



To: Mayor and Town Council

From: Mark C. Meyers, Town Manager *WCM*

Date: February 5, 2026

Subject: Grading Ordinance

Background

Virgin Town has not required grading permits since a past administration removed the standard. Grading permits are a best practice in any local community. Recognizing this, contracted planning consultant Ryker Steglich of Sunrise Engineering was directed to draft an ordinance for Town review. The Planning Commission held a public hearing on the ordinance. Based on discussion by Commissioners, including a few suggested revisions, the Planning Commission will consider recommending the ordinance to the Town Council at their February 10, 2026, meeting. The draft ordinance is attached (highlights reflect the final revisions -dust and track out control, consideration of washes, and clean up of debris requirements).

Pending Commission action, I wanted to get the ordinance in front of Town Council for preliminary review and discussion.

Recommendation

It is recommended that Town Council review the grading ordinance in preparation for formal consideration at the February 17, 2026, regular meeting.

1 VIRGIN TOWN
2 ORDINANCE NO. 2026-XX
3

4 AN ORDINANCE ADOPTING AND ENACTING A NEW SECTION IN CHAPTER 16.8 OF THE
5 VIRGIN MUNICIPAL CODE ESTABLISHING STANDARDS FOR GRADING, EXCAVATION, AND
6 EARTHWORK ACTIVITIES; PROVIDING FOR PERMITTING, ENGINEERING, AND
7 ENFORCEMENT PROCEDURES; AND PROMOTING PUBLIC HEALTH, SAFETY, AND WELFARE
8 THROUGH RESPONSIBLE LAND DISTURBANCE REGULATION.
9

10 WHEREAS, Virgin Town is a municipal corporation and political subdivision of the State
11 of Utah, organized and existing under the provisions of Utah Code Annotated Title 10; and
12

13 WHEREAS, pursuant to Utah Code Annotated 10-9a-501 et seq., the Town Council of
14 Virgin Town is authorized to adopt ordinances and regulations governing land use,
15 development, and construction within the Town to protect the public health, safety, and
16 welfare; and
17

18 WHEREAS, the Town Council recognizes that grading, excavation, and other
19 earthwork activities, if not properly managed, can create hazards to life and property, cause
20 erosion and sedimentation, and negatively affect natural drainage patterns, vegetation, and
21 the visual character of the community; and
22

23 WHEREAS, the Town Council finds it necessary to establish clear standards and
24 procedures for grading permits to ensure safe engineering practices, protect natural
25 resources, and maintain the integrity of Virgin Town's terrain and hydrology; and
26

27 WHEREAS, the adoption of this ordinance will promote consistency, efficiency, and
28 accountability in the regulation of grading and land disturbance activities, and further the
29 Town's goals of sustainability, responsible development, and environmental protection;
30

31 NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF VIRGIN TOWN,
32 UTAH, AS FOLLOWS:
33

34 SECTION 1. ADOPTION OF NEW SECTION 16.8.62. Section 16.8.62 of the Virgin
35 Municipal Code (VMC) is hereby adopted and enacted as follows:
36

37 16.8.62 - Grading Permit

- 38 A. PURPOSE: The purpose of this Chapter is to protect public health, safety, and general
39 welfare by establishing standards for grading, excavation, and earthwork activities
40 within the Town. This Chapter is intended to:

1. Prevent erosion, sedimentation, and other forms of environmental degradation.
2. Protect natural features, including hillsides, ridgelines, streams, and vegetation.
3. Minimize the risk of landslides, slope instability, and damage to public and private property.
4. Ensure compatibility of grading activities with existing topography and planned land uses.
5. Maintain the natural hydrology and minimize adverse impacts on drainage patterns and stormwater systems.
6. Promote safe development practices through appropriate engineering design and oversight.
7. Align grading activities with the Town's goals for land use, resource protection, sustainability, and visual character.
8. Regulate the development of hazardous terrain and conserve the value and aesthetics of adjacent properties.

B. DEFINITIONS: For purposes of this Section 16.8.62, the following terms shall have the meanings indicated. Terms not defined in this section shall have the meanings assigned in Section 16.2.12 of this Title or, if not defined therein, their ordinary accepted meaning within the engineering and land-use professions.

