

TOQUERVILLE CITY
PLANNING COMMISSION MEETING MINUTES
Wednesday – June 19, 2019
Work Meeting 6:30 p.m. - Regular Meeting 7:00 p.m.
Held at 212 N. Toquerville Blvd, Toquerville Utah



Present: Chairman Manning Butterworth; Commissioners: Greg Turner, Rebecca Hansen, Joey Campbell, Chuck Williams; Staff: Zoning Official Mike Vercimak, Recorder Dana McKim; Public: Wendi Merritt, Marilyn Lundell, Christer Lundell, Merrily Faust, Samantha Hinton, Jeff Fry, Newell Matheson, Chris Isom, Heath Papa. Absent: City Council/Planning Commission Liaison Alex Chamberlain, Commissioner Jake Peart, and Alternate Commissioner Dan Catlin.

6:30 PM WORK MEETING:

Chairman Butterworth called the meeting to order at 6:31 p.m.

1. Discussion of City Code 10-17-3 ~ Nightly Rentals:

Chairman Butterworth explained why the reason the Planning Commission was asked by the City Council to revise the ordinance. The code currently states the dwelling where a nightly rental occurs must have his or her primary residence with the in municipal boundaries of the city. The revision would clarify and require the owner of a nightly rental to be currently residing in the city during the rental period. The reason for the clarification was due to the fact a resident may live the majority of their time in Toquerville but would be able to rent the dwelling when they are in another state or another country. The commission and the city council believed the clarification was necessary to keep the ordinance within the spirit of the law in which it was drafted. Turner and Campbell were in favor of the changes. The revision along with other small housekeeping modifications will be included in a draft ordinance at the next commission meeting, where a public hearing will be conducted.

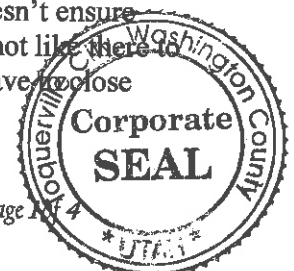
2. Discussion of City Code 10-24 ~ Exterior Lighting:

City Council requested the commission to revise the chapter to include the following items:

1.) Brightness or color temperature. Butterworth recently attended training where LED lighting was explained. Butterworth gave a brief description of how LED lighting tends to have a blue light emission. He drew a diagram of how LED lighting emits light on the color spectrum. An employee for the City of Ivins gave information on how he installed a ¼ inch thick amber cover over the city lights, which tones out the blue hue to LED lighting. The covers can be attached to the lights and suggested the city could modify the lights at approximately \$9.00 to each light, not including installation costs. This solution may be viable for the city lights to reduce the blue component in the street lights.

2.) The council wanted the commission to review how the city defines lights pollution and how it will be measured, and if the city has the resources to police and to enforce it. Butterworth believed that educating the public would be highly beneficial. When people are educated about night sky issues, everyone in the community gains a benefit. The city does not own the equipment to test night lighting and a lighting administrator has not been officially named.

Wendi Merritt, a resident of Toquerville gave her opinion on the topic. She believed there are two groups involved with exterior lighting. She was a proponent to educate the public about exterior lighting. She would like lighting information shared with the public to let them know that more light doesn't ensure safety and acknowledges the fact that other people believe this to be contrary. She would not like there to be hard fast rules on enforcement regarding this issue but also believed people shouldn't have to close



their windows at night to block out the effects of non-conforming lighting. Enforcement of some sort is necessary but doesn't feel that alienation should occur.

Merrily Faust, also a resident of Toquerville agreed with Merritt's comments. She gave examples of her personal experience with lighting violations in Toquerville. Faust has been working with the city to help an owner comply with the lighting requirements since January of 2019. She realizes a lighting administrator needs to be named and the city doesn't have the equipment to measure the violation, but said the city should enforce the rules and the requirements of exterior lighting measures. She expressed her frustration with the incident and suggested requirements should be enforceable.

3.) Another item the council wanted the commission to discuss was a lighting curfew. The current code cites an 11:00 p.m. lighting curfew. Councilmember Chamberlain made notes to Butterworth that the commission may want to revise the requirement, but suggested that all holiday lighting should be shut off at 11:00 p.m.

4.) To maybe institute a light trespass requirement because it is not involved in the nuisance ordinance. Nuisances are enforced by code enforcement, and if added it may be beneficial for the city process.

3. Discussion of Toquerville City Code 10-18A~Building Permit Review and Requirements:

Vercimak explained the circumstances behind the proposed revisions. A councilmember wanted to require all building pads are constructed 12 inches above the centerline of the road centerline and measured at the center of the pad. To require this would help mitigate drainage concerns. After Vercimak reviewed Title 10-18A-1 he realized the process to obtain a building permit is not being followed and if exercised, would be a lengthy unnecessary process. Butterworth asked if modifying the process would still ensure the future growth of Toquerville and would be in compliance with the general plan. Vercimak believed the modifications wouldn't circumvent the process and should be changed for future growth.

7:00 PM REGULAR MEETING:

1. Chairman Manning Butterworth called the meeting to order at 7:00 p.m. The Pledge of Allegiance was led by Commissioner Rebecca Hansen. There were no disclosures or conflict declarations made by commissioners.

A. REVIEW OF MINUTES:

1. Review and Possible Approval of Planning Commission Meeting Minutes from the Work and Regular Business Meeting on May 15, 2019.

Chairman Butterworth was unable to review the meeting minutes due to a technical error in the dropbox. Turner read the minutes and Williams believed they were accurate. Campbell reviewed the minutes but was unable to revisit the document. There was a brief discussion if the commission should table the item until next month.

