

FINAL MINUTES
VIRGIN TOWN PLANNING & ZONING MEETING AGENDA
Wednesday, March 17, 2021 6:00 pm
114 So. Mill Street, Virgin, Utah

Meeting will be available virtual at Facebook live on Town of Virgin page.

Present:

Commission Members:

Mistie Baird- Chairman
Cameron Spendlove
Karen Spendlove
Sean Amodt (arrived after the meeting had begun)

Others:

In room:

Krystal Percival	Lesa Sandberg
Jay Lee	Clyde Beshell
Leroy Thompson	Eric Wallentine
April McKeon	Jonathon Zundel
John Ely	Stuart Ferber
Darlene Pope	Richard (can not read his last name)
Bill Swenson	Cindy Rodinos
George Rodinos	Mark Ingersoll
Becky Galvez	Marcus Lelovre
David Galez	Paul Gooch
Ivan Jensen	Gene Garate
Monte Lutz	Gunther Rassmeson
Mal Ci Baird	

Facebook Live:

Lori Rose	Karen Spendlove
Lesa Spendlove Sandberg	Gene Garate
Krystal Percival	Monica Bowcutt
Adam Freeman	Jim & Lorraine Bacis
Sandra Grow	Cheryl Sampson
Bonnie Timmerman	Darlene Pope
Tara Duncan	Dustin Grow
Larry Hammond	Tony King

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

Mistie Baird called the meeting to order at 6:09 pm. She stated that no decisions would be made at the meeting because of the incorrect posting. The decisions would be made at the now-scheduled March 29 meeting. The public hearing would be continued until March 29. She encouraged the public to bring anything they felt was missed tonight to the March 29 meeting. She wanted to hear all comments.

a. TBD

Cameron Spendlove stated he had met with Lori Rose, Darlene Pope, April McKeon, and Paul Luwe about the new camping zone ordinance that was being discussed. After discussion the current draft of

FINAL MINUTES
VIRGIN TOWN PLANNING & ZONING MEETING AGENDA
Wednesday, March 17, 2021 6:00 pm
114 So. Mill Street, Virgin, Utah

Meeting will be available virtual at Facebook live on Town of Virgin page. the ordinance, these citizens were going to draft another version. Mr. Spendlove continued that he had found out through an email that they had decided they did not feel comfortable drafting this without further input from the community. They were not going to write a new draft. Cameron stated he was going to make some changes to the current version, circulate it, and hopefully have it ready in April. Mistie Baird, agreed.

Mistie Baird reported that Sean Amodt had finished the Lighting Ordinance, which would be emailed to the Commission members for comments and placed on the April agenda.

The Commission took a short break.

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

1. Call to Order - Chair Mistie Baird

Mistie Baird called the regular meeting to order at 6:26 pm.

2. Declaration of Conflict of Interest

No conflicts were declared.

3. Review and possible approval of the draft minutes for February 10, 2021

P&Z Meeting.

Commission members stated they had not read the draft minutes.

Cameron Spendlove moved to table the approval of the draft minutes.

Karen Spendlove gave the second.

Roll call vote: Cameron Spendlove-Aye; Karen Spendlove-Aye; Mistie Baird-Aye. The motion was unanimously approved.

C. PUBLIC HEARING:

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

Cameron Spendlove moved to close the public meeting and open the public hearing.

Mistie Baird gave the second.

No roll call vote. The motion was unanimously approved.

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

a. Proposed concept plans for approximate Camino Del Rio & SR9

Mistie Baird read a letter from Lori Rose. The letter is included with the minutes.

April McKeon stated that she had not heard the letter just read because of all the commotion going on in the room. She then asked if the public would be allowed to comment on this item at the next meeting, March 29. Mistie Baird stated, yes, public comment would be taken then also.

FINAL MINUTES
VIRGIN TOWN PLANNING & ZONING MEETING AGENDA
Wednesday, March 17, 2021 6:00 pm
114 So. Mill Street, Virgin, Utah

Meeting will be available virtual at Facebook live on Town of Virgin page.

Bonnie Timmerman commented via Facebook:

I am late and sorry this is about the RV park you have just finished. I find it hard to believe this meeting will be legal because of the notice of it having been cancelled. I also found it hard to see and read the map included for this project. If this is an informational project, it would be nice to have some information with it. No sizes are given. It just appears as yet another RV park. What happened to diversity of business and concern for residents?

**b. Proposed concept plans with conditional use permit (gas station)
approximate SR9 & Sheep Bridge Road**

Mistie Baird stated there were seventeen letters which had been submitted to the town on this item. She was happy that so many people were commenting, however, she was extremely disappointed in the lack of respect for fellow citizens, the elected officials, and the appointed staff and commission. The letters would not all be read during the meeting, but Mistie had written down the key points from each letter and would be addressing those. She asked that the authors contact her if they felt their specific points had been missed. The original letters would be attached to the official meeting minutes.

