

**VIRGIN TOWN
ORDINANCE NO. 2025- [REDACTED]**

**AN ORDINANCE AMENDING TITLE 16 OF THE VIRGIN MUNICIPAL CODE
(VMC) TO ESTABLISH A TOWNWIDE SENSITIVE LANDS OVERLAY ZONE AND
ADOPT DEVELOPMENT STANDARDS FOR SENSITIVE LANDS**

RECITALS

WHEREAS, Virgin Town (“the Town”) is a Utah municipal corporation and political subdivision of the State of Utah, and

WHEREAS, the Virgin Town Council (“Town Council”) is the legislative and governing body of the Town, and

WHEREAS, the Town Council with advice of the Virgin Town Planning and Zoning Commission (“Planning Commission”), in addition to being the legislative and governing body of the Town, is also the Land Use Authority (“LUA”) 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, and

WHEREAS, the Planning Commission held a public hearing on this ordinance on [REDACTED], 20[REDACTED]; and

WHEREAS, the Virgin Town Planning and Zoning Commission recommended in a [REDACTED] to [REDACTED] vote that the Town Council [approve / deny] these amendments on [REDACTED], 20[REDACTED]; and

WHEREAS, section 10-9a-102 of the Utah Code grants municipalities the authority to enact land use regulations to promote the health, safety, and welfare of their inhabitants;

WHEREAS, the physical and environmental conditions in certain areas of Virgin Town, including steep slopes, bluffs, ridgelines, and washes, pose hazards such as erosion, flooding, slope instability, and fire risk, which must be managed to ensure safe development;

WHEREAS, the Town recognizes the importance of preserving unique natural features, scenic vistas, and environmentally sensitive lands for the benefit of current and future residents and visitors; and

WHEREAS, Virgin’s LUA finds it to be in the best interests of the health, safety, and welfare of residents and visitors to the Town to amend its regulations;

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

SECTION 1. ADOPTION. “16.62 SENSITIVE LANDS OVERLAY” of the Virgin Municipal Code (VMC) to establish a Sensitive Lands Overlay as follows:

BEFORE

[None]

AFTER

16.62 SENSITIVE LANDS OVERLAY

62.02 PURPOSE

To further the peace, health, safety, and welfare of the inhabitants of the Town, development within hillside areas must be accomplished in a manner that minimizes potential flooding and erosion, provides protection from other hazards, and encourages preservation of natural scenic beauty. The objectives to be achieved include the following:

- A. Preserve unique geologic features, ridgelines, and hillsides, and maintain open space.
- B. Minimize the amount of grading and earthwork, including street excavation and site grading.
- C. Design and construct roads to minimize scars from cuts and fills and avoid permanent scarring of hillsides.
- D. Stabilize steep hillsides, retain moisture, prevent erosion, and preserve the beauty of the unique landscape.
- E. Encourage street right-of-way, lot layout, and structure designs that generally minimize grading, excavation, and land disturbance.
- F. Encourage density transfers and cluster-type development to minimize disturbance of steep or sensitive terrain and important archaeological sites.
- G. Maintain scenic qualities by minimizing the visual impact of manmade structures on the natural environment while allowing reasonable land use.

62.04 SENSITIVE LANDS DEFINED

For the purposes of this Chapter, the following lands are “sensitive lands” and shall be subject to the requirements of this Chapter:

- A. Any area where there is a change in elevation which is equal to or greater than ten percent (one foot of vertical grade change for every ten feet of horizontal run) for a distance of 100 feet or more, and where said grade change covers an area of at least one acre, or an entire parcel if said parcel is less than one acre.
- B. Any area within one hundred feet (100') of the edge of a bluff. The “edge of a bluff” means an area where there is a substantial, abrupt change in slope along the edge of a predominantly flat area of land. The slope of the land below the abrupt edge typically has a grade that is near or exceeds thirty percent (30%), has a vertical

elevation change of at least one hundred feet (100') or greater, and lies within sensitive lands described in Subsection A of this Section.

