

**VIRGIN TOWN**  
**ORDINANCE NO. 2023-04**



AN ORDINANCE OF THE TOWN COUNCIL OF VIRGIN TOWN CREATING CHAPTER 20 (DEVELOPMENT REVIEW COMMITTEE) OF VIRGIN UNIFORM LAND USE ORDINANCES (“VULU”) OF THE VIRGIN MUNICIPAL CODE ESTABLISHING THE VIRGIN TOWN DEVELOPMENT REVIEW COMMITTEE (“DRC”) AND SETTING FORTH ITS PURPOSES, MEMBERSHIP, CHAIR, MEETINGS, MEETING PROCEDURE, DUTIES AND POWERS.

RECITALS

WHEREAS pursuant to Utah Code Ann. § 10-1-201 Virgin Town (“the Town”) is a Utah municipal corporation and political subdivision of the State of Utah.

WHEREAS pursuant to Utah Code Ann. § 10-3b-401 the Virgin Town Council (“Town Council”) is the legislative and governing body of the Town.

WHEREAS pursuant to Utah Code Ann. § 10-9a-103(30) the Town Council, in addition to being the legislative and governing body of the Town, is also the Land Use Authority vested with the power to enact all Land Use Regulations and make all Land Use Decisions within the Town unless the latter administrative power is delegated to another body or person.

WHEREAS within the Town there is a need for consistency in the application of the Virgin Uniform Land Use Ordinance (“VULU”) and the Virgin Town Standards and Specifications for Public Improvements as well as the need for coordination between developers, Town Staff and the various private and public entities who provide utility and other special services within the municipal boundaries of the Town.

WHEREAS the Town Council and Town Staff have researched, made inquiry and objectively analyzed how other municipalities in the area and throughout the State of Utah effectuate consistency and proper coordination in the land planning and development process and have determined that there should be created within the Town, a committee, to be known as the “Virgin Development Review Committee” or “DRC” which shall meet as frequently as necessary and is comprised of various members of the Town Staff and representatives from the various special service districts and public/private utility providers who provide utility services or other special services to areas of the Town.

WHEREAS based upon the aforementioned authority and need, the Town Council desires to create Chapter 20 of VULU (Development Review Committee), establish the Virgin Development Review Committee and setting forth its purposes, membership, chair, meetings, meeting procedure, duties and powers.

ORDINANCE

NOW THEREFORE BE IT ORDAINED by the Virgin Town Council as follows:

A. Creation of Chapter 20 of VULU. Chapter 20 (Development Review Committee) of the Virgin Uniform Land Use Ordinances is hereby established in its entirety as follows:

## **CHAPTER 20 DEVELOPMENT REVIEW COMMITTEE (DRC)**

### **20.02 ESTABLISHMENT OF THE DRC**

*There is hereby established within Virgin Town a committee to be known as the “Virgin Development Review Committee” or “DRC”.*

### **20.04 PURPOSES OF THE DRC**

*The purpose of the Virgin Development Review Committee is to streamline the review process of various types of land use and development applications being considered or proposed within the Town and to coordinate and insure that all aspects of the Virgin Uniform Land Use Ordinances (“VULU”) and the Virgin Standards and Specifications for Public Improvements, the uniform building and safety codes adopted by the Town and the various standards and specifications of public, private and governmental entities providing utility and other special services within the Town are complied with.*

### **20.06 MEMBERS OF THE DRC**

*A. STANDING MEMBERS. The standing members of the Virgin Development Review Committee are as follows:*

- 1. The Virgin Town Zoning Administrator,*
- 2. The Virgin Town Engineer, and*
- 3. The Virgin Town Public Works Director (or Town employee who is tasked with the responsibility of overseeing and maintaining of the roads, rights of way, water system, parks, properties, and public improvements of the Town).*

*B. EX-OFFICIO MEMBERS. The ex-officio members of the Virgin Development Review Committee are as follows:*

- 1. An authorized representative from the Hurricane Valley Fire District,*
- 2. An authorized representative from any other special service district or county agency which provides special services to areas of the Town, and*
- 3. An authorized representative from all public and private utility companies providing utility services to areas of the Town.*