The main issues from the letters were: the main entrance to Desert Gardens was already a hazard, suggestion of using Sheep Bridge Road as an alternate entrance, preserving the night sky, canopy and overhead lighting needed to be addressed, noise, sound wall, operating hours not desirable, operating hours should match the commercial and conditional uses, signage issues, building height, landscape and buffers, fire protection, was gas station listed in commercial zone, lack of police protection and bringing in a different crime element to town.

Gunther Rasmussen asked about security and who would police the area twenty four hours a day.

April McKeon stated she had submitted a letter. One thing she needed clarification on was twenty four cabins included. Mistie Baird stated the only thing they could discuss was the conditional use permit. Ms. McKeon suggested Sheep Bridge Road should be used as an entrance and the developer should pay for the pavement. April continued that she was concerned about significant changes made to the site, according to the grading plan. She also asked if the ground was being broken into smaller parcels and what the intent was.

Mark Ingersol asked if the developer had submitted detailed plans for what they were applying for.

Monte Lutz stated that he was concerned with hours of operation. He asked for a clarification on the issue because there seemed to be ambiguity.

Dave Galvez, after stating his address (127 South 1420 West), stated he had submitted an email and part of it was asking about the owner satisfying the notification requirement to neighbors of 300 feet. He reported his property line was 220 feet from the Southwest corner of parcels being discussed. He asked when the letter was supposed to get to him. He was also concerned about the traffic on SR9

FINAL MINUTES
VIRGIN TOWN PLANNING & ZONING MEETING AGENDA
Wednesday, March 17, 2021 6:00 pm
114 So. Mill Street, Virgin, Utah

Meeting will be available virtual at Facebook live on Town of Virgin page. being tripled. He suggested that a right and left turn lane be installed if the road was used. He was also concerned about the commercial zone being butted up against the residential area. His other main concerns were the noise and lights and making sure the ordinances were enforced.

John Ely stated that he was also concerned about using the main entrance to Desert Gardens (1420 West) because it was for residential access only.

April McKeon stated that a few of her neighbors were not able to attend, so she was expressing thoughts for them. She addressed the elevation of the site, showing the 30 to 40 foot drop from the higher sections of the subdivision making it so people living in Desert Gardens would be looking down on the buildings. She suggested the developer put in a sound wall, retaining wall or something to help mitigate this problem.

Darlene Pope stated her address and also she would be directly impacted by the gas station. She felt Mistie's opening comment about the letters being disrespectful was out of line, especially because there were no Covid restrictions being followed in the room, even those mandated by the state. No masks were being worn by her government officials. Ms. Pope had not been able to attend the meetings, so she was putting herself at risk to be present now. She felt that she had a right to question that behavior and then to have citizens ridiculed by these government officials was cause for concern. She stated that some of her elected officials refused to learn to use Zoom, so her voice was not being heard. She reminded the Commission that half the people in the town had a different opinion than they did. She felt she had never been disrespectful to anyone. Ms. Pope felt a gas station was inappropriate in that area and cabins were a grey area. She felt the meeting should have been cancelled because the residents they represented had not been properly notified. But the meeting had gone ahead and then the commissioners wondered why people were upset. The lighting the noise, the hours of operation, the danger of having gas there, the huge septic, the lack of green space, the lack of open the space, the impact, the disrespect for the scenic highway were all on her list of concerns. Ms. Pope stated the commission had been elected or appointed, they worked for everyone, not just people who thought like them. We are not against development. We are for considered development who respects the people who lived here now. We ask you to seriously consider denial of the conditional use permit. There was already enough stuff on those under-six acres. She asked the Commission to please listen to the citizens. They did not feel heard. They wanted to work with the town. They had felt mocked.

Mark Ingersol stated they were trying to do something for the town. Reality was that there was going to be development. He asked that more time should be taken, and that not enough information had been received. The concerns that had been brought up were serious. The concerns created a liability of the town. He suggested time be taken to get the information that addressed the concerns.

Pat Galvez added to his point that there was a right turn lane currently headed east. That lane continued to Sheep Bridge Road. He suggested that the city should ask for an access directly off SR-9, instead on 1420 West. This was how Fort Zion was, therefore, it could be done.

FINAL MINUTES
VIRGIN TOWN PLANNING & ZONING MEETING AGENDA
Wednesday, March 17, 2021 6:00 pm
114 So. Mill Street, Virgin, Utah

Meeting will be available virtual at Facebook live on Town of Virgin page.

John Ely stated that when he purchased his property, he was aware that some of the land around them was zoned commercial. He was also aware that gas stations and cabins were not permitted in this area and the citizens agreed upon this idea. He shared the frustration of many when the town government would not even consider such an idea. HE felt the government should be careful how the town was developed. The biggest investment was people homes and property and something like this took their investment away. The type of development should be considered.

