

Planning and Zoning Meeting
July 08, 2025
FINAL Minutes

Commission

Darlene Pope
Lee Ballard
Larry McRae
Kent Peterson
Cameron Spendlove

Attendance

Krystal Percival-Clerk
Ryker Steghlich
Kim Kitezman
Jim Kietzman
Cheri McRae
Chuck Master
Carolyn Master
Wyatt Lee
Allen Lee
Jake Lee
George Rodinos
Jared Bates
Vince Blackmore
Tom LaCosse
Walt Hollic
Cindy Escude
Shelly Haines

Online

Stephen Tanner
Hannah
Monica Bowcutt
Margaret
Matt Johnson
Stephen Tanner
Chis
Wanda Leverett
Jeff Miller
Ace Ipad
Shelly Tanner
Julie Page
David Cole
Iphone2
April McKeon

REGULAR MEETING: 5:31PM

A. CALL TO ORDER/PLEDGE OF ALLEGIANCE Darlene Pope

B. DECLARATION OF CONFLICTS OF INTEREST and Ex Parte Contacts on any item on the agenda.

All None / Darlene Pope will abstain from voting on item A 1.

C. REVIEW AND APPROVAL OF MINUTES

1. Approval of Minutes from May 13, 2025 Meeting

Larry McRae made a motion to approve May 13, 2025, minutes / Kent Peterson Seconded / All Aye / No Nae

D. OPEN FORUM

Limit 2 minutes per speaker, may talk about anything NOT on the agenda.

NONE

E. COMMISSIONER COMMENTS

Darlene Pope stated that the towns 4th of July event was nice! She then gave a short summary of the items up for public hearing.

PUBLIC HEARING:

Motion to close the public meeting and open the public hearing

Lee Ballard made a motion to close the public meeting and open the public hearing / Larry McRae seconded / All Aye / No Nae

A. ITEMS FOR COMMENT

1. AN ORDINANCE AMENDING VIRGIN TOWN'S OFFICIAL ZONING MAP BY REZONING V-2-1-21-226 (CURRENTLY RURAL RESIDENTIAL ZONE) TO COMMERCIAL ZONE.

Vince Blackmore stated that he is for this ordinance.

Walt Halleck asked why the weird shape. He is asking that you keep it rural residential. because we are already busy during the tourist season on SR9. I'm also concerned about the runoff on into the river. Commercial businesses bring more outdoor lighting. Many of us moved her for the peace and small-town feel. This doesn't fit and could lower property values.

Cindy Escude stated that she is concerned, and she lives in Desert Gardens. We all enjoy the night sky and the rural area. 1420 west is the only road going in and out of Desert Gardens. We have so much traffic now, and with the traffic and the gas station it's more. It's going to be very dangerous.

Chuck Matsler said that looking at this it meets the requirements per our code. All around it is already commercial. We have an ordinance to keep the night sky safe with our lighting ordinance.

Jared Bates, he represents the developer, the odd shape is for a Cul de sac area. The idea would be more for staff that would benefit the community. Possibly a grocery store, coffee shop or bike shop. He has talked to Ash Creek about a pump station. The lower area would be used for storage, he believes. (that's why the odd shape)

George Rodino's stated that he has been here 19 years now and it's been pretty much the same situation year after year. One side wants a bigger tax base and the other wants nothing, but we moved here because it's rural. Everything can be done because we have ordinances. We are limited here unlike Hurricane. Unless I'm mistaken UDOT can speak up and say that we need to open up the streets or have a center lane. So personally, if the developers and the people are small and big and you follow the law, and the law is written correctly it should be a win with everyone. The Dark Sky ordinance only protects the dark sky and nothing about safety. We need some safety with the streets. Look at Toquerville's ordinance, it's very well written. It's a happy medium.

Shelly Haines, she represents the Palmers, wants to do things properly. There is a lot of open space.

Cindy Escude stated that when the Hotel was put in it was done correctly and since then thing have not been done right.

2. AN ORDINANCE CLARIFYING THAT USES NOT LISTED AS PERMITTED OR CONDITIONAL ARE PROHIBITED

Carolyn Matsler stated that she had a great meeting with the mayor, and I hope you are talking with her, and she does have a good handle on this, and I hope you work with her on this.

Tom Lacoss stated that this ordinance doesn't make sense and needs more work.