1. "Clearing" means the removal of vegetation, organic material, or surface debris in preparation for grading or construction.
2. "Cut" means the mechanical removal of earth material that lowers the elevation of the natural ground.
3. "Drainage Study" means a report prepared and stamped by a licensed professional civil engineer that evaluates existing and proposed drainage conditions for a site, including hydrologic calculations, stormwater discharge rates, drainage paths, required retention or detention, and the impact of proposed grading on adjacent and downstream properties. A drainage study shall be prepared in accordance with professionally accepted engineering standards and any criteria adopted by the Town Engineer.
4. "Engineered Grading Permit" means a grading permit required for activities that disturb the natural grade of more than one thousand (1,000) cubic yards and require engineered plans stamped by a licensed professional engineer.
5. "Excavation" means the mechanical removal or movement of earth material, including trenching, cutting, and digging.
6. "Fill" or "Filling" means the placement, deposition, or stockpiling of soil, rock, or earth material that raises the elevation of the natural ground.
7. "Grading" means any excavation, filling, clearing, or movement of soil, rock, or earth material, or any combination thereof.

- 81 8. "Land Disturbance" means any activity that disturbs the surface of the land,
82 including clearing, grading, excavation, filling, stockpiling, or soil movement.
83 9. "Natural Grade" means the elevation of the undisturbed natural ground surface
84 before any grading, excavation, or filling occurs, as shown by existing contours.
85 10. "Standard Grading Permit" means a grading permit required for activities that
86 disturb the natural grade of more than two thousand (2,000) square feet but
87 not more than one thousand (1,000) cubic yards.
88 11. "Substantial Work" means physical work on the site that materially advances
89 the grading activity and demonstrates active construction, as determined by
90 the Town.
91

92 C. SCOPE AND APPLICABILITY: No person shall commence or perform any grading,
93 excavation, filling, or clearing of land without first having obtained a grading permit
94 and ascertaining the existence of underground utilities. No grading permit shall be
95 issued except in connection with an allowed use in the zoning district in which the
96 property that is to be graded, filled, or cleared is located. A grading permit shall not
97 be issued until the Town has approved all other required development applications
98 associated with the proposed work, including but not limited to building permits, site
99 plans, conditional use permits, or subdivision approvals, so that grading is authorized
100 only in conjunction with an approved use.
101

102 D. EXEMPTIONS: The following shall not require a grading permit:

- 103 1. Agricultural: Grading, excavation, filling, or clearing for bona fide agricultural
104 uses, including but not limited to crop production, livestock operations,
105 irrigation improvements, and soil preparation, provided the work does not alter
106 natural drainage patterns or negatively impact adjacent property. Any grading,
107 excavation, filling, or clearing conducted for non-agricultural purposes shall
108 require a grading permit, regardless of the zoning district.
109 2. Residential Landscaping: Minor grading or clearing associated with
110 landscaping projects for single-family residential uses that do not negatively
111 impact adjacent property regarding drainage.
112 3. Non-disturbance of Natural Grade: Minor grading (residential), excavation,
113 filling, or clearing that does not disturb the natural grade of more than two
114 thousand (2,000) square feet or result in a change to the natural grade.
115 4. Public Facility Projects: Grading required to construct public facilities, including
116 roadways and utility improvements, approved by the Town Council.
117

118 E. STANDARD GRADING PERMIT: A standard grading permit shall be required for
119 grading, excavation, filling, or clearing that disturbs the natural grade of more than
120 two thousand (2,000) square feet but not more than one thousand (1,000) cubic yards.

Prior to the commencement of any grading, an applicant shall submit a minor grading and drainage plan consisting of the following:

1. Location of the site.
2. Name of the owner/applicant.
3. A statement of the credentials of the person who prepared the plan.
4. Date the plan was prepared.
5. A general vicinity map of the proposed site, identifying all adjoining parcels and the names of their current owners as listed in the Washington County Assessor's records on the date of application.
6. Limiting dimensions and depth of cut and fill.
7. Location of any buildings or structures where work is to be performed and the location of any buildings or structures within thirty feet (30') of the proposed grading.
8. Typical cross-section of the cuts/fills resulting from excavation slopes steeper than two horizontal to one vertical must be engineered.
9. A fugitive dust control plan implementing best management practices for dust control during grading and construction activities, and until the site is stabilized. The plan shall identify dust control measures to be used, including watering, soil stabilization, phasing of grading, track-out prevention, and maintenance responsibilities.
- 9.10. Identification and description of proposed track-out prevention measures, including the general location of stabilized construction entrances.
- 9.11. Additional items as required by the Town Engineer.

