

FINAL MINUTES
VIRGIN TOWN PLANNING & ZONING MEETING
Wednesday, July 13, 2022
6:00 pm
114 So. Mill Street, Virgin, Utah

Present:

Commission Members:

Cameron Spendlove, Chair
Sean Amodt
Kent Peterson
Bronwyn Wallace Gooch
Wyatt Lee
Angelia Glazier, alternate

Others:

Krystal Percival-Town Clerk	
Gene Garate-Zoning Administrator	
Jared Beard, UDOT	Chris Hall, UDOT
Darcey Spendlove	Jared Beard
Steve and Deborah Masefield	Bill and Lori Baughman
John Staples	Stan Burt
Jon Cole	Margaret Cole
Loren Campbell	Joseph Boissonnault
Joe Martinez	Carol Boissonnault
Wanda Laverett	John Ely
Jeff Lee	Kim Spendlove
Hannah Barry	Adam Freeman
Mark, Lisa, Chloe Coombs	Allen B. Lee
Jeff Staples	Justin Christensen

A. WORK MEETING/Non-Action Items: 6:00 p.m. Town Hall

Cameron Spendlove called the meeting to order at 6:00 pm.

1. UDOT Presentation

To talk about the accident on SR9 and safety issues. Only clarifying questions will be allowed at the meeting after the presentation. (2 minutes per speaker)

Any obscene or derogatory comments at UDOT will not be tolerated.

Mayor Jean Krause introduced the representative from UDOT, Jared Beard. She continued that UDOT had been invited to speak on the fatal accident at the intersection of Kolob Road/the motel and the speed study. Some questions and comments had come in about other issues or projects, which would not be addressed tonight, but would be spoken about in the future.

FINAL MINUTES
VIRGIN TOWN PLANNING & ZONING MEETING
Wednesday, July 13, 2022
6:00 pm
114 So. Mill Street, Virgin, Utah

Jared Beard stated he had been with UDOT for 18 years and worked from the Richfield office. He reported that the driver of the SUV had run the stop sign and had been hit by the bus. A full fatality review was being done but the results were not back. UDOT and other agencies could not see a reason why the stop sign had been run.

Mr. Beard had looked at several neighboring states and found that Utah had a very low crash and fatality rate compared to them. Utah's rate was .95 fatalities per 100 million vehicle miles travelled. Other states (Arizona and Texas) were at 1.5 per 100 million vehicle miles travelled. The highway patrolmen in Utah were strapped for time monitoring the roads to keep people safe. After 2020, the fatality rate has spiked substantially. There was also a lot more speeding taking place post pandemic.

The request had come from Virgin to look at speeds going through town. UDOT had a speed policy and speed test formula they used to determine speeds. He explained how this formula worked. Mr. Beard proposed doing the speed study in September when more traffic was typically present. He then invited Chris Hall, the region planner, to speak. Mr. Hall gave an update on the access management study that the town and UDOT were working on together. He also reported that funding had been received for the access management study but would be looking at the highway holistically. They wished to locate a few key intersections that would be major hubs inside the future town. UDOT would rather pinpoint major intersections and force people to access new development there, rather than having 100 intersections that all had safety issues. UDOT believed the less accesses the town had the safer the road was. The study was a very collaborative process with the town because UDOT did not have control over zoning and developments, etc. The studies worked best when the town's planning was up to date, which included the Transportation Master Plan and the General Plan. UDOT was coordinating with the town to include a transportation master plan update as part of the access management study. This would allow all information to be included and most relevant information. UDOT has the funding available, and they were waiting for town to say they had enough funds to begin. During the study UDOT would be reaching out to residents for input and then asking if the study was right after it was completed.

Sean Amodt asked what the time frame was for the study. Mr. Hall answered that they were ready to begin. As soon as the town said they had the funding the study would begin about four weeks later and then it would take about six months to complete.

Bronwyn Wallace asked how much say could the town have in the study. Mr. Hall replied the town should have a huge impact on study, but finding the funding to implement what the town wanted was hard. Just because the town wanted it, did not mean it would happen. The

FINAL MINUTES
VIRGIN TOWN PLANNING & ZONING MEETING
Wednesday, July 13, 2022
6:00 pm
114 So. Mill Street, Virgin, Utah

state could come up with possible solutions and about how much it would cost. The rest was up to the town.

Sean Amodt asked what types of things UDOT liked the town to plan for or things they did not want the town to do. Mr. Hall answered that UDOT was mandated by policies, but policies could be changed with some effort. He suggested to dream big, and they would try to make it happen.

