

TOQUERVILLE CITY
PLANNING COMMISSION MEETING MINUTES
Wednesday – May 15, 2019

Work Meeting 6:30 p.m. - Regular Meeting 7:00 p.m.
Held at 212 N. Toquerville Blvd, Toquerville Utah



Present: Planning Chairman Manning Butterworth; Commissioners: Joey Campbell, Chuck Williams, Greg Turner, Dan Catlin; Staff: Recorder Dana McKim, Mayor Lynn Chamberlain, Zoning Official Mike Vercimak; Public: Tyler Olsen, Laurie Mangum; Absent: City Council/Planning Commission Liaison Alex Chamberlain, Commissioners: Rebecca Hansen and Jake Peart.

6:30 PM WORK MEETING:

1. Discussion on possible modifications to Title 10 Chapter 18B-2 Grading Permit Review Process: Modifications to the code would change the approving personnel of a grading permit from the building department to the zoning official or other designated city staff members. There was a question of why the phrase authorized staff was added to the code. Vercimak suggested in the future, if the zoning official wasn't available or able to determine the requirements of a grading permit, staff would be able to grant the permit. There was a brief discussion on the different requirements and exemptions of a grading permit. Turner read three of the four grading exemptions which included Agricultural Grading, Residential Landscaping, and the Non-disturbance of a Natural Grade. The third exemption would include any grading, excavation, filling or clearing that does not disturb the natural grade of more than two thousand square feet or result in the natural grade exceeding four percent. Turner asked if the exemption may create drainage concerns. Vercimak explained how building permits trigger drainage concerns and how drainage is required to flow to the street and not to another person's property. Campbell would like more clarification of who would be authorized to approve grading permits. Vercimak suggested a vague authorization would limit the need for future ordinance revisions when staff or administration changes occur.
2. Discussion on possible modifications to Title 10, Chapter 3 Administrative and Decision Making Bodies:
Changes to this title would include the appointment of two alternate planning commissioners instead of one. The commission appointed two commissioner positions quite some time ago and it was found in Chapter 3 the city needed to allow for two.
3. Discussion on Title 5-1-4 Care and Keeping of Animals and Livestock:
Commissioner Rebecca Hansen wanted to review the title 5-1-4. While the requirements are not a part of Title 10 Land Use, the commission is tasked with recommending livestock conditional use permits. Butterworth was surprised to learn that agriculture and residential parcels larger than one acre have no imposed maximums and asked if the commission would favor the rule. Vercimak recalled the last revisions to the chapter were done by the Planning Commission and it took them approximately six months or longer to reach a decision. Mayor Chamberlain would like the Commission and City Council to sit down and revisit the section with public input. McKim asked how the commission and council will designate the square footage of property per animal. It was suggested information from the State of Utah or SUU could provide some statistical and support data to derive a number of square footage for proper care and keeping of animals.

Commissioner Butterworth briefly spoke about the requirements of primary ownership and residency requirements associated with a nightly rental. When the code was revised, the spirit of the revision was to require owners of a nightly rental reside within the city but did not clarify if the owner of the



nightly rental had to be currently living in Toquerville. There were questions about how a resident is defined within the State of Utah. The Utah State Tax Commission defines a resident as a person who maintains a place of abode in Utah and spends 183 or more days of the taxable year in Utah. Essentially, residents of Toquerville could rent out a nightly rental and not reside in the state or country during the rental period. The commission will provide suggested changes to the chapter for discussion at next month's meeting. Turner asked if exterior lighting would be an item for discussion at the June Planning Commission meeting. Butterworth would like more direction from the city council of what requirements needed revision.

7:00 PM REGULAR MEETING:

Chair Butterworth called the meeting to order at 7:00 p.m. The Pledge of Allegiance was led by Commissioner Greg Turner. There were no disclosures or declarations of conflict voiced by the members of the Commission.

A. REVIEW OF MINUTES:

1. Review and Possible Approval of Planning Commission Meeting Minutes from the Work and Regular Business Meeting on April 17, 2019.

Commissioner Chuck Williams moved to approve the meeting minutes from April 17, 2019. The motion was seconded by Commissioner Greg Turner. Motion unanimously carried 5-0. Commissioner Vote: Greg Turner-aye, Dan Catlin-aye, Manning Butterworth-aye, Joey Campbell-aye, Chuck Williams-aye.

B. PUBLIC FORUM:

Comments from the public and public requests for future agenda items.