Lori Rose stated via Facebook:

Unfortunately, the notice was complicated by the state public notice website cancellation email. I appreciate how this is confusing. The state has stated that no decisions can be legally made tonight. Thank you for listening to comments tonight. I am hopeful, as Mistie is stating, that tonight's comments are helpful. Thank you.

Lori added another comment via Facebook:

Regarding the proposed development between Sheep Bridge Road and 1420W...

The simple schematic concept plan provided on the public notice website does not provide all the applicants application information. There is no information on the architectural design of the project. There is no information to help evaluate the impacts to Sheep Bridge Road to accommodate the increased traffic. No information on SR-9 turn lanes, acceleration and deceleration lanes, or on paving the portion of Sheep Bridge Road to accommodate the access.

I know what it is like to bring a full size truck towing a trailer into a gas station. The proposed layout of the gas station pumps seems to be more than problematic for larger vehicles. It does not appear that a typical modern bus-sized RV hauling a passenger vehicle as a trailer could maneuver the very tight spaces as designed.

Sandra Grow stated on Facebook:

I stated I want my comments read. Derogatory or not...and all letters in the minutes.

Lesa Sandberg asked if a second access should be required for Desert Gardens. She stated that according to the plans 1420 would be used as the gas station access. It would not be a problem. She also asked how much time should be taken. When her brother was elected mayor three years ago there were no businesses in town. He had been fighting to get businesses in town for three years. When was enough time? When could people start making money? Yes, a lot of value on some people's property was their home, but these land owners in the commercial zone should be allowed to also have add value to their land.

George Rodinos stated that along with himself and Mr. Ferber, no one else in the room had gone through the process of establishing a business in Virgin. He had noticed there was a lack of confidence in the people on P&Z being competent enough to get a project in. He felt he had a right to speak because he had gone through the grinder to build Balcony One. He had to cross t's and follow rules and regulations over and also above the town. This included county, state, and federal laws. Mr.

FINAL MINUTES
VIRGIN TOWN PLANNING & ZONING MEETING AGENDA
Wednesday, March 17, 2021 6:00 pm
114 So. Mill Street, Virgin, Utah

Meeting will be available virtual at Facebook live on Town of Virgin page.

Rodinos continued that after all that and a year later, the pieces fell into place and satisfied all that had to be done. Now there was a restaurant there. He didn't question the Commission's competence. People were questioning what was going to happen with the lights, crime rate, septic, noise, and traffic. He stated the Commission was competent enough to make sure all the stuff was addressed before someone put a key in the door and went forward with a business. He stated he now wanted to begin a conversation with his neighbors. There was an old command that said love your neighbor as yourself. It did not matter what religion or anything else. It was a wise way for people to get along. Many people in the room should take it into consideration. A few items that were very important: To love your neighbors is to know them. How many people actually knew the Spendloves, the Lees, the Stouts, whose families built this community. How people know that Dallen Spendlove, nearly a generation ago, was interviewed by Life magazine about the plight of the people. My neighbor came from another place. We do not have generations in Virgin. I know these people. We have talked and broke bread together. I have come to realize their values, wisdom, hard work and family are the obvious fruits of their labor. They have prospered and gone forward, and their children have become involved. These people are our neighbors. In relation to the opening comment, there is a faction in town that has become rude and crude and display obstructionist viewpoints. They did not have the guts to come face to face with me to say they have an issue. He did not think they had seen the light. The entire conversation was about growth. All the land could be sold out in a few years because of the lack of land. He stated that he employed over twenty residents of Virgin in his restaurant. This should stand as an example as when the town grows the children and grandchildren would have a place to work. The P&Z's responsibility was to make sure all the rules were followed, and he felt confidence in the officials. With respect to the community, there was a responsibility with the residents, especially those who had come from elsewhere, to understand their neighbors who had been here for generations. Mr. Rodinos told of an issue he had dealt with his restaurant and UDOT. He wished that person had come to him instead of UDOT with the problem. Through the grapevine he found out what people were saying about the restaurant before the kitchen was even in. He wanted to bring light to an attitude that existed and that was detrimental to the community. There were people putting a lot of money investing into this community. If their project failed, they lost. Both sides must respect and have confidence in each other. Stop the evil, hateful, and emotional way of thinking against the town. The people would like to see some progress for the benefit of the next generation. We will be gone in a few years. Mr. Rodinos continued that it was sad that some were vilified for growth. He would love to see some love and respect, especially for the officers of the town. You don't have to like them, but respect them. Happy St. Patrick's Day.

Misite Baird suggested that the comments should be limited to the gas station. She loved all the opinions, but the issue needed to be limited.

