

Town of Virgin
Town Council Special Meeting October 14, 2022
Final Minuets

Town Council:

Jean Krause – Mayor
LeRoy Thompson
Mistie Baird
Paul Luwe
Gene Garate
Heath Snow – Attorney -ZOOM

Attendance:

Krystal Percival
Cameron Spendlove
Marci Holm
Stan Burt
Givlia Bennett
Curtis Bennett
Keith Fanta
Wanda Leverett
Gary Leverett
Carol Boissonnault
Skip Boissonnault
Cindy Escude
Pat Galvez
Becky Galvez
Jose Escude
Drew Scheltinga
Jeff Staples
John Ely
John Staples
Loren Campbell

1. REGULAR MEETING-10:02AM

A. Call to Order – Jean Krause

Jean Krause stated that per her training at the ULTC the council will need to state as to why they are voting the way they are voting.

B. Declaration of Conflict of Interest

-Jean Krause stated she has a conflict of interest on Item C (: Zone change: Jeff & John Staples: Subdivision (ZION EDGE) V-2148-A-1-B-1-A (East of Rio De Sion) Currently Rural Residential, to add STR Overlay. Jean Krause will not vote on item C.

-Mistie Baird stated that she has a conflict of interest the appeal Item D (Discussion on decision of Appeal by John Ely ("Appellant") of the Virgin Conditional Use Permit dated March 16, 2022, issued by the Virgin Planning and Zoning Commission to Labrie Virgin Commercial Project, LLC ("Permitee") for the construction and operation of fuel station business at approximately 1355 State Route 9, Virgin, Utah ("CUP #1"). (16 conditions level 2) Mistie Baird will not be included in the discussion on item D.

C. Discussion and recommendation to approve or deny: Zone change: Jeff & John Staples: Subdivision (ZION EDGE) V-2148-A-1-B-1-A (East of Rio De Sion) Currently Rural Residential, to add STR Overlay.

- If passed would make this subdivision a short-term rental.

My name is Loren Campbell, and I live here in Virgin, and will be one of the closest neighbors to Zions Edge Subdivision. I have 2 concerns I would like for the Town Council to address.

I am beginning with the assumption that the Town of Virgin Planning and Zoning and Town Council have not indicated in the Ordinance they have a finding that all conditions outlined below

have been fully complied with all the requirements of VULU 60.02 which include in part:

1. At the Subdivision Concept Plan review stage of the approval process that the applicant submitted with their Concept Plan a narrative indicating that a STR Development Overlay Zone designation is being requested, and the Concept Plan shall include the following information:
 - a. ...the proposed area dimensions, existing and proposed drainage facilities, easements and fire hydrants
 - b. The proposed area dimensions, existing and proposed elevation contours
2. The Town shall not approve a STR Development Overlay Zone designation for a Development unless it finds the following:
 - a. That the proposed zoning designation and development of Dwelling Units as STR Units on a Development wide basis, at this particular location, is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood and community; and
 - b. That a Development wide Short-Term Rental use of Dwelling Units will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvement in the vicinity; and
 - c. That the proposed zoning designation and development of Dwelling Units as STR Units on a Development wide basis will comply with all other regulations and conditions specified in this Chapter including individual Owners of STR Units obtaining and renewing a STR Permit; and
 - d. That the proposed zoning designation and the development of Dwelling Units as STR Units on a Development wide basis is expressly authorized by the governing documents of the Development (i.e. CC&Rs and By-Laws of a Homeowners Association); and
 - e. That the governing documents of the Development require Owners of an STR Unit to utilize one singular property management company (determined by the Homeowners Association) to handle all STR renting of the STR Units within the Development. The designated property management company must be licensed and bonded in the State of Utah and need not have it its principal place of business within the Town but shall have a physical office and employees located within Washington County. The designated property management company shall maintain current contact information for persons within the company who are capable of being contacted 24 hours a day, 7 days a week, in the event the Town or local law enforcement are notified of an issue or a complaint that needs resolution: and
 - f. That the proposed zoning designation and development of Dwelling Units as STR Units on a Development wide basis conforms to, or does not contradict with, the intent of the General Plan.

3. The Town should add to the proposed Ordinance the following

Recital:

WHEREAS, the Town has reviewed all of the Requirements and Findings outlined in the Town's Uniform Land Use Code Ordinance 60.02, and find that the Application met all of those requirements.

4. My other concern is that having lived in a community that permitted STRs, is that unsupervised tenants might have raucous or noisy behavior from parties. The applicant, John Staples, told me in detail what happened when he rented his personal home to a Red Bull Rampage guest, in his words, they destroyed it. Please describe in detail what actions a resident should take when behavior occurs that affect the quiet enjoyment of our community, and what actions can be taken to stop the behavior.

Cameron Spendlove gave an update on the comments for the Planning and Zoning meeting and the concerns that were brought up. Such as Water, drainage, traffic, and dust issues. Cameron Spendlove stated that the recommendation from planning and zoning was for it to be approved.

Paul Luwe stated that he is proposing some amendments, but that he is going to vote no on the final motion. The amendments that he is proposing are related to some of the complaints such as noise, trash, parking, along with lighting but he needs to look at the lighting ordinance. No roof top decks on houses for STR homes as it creates a lot of noise. The other is on street parking, the concern is young families renting with kids and the kids running out in the street to play and possibly getting hit with too many cars on the street. Paul Luwe suggests an additional off-street parking spot for additional parking.

Heath Snow stated that the parking should go with how many people could rent the house. Such as a larger driveway or side parking. Several municipalities that have STR houses have parking based on the number of people that can stay at the house.