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

Tyler Olsen from Arcadia Lane:

Approached the Commission by asking what the requirements would be to start an outpatient outdoor therapy venue down at the Lichfield pond and pavilion area. The business is located in LaVerkin but believed field trip oriented sessions would be beneficial for the kids. He stated one of the patients would stay overnight and groups wouldn't exceed 18 kids.

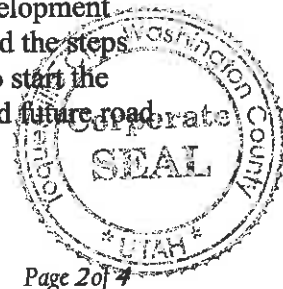
Vercimak suggested Olsen should come to the next staff meeting and explained some of the obstacles he would need to overcome, which included access and an approved water line to accommodate fire protection regulations. The road would need to be widened and developed with the current city standards. The road is currently a private road and they would like to keep it private and not dedicate it to the city. Olsen admitted the private road provided access to approximately eight homes. Butterworth thought access to the location also includes a bridge. Olsen has already spoken with the Hurricane Valley Fire Department about the bridge requirements for Fire and EMS responses.

C. REPORTS

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

2. Planning Commissioners

Commissioner Greg Turner would like to ask the Commission if they should start exercising proactive steps towards what the board would like to see for the future development of the bypass road. Mayor Chamberlain believed the access needs to be ascertained and then the development could start to occur. There was a brief discussion of how the road will be developed and the steps required once UDOT adopts the road from the city. Commissioner Catlin would like to start the planning process before the road is accepted and approved by UDOT. Traffic flows and future road



development of the Hurricane Valley accommodating development and tourism were momentarily discussed.

3. Zoning Official, Mike Vercimak:
No report was given.

D. BUSINESS/ACTION ITEM(S):

1. Discussion and possible action on a lot line adjustment for Laurie D and B. Troy Mangum, parcels T-121-A-1-D and T-121-A-1-E will be affected:

The lot line adjustment application will increase the north lot by .016 acres and the south lot will be decreased by .016 acres. Staff found the application met the criteria set forth in section 10-19G-2 of the Toquerville City Code. The staff recommendations were read by Chair Butterworth:

The applicants will process two quitclaim deeds. They will further sign and record deeds with the Washington County Recorder.

Commissioner Chuck Williams moved to approve the lot line adjustment. The motion was seconded by Commissioner Dan Catlin. Commissioner Chuck Williams amended his motion to include the approval with staff recommendations. The amended motion was seconded by Commissioner Dan Catlin. Motion unanimously carried 5-0. Commission Vote: Joey Campbell-aye, Greg Turner-aye, Chuck Williams-aye, Manning Butterworth-aye.

E. HO/CUP REVIEW & POSSIBLE RECOMMENDATION:

1. Home Occupation Conditional Use Permit for Guns and Diamonds at 48 W Old Church Road for Randy & Jane Scott
2. Home Occupation Conditional Use Permit of Lannister Construction at 460 N Toquerville Blvd for Todd Young
3. Home Occupation Conditional Use Permit of Bjarnson Construction at 1563 Ash Creek Drive for Leif Bjarnson
4. Conditional Use Permit of Dulce Domum Bed & Breakfast at 457 South Westfield Road for Rebecca Hansen
5. Conditional Use Permit for a Bed & Breakfast at 1065 South Westfield Road for Sherree and Chase Olsen.

Chair Butterworth asked if the permit for Rebecca Hansen needs to be amended since her last name has changed from the initial permit issuance. Vercimak didn't believe the permit needed to be modified. If there ever was a question she would provide a copy of her marriage license and legally her name change would be designated as a valid alias name.

McKim advised the Commission that item E5 does not have a current business license, but the current owner was contacted and didn't believe the business was in current operation. To approve the conditional use permit will require a business license.

Commissioner Joey Campbell moved to approve the permits as listed on the agenda 1-4 and table item 5 to provide the applicant time to obtain a business license. The motion was approved by Commissioner Greg Turner. Motion unanimously carried 5-0. Commission Vote: Greg Turner-aye, Joey Campbell-aye, Dan Catlin-aye, Manning Butterworth-aye, Chuck Williams-aye.



F. ADJOURN:

Chair Butterworth adjourned the meeting at 7:25 p.m.



Planning Chair – Manning Butterworth

7/17/19

Date

Attest:



Toquerville City Recorder – Dana M. McKim