An unknown person stated that she was not an obstructionist and did not seek hate. She had come from somewhere else, however, in this country everybody mattered. She did not disrespect anyone. She did disagree with the gas station and felt it was not appropriate. She did not disagree with growth, but thought it needed to be appropriate. Just as George had encouraged her to get to know the old families, however, she also had a history and a value. She understood that it was commercial

FINAL MINUTES
VIRGIN TOWN PLANNING & ZONING MEETING AGENDA
Wednesday, March 17, 2021 6:00 pm
114 So. Mill Street, Virgin, Utah

Meeting will be available virtual at Facebook live on Town of Virgin page. property. It was not for a gas station. Environmental consideration and impact of quality of life were her concerns. She stated that she was not a business woman but she did try to support the community. She challenged the Commission to get to know them as well.

Bonnie Timmerman stated via Facebook Live:

This project is ready for a conditional use permit? It comes as a surprise to residents in Desert Gardens right behind this project. Once again where is the concern for people that already live here? There are no sizes on buildings, no number of gas pumps, no way to determine how much area is covered for each use of the acreage. How could it be determined it qualifies for bonuses? How can you approve an entrance off of 1420 W when it was the only entrance and exit for the subdivision of 60 some lots the street was developed for in the first place? Some people drive through here thinking it was the way out to BLM land. The turn lanes on SR 9 are sometimes used as passing lanes and the speed limit is too high for the amount of traffic already directed in and out of the subdivision. This is not a good plan. Sheep Bridge road is a better entrance and exit except it is close to the intersection and unpaved. Contrary to what we have been told there are no plans for paving it. Where is the transparency in the commission's action? Where is the concern for the town of Virgin and the people already living here.

Cheryl L Sampson commented on Facebook:

This was supposed to be a rural residential area when we moved here. Makes me sad that there is now no regard for that. Nothing wrong with business, just where you put it!!!

Dustin Grow stated on Facebook:

\$\$\$\$&&&&&& greed. Your loosing small town, night sky.....and on and on! No to gas station!

Lori Rose commented on Facebook:

The Gas Station is not the only portion of the development eligible for public comment. The town has made some preliminary determinations that may not legally hold water.

Malci Baird commented on Facebook:

I heard once that the definition of a true environmentalist is someone who already has their cabin on the mountain. If the people of this town had not been willing to grow, Desert Gardens would not exist. I love living in a small town as much as any of you and I am grateful that I was able to put a home here with my family. Growth is going to happen whether we like it or not. For the most part, people purchase property to benefit themselves. For some it's for profit and for others it's a place to live. There is always going to be conflicts between the two but are we going to be part of the problem or work together to help find the solutions.

c. 2021-22 AN ORDINANCE AMENDING CHAPTER 2.12 DEFINITIONS.

(Corral)

Lori Rose commented via Facebook live:

FINAL MINUTES
VIRGIN TOWN PLANNING & ZONING MEETING AGENDA
Wednesday, March 17, 2021 6:00 pm
114 So. Mill Street, Virgin, Utah

Meeting will be available virtual at Facebook live on Town of Virgin page.
No comments because this had not been legally noticed.

Mistie Baird stated the comments were allowed and welcomed even though no decisions were going to be made during the meeting. The Commission valued the comments, so they knew what was going on and how to prepare for the next meeting.

Paul Gooch asked why the definition needed to be changed. Cameron Spendlove answered that the old definition was not sufficient. When this happened, it required the definition of pasture also.

**d. 2021-30 AN ORDINANCE AMENDING ORDINANCE 44 HIGHWAY
RESORT ZONE USES (Bed and Breakfast)**

Cameron Spendlove stated it moved the Bed and Breakfast use from Conditional to Permitted Use in the Highway Resort Zone.

Bonnie Timmerman commented via Facebook:
Why?

**e. 2021-31 AN ORDINANCE AMENDING ORDINANCE 44 HIGHWAY
RESORT ZONE USES (Brewery/Winery)**

Cameron Spendlove stated this ordinance moved breweries and wineries from conditional use to permitted in the Highway Resort Zone.

No public comments were made.

f. 2021-32 AN ORDINANCE AMENDING ORDINANCE 30 (Uses Chart)

The Cameron Spendlove explained the edit was removing the Resort Zone from the Chart, which had been deleted from the ordinance at the February 2021 Town Council Meeting.

Lori Rose commented on Facebook:
Seems to add the open space zone with new uses???

**g. 2021-33 AN ORDINANCE AMENDING Chapter 44 HIGHWAY RESORT
ZONE USES (Restaurant/food Truck) AN ORDINANCE**

Cameron Spendlove explained the use was being moved from conditional to permitted in the Highway Resort Zone.

Eric Wallentine asked if that meant food trucks were being allowed. He felt there was a need. He also stated that he loved the geology, small town, nice guy, atmosphere. He also realized that it was only a matter of time.

