

Planning and Zoning
September 9, 2025
Final Minutes

Commission

Darlene Pope
Kent Peterson
Lee Ballard
Cameron Spendlove
Larry McRae-Zoom

Attendance

Krystal Percival
Gerg Bates
Tom LaCosse
Jared Bates
Chuck Matsler
Pat Galvez
Skip Boissanult

Online

Cheri McRae
Mark
April McKeon
Valerie Wenz
Eddie
J.Page
Brody Fausett

REGULAR MEETING: 5:30pm

A. CALL TO ORDER Darlene Pope/PLEDGE OF ALLEGIANCE/and Ex Parte Contacts on any item on the agenda. NONE

B. DECLARATION OF CONFLICTS OF INTEREST NONE

C. REVIEW AND APPROVAL OF MINUTES

1. Approval of Minutes from August 12 2025, Meeting

Larry McRae made a motion to approve August 12, 2025, meeting minutes / Lee Ballard seconded / All Aye / No Nae

D. OPEN FORUM

Limit 3 minutes per speaker, may talk about anything NOT on the agenda.

Skip Boissanult asked about the land swap and when it happened, he saw it in the newsletter.

Darlene Pope asked for item 5 to be moved up.

Lee Ballard made the motion to move item 5 up before the public hearing / Kent Peterson seconded / ALL AYE / NO NAY

E. COMMISSIONER COMMENTS

NONE

PUBLIC HEARING:

Darlene Pope gave a summary of hearing items.

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 / Kent Peterson seconded / ALL AYE / NO NAE

A. ITEMS FOR COMMENT

1. Re-Hearing an Ordinance Amending Virgin Town's Official Zoning Map by Rezoning V-2-1-21-226 (Currently Rural Residential Zone) To Commercial Zone.

Darlene Pope noted a letter had been received for this item. Pat Galvez stated that he doesn't know all the factors of planning and zoning, but rezones from rural residential to commercial just keep happening. Has there ever been a case where a commercial has been rezoned to rural residential? Not likely- the trend has been for people to buy lower cost residential land and then request rezone to higher value commercial. They see an opportunity to make a gain and business venture. But that gain is a loss, a detriment to nearby residents. Is this what the residents want? I looked at the code for commercial, and it suggests that it fits the location for commercials with many permitted uses, however, that doesn't mean the town should feel obligated to change the zone. I have heard town officials say if the shoe fits wear it. I asked earlier, is this what the residents want? Several surveys went out, and the questions were what is your vision? I see an aversion to zone changes from residential to commercial. Several said their vision was a small town with some commercial development. Most people said housing availability was low. With zone changes away from residential in Virgin, how is this going to help with housing in Virgin? Less congestion, quiet and rural areas are why people choose Virgin. 91% stated they want less congestion along with quiet. Why is Virgin town government allowing this? We want sparse population. You don't have to agree with every developer just because the shoe fits. Residents have shoes too. Keeping rural residential zones is what the residents want.

Gerhard Plenart: I think the candidates since I have been here in elections say we are going to stop developing. Are we electing the wrong people?

Jared Bates: I'm the engineer representing the property owner. We are here to provide services to the residents, restaurants, grocery stores and such.

2. An Ordinance Amending Virgin Town's Official Zoning Map by Re-Zoning Parcel # V-2-1-22-311, From Rural Residential Zone to Commercial Zone.

Greg Bates stated I live adjacent to the north of this property, and when I bought it the surroundings were rural residential. What has now happened to the north of me is a neighborhood on small lots and to the other side is essentially a strip mine; a slope and vertical drop of 10 feet deep. My leach field is there which would be fine, but the property below it is gone. I'm told it will be a road, making roads at the front and the back of my home. The dust from excavation has been extreme. Who will want to have a road in the front and the back, if I move. I don't know why we want to make a change; it has to happen. The residents get the messy end of the stick. I ask that the town look out for the residents.

Pat Galvez stated that everything I said will also repeat what I've said to apply to this property of Mr. Greg Bates. We moved here to enjoy peace and quiet- I deliberately bought away from any commercial property. Don't change the rules. Someone comes in with more money and gets what they want. There are plenty of commercial in the town that use that.

Chuck Matsler: I understand the concern of the property owners. Greg has bought the property from our family. The reason we are rezoning this is because all the other places are large parcels of commercial, we need some small commercial parcels in town. Agriculture is hard to make any kind of money, just ask, unless you have a feed lot. As far as the neighborhood that we have done, we wanted to build more dense housing with smaller lots; we should have put deed restrictions. We learned. We want to be good neighbors; I didn't know about these problems.

3. An Ordinance Amending Title 16 Of the Virgin Municipal Code to Amend and Renumber the Chapter Governing Open Space District.

NONE

4. **Second Hearing** for an Ordinance Amending Virgin Municipal Code Title 16 Chapter 16 To Make Certain Currently Permitted Uses Conditional, Provide Streamlined Process for Low Impact Conditional Use Permits, Change the Titles of Two Sections to Include Permitted Use Standards, And Amend the Conditional Use Approval Process

Tom LaCosse stated that the title is much broader. On line 42 if I wanted to do a restaurant this would be permitted use. That might be problematic.

PUBLIC MEETING:

Motion to close the public hearing and open the public meeting

Cameron Spendlove made amotion to close the public hearing and open the public meeting / Lee Ballard seconded / ALL AYE / NO NAY

A. DISCUSSION and possible MOTION AND VOTE FOR ITEMS 1 - 4

1. **Re-Hearing** an Ordinance Amending Virgin Town's Official Zoning Map By Rezoning V-2-1-21-226 (Currently Rural Residential Zone) To Commercial Zone.