- C. The boundaries of all areas within one hundred (100) vertical feet of a ridgeline. A "ridgeline" means the junction of a rising, steep slope on one side and a descending slope that may be gentle or steep on the opposite side.
- D. Natural Washes: Any natural occurring drainage channel that conveys intermittent or ephemeral flows, regardless of whether the wash is mapped as part of the FEMA floodplain or floodway. Washes shall be subject to buffer and protection standards to maintain natural hydrology and prevent erosion, sedimentation, and habitat loss.

62.06 DETERMINATION OF APPLICABILITY

- A. Application of Chapter: The regulations contained in this Chapter shall apply to all property within the incorporated boundaries of Virgin Town that contains one or more of the sensitive land features as defined in Section 62.04 and to land development that includes any of the following:
 - 1. Any grading not associated with an approved project of the types listed in subsection A3 of this Section, when such grading will involve any of the following:
 - a. Disturbance of ten thousand (10,000) square feet or more of land area.
 - b. Creating a cut or fill over three feet (3') in height.
 - c. Creating trenching over 200 feet in length.
 - 2. Any activity associated with a building permit, including grading on a vacant lot or parcel not previously approved in accordance with the provisions of this chapter, but excluding any lot or parcel located in a subdivision that received preliminary plat approval prior to the effective date of this Chapter.
 - 3. Any preliminary plat, planned development, site plan, conditional use permit, or any other land use development permit authorized by this Code.
 - 4. Hillside and ridge areas as outlined in Section 62.10 of this Chapter.
- B. Support Information: An applicant may provide information to support a determination that the project is not located on sensitive lands. Further on-site investigation from licensed professionals may be necessary to conclude whether or not a project is located on sensitive lands.
- C. Zoning Administrator Determination: If additional information is provided by an applicant, the Zoning Administrator shall review the information and make a final determination whether or not the project is subject to this Chapter. The Zoning Administrator may also review the project on site and determine that the project is not located on sensitive lands and therefore is not subject to this Chapter. The decision of the Zoning Administrator may be appealed to the Planning Commission.

- 125 D. Other Applications: In most instances, the application required by this Chapter is
126 intended to be submitted with another land use application and processed
127 simultaneously.
- 128 E. Conflicting Provisions: This Chapter sets forth provisions that may affect other
129 chapters of this Title. In the event of conflict, the more restrictive provisions shall apply
130 unless the less restrictive provision specifically provides otherwise.
- 131 F. Relationship to Floodplain Regulations: Development within areas subject to flood
132 hazard, as defined by Chapter 22 of this Title, shall comply with all applicable
133 provisions of that Chapter in addition to the requirements of this Chapter. In the event
134 of conflict, the more restrictive standard shall apply.
- 135 G. Exceptions: Exceptions to the provisions of this Chapter may be granted by the Town
136 Council upon recommendation from the Planning Commission when:
- 137 1. An alternative solution is proposed for the protection of the sensitive land,
138 based on sound and generally accepted engineering and land development
139 principles, and said alternative will result in equal or better protection than
140 development under the standards of this Chapter and is consistent with the
141 purposes of this Chapter. The alternative shall also be consistent with the
142 general plan policies affecting sensitive lands.
 - 143 2. The size of the parcel existing before the effective date of the adoption of this
144 Chapter is determined by the Planning Commission to be too small to
145 effectively apply the provisions of this Chapter, and conditions can be added to
146 the project to minimize safety and general welfare concerns.
 - 147 3. Any findings supporting an exception shall be provided in writing and based
148 on substantial evidence.
- 149 H. Grading Permit Required: No grading, excavation, or land disturbances shall
150 commence on any property subject to this Chapter without first obtaining a grading
151 permit from the Town. Grading permits shall be reviewed for consistency with this
152 Chapter. Preliminary activity permits may be issued as provided in Section 62.08 of this
153 Chapter.

154 155 62.08 PROCEDURE

- 156 A. Preliminary Activities: The following requirements shall govern any preliminary activity
157 such as surveying, testing, or design related activities conducted on sensitive lands
158 subject to the provisions of this Chapter for the purpose of exploring, evaluating
159 and/or establishing locations for any development, when such preliminary activity may
160 result in any of the following:
- 161 1. Physical disturbance of the site of more than ten thousand (10,000) square feet
162 of land area.
 - 163 2. Cuts or fills more than three feet (3') in depth/height.
 - 164 3. Trenching more than two hundred feet (200') in length.