F. ENGINEERED GRADING PERMIT: An engineered grading permit shall be required for grading, excavation, filling, or clearing that disturbs the natural grade of more than one thousand (1,000) cubic yards. Prior to the commencement of any engineered grading, an applicant must submit an engineered grading and drainage plan consisting of the following:

1. All submitted plans and specifications must be stamped and signed by a professional civil engineer licensed in the State of Utah.
2. Anticipated schedule of commencement of proposed excavation and grading.
3. Plans shall indicate the nature and extent of the work to be performed and that the work will conform to the most current version of the International Building Code, and all relevant laws, ordinances, rules, and regulations, and shall contain the following:
 - a. The first sheet of each set of the plans shall indicate the location of the work, name and address of the owner, a statement of the credentials of the engineer who prepared the plans, and the date the plan was prepared, including revision dates.

- b. General vicinity of the proposed site.
- c. Property limits and accurate contours of existing ground and details of terrain.
- d. Existing ground slope map for the proposed site.
- e. Horizontal and vertical limits of grading, including proposed elevations, finish contours, and the layout of drainage channels and related improvements.
- f. Typical cross-sections of cuts/fills resulting from excavation and grading work.
- g. Identification of existing natural washes and drainageways on the site and demonstration of how such features will be preserved or, where modification is proposed, justification supported by engineered analysis.
- g-h. Details of surface and subsurface drainage devices, retaining walls, cribbing, dams, etc. to be constructed with or as part of the proposed work.
- h-i. A Drainage Study, prepared and stamped by a licensed professional engineer, evaluating existing and proposed drainage conditions in accordance with professionally accepted engineering standards and any criteria adopted by the Town Engineer.
- i-j. Location of any existing buildings or structures on the site and the location of any buildings or structures on adjacent property which is within thirty feet (30') of the site or which may be affected by the proposed grading.
- j-k. A soils engineering report with recommendations incorporated in the plans and specifications. Soils engineer shall acknowledge the plans are in accordance with the soils report by stamping and signing the plan or by letter.
- k-l. An erosion control plan.
- m. A Stormwater Pollution Prevention Plan (SWPPP) prepared by a stormwater inspector certified in the State of Utah.
- n. Track-out prevention measures, including stabilized construction entrances, shall be shown on the engineered grading plans and incorporated into the erosion control plan and SWPPP where applicable.
- m-o. State of Utah – Notice of Intent for stormwater construction.
- n-p. A fugitive dust plan implementing best management practices for permanent and ongoing dust control, including the installation of an air quality index monitor whose data is readily accessible to the Town.
- o-q. A detailed narrative containing:

- 201 i. An estimate of the volumes, in cubic yards, of cut and/or fill, and
202 the area of the site to be graded.
203 ii. A statement regarding the phasing and timing of any grading
204 activities. If the applicant/permittee needs to grade materially
205 out of sequence, or fails to grade in sequence, as identified in
206 the narrative and the engineered grading plan, the Town
207 reserves the ability to invoke its enforcement rights set forth in
208 this Chapter.
209 iii. A description of equipment and methods to be employed in the
210 grading process.
211 P-F Any information reasonably deemed necessary by the Town Engineer.
212 4. Proof of land ownership in the form of a recorded deed or grant, recorded
213 plat, or title insurance policy not older than sixty (60) days at the time of
214 application.
215 5. Proof of payment of required fees, as set forth in the Approval Procedure and
216 the Town's adopted fee schedule.
217

218 G. APPROVAL PROCEDURE: The Community Development Director, or Town Designee,
219 upon receiving a complete application (including payment of all applicable plan
220 review and permit fees in accordance with the Town's adopted fee schedule), shall
221 coordinate review of the application with the Town Engineer and applicable public and
222 private utility providers to determine compliance with the approval standards of this
223 section. No review shall commence until the application is deemed complete.
224

225 Technical review by utility providers and other agencies shall be advisory in nature and
226 intended to identify potential conflicts or deficiencies in the proposed grading plan.
227 Such reviewers shall not act as approval authorities for the Town.
228

229 Following completion of the review process, the Community Development Director, or
230 Town Designee, shall provide the applicant one of the following responses in writing:
231

- 232 1. Approval of the permit application.
233 2. Approval of the permit application, subject to such reasonable conditions as
234 may be necessary to substantially secure the objectives of this Title, and issue
235 the permit subject to these conditions.
236 3. Denial of the permit application, indicating the reason(s) for the denial.