### **20.08 CHAIR OF THE DRC**

*The Virgin Town Zoning Administrator shall be the “Chair” or “Chairperson” of the Virgin Development Review Committee with power to determine the order and content of the agendas for, and call to order, conduct and adjourn, each meeting of the DRC.*

### **20.10 DRC MEETINGS & MEETING PROCEDURE**

*The Virgin Development Review Committee shall meet as frequently as needed but in no instance less than once per month. The date and time for DRC meetings shall be set by the Chair with input from its Members. DRC meetings shall be held on the same days of the week or month as well as at the same time and at the same location so as to create confidence and consistency. All DRC meetings shall be open to the public (for observation only - with comment and input from public being allowed at the discretion of the DRC Chair). All DRC meetings shall observe the notice and procedural requirements of the Utah Open and Public Meetings Act (Utah Code Ann. § 52-4-101 et seq). Notwithstanding, the preceding, the formality of DRC meetings shall be relaxed with the intent of stimulating constructive discussions and input between landowners, developers, their professional staff and the DRC. In this vein, attendance at DRC meetings by its members or participants may be accomplished by remote electronic attendance.*

### **20.12 DRC DUTIES AND POWERS**

*Before any "Applicable Land Use Application" (defined below) is placed on the agenda of the Virgin Planning & Zoning Commission or the Town Council for a public hearing, recommendation and/or approval, the sponsor of the application (or their authorized agent) must present a summary of their land use application to the DRC and answer specific questions posed by DRC members related thereto. The DRC may hear presentations and provide feedback to persons or entities who have not yet formally submitted an Applicable Land Use Application, but rather seek direction on the best way to accomplish their development or land use objectives in compliance with VULU, the Virgin Standards and Specifications for Public Improvements, the uniform building and safety codes adopted by the Town and the various standards and specifications of public, private and governmental entities providing utility and other special services within the Town.*

*A. REPORT & RECOMMENDATION. If, after attending and presenting to the DRC, a landowner or developer wishes to proceed with an Applicable Land Use Application, the Zoning Administrator shall prepare a DRC Preliminary Review Report & Recommendation which shall be provided to the Planning & Zoning Commission and the Town Council for assistance and guidance with their review and possible approval or denial. The DRC Preliminary Review Report & Recommendation shall, at the very least, contain the following:*

- 1. A compliance analysis with the applicable standards and criteria for approving the land use application as set forth in VULU.*
- 2. A recommendation to approve, deny or approve with conditions the land use application.*
- 3. If applicable, a list of all recommended conditions of approval as suggested by the DRC.*

*B. APPLICABLE LAND USE APPLICATIONS. For purposes of this Resolution the following are deemed to be "Applicable Land Use Applications" which require a preliminary review by the DRC:*

- 1. Conditional Use Permits & Amendments involving the construction of new Buildings, Structures or improvements,*
- 2. Subdivisions & Amendments (Residential or Commercial),*
- 3. Commercial Site Plans & Amendments,*
- 4. Lot Line Adjustments, and*
- 5. Road Dedications.*

*C. SIGN OFF AND APPROVAL OF CONSTRUCTION PLANS. Once an Applicable Land Use Application has been approved by either the Town Council or the Planning & Zoning Commission, acting as the Land Use Authority, a landowner or developer (or their authorized agent) must obtain approval signatures on the Construction Plans from the Town and each ex-officio member of the DRC prior to starting construction any Building, Structure or improvement that was contemplated as part of the Applicable Land Use Application and prior to the recording of any Final Plat, Site Plan or Record of Survey that is the subject of an Applicable Land Use Application.*

**D. Conflicts/Repealer.** This Ordinance supersedes the provisions of any prior Town Ordinance in conflict herewith.

**E. Effective Date.** This Ordinance shall become effective immediately upon adoption by the Town Council and execution by the Mayor.

ADOPTED AND APPROVED BY THE VIRGIN TOWN COUNCIL this 25th day of April, 2023 based upon the following vote:

MEMBER

Gene Garate	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
LeRoy Thompson	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Paul Luwe	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Mistie Baird	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Jean Krause (Mayor)	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____

VIRGIN TOWN  
a Utah municipal corporation

Attest:

  
\_\_\_\_\_  
Jean Krause, Mayor

  
\_\_\_\_\_  
Krystal Percival, Town Recorder