

1 VIRGIN TOWN

2 ORDINANCE NO. 202~~65~~-XX

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4 AN ORDINANCE AMENDING AND RESTATING CHAPTER 16.20 OF THE VIRGIN  
5 MUNICIPAL CODE TO ESTABLISH A JOINT UTILITY COMMITTEE (JUC), AMENDING  
6 SUBSECTION 16.18.12(F)(1) TO DESIGNATE THE COMMUNITY DEVELOPMENT DIRECTOR  
7 AS THE ADMINISTRATIVE LAND USE AUTHORITY FOR FINAL PLAT APPROVAL, REPEALING  
8 REFERENCES TO THE DEVELOPMENT REVIEW COMMITTEE, AND PROVIDING FOR  
9 COORDINATED UTILITY REVIEW OF DEVELOPMENT APPLICATIONS

10  
11 RECITALS

12 **WHEREAS**, Virgin Town is a municipal corporation and political subdivision of the  
13 State of Utah, organized and existing under the provisions of Utah Code Annotated Title  
14 10; and

15 **WHEREAS**, pursuant to Utah Code Annotated 10-~~9a-50120-501~~, the Town Council of  
16 Virgin Town is authorized to designate by ordinance those bodies and officials who act as  
17 land use authorities or who conduct technical and administrative review of development  
18 applications; and

19 **WHEREAS**, the Town has previously established a Development Review Committee  
20 (DRC) to review development applications, which process is now inconsistent with current  
21 statutory and administrative procedures; and

22 **WHEREAS**, the Town Council further finds it necessary to amend Subsection  
23 16.18.12(F)(1) to designate the Community Development Director as the Town's  
24 Administrative Land Use Authority for Final Plat approvals, thereby ensuring consistency  
25 with the administrative responsibilities established in Chapter 16.20; and

26 **WHEREAS**, the Town Council finds it necessary and appropriate to replace the DRC  
27 with a Joint Utility Committee (JUC) to serve as the Town's coordinating body for the  
28 technical review of utility and infrastructure plans associated with land use and  
29 development activities; and

30 **WHEREAS**, the JUC is intended to perform technical and administrative coordination  
31 only and shall not act as a land use authority, appeal authority, or recommending body  
32 under Utah Code Annotated Title 10, Chapter ~~9a20~~; and

33 **WHEREAS**, the Town Council finds that the adoption of this ordinance will promote  
34 consistency, efficiency, and accountability in the Town's development review process and  
35 protect the health, safety, and welfare of the community;

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

**SECTION 1. AMENDMENT AND RESTATEMENT OF CHAPTER 16.20.** Chapter 16.20 of the Virgin Municipal Code (VMC) is hereby amended and restated in its entirety to read as follows:

**16.20 - Joint Utility Committee**

**16.20.02 – Purpose**

The purpose of the Joint Utility Committee (“JUC”) is to coordinate the technical review of all development projects within Virgin Town that involve public or private utility infrastructure. The JUC facilitates communication and cooperation between the Town and utility providers, ensures that proposed utility designs are compatible and free of conflicts, verifies compliance with the Town standards and specifications, and confirms that adequate utility services are available and properly designed prior to issuance of building permits or recordation of a final plat. The JUC functions solely as a technical coordination body and shall not act as a land-use authority, appeal authority, or recommending body under Utah Code Annotated, Title 10, Chapter 209a. The JUC performs administrative and advisory duties only and is not a “public body” as defined in Utah Code Annotated 52-4-103(79).

**16.20.04 – Establishment of the Joint Utility Committee**

There is hereby established a Joint Utility Committee (JUC) for the Town of Virgin, Utah. The JUC is created to provide an organized forum for the coordination of utility infrastructure associated with new development and redevelopment projects within the Town.

- A. ADMINISTRATION. The JUC shall be administered by the Community Development Director. The Community Development Director may designate another qualified staff member to act in this capacity when necessary.
- B. MEMBERSHIP. The JUC shall consist of Town staff and representatives of utility and service providers as follows:
  - 1. The Virgin Town Community Development Director.
  - 2. The Virgin Town Zoning Administrator.
  - 3. The Virgin Town Engineer.

- 69 4. The Virgin Town Public Works Director (or Town employee who is tasked with  
70 the responsibility of overseeing and maintaining of the roads, rights of way,  
71 water system, properties, and public improvements of the Town).
- 72 5. A representative of the Hurricane Valley Fire District.
- 73 6. A representative of the Ash Creek Special Service District.
- 74 7. Representatives from telecommunications, electric utilities, natural gas, or other  
75 utility providers operating within the Town, as deemed appropriate by the  
76 Community Development Director.
- 77 C. PARTICIPATION. Representatives from additional agencies, utility companies, or  
78 service districts may be invited to participate in JUC review as needed for a  
79 particular project. Attendance may be in person or virtual, and participation shall be  
80 coordinated by the Community Development Director.
- 81 D. STATUS. The JUC functions in an administrative and technical capacity only and has  
82 no decision-making authority. It shall not make formal recommendations to the  
83 Planning and Zoning Commission, Town Council, or any other public body and is  
84 not a "public body" as defined in Utah Code Annotated 523-4-103(79).

