aye, Rebecca Hansen-aye, Manning Butterworth-aye, Greg Turner-aye.*

- 2. Home Occupation Permit for Lonnie Christensen at 345 West Old Church Road-Manx Inc.

*Commissioner Jake Peart made a motion to approve the renewal of the home occupation located at 345 West Old Church Road. Commissioner Greg Turner seconded the motion. Motion unanimously carried 5-0. Commission Vote: Chuck Williams-aye, Jake Peart-aye, Rebecca Hansen-aye, Manning Butterworth-aye, Greg Turner-aye.*

**G. ADJOURN:**

Chair Butterworth adjourned the meeting at 8:00 p.m.

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Planning Chair – Manning Butterworth

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Date

Attest:

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Toquerville City Recorder – Dana M. McKim