

1 VIRGIN TOWN

2 ORDINANCE NO. 2026-XX

3
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 10-20-501, the Town Council of Virgin
16 Town is authorized to designate by ordinance those bodies and officials who act as land
17 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 20; 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;

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 20. The JUC performs administrative and advisory duties only and is not a “public body” as defined in Utah Code Annotated 52-4-103(7).

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, or designee.
 3. The Virgin Town Engineer.

Commented [RS1]: Or designee.

4. The Virgin Town Public Works Director (or Town employee who is tasked with the responsibility of overseeing and maintaining of the roads, rights of way, water system, properties, and public improvements of the Town).
 5. A representative of the Hurricane Valley Fire District.
 6. A representative of the Ash Creek Special Service District.
 7. Representatives from telecommunications, electric utilities, natural gas, or other utility providers operating within the Town, as deemed appropriate by the Community Development Director.
- C. PARTICIPATION. Representatives from additional agencies, utility companies, or service districts may be invited to participate in JUC review as needed for a particular project. Attendance may be in person or virtual, and participation shall be coordinated by the Community Development Director.
- D. STATUS. The JUC functions in an administrative and technical capacity only and has no decision-making authority. It shall not make formal recommendations to the Planning and Zoning Commission, Town Council, or any other public body and is not a "public body" as defined in Utah Code Annotated 52-4-103(7).

16.20.10 - Meetings and Procedures

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

- A. METHOD OF COORDINATION. The JUC may conduct coordination through in-person or virtual meetings, electronic plan distribution, or other methods of communication as determined appropriate by the Community Development Director. A formal meeting is not required for every project. When electronic coordination is used, the Community Development Director shall ensure that utility comments and responses are documented in the project file.
- B. SCHEDULING AND PARTICIPATION.
1. Meetings of the JUC may be held as needed at the discretion of the Community Development Director when in-person or group discussion will facilitate coordination.
 2. When a meeting is not held, the Community Development Director may distribute plans and comments electronically to utility representatives and coordinate revisions through digital or written correspondence.

3. Participation in JUC coordination, whether by meeting or by other means, shall be limited to Town staff, utility representatives, and the applicant or authorized agents, unless otherwise approved by the Community Development Director.

C. REVIEW MATERIALS: The Community Development Director shall provide to all JUC participants the necessary development plans, utility drawings, and supporting documents submitted by the applicant. Plans may be distributed in digital format through the Town's electronic plan review system or other acceptable means.

D. DOCUMENTATION. The Community Development Director shall maintain administrative records of utility comments, correspondence, and sign-off sheets as part of each project file. Such documentation shall serve as the official record of JUC coordination.

E. NATURE OF FUNCTION: The JUC's role is limited to the coordination of technical and utility-related issues and does not extend to approval or denial of land-use applications.

16.20.12 – Functions and Duties

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

- A. PLAN REVIEW. Review subdivision improvement plans, site plans, and related utility and infrastructure drawings to ensure compatibility among all service providers, including but not limited to culinary water, sanitary sewer, storm drainage, irrigation, power, natural gas, telecommunications, and fiber.
- B. CONFLICT IDENTIFICATION. Identify and assist in resolving potential conflicts among utility alignments, easements, crossings, trench locations, or other infrastructure elements prior to construction or final plat recordation.
- C. COMPLIANCE VERIFICATION. Verify that proposed subdivision improvement plans and utility designs conform to the Town's adopted engineering standards, specifications, construction details, and any applicable regional or interlocal standards.
- D. COMPOSITE UTILITY PLAN COORDINATION. Facilitate the preparation, circulation, and review of a composite utility plan showing the alignment and location of all utilities, easements, and service connections for each project.
- E. AGENCY COORDINATION. Distribute subdivision improvement plans, site plans, 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 prior to the issuance of building permits, commencement of
146 construction, or recordation of a final plat, or other applicable permits as
147 determined by the Town.

Commented [RS2]: Or other applicable permits.

- 148 1. Deemed Approval for External Utility Representatives: Where a reviewing
149 agency, utility provider, or service district that is not a Town department or
150 Town employee fails to submit written comments, objections, or a signed
151 concurrence within thirty (30) calendar days of the date the Community
152 Development Director distributes plans and documents for review, that
153 representative shall be deemed to have no objection to the proposed
154 utility and infrastructure plans as distributed. The deemed approval shall be
155 documented in the project file.

