

TOWN OF VIRGIN PLANNING & ZONING MEETING

FINAL MINUTES

September 14, 2022, 6:30 p.m.

114 S. Mill Street, Virgin, UT, 84779 * 435-635-4695 * clerk@virgin.utah.gov

PRESENT:

Commissioners:

Cameron Spendlove-Chair

Bronwyn Gooch

Wyatt Lee

Angelia Glazier

Sean Amodt

OTHERS:

Gene Garate

Krystal Percival

John Staples

Jeff Lee

Justin Christensen

John Watson

Nannette Woods

Eric McFadden

Darlene Pope

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

1. NO WORK MEETING

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

1. Call to Order – Cameron Spendlove

Cameron called the meeting to order at 6:04

2. Declaration of Conflict of Interest

No conflicts of interest were declared.

3. Review and possible approval of the draft minutes for August 10, 2022

Wyatt would like his comment regarding no zones in Houston to say he commented that there are no zones in Houston.

***Bronwyn moved to approve the minutes with changes, Wyatt 2nd, ALL
AYES.***

4. Commissioner Comments

Cameron asked to move Commissioner Comments to the end.

Sean also stated Premier Design requested to move Rio de Sion lot 65 and 66 Lot line adjustment up to now.

Eric McFadden from Premier Design stated he knows there are issues with things Karl Rasmussen wants to change. Eric would like to discuss that Karl wants the lot 100 ft. wide and we're at 98 or 99.2 about 3.08 off of 100'. If we're going to change the lot line then percolation should be redone for any home that's built there, so we prefer to keep the two lines parallel with each other. We Held the front corner bulb and just parallel the South property line to the North and ended up with 96.92 feet. Discussion continued regarding the lot size including Zoning Administrator Gene Garate's comment that Karl's recommendation for 100 ft. width being based off 34.10 which is the minimum area in width in yard requirements. He said he sees no difference because of the clustering.

Cameron said there's nothing in our ordinance that states it's exempt from the 100' width requirement if it's clustered and it should be kept at 100 ft.

Sean moved to approve item M, Rio lot line adjustment for lot 65 and 66, Wyatt 2nd, Sean-Aye, Angelia-Aye, Cameron-No, Wyatt-AYE, Bronwyn-No. Motion Passes 3-2.

Cameron moved the STR discussion to the public meeting before commissioners' comments.

C. PUBLIC HEARING:

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

Angelia moved to CLOSE the public meeting and OPEN the public hearing. Bronwyn 2nd, All in favor, none opposed. Motion Passes unanimously.

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

a) Continued Public Hearing from July 13, 2022: Proposed Subdivision (preliminary plat): Quail Mesa Subdivision from Jeff Lee located V-2-1-26-4421 (South of Rio De Sion)

Jeff Lee gave an update. The Geotechnical is done. The slope analysis for the homes below is finished, He was hoping to have the wastewater treatment stuff back 10 days ago but he's still waiting. So, he's asking for one month to get it all in. Commission informed Jeff that the October meeting has been changed to the 13th. Jeff added they are working with engineers about the storm water discharge and culverts.

Cameron moved to extend item a in the public hearing to October 13, 2022, Bronwyn 2nd, ALL AYES.

b) Continued Public Hearing from July 13, 2022: Proposed Subdivision (preliminary plat): Zions Landing Subdivision from Justin Christensen located V-2139-B (Pocketville Road)

Justin Christensen stated that all their documents have been submitted. Everything is there. No public Comment.

c) Proposed Subdivision (Final plat): Zions Edge Subdivision from John Staples located V-2148-A-1-B-1-A (East of Rio De Sion)

Nannette Woods commented that she understands that these are going to be sold as vacation rentals and the only safeguards residents in Rio de Sion have been Town Council and Planning Commission. She hopes they will consider the increase in traffic, the noise from parties. In '09 they were assured there would be a second bridge to divert traffic and that there's a fire code issue as well as a traffic issue. She said the need for a second bridge has been eliminated due to the necessity of fire sprinklers in new residences but now with the increased traffic and now vacation rentals next door to our forever homes, the flavor doesn't coincide and we're just asking you to safeguard our interests.

John Watson from Rio must concur as he moved from Dixie Springs because of vacation rentals and the stuff that takes place in them. When you have a single-family residential development and then vacation rentals come in and nobody controls them there's a lot of racing on motorcycles, late night parties and it caused a lot of problems in Dixie Springs. We don't have to look far to see the problems that come with short-term rentals.

No other public comment.

Cameron asked commissioners to read letters sent in and that these letters would be part of the official minutes. The letters are from: Bill Sattree and Loren Campbell.

Darlene Pope asked if all commissioners have read both letters. Cameron responded that they are all reading them now if they haven't already.

