

FINAL MINUTES

VIRGIN TOWN COUNCIL SPECIAL MEETING

TUESDAY, September 8, 2015

7:00 pm

Virgin Town Heritage Town Square, 114 So. Mill Street, Virgin, Utah

Present:

Council Members: Mayor Bruce Densley
Bill Adams
Danyale Blackmore
Jean Krause
Jay Lee

Others: Monica Bowcutt, Town Clerk
Darcey Spendlove Niles Ritter
Steve Masefield Lyman M. Everett
Linda Collet Adele Pincock
Matthew Spendlove Cindy Escude'
Mark SaVee James Lee
Lee Ballard Bonnie Timmerman
Dan Mabutt

1. SPECIAL PUBLIC MEETING/Action Items

2. CALL TO ORDER-Mayor Bruce Densley

Mayor Densley called the meeting to order at 7:05 pm.

A. Invocation/Flag Salute

Mayor Bruce Densley offered the Invocation. Council Member Bill Adams led the Pledge of Allegiance.

Mayor Densley apologized for being late, stating that he had been touring with the Water Conservancy District all day. He reported that the members of the Water Board and Land Fill Board were supportive of the new manned site location.

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B. Roll Call: Mayor Bruce Densley, Council Members Bill Adams, Danyale Blackmore, Jean Krause, Jay Lee. Town Clerk Monica Bowcutt.

All members were present.

C. Declaration of Conflicts of Interest.

No conflicts were declared.

3. OPEN FORUM: Limit 2 minutes per speaker at the microphone after stating your name.

* Linda Collet recognized that this was a Special Town Council Meeting to discuss potential changes to Chapter 13. She counted four different version of Chapter 13. She did not understand why there were so many versions, why it had become such a problem, and why the Council was in such a hurry to get it done. She stated the town had six months, so there was no hurry.

* Mark SaVee stated that the code existed to protect the community, to make sure the Council was not going off half cocked, the land was not being misused, and so there was not distortion in the land use in the community. Chapter 13 was new as it stood. Seemed to be a big rush, which he did not understand. He felt the town should take their time and get it right the first time. He also felt it should go back to P & Z and a public hearing.

D. Discussion of potential changes to Chapter 13.

Mayor Densley stated the town had been going over Chapter 13 for months, so he did not see how people could say there was a big rush. He used the four different versions as an example. He stated that he decided it was time to get somewhere on the Chapter. He had talked with each member of the Council to get their individual feelings about Chapter 13 and had incorporated them into the document. The Mayor reported that he and Council Member

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Jean Krause had gone back to the first version, which included the public hearing, and worked off of it. He hoped it would be liked well enough to be passed. He explained that he had hoped to rescind the vote from August 26, then vote on the newest version. Mayor Densley stated that he had then found out that in order to do it properly, the version had to go back to the P & Z. He thought that because his version had began with the original, which included the Public Hearing, he did not see a need to hold another Hearing. Steve Masefield and the Council Members had all reviewed the version prior to the meeting.

Council Member Jean Krause stated that original might not be the correct term. She explained that it had all the Council changes from the June Council meeting. The version they had worked off was the one ready for approval at the July meeting.

Council Member Lee asked who authorized P & Z to make all the changes in the first place. Some people thought that the Council had asked them to come up with conditions for cabins and tents, but he did not ever remember asking them to do that. The Council discussed why Chapter 13 was first put on the agenda to amend. Council Member Danyale Blackmore explained that it was because the RV Park had made application.

Council Member Bill Adams added that it was when a zone change application was made to change from rural residential to highway resort. The highway resort zone did not have any standards or conditional uses, so the town had to make standards for it. The referendum had killed what the town had in an ordinance, so they had to start over.

Council Member Bill Adams stated that he was really unhappy with the most current version, done by Mayor Densley and Council Member Krause, because it incorporated things that did not need to be included. He gave an example of the travel trailer square footage in 13.4.8.C.ii,

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stating that the ordinance was full of silly things like that. It was hard to understand because it was a mix match of so many different ideas it was not reasonable nor rational. He suggested discussing lifting the moratorium, going back to Chapter 13 as it was formally written and start the whole process over again (without the pressure of having someone who wanted to build an RV Park). He felt the current regulations produced one of the best RV Parks in the United States, so it would be good enough to build another one like that. It should be rewritten without P & Z worrying about who wanted to come in and build.

Council Member Danyale Blackmore stated she was in total agreement with Bill Adams. She stated that there were so many complications in the ordinance. She felt that if the town put simple and high standards in place the developers would come in with their own design ideas, which would make a great RV Park. She felt the original Chapter 13 was already good.

Council Member Jay Lee stated that the newest current version required 50 foot setbacks, when the original Chapter did not require set backs. Mayor Densely stated that changes could be made. Council Member Lee thought that the document that should have been used was the ordinance that was already on the books. Mayor Densley felt the large size and debt of RV pads was needed. Set backs were discussed in detail.

Dan Mabutt asked that the moratorium be explained and if it affected them. Council Member Bill Adams stated that when they had decided to change the Chapter, the Council had decided to put a moratorium on any building of RV parks. Jean Kruase stated what the Council had actually done was passed a pending ordinance resolution that said that any person who wanted to come in and build and RV park was on notice that the Chapter was being re-done. They would have to use the standards from the new ordinance. Monica Bowcutt, Town Clerk, stated that there had been a moratorium on the agenda, but the Council had not passed it

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because they did not feel it was necessary.

Mayor Densley asked if there were other points of contention besides the square footage and set backs. Council Members Adams, Blackmore, and Lee all replied that there were many, many more problems with the ordinance.

Council Member Jean Krause suggested the town hire an expert to write the code.