- 165 a. Proposals for preliminary activities shall be submitted to the Zoning
166 Administrator for review and approval. Areas of proposed disturbance
167 shall be staked at the applicant's expense. Following staking, Town
168 representatives shall have a reasonable opportunity to observe the
169 staking. Prior to granting a permit for preliminary activities, depending
170 on the scale of the activity, the Zoning Administrator may request
171 written input from the Town Engineer.
- 172 b. After observation of a proposed development site, the Zoning
173 Administrator and the Town Engineer may authorize issuance of a
174 permit for preliminary activity. The permit shall be limited to the staked
175 areas of proposed disturbance and may include conditions for the
176 following:
- 177 i. Implementation of adequate erosion control measures to
178 protect affected areas. Supplemental erosion control measures
179 may also be required between initial disturbance, construction,
180 or permanent improvements, or restoration of disturbed areas.
- 181 ii. Limitations on cuts and fills to ensure that such cuts and fills are
182 made only where necessary to obtain access for required
183 testing, and that no safety problems will be created.
- 184 iii. Requirements for restoration of disturbed areas where
185 permanent improvements are not constructed within a
186 reasonable time following the disturbance.
- 187 iv. Any other reasonable condition necessary to avoid unnecessary
188 land disturbance and to protect adjoining property.
- 189 c. Approvals from state or federal agencies that have jurisdiction over
190 development action on the site shall be required before permit
191 issuance.
- 192 d. Following the completion of any preliminary surveying, testing, or
193 design-related activities in accordance with this subsection, any
194 permanent improvements subsequently developed or installed shall
195 conform to the provisions of this Chapter.

196 B. Development Project and Permit Review Authority: The designated authority for the
197 review and approval of projects subject to the provisions of this Chapter is as follows:

- 198 1. Planning Commission Responsibility: The Planning Commission shall review any
199 proposal for development other than building or grading permits for a single-
200 family dwelling to determine compliance with the requirements of this Chapter.
201 Appeals of a Planning Commission decision on sensitive land issues shall be
202 made to the Town Council.
- 203 2. Zoning Administrator Responsibility: The Zoning Administrator is responsible
204 for applying the provisions of this Chapter to single-family building permits

and grading permits for single-family dwellings on parcels not associated with a project previously approved by the Planning Commission, and approving these permits when found to be consistent with this Chapter. The Planning Commission shall hear appeals of the Zoning Administrator.

3. Final Approval: Final approval shall require satisfactory compliance with all of the requirements of the development plan and compliance with any companion application conditions, i.e., preliminary plat, conditional use permit, zoning map change, or other applicable requirements of this Code.

62.10 HILLSIDES AND RIDGE AREAS

- A. Applicability: The following procedures, submittal requirements, and standards shall apply to those projects located on lands identified as having at least one of the following characteristics:

1. Slopes over ten percent which are:
 - a. Identified through computer-generated programs capable of calculating slopes on topographic maps prepared with two-foot contour interval accuracy; or
 - b. Established profile lines drawn perpendicular to contour lines at intervals no greater than one hundred fifty feet (150') apart, when the slope, measured along any one hundred foot (100') segment of the profile line, is ten percent (10%) or greater.
 - c. A slope shall be subject to this Chapter only when a contiguous identified area of ten percent (10%) or greater exceeds one (1) acre, or if the site is less than one acre and the entire site is ten percent (10%) or greater.
2. Lands located within one hundred (100) vertical feet of a ridgeline measured perpendicular from the ridgeline; and
3. Lands located within one hundred feet (100') of the edge of a bluff.

- B. Conceptual Review: At the option of the applicant, a concept plan may be submitted for review by Town staff and/or the Planning Commission. The purpose of conceptual review is to determine general consistency of the concept plan with this Chapter. While comments may be offered, no approval or denial action on the concept plan will occur. The submittal of a concept plan should include the information outlined in Subsections B1 and B2 of this Section. While not mandatory, the submittal of all data listed will enable the staff and/or Planning Commission to provide more thorough comments on the concept plan.