Commissioner Greg Turner moved to table the meeting minutes from May 15, 2019, until next month. Commissioner Chuck Williams seconded the motion. Motion unanimously carried 5-0. Manning Butterworth-aye, Chuck Williams-aye, Greg Turner-aye, Rebecca Hansen-aye, Joey Campbell-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.

No public comments were voiced.



C. REPORTS

1. Planning Chair, Manning Butterworth:
No report was given.
2. Planning Commissioners:
No report was given.
3. Zoning Official, Mike Vercimak:
No report was given.
4. City Council/Planning Commission Liaison, Alex Chamberlain:
Chamberlain was absent from the meeting.

E. BUSINESS/ACTION ITEM(S):

1. Discussion on Parcel T-3-0-33-142, a 4.20-acre parcel zoned Highway Commercial ~ Newell Matheson and Chris Isom:
Newell Matheson wanted to know if the commission knew what the requirements for highway commercial zoned property was. He asked if the chair could read them out loud. Chapter 10-12B-2 was read by Butterworth. Matheson then asked the commission what primary requirement would be needed for these types of permitted uses. He believed traffic would be the main factor for the property to be used. Parcel T-3-0-33-142 is accessed by a dirt road with a dead end. The property is 4.2 acres in size and surrounded by the Washington County Water Conservancy District and BLM. Vercimak advised Matheson that to develop the property in highway commercial zoned property he would need a business that qualifies for the currently applied zone. Butterworth asked Matheson what the commission is being asked. Matheson stated the property currently zoned is unsellable and has been on the market for years. He inquired if the commission would be amenable for the property to be rezoned. Butterworth stated the commission hasn't received an application. Matheson approached the commission to gain information if a zone change may be feasible.
Chris Isom, a real estate agent for Mr. Matheson made inquiries to the commission. He explained the lack of current infrastructure to and on the property. He would like to suggest either a campsite area or a storage facility could be constructed if a zone change was pursued. Turner asked what the property was zoned when Matheson purchased the property and explained the standards for review for a zone change request. Vercimak suggested if the applicant would like to modify the standards for review he could make an application for a code revision and the process involved. The zone change process was explained to Matheson and Isom.

2. Discussion and Possible Recommendation on a Simple Subdivision application submitted by Sebastian Opal Zane Glasgow at 176 North Toquerville Boulevard, Toquerville, UT 84774, Tax ID # T-70-A-1:

The staff recommendations were as follows:

1. The proposed subdivision will result in parcels sizes and uses that are consistent with the General Plan.
2. The lots created as provided under this article shall retain their existing zoning.
3. The proposed lots will be consistent with the current requirements of the existing zone.
4. The lots created shall comply with all applicable regulations of this chapter.
5. The simple subdivision will not create more than one new lot or parcel for a total of two lots, including the original lot.

The property includes the old Toquerville Mercantile and a residential home located south of the Mercantile. The lot meets the requirements of the zone and have separate utilities.



Commissioner Rebecca Hansen moved to approve the simple subdivision with staff recommendations to City Council. The motion was seconded by Commissioner Greg Turner. Motion unanimously carried 5-0. Commission Vote: Rebecca Hansen-aye, Joey Campbell-aye, Greg Turner-aye, Manning Butterworth-aye, Chuck Williams-aye.

- 3. Discussion and Possible Recommendation on a Final Plat Application submitted by Jeff Fry for The Terraces at Cholla Subdivision, Tax ID #T-110-A-1:

The staff review found three errors on the final plat, to which the applicant has modified.

Commissioner Greg Turner moved to recommend approval to City Council on the Final Plat Application submitted by Jeff Fry. The motion was seconded by Councilmember Chuck Williams. Motion unanimously carried 5-0. Commission Vote: Joey Campbell-aye, Greg Turner-aye, Manning Butterworth-aye, Rebecca Hansen-aye, Chuck Williams-aye.

F. HO/CUP REVIEW & POSSIBLE RECOMMENDATION:

- 1. Bed and Breakfast Conditional Use Permit at 1065 South Westfield Road for Sherree and Chase Olsen.
- 2. Bed and Breakfast Conditional Use Permit at 15 Springs Drive for Miguel D .and Reina H. Garcia.
- 3. Bed and Breakfast Conditional Use Permit at 124 North Ash Creek Drive for Renee S. Garner/Zion Adventurers' Retreat.
- 4. Bed and Breakfast Conditional Use Permit at 245 W Sunset Ave for Jessica Russo/Zion View Bed and Breakfast
- 5. Wedding and Event Facility Conditional Use Permit at 580 East Spring Drive for Shawn and Teila Huntsman/The Springs Wedding and Events

The city has not received any complaints associated with these special permits. A business license application was given to Sheree Olsen for their bed and breakfast establishment after it was found they had not applied for a business license. The use has been active and is not abandoned. Vercimak suggested the city should make contact with them and explain if a business license is not submitted the permit would not be approved.

Commissioner Chuck Williams moved to approve items F2-F5as listed on the agenda and to table the bed and breakfast conditional use permit at 1065 South Westfield Road until next month when a business license is submitted by the applicant. The motion was seconded by Commissioner Joey Campbell. Motion unanimously carried 5-0. Commission Vote: Joey Campbell-aye, Chuck Williams-aye, Rebecca Hansen-aye, Greg Turner-aye, Manning Butterworth-aye.

G. ADJOURN:

Chair Butterworth adjourned the meeting at 7:27 p.m.

Manning Butterworth
Planning Chair – Manning Butterworth

7/17/19
Date

Attest:
Dana M. McKim
Toquerville City Recorder – Dana M. McKim