Steve Masefield replied that the ordinance could be adjusted and he had taken most of the ordinance from Mesa Verde, but he had reviewed Hurricane's, St. George, and other surrounding area town.

Council Member Blackmore stated that she thought the ordinance was too complicated in language. She acknowledged all the work and time that had gone into writing the ordinance.

Mayor Densley asked if the original Chapter 13 had been rescinded. Council Member Krause answered no, it had not been rescinded, but it was not the basis for the Zion River RV Park.

Council Member Jay Lee stated that according to the new version, you could not use non-buildable acreage to determine how many pads could be built. He felt the new ordinance was created just for the Munn RV park that had tried to come in. Council Member Jean Krause disagreed, stating that the 5 County Association of Government had model ordinances available for use. Kanab's RV Ordinance read almost word for word the way the old Chapter 13 read. She stated that Chapter 13 was not in existence when the current RV Park was built.

Danyale Blackmore stated she was not for hiring someone. She felt the town could set high

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standards without getting into so much details. She felt it was too many rules and specifics.

Cindy Escude' stated that Ron, the current RV Park owner, had stated in meetings that the number of pads per acre ran between 8 to 10.

Lyman Everett stated that he had heard from Council Members that the ordinance was a mess, but he had not heard more than one specific problem. He suggested they find the specific problems and work on those problems; narrowing it down and then go from there.

James Lee stated that it sounded like the ordinance tried to create a cookie cutter RV Park, which would stifle the creativity of the designers. He suggested allowing more creativity by using the current Chapter 13 as a basis or framework. Council Member Lee stated that RV park designers would make their pads different sizes bases on their land, etc. He felt conditional uses was the place to put restrictions on developers.

Council Member Jean Krause stated that an expert would resolve a lot of the anger, without the town going round and round and round. Mayor Densley agreed, but wondered if the Council would like what they got.

Linda Collet felt that it would be dangerous to allow a developer to come in without any parameters of what the town expected them to do. If the town did not set conditions the developer could not be told what the town wanted.

Bonnie Timmerman stated that the attorney had said the town had better get the standards set before the referendum was held. She did not believe the current RV park was built using Chapter 13. She stated that Ron had said the town made him jump through a lot of hoops

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and he was not in a residential area, so the set backs would be different. The zoning was what made Chapter 13 obsolete. Council Member Lee stated he was the mayor when the RV park came in and it was 8 government agencies that made him jump through hoops because of the location.

Adele Pincock stated that since the time Chapter 13 had come into existence there had been multiple public opinion surveys done and she felt that various versions of the ordinance had tried to incorporate the public opinions. She appreciated Danyale's confidence in developers, but felt they would not put in what the town wanted. She stated the Council was there to look after the best interest of the citizens, not the potential developers. It was important to have perimeters set before application was made.

Lyman Everett saw the potential to have a fight every time there was an RV park if the guidelines were not set beforehand.

Council Member Bill Adams stated that he could not accept the latest version and agreed to hire someone to produce a reasonable and rational document. Council Member Jay Lee stated that all the changes be rejected and the town go back to Chapter 13. The Council agreed if a professional was hired, the final document should be approved by P & Z. Steve Masefield, Chair, stated that there were four versions available for him to refer to, so he did not have to start from scratch. He was also neutral party.

Council Member Jean Krause wondered why other Council Members felt like the pending ordinance resolution needed to be rescinded. Council Member Jay Lee wanted to go back to the original, already in the books, Chapter 13.

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Darcey Spendlove suggested that the expert be given all the minutes from P & Z and Town Council, including the public hearing, in order to get a feel for what had been discussed for months and was wanted.

E. Possible recommendation to Planning and Zoning of the modified version of Chapter 13 for review.

Jay Lee moved to not send the current modified in this version of Chapter 13 back to P & Z. Bill Adams seconded the motion. Roll call vote: Bill Adams-Aye, Danyale Blackmore-No, Jean Krause-Aye, Jay Lee-Aye, and Mayor Bruce Densley-No. The motion passed 3-2.

Bill Adams added that the Council should look into hiring an independent expert to write the ordinance. Mayor Densley stated it would be placed on the next agenda as an action item.

4. EXECUTIVE SESSION:

Pursuant to Utah Code 52-4-204-6, the Town Council may hold an executive session.

The topics(s) and the session duration will be announced prior to the executive session.

Bill Adams stated that an executive session was needed to discuss the P & Z members terms. Council Member Jean Krause stated that it was not a valid subject for Executive Session. Mayor Densley stated that he had looked up August 2014 minutes, which said there were three P & Z terms set to expire, which were renewed for one year. He had also looked at the ordinance which said the terms were for four years. David Church was contacted, who stated that the ordinance must be followed. Mayor Densley stated that the next term to expire would be in March. Council Member Danyale Blackmore stated that the reason the

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vote happened was because no one knew when the terms ended and there was no documentation. Council Member Krause stated that Mayor Grow had appointed Valerie Wenz and Kneisha Grow, one for one year and the other for two years.

Jay Lee felt that the executive session was not needed on every agenda, unless there was a reason. Mayor Densley stated he saw no harm in having it on the agenda.

Niles Ritter stated that the Council had learned how hard it was to write an ordinance. The expert would know things the Council would not. He/she would know how to draft something that was not just rules and regulations, but would give flexibility for different ideas and creativity.

ADJOURNMENT

F. Approve Motion to Adjourn Public Meeting.

Jean Krause moved to Adjourn the Public Meeting. Bill Adams seconded the motion. No roll call vote was taken. The motion passed unanimously.

Adjourned at 8:18 pm

Monica Bowcutt

Town Clerk

Approved: _____