1. A development map, drawn to a scale of one inch equals one hundred feet (1" = 100') or larger, which shows the following:

- 244 a. Two-foot contour intervals where slopes are zero to twenty-nine
245 percent (0%-29%) and five-foot contour intervals where slopes are
246 thirty percent (30%) or greater.
- 247 b. Natural slopes having grades of ten to twenty-nine percent (10%-29%)
248 and natural slopes of thirty percent (30%) or greater shall be color
249 shaded clearly showing the difference between the two categories.
- 250 c. Proposed development and layout of lots, roads, schools, churches,
251 parks, open space, fire stations, commercial, cut and fill slopes or area
252 disturbances, and any other proposed land use.
- 253 d. The grades of all existing and proposed roads.
- 254 2. A report that includes the following:
- 255 a. Total development area.
- 256 b. Total number of proposed lots and dwellings.
- 257 c. Proposed density, and/or density to be transferred.
- 258 d. Percentage of each use, such as residential, commercial, roads, etc.
- 259 e. The justification for project design, which includes a statement on how
260 the project is consistent with the general plan and this Chapter,
261 emphasizing how mitigation has been applied to reduce the impact on
262 sensitive lands, or how sensitive lands have been avoided.
- 263 C. Development Plan Submittal: Following conceptual review, if such was requested by
264 the applicant, development plan approval shall be obtained. The following
265 information and reports, along with any fee established by the Town, shall be
266 submitted as part of an application for development plan approval:
- 267 1. Development Plan: A development plan which clearly shows the following:
- 268 a. Two-foot contours. The contour map shall be prepared and certified by
269 a licensed professional civil engineer or surveyor drawn at a scale no
270 smaller than one inch equals one hundred feet (1"=100').
- 271 b. Field surveys may be required of the applicant by the Town to verify the
272 accuracy of the contour lines shown on the contour map.
- 273 c. Slopes having grades of ten to twenty-nine percent (10%-29%) and
274 natural slopes of thirty (30%) or greater shall be color shaded clearly
275 showing the difference between the two categories. This contour
276 information shall either be computer-based or based on profile lines
277 drawn perpendicular to contours at intervals no less than one hundred
278 fifty feet (150') apart, nor greater than seventy-five feet (75') from an
279 existing or proposed property line. Grades shall then be determined by
280 calculating the slope along one hundred-foot (100') segments of the
281 profile.
- 282 d. To determine the required minimum lot size, the average natural grade
283 of each proposed parcel shall be calculated and indicated on the

development plan. The average grade shall be determined by calculating the grade of the natural slope between two opposing property lines, based on profiles taken perpendicular to the contours, no less than one hundred fifty feet (150') apart, nor greater than seventy-five feet (75') from an existing or proposed property line. Small washes or rock outcrops with slopes distinctly different from the surrounding property may be excluded from slope determination if the exclusion of such small areas from slope determination will not be contrary to the overall purpose of this Chapter, as reasonably determined by the Zoning Administrator.

- e. The proposed development layout of lots, roads, proposed road grades, open space, area of disturbances, and existing native vegetation.
2. Soils Investigation Report: A soils investigation report which contains the following information:
 - a. Nature, disposition, and classification (unified soil classification) of existing soils to the appropriate depth of influence by the proposed development, but not less than ten feet deeper than the proposed excavations or to bedrock.
 - b. Strength of existing soils, bearing capacity of supporting soils, settlement estimates, collapse and shrink-swell characteristics, lateral pressures and trench excavation limitations.
 - c. Groundwater levels that may affect development and estimated elevation of high groundwater levels.
 - d. Appropriate laboratory testing for classification, consistency, strength, and consolidation conditions.
 - e. Slope stability.
 - f. A written statement by the geotechnical engineer, civil engineer, or geologist preparing the soils report describing the general suitability or the site for the owner's intended use. The report shall identify soil constraints to development and shall state the professional opinion of the author as to whether the proposed development plan will mitigate and/or eliminate said constraints in a manner as to prevent hazard to life, hazard to property, and adverse effects.
3. Geotechnical Report: A geotechnical and geological report subject to the standards and requirements provided therein.
4. Grading and Drainage Plan: A grading and drainage plan report that includes stormwater management, erosion, and grading plans, detailing how surface water, natural drainage, erosion and sedimentation loss, and hydrologic

hazards will be managed during and after construction. The plan shall include the following information:

- a. The grading plan shall show present topography, including the location and depth of all proposed cuts and fills of finished earth surfaces, and/or use of retaining walls including height, using a contour interval of two feet when grades are zero to twenty nine percent (0%-29%) and five foot contours when grades are thirty percent (30%) or greater.
- b. The proposed area to be graded shall be clearly delineated on the plan.
- c. All calculations and proposed details used for design and construction of debris basins, impoundments, diversions, dikes, waterways, drains, culverts, and other water management or soil erosion measures shall be shown. Drainage calculations shall determine runoff volume and peak discharge using the "rational method," "SCS curve number method," or appropriate equivalent. Data provided should include:
 - i. Rainfall depth, duration and distribution.
 - ii. Watershed slope and drainage area delineation.
 - iii. Land condition of watershed surface.
 - iv. Topography of drainage area.
 - v. Soil descriptions in watershed. Erosion calculations shall employ predictions of soil loss sheet erosion using the universal soil loss equation or equivalent. Data to be provided should include factors of:
 - a. Rainfall intensity and duration.
 - b. Soil erodibility.
 - c. Land slope and length of slope or topography.
 - d. Condition of the soil surface and land management practices in use.
 - e. Surface cover, grass, pavements, etc.
5. License Required: All required reports shall be prepared by persons licensed to practice their specialty or expertise in the state of Utah, if such license for practice is required.
6. Expert Advice: In reviewing technical reports, calculations, and plans which may be required, the Town staff or Town Engineer may find it necessary to obtain the advice of other experts regarding the adequacy of the reports submitted, and the validity of the conclusions and recommendations reached in the reports. In such cases the Town staff or Town Engineer may consult with such experts, with the reasonable costs of these consultations to be borne by the developer prior to any public hearing.

A. Unbuildable Slopes: Except as may be allowed by an exception as set forth in 62.06F of this Chapter, slopes of thirty percent (30%) or greater shall be undisturbed. Slopes of thirty percent (30%) or greater, if included within a lot, shall not be considered as lot area contributing to the minimum area required in Subsection B of this Section. Slopes thirty percent (30%) or greater, but not exceeding forty percent (40%), may be used for street location purposes when needed to provide two ways of access to the project, when the Planning Commission finds that:

1. No significant harm will result and the roadway can be provided without creating an obviously visible scar on the hillside.
2. The proposed modification will result in a more functional and improved plan.
3. The developer/building agrees to comply with any conditions or requirements imposed by the Planning Commission to mitigate any adverse effects that may result from the proposed roadway.

B. Subdivision Lot Size.

1. The following minimum lot sizes shall be required unless the existing base zone district requires a larger lot area. Lots with slopes less than ten percent (10%) shall be subject to the lot size requirement of the base zone district.

Average Slope	Minimum Lot Area	Units per acre
0-10%	See base zoning	
11-16%	20,000 square feet	2 if zoning permits
17-23%	40,000 square feet	1 if zoning permits
24-30%	80,000 square feet	1 unit per 2 acres if zoning permits
>30%	Development not permitted	

C. Density Limitations:

1. The maximum number of units allowed within a project shall not exceed the lesser of the following:
 - a. The maximum units allowed by the existing zone district on the project site, plus any bonus allowed by Subsection D of this Section.
 - b. The maximum number of units resulting from the application of the minimum lot size standards of subsection B of this section, plus any bonus units allowed by this Chapter.
 - c. The maximum number of units allowed by the general plan, plus any bonus units allowed by this Chapter.

