

TOQUERVILLE CITY
PLANNING COMMISSION MEETING MINUTES
Wednesday – September 18, 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, Chuck Williams, Joey Campbell, Alternate Planning Commissioners: David Browning. Staff: Mike Vercimak, Recorder Dana McKim, Deputy Recorder Ruth Evans. City Council/Planning Commission Liaison Alex Chamberlain. Public: Wendi Merritt, Anita Eaton, Gary Chaves, Reid Pope. Absent: Dan Catlin.

6:30 PM WORK MEETING:

Chairman Butterworth called the meeting to order at 6:30 p.m.

1. Discussion on modifications to Title 10, Chapter 17, Section 3, Paragraphs B – Nightly Rental Application Review Process, K – Annual Review of Nightly Rental Permit, P - Notification:

Councilman Greg Turner stated he was surprised to see the Attorney suggested that instead of the City Council, the Planning Commission will hear the applications at the next regular meeting, and may deny or approve the nightly rental permit, as stated in Paragraph B. The changes came about because the process was laborious for the applicant having to re-apply every year. The City Council does not want to be involved in the renewal process. Commissioner Rebecca Hansen is in favor of streamlining the process and does not see the need to have a public hearing annually unless there are complaints against the applicant.

2. Discussion on modifications to Title 10, Chapter 24, Exterior Lighting – Commissioner Hansen:

Commissioner Rebecca Hansen likes Ivins City Code and distributed a copy to the Commissioners. Ivins City Code is being called a dark sky lighting ordinance, which is what Toquerville would like to have. Commissioner Hansen would like to add the verbiage preserve, protect, and enhance the beauty of the night sky for future dark sky city recognition or grants that may be available. Chairman Butterworth would like to promote appropriate business lighting ordinances. The Commission discussed the definition, purpose, allowances, and types of lights currently in the code. It was suggested to use kelvins, or initial lumens per bulb instead of foot-candles, as well as 3000 or warmer lighting. Councilman Alex Chamberlain supports the efforts to streamline the code for clarification and compliance. Commissioner Hansen would like to see shielding and pathway lighting addressed. Chairman Butterworth reminded the Commissioners to make this ordinance as simple as possible. Flag pole lighting was discussed, and that light decays as it travels. Chairman Butterworth asked Commissioner Hansen if the five areas the City Council wanted the Planning Commission to address were addressed in the changes she has proposed. Commissioner Hansen will put together a draft that closely resembles Ivins City. Commissioner Chuck Williams would like the night sky ordinance built into the building ordinance and require a development agreement so future residents know that Toquerville would like to be a dark sky city.

3. Discussion on modifications to Title 5, Chapter 1, Animal Control – Commissioner Turner:



Commissioner Turner briefly commented on the modifications and asked the Commission to read through the suggestions that have been distributed. Swine and roosters will be excluded in city limits. The Commissioners discussed the animal control ordinance would be revised to use a point-based system. Commissioner Hansen is in favor of these modifications.

7:00 PM REGULAR MEETING:

Chairman Manning Butterworth called the meeting to order at 7:00 p.m. Commissioner Joey Campbell led the Pledge of Allegiance. There were no disclosures, nor conflict declarations from Council Members.

A. REVIEW OF MINUTES:

1. Review and Possible Approval of Planning Commission Meeting Minutes from the Work and Regular Business Meeting on August 21, 2019.

Chairman Butterworth noted that Dan Catlin and David Browning's names were omitted and requested they be added to those who were present at the meeting.

Commissioner Chuck Williams moved to accept the meeting minutes from August 21, 2019, with stated modifications. Commissioner Greg Turner seconded the motion. Motion unanimously carried 5-0. Greg Turner – aye, Rebecca Hansen – aye, Manning Butterworth – aye, Chuck Williams – Aye, Joey Campbell – aye.

B. PUBLIC FORUM:

Comments from public and public requests for future agenda items.

Resident Wendi Merritt from Peachtree Drive wondered who was enforcing the lighting ordinance and what the penalties were for not complying. There are several residents who currently not complying with the lighting ordinance and nothing is being done about it. Ms. Merritt also wondered why Toquerville has street lights.