Lesa Sandberg stated that she felt it was very smart for items d, g, and e to be changed. There were enough state and county regulations to make sure they were done right. There was no reason

FINAL MINUTES
VIRGIN TOWN PLANNING & ZONING MEETING AGENDA
Wednesday, March 17, 2021 6:00 pm
114 So. Mill Street, Virgin, Utah

Meeting will be available virtual at Facebook live on Town of Virgin page. projects needed to go through the laborious process of the CUP.

**h. 2021-34 AN ORDINANCE AMENDING ORDINANCE 44.06 HIGHWAY
RESORT ZONE LOCATION**

Krystal Percival, Deputy Town Clerk, stated the ordinance had been sent over as 2020-34, so it needed to be changed to 2021-34.

Karen Spendlove read a letter submitted by Paul Luwe. This letter is included in the minutes.

Lesa Sandberg stated that a developer could not place this on the agenda, so either Bill or Linda had asked for it. Besides, the agenda item only asked to make the property eligible.

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

Cameron Spendlove moved to close the public hearing and open the public meeting. Sean Amodt gave the second. No roll call vote. The motion was unanimously approved.

Open Forum: Limit 2 minutes per speaker:

Lesa Sandberg asked if the same information would be accepted on March 29 or would the comments be limited to new comments. Mistie Baird stated it was the public time and anything could be stated.

D. PUBLIC MEETING

**b. Discussion and possible recommendation to approve or deny proposed
concept plans for approximate Camino Del Rio & SR9**

Cameron Spendlove stated that the ordinance required a walking path, which was not listed on the plans. The density seemed correct with the ordinance. Stuart Ferber stated that the floodplain engineers said the bridge was pretty good and there was not a better use for a floodplain, so the impact would be nothing.

Gene Garate stated that the walking path would be altered and be required down toward the river, not along the highway.

Stu Ferber stated that this would be a KOA, who had huge standards and would hold him to the fire on the contract. Anything the town could miss, KOA would enforce it.

Cameron Spendlove moved to table item number 'a' proposed concept plan for approximate Camino Del Rio & SR9 until March 29, 2021. Mistie Baird gave the second. Roll call vote: Sean Amodt-Aye; Karen Spendlove-Aye; Cameron Spendlove-Aye; and Mistie Baird-Aye. The motion was unanimously approved.

The wrong item number was named. Instead of a, it should have been stated b.

FINAL MINUTES
VIRGIN TOWN PLANNING & ZONING MEETING AGENDA
Wednesday, March 17, 2021 6:00 pm
114 So. Mill Street, Virgin, Utah

Meeting will be available virtual at Facebook live on Town of Virgin page.

Cameron Spendlove moved to close the public meeting and open the public hearing. Karen Spendlove gave the second.

No roll call vote. The motion was unanimously approved.

Cameron Spendlove moved to table all items on the public hearing until March 29, 2021 and to continue the public hearing until that day. Sean Amot gave the second. No roll call vote: The motion was unanimously approved.

Cameron Spendlove moved to reopen the public meeting. Mistie Baird gave the second. No roll call vote. The motion was unanimously approved.

c. Discussion and possible recommendation to approve or deny proposed concept plans with conditional use permit (gas station) approximate SR9 & Sheep Bridge Road

Jonathon Zundel was present representing the property owner. He stated there were a lot of comments offered at the public hearing. Their goal and objective was to work with the staff and town to make it something with very high standards.

Mistie Baird stated this property has been zoned commercial for a long time. Cameron Spendlove stated the property had been zoned commercial since Desert Gardens had been subdivided. There was a lot of concern about the highway and there was not a lot that could be done. UDOT did what UDOT wanted to do. The town had received a letter from UDOT requiring the access to be both 1420 and Sheep bridge road. They were not requiring any changes to the highway. The town had received a letter from the department of environmental health, Mike Chandler, with approval of the concept plan for the development. The sewer had been pre-approved, but more details would be needed as the development moved along. The town also had a letter from the Fire District, who had reviewed the plans and was working with the development to meet all fire codes. The developer had visited with every state entity, except Rocky Mountain Power. Commissioner Spendlove asked the developer if the lots were going to be legal plots and divided up. The developer stated that was how the requirement would work with the sewer district. Dividing up the ground was required. Gene Garate stated that the Mayor had discussed the options with the sewer district because that may create problems with the towns open space requirements and making sure the bonuses were being met.

Monte Lutz asked how the open space requirements were being calculated.

Mistie Baird stated the commission was not trying to silent people during this part of the meeting, it was just the time the commission had to discuss and address the comments.