D. Density Transfer: A density transfer from steep slopes (generally greater than twenty percent) and ridge areas to moderate slopes (generally less than twenty percent) on or off-site is encouraged and allowed through the processing of a planned development, provided the purposes of this Chapter and the general plan are maintained. A density transfer bonus may be allowed as follows:

Slope	Bonus Factor
11-16%	1.25
17-23%	1.5
23-30%	2.00
>30%	No bonus is permitted, but density may be transferred at a rate of 1 dwelling unit for each 10 acres.

1. Note: The allowable transfer, including the bonus, shall be determined by multiplying the density allowed based on the percent of slope as provided in subsection B of this Section by the bonus factor.

- E. Maximum Impervious Material Coverage: The maximum allowable lot coverage by impervious material (roofs, driveways, walks, patios) shall not exceed fifty percent (50%) maximum coverage on slopes ten to fourteen percent (10-14%), and shall not exceed thirty five percent (35%) maximum coverage on slopes fifteen percent (15%) or greater.

62.14 GRADING, DRAINAGE, AND STREET DEVELOPMENT STANDARDS.

- A. Grading, Drainage, and Erosion: The total watershed area shall be used to determine the amount of stormwater runoff generated before and after construction.

1. A grading and drainage report shall be prepared in which the developer shall describe the methods intended to be employed to control the increased erosion during construction.
2. The developer shall be responsible for interim stabilization of all disturbed areas during construction to prevent erosion, and for final stabilization when construction is completed.
3. The "SCS curve number method," "rational method," or other stormwater computation method as approved by the Town Engineer shall be used in computing runoff.
4. Maps of the development site at a scale of one inch equals two hundred feet (1" = 200') shall be provided by the developer to the Town Engineer defining the boundaries of any floodplain and the limits of the watershed.
5. Existing drainage and floodway channels shall remain as historically located except that roads and utilities may be installed across such channels as approved by the Planning Commission and the Town Council. Where these channel modifications are planned, the developer shall obtain permits from the state division of water rights and U.S. Army Corps of Engineers when required by these agencies. The developer shall provide evidence of such permits to the Town prior to issuance of a grading permit. Structures and/or lots shall be arranged so as to ensure adequate setbacks from all drainage and floodway channels. The 100-year storm shall be that basis for calculating setbacks.

- 429 6. Facilities for the collection of stormwater runoff shall be required to be
430 constructed on development sites according to the following requirements:
431 a. Such facilities shall be the first improvements or facilities constructed on
432 the development site.
433 b. Such facilities shall be designed to detain safely and adequately the
434 maximum expected stormwater runoff for a minimum ten-year storm,
435 while allowing an off-site discharge not to exceed one-tenth cubic foot
436 per second per acre. Regardless, stormwater mitigation shall limit runoff
437 volumes and flows so they do not exceed predevelopment levels.
438 c. Such facilities shall be designed to divert surface water away from cut
439 faces or sloping surfaces of a fill.
440 d. The existing natural drainage system shall be utilized to the extent
441 possible in its improved state.
442 e. Where drainage channels are required, wide shallow swales lined with
443 grass, rock, or other approved material shall be used instead of cutting
444 narrow, deep drainage ditches.
445 f. Flow retarding devices, such as detention ponds, check dams, and
446 recharge berms, shall be used where practical to minimize increases in
447 runoff volume and peak flow rate due to development.
- 448 7. Erosion control measures on a development site and a drainage design system
449 to control stormwater erosion during and after construction shall be contained
450 in a grading and drainage report submitted by the developer.
- 451 8. A description of any hydrologic hazards associated with the proposed
452 development site and the adjacent area shall be required. Hydrologic hazards
453 may include high water table, surface water impoundments, gradients on
454 property, floodplains, etc.
- 455 B. Cut and Fill Slopes: Development standards for cut and fill are as follows:
456 1. Cut and fill slopes regulated by the building code shall comply with the
457 following unless more restrictive standards are otherwise recommended in an
458 approved soil and geology report:
459 a. Cut and fill slopes shall not exceed sixteen feet (16') in vertical height.
460 Proposed slopes that are separated by less than fifty feet (50') of
461 horizontal distance shall be considered a single slope, and their
462 combined height shall not exceed sixteen feet (16'). The fifty-foot (50')
463 spacing standard shall apply to slopes on the same lot or within fifty
464 feet (50') of a slope on an adjacent lot.
465 b. Benching and terracing may only occur as a means to reduce the
466 appearance of a slope sixteen feet (16') or less (i.e., creating two eight-
467 foot slopes instead of a single sixteen-foot slope).