Resident Gary Chaves from Mount Charm agrees with the modifications to the nightly rental process. Second, he wondered if there were rebates or credits for residents who want to convert or upgrade to approved lighting. Mr. Chaves would also like to see swine eliminated from the animal control ordinance.

C. REPORTS:

1. Planning Chair Manning Butterworth reported the building permit process is still in progress. He acknowledged Commissioners Hansen and Turner for their work to the exterior lighting and animal control chapters of city code. He asked if Hansen could address essential and nonessential lighting in the modifications to the Toquerville exterior lighting chapter. He suggested if she could define essential lighting rather than nonessential lighting.
2. Planning Commissioners: No reports were given.
3. Zoning Official Mike Vercimak: No report was given.
4. City Council/Planning Commission Liaison Alex Chamberlain: No report was given.



D. PUBLIC HEARING:

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

1. Public input is sought on Zone Change application submitted by Denis Lyman for covered RV storage units located on Tax ID parcel T-3126. Proposed zoning is M1-Light Industrial. Current zoning is MU-20.

Reid Pope, an agent acting for the applicant explained the need for the zone change. Mr. Lyman, the applicant would like to build an RV storage facility like the monster storage located in the Bloomington area. He had concerns about the lighting requirements and if the city would require the facility to turn off all lighting after the hours of 11:00 p.m. The storage facility located in Bloomington had to change up their lighting plan because it was causing light pollution in the area. The lights were tilted down and it seemed to remedy the citizen complaints. Hansen asked if he had any idea what lighting plan they had for the proposed facility. He didn't have the specifications available to him at the meeting. Butterworth stated he drove past the RV storage in Washington and he didn't recall seeing any lights. Pope believed the facility in Washington wasn't a covered storage facility. Turner asked how many spots are proposed at the Toquerville site. Pope wasn't sure how many lots would be developed. Hansen thought the area proposed for this use was appropriate. They have plans to line the property from the interstate with trees to camouflage the site or an eight-foot corrugated steel fence that will rust or oxidize to blend in with the environment. Campbell would rather not see a tall shiny fence surrounding the facility. The steel could be distressed or painted if the commission required that look. Chamberlain reminded the commission the discussion item was for a zone change and not a preliminary plat site plan.

Wendi Merritt was supportive of the zone change. She wanted Pope to know that bright lighting doesn't ensure safety.

Hansen thought the light industrial use was an appropriate fit for the property.

2. Discussion and possible recommendation on ordinance 2019.XX Nightly Rental – to clarify primary residence ownership.

Anita Eaton from Ash Creek Drive asked if the proposed ordinance would require the owner to be present during the rental period. She asked if a vacation or appointment is scheduled during the rental period would they have to cancel the reservation. She also asked how the city would define "resident" and if it was based on tax purpose requirements.

Gary Chaves from Mount Charm would like further clarification regarding this requirement. Just recently he had an emergency involving his granddaughter and had to leave Toquerville while someone had booked his vacation rental. To cancel the reservation would have been unfair to the patrons. He did have someone able to be available during his absence. He also wanted them to know there are times when he is called out of town for his work and would be unable to cancel those reservation dates as well. He wanted the commission to know about these types of circumstances and suggested a possible restriction if the owner will be absent for a certain period of days during a rental.



- Public input is sought on ordinance 2019.XX Grading Permits – to omit the building department as the responsible entity for managing grading permits and to assign the Zoning administrator or authorized personnel as the granting authority and management of grading applications.

There were no public comments.

- Public input is sought on ordinance 2019.XX Alternate Planning Commissioners – to add an additional Alternate Planning Commissioner position to the Commission.

There were no public comments.

Chairman Butterworth moved out of the public hearing and into the business portion of the meeting.

E. BUSINESS/ACTION ITEM(S):

- Discussion and possible recommendation on a Zone Change application submitted by Denis Lyman for covered RV storage units located on Tax ID parcel T-3126. Proposed zoning is M1-Light Industrial. Current zoning is MU-20.

The property does not have any utilities or city services at the site. The applicant will need to have an engineer provide calculations to show how much water storage would be needed for the site. A 10,000-gallon water tank was shown on the plans and the owner would need to drill a well for water availability. Staff recommended upon the site plan application the city will have to take a look at improvements to the frontage road.

