

VIRGIN TOWN

Staff Report — Proposed Ordinance No. 2026-XX – Grading, Excavation, and Earthwork Standards

To: Planning Commission

From: Ryker Steglich, Town Planner, Sunrise Engineering

Date: April 28, 2026

Subject: Proposed Ordinance No. 2026-XX — Grading, Excavation, and Earthwork Standards (VMC §16.8.62)

Meeting: Planning Commission Regular Meeting

AT A GLANCE

Application	Legislative — Town-Initiated Ordinance
Subject	Adoption of New VMC §16.8.62 — Grading, Excavation, and Earthwork Standards
Prepared By	Ryker Steglich, Town Planner, Sunrise Engineering
Date	April 28, 2026
Meeting	Planning Commission Regular Meeting
Next Step	Planning Commission recommendation to Town Council

I. BACKGROUND

Virgin Town does not currently have a standalone grading ordinance. Grading, excavation, and earthwork activities have been regulated — to the extent they have been regulated — through general development and building permit processes. As the Town continues to experience development pressure, particularly on hillside and canyon terrain, the absence of a dedicated grading framework has created gaps in the Town’s ability to address slope stability, erosion, natural drainage protection, and dust control before and during site disturbance.

The Planning Commission has been engaged in reviewing a draft grading ordinance over recent months. The version before the Commission reflects revisions through April 27, 2026 and incorporates prior Commission direction, including language protecting natural washes and drainageways, a 40-day review period with a clock-restart provision upon receipt of additional information, and graduated exemption thresholds with a pre-activity notice procedure.

The ordinance would be codified as §16.8.62 of the Virgin Municipal Code (VMC) and would create two permit tiers — a Standard Grading Permit for disturbances over 2,000 square feet but under 1,000 cubic

yards, and an Engineered Grading Permit for disturbances over 1,000 cubic yards — along with a Master Grading Permit option for approved subdivisions.

II. DESCRIPTION OF PROPOSED ORDINANCE

Proposed Ordinance No. 2026-XX would adopt §16.8.62 of the VMC, establishing a comprehensive grading permit program. Key provisions include:

- **Purpose and Applicability:** The ordinance is intended to prevent erosion and sedimentation, protect natural features and hydrology, minimize slope hazards, and promote responsible land disturbance practices consistent with the Town's land use and sustainability goals. No person may commence grading, filling, excavation, or clearing without first obtaining a permit, and no permit may issue until all related development approvals (site plans, CUPs, subdivisions) are in place.
- **Exemptions and Pre-Activity Notice:** The following activities are exempt from the permit requirement: bona fide agricultural grading that does not alter natural drainage or impact adjacent property; minor residential landscaping that does not adversely affect adjacent property drainage; disturbances under 2,000 square feet that do not change natural grade; and emergency and Town Council-approved public facility projects. For agricultural exemptions involving 3,000 square feet or more, or residential landscaping involving 1,000 square feet or more, a written pre-activity notice to the Community Development Director is required before commencing work. The Director has 5 business days to confirm the exemption applies or request a pre-activity meeting.
- **Standard Grading Permit:** Required for disturbances over 2,000 square feet but under 1,000 cubic yards. Requires a minor grading and drainage plan with site information, cut/fill dimensions, dust control plan, and track-out prevention measures.
- **Engineered Grading Permit:** Required for disturbances over 1,000 cubic yards. Requires PE-stamped plans and specifications, a drainage study, soils engineering report, erosion control plan, SWPPP, Utah NOI for stormwater construction, and a fugitive dust plan with air quality monitoring. A detailed narrative covering volume estimates, phasing, and equipment is also required.
- **Master Grading Permit:** Available in lieu of individual lot permits for approved subdivisions, subject to engineered grading permit standards applied to the subdivision as a whole. Individual lot grading conforming to the approved master plan does not require a separate permit.
- **Review Process:** Upon receipt of a complete application, the Community Development Director coordinates review with the Town Engineer and applicable utility providers. A written determination — approval, conditional approval, or denial — must issue within 40 calendar days. If additional information is requested, the 40-day clock restarts upon receipt of that information.
- **Natural Washes and Drainageways:** Natural washes, drainageways, and ephemeral channels must remain open and unobstructed during grading operations. Filling, piping, realignment, or culverting of natural drainage features is prohibited unless expressly approved as part of an engineered grading plan supported by engineered analysis. The ordinance also preserves development yield by clarifying that natural drainage features may be accommodated through engineered planning rather than simply avoided.
- **Additional Key Provisions:** Reclamation bond required at 100% of estimated work cost before the preconstruction meeting; permit duration of 12 months from Notice to Proceed with one possible

12-month extension; hours of operation limited to 7:00 AM–7:00 PM, Monday through Saturday, no operations on Sundays or state holidays; violations subject to fines up to \$750 per day with stop-work authority and bond forfeiture available to the Town.

III. FINDINGS AND RECOMMENDATION

Staff finds the proposed grading ordinance to be a reasonable and necessary addition to the Virgin Municipal Code. The ordinance establishes a framework that is proportionate to the scale of proposed work, with lighter requirements for smaller disturbances and full engineered review for larger projects. The graduated exemption structure with pre-activity notice, the 40-day review clock with a restart provision, the natural washes protection language, and the reclamation bond requirement all reflect prior Commission direction and represent sound planning practice.

The ordinance advances responsible development by requiring that grading be sequenced with other development approvals, ensuring that earthwork does not precede a permitted use. The dust, drainage, and track-out provisions address recurring concerns in Virgin Town's arid canyon environment.

Staff recommends that the Planning Commission recommend approval of Ordinance No. 2026-XX to the Town Council, subject to any modifications the Commission deems appropriate based on the evening's discussion.