Darlene Pope stated that we are having a re-hearing because of the question of the 400 feet and when the zone change application was sent in.

Lee Ballard noted that when we considered this previously, we thought the 400- foot limit for commercial would apply but that now it is in question. We are now awaiting a memo from the attorney.

The depth of the property was discussed; it goes to 890 feet deep.

Jared Bates said the application process began over a year ago.

Cameron Spendlove stated that when the town first started its map most of the town was zoned Rural Residential. It was done this way on purpose because they figured, who would come in and want their property rezoned commercially, they would come in to apply for a zone change and that's why the General plan is so important.

Lee Ballard stated that considering the input we have received from neighbors, until we can be assured no commercial uses could be more than 400 feet from the highway, I would move to deny at this point, simply because of the possibility that it may have commercial use going way back to residential property, further than the town has decided to ever let it go.

Larry McRae stated that he doesn't feel obligated to vote for this but it's reasonable to expect to have commercial on the busiest road. This is on the two busiest roads.

Larry McRae would like to move that we adopt the ordinance to approve the zone change. Second by Cameron.

LB said I agree this is a good place to have commercial, but the depth bothers me, I move to deny this as it is right now with the caveat that if there were some ways to assure that the depth would be respected; Second by Kent

The clerk stated that we already had a motion on the table from Cameron and needed to vote on this first. However, Lee stated that she had made her motion first; she stated that she wouldn't recommend when she stated she would have to deny. Cameron stated that she wasn't clear in what she was stating. It was just a confusion.

Vote on Larry's motion / Cameron Seconded/

Roll Call Vote:

Darlene Pope-NAE

Lee Ballard-NAE

Kent Peterson-NAE

Cameron Spendlove- AYE

Larry McRae- AYE

Failed

Larry said this is the best corner in town for commercial.

Darlene is uncomfortable with the depth.

Kent said he is uncomfortable with the depth.

Lee said this is not a dead issue and hopes that a way to limit the depth can be found.

Jared Bates said the 400' depth is probably negotiable but don't want to have to redraw the parcel.

Lee said in this situation some agreement, something creative, could resolve her worry. I don't think you would have to repartition.

Jared Bates stated that we have been working on this for over a year.

Cameron stated that we have a motion on the table still and should vote.

Lee Ballard made a Motion to recommend denial of the zone change, and you've heard my comments. / Kent Peterson seconded

Roll Call Vote:
Darlene Pope-AYE
Lee Ballard-AYE
Kent Peterson-AYE
Cameron Spendlove- NAE
Larry McRae- NAE
passed

2. An Ordinance Amending Title 16 Of the Virgin Municipal Code to Amend and Renumber the Chapter Governing Open Space District

Darlene stated that if the commission feels better, we can discuss this at our work meeting, or we can talk about this now.

Larry said currently BLM allows off road vehicles and this would make that illegal; this is one of the reasons I love where I live.

Lee said we are adding prohibited use but the rules you mention have already been there.

Darlene wanted to investigate this problem more.

Larry said a new subdivision has blocked long-used access to the BLM.

Discussion followed about the town map and BLM lands.

3. **Second Hearing** for An Ordinance Amending Virgin Municipal Code Title 16 Chapter 16 To Make Certain Currently Permitted Uses Conditional, Provide Streamlined Process For Low Impact Conditional Use Permits, Change the Titles Of Two Sections to Include Permitted Use Standards, And Amend The Conditional Use Approval Process

Lee Ballard went over the changes that she made with the suggestions she received during the public and the work meeting.

After a long discission they will continue to work on this. – no vote

4. An Ordinance Updating, Clarifying and Amending Various Sections Of Virgin Municipal Code Title 16 Chapter 8 Supplementary and Qualifying Regulations To Add Language for Limited Two-Family Dwellings, And to Amend Sections On Building Height Exceptions, Water And Sewer Requirements, Land Suitability, And Height Of Accessory Buildings

Lee Ballard made a motion to recommend approval of the Ordinance Updating, Clarifying And Amending Various Sections Of Virgin Municipal Code Title 16 Chapter 8 Supplementary And Qualifying Regulations To Add Language For Limited Two-Family Dwellings, And To Amend Sections On Building Height Exceptions, Water And Sewer Requirements, Land Suitability, And Height Of Accessory Buildings / With one edit on line 103 change dwellings will be connected to independent sewer or waste water sewer systems. And line 1 and 2 the underline to say allow up to three. / Kent Peterson seconded /

Roll Call Vote:
Darlene Pope-AYE

Lee Ballard-AYE
Kent Peterson-AYE
Cameron Spendlove- NAE
Larry McRae- AYE
Passed

5. Discussion regarding Conditional Use Permit for Unplugged Resort - Q&A

Gene Garate talked to the commission about the timeline for this project. He explained the project that its vacation rental domes type rentals with a swimming pool and wants to do small type events there. Some things we will put in the Conditional Use would be fast growing trees along the SR9 side and obeying the lighting ordinance. Darlene Pope asked what type of small events would be, Gene Garate said that's still to be determined maybe weddings. Lee Ballard stated we might need to have a pool size agreement with the water conservancy district agreement we might want to look into that. Gene stated that it was not enough to make changes to the ERCs. He wanted to be on the agenda. Because of the agreement with Monty Lutz, he wouldn't be able to do this project. Lee Ballard asked about the setbacks, Gene stated that Monty Lutz would be making an agreement and that. We are meeting with him tomorrow morning to discuss more about this.

ADJOURN MEETING 8:30pm

Motion to adjourn public meeting

Kent Peterson made a motion to adjourn / Lee Ballard seconded / ALL AYE / NO NAE


Krystal Percival Clerk/Recorder

November 12, 2025
Approved Date