John Watson also said he hasn't heard that anything will be done about that intersection with Hotel, Rio, new subdivisions, and KOA campground going in with 65' or 60' rigs pulling in and out of there. Simple math, easy to figure. The couple that was killed there probably would have survived if the speed limit was down to 45 mph. You are going to have emergency vehicles that can't get in and out. Just want to know what's going to be done since UDOT says they won't do anything?

d) Amending sections of "VULU" (Casita) / Removing size restriction for attached casita. Reason for change and effects:

- Bring VULU into compliance with Utah State Law 10-9a-530. (2)-b-(i).
 - Changing language from Casita to Accessory Dwelling Units
 - Removing sizing restrictions from Internal Accessory Dwelling Units
- Darlene Pope had a question about protocol, and do you know that city code cannot be less stringent than county or state code? If that is true, then an accessory dwelling unit can be larger than the actual dwelling unit and why would we do this?

e) Amending Chapter 2.12 Definition Changes L-Z Reason for change:

- To simplify definitions.
- Remove regulations in definitions.
- Add new definitions to better fit the use of the terms in current ordinances
- Regulations in definitions have been moved to their respective locations throughout VULU

No public comment.

f) Change of Planning & Zoning Meeting Dates:

- October 12 Moved to October 13
- December 7 Moved to December 12

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

Bronwyn moved to CLOSE the public hearing and OPEN the public meeting. Wyatt 2nd, ALL IN FAVOR, NONE OPPOSED. Motion Passes unanimously.

Open Forum: Limit 2 minutes per speaker:

No comment.

D. PUBLIC MEETING

g) Discussion and recommendation to approve or deny Proposed Subdivision (preliminary plat): Quail Mesa Subdivision from Jeff Lee located V-2-1-26-4421 (South of Rio De Sion)

Wyatt moved to TABLE item g, Quail Mesa Subdivision from Jeff Lee, until meeting on October 13, 2022. Bronwyn 2nd, ALL IN FAVOR, NONE OPPOSED.

Motion Passes unanimously

h) Discussion and recommendation to approve or deny: Proposed Subdivision (preliminary plat): Zions Landing Subdivision from Justin Christensen located V-2139-B (Pocketville Road)

Discussion regarding HOA fees and sewer connections and what's needed for final.

Bronwyn asked about soil exploration analysis, # b2n39b and refusal to do it? They explained it depends on the design of the septic system that's used in that subdivision which is what happens next.

Cameron commented that he would like Town Council to look at this to see if they would consider increasing the sewer pipe size now rather than later.

Wyatt moved to recommend approval of preliminary plat, item h, Zions Landing Subdivision from Justin Christensen located on Pocketville Road, Bronwyn 2nd, Bronwyn-AYE, Wyatt-AYE, Cameron-AYE, Angelia-AYE, Sean-AYE. Motion Passes unanimously.

i) Discussion and recommendation to approve or deny: Proposed Subdivision (Final plat): Zions Edge Subdivision from John Staples located V-2148-A-1-B-1-A (East of Rio De Sion)

Cameron stated there are public comments to address as well as the letters. Cameron asked Jeff Staples if there was a traffic study done and if it was submitted to UDOT.

Gene Garate responded that UDOT won't make any changes unless (INAUDIBLE-NO MIC)

Discussion continued regarding safety with increased traffic and if UDOT is aware of these developments all going in around one intersection. Commissioners reviewed the traffic study summary. Jeff Staples also stated that his dad, John Staples is paying for 25% of the cost of the Town Traffic Study.

Sean stated the study projects 55% of traffic with all 3 subdivisions included.

Jeff added that it's important to them to be good neighbors and have the HOA structured and that the town makes only one management company for the whole subdivision so there are not 10 different contact points. He would encourage anyone to read the CCR's. They are very stringent.

John Staples comments that he has a Short-Term Rentals in the subdivision where he lives. He believes Virgin is about to burst and is in for a huge learning curve. He suggests Virgin just does it correctly. He doesn't want to see another accident and wants this done right which takes some studies. Virgin needs to get ordinances in place to keep it under control for when big developers come in and want to shove it down our throats.

Jeff added that they will be doing two diversions that Karl Rasmussen added to their plans as a note after approving the plans to improve the drainage near the mayor's house.

Cameron moved to recommend approval of final plat, item i, Zions Edge Subdivision from John Staples located V-2148-A-1-B-1-A (East of Rio De Sion), following conditions completed and approved HOA language signed by the Town Attorney, Bonded public improvements at 125% estimated cost, mylar form prepared for the sub division, drawings signed by utilities, Town Engineer, Hurricane Valley Fire, Town attorney, engineering estimates prepared by the sub divisions engineer and signed off by the town engineer, Wyatt 2nd, Bronwyn-AYE, Wyatt-AYE, Cameron-AYE, Angelia-AYE, Sean-AYE. Motion Passes unanimously.

j) Discussion and recommendation to approve or deny: Amending sections of "VULU" (Casita) Removing size restriction for attached casita.