237 H. PERMIT DURATION: A grading permit shall expire and become null and void if
238 substantial work authorized by such permit has not commenced within 60 calendar
239 days of issuance. A grading permit shall also become null and void if the project is not
240 completed within twelve (12) months from the date of issuance. For purposes of this

section, "project" means all grading, excavation, filling, drainage improvements, and erosion-control measures shown on the approved grading plan. One extension may be granted by the Community Development Director, or Town Designee, for a period not to exceed twelve (12) additional months, provided that the applicant is in compliance with this section, substantial work has been completed on the site, and the reclamation bond is renewed and updated as may be required by the Town Engineer. No additional extensions shall be permitted.

I. INSPECTIONS:

1. Inspection Schedule: The Town shall establish and maintain a grading inspection schedule specifying the types, timing, and sequence of inspections required for grading permits issued under this chapter. The inspection schedule shall be adopted by the Town and may be updated administratively to reflect current best practices in engineering, erosion control, and site safety.

All required inspections shall be conducted in accordance with the most current inspection schedule on file with the Town at the time the inspections occur. Fees for required inspections shall be assessed in accordance with the Virgin Town Consolidated Fee Schedule, as amended.

2. Preconstruction Meeting and Notice to Proceed: The applicant must notify the Town in advance of the commencement of grading to schedule a preconstruction meeting. No work under any grading permit may be commenced until the Town has issued a Notice to Proceed. The Town may inspect the work at any time to verify compliance with the approved plans, the inspection schedule, and this chapter.
3. Failure to Comply: Failure to comply with the approved plans, permit conditions, or inspection requirements shall subject the property owner, contractor, and applicant to stop work orders, civil damages, and any other recourse or penalties available under Town, state, or federal law.

- J. RECLAMATION BONDS: Once the permit is issued, but before the preconstruction meeting, the project proponent shall furnish a reclamation bond in an amount of not less than one hundred percent (100%) of the work that the Town may use to mitigate any potential hazards or disruptions caused by the grading work. The reclamation bond shall be either a cash bond or an irrevocable letter of credit in a form approved by the Town Attorney. The Town Engineer may require recalculation and adjustment of

the bond amount if the scope of work changes materially during the course of grading.

K. APPROVAL STANDARDS: No grading permit shall be issued unless it meets the following standards:

1. A complete application and payment of fees.
2. Verification that no increase in stormwater drainage will occur on neighboring properties.
- ~~2.3.~~ Verification that natural washes, drainages, and drainageways on or adjacent to the site are preserved in an open and functional condition and are not filled, piped, culverted, or otherwise obstructed, except where expressly approved by the Town Engineer based on demonstrated necessity and supported by engineered analysis.
- ~~3.4.~~ Verification that sediment will be adequately retained and erosion adequately controlled.
- ~~4.5.~~ Verification that weeds will be adequately controlled.
- ~~5.6.~~ Verification that dust, noise, vibration, smoke, and odor created on the site during grading operations and during idle times will be controlled and limited to prevent nuisance to neighboring properties, to comply with Utah Administrative Code R-307-205, applicable Town ordinances, and any other applicable statute or regulation.
- ~~6.7.~~ Verification by the Town Engineer that the overall extent of the grading shown in the plans matches the amount used to calculate the reclamation bond.
- ~~7.8.~~ Verification that the property has legal vehicular access from a public street or recorded easement sufficient for the intended grading activity, as determined by the Town.

L. GRADING OPERATIONS

1. Hours of operation shall not begin before seven (7:00) AM, and shall not continue after the hour of seven (7:00) PM. No operations shall take place on Sunday or holidays recognized by the State of Utah. Upon request, the Community Development Director or Town Designee may approve modifications to the date and hours of operation.
2. All grading shall comply with the standards engineering specifications for slope stabilization in accordance with the geotechnical recommendations included with the application, and all other applicable Town ordinances. Slopes shall be maintained in a manner that will prevent erosion damage on adjacent properties.
3. Track-Out Prevention and Protection of Adjacent Properties:

