



To: Mayor and Town Council

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

Date: February 5, 2026

Subject: Open Space Zoning Amendment – Exempt Utilities/Essential Services from Minimum Acreage Standard

Background

Rocky Mountain Power (RMP) proposes to construct an electric substation on Kolob Terrace Road. Currently the town is reaching its electric utility capacity, and the substation will ensure future growth can be accommodated.

The project would be constructed on land zoned Open Space (OS). “Utility easements, public use, essential services” are a conditional use in OS zones. RMP applied for a Conditional Use Permit (CUP). The Development Review Committee (DRC) made a recommendation to the Planning Commission on the application, and they held a public hearing last week. It is on their February 10, 2026, regular meeting agenda for formal consideration.

During the hearing, a resident pointed out that OS zones require a 10-acre minimum lot size for development (the project is 2.88 acres). In my experience utilities and other essential services are exempt from such standards as the use must be accommodated throughout every zone to serve the entire community. Additionally, utility projects range in size from small cabinets to larger lift stations, to large electric substations like the one proposed. So, a one size fits all approach to these uses in OS isn’t practical. Also, I confirmed with our contracted planner and the town attorney that there are typically exemptions for utilities.

When asked by Planning Commission Chair Darlene Pope what could be done, I suggested that the Commission add a condition to RMP’s CUP that OS zoning standards would have to be amended to exempt utility easements, public use, and essential services from the 10-acre minimum. I stressed that the CUP requirement would continue to provide that ability to ensure that any negative impacts are minimized.

Recommendation

It is recommended that the Town Council discuss amending the Open Space zoning ordinance by exempting utilities, public use, and essential services from the 10-acre minimum. Should the Council agree with the recommended amendment, staff will prepare one for consideration at their February, 17 2026, regular meeting.

WHEREAS, Virgin Town officials require guidance as to uses and standards for lands currently zoned open space, and

WHEREAS, Virgin's Land Use Authority finds it to be in the best interests of the health, safety, and welfare of residents and visitors to the town to replace the missing section of the land use code;

NOW THEREFORE, be it ordained by the Town Council of Virgin Town, in the State of Utah, as follows:

SECTION 1: RE-ENACTMENT AND RE-NUMBERING. "Title 16, Chapter 48, Open Space Zone of the Virgin Land Use Ordinances is hereby *re-enacted and renumbered* as follows:

BEFORE RE-ENACTMENT AND RE-NUMBERING

TITLE 16
CHAPTER 48 - (RESERVED)

AFTER RE-ENACTMENT AND RE-NUMBERING

TITLE 16
CHAPTER 48 - OPEN SPACE DISTRICT

48.02 PURPOSE.

To promote and preserve open space in appropriate areas in keeping with the Town goals of protecting its unique landscape, views of open desert and geologic formations, access to river, trails, parks, and public lands; clean air and water; rural atmosphere; and beneficial vegetation and wildlife. To provide a zoning tool to help decision makers accomplish Town goal to limit density of use; to avoid undue burdens on town to provide services, infrastructure, or other financial contribution; to encourage only orderly, integrated growth at a manageable rate appropriate for a small town; and to assure future connectivity of utilities, streets, roads, trails, and open space.

48.04 LOCATION. All public lands within Virgin Town boundaries under the administration of the Bureau of Land Management or the State of Utah as of the date of adoption of this Chapter, as well as any properties subsequently rezoned to this designation.

48.06 PERMITTED USES.

- A. Recreational hiking, bicycling, and horseback riding.
- B. Grazing.
- C. Single-family home.

48.08 CONDITIONAL USES.

- A. Trails for public recreation.
- B. Other public recreation facilities.
- C. Utility easements, public use, essential facilities

48.10 PROHIBITED USES.

To be determined.

48.12. MINIMUM AREA. Ten (10) acres.

48.14. MODIFYING REGULATIONS.

A single-family home in this zone is subject to the regulations and requirements of the Rural Residential zone.

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

Effective Date: This Ordinance shall be in full force and effect from July 15, 2025 and after the required approval and publication according to law.

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

PASSED AND ADOPTED BY THE VIRGIN TOWN COUNCIL, July 15, 2025.

Attest:


Jean M. Krause, Mayor
Virgin Town, Utah


Krystal Percival, Town Clerk/Recorder
Virgin Town, Utah

VIRGIN TOWN COUNCIL Vote as Recorded	AYE	NAY	ABSENT	ABSTAIN
Virgin Town Councilmember, Mistie Baird			<input checked="" type="checkbox"/>	
Virgin Town Councilmember, Paul Luwe	<input checked="" type="checkbox"/>			
Virgin Town Councilmember, April McKeon	<input checked="" type="checkbox"/>			
Virgin Town Councilmember, Valerie Wenz	<input checked="" type="checkbox"/>			
Virgin Town Mayor, Jean Krause	<input checked="" type="checkbox"/>			

RECORDED this 17 day of July, 2025.

PUBLISHED or POSTED this 17 day of July, 2025.

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