- 468 c. Cut and fill slopes shall not exceed a slope ratio of two feet (2')
469 horizontal to one foot (1') vertical, except as follows:
470 i. A cut slope is proposed in stable, rock-based material, and a
471 steeper cut is preferable to using a retaining wall or revegetating
472 a larger two-to-one slope, provided that erosion potential will
473 not increase. This determination shall be made by a licensed civil
474 engineer or geologist.
475 d. The following slope standards shall apply:
476 i. No slopes shall be cut steeper than the bedding plane, fracture,
477 fault, or joint of any formation where the cut slope lies on the
478 dip of the strike line of the fracture, bedding plane, fault, or joint.
479 ii. No slopes shall be cut in an existing landslide, mudflow, or other
480 form of naturally unstable slope.
481 iii. If the material of a slope is of such composition and character as
482 to be unstable under the anticipated maximum moisture
483 conditions, the slope angle shall be reduced to a stable value or
484 increased through retention using a method approved by the
485 Town Engineer and certified as to its stability by a professional
486 soils engineer.
487 e. Any cut or fill slope composed of loose material (i.e., not cut into solid
488 rock) shall be revegetated and a permanent irrigation system provided.
489 2. Fill slopes shall not be constructed on natural slopes steeper than two feet (2')
490 horizontal to one foot (1') vertical.
491 3. A roadway cut and fill slope located outside a dedicated public right-of-way
492 shall be located within a recorded easement providing for slope protection and
493 preservation. The easement shall be in a form acceptable to the Town.

494 C. Retaining and Stacked Rock Walls: the following standards shall be applied to
495 retaining walls:

- 496 1. The maximum height of a retaining or stacked rock wall shall not exceed
497 sixteen feet (16'). Retaining or stacked rock walls separated by less than fifty
498 feet (50') of horizontal distance shall be considered as a single wall, and their
499 combined height shall not exceed sixteen feet (16'). The fifty-foot (50') spacing
500 standard applies to walls or slopes on the same lot and when the wall or slope
501 is within fifty feet (50') of a wall or slope on an adjacent lot.
502 2. The vertical height of the retaining wall or stacked rock wall, when combined
503 with a cut or fill slope, shall be considered part of the allowed slope height (i.e.,
504 a six-foot retaining wall adjacent to a ten-foot cut slope totals sixteen feet, and
505 is therefore the maximum height of the allowed slope).
506 3. Wherever possible, the material and/or color of the retaining or stacked rock
507 wall shall be earth tones indigenous to the area.

- 508 4. The use of retaining and stacked rock walls to reduce earth and vegetation
509 disturbance is encouraged, especially when revegetation is impractical and the
510 slope would be visible to the public.
- 511 5. The design of retaining walls and stacked rock walls over four feet in height
512 requires engineering design and shall conform to building code requirements.
- 513 D. Streets and Rights-of-Way: The following street standards shall apply:
- 514 1. The Town's street standards and specifications shall apply to all development,
515 except where conditions related to proper development of sensitive land areas
516 necessitate altering these standards as described below and elsewhere in this
517 Chapter and as may be otherwise approved by the Town.
- 518 2. Street grade requirements:

	Normal	Permissible Exception
Maximum grade	8%	12%
Maximum grade street intersections	5%	As determined by the Town Engineer.