Cameron responded to Darlene Pope's question about the town being more restrictive than state law? Yes, a city can be more restrictive than state law, the difference is, this state law specifically states what a town can and can't regulate, what standards a city can and cannot set and what portions of an internal accessory dwelling unit specifically. so, we must allow internal accessory dwelling units without a size limit.

Sean wants to question F.2 It says a casita ADU standard shall apply to all casitas and that's changed. Line # 2 the following standards shall apply to all.

On #1 ADU's are not intended to be designed or used as independent family dwellings, Sean thought we had taken family out of those and just had dwelling units, so that needs to be changes but needs to match the definition so that needs to be addressed at another time.

On E talking about attached, it becomes bigger than the footprint of the existing dwelling, are we allowing attached meaning an addition to a primary dwelling? Bronwyn says no we removed attached, so we don't want to do that. Then Sean says E doesn't apply so we don't even need E.

Sean continues that 1 must not exceed a height of the primary structure, this conflicts with the current ordinance we have that says that no accessory building should be higher than 20 feet. This is external so we either change it here or change the other one. Change it here to say or 20 feet whichever is lower.

Sean says he loves the short definitions but needs to address External Accessory Unit, you need to put accessory and accessory dwelling that is within.

Sean moved to recommend approval of item j, amending sections of VULU-Casita, removing restrictions for attached casitas that we recorded on the

proposed ordinance, Angelia 2nd, Sean-AYE, Angelia-AYE Bronwyn-AYE, Wyatt-AYE, Cameron-AYE. Motion Passes unanimously.

Reason for change and effects:

- Bring VULU into compliance with Utah State Law 10-9a-530. (2)-b-(i).
- Changing language from Casita to Accessory Dwelling Units
- Removing sizing restrictions from Internal Accessory Dwelling Units

k) Discussion and recommendation to approve or deny: Amending Chapter 2.12 Definition Changes L-Z

Sean stated he took out all words that did not have any changes and he took out any definitions about lodging to be discussed later.

Cameron moved to approve item K, amending Chapter 2.12 definitions L-Z, Bronwyn 2nd, Sean-AYE, Angelia-AYE, Wyatt-AYE, Cameron-AYE, Bronwyn-AYE.

Motion Passes unanimously.

Reason for change:

- To simplify definitions.
- Remove regulations in definitions.
- Add new definitions to better fit the use of the terms in current ordinances
- Regulations in definitions have been moved to their respective locations throughout VULU

l) Discussion and recommendation to approve or deny: Change of Planning & Zoning Meeting Dates:

- October 12 Moved to October 13
- December 7 Moved to December 12

Bronwyn moved to approve item I, amending meeting date changes, Wyatt 2nd, ALL IN FAVOR, NO ONE OPPOSED, Motion Passes unanimously.

M) Discussion and recommendation to approve or deny Lot Line adjustment lot 66/65 Rio De Sion V-RIOD-3-66 & V-RIOD-3-65

Previously covered Item M.

Bronwyn will make edits to Chapter 60 for next month.

Wyatt moved to table STR Ch. 60 until next month as a discussion item, Bronwyn 2nd, Sean-No, Angelia-AYE, Wyatt-AYE, Cameron-No, Bronwyn-AYE, Motion Passes 3-2.

E. DISCUSSION ITEMS:

1. VULU 8.26 (Lodging units) Maximum height for accessory building.
Bring this back for PH with the change of 20' to 25'.
2. VULU 8.30.B.1(Removing references to zones that no longer exist)
3. Lodging Unit Definitions – Discussion of current & proposed changes. Remove the requirements from definitions.
Bring this back in October as a PH item as well as Sean's writings if they are into the Clerk in time.
4. Highway access Pocketville Road to Kolob Terrace – No discussion was held.

COMMISSIONER COMMENTS:

Bronwyn states work and discussion is needed on the Highway access.

Sean said he completed the zoning book he's been reading, and it was quite enlightening. The STR article from the mayor had quite an obvious slant on what direction they would like us to look at, that STR is a bad thing. Sean believes the housing crisis is caused not by Short-term rentals but by government and by zoning. We should not be focusing on zoning which segregates people and uses. We should be focusing on planning infrastructure and ordinances about noise and lights and things that mitigate those concerns. We should also be focusing on density issues and along with that is height. Most cities, instead of going out and sprawling they go up. Government pushing people and uses to certain areas, the effect of that is what we're feeling. We need to focus on the possibility of multi-family dwellings in town. Sean feels P&Z was thrown under the bus at the appeal hearing and he feels they do a good job, they focus the issues, they study, they listen to the public and do a very good job despite all the opposite that was said.

F. ADJOURN PUBLIC MEETING:

3. Motion to Adjourn Public Meeting.

Wyatt moved to adjourn, Bronwyn 2nd, ALL AYES. Motion Passes unanimously.

Meeting Adjourned at 9:09 PM.

APPROVED: 10/13/2022

Town Clerk/Recorder: 