Kent Peterson stated that the town committees were the amateurs, so UDOT should be very involved. He wanted UDOT to speak to what worked and what did not work, so the town did not go in the wrong direction. Mr. Hall stated UDOT would assist in any way they could. They knew of grants and other entities that would also be helpful.

Cameron Spendlove asked if the study would help the town know when the city street system should be upgraded when connecting to the highway. Or rather, would the study help the town know when certain streets needed an acceleration lane, etc.? Mr. Beard answered that yes, the study would help by identifying locations that would need upgrades when development came. The UDOT team explained what MPH or car numbers were needed to qualify for street alteration. It was clarified that all developments coming into town had used approved engineers.

Kent Peterson reviewed all the developments that were coming into town. He then asked if all these developments had been reviewed by UDOT. Mr. Beard explained that UDOT only approved or did not approve access to the highway. That was all they did. The town was responsible for anything other than that.

John Staples asked if they had a plan to help the flow of traffic from LaVerkin to Springdale. Mr. Hall replied that passing lanes on the flat had been funded for 2024-25 to help alleviate congestion. A lot more cars were needed before widening could take place. Also, the reduction of lanes at the top of the twist would be extended by 1,000 feet. He also clarified that the estimated cost to the town for the transportation master plan was \$25,000 and the access plan was about \$60,000.

Stan Burt reported that speed was a problem. He asked UDOT to extend the 45 mph out a little bit in both directions. Mr. Beard answered that people drove the speed they were comfortable with. Lowering the speed limit did not change how the traffic flowed but changing the nature of the town and how drivers felt made all the difference. For example: narrowing the roads with trees or landscaping. This was a tough balance because when the

FINAL MINUTES
VIRGIN TOWN PLANNING & ZONING MEETING
Wednesday, July 13, 2022
6:00 pm
114 So. Mill Street, Virgin, Utah

speed was too low, stupid drivers did more stupid things.

Deborah Masfield suggested planting a dummy speed car or officer to help control speed.

Larry McRay asked if the traffic study today looked at expected growth. UDOT replied yes, especially if the developments were already in the works and they also pulled the expected growth for the next 30 years. Mr. McRay then asked at what point did the developers have to spend money to make sure to complete impact studies. The answer was studies were required for 10 homes or greater and the other was left to the city. Only roads that tied into the state highway required UDOT studies.

Mark Coombs asked if the gun club's unofficial access would be changed because it was so dangerous. Mr. Beard replied that there had been lots of communication about the problem. The access could not just be shut off, but nobody wanted to put the funding forward to make the changes needed. The funding was needed before the access could be moved.

Darlene Pope asked how many years from a project being developed was the traffic study valid. Mr. Hall replied that if there was a significant change, the study could be refreshed. Usually, studies were good for a few years, but Utah was seeing lots of growth so perhaps less. The town could request an update or new study based on information from the town.

B. REGULAR MEETING/Action Items: 6:30 p.m. Town Hall

1. Call to Order - Cameron Spendlove

Cameron Spendlove called the meeting to order at 6:46 pm

2. Declaration of Conflict of Interest

No conflicts of interest were disclosed.

3. Review and possible approval of the draft minutes for June 8, 2022

Sean Amodt reported there were a few grammatical errors, which he had highlighted in the folder. Wyatt Lee stated he had not been present at that meeting.

Sean Amodt moved to approve the minutes from June 8. Kent Peterson gave the second. No roll call vote was taken. The motion was approved unanimously.

4. Commissioner Comments

Sean Amodt stated he only had seven changes left to the definitions. He would be submitting them in July and thanked the Commission for their patience.

FINAL MINUTES
VIRGIN TOWN PLANNING & ZONING MEETING
Wednesday, July 13, 2022
6:00 pm
114 So. Mill Street, Virgin, Utah

Cameron Spendlove stated that next month's meeting would include discussion on the Highway Resort Zone adjustment for non-conforming lots and the casita/accessory dwelling units.

C. PUBLIC HEARING:

1. Motion to CLOSE the Public Meeting and OPEN the Public Hearing

Wyatt Lee moved to close the public meeting and open the public hearing. Bronwyn Wallace Gooch gave the second. No roll call vote was taken. The motion was approved unanimously.

