

FINAL MINUTES
VIRGIN TOWN PLANNING & ZONING MEETING
Wednesday, December 8, 2021
6:30 pm
114 So. Mill Street, Virgin, Utah

Present:

Commission Members:

Sean Amodt
Cameron Spendlove
Dean Woods

Others:

Krystal Percival-Town Clerk
Gene Garate-Zoning Administrator
Carol Boissonnault
Skip Boissonnault
Sherry McCann

A. WORK MEETING/Non-Action Items:

NO WORK MEETING

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

1. Call to Order - Chair

Sean Amodt, Commissioner Pro Tem, excused commissioners Mistie Baird and Karen Spendlove and called the meeting to order at 6:38 pm.

2. Declaration of Conflict of Interest

No conflicts of interest were declared.

3. Review and possible approval of the draft minutes for October 13, 2021

Sean Amodt stated he had some grammatical changes to be made. Cameron Spendlove also made grammatical changes.

Dean Woods moved to approve the minutes with the changes made.

Cameron Spendlove gave the second.

No roll call vote was taken.

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.

Dean Woods gave the second.

No roll call vote was taken.

The motion was unanimously approved.

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

A. ORDINANCE 2021-84 AMENDING CHAPTER TWO OF THE VIRGIN UNIFORM LAND USE ORDINANCES ('VULU'). Def. Changes I, J, K

Sean Amodt stated these were the next definition changes in a long line of housekeeping. These changes had been taking place over the last several years. He continued that the definitions were being made to match state code.

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No public comment was made.

B. ORDINANCE 2021-85 AMENDING CHAPTER FORTY OF THE VIRGIN UNIFORM LAND USE ORDINANCES ('VULU'). Height

Sean Amodt stated this change had to do with the height in the Commercial Zone. The town had been trying to standardize the issue of height restrictions. The Residential Zone had been done in October. The only change that had been made was the part about two stories, which had been removed.

Skip Boissonnault asked about a scenario where there was no point to measure the height from, so how was the height determined. He was seeing a house being built in Desert Gardens where the lot went up in elevation about fifteen or twenty feet. He wondered, in the space, how was the twenty-two-foot height determined. An unnamed speaker added that there were two stories, which complicated the matter.

The Commission thanked the speakers for their good question.

C. ORDINANCE 2021-86 AMENDING CHAPTER FORTY-FOUR OF THE VIRGIN UNIFORM LAND USE ORDINANCES ('VULU'). Buildings

Sean Amodt stated this was in the Highway Resort Zone, dealing with the same thing on height. The only change was taking out the section on two stories.

No public comment was made.

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

Dean Woods moved to close the public hearing and open the public meeting.

Cameron Spendlove gave the second.

No roll call vote was taken.

The motion was unanimous in favor.

Open Forum: Limit 2 minutes per speaker:

No comments were made.

D. PUBLIC MEETING

A. Discussion and possible recommendation to approve or deny proposed Ordinance #2021-84 AN ORDINANCE AMENDING CHAPTER 2 DEFINITIONS (I, J, K)

Sean Amodt stated that he had left the two words in the J section: junk and jurisdiction (local). Cameron Spendlove stated that the definition of inherent risk in regard to equine activities was interesting. Sean replied that this definition had not been changed or removed.

Cameron Spendlove moved to recommend approval of Ordinance # 2021-84 amending Chapter 2 of VULU.

Dean Woods gave the second.

Roll call vote: Sean Amodt-yes; Cameron Spendlove-yes; and Dean Woods-yes.

The motion was unanimously approved.

B. Discussion and possible recommendation to approve or deny proposed ORDINANCE # 2021-85 AN ORDINANCE AMENDING CHAPTER 40 (Height)

Sean Amodt stated this was dealing with the height in the Commercial Zone. Gene Garate stated that the change was not eliminating something because it was in the definitions. He then answered the question which had been asked during the public hearing. The height was taken from the finished grade to the highest point of the roof.

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The average height was already in place in the ordinances. As for second stories, the subdivisions usually had regulations for the number of stories houses could have. The overall height in the Commercial Zone was 22 feet. It did not matter if there was a basement or not. The limit was 22 feet. As far as the elevation, height measurement was the finished grade surface to the top of the roof. Home builders could not bring in fill on one end and measure from there. The actual ordinance was located in 2.12 under 'building height'. Mr. Garate then read the ordinance from Chapter 2. He also stated that Desert Gardens had specific floor plans for one and two stories.

Sean Amodt stated that the change was to eliminate a small conflict in the verbiage. Gene Garate stated he would not be bringing back the ordinance making the height 25 feet in Commercial Zone because the commission felt the 22 feet was sufficient for all zones, including the Commercial Zone. He would be bringing back the building height for the agricultural zone because it currently did not have a height restriction.

Cameron Spendlove moved to recommend approval of Ordinance # 2021-85 amending Chapter 40 of VULU, Height. Dean Woods gave the second.

*Roll call vote: Sean Amodt-yes; Cameron Spendlove-yes; and Dean Woods-yes.
The motion was unanimously approved.*

**C. Discussion and possible recommendation to approve or deny proposed ORDINANCE # 2021-86
AN ORDINANCE AMENDING CHAPTER 44 (Buildings)**

Sean Amodt explained this amended the word "two stories" in the Highway Resort Zone. Cameron Spendlove felt this was a good change because underground parking was being encouraged with bonuses. Sean Amodt agreed this would standardize the ordinance.

Dean Woods moved to recommend approval of Chapter 44 of VULU Ordinance # 2021-86.

Cameron Spendlove gave the second.

*Roll call vote: Sean Amodt-yes; Cameron Spendlove-yes; and Dean Woods-yes.
The motion was unanimously approved.*

3. Commissioner Comments:

Cameron Spendlove asked if the Commission could look at why the town was requiring curb and gutter in all the subdivisions. He had spoken with a few engineers, one from Toquerville, who told him that curb and gutter had caused problems because the rest of the city did not have it. This made it so the drainage system did not work. Cameron was also concerned about curb and gutter for aesthetic reasons. He would like the Commission to look at the issue.

Sean Amodt thanked the Commission for all their hard work. He had enjoyed working with them and making the ordinances better. His term was up in January and may not be renewed.

E. ADJOURN PUBLIC MEETING:

4. Motion to Adjourn Public Meeting.

Cameron Spendlove moved to adjourn. Dean Woods gave the second. No roll call vote was taken. The motion was unanimously approved.

The public meeting adjourned at 7:06 pm.

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Approved: _____

Krystal Percival
Town Clerk