- 519
- 520 3. Streets, roadways, and private accesses shall follow as nearly as possible the
521 natural terrain.
- 522 4. Two points of access to a through road shall be provided for emergency and
523 firefighting equipment access for residential projects containing thirty (30) or
524 more lots or residential units. The second access may be temporary when the
525 Planning Commission finds:
- 526 a. The access road is developed to a grade, width, structural standard, and
527 surface capable of accommodating emergency vehicles and two-way
528 traffic; and
- 529 b. Permanent secondary access will be provided in the future as other
530 phases of the project are developed, and/or there is a reasonable
531 expectation that the development of adjacent land in the foreseeable
532 future will provide the second permanent access.
- 533 5. All fill slopes shall be contained within a public right-of-way or shall be located
534 within recorded easements providing for slope protection and preservation.
535 The easements shall be in a form acceptable to the Town.
- 536 6. Variations of street design standards developed to solve sensitive land and
537 functional problems may be presented to the Planning Commission for
538 consideration.
- 539 7. The provisions of this Chapter shall not apply to streets or rights-of-way
540 already constructed or which have heretofore been approved by the Town.
- 541 E. On-site Development: The property owner or developer shall be fully responsible for
542 making all improvements in accordance with the development site approvals, e.g.,
543 streets, utilities, drainage, erosion, walls, and vegetation requirements.

- 544 F. Bond: In addition to the provisions requiring the posting of a bond as outlined in
545 Chapter 16.18 of this Title, the developer or property owner shall be required to
546 guarantee the stabilization of grading sites, cuts and fills, and construction of
547 stormwater runoff facilities, and the construction of recreation space as may be
548 required in this chapter. Such bond shall be in an amount equal to one hundred and
549 ten (110%) of the construction cost of such work and shall continue for eighteen (18)
550 months after the completion date of such work.

551
552 62.16 NATURAL WASH PROTECTION STANDARDS

- 553 A. Intent: To preserve the natural function and appearance of washes, limit erosion and
554 sedimentation, and maintain natural drainage capacity.
- 555 B. Development Setbacks:
- 556 1. A minimum setback of twenty-five feet (25') shall be maintained from the top
557 of bank of any natural wash.
 - 558 2. No grading, fill, or structures shall be placed within the wash setback except as
559 expressly permitted by the Town and any applicable state or federal agencies.
- 560 C. Drainage and Runoff:
- 561 1. Development shall not alter the natural course of a wash or concentrate runoff
562 into the wash beyond natural conditions without approved engineering
563 analysis and mitigation.
 - 564 2. Stormwater discharge into washes shall be dispersed and treated as necessary
565 to prevent erosion or flooding downstream.
- 566 D. Vegetation and Stabilization:
- 567 1. Native vegetation within and adjacent to washes shall be preserved to the
568 extent practical.
 - 569 2. If disturbance occurs, revegetation using native plant species shall be required
570 within the setback area.
- 571 E. Exceptions:
- 572 1. Trails, low-impact crossings, or utility installations may be permitted across
573 washes subject to Town approval and demonstration that impacts are
574 minimized and mitigated.
 - 575 2. The Town may waive the setback requirement upon finding that the
576 development is consistent with the purposes of this Chapter and will not cause
577 adverse drainage or erosion impacts.

578
579 **Severability Clause:** Should any part or provision of this Ordinance be declared by the
580 courts to be unconstitutional or invalid, such decision shall not affect the validity of the
581 Ordinance as a whole or any part thereof other than the part so declared to be
582 unconstitutional or invalid.
583

Effective Date: This Ordinance shall be in full force and effect from _____, 20____ and after the required approval and publication according to law.

Repealer Clause: All Virgin Town ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF VIRGIN TOWN, STATE OF UTAH, ON THE _____ DAY OF _____, 20____.

Attest:

Jean Krause, Mayor, Virgin Town

Krystal Percival, Recorder, Virgin Town

VIRGIN TOWN COUNCIL

Vote as recorded: AYE NAY ABSENT

Councilmember Luwe _____

Councilmember Baird _____

Councilmember Wenz _____ **SEAL**

Councilmember McKeon _____

Mayor Krause _____

RECORDED this _____ day of _____, 20____.

PUBLISHED OR POSTED this _____ day of _____, 20____.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

In accordance with Utah Code Annotated §63G-30-102 as amended, I, the Town Clerk/Recorder of Virgin, Utah, hereby certifies that the foregoing Ordinance was duly passed and published or posted via Class A Notice at:

- 1) *Utah Public Notice website*
- 2) *Virgin Town website, www.virgin.utah.gov*
- 3) *Virgin Town Hall*

Krystal Percival, Town Clerk/Recorder

Virgin Town, Utah

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