OPEN PUBLIC HEARING to allow public input on the following items:

A. Continued Public Hearing from April 13, 2022: Proposed Subdivision (preliminary plat): Quail Mesa Subdivision from Jeff Lee located V-2-1-26-4421 (South of Rio De Sion)

Cameron Spendlove stated this subdivision was south of Rio de Sion and the public hearing had been continued from April.

Lorren Campbell stated he lived in Rio de Sion and was president of the HOA. Rio did have an easement for a private driveway located on HOA property. It was not wide enough for a road and they were unwilling to give the easement up. Copies of the easement had been submitted.

Steve Masfield stated that his comment also tied into the height change proposal which would make the new subdivision very visible from Highway 9. The highway was a scenic byway. He also wondered what the drive was behind the height change. He pointed out that the new proposed buildings were right on the edge, making them very visible. The height of thirty feet would be even more visible.

B. Continued Public Hearing from May 11, 2022: (preliminary plat): Zions Edge Subdivision from John Staples located V-2148-A-1-B-1-A (East of Rio De Sion)

Cameron Spendlove explained that this public hearing had been continued from May 11 and was located east of Rio de Sion, right by the mayor's house.

John Ely thought it was a good time to think about the access bridge that was less than thirty feet wide and the only access to the area. The entire area entered SR-9, the proposed KOA and Kolob Road, making it a big intersection. He asked the commission to think about the

FINAL MINUTES
VIRGIN TOWN PLANNING & ZONING MEETING
Wednesday, July 13, 2022
6:00 pm
114 So. Mill Street, Virgin, Utah

safety involved.

C. Continued Public Hearing from June 8, 2022: Ch 32 & 34 Residential Height Regulations Ordinance 2022-10

Cameron Spendlove explained this was a continued public hearing from June 8. If passed the change would extend the current building height from 25 ft to 30 ft which would increase the residential building height throughout Virgin by 5 feet.

Steve Masefield asked the Planning and Zoning think about the change more seriously especially by examining how many houses had been built using the 25 foot standard over the last 20 to 25 years. He asked what the drive was for the change. Was there someone who wanted to bring in hotels or other commercial. Too him, 25 feet seemed to be adequate for residential. SR-9 was a designated scenic highway and now putting houses next to the cliff was a bad idea. He felt Virgin was throwing the baby out with the bath water

John Ely's biggest concern was that the town had operated commercially and residentially following the current standards, even the hotel followed the height ordinance. He thought they has a moral responsibility to be consistent with new development as well as honoring the old development.

Joe Martinez, from Rio de Sion, had researched Springdale and Rockville's height ordinances. Springdale currently had a 15 to 21 foot residential building height with a 13 foot standard for houses with views. He felt everyone had moved here for these views. They had taken advantage of the predictable height of 25 feet and for someone who had already built a home the views would no longer be present, opening Pandora's Box. Rockville also had a height of 21 feet. LaVerkin, Toquerville and Hurricane were all 30 feet and above. He asked if we wanted to be LaVerkin, Toquerville and Hurricane. His concern was pitting homeowner against homeowner by destroying privacy, views, and friendships. He recommended rejecting the proposed ordinance.

Wyatt Lee read a letter from Carol Boissonnault. It is included with the minutes.

D. Proposed Subdivision (preliminary plat): Zions Landing Subdivision from Justin Christensen located V-2139-B (Pocketville Road)

Justin Christensen explained that this subdivision had been approved in 2018, then the land had been sold. The permits had lapsed, however, he had updated the engineering and a little bit of the layout and had resubmitted.

FINAL MINUTES
VIRGIN TOWN PLANNING & ZONING MEETING
Wednesday, July 13, 2022
6:00 pm
114 So. Mill Street, Virgin, Utah

Lorren Campbell stated his comments were related to items A and B. He felt the town should require developers to look at traffic improvements. One serious problem was the turn onto the bridge because it was a blind corner and was a 90-degree turn. He predicted that a bad accident was going to happen. He suggested it was a simple fix by carving out the view shed. People crossed into the opposing traffic all the time and he was very worried.

John Staples address Lorren's concern, stating that he did not own the piece of ground that would be required to fix the corner. Therefore, he could not fix the problem.

2. Motion to CLOSE the Public Hearing and OPEN the Public Meeting

Wyatt Lee moved to close the public hearing and open the public meeting. Bronwyn Wallace gave the second. No roll call vote was taken. The motion was unanimously approved.

Open Forum: Limit 2 minutes per speaker:

John Ely handed out a packet about concerns on the LaBrie project (gas station) and read from this packet. It is included with the minutes.