156
157 The thirty (30) day default period shall be superseded by any review period
158 established by the ordinance governing the applicable application type.
159 Where a controlling ordinance establishes a different review period, that
160 period shall govern in lieu of the thirty (30) day default.

161
162 If the applicant submits revised or supplemental plans following a deemed
163 approval, the applicable review period shall restart from the date the
164 revised materials are distributed to the affected representatives.

- 165 G. TECHNICAL ASSISTANCE. Provide technical input to Town staff, applicants, and
166 utility providers regarding utility placement, sequencing, trench design,
167 construction timing, and standards for shared infrastructure corridors.

- 168 H. ADVISORY NATURE. The JUC performs technical and administrative coordination
169 only. It shall not issue land-use approvals, impose conditions of approval, or make
170 recommendations to the Planning and Zoning Commission, Town Council, or any
171 other land-use authority.

172 16.20.14 – Coordination with Land Use Authorities

173 The Joint Utility Committee (JUC) shall operate in coordination with the Town's
174 established land use authorities to support timely, orderly, and compliant review of
175 subdivision and development applications. The JUC's review shall occur prior to
176 consideration of such applications by the designated land use authorities to ensure that

177 all proposed utility and infrastructure designs are technically feasible and consistent with
178 Town standards.

179 A. PRE-HEARING COORDINATION:

- 180 1. Applications that include or require subdivision improvement plans, site
181 plans, or utility infrastructure drawings shall be routed to the JUC
182 immediately upon determination of completeness under the Town's
183 adopted application process.
- 184 2. The JUC shall review such plans, provide written comments, and coordinate
185 with the applicant and utility providers to resolve identified conflicts before
186 the application is scheduled for review by the applicable land use authority.
- 187 3. The Town shall verify that JUC coordination is substantially complete before
188 the item is placed on a public agenda for review or action.

189 B. IMPROVEMENT PLAN COMPLETION PRIOR TO FINAL PLAT APPROVAL:

- 190 1. The JUC shall complete coordination and review of subdivision
191 improvement plans prior to final plat approval, in accordance with the
192 procedures and sequencing established Town's adopted land use and
193 subdivision review ordinances.
- 194 2. Required utility sign-offs shall be obtained and documented before the
195 final plat approval or authorization for plat recordation, consistent with
196 applicable Town ordinances governing review processes.

197 C. CONCURRENT REVIEW OF SITE PLANS. For projects not requiring a subdivision
198 plat, the JUC shall complete review of utility and improvement plans prior to or
199 concurrent with site plan approval to ensure adequate utility capacity and design
200 compliance.

201 D. ADVISORY ROLE TO LEGISLATIVE AND QUASI-JUDICIAL BODIES. The JUC may
202 provide technical input or clarification to the applicable land use authority upon
203 request, but shall not make recommendations on the approval or denial of land-
204 use applications.

205 E. CONSISTENCY WITH OTHER ORDINANCES. The procedures established in this
206 Chapter shall be interpreted and applied in harmony with the requirements of any
207 other ordinances that establish review or approval processes within the Town.
208 Where this Chapter is silent, or where procedural differences occur, the provisions
209 of the controlling ordinance governing the applicable review process shall prevail.

210 **16.20.16 – Records and Administration**

211 The Town shall maintain administrative records of Joint Utility Committee (JUC) activities
212 and correspondence as part of the official record for each development application. Such
213 records shall be kept in a manner determined by the Town and in accordance with its

214 adopted records retention policies. The Town shall oversee the administration of the JUC
215 process and ensure that documentation of utility coordination is complete prior to
216 advancing applications through the Town’s established review procedures.

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

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

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

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

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

228 **SECTION 5. EFFECTIVE DATE.** This ordinance shall take effect immediately upon
229 adoption and posting as required by law.

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

232 Attest:

233 _____
234 Jean Krause, Mayor, Virgin Town Krystal Percival, Recorder, Virgin Town

235

236 VIRGIN TOWN COUNCIL

237 Vote as recorded: AYE NAY ABSENT

238 Councilmember Luwe ____ ____ ____

239 Councilmember Kietzman ____ ____ ____

240 Councilmember Wenz ____ ____ ____

241 Councilmember McKeon ____ ____ ____

242 Mayor Krause ____ ____ ____

SEAL

243 RECORDED this ____ day of _____, 20____.

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

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

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

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

252

253 _____

254 Krystal Percival, Town Clerk/Recorder

255 Virgin Town, Utah