

VIRGIN TOWN
ORDINANCE # 2024-XX

AN ORDINANCE OF THE TOWN OF VIRGIN, UTAH, PROVIDING THAT THE VIRGIN UNIFORMED LAND USE (VULU) CODE BE AMENDED BY REVISING SECTION 20.10, THE MEETING PROCEDURES OF THE DEVELOPMENTAL REVIEW COMMITTEE (DRC), TO CLARIFY THAT DRC IS A PUBLIC BODY AND TO REQUIRE THE POSTING OF NOTICES PURSUANT TO UTAH’S OPEN AND PUBLIC MEETINGS ACT.

RECITALS

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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, on April 25, 2023, the Town Council enacted Ordinance 2023-04 amending Virgin’s Uniformed Land Use (VULU) Code to create the Development Review Committee;

WHEREAS, the newly adopted section 20.10 of VULU required that DRC observe the notice and procedural requirements of the Utah Open and Public Meetings Act (Utah Code Ann. Section 52-4-101 *et. seq.*);

WHEREAS, Utah code § 52-4-202 requires a public body to give a minimum of 24-hour notice of each of its meetings;

WHEREAS, the Town currently interprets that DRC is not a public body under Utah Code § 52-4-103(7) and therefore the Town is not required to post notices of DRC meetings;

WHEREAS, the Town desires to clarify that the DRC is intended to be a public body and required to post notices of DRC meetings;

WHEREAS, the Town Planning & Zoning Commission has reviewed this proposed ordinance and made a recommendation to the Town Council;

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WHEREAS, after reviewing the recommendation from the Town Planning & Zoning Commission, the Town Council finds it to be in the best interest of the health, safety and general welfare of the Town to amend Virgin's Uniform Land Use ("VULU") Code by requiring that DRC post notices of its meetings.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF VIRGIN TOWN, UTAH:

Section 1: **AMENDMENT.** That Section 20.10, DRC Meetings and Meeting Procedure, of the Virgin Uniform Land Use (VULU) Code of Virgin Town, Utah be amended as follows:

BEFORE ADOPTION

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 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 the 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. Section 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

AFTER ADOPTION

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 same location so as to create confidence and consistency. Since DRC is a public body, aAll DRC meetings shall be open to the public (for observation only - with comment and input from the 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. Section 52-4-101 et seq) and shall provide notice as provided in Utah Code Section 52-4-202. 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."

Section 2: Severability: If any section, clause or portion of this Ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

Section 3: Conflicts/Repealer: This Ordinance repeals and supersedes the provisions of any prior ordinance in conflict herewith.

Section 4: Effective Date. This Ordinance shall become effective immediately upon adoption by the Virgin Town Council and execution by the Virgin Town Mayor..

PASSED AND ADOPTED BY THE TOWN COUNCIL OF VIRGIN TOWN, STATE OF UTAH, ON
THE _____ DAY OF _____ 2024.

VIRGIN TOWN

a Utah municipal corporation

Attest:

Jean Krause, Mayor

Krystal Percival, Town Clerk/Recorder

Town Council Vote as Recorded:

AYE NAY ABSENT ABSTAIN

Town Council Member, Mistie Baird

Town Council Member, Marci Holm

Town Council Member, Paul Luwe

Town Council Member, April McKeon

Mayor, Jean Krause

RECORDED this _____ day of _____ 2024

PUBLISHED OR POSTED this _____ day of _____ 2024.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

In accordance with Utah Code Annotated §10-3-713, 1953 as amended, I the Clerk/Recorder of Virgin, Utah hereby certifies that the foregoing Ordinance was duly passed and published or posted at:

- 1) Utah Public Notice Website, utah.gov/pmn/
- 2) Virgin, Utah website, virgin.utah.gov
- 3) Virgin, Utah Town Hall

on the above referenced dates.

Krystal Percival, Town Clerk/Recorder
Virgin, Utah