Gene Garate stated the complaint process section 60.02 G 3&4. Should help with the complaints and how the process goes. This would be for long term processes. The Police would be for on-the-spot/in the moment issues. Gene Stated that he does agree with the additional parking.

Heath Snow stated that the management company should oversee a lot of issues such as they can evict such for being a nuisance and they could lose their deposit or be warned.

Gene Garate stated that for running one for several years, people are quite good as the people who rent the STR want that five-star rating so they may rent in other places.

John Staples Stated that he wanted to address a couple of things, I have coordinated with Jason Christensen and Jeff Lee about them teaming up to represent a management company and them both using them, they have 4 management companies in mind. John Stated that he has his house for a STR and a bed n Breakfast, He stated that he has never had one complaint. The only issue was when a bunch of young kids trashed his house. That was the only issue he had for many years. He stated that he had a lot of folks from overseas it was a lot of fun to meet new people. John stated that he plans on keeping at least one lot. He stated we are not builders, they are developers. As far as the dust with the razers/ATV, to get to the BLM land, he suggests we have gate wide enough where only two people could walk through. He is not sure what to do about the ATVS, He doesn't like ATVS by his house but wants only a walking gate. There is an easement to get to the BLM land that belongs to Allen Lee and his family. That is an agreement, however we cannot guarantee that the easement can or will be opened to anyone as past that easement is the Lee's private property.

Heath snow stated that this easement needs to be noted on the plat as a walk-through easement.

Jeff Staples asked if anyone has read their CCRs?? Gene Garate stated that he only has read them once. Jeff Staples stated that he is fine with no roof top decks. John Staples stated that he would like to see the houses look like Rio De Sion.

Health Snow stated that the CCRs need to be adjusted that the requirement about off street parking. John Staples stated that he will have his attorney input the parking into the CCRs. Gene Garate asked about a one level home. Jeff stated that lot number 1 cannot be bigger than a one level home.

Paul Luwe stated he will be voting no because:

1. The short-term rental (STR) will NOT contribute to the general well-being of the neighborhood and community; (VULU§ 60.2C8a)
2. That STR development will be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvement in the vicinity (VULU § 60.2C8b)
3. The STR development is contrary to the General Plan chapter 6 housing – it will contribute to the increase in housing prices and decrease the availability of house stock available for long term rental.
4. The SRT is contrary to General Plan § 8.03A5 in that it will not encourage affordable housing options for families to move to Virgin and securing the sustainability of long-term residents.

**-Gene Garate made a motion to approve Zone change: Jeff & John Staples: Subdivision (ZION EDGE) V-2148-A-1-B-1-A (East of Rio De Sion) Currently Rural Residential, to add STR Overlay.
LeRoy Thompson 2nd**

Paul Luwe made an amendment that the CCRs include 3 off street parking spots if more than 4 bedrooms per home. Gene Garate 2nd Roll call vote was taken:

Paul Luwe- AYE
Gene Garate – AYE
LeRoy Thompson – AYE
Mistie Baird – AYE

Paul Luwe gave a 2nd amendment to include the CCRs to be amended to allow the management company to allow to evict tenancies (Tenants) causing a nuisance violation. Leroy Thompson 2nd.

Roll Call Vote was taken:

Paul Luwe- AYE
Gene Garate – AYE
LeRoy Thompson – AYE
Mistie Baird – AYE

Paul Luwe gave a 3rd amendment for no roof top decks on houses that are a short-term rental.
-NO SECOND – Amendment Fails

Gene Garate has a 4th amendment in addition to allow a right of way to a private noncommercial access to be included in the CCRS. LeRoy Thompson 2nd

Roll Call Vote was Taken:

Paul Luwe- AYE
Gene Garate – AYE
LeRoy Thompson – AYE
Mistie Baird – AYE

Gene Garate gave a 5th amendment to include in the CCRs that lot one will be only a one level home.

Mistie Baird 2nd

Roll Call vote was taken:

Paul Luwe- AYE

Gene Garate – AYE

LeRoy Thompson – AYE

Mistie Baird – AYE

Mayor Jean Krause asked for a roll call vote to include the amendments

Paul Luwe- NAY

Gene Garate – AYE

LeRoy Thompson – AYE

Mistie Baird – AYE

Jena Krause – Abstained. – She lives next to the subdivision

Motion Passed with a 3/1 vote

- D. Discussion on decision of Appeal by John Ely (“Appellant”) of the Virgin Conditional Use Permit dated March 16, 2022, issued by the Virgin Planning and Zoning Commission to Labrie Virgin Commercial Project, LLC (“Permitee”) for the construction and operation of fuel station business at approximately 1355 State Route 9, Virgin, Utah (“CUP #1”). (16 conditions level 2)

Heath Snow stated that the appeal was not filed in a timely matter.

John Ely stated that he thinks that the appeal was never really posted that the conditional use permit was a year later. He stated that many CUPS in the past have been posted on the public notice website. And feels there are several issues that need to be addressed.

A discussion was held with John Ely, Council and Town Attorney (Heath Snow)

Wanda Leverett – asked some questions

Cindy Escude – made some comments

Pat Galvez – Stated that he received an email from the town clerk about water being shut off and would like to use that as communication on future notifications.

John Ely stated that the permit should be posted on site - and he has been there several times and it's not posted.

This will be voted on in the October 26, 2022, Town Council Meeting.

2. ADJOURN PUBLIC MEETING: 12:04pm

Motion to Adjourn Public Meeting

Jean Krause made motion to adjourn the public meeting Gene Garate 2nd

-ALL AYE / NO NAY – NO ROLL CALL VOTE WAS TAKEN

Approved: November 16, 2022



Krystal Percival Clerk/Recorder