Commissioner Turner believed the application conforms with the city's nine criteria for a zone change request. Butterworth asked if the commission was comfortable with the facility constructed in an area where there isn't infrastructure and if it would create any obligations for the city to provide services.

Mr. Pope stated the applicant will try and get a well dug to provide enough water for the fire department for fire protection and they have contacted Rocky Mountain Power to connect to their services. Vercimak stated the property is heavily wooded and they are planning on clearing the land.

Anita Eaton asked the design or infrastructure should not bear weight on a zone change application decision. Vercimak stated the availability of services can be addressed during a zone change application. The permitted uses in the M-1 zone were read by Dana McKim.

Commissioner Joey Campbell moved to recommend approval to the City Council for the zone change, item E1 on the agenda. Motion was seconded by Commissioner Chuck Williams. Motion unanimously carried 5-0. Commission Vote: Greg Turner-aye, Rebecca Hansen-aye, Chuck Williams-aye, Manning Butterworth-aye, Joey Campbell-aye.

- Discussion and possible recommendation on ordinance 2019.XX Nightly Rental – to clarify primary residence ownership.

The commission agreed that clarification from the ordinance needed to be added and maybe a time frame would need to be included in the requirement. Butterworth asked what the term of "reside" meant and that maybe the commission should seek legal opinion. Chamberlain suggested if the commission would want to add verbiage to the ordinance to clarify the rental



period and define residency as a calendar week or calendar month. The commission recalled the reason why the city wanted to preserve nightly rentals to be owned by Toquerville residents. The intent of the modification wasn't to tie down the property owner to be onsite during the entire rental period, but for the owner to be in the immediate area to respond to any problems that may arise during the rental period. Butterworth would like to discuss with Attorney Snow before making any recommended changes to City Council on the ordinance.

Commissioner Rebecca Hansen moved to table the item until next month. The motion was seconded by Commissioner Greg Turner. Motion unanimously carried 5-0. Commissioner Vote: Joey Campbell-aye, Manning Butterworth-aye, Greg Turner-aye, Rebecca Hansen-aye, Chuck Williams-aye.

3. Discussion and possible recommendation on ordinance 2019.XX Grading Permits – to omit the building department as the responsible entity for managing grading permits and to assign the Zoning administrator or authorized personnel as the granting authority and management of grading applications.

Commissioner Chuck Williams moved to recommend approval of item F3, Ordinance 2019.XX Grading permits to the city council. The motion was seconded by Commissioner Joey Campbell. Motion unanimously carried 5-0. Commissioner Vote: Rebecca Hansen-aye, Greg Turner-aye, Manning Butterworth-aye, Chuck Williams-aye, Joey Campbell-aye.

4. Discussion and possible recommendation on ordinance 2019.XX Alternate Planning Commissioners – to add an additional Alternate Planning Commissioner position to the Commission.

Commissioner Greg Turner moved to recommend approval of item F4, Ordinance 2019.XX-Alternate Planning Commissioner to the City Council. Motion was seconded by Commissioner Rebecca Hansen. Motion unanimously carried 5-0. Commissioner Vote: Rebecca Hansen-aye, Joey Campbell-aye, Greg Turner-aye, Manning Butterworth-aye, Chuck Williams-aye.

E. HO/CUP REVIEW & POSSIBLE RECOMMENDATION:

1. Home Occupation Use Permit at 390 N Toquerville Boulevard – Alliance Business Partners, Sandra Lenois.

There have been no complaints against this business and there is an active business license.

Commissioner Rebecca Hansen moved to renew this home occupation permit as presently submitted. Commissioner Joey Campbell seconded the motion. Motion unanimously carried 5-0. Commissioner Vote: Greg Turner – aye, Rebecca Hansen – aye, Manning Butterworth – aye, Chuck Williams – Aye, Joey Campbell – aye.

F. ADJOURN:

Chairman Butterworth adjourned the meeting at 7: p.m.



Manning Butterworth
Planning Chair – Manning Butterworth

10/16/19
Date

Attest:

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