An unnamed man asked what the plan was for the large mound of soil on the back side of the property. He asked if it was going to be removed. The developer answered that it would be incorporated into the development, however, specific questions about grading could not be answered at this point of the process. They would be working with the city and staff to make sure everything

FINAL MINUTES
VIRGIN TOWN PLANNING & ZONING MEETING AGENDA
Wednesday, March 17, 2021 6:00 pm
114 So. Mill Street, Virgin, Utah

Meeting will be available virtual at Facebook live on Town of Virgin page.
was in order.

Cameron Spendlove stated that a lot of opinions had been expressed about the lack of detail. He replied that this perceived lack was because of the stage the project was at. The concept plan was currently only being reviewed. The sewer, engineering, grading, exact size, asphalt, streets, drainage, waste water, would all be taken care of in the next phases. It would not involve the P & Z, but the engineers worked through those problems together. All detailed stuff would be taken care of at a later date. The reason it was done that way was it would not work to require detailed drawings and then have the project be denied. Only the concept plan was required now. The developer could not deviate from the concept plan more than 10 or 15 percent. Some changes could be made, but the overall concept could not be changed.

Letters being sent out was an oversight on the town's part. He apologized and stated the letters would be coming out.

Cameron Spendlove continued that many comments had been made that it was dangerous to pedestrians and it was not good for trucks. He stated he was going to let the engineers figure it all out. They knew better than he did about stuff like that.

Cameron addressed the views and sound wall, stating that the concept plan had a sound wall in place. Commissioner Spendlove stated that the comments did not state how high the sound wall should be. He asked that ideas be submitted, as communication was being sought.

An unnamed person asked how long it would be before the store was open. The developer answered he did not know, just one step at a time.

Mistie Baird stated that it had been suggested in the comments that the entrance be moved to Sheep Bridge Road. She asked the developer if this was a possibility. He replied that UDOT would need to make that decision.

Monte Lutz felt this would be a disaster for West bound traffic. Gene Garate stated that having a second entrance on opposite sides may be required by the fire district.

Cameron Spendlove stated that many comments had addressed the zoning. It appeared many people had known the property was zoned commercial, but were unaware that a gas station or service station was allowed. He clarified that the use had been added as a conditional use two or three years ago. He stated that he had written this ordinance and had worked with a lot of people from the community to draft it. It had taken a lot of time to get through and it had been a broad group of people who had helped. Mistie Baird stated that the uses were listed in 40.40 and also addressed in 40.10 and also in Chapter 16. Cameron pointed out that there was no zone change for this project because it had already been zoned commercial. Yes, it was against residential areas, but there were protections in place for residential areas.

FINAL MINUTES
VIRGIN TOWN PLANNING & ZONING MEETING AGENDA
Wednesday, March 17, 2021 6:00 pm
114 So. Mill Street, Virgin, Utah

Meeting will be available virtual at Facebook live on Town of Virgin page.

Hours of Operation and Quiet Time were reviewed. There was a difference between operation and quiet time. Inside the quiet time hours, no fuel deliveries, truck deliveries, construction, could be made which was the difference between hours of operation.

Cameron Spendlove continued that one suggestion had asked the crime rate be looked up, so he had looked it up. He had found that gas stations do often have crime happening at them, but all the studies showed the crime happening to the gas station, not the community. He had also found that it happened to service stations that were open 24/7, not those that were closed at night. Crime was greatly reduced for those closed at night.

Mistie stated that there was a comment about the operation hours of the pumps. She felt like it went hand in hand with the lighting. If the lights were going to be turned off, then the pumps needed to be shut down also. She asked the developer if they were planning on running pumps all night. She felt the canopy light would have to be turned off with the hours of operation. He stated that he would need to ask the team, but they would follow all rules and ordinances.

One citizen stated that there was ambiguity between open and closed. He felt if the pumps were open, the gas station was open. Gene Garate stated that Chapter 40 stated that fuel pumps must be on the side of the building and the store hours were between 4 am and 11 pm, not the pump hours. Cameron Spendlove stated that each company or logo had their own set of requirements and things that needed to be followed.

Gene Garate stated the County did plan to pave Sheep Bridge Road within the next two years, perhaps sooner. As far as improvements to Sheep Bridge Road, town code stated the developer must improve the roads in front of their project. Because Sheep Bridge was being done, it was likely the County and developer would work together. Mr. Garate noted that the staff had been working on this project for about a year. One-step-at-a-time changes had been made. Mistie Baird stated that these projects were not just placed on the agenda. They had been reviewed and discussed by multiple people beforehand.

Monte Lutz stated there were conflicting statements about town ordinances and specific company (or business) codes. What if the town's ordinances conflicted with the business standards? Mistie Baird stated she would like to address that during the March 29th meeting, so she had some time to research the answer. Cameron Spendlove stated that all businesses would have to adhere to the lighting ordinance. Gene Garate stated he felt it was important that people understood there were baked in standards in town ordinances. Height ordinances and lighting ordinances were examples. He continued to explain how the balance would work. By ordinance, the pumps would be allowed to be open after the canopy shut down, but whatever the Commission set as conditions would be required.