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## 86 16.20.10 - Meetings and Procedures

87 The Joint Utility Committee (JUC) shall operate under the general direction of the  
88 Community Development Director to ensure timely and coordinated utility review for  
89 development projects within the Town.

90 A. METHOD OF COORDINATION. The JUC may conduct coordination through in-  
91 person or virtual meetings, electronic plan distribution, or other methods of  
92 communication as determined appropriate by the Community Development  
93 Director. A formal meeting is not required for every project. When electronic  
94 coordination is used, the Community Development Director shall ensure that  
95 utility comments and responses are documented in the project file.

96 B. SCHEDULING AND PARTICIPATION.

97 1. Meetings of the JUC may be held as needed at the discretion of the  
98 Community Development Director when in-person or group discussion will  
99 facilitate coordination.

100 2. When a meeting is not held, the Community Development Director may  
101 distribute plans and comments electronically to utility representatives and  
102 coordinate revisions through digital or written correspondence.

- 103 3. Participation in JUC coordination, whether by meeting or by other means, shall  
104 be limited to Town staff, utility representatives, and the applicant or authorized  
105 agents, unless otherwise approved by the Community Development Director.
- 106 C. REVIEW MATERIALS: The Community Development Director shall provide to all  
107 JUC participants the necessary development plans, utility drawings, and  
108 supporting documents submitted by the applicant. Plans may be distributed in  
109 digital format through the Town's electronic plan review system or other  
110 acceptable means.
- 111 D. DOCUMENTATION. The Community Development Director shall maintain  
112 administrative records of utility comments, correspondence, and sign-off sheets as  
113 part of each project file. Such documentation shall serve as the official record of  
114 JUC coordination.
- 115 E. NATURE OF FUNCTION: The JUC's role is limited to the coordination of technical  
116 and utility-related issues and does not extend to approval or denial of land-use  
117 applications.

118 **16.20.12 – Functions and Duties**

119 The Joint Utility Committee (JUC) shall serve as the Town's coordinating body for the  
120 review of proposed utility infrastructure, subdivision improvement plans, and site plans  
121 associated with land use and development projects within the Town. The JUC shall act  
122 under the direction of the Community Development Director and perform the following  
123 functions and duties:

- 124 A. PLAN REVIEW. Review subdivision improvement plans, site plans, and related  
125 utility and infrastructure drawings to ensure compatibility among all service  
126 providers, including but not limited to culinary water, sanitary sewer, storm  
127 drainage, irrigation, power, natural gas, telecommunications, and fiber.
- 128 B. CONFLICT IDENTIFICATION. Identify and assist in resolving potential conflicts  
129 among utility alignments, easements, crossings, trench locations, or other  
130 infrastructure elements prior to construction or final plat recordation.
- 131 C. COMPLIANCE VERIFICATION. Verify that proposed subdivision improvement plans  
132 and utility designs conform to the Town's adopted engineering standards,  
133 specifications, construction details, and any applicable regional or interlocal  
134 standards.
- 135 D. COMPOSITE UTILITY PLAN COORDINATION. Facilitate the preparation, circulation,  
136 and review of a composite utility plan showing the alignment and location of all  
137 utilities, easements, and service connections for each project.
- 138 E. AGENCY COORDINATION. Distribute subdivision improvement plans, site plans,  
139 and utility drawings to all relevant service providers and coordinate review

- 140 comments, required revisions, and responses between the applicant, Town staff,  
141 and participating agencies.
- 142 F. SIGN-OFF DOCUMENTATION. Maintain, or cause to be maintained, a JUC Sign-  
143 Off Sheet or similar record showing acknowledgment or concurrence from each  
144 participating utility provider and reviewing agency. The sign-off sheet may be  
145 required as a prior to the issuance of building permits, commencement of  
146 construction, or recordation of a final plat, as determined by the Town.
- 147 G. TECHNICAL ASSISTANCE. Provide technical input to Town staff, applicants, and  
148 utility providers regarding utility placement, sequencing, trench design,  
149 construction timing, and standards for shared infrastructure corridors.
- 150 H. ADVISORY NATURE. The JUC performs technical and administrative coordination  
151 only. It shall not issue land-use approvals, impose conditions of approval, or make  
152 recommendations to the Planning and Zoning Commission, Town Council, or any  
153 other land-use authority.