Chloe Coombs asked if there were any projects involving paths, trails or sidewalks connecting the subdivisions together or to the main part of town. Cameron Spendlove answered that a bike lane and walking path that would run the distance of SR-9 through Virgin was in the works. Kent Peterson stated it was an on-going 25 year project to connect the county together. The Commission explained the proposed trail system. Kent Peterson agreed that a connected path in a community made a great atmosphere. Chloe Coombs stated the trails should be more for private use, not for the tourists, and not along the highway. Kent Peterson agreed and supported that connectivity in the community. Cameron suggested that Chloe participate in the public master access plan, but it did involve many private property owners.

Cameron Spendlove addressed John Ely, stating his concerns were mostly for the town engineer and zoning administrator. Sean Amodt stated all the studies had been done for the gas station and perhaps John wanted a second opinion because of this. The other concerns needed to be addressed to the zoning administrator to get further explanations. The Planning and Zoning had done their job. The project followed the law and, in some cases, went over and beyond the law to address citizen concerns.

D. PUBLIC MEETING

A. Discussion and recommendation to approve or deny proposed Subdivision

FINAL MINUTES
VIRGIN TOWN PLANNING & ZONING MEETING
Wednesday, July 13, 2022
6:00 pm
114 So. Mill Street, Virgin, Utah

**(preliminary plat): Quail Mesa Subdivision from Jeff Lee located V-2-1-26-4421
(South of Rio De Sion)**

Jeff Lee updated the town on the progress on the preliminary plat approval. The map had been reworked using the correct density and the houses had been moved back from the mesa edge. The storm water and traffic study had been completed. The traffic study also took into the account the proposed development at the bottom of the hill. The slope analysis was being done and wastewater treatment study was in the beginning stages. Mr. Lee stated that until he had those answers, he needed a continuation from the commission.

Cameron Spendlove asked about the right of way and access. Jeff Lee explained he had purchased a small sliver of land to the East side of the access, where the road could be moved over off the Rio de Sion land, which was the most graceful solution. This would also help with the storm water mediation and traffic problems. The traffic study had been completed, but he was still waiting for Karl Rassmussen. He did not believe that the study looked at the corner onto the bridge, but the bridge had been cleared, being built to UDOT specs and was safe. Mr. Lee stated he would submit his proposed CC&R's. He also stated that some lots may have to be removed based on the wastewater treatment study. He thanked the town for the 4th of July party, which had been really fun.

***Sean Amodt moved to table item A until the September meeting. Bronwyn Wallace Gooch gave the second. Roll call vote: Sean Amodt-yes; Kent Peterson-yes; Bronwyn Wallace Gooch-yes; Wyatt Lee-yes; and Cameron Spendlove-yes.
The motion was approved unanimously.***

***B. Discussion and recommendation to approve or deny proposed Subdivision
(preliminary plat): Zions Edge Subdivision from John Staples located V-2148-A-1
B-1-A (East of Rio De Sion)***

Jeff Staples stated he was partners with John Staples and had everything submitted and ready for approval. The soils report from PTS and it came back as the soils being good for septic systems. Mr. Staples stated he wanted to see progress as quickly as possible and was scheduled to begin moving dirt within 90 days. They were planning on retaining a few lots, but mostly would be selling to other people.

Wyatt Lee moved to approve the preliminary plat for Zions Edge Subdivision. Bronwyn Wallace gave the second.

Sean clarified where the lot lines were located using the map. His concern was with enough open space in the wash.

FINAL MINUTES
VIRGIN TOWN PLANNING & ZONING MEETING
Wednesday, July 13, 2022
6:00 pm
114 So. Mill Street, Virgin, Utah

***Roll call vote: Sean Amodt-yes; Kent Peterson-yes; Bronwyn Wallace Gooch-yes;
Wyatt Lee-yes; and Cameron Spendlove-yes.
The motion was approved unanimously.***

**C. Discussion and recommendation to approve or deny Ch 32 & 34 Height
Regulations Ordinance 2022-10**

Bronwyn Wallace stated it was a mistake for many reasons. She felt the commission owed it to the town to keep the footprint small. The law should not be changed in the interest of one person. The reason to change an existing ordinance needed to really good and without any downsides. She felt there was not enough of a win to change this ordinance.

Kent Peterson stated he had not changed his opinion and the majority of the comments today reflected how he felt. He felt that people should be able to do what they wanted and yet, should also respect the people who lived here. The question it came down to was what do we want the town to look like? He favored staying with the 25 feet limit.