RV dumping was addressed, with the developer stating he did not know if a dump station was included in the plans.

FINAL MINUTES
VIRGIN TOWN PLANNING & ZONING MEETING AGENDA
Wednesday, March 17, 2021 6:00 pm
114 So. Mill Street, Virgin, Utah

Meeting will be available virtual at Facebook live on Town of Virgin page.

Sean Amodt stated he appreciated the comments from the public and felt it was good to have the public hearing and no action. He encouraged the public to read Chapter 16, the Conditional Use chapter. He stated if the Commission felt they could fully mitigate all the adverse impacts, a Conditional Use Permit would be granted. The 16.16 General Review was also a good place to review their impacts. He suggested a traffic study be done as a condition. He appreciated the public telling the town what was important to them. Cameron Spendlove stated that UDOT was doing a traffic study to determine the access points. He did not think it was fair to require a second study be done, but perhaps combine the two and have the findings available for review at the office. Gene Garate stated the town was working on getting a study done all the way through town.

Karen Spendlove stated there was big concern with the entrances. She had been to the property and suggested a subdivision entrance could be put into the west. Gene Garate clarified that Desert Gardens could work with the town to put in another entrance to the west of the subdivision. Karen continued that the comments talked about the units as cabins, but they were not. They had a kitchenette and would be considered a dwelling. They would probably not look like a cabin. She felt that all ordinances and standards must be adhered to.

Sean Amodt stated that more ATV's roaming the streets had been mentioned as a concern. He felt paving Sheep Bridge would change that anyway. Monte Lutz stated that most of the ATV's that drove by his home had plates. Possible mitigation of the supposed problems were discussed, with signage into Desert Gardens as the main eliminator.

Sean Amodt asked people to come with solutions to their concerns. He then asked about storm drainage and where it would be going. Sean made several suggestions. He developer stated he would have more details and answers at a later date.

Cameron Spendlove stated there were a few other concerns brought up in the letters. One concern was the replacement areas for the septic area. The second location could be used if needed. The plan for signage would have a more detailed plan in the future and would follow town ordinances.

Cameron Spendlove moved to table the proposed concept plan with conditional use permit (gas station) approximate SR9 & sheep bridge road until March 29, 2021. Karen Spendlove gave the second.

Roll call vote: Sean Amodt-Yes; Cameron Spendlove-Yes; Karen Spendlove-Yes; and Mistie Baird-Yes. The motion was unanimously approved.

**d. Discussion and possible recommendation to approve or deny proposed
ORDINANCE 2021-22 AMENDING CHAPTER 2.12 DEFINITIONS.
(Corral)**

The Commission did not discuss the item.

FINAL MINUTES
VIRGIN TOWN PLANNING & ZONING MEETING AGENDA
Wednesday, March 17, 2021 6:00 pm
114 So. Mill Street, Virgin, Utah

Meeting will be available virtual at Facebook live on Town of Virgin page.

Cameron Spendlove moved to table ordinance 2021-22 amending chapter 2.12 definitions corral.

Karen Spendlove gave the second.

Roll call vote: Sean Amodt-Yes; Cameron Spendlove-Yes; Karen Spendlove-Yes; and Mistie Baird-Yes. The motion was unanimously approved.

- e. Discussion and possible recommendation to approve or deny proposed
**ORDINANCE 2021-30 AMENDING ORDINANCE 44 HIGHWAY RESORT ZONE USES
(Bed and Breakfast)**

Cameron Spendlove addressed the question of why it was being done which had been posted by Bonnie Timmerman. He stated the reason the use was being moved from conditional to permitted was because detailed standards were already included in town ordinance, therefore, they were sufficient.

***Cameron Spendlove moved to table ordinance 2021-30 amending chapter 44 Highway Resort Zone
Bed and Breakfast until March 29, 2021.***

Karen Spendlove gave the second.

Roll call vote: Sean Amodt-Yes; Cameron Spendlove-Yes; Karen Spendlove-Yes; and Mistie Baird-Yes. The motion was unanimously approved.

- f. Discussion and possible recommendation to approve or deny proposed
**ORDINANCE 2021-31 AMENDING ORDINANCE 44 HIGHWAY
RESORT ZONE USES (Brewery/Winery)**

No discussion took place.

***Cameron Spendlove moved to table ordinance 2021-31 an ordinance amending ordinance 44
Highway Resort Zone Uses Brewer/Winery until March 29, 2021.***

Karen Spendlove gave the second.

Roll call vote: Sean Amodt-Yes; Cameron Spendlove-Yes; Karen Spendlove-Yes; and Mistie Baird-Yes. The motion was unanimously approved.