#### 154 16.20.14 – Coordination with Land Use Authorities

155 The Joint Utility Committee (JUC) shall operate in coordination with the Town’s  
156 established land use authorities to support timely, orderly, and compliant review of  
157 subdivision and development applications. The JUC’s review shall occur prior to  
158 consideration of such applications by the designated land use authorities to ensure that  
159 all proposed utility and infrastructure designs are technically feasible and consistent with  
160 Town standards.

##### 161 A. PRE-HEARING COORDINATION:

- 162 1. Applications that include or require subdivision improvement plans, site  
163 plans, or utility infrastructure drawings shall be routed to the JUC  
164 immediately upon determination of completeness under the Town’s  
165 adopted application process.
- 166 2. The JUC shall review such plans, provide written comments, and coordinate  
167 with the applicant and utility providers to resolve identified conflicts before  
168 the application is scheduled for review by the applicable land use authority.
- 169 3. The Town shall verify that JUC coordination is substantially complete before  
170 the item is placed on a public agenda for review or action.

##### 171 B. IMPROVEMENT PLAN COMPLETION PRIOR TO FINAL PLAT APPROVAL:

- 172 1. The JUC shall complete coordination and review of subdivision  
173 improvement plans prior to final plat approval, in accordance with the  
174 procedures and sequencing established Town’s adopted land use and  
175 subdivision review ordinances.

- 176                   2. Required utility sign-offs shall be obtained and documented before the  
177                   final plat approval or authorization for plat recordation, consistent with  
178                   applicable Town ordinances governing review processes.
- 179       C. CONCURRENT REVIEW OF SITE PLANS. For projects not requiring a subdivision  
180       plat, the JUC shall complete review of utility and improvement plans prior to or  
181       concurrent with site plan approval to ensure adequate utility capacity and design  
182       compliance.
- 183       D. ADVISORY ROLE TO LEGISLATIVE AND QUASI-JUDICIAL BODIES. The JUC may  
184       provide technical input or clarification to the applicable land use authority upon  
185       request, but shall not make recommendations on the approval or denial of land-  
186       use applications.
- 187       E. CONSISTENCY WITH OTHER ORDINANCES. The procedures established in this  
188       Chapter shall be interpreted and applied in harmony with the requirements of any  
189       other ordinances that establish review or approval processes within the Town.  
190       Where this Chapter is silent, or where procedural differences occur, the provisions  
191       of the controlling ordinance governing the applicable review process shall prevail.

192   **16.20.16 – Records and Administration**

193   The Town shall maintain administrative records of Joint Utility Committee (JUC) activities  
194   and correspondence as part of the official record for each development application. Such  
195   records shall be kept in a manner determined by the Town and in accordance with its  
196   adopted records retention policies. The Town shall oversee the administration of the JUC  
197   process and ensure that documentation of utility coordination is complete prior to  
198   advancing applications through the Town’s established review procedures.

199                   **SECTION 2. AMENDMENT AND RESTATEMENT OF SUBSECTION 16.18.12(F)(1).**

200   Subsection 16.18.12(F)(1) of the Virgin Municipal Code (VMC) is hereby amended and  
201   restated in its entirety to read as follows:

- 202   1. For Final Plat approval, the Community Development Director or a duly authorized Town  
203   designee shall serve as the Town’s Administrative Land Use Authority.

204                   **SECTION 3. REPEALER.** All Virgin Town ordinances or resolutions or parts thereof,  
205   which are in conflict herewith, are hereby repealed.

206                   **SECTION 4. SEVERABILITY.** Should any part or provision of this Ordinance be  
207   declared by the courts to be unconstitutional or invalid, such decision shall not affect the  
208   validity of the Ordinance as a whole or any part thereof other than the part so declared  
209   to be unconstitutional or invalid.

210 SECTION 5. EFFECTIVE DATE. This ordinance shall take effect immediately upon  
211 adoption and posting as required by law.

212 PASSED AND ADOPTED BY THE TOWN COUNCIL OF VIRGIN TOWN, STATE OF UTAH,  
213 ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

214 Attest:

215 \_\_\_\_\_  
216 Jean Krause, Mayor, Virgin Town Krystal Percival, Recorder, Virgin Town

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218 VIRGIN TOWN COUNCIL

219	Vote as recorded:	AYE	NAY	ABSENT
220	Councilmember Luwe	___	___	___
221	Councilmember <del>Baird</del> Kietzman	___	___	___
222	Councilmember Wenz	___	___	___
223	Councilmember McKeon	___	___	___
224	Mayor Krause	___	___	___

SEAL

225 RECORDED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

226 PUBLISHED OR POSTED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

227 CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

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

- 231 1) *Utah Public Notice website*
- 232 2) *Virgin Town website, [www.virgin.utah.gov](http://www.virgin.utah.gov)*
- 233 3) *Virgin Town Hall*

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236 Krystal Percival, Town Clerk/Recorder

237 Virgin Town, Utah