3. AN ORDINANCE REQUIRING DRC REVIEW OF HOMES IN THE SHORT-TERM RENTAL OVERLAY AND PROHIBITING DRC REVIEW OF UNLISTED USES

NONE

4. AN ORDINANCE AMENDING VMC TITLE 16 TO INCLUDE DEFINITIONS OF PARKING LOTS, PROHIBITING COMMERCIAL AND PUBLIC PARKING LOTS IN ALL ZONES, INSERTING SECTION 44.11 PROHIBITED USES, AND INCLUDING MUNICIPAL PARKING LOTS AS A CONDITIONAL USE IN ALL ZONES

Chuck Matsler asked if this was for a park and paid parking lots in all areas? I'm opposed to this. This shouldn't impact on the private business sector.

5. AN ORDINANCE REMOVING 16.2.22 SECTION B COMPLAINTS FROM THE VMC Title 16 CHAPTER 2, GENERAL PROVISIONS AND DEFINITIONS INCLUDING THE RENUMBERING THE SECTION, AND REVISING VMC 16.2.22, IN ORDER TO UPDATE THE PROCESS FOR REPORTING CONCERNS TO THE TOWN

NONE

6. AN ORDINANCE AMENDING TITLE 16 OF THE VIRGIN MUNICIPAL CODE (VMC) TO ESTABLISH TOWNWIDE SENSITIVE LANDS OVERLAY ZONE AND ADOPT DEVELOPMENT STANDARDS FOR SENSITIVE LANDS

Chuck Matsler stated, I am an associate of K&K Family, LC and a member of the Virgin Town Business & Landowners Alliance. We, the landowners and businesses in Virgin, are opposed to this "Sensitive Lands" ordinance prohibiting any new building on unimproved private land. Where is the directive for this overly restrictive ordinance coming from? Because it is most certainly against the will of Virgin Town residents, businesses and its landowners. Is it being directed by the mayor? No, because we spoke with the mayor and she assured us that it did not come from her. Is it coming from members of the duly elected Town Council? No, again we spoke with the mayor, same answer. Or is it coming from a small group of individuals pushing their private agenda for their own personal ideals? Hillside overlay ordinances must be reasonably related to the health, safety and welfare of the town's residents. This ordinance goes far beyond the intended purpose by restricting grading, limiting building locations and several other examples unrelated to public safety. It is clear that this ordinance prioritizes view shed over private property owner's rights. There will be no new jobs created for locals. There will be no affordable housing created for local families. We do not think that this commission has considered the negative impact that this ordinance will have on the town's economy and the prosperity of its residents. It is irresponsible leadership and a narrow view

from this commission. There has been no study commissioned to determine how and why the private properties outlined in this ordinance are deemed "Sensitive Lands". Likewise, there have been no studies to show that there are any threatened or endangered species habitats on any of these properties. This ordinance is clearly designed to STOP any progress for residents, businesses and landowners in Virgin. If any form of this ordinance is passed it will mean practically no new businesses, which means no new jobs. Ask the employees at the new businesses in town and you'll find that they are grateful to be able to live and work in their own community. We have a need for more employees in town, and this ordinance will severely hinder that. The businesses, landowners and home builders in Virgin are uniting to stand up for our rights. A vote against this ordinance is a vote for the future of Virgin and its residents.

Tom LaCosse stated that the process on this ordinance is very lengthy, and it was a walk through. I received an email stating that they were doing a walk through and the next day this ordinance was printed. When something like this is done what is the sense of urgency on this; someone has a hot item on their plate.

Allen Lee If I would have read Chucks letter I would have signed it. This has some real issues, and it hurts some people's property rights. If you go through that ordinance, you will add 10-20 thousand dollars for every permit that gets approved in this town. This is just someone's idea to stop everything in town.

Carolyn Matsler, I'm a long-time resident of Virgin. My brothers and I are part owners of K and K family LLC. And long-time landowners of Virgin. This proposed sensitive land ordinance will make it difficult and almost impossible for us to make improvements to our property. The majority of our property has washes and small hills that would not be able to be mitigated by this ordinance. We would not be allowed to grade enough of a plot of land to make it economically worth it. This ordinance also allows for the planning and zoning commission to override the zoning administrator. The planning and Zoning can then designate any piece of land they choose as sensitive land. This ordinance is an overreach of our local government. No consideration has been made on the effect of this ordinance on the town of Virgin. The mayor has not initiated this. I feel like this ordinance comes from a small group of people trying to push their personal agendas. You shouldn't be able to use your public office to further your personal agenda or to try and stop projects already in progress. Our ordinances are already strict enough. I don't agree with the Planning and zoning taking this to the Planner without thinking about the consequences of it. The town is spending money like it grows on trees. A little common sense goes a long way. We learned today that on advice from the town Lawyer our town is being run from the bottom up. It should be being run from the top down. Our elected official should be directing our planning commission not the other way around.