- g. Discussion and possible recommendation to approve or deny proposed
ORDINANCE 2021-32 AMENDING ORDINANCE 30 (Uses Chart)

Cameron Spendlove addressed the one public comment, stating that no uses had been added to the chart, the only thing done to the chart was to remove Resort Zone, to complete the process of deleting it from town ordinance.

***Cameron Spendlove moved to table Ordinance 2021-32 amending an ordinance 30 use chart until
March 29, 2021. Karen Spendlove gave the second.***

Roll call vote: Sean Amodt-Yes; Cameron Spendlove-Yes; Karen Spendlove-Yes; and Mistie Baird-Yes. The motion was unanimously approved.

FINAL MINUTES
VIRGIN TOWN PLANNING & ZONING MEETING AGENDA
Wednesday, March 17, 2021 6:00 pm
114 So. Mill Street, Virgin, Utah

Meeting will be available virtual at Facebook live on Town of Virgin page.

**h. Discussion and possible recommendation to approve or deny proposed
ORDINANCE 2021-33 AMENDING Chapter 44 HIGHWAY RESORT ZONE USES
(Restaurant/Food Truck)**

Mistie Baird stated that one question had been answered that food trucks were allowed in the Highway Resort Zone as per ordinance.

*Cameron Spendlove moved to table ordinance 2021-33 amending chapter 44 Highway Resort Zone
Uses Restaurant/Food Truck until March 29, 2021.*

Karen Spendlove gave the second.

*Roll call vote: Sean Amodt-Yes; Cameron Spendlove-Yes; Karen Spendlove-Yes;
and Mistie Baird-Yes. The motion was unanimously approved.*

**i. Discussion and possible recommendation to approve or deny proposed
ORDINANCE 2021-34 AMENDING ORDINANCE 44.06 HIGHWAY
RESORT ZONE LOCATION**

Mistie Baird stated that this did not rezone the property, it was editing the location for Highway Resort Zone to make them eligible for rezone. She (the property owner Linda Collett) would have to come in for a zone change. Cameron Spendlove expounded on Paul's comment that the developer could not come in and ask for the ordinance. That was untrue. Anyone could submit an ordinance for public hearing or to be considered by the town. Paul was referencing the actual zone change, which had to be applied for by the property owner. There had not been an application submitted for a zone change. This ordinance only expanded the area to allow for the zone change application to be submitted.

There was a question on the wording of the ordinance. Cameron Spendlove read the ordinance, stating that it should actually read "South of Entrada Drive" instead of "North of Entrada Drive". It was also clarified that the ordinance should be changed to Ordinance 2021-34.

*Cameron Spendlove moved to table ordinance 2021-34 ordinance amending ordinance 44.06
Highway Resort Zone Location with the following amendments: It should now read "Proposed
Wording. 3. Lie within the area South of Entrada Drive, East of Camino Del Rio and South of SR-9 to
the furthest East and West to the grid line approximately 300 east.*

Karen Spendlove gave the second.

Mistie Baird added that the motion was not an action. It would be repeated on March 29 for approval or denial.

*Roll call vote: Sean Amodt-Yes; Cameron Spendlove-Yes; Karen Spendlove-Yes;
and Mistie Baird-Yes. The motion was unanimously approved.*

Continue discussion of Collaboration Ordinance RRGF

This was discussed in the work meeting, so the Commission agreed no further discussion was needed.

FINAL MINUTES
VIRGIN TOWN PLANNING & ZONING MEETING AGENDA
Wednesday, March 17, 2021 6:00 pm
114 So. Mill Street, Virgin, Utah

Meeting will be available virtual at Facebook live on Town of Virgin page.

3. Commissioner Comments:

Cameron Spendlove stated that as he was reading through the letters, he felt there was some misunderstanding that the commission worked on projects with the developers. This was not how it worked. The commission saw the info that was posted a few days before it was posted. The Zoning Administrator worked more closely with developers. Commissioner Spendlove also stated that he did not know of any commission member who was not willing to work with someone on any type of ordinance. He personally did not have the time to seek out multiple different people every time an ordinance came up, but he was more than happy to work with people who sought him out on any ordinance he was involved with. He had done this many times in the past. He then thanked Mistie for getting the meeting to happen tonight.

Mistie Baird echoed comments that the commission was open and willing to work with people. She was totally open to all communication. There was no belittling intentionally. The commission found levity in life and laughed during the meetings, but it was not meant to offend anyone. She thanked the commission for all the research they do on their own time.

E. ADJOURN PUBLIC MEETING:

4. Motion to Adjourn Public Meeting.

*Sean Amodt moved to adjourn. Cameron Spendlove gave the second.
No roll call vote. The motion was approved unanimously.*

The public meeting adjourned at 8:58 pm.

Approved: _____

**Monica Bowcutt
Town Clerk**