Sean Amodt pointed out the reasons for change was for the current business building practices. Virgin was not Springdale or Rockville. People wanted to build bigger and higher which led to affordable housing practices which included a second story. He disagreed that that town should be forcing people to have flat roofs. He liked the uniqueness of the town with all buildings not looking the same. Commissioner Amodt suggested implementing an ordinance that regulated the height on the ridges. He wanted people to have choices. The change allowed people to have a choice. Increasing the height would eventually happen. It seemed people believed that if the ordinance went up five more feet, the whole town would go to hell in a handbasket. He did not believe this was the case. He used the STR ordinance as an example that people thought it would ruin the town. He did not think so, but thought it made the town better. If the town did not want to go up five feet, he suggested at least to 27 feet, because it would allow a 4' 12" pitch, however thirty feet would accommodate those needs.

***Bronwyn Wallace Gooch moved to recommend denial of Ordinance #2022-10 Chapter
32 & 34 Height Regulations. Kent Peterson gave the second.***

Cameron Spendlove stated that he had been completely on board with the denial, but it had been reiterated again that the hotel was completely acceptable, and it was at 30 feet. Because of this, he was OK with the increase.

FINAL MINUTES
VIRGIN TOWN PLANNING & ZONING MEETING
Wednesday, July 13, 2022
6:00 pm
114 So. Mill Street, Virgin, Utah

Roll call vote: Sean Amodt-no; Kent Peterson-yes; Bronwyn Wallace Gooch-yes; Wyatt Lee-yes; and Cameron Spendlove-no.
The motion to deny was approved on a split vote.

D. Discussion and recommendation to approve or deny proposed Subdivision (preliminary plat): Zions Landing Subdivision from Justin Christensen located V-2139-B (Pocketville Road)

Justin Christensen stated the perk tests were done but he was waiting for studies for grading, utilities, and wastewater. He also reported that he was clustering the sewer system across the street to the north. The CC&R's were not done because they were creating an HOA. Because of all the items that were needed, he was going to need a continuance.

Cameron Spendlove clarified that the dimensions for the primary access for the public road were fifty feet. Cameron continued by discussing his thoughts on extending that road out to the Kolob Road to cut the traffic off of Pocketville Road. Discussion turned to the road which would be dedicated to the town. Other road issues were also discussed.

Bronwyn Wallace moved to table item D until September. Wyatt Lee gave the second.
Roll call vote: Sean Amodt-yes; Kent Peterson-yes; Bronwyn Wallace Gooch-yes; Wyatt Lee-yes; and Cameron Spendlove-yes.
The motion was approved unanimously.

Cameron Spendlove moved to close the public meeting and reopen the public hearing. Bronwyn Wallace gave the second. No roll call vote was taken. The motion was unanimously approved.

Cameron Spendlove moved to continue the public hearing for letter A Quail Mesa Subdivision from Jeff Lee and letter D Zions Landing Subdivision by Justin Christensen until September. Wyatt Lee gave the second. No roll call vote was taken. The motion was unanimously approved.

Bronwyn Wallace moved to close the public hearing and open the public meeting. Kent Peterson gave the second. No roll call vote was taken.
The motion was unanimously approved.

E. DISCUSSION ITEMS:

1. Internal accessory dwelling units

Cameron Spendlove reminded the commission this amendment was changing casitas to

FINAL MINUTES
VIRGIN TOWN PLANNING & ZONING MEETING
Wednesday, July 13, 2022
6:00 pm
114 So. Mill Street, Virgin, Utah

accessory dwelling units and then they were sub-divided into internal and external units. It would affect multiple chapters. It would need to be clarified that casitas would be a permitted use. Detached casita would also be renamed and the size changed.

2. Non-conforming Lot Size exemption within Highway Resort Zone

Cameron Spendlove thought that the downside of this amendment could be allowing the non-conforming lots to do something which could extend the commercial use in some areas. Lori Rose's prior comments were reviewed.

Krystal Percival, Town Clerk, stated that the Spectrum had changed the dates for publishing, so she had to have the public notices and documents by the Town Council meeting date. If this did not happen, there would not be a public hearing.

A possible work meeting was discussed, but no decision was made.

F. ADJOURN PUBLIC MEETING:

3. Motion to Adjourn Public Meeting.

Kent Peterson moved to adjourn. Bronwyn Wallace gave the second. No roll call vote was taken. The motion was unanimously approved.

The public meeting adjourned at 8:13 pm.

Krystal Percival
Town Clerk

Approved:_____