- a. Construction Access Controls: All grading activities conducted under a Standard Grading Permit or an Engineered Grading Permit shall implement measures to prevent the tracking of sediment, soil or debris from the site onto adjacent streets, rights-of-way, or neighboring properties.
- b. Stabilization of Construction Entrances: A stabilized construction entrance (track-out pad) shall be installed at all points of vehicular ingress and egress prior to the commencement of grading and maintained throughout the duration of grading activities. Track-out pads shall be designed and constructed in accordance with generally accepted best management practices and shall, at a minimum:
- i. Consist of crushed aggregate or other approved material.
 - ii. Be of sufficient length, width, and depth to effectively remove sediment from vehicle tires.
 - iii. Be underlain with geotextile fabric where required by the Town Engineer, and
 - iv. Be maintained in a condition that prevents visible track-out.
- c. Maintenance and Cleanup: Any sediment or debris tracked onto public or private roadways shall be promptly removed by dry methods such as sweeping or vacuuming. Washing sediment into storm drains or drainage channels is prohibited unless expressly approved by the Town.
- 2-d. Additional Measures: The Town Engineer may require additional track-out controls, including tire wash facilities, rumble strips, or increased pad dimensions, where site conditions, traffic volume, soil type, or proximity to sensitive areas warrant enhanced protection.

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4. The grading operation shall not exceed the boundary of the approved standard grading permit or the engineered grading permit (as applicable). No grading may occur on any site where there is no approved standard grading permit, an engineered grading permit, or a qualified exemption.

3-5. Natural Washes and Drainageways: Natural washes, drainageways, and ephemeral channels shall be protected during grading operations and shall remain open and unobstructed. Grading, filling, realignment, piping, or culverting of natural drainage features is prohibited unless specifically approved as part of an engineered grading plan. Temporary or permanent crossings shall be designed to maintain the hydraulic function of the drainage feature and minimize alteration of natural flow patterns.

M. ENFORCEMENT

1. Violations: It is unlawful for any person to violate any provision of this chapter, any condition of an approved grading permit, or to perform any grading,

359 excavation, filling, or clearing for which a grading permit is required without
360 first obtaining such permit. Each day during which a violation continues shall
361 constitute a separate violation.

- 362 2. Stop-Work Orders; Permit Actions: The Community Development Director, or
363 Town Designee, may issue a stop-work order, suspend or revoke a grading
364 permit, or require the submission and approval of a new grading permit or any
365 component thereof prior to resuming work.
- 366 3. Use of Reclamation Bond: The Town may call upon or forfeit the reclamation
367 bond to complete stabilization, restoration, or reclamation of the site if the
368 permittee fails to comply with this chapter or the conditions of the grading
369 permit.
- 370 4. Abatement: The Town may require the owner or permittee to abate any
371 violation of this chapter. If the owner or permittee fails to abate the violation
372 after notice, the Town may perform the abatement and recover its costs.
- 373 5. Penalty: Any person violating the provisions of this chapter shall be guilty of an
374 infraction and shall be required to pay a fine of not more than seven hundred
375 fifty dollars (\$750.00), plus restitution if applicable. Each day that a violation
376 continues shall be considered a separate violation.
377

378 **SECTION 2. REPEALER.** All Virgin Town ordinances or resolutions or parts thereof,
379 which are in conflict herewith, are hereby repealed.

380 **SECTION 3. SEVERABILITY.** Should any part or provision of this Ordinance be
381 declared by the courts to be unconstitutional or invalid, such decision shall not affect the
382 validity of the Ordinance as a whole or any part thereof other than the part so declared
383 to be unconstitutional or invalid.

384 **SECTION 4. EFFECTIVE DATE.** This ordinance shall take effect immediately upon
385 adoption and posting as required by law.

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

388 Attest:

389 _____
390 Jean Krause, Mayor, Virgin Town

389 _____
390 Krystal Percival, Recorder, Virgin Town

391 VIRGIN TOWN COUNCIL

392 Vote as recorded: AYE NAY ABSENT

393 Councilmember Luwe ___ ___ ___
394 Councilmember Baird ___ ___ ___
395 Councilmember Wenz ___ ___ ___
396 Councilmember McKeon ___ ___ ___
397 Mayor Krause ___ ___ ___

SEAL

398 RECORDED this ___ day of _____, 20__.

399 PUBLISHED OR POSTED this ___ day of _____, 20__.

400 **CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING**

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

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

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408 _____

409 Krystal Percival, Town Clerk/Recorder

410 Virgin Town, Utah