Jake Lee, if you have any idea this ordinance would crush property value. How many of you would be here if you had to follow that.

George Rodions this is the first I have heard of this ordinance if you would please define sensitive?

Chuck Matsler and when I was reading through this this is not just made to protect safety, it's made because someone doesn't want their view messed up.

Tom LaCosse stated that in this ordinance it states town wide and that's too much.

Allen Lee just reading through this ordinance I get a feeling that I just want to go level off all my property so no one can say anything about it. It makes all the property that I have worthless.

PUBLIC MEETING:

Motion to close the public hearing and open the public meeting

Lee Ballard made a motion to close the public hearing and open the public meeting / Larry McRae seconded / All Aye / No NAE

A. MOTION AND VOTE FOR ITEMS

1. Permit for RV during construction on the Labrie project

Lee Ballard made a motion to approve the permit / Larry McRae seconded

Lee Ballard – AYE

Kent Petrson – AYE

Darlene Pope – Abstained

Larry McRae – AYE

Cameron Spendlove -Absent

2. AN ORDINANCE CLARIFYING THAT USES NOT LISTED AS PERMITTED OR CONDITIONAL ARE PROHIBITED

No discussion/No Vote/ Will be discussed at the work meeting

3. AN ORDINANCE REQUIRING DRC REVIEW OF HOMES IN THE SHORT-TERM RENTAL OVERLAY AND PROHIBITING DRC REVIEW OF UNLISTED USES

Larry McRae made a motion to recommend approval of ORDINANCE REQUIRING DRC REVIEW OF HOMES IN THE SHORT-TERM RENTAL OVERLAY AND PROHIBITING DRC REVIEW OF UNLISTED USES / Lee Ballard seconded / All Aye / No Nae

4. AN ORDINANCE AMENDING VMC TITLE 16 TO INCLUDE DEFINITIONS OF PARKING LOTS, PROHIBITING COMMERCIAL AND PUBLIC PARKING LOTS IN ALL ZONES, INSERTING SECTION 44.11 PROHIBITED USES, AND INCLUDING MUNICIPAL PARKING LOTS AS A CONDITIONAL USE IN ALL ZONES

Cameron Spendlove made a motion to table this item for the work meeting next week for further discussion / Larry McRae seconded / All Aye / No Nae

5. AN ORDINANCE REMOVING 16.2.22 SECTION B COMPLAINTS FROM THE VMC Title 16 CHAPTER 2, GENERAL PROVISIONS AND DEFINITIONS INCLUDING THE RENUMBERING THE

SECTION, AND REVISING VMC 16.2.22, IN ORDER TO UPDATE THE PROCESS FOR REPORTING CONCERNS TO THE TOWN

Lee Ballard made a motion to recommend approval ORDINANCE REMOVING 16.2.22 SECTION B COMPLAINTS FROM THE VMC Title 16 CHAPTER 2, GENERAL PROVISIONS AND DEFINITIONS INCLUDING THE RENUMBERING THE SECTION, AND REVISING VMC 16.2.22, IN ORDER TO UPDATE THE PROCESS FOR REPORTING CONCERNS TO THE TOWN – With the following changes line 47 and 48 remove the left-over piece and line 167 and 168 should remove the () /Kent Peterson seconded

Lee Ballard – AYE

Kent Petrson – AYE

Darlene Pope – AYE

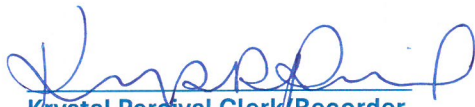
Larry McRae – AYE

Cameron Spendlove -AYE

ADJOURN MEETING 7:30PM

Motion to adjourn public meeting

Kent Peterson Made a motion to adjourn / Larry McRae seconded / All aye / No Nae


Krystal Percival Clerk/Recorder

